

# Agenda

## Ordinary Council Meeting

**Monday, 12th December 2022**

Commencing at 7.00pm

Council Chamber  
1230 Nepean Highway, Cheltenham

[kingston.vic.gov.au](http://kingston.vic.gov.au)

Peter Bean  
Chief Executive Officer  
Kingston City Council

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**12 December 2022**

**Notice** is given that a Meeting of Kingston City Council will be held at 7.00pm at Council Chamber, 1230 Nepean Highway, Cheltenham, on Monday, 12 December 2022.

**1. Apologies**

**2. Confirmation of Minutes of Previous Meetings**

Minutes of Ordinary Council Meeting 28 November 2022

**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**

Nil

**5. Presentation of Awards**

Nil

**6. Reports from Delegates Appointed by Council to Various Organisations**

**7. Question Time**

**8. Planning and Place Reports**

8.1	Response to Resolution - Notice of Motion 19/2021 - Private Sector Commerce Partnerships and Investment .....	5
8.2	Kingston Digital Marketing Plan .....	17
8.3	Level Crossing Removal Announcements .....	23
8.4	Parkdale and Mentone Level Crossing Removal Project - Update .....	37
8.5	Planning Scheme Amendment C203 – Consideration of Submissions .....	53

**9. Community Strengthening Reports**

9.1	Commercial Use of Council Land - The Crowded Hour Summer Lounge .....	79
9.2	Commercial Use of Council Land - Mordialloc Summer Carnival .....	95

**10. Infrastructure and Open Space Reports**

10.1	Award of Contract CON-22/078 - Peter Scullin Playspace Renewal .	115
10.2	Don Tatnell Leisure Centre - Future Planning.....	121
10.3	Walter Galt Reserve Pavilion Project Funding .....	131

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**12 December 2022**

**11. Customer and Corporate Support Reports**

11.1	Informal Meetings of Councillors.....	161
11.2	CEO and General Manager Quarterly Expenses.....	171
11.3	Quick Response Grants.....	177
11.4	Revised Representative Community Panel Terms of Reference .....	183
11.5	Advocacy Update.....	199

**12. Chief Finance Office Reports**

Nil

**13. Notices of Motion**

13.1	Notice of Motion No. 33/2022 - Cr Howe - Airbnb Policy .....	233
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**14. Urgent Business**

**15. Confidential Items ..... 241**

15.1	CEO Employment Matters
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**Confidential Attachments**

9.1	Commercial Use of Council Land - The Crowded Hour Summer Lounge	
Appendix 2	The Crowded Hour Summer Lounge 2022 - Projected Profit and Loss	
9.1	Commercial Use of Council Land - The Crowded Hour Summer Lounge	
Appendix 3	The Crowded Hour Summer Lounge 2022 - Correspondence re. Profit and Loss	
9.2	Commercial Use of Council Land - Mordialloc Summer Carnival	
Appendix 3	Post Event Report - Mordialloc Summer Carnival 2021/22	
9.2	Commercial Use of Council Land - Mordialloc Summer Carnival	
Appendix 4	Request for fee reduction - Mordialloc Summer Carnival 2022	
10.1	Award of Contract CON-22/078 - Peter Scullin Playspace Renewal	
Appendix 1	CON 22 078 - Tender Evaluation Assessment Report - Peter Scullin Playspace Renewal	
10.1	Award of Contract CON-22/078 - Peter Scullin Playspace Renewal	
Appendix 2	CON 22 78 Tender Evaluation Matrix - Confidential	

## **8. Planning and Place Reports**



# Ordinary Council Meeting

12 December 2022

**Agenda Item No: 8.1**

## **RESPONSE TO RESOLUTION - NOTICE OF MOTION 19/2021 - PRIVATE SECTOR COMMERCE PARTNERSHIPS AND INVESTMENT**

**Contact Officer: Jonathan Guttman, General Manager Planning and Place**

### **Purpose of Report**

This report responds to Notice of Motion 19/2021 by outlining the diversity of private sector commercial partnership and investment opportunities which have occurred in the City and a range of opportunities also presented to Council.

### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### **RECOMMENDATION**

That Council:

1. Note the extent of established work being undertaken to enable private sector investment in the municipality through a range of Council initiatives;
2. Continue to use its Annual Planning Workshop as an opportunity to discuss opportunities for private sector / government partnerships aligned with the Council Plan and its adopted strategies and policies; and
3. Note the role that the Property Strategy will play in providing an opportunity for community engagement on further maximising the opportunities to effectively use Council Land and provide for greater private sector partnerships.

### **1. Executive Summary**

Council, over recent years, has played a significant role in working to support private investment in the municipality. During the previous financial year, the identified aggregate cost of the works of all planning permits issued was approximately \$373,655,000, representing a significant planned level of investment across a diverse spectrum of land use activity. Council has also benefitted from a likely unprecedented level of completed and planned expenditure on transport related projects that have provided additional significant stimulus into the local economy, and it is envisaged such projects will continue for some years.

This paper unpacks for further discussion with Councillors a range of practical examples where Council has, and can in the future, look to support opportunities for the involvement of private enterprise in the municipality. A key opportunity identified through the paper is to utilise Council's land, either through extended leases or potential sale to provide for outcomes which align with the Council Plan and relevant strategies. The Property Strategy will play a key role in assisting Council with these considerations. One practical example whereby the sale of Council land has brought about a significant community outcome was the work done to achieve a new supermarket in the Chelsea Major Activity Centre. In this instance Council was able to maintain land holdings in the Activity Centre but also facilitate an important commercial anchor within the shopping centre to assist other retail reinvestment and 'foot traffic' into the centre.

Council currently has a range of opportunities presented to it in relation to activating its land holdings aligned with structure planning, urban design work, its Climate and Emergency Response Plan and its affordable housing objectives across a number of suburbs in the municipality. The analysis undertaken through this paper has reinforced the activation of Council land presents opportunities in the Moorabbin West Precinct, Cheltenham, Highett, Mentone and Mordialloc Activity Centres and through other opportunities such as the adaptive use of Council assets that contain existing Council Aged Care Facilities that will be or could be decommissioned. The report identifies areas such as partnerships with Community Housing Associations or Child Care operators as being examples of community infrastructure which could be achieved through private / government (State and Local) investment partnerships.

A significant factor which has influenced the extent of development of community infrastructure has been the investment by the Victorian Government in a range of projects in the municipality. The paper acknowledges this level of investment through projects including the Level Crossing Removal Project, Major Road Projects, the Suburban Rail Loop and land purchases to facilitate the Chain of Parks as being likely unparalleled across other inner or middle Melbourne municipalities. This investment is in addition to the support provided from State and Commonwealth Government for Council Life Saving Clubs, Pavilions, Community Hub and Aquatic Centre Developments. The outcomes of these projects have been enhanced through the strategic planning work undertaken by a number of Council Departments to ensure these projects are able to deliver maximum community benefit.

In considering opportunities to work with private enterprise the report does reinforce the importance of Council carefully navigating its responsibilities under the Planning and Environment Act 1987. This can, at times, result in Council needing to undertake its responsibilities as either the Planning or Responsible Authority for administering the Kingston Planning Scheme and making the required determinations prior to being an active participant in 'facilitating' the benefits to the community, which may be derived from a project (eg. employment creation / inclusion / economic investment). Council has carefully managed this responsibility through a range of recent projects including the Common Grounds Project in Moorabbin (soon to commence) or the Jacksons Green project by Cedar Woods (Clayton South) which is nearing completion.

A significant range of opportunities are presented to provide networking and industry support activities supported by the Kingston Business Team to the broader business community. With the approval for a Place Manager through the 22/23 budget, a focus is also being placed on business networking opportunities in targeted areas with the Moorabbin Junction area and the industrial area north of Governor Road in Mordialloc (Little Mordialloc) areas of initial focus (the idea of a 'prospectus' is directly applicable to areas such as these). Council has also developed a Digital Marketing Plan to promote the diverse offerings within the City, and this work is the subject of current consideration by Council. The Digital Marketing Plan will be useful to provide those looking to invest in the City with a stronger appreciation of community, cultural and business life across the municipality.

It is important that a robust process is also established when considering circumstances whereby Council is a land holder in a planning process and in most instances, such matters are considered outside Officer Delegation. The advice of Council's Executive Manager Legal is also sought in such situations to ensure that Council's role as Responsible Authority is not 'fettered' through the way a Planning Application is considered.

## **2. Background**

Notice of Motion received at the 25 October 2021 Ordinary Council Meeting -

*That Council develops a discussion paper in 2022 to partner with and encourage investment from private enterprise to not only strengthen our economy, but to build regional and community infrastructure and to develop mutually-beneficial commercial projects;*

*That the discussion paper outlines opportunities to derive income for Kingston City Council from private sector partnerships; and*

*Consideration is given to an investment prospectus to support industry interest and discussions that links to marketing and networking activities.*

The following section of the report dissects the components of the resolution and provides advice to Council.

## **3. Discussion**

### **3.1 Opportunities to partner with private enterprise**

In exploring the opportunities to partner with private enterprise, consideration has been given to the manner in which Council becomes aware of significant planned private investment, which largely happens through applications made to Council under the Planning and Environment Act 1987. Council, in considering Planning Applications under the Planning and Environment Act 1987, must carefully consider the role it performs as a Responsible Authority, and ensure it remains objective in assessing each application under the Kingston Planning Scheme. A focus is consistently applied to making the process of assessing applications more efficient for applicants, though this needs to be carefully considered against the requisite legislative steps required to be followed.

During the 2021/2022 financial year the total value of the cost of works for Planning Permits issued was approximately \$373,655,000, with an average cost of approximately \$393,300. The range of investments is broad and ranges from basic applications for signage to very large mixed-use development, commercial or industrial projects.

Once Planning Applications are considered, Council goes through a range of its non-statutory planning functions and actively engages with the developer / business to assist in areas including (but not limited to):

- City Strategy – Urban Design and Place Team, Environmental Planning Team
- City Economy and Innovation - Kingston Business and Environmental Health Team
- City Development – Construction Management
- City Works – Waste Management

Over recent years the planning process and supportive functions which follow have played a very significant role in facilitating private projects of significance, some of which include:

- Development of Industrial Land south of Governor Road – Frasers Property [Braeside Industrial Estate \(frasersproperty.com\)](https://www.frasersproperty.com)
- Renewal of the former Phillip Morris Factory – Morris Moor [Moorabbin Industrial Properties For Lease | Morris Moor](#)
- Redevelopment of the McKay Rubber Factory – Common Grounds [Moorabbin, Common Grounds 260 Chesterville Road - Pellicano](#)
- Redevelopment of the former Clayton South Bunnings – Synnex Australia

These projects have either recently introduced significant new investment into the City or consolidated existing businesses who have invested heavily in new headquarters. The projects have, and will continue to, provide a pipeline of substantial investment into the construction sector at a level which would be significantly greater than municipalities who do not contain the extent of employment land or urban renewal activity.

### **3.2 Encourage investment from private enterprise**

Although Council is generally not a 'financial partner' in development projects that are instigated through the planning system, it does play a key role in creating an environment where such investment is encouraged.

Over recent years a significant body of strategic planning work has occurred to encourage investment with some examples including:

- **Cheltenham Structure Plan Update** – The Plan facilitated unique opportunities to provide for the reuse of space above the railway line and on identified key development sites. It also delivered a range of key public realm improvements around the station precinct.
- **Formulation of the Moorabbin Structure Plan and Moorabbin Junction Urban Renewal Strategy** – This work has been critical in stimulating a significant number of new projects undertaken by private enterprise in the Moorabbin Junction area over the past decade. The effectiveness of the work is well illustrated through the level of 'renewal' which has occurred at Moorabbin Junction, when compared with other locations often closer to Melbourne's CBD.

- Council's **Social and Affordable Housing Strategy** – The strategy highlights opportunities to work with the private sector to increase the supply of Affordable Housing – Council has been able to work with private developers to secure Affordable Housing Agreements.
- Development of **Council's Housing Strategy** – The document provides very clear guidance as to the intended application of housing zones that will once implemented, provide further clarity to private enterprise as locations most suitable for new forms of housing.
- Council's **Climate and Ecological Emergency Response Plan** which identifies significant opportunity to facilitate carbon reduction opportunities – Officers are now reporting twice yearly on the work our Zero Emissions Business Lead is doing directly with companies to facilitate the take up of renewable energy to aid businesses and Council's emissions reductions objectives.

In addition to the above strategic initiatives Council has also been active in seeking out further investment from private enterprise through initiatives which include:

- Activations provided through the use of Council land during the Covid Pandemic which have led to the adoption of Council's Parklet Policy.
- Opportunities provided for the use of Council land for a range of aligned activations, including the Kingston Farmers Market and events carried out through the Commercial Use of Council Land Policy when 'unsolicited proposals' are evaluated by Council.

A range of recent proposals to utilise Council land have been the subject of consideration by the Council in accordance with its policy.

### **3.3 Construction of Regional and Community Infrastructure**

Kingston has been the beneficiary of a significant number of projects, either funded directly by the Victorian Government or supported directly by private enterprise, to bring about regional and community infrastructure in Kingston. The extent of planned, commenced and completed infrastructure includes, and is not limited to:

#### *Transport Projects*

- Level Crossing Removals planned and completed in Clayton South, Highett, Cheltenham, Mentone, Mordialloc, Aspendale, Edithvale, Chelsea, Bonbeach and Carrum through a project that will exceed \$2 billion of investment in Kingston.  
These projects have provided significant other benefits, including new shared user paths, new open space areas and opportunities in some instances for adaptive reuse of heritage buildings. Without the LXP many of these opportunities would not have been realised.
- Road projects, including the construction of the Dingley Bypass and Mordialloc Peninsula Freeway extension.
- Expenditure planned as part of the Suburban Rail Loop Project, which has the significant potential to provide improved connections through Melbourne's middle ring when completed.

*Community Infrastructure Projects*

- Funding announcements and the acquisition of significant parcels of land to provide for Chain of Parks Project.
- Expenditure on upgrades to many of Council's Life Saving Clubs (Mentone, Mordialloc, Aspendale, Edithvale, Bonbeach and Carrum).
- Expenditure on a very significant number of sporting facility upgrades from pavilion projects to new or enhanced playing fields.
- Leveraging opportunities for community use arrangements through the investments by the St. Kilda and Hawthorn Football Clubs.
- Partnering with South East Water to facilitate the construction of a 'purple pipe' into the Kingston Green Wedge and beyond.
- Partnership investment with Melbourne Water on projects like the Edithvale Reserve recycled water scheme.
- Development of the private hospital in Moorabbin by Healthscope and a significant number of new medical practices that have been developed across the municipality.
- Support provided from the Commonwealth Government towards the construction of Council's new aquatic centre.
- Investment by private childcare and aged care providers in significant new facilities in several locations across the municipality.
- Opportunities are also being explored to enhance areas in the Moorabbin and Cheltenham Activity Centres by considering the role significant redevelopment proposals can play in delivering improvements in the public realm.

At a smaller scale to the above examples, it is clear that the private sector is playing a key role post the pandemic in facilitating a significant number of new community gathering opportunities, with a range of examples including:

- Events that are regularly held at locations including Southland Shopping Centre, Morris Moor and a number of local businesses to support community cultural endeavours.
- Support for a number of Kingston's established sporting assets to host activities including AFLW and National and International Golf Tournaments.
- Destination based activities around Moorabbin Airport associated directly with flying or tourism through the Aviation Museum.

**3.4 Council Deriving Income from Private Sector Partnerships**

Council has a range of means in which to derive income through private sector partnerships where mutual benefit can be generated through small scale activities. Some practical examples include:

- As identified previously in the report, the Commercial Use of Council Land Policy provides Council with a rental income to utilise Council Land.
- Opportunities to use our facilities to work with artists to create ticketed events where a revenue to Council is derived, as well as payment to the artists.
- Opportunities to work with schools and other groups to lease Council venues to conduct water-based activities, examinations and speech nights etc.
- Continuing to explore opportunities to use Council's diverse building stock to also provide access to commercial kitchens and meeting spaces for community and corporate based activities.

Potentially the most significant opportunity for Council to derive income from private sector partnerships is through the effective utilisation and activation of Council land. A range of practical examples either already exist in Kingston or are implemented in other Council areas, these include:

- Commercial rentals of high profile and purposed assets for commercial and/or hospitality-based ventures (eg. subleasing part of 1230 Nepean Highway or the leasing foreshore restaurants under Council's control).
- Utilisation of Council owned or managed car parking / road areas by charging a fee to park vehicles (this presently exists along Kingston's foreshore).
- Exploring opportunities to partner the community housing providers through very long-term lease arrangements to arrive a rental return over Council land through the completion of community housing projects.

Beyond the above examples, perhaps the greatest opportunity for income deriving partnerships is by exploring Council's existing property portfolio and determining any assets which are surplus and assessing potential sale or partnership opportunities. Such opportunities should be assessed against the needs established in Council policies / strategies and could involve the sale or long-term lease to private entities providing community focussed services such as:

- Housing in areas where 'gaps' exist with the provision of suitable housing at an affordable rental or purchase price that may require the involvement of a designated housing association. Although not directly related, the divestment of land around the Moorabbin Town Hall delivered an opportunity for a community housing project that would otherwise have not been built.
- Where opportunities for renewal exist within underperforming Activity Centres and Council land which could bring about a new 'anchor tenant' (the use of Council land to secure an enhanced supermarket in Chelsea is a practical example).
- Council land could also be utilised to address a service gap in an area which is deficient in a service like childcare or aged care where a private provider could utilise Council land to provide a service to a local community.
- Opportunities exist to explore partnerships aligned with strategic planning work through potential land sales. Practical examples which are presently under investigation are potential projects in the Moorabbin Activity Centre (Moorabbin West Precinct) and early considerations in the Mentone Activity Centre involving private land holders.

Council's Property Strategy, which is currently being prepared, will assist the Council in considering opportunities such as those identified above. Officers are also continuing to explore the feasibility of opportunities where alignment with completed policy / strategic work exists.

### **3.5 Industry Prospectus – Marketing and Networking Activities**

The agenda papers for the December Council Meeting reinforce the work Council has undertaken to formulate a Kingston Digital Marketing Plan. This work is intended to provide opportunities for private sector investors to gain a deeper appreciation of the community, cultural and commercial attributes of the City and will be a strong marketing platform for promoting private sector investment in the City.

A further area of focus has been a range of place based promotional activities linked directly to urban renewal work or structure planning in key activity centres where significant levels of change are envisaged. This work which is supported across the Advocacy, Communications and Engagement and City Strategy Departments provides for e-newsletters as follows:

- Moorabbin Junction 400+ subscribers
- Cheltenham Central 500+ subscribers
- Mentone Renaissance 700+ subscribers

These place-based activities respond by providing a 'live' prospectus outlining opportunities.

Given the significant profile of industrial businesses in the City, a high focus is placed on trying to reach the businesses to promote Council activities. Council produces a regular Kingston Business e-newsletter which has a distribution list of 2,300 business in the City which is directly promoted via Kingston's website and through our interactions with the business community. Through the 2023 year, Council is also looking to run a range of business networking opportunities including:

- 2 x Sustainable Business Breakfasts networking events
- 1 x Business Awards event (subject to further discussion with Councillors)
- 4 x Business Leaders Network events (BLN) - Kingston Business ran this event for the first time in August 2022. The BLN enables businesses to visit host businesses to learn about business challenges and a site tour of the premises. These events help foster local supply chain for businesses in Kingston.
- 5 x Business Support Workshops applied through Business Victoria to host at Kingston Council from Feb – June 2023

Council, through the 21/22 budget, has provided resourcing to the Kingston Business team to provide an active focus on Place Making and a focus over the coming months is being given to the older Mordialloc Industrial Area (north of Governor Road) and opportunities in Moorabbin Junction. It is proposed that networking events will be coordinated for early 2023, in both areas involving:

- Prominent local land holders
- Local business
- Real Estate Agents that are active
- Interested Councillors / Council team members

At a broader level, Kingston is an active participant in the South-East Council Climate Change Alliance and Greater South-East Melbourne Group and is playing a key role in leading a project through the Southern Region looking at Regional Needs and Investment opportunities (funded by the Office of Suburban Development – Metropolitan Partnerships Development Fund).

The above activities are designed to highlight the different types of opportunities presented to engage with and assist in marketing and networking activities across Kingston's diverse business profile.



#### **4. Consultation**

##### **4.1 Internal Consultation:**

In order to prepare background regarding the involvement of private investors within the municipality, advice has been gathered from a range of Council Departments including:

- City Development
- City Strategy
- City Economy and Innovation
- Advocacy, Communications and Engagement

Opportunities on placed based initiatives and the development of Council strategies provides for direct engagement potential on further partnerships.

#### **5. Compliance Checklist**

##### **5.1 Council Plan Alignment**

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: Hold ourselves to the highest standard of governance and integrity

The Council Plan makes very clear that through the Council term partnerships will be key in achieving positive outcomes. Pages 18 and 19 of the Council Plan provide a focus on a broad range of partnerships ranging from:

- Community Partners
- Investors
- Victorian Government
- Regional Partners

The relationship Council holds with these partners is explained in detail in the Council Plan and many of the identified partnerships are discussed in this report.

The Council Plan also provides, through Strategic Direction 3 'Prosperous,' some very clear opportunities for alignment with the work outlined in this paper, with regard to working with private investment. Some practical examples through strategies in the plan include:

3.1.1 Supporting Kingston's economy, local industry and business to thrive in a changing environment

3.1.2 Embrace innovation to further promote Kingston businesses

3.1.5 Pursue and enhance regional collaborative opportunities and partnerships

##### **5.2 Governance Principles Alignment**

**Principle (a) - Council actions are to be made and actions taken in accordance with the relevant law**

As reinforced through this report Council, in considering partnerships with the private sector, needs to be mindful of the responsibilities it holds through legislation including the:

- Planning and Environment Act 1987; and
- Local Government Act 2020

**Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations**

Where opportunities are presented to work with the private sector particularly in the area of considering the use of Council land, it is important that considerations are given to the intergenerational benefits partnerships may bring the community. If an intergenerational benefit is not demonstrable and aligned with the outcomes sought through the Council Plan and other strategies caution is required when it comes to disposing of Council land.

**Principle (c) - the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.**

Increasingly Council is being provided with partnership opportunities with the private sector on outcomes which are responsive to the directions of Council's Climate and Ecological, Emergency, Response Plan (CEERP). Beyond deriving an environmental benefit, Council is actively working on how it can further assist private investors / businesses to reduce the costs of running business through initiatives that involve the circular economy, renewable energy generation and/or sustainable transport options.

**Principle (d) - the municipal community is to be engaged in strategic planning and strategic decision making.**

The report outlines a number of strategic planning initiatives that have acted as a catalyst to encouraging investment and partnerships in the municipality. Council's investment in longer term planning is also critical in providing 'certainty' to investors regarding opportunities for reinvestment and renewal.

**Principle (e) - innovation and continuous improvement is to be pursued.**

Particularly in the area of adaptive reuse of Council land, innovation needs to be at the centre of Council's deliberations. A range of successful projects have been completed by Kingston and other Local Governments that involve partnerships where an 'innovation lens' has delivered great community outcomes. A practical example is the leadership Kingston has shown through the creation of community hubs with a focus on early years and community support services, which represented a very innovative project in inner and middle Melbourne at the time.

**Principle (f) - collaboration with other Councils and Governments and statutory bodies is to be sought.**

Kingston is likely to have one of the most significant relationships with the Victorian Government on infrastructure projects as reinforced through this report. These relationships, beyond the projects they provide, are critical through development and construction in providing a very significant employment boost to the regional economy.

**Principle (g) - the ongoing financial viability of the Council is to be ensured.**

The intention of the motion was clearly intended to provide a focus on the work Council is able to do with private investors to further strengthen its financial viability. In exercising the decision-making power of Council and the degree to which it does seek to use its assets to facilitate additional partnerships it does hold a significant responsibility to ensure such decisions do not undermine the ongoing financial viability of Council. The Property Strategy will again play a key role in establishing this alignment.

**5.3 Financial Considerations**

**Budget**

The response to this Notice of Motion in preparing this report has been accommodated through existing operational resources.

**Staff Resources**

Considerations regarding resourcing levels are regularly reviewed across the organisation and this report does not propose any increases in existing resources noting:

- Where significant resources are required to support significant State Government investment projects, funding is sought to support the required Council contributions to this project.
- Additional resourcing was provided by Council in the 21/22 budget towards a Place Making role in the Kingston Business team.
- Resources to support the level of private investment occurring in the City are regularly reviewed within the Planning and Place Division and should significant new projects be advanced, additional resourcing will be provided.

**5.4 Risk considerations**

The report has reinforced that key risks Council needs to carefully navigate are associated with:

- Managing Council's role as a Responsible Authority and, at times Planning Authority, in considering Planning Applications under the Planning and Environment Act 1987; and
- Following processes outlined under the Local Government Act 2020 in relation to the use of Council land and the manner in which Council may seek to secure potential partnerships when considering the Procurement and Council Integrity provisions of Part 6 of the Act.

Author/s: Jonathan Guttmann, General Manager Planning and Place  
Reviewed and Approved By: Peter Bean, Chief Executive Officer

# Ordinary Council Meeting

12 December 2022

Agenda Item No: 8.2

## KINGSTON DIGITAL MARKETING PLAN

**Contact Officer:** Tania Asper, Manager City Economy & Innovation  
Freya Carlson, Program Leader - Digital, Design & Events

### Purpose of Report

This report provides an update to the resolution of Council at its 28 June 2021 Ordinary Meeting regarding the Coastline Commerce Digital Marketing Plan. The purpose of this report is to update Council on the progress of the digital marketing plan as it applies to the whole-of-Kingston (incorporating the sub-brands of Our Coastline, Our Parks, Our Places), present the brand concept created by Paoli Smith Creative Agency, as well as establish a budget to guide the proposed implementation approach.

### Disclosure of Officer / Contractor Conflict of Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### RECOMMENDATION

That Council:

1. Note the work completed in response to the Council resolution associated with the Coastline Commerce Digital Marketing Plan to be retitled the Kingston Digital Marketing Plan.
2. Employ up to 1.0 FTE for a fixed term contract of 18 months to lead the implementation of the Kingston Digital Marketing Plan.
3. Allocate a launch budget to a maximum value of \$150,000 in 2022/23 and up to \$115,000 in 2023/24 for campaign activities; and
4. Receive a further report for discussion and consideration about the Kingston Digital Marketing Plan by December 2023.

### 1. Executive Summary

The resolution of Council at its 28 June 2021 Ordinary Meeting regarding the Coastline Commerce Digital Marketing Plan states:

1. *Accept the report and definition of the Coastline Commerce Digital Marketing Plan's geographical area as defined within the local economic context (p. 80).*
2. *Commit to a strategy that focuses on a 'whole of Kingston' approach (p. 87), with sub-brands dedicated to our coastline and any other distinguished regions of the municipality identified.*
3. *Engage the specified consultant (p.80) for brand development and preparation of an implementation plan.*
4. *Employ and budget for at least 1 FTE, as recommended within internal stakeholder feedback (p. 86).*

5. *Instruct the CEO to consider whether further resources, including employees are required and to accordingly facilitate implementation.*
6. *Receive a further report for discussion and consideration after the first twelve months of implementation.*

In relation to Items 1 and 2, the project has been renamed to the 'Kingston Digital Marketing Plan' in recognition of the whole-of-Kingston approach, whilst acknowledging the distinguished regions or features through the categories of 'Our Coastline', 'Our Parks' and 'Our Places'. The brand concept that has been developed will significantly grow the awareness across these sub-regions, as well as provide opportunities to promote other local features or attractions in our city. It is intentionally designed to evolve with our city. As brand awareness increases, it will also provide the opportunity to strategically position Kingston to leverage further investment from State government as well as the private sector.

In response to Item 3, creative agency Paoli Smith was appointed in March 2022 to undertake brand development and preparation of a draft implementation plan. The brand concept has been developed and the consultant has suggested a draft implementation plan. The brand concept will be presented to Councillors along with details of the proposed approach to implementation.

Following consideration of the consultant's implementation plan, Items 4 and 5 relating to the establishment of resourcing can now be considered. The project has been managed within existing staff resources to date; however, implementation will require dedicated, specialist resources which are outlined below. In addition, an implementation plan and ongoing operational budget will be required to quickly build and maintain momentum with the brand.

Item 6 (report to Council post 12 months of implementation) has been included in the recommendation for this report, with a suggestion that Council receive a report in December 2023.

## **2. Background**

Paoli Smith Creative Agency designed an optimistic and aspirational brand concept to build the profile and reputation of Kingston both within our local community as well as beyond the city boundary. The brand concept *This is Kingston* will be used to create an identity for Kingston that will assist to:

- Strategically position Kingston as place to invest
- Attract regional tourist visitation to Kingston
- Foster our community's pride and commitment to staying and loving local (our businesses and our people)
- Build awareness of the hidden or secret gems (lesser-known features and activities) to our local community.

With the strategic objective of increasing investment attraction and regional tourism, *This is Kingston* champions the city with certainty and confidence. It showcases the best on offer from coastline sunsets, to pristine golf courses and expansive parklands. *This is Kingston* is designed to establish Kingston's values as one of the more creative, vibrant and appealing areas in Greater Melbourne. It can be used to leverage our visibility with external audiences such as the larger corporations looking to invest in Melbourne, as well as State government and other investment agencies.

It will be supported by a sub-brand *This is my place* is for a more local audience. This is designed to foster a statement of pride and build emotional connections from within our communities to the hidden gems as well as unique experiences available in the area. We are looking to showcase our local businesses and people; encouraging our community to stay local and love local.

The content for *This is Kingston* and *This is my place* will complement and support each concept by building awareness from local and external audiences.

### **3. Discussion**

Implementation of the digital marketing plan will require specialist resources as well as operational budget to build brand awareness.

- **Strategic objectives**

As this project has evolved, the internal working group has considered the strategic objectives of a digital marketing plan for Kingston. A summary of the strategic intent is outlined in the table below.

	<b><i>This is Kingston</i></b>		<b><i>This is my place</i></b>	
<b>Strategic objectives</b>	Investment attraction	Regional tourism	Love local	Visitation
<b>Audience</b>	National, state government, international/national/state, corporations, investment agencies	External	Businesses, residents	Local residents
<b>Call to action</b>	Invest	Experience	Stay	Explore
<b>What success looks like</b>  *indicative measures	Additional enquiries from businesses interested in establishing in Kingston.	Engagement through visitors tagging #thisiskingston	Vibrant local shopping centres with low vacancy rates.	Engagement through visitors tagging #myplacekingston

- **Scope of Implementation**

Implementation of the digital marketing plan will focus on building community pride and positioning Kingston as one of the more creative, vibrant and appealing regions in Greater Melbourne. It will incorporate optimistic and aspirational campaigns for Kingston to build its profile and reputation and support economic growth in the area. The approach will focus on creating a series of engaging visual stories (across owned and paid digital and print media) to surprise audiences and encourage exploration. Utilising the power of social media to engage new audiences, storytelling and relatable content will create campaign momentum quickly and effectively. Content including photos, videos, articles or possibly podcasts, will need to be developed and refreshed regularly to sustain momentum and interest. The campaign will tap into User Generated Content (UGC) to further boost authenticity and grow the brand community.

#### **4. Consultation**

##### **4.1 Internal Consultation:**

Engagement with key internal stakeholders such as the Open Space and Bushland and Foreshore teams has confirmed support for the project to promote a number of significant assets in our City.

Internal resources will be key to identifying all the hidden destinations or businesses within Kingston that should be showcased. Continued engagement with internal stakeholders will be critical to creating new and engaging content as part of the launch campaign.

##### **4.2 Community Consultation:**

<b>Group</b>	<b>Method</b>
Key Stakeholders Local Businesses and attractions	At project inception in 2021, representative feedback was sought from hospitality businesses and recreational users in the Coastline precinct area. There was general support for a whole-of-Kingston approach, as well as a year-round marketing approach.

##### **4.3 Results / Findings:**

As implementation evolves, greater engagement with key stakeholders will be essential to success of the campaign.

#### **5. Compliance Checklist**

##### **5.1 Council Plan Alignment**

Strategic Direction: Prosperous - We will embrace the concept of a 20-minute neighbourhood, support the ongoing process of decentralisation and support people to live and work locally.

Strategy: Support Kingston's economy, local industry and businesses to thrive in a changing environment

A carefully executed digital marketing plan focussing on the whole-of-Kingston has the potential to attract investment, increase regional visitation and build local pride and sense of connection to place. Once established, *This is Kingston* could potentially increase local jobs for local people through the continued growth of the Kingston economy.

##### **5.2 Governance Principles Alignment**

Principle (c) - the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Principle (e) - innovation and continuous improvement is to be pursued.  
Implementation of the digital marketing plan will support the continued growth of the Kingston economy through positioning of the city's attributes and leveraging increased local and external awareness. By focussing on digital resources primarily to deliver the campaign, innovative approaches can be implemented to respond to market conditions.

### 5.3 Financial Considerations

In consultation with Paoli Smith Creative Agency, the following campaign budget is recommended noting the budget is established as a maximum.

#### **Budget**

Item	Year 1 (2022/23)	Year 2 (2023/24)	Indicative	
			Year 3 (2024/25)	Year 4 (2025/26)
Creative / marketing activities including: - Branding + design - Video + photography - Paid advertising - Editorial / Advertorial opportunities	\$100,000	100,000	100,000	100,000
Guerrilla marketing initiatives for launch	\$50,000			
Website		\$15,000	\$5,000	\$5,000
<b>Total</b>	<b>\$150,000</b>	<b>\$115,000</b>	<b>\$105,000</b>	<b>\$105,000</b>

#### Creative marketing activities include:

- establishment and content creation for dedicated new 'This is Kingston' social media accounts on Instagram, YouTube and TikTok.
- all branding, graphic design, videography, photography
- paid digital advertising/editorial opportunities eg Broadsheet, Time Out, The Urban List, Google etc
- a landing page on Council's website [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au), taking advantage of 1M+ hits per year.

Guerrilla marketing initiatives are proposed to launch the campaign with a bang in Year 1, alongside the program of creative marketing activities.

Unconventional marketing activities will raise brand awareness among large audiences and create excitement in our community.

A standalone website is proposed to be added after the first 12 months of implementation to further build awareness and host all the digital content under the categories of 'Our Coastline' 'Our Parks' 'Our Places'. A dedicated site will also differentiate from the corporate site and provide space for the brand to organically grow. Year one includes establishment costs and hosting, with ongoing indicative costing for maintenance and hosting.

#### **Staff Resources - Establishment of additional FTE**

To date, the project has been managed through existing resources from the Kingston Business team with significant support from the Digital & Design, and Communications teams. As the project is about to move into implementation, the lead role will move to the Digital & Design team and will require additional resourcing to lead the implementation phase. Having regard to first 6-12 months of implementation, expertise will be required in digital marketing as well as influence, strategic planning and media.



It is recommended that a maximum allocation of 1.0 FTE (approximately \$110,000 per annum) be established in the Digital & Design team for a fixed term contract of 18 months. A review will occur to determine whether a 1.0 FTE allocation is required as part of implementation considerations. The suggested fixed term resource would allow for Council's consideration of the first 12 months of implementation before committing to further resourcing. This would be addressed through the report recommended to be brought back to Council in December 2023.

**5.4 Risk considerations**

Internal stakeholders such as the Parks and Foreshore teams have indicated that the coastline is already in high demand and careful management of the levels of activity (promotion) need to be considered. Careful consideration will need to be given to the extent and timing of foreshore marketing. The whole-of-Kingston approach as proposed will allow for a more balanced spread of visibility to other features and attractions within the city.

Author/s:	Tania Asper, Manager City Economy & Innovation Freya Carlson, Program Leader - Digital, Design & Events
Reviewed and Approved By:	Tracey Cheeseman, Manager Advocacy, Engagement and Communications Dan Hogan, General Manager Customer and Corporate Support Jonathan Guttmann, General Manager Planning and Place

# Ordinary Council Meeting

12 December 2022

**Agenda Item No: 8.3**

## **LEVEL CROSSING REMOVAL ANNOUNCEMENTS**

**Contact Officer:** Tara Bell, Place Manager  
Paul Marsden, Manager City Strategy

### **Purpose of Report**

This report discusses the recent Level Crossing Removal announcements by the Victorian Government and seeks endorsement of the attached letter to the Deputy Premier and Minister for Transport Infrastructure.

### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### **RECOMMENDATION**

That Council:

1. Write to Deputy Premier and Minister for Transport Infrastructure in accordance with the letter prepared as Appendix 2 highlighting priority areas for initial consideration as part of recent level crossing removal announcements (Highett, Cheltenham (Latrobe Street), Mordialloc and Aspendale).
2. Seek a briefing from the Level Crossing Removal Project early in the new year on the recently announced crossing removals.
3. Request Officers commence discussions with the LXRPP to understand the extent of background work completed for the recently announced crossing removals.

### **1. Executive Summary**

On 9 October 2022 the Victorian Government committed to making the Frankston line level crossing removal free by 2029, through the removal of nine level crossings between Highett and Seaford (refer appendix 1).

Council has heard from the community that there are concerns about aspects of the project and that more information is needed on the project including road closures and selected engineering solutions.

Recent LXRPP projects in Kingston have resolved the engineering solution (rail over or under) prior to engagement with the community, at times resulting in opposition to the projects and community distrust of the decision-making process.

Whilst council can and will engage with the community in order to advance an informed advocacy position at each location, it is critical that LXRPP engages and involves the community in early planning and provides more detailed information on technical details that inform design outcomes.

Noting the lack of available information from LXRP and growing community concern in relation aspects of the proposed engineering solutions, this report recommends that Council:

- Write to the Deputy Premier and Minister for Transport Infrastructure (refer Appendix 2) to highlight priority areas for immediate consideration.
- Seek a briefing from the LXRP in relation the announcements early in the new year.
- Commence discussions with the LXRP to understand the extent of background work completed for the recently announced crossing removals.

## **2. Background**

On 9 October 2022 the Victorian Government committed to making the Frankston line level crossing removal free by 2029, through the removal of nine level crossings between Highett and Seaford (refer appendix 1). Following early engineering assessments, the LXRP have released the preferred design solutions as outlined below:

<b>Location</b>	<b>Solution</b>
Wickham Road, Highett	Rail over Road
Highett Road, Highett	Rail over Road including new station
Latrobe Street, Mentone	Closure
McDonald Street, Mordialloc	Rail over Road including new station
Bear Street, Mordialloc	Closure
Station Street, Aspendale	Rail over Road
Groves Street, Aspendale	Rail under Road including new station
Armstrongs Road, Seaford*	Rail over Road
Station Street, Seaford*	Rail over Road including new station

*\*Not within City of Kingston*

Kingston welcomed the plans to make the Frankston Line level crossing free, however has called on the Victorian Government to provide the community with a strong say during the planning phase to ensure the projects are delivered with great outcomes. Recognising that each location is unique, it is essential that the community is actively consulted and that local knowledge from the council and its community informs the process.

Kingston recognises that these projects can be catalysts for enhancing our activity centres, lead to public safety improvements, develop vibrant community spaces and improve pedestrian and cycling links.

Council has heard from the community that there are concerns about aspects of the project and that more information is needed on the project including road closures and selected engineering solutions.

Historically Council has successfully influenced outcomes on the level crossing removal project, enhancing the outcomes of the project through a context specific and whole of centre approach. The success of this approach hinges on engagement with the community and collaboration between State and Local Government, including sharing of information and clear understanding of decision making.

### **3. Discussion**

#### **3.1 Impacts of road closures**

The community has raised concern with the proposed road closures, with Council receiving feedback from the Mentone / Cheltenham community. This is discussed in section 4.

It should be noted that in 2016, the LXP sought feedback from the community on the Cheltenham Level crossing removal including the possible closure of Latrobe Street. In February 2017 the design solution was announced, with Latrobe Street remaining open. At that time material released by the LXP stated:

*Last year we consulted on the option to close Latrobe Street level crossing because of its relatively low traffic volumes and close proximity to the other level crossings being removed at Charman, Park and Balcombe Roads. However, over half of the community feedback that we collected in September – October 2016 showed a preference to keep the street open. We have decided not to close Latrobe Street at this stage.*

#### **3.2 Need for further engagement**

Earlier announcements within the City of Kingston, such as Cheltenham and Mentone, provided the community with an opportunity to understand the assessment considerations for design solutions prior to decisions being made and participate in engagement to inform the outcome.

In more recent times, engineering solutions have been determined prior to engagement with the community, resulting in community opposition to the projects as well as a lack of understanding of the decision-making process. Such has been the case at Parkdale, where there was strong community opposition to the project and now a similar sentiment is emerging in relation the proposed road closures in Latrobe Street and Bear Street.

Whilst council can and will engage with the community in order to advance an informed advocacy position at each location, it is critical that LXP engages and involves the community in early planning and provides more detailed information on technical details that inform design outcomes.

#### **3.3 Need for further information**

Kingston has had an excellent track record in working with the LXP to achieve outcomes that delivery broad community benefits and place making objectives. Success is dependent on all parties having a clear understanding on the project scope and technical inputs.

Noting the lack of available information from LXP and initial community concern in relation aspects of the proposed engineering solutions, the letter at Appendix 2 has been drafted providing a detailed request for further information. Key matters addressed in the letter and requiring further detailed consideration by LXP include:

##### Highett – Wickham Road and Highett Road Crossings

- The integrated planning of the shared user path from its existing termination in Jean Street, Cheltenham to its planned location optimally connecting to the existing SUP that commences on the corner of South Road and Nepean Highway.
- Responsibilities associated with linear parkland management given the placement of the existing municipal boundary along the rail corridor.

- Urban design considerations associated with any planning for a potential third train track to the Cheltenham or Southland stations.
- Strategic community facility positioning through a corridor containing parkland, renewal sites, IDO opportunities and Council held land.
- The interplay between the rail corridor and the former Highett Gas Works and other public and private land holdings on what are potentially quite significant strategic redevelopment sites.
- Theming associated with landscape, architecture, and urban design in what is perhaps one of Melbourne's most transformative transport renewal corridors.

Mordialloc

- Ability to examine whether scope exists to progressively transition in part or in full the existing stabling requirements at Mordialloc, to the recently constructed facility at Kananook.
- Opportunities to explore the alignment of Station Street, its vehicular and cycle connections into Nepean Highway and an enhanced role for Attenborough Park.
- Optimal placement of the new station to maintain critical east west connections along the Centreway alignment to the Mordialloc Foreshore.
- Importance of agreeing on a detailed traffic survey methodology which models the movement of vehicles through the precinct based on the planned road closures and potential road realignments.

This should include understanding the pros and cons associated with the close of the Bear Street intersection both from a traffic and importantly urban design perspective.

- Importance of considering the sensitive cultural heritage and environmental considerations proximate to the Mordialloc Creek and Attenborough Park and the most appropriate process in which to consider these matters.
- Retention and effective repurposing of the significant Mordialloc Heritage Station and significant Water Tower.
- Importance of engagement with the well-established Mordialloc Traders Association who have been active supporters and facilitators of a range of recent place-based initiatives in the centre.

Latrobe Street Closure

- An agreed comprehensive traffic study (which includes origin / destination surveys and direct local community input into the appropriate methodology) which provides a detailed understanding (based off current data) of the implications for the movement of local traffic contained in this pocket of Cheltenham and Mentone. The study needs to examine:
- The pre and post crossing removal traffic volume and flow rates on Balcombe and Charman roads and model in the consequences of leaving open when compared with closing Latrobe Street.
- The reliance the local community place on Latrobe Street to connect the Cheltenham and Mentone Activity Centres to manage local shopping and importantly drop-offs / pick-ups to the many schools located in this area by parents.
- A tailored engagement strategy formulated with Council to provide for community input regarding the proposed road closure once the traffic study is completed.
- Whether any enhancements can be made to the orientation and safety of the shared user path should the crossing closure proceed where it presently terminates at Elizabeth and Flinders Street, Mentone and recommences north of Latrobe Street.

- The future role of the land at 41 Latrobe Street, Cheltenham, and its potential transition to an open space use.

Aspendale

- Station placement and its influence of over east/west car and pedestrian flows across the rail corridor and relationship with the core of the activity centre.

**3.4 Community Consultation:**

Following the announcement of the level crossing removals and road closures, Council sent almost 3000 bulletins to the Cheltenham / Mentone community seeking feedback on the proposed closure of Latrobe Street.

A total of 54 responses were received with 44 objecting to the closure, 8 in support and 2 neutral.

**3.5 Results/Findings:**

Community feedback raised the following concerns / objections:

- Redistribution of traffic on Latrobe Street to Charman Road and Balcombe Road
- Impact on access for emergency services needing to access either side of the railway line with Balcombe and Charman Roads being congested
- Lack of consultation with reference to the community feedback in 2016 / 2017, seeking to keep the crossing open
- Concern for general access across the rail line to facilities such as Cheltenham Primary School, Elle's Belles childcare
- Impact on connectivity between Charman Road and Nepean Highway
- Concern with the operation of signals along Balcombe Road
- Would like to see traffic modelling and studies undertake to justify the decision

For those who supported the decision, the following reasons were cited:

- Reduction in traffic and 'rat running' within a local street
- Safety reasons
- Ability to adjust travel route

**4. Compliance Checklist**

**4.1 Council Plan Alignment**

Strategic Direction: Prosperous - We will embrace the concept of a 20-minute neighbourhood, support the ongoing process of decentralisation and support people to live and work locally.

Strategy: Improve connections between activity zones, public transport hubs and where people live through an integrated network

The level crossing removals support opportunities for improved connectivity via public transport and active modes of travel. When designed and delivered thoughtfully, they contribute to renewed and vibrant activity centres with high amenity open spaces and facilities.

Proposed closures need to be carefully considered and informed by a detailed understanding of the impacts and benefits.

**4.2 Governance Principles Alignment**

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

- Principle (d) - the municipal community is to be engaged in strategic planning and strategic decision making.
- Principle (f) - collaboration with other Councils and Governments and statutory bodies is to be sought.

The level crossing removal project invests a significant amount of funding into public, active and private transport. The lifecycle of the project has the capacity to deliver intergenerational benefits when carefully considered at a strategic and local level.

Community engagement and collaboration are critical to ensuring that the issues and opportunities are clearly understood by all parties and to inform a design outcome that strikes a balance of, sometimes, competing objectives.

#### **4.3 Financial Considerations**

The project is to be designed and delivered by the Victorian Government.

##### **Budget and Staff Resources**


As with other level crossing removal sites it is anticipated that Councils will be asked to maintain areas around the project that will be accessible to the public (eg. open spaces beneath the rail) which will have financial implications.

Council requires further information from the LXP to determine implications on financial and staff resourcing.

#### **4.4 Risk considerations**

The attached letter outlines key issues that need to be understood by the Council and the community. If Council is uninformed, it will be unable to meaningfully participate in the process and collaboration with the LXP may be stifled due to the lack of knowledge and understanding.

### **Appendices**

Appendix 1 - Making the Frankston Line level crossing-free - Victoria's Big Build (Ref 22/336740)  [↓](#)

Appendix 2 - Letter to Minister Jacinta Allan re LXP (Ref 22/334900)  [↓](#)

Author/s: Tara Bell, Place Manager

Paul Marsden, Manager City Strategy

Reviewed and Approved By: Jonathan Guttman, General Manager Planning and Place

## 8.3

### LEVEL CROSSING REMOVAL ANNOUNCEMENTS

1	Making the Frankston Line level crossing-free - Victoria's Big Build .....	31
2	Letter to Minister Jacinta Allan re LXP .....	33



The State election will be held on Saturday 26 November 2022. The caretaker period will commence at 6.00 pm on Tuesday 1 November 2022. During the caretaker period, content will only be added to this website in line with the caretaker conventions.

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09 Oct 2022

# Making the Frankston Line level crossing-free

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A total of 27 level crossings will be gone from the Frankston Line by 2029, clearing the way for more frequent services, improving safety and easing congestion. It will join the Pakenham, Cranbourne and Lilydale lines as level crossing-free.

Level crossings are set to go from:

Wickham Road, Highett  
Highett Road, Highett  
McDonald Street, Mordialloc  
Station Street, Aspendale  
Groves Street, Aspendale  
Armstrongs Road, Seaford  
Station Street, Seaford  
Latrobe Street, Mentone (closure)

The State election will be held on Saturday 26 November 2022. The caretaker period will commence at 6.00 pm on Tuesday 1 November 2022. During the caretaker period, content will only be added to this website in line with the caretaker conventions.

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Road and Highett Road in Highett.

Proximity to Mordialloc Creek means McDonald Street in Mordialloc and Station Street in Aspendale are also best removed by a rail bridge, with a new alignment likely for the road at Station Street in Aspendale. We understand Mordialloc Creek is culturally significant, and the project team will work closely with the Traditional Owners throughout design and construction. The removal of McDonald Street level crossing also allows for the closure of the Bear Street level crossing in Mordialloc.

Armstrongs Road and Station Street in Seaford will also be removed by rail bridge design, due to the proximity of Kananook Creek. These designs will create opportunities for open space as well as cycling and walking connections.

The best solution to remove the level crossing at Groves Street, Aspendale is to lower the rail line underneath the road.

The recent removals of the boom gates at [Park and Charman roads](#) in Cheltenham and [Balcombe Road](#) in Mentone coupled with the removal at [Warrigal Road](#) in Mentone and [Parkers Road](#) in Parkdale allow for the closure of the Latrobe Street level crossing, with a pedestrian crossing to be maintained.

The project will include new stations at Highett, Mordialloc, Aspendale and Seaford, delivering modern facilities for passengers, which will see 17 new state-of-the-art stations built on the Frankston Line by 2029.

More detail, including on construction timelines and community consultation, will be provided in the coming months.



Station Street, Seaford

12 December 2022



The Hon Jacinta Allan  
Deputy Premier  
Minister for Transport Infrastructure  
Level 3, 1 Treasury Place  
East Melbourne Vic 3002

Dear Deputy Premier

**Re: Level Crossing Announcements – Frankston Line  
Importance of Precinct Planning and building on local-State collaboration**

I write firstly on behalf of the City of Kingston to congratulate you on your Government's recent re-election, something that will continue to deliver some truly transformative outcomes for our City.

Our Council's relationship with your Government's Big Build program has been significant and together has achieved some unique 'place defining' outcomes. Outcomes created in areas like Cheltenham, Clayton South, Mentone, Edithvale, Chelsea, Bonbeach and Carrum have only been possible through a shared commitment to early and thorough place-based planning and our Council being prepared to coinvest in a shared vision for the future of these places.

Kingston is excited by the opportunities now presented to continue our collaboration on the Suburban Rail Loop (SRL). The early work we have previously shared has been developed with our local community and embraces your Government's vision that this legacy project must be viewed at a precinct scale, deriving benefits that go well beyond transport. The announcements in mid-October on the additional level crossing removals in Highett, Mordialloc and Aspendale bring some quite unprecedented opportunities to 'redefine' and 'transform' the rail corridor by linking up the completed crossing removals to create a much needed integrated transport spine throughout the South East of Melbourne anchored by the first SRL station.

Building on the work our Council has undertaken along the Frankston line corridor, Council has had the opportunity to draw together input from our local communities on the recently announced level crossings. At the Council meeting on 12 December 2022 we resolved to write to you outlining some key early considerations. We are particularly interested to make sure that priority focus on collaborative precinct planning is provided through the Level Crossing Removal Project (LXRP) projects and that vital integrated planning is done, given the very dynamic areas the program will focus on over the next seven years in our municipality. Our shared track record of the outcomes already achieved together at Cheltenham and Mentone Stations strongly reinforce the value of this integrated planning work.

#### Highett precinct transformation - Highett Road and Wickham Road Crossing removal

With SRL at Sir William Fry Reserve in Highett, Development Victoria at former Highett Gas Works Site, significant Council land holdings in Highett, Westfield Southland and the announcement of the Highett Road level crossing removal, the importance of precinct planning and coordinated engagement in this linear corridor of approximately 1 kilometre, could not be more critical.

Our Council has very much appreciated your direct and earlier involvement in ensuring coordination of the different interests of State Government in this precinct. This has meant we have been able to form a very constructive relationship with the SRL to share early precinct planning considerations, and the Highett level crossing removal announcement becomes critical in this mix.

*community inspired leadership*

22/334900

kingston.vic.gov.au

Cheltenham 1230 Nepean Highway Chelsea 1 Chelsea Road

1300 653 356 131 450 03 9581 4500 PO Box 1000, Mentone 3194 info@kingston.vic.gov.au cityofkingston kingstoncc

With the announcement, some of the critical early considerations associated with the SRL precinct planning work for your consideration include:

- Maximising sustainable transport outcomes through the precinct: integrated planning of the shared user path (SUP) from its existing termination in Jean Street, Cheltenham to its planned location optimally connecting to the existing SUP that commences on the corner of South Road and Nepean Highway. This early work will enable creation of a SUP from Highett along the Frankston rail corridor to Mordialloc.
- Responsibilities associated with linear parkland management given the placement of the existing municipal boundary along the rail corridor.
- Urban design considerations associated with any planning for a potential third train track to the Cheltenham or Southland stations.
- Strategic community facility positioning through a corridor containing parkland, renewal sites, integrated development opportunities (IDO) opportunities and Council held land.
- The interplay between the rail corridor and the former Highett Gas Works and other public and private land holdings on what are potentially quite significant strategic redevelopment sites.
- Theming associated with Aboriginal cultural recognition, landscape, architecture, and urban design in what is perhaps one of Melbourne's most transformative transport renewal corridors.

Through the relationship we have formed with the SRL and LXR we believe the 'Precinct Structure Planning work' by the SRL will be critical to ensuring an integrated and place defining outcome is achieved. It will also be essential to use this process to maintain a clear sense of governance and coordinate engagement on a large range of critical decisions in the precinct.

#### Mordialloc

Mordialloc sits in the centre of our municipality and is very much Kingston's 'destination place' for very many locals and visitors alike. With the potential for further significant private investment, Council investing in a new aquatic centre and Council and State Government holding very significant land assets, once again a strategic and integrated place-based approach is critical. Another unique feature in Mordialloc is the role the rail corridor has historically played, and through future population growth will continue to play as a facilitator of tourism something that requires careful design consideration.

Some of the key early considerations following your announcement for Mordialloc include the:

- Ability to examine whether scope exists to progressively transition in part or in full the existing stabling requirements at Mordialloc, to the recently constructed facility at Kananook.
- Opportunities to explore the alignment of Station Street, its vehicular and cycle connections into Nepean Highway and an enhanced role for Attenborough Park.
- Optimal placement of the new station to maintain critical east west connections along the Centreway alignment to the Mordialloc Foreshore.
- Importance of agreeing on a detailed traffic survey methodology which models the movement of vehicles through the precinct based on the planned road closures and potential road realignments.

This should include understanding the pros and cons associated with the closure of the Bear Street intersection both from a traffic and importantly urban design perspective.

- Importance of considering the sensitive cultural heritage and environmental considerations proximate to the Mordialloc Creek and Attenborough Park and the most appropriate process in which to consider these matters.
- Retention and effective repurposing of the significant Mordialloc Heritage Station and significant Water Tower.
- Importance of engagement with the well-established Mordialloc Traders Association who have been active supporters and facilitators of a range of recent place-based initiatives in the centre.

22/334900

### Latrobe Street closure

In acknowledging your Government's clear objective to create a level crossing free Frankston railway line, this aspect of the recent announcement has been the most contentious and Council has already received significant feedback it will soon compile to provide to the LXP. This feedback illustrates that the vast majority of residents who have responded are not supportive of the closure. We feel that significant additional work is required to properly analyse the implications of this proposed closure, including:

- An agreed comprehensive traffic study (which includes origin / destination surveys and direct local community input into the appropriate methodology) which provides a detailed understanding (based off current data) of the implications for the movement of local traffic contained in this pocket of Cheltenham and Mentone. The study needs to examine:
  - The pre and post crossing removal traffic volume and flow rates on Balcombe and Charman roads and model in the consequences of leaving open when compared with closing Latrobe Street.
  - The reliance the local community place on Latrobe Street to connect the Cheltenham and Mentone Activity Centres to manage local shopping and importantly drop-offs / pick-ups to the many schools located in this area by parents.
- A tailored engagement strategy formulated with Council to provide for community input regarding the proposed road closure once the traffic study is completed.
- Whether any enhancements can be made to the orientation and safety of the shared user path should the crossing closure proceed where it presently terminates at Elizabeth and Flinders Street, Mentone and recommences north of Latrobe Street.
- The future role of the land at 41 Latrobe Street, Cheltenham, and its potential transition to an open space use.

### Aspendale

Critical early consideration needs to be given to station placement and its influence over east / west car and pedestrian flows across the rail corridor as well as its relationship with the core of the activity centre. Learnings from nearby previous projects reinforce these matters will require a well-developed community engagement strategy that provides for active local participation in initial conceptual design considerations. The crossing removal at Aspendale provides a wonderful opportunity to continue the Shared User Path into Mordialloc and in so doing delivering sustainable and safe transport access into a range of local schools, community and commercial facilities.

Our team look forward to continuing to work with the Suburban Rail Loop Authority and Level Crossing Removal Project to achieve the maximum integrated planning and place benefits for these projects.

I also look forward to the opportunity of meeting with you over my coming year as Mayor to discuss the very strong partnerships we have established, through the significant planning and investment by your Government into Kingston.

Yours sincerely

**Cr Hadi Saab**  
MAYOR

cc: Mr Tim Richardson MP – Member for Mordialloc  
Mr Brad Rowswell MP – Member for Sandringham  
Mr Nick Staikos MP – Member for Bentleigh



**Agenda Item No: 8.4**

## **PARKDALE AND MENTONE LEVEL CROSSING REMOVAL PROJECT - UPDATE**

**Contact Officer: Paul Marsden, Manager City Strategy**

### **Purpose of Report**

This report provides an update to Council in relation the Mentone and Parkdale Level Crossing Removal Project and proposes further advocacy to LXR and State Government in accordance with Council's adopted Urban Design Framework and community feedback.

### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### **RECOMMENDATION**

That Council write to the Minister for Transport Infrastructure and the Chief Executive Officer of the Level Crossing Removal Project (LXR) seeking changes to the plans for Parkdale and Mentone Level Crossing Removals to address:

- Concerns in relation to the proposed alignment of the Shared User Path (SUP).
- The extent and variety of proposed active recreation facilities.
- The need for an off-road SUP connection between Parkdale and Mordialloc Stations.
- The extent and location of commuter parking areas shown in the LXR plans.
- The need for investment in broader streetscape upgrades along Como Parade East and West.
- The location, type and quality of exercise and fitness equipment within the precinct.
- The manner in which spaces beneath the elevated rail structure are irrigated, landscaped and activated for community use.

### **1. Executive Summary**

In July 2021 the Level Crossing Removal Project (LXR) announced that it would be grade separating Warrigal Road, Mentone and Parkers Road, Parkdale. In response to the announcement Council sought community feedback. Overwhelmingly, the community favoured rail under road and this sentiment was further emphasised through organised rallies and feedback to the Victorian Government.

Whilst continuing to reiterate the community position to the Victorian Government, Council recognises the likelihood of the elevated rail proposal proceeding and the short window of opportunity to influence the project prior to designs, contracts and budgets being locked in. On this basis, Council adopted key objectives in January 2022 identifying key principles that must be embedded into the project.

Building on the key objectives adopted in January, Council prepared its own Draft Urban Design Framework (UDF) for the proposed level crossing removals in Parkdale and Mentone. The purpose of the UDF was to provide a clear community informed position, apply a local and precinct wide lens, address local needs and positively influence the scope of the State Government project.

Community feedback was sought between 8 June and 8 July on the Draft UDF with surveys on the Your Kingston Your Say (YKYS) platform used as the main avenue. To support this, officers undertook a series of online and face to face activities including in-centre promotion, business drop-ins, schools' workshop, direct mail to the local catchment, social media posts and direct email engagement.

Taking on board feedback from the community, the draft UDF was modified to incorporate a series of changes including more active elements, additional (but smaller) conversation areas, greater focus on the value of existing vegetation, details of toilets and furniture and a potential location for additional car parking within the rail corridor. The final UDF was adopted by Council in July 2022 and has served the basis of subsequent Council advocacy to LXP and State Government.

On 21 October 2022 LXP released for community consultation more detailed long plots and renders showing key elements including SUP alignment, station location, commuter parking provision and areas of proposed new open space ([Warrigal Road, Mentone and Parkers Road, Parkdale | Engage Victoria](#)).

Council officers have reviewed the material and undertaken multiple workshops with LXP staff to explore areas of alignment and misalignment with the Council position as described in its adopted UDF.

Having reviewed in detail the consultation material provided by LXP, officers have identified the following matters of critical importance to Council and its community, based on the outcomes of earlier consultation:

- The alignment of the Shared User Path (SUP).
- Adequacy and variety of proposed active recreation facilities.
- The need for an off-road SUP connection between Parkdale and Mordialloc Stations.
- The extent and location of commuter parking areas.
- The need for investment in broader streetscape upgrades along Como Parade East and West.
- Location and quality of exercise and fitness equipment.
- Activation of spaces beneath the elevated rail structure.

This report seeks Council endorsement of further advocacy to LXP and State Government on behalf of the Mentone and Parkdale community in relation the matters identified above.

## **2. Background**

In July 2021 the State Government announced, as part of its Level Crossing Removal Program, that a further 10 level crossings would be removed. In the City of Kingston this included the crossings at Warrigal Road in Mentone and Parkers Road in Parkdale. It was announced that this would be delivered through a preferred elevated rail solution and would include a new station (replacement) at Parkdale.

Following this announcement, Council undertook consultation with the local community. This consultation found broad support for removal of the identified level crossings but indicated strong objection to the State Government's proposed elevated rail design.

Acknowledging the community's strong preference for a lowered rail solution, the LXP has since confirmed that the level crossing removal in Parkdale will be 'rail over road'. This has been reflected in the communications material provided by LXP to date and more recently concept plans and imagery which is the subject of recent LXP led community engagement ([Warrigal Road, Mentone and Parkers Road, Parkdale | Engage Victoria](#)).

The adopted UDF builds on key objectives adopted by Council in early 2021, setting overarching principles critical to the future success of the project:

- **Sustainability:** Create the greenest, most sustainable level crossing removal corridor in Australia
- **Character:** Preserve and enhance Parkdale's village character
- **Public Realm:** Upgrade the surrounding streetscapes
- **The New Station:** Optimise the station entrance + platform location
- **Traffic integration:** Create integrated intersections and crossings that are attractive + accessible
- **Car Parking:** Optimise carparking provision
- **Heritage:** Retain & repurpose heritage structures
- **Active Transport:** Create new active transport connections to Mentone, Mordialloc and beyond

Maps within the draft UDF include a series of zones, informed by Council's first round of engagement and findings of the Recreation and Open Space Needs Assessment. From Mentone to Mordialloc the UDF sets up the following zones to cater for our diverse community:

- **Bouldering and pump track zone**, utilising the structure of the ramp wall and pump track for skate, scooters and bikes
- **Heavy planting zones** on both sides of Warrigal Road softening the presence of elevated rail
- **Conversation zone** for quieter activities, complementing the more active spaces
- **Seniors' area** with exercise equipment targeted to an older demographic and people who choose to move at their own pace
- **Garden Zone** with pathways and seating opportunities
- **Parkdale Station and Village** precinct that connects both side of the railway line with plazas and public realm improvements that extend to the shop fronts
- **Nature Zone** which supports biodiversity and extends the values of Bradshaw Park whilst providing for connections, nature play and outdoor exercise
- **Shared User Path connection to Mordialloc Station** extending along the edge (but not within) Bradshaw Park and over Nepean Highway.

On 21 October 2022 the LXP released updated designs, renders and project long plot for community consultation. Officers have now had opportunity to review the material released by LXP including an assessment as to the extent to which it aligns with the adopted Council UDF.



**2.1 Prior Resolutions of Council**

Council has previously voiced its opposition to elevated rail within the municipality and on the 23 May 2016, Council resolved:

*That Council write to The Hon Jacinta Allan, Victorian Minister for Public Transport advising her that as a result of an extraordinary level of public disquiet and concern, together with an untimely and unsatisfactory response to earlier Council requests for action and information, we are unable to support an elevated rail line as an option to be considered in the removal of level crossings along the Frankston line, where it is within the City of Kingston municipal boundaries.*

*The City of Kingston will continue to work cooperatively with the LXRA in determining which of the remaining options should be selected in order to fulfil the Andrews Government election commitments in relation to level crossing removal.*

Council further considered its position on the Frankston Line level crossing removal projects at Council meetings on the 19 September 2016 and 28 November 2016. On the 27 March 2017, Council resolved to participate in urban design workshops for the elevated rail project at Carrum and to commence urban design work at the remaining level crossing removal sites. More specifically, it was resolved that Council:

1. *Note the announcements of the design outcomes for all of the grade separations along the Frankston Line within Kingston and note the discussion report (Appendix Two) provided in response to Notice of Motion 54/2016.*
2. *Commence a review of the Cheltenham Structure Plan, and preparation of a Framework Plan for Mentone Station to be informed by the design solutions for Cheltenham and Mentone as announced by the Level Crossing Removal Authority.*
3. *Inform the Level Crossing Removal Authority that Council now wishes to be a participant in the process established with the Urban Design Advisory Panel and Victorian Government Architect to look at issues of design of the grade separations along the Frankston line following the recent determinations on the separations within the City of Kingston.*
4. *Advise the Level Crossing Removal Authority that Council seeks to participate in the community workshops held for the Carrum Level Crossing Removal.*
5. *Receive a further update once a decision has been made by the Minister for Planning on the need for an environmental approvals process for the level crossing removals proposed at Edithvale and Bonbeach.*
6. *Subject to the Minister for Planning's decision in relation to the need for an environmental approvals process, seek appropriate assistance to commence an appropriate urban design exercise to influence the grade separations at Edithvale and Bonbeach.*
7. *Welcomes the decision to remove the level crossings at Cheltenham, Mentone Edithvale and Bonbeach with rail under road solutions.*
8. *Write to the LXRA requesting the following information:*
  - *Detailed findings if any on how McLeod Road rail under road crossings cannot be achieved. These findings would include CAD models, calculations and the original survey.*
  - *What is the steepest 'as constructed' gradient for the Ormond crossing.*

Following consultation undertaken by Council following the Government's announcement that the level crossings at Warrigal and Parkers Roads would be removed, Council resolved at its Council Meeting on the 27 September 2021 to:

1. *Immediately write to the Minister for Transport Infrastructure, the Chief Executive Officer of the Level Crossing Removal Project and the Local Member for Mordialloc to:*
  - a) *Outline the significant community concerns reflected through survey work in relation to the proposed grade separation at Warrigal Road, Mentone and Parkers Road, Parkdale;*
  - b) *Reinforce our disappointment that Council was not consulted prior to the Warrigal Road, Mentone and Parkers Road, Parkdale crossing removal announcements;*
  - c) *Highlight the importance of conducting a robust community consultation process to inform the eventual design for the Parkers Road, Parkdale and Warrigal Road, Mentone level crossing removals;*
  - d) *Reinforce the importance of early engagement with Council and the community on decision making regarding future Level Crossing Removal Projects to build an early collaborative relationship with local communities;*
  - e) *Express Council's significant concern over the lack of genuine community consultation thus far for the proposed level crossing removals at Parkers Road and Warrigal Road. Noting, for this reason, Council condemns the lack of consultation and the decision-making process which led to the elevated rail solution proposed by the LXR;P;*
  - f) *Request that the government and the LXR detail their plans for meaningful consultation for the proposed level crossing removals at Mentone and Parkdale and indicate on the International Association of Public Participation (IAP2) spectrum, the type of consultation which will be undertaken with local residents, traders and schools at each stage;*
  - g) *Ask for an explanation why the proposed level crossing removals at Parkers Road and Warrigal Road have been handled so differently to level crossing removals at Balcombe Road, Charman Road and Park Road, where extensive community consultation and engineering and technical analysis was undertaken prior to announcing the chosen solution for the removal of those crossings;*
  - h) *Ask what information the government has to support the claim on the level crossings website that "Initial engineering and technical assessments have determined a rail bridge over the road to be the best solution at Warrigal Road and Parkers Road", given the close proximity of the Warrigal Road crossing to Balcombe Road where rail under road was deemed to be the best solution;*
  - i) *Highlight the need for the rail under road solution to be thoroughly investigated and the detailed report including indicative designs to be made public;*
  - j) *Request detailed written responses to the questions contained in the preamble to Item 14.1 in the agenda;*
  - k) *Request a formal briefing of Council from the Chief Executive Officer of the LXR once responses to the above questions have been collated; and*

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**12 December 2022**

- l) *Invite the Minister for Transport Infrastructure to Parkdale for a meeting with the Mayor and Councillors at the proposed site of the crossing removal.*
  - m) *Express Council's significant concern over the lack of genuine community consultation for the removal of the pedestrian crossing at Birdwood Street Aspendale. Noting, for this reason, Council categorically opposes the closing of this vital community access and connection point.*
- 2. *Commence a procurement process to appoint a consultant team to support Council's work in responding to the Parkdale / Mentone level crossing removal projects;*
- 3. *Seek funding assistance from the Level Crossing Removal Project to cover required Council support resources, as well an allowance to cover materials associated with trader support and placemaking initiatives within the Parkdale community;*
- 4. *Consider the scope of streetscape improvements and local area traffic management to Parkdale Shopping Centre once the design has been confirmed for the level crossing removal in Parkdale; and*
- 5. *Write to the Department of Jobs, Precincts and Regions to determine whether it can reallocate the Neighbourhood Activity Centre Renewal Fund Agreement - Improving Parkdale Shopping Village given the Level Crossing Removal announcement.*

Council received independent heritage advice regarding the significance of the existing Parkdale Railway Station and Council has resolved at its Council Meeting on 25 October 2021 to:

- 1. *Request the Minister for Planning to use his power under Section 20(4) of the Planning and Environment Act 1987 to prepare, adopt and approve Amendment C194 to the Kingston Planning Scheme, to apply an interim Heritage Overlay to the Parkdale Station buildings.*
- 2. *Seek authorisation from the Minister for Planning to immediately prepare an amendment to apply a permanent Heritage Overlay to the Parkdale Station buildings if an interim heritage control is granted, and that once authorisation is received, prepare and exhibit the amendment.*
- 3. *Advocate through UDAP and to the State Government for the restoration of the station buildings and their full repurposing by the relevant State Government Agency within the new station precinct.*
- 4. *Engage a suitably qualified heritage consultant to investigate the potential State Heritage significance of Parkdale Station and subject to the findings of that assessment, prepare:*
  - a) *The necessary justification to inform a Nomination for an Interim Protection Order and Permanent Listing on the Victorian Heritage Register;*
  - b) *Write to Heritage Victoria and/or the Heritage Council of Victoria requesting an Interim Protection Order be applied Parkdale Station and subject to this process;*
  - c) *Write to Heritage Victoria and/or the Heritage Council of Victoria nominating Parkdale Station be included on the Victorian Heritage Register on a permanent basis.*
- 5. *Write to LXP to advise them of this resolution.*

Council resolved at its Council Meeting on the 30 January 2022 to:

1. *Adopt the attached early objectives report that will be followed by the development of a more detailed draft Urban Design Framework that will form part of a community consultation process to be conducted later this year; and*
2. *Write to the Level Crossing Removal Project advising of its resolutions.*
3. *Coordinate a meeting with the Local Member of Parliament to reinforce the early objectives it has identified for the crossing removals at Mentone and Parkdale.*

On 25 May 2022 Council resolved to:

1. *Endorse the Mentone to Parkdale Level Crossing Removal – Urban Design Framework for the purpose of community consultation;*
2. *Include in the consultation direct notification via letter to all properties located between Nepean Highway, Beach Road, Bay Road, George Street, Rogers Street, Lucerne Street and Palermo Street and reinforce community feedback is sought on items including the level of traffic calming (speed cushions), parking and the potential for a vehicle crossing point between Como Parade East and West together with other items covered in the Draft Urban Design Framework;*
3. *Receive a further report at the conclusion of the consultation phase considering any feedback received;*
4. *Send an advocacy letter on behalf of our Parkdale and Mentone communities to the Minister for Transport Infrastructure and copy the Chief Executive Officer of the Level Crossing Removal Project and the Local Member for Mordialloc:*
  - a) *Reiterating our disappointment that Council was not consulted prior to the announcement of the Warrigal Road, Mentone and Parkers Road, Parkdale level crossing removals;*
  - b) *Asking for an explanation why the announcement of the proposed level crossing removals at Parkers Road and Warrigal Road was handled so differently to level crossing removals at Balcombe Road, Charman Road and Park Road;*
  - c) *Requesting that the government and the LXP detail their plans for meaningful community consultation and indicate on the International Association of Public Participation (IAP2) spectrum, the type of consultation which will be undertaken;*
  - d) *Asking the government to substantiate the statement on the level crossings website that “Initial engineering and technical assessments have determined a rail bridge over the road to be the best solution at Warrigal Road and Parkers Road”;*
  - e) *Highlighting the need for the rail under road solution to be thoroughly investigated;*
  - f) *Requesting a formal briefing of Council from the Chief Executive Officer of the LXP once responses to the above questions have been collated;*
5. *Include in the letter to the Minister, a summary of the survey results from Council’s community survey which ran for four weeks, closing on the 7<sup>th</sup> September 2021 and was amongst the most popular surveys ever conducted by Council*
  - *1150 completed the survey with 833 new participants registering on Council’s Your Kingston Your Say platform to participate in the survey. Nearly 900 of the respondents were from the suburb of Parkdale.*

- 1086 (94.4%) of the participants were residents.
- 951 (82.7%) stated they used one or the other crossing daily predominantly as a car driver 854 (74.3%).
- 975 (84.8%) of participants were supportive of the crossing removal at Warrigal Road, whilst 721 (62.7%) were supportive of the crossing removal at Parkers Road.
- 876 (76.2%) supported a Rail under road solution (similar to Cheltenham and Mentone), with 129 (11.2%) supporting a Rail over road solution (similar to Carrum) and the next highest being 78 (6.8%) not supporting any of the above solutions.

At its Ordinary Council Meeting on 25 July 2022 Council resolved to:

1. *Receive the community feedback on the Draft Parkdale to Mentone Urban Design Framework;*
2. *Adopt the final Parkdale to Mentone Urban Design Framework and use this as the basis for Council's position if the Victorian Government pursues the rail over road design solution;*
3. *Request that the Level Crossing Removal Project investigate the need for a new vehicle crossing point, considering the matters discussed at Section 3.3.2 of this report; and*
4. *Write to the Chief Executive Officer of the Level Crossing Removal Project and the Minister for Transport Infrastructure advising of the adoption of the Urban Design Framework and seeking commitments to key elements including provision of an elevated shared user path to Mordialloc, Level Crossing Removal Project funded streetscape upgrades on both sides of Como Parade East and Como Parade West, retention and refurbishment of the heritage station building, undergrounding of powerlines and provision of a safe crossing point at Elm Grove.*

### **3. Discussion**

#### **3.1 LXRP Plans – October 2022**

In October 2022 LXRP released updated plans and renders showing the latest design for the Mentone and Parkdale level crossing removals ([Warrigal Road, Mentone and Parkers Road, Parkdale | Engage Victoria](#)).

A range of elements identified in Council's UDF have now been incorporated into the LXRP plans including:

- The undergrounding of powerlines.
- Retention of the heritage Parkdale station building.
- Provision of half-court basketball north of Warrigal Road.
- Dual station entrances to Parkdale Station.
- Signalised pedestrian crossing at Warrigal Road.
- Inclusion of gathering spaces, playground and fitness equipment.
- Prioritisation of accessible, useable, landscaped open space areas in the precinct between Parkdale Station and Warrigal Road.
- Creation of a new 'village square' immediately north of Parkers Road.

Whilst the above elements are encouraging in terms of the extent to which the project now seeks to respond to feedback received from Council and the community, a number of outstanding matters remain subject to discussion with the LXRP and are proposed as the subject of further Council advocacy.

**3.2 Alignment with Council's Parkdale and Mentone Urban Design Framework**

Following its July 2022 resolution to adopt the UDF Council wrote to the Chief Executive Officer of the Level Crossing Removal Project and the Minister for Transport Infrastructure seeking support for the UDF and highlighting the critical importance of key elements including:

- Provision of an elevated shared user path to Mordialloc;
- Level Crossing Removal Project funded streetscape upgrades on both sides of Como Parade East and Como Parade West;
- Retention and refurbishment of the heritage station building;
- Undergrounding of powerlines; and
- Provision of a safe crossing point at Elm Grove.

It is in the context of the above that Council received the updated package of renders and long plot for review as part of the LXRPs recent consultation. Officers have considered the material provided and met with LXRPs representatives to further explore and understand key components of the material.

- *Shared User Path Alignment*

The LXRPs plans show a curvilinear SUP weaving its way between the piers beneath the elevated rail structure.

Council officers have expressed concerns to LXRPs in relation this alignment for a number of reasons including:

- Safety concerns around sight lines and visibility for cyclists, particularly if the space around the path is landscaped.
- The extent to which the proposed SUP extends out from beneath the elevated rail structure to occupy space that could otherwise be used for canopy tree planting.
- The extent to which the curvilinear SUP reduces the opportunity for larger stretches of useable open space along the central and eastern side of the rail corridor.

It is considered that a safer and more efficient SUP alignment could be provided alongside the central piers, predominantly located beneath the rail structure. Such an outcome would also significantly increase the ability to provide for larger areas of useable open space and the extent of land able to accommodate canopy tree planting adjacent the rail corridor. A similar approach has been taken along the Caulfield to Dandenong Line.

- *Provision of a Shared User Path Connection to Mordialloc Station*

The LXRPs plans show the SUP extending along Como Parade West from Parkers Road, ultimately terminating approximately 100 metres south of Dalmor Street. The plans then suggest that users would be directed to the White Street/Nepean Highway pedestrian crossing.

Such an outcome would force Mordialloc bound cyclists and pedestrians to cross eight lanes of traffic at Nepean Highway to gain access to a circuitous and entirely on road route to Mordialloc Station or travel along Como Parade West into Mordialloc, with safety implications near High Street / Epsom Road (noting this alignment has previously not been supported by VicRoads). This is

considered inadequate in the context of the significant SUP network now delivered by LXP projects north and south of Parkdale and Mordialloc.

Noting the State Government's commitment in October 2022 to the removal of the level crossing at McDonald Street in Mordialloc via an elevated rail solution, it is critical that an integrated design response is achieved which delivers an off-road SUP connection between the two stations.

Council's UDF proposes an elevated SUP extending over Nepean Highway providing an entirely off-road SUP connection between Parkdale and Mordialloc Stations. This outcome was supported by 84% of the 252 people that completed surveys in relation the Council UDF. Noting constraints within the surrounding road network and the significant barrier presented by Nepean Highway, this is considered the safest and most direct manner in which to provide off road SUP connectivity along this section of the corridor.

With now a greater appreciation of the extent to which LXP can minimise construction impacts on significant vegetation within, and immediately adjacent, Bradshaw Bushland Reserve, the LXP's proposed Como Parade West alignment is supported provided it futureproofs the ability to provide an elevated SUP connection over Nepean Highway into Mordialloc.

- *LXP Funded Streetscape Upgrades – Como Parade East and West*  
The plans released by LXP do not provide for any streetscape enhancements outside of the core rail corridor. Post project completion this will result in a contemporary landscaped precinct in the central rail corridor, starkly at odds with the paving, landscape and lighting treatments on the retail sides of Como Parade East and West.

Council's adopted UDF and subsequent correspondence to the Minister for Transport Infrastructure has sought a commitment from State Government to LXP funded streetscape improvements within the Parkdale shopping precinct along Como Parade East and West.

This would assist in addressing community sentiment expressed through consultation around the impact of the elevated rail structure on the character of Parkdale Village.

Noting the significant visual bulk and overshadowing associated with an elevated rail structure, State Government funded enhancements to both sides of Como Parade East and West would assist in giving back to the impacted community and offsetting any negative impacts on Parkdale's valued 'village feel'.

- *Refurbishment of Heritage Station Building*  
It is encouraging to see a commitment in the LXP plans to '*...repurpose the existing Parkdale Station, with its final location and use to be confirmed as part of final designs*'.

Noting the likelihood, based on precedents set in earlier LXP projects within Kingston, that ongoing management and maintenance of the building may fall to Council, it is critical that the full scope of refurbishment required to support the end use is delivered and funded by the LXP prior to handover to Council.

This would necessarily be informed by further conversations with the community and Council in relation the preferred use and location of the building which would in turn inform the standard of fitout required. In earlier engagement, the community offered a range of ideas for the future use of the station building including a food and beverage (café), community-based uses (including gathering and art spaces), a shelter within the open space or incorporated as part of the station redevelopment.

- *Provision of a Safe Crossing Point at Elm Grove*

Council's UDF sought the provision of a safe crossing point at Elm Grove noting the significant feedback received from the community in relation this issue. Council's adopted UDF, which was prepared prior to the release of detailed LXP plans, assumed that the elevated rail structure required to deliver the grade separation at Parkers Road would allow for the creation of an underpass at Elm Grove.

However, in recent discussions with LXP, and through review of more detailed material now available, it has become apparent that the height of the ramp as it passes Elm Grove will not be able to accommodate a pedestrian underpass.

Whilst Council appreciates that an underpass cannot be delivered by LXP in this location, improvements could be made to the walking path alignment shown on the LXP plans to provide for a more direct east/west link between Como Parade East and West proximate to the ramp wall.

- *Proposed active recreation facilities*

Council's UDF identified a precinct for active recreation north of Warrigal Road. Noting that the engineering design detail of the proposed raised rail structure was not available when Council's UDF was drafted, it is now understood that the area of open space the project will create north of Warrigal Road is significantly smaller than that envisaged in the UDF.

Officers have engaged with LXP and our consultant team to determine the optimal arrangement within the smaller space available. This work has found that the functionality of a pump track would be compromised by the available space and that a basketball half court is likely the most effective way to program the space from an active recreation perspective.

Whilst Council officers support the proposed inclusion of a basketball half court, it is noted that no attempt has at this stage been made in the LXP plans to activate the ramp walls. Multiple examples exist within Australia and internationally of such spaces being utilised as bouldering walls, an outcome which has minimal cost but serves to create activity and interest in what can otherwise be a harsh concrete environment. Further investigation of the provision of a bouldering wall is warranted, particularly given the extent to which the active recreation outcome proposed in Council's UDF has been constrained by the ultimate LXP design.

- *The extent and location of commuter parking areas*

The LXP plans show three commuter parking areas immediately north of the station generally between Seventh and Eighth Streets. This arrangement severs the connection between planned open space areas to the north and the more active station precinct through the introduction of large expanses of paved area with minimal landscape treatments.



Through both Council and LXP led consultation, feedback was received from the Parkdale community suggesting that Parkdale Station does not appropriately play the role as a commuter station servicing a broader catchment. Some feedback was also received in relation the need for more short-term visitor parking to service customers accessing the commercial precinct.

Of 251 survey respondents, only 15% supported the loss of some open space areas in order to provide additional parking whilst almost 90% of respondents identified planting, landscaping and greening of the corridor as an important issue.

For the above reasons, concerns exist in relation the LXP's proposed 'in corridor' commuter parking in terms of its extent, location and 'commuter' function. Whilst Council appreciates that historical agreements exist in relation the minimum provision of commuter parking within the precinct, it is considered that such agreements, drafted decades prior any consideration of a Level Crossing Removal, appropriately warrant review to ensure that the community's needs and reduced commuter parking demand are informing parking provision in a post-covid, 2022 context.

Council's adopted UDF identified land immediately south of Parkers Road as a preferred location for a small amount of additional short term (visitor) parking. It is considered that this option is worthy of further exploration by LXP in terms the benefits it could offer to retail trade within the centre and the extent to which it could free up areas north of the station, less proximate to the commercial precinct, for additional landscaping, open space and recreation.

*Location and quality of exercise and fitness equipment*

Council's UDF sought the provision of exercise stations and equipment within the corridor broadly between Fifth Street and Sixth Street. The Recreation and Open Space Needs Assessment commissioned by Council identified a need for exercise equipment and recreational opportunities targeted towards older demographics.

The LXP UDF places the exercise equipment south of Parkers Road within the area Council has identified as a potentially appropriate location for a small amount of trader/visitor parking. This location is also considered to be removed from the primary recreational open space area to be created between the station precinct and Warrigal Road. Noting Council's preference, further advocacy and engagement with LXP is required to determine the optimal location for the exercise precinct.

Given the likelihood that maintenance of open space areas and fitness equipment may ultimately fall to Council, it is also considered critical that high quality fitness equipment is installed that meets the needs of the community and limits the likelihood of damage or breakage over time. Council has experience in the delivery of such spaces, with the fitness area delivered in Barker Street Reserve, Cheltenham seen as an exemplar in terms the quality and layout of equipment required. It is recommended that LXP seek community input into the types and quantity of equipment proposed to ensure that the equipment supports the diverse needs of the community and provides a quality level of service for those looking to support their wellbeing.

- *Activation of spaces beneath the rail corridor – Irrigation and Planting*  
Council appreciates the challenges faced by LXP in balancing the extent of planting beneath the elevated rail structure with the need for accessible open space, irrigation and sunlight. Council officers have provided comprehensive advice to LXP in relation its preferences for the type and extent of integrated water management solutions including water sensitive urban design (WSUD) and detention storage concepts within the corridor noting the important role this plays in irrigating planting beneath the rail structure.

Council will continue to advocate for a balance of these competing needs to ensure they are in the overall interests of the Parkdale community. This includes the appropriate delivery of public open space that is safe, useable, accessible, attractive and easily maintained. The usability of the open space areas is perhaps most critical and responds to significant community expectations surrounding the commitment to delivery of ‘two MCGs of community open space’ when the project was announced.

From a maintenance and asset inheritance perspective, Council has significant learnings now through the LXP’s delivery of previous projects across Kingston. Council will continue to advocate for high quality built and natural assets that we are confident can be maintained to a good standard for our community for at least the next 30 years. This includes the reality of needing to balance aesthetics, functionality, practicality and asset management considerations.

#### **4. Consultation**

##### **4.1 Internal Consultation:**

Officers have established an internal working group across relevant Council departments including Traffic and Transport, Strategic Planning, Active Kingston, Open Space and the Project Management Office. Regular briefings have been provided to Councillors on the work being completed in formulating the draft Urban Design Framework.

##### **4.2 Community Consultation:**

This report provides a summary of matters requiring further advocacy post Council’s adoption of the Mentone and Parkdale Level Crossing Removal – Urban Design Framework in July 2022. The adopted UDF was subject to extensive community consultation and engagement in May/June 2022, the outcomes of which were described in the July 2022 officer report to Council.

It is the outcomes of this extensive community engagement exercise that have driven the recommendations within this report and appropriately inform the scope of future Council advocacy, with community survey outcomes indicating:

- Retention of trees / provision of greener landscapes and a project that blends well with the character / village feel were considered the most important elements if elevated rail proceeds.
- Over 60% of the community supported the preservation of the station with survey results showing a low level of disagreement with this request.
- The community overwhelmingly identified a climate responsive design with lots of landscaping as an important issue to them with 88.1% considering it important
- There was strong support for LXP funded streetscape upgrades by the community with 68.9% in support

- Whilst provision of sufficient car parking is important to the community, it should not occur at the expense of investment in active connections and places for people (eg. outdoor dining and open space). Only 15.4% suggested sacrificing open space for more parking.
- A high level of support for improving pedestrianisation of the precinct with 48.3% definitely supporting the use of raised and easier to navigate pedestrian crossings and 32.5% somewhat supporting.
- Significant support for a shared user path between Mentone and Mordialloc.

## **5. Compliance Checklist**

### **5.1 Council Plan Alignment**

Strategic Direction: Liveable - Our city will be a vibrant, enjoyable, and easy place to live.

Strategy: Preserve and enhance Kingston's character and heritage

The further advocacy proposed in this report seeks to ensure that the LXP project in Mentone and Parkdale delivers high quality built and natural assets that can be used and enjoyed by our community for at least the next 30 years.

The adopted UDF seeks retention and refurbishment of the existing Parkdale station within the precinct, an outcome which has been supported by LXP in the material they released for consultation in October 2022.

### **5.2 Governance Principles Alignment**

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The outcomes sought through the adopted UDF and further advocacy proposed in this report seek to capitalise on a once in a generation strategic transport investment within the Mentone and Parkdale community. If ultimately delivered by LXP, Council's focus on the delivery of high quality, green, landscaped and useable open space areas within the corridor, will provide a valuable legacy for current and future residents.

### **5.3 Financial Considerations**

#### **Budget**

The proposed advocacy and further engagement with LXP has no budgetary implications.

#### **Staff Resources**

Noting the recommendations of this report focus on further advocacy and engagement with State Government and LXP, no additional staffing resources are required. The outcomes proposed in this report can be addressed within the existing resourcing of the City Strategy and Advocacy, Communications and Engagement Departments.

### **5.4 Risk considerations**

If Council were to not proceed with any further advocacy in relation the project a risk exists that the infrastructure and open spaces delivered by LXP will not best serve the needs of the Parkdale and Mentone community. Similarly, in the absence of further advocacy in relation design and build quality, a risk exists that Council could ultimately inherit maintenance responsibility for suboptimal assets and open spaces requiring significant financial and officer resources to rectify.

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**12 December 2022**

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Author/s: Paul Marsden, Manager City Strategy

Reviewed and Approved By: Jonathan Guttman, General Manager Planning and Place

# Ordinary Council Meeting

12 December 2022

Agenda Item No: 8.5

## PLANNING SCHEME AMENDMENT C203 – CONSIDERATION OF SUBMISSIONS

Contact Officer: Tanya Sokolowski, Principal Strategic Planner

### Purpose of Report

This report provides Council with a summary of submissions received during exhibition of Amendment C203king and recommends that Council request the Minister for Planning appoint a Planning Panel to consider the submissions and report on Amendment C203king.

### Disclosure of Officer / Contractor Conflict of Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### RECOMMENDATION

That Council:

1. Receive the consultation summary report (Appendix 1).
2. Request the Minister for Planning appoint a Planning Panel under Part 8 of the *Planning and Environment Act 1987* to consider submissions and report on Amendment C203king.
3. Receive a further report at the conclusion of the Planning Panel process.

### 1. Executive Summary

Planning Scheme Amendment C203king was exhibited between 18 August and 29 September 2022. A total of 506 submissions were received, including one petition with 79 signatures. Copies of submissions have previously been circulated to Councillors for review. Mapping of where submissions have been received is included in Appendix 2.

A consultation summary report has been prepared to outline the ways in which the amendment was promoted, the level of community engagement and interaction with the tools and information that were made available. The report details a high number of people have utilised the resources that were available to learn about the amendment, including direct conversations with planners as well as independently accessing information online.

A wide variety of issues have been raised in submissions which provide comments that can broadly be categorised as generally supportive, supportive subject to changes or objecting.

The key issues and topics discussed in submissions include:

- Proposed building heights in zone schedules.
- Potential impacts associated with increased building height.
- Population growth and the impact on car parking, traffic, and infrastructure.
- Proposed changes to the Schedule 1 of the Design and Development Overlay (DDO1) and use of the Neighbourhood Residential Zone.

- Concerns that the Neighbourhood Residential Zone (NRZ) has been applied too broadly.
- Concerns that the proposed Schedule 7 of the Neighbourhood Residential Zone (NRZ7) and policy changes would result in higher density development.
- Environmental related issues - climate change, trees, and flooding.
- Comments or concerns about specific details in zone schedules and policy.
- Methodology and zone boundaries.
- Concerns about the complexity of information and communication with residents.
- Site specific submissions.

Section 22 of the *Planning and Environment Act 1987* requires that Council consider all submissions received in respect to an exhibited amendment.

Pursuant to Section 23 of the *Planning and Environment Act 1987*, Council has three options at this stage of the Planning Scheme amendment process:

- (1) *After considering a submission which requests a change to the amendment, the planning authority must –*
- (a) *change the amendment in the manner requested; or*
  - (b) *refer the submission to a panel appointed under Part 8; or*
  - (c) *abandon the amendment or part of the amendment.*

Given the number of submissions received and breadth of issues covered, it is considered that the submissions are unable to be resolved. This is further complicated by the fact that the diverse range of matters addressed in submissions often present competing or conflicting perspectives, particularly in relation to the proposed zone application.

Having considered all submissions received and in accordance with Section 23 of the *Planning and Environment Act 1987* it is recommended that Council request the Minister for Planning appoint a Planning Panel to consider all submissions and report on Amendment C203king. This would allow all submitters to present their views to an independent panel and for the panel to then provide advice back to Council in relation to the relative merits of the Amendment.

Dates have been pre-set for a Planning Panel directions hearing in the week of 13 February and a full hearing commencing in the week of 27 March, 2023.

## **2. Background**

Over the life of this project several Council resolutions have been made regarding a variety of matters. Below is a summary of the most recent and relevant resolutions.

- On 23 April 2019 Council resolved to endorse a draft HS & NCS for the purpose of consultation and endorsed a community consultation program to be undertaken over a six week period.
- On 9 December 2019 Council received a summary of the findings from community consultation, prepared by Ethos Urban. It was also noted that a further report would be brought back to Council with the changes recommended by Ethos Urban to the Housing Strategy and Neighbourhood Character Study and seeking adoption of the finalised Strategy.
- On 27 April 2020 Council resolved to advise DEWLP of the delay in Council's consideration and subsequent consultation in relation to the HS & NCS due to the impact of COVID-19.

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**12 December 2022**

- On 5 August 2020, which was a continuation of the Ordinary Council meeting of 27 July 2020, Council resolved to adopt the Housing Strategy and Neighbourhood Character Study, with changes:
  1. *Note the report of recommendations prepared by Ethos Urban (Appendix 1) and the changes made to the Housing Strategy and Neighbourhood Character Study in response to submissions received and feedback from the Department of Environment, Land, Water and Planning.*
  2. *Adopt the Kingston Housing Strategy and Neighbourhood Character Study 2020, Ethos Urban (Appendix 2), subject to the following changes to:*
    - a) *Include all of the incremental change area as shown in the 25 March 2019 version of the Kingston Housing Strategy and Neighbourhood Character Study, in the Neighbourhood Residential Zone.*
    - b) *Include all of the Garden Suburban character type as shown in the 6 July 2020 version of the Kingston Housing Strategy and Neighbourhood Character Study, in the Neighbourhood Residential Zone.*
    - c) *Amend the following areas of Residential Growth Zone (RGZ) to Neighbourhood Residential Zone (NRZ):*
      - *the areas of RGZ bounded by Nepean Highway and Balcombe Road to the north, Dolomore Reserve to the south-east, Queen Street and Mitchell Street to the south, and Como Parade East to the west.*
      - *the areas of RGZ generally bounded by Balcombe Road to the south, Collins Street to the north, commercial properties fronting Nepean Highway to the east and Precinct 2A of Activity Centre Zone Schedule 2 of the Kingston Planning Scheme to the west.*
      - *the areas of RGZ bounded by Southland shopping centre to the north, Nepean Highway to the east, Cheltenham Activity Centre Zone to the south, and the railway line to the west.*
    - d) *Retain the present policy to allow no more than two units on an average-size lot (proportionally more on larger lots) in sensitive parts of the Neighbourhood Residential Zone, including areas covered by flood overlays and areas likely to be inundated by a sea level rise of 1.6m.*
    - e) *Require stairwells to rooftop decks to be unenclosed.*
    - f) *Make any necessary changes to all relevant documentation to implement the above amendments.*
  3. *Adopt the Kingston Landscape Character Assessment: Character Analysis and Landscape Guidelines 2020, Hansen (Appendix 3), subject to the deletion of all exotic species from the Common Tree Species list in the appendices.*
  4. *Ask the consultants or failing that officers to amend the Housing Strategy report, maps and Planning Scheme Amendment in accordance with this resolution.*
  5. *Request authorisation from the Minister for Planning to prepare Planning Scheme Amendment C189 in accordance with the Planning and Environment Act 1987 to implement the Housing Strategy & Neighbourhood Character Study and Kingston Landscape Character Assessment as amended.*
  6. *Exhibit Planning Scheme Amendment C189 outside of and preferably after the Council caretaker period (22 September to 24 October 2020) in accordance with the Planning and Environment Act 1987 should authorisation be granted by the Minister for Planning to prepare the Amendment.*
  7. *Endorse the community engagement program to be undertaken during a proposed 6 week exhibition period as outlined under Section 3.6 of this report, with the addition of three town hall meetings preceded by information sessions should the Covid-19 restrictions be eased by then so as to make such meetings possible.*

8. *Note that a further report will be presented to Council following the close of the exhibition period upon review of the submissions received.*
- On 25 October 2021 Council resolved to:
  1. *Note the attached correspondence from the Minister for Planning (Appendix 1).*
  2. *Adopt the amended Kingston Housing Strategy and Neighbourhood Character Study, 2021, Ethos Urban (Appendix 2).*
  3. *Adopt the amended Kingston Landscape Character Assessment: Character Analysis and Landscape Guidelines 2021, Hansen (Appendix 3).*
  4. *Abandon Amendment C157, noting that C157 which proposes changes to the Schedule 1 of the Design and Development Overlay, is being incorporated into the current Amendment.*
  5. *Request authorisation from the Minister for Planning to prepare a Planning Scheme Amendment in accordance with the Planning and Environment Act 1987 to implement the Housing Strategy & Neighbourhood Character Study and Kingston Landscape Character Assessment.*
  6. *Exhibit the Planning Scheme Amendment in accordance with the Planning and Environment Act 1987 should authorisation be granted by the Minister for Planning to prepare the amendment.*
  7. *Endorse the community engagement program to be undertaken during a proposed 6 week exhibition period as outlined under Section 3.3.5 of this report.*
  8. *Note that a further report will be presented to Council following the close of the exhibition period upon review of the submissions received.*

Following the resolution of Council in October last year, a request was lodged on 17 December 2021 seeking authorisation from the Minister for Planning to commence Amendment C203king.

Authorisation subject to conditions, was provided on 2 June 2022. The conditions of authorisation covered a range of matters that were broadly administrative in nature and included a requirement to translate all local policies into the new Planning Policy Framework (PPF) once Amendment C200king was gazetted. A condition also required amendments to the names of character areas and consequential changes to the applicable zone schedules.

### **3. Discussion**

Amendment C203king was exhibited for six weeks between 18 August and 29 September 2022. A total of 506 submissions have been received, including one petition with 79 signatures. A copy of all submissions has previously been provided to all Councillors. A Map showing the location of submissions is included in Appendix 2.

Submissions were received from and on behalf of landowners, community groups, referral authorities, developers/builders, and an adjoining Council.

The petition received raises concerns about the proposed General Residential Zone being applied to residential streets including, but not limited to, Rosewarne Avenue, Hartwell Place, Leon Street, Glyn Court, Freda Avenue and the Pagewood Park estate. More details of the issues raised in this petition, including the walkable catchment proposed around Southland Major Activity Centre, are discussed below in Section 3.9.

Several submissions were received after the close of exhibition, all of which have been included in the assessment of submissions and the total number recorded. Four submissions were received after the preparation of the map and were not included in the mapping.



A number of submissions are incomplete and missing critical details such as the submitters name and / or contact details. These omissions could be considered to render the submission invalid, however the issues raised have been considered and recorded. It is proposed that these will be included with all submissions to be referred to a Planning Panel.

Section 22 of the *Planning and Environment Act* 1987 requires that Council consider all submissions received in respect to an exhibited amendment.

Pursuant to Section 23 of the *Planning and Environment Act* 1987, Council has three options at this stage of the Planning Scheme amendment process:

- (1) *After considering a submission which requests a change to the amendment, the planning authority must –*
  - (a) *change the amendment in the manner requested; or*
  - (b) *refer the submission to a panel appointed under Part 8; or*
  - (c) *abandon the amendment or part of the amendment.*
- (2) *A planning authority may refer to the panel submissions which do not require a change to the amendment.*

Submissions have covered detailed issues on a variety of quite specific aspects of the proposed planning controls. The significant breadth of matters that are raised in submissions, including issues that are often addressed from competing perspectives, are unable to be resolved. It is therefore appropriate that Council refer the amendment to a Planning Panel in accordance with Section 23 of the *Planning and Environment Act* 1987. This would allow submitters to present their views to an independent panel and for the panel to then provide advice back to Council in relation to the relative merits of the Amendment.

A summary of the key issues raised in submissions is outlined below.

### **3.1 Proposed building heights in zone schedules**

The majority of submissions discuss proposed building heights in zone schedules, either in specific streets, precincts or suburbs or on more general terms. The variety of submissions on this topic are either generally supportive or raise concerns about proposed building heights (either too high or not high enough) and often touch on related issues about density, population growth and the demand for new housing. Where submissions oppose proposed increases in building height, these often also discuss potential impacts from taller dwellings or apartment buildings on neighbourhood character, overshadowing and overlooking.

Submissions that discuss building heights come from areas that include some of the following most common scenarios:

- Areas that are currently within the Schedule 3 of the General Residential Zone (9 metre building height) proposed to be zoned Schedule 5 General Residential Zone (11 metres/3 storeys building height).
- Areas that are currently Schedule 2 General Residential Zone (11 metres/3 storeys building height) proposed to be zoned to Schedule 5 General Residential Zone (11 metres/3 storeys building height).
- Areas that are currently Schedule 2 General Residential Zone (11 metres/3 storeys building height) proposed to be zoned to Schedule 3 of the Residential Growth Zone (13.5 metres/4 storeys).
- Areas that are currently Schedule 3 of the General Residential Zone (9 metre building height) proposed to be zoned to Schedule 7 Neighbourhood Residential Zone (9 metres/2 storeys).

Most submissions with concerns about increase in height relate to areas where the proposed Schedule 5 of the General Residential Zone would apply, with a height of 11 metres / 3 storeys. Areas where there have been a notable number of submissions concerned about proposed three storey building heights include Dingley Village, Aspendale, Mordialloc, Mentone and Cheltenham. Many of these submissions have come from an area where a maximum of two storeys is proposed, but submitters have concerns about other areas of their neighbourhood where the General Residential Zone is proposed.

Concerns have also been raised by submitters that are currently within a zone that has a three storey building height, and where this existing 3 storey limit is proposed to continue within the new Schedule 5 of the General Residential Zone. Many of these submissions raise concerns about the impact of three storey buildings on the character of their area which submitters say is predominantly single and double storey built form.

Submissions have also variously expressed support for the amendment and proposed zone and building height for an area or qualified support subject to particular changes to the drafting of the zone schedule.

Some submissions have raised concerns about the Neighbourhood Residential Zone being proposed for their area, submitting that two storey dwellings are inappropriate for what is considered a predominantly single storey street or precinct.

Submissions which discuss concerns about the proposed application of the Neighbourhood Residential Zone are discussed in more detail below.

### **3.2 Potential impacts associated with increased building height**

As discussed above under section 3.1, some submitters perceive a problem with proposed increases in building heights and the potential for impacts on amenity outcomes and neighbourhood character. Submissions discuss concerns about changes to neighbourhood character through the demolition of existing single storey homes and replacement with more contemporary looking buildings and either large double storey dwellings or three storey townhouses or apartments. Changes to the look and feel of streetscapes, loss of vegetation and garden areas with more dwellings and increasing site coverage of buildings are discussed.

Overshadowing is frequently raised in submissions, with loss of sunlight to solar panels, private open space and gardens nominated as areas of potential impact from taller buildings. Overlooking is also a concern, and some submissions critique overlooking treatments such as obscure glazing or screens as being inadequate.

### **3.3 Population growth and the impact on car parking, traffic, and infrastructure**

Many submissions discuss concerns about the potential impacts of population growth particularly in relation to infrastructure provision, increases in vehicle traffic and pressure on public car parking areas (both on-street residential parking and shopping precincts). Changes to the existing zones have been perceived by some people as an indication that the population density in their area will increase, an idea that has been expressed by people across a range of rezoning scenarios, including where a Neighbourhood Residential Zone is proposed.

Some submissions have discussed the idea that either the population growth figures provided in the Housing Strategy and Neighbourhood Character Study are incorrect or should be revised based on a variety of reasons (including Covid related impacts on population). Other submissions have suggested that Council should resist any expectation that population growth needs to be accommodated and that growth is not sustainable.

Submissions discuss concerns about the capacity of a range of infrastructure to cope with more people – this includes schools, childcare facilities, shopping centres, hospitals and medical clinics, public open space, and road and drainage networks. Some submissions consider that the infrastructure in their neighbourhood has either reached capacity or is beyond capacity, while others indicate that they would accept greater residential densities if there was an increase in services and infrastructure.

A few submissions have discussed issues around principles of integrated transport planning that encourages the greatest amount of housing change closest to public transport and providing infrastructure to support walking and cycling as alternatives to car based travel.

### **3.4 Proposed changes to the Schedule 1 of the Design and Development Overlay (DDO1) and use of the Neighbourhood Residential Zone**

Amendment C203 proposes to consolidate the existing Schedule 1 of the Design and Development Overlay (Urban coastal height control area) and Schedule 7 of the Design and Development Overlay (Urban coastal foreshore setback control area) into one overlay (the new DDO1). The changes are needed to simplify these two overlays and make them clearer. The changes are intended to be policy neutral, with the new DDO1 retaining current requirements such as a mandatory height limit of two storeys and a 4.5 metre setback of buildings from the foreshore reserve.

Properties within the DDO1 are currently also either in Schedule 2 of the General Residential Zone (11m / 3 storeys) or Schedule 3 of the General Residential Zone (9m). The DDO1 two storey height overrides any height control in a zone. Amendment C203 proposes to apply the Neighbourhood Residential Zone to areas within the DDO1 to provide a zone height that is consistent with the DDO1.

A variety of submissions have been received that discuss the proposed amendments to the existing DDO1 – both in support of the proposed overlay, or opposing the overlay being applied to their property. Submissions opposing the DDO1 on their property cover several different matters to substantiate why the DDO1 should be removed, and a General Residential Zone applied, including proximity to public transport and activity centres where taller and more intensive development is usually deemed appropriate by the Planning Policy Framework and Plan Melbourne.

Some submissions don't oppose the application of the DDO1 to their property, but believe the appropriate zone is a General Residential Zone which they consider would enable more development potential.

### **3.5 Concerns that the Neighbourhood Residential Zone (NRZ) has been applied too broadly**

Submissions have been received that consider that the NRZ has been applied too broadly, without strategic basis. Some of these submissions raise concerns that the Housing Strategy and Neighbourhood Character Study places too much emphasis on existing neighbourhood character and does not appropriately apply the General Residential Zone and Residential Growth Zone in areas where greater change should be encouraged.

Some submissions raise concerns that current areas within the Schedule 2 of the General Residential Zone are being 'back zoned' (by being placed in the NRZ) and these areas should be retained in the General Residential Zone based on their proximity to transport and activity centres.

**3.6 Concerns that the proposed Schedule 7 of the Neighbourhood Residential Zone (NRZ7) and policy changes would result in higher density development**

Several submissions have raised concerns about the proposed NRZ7 which is the most broadly applied schedule. Concerns surround a belief that the schedule drafting, along with changes to local policy would facilitate more density.

Amendment C203 proposes to update local policies in Clause 02.03-6 (Housing) and Clause 16.01-1L-01 (Housing Supply – Kingston) to make them consistent with the proposed housing change areas and aligned with Planning Practice Notes 90 and 91. These local policies currently contain a strategy for incremental change areas which encourages either 'two dwelling' or 'dual occupancy developments' on average sized lots. Some submissions have requested that these current policies should be retained and that the NRZ7 should also restrict density.

**3.7 Environmental related issues - climate change, trees, and flooding**

Several submissions have discussed a variety of environmental issues that form the basis for concern or support of Amendment C203. Submissions raise climate change, loss of tree canopy cover, development that reduces permeable areas and impacts on stormwater run-off and flooding as reasons to either agree or disagree with the zoning proposed in some areas or drafting details in zone schedules (such as landscaping requirements).

Sea level rise was flagged as a concern and a basis for a recommended wider application of the Neighbourhood Residential Zone (NRZ), whilst some submissions noted and supported the approach of NRZ being proposed to all residential foreshore areas as an appropriate response to predicted sea level rise.

**3.8 Comments or concerns about specific details in zone schedules and policy**

Some submissions have provided detailed feedback on various aspects of the draft planning controls, with comments ranging from generally supportive to others that recommend changes. A summary of some of the key matters is provided below:

- That some of the controls are too prescriptive and onerous.
- Some submissions query whether there is sufficient strategic basis for some of the draft controls in the adopted Housing Strategy and Neighbourhood Character Study.
- A mix of comments on the landscaping requirements in zone schedules and policy, some supportive and some not, including:
  - Support for specifying native and indigenous species.
  - Opposition to native and indigenous species planting.
  - Opposition to allowing exotic species in some areas.
  - Support for the overall intent of specifying tree planting.
  - Opposition to tree planting requirements which are considered too onerous, difficult to achieve and that it will impede development.
- Some submissions raise concerns that the proposed zone schedules do not appear to set a maximum building height (which is set by the zone if not specified in the schedule) or requirements for matters such as site coverage or setbacks for example (matters that are covered in ResCode if the standard is not varied by a zone schedule).

- Submissions which request the retention of the current Schedule 3 of the General Residential Zone, including the current Standard B28 ResCode variation for Private Open Space provision.
- A mix of comments on the drafting of planning policy, including (but not limited to) various aspects of Clause 15.01-1L-01 (Urban design), Clause 15.01-5L-01 (Neighbourhood Character) and Clause 15.01-5L-02 (Landscape character).

### **3.9 Methodology and zone boundaries**

Submissions have been received, including a petition, that comment on, or raise concerns about various aspects of the methodology or planning rationale used to implement new zones or determine the boundaries of zones. Several submissions outline specific attributes of their property, street, or local area which they recommend should be considered in determining the boundary of zones and many make requests for changes to boundaries.

Several matters have been raised in relation to the designation of Southland / Cheltenham as a Major Activity Centre (MAC), the way in which the walkable catchment has been applied to this centre and potential differences in the way this centre has been treated compared to others such as Mentone. There is also a concern that the zones have been applied in a way that has had limited regard to context of the local area, and the impact on streets and residential amenity.

Some submissions (including the petition received) have made recommendations about how the Southland MAC catchment should be applied and where zone boundaries should be altered to reduce the amount of the General Residential Zone (GRZ) and/or Residential Growth Zone proposed in some areas. A precinct that has been advocated for revision is the proposed application of the GRZ in Cheltenham on the east side of Wilson Street and the Pagewood Park estate for example. A submission also details the proposition that the current zone settings have facilitated an appropriate level of development to meet population growth and are able to continue to meet forecast figures without needing to apply the GRZ in the way that it has been in Cheltenham.

### **3.10 Concerns about the complexity of information and communication with residents**

Comments have been raised in some submissions regarding the complexity of information, and how the proposed changes were communicated with residents. Concerns have also been expressed that the amendment material was reliant on people accessing information online.

### **3.11 Site specific submissions**

Some site-specific submissions have been received, primarily prepared by consultants on behalf of landowners, commenting on the proposed planning controls for each site and raising concerns about the potential impact on their business operations and/or future redevelopment opportunities. These submissions generally recommend the application of a more enabling zone in most circumstances, and some provide more detailed comments on the drafting of planning controls.

Several site-specific submissions have been received regarding properties within the DDO1 and proposed various schedules of the Neighbourhood Residential Zone (NRZ). These submissions generally raise concerns with the two-storey height limit that would apply via the new DDO1 (and exists in the current DDO1). Comments and concerns have also been made about the proposed NRZ that would apply, and broadly these comments consider that the new DDO1 and NRZ would be more restrictive for their site and are not supported.

#### **4. Consultation**

##### **4.1 Internal Consultation:**

Throughout the life of the project, internal stakeholders have been engaged to provide input into the Housing Strategy and Neighbourhood Character Study. This has included Statutory Planning Officers and Vegetation Management Officers who have provided important feedback on the Strategy, landscape character assessment and draft planning controls.

##### **4.2 Community Consultation:**

Formal exhibition of Amendment C203king was undertaken in accordance with Section 19 (1) of the *Planning and Environment Act 1987*.

The resolution of Council on 25 October 2021 included an endorsement of an engagement program detailed in the officer report. The program proposed to:

- Send a tailored letter to all residential owners and occupiers advising of details of the exhibition engagement activities and documentation and provide current zone/building height and proposed zone/building height to the individual property.
- Email over 4,000 people registered to receive updates on the project.
- Promotion of the amendment through our website, print and social media.
- Provision of detailed information on a Your Kingston Your Say (YKYS) page.
- Implement an interactive mapping tool (Policyscape).
- Conduct three area-based webinars, to be recorded and made available on YKYS.
- Provide one on one conversations with planners.

A consultation summary report is provided in Appendix 1, outlining the variety of channels used to promote consultation and the ways in which people participated. Overall, there was a high level of engagement with online consultation materials and contact with Council officers, including:

- Over 9,900 visits to the Your Kingston Your Say consultation page
- 6,397 visits to the Policyscape mapping tool
- 3,420 document downloads
- 166 views of webinars
- Over 280 phone calls

Group	Method
Key Stakeholders	<ul style="list-style-type: none"><li>• 78, 812 tailored letters were sent to all landowners and occupiers of all affected properties within areas of proposed changes to planning zones, overlays and local policy.</li><li>• Promotion of the pending amendment was also circulated with rates notices.</li><li>• Briefings were provided to community groups such as the Kingston Residents Association, and the Dingley Village Community Association.</li><li>• The Suburban Rail Loop Authority requested a briefing, with an active interest in understanding proposed planning controls around Highett and Cheltenham.</li></ul>

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**12 December 2022**

Group	Method
	<ul style="list-style-type: none"> <li>• A briefing was offered to local MPs and State election candidates.</li> <li>• Letters were sent to adjoining Councils, local MPs, statutory authorities, community groups and approx. 50 frequent planning permit applicants.</li> </ul>
General community	<ul style="list-style-type: none"> <li>• A consultation page was used on Your Kingston Your Say (YKYS) to provide access to the proposed planning ordinance and background documents.</li> <li>• Planning ordinance, maps and background documents are also available on the DELWP Planning Scheme Amendments webpage.</li> <li>• Hard copies of the amendment documentation were provided for viewing at all libraries and Council's Cheltenham office.</li> <li>• Three area based webinars were held, these were recorded and made available on YKYS.</li> <li>• A full page advertisement was included in KYC.</li> <li>• Advertisements were included in local newspapers, and a notice was provided in The Age.</li> <li>• Social media posts were made.</li> <li>• Digital screens in Council venues were used.</li> <li>• Notices were included in e-newsletters sent to people registered to receive them.</li> <li>• Two mail chims were sent to people registered to receive updates regarding the Housing Strategy &amp; Neighbourhood Character Study/C203 at the opening of consultation and during consultation. A third mail chimp has been sent at the close of consultation to provide an update and outline next steps.</li> </ul>
Advisory Committees	
Government agencies	<ul style="list-style-type: none"> <li>• Letters were sent to prescribed Ministers, referral authorities, State Government department landowners and local MPs.</li> </ul> <p>A public notice was published in the Government Gazette.</p>
Targeted groups	<ul style="list-style-type: none"> <li>• Engaging some parts of the community in often technical and complex strategic planning projects can be challenging, this was considered in the preparation of consultation materials and activities. Ensuring that material was accessible to traditionally harder to engage people from culturally and linguistically diverse communities, young people, people who work/have caring responsibilities and are time poor and people who have technological barriers/limitations was considered in preparation for the exhibition period.</li> <li>• Written information summarising the proposal was provided to the Bunurong Land Council, along with the offer of a briefing.</li> </ul>

Group	Method
	<ul style="list-style-type: none"><li>• The YKYS consultation page provided a central location of material and recorded webinars for people to view at their own pace and at a time convenient to them. The main page text can be translated into 8 languages. A brochure and FAQs document were translated into Greek, Italian, Russian, simplified Chinese, and Vietnamese.</li><li>• An online submission form was made available for the first time for an amendment process, to provide an additional way to make a submission.</li><li>• Hard copies of material were made available for viewing at all libraries and Council's Cheltenham office to ensure that people without a computer or the internet could access information.</li><li>• Scheduled one on one sessions were held, along with appointment bookings for people to have a conversation with a planner either in person, on the phone or online to cater to people with specific questions or who needed assistance understanding documentation. These meetings were held at a variety of times during the day and in the evenings.</li></ul>

**4.3 Results/Findings:**

The findings of community consultation are discussed in detail in section 3 of this report.

**5. Compliance Checklist**

**5.1 Council Plan Alignment**

Strategic Direction: Liveable - Our city will be a vibrant, enjoyable, and easy place to live.

Strategy: Plan for changes in the population and the community's housing needs

The Housing Strategy and Neighbourhood Character Study provides a twenty-year plan to meet Kingston's housing needs.

In line with the directions and strategies provided in Plan Melbourne and the Planning Policy Framework, the Strategy seeks to focus the greatest level of housing growth to areas with the infrastructure and services to support increased residential densities. Different rates of housing change will be facilitated through the application of new residential zones across the municipality.

**5.2 Governance Principles Alignment**

Principle (a) - Council actions are to be made and actions taken in accordance with the relevant law.

Principle (d) - the municipal community is to be engaged in strategic planning and strategic decision making.



The Planning Scheme Amendment process is a formal statutory process that is undertaken in accordance with the requirements set out in the *Planning and Environment Act 1987* (The Act). The Act specifies requirements that must be met by Council, including notification of affected parties, and sets the parameters for how people can engage in an Amendment process through making submissions. The Act also outlines the process for the next steps to be undertaken by Council.

### **5.3 Financial Considerations**

#### **Projected costings**

Given the scope and complexity of the project, it is considered necessary to engage legal representation and expert witnesses to represent Council's interests through the Panel Hearing, with an estimated cost of approximately \$350,000.

The scope and cost of legal representation has been discussed with the Executive Manager Legal.

#### **Budget**

The cost of the Panel hearing and expert evidence will be covered in the existing 2022/2023 operational budget for the strategic planning team.

Funding for legal representation will be drawn from Council's legal budget and has been discussed with Council's Executive Manager Legal.

#### **Staff Resources**



Officer support and coordination of the Planning Scheme Amendment process can be delivered with existing resources and staff.

### **5.4 Risk considerations**

The previous Minister for Planning has provided clear direction to all Councils with non-conforming residential zones as to the timeframe within which to update their residential zones. If Council decided to not progress Amendment C203 at this stage, this would give rise to the potential risk of the Minister for Planning intervening to implement a mandatory translation of the zones.

## **Appendices**

Appendix 1 - Amendment C203 - Consultation Summary Report (Ref 22/313222)  

Appendix 2 - Submission map (Ref 22/302812)  

Author/s:	Tanya Sokolowski, Principal Strategic Planner
Reviewed and Approved By:	Paul Marsden, Manager City Strategy
	Jonathan Guttman, General Manager Planning and Place

# 8.5

## PLANNING SCHEME AMENDMENT C203 – CONSIDERATION OF SUBMISSIONS

1	Amendment C203 - Consultation Summary Report .....	69
2	Submission map.....	75

## Consultation summary

# KINGSTON'S NEW RESIDENTIAL PLANNING RULES - AMENDMENT C203

### Background

For several years Kingston Council has been working with the community to develop new residential planning rules, to meet requirements from the Victorian Government.

The Housing Strategy and Neighbourhood Character Study was developed following significant community consultation and was adopted by Council in 2021.

Following adoption of the Housing Strategy and Neighbourhood Character Study, new residential zones and overlays were proposed to address key issues including building heights, setbacks and landscaping in our neighbourhoods.

The most recent stage of consultation invited community feedback on these proposed new planning controls (Amendment C203).

### What does Amendment C203 propose?

The amendment proposes to replace existing residential zones with new residential zones across most of Kingston, and introduce new or amended overlays in some areas. The amendment also proposes changes to planning policy.



# SUMMARY OF CONSULTATION

## Why does Kingston need new residential planning controls?

The Victorian Government estimates Melbourne will grow to 7.9 million people by 2051. Our city can't keep sprawling outwards, so the Victorian Government's Plan Melbourne sets out how all local Councils will have to take their fair share of the growth. New residential zones and overlays help ensure Kingston is well planned, with growth directed to the most appropriate areas.

Kingston Council has long-campaigned to see population growth centred around our key activity centres, close to public transport, shops and services to allow us to protect the amenity of our quieter streets.

Council is using feedback from the community to ensure we absorb our fair share of growth in Kingston, without losing the features we love about our neighbourhoods.

## Community consultation for this project ran from 18 August 2022 to 29 September 2022.

During this time, we invited Kingston residents and homeowners to share their thoughts on the proposed new planning controls. The community was able to access information and look up their individual addresses to see what the proposed changes meant for them.

Our aim was to build awareness of the proposed changes and ensure Kingston residents and home owners were able to access easy-to-understand material and have their say on the new residential zones and overlays. This included a tailored letter, which outlined their current zone and overlays and the proposed changes.

Community consultation was promoted widely via a variety of channels, including:

- Tailored letter to all residents and homeowners outlining what the changes mean for them
- Rates notices
- Print media
- Social media
- Digital media
- Website
- Newsletters

Information was also translated into Greek, Italian, Russian, Simplified Chinese and Vietnamese (the top five languages other than English spoken at home, in Kingston).

This summary outlines how people participated, who we heard from and some of the key themes that were raised.

## WHO DID WE REACH

### Print



**78,812**

Direct mail to all residents and property owners



**79,662**

Insert in annual rates notice/email



**66,000**

Full page ad in KYC



**16,368**

Ad in Chelsea, Mentone, Mordialloc News



**851,000**

Notice in The Age

### Digital



**5,700**

Social media post viewers



**>9,900**

Visits to *Your Kingston Your Say* consultation page



**6,397**

Visits to online address look-up tool



**2,228**

Email subscribers (x2 emails)



**2,718**

Kingston News subscribers

### 3,420 Document downloads:

**1,285**

15.01 Built environment

**925**

#7 Schedule 7 to clause 32.09 Neighbourhood Residential Zone

**476**

#12 Schedule 5 to clause 32.08 General Residential Zone

### 166 total webinar views:

**83**

Webinar registrations

**21**

Live webinar attendees

**42**

Post-webinar views

#### Webinar 1

(Clayton South, Clarinda, Dingley Village, Heatherton, Highett, Oakleigh South and Moorabbin)

**57**

Post-webinar views

#### Webinar 2

(Cheltenham, Mentone, Mordialloc and Parkdale)

**46**

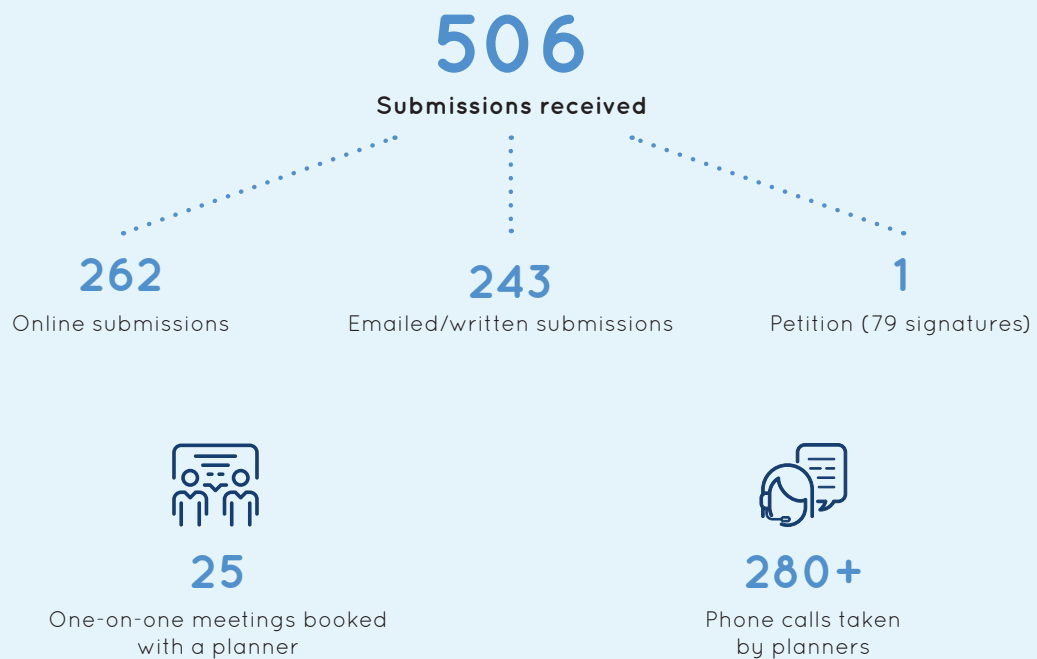
Post-webinar views

#### Webinar 3

(Aspendale, Aspendale Gardens, Edithvale, Chelsea, Chelsea Heights, Bonbeach, Carrum and Patterson Lakes)

## HOW FEEDBACK WAS PROVIDED

### Submissions

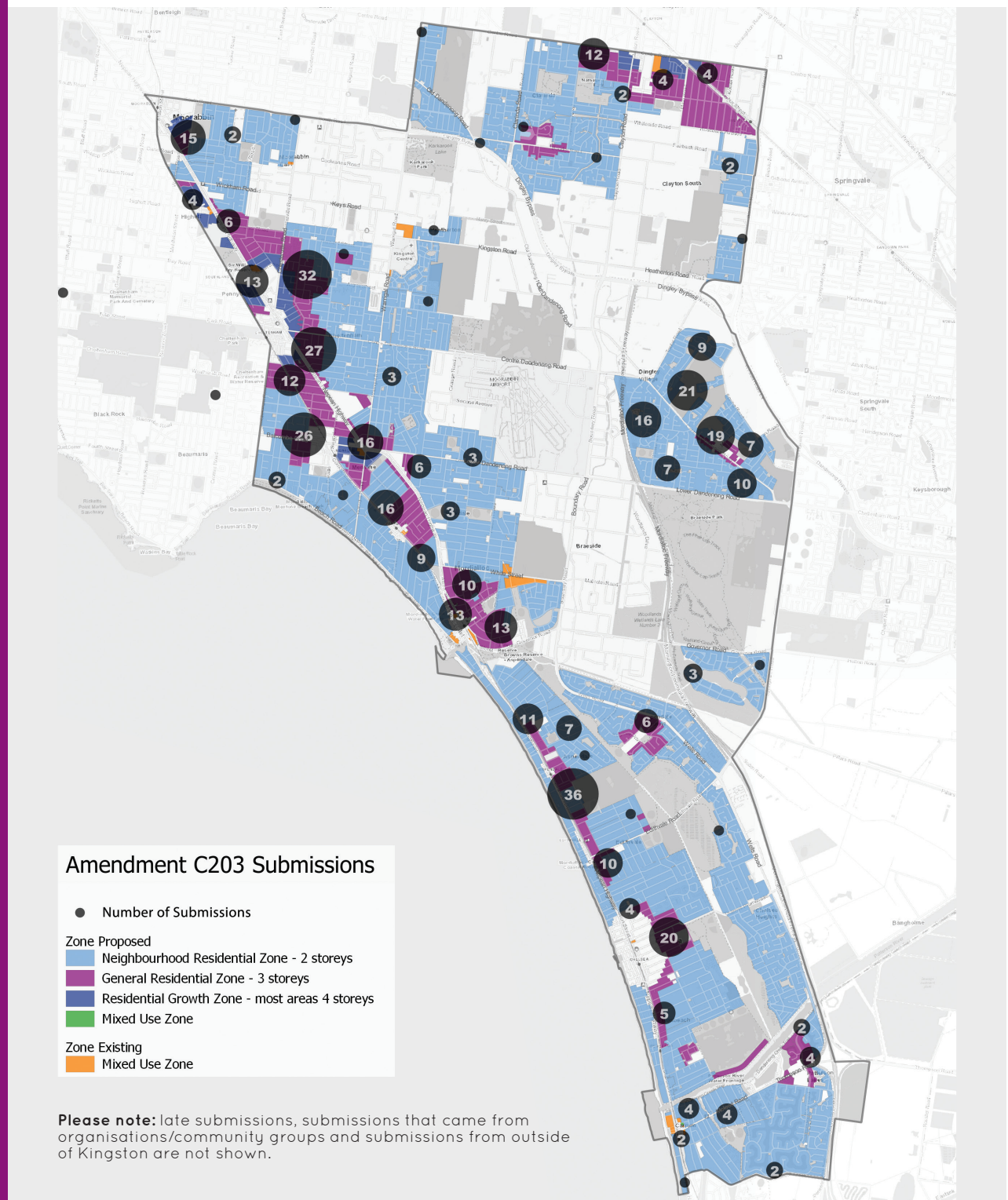


### Key themes

Some of the most commonly identified issues raised in the submissions during consultation include:

- Proposed building heights in a number of locations in the municipality
- Dwelling density and potential impacts on traffic and car parking
- Consideration to be given to planning for climate change and sustainable development
- Population growth and infrastructure provision.

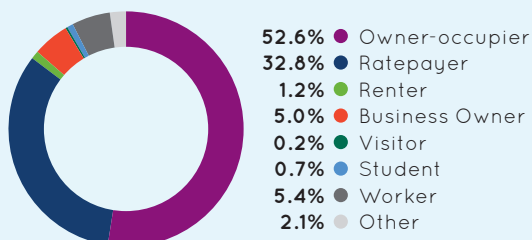
## WHERE SUBMISSIONS CAME FROM



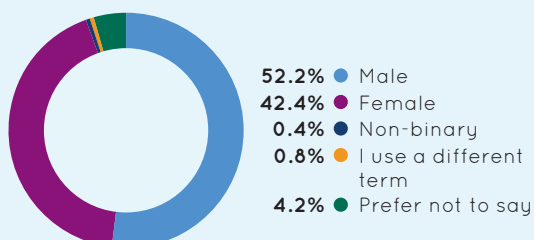
## PARTICIPANT DEMOGRAPHICS

## WHAT'S NEXT

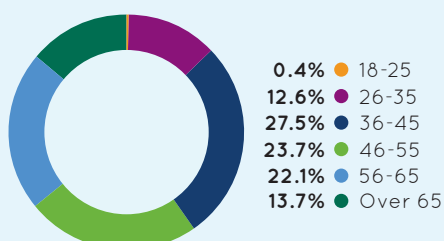
### Relationship with City of Kingston



### Gender



### Age



**Please note:** demographic information relates to online submissions received via Council's consultation platform Your Kingston Your Say only. This information wasn't required for email and written submissions.

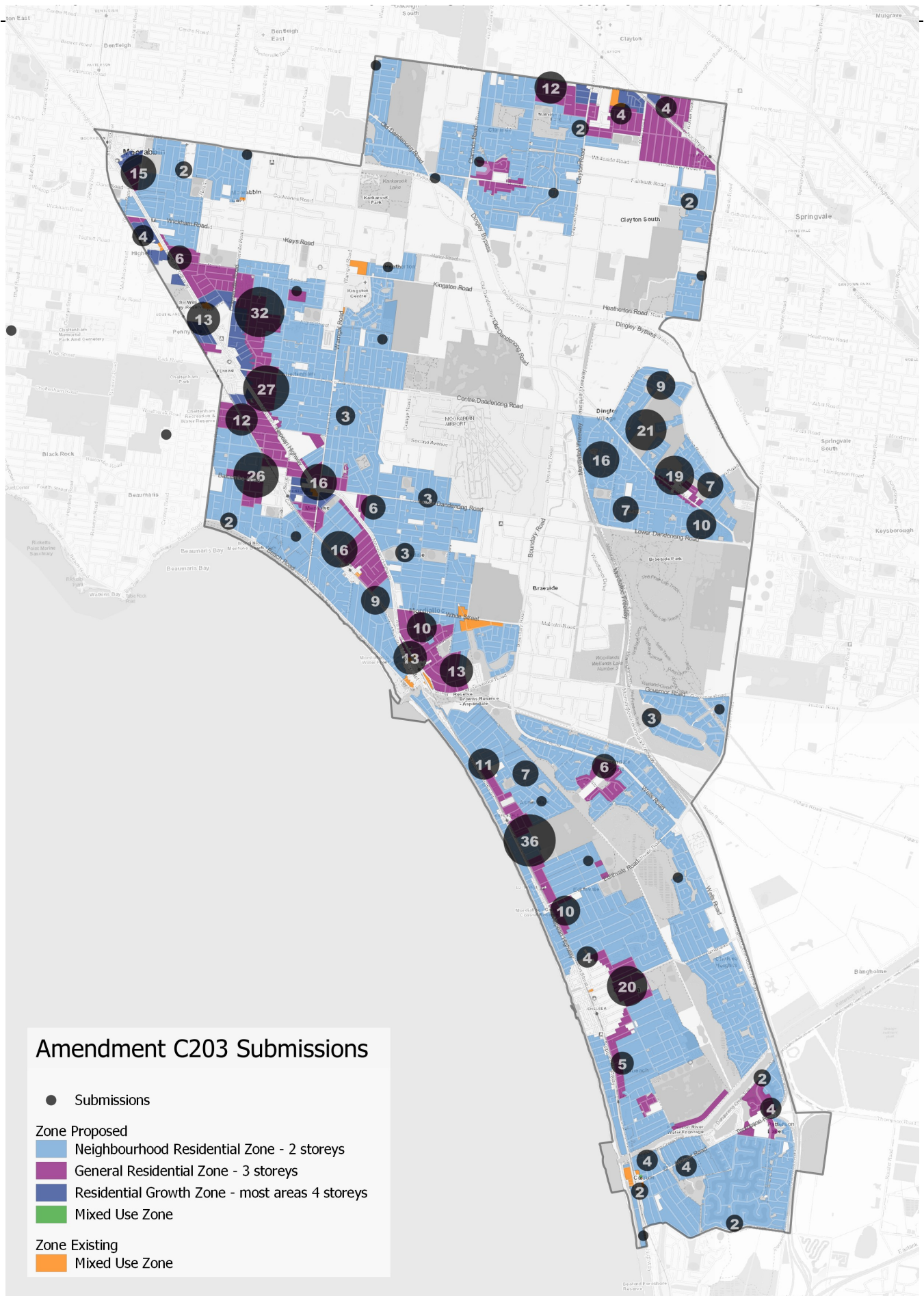
**Council has considered all submissions received during consultation and a decision whether or not to proceed to a Planning Panel will be made at a Council Meeting in December 2022.**

If we proceed to a Planning Panel, the panel will hear submissions about the amendment and will make recommendations or provide advice if the amendment should proceed.

The amendment, including the Panel report, will then be considered at a Council Meeting.

If the amendment is adopted by Council, it will be submitted to the Minister for Planning for the final decision.





## **9. Community Strengthening Reports**

# Ordinary Council Meeting

12 December 2022

**Agenda Item No: 9.1**

## **COMMERCIAL USE OF COUNCIL LAND - THE CROWDED HOUR SUMMER LOUNGE**

**Contact Officer:** Christine Powell, Festivals & Events Officer  
Morgan Henley, Team Leader, Festivals & Events

### **Purpose of Report**

To seek Councillors' direction on a Commercial Use of Council Land application to facilitate the Crowded Hour - Summer Lounge in Edithvale

### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### **RECOMMENDATION**

That Council endorse the proposal for The Crowded Hour Summer Lounge to be held at Beeson Reserve, Edithvale from Friday 20 January – Sunday 5 March 2023 on the condition that the applicant satisfies a range of conditions including event safety and event management measures and agreement to a commercial use of land fee.

### **1. Executive Summary**

The Commercial Use of Land policy adopted August 2018, requires a resolution of Council for any proposed events with a duration of two days or more.

The Crowded Hour Summer Lounge (Summer Lounge) is an outdoor dining and music activation to provide local residents with outdoor dining options and to rejuvenate Edithvale's hospitality sector following two years of disruption due to COVID19 restrictions, and road and railway construction works.

The application has been discussed with multiple internal stakeholders to ensure thorough assessment by subject matter experts. The consensus among officers is to support the application in principle, with any minor concerns raised being mitigated by the inclusion of special licence conditions, should the proposal be endorsed by Council.

### **2. Background**

Xtreme Ventures Pty Ltd (the operator) trades as The Crowded Hour, a small, licensed café and wine bar located at 264 Nepean Highway, Edithvale, approximately 30m from Beeson Reserve.

For the past two years, The Crowded Hour has operated a Summer Lounge at Beeson Reserve. These arrangements were made in line with the Commercial Use of Council Land Policy and City of Kingston support of the Outdoor Activation of business in response to COVID-19, as encouraged by the State Government.

On both occasions, this support included a significant reduction in the Commercial Use of Council Land fee applied. The total fee for the 2021/22 Summer Lounge which included 30 event days and 36 non-operational days was \$5,858.07 (incl GST).

The Summer Lounge has been well received by the local community, businesses and residents. Feedback received after the first activation and prior to the 2021/22 Summer Lounge was overwhelmingly (95%) supportive of the proposal.

The Crowded Hour has changed ownership since the last Summer Lounge, and the new owner has highlighted a desire to continue to facilitate the event annually.

If the current proposal is approved by Council, the operators will be issued a licence agreement. This agreement will include standard conditions along with specialised requirements set by the relevant internal departments including Open Space, Environmental Health, Property Services and Events, similar to those imposed on previous iterations of the Summer Lounge.

### **3. Discussion**

#### **3.1 Proposed Event**

The Crowded Hour, Summer Lounge at Beeson Reserve, Edithvale.

Friday 20 January – Sunday 5 March 2023 (seven weeks)

Operating every Friday, Saturday and Sunday

The operator proposes the Summer Lounge will include:

- Maximum capacity of 100
- Enclosed fenced area to be known as ‘the lounge’
- A container bar selling craft beer/wine and cocktails and a food vendor
- Small stage for acoustic music and/or small acoustic group (no bands) will perform
- Chairs and tables
- A couple of 3x3 marquees to provide shade

The operators have also advised the area proposed represents the minimum area, they can occupy to effectively facilitate the Summer Lounge activity.

The operating dates and times proposed by the operators are:

- Bump-in and bump out:
  - Container delivery: Thursday 19 January 2023
  - Container removal: Monday 6 March 2023
  - Operational day bump-in: 10am – 12pm
  - Operational day bump out: 9 – 10pm
- Operational days and times:
  - Friday, Saturday and Sunday, 12 – 9pm

At the end of each operating day, the temporary infrastructure will be bumped out and stored in the container bar, returning the majority of the Reserve to unrestricted open space.

The proposal can be reviewed in full in Appendix 1.

**3.2 Commercial Use of Land fee**

The current Commercial Use of Land fee for a Secondary Site such as Beeson Reserve is \$750.00 per event day + \$375.00 per bump in and out day + \$278.00 license preparation fee. In addition, the shipping container fee of \$29.58 per day is applied to the non-operational days. Applying this rate, the total fee payable for the proposed event is \$17,487.92.

Upon advising the operator of this rate, they advised the fee may prove too high for event viability. In doing so the operators highlighted that the (reduced) fee charged for the 2021/22 event of \$5,858.07 equated to 13% of the gross revenue generated.

The operators have subsequently made a request for Council to consider reducing the Commercial Use of Land fee, should the proposal be accepted and for the container fee to be waived entirely.

To consider this request further details have been sought from the operator regarding the projected Profit and Loss and how these figures compare to the last Summer Lounge event. The operator has provided the document in Attachment 2 (Confidential) and correspondence in Attachment 3 (Confidential) outlining these details.

Officers are not in favor of reducing or waving the fees as set out in the Commercial Use of Land policy and recommend the total fee payable for the proposed event is \$17,487.92.

**4. Consultation**

**4.1 Internal Consultation:**

**4.1.1 Open Space**

The Open Space team are comfortable with the proposal. The team highlighted a need for conditions to be included in the licence, subject to Council approval, to ensure the protection of the garden beds.

**4.1.2 Kingston Business**

The Kingston Business team are also comfortable with the proposal on the condition that the operator engages with all the nearby businesses to discuss the Summer Lounge prior to the activation commencing.

**4.1.3 Environmental Health**

The Environmental Health team have requested specific conditions be included in the licence, subject to Council approval, to address EPA noise guidelines and compliance, and requirements in line with the Food Act.

**4.1.4 Property Services**

The Property Services team queried the suitability of the activity and local community tolerance for this type of use of Beeson Reserve, noting some complaints had been received regarding the previous two Summer Lounge activations. The team especially highlighted a complaint from Sand Dunes Kiosk who identified that the activation had a negative impact on their business.

The team also highlighted that the Commercial Use of Land Policy is currently due for review and noted that in recent years there has been an increase in applications for Commercial Use of Council Land for events with extended periods of occupation. The policy and associated per day fee structure was never intended for events involving extended periods of occupation, rather it was designed for events of 1-3 days. Arrangements for longer term events will be considered as part of the Commercial Use of Council Land policy review.

The Property Services team also highlighted they do not support a reduction to the fees applied to this event, but noted that under the current policy, the waiving and/or reduction of fees is at the discretion of the Chief Financial Officer.

**4.2 Community Consultation:**

The Summer Lounge proposal was discussed with the Chelsea branch of Victoria Police. The contact advised the two previous Summer Lounge activations were very community focused events facilitated without incident and that they supportive it returning to Beeson Reserve in January 2023 and beyond.

**5. Compliance Checklist**

**5.1 Council Plan Alignment**

Strategic Direction: Liveable - Our city will be a vibrant, enjoyable, and easy place to live.

Strategy: Foster a thriving and innovative arts and culture scene, which is both diverse and inclusive

**5.2 Governance Principles Alignment**

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Principle (c) - the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

**5.3 Financial Considerations**

**5.3.1 Projected costings**

The event is not anticipated to incur any cost to Council.

**5.3.2 Budget**

The Commercial Use of Land fee applicable to the proposal is \$17,487.92, calculated as follows.

Fee Type	Qty	Fee	Total
Bump In Day	1	\$375.00	\$375.00
Event Days	21	\$750.00	\$15,750.00
Non-Operational Days	24	\$29.58	\$709.92
Bump Out Day	1	\$375.00	\$375.00
Permit Fee Processing	1	\$278.00	\$278.00
		<b>TOTAL</b>	<b>\$17,487.92</b>

This fee for a total of 21 event days, and 24 non-operational days is considerably more than the (reduced) fee applied to the last Summer Lounge which involved 30 event days and 36 non-operational days and attracted a total fee of \$5,858.07.

**5.3.3 Staff Resources**

The proposal review and licencing will be delivered within existing staff resources.


**5.4 Risk considerations**

The Summer Lounge has operated for two years under COVID conditions and been well received by the Edithvale community and considered a success.

Considering this there is a minor reputational risk to Council of not approving the application.

The operator has also advised that the proposed Commercial Use of Council Land Fee is too high for event viability and requested a reduction. Not approving this reduction also presents a minor reputational risk to Council.

### **Appendices**

Appendix 1 - Commercial Event proposal - The Crowded Hour Summer Lounge 2023  
(Ref 22/329341) 

Appendix 2 - The Crowded Hour Summer Lounge 2022 - Projected Profit and Loss (Ref 22/339557) - Confidential

Appendix 3 - The Crowded Hour Summer Lounge 2022 - Correspondence re. Profit and Loss (Ref 22/339560) - Confidential

Author/s:	Christine Powell, Festivals & Events Officer Morgan Henley, Team Leader, Festivals & Events
Reviewed and Approved By:	Simon Doyle, Manager Arts, Events and Libraries Sally Jones, General Manager Community Strengthening

# 9.1

## COMMERCIAL USE OF COUNCIL LAND - THE CROWDED HOUR SUMMER LOUNGE

1	Commercial Event proposal - The Crowded Hour Summer Lounge 2023.....	87
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## **Taking it outdoors: 2023 Project Proposal**





## ‘Taking it outdoors’

### 2023 Project Proposal

#### Contents

1. Project overview .....	3
1.1. Objectives.....	3
1.2. Proposal .....	3
1.3. Operator.....	3
1.4. Key data .....	3
2. Facilities.....	4
2.1. The bar .....	4
2.2. The service area .....	4
2.3. Toilets.....	5
3. Entertainment.....	5
4. Community engagement .....	5
5. Traffic management.....	6
5.1. Installation .....	6
5.2. Operation .....	6
6. Covid-safe management .....	6
7. Local residents .....	6
8. Other matters .....	7
8.1. Asset protection.....	7
8.2. Operating hours .....	7
8.3. Liquor licensing .....	7
8.4. Insurance.....	7
8.5. Other traders .....	7

## 1. Project overview

### 1.1. Objectives

**Amenity** - to provide local residents with outdoor dining options in line with Victorian Government support and guidance

*‘Councils will work with their communities to breathe new life into streets and shopping strips across the state, making the most of outdoor opportunities this summer and beyond.’ – Shaun Leane MP, Minister for Local Government*

**Economy** - to rejuvenate Edithvale’s hospitality sector following two years of Covid-19 restrictions, and road and railway construction

*‘This is about giving businesses support to reopen in safe and new ways, ensuring they can recover strongly and quickly. Our small businesses are raring to go and this will mean more customers and more trade as we move ever closer to our key vaccination targets.’ – Jaala Pulford MP, Minister for Small Business*

**Jobs** - to create employment opportunities for Kingston locals

**Community** - to assist local community organisations to re-connect with their constituent communities and promote the diversity of Edithvale hospitality businesses.

### 1.2. Proposal

Build on the success of last summer’s temporary outdoor dining facility at **Beeson Reserve** in Edithvale, including by integrating local community organisations and businesses.

### 1.3. Operator

Xtreme Ventures Pty Ltd (the **operator**) trades as The Crowded Hour, a small licensed café and wine bar located at 264 Nepean Highway, Edithvale (approx. 30m from Beeson Reserve).

### 1.4. Key data

**When:** 30 December 2022 to 5 March 2023

**Days:** Friday, Saturday and Sunday afternoons

**Times:** 12pm to 9pm (premises cleared by 10pm)





## 2. Facilities

### 2.1. The bar



The heart of the project is the placement of a modified shipping container (the **bar**) in the centre of Beeson Reserve, at the north-eastern boundary of the project site.

The bar is a safe, secure facility that operates as a fully-functional food and beverage dispensary during operating

hours. Outside operating hours, the bar will store all of the outdoor dining furniture, and any other necessary equipment.

The proposed location of the bar has been carefully selected in order to minimise the visual impact of the bar outside operating hours. The bar will not impede any footpaths or car parks at the project site.

The bar will be connected to Council power available at the site, using facilities paid for by the operator.

### 2.2. The service area

The service area will be cordoned off during operating hours, to ensure that the operator is able to manage patron numbers in accordance with relevant Covid-safe, and liquor licensing, regulations and guidelines. The cordon will be removed and stored in the bar outside operating hours.

The service area measures 30m on its long edge (parallel to The Esplanade), and 10m on its short edge (parallel to the Nepean Highway). The south-east edge of the service area is located 3.7m from the edge of the gravel path, and accordingly 5.7m from The Esplanade. This will ensure that pedestrians walking to and from the beach have sufficient space to pass (either on the gravel path or the grass area). The total area of the service area will be 300m<sup>2</sup>, easily allowing 100 patrons under relevant Covid-safe density requirements.



Council has installed temporary picnic tables at Beeson Reserve, which can be accommodated either within or outside the service area.

### 2.3. Toilets

The project will utilise existing public ablution infrastructure at the Edithvale Life Saving Club during operating hours. Those facilities include a total of four unisex toilets, and are located approx. 40m from the south-west perimeter of the service area.

The utilisation of existing infrastructure will lessen the project's impact on Beeson Reserve itself and surrounding properties.

### 3. Entertainment

The operator does not propose to alter the entertainment arrangements from last year's project. The operator proposes to again engage local acoustic musicians to perform from time to time during operating hours.

The operator is sensitive to any possible disruption to surrounding properties, and will ensure that artists:

- perform either solo, or as a small acoustic-style group (ie. no 'bands')
- perform with limited amplification (eg. amplified acoustic-style instruments and microphone); and
- perform at an appropriate volume that does not create nuisance for surrounding properties.

The operator further proposes to play background music (ie. below a conversational level) through temporary speakers during operating hours.



### 4. Community engagement

The operator will engaged with both the Edithvale CFA, and the Edithvale Life Saving Club, to involve both groups in the 2023 Summer Lounge. Their involvement will include fundraising elements, as well as 'community re-engagement' initiatives following the dislocation caused by Covid-19 restrictions.

It is also planned to include other local Edithvale businesses to assist with different food offerings. This allows the event to showcase what Edithvale has to offer.



## 5. Traffic management

### 5.1. Installation

The delivery of the modified shipping container to the site will again require a short term traffic guidance scheme.

### 5.2. Operation

During opening hours there is expected to be negligible impact on the operation of the surrounding road network. Temporary pedestrian signage will be installed to provide wayfinding from the Nepean Highway, Edithvale Foreshore and nearby transport infrastructure (Edithvale Station and nearby bus stops).

The catchment for the market is expected to be local residents and those that live within close proximity to Edithvale (the suburbs of Bonbeach, Chelsea, Chelsea Heights, Aspendale, Aspendale Gardens). While it is expected that the majority of patrons will arrive at the site via walking or on public transport, the location of the project will also provide Kingston residents with significant opportunities for active modes of transport including cycling, kayaking and walking up from Edithvale beach.

The surrounding on-street car parking supply (that supports the Edithvale Activity Centre) will be available for patrons to use (subject to the applicable parking restrictions) given that most other uses in Edithvale are not open late afternoon / early evening.

## 6. Covid-safe management

We understand that regulations and guidelines on the Covid-safe management of outdoor dining continue to be developed by relevant authorities.

The operator will again develop a detailed Covid-safe management plan that reflects government guidance, and will ensure that all staff and contractors receive appropriate training with respect to the Covid-safe management plan.

## 7. Local residents

Residents of The Esplanade will be affected by the operation of the Summer Lounge 2023 during operating hours – a maximum of 30 days (subject to weather) from 30 December 2022 to 5 March 2023. Residents may be concerned about (i) traffic and parking disruption; (ii) noise; and (iii) anti-social behaviour.

The operator notes the following with respect to these concerns:

- Summer Lounge patrons will be encouraged to use active modes of transport, and marketing will be focused on locals who can walk to the project site. In any event, traffic and parking on The Esplanade over these dates is likely to be 'very bad' due to normal summer traffic - the Summer Lounge will not make this situation any worse.
- Noise will be limited to conversational levels, such that are normal when families get together and children play. As was the case for last year's project, music (whether live or recorded) will be limited to 'background' or 'conversational' levels.
- There was no anti-social behaviour at, or caused by, the first or second edition of the Summer Lounge. The operator will again retain the services of qualified crowd management personnel. The operator believes that the presence of the Summer Lounge at Beeson Reserve, and the designation of a licensed space for the consumption of alcohol, serves to deter rather than encourage anti-social behaviour.

## 8. Other matters

### 8.1. Asset protection

The operator acknowledges that the utilisation of Beeson Reserve for the project is a privilege extended by Council to mitigate the devastating impacts the Victorian Government's Covid-19 restrictions have had on Kingston's hospitality businesses, and on the quality of life and general wellbeing of its residents.

The operator understands that one of Council's priorities will be the preservation of Beeson Reserve. Accordingly, the operator will take all reasonable steps to ensure that Beeson Reserve is not in any way damaged for the duration of the project, and that the project has no residual impact on Beeson Reserve following the dismantling of the project.

Further, and in addition and separate to any bond required by Council, in the unexpected event that a residual impact on Beeson Reserve can be identified following the dismantling of the project, the operator will make good the relevant defect.



### 8.2. Liquor licensing



The operator has been granted a general liquor licence for the existing premises at 264 Nepean Hwy, Edithvale. The trading hours specified in the existing liquor licence encompass all of the proposed hours of operation set out above.

The operator will again seek approval from VCGLR for the existing 'red line' that designates the area within which the operator is permitted to supply liquor to be extended to include the service area at the project site.

### 8.3. Insurance

The operator will again ensure that its insurance policy is endorsed for the operation of the Summer Lounge at Beeson Reserve, with a public liability component of \$20,000,000.

### 8.5. Other traders

The operator would welcome and be seeking the involvement of any other local traders in the Summer Lounge project, and in particular food vendors, subject to any approval or guidance Council considers necessary.



# Ordinary Council Meeting

12 December 2022

Agenda Item No: 9.2

## COMMERCIAL USE OF COUNCIL LAND - MORDIALLOC SUMMER CARNIVAL

Contact Officer: Christine Powell, Festivals & Events Officer  
Morgan Henley, Team Leader, Festivals & Events

### Purpose of Report

To seek Councillors' direction on a Commercial Use of Council Land application to facilitate a Summer Carnival in Mordialloc.

### Disclosure of Officer / Contractor Conflict of Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### RECOMMENDATION

That:

1. Council endorse the proposal for the Mordialloc Summer Carnival to be held at Peter Scullin Reserve, Mordialloc from Friday 16 December – Sunday 29 January 2023 on the condition the applicant satisfies a range of conditions including event safety and event management measures, amusement safety measures and agreement to a commercial use of land fee.
2. Council approve the:
  - a) Proposed reduction to the Commercial Use of Land Fee to be charged; and
  - b) Applicant accessing Council infrastructure for the provision of power

### 1. Executive Summary

The Commercial Use of Land policy adopted August 2018, requires a resolution of Council for any proposed events with a duration of two days or more.

The Mordialloc Carnival has been successfully delivered at Peter Scullin Reserve for seven years. The operators throughout this period, Smart Amusements, have again applied to operate the Carnival for six weeks commencing 16 December 2022 through to 29 January 2023.

The Mordialloc Christmas Summer Carnival is a family friendly event featuring amusement rides, showbags, games and food as well as proposed fireworks on New Year's Eve and 26 January 2023.

The application has been considered with multiple internal stakeholders for their assessment. The consensus among officers is to support the application with any minor concerns raised



being mitigated by the inclusion of special licence conditions, should the proposal be endorsed by Council.

## **2. Background**

The operators of the Mordialloc Carnival have been delivering an annual Summer Carnival at Peter Scullin Reserve, Mordialloc for the past seven years. This arrangement has been made in line with the Commercial Use of Council Land policy. The operators have expressed interest in continuing the Carnival on a longer-term arrangement and this will be considered in line with the next iteration of the relevant policy.

If the current proposal is approved by Council, the operators will be issued a licence agreement for an event. This agreement will include standard conditions along with specialised requirements in place as required by the relevant internal departments including Open Space, Property Services and Events.

## **3. Discussion**

### **3.1 Proposed event**

Mordialloc Summer Carnival at Peter Scullin Reserve, Mordialloc  
Friday 16 December 2022 – Sunday 29 January 2023 (six weeks)

These dates have been selected to coincide with the summer school holidays and to capture those families and residents who holiday or live within the City of Kingston and surrounds.

The coordinators propose a Carnival layout similar to 2021/22 including:

- Seven amusement rides
- Amusement games and showbags
- Limited selection of food

New Year's Eve and 26 January fireworks displays are part of the proposal.

The operators have prepared the site map attached in Attachment 1, to demonstrate the area of Peter Scullin Reserve to be occupied by the Carnival and the positioning of rides and other amenities.

The operators have also advised the area proposed represents the minimum area, they can occupy to effectively facilitate the Carnival.

The operating dates and times proposed by the operators are:

- Bump-in and bump out:
  - 12 – 15 December 2022, 8am – 7pm
  - 30 January 2023, 8am – 7pm
- Event trading times:
  - Sunday – Thursday, 1pm – 9.30pm
  - Friday and Saturday, 1pm – 10pm

### **3.2 Commercial Use of Land fee**

Due to the commercial nature of the application, it is proposed a Commercial Use of Land Fee will be applied to the Carnival. The current fee for a Primary Site such as Peter Scullin Reserve is \$1,500 per event day + \$750 per bump in / bump out day + \$278 licence preparation fee.

Applying this rate, the total fee payable for the proposed event would be \$69,278 inc GST.

The operators have provided the Post Event report from the most recent carnival in Attachment 3 (Confidential) which outlines revenue and expenses and demonstrates that these fees would result in the event becoming commercially infeasible. In addition the operators have put forward a list of points for consideration in respect to the community benefit of the event in Attachment 4 (Confidential).

After considering these points raised by the operators, reviewing the fees associated with the previous events and acknowledging that this event brings a lot to the precinct, it is recommended that the Commercial Use of Land Fee be charged at the same rate as was applied to the 2021/22 carnival.

The recommended fees are:

- \$580 per event day
- \$290 per bump in / bump out day
- \$270 licence preparation fee.

The total proposed revenue is \$26,080 inc GST

The applicant will also be required to obtain an Asset Protection Permit covering Council's infrastructure in the proposed area of occupation. A ground rehabilitation cost of \$1,500 is also incorporated into the Commercial Use of Land Fee.

## **4. Consultation**

### **4.1 Internal Consultation:**

#### **4.1.1 Open Space**

The Open Space team are comfortable that the operators have previously demonstrated their respect for the open space and abided by conditions set to limit the damage caused by extended occupation of the Reserve. The team highlighted the recently installed irrigation system as an asset that must be given specific consideration, the operators are understanding of this requirement. It is proposed that these concerns be mitigated with licence conditions and pre-event site inspections.

The Festivals and Events and Open Space teams are also aware of another annual community public event at Hazel Pierce Reserve on the 20 December. Discussions will be held with the organisers of both events to ensure they understand our expectations in regards to multiple events taking place in adjacent reserves on the same day.

#### **4.1.2 Property Services**

The Property Services team highlighted that the day fees established under the Commercial Use of Council Land policy were structured for 1–3 day events not for longer term occupations such as this event. Applying Primary Site fee in this instance, would likely result in the event becoming commercially infeasible.

The team also noted that historically, prior to COVID disruptions, longer term occupation and the associated fee was determined by an Expression of Interest (EOI) process. We were not in a position to relaunch this process for the 2022/23

summer period on account of the uncertainty and recovery surrounding COVID. Acknowledging this situation and benefit this event brings to the precinct, the Property Services team support a reduction in the Commercial Use of Land fees applied on this occasion.

#### **4.2 Community Consultation**

Discussions have been held with the carnival operators and conditions will be put in place to advise established occupants at Peter Scullin Reserve including Sunny Boy Restaurant, Blueys Boathouse and Tour de Café of the proposal.

WorkSafe Victoria and the Mordialloc branch of Victoria Police have been advised of the submission and are supportive of the carnival including fireworks on the dates proposed.

### **5. Compliance Checklist**

#### **5.1 Council Plan Alignment**

Strategic Direction: Liveable - Our city will be a vibrant, enjoyable, and easy place to live.

Strategy: Foster a thriving and innovative arts and culture scene, which is both diverse and inclusive

#### **5.2 Governance Principles Alignment**

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Principle (c) - the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

#### **5.3 Financial Considerations**

##### **5.3.1 Projected costings**

The event is not anticipated to incur any cost to Council.

##### **5.3.2 Budget**

The proposed Commercial Use of Land fee for the event is \$26,080 inc GST calculated as:

	Fee per day	Number of days	Total
<b>Bump-in / out</b> 12 – 15 December and 30 January	\$290	4	\$1,450
<b>Event Days</b> 16 December – 29 January (Excluding 25 – 26 Dec and 1 Jan)	\$580	42	\$24,360
<b>Licence preparation fee</b>	\$270	N/A	\$270
			<b>\$26,080</b>

**5.3.3     Staff Resources**

Event application review and permitting will be delivered within existing staff resources.


**5.4     Risk considerations**


This event has a long and positive history of operation including successful delivery under COVID conditions when many other events were unable to proceed. The event is well received by the residents of Kingston and beyond.

Considering this, there is a reputational risk to Council of not approving the application.

A carnival may be considered a high-risk event for Council, however the operators have demonstrated a long history of safe and successful events and compliance with all relevant regulations and industry best practices.

**Appendices**

Appendix 1 - Site Map - Mordialloc Summer Carnival (Ref 22/315813) 

Appendix 2 - Commercial Event Application - Mordialloc Summer Carnival (Ref 22/315892) 

Appendix 3 - Post Event Report - Mordialloc Summer Carnival 2021/22 (Ref 22/333035)  
- Confidential

Appendix 4 - Request for fee reduction - Mordialloc Summer Carnival 2022 (Ref 22/335317) - Confidential

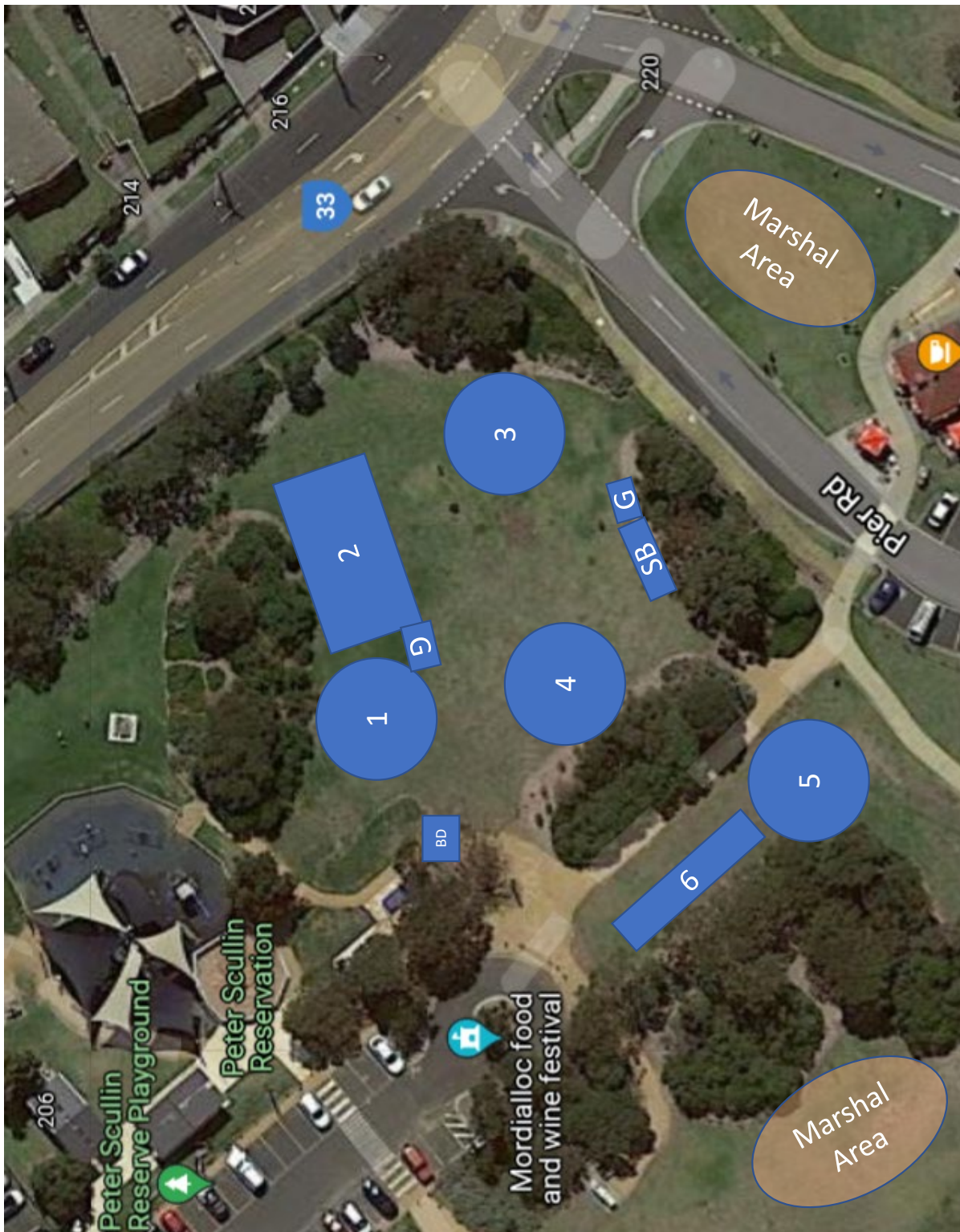
Author/s:	Christine Powell, Festivals & Events Officer Morgan Henley, Team Leader, Festivals & Events
Reviewed and Approved By:	Simon Doyle, Manager Arts, Events and Libraries Sally Jones, General Manager Community Strengthening

## **9.2**

### **COMMERCIAL USE OF COUNCIL LAND - MORDIALLOC SUMMER CARNIVAL**

- 1    Site Map - Mordialloc Summer Carnival ..... 103**
- 2    Commercial Event Application - Mordialloc Summer Carnival 105**

- Ride List
- 1 - Dumbo Elephants
  - 2 – Dodgem Cars
  - 3 – Sizzler
  - 4 – Skyflyer
  - 5 – Cyclone
  - 6 – Pirates Nest
- Food – Big Dog  
Games  
Showbags



# Event notification form



Submission date: **14 July 2022, 2:35PM**

Receipt number: **779**

Related form version: **13**

What type of event are you applying to hold? **Public event including one-day commercial event**

Is your event of a commercial nature or produced by a commercial entity? **Yes**

## Applicant details

Given name **Jane**

Family name **Jones**

Are you applying on behalf of an organisation or business? If so, which one? **Smart Amusements**

Is this organisation a registered not-for-profit? **No**

Is this event a fundraiser? **No**

Please upload your authority to fundraise approval from your nominated charity acknowledging proceeds from your event will be donated

Phone **0414908863**

Email **jane@smartamusements.com.au**

Postal address **18 Nelson St, Sandringham VIC 3191, Australia [Map](#)  
(-37.9466202, 145.0105651)**

## Event Details

Event name	<b>Mordialloc Christmas Summer Carnival</b>
Event location	<b>Peter Scullin Reserve</b>
Event date	<b>19/12/2022</b>
Event times	<b>10am - 10pm</b>
Event set-up times	<b>8am - 8pm</b>
Event pack-down finish times	<b>8am - 8pm</b>
Is this event recurring over multiple days or do you require a backup date?	<b>Yes</b>
Recurring date	<b>30/01/2023</b>
Recurring date setup times	<b>8am - 8pm</b>
Recurring date pack up times	<b>8am - 8pm</b>
Backup date	
Backup date setup times	
Backup date pickup times	
Contact name during event	<b>Jane Jones</b>
Contact phone number during event	<b>0414 908863</b>
Who is the target audience?	<b>Families with children</b>
How many people are you expecting at the event? Include guests, performers, volunteers and participants	<b>500-1000 per day</b>
Are you charging an entry fee?	<b>No, this is a free event</b>
How much is the entry fee?	
Has the event been held previously?	<b>Yes</b>
When has this event been held previously?	<b>Event is held each year for the past 7 years</b>
Please provide an overview of your proposed event. On the following pages you will be asked to provide more specific details, upload a map and any other supporting documentation	<b>The Mordialloc Christmas Summer Carnival is a family friendly event featuring amusement rides, showbags, games and food.</b>



Please upload your site layout map

[Map V2.pdf](#)

## Temporary structures

Will the event include the use of any of the following

**amusement rides and inflatables  
tables and chairs**

How many marquees and what are the dimensions?

What are the stage dimensions?

Please provide details of temporary flooring or storage containers

Please provide dimensions and other details about the amusement rides or inflatables

**Dodgem Cars - 23m x 13m, Fun Factory 23m x 6m,  
Skyflyer 18m x 18m, Dumbo Elephants 18m x 18m,  
Sizzler Ride 15m x 15m, Kids Carousel 8m x 8m**

How many chairs and tables?

**3 tables with 15 chairs**

Please provide details of your other structure

Do you think you require a Building Permit?

**No**

Please upload a copy of your building permit for the structures above

## Other site details

Are you planning any of the following at your event?

**Fireworks, flares or pyrotechnics  
Food provision  
Sound amplification**

## Permits and licenses

Are you planning to deploy fireworks, flares or pyrotechnics?

**Yes**

Have you notified the Civil Aviation Safety Authority?

**No**

Please upload your CASA approval and a Certificate of Currency and safety plan for the qualified pyrotechnician. If you do not have one yet, this will need to be provided prior to the event. Evidence of WorkSafe cover for the licensed pyrotechnician is also required. This document is generally available upon request from your pyrotechnics contractor

Have you notified the local fire station? **Yes**

Have you notified local residents of the fireworks or pyrotechnics display date and time, including information on how to minimise the possible effect on pets? **Yes**

Will there be amplified noise or sounds at the event? **Yes**

Please describe your measures to reduce and control noise during the event, or upload your noise management plan below **All sounds from speakers is kept at a low level**

Noise management plan upload

Are you running a raffle, bingo or other gaming activity?

Please describe the type of activity and the value of prizes

If you have secured a permit for this activity upload it here

## Food service

Will food be sold or served at this event? **Yes sold by a food truck or vendor e.g. coffee cart**

## Alcohol service

Will alcohol be sold or served at your event?

Do you have a Liquor License?

Please outline the measures in place to promote responsible service of alcohol and prevent under-age drinking. If you do not have a Liquor License this may need to be provided prior to the event

Please upload a copy of your Liquor License

## Traffic and transport

Where will your attendees park their cars? **Attendees park car in allocated car parking areas**

Do you require vehicle access to a park or reserve through a locked gate or access to a public toilet that is usually locked at this time of day? **Yes**

Factors for Consideration and please tick if applicable

Will the event result in any disruption to or impact on regular public transport services? **No**

Have you already submitted the traffic management plan to the PTD?

Date of traffic management plan submission to the PTD:

Has the Public Transport Division (PTD) requested that you submit a traffic management plan?

## Management plans

Have you been in communication with any representatives from Kingston Council with regards to your event? **Yes**

Please list the representatives you have been in contact with **Christine Powell**

Have you read the events guide listed on our web page? **Yes**

Please indicate which organisations have been notified  
in writing of this event

Have you prepared a risk management and/or  
emergency management plan? **Yes**

Please upload your risk management or emergency  
management plans. The detail provided should be  
comparable to the scale and nature of your event [2022 Mordialloc PRA V01.pdf](#)

Have you appointed a safety officer for your event? **Yes**

Enter the full name of the appointed safety officer **Jane Jones**

Phone number of the appointed safety officer **0414908863**

Are you hiring staff for this event? **Yes**

Please upload a copy of your Workcover insurance, if  
applicable. If you do not have one yet, this will need to  
be provided prior to the event [Smart Amusements \(VIC\) WorkSafe COC Exp  
30.06.2023.pdf](#)

Are you hiring security personnel for this event? **Yes**

What is the name of the security company you have  
engaged? **Australian Day Night Security**

How many security guards have you engaged? **2**

## Environmental management and access

Which of the following provisions have you addressed? **Post-event cleanup including rubbish removal**  
**Adequate and accessible toilet facilities for attendees**  
**Accessible parking bays**  
**Inclusion of symbols on your signage**  
**Clear, unobstructed paths of travel both inside and  
surrounding the event perimeter**

## Other information

Would you like to provide any other information about your event?

Please upload any additional documentation to support your application

## Insurance coverage

Have you got public liability insurance covering this event? **Yes**

Please upload a Certificate of Currency for Public Liability Insurance covering this event. [Smart Amusements - \\$20 million Public Liability 11th Dec 2022.pdf](#)

## Terms and conditions

Please tick the relevant box below. Events produced for commercial gain, incur a Commercial Use of Land Fee. **I accept and agree to make payment of the fee prior to the event**

Fees are charged per day, including for set up and pack down at a rate of \$1160 for Primary Sites and \$580 for Secondary Sites. If your event is of a commercial nature, you will receive an invoice upon approval and payment must be completed in full prior to the event date(s).

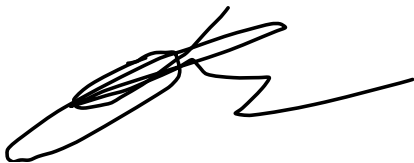
## Declaration

Please confirm **I agree to the conditions outlined above**  
**I agree to leave the site as I found it**

Print name **Jane Jones**

Organisation **Smart Amusements**

Signature



[Link to signature](#)

Privacy statement

Privacy statement and collection notice

I have read and accept the terms contained within council's privacy statement and collection notice and wish to proceed with the online request.

## **10. Infrastructure and Open Space Reports**

# Ordinary Council Meeting

12 December 2022

**Agenda Item No: 10.1**

## **AWARD OF CONTRACT CON-22/078 - PETER SCULLIN PLAYSPACE RENEWAL**

**Contact Officer: Tristan Smith, Senior Landscape Architect**

### **Purpose of Report**

This report seeks Council to appoint a contractor for the delivery of CON 22/078 – Peter Scullin Playspace Renewal.

### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report has declared a Conflict of Interest regarding the matter under consideration.

### **RECOMMENDATION**

That Council:

1. Note the outcome of the tender evaluation process for Contract CON22/078 – Peter Scullin Playspace Renewal, as set out in the confidential Appendices attached to this report;
2. Award Contract CON22/078 – Peter Scullin Playspace Renewal for the fixed lump sum of \$1,521,441.20, (exclusive of GST) to Yellowstone Landscaping Pty Ltd; and
3. Approve the allocation of a separate contingency of up to 10% of the contract sum and delegate authority to the CEO, or delegate, to expend this allowance to ensure the successful completion of the project.

### **1. Executive Summary**

Following a public tender process, this report seeks to appoint a contractor for the delivery of landscape and playspace renewal works at Peter Scullin Reserve. The project was advertised for tender on Saturday 29 October 2022 and closed with 4 submissions received on Thursday 24 November 2022.

The preferred tenderer Yellowstone Landscaping Pty Ltd tender of \$1,521,441.20 (exclusive of GST) is within Council's 2022/23 budget allocation. Yellowstone tender meets all the specified design requirements and it has also complied with Council's work, health and safety and financial due diligence requirements.

### **2. Background**

Council's Playground Strategy classifies Peter Scullin Reserve as a Regional playspace location, which means that the playspace serves a large catchment beyond a local suburb. As a feature foreshore location with established park amenities including toilets and car parking. Due to the proximity to the Mordialloc Activity Centre and Mordialloc Train Station, Peter Scullin Reserve has appeal beyond the municipal boundaries of Kingston.



In response to a safety audit completed in late November 2021, a number of hazards were identified within the supporting structures of the main play equipment item and in the interest of public safety, an operational decision was made to close significant pieces of equipment within the playground.

Partial demolition of the playground was completed in early/mid December and it was reopened with modifications on 20 December 2021. These modifications were considered as an interim approach to provide safe play activities until a new playground is constructed.

The Peter Scullin Playspace renewal concept design was adopted by Council in January 2022, following a public consultation process.

All applicable approvals have been achieved for the project, including Town Planning, Melbourne Water, Cultural Heritage Management Plan (CHMP) and Marine and Coastal Act Consent (DELWP)

### **3. Discussion**

#### **3.1 Tender & Assessment**

In response to an open public tender process, four (4) tenders were received.

A Tender Assessment Evaluation Report is set out as Appendix 1. The tender assessment scoring is set out as confidential Appendix 2.

The preferred tenderer, as assessed by the Tender Evaluation Panel, is Yellowstone Landscaping Pty Ltd.

Yellowstone Landscaping Pty Ltd's tender was assessed as providing:

- Superior value for money;
- Capacity and demonstrated relevant experience to deliver the works;
- High attention to detail and proposed methodology; and
- Comprehensive understanding of the works and challenges associated with the works.

#### **3.2 OHS Management**

Yellowstone Landscaping Pty Ltd has been assessed as compliant with Council's Work Health and Safety System - Global Rapid.

#### **3.3 Environmental Implications**

The contractor approved for Contract 22/078 – Peter Scullin Playspace Renewal is required to align practices and processes to reflect Council's environmental principles and policies. Given the harsh coastal environment, the playground equipment has been designed to be resistant to corrosion.

The project does not require the removal of any trees or vegetation. In addition to the proposed play elements additional tree plantings and landscaping will be provided.

### **4. Consultation**

#### **4.1 Internal Consultation:**

The tender specification for Contract CON22/078 – Peter Scullin Playspace Renewal has been developed in consultation with Council's Procurement Department and other relevant service areas within Council.

Officers have undertaken a formal public tender process in accordance with Council policy and the tender submissions have been assessed in accordance with the evaluation criteria.

**4.2 Community Consultation:**

Group	Method
Key Stakeholders Melbourne Water Department of Environment, Land, Water and Planning (DEWLP) Bunurong Land Council Kingston City Council (Town Planning)	All approvals have been sought for the project.
General community	Community feedback to the project was sought December 2021/January 2022 and reported to Council on the 31 January 2022.  Post the award of contract, further community engagement will involve, social media posts, onsite signage and mail out of an information bulletin to local residents.

**4.3 Results/Findings:**

The results from community engagement activities were presented at the 31 January 2022 Council meeting, at which Council resolved:

**10.2 Peter Scullin Playspace - Consultation Findings**

**RECOMMENDATION**

That Council:

1. Note the consultation input and feedback to the draft Peter Scullin Reserve Playspace Plan;
2. Endorse the Peter Scullin Reserve Playspace Plan (as set out as Appendix 1);
3. Refer the funding for the implementation of the Peter Scullin Playspace to the development of Council's 2022/23 budget; and
4. Receive a future report for Peter Scullin and Hazel Pierce Reserves that considers feedback to the draft Peter Scullin Reserve Playspace Plan, particularly the provision of facilities that engage older children in active recreation activities.

**Note:** Refer to page 4 of the Minutes where this item was block resolved.

## **5. Compliance Checklist**

### **5.1 Council Plan Alignment**

Strategic Direction: Healthy and inclusive - We are progressive, inclusive and prioritise the wellbeing of all members of our community.

Strategy: Support our community's physical wellbeing

### **5.2 Governance Principles Alignment**

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The project will provide significant social benefit, especially to the local Mordialloc and Kingston community. As a regional park and playspace location, Peter Scullin Reserve attracts local and regional visitations. Feedback from the consultation activities, particularly through on-site discussions, supports the use of Peter Scullin Reserve as a recognised location for social gatherings.

Included within the design are items specifically selected to provide a play experience for children with a diverse range of ages and abilities.

### **5.3 Financial Considerations**

#### **Financial Assessment**

An independent financial assessment has scored Yellowstone Landscaping Pty Ltd as a moderate risk with an overall Pass rating.

#### **Budget**

The endorsed budget for the Peter Scullin Playground Renewal project is \$1,800,000. A State Government funding grant through Sport and Recreation Victoria of \$300,000 has been received for this project to offset Council's funding contribution.

Yellowstone's tender is within the available project funding.

## **6. Conclusion**

Officers have completed a public tender process for the procurement of construction services for the delivery of landscape and playspace construction works at Peter Scullin Reserve. A tender evaluation process has determined Yellowstone Landscaping Pty Ltd as the preferred tenderer and it is recommended that Council issue an award of tender.

### **6.1 Staff Resources**

The project will be managed by the Active Kingston team.

### **6.2 Risk considerations**

Council officers will manage contract risks through Council's existing work, health and safety and risk management processes.

**Appendices**

Appendix 1 - CON 22 078 - Tender Evaluation Assessment Report - Peter Scullin  
Playspace Renewal (Ref 22/344185) - Confidential

Appendix 2 - CON 22 78 Tender Evaluation Matrix - Confidential (Ref 22/344457) -  
Confidential

Author/s: Tristan Smith, Senior Landscape Architect

Reviewed and Approved By: Mark Stockton, Team Leader Active Kingston

Bridget Draper, Manager, Active Kingston

Samantha Krull, General Manager Infrastructure and Open Space

## Ordinary Council Meeting

12 December 2022

**Agenda Item No: 10.2**

### **DON TATNELL LEISURE CENTRE - FUTURE PLANNING**

**Contact Officer: James Kearney, Senior Project Manager**

#### **Purpose**

This report seeks Council's endorsement to proceed with the demolition of the Don Tatnell Leisure Centre and return the area to open space.

#### **Disclosure of Officer / Contractor Direct or Indirect Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

#### **PROPOSED ACTION**

That Council:

1. Proceed with the demolition of the Don Tatnell Leisure Centre;
2. Note the works for the Mordialloc Community Centre at the interface with the Don Tatnell building, to ensure building code compliance matters are addressed; and
3. Authorise the Chief Executive Officer to award the contract for demolition within the endorsed project budget.

#### **Executive Summary**

During December 2019 and January 2020, investigation works were undertaken at the Don Tatnell Leisure Centre (the Centre) to identify the potential impacts of a water leak on its foundation.

The investigations by structural engineers identified significant undermining of the structural footings, resulting in a structural failure and risk to users and staff.

In February 2020 Council resolved that the Don Tatnell Leisure Centre had reached the end of its useful life and to close the facility immediately.

Further investigation and due diligence have been undertaken by officers confirming the facility has failed structurally and cannot be retained, easily remediated or repurposed. Expert consultant reports identify that there are no elements that can be safely retained for a variety of reasons, many of which are outlined in this report, and it would be unsafe to endeavour to do so.

It is recommended that the Don Tatnell building be demolished, and the area returned to open space. In addition, design and 'make good' alterations will be undertaken to the MCC areas that are exposed by the removal of the facility, with the guiding principle to ensure all current building and code compliance matters are addressed in the process. This will also include landscaping options for how the new open created by the removal of the facility can be designed and best activated.

Recycling opportunities are a key metric of the award to a future demolition contractor. Through the procurement of a demolition contractor, officers will ensure that all recycling, reuse and repurpose opportunities are explored to ensure alignment with Council policies.

Throughout the process of investigating and understanding the latent conditions of the Don Tatnell Leisure Facility, the Mordialloc Community Hub (MCC) has been involved and updated including several face-to-face meetings and briefings.

The Tatnell Family has also been kept informed and will continue to be kept updated and will be involved in all future consultation.

Any future planning for the Walter Galt Reserve and the Mordialloc Community centre will be undertaken as a separate future project.

### **Background**

In 2015 works were undertaken to connect the Don Tatnell Leisure Facility with the existing Mordialloc Community Hub (MCC). This project was colloquially known as the 'Link' project. This project provided a connection between the two facilities at the time and enabled them to be combined for the period of time leading up to the closure of the Don Tatnell Centre.

In response to an initial water leak, a consulting structural engineer was engaged to undertake an assessment, and they provided advice to undertake more invasive investigations to determine the impact of the water leak. This involved significant further investigations being undertaken.

These investigations identified a subsidence of the soil underneath the pool concourse. This finding also led to further findings that revealed that the footings in the northwest corner of the pool building were not founded in suitable foundation material and that there is a significant void under a structural footing.

The Municipal Building Surveyor (MBS) also inspected the site and issued a Building Notice seeking actions to remedy the structural integrity of the building which eventually led to the closure of the facility on the 3 February 2020.

Further and more recent investigations identified that the failure of the building footings to the northwest was as a result of that section of the facility being built on former landfill.

The structural engineer determined that as this was a critical safety finding and to maintain public and staff safety, the Centre was to be immediately closed and temporary propping works undertaken to ensure the structure doesn't fail.



*Above: Image showing the areas of the northwest of the facility that is currently being supported by structural props.*

In early 2020, Council closed the facility and in doing so effectively truncated the 'Link' that was previously established in 2015.

It was further determined by Council that in addition to the structural and safety issues, there were many additional items outside of structural items including pool repairs and various non-conformance items relating to the Royal Life Saving Guideline for Safe Pool Operations and building code requirements.

These works were cost prohibitive and difficult to implement in a structure that had reached the end of its serviceable life. As such plans commenced for the development of a new aquatic facility and a number of sites were considered, including the Don Tatnell site, with Council endorsing to develop the new aquatic and leisure centre at 1-7 Wells Road, Mordialloc.

At the 24 February 2020 Ordinary Council Meeting, Council resolved to:

- 1. Commit to investing in high quality aquatics and leisure facilities and receive a report identifying future opportunities, inclusive of a funding strategy, for the delivery of aquatic and leisure facilities that meets the current and future needs of the Kingston community;*
- 2. Note the Don Tatnell Leisure Centre has reached the end of its useful life and agree to close the facility immediately;*
- 3. Support the transition of members and users at the Don Tatnell Leisure Centre to the Waves Leisure Centre, Highett (where possible);*
- 4. Invite members, community, stakeholders and interest groups to attend community information sessions on these Council resolutions; and*
- 5. Continue to investigate and report upon structural and building conditions at Don Tatnell Leisure Centre.*

All these resolutions now have fully undertaken and completed.



Since this time, more recent investigations have been undertaken to the Don Tatnell Centre to understand the extent of damage, degree of structural, hazardous and environmental integrity to the site to inform next steps.

A series of consultants were engaged to better understand the latent conditions of the facility to prepare for demolition. This engagement has included advice from:

- Structural Engineer
- Geotechnical and Soil contamination Consultant
- Registered Building Surveyor
- Quantity Survey
- Service Location Consultants
- Hazardous Materials Consultant
- Fire & Emergency Services Consultant (EWIS)
- Landscape Architect
- Statutory Planning Consultant

These consultancies and investigative works were necessary to establish the current status of the building, if any parts could be retained for reuse by the community centre, as well as what options are available moving forward.

The below aerial shows:

1. The Don Tatnell Leisure Facility (**red**)
2. The Mordialloc Community Centre (**green**)
3. The 'Link' project undertaken in 2015 (**orange**)
4. Areas of MCC to be exposed by the demolition works (**light blue**)



## **Issues for Discussion**

The following provides an overview of the due diligence, testing and investigative works recently undertaken which includes the findings from the required disciplines to assess the Don Tatnell Centre and future prospects:

### **1. Structural & Civil Assessment:**



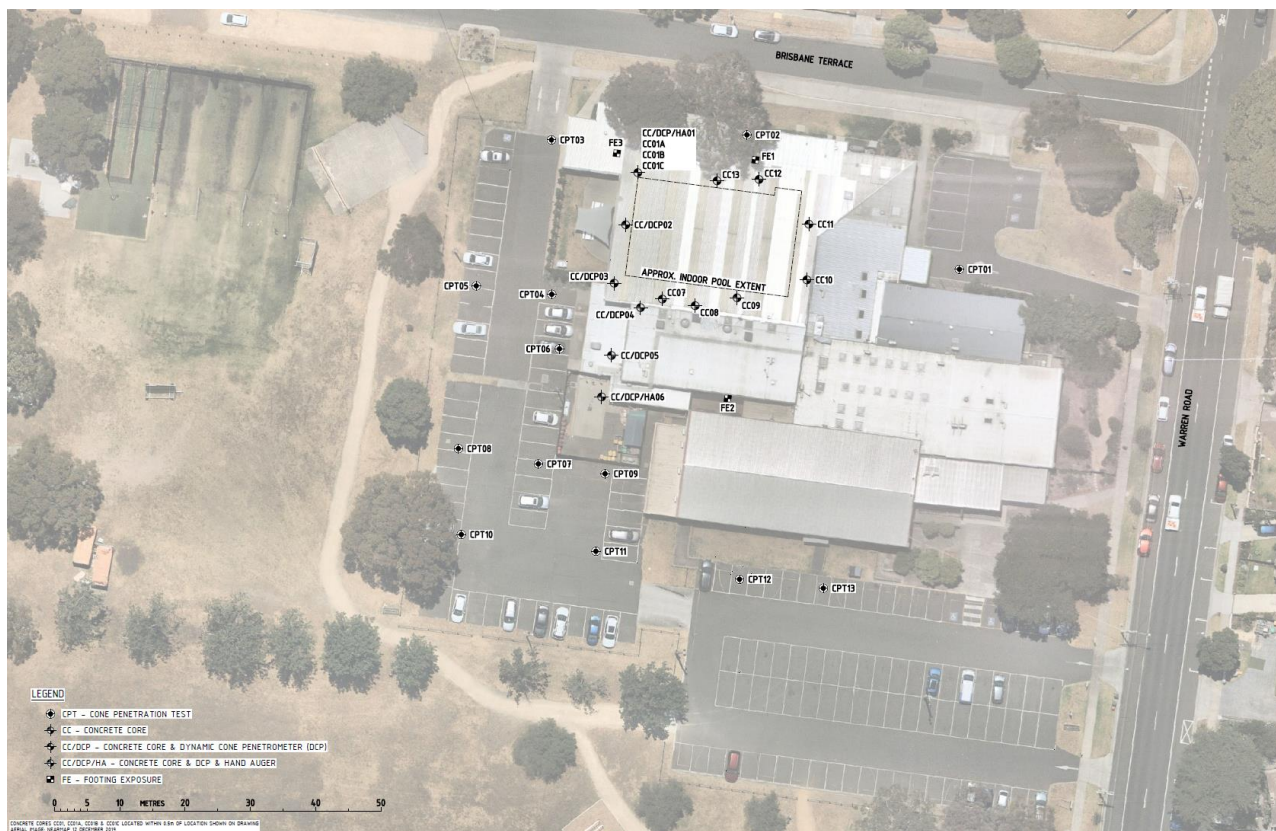
- The existing leisure centre is located adjacent to 3 buildings of various ages and constructed throughout the life of the facility.
- The Don Tatnell centre has been deemed structurally unsound due to subsidence below the pool deck from long term leaking of underground services and significant corrosion to the existing steel framing resulting in closure.
- The structural experts assessed the structure, reviewed the information, and advised the pool hall is in poor condition, noting significant propping has been installed to maintain stability of the building in the short term, and that removal of the building is recommended.
- Options involving the interface between the existing MCC (**green**), the 'Link' (**orange**) and the Don Tatnell Leisure Facility (**red**) were explored, however would be very limited. No functional facilities of the Don Tatnell Leisure Facility (**red**) are able to be retained (i.e. change rooms, toilets, office spaces).

## 2. Soil and Geotechnical:

Substantial soil testing and geotechnical investigations have been undertaken both prior and post closure of the facility, which includes soil contamination and ground water conditions amongst other investigative works.

As per the below image it is evident that parts of the substantive Don Tatnell Leisure Facility were built on former landfill. This resulted in parts of the area to the north-west failing, causing the structural and ceiling damages.

In addition, these findings have also uncovered levels of contamination, largely isolated to the areas of landfill.

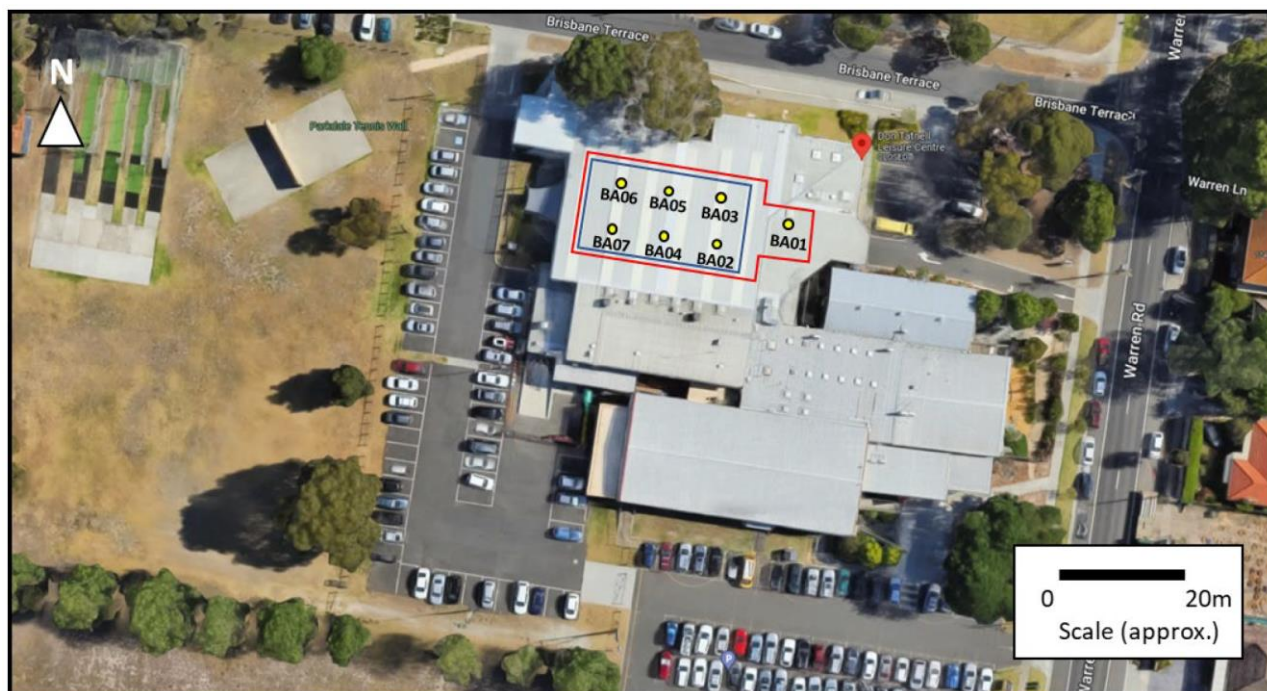


Above: Soil, Groundwater & Geotechnical Test Location Plan

- Site contamination investigations have been undertaken the results indicating:

1. Low level contamination (Category C).
2. Removal of Category C material from site is to be disposed to an EPA licensed landfill facility.

Further to the above, additional testing was undertaken to understand the internal substrate conditions of the facility. This included testing in and around the pool facility as well as inside the pool shell.



*Above: Image of areas of further investigation of pool hall and surrounds.*

Whilst no further contamination was found to be present in the further testing, existing results have confirmed levels of contamination that must be dealt with as part of the demolition project.

- Based on the results it is advised that:
  - i. Any excavation should be limited wherever possible to avoid risk of disturbance and to limit costs.
  - ii. Existing footings could remain in place as part of the demolition works to reduce excavation spoil.
  - iii. Subject to the proposed demolition works which will involve removal of the existing pool, this would create a large void for back filling. It may therefore be possible for most or all the excavated material resulting from the demolition works to be placed within the demolished pool void and capped, resulting in significant cost savings.
  - iv. Further testing at the time of demolition will be carried out to confirm exact contamination details and scope of remedial works. The additional testing would clarify suitability for soil re-use and required conditions, which will inform further landscaping options.

### **3. Hazardous Materials**

- Significant asbestos containing materials were either located during the site inspection or are presumed to be present based on previous assessments undertaken
- These locations include:

- i. Asbestos cement sheet in the Male and Female changerooms
- ii. Asbestos mastic in the A/C plant square ductwork
- iii. Asbestos cement sheet to roof eaves
- iv. Asbestos cement sheet to the chlorine room
- In addition to the above, further hazardous materials have been detected or strongly likely to be identified other locations within the facility.
- All hazardous building materials will be removed prior to / or in association with the demolition works.

#### **4. Engineering Services**

Significant services investigation has been undertaken on the site. As it is an amalgamation of various sites, built and commissioned at various stages over the last circa 60 years there are many issues with the way services operate on the site. In summary:

- **Electrical Services & Power Distribution**

- i. The site is all on one title however has multiple supplies coming into the site. Through investigations it has been identified that multiple areas need to be decommissioned from the source, some of which are unknown to the utility provider.
- ii. That a proper, separately metering system will be required pre-demolition commences to effectively truncate the supplies from the MCC that are not required, with a recommendation that the unknown incoming supply cables are to be capped and sealed and kept underground.

- **Communications (Telco & Internet)**

Locations which include communications hardware equipment have been identified through investigation works and will need to be appropriately checked and consolidated.

- **Fire Protections**

Fire Protection Services are located primarily in the Don Tatnell Centre (DT). This services both the DT and MCC facilities collectively. Once demolition occurs, the Fire Protection and Emergency systems (both electrical and hydraulic) will need to be relocated to ensure the MCC is adequately armed and protected for any event.

- **Further investigative work:**

In addition to the above, further investigative works have been undertaken which include:

- i. Mechanical Services
- ii. Hydraulic Services, not limited to storm water runoff and on-site requirements
- iii. Other service locations, proving and metering to determine where and how certain services are connected to the facility (or not) and how to best determine solutions for capping or re-alignment for the proposed demolition work to ensure no impact to the MCC operations.

In summary, significant site, building, services, authorities, and due diligence investigations have been undertaken to understand and piece together information of the site in its current condition.

## **Policy and Resource Implications**

A budget of \$2.5M has been approved by Council for this project, with \$500k allocated to FY2022/23.

It is unlikely that the full extent of the \$500k will be exhausted in this financial year with \$152,570.00 already committed to design and investigative works. This will lead to a full cost plan for:

- Demolition methodology, staging plan and quantified costings
- Design, 'make good' and built form improvement works to the MCC
- Landscaping options

Subject to when demolition commences (anticipating in calendar year 2023) further anticipated costs will be known, however a high-level cost estimate has been obtained indicating the demolition costs will range between \$1.5M and \$1.7M.

This preliminary cost estimation includes:

- Demolition of the facility
- Site Preparation
- Asbestos removal allowance
- Contractor preliminaries
- Contingencies (including allowance for contaminated soil)
- Cost Escalation

Noting the above, these are preliminary costings based on the investigative works undertaken to date. Assumed costings of the design works and 'make good' alterations, including landscaping options has yet to be progressed. Further costings plans will be undertaken as design options are developed.

It is recommended that Council authorises the CEO to award the future demolition within the approved project budget of \$2.5M.

The unspent budget programmed for FY2022/23 will roll over to FY2023/24 when the full extent of all demolition, built form improvements and landscaping works are detailed and tested with the market.

## **Engagement**

The project team, in collaboration with the Inclusive Communities team, have worked closely with the MCC through the process of investigating and understanding the latent conditions of the Don Tatnell Leisure Facility, including a number of meetings and briefings.

The MCC is aware that this project is to demolish the Don Tatnell Leisure Facility only, and all future reserve or MCC works will follow a separate process of consultation with all stakeholders.

The Community Reference Group (CRG) for the new aquatic centre will be given an update at the 7 December CRG meeting on the Don Tatnell building and that a report will be presented to Council for a decision.

An advance notice of this report going to the December Council Meeting will be communicated in an email to the 1029 project subscribers, an update on the new aquatic centre project page and also included in the regular pre-Council Meeting social post which highlights key issues that will be considered at the upcoming Council Meeting. Following the Council Meeting, a community update will be provided detailing the outcome.

The Tatnell family has also been kept informed and have expressed that while they have strong ties to the site, they have no desire to be involved in the new aquatics and leisure facility in Mordialloc. The Tatnell family will be invited to be involved in the planning of the future of the former Don Tatnell Leisure Centre site, noting their request for the site to have an acknowledgement in some form of the previous Don Tatnell Facility.

### **Next Steps**

Following the resolution of Council, schematic designs will commence for rectification and make good works for the MCC with the view to also establishing an appropriate demolition methodology, timeline, as well as commencing landscape design options.

### **Conclusion**

The above distils over 1250 pages of technical advice of the key latent and complicated conditions of the Don Tatnell Leisure Facility.

The facility has reached the end of its useful life and needs to be addressed urgently as it poses a risk.

Expert consultant reports identify that there are no elements that can be safely retained, many of which are outlined in this report, and it would be unsafe to endeavour to do so.

It is strongly recommended that based on the cumulative advice, Council proceeds with the demolition of the facility before any further failures occur, limiting the risk to public health and safety.

Officers will develop plans for the make good alterations to the MCC areas that are exposed by the removal of the facility, with the guiding principle to ensure all current building and code compliance is met.

Due to the timely nature of these works being required, future improvements to the Mordialloc Community Centre will be considered outside this project as part of further strategic planning consultation with the relevant stakeholders.

Author/s:	James Kearney, Senior Project Manager
Reviewed and Approved By:	Chao Ren, Manager Project Management Office Samantha Krull, General Manager Infrastructure and Open Space



# Ordinary Council Meeting

12 December 2022

**Agenda Item No: 10.3**

## **WALTER GALT RESERVE PAVILION PROJECT FUNDING**

**Contact Officer: Debbie Murray, Recreation, Planning & Projects Co-ordinator**

### **Purpose of Report**

This report seeks to confirm Council's support to partner with the State Government, following its \$0.75M funding commitment, to upgrade the changeroom facilities and provide an additional set of female friendly change rooms at the at Walter Galt Pavilion at Walter Galt Reserve, Parkdale.

A number of options relating to the future development of changeroom facilities at the Walter Galt pavilion at Walter Galt Reserve, Parkdale are discussed in this report.

### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### **RECOMMENDATION**

That Council:

1. Endorse the pavilion upgrade, including the existing changeroom facilities and provision of an additional set of inclusive female friendly changeroom facilities, at Walter Galt Reserve, Parkdale, set out as Appendix 1;
2. Note the State Government's funding commitment of \$750,000 to the upgrade of the Walter Galt pavilion at Walter Galt Reserve; and
3. Include within Council budget processes consideration of an additional \$1.95M funding across 2023/24 and 2024/25 financial years for the Walter Galt pavilion at Walter Galt Reserve, Parkdale.

### **1. Executive Summary**

A 2022/23 State budget funding commitment of \$750,000 was announced by the Member for Mordialloc, Mr Tim Richardson MP to provide upgraded female friendly facilities at Walter Galt pavilion. Whilst this funding announcement is welcomed, it was not a funding request or submission from Council.

Early design development shows that the State Government's funding commitment of \$750,000 will not meet the estimated cost of \$3.45M, excluding GST (November 2022 cost plan) to complete the proposed female friendly upgrade works, which includes upgrading the existing changeroom facilities and provision of an additional set of female friendly change rooms, consistent with peak sporting facility guidelines.

To secure additional funding towards the female friendly upgrade works Council endorsed an application to Sport and Recreation Victoria's (SRV) Local Sports infrastructure Fund on the 27 June 2022 for \$750,000. On the 26 October 2022, SRV advised that Council's funding application was unsuccessful.

A funding commitment of \$0.75M is identified in Council's Long Term Financial Plan to match the State Government's funding of \$0.75M. However, as Council's grant application to SRV's Local Sports infrastructure Fund was unsuccessful, the project now has an estimated funding shortfall of \$1.95M. Endorsement of the total Council contribution towards the project of \$2.7M is sought to meet the estimated construction cost of \$3.45M. This funding ensures that the two playing fields at Walter Galt are supported by two sets of changeroom facilities that meet peak sporting guidelines, including female friendly facilities. Council funding will be required across 2023/24 and 2024/25 financial years.

The winter tenant, the Mordialloc Braeside Junior Football Club, is one of the largest sporting clubs in Kingston with a high need for female friendly pavilion facilities. The summer tenant, the Kingston Hawthorn Cricket Clubs is also experiencing increased interest to support female participation, however it is unable to fully meet community sporting needs as the pavilion facilities are below that of expected community standards.

## **2. Background**

Walter Galt Reserve is a local level facility located in Parkdale. It has two playing fields that are used for AFL and cricket sporting activities. With a strong membership base of 650 juniors (31 teams), the Mordialloc Braeside Junior Football Club (MBJFC) is one of the largest sporting clubs within the City of Kingston. It is located at Walter Galt Reserve and shares the site with Kingston Hawthorn Cricket Club (KHCC). Both clubs are allocated seasonal access to the two ovals and existing pavilion at the Reserve. Parkdale Auskick, with 200 children, also share the ovals on Friday nights and Saturday mornings.

The MBJFC are a junior football club who cater to junior age groups ranging from Under 8 – Under 17 years of age. MBJFC has 150 female players within its 8 junior football teams. The MBJFC compete within the Southern Metro Junior Football League (SMJFL). The KHCC are a premier cricket club that has 270 members across junior, senior and master teams. Of its members there is one U11 girls' team and KHCC is looking to build on this in the future. Both the MBJFC and KHCC report issues attracting and retaining members due to the absence of purpose built facilities, particularly female friendly change facilities.

It is both a facility requirement of the AFL and Cricket Australia that a set of changerooms should be provided with each playing field e.g. AFL and Cricket Australia facility guidelines recommended that an additional set of changerooms should be provided at Walter Galt Reserve. Furthermore, peak sporting guidelines seek for all change facilities to be female friendly (as part of meeting universal access requirements).

As part of the 2022/23 State budget, a funding commitment of \$0.75M to provide upgraded female friendly facilities at Walter Galt Reserve was announced by the Member for Mordialloc; Mr Tim Richardson MP. Whilst this funding announcement is welcomed, it was made in the absence of a funding request/submission from Council. It is understood that the State's funding intent is for the upgrade of the existing pavilion to include two female friendly changerooms with amenities and also to provide an additional set of female friendly change rooms. Early design development demonstrates that the State Government's funding commitment of \$0.75M would not meet the estimated cost of \$3.450M (ex GST) to complete the proposed works.

Consequently, on 27 June 2022 Council endorsed an application to Sport and Recreation Victoria's (SRV) Local Sports infrastructure Fund to secure additional funding towards the female friendly upgrade works (refer below):

**10.1 Applications - Sport and Recreation Victoria - Local Sports Infrastructure Fund 2022**

**RECOMMENDATION**

That Council:

1. Endorse the submission of the following project/s as applications to the Victorian Government's Sport and Recreation Victoria's Local Sports Infrastructure Fund 2022:
  - a) Female friendly change rooms at Walter Galt Reserve, Mordialloc;
  - b) Sports Lighting on the second sports fields at Walter Galt Reserve, Mordialloc;
  - c) Sport lighting upgrade at Bonbeach St, Chads Baseball Club; and
  - d) Upgrade of the playspace at Peter Scullin Reserve, Mordialloc.
2. Commit to providing the necessary funding in the 2022/23 capital budget to deliver the projects if the funding applications are successful.

**Note:** Refer to page 5 of the Minutes where this item was resolved *en bloc*.

On the 26 October 2022, Sport and Recreation Victoria advised that Council's funding application was unsuccessful.

This report seeks Council's funding support estimated at \$2.7M towards a \$3.45M project cost, to upgrade the existing changeroom facilities and also provide an additional set of female friendly change rooms (umpires and players) at Walter Galt Reserve.

**2.1 Fit for Purpose – Pavilion and Standards**

The Walter Galt at Walter Galt Reserve, Parkdale has only 2 change rooms, one home and one away. The adjoining bathroom facilities contain urinals and communal showers and fails to meet both female friendly standards and AFL/Cricket Australia facility guidelines in number and in size. The pavilion was last refurbished in 2008, at which time there were no female sporting members and sporting facility guidelines were limited. In 2011 the MBJFC registered its first all-girls U12's team and since then has further developed and grown its female members. Currently it has one of the largest members of females participating in non-traditional sport within the City.

The AFL Facility guidelines for local level pavilion facilities recommend the 2 change rooms, at least 45m<sup>2</sup> in size, for each oval including a 25m<sup>2</sup> amenity space equipped with 3 showers and 3 toilets per amenity. Umpires' rooms call for a 20-25m<sup>2</sup> space that includes 2 cubicle showers and 1 cubicle toilet catering to unisex standards.

These guidelines ensure that Local Government Agencies provide fair and equitable facilities that support all people regardless of gender, age, and physical abilities.

The facility guidelines compliance issues at the Walter Galt pavilion have been assessed by officers as priority for upgrade. To assist in supporting the MBJFC with additional change facilities, Council hires temporary portables (since 2016 a total cost of over \$100,000 has been incurred). The costs for the hire of the temporary change facilities includes delivery and collection of the portables, leveling, step hire, cleaning post works and on occasion graffiti removal. The hire of temporary change facilities is not considered a long-term solution with the provision of fit for purpose sporting facilities.



The proposed upgrade would result in a safer and more welcoming environment for not only the female participants but the overall club members and their families.

The upgraded design also includes the provision of storage and publicly accessible amenities to cater for the community members who use the Reserve for recreational purposes.

## **2.2 Council Funding**

With an estimated project cost of \$3.45M and the State Government's commitment of \$0.75M, the funding requirement of Council to deliver the project is estimated at \$2.7M.

Within Council's LTFP there is a provision of \$0.75M towards this project.

To meet Council's contribution of \$2.7M, an additional \$1.95M will be required in the Long Term Capital Works program, funded across 2023/24 and 2024/25 financial years.

## **2.3 Options**

Option1: Upgrade the existing change facilities and provide additional change facilities, female friendly (recommended)

Council provides total funding estimated at \$2.7M from in the 2023/24 and 2024/25 financial years and partners with the State Government to upgrade the existing changeroom facilities and also provide an additional set of female friendly change rooms at Walter Galt Reserve, Parkdale.

This ensures the changeroom facilities meets the sporting requirements and reduces the need for Council to upgrade the pavilion facilities at a later date.

Option 2: Upgrade the existing change facilities only, female friendly upgrade

This approach strictly meets the requirements of the State Government. However, as there is a requirement for an additional set of changerooms at Walter Galt Reserve, the user groups will continue to struggle to meet the needs of their members,

This option will not be supported by the clubs as it will not fully meet the clubs' needs or the required service level requirements or meet State Sporting facility guidelines (AFL and Cricket Australia).

At a cost of \$0.75M, it is more affordable than the provision of an additional changeroom (above option – 3.3.1). This option is unlikely to require additional Council contribution.

Option 3: Council to reject State funding commitment

Council may choose not to receive the State Government funding. This approach comes with reputation risks to Council, considering its relationship with the State Government, MBJFC, KHCC and the broader community.

A delay in progressing the project would result in future cost escalations and Council would continue to struggle to meet the needs of the tenant clubs and continue to incur annual costs with the hire of temporary facilities.

## **2.4 Next Steps**

Following Council's support of Option 1 (recommended option) presented in Section 3.3.1 the proposed future actions and associated indicative dates are:

- Council endorsement of funding – December 5, 2022,

- Advise the Member for Mordialloc of Council's decision with the pavilion upgrade - January 2023;
- Design development and documentation - December 2022 to May 2023;
- Tender and contract award - June 2023 to September 2023; and
- Construction - commencing October/November 2023.

### **3. Consultation**

#### **3.1 Internal Consultation:**

Council's Active Kingston and Infrastructure teams have partnered to determine the required scope of works and associated costs. Ben Cohen architects were engaged to develop concept plans (Appendix 1) and secure a detailed Quantity Surveyor Estimate (Appendix 2), prepared in October 2022.

#### **3.2 Community Consultation:**

Group	Method
<b>Key Stakeholders</b> Mordialloc Braeside Junior Football Club Kingston Hawthorn Cricket Club Sport and Recreation Victoria	Council officers have been working with the resident sporting clubs via meetings, emails and phone calls to progress funding applications and seek written support for the proposed plans as required under the funding guidelines.  Council held on-line meetings with Sport and Recreation Victoria seeking advice and approach to apply for the additional funding.
General Community	An information bulletin was mail dropped to the surrounding properties with no response regarding the pavilion of development.
Cohen Leigh Architects	Provided the initial design work and cost estimate for the proposed works.
Targeted groups	Council officers will work with the SMJFL, MBJFC and KHCC to look for opportunities to grow the female membership and engage with other groups such as the seniors and multicultural groups.

#### **3.3 Results/Findings:**

Consultation was undertaken with both MBJFC and KHCC during the grant application (Sport and Recreation Victoria) process. Whilst both groups highlight and support the need for improved female friendly facilities, they have expressed a desire for Council to further extend the scope of the project to upgrade the pavilion to a standard similar to that of current pavilion improvements e.g. Mentone Reserve.

Officers continue to work with the MBJFC and KHCC with the planning of the works.

Early community consultation regarding the project was undertaken via a letterbox drop in July 2022. No residents responded to the proposed upgrade of the pavilion.

### **3.4 Council Plan Alignment**

Strategic Direction: Healthy and inclusive - We are progressive, inclusive and prioritise the wellbeing of all members of our community.

Strategy: Support our community's physical wellbeing

The proposed project aligns with the strategic indicators 33 and 34 relating the number of female sporting teams registered within Council's clubs, and the percentage of Kingston Sporting facilities that are female friendly. Furthermore, the proposed construction and upgrades at Walter Galt is in direct response to the lack of change facilities within the existing building, and the need to support the ongoing provision of community infrastructure for local sporting and community groups within the municipality.

### **3.5 Governance Principles Alignment**

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

### **3.6 Financial Considerations**

#### **Projected costings**

State and Council funding contributions are shown below, including phasing of funding across financial years:

	Yr1 2022/2023	Yr2 2023/24	Yr3 2024/25	Total Cost
State	\$0.675M		\$0.075	\$0.75M
Council		\$0.75M	\$1.95M	\$2.7M
Total				\$3.45M

#### **Staff Resources**

The project delivery will be managed by the Infrastructure Services team who have experience in project management of building/change facilities. This project will also be monitored by the Project Management Office who will provide support and advise when required. As the service owner Active Kingston will liaise with the tenant sports clubs and SRV.

#### **Risk considerations**

Failure to provide appropriate community infrastructure is likely to have reputational risks for Council. In addition, the MBJFC will be disadvantaged in comparison to other junior football clubs who have received recent investments and upgrades to their sporting facilities. With nonstandard facilities the MBJFC may lose members to other clubs within the municipality that have improved sporting facilities.

## **Appendices**

Appendix 1 - Walter Galt Sporting Pavilion - Concept Plan (Ref 22/310504) 

Appendix 2 - Walter Galt Pavilion Cost Plan - November 2023 (Ref 22/334408) 

Author/s: Debbie Murray, Recreation, Planning & Projects Co-ordinator

Reviewed and Approved By: Mark Stockton, Team Leader Active Kingston

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**12 December 2022**

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Bridget Draper, Manager, Active Kingston

Samantha Krull, General Manager Infrastructure and Open Space

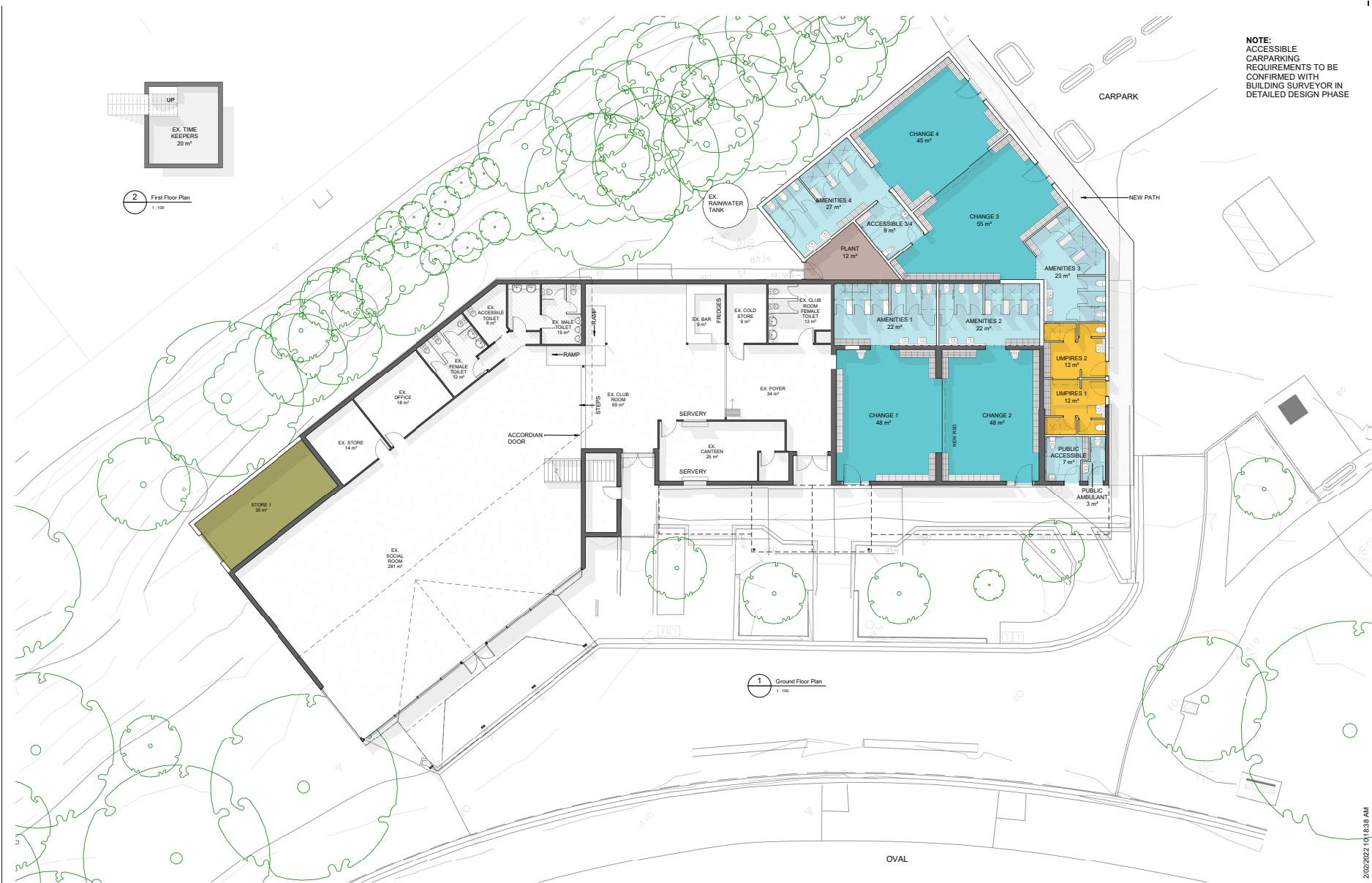
# 10.3

## WALTER GALT RESERVE PAVILION PROJECT FUNDING

1	Walter Galt Sporting Pavilion - Concept Plan .....	141
2	Walter Galt Pavilion Cost Plan - November 2023.....	145







**NOTE:**  
ACCESSIBLE  
CARPARKING  
REQUIREMENTS TO BE  
CONFIRMED WITH  
BUILDING SURVEYOR IN  
DETAILED DESIGN PHASE

No.	Description	Date
A	Concept Design Issue	220117
B	DDA Review Issue	220121
C	Client Design Issue	220202

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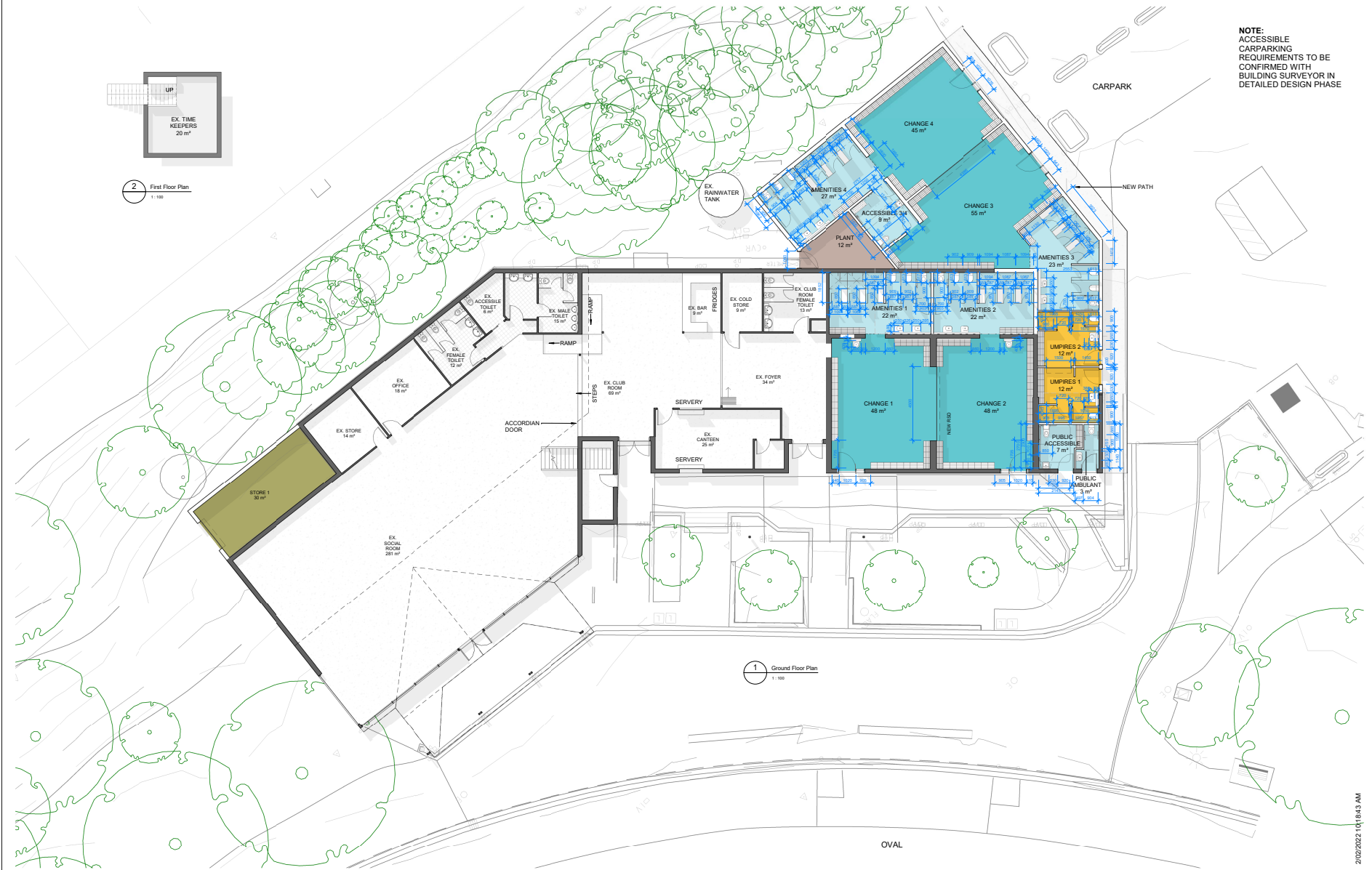
Walter Galt Reserve Pavilion  
City of Kingston

SCALE 1 : 100	@ A1
DRAWN PROJECT No. DATE	Author 211203 Issue Date
CHECKED	Checker

DRAWING TITLE Concept Plan	REV No. C
DRAWING No. CD-03	

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No.	Description	Date
A	Concept Design Issue	220117
B	DDA Review Issue	220121
C	Client Design Issue	220202

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Walter Galt Reserve Pavilion

City of Kingston

SCALE  
1:100 @ A1

DRAWN	Author	CHECKED	Checker
PROJECT No.	211203		
DATE	Issue Date		

DRAWING TITLE  
Concept Plan - Dimensioned

DRAWING No.  
**CD-04**

REV No.  
**C**

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Kingston City Council  
Walter Gault Pavilion

Cost Plan B (R0)

**Cost B Report**

24 November 2022

**CB** Currie & Brown

Kingston City Council  
 Walter Gault Pavilion  
 24 November 2022 (Revision 0)

**Client:** Kingston City Council

**Project:** Walter Gault Pavilion

**Document Title:** Cost Plan B

**Revision:** 0

#### Revision History

Rev:	Date:	Description of Revision	Prepared by:	Checked by:	Authorised by:
0	24.11.2022	Cost Plan B Issue	SM/TR	TR	MC

#### Distribution list

Name	Company	Date issued	Format
Noel Kieran	Kingston City Council	24.11.2022	PDF via e-mail

Kingston City Council  
Walter Gault Pavilion  
24 November 2022 (Revision 0)

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## 1. Inclusions

We have allowed for the follow inclusions:

- Hazardous Material allowance of approx. \$10,000
- Allowance for Solar PV System at \$25,000
- Consultant Fees at 10%
- Authority Charges at 1.0%
- Design Contingency at 5%
- Construction Contingency at 10%
- Escalation for 'Construction commencement' to August 2023 and Completion early 2024

## 2. Exclusions

- Goods and Services Tax
- Land purchase, Legal and Borrowing Costs, where applicable
- Clients Contingency
- Staging allowance
- Client Management Fees
- FFE & Loose Equipment and ICT Allowance
- ESD (beyond allowances noted)
- Out of Hours Allowance

Kingston City Council  
Walter Gault Pavilion  
24 November 2022 (Revision 0)

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## Appendices A Cost Plan Summary

## Summary

<b>Project:</b> Kingston City Council			<b>Details:</b> 503458 Walter Galt Reserve Pavilion		
<b>Building:</b> Walter Galt Pavilion					
	Description	Quantity	Unit	Rate	Total
	<b>SHELL</b>				
1	SUBSTRUCTURE	418	m2	371.96	155,480
2	COLUMNS	418	m2	104.98	43,882
3	UPPER FLOORS	418	m2	0.00	0
4	STAIRCASES	418	m2	0.00	0
5	ROOF	418	m2	426.97	178,473
6	EXTERNAL WALLS	418	m2	273.68	114,400
7	WINDOWS	418	m2	159.09	66,500
8	EXTERNAL DOORS	418	m2	71.29	29,800
	<b>FITOUT</b>				
9	INTERNAL WALLS	418	m2	203.98	85,265
10	INTERNAL SCREENS	418	m2	118.18	49,400
11	INTERNAL DOORS	418	m2	103.35	43,200
12	WALL FINISHES	418	m2	297.21	124,235
13	FLOOR FINISHES	418	m2	195.19	81,590
14	CEILING FINISHES	418	m2	162.75	68,030
15	FITMENTS	418	m2	411.35	171,945
16	SPECIAL EQUIPMENT	418	m2	0.00	0
	<b>SERVICES</b>				
17	HYDRAULIC SERVICES	418	m2	656.05	274,230
18	MECHANICAL SERVICES	418	m2	286.58	119,790
19	FIRE PROTECTION	418	m2	55.00	22,990
20	ELECTRICAL SERVICES	418	m2	566.65	236,860
21	TRANSPORTATION SYSTEMS	418	m2	0.00	0
	<b>DEMOLITION</b>				
22	DEMOLITION/ALTERATIONS	418	m2	120.14	50,220
	<b>SITE WORKS</b>				
23	SITE PREPARATION	418	m2	73.27	30,625
24	ROADS, FOOTPATHS & LANDSCAPE	418	m2	144.21	60,280
25	EXTERNAL SERVICES	418	m2	120.05	50,180
	<b>TOTAL BUILDING COST</b>	<b>418</b>	<b>m2</b>	<b>4,922</b>	<b>2,057,374</b>
26	PRELIMINARIES	12.0	%	2,057,374	246,885

## Summary

<b>Project:</b> Kingston City Council		<b>Details:</b> 503458 Walter Galt Reserve Pavilion			
<b>Building:</b> Walter Galt Pavilion					
	Description	Quantity	Unit	Rate	Total
27	MARGIN	3.5	%	2,057,374	72,008
	<b>NETT CONSTRUCTION COST</b>	<b>418</b>	m2	5,685	<b>2,376,267</b>
	<b>SPECIAL PROVISIONS:</b>				
28	DESIGN CONTINGENCY	5.0	%	2,376,267	119,000
29	CONSTRUCTION CONTINGENCY	10.0	%	2,376,267	239,000
	<b>TOTAL CONSTRUCTION COST</b>	<b>418</b>	m2	6,541	<b>2,734,000</b>
	<b>OTHER PROJECT COST</b>				
30	ICT		Item		Excluded
31	FF&E AND LOOSE EQUIPMENT		Item		Excluded
32	ESD ALLOWANCE		Item		Excluded
33	CONSULTANT FEES	10.0	%	2,734,000	273,000
34	AUTHORITY CHARGES	1.0	%	2,734,000	27,000
35	STAGING ALLOWANCE		Item		Excluded
36	DECANTING & RELOCATION COST		Item		Excluded
37	OUT OF HOURS ALLOWANCE		Item		Excluded
38	CLIENT MANAGEMENT COST		Item		Excluded
	<b>ESCALATION</b>				
39	TO CONSTRUCTION COMMENCEMENT	10.0	%	2,734,000	274,000
40	TO CONSTRUCTION COMPLETION	5.0	%	2,734,000	142,000
	<b>TOTAL PROJECT END COST</b>	<b>418</b>	m2	8,254	<b>3,450,000</b>

Kingston City Council  
Walter Gault Pavilion  
24 November 2022 (Revision 0)

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## Appendices B Cost Plan Details



## Elemental Details

<b>Project:</b> Kingston City Council	<b>Details:</b> 503458 Walter Galt Reserve Pavilion
<b>Building:</b> Walter Galt Pavilion	

Auto code	Description	Quantity	Unit	Rate	Total
<b>1</b>	<b>SUBSTRUCTURE</b>				
	<b>Site Clearing</b>				
1	Site clearance	297	m2	10.00	Included
2	Allowance for excavation, fill, subgrade and compaction	149	m3	65.00	Included
	<b>Foundation and Slabs</b>				
3	Polythene membrane on 50 compacted sand	297	m2	20.00	5,940
4	Ground Slab	297	m2	250.00	74,250
5	Ground Beams	297	m2	200.00	59,400
6	Allowance for 5500mm deep piled footing system (as advised by Southern Geotech Report dated 27.01.2022)	149	m2		
7	Allow for construction joints	297	m2	5.00	1,485
8	Allowance for connection to existing slab		Item		7,500
	<b>Termite Treatment</b>				
9	Allow for termite control	297	m	8.00	2,376
	<b>Sundry</b>				
10	Allow for sundry items		Item		4,529
					<b>155,480</b>

<b>2</b>	<b>COLUMNS</b>				
	<b>Columns</b>				
	<u>Allowance for structural steel columns</u>				
1	To extension area	418	m2	90.00	37,620
2	Allowance for loose and attached connections		Item		3,762
3	Allowance for shop drawings		Item		2,500
					<b>43,882</b>

<b>3</b>	<b>UPPER FLOORS</b>				
1	N/A		Item		0
					<b>0</b>

<b>4</b>	<b>STAIRCASES</b>				
1	N/A		Item		0
					<b>0</b>

<b>5</b>	<b>ROOF</b>				
	<b>Roof Frame</b>				
1	Structural steel columns and roof frame - allowance of 40kg/m2	11.01	t	9,000.00	99,090
2	Allowance for loose and attached connection	0.94	t	9,000.00	8,423
	<b>Sheet Metal Roofing</b>				
3	Sheet metal roofing including insulation and safety mesh	276	m2	85.00	23,460
4	Allowance for fascia flashings and capping	276	m2	35.00	9,660

## Elemental Details

<b>Project:</b> Kingston City Council	<b>Details:</b> 503458 Walter Galt Reserve Pavilion
<b>Building:</b> Walter Galt Pavilion	

Auto code	Description	Quantity	Unit	Rate	Total
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### 5 ROOF (Continued)

5	Allowance for connection to existing roof		Item		7,500
	<b>Eaves / Soffit Linings</b>				
6	13mm USG Fibrerock Aqua-tough soffit lining with paint finish, supported on Rondo suspension system including framing	26	m2	150.00	3,900
	<b>Roof Plumbing</b>				
7	Allow for rainwater goods and roof drainage	276	m2	65.00	17,940
	<b>Stair Roof Hatch</b>				
8	Allowance for stair roof hatch		Item		3,500
9	Allowance for roof access		Item		5,000

**178,473**

### 6 EXTERNAL WALLS

	<b>External Walls</b>				
1	Allowance for external walls	232	m2	450.00	104,400
2	Allowance for connections to existing	1	Item	10,000.00	10,000

**114,400**

### 7 WINDOWS

	<b>Windows</b>				
1	Allowance for windows	70	m2	800.00	56,000
2	Allow for blinds	1	Item	7,000.00	7,000
	<b>Sundry</b>				
3	Allowance for sundry items		Item		3,500

**66,500**

### 8 EXTERNAL DOORS

	<b>Doors</b>				
1	2100W Roller door to Store 1	1	No	7,500.00	7,500
2	Single leaf solid core access doors	9	No	2,200.00	19,800
	<b>Sundry</b>				
3	Allowance for undocumented sundry items		Item		2,500

**29,800**

### 9 INTERNAL WALLS

	<b>Internal Walls</b>				
1	Allowance for 92mm steel studs with insulation and plasterboard on both sides	221	m2	265.00	58,565
2	Allowance for hob wall	17	m2	250.00	4,250
3	Allowance for 250 masonry wall	50	m2	300.00	15,000
4	Infill existing 350 masonry wall	7	m2	350.00	2,450

## Elemental Details

<b>Project:</b> Kingston City Council	<b>Details:</b> 503458 Walter Galt Reserve Pavilion
<b>Building:</b> Walter Galt Pavilion	

Auto code	Description	Quantity	Unit	Rate	Total
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### 9 INTERNAL WALLS (Continued)

5	Allowance for sundry items ie nogging, acoustic and fire separation requirements etc		Item		5,000
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**85,265**

### 10 INTERNAL SCREENS

	<b>Toilet Partitions</b>				
1	Allowance for Laminex 18mm Laminate Toilet Partition	100	m2	350.00	35,000
2	Toilet Cubicle Doors	24	No	600.00	14,400

**49,400**

### 11 INTERNAL DOORS

	<b>Internal Doors</b>				
1	Single solid core doors	6	No	2,200.00	13,200
2	Roller shutter door; 1500W	1	No	5,000.00	5,000
3	Roller shutter door; 4500W	2	No	10,000.00	20,000
4	Allowance for sundry hardware; metal plates, door closures etc		Item		5,000

**43,200**

### 12 WALL FINISHES

	<b>Waterproofing</b>				
1	Waterproofing membrane to wet areas	629	m2	75.00	47,175
	<b>Wall Finishes</b>				
	<u>Wall Tiles</u>				
2	Ceramic tiles to Amenities	400	m2	150.00	60,000
	<u>Paint</u>				
3	Paint to new & existing walls	603	m2	20.00	12,060
	<b>Sundry</b>				
4	Allowance for additional acoustic treatment		Item		5,000

**124,235**

### 13 FLOOR FINISHES

	<b>Waterproofing</b>				
1	Waterproofing to wet areas	343	m2	65.00	22,295
	<b>Concrete finishes</b>				
2	Allowance for concrete finishes to Plant & Store 1	42	m2	120.00	5,040
	<b>Resilient Flooring</b>				
3	Allowance for floor preparation prior to laying vinyl floor	343	m2	15.00	5,145
4	Allowance for anti-slip vinyl flooring	343	m2	120.00	41,160
	<b>Skirting</b>				
5	Concrete coved skirting	42	m	50.00	2,100

## Elemental Details

<b>Project:</b> Kingston City Council	<b>Details:</b> 503458 Walter Galt Reserve Pavilion
<b>Building:</b> Walter Galt Pavilion	

Auto code	Description	Quantity	Unit	Rate	Total
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### 13 FLOOR FINISHES (Continued)

6	Vinyl coved skirting	195	m	30.00	5,850
					<b>81,590</b>

### 14 CEILING FINISHES

	<b>Plasterboard Ceiling System</b>				
1	Gyprock Aquachek 13mm moisture resistant plasterboard	384	m2	120.00	46,080
	<b>Insulation</b>				
2	Insulation above ceiling	384	m2	15.00	5,760
	<b>Edge Treatment</b>				
3	Allow for cornice / shadowline	234	m	15.00	3,510
	<b>Paint</b>				
4	Paint to plasterboard ceiling	384	m2	20.00	7,680
	<b>Sundry</b>				
5	Allowance for sundry items ie bulkhead, access panels, forming penetrations etc		Item		5,000
					<b>68,030</b>

### 15 FITMENTS

	<b>Joineries</b>				
1	Allowance for 450W timber slats bench with leg fixings	80	m	850.00	68,000
2	Allowance for joineries to Store 1		Item		2,000
	<b>Fitments</b>				
3	Allowance for robe hooks	64	No	80.00	5,120
4	Allowance for shower curtain to ACC	1	No	350.00	350
5	Allowance for surface mounted soap dispenser	15	No	150.00	2,250
6	Allowance for surface mounted soap dish and shelf to amenities	15	No	250.00	3,750
7	Allowance for hand dryer	8	No	2,000.00	16,000
8	Allowance for paper towel dispensers	8	No	500.00	4,000
9	Allowance for toilet roll holder	17	No	150.00	2,550
10	Allowance for surface mounted folding shower seat	15	No	1,000.00	15,000
11	Allowance for grab rail; straight	9	No	450.00	4,050
12	Allowance for grab rail; angled	2	No	550.00	1,100
13	Allowance for shower grab rail	8	No	850.00	6,375
14	Allowance for surface mounted baby change table	8	No	4,000.00	32,000
15	Allowance for mirror	3	No	300.00	900
16	Allowance for 900H mirror	10	m2	300.00	3,000
	<b>Sundries</b>				
17	Allowance for statutory signage		Item		2,500

## Elemental Details

<b>Project:</b> Kingston City Council	<b>Details:</b> 503458 Walter Galt Reserve Pavilion
<b>Building:</b> Walter Galt Pavilion	

Auto code	Description	Quantity	Unit	Rate	Total
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### 15 FITMENTS (Continued)

18	Allowance for wayfinding signage		Item		3,000
					<b>171,945</b>

### 16 SPECIAL EQUIPMENT

1	Nil		Item		0
					<b>0</b>

### 17 HYDRAULIC SERVICES

	<b>Sanitary Fixtures</b>				
1	Wall hung basin & basin mixer	15	No	1,500.00	22,500
2	Allowance for shower head and shower mixer	15	No	1,000.00	15,000
3	Wall Faced Toilet Suite	10	No	1,200.00	12,000
4	Accessible Toilet Suite	7	No	2,500.00	17,500
5	Floor Waste	17	No	500.00	8,500
	<b>Sanitary Plumbing</b>				
6	Allow for sanitary plumbing	64	No.	1,200.00	76,800
7	Allowance for connection to existing		Item		5,000
	<b>Water Supply</b>				
8	Allow for hot water supply	30	No.	1,500.00	45,000
9	Allow for cold water supply	47	No.	1,000.00	47,000
	<b>Sundries</b>				
10	Allowance for O&P - 5%		Item		12,465
11	Allowance for BWIC - 5%		Item		12,465
					<b>274,230</b>

### 18 MECHANICAL SERVICES

	<b>Mechanical Services</b>				
1	Allowance for Mechanical Services to Extension Area	251	m2	300.00	75,300
2	Allowance to reconfigure Mechanical Services to Refurbishment Area	168	m2	200.00	33,600
3	Allowance for O&P - 5%		Item		5,445
4	Allowance for BWIC - 5%		Item		5,445
					<b>119,790</b>

### 19 FIRE PROTECTION

	<b>Fire Protection</b>				
1	Allow for fire detection system	418	m2	50.00	20,900
2	Allowance for O&P - 5%		Item		1,045
3	Allowance for BWIC - 5%		Item		1,045
					<b>22,990</b>

## Elemental Details

<b>Project:</b> Kingston City Council	<b>Details:</b> 503458 Walter Galt Reserve Pavilion
<b>Building:</b> Walter Galt Pavilion	

Auto code	Description	Quantity	Unit	Rate	Total
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### 20 ELECTRICAL SERVICES

	<b>Electrical Services</b>				
1	Allowance for Electrical Services to Extension Area	251	m2	600.00	150,600
2	Allowance to reconfigure Electrical Services to Refurbishment Area	168	m2	250.00	42,000
3	Allowance for 20kW Solar PV System		Item		25,000
4	Allowance for O&P - 5%		Item		9,630
5	Allowance for BWIC - 5%		Item		9,630
					<b>236,860</b>

### 21 TRANSPORTATION SYSTEMS

1	Nil		Item		0
					<b>0</b>

### 22 DEMOLITION/ALTERATIONS

	<b>Demolition</b>				
	<u>Internal Works</u>				
1	Demolish internal walls; lightweight walls	94	m2	40.00	3,760
2	Demolish internal walls; masonry walls	28	m2	65.00	1,820
3	Demolish single leaf doors	10	No	100.00	1,000
4	Demolish 2000W roller door	1	No	150.00	150
5	Demolish existing floor finishes along with any glue residue, underlay or staples	147	m2	35.00	5,145
6	Demolish existing ceiling linings	147	m2	45.00	6,615
7	Demolish existing sanitary fixtures (sinks, WC etc)	12	No	250.00	3,000
8	Allowance for hazardous material removal (Provisional)		Item		10,000
9	Allowance to make good on completion of demolition		Item		5,000
	<u>External Works</u>				
10	Demolish external walls; masonry walls	66	m2	65.00	4,290
11	Demolish existing hardpaving	66	m2	40.00	2,640
12	Demolish existing shed and portables	43	m2	100.00	4,300
13	Allowance to make good on completion of demolition		Item		2,500
					<b>50,220</b>

### 23 SITE PREPARATION

	<b>Site Clearing / Earthworks</b>				
1	Site clearance including disposal of waste materials	297	m2	20.00	5,940
2	Allowance for fill, subgrade and compaction	149	m3	65.00	9,685
3	Allowance for removal of any adverse soil condition (Provisional Sum)		PSum		10,000
4	EO allowance to remove contaminated materials from site		PSum		5,000

## Elemental Details

<b>Project:</b> Kingston City Council	<b>Details:</b> 503458 Walter Galt Reserve Pavilion
<b>Building:</b> Walter Galt Pavilion	

Auto code	Description	Quantity	Unit	Rate	Total
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### 23 SITE PREPARATION

(Continued)

30,625

### 24 ROADS, FOOTPATHS & LANDSCAPE

	Roads, Footpaths & Landscape				
1	Allowance for new footpath	46	m2	180.00	8,280
2	Allowance for construction/saw joints		Item		1,000
3	Allowance for pram ramp		Item		2,000
4	Extra over allowance for ramp		Item		5,000
5	Allowance for handrails	32	m	500.00	16,000
6	Allowance for bike racks		Item		3,000
7	Allowance for benches		Item		5,000
8	Allowance for soft landscaping (Provisional)		Item		15,000
9	Allow for trees and shrubs		Item		5,000

60,280

### 25 EXTERNAL SERVICES

	External Services				
1	Allowance for stormwater	251	m2	40.00	10,040
2	Allowance for sewer	251	m2	40.00	10,040
3	Allowance for external water	251	m2	25.00	6,275
4	Allowance for external gas	251	m2	20.00	5,020
5	Allowance for external fire protection	251	m2	20.00	5,020
6	Allowance for external electric, light and power	251	m2	20.00	5,020
7	Allowance to relocate existing communications	251	m2	15.00	3,765
	<b>Hot Water Storage Tanks</b>				
8	Allow for hot water storage tanks	1	Item	5,000.00	5,000

50,180

## **11. Customer and Corporate Support Reports**



# Ordinary Council Meeting

12 December 2022

**Agenda Item No:** 11.1

## INFORMAL MEETINGS OF COUNCILLORS

**Contact Officer:** Gabrielle Pattenden, Governance Officer

### Purpose of Report

To provide copies of the Informal Meetings of Councillors records in line with Rule 1 of Chapter 6 of the Governance Rules to support openness and transparency of Governance processes.

### Disclosure of Officer / Contractor Conflict of Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### RECOMMENDATION

That Council receive the report.

## 1. Executive Summary

This report contains records for meetings defined as an Informal Meetings of Councillors under Rule 1 of Chapter 6 of the Governance Rules (the Rules).

## 2. Background

The Governance Rules requires that Informal Meetings of Councillors records are reported to the next possible meeting of Council. This seeks to promote openness and transparency of Council decision making.

## 3. Discussion

### 3.1 Governance Rules Requirements

As prescribed by Rule 1 of Chapter 6 of the Rules, if there is a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- a) tabled at the next convenient Council meeting; and
- b) recorded in the minutes of that Council meeting.

A standard Informal Meeting of Councillors form will be used as the record for the purposes of the Rules. These form the appendices to the report.

Rule 6 of Chapter 5 of the Rules requires Councillors attending a meeting under the auspices of Council (to which an Informal Meeting of Councillors falls under) to disclose a conflict of interest and leave the room whilst the matter is being considered.

#### **4. Consultation**

##### **4.1 Internal Consultation:**

Not applicable

##### **4.2 Community Consultation:**

Not applicable

##### **4.3 Results/Findings:**

Not applicable

#### **5. Compliance Checklist**

##### **5.1 Council Plan Alignment**

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: Hold ourselves to the highest standard of governance and integrity

The reporting of Informal Meetings of Councillors meets the requirements of the Rules and is consistent with the above Council Plan strategy.

##### **5.2 Governance Principles Alignment**

The reporting of Informal Meetings of Councillors aligns with Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

##### **5.3 Financial Considerations**

###### **Projected costings**

Not applicable

###### **Budget**

Not applicable


###### **Staff Resources**

Not applicable

##### **5.4 Risk considerations**

Not applicable

#### **Appendices**

Appendix 1 - Informal Meetings of Councillors Record - Strategic Councillor Information  
Session - 5 December 2022 (Ref 22/345891) 

Author/s: Gabrielle Pattenden, Governance Officer

Reviewed and Approved By: Kelly Shacklock, Acting Manager Governance

Dan Hogan, General Manager Customer and Corporate Support

# 11.1

## INFORMAL MEETINGS OF COUNCILLORS

- 1 Informal Meetings of Councillors Record - Strategic  
Councillor Information Session - 5 December 2022 ..... 167

# Informal Meetings of Councillors Record

## Governance Rules Chapter 6

This form must be completed by the appropriate attending Council Officer and submitted immediately to the Governance Department for reporting to Council.



### Meeting Details

**Date:** 5 December 2022

**Time:** 6.00pm

**Meeting Location:** Online via Microsoft Teams

**Meeting Reason:** Strategic Councillor Information Session

### Attendees:

#### Councillors

Cr Hadi Saab (Mayor)  
Cr Chris Hill (Deputy Mayor)  
Cr Tracey Davies  
Cr Jenna Davey-Burns  
Cr Cameron Howe (camera off)  
Cr Georgina Oxley (camera off) (arrived at 6.32pm) (departed at 9.18pm)  
Cr Steve Staikos (departed at 8.25pm)

#### Officers

Peter Bean, Chief Executive Officer  
Jonathan Guttman, General Manager Planning and Place  
Dan Hogan, General Manager Customer and Corporate Support  
Sally Jones, General Manager Community Strengthening  
Samantha Krull, General Manager Infrastructure and Open Space  
Bernard Rohan, Chief Financial Officer  
Anna Carli, Communications Advisor  
Kelly Shacklock, Acting Manager Governance  
Gabrielle Pattenden, Governance Officer  
Tania Asper, Manager City Economy and Innovation  
Matt Nelson, Team Leader Kingston Business  
Kate Waters, Manager Inclusive Communities  
Erin Pattie, Coordinator Planning Development  
Nishtha Goel, Community Projects Officer  
Paul Marsden, Manager City Strategy  
Tracey Cheeseman, Manager Advocacy Engagement and Communications  
Astrid DiCarlo, Executive Manager Legal

#### Guests

Christine Mileham, Consultant, Salcorp

### Apologies:

Cr Tamsin Bearsley  
Cr Tim Cochrane

### Summary of Matters Discussed:

1. Apologies
2. Disclosures by Councillors, Officers and Contractors of any Conflict of Interest
3. Notes of the Strategic CIS Meeting of 21 November 2022

### Strategic Briefings

5. Councillor Weekly Update, Executive Updates and Meeting Planner  
Emptying of bins at the beach over the weekend
6. Draft Agenda - Planning Committee - See Separate Agenda
7. Response to Resolution - Tree Removals Over 8m in Height - Planning and Local Law
8. Planning Delegations Policy Emails - November 2022

[continued over page](#)

1 of 2

# Informal Meetings of Councillors Record

## Governance Rules Chapter 6

This form must be completed by the appropriate attending Council Officer and submitted immediately to the Governance Department for reporting to Council.



9. **Environment and Open Space Advisory Committee November 2022 Meeting Notes**
  10. **Small Shopping Centres Improvement Plan**
  11. **Community Safety Advisory Committee Meeting**
  12. **Application of user fees and charges at Westall Hub**
  13. **Draft Agenda - Council Meeting - See Separate Agenda**
    1. **Confidential Items**
      - 15.1 Kingston Women of the Year Awards 2023 Nominations
    2. **Planning and Place Reports**
      - 8.1 Planning Scheme Amendment C203 – Consideration of Submissions
      - 8.2 Parkdale and Mentone Level Crossing Removal Project - Update
      - 8.3 Level Crossing Removal Announcements
      - 8.4 Response to Resolution - Notice of Motion 19/2021 - Private Sector Commerce Partnerships and Investment
      - 8.5 Kingston Digital Marketing Plan
    3. **Community Strengthening Reports**
      - 9.1 Commercial Use of Council Land - The Crowded Hour Summer Lounge
      - 9.2 Commercial Use of Council Land - Mordialloc Summer Carnival
    4. **Infrastructure and Open Space Reports**
      - 10.1 Walter Galt Pavilion (Hunt McLeod Pavilion) Project Funding
      - 10.2 Tender Award Con-22/078 - Peter Scullin Playspace Renewal - Verbal Update
      - 10.3 Don Tatnell Site - Future Planning
    5. **Customer and Corporate Support Reports**
      - 11.1 Quick Response Grants
      - 11.2 CEO and General Manager Quarterly Expenses
      - 11.3 Revised Representative Community Panel Terms of Reference
      - 11.4 Put Kingston First Update
    6. **Chief Finance Office Reports**

Nil
    7. **Notices of Motion**
  14. **CEO Employment Matters**
- Other Business**
15. **Report on Legal Expenditure**
  16. **Invitations**
  17. **Councillor/CEO Only Discussion**

### Brief Explanation – Governance Rules Chapter 6:

- 1.1 If there is a meeting of Councillors that: 1.1.1 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors; and
  - 1.1.2 is attended by at least 6 Councillors; and
  - 1.1.3 is attended by at least one member of Council staff; and
  - 1.1.4 is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting;
 or  
 If there is a meeting of a Councillor or Councillors that is subject to the Planning Interactions Policy; the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:
  - (a) tabled at the next convenient Council meeting; and
  - (b) recorded in the minutes of that Council meeting.

Some examples of an Informal Meeting of Councillors will include:

- Councillor briefing session;
- Budget discussion;
- Workshop re key Council priorities;
- Site inspection;
- Preliminary planning conference

If you require further clarification, please contact the Governance team.

## Informal Meetings of Councillors Record

### Governance Rules Chapter 6

This form must be completed by the appropriate attending Council Officer and submitted immediately to the Governance Department for reporting to Council.



#### Conflict of Interest Disclosures:

**Councillor Disclosures:** Nil

#### Officer Disclosures:

Name of Officer: Peter Bean

Explanation of the nature of the conflict: General

Officer left the meeting prior to discussion: YES

Time left: 7.30pm Time returned: 7.45pm

Completed by: Gabrielle Pattenden

Date: 5 December 2022

#### Brief Explanation – Governance Rules Chapter 6:

- 1.1 If there is a meeting of Councillors that: 1.1.1 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors; and
- 1.1.2 is attended by at least 6 Councillors; and
- 1.1.3 is attended by at least one member of Council staff; and
- 1.1.4 is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting;
- or
- If there is a meeting of a Councillor or Councillors that is subject to the Planning Interactions Policy; the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:
- (a) tabled at the next convenient *Council meeting*; and
- (b) recorded in the minutes of that *Council meeting*.

Some examples of an Informal Meeting of *Councillors* will include:

- Councillor briefing session;
- Budget discussion;
- Workshop re key Council priorities;
- Site inspection;
- Preliminary planning conference

*If you require further clarification, please contact the Governance team.*

# Ordinary Council Meeting

12 December 2022

Agenda Item No: 11.2

## CEO AND GENERAL MANAGER QUARTERLY EXPENSES

Contact Officer: Patrick O'Gorman, Governance Officer

### Purpose of Report

To present to Council the CEO and General Managers' expenses for noting.

### Disclosure of Officer / Contractor Conflict of Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### RECOMMENDATION

That Council receive the report.

## 1. Executive Summary

In accordance with Council's resolution at its meeting on 23 March 2020, expenses claimed by the CEO and General Managers for each quarter of the financial year are presented to Council to note. This report details the expenses for the April to June quarter of the 2021-2022 financial year.

## 2. Background

The following resolution was moved by Council on 23 March 2020 (refer to Item 12.2).

*That Council determine to make public the CEO contract (with the exception of the key performance objectives) and CEO / General Manager expenses in the same way as Councillor expenses.*

*Further that this occur subject to the compliance with the Privacy and Data Protection Act 2014 (VIC), and the Australian Privacy Principles.*

*Further that a report come to council no less than every quarter to note such expenses.*

This report responds to part 3 of the resolution.

## 3. Discussion

### 3.1 Communication expenses

Three of the recently appointed members of the executive team that had communications expenses up to 31 July 2022 were declared in the previous quarterly report. Any payments made after the 31 July for the three appointed members are reflected in this quarterly report.

**3.2 Transparency**

Council made the resolution for CEO and General Manager expenses to be consistent with the reporting of Councillor Expenses. The attached table presents the information in the same manner as the reporting of Councillor Expenses and will be made available via Council's website.

**4. Consultation**

Not applicable to this report.

**5. Compliance Checklist**

**5.1 Council Plan Alignment**

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: Look after the community's financial resources responsibly and efficiently  
This report and the publication of the attached table to Council's external website highlight the organisations commitment transparency and ensuring appropriate spending of resources.

**5.2 Governance Principles Alignment**


Principle (g) - the ongoing financial viability of the Council is to be ensured.

Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

**5.3 Risk considerations**

Not applicable to this report.

**Appendices**

Appendix 1 - CEO and General Manager Expenses 1 July - 30 September 2022 (Ref 22/335729) 

Author/s: Patrick O'Gorman, Governance Officer

Reviewed and Approved By: Stephanie O'Gorman, Team Leader Council Governance

Kelly Shacklock, Acting Manager Governance

Dan Hogan, General Manager Customer and Corporate Support



# 11.2

## CEO AND GENERAL MANAGER QUARTERLY EXPENSES

1	CEO and General Manager Expenses 1 July - 30 September 2022 .....	175
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## CEO and General Manager Expenses 1 July to 30 September 2022

2021-2022 FY Q4	Communications expenses (mobile phones, tablets, and wireless data cards)	Travel intrastate	Travel interstate	Travel Overseas	Training, Conferences and Education	Other Expenditure
Chief Executive Officer – Peter Bean	\$523.57	\$6.40			\$1025.61	\$536.80
Chief Financial Officer – Bernard Rohan <i>1 August – 30 September</i>	-					
General Manager Infrastructure and Open Space – Samantha Krull	\$73.45					
General Manager Community Strengthening – Sally Jones <i>1 August – 30 September</i>	\$70.77					
General Manager Customer and Corporate Support – Dan Hogan <i>1 August – 30 September</i>	\$77.55					
General Manager Planning and Place – Jonathan Guttman	\$201.04					

# Ordinary Council Meeting

12 December 2022

**Agenda Item No: 11.3**

## **QUICK RESPONSE GRANTS**

**Contact Officer: Gabrielle Pattenden, Governance Officer**

### **Purpose of Report**

To seek Council's consideration of Quick Response Grant applications received.

### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### **RECOMMENDATION**

That Council approve the following Quick Response Grant applications:

- Churches of Christ Community Care – \$1000.00
- Springvale and District Netball Association - \$1500.00
- Chelsea Pony Club - \$1500.00
- Circolo Pensionati Italiani di Oakleigh e Clayton - \$1000.00
- Moorabbin Seniors Club Inc - \$900.00
- Friends of Mentone Station & Gardens Inc - \$900.00

## **1. Executive Summary**

The Quick Response Grants Program gives individuals and community groups the opportunity to apply for small grants required at short notice to help them achieve their goals and ambitions.

This Program responds to the community's need for a form of grant that is flexible and efficient in terms of the time between application and approval and applies to smaller amounts of funding to a maximum of \$1,500.00.

Quick Response Grants are a category under Council's Community Grants Program.

## **2. Background**

In April 2019 Council revised the Quick Response Grants Guidelines. Grant applications are checked for eligibility in line with a set of criteria outlined in the Guidelines. An application must be submitted to Council and considered for approval at a Council Meeting.

Any not-for-profit group, school or community organisation providing services within the City of Kingston may apply.

Individuals must be a resident of the City of Kingston and participating in an activity in an unpaid capacity and not as a requirement of any formal course of study or of their employment. Individuals can apply for a grant to assist them to participate in a sporting, educational, recreational or cultural activity; other pursuit of a personal development nature; which will have a clear benefit to the community.

Community groups can apply for a grant to assist with the provision of a service, program or activity used by or of benefit to Kingston residents.

### **3. Discussion**

#### **3.1 Assessment and Application Criteria**

Applications for Quick Response Grants are assessed against the criteria outlined in the guidelines as follows:

- Are funds needed at short notice or can they wait for the Annual Grants program?
- Does the proposed activity/event/project benefit the City of Kingston residents?
- Has the applicant demonstrated a clear need for funds?
- Has the applicant received any other funding from Council?
- That the organisation is a not-for-profit and has a bank account in the name of organisation.
- Can the project be funded under any other Council grant program?

### **4. Consultation**

#### **4.1 Internal Consultation:**

N/A

#### **4.2 Community Consultation:**

N/A

#### **4.3 Results/Findings:**

N/A

### **5. Compliance Checklist**

#### **5.1 Council Plan Alignment**

Strategic Direction: Healthy and inclusive - We are progressive, inclusive and prioritise the wellbeing of all members of our community.

Strategy: Support the inclusion of everyone in community life

#### **5.2 Governance Principles Alignment**

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

**5.3 Financial Considerations**

**Projected costings**

Not applicable

**Budget**

An amount of \$55,000 per annum has been allocated for this program.

**Staff Resources**

Not applicable

**5.4 Risk considerations**

Not applicable

**6. Applications**

<b>Name:</b>	<b>Churches of Christ Community Care</b>	
<b>Amount requested:</b>	\$1000.00	
<b>Description of Project/Event:</b>	Kidzone Holiday Program. 6 Sessions run over 3 weeks during the January term holidays. Program is aimed at 5-10 year olds from the lower socio-economic areas within the community and includes all abilities. Sessions will run for 2 hours with a 20 minute break in between. Maximum of 20 children with parents required to sign in and out their children or may remain during the program.	
<b>How the funds will be used:</b>	Funds will be used to purchase materials, paper, paints, chalk. Also juice and fresh fruit to be provided each session. Rental of the hall is \$22 per hour and this covers the cost of utilities used. Facilitators include a qualified Kindergarten teacher and retired Children's Tennis Coach, plus Minister. No payment will be made to the facilitators.	
<b>Assessment Criteria:</b>		
• The applicant meets the eligibility criteria		✓
• Funds are needed at short notice		✓
• The activity/event/project benefits the City of Kingston residents		✓
• The applicant has demonstrated a clear need for funds		✓
• The applicant has not received any other funding from Council for this project		✓
• The applicant is an individual or not for profit organisation		✓
• The project cannot be funded under any other Council Grant program		✓
<b>Grants received in current or last financial year</b>		
Annual Grant - \$10000.00 – August 2021		
Annual Grant - \$10000.00 – August 2022		
<b>Officer Comment:</b>		
This application meets the assessment criteria and is recommended for approval for an amount of \$1000.00		

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**12 December 2022**

<b>Name:</b>	<b>Springvale and District Netball Association</b>	
<b>Amount requested:</b>	\$1500.00	
<b>Description of Project/Event:</b>	We are keen to purchase a new, energy-efficient fridge, to replace the current one we have that is now old and unable to keep any of our perishables cool. Keeping food items and perishable goods fresh is a must, with our canteen being a key revenue generator. Being able to purchase a new fridge with greater capacity will also enable us to purchase food and drinks in bulk, which reduces our costs and will increase the profitability of our canteen, without having to increase the cost of goods to members or visitors.	
<b>How the funds will be used:</b>	The funds will be used to purchase a fridge to replace the old one. We are willing and able to contribute the balance to purchase the item as this will be highly beneficial to our club and community.	
<b>Assessment Criteria:</b> <ul style="list-style-type: none"><li>• The applicant meets the eligibility criteria</li><li>• Funds are needed at short notice</li><li>• The activity/event/project benefits the City of Kingston residents</li><li>• The applicant has demonstrated a clear need for funds</li><li>• The applicant has not received any other funding from Council for this project</li><li>• The applicant is an individual or not for profit organisation</li><li>• The project cannot be funded under any other Council Grant program</li></ul>		<div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div>
<b>Grants received in current or last financial year</b> Quick Response Grant - \$1500.00 – February 2022		
<b>Officer Comment:</b> This application meets the assessment criteria and is recommended for approval for an amount of \$1500.00.		

<b>Name:</b>	<b>Chelsea Pony Club</b>	
<b>Amount requested:</b>	\$1500.00	
<b>Description of Project/Event:</b>	Help purchasing a ride-on mower as our old second hand one has been problematic since onset. The mower requires fixing and a new belt after each time we use it. The mower was recently rebuilt but is still unusable.	
<b>How the funds will be used:</b>	Ride on mower. Our supporting members Landscape gardener and Grounds manager have been looking at mowers for over 6 months now and have decided on the best make and model to cater to the needs of the pony club but we do not have enough funds to purchase the mower. Instead we will have to get a loan. So the Quick response grant will enable us to obtain a loan for the mower.	
<b>Assessment Criteria:</b>		
• The applicant meets the eligibility criteria		✓
• Funds are needed at short notice		✓
• The activity/event/project benefits the City of Kingston residents		✓
• The applicant has demonstrated a clear need for funds		✓
• The applicant has not received any other funding from Council for this project		✓
• The applicant is an individual or not for profit organisation		✓
• The project cannot be funded under any other Council Grant program		✓
<b>Grants received in current or last financial year</b>		
Annual Grant - \$5000.00 – September 2021		
<b>Officer Comment:</b>		
This application meets the assessment criteria and is recommended for approval for an amount of \$1500.00		

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**12 December 2022**

Name:	Circolo Pensionati Italiani di Oakleigh e Clayton	
Amount requested:	\$1000.00	
Description of Project/Event:	15 December celebrates the 39th Anniversary of the Club	
How the funds will be used:	Supply lunch, band for live music and decorations	
Assessment Criteria:		
• The applicant meets the eligibility criteria		✓
• Funds are needed at short notice		✓
• The activity/event/project benefits the City of Kingston residents		✓
• The applicant has demonstrated a clear need for funds		✓
• The applicant has not received any other funding from Council for this project		✓
• The applicant is an individual or not for profit organisation		✓
• The project cannot be funded under any other Council Grant program		✓
Grants received in current or last financial year		
Community Grant – 983.45 – August 2021		
Community Grant - \$3000.00 – August 2022		
Community Grant - \$1012.95 – August 2022		
Officer Comment:		
This application meets the assessment criteria and is recommended for approval for an amount of \$1000.00		

<b>Name:</b>	<b>Moorabbin Seniors Club Inc</b>	
<b>Amount requested:</b>	\$900.00	
<b>Description of Project/Event:</b>	Christmas Luncheon @ Highett RSL on Wednesday 21 December 2022. Cost \$35 per person in the RSL upstairs private function room.	
<b>How the funds will be used:</b>	Christmas Luncheon cost is \$35 per person with members paying \$15. There are incidentals such as table cloth hire, Christmas Bon Bons and Christmas treats on the tables. Water, tea and coffee are provided, members pay for any additional drinks. We estimate 40 to 45 members will attend, currently have 25 confirmed and paid their \$15. As our City of Kingston annual grant of \$1,000 per year has been withdrawn from July this year, we apply for a Quick Response Grant to partly cover the cost of this event.	
<b>Assessment Criteria:</b>		
• The applicant meets the eligibility criteria		✓
• Funds are needed at short notice		✓
• The activity/event/project benefits the City of Kingston residents		✓
• The applicant has demonstrated a clear need for funds		✓
• The applicant has not received any other funding from Council for this project		✓
• The applicant is an individual or not for profit organisation		✓
• The project cannot be funded under any other Council Grant program		✓
<b>Grants received in current or last financial year</b>		
Half Yearly Operating Grant - \$500.00 – August 2021		
Community Grant - \$500.00 – February 2022		
Annual Grant - \$2000.00 – July 2022		
<b>Officer Comment:</b>		
This application meets the assessment criteria and is recommended for approval for an amount of \$900.00		

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**12 December 2022**

<b>Name:</b>	<b>Friends of Mentone Station &amp; Gardens Inc</b>	
<b>Amount requested:</b>	\$900.00	
<b>Description of Project/Event:</b>	To utilise and activate the station concourse and gardens for the community and surrounds by lighting up in a festive manner, the trees and station. Celebrating the festive season and creating a bit of cheer and excitement for all around Mentone and for those who come and visit. Council has expended a lot of effort, time and money into transforming this space and we believe through this project they will also enhance the area through its activation.	
<b>How the funds will be used:</b>	To purchase LED lights and other necessary equipment like ties etc.	
<b>Assessment Criteria:</b>	<ul style="list-style-type: none"> <li>• The applicant meets the eligibility criteria</li> <li>• Funds are needed at short notice</li> <li>• The activity/event/project benefits the City of Kingston residents</li> <li>• The applicant has demonstrated a clear need for funds</li> <li>• The applicant has not received any other funding from Council for this project</li> <li>• The applicant is an individual or not for profit organisation</li> <li>• The project cannot be funded under any other Council Grant program</li> </ul>	<ul style="list-style-type: none"> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> </ul>
<b>Grants received in current or last financial year</b> Nil		
<b>Officer Comment:</b> This application meets the assessment criteria and is recommended for approval for an amount of \$900.00		

Author/s: Gabrielle Pattenden, Governance Officer

Reviewed and Approved By: Stephanie O'Gorman, Team Leader Council Governance  
Kelly Shacklock, Acting Manager Governance  
Dan Hogan, General Manager Customer and Corporate Support



**Agenda Item No: 11.4**

## **REVISED REPRESENTATIVE COMMUNITY PANEL TERMS OF REFERENCE**

**Contact Officer: Stephanie O'Gorman, Team Leader Council Governance  
Natasha Corponi, Engagement Coordinator**

### **Purpose of Report**

The purpose of this report is to present the revised Representative Community Panel Terms of Reference for adoption by Council.

### **Disclosure of Officer / Contractor Conflict of Interest**

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### **RECOMMENDATION**

That Council adopt the revised Representative Community Panel Terms of Reference.

## **1. Executive Summary**

In December 2021, Council endorsed the Terms of Reference (ToR) for the Representative Community Panel (the Panel) to be utilised for engagement purposes across the municipality. The Panel forms part of Council's existing community engagement structure, which includes Councillor Ward Meetings and Strategic Advisory Committees.

Benchmarking of deliberative engagement activities at neighbouring Councils has highlighted the effectiveness of a tiered Panel to meet Council's engagement needs. The benefits of a tiered panel will provide opportunity for varied participation opportunities. A tiered approach to engagement allows for a large pool of community members to respond to ward-specific and municipality-wide matters via an online portal, and focused subgroups to take part in structured and facilitated deliberative engagement process on more complex projects/issues.

While the adopted ToR provides for a tiered approach to the Panel, revisions are required to provide clarity on functions and operations. The revised ToR addresses the proposed tiered approach as follows:

- Tier 1 – Full Representative Panel: utilisation of full panel via digital means to provide feedback on matters before Council.
- Tier 2 – Collaborative Engagement Subgroup: Appointment of a panel of 45 members to deliberatively engage in ongoing consultation over the period of up to two years on matter/s before Council.
- Tier 3 – Additional Subgroups: utilisation of subgroups for matters as required and email engagement with panel members according to Ward for local perspective on issues.

Payment of members has also been amended to reflect the varied level of commitment required for a tiered Panel with payment limited to attendance at scheduled in person or virtual facilitated subgroup meetings. No payment will be made to Panel members who are only engaged with via email or online surveys.

Following Council adoption of the revised ToR, recruitment of Panel members will commence with the assistance of an external recruitment specialist to ensure the Panel is as demographically representative as possible.

## **2. Background**

At the June 2021 Council Meeting, it was resolved:

*That:*

1. *Council endorse the proposed committee structure found in Appendix 1.*
2. *The following actions be undertaken and presented to a future Council Meeting for approval:*
  - *the organisation of a representative community panel to be utilised for deliberative engagement on Council matters across Kingston*
  - *review and update the Terms of Reference of each Strategic Advisory Committee to reflect the updated committee structure and Council priorities*
  - *amend the Ward Meetings Policy to reflect the current electoral ward structure.*

This report specifically responds to 'the organisation of a representative community panel to be utilised for deliberative engagement on Council matters across Kingston'.

At the December 2021 Council Meeting, it was resolved:

*That:*

1. *Council adopt the Terms of Reference subject to selection of members on the Panel being based on the following demographic characteristics:*
  - Age
  - Gender
  - Suburb
  - Cultural background
  - Diverse community group affiliations

### Community Engagement under the Local Government Act 2020

The introduction of the Local Government Act 2020 (the Act) emphasised a greater importance of extensive community consultation for strategic planning responsibilities that Councils must develop and adopt. Deliberative engagement practices for community consultation empowers the community to be at the forefront of Council decision making for strategic plans such as the Council Plan, Community Vision and Long-Term Financial Plan.

The implementation of the Panel will enable Council to give further effect to this requirement.

## **3. Discussion**

### **3.1 Tiered Representative Community Panel Approach**

The revised ToR provides the following detail regarding a tiered approach for engagement. This approach will enable a more manageable model to maximise outcomes for participants according to their level of involvement.

The revised ToR outlines the following three tiers of the Panel:

- **Tier 1- Full Panel**
  - The total pool of 220 Panel participants selected to represent the broader Kingston community, with as equal representation as possible from the 11 wards, along with age, gender, cultural background, involvement in business, community memberships and any other important factors of note.
  - This group would participate in engagement via a portal established to share information and undertake quick polls, surveys and temperature check questions about matters Council is considering.
- **Tier 2 – Collaborative Engagement Subgroup**
  - Smaller Collaborative Engagement Subgroup consisting of 45 members of the Panel.
  - This subgroup would operate for a period of two years with new members appointed the following year to provide for maximum participation.
  - The subgroup will meet up to six times per year.
  - Appointment to the Collaborative Engagement Subgroup will be via expressions of interest and appointments are to be representative of community demographics.
- **Tier 3 – Additional Subgroups**

Additional subgroups may be engaged for:

  - Consultation on matters as required in a variety of formats, with appointment via expressions of interest and appointment to be representative of community demographics.
  - Ward Consultation – email engagement with members of individual Wards to gain a local perspective on issues as required facilitated by the Engagement Coordinator.

This tiered approach has been developed based on benchmarking against other Councils and will provide an opportunity for panel members to participate to varying degrees based on their relevant availability and interest in additional engagement opportunities.

### **3.2 Appointment of Members to Subgroups**

All 220 members of the Panel will be appointed by Council in accordance with the Terms of Reference. From this pool of members, expressions of interest will be sought for involvement in the Tier 2 – Collaborative Engagement Subgroup and Tier 3 – Ward Subgroups.

Council officers will work with an external facilitator to appoint subgroup members to reflect community and municipality demographics.

Representative Community Panel members may only be involved in one subgroup within their two-year Panel membership to provide opportunities for further Panel members to be involved in subgroups during their two-year tenure.

**3.3 Payment of Members**

The Revised Terms of Reference outlines an updated payment structure whereby only appointed subgroup members will receive \$50 per attendance at scheduled in person or virtual facilitated meetings to accommodate for expenses associated with subgroup involvement, such as travel costs.

On request, payments to subgroup members can be made available in advance of attendance at a scheduled in person/virtual meeting to accommodate for costs incurred, such as caring responsibilities.

There will be no payment for Tier 3 Ward Consultation Panel members as they will only be engaged with via email with no requirement for attendance at any scheduled meetings.

**4. Consultation**

**4.1 Internal Consultation:**

Consultation has been undertaken with the Governance and Policy Committee to assess the merits of a tiered approach to the representative panel model.

The revised Terms of Reference was developed in accordance with feedback received from the Governance and Policy Committee.

**4.2 Community Consultation:**

Group	Method
Benchmarking against other Councils	Benchmarking has been undertaken with the following Councils to identify deliberative engagement methods within the sector: <ul style="list-style-type: none"><li>• Mornington Peninsula Shire;</li><li>• Frankston City Council; and</li><li>• Glen Eira City Council.</li></ul>
External Facilitator	An external facilitator with experience in implementing deliberative engagement panels has been consulted with to provide information on structures used at other Councils.

**4.3 Results/Findings:**

Benchmarking and consultation with other Councils has identified that a tiered approach to the Panel would enable varied participation options for Panel members and enable smaller group, targeted consultation and engagement to provide comprehensive feedback to Council on community issues.

**5. Compliance Checklist**

**5.1 Council Plan Alignment**

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: Actively seek broad community participation

The Representative Community Panel with an accompanying tiered approach to participation will enable a wide selection of community members to engage with Council in a myriad of ways.

**5.2 Governance Principles Alignment**

Principle (d) - the municipal community is to be engaged in strategic planning and strategic decision making.

The Panel and corresponding subgroups will enable the community to provide vital feedback on matters before Council.

**5.3 Financial Considerations**

**Projected costings**

Not applicable.

**Budget**

Payment of Representative Community Panel members will be within existing budgets as determined by Council.


**Staff Resources**


Existing staff resources will be utilised for the implementation of the Panel across both the Strategic Communications and Engagement Department and the Governance Department.

**5.4 Risk considerations**

Deliberative engagement is a key component of the Act and investment in engagement mechanisms such as the Representative Community Panel mitigates Council's risk of not meeting its legislative engagement requirements.

**Appendices**

Appendix 1 - Revised Representative Community Panel Terms of Reference 2022 (Clean Copy) (Ref 22/322595) 

Appendix 2 - Revised Representative Community Panel Terms of Reference 2022 (Marked Up Copy) (Ref 22/322594) 

Author/s:	Stephanie O'Gorman, Team Leader Council Governance Natasha Corponi, Engagement Coordinator
Reviewed and Approved By:	Kelly Shacklock, Acting Manager Governance Tracey Cheeseman, Manager Advocacy, Engagement and Communications Dan Hogan, General Manager Customer and Corporate Support

# 11.4

## REVISED REPRESENTATIVE COMMUNITY PANEL TERMS OF REFERENCE

1	Revised Representative Community Panel Terms of Reference 2022 (Clean Copy) .....	191
2	Revised Representative Community Panel Terms of Reference 2022 (Marked Up Copy).....	195



### City of Kingston Representative Community Panel Terms of Reference

<b>Name:</b>	<b>City of Kingston Representative Community Panel</b>
<b>Purpose:</b>	<p>The purpose of the Representative Community Panel (the Panel) is to inform Council decision making on municipal wide or significant issues via a selection of community members across the municipality.</p> <p>The role of the Panel includes:</p> <ul style="list-style-type: none"><li>• being engaged for deliberative engagement practices to give effect to Council's responsibilities under the Local Government Act 2020</li><li>• being engaged by Council through resolution on municipal wide or significant issues for engagement</li><li>• being utilised by Council departments to engage in the development of Council policies/strategies/plans.</li></ul> <p>The Panel and corresponding subgroups will have no decision-making authority unless resolved by Council. The findings of the Panel should be channeled through the Council Meeting process by way of a report.</p>
<b>Membership:</b>	<p>The selection of Panel members will be conducted through an independent third party undertaking a recruitment process of interested community members. A maximum of 220 members (being 20 members per ward) will be selected with membership based on key demographics, including age, gender, suburb and/or cultural background. It is recommended that the membership structure of the Panel should reflect the demographic profile of each Ward as much as possible.</p> <p>The Panel will be engaged for a range of issues in accordance with the functions outlined in these Terms of Reference, which may involve the whole Panel being engaged or subgroups of the Panel, depending on the matter or issue for consideration.</p> <p>Appointment to the Panel will be for a period of two years by Council resolution.</p> <p>Appointment subgroups will be for a period of up to two years.</p>
<b>Functions of the Panel:</b>	<p><u>The Panel will operate in a three-tiered approach as follows:</u></p>

## REPRESENTATIVE PANEL TERMS OF REFERENCE

### Tier 1 - Full Panel

- The total pool of 220 Panel participants selected to represent the broader Kingston community, with as equal representation as possible from the 11 wards, along with age, gender, cultural background, involvement in business, community memberships and any other important factors of note.

This group would participate in engagement via a portal established to share information and undertake quick polls, surveys and temperature check questions about matters Council is considering.

### Tier 2 - Collaborative Engagement Subgroup

- Smaller Collaborative Engagement Subgroup consisting of 45 members of the Panel.
- This subgroup will be operational for up to two years.
- The subgroup will meet up to six times per year.
- Appointment to the Collaborative Engagement Subgroup will be via expressions of interest and appointments are to be representative of community demographics.

### Tier 3 – Additional Subgroups

Additional subgroups may be engaged for:

- a. Consultation on matters as required in a variety of formats.
- b. Ward Consultation – email engagement with members of individual Wards to gain a local perspective on issues as required, facilitated by the Engagement Coordinator.

#### **Role of Members:**

Panel members will be encouraged to actively engage in discussions of the matter at hand with a focus on providing feedback to the Council.

Panel Members who participate in a subgroup are encouraged to attend each scheduled meeting.

To capture a diverse range of voices/responses, we will aim to use members of the Full Panel in a maximum of one subgroup, over their two-year membership term.

All Panel members must engage in all forums constructively and respectfully.

#### **Council Officer/s:**

Participation of Council Officers will be dependent on the subject matter that is being presented to the Panel.

#### **Role of Council Officer/s:**

The Governance and Advocacy, Engagement and Communications and departments will be responsible for:

- Facilitating the engagement of the Panel or subgroups in accordance with the functions set out in these Terms of Reference

The Governance department will:

- Provide terms of reference to new Panel members
- Facilitate a review process of the Panel and its terms of reference every two years.

The Council Officers responsible for facilitating the Panel process will:

- Organise and attend meetings



## REPRESENTATIVE PANEL TERMS OF REFERENCE

- Provide professional advice
- Compile and circulate agendas
- Compile and distribute minutes.
- Provide findings and feedback of the Panel to Council
- Close the loop on outcomes of Panels to its members

Other relevant Council Officers being the subject matter experts for the matter being addressed will provide professional advice to the Panel as required.

### **Recommendations to Council**

The ability to make recommendations to Council via the Councillor Information Session (CIS) cycle is a key element of the Panel process. The CIS cycle will provide a conduit for discussion between Councillors and Officers as to the progression of proposed recommendations from the Panel or subgroup to Council.

In order to make a recommendation to move forward to the CIS cycle, it must be supported by two thirds of the total Panel or subgroup.

A Panel or subgroup recommendation must be communicated to Council via an Officer report if the recommendation:

- substantially affects the level of Council services;
- commits the Council to expenditure that has not been included in the adopted budget;
- establishes or amends a Council policy; or
- commits the Council to any contractual arrangement.

Officers may progress a recommendation of a Representative Panel in consultation with the appropriate General Manager if the recommendation does not trigger any of the above and:

- it aligns with the Council Plan;
- is consistent with Council Policy, Strategy, Masterplan or Officer Delegation;
- is within existing budget and less than \$2,500; and
- is of an appropriate scope and scale.

Officers will inform Councillors that a recommendation is being progressed in accordance with delegated responsibilities through the CIS reporting cycle.

### **Payment**

Subgroup members will receive \$50 per in person and/or virtual attendance at scheduled, facilitated subgroup meetings to accommodate for associated expenses, such as travel and carer costs.

On request, payments can be made available in advance to accommodate costs incurred, such as caring responsibilities.

There will be no payment for Panel members who are engaged for Ward consultation via email as there will be no meeting attendance required.

### **Meetings:**

Panel members will be invited to participate in various consultations, depending on the topics to be considered.

## REPRESENTATIVE PANEL TERMS OF REFERENCE

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Subgroups will meet a maximum of six times per calendar year.

**Review:**

The review of these Terms of Reference will occur upon the election of each new Council to align to the Council priorities.

**Related Documents:**

Community Engagement Policy

Local Government Act 2020



### City of Kingston Representative Community Panel Terms of Reference

**Name:** City of Kingston Representative Community Panel

**Purpose:** The purpose of the Representative Community Panel (the Panel) is to inform Council decision making on municipal wide or significant issues via a selection of community members across the municipality.

The ~~functions-role~~ of the Panel includes:

- being engaged for deliberative engagement practices to give effect to Council's responsibilities under the Local Government Act 2020
- being engaged by Council through resolution on municipal wide or significant issues for engagement
- being utilised by Council departments to engage in the development of Council policies/strategies/plans.

The Panel and corresponding subgroups will ~~have~~ no decision-making authority unless resolved by Council. The findings of the Panel should be channeled through the Council Meeting process by way of a report.

**Membership:**

The selection of Panel members will be conducted through an independent third party undertaking a recruitment process of interested community members. A maximum of 220 members (being 20 members per ward) will be selected with membership based on key demographics, including age, gender, suburb and/or cultural background. It is recommended that the membership structure of the Panel should reflect the demographic profile of each Ward as much as possible.

The Panel will be engaged for a range of issues in accordance with the functions outlined in these Terms of Reference, which may involve the whole Panel being engaged or subgroups of the Panel, depending on the matter or issue for consideration.

~~Council will endeavour to facilitate equal participation by members on the various matters or issues for consideration.~~

Appointment to the Panel will be for a period of two years by Council resolution.

Appointment subgroups will be for a period of up to two years.

## REPRESENTATIVE PANEL TERMS OF REFERENCE

### **Functions of the Panel:**

The Panel will operate in a three-tiered approach as follows:

#### Tier 1 - Full Panel

- The total pool of 220 Panel participants selected to represent the broader Kingston community, with as equal representation as possible from the 11 wards, along with age, gender, cultural background, involvement in business, community memberships and any other important factors of note.
- This group would participate in engagement via a portal established to share information and undertake quick polls, surveys and temperature check questions about matters Council is considering.

#### Tier 2 - Collaborative Engagement Subgroup

- Smaller Collaborative Engagement Subgroup consisting of 45 members of the Panel.
- This subgroup will be operational for up to two years.
- The subgroup will meet up to six times per year.
- Appointment to the Collaborative Engagement Subgroup will be via expressions of interest and appointments are to be representative of community demographics.

#### Tier 3 – Additional Subgroups

Additional subgroups may be engaged for:

- a. Consultation on matters as required in a variety of formats.
- b. Ward Consultation – email engagement with members of individual Wards to gain a local perspective on issues as required, facilitated by the Engagement Coordinator.

### **Role of Members:**

Panel members will be encouraged to actively engage in discussions of the matter at hand with a focus on providing feedback to the Council.

PanelCommunity Members who ~~accept the invitation to participate on the Panel in a subgroup~~ are encouraged to attend each scheduled meeting.

To capture a diverse range of voices/responses, we will aim to use members of the Full Panel in a maximum of one subgroup, over their two-year membership term.

All Panel members must engage in all forums constructively and respectfully.

### **Council Officer/s:**

Participation of Council Officers will be dependent on the subject matter that is being presented to the Panel.

### **Role of Council Officer/s:**

The Governance and Advocacy, Engagement and Communications and departments will be responsible for:

- Facilitating the engagement of the Panel or subgroups in accordance with the functions set out in these Terms of Reference

The Governance department will:

- Provide terms of reference to new Panel members
- Facilitate a review process of the Panel and its terms of reference every two years.

PAGE 2



The Council Officers responsible for facilitating the Panel process will:

- Organise and attend meetings
- Provide professional advice
- Compile and circulate agendas
- Compile and distribute minutes.
- Provide findings and feedback of the Panel to Council
- Close the loop on outcomes of Panels to its members

Other relevant Council Officers being the subject matter experts for the matter being addressed will provide professional advice to the Panel as required.

### Recommendations to Council

The ability to make recommendations to Council via the Councillor Information Session (CIS) cycle is a key element of the Panel process. The CIS cycle will provide a conduit for discussion between Councillors and Officers as to the progression of proposed recommendations from the Panel or subgroup to Council.

In order to make a recommendation to move forward to the CIS cycle, it must be supported by two thirds of the total Panel or subgroup.

A Panel or subgroup recommendation must be communicated to Council via an Officer report if the recommendation:

- substantially affects the level of Council services;
- commits the Council to expenditure that has not been included in the adopted budget;
- establishes or amends a Council policy; or
- commits the Council to any contractual arrangement.

Officers may progress a recommendation of a Representative Panel in consultation with the appropriate General Manager if the recommendation does not trigger any of the above and:

- it aligns with the Council Plan;
- is consistent with Council Policy, Strategy, Masterplan or Officer Delegation;
- is within existing budget and less than \$2,500; and
- is of an appropriate scope and scale.

Officers will inform Councillors that a recommendation is being progressed in accordance with delegated responsibilities through the CIS reporting cycle.

### Payment

Panel members will be paid an allowance of \$200 per annum for their attendance and participation. Subgroup members will receive \$50 per in person and/or virtual attendance at scheduled, facilitated subgroup meetings to accommodate for associated expenses, such as travel and carer costs.

On request, payments can be made available in advance to accommodate costs incurred, such as caring responsibilities.

## REPRESENTATIVE PANEL TERMS OF REFERENCE

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**Meetings:**

There will be no payment for Panel members who are engaged for Ward consultation via email as there will be no meeting attendance required.

Panel members will be invited to participate in various consultations, depending on the topics to be considered.

Subgroups will meet a maximum of six times per calendar year.

**Review:**

The review of these Terms of Reference will occur upon the election of each new Council to align to the Council priorities.

**Related Documents:**

Community Engagement Policy

Local Government Act 2020

# Ordinary Council Meeting

12 December 2022

Agenda Item No: 11.5

## ADVOCACY UPDATE

Contact Officer: Tracey Cheeseman, Manager Advocacy, Engagement and Communications

### Purpose of Report

This report provides a quarterly update on recent Advocacy activities to support Kingston's priority projects.

### Disclosure of Officer / Contractor Conflict of Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

### RECOMMENDATION

That Council receive the December 2022 Advocacy Update report.

## 1. Executive Summary

This report provides an update on Advocacy activities and outcomes in recent months. It has been a busy quarter with the Victorian election campaign held in the lead up to the November 26 election day, including the Put Kingston First public advocacy campaign.

This report provides an outline of:

- Background on Council's confirmed advocacy Priority Projects and other resolved advocacy positions
- Funding commitments made during the election campaign
- Confirmed funding announcements made by the Victorian Government
- Activities undertaken as part of the Put Kingston First campaign
- Advocacy meetings held by the Mayor, CEO and General Managers
- Local election results

## 2. Background

In August 2021, Council resolved the following priority projects to guide Advocacy in the lead-up for the Australian and Victorian elections.

Funding support from State and Federal Government for capital works to be delivered by Council:

- New Aquatic and Leisure Centre
- Kingston City Hall Redevelopment
- Namatjira Park Masterplan
- Le Page Park Masterplan
- Bonbeach Reserve Masterplan
- Dingley Village Community Centre (Phase 2)
- Kingston Heath Hockey and Baseball Facility
- Chelsea Life Saving Club and Precinct Redevelopment

*\* Noting Highett Hub and Parkdale Library Redevelopment were also listed but project future unclear due to impacts of the Victorian Governments Suburban Rail Loop and Parkdale/Mentone Level Crossing Removal Projects respectively.*

Influencing capital projects to be delivered by other levels of Government:

- Delivery of Chain of Parks
- Seek improved outcomes, consultation and construction management associated with Level Crossing Removal Projects and the Suburban Rail Loop.
- Advocate for further level crossing removal projects at Mordialloc and Highett
- Advocate for delivery of the Westall Road Extension from Dandenong Road to the M1 (City of Monash) to relieve traffic flows onto South Road
- Recycled water scheme (Purple Pipe)
- Mordialloc Creek improvements including Aspendale Gardens Wetlands, Mordialloc Creek dredging and asset renewal
- Patterson River improvements including Launching Way asset renewal and master plan implementation and the National Water Sports Centre (NWSC) Master plan implementation

Seeking social/other policy change:

Continue with the Enough is Enough gambling advocacy campaign seeking to minimise gambling harm in our community and reduce the cap of electronic gaming machines in Kingston.

Further to the resolved priority projects, a small number of other advocacy projects were also added by Council resolution including Governor Road upgrades, Edithvale boardwalk, Patterson River litter trap and others.

### **3. Discussion**

#### **3.1 Put Kingston First**

To assist in our advocacy efforts during the 2022 double election year, Kingston Council developed the Put Kingston First advocacy campaign which aimed to:

- Raise community awareness of the active role Kingston plays advocating for our community
- Raise community awareness about the specific priority projects
- Demonstrate to local MPs/candidates/Victorian Government that the community is aware and supportive of Council's priority projects
- Encourage candidates to support the priority projects through funding commitments and announcements (noting that budget bids etc already taken place)
- Encourage community members to sign up to the 'Put Kingston First' campaign to show their support.



Awareness raising of our advocacy efforts and key priority projects was targeted via a range of methods including:

- Footpath decals near priority project locations
- Site signage
- E-newsletters
- T-shirts
- Website
- Local Newspaper advertising
- Real estate boards at key council locations
- Special Victorian Government election edition of Kingston Your City delivered to all Kingston homes.
- MP & Candidate Advocacy Breakfast
- Direct engagement with candidates to put support for priority projects on record
- Direct mail – postcards to residential areas surrounding priority projects
- Media releases
- Media interviews (Southern FM / Golden Days Radio)
- Social media campaign – including video content
- Digital screens in Council's public buildings (Waves, Kingston Libraries, Family & Children's Centres, Customer Service counter)
- Your Kingston Your Say dedicated Put Kingston First page
- In-person community pop-up events targeting key retail precincts/community events such as Spring Fair, farmers market and key retail areas
- On Hold messages

Through analysis of social media reach, visits to the Put Kingston First online webpage, in-person engagement at pop up events, we know that the campaign reached more than 10,000 community members, in addition to a special edition of Kingston Your City which was sent to all homes in the municipality.

### **3.2 State Election commitments**

An update on achieved outcomes is also provided including:

Mordialloc Creek dredging	Victorian Government commitment of \$2 million
Peter Scullin Reserve playground	Victorian Government commitment of \$300,000
Sports lighting at Le Page Park and Highett Reserve	Victorian Government commitment of \$100,000
Level Crossing Removals	Successfully advocated for further level crossing removals along the Frankston line including Highett, Aspendale and Mordialloc
Chain of Parks	Victorian Government finalised acquisition of 83ha of land for Chain of Parks
Regional Sporting facility	Clarinda MP Meng Heang Tak made an election promise of \$1 million for planning for a regional sporting facility 'Kingston Fields'.
Nola Barber Kindergarten	Victorian Government commitment of funding for shade sails.

A range of funding commitments was also made by other candidates, if they had been successfully elected, during the election campaign towards Council's priority projects, as set out in the table below.

Bonbeach Reserve Masterplan improvement works	Carrum Liberal candidate Bec Buchan committed \$5 million towards the project if elected
Bonbeach Shopping Precinct upgrades	Carrum Liberal candidate Bec Buchan committed \$200,000 million towards the project if elected
Quiet Lakes pumping	Carrum Liberal candidate Bec Buchan committed to waive \$135 per resident fees for the works if elected
Planning	Liberals promised to re-instate the Neighbourhood Residential Zone protections in Bayside and Kingston to preserve their local character and amenity if elected
Le Page Park Masterplan improvement works	Bentleigh Liberal candidate Debbie Taylor Haynes committed \$2 million towards the project if elected
Kingston Heath sporting infrastructure	Clarinda Liberal candidate Anthony Richardson committed \$1m towards the project if elected
Edithvale Road pedestrian boardwalk	Mordialloc Liberal candidate Phillip Pease committed \$600,000 towards the project if elected
Delta site regional sporting facility	Clarinda Liberal candidate Anthony Richardson committed \$20 million towards developing a regional sporting facility at the Delta site in Heatherton (and would not progress the proposed SRL train stabling yard at the site)
Mordialloc Creek	Mordialloc Liberal candidate Phillip Pease committed \$10 million towards the dredging of Mordialloc Creek and cleaning up Port Phillip Bay if elected

### **3.3 Advocacy Report**

The Attached December Advocacy Update outlines the range of advocacy activities undertaken in recent months including:

- Activities undertaken for the Put Kingston First campaign
- Meetings held on advocacy items by the Mayor, CEO and General Managers
- Media obtained on our advocacy campaigns.

### **3.4 Election results:**

Kingston covers a number of state lower house electorates. All sitting MPs were re-elected:

- Bentleigh – retained by Nick Staikos (ALP)
- Carrum – retained by the Hon Sonya Kilkenny (ALP)
- Clarinda – retained by Meng Heang Tak (ALP)
- Mordialloc – retained by Tim Richardson (ALP)
- Sandringham – retained by Brad Rowsell (Liberal).

**Analysis:**

Polling for the returned State Government was strong and consistent throughout the election campaign period, proving accurate at both local and State level. The Government has been returned with a strong majority of 53 seats over the Coalition with 27 seats, with the Greens picking up one extra seat in the lower house for a total of four. (Correct at time of publication with the VEC still to finalise some results.)

As the ‘sandbelt electorates’, including those within Kingston, were no longer considered vulnerable to change or influential in deciding the election of Government, major campaign promises from both major parties were directed elsewhere in the State to marginal seats.

Nonetheless, while not numerous, what was announced for the City of Kingston within the election was significant in that it presents long term opportunity (chain of parks) and an intent for major future investment (Kingston Fields) in line with long-term and recent Council advocacy responding to major Government announcements leveraging local opportunities against existing major projects within the municipality.

**4. Consultation**

**4.1 Internal Consultation:**

Community consultation has helped set Council’s position on the majority of the priority projects including:

- New Aquatic and Leisure Centre
- Kingston City Hall Redevelopment
- Namatjira Park Masterplan
- Le Page Park Masterplan
- Bonbeach Reserve Masterplan
- Dingley Village Community Centre (Phase 2)
- Delivery of Chain of Parks
- Level Crossing Removal Projects
- Suburban Rail Loop
- Kingston Heath Hockey and Baseball Facility

**5. Compliance Checklist**

**5.1 Council Plan Alignment**

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed and efficient.

Strategy: Actively seek broad community participation

The quarterly update provides a record of Council’s advocacy activities.

## **5.2 Governance Principles Alignment**

Engaging in Advocacy activities helps support a range of our Governance Principles as follows:

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

- Advocacy seeks to achieved improved outcomes for our community, particularly on large-scale infrastructure projects which will impact on future generations.

Principle (c) - the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

- Advocacy activities seek to support the economic sustainability of Kingston by sourcing co-operative funding from other levels of government, thereby reducing the financial impact on our ratepayers.

Principle (d) - the municipal community is to be engaged in strategic planning and strategic decision making.

- Many of our advocacy positions are formed via community consultation to engage the community on strategic planning. Key examples including the SRL and Level Crossing Removal projects and master planning for recreation reserves.

Principle (f) - collaboration with other Councils and Governments and statutory bodies is to be sought.

- Council cannot deliver on its agenda alone and uses advocacy to build partnerships, secure funding support and seek to influence other levels of government.

Principle (g) - the ongoing financial viability of the Council is to be ensured.

- Advocacy activities seek to support the economic sustainability of Kingston by sourcing co-operative funding from other levels of government, thereby reducing the financial impact on our ratepayers.

Principle (i) - the transparency of Council decisions, actions and information is to be ensured.

- By providing regular updates on Advocacy activities we provide our community with transparency on our priorities and actions.

## **Appendices**

Appendix 1 - December 2022 Advocacy update (Ref 22/345624) 

Author/s: Tracey Cheeseman, Manager Advocacy, Engagement and Communications

Reviewed and Approved By: Dan Hogan, General Manager Customer and Corporate Support

# 11.5

## ADVOCACY UPDATE

1	December 2022 Advocacy update.....	207
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# **WORKING**

# TOGETHER

## Advocacy Update

December 2022

This report provides an update on Advocacy activities and outcomes in recent months.

It has been a busy quarter with the Victorian election campaign held in the lead up to the November 26 election day.

This report provides an outline of:

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- Mordialloc – retained by Tim Richardson (ALP)
- Sandringham – retained by Brad Rowsell (Liberal).

## Priority Projects

In August 2021, Council set the following priority projects to guide Advocacy in the lead-up for the Australian and Victorian elections.

**Funding support** from State and Federal Government for capital works to be delivered by Council:

- |                                    |   |
|------------------------------------|---|
| • New Aquatic and Leisure Centre   | • Dingley Village Community Centre (Phase 2)  |
| • Kingston City Hall Redevelopment | • Kingston Heath Hockey and Baseball Facility |
| • Namatjira Park Masterplan        | • Chelsea Life Saving Club and Precinct       |
| • Le Page Park Masterplan          | Redevelopment                                 |
| • Bonbeach Reserve Masterplan      |   |

*\* Noting Highett Hub and Parkdale Library Redevelopment were also listed but project future unclear due to impacts of the Victorian Governments Suburban Rail Loop and Parkdale/Mentone Level Crossing Removal Projects respectively.*

#### Influencing capital projects to be delivered by other levels of Government:

- Delivery of Chain of Parks
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- Advocate for further level crossing removal projects at Mordialloc and Highett.
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#### Seeking social/other policy change:

- Continue with the Enough is Enough gambling advocacy campaign seeking to minimise gambling harm in our community and reduce the cap of electronic gaming machines in Kingston.

Further to the resolved priority projects, a small number of other advocacy projects were also added by Council resolution including Governor Road upgrades, Edithvale boardwalk, Patterson River littertrap etc

## Advocacy Successes

The below table highlights recent Advocacy Successes on key projects during the previous quarter, which join previous advocacy successes as reported in the September 2022 Advocacy Update.

Item	Details
Mordialloc Creek dredging	Victorian Government commitment of \$2 million
Peter Scullin Reserve playground	Victorian Government commitment of \$300,000
Sports lighting at Le Page Park and Highett Reserve	Victorian Government commitment of \$100,000
Level Crossing Removals	Successfully advocated for further level crossing removals along the Frankston line including Highett, Aspendale and Mordialloc
Chain of Parks	Victorian Government finalised acquisition of 83ha of land for Chain of Parks
Regional Sporting facility	Clarinda MP Meng Heang Tak made an election promise of \$1 million for planning for a regional sporting facility 'Kingston Fields'.
Nola Barber Kindergarten – shade sails	Victorian Government commitment of funding for shade sails. (Greater clarity needed on exact amount as it is part of a \$1.7m package to a number of kindergartens for minor works)



	<b>Previously reported Advocacy Successes:</b>
Suburban Rail Loop	<p>Significant outcomes achieved include a commitment to replace lost open space plus securing a strong role for Council via membership of the Public Open Space Expert Panel (an unprecedented outcome in Victoria) and the urban Design Advisory Panel.</p> <p>While disappointed that the stabling yard is proceeding at the Delta site, a number of improved outcomes have been achieved at the Heatherton site including:</p> <ul style="list-style-type: none"> <li>• Consideration to be given to green roof to improve the visual appearance of the site</li> <li>• Facility footprint to be minimised to the maximum extent practicable</li> <li>• Further consideration of right-hand turning facility from/into Kingston Road to mitigate the closure of Old Dandenong Road.</li> <li>• Adding a safe pedestrian crossing on Kingston Road</li> <li>• Landscape and vegetation buffer</li> <li>• Mitigation measure to address amenity impacts</li> </ul> <p>Improved outcomes at Sir William Fry Reserve in Highett include:</p> <ul style="list-style-type: none"> <li>• lost open space must be offset on the neighbouring Highett Gasworks site and include a skate park and basketball facilities</li> <li>• a wider shared pedestrian/cycling bridge across Bay Road</li> <li>• further discussion on bus movements</li> <li>• a safe pedestrian crossing on Nepean Highway at Enright Street.</li> </ul>
Kingston's new Aquatic & Leisure Centre	Australian government \$20 million funding commitment
<b>Recycled Water 'Purple Pipeline' Project</b>	Victorian government \$24.8 million funding for Phase 1
<b>Patterson River Precinct</b>	Victorian government \$3.5 million commitment for Phase 1
<b>Moorabbin Airport Masterplan</b>	Successfully advocated for rejection of Masterplan
<b>Dingley Village Neighbourhood Centre (Stage 2)</b>	Victorian government \$2 million funding commitment
<b>Back your Neighbour campaign</b>	Labor government elected with commitments to abolish Temporary Protection Visas
<b>Cheltenham North Kindergarten redevelopment</b>	Victorian government \$ \$981,792 million funding commitment

A range of funding commitments was also made by other candidates, if they had been successfully elected, during the election campaign towards Council's priority projects, as set out in the table below.

Item	Details
Bonbeach Reserve Masterplan improvement works	Carrum Liberal candidate Bec Buchan committed \$5 million towards the project if elected
Bonbeach Shopping Precinct upgrades	Carrum Liberal candidate Bec Buchan committed \$200,000 million towards the project if elected
Quiet Lakes pumping	Carrum Liberal candidate Bec Buchan committed to waive \$135 per resident fees for the works if elected
Planning	Liberals promised to re-instate the Neighbourhood Residential Zone protections in Bayside and Kingston to preserve their local character and amenity if elected
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Mordialloc Creek	Mordialloc Liberal candidate Phillip Pease committed \$10 million towards the dredging of Mordialloc Creek and cleaning up Port Phillip Bay if elected

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## Put Kingston First

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To assist in our advocacy efforts during the 2022 double election year, Kingston Council developed the Put Kingston First advocacy campaign which aimed to:

- Raise community awareness of the active role Kingston plays advocating for our community
- Raise community awareness about the specific priority projects
- Demonstrate to local MPs/candidates/Victorian Government that the community is aware and supportive of Council's priority projects
- Encourage candidates to support the priority projects through funding commitments and announcements (noting that budget bids etc already taken place)
- Encourage community members to sign up to the 'Put Kingston First' campaign to show their support.

Awareness raising of our advocacy efforts and key priority projects was targeted via a range of methods including:

- Footpath decals near priority project locations
- Site signage
- E-newsletters
- T-shirts
- Website
- Local Newspaper advertising
- Real estate boards at key council locations
- Special Victorian Government election edition of Kingston Your City delivered to all Kingston homes.
- MP & Candidate Advocacy Breakfast
- Direct engagement with candidates to put support for priority projects on record
- Direct mail – postcards to residential areas surrounding priority projects
- Media releases
- Media interviews (Southern FM / Golden Days Radio)
- Social media campaign – including video content
- Digital screens in Council's public buildings (Waves, Kingston Libraries, Family & Children's Centres, Customer Service counter)
- Your Kingston Your Say dedicated Put Kingston First page
- In-person community pop-up events targeting key retail precincts/community events such as Spring Fair, farmers market and key retail areas
- On Hold messages

## Meetings

A range of meetings were held to further our advocacy projects. The below table captures meetings held by the Mayor, CEO and General Managers – noting that officers at lower levels also meet with departmental representatives on key issues at times.

Date	Meeting	Council Attendees
1 September	LXRP executive meeting	General Manager Planning and Place General Manager Infrastructure and Open Space
1 September	St Kilda Football Club AFLW	CEO
2 September	<b>Southern Metropolitan Partnership Meeting</b>	CEO General Manager Planning and Place
6 September	Minister spence visit Highett Reserve Turner Road	Mayor, CEO
6 September	Le Page Park Female Friendly Facilities launch	Mayor, CEO and General Managers
7 September	Department of Justice Precincts & Regions CEOs and MAV forum	CEO
7 September	Canberra delegation meeting with Catherine King, Kirsty McBain and Brendan O'Connor. (ASU delegation – opportunity for Mayor to discuss relevant Kingston case studies and issues)	Mayor
8 September	Sports Minister Spence Office – SRV Sporting demand needs	Mayor, CEO, General Manager Infrastructure and Open Space
8 September	Homes Victoria	General Manager Planning and Place
8 September	Bayside Council re: LXRP discussions	General Manager Planning and Place
9 September	SRLA – housing impacts	General Manager Planning and Place
9 September	Minister Dimopoulos – Tour of Kingston City Hall	Mayor, CEO, General Manager Community Strengthening General Manager Customer & Corporate Support
12 September	DOT/LXRP Como Pde Bus Stops	General Manager Planning and Place
12 September	HFC Kennedy Centre Update	Mayor, CEO, General Manager Infrastructure and Open Space

13 September	Hon Cassandra Fernando MP (HOLT) + CGD + Yarra (social change projects.com.au)	Mayor
13 September	Hon Dr Michelle Ananda-Rajah MP (Higgins/Labor) + Moreland + Brimbank (social change)	Mayor
14 September	Local Government Working Group on Gambling	Mayor
15 September	Southern Regional Needs & Investment Framework Update	General Manager Planning and Place
15 September	GSEM CEOs meeting	Acting CEO
15 September	DEWLP meeting re: Aquatic Centre	Acting CEO
15 September	The Strand candidate briefing – Phillip Pease	General Manager Infrastructure and Open Space , General Manager Planning and Place
15 September	Department of Infrastructure, Transport, Regional Development, Communications and the Arts re: Moorabbin Airport	General Manager Planning and Place
16 September	MAV State Council Meeting	Mayor, CEO
20 September	DEWLP Executive Director. Land Management. Policy	General Manager Infrastructure and Open Space
21 September	Bayside Council – Advocacy joint MP meetings	Mayor
27 September	Candidate funding announcement – Bentleigh Liberal Candidate Debbie Taylor Haynes Le Page Park funding announcement	Mayor, Cr Saab, General Manager Infrastructure and Open Space
29 September	GSEM Stakeholder Reference Group	General Manager Infrastructure and Open Space
29 September	Chadwick Reserve Pavilion launch	Mayor CEO
30 September	Community Panel for Volunteer Grants – Mark Dreyfus	Mayor
30 September	GSEM Advanced Waste Processing SPV Board meeting	General Manager Infrastructure and Open Space
3 October	Lord Mayor Sally Capp	Mayor

4 October	Dandenong IWM Forum	CEO, General Manager Planning and Place, General Manager Infrastructure and Open Space
5 October	Meeting with Carrum Liberal candidate Bec Buchanan to discuss key advocacy priorities	Mayor CEO General Manager Planning and Place
5 October	Mayoral taskforce – Senator Linda White	Mayor Cr Hadi Saab
6 October	Carrum MP Sonya Kilkenny briefing to discuss advocacy and local issues	Mayor General Manager Infrastructure and Open Space
7 October	GSEM – State Election Platform Event	Mayor CEO
7 October	Moorabbin Airport Consultation meeting	General Manager Planning and Place
11 October	Victorian Government Early Childhood Minister Stitt visit to Carrum Family & Children's Centre	Mayor, CEO Cr Hill, Cr Davies General Manager Community Strengthening General Manager Corporate & Customer Support
11 Oct	Mayoral Taskforce – Back Your Neighbour Minister Andrew Giles	Mayor
13 October	MAV annual conference and MAV dinner	Mayor, CEO
13 October	GSEM Board Meeting	CEO
13 October	LXRP executive meeting	General Manager Infrastructure and Open Space , General Manager Planning and Place
14 October	Mayoral Taskforce – Back Your Neighbour (Attorney General Mark Dreyfus)	Mayor
14 October	SECCA Meeting with Attorney General MD	Mayor
18 October	ISMFF Advocacy platform launch	Mayor

18 October	Ros Spence Funding announcement – Peter Scullin Reserve playground	Mayor, CEO General Manager Infrastructure and Open Space General Manager Planning and Place General Manager Community Strengthening General Manager Corporate and Customer Support r
19 October	CEO Home Victoria	Mayor, CEO General Manager Planning and Place General Manager Infrastructure and Open Space
20 Oct	Frankston City Council/Kingston Mayor's meeting	Mayor, CEO
21 Oct	GSEM Advanced Waste Processing SPV Board meeting	General Manager Infrastructure and Open Space
24 October	LXRP Program Director Southern Program Alliance	CEO
26 October	Mayoral Taskforce – Back Your Neighbour	Mayor
27 October	Regents Park sod turn MP event	Mayor, CEO General Manager Infrastructure and Open Space
27 October	Bricker Reserve sod turn	Mayor, CEO General Manager Infrastructure and Open Space
28 October	Tim Richardson – LXRP and Chelsea FC	Mayor and General Manager Planning and Place
28 October	Southern Metropolitan Partnership meeting	General Manager Planning and Place
2 November	Carrum MP Sonya Kilkenny meeting	Mayor
3 November	Recycling Victoria executive meeting	CEO
3 November	LXRP executive meeting	General Manager Planning and Place General Manager Infrastructure and Open Space
17 November	Rossdale Golf Club	Mayor CEO General Manager Planning and Place

18 November	GSEM Advanced Waste Processing SPV Board meeting	General Manager Infrastructure and Open Space
21 November	EPA Quarterly meeting	General Manager Planning and Place
24 November	LXRP executive meeting	General Manager Infrastructure and Open Space and General Manager Planning and Place
24 November	GSEM CEO meeting	CEO
25 November	Walk Against Family Violence	Mayor Cr Davey Burns Cr Hill
26 November	Community Consultation Aviation Group – Moorabbin Airport	General Manager Planning and Place Cr Davies
29 November	Sex Work Law Reform Victoria	Mayor Cr Staikos General Manager Planning and Place
30 November	GSEM CEO Workshop	CEO
1 December	GSEM Stakeholder Reference Group	Mayor CEO
1 December	GSEM Advanced Waste Processing briefing	Mayor CEO
2 December	Australian Open (Golf) event	Mayor Cr Staikos



Date	Meeting	Council Attendees
1 September	LXRP executive meeting	General Manager Planning and Place General Manager Infrastructure and Open Space
1 September	St Kilda Football Club AFLW	CEO
2 September	<b>Southern Metropolitan Partnership Meeting</b>	CEO General Manager Planning and Place
6 September	Minister spence visit Highett Reserve Turner Road	Mayor, CEO
6 September	Le Page Park Female Friendly Facilities launch	Mayor, CEO and General Managers
7 September	Department of Justice Precincts & Regions CEOs and MAV forum	CEO
7 September	Canberra delegation meeting with Catherine King, Kirsty McBain and Brendan O'Connor. (ASU delegation – opportunity for Mayor to discuss relevant Kingston case studies and issues)	Mayor
8 September	Sports Minister Spence Office – SRV Sporting demand needs	Mayor, CEO, General Manager Infrastructure and Open Space
8 September	Homes Victoria	General Manager Planning and Place
8 September	Bayside Council re: LXRP discussions	General Manager Planning and Place
9 September	SRLA – housing impacts	General Manager Planning and Place
9 September	Minister Dimopoulos – Tour of Kingston City Hall	Mayor, CEO, General Manager Community Strengthening General Manager Customer & Corporate Support
12 September	DOT/LXRP Como Pde Bus Stops	General Manager Planning and Place
12 September	HFC Kennedy Centre Update	Mayor, CEO, General Manager Infrastructure and Open Space
13 September	Hon Cassandra Fernando MP (HOLT) + CGD + Yarra (social change projects.com.au)	Mayor
13 September	Hon Dr Michelle Ananda-Rajah MP (Higgins/Labor) + Moreland + Brimbank (social change)	Mayor

14 September	Local Government Working Group on Gambling	Mayor
15 September	Southern Regional Needs & Investment Framework Update	General Manager Planning and Place
15 September	GSEM CEOs meeting	Acting CEO
15 September	DEWLP meeting re: Aquatic Centre	Acting CEO
15 September	The Strand candidate briefing – Phillip Pease	General Manager Infrastructure and Open Space , General Manager Planning and Place
15 September	Department of Infrastructure, Transport, Regional Development, Communications and the Arts re: Moorabbin Airport	General Manager Planning and Place
16 September	MAV State Council Meeting	Mayor, CEO
20 September	DEWLP Executive Director. Land Management. Policy	General Manager Infrastructure and Open Space
21 September	Bayside Council – Advocacy joint MP meetings	Mayor
27 September	Candidate funding announcement – Bentleigh Liberal Candidate Debbie Taylor Haynes Le Page Park funding announcement	Mayor, Cr Saab, General Manager Infrastructure and Open Space
29 September	GSEM Stakeholder Reference Group	General Manager Infrastructure and Open Space
29 September	Chadwick Reserve Pavilion launch	Mayor CEO
30 September	Community Panel for Volunteer Grants – Mark Dreyfus	Mayor
30 September	GSEM Advanced Waste Processing SPV Board meeting	General Manager Infrastructure and Open Space
3 October	Lord Mayor Sally Capp	Mayor

4 October	Dandenong IWM Forum	CEO, General Manager Planning and Place, General Manager Infrastructure and Open Space
5 October	Meeting with Carrum Liberal candidate Bec Buchanan to discuss key advocacy priorities	Mayor CEO General Manager Planning and Place
5 October	Mayoral taskforce – Senator Linda White	Mayor Cr Hadi Saab
6 October	Carrum MP Sonya Kilkenny briefing to discuss advocacy and local issues	Mayor General Manager Infrastructure and Open Space
7 October	GSEM – State Election Platform Event	Mayor CEO
7 October	Moorabbin Airport Consultation meeting	General Manager Planning and Place
11 October	Victorian Government Early Childhood Minister Stitt visit to Carrum Family & Children's Centre	Mayor, CEO Cr Hill, Cr Davies General Manager Community Strengthening General Manager Corporate & Customer Support
11 Oct	Mayoral Taskforce – Back Your Neighbour Minister Andrew Giles	Mayor
13 October	MAV annual conference and MAV dinner	Mayor, CEO
13 October	GSEM Board Meeting	CEO
13 October	LXRP executive meeting	General Manager Infrastructure and Open Space , General Manager Planning and Place
14 October	Mayoral Taskforce – Back Your Neighbour (Attorney General Mark Dreyfus)	Mayor
14 October	SECCA Meeting with Attorney General MD	Mayor
18 October	ISMFF Advocacy platform launch	Mayor

18 October	Ros Spence Funding announcement – Peter Scullin Reserve playground	Mayor, CEO General Manager Infrastructure and Open Space General Manager Planning and Place General Manager Community Strengthening General Manager Corporate and Customer Support r
19 October	CEO Home Victoria	Mayor, CEO General Manager Planning and Place General Manager Infrastructure and Open Space
20 Oct	Frankston City Council/Kingston Mayor's meeting	Mayor, CEO
21 Oct	GSEM Advanced Waste Processing SPV Board meeting	General Manager Infrastructure and Open Space
24 October	LXRP Program Director Southern Program Alliance	CEO
26 October	Mayoral Taskforce – Back Your Neighbour	Mayor
27 October	Regents Park sod turn MP event	Mayor, CEO General Manager Infrastructure and Open Space
27 October	Bricker Reserve sod turn	Mayor, CEO General Manager Infrastructure and Open Space
28 October	Tim Richardson – LXRP and Chelsea FC	Mayor and General Manager Planning and Place
28 October	Southern Metropolitan Partnership meeting	General Manager Planning and Place
2 November	Carrum MP Sonya Kilkenny meeting	Mayor
3 November	Recycling Victoria executive meeting	CEO
3 November	LXRP executive meeting	General Manager Planning and Place General Manager Infrastructure and Open Space
17 November	Rossdale Golf Club	Mayor CEO General Manager Planning and Place

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25 November	Walk Against Family Violence	Mayor Cr Davey Burns Cr Hill
26 November	Community Consultation Aviation Group – Moorabbin Airport	General Manager Planning and Place Cr Davies
29 November	Sex Work Law Reform Victoria	Mayor Cr Staikos General Manager Planning and Place
30 November	GSEM CEO Workshop	CEO
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2 December	Australian Open (Golf) event	Mayor Cr Staikos

## Media

Significant media coverage was achieved during the quarter as per the below table:

Date	Item	Details
22/6/22	Berkeley Living	Australian Seniors News - <a href="#">Council desperate to solve abandoned retirement home problem</a>
1/9/22	SECCCA policy platform launch	Mirage News - <a href="#">South East Melbourne councils call investment in climate change</a>   <a href="#">Mirage News</a>
6/9/22	<b>The Cove</b>	The National Tribune - <a href="#">Kingston disappointed key decision rests with VCAT</a>   <a href="#">The National Tribune</a>
6/9/22	Sports facility funding	Mirage News - <a href="#">New Digs For Chelsea And Cheltenham Sports</a>   <a href="#">Mirage News</a>
7/9/22	Governor Road Boat Ramp	Bayside News - <a href="#">More works at Mordialloc boat ramp done</a> - <a href="#">Bayside News</a>
9/9/22	Gambling	Herald Sun - <a href="#">Andrews government blocking a push by RSLs, footy clubs to get out of pokies</a>   <a href="#">Herald Sun</a>
9/9/22	Visa reform	Inside Local Government - <a href="#">Lord Mayors council joins universities in call for visa policy reform</a> - <a href="#">Inside Local Government</a>
13/9/22	Future of former Kingswood Golf Course	Star Journal - Kingswood club's \$25 million windfall expires <a href="#">Meltwater Outside Insight</a>
14/9/22	Sports infrastructure funding	Bayside News - <a href="#">Pavilion works complete</a> - <a href="#">Bayside News</a>
14/9/22	The Cove	Bayside News - <a href="#">'Last chance' to intervene at Endeavour Cove – mayor</a> - <a href="#">Bayside News</a>
16/9/22	Parkdale LXP	Inside Local Government - <a href="#">Brakes pulled on Kingston's call for train station heritage protection</a> - <a href="#">Inside Local Government</a>
21/9/22	Parkdale LXP	Bayside News - <a href="#">Heritage hopes for train station dashed</a> - <a href="#">Bayside News</a>
21/9/22	Endeavour Cove	Frankston Times - Last chance for Endeavour Cove action <a href="#">Meltwater Outside Insight</a>
27/9/22	Future of former Kingswood Golf Course	Star Journal - Kingswood – Timing 'not certain' <a href="#">Meltwater Outside Insight</a>
28/9/22	Roads upgrades advocacy	Bayside News - <a href="#">Council makes road wishlist</a> - <a href="#">Bayside News</a>

28/9/22	Parkdale LXP	Leader - <a href="#">Kingston City Council disappointed Parkdale Train Station won't be protected   Herald Sun</a>
5/10/22	Chain of Parks, Regional Sporting facility	Bayside News - <a href="#">Pleas for parkland promise to be fulfilled - Bayside News</a>
12/10/22	Parkdale LXP	Bayside News - <a href="#">New design features old station building - Bayside News</a>
12/10/22	The Cove	Bayside News - <a href="#">Tribunal rules on 10-storey plans at Cove site - Bayside News</a>
12/10/22	Level Crossing Removals – Frankston line	Bayside News - <a href="#">Plans to build more rail bridges revealed - Bayside News</a>
12/10/22	GSEM Jobs & Skills advocacy	Pakenham Gazette - Jobs and Skills - Governments have one job <a href="#">Meltwater Outside Insight</a>
13/10/22	Parkdale LXP	Inside Local Government - <a href="#">Govt rail crossing safety on wrong track for Kingston - Inside Local Government</a>
14/10/22	The Cove	The National Tribune - <a href="#">VCAT denies application for 10-storey building in Endeavour Cove   The National Tribune</a>
19/10/22	Inner South Metropolitan Mayors Forum Advocacy Platform launch	Inside Local Government - <a href="#">Bayside joins Melbourne mayors forum ahead of state election - Inside Local Government</a>
19/10/22	Parkdale LXP	Bayside News - <a href="#">Plans to use old station building a 'key win' - Bayside News</a>
20/10/22	Sporting Infrastructure Funding	Inside Local Government - <a href="#">Kingston scores sports funding - Inside Local Government</a>
24/10/22	Bonbeach election funding commitment	The National Tribune - <a href="#">Shopping Strip Recovery Plan boost for Bonbeach   The National Tribune</a>
26/10/22	Inner South Metropolitan Mayors Forum Advocacy Platform launch	Bayside News - <a href="#">Councils team up for advocacy campaign - Bayside News</a>
26/10/22	Patterson River health & littertrap	Bayside News - <a href="#">Patterson River pollution prevention investigated - Bayside News</a>
26/10/22	Level Crossing Removals – Frankston line	Bayside News - <a href="#">Consultation 'essential' before building new bridges - Bayside News</a>
2/11/22	Aquatic & Leisure Centre	Chelsea Mordialloc Mentone News - Residents contribute ideas for new pool <a href="#">Meltwater Outside Insight</a>

2/11/22	Sporting Infrastructure Funding	Chelsea Mordialloc Mentone News - Sports projects get green light <a href="#">Meltwater Outside Insight</a>
4/11/22	Level Crossing Removals – Frankston line	Sky News - <a href="#">Liberal MP criticises Daniel Andrews Government as 'removed from reality' over Victorian Bayside level crossing closure   Sky News Australia</a>
9/11/22	Chain of Parks	The National Tribune - <a href="#">Significant progress for Chain of Parks transformation   The National Tribune</a>
16/11/22	Chain of Parks	Bayside News - <a href="#">Land for long-awaited chain of parks purchased - Bayside News</a>
21/11/22	Family Violence	The National Tribune - <a href="#">Campaign focused on preventing gender-based violence   The National Tribune</a>
23/11/12	Family Violence	Bayside News - <a href="#">Violence prevention campaign gets underway - Bayside News</a>
23/11/12	Future of Kingswood Golf Course site	Bayside News - <a href="#">Golf course owner permitted to remove trees - Bayside News</a>
24/11/12	Endeavour Cove	The National Tribune - <a href="#">Independent panel to determine new controls for Endeavour Cove   The National Tribune</a>

**13. Notices of Motion**

## Ordinary Council Meeting

12 December 2022

Agenda Item No: 13.1

### NOTICE OF MOTION NO. 33/2022 - CR HOWE - AIRBNB POLICY

Council has received the following submissions, regarding the absence of a policy to govern Airbnb venues in the municipality:

- I would like for you to raise at council meeting the regulating of Airbnb properties being able to operate in our street. We are in Long Island Point and now have 3. This has only become a problem in the last few months with the recent sale of 2 homes. There are constant gatherings creating parking issues, often having cars parked across driveways, noise and rubbish being left on the street. It has been a beautiful street where families and children have safely and happily lived and is now a revolving door of partygoers.
- The house next door to us was purchased by foreign investors who are now running a short stays business through the Airbnb network. Over the last months we have had bucks parties, work functions and numerous parties requiring police intervention. Our house is on the waterways and has no rear fencing as required by Melbourne Water for access. All there Airbnb guests have direct access to our backyard, this is very serious safety issue for myself and my family, I've been intimidated by guests when I've asked to leave my back yard or to turn their music down. Council say there is nothing they can do to stop this, and suggest I just keep calling the police, (not what I like doing at 2.00am in the morning), Airbnb do nothing, you can only contact them by email or a call back system which is ineffective. The house next door has 5 double bedrooms and one parking space so you can also imagine the parking situation. Airbnb say you are not allowed to have parties at their properties, but when 10 guests turn up you can imagine what you're living with. The owner of the property needs to be accountable for incidents that happen throughout the night and not just turn their phone off and count all the cash. My wife, children and I have lived here for 23 years and my family have lived in Kingston and the City of Moorabbin for many generations (my father was the state member Higinbotham and my Grand Father was a Moorabbin councillor/Mayor) I also ran an automotive business in Kingston for 30 years. We have contributed well to Kingston. I believe Airbnb is becoming a problem throughout Kingston's residential areas (I didn't buy next door to a hotel) and other councils have tried to control them with regulations.
- I along with other residents believe there should be tighter controls on the above operators in residential areas to preserve the amenity of the area - non landowners should not be able to ruin the tranquillity and abuse the privileges that long term residents enjoy.

I move :

That Council proceeds to consultation on a policy for Airbnb properties and similar services that addresses antisocial behaviour and noise no later than March 2023, which would explore local laws for enforcement and to maintain a peaceful atmosphere in our municipality.

Cr Cameron Howe



**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**12 December 2022**

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**Appendices**

Appendix 1 - Guidance Note - Notice of Motion No. 34/2022 - Cr Howe - Airbnb Policy -  
Council Meeting 12 December (Ref 22/316405)  



# 13.1

## NOTICE OF MOTION NO. 33/2022 - CR HOWE - AIRBNB POLICY

- 1 Guidance Note - Notice of Motion No. 34/2022 - Cr Howe -  
Airbnb Policy - Council Meeting 12 December ..... 237

## Notice of Motion No. 33/2022 – Airbnb Policy

### Guidance Note

Date of Ordinary Council Meeting: 12 December 2022



### Notice of Motion

Cr. Howe has submitted the following Notice of Motion to the 12 December 2022 Council Meeting:

#### **Preamble:**

*Council has received the following submissions, regarding the absence of a policy to govern Airbnb venues in the municipality:*

- I would like for you to raise at council meeting the regulating of Airbnb properties being able to operate in our street. We are in Long Island Point and now have 3. This has only become a problem in the last few months with the recent sale of 2 homes. There are constant gatherings creating parking issues, often having cars parked across driveways, noise and rubbish being left on the street. It has been a beautiful street where families and children have safely and happily lived and is now a revolving door of partygoers.*
- The house next door to us was purchased by foreign investors who are now running a short stays business through the Airbnb network. Over the last months we have had bucks parties, work functions and numerous parties requiring police intervention. Our house is on the waterways and has no rear fencing as required by Melbourne Water for access. All there Airbnb guests have direct access to our backyard, this is very serious safety issue for myself and my family, I've been intimidated by guests when I've asked to leave my back yard or to turn their music down. Council say there is nothing they can do to stop this, and suggest I just keep calling the police, (not what I like doing at 2.00am in the morning), Airbnb do nothing, you can only contact them by email or a call back system which is ineffective. The house next door has 5 double bedrooms and one parking space so you can also imagine the parking situation. Airbnb say you are not allowed to have parties at their properties, but when 10 guests turn up you can imagine what where living with. The owner of the property needs to be accountable for incidents that happen throughout the night and not just turn their phone off and count all the cash. My wife, children and I have lived here for 23 years and my family have lived in Kingston and the City of Moorabbin for many generations (my father was the state member Higinbotham and my Grand Farther was a Moorabbin councillor/Mayor) I also ran an automotive business in Kingston for 30 years. We have contributed well to Kingston. I believe Airbnb is becoming a problem throughout Kingston's residential areas (I didn't buy next door to a hotel) and other councils have tried to control them with regulations.*
- I along with other residents believe there should be tighter controls on the above operators in residential areas to preserve the amenity of the area - non landowners should not be able to ruin the tranquillity and abuse the privileges that long term residents enjoy.*

#### **Motion:**

*Proceeds to consultation on a policy for Airbnb properties and similar services that addresses antisocial behaviour and noise no later than March 2023, which would explore local laws for enforcement and to maintain a peaceful atmosphere in our municipality.*

### **Officer Advice**

The issue of Airbnb activity in Patterson Lakes has been the subject of recent Officer investigations which were communicated to Councillors in August, 2022. The advice to Council at the time indicated that the prevalence of complaints at Kingston was very limited (1-2 complaints regarding properties in 5 years when compared to 5 -10 complaints per weekend in the Mornington Peninsula Shire). The extent of registered properties in Mornington Peninsula Shire was also very significantly different to Kingston.

On the basis that Council were interested in seeking to formulate a Policy to create legislation through its Community Local Law it is considered that the following issues should be carefully examined prior to commencing community engagement:

- A review of the approach taken by Mornington Peninsula Shire which is understood to have a registration process for properties using such short stay accommodation platforms.
- Engaging with the Victorian Government and relevant Enforcement Agencies as to whether any centralised considerations to regulate such activities are in place or being considered.
- Seeking legal advice on the effectiveness of existing legislation when compared with any changes to the Kingston Community Local Law.
- The appropriateness from a safety perspective of Council Officers attending to complaints associated with unruly use of residential properties, to enforce legislation when compared with that of alternative Enforcement Agencies.

The above items should be considered prior to formulating a Policy or changes to the Community Local Law for the purposes of community consultation on the basis, Council wished to further pursue this matter further.

Officer advice prepared by Jonathan Guttmann, General Manager Planning and Place

**15. Confidential Items**

## **15 Confidential Items**

This information is confidential information under section 3(1) of the *Local Government Act 2020* and therefore suitable for consideration in closed session. In accordance with the *Local Government Act 2020*, Council may resolve to consider these items in open or closed session.

### **15.1 CEO Employment Matters**

Agenda item 15.1 *CEO Employment Matters* is designated confidential:

- because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)), and
- the explanation as to why the specified ground/s applies is that it deals with employment conditions between the Council and the Chief Executive Officer.

### **Confidential Appendices**

**9.1 Commercial Use of Council Land - The Crowded Hour Summer Lounge**  
*Appendix 2, The Crowded Hour Summer Lounge 2022 - Projected Profit and Loss* is designated confidential as it relates to (s3(1)(g))

**9.1 Commercial Use of Council Land - The Crowded Hour Summer Lounge**  
*Appendix 3, The Crowded Hour Summer Lounge 2022 - Correspondence re. Profit and Loss* is designated confidential as it relates to (s3(1)(g))

**9.2 Commercial Use of Council Land - Mordialloc Summer Carnival**  
*Appendix 3, Post Event Report - Mordialloc Summer Carnival 2021/22* is designated confidential as it relates to (s3(1)(g)(ii))

**9.2 Commercial Use of Council Land - Mordialloc Summer Carnival**  
*Appendix 4, Request for fee reduction - Mordialloc Summer Carnival 2022* is designated confidential as it relates to (s3(1)(g))

**10.1 Award of Contract CON-22/078 - Peter Scullin Playspace Renewal**  
*Appendix 1, CON 22 078 - Tender Evaluation Assessment Report - Peter Scullin Playspace Renewal* is designated confidential as it relates to (s3(1)(g))

**10.1 Award of Contract CON-22/078 - Peter Scullin Playspace Renewal**  
*Appendix 2, CON 22 78 Tender Evaluation Matrix - Confidential* is designated confidential as it relates to (s3(1)(g)(ii))

**RECOMMENDATION**

That in accordance with section 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for the consideration of the following confidential items:

**15.1 CEO Employment Matters**

*This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:*

- because it is personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)), and
- the explanation as to why the specified ground/s applies is that it deals with employment conditions between the Council and the Chief Executive Officer.

**Confidential Appendices**

**9.1 Commercial Use of Council Land - The Crowded Hour Summer Lounge Appendix 2, The Crowded Hour Summer Lounge 2022 - Projected Profit and Loss**

*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)).*

**9.1 Commercial Use of Council Land - The Crowded Hour Summer Lounge Appendix 3, The Crowded Hour Summer Lounge 2022 - Correspondence re. Profit and Loss**

*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)).*

**9.2 Commercial Use of Council Land - Mordialloc Summer Carnival Appendix 3, Post Event Report - Mordialloc Summer Carnival 2021/22**

*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g(ii))).*

**9.2 Commercial Use of Council Land - Mordialloc Summer Carnival Appendix 4, Request for fee reduction - Mordialloc Summer Carnival 2022**

*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g)).*

**10.1 Award of Contract CON-22/078 - Peter Scullin Playspace Renewal Appendix 1, CON 22 078 - Tender Evaluation Assessment Report - Peter Scullin Playspace Renewal**

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**10.1 Award of Contract CON-22/078 - Peter Scullin Playspace Renewal Appendix 2, CON 22 78 Tender Evaluation Matrix - Confidential**

*This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g(ii))).*