

# Agenda

## Ordinary Meeting of Council

**Monday, 24th September 2018**

Commencing at 7.00pm

Council Chamber  
1230 Nepean Highway, Cheltenham

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

John Nevins  
Chief Executive Officer  
Kingston City Council

**City of Kingston  
Ordinary Meeting of Council**

**Agenda**

**24 September 2018**

**Notice** is given that an Ordinary Meeting of Kingston City Council will be held at 7.00pm at Council Chamber, 1230 Nepean Highway, Cheltenham, on Monday, 24 September 2018.

**1. Apologies**

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

Minutes of Ordinary Council Meeting 27 August 2018

Minutes of Special Council Meeting 17 September 2018

**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 Development Reports**

- 8.1 Proposed Edithvale 24 Hour Dog Off Leash Consultation Feedback .... 7
- 8.2 Environmental Upgrade Agreements for Kingston Business  
Community ..... 45
- 8.3 Bonbeach, Edithvale and Carrum Level Crossing Removals - Council  
Advocacy..... 59
- 8.4 Heritage Overlay – Pompei's Marine Boat Works and Landing ..... 71
- 8.5 KP17/983 – 86 Albert Street, Mordialloc

**9. Community Sustainability Reports**

- 9.1 Youth Awards Model Review ..... 107
- 9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of  
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- 9.3 Appointment of Members to the Youth Advisory Committee..... 129

**10. City Assets and Environment Reports**

- 10.1 Sport and Recreation Strategy - Consultation Findings and Strategy  
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10.4	Tender Evaluation Report for Mentone Renaissance Stage 2 – Shopping Centre Streetscape Works .....	241
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**11. Corporate Services Reports**

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**12. Notices of Motion**

See section 14

**13. Urgent Business**

**14. Confidential Items ..... 637**

- 14.1 Notice of Motion No. 28/2018 - Cr Staikos - Reappointment of Mr  
John Nevins as Chief Executive Officer
- 14.2 Heritage Overlay - Pompei's Marine Boat Works and Landing
- 14.3 July 2017 to May 2018 (2017/18) CEO Performance Review

**Confidential Attachments**

- 9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of  
Tender Process  
Appendix 1 Edithvale LSC - Tender Evaluation Matrix
- 9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of  
Tender Process  
Appendix 3 Letter from Edithvale Life Saving Club regarding concerns on  
impacts of work programme - August 2018
- 9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of  
Tender Process  
Appendix 4 Con 18/70 - comparison of all tender breakdowns against budget  
allocation - september 2018
- 9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of

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- Tender Process
- Appendix 5      Certificate of OHS Compliance - 2Construct Pty Ltd - September 2018
- 9.3      Appointment of Members to the Youth Advisory Committee
- Appendix 2      Youth Advisory Committee - Legal Advice - s77 Confidential Information
- 10.2      Contract 18-3 Road Resurfacing Works
- Appendix 1      Contract 18-3 Road Resurfacing Works Evaluation Matrix
- 10.2      Contract 18-3 Road Resurfacing Works
- Appendix 5      Contract 18-3 Detailed Cost Estimates
- 10.4      Tender Evaluation Report for Mentone Renaissance Stage 2 – Shopping Centre Streetscape Works
- Appendix 2      Contract 18-69 - Tender Evaluation Matrix
- 10.5      Heatherton Park Cap Rectification Works
- Appendix 1      CON-18/59 Heatherton Park Landfill Cap Remediation Tender Evaluation Report

# Explanation of Meeting Procedure

## Meeting Procedure is Regulated by Local Law

The procedures for this Ordinary Meeting of Council are regulated by Council's Meeting Procedures Local Law.

## Chairperson

The Mayor as Chairperson is the ultimate authority for the conduct of the meeting.

## Agenda

The business to be dealt with at the meeting is set out in the agenda. No other business can be dealt with, unless admitted as Urgent Business by resolution of Council.

## Motions

A motion must be moved and seconded to be valid. The mover of the motion will then be permitted to speak to it. Other Councillors will then be permitted to speak either for or against the motion. The mover will be permitted a right-of-reply, which will conclude the debate.

## Voting

The motion will then be voted on by show of hands. If the motion is carried, it becomes a resolution (decision) of the Council. Any Councillor may call for a Division, in order that the vote of each Councillor is formally recorded. The result of the Division supersedes the vote by show of hands.

## Amendments

A Councillor may move an amendment to a motion. Any amendment moved shall be dealt with in the same way as a motion, except that there is no right of reply for the mover of the amendment and the mover of the motion if the amendment is carried. If carried, the amendment becomes the motion and the previous motion is abandoned.

## Speaking at the Meeting

No visitor to a Council meeting may speak to the meeting, except for:

- The applicant (or his/her representative) and one objector in relation to an application for a planning permit;
- Special circumstances in which leave to speak is granted by the Chairperson.

Unless special circumstances apply, the Chairperson will limit the presentation of a speaker to three minutes duration.

# Explanation of Meeting Procedure

## Questions

Members of the public present at the meeting may put questions in writing to Council which will be dealt with during Question Time. The Question Box is located in the foyer. Questions must be placed in the Question Box by 7.30pm. You don't have to be a resident to ask a question.

Questions are to be as succinct as possible. Questions which cannot be accommodated on the single sided question form provided are likely to require research, and are more appropriately directed to Council in the form of a letter. In such cases, the question/s may be answered in writing at the direction of the Chairperson subsequent to the meeting.

Questions will be answered in the Council Chamber only if the questioner is present in the gallery. Where a questioner is not present, a response will be provided in writing.

Individual members of the public are permitted to ask a maximum of three (3) questions.

## Confidential Business

The meeting may be closed at any time to deal with confidential items in camera. In these instances members of the public will be asked to leave the Council Chamber, and the meeting re-opened once the confidential business is completed.

## Courtesy to the Mayor

All Councillors are required to direct their attention towards the Chairperson when speaking. This is in accordance with protocols relating to respect for the Chairperson of a meeting, and is a requirement of Council's Meeting Procedures Local Law.

## Emergency Evacuation of Chamber

Members of the public are requested to note the green and white EXIT signs.

In the event of an emergency requiring evacuation of the Chamber, the public should evacuate by way of the EXIT located to the right hand side of the Council Chamber. This leads to the foyer through which you passed in order to enter the Chamber. Proceed from the foyer through the revolving door/side door and out of the building. This is the primary evacuation route.

If the nature of the emergency is such that the primary evacuation route is impracticable, the public should evacuate by way of the EXIT located to the right of the Council table as viewed from the public gallery. Follow further EXIT signs thereafter, which lead to an exit point on the south side of the building. This is the secondary evacuation route.

Council staff will issue directions on how to proceed to evacuate in the event of an emergency.

# Explanation of Meeting Procedure

## Do You Have a Hearing Difficulty?

Phonic Ear Hearing Assistance is available to any member of the public gallery with a hearing disability. Just ask a member of staff for a unit prior to the meeting.

## Language Line



## Recording of Meetings

Council Meetings are recorded and streamed live on the internet.

Recordings are archived and available on Council's website [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au).

All care is taken to maintain your privacy; however as a visitor in the public gallery, your presence may be recorded.

## **8. Planning and Development Reports**

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Agenda Item No: 8.1

## PROPOSED EDITHVALE 24 HOUR DOG OFF LEASH CONSULTATION FEEDBACK

Contact Officer: Neil Sheppard, Team Leader Statutory Compliance

### Purpose of Report

This report provides advice to Council on the consultation process for the 24 hour dog off leash area on Edithvale foreshore and provides recommendations to Council in response to the feedback received.

### 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.

### OFFICER RECOMMENDATION

That Council:

1. Note the submissions received in response to the consultation on the 24 hour dog off leash proposal along the Edithvale Foreshore.
2. Not proceed with the introduction of a 24 hour dog off leash area on the Edithvale foreshore based on community feedback.
3. Further promote existing opportunities in the Southern part of Kingston where dog owners are able to walk dogs off leash throughout the year and periods of the year dogs are permitted off leash on parts of the foreshore.

### 1. Executive Summary

This report outlines the submissions received during the consultation period to determine if a 24 hour dog off leash area is supported on the Edithvale foreshore (between Somme Parade and Bristol Avenue). Presently in the area that was consulted on people are able to walk dogs off leash between sunrise and 10am from 1 November to 31 March and before 11am and after 3pm between 1 April and 31 October annually.

Consultation commenced on 14 June 2018 and concluded on 31 July 2018. A total of 1,870 submissions were received. Copies of all submissions have been provided to Councillors and a range of public questions have been raised at recent Council Meetings and responses are provided through this report.

This report explains in some detail the extent of feedback received, recognising that feedback was received both through the survey conducted on the 'Your Kingston Your Say' platform (1,554 electronic submissions and 233 printed submissions) as well as through written feedback received (83 emails). Of the 1,870 submissions received 969 were against the proposal and 901 were supportive. It is clear through the feedback received that significant segments of the community have flagged concerns regarding the proposal and a range of important considerations were raised by the community through the submissions.

These concerns include:

- The potential, particularly during warmer periods for conflicts to occur between dogs off leash and other foreshore users.
- While it is the responsibility of the dog owner, concern does exist regarding Councils ability to practically enforce to the satisfaction of all beach users, dogs off leash being under effective control and staying within the designated off leash area during the peak summer periods.

Although the report identifies a range of 'options' that would see Council loosen existing dog off leash controls in the area where consultation has occurred, Officers hold a range of concerns relating to pursuing these options which have in part been formed following the community consultation process.

The objective of the Council Plan was to 'explore opportunities' to provide for a 24 hour off leash area in the southern part of the municipality but it is clear from the consultation feedback a consensus view has not emerged and upon review of submissions is unlikely too. As such the report recommends not proceeding with changes to the off leash controls but instead working to further promote opportunities in the southern part of the City where dog owners are able to walk dogs off leash throughout the year and to promote the periods of the year and times of the day off leash activities are permitted on parts of the foreshore.

## **2. Background**

The Council Plan identified the potential to explore opportunities for a 24 hour dog off leash area in the southern part of the municipality.

At the Ordinary Council meeting held on Monday 28 May 2018, Council resolved that:

Council commence the statutory advertising process to determine if a 24 hour dog off leash area on the Edithvale Foreshore, between Somme Lane and Bristol Avenue is appropriate.

### **Existing foreshore off leash rules**

The current foreshore restrictions in the proposed area are as follows:

During the summer period (1 November to 31 March) dogs are only permitted to be walked off leash on the sanded areas from sunrise to 10am daily and are not permitted on the beach at all between 10am and 7.30pm. From 7.30pm until sunrise dogs can be walked on the sanded areas whilst on leash.

During the winter period (1 April to 31 October) dogs must be on a leash from 11am to 3pm but are permitted off leash on the sanded areas at all other times.

### **Relevant Legislation**

In determining whether to designate an area dog off leash the Council must consider the provisions contained within Section 26 of the Domestic Animals Act 1994. On the basis Council wished to change the existing off leash rules it would be required to advertise in the public notice section of newspapers distributed in the municipality and publish a notice in the Victorian Government Gazette.



Council is required to prepare a Domestic Animal Management Plan (DAMP). The current DAMP 2016-2021 was endorsed at the Ordinary Council meeting held on Monday 25 July 2016. Relevant parts of the DAMP that relate to the review and/or establishment of dog off leash areas are outlined below:

- Section 4: Nuisance outlines Council Orders under Section 26 of the Domestic Animals Act 1994 relating to dog off leash areas. This section includes an ongoing activity in Objective 2 that Council Officers review and identify opportunities to increase designated dog off leash areas.

When considering the enforcement of a dog off leash area the owner or person in effective control of the dog must be able to demonstrate compliance with the following legislation:

- Council Order made under Section 26 of the Domestic Animals Act 1994 adopted by Council on 22 November 2010. This Order provides regulation on dogs being kept on a leash except when in a designated dog off leash area.

The Order also states that a dog owner must remain in effective voice or hand control of a dog and within constant sight of a dog so as to be able to promptly place the dog on a chain, cord or leash.

Council as the Committee of Management for the Foreshore also has a range of responsibilities under the Crown Land (Reserves) Act 1978. On the basis Council were to consider implementing a 24 hour off leash area advice would be sought from the Department of Environment Land Water and Planning (DELWP) to determine whether consent pursuant to Section 37 of the Coastal Management Act 1995 is required.

### **3. Discussion**

#### **3.1 Council Plan Alignment**

Goal 2 - Our sustainable green environment with accessible open spaces

Direction 2.4 - Review and implement the open space strategy to ensure high quality and increased capacity of the open space network

The subject proposal requires consideration under Goal 2 of the Council Plan 2017-2021 under Key Direction 4.5 'keeping our community safe and protected' and Objective 4.5.2 to provide 'proactive animal management'.

The proposal also relates specifically to the aims, with progress reported in Council's Quarterly performance Reporting Key objectives 4.5.2.2 - explore opportunities for a 24/7 Dogs off leach beach in the Southern part of the Municipality (from the 2017 Councillor workshop) and 4.5.2.3 - review and consult the communities for dog off leash areas

#### **3.2 Consultation/Internal Review**

Following the resolution of the Council on 28th May, 2018, Council undertook a consultation process which commenced on 14 June 2018 and concluded on 31 July 2018. Full copies of all the feedback received have been separately circulated to Councillors.

### **Notification process for the consultation**

As part of the consultation advisory letters were sent to the nominated addresses of all registered dog owners in the South Ward.

Advisory letters were also sent to addresses within the close vicinity of the proposed 24 dog off leash area. This area was bounded by:

1. Northern Boundary – 295a Nepean Highway along Fraser Avenue (both sides)
2. Eastern Boundary – Munro Avenue both sides
3. Southern Boundary – Elsie Grove from Munro Avenue and Foy Avenue both sides
4. Western Boundary – Bathing box owners

In addition to direct notification, information was also published on Council's Facebook and Lost and Found Facebook pages inviting people to register and complete the survey. Council also published notification of the consultation in the Leader newspaper.

### **Online Survey**

An online survey was established through the 'Kingston have your say' platform.

As part of the survey the following questions were asked:

Do you visit Edithvale Foreshore?  
Are you a dog owner?  
Are you aware of the 24-hour off-lead area at Mentone Foreshore?  
Do you think Kingston needs a further 24-hour off lead area?  
Do you support a 24-hour dog off-lead area within Edithvale Foreshore (300m zone between Somme Lane and Bristol Avenue)?  
Do you have any further comments?

Council received **1,554** submissions through the online survey and Councillors have been provided all the information gathered from the online survey including the verbatim feedback. In some instances respondents did not complete a response to all questions.

Of the 1,554 submissions that were received the following summary is provided:

Council received **1,554** submissions via the survey monkey questionnaire.  
**891** submissions supported the proposed 24 hour dog off leash area.  
**663** submission did not support the proposed 24 hour dog off leash area.

Responses to the survey questions can be summarised as follows:

*Do you visit Edithvale Foreshore?*

96% stated that they visited Edithvale foreshore  
34% stated that they visited daily  
38% visited weekly  
11% visited fortnightly  
16% visited once a month

*Are you a dog owner?*

66% were dog owners  
34% were not dog owners

*Are you aware of the 24-hour off-lead area at Mentone Foreshore?*

78% were aware of the Mentone foreshore 24 hour dog off leash area  
22% were not aware of the Mentone foreshore 24 hour dog off leash area

*Do you think Kingston needs a further 24-hour off lead area?*

57% believed that Kingston needs another foreshore 24 hour dog off leash area  
42% do not believe that Kingston needs another foreshore 24 hour dog off leash area

*Do you support a 24-hour dog off-lead area within Edithvale Foreshore (300m zone between Somme Lane and Bristol Avenue)?*

57% supported the proposed Edithvale foreshore 24 hour dog off leash area  
42% did not support the proposed Edithvale foreshore 24 hour dog off leash area

The demographic data provided with the electronic survey submissions provides the following information regarding those who registered and completed the surveys:

**Gender**

980 identified as female  
530 identified as male  
44 did not wish to state gender  
3 identified as other

**Age**

5 submissions from ages under 18  
87 submissions from ages 18-25  
363 submissions from ages 26-35  
366 submissions from ages 36-45  
284 submissions from ages 46-55  
276 submissions from ages 56-65  
176 submissions from ages over 65

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**Location of submitters**

<b>Kingston Suburb</b>	<b>State</b>	<b>Number of Submissions</b>	<b>% Total of Submissions</b>	<b>Yes**</b>	<b>No**</b>
Aspendale	VIC	149	9.5	78	42
Aspendale Gardens	VIC	50	3.2	37	10
Bonbeach	VIC	64	4.1	41	15
Carrum	VIC	22	1.4	18	2
Chelsea	VIC	229	14.7	109	84
Chelsea Heights	VIC	44	2.8	34	7
Cheltenham	VIC	8	0.5	8	
Cheltenham East	VIC	3	0.1	2	
Dingley Village	VIC	17	1.0	12	4
Edithvale	VIC	546	35.1	142	326
Heatherton	VIC	3	0.1	3	
Highett	VIC	4	0.2	2	1
Mentone	VIC	12	0.7	10	2
Moorabbin	VIC	2	0.1	2	
Mordialloc	VIC	13	0.8	7	6
Oakleigh South	VIC	2	0.1		1
Parkdale	VIC	15	0.9	11	3
Patterson Lakes	VIC	43	2.7	27	9
Waterways	VIC	11	0.7	6	4

*\*\* Do you support a 24-hour dog off-lead area within Edithvale Foreshore (300m zone between Somme Lane and Bristol Avenue).*

**Victoria**

Beaumaris	VIC	1
Belgrave	VIC	1
Bentleigh East	VIC	1
Berwick	VIC	1
Boronia	VIC	1
Box Hill North	VIC	1
Brighton	VIC	1
Brighton East	VIC	1
Carrum Downs	VIC	1
Clayton	VIC	1
Coburg	VIC	1
Dandenong North	VIC	1
Dromana	VIC	2
Elsternwick	VIC	3
Eltham North	VIC	1
Frankston	VIC	3
Frankston North	VIC	2

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Frankston South	VIC	3
Glen Waverley	VIC	2
Greensborough	VIC	1
Hampton	VIC	1
Hampton East	VIC	1
Hawthorn	VIC	1
Kensington	VIC	1
Kew	VIC	1
Keysborough	VIC	3
Knoxfield	VIC	1
Langwarrin	VIC	1
Melbourne	VIC	5
Melbourne Airport	VIC	6
Melbourne University	VIC	7
Mount Eliza	VIC	1
Murrumbeena	VIC	2
Narre Warren South	VIC	1
Ringwood	VIC	1
Ringwood North	VIC	1
Sandhurst	VIC	1
Sandringham	VIC	1
Seaford	VIC	7
Somerville	VIC	1
Sorrento	VIC	1
Springvale	VIC	1
Springvale South	VIC	1
St Kilda	VIC	1

**Other States**

Sydney	NSW	235
Pasadena	SA	1
Abba River	WA	1
Melawondi	QLD	1

**Email Submissions**

Council received **83** written/email comments during the consultation period all of which have also been provided to Councillors.

**10** submissions supported the proposed 24 hour dog off leash area.

**73** submissions did not support the proposed 24 hour dog off leash area.

Council received **233** hard copy printed completed surveys. These were personally handed in to Cheltenham Customer Service Centre by a local resident. All **233** of these surveys were against the proposed Edithvale 24 hour dog off leash area.

Cross checking against the online survey submissions, email comments and the hard copy survey submissions showed that there were **18** occasions of a person making a double submission.

**11** of these were for the proposed dog off leash area.

**7** of these were against the proposed dog off leash area.

### **Overall number of Submissions**

The total of submissions received were **1,870**.

**969** submissions were against the proposal

**901** submissions were for the proposal

In reviewing the feedback received Officers note that many of the submissions received were quite detailed in identifying the views held by members of the community on the proposal. Although it is important to understand the broad sentiment of the community in terms of submissions for or against the proposal the substance of the submissions warrants careful consideration as some members of the community have identified in some detail items they feel require consideration.

### **Petition**

At the Ordinary Council Meeting on the 27th August 2018 Council received a petition containing signatures of **518** residents against the 24/7 dog off leash area.

**75%** of the petitioners live in or near the area of the proposed dog off leash area (Chelsea, Chelsea Heights and Edithvale) and **40%** of the petitioners were dog owners.

### Questions raised at the Ordinary Council Meeting 23 July, 2018 and Ordinary Council Meeting 27 August, 2018

At the Ordinary Meeting of Council on 23 July 2018 and 27 August, 2018 the Question Time section provided members of the community an opportunity to raise questions relating to the proposed Edithvale 24 hour dog off leash area. The following are the questions and responses.

#### **Alex of Chelsea asked,**

Does the dog beach proposal seem compliant with Kingston's 2016 Public Toilet Strategy, given that if it goes ahead it will mean due to the Bristol Street Toilet being included in the off leash area that there is no safe toilet access for 1.4km between Camp Street, Chelsea and The Esplanade, Edithvale, which is of particular disadvantage to families and the elderly?

*Officers are mindful that presently throughout parts of the year the area in question is an off leash area. The consequence of extending the length of time dogs could be off leash would increase the potential for conflicts with the toilet facility. Officers do note however this potential for conflict has not been previously raised as a significant issue in the local area mindful dogs have not been off leash during summer peak periods. There are no limitations to the location of dog off leash areas in Council's Public Toilet Strategy.*

**Samantha of Edithvale asked,**

Given Council officers had already established current rules for dogs on Edithvale beach approximately 20 years ago, please can I ask the question what has changed for these rules to be reconsidered? There has been no complaints to Council that I'm aware of. The existing rules are very adequate in my view and those of many other resident walkers of the beach attending the meeting today.

*As identified earlier in this report the Council Plan identified the opportunity to consider additional off leash areas in the southern parts of the municipality. The recent consultation allowed for this matter to be further explored with the community.*

**Susanne of Chelsea asked,**

Could the Council clarify why a 300m stretch of beach has been included in the proposal when the Council's own Domestic Animal Management Plan states in 3.1 that a dog may be off leash in a designated area provided the owner remains in effective voice or hand control to promptly leash if necessary. How is this possible on a stretch of beach this large when the average human voice doesn't carry more than 180m on a still day?

*The onus falls on the dog owner or the person in care and control of the dog to ensure that all dogs that are exercised off leash are under effective control at all times. Council would agree that any person 180m away from their dog would unlikely have effective control of their dog and therefore would be committing an offence.*

**Marian of Chelsea asked,**

The hashtag #dogsofinstagram is used in the caption of the City of Kingston's Instagram post advertising the online survey. Given that this hashtag is followed by dog lovers all over the world (with currently 106 million posts), could the Council please explain the validity of the online survey results:

1. When there is a clear bias shown on the Council's Instagram post by use of this hashtag?
2. There is currently no technical way to determine whether the people who have completed the survey online live in Australia, have ever been to Edithvale Beach or will every go to Edithvale Beach?

*Council actively uses hashtags to maximise the reach of social media posts, both on Instagram and Twitter. There was no particular reason why #dogsofinstagram was used other than to assist this objective. The survey requires a respondent to register with Your Kingston Your Say, and only one submission can be made with an email address and username. Officers have endeavoured through this report to provide clarity to the Council as to where submissions were received from.*

**Sharon of Edithvale asked,**

I walk my dog every possible morning, 2.5km along the Edithvale/Chelsea foreshore, through the proposal zone. Locals are generally responsible dog owners, however, I pick up 6-10 dog poos (not from my dog) every day. I also pick up rubbish as I appreciate living so close to this amazing beach and am happy to protect it. Sadly in summer, rubbish and poo increases exponentially, with extra beachgoers from in and out of Kingston, swarming to Longbeach to enjoy all the facilities and get relief from the heat. Given a single dog poo contains 2.3million bacteria including ecoli and campylobacter, which are serious sources of infection, particularly for the young (making sandcastles!); the elderly; those who are unwell or pregnant. Is Council concerned for the health of residents in regards to increasing and concentrating dogs and therefore their faeces in this section of the beach and dunes and the effect of the faeces on the quality of the water?

*Council has in place an Order under the Domestic Animals Act 1994 requiring all dog owners to carry a litter removal device and clean up after their dogs when they are walking them. Council Local Laws Officers undertake patrols to promote compliance and to address any detected offences.*

**Luisa of Edithvale asked,**

Given Council has projected an 18% population increase within the next eighteen years and temperatures are also predicted to increase, would the Council not see it as prudent to maintain as much beach space as possible for all beach users?

*Council is mindful of increased population demand and consequentially the likely additional levels of visitation to the foreshore. In evaluating the feedback raised through consultation concern has been expressed about the conflicts particular when the foreshore is in high demand between its users and dogs which are off leash.*

**Sue of Edithvale asked,**

Given that the proposed designated area for 24 hour off-leash dogs contains numerous beach boxes, how do these beach box owners and their families and friends get access to their beach boxes free of unrestrained dogs?

*Council's consultation included the owners of the beach boxes. It is clear that a number of residents who owned beach boxes expressed concerns in relation to potential conflicts with unrestrained dogs noting this conflict was also identified in submissions provided by residents who had no apparent relationship with beach boxes.*

**Vicki of Edithvale asked the following questions:**

**Question 1.**

Given the proposal for Edithvale Beach has already been costly and caused much distress in the residential community adjoining this proposal, which is likely to be repeated for residents living in the area adjacent to the Carrum and Chelsea options for the proposal, who will likely raise the same objectors. Will Council consider dropping the proposal altogether to avoid further cost and distress to the community?



*This report provides an opportunity for Council to consider the submissions received and form a view on whether it wishes to implement the proposal, undertake further consultation or abandon the proposal. The Council Plan indicated this process would 'explore opportunities for a 24/7 off leash area' it did not commit the Council to necessarily changing existing off leash controls.*

**Question 2.**

Could Councillors please clarify if they have physically visited the stretch of beach involved in the proposal, particularly on a hot summer's afternoon?

*Officers understand South Ward Councillors are familiar with the area the consultation has been undertaken.*

**Question 3.**

Given the considerable angst created in the local community and the thousands of dollars already spent of ratepayers money on this proposal, could Council please quantify how many residents actually requested this proposal and by what method the requests were made? Does the Council consider it should have a requirement for a certain number of requests lodged in a formal way, before creating distress and spending thousands?

*Council has undertaken a consultation which accords with the intentions of its Council Plan. No requirement is in place to have a certain number of requests to undertake the consultation.*

**Sandra of Edithvale asked the following questions,**

**Question 1.**

In a social media post, Cr Oxley suggested people who do not wish to be around dogs use a separate section of the beach. For residents who live adjacent to the proposed 24/7 off-leash dog beach, access to this beach for regular activities provides much of their quality of life. Has the impact on these residents, especially the elderly who live adjacent to this beach, together with the hundreds of people each week who use the stretch of beach from Chelsea to Aspendale for a long walk or run been taken into consideration?

*Councillors will be provided with the feedback received from all submitters to this process which will assist Councillors in understanding the views held by the community.*

**Question 2.**

Given that Edithvale Beach attracts thousands of people to Edithvale every summer, has Council considered the economic impact on the area of converting a large section of the beach into a Dog Beach? Has Council consulted with local shopkeepers in relation to this proposal?

*Council has conducted a consultation process which has allowed all members of the community an opportunity to provide feedback including local traders or those who may or may not benefit economically from the proposal. Council does not routinely undertake an economic impact assessment in such circumstances.*

**Mark of Edithvale asked,**

Given Arcto the seal regularly but randomly beaches himself on this section of Edithvale Beach and the law states that a dog must not be off leash within 50m of a seal, can the Council outline how this law would be upheld in a 24/7 year round off leash zone?

*The Wildlife (Marine Mammals) Regulations Section 13 (1) Dogs in the vicinity of marine mammals states that a person who owns or is in charge of controlling a dog must not allow that dog to approach within 50 metres of a seal if the seal is on land. However, dog walkers are exempt under this section if (1) the dog is on a lead and (2) it is necessary to allow the dog to approach closer than 50m to enable the person with the dog to pass the marine mammal.*

*The onus falls on the dog owner or the person in care and control of the dog to ensure that dogs exercised off leash are under effective control at all times. Council Local Laws Officers undertake patrols to promote compliance and to address any detected offences noting the concerns expressed in the question.*

**Kevin of Edithvale asked the following questions:**

**Question 1.**

Will the Council seek consultation with Bayside City Council in relation to their experience with the dog off leash area at Ricketts Point and compliance with their Biodiversity Action Plan and protection of significant biodiversity values from wildlife predation and disturbance.

*Bayside Council have an action in their Biodiversity Action Plan that states they must review dog restrictions to increase protection of significant biodiversity values from wildlife predation and disturbance, and nutrient enrichment of vegetation (from faeces).*

*The current foreshore dog restrictions have not changed as yet due to the Biodiversity Action Plan, however the restrictions will be reviewed against the plan. This review is planned to occur in approximately 12 months time.*

**Question 2.**

Would the Council please clarify its position on what constitutes adequate parking to service the Edithvale 24/7 dog off leash proposal, as there are only 68 parking spaces available 24/7 in this area that houses 137 residences adjoining the proposal site? Even if permits were issued to residents, this would equate to half a permit per household.

*There are approximately 50 parking spaces in Bapaume Avenue, Somme Parade, Correa Street, Wallum Road, Bristol Avenue and a further 45 (approximately) on Nepean Highway, outside clearway restrictions. Council does acknowledge that during peak summer periods obtaining access to parking in proximity to the foreshore can be challenging for visitors who do not have access to parking spaces on private land.*

**A resident of Edithvale asked:**

Cr Eden debated the point of further congestion as a reason to choose the Carrum site. However the Carrum site is 3.7 kilometres away from major development as an important consideration for the Edithvale site, given its location just 300 metres from the station and recent changes to planning which allow for development of up to 3 stories along the Nepean Highway commercial shops.

*The comments are noted recognising the consultation has been undertaken in the location identified by the Council.*

**Anna of Edithvale asked:**

Given Council officers identified Edithvale beach in their statutory compliance process as an area where beach goers frequently picnic, along with the presence of 18 bathing boxes, where residents also picnic, how does Council foresee enforcement of section 3.2 in its Domestic Animal Management Plan which states that a dog may be off leash in a designated area but must be returned to its leash within 200 metres of a picnic? In summer this would largely rule out this section of the beach in terms of compliance to the Council's own policies?

*If a dog is off a chain, cord or a leash in a designated area it must be brought under effective control by means of a chain or cord or a leash if the dog is or likely to be within 20 metres of:*

- a) *The arena or ground of an organised sporting or practice event*
- b) *A children's play equipment area*
- c) *A principal location of an organised public meeting or event*
- d) *A permanent barbecue or picnic area.*

*A picnic held at a bathing box would not be considered a permanent barbecue or picnic area. An instance of a family picnic on the beach is not considered to be a permanent barbecue or picnic area. Officers are mindful that the potential conflicts a consolidated number of informal gatherings on the foreshore may present with dogs being off leash which was an issue raised through a number of the submissions received.*

**Russell of Edithvale asked:**

Given that Council's own officers have reference to the increased risk of dog rush and dog attack from this proposal and given that inserting a zone for unrestrained animals in the middle of thousands of passive users of the beach will most likely result in people and animals being harmed, has the Council considered the financial impact of claims against it for breach of duty of care to the residents and of visitors to the City of Kingston?

*Council's Rangers regularly patrol all of Kingston's foreshore areas and issue fines to those observed committing offences. Ultimately, it is the responsibility of all dog owners to ensure they are not only familiar with the relevant restrictions but also do not allow their dog to cause a nuisance or attack another animal or person. Officers do acknowledge the feedback received through the consultation regarding concerns expressed by the community about the risk of additional conflicts.*

**Ray of Edithvale asked:**

Given the Council's own statutory consultation process identifies envisaged compliance issues with dog owners adhering to boundaries identified by sign only, what allowances will the Council make for enforcement of compliance, given 2014/2015 528 dog-at-large complaints were received, but only 295 notices of infringement were delivered for the whole of Council precinct and Councillors themselves have reported seeing people flouting existing laws and simply hurriedly leaving the beach when they see the local laws vehicle approaching?

*Council's Rangers regularly patrol all of Kingston's foreshore areas and issue fines to those observed committing offences. Ultimately, it is the responsibility of all dog owners to ensure they are not only familiar with the relevant restrictions but also not allow their dog to cause a nuisance or attack another animal or person. The resourcing section of this report outlines the additional resourcing that could be considered in order to further police the area if off leash periods were extended.*

**Susan of Edithvale asked:**

Given the Victorian Government's Pet Ownership Program, which is paid for by pet registration fees, teaches all our school children that they are only safe to interact with a dog they don't know when it is on a leash with its owner how can children safely do this when a dog approached them on the beach particularly when there are no physical boundaries between on leash and off leash?

*The City of Kingston is fortunate to have a variety of off leash areas across the municipality. In areas where open space is limited, Council has given consideration to implementing multi zoned areas which can include a fenced off leash area where natural boundaries may not be present to delineate an area or separate dogs from other activities. Notwithstanding, fencing the foreshore is not possible so there would be a greater onus on dog owners to ensure they maintain effective control of their dog.*

*Officers encourage dog owners to participate in formal dog obedience training in some instances which should be complemented by daily training exercises with their dog prior to utilising an off leash area that is not fenced. Owners need to be confident that they can control their dog including having the dog return to them prior to utilising an off leash area. As identified in response to previous questions it is a legal requirement to have your dog under control at all times.*

**Joseph of Chelsea asked:**

Given the Council's own statutory consultation process with regards to the Edithvale dog proposal, identifies an increased risk of dog attacks and dog rush in this area, does the Council consider the proposal to be compliant with section 68A 2(c) iii of the Domestic Animals Act which states that the Domestic Animal Plan prepared by Council must minimise the risk of attack by dogs on people and animals?

*Council's Rangers regularly patrol all of Kingston's foreshore areas and issue fines to those observed committing offences. Ultimately, it is the responsibility of all dog owners to ensure they are not only familiar with the relevant restrictions but also not allow their dog to cause a nuisance or attack another animal or person.*

**Questions raised at the Ordinary Council Meeting 27 August, 2018**

**Russell of Edithvale asked,**

Does the Council consider the off leash dog proposal for Edithvale Beach to be out of step with its Biodiversity Action Plan Status Objective 3, Action Number 12, which states that .Management prescriptions to maintain areas for indigenous fauna should ensure that off lead dog exercise areas are not adjacent to designated habitat areas and identifies the foreshore reserve as one of these?

*Dogs have the potential to negatively impact native flora and fauna communities when not appropriately controlled or managed. In reference to the question raised, the Biodiversity Strategy 2007-2012 Action Plan states:*

**Objective 3** - Undertake and encourage revegetation using indigenous species.  
**Action No 12** - Identify opportunities to enhance or create habitat for indigenous fauna. Develop management prescriptions to maintain these areas, for example: ensure that off-lead dog exercise areas are not adjacent to designated habitat areas, and manage access within designated habitat areas.

*In the Biodiversity Strategy (2007 -2012), the Aspendale to Carrum foreshore is referred to as an important remaining remnant on page 19.*

*In the Draft Biodiversity Strategy (2018-2023) the Aspendale to Carrum Foreshore Reserve is referred to as NRA on Page 12 and is combined with rest of the foreshore as a key NRA on page 18*

*The key actions in The Draft Biodiversity Strategy 2018-2023 Action Plan for Pest Fauna within NRA are set out in table below*

<b>Issue 3: Management of Pest Fauna within NRA</b>		
<b>Action No.</b>	<b>Objective</b>	<b>Action</b>
3.2	Provide up to date information to residents.	Ensure that up to date information is available for residents about the impacts of cats and dogs on native wildlife and ways to reduce these impacts.
3.3	Ensure domestic animals regulations are kept up to date and enforced.	Work with Local Laws to ensure compliance to regulations regarding domestic animals near/within NRA.
3.4	Ensure Kingston residents are aware of responsible pet ownership behaviours.	Council to continue to advise pet owners of responsible ownership through ongoing promotion, and engagement with the community.

**Kevin of Edithvale asked,**

Does the Council consider the proposal for a 24/7 off-leash area on Edithvale Beach to be contrary to points in the draft of the Councillors Biodiversity Strategy, in that the strategy identifies dogs as one of the five main pests, in particular having a large effect on already reduced populations of birds, possums and lizards. Given this information, does Council consider it a wise decision to saturate a section of the beach 24/7 year round with dogs off leash?

*Dogs have the potential to negatively impact native flora and fauna communities when not appropriately controlled or managed. The Draft Biodiversity Strategy 2018-2023 does list dogs as one of the “key pests animal species that have been introduced and had a negative impact in Kingston” as per Table 1, page 25 due to their impact on wildlife (Section 3.3 Pest Fauna). The draft strategy advises that “Dogs are carnivorous and are also very well adapted to harassing and hunting small mammals and birds. Domestic dogs occur in high numbers in urban areas, where native animal numbers are fewer. So even though each individual dog may only kill or injure a small number of native animals, it has a large effect on already reduced populations. Even though most pet owners meet their pet's requirements for food and shelter, a domestic*

*dog's instinctive hunting and chasing behaviour may continue. Most common kills are birds, possums and lizards."*

**Sandra of Edithvale asked,**

Does the Council consider the proposal of a 24/7 off leash area for Edithvale Beach to be in line with the State Policy Planning Framework which requires councils to assist in the conservation of places that have natural, environmental or aesthetic value?

**The CEO provided the following response,**

*Council has received a number of submissions that raise concerns regarding a number of the themes identified in Ms Taylor's question. Although consideration of the 24 hour dog off lease is not a matter to be considered under the Victorian Planning Provisions, the items raised by Ms Taylor will be further evaluated as part of the Officer Report on this matter.*

**3.3 Options**

**3.3.1 Option 1 - Maintain the status quo**

Feedback received from the consultation process indicated that there is not widespread support to introduce the 24 hour dog off leash area on the Edithvale foreshore.

There are many comments raising concerns about the safety of children and families utilising this section of the foreshore particularly during the busy summer months. This feedback has been provided by both dog owners and non dog owners.

Historically, on busy days this area has been extremely difficult for both Local Laws and Surf Lifesaving Victoria's beach vehicles to traverse due to the high density of beach users sitting on the beach. There has always been the potential for an accident to occur and the introduction of dogs off leash will only increase this risk.

Moreover, given the cultural diversity of our community, many residents may come from backgrounds without a strong tradition of pet or dog ownership and, therefore, may be wary of dogs off-leash in the public realm and may forego visiting the Edithvale foreshore due to their safety concerns.

**3.3.2 Option 2 – Introduce a trial 24 hour dog off leash area for 12 months**

An option is to consider introducing a 12 month trial to determine if a 24 hour off leash area would be successful and supported by beach users. This trial would be subjected to a full review at the end of the 12 month period.

However, Council may determine to undertake a review earlier than the 12 month period should it need to respond to ongoing community concerns and specific complaints relating to non-compliance and safety issues.

A review would take the following into consideration:

- Any incident causing physical or psychological injury
- The effectiveness of patrols undertaken during the trial
- The impacts of dog excrement in the off leash areas
- Any damage to vegetation caused by off leash dogs

- The effectiveness of self-regulation by the community
- Any increase in parking complaints
- Any noticeable changes in the behaviour of visitors/residents.
- The opinions of the community

**Advantages for the proposed dog off leash area:**

- More opportunity for dogs to be exercised off leash all year round
- Increased opportunity for dog-dog and dog-people social interaction
- Dog walkers will not have to drive to Mentone to utilise a 24 hour dog off leash beach
- Allow dogs to get adequate physical and mental exercise, thereby lessening destructive behaviours in general which can benefit the community as a whole

**Disadvantages for the proposed dog off leash area**

For People and the Community

- Potential risk of danger from aggressive dogs
- Potential risk of litigation arising from dog attacks
- Potential risk of parasites from the increased number of dogs
- Dog owners failing to pick up after their dogs
- Dog owners may leave their dogs unattended
- Dog owners not having their dogs under effective control
- Potential dog barking nuisances
- Potential impact on limited on street parking in the area
- Potential impact on vegetation and wildlife
- No physical boundaries to delineate between off and on leash

For Dogs

- Potential of danger from aggressive dogs
- Non de-sexed dogs may create territorial aggression problems
- Potential risk of parasites and disease
- Potential for lack of control of over excited dogs
- Potential for injury

Having evaluated the feedback provided by the community this option is not supported as the disadvantages are seen to outweigh the advantages of a trial.

**3.3.3 Option 3 – More actively promote the existing off leash area and opportunities in the South Ward**

Should the proposed 24 hour dog off leash not go ahead, then an opportunity to better promote the existing dog off leash opportunities for dog walkers is encouraged. In addition to the times when dogs can be walked along the foreshore on and off leash, there are 7 inland designated dog off leash areas in the South Ward that can be used. These are located at:

- Iluka Reserve Aspendale,
- Glen Street Aspendale,
- Nurten Parade Reserve Aspendale Gardens,
- Bicentennial Park Chelsea,
- Amaroo Drive Reserve Chelsea Heights,
- Bonbeach Sports Reserve Bonbeach,
- Roy Dore Reserve Carrum.

Council can investigate providing extra infrastructure in these dog off leash areas that meet the needs of dog owners and park users, such as more dog exercise equipment, public bins and seating.

Council should continue publicising the existing inland dog off-leash sites and promoting responsible dog ownership through an intensive community awareness campaign on its website, local media and social media.

Option 1 is the preferred option noting the opportunity to also promote existing off leash areas outlined in Option 3 is recommended

## **4. Conclusion**

### **4.1 Environmental Implications**

Officers believe that there would be some environmental implications as dogs are currently not permitted on the foreshore in this area between 10am and 7.30pm November to March inclusive. All dog owners are required to pick up after their dog, therefore need to carry adequate litter removal bags, however if this area became a 24 hour off leash beach there could be increased non-compliance resulting in dog faeces left on the sand. This would necessitate Local Laws Officers to carry out increased patrols to ensure compliance.

Dogs have the potential to negatively impact native flora and fauna communities when not appropriately controlled or managed. The Draft Biodiversity Strategy 2018-2023 does list dogs as one of the key pest animal species that have been introduced and had a negative impact in Kingston due to their impact on wildlife.

There are more dogs than the number of native animals, therefore should each dog kill or injure a small number of native animals, this will have a large impact on already reduced animal populations.

The most common kills for domestic dogs are birds, possums and lizards.

### **4.2 Social Implications**

There are proven health benefits from owning pets including dogs. Dog ownership plays an important role in our community and providing opportunities for dog owners to access open space assists connect people within the community. In balancing this Council needs to ensure that area provided promotes a safe and healthy environment for all users of the foreshore.

Based on the feedback received through consultation a significant number of submissions were received from members of the community raising strong concerns with the proposal. In appraising these concerns it is clear that these submitters provided responses which would indicate that increased tensions would be presented between visitors to the foreshore and dogs particularly during peak periods.



To visually illustrate the likely tension that may be created Officers have reviewed historical aerial photograph of the area. This shows that during busy periods the area under investigation is a popular foreshore recreation area. Unlike fenced off 'off leash areas' or other larger less densely populated off leash areas it is evident that dogs which are off leash on days when the foreshore is more heavily populated may present clear conflicts with beach users given the intensity in which the foreshore is occupied. Although the legislation requires dogs to be under effective voice control at all times Officers do not consider this would be sufficiently effective on days when the foreshore is being heavily used.

The proposed area is very popular and is heavily used by families and visitors to Kingston during the summer day time period.

There are 18 beach bathing boxes located on the proposed Edithvale foreshore area and owners have reflected concerns with the proposal.

On street parking is limited in the streets surrounding the proposed dog off leash area, this may result in an increase in illegal parking and may cause some problems for residents accessing and egressing their properties.

Although it is recognised that many members of the community either own or enjoy the company of dogs this is not the case for all members of the community something also drawn out through submissions received. On this basis Council is encouraged to give careful consideration to the merits of the existing off leash rules which provide clarity on periods in which dogs will and will not be allowed off leash on the foreshore allowing community members to make a choice about when they will and will not access the beach if they do have an aversion to dogs.

#### **4.3 Resource Implications**

The operational costs to introduce a 24 hour off leash area would likely involve the cost of statutory advertising at approximately \$2,000. A minor cost would also be required to modify the on-site signage details in the areas impacted.

Officers do however consider that given the level of community interest in this issue a very high and likely unprecedented level of enforcement oversight would be required if the off leash controls were modified in this location. Based on the nature of submissions received the community may expect a very high presence of officers on the foreshore to enforce this area particularly during peak periods of use of the foreshore (eg throughout summer). In evaluating the area this would likely involve two officers to be present throughout significant periods of both weekdays and weekends which would come at a substantive cost to Council recognising such resources are not currently identified in operational budgets. The likely costs to maintain a significant officer presence throughout the peak summer period is envisaged to be approximately \$48,000.

An added complexity associated with such expectations is the need for officers to be working in warmer weather conditions regarding shifts to be established and consequentially requiring the deployment of more officers. Officers are also concerned that due to the potential density of people on the foreshore the potential for conflicts between dog and non-dog owners to inadvertently escalate would be magnified presenting other challenges for officers and other enforcement agencies (eg Victoria Police).

**4.4 Legal / Risk Implications**

It should be noted that with any off leash area the risk of nuisance and dog attack increases simply as dogs are not under the direct control of the owner by means of a leash. The legislation places the responsibility on the dog owner to keep their dog/s under effective control at all times.

As there are no physical boundaries to delineate the proposed dog off leash area, it is envisaged that there will may be significant compliance issues associated with dog owners adhering to boundaries identified by signs only. There is no practical way to delineate a proposed dog off leash areas other than signage on the beach and at each public access point in the area.

Officers are concerned that given the density of visitors to the foreshore during peak periods the potential risk of dog attacks naturally increases and this alone is a sound reason for Council to give very careful consideration to making changes to existing off leash rules on the foreshore.

- Appendix 1 Proposed Edithvale 24-hour dog off-lead area XCEL summary **(circulated separately)**
- Appendix 2 18/548113 Project Detailed Report
- Appendix 3 Survey Responses Proposed Edithvale 24-hour dog off lead area **(circulated separately)**
- Appendix 4 Petition **(circulated separately)**
- Appendix 5 18/548114 Kingston Foreshore Regulations Winter
- Appendix 6 18/548115 Kingston Foreshore Regulations Summer
- Appendix 7 18/548116 Kingston Off Leash Areas June 2015

**Appendices**

Appendix 1 - 1.Project\_Detailed\_Report\_Proposed\_Edithvale\_24-hour\_Dog\_Off-lead\_Area\_01\_June\_18\_To\_31\_July\_18 (Ref 18/548113) [↓](#)

Appendix 2 - Kingston-Foreshore-Regulations-1-April-31-October (Ref 18/548114) [↓](#)

Appendix 3 - Kingston-Foreshore-Regulations-1-November-31-March (Ref 18/548115) [↓](#)

Appendix 4 - Kingston-off-leash-areas-June-2015 (Ref 18/548116) [↓](#)

Author/s:	Neil Sheppard, Team Leader Statutory Compliance
Reviewed and Approved By:	Dusan Ivanic, Acting Manager Statutory Education and Compliance
	Jonathan Guttmann, General Manager Planning and Development

# 8.1

## PROPOSED EDITHVALE 24 HOUR DOG OFF LEASH CONSULTATION FEEDBACK

1	1.Project_Detailed_Report_Proposed_Edithvale_24- hour_Dog_Off-lead_Area_01_June_18_To_31_July_18 .....	29
2	Kingston-Foreshore-Regulations-1-April-31-October .....	39
3	Kingston-Foreshore-Regulations-1-November-31-March .....	41
4	Kingston-off-leash-areas-June-2015.....	43

# Project Report

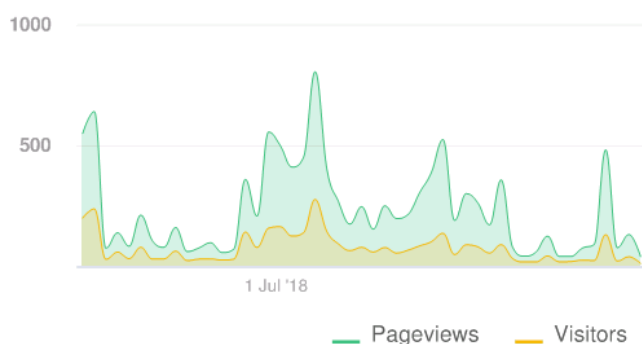
01 June 2018 - 31 July 2018

## Your Kingston Your Say

### Proposed Edithvale 24-hour dog off-lead area



## Visitors Summary

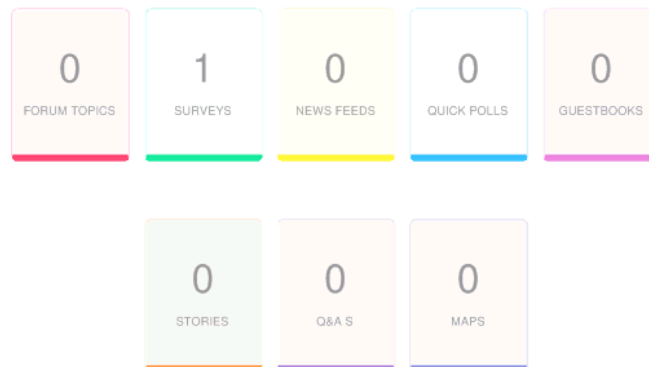


## Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
3.9 k	276	
NEW REGISTRATIONS		
1.5 k		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
1.6 k	2.7 k	3.4 k

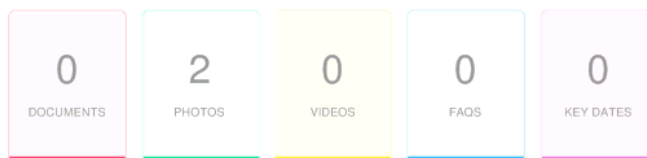
Aware Participants	3,355	Engaged Participants	1,557		
Aware Actions Performed	Participants	Engaged Actions Performed	Registered	Unverified	Anonymous
Visited a Project or Tool Page	3,355	Contributed on Forums	0	0	0
Informed Participants	2,717	Participated in Surveys	1,557	0	0
Informed Actions Performed	Participants	Contributed to Newsfeeds	0	0	0
Viewed a video	0	Participated in Quick Polls	0	0	0
Viewed a photo	194	Posted on Guestbooks	0	0	0
Downloaded a document	0	Contributed to Stories	0	0	0
Visited the Key Dates page	10	Asked Questions	0	0	0
Visited an FAQ list Page	0	Placed Pins on Places	0	0	0
Visited Instagram Page	0	Contributed to Ideas	0	0	0
Visited Multiple Project Pages	1,217				
Contributed to a tool (engaged)	1,557				

Your Kingston Your Say : Summary Report for 01 June 2018 to 31 July 2018

**ENGAGEMENT TOOLS SUMMARY**

Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	Proposed Edithvale 24-hour dog off lead area	Archived	2904	1557	0	0

Your Kingston Your Say : Summary Report for 01 June 2018 to 31 July 2018

**INFORMATION WIDGET SUMMARY**

Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Photo	Proposed off-lead area	179	187
Photo	deleted photo from Proposed Edithvale 24-hour dog off-lead area	95	98
Key Dates	Key Date	10	10

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Your Kingston Your Say : Summary Report for 01 June 2018 to 31 July 2018

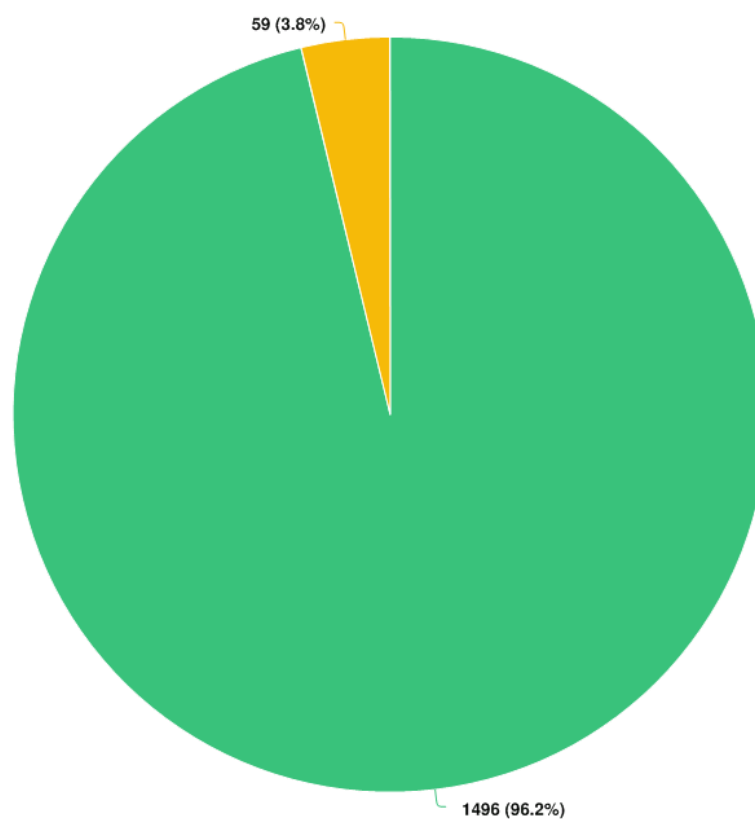
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## ENGAGEMENT TOOL: SURVEY TOOL

### Proposed Edithvale 24-hour dog off lead area

VISITORS	2904	CONTRIBUTORS	1557	CONTRIBUTIONS	1557
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Do you visit Edithvale Foreshore?



#### Question options

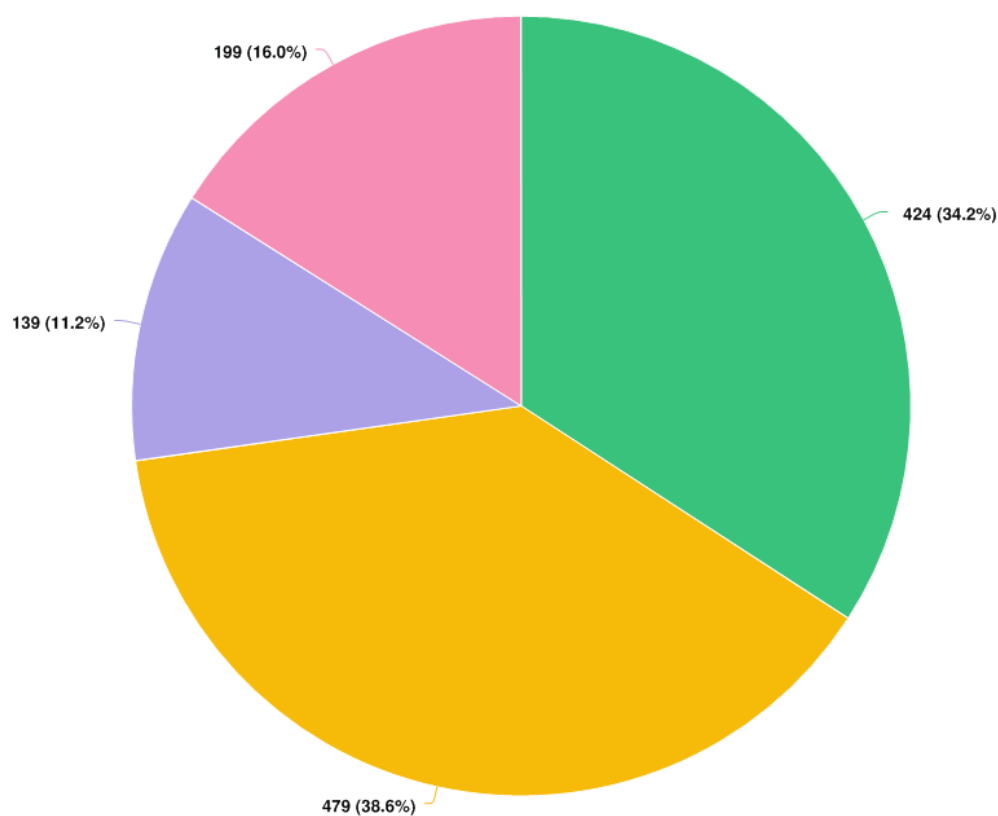
● Yes ● No

Optional question (1555 responses, 2 skipped)

Your Kingston Your Say : Summary Report for 01 June 2018 to 31 July 2018

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## How often do you visit?



## Question options

● Daily ● Weekly ● Fortnightly ● Once a month

Optional question (1241 responses, 316 skipped)

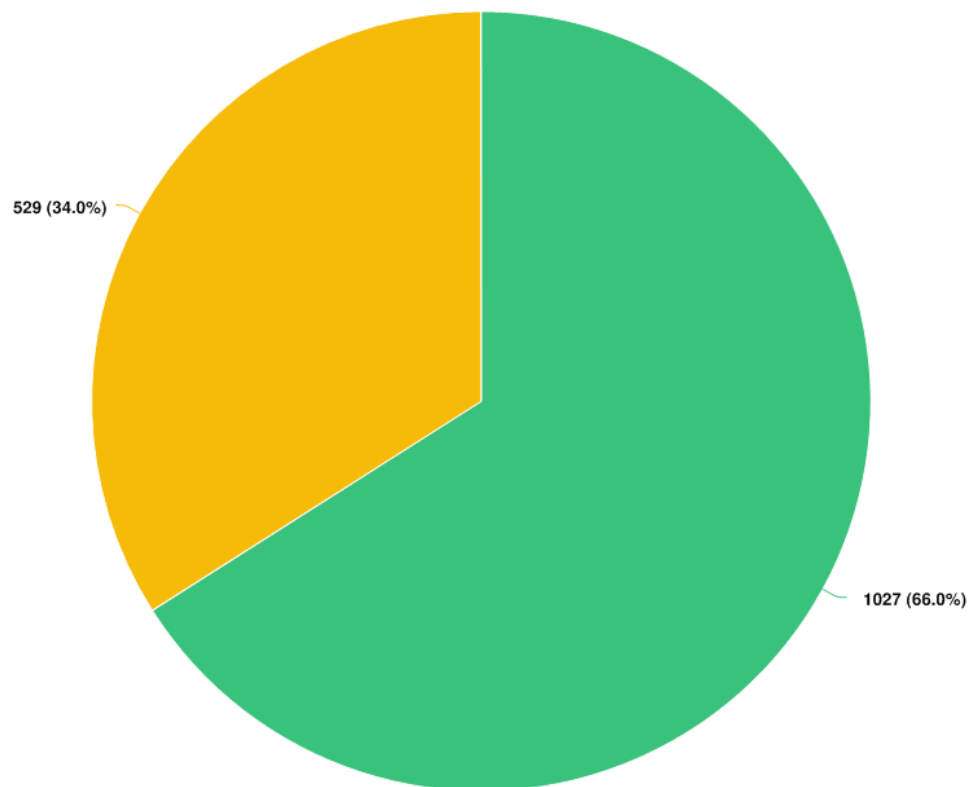


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Your Kingston Your Say : Summary Report for 01 June 2018 to 31 July 2018

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## Are you a dog owner?

**Question options**

● Yes ● No

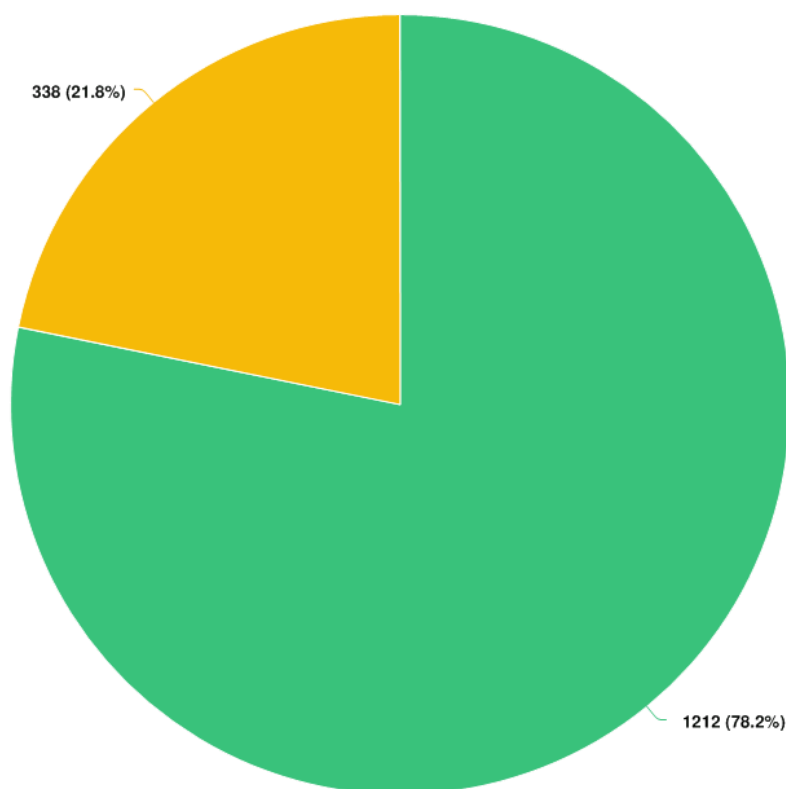
Optional question (1556 responses, 1 skipped)

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Your Kingston Your Say : Summary Report for 01 June 2018 to 31 July 2018

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**Are you aware of the 24-hour off-lead area at Mentone Foreshore?**



**Question options**

● Yes ● No

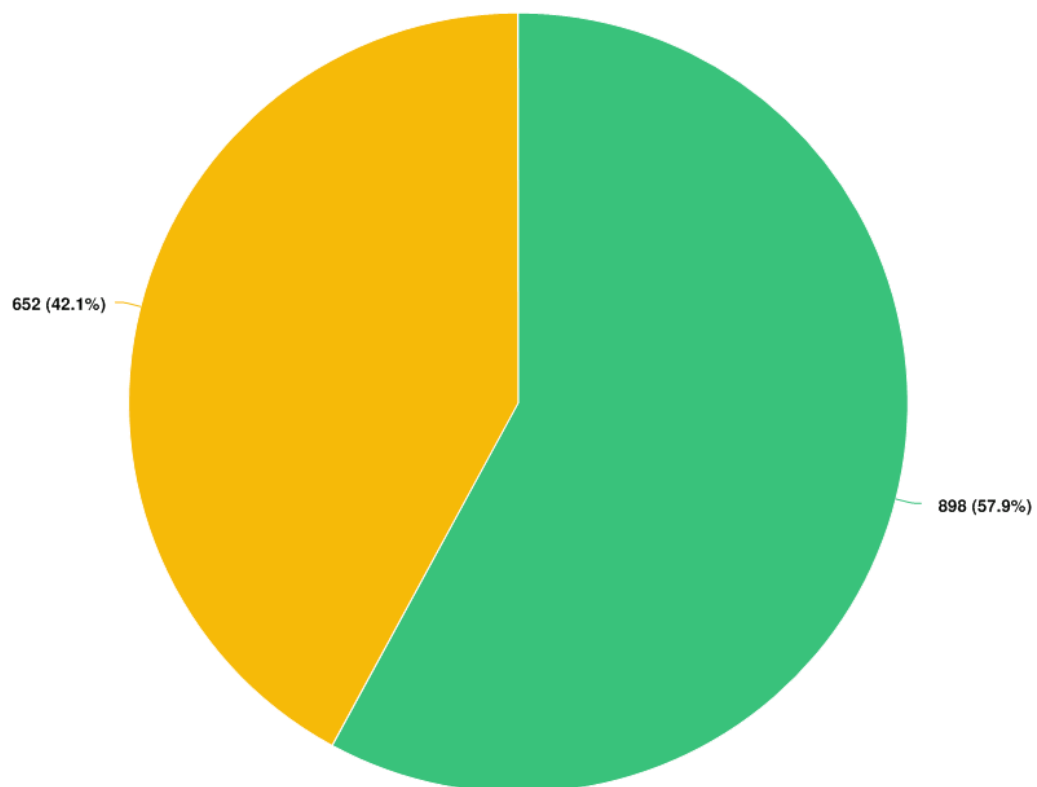
Optional question (1550 responses, 7 skipped)

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**Your Kingston Your Say : Summary Report for 01 June 2018 to 31 July 2018**

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**Do you think Kingston needs a further 24-hour off lead area?**

**Question options**

● Yes ● No

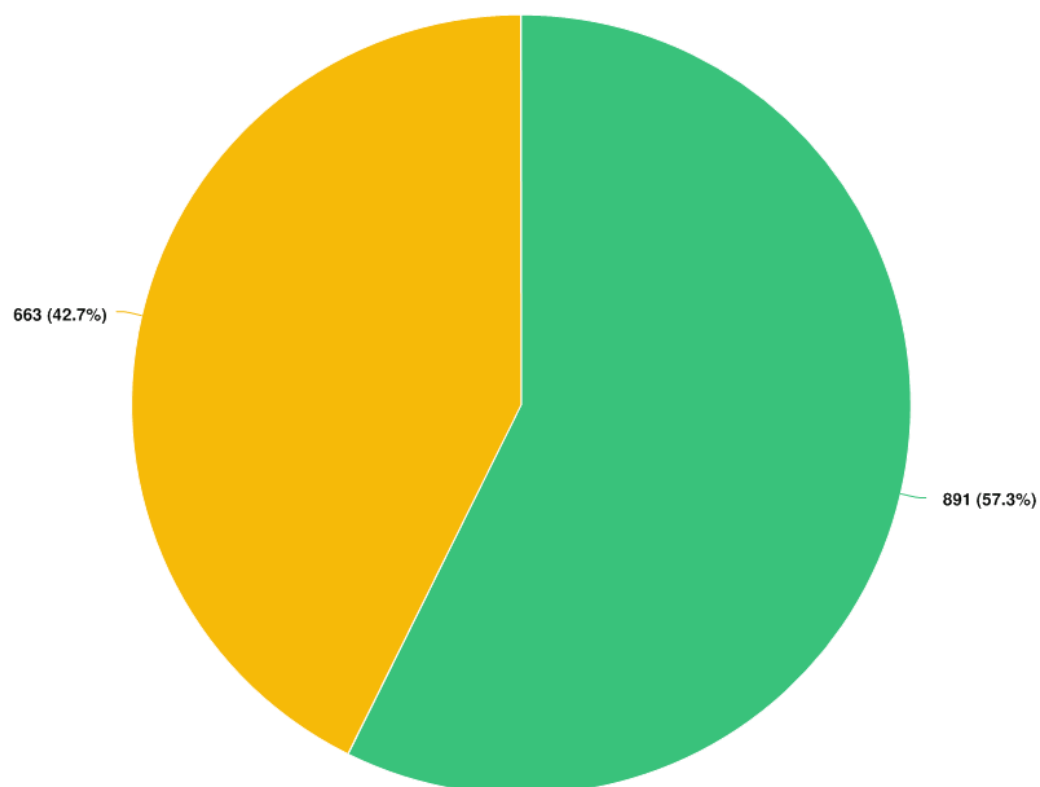
*Optional question (1550 responses, 7 skipped)*

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Your Kingston Your Say : Summary Report for 01 June 2018 to 31 July 2018

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**Do you support a 24-hour dog off-lead area within Edithvale Foreshore (300m zone  
between Somme Lane and Bristol Avenue)?**



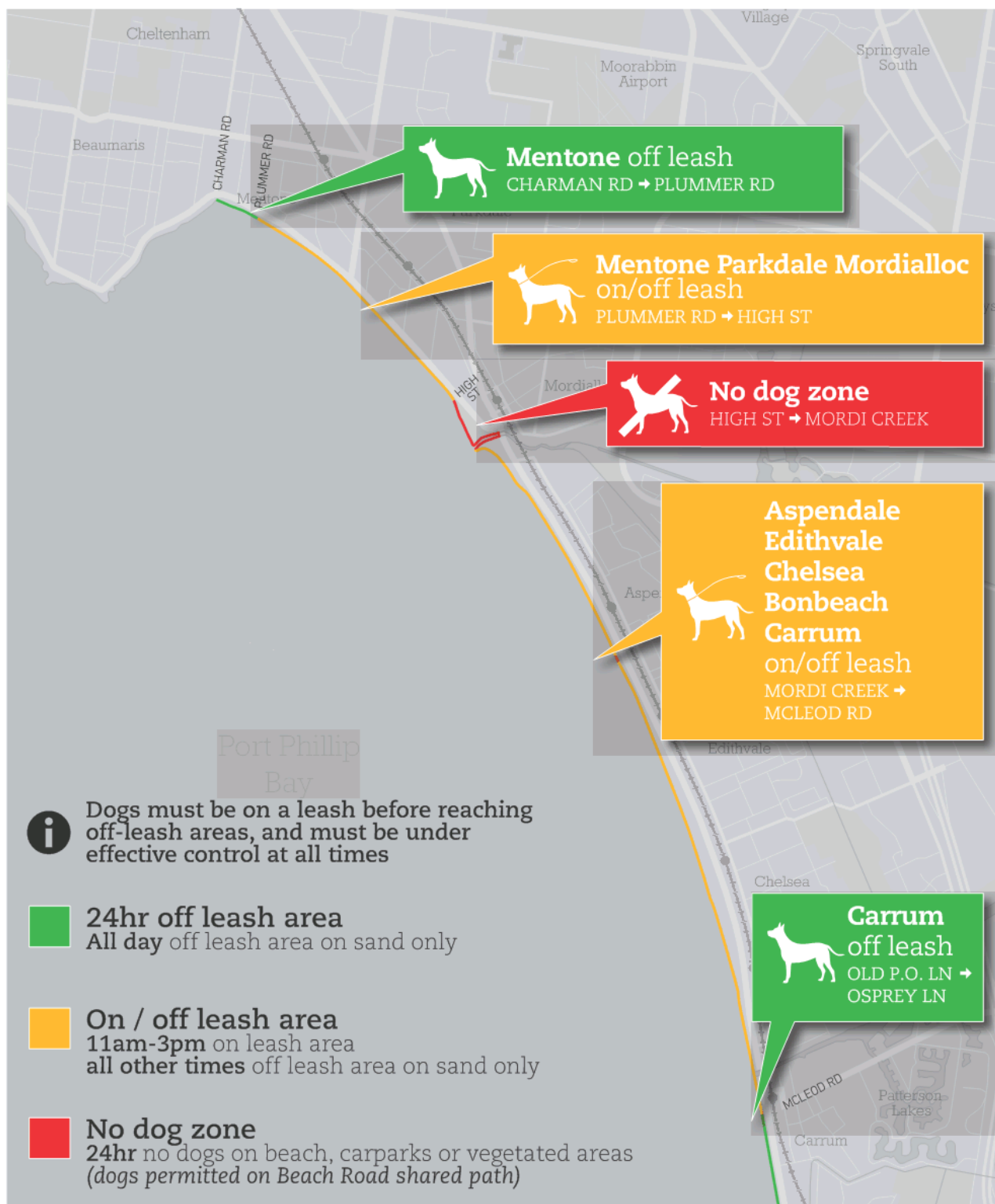
**Question options**

● Yes ● No

*Optional question (1554 responses, 3 skipped)*

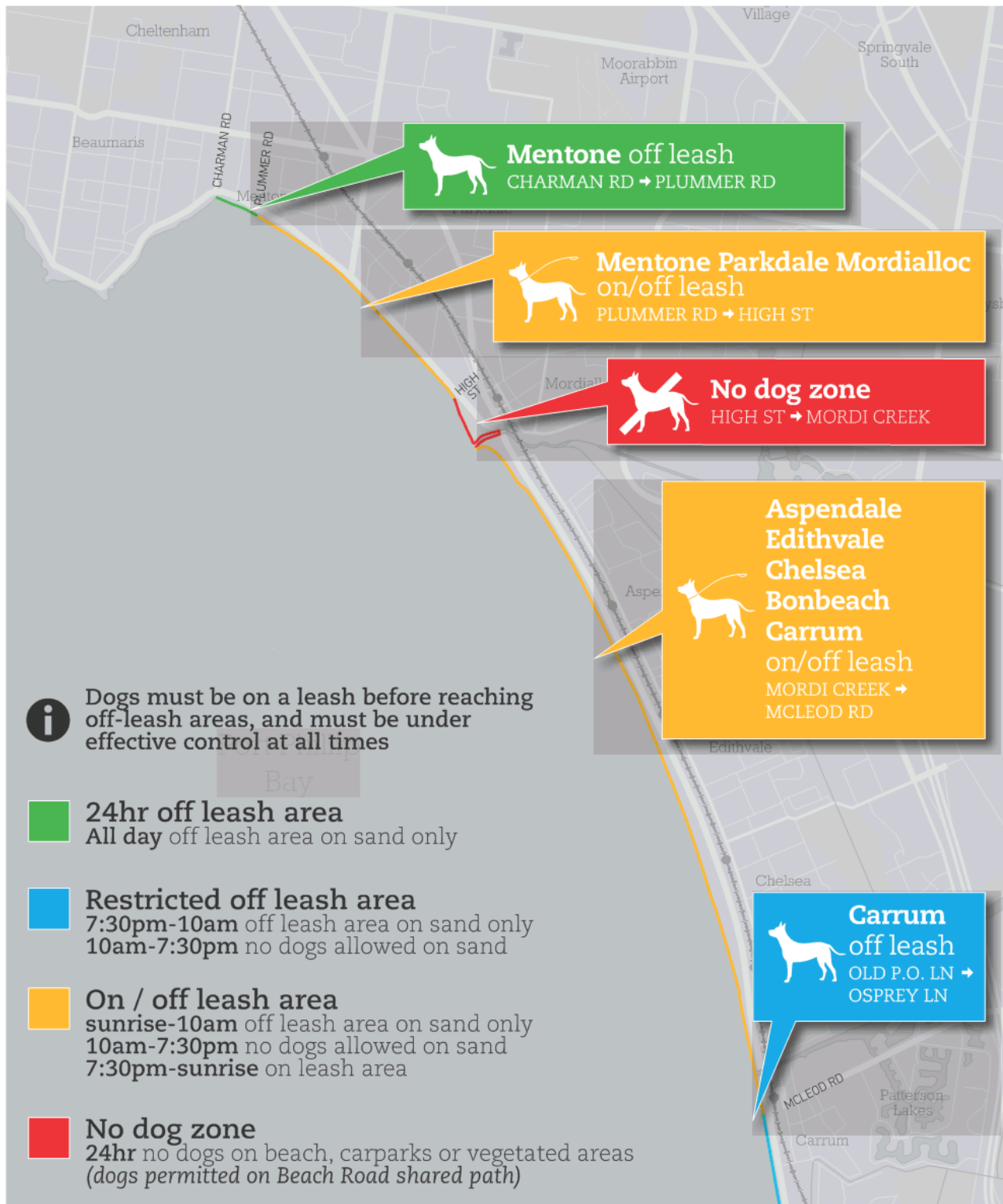
1 April - 31 October

## FORESHORE DOG REGULATIONS

City of  
KINGSTON

1 November - 31 March

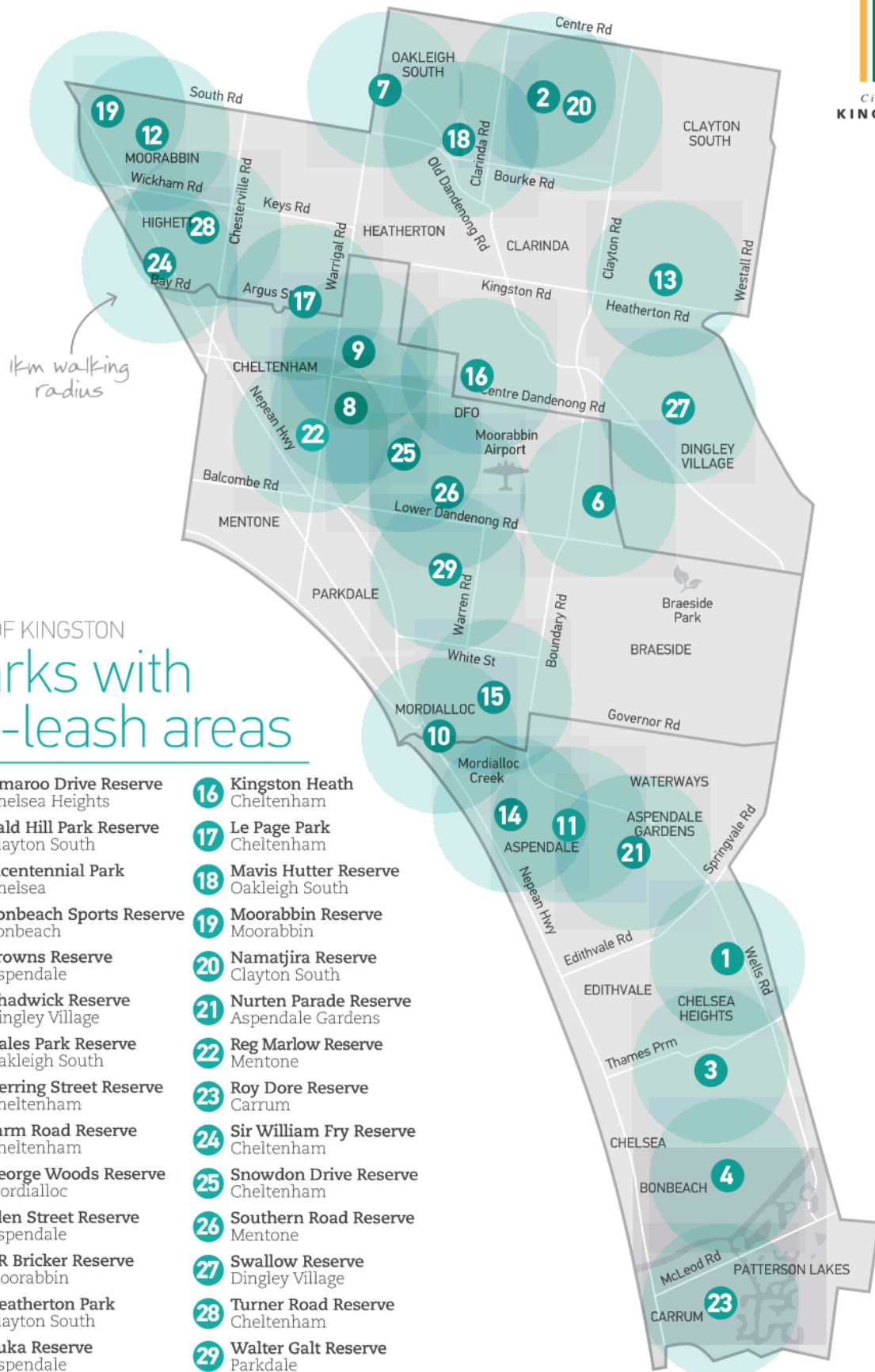
## FORESHORE DOG REGULATIONS

City of  
KINGSTON

CITY OF KINGSTON

## Parks with off-leash areas

- |   |   |
|---|---|
| 1 Amaroo Drive Reserve<br>Chelsea Heights | 16 Kingston Heath<br>Cheltenham               |
| 2 Bald Hill Park Reserve<br>Clayton South | 17 Le Page Park<br>Cheltenham                 |
| 3 Bicentennial Park<br>Chelsea            | 18 Mavis Hutter Reserve<br>Oakleigh South     |
| 4 Bonbeach Sports Reserve<br>Bonbeach     | 19 Moorabbin Reserve<br>Moorabbin             |
| 5 Browns Reserve<br>Aspendale             | 20 Namatjira Reserve<br>Clayton South         |
| 6 Chadwick Reserve<br>Dingley Village     | 21 Nurten Parade Reserve<br>Aspendale Gardens |
| 7 Dales Park Reserve<br>Oakleigh South    | 22 Reg Marlow Reserve<br>Mentone              |
| 8 Derring Street Reserve<br>Cheltenham    | 23 Roy Dore Reserve<br>Carrum                 |
| 9 Farm Road Reserve<br>Cheltenham         | 24 Sir William Fry Reserve<br>Cheltenham      |
| 10 George Woods Reserve<br>Mordialloc     | 25 Snowdon Drive Reserve<br>Cheltenham        |
| 11 Glen Street Reserve<br>Aspendale       | 26 Southern Road Reserve<br>Mentone           |
| 12 GR Bricker Reserve<br>Moorabbin        | 27 Swallow Reserve<br>Dingley Village         |
| 13 Heatherton Park<br>Clayton South       | 28 Turner Road Reserve<br>Cheltenham          |
| 14 Iluka Reserve<br>Aspendale             | 29 Walter Galt Reserve<br>Parkdale            |
| 15 Kevin Hayes Reserve<br>Mordialloc      |   |



# Ordinary Meeting of Council

24 September 2018

Agenda Item No: 8.2

## ENVIRONMENTAL UPGRADE AGREEMENTS FOR KINGSTON BUSINESS COMMUNITY

**Contact Officer:** Angela Stubbs, Coordinator Economic Growth & Innovation  
Helen Scott, Principal Environment Officer

### Purpose

To seek Council support for adoption of Environmental Upgrade Agreements (EUAs) to be made available to Kingston businesses.

### 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.

### OFFICER RECOMMENDATION

That Council:

1. Establish an Environmental Upgrade Agreements program commencing January 2019 for Kingston's commercial ratepayers.
2. Appoint the Sustainable Melbourne Fund to administer and support the delivery of Environmental Upgrade Agreements.
3. Delegate to the CEO the power to enter into an Environmental Upgrade Agreement on behalf of Council, and
4. Delegate to the CEO the power to declare and levy an environmental upgrade charge to participating properties.

### Background

In September 2015, State Government amended the *Local Government Act (1989)* to allow all Victorian Councils to offer Environmental Upgrade Agreements (EUAs) to their business community.

An Environmental Upgrade Agreement (EUA) is a financial agreement, in the form of a loan, between a property owner, a financial institution and local government that facilitates a building upgrade to improve environmental performance (e.g. energy efficiency, Solar PV). EUAs allow for the tenants and building owners of commercial and industrial properties to collaborate on energy, water and waste minimisation projects.

Kingston businesses have reinforced to Council the impact to their business operations by the rising cost of energy. To maintain a vibrant economy and job stability, it is imperative that business operational costs are sustainable.



Businesses eager to upgrade their buildings are embracing projects to reduce both impacts to the environment and their rising operational costs.

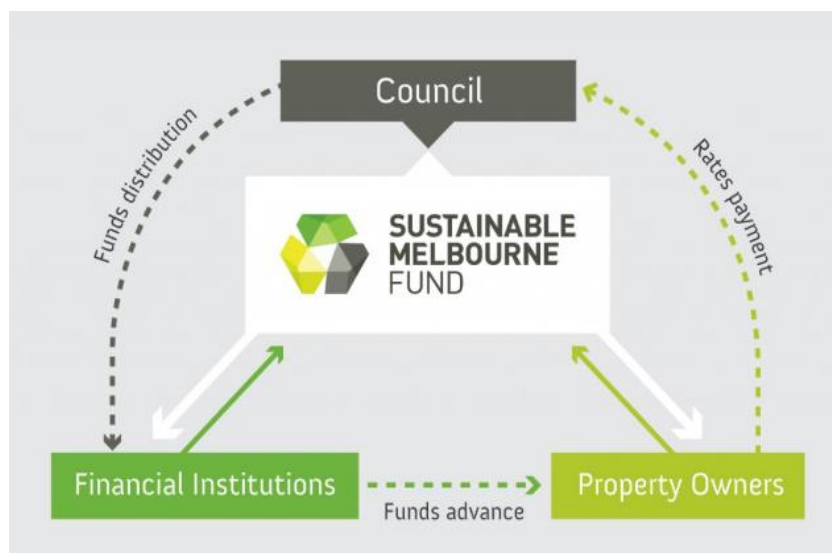
In 2011 the Sustainable Melbourne Fund designed and implemented the EUA program for the City of Melbourne, the first Australian municipality to offer EUAs. They are now the primary Third Party Administrator for the EUA programs with Local Governments in Victoria, engaging actively with the finance and property sectors as a trusted intermediary for building owners.

Sustainable Melbourne Fund is an independently managed unit trust established by Melbourne City Council in 2002 to progress sustainable development in greater Melbourne.

Sustainable Melbourne Fund's role typically includes:

- Establishing EUA programs for municipal government
- Acting as a trusted intermediary to implement the program on behalf of Council
- Providing ongoing monitoring and reporting

The standard relationship between the Sustainable Melbourne Fund, Council, Property Owners and Financial Institutions in these arrangements is illustrated in Fig 1. below:



**Figure 1** – Environmental Upgrade Agreements involve an agreement between three parties, facilitated by Sustainable Melbourne Fund.

An EUA is similar but distinctly different to a Special Charge Scheme in that an EUA is essentially a loan that the property owner applies for, and the property owner together with the financial institution and Council all enter voluntarily into the agreement.

Through implementing EUAs, Council will be taking an innovative step to help Kingston businesses to access attractive finance to improve their buildings.

Upgrading commercial buildings is a proven creator of local jobs and investment, increases environmental performance and hence asset value.

### **Discussion**

Prior to July 2018, there was a \$5,000 set up fee for councils to initiate an EUA program. This fee has since been waived and Kingston can now take advantage of not only the opportunity to establish a program without fees but also benefit from the experience shared by 22 other Victorian councils who have offered EUAs to their business community.

EUAs will offer an opportunity for Council to facilitate increased economic, employment and environmental outcomes throughout the municipality. This is done through stimulating private investment in businesses, reducing operating costs, improving the asset value of commercial building stock and supporting more resource efficient enterprises.

An EUA is an agreement between a property owner, a financial institution and local government. The agreement facilitates building upgrades that improve environmental performance. Where there are tenants leasing the property, EUAs allow for tenants to contribute to the costs of the upgrade and share in the benefits with the property owner.

Unlike other finance options, EUAs allow tenants to contribute financially to an upgrade project with agreements that tailor the project to the site and business requirements. Importantly, EUA finance also offers 100% project finance, very competitive interest rates and long term loans of 10 years or more.

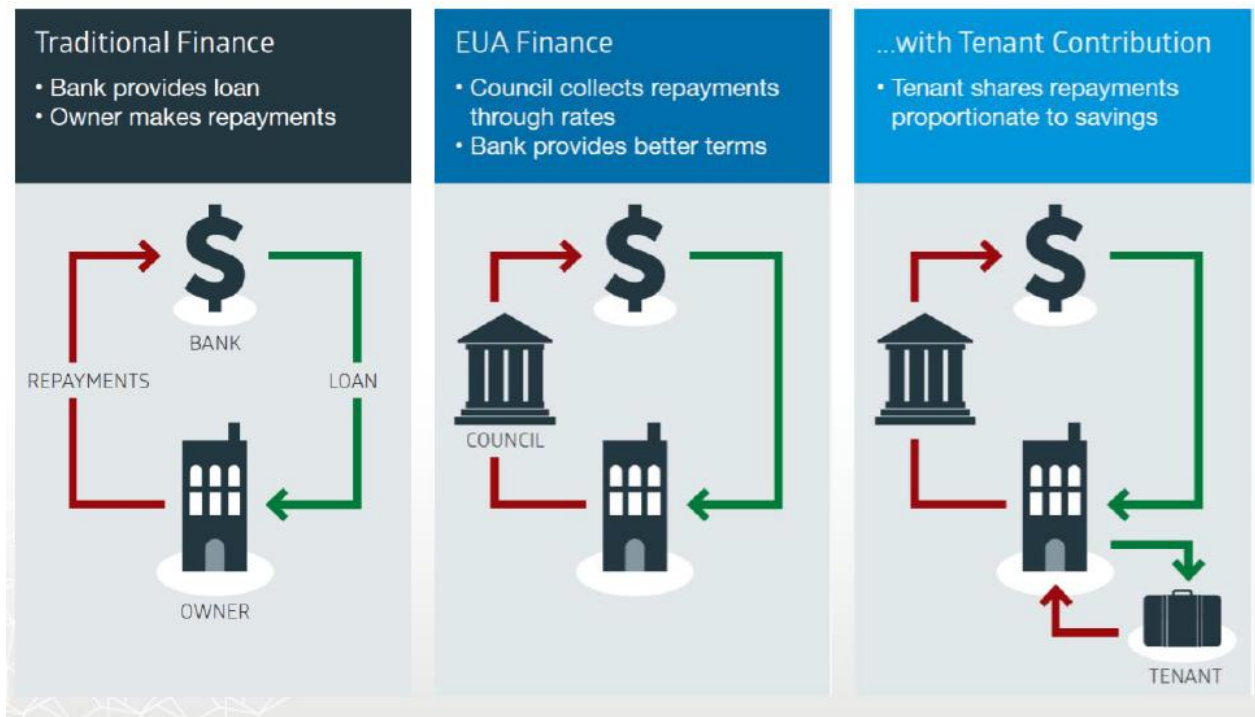
Embarking on an EUA program would reflect Council's strategies and goals which support industries and enterprises to prosper and develop sustainably.

**Key benefits of Environmental Upgrade Agreements include:**

- **Overcome structural and market barriers.** EUA finance can overcome the split-incentive barrier (between owners and tenants) by enabling the costs and benefits of an upgrade to be shared with the building occupiers. This means building owners and tenants pay back the loan while benefiting from lower operating costs of a more resource efficient building and plant. If ownership or tenancy rights change, the new owners take up the loan and pay it with their rates. Without this system businesses have a disincentive to invest in efficiency because they may move premises before paying off the loan. The EUA is attached to the building, so if the building is sold, the EUA is passed to the new owner
- **Reduce Financial Risks.** EUAs unlock private investment in local communities. As a consequence, there is negligible financial risk to Council's budget given the loan is secured on the land and repaid by the owner. Treated legislatively as an outgoing, it can be recovered from tenants. No mortgage security is required. Council places a charge on the land therefore there is no impact on existing debt covenants or lines of credit. There is a fixed interest rate on the loan provided by the EUA.
- **Complementarity.** EUAs can work with any grants/subsidies available for projects through local, state or federal government departments to enhance the business case for a building retrofit. As such EUAs are a means of attracting further investment into local communities.

<b>Participating Metropolitan Councils:</b>	<b>Regional Councils:</b>
<ul style="list-style-type: none"><li>• City of Melbourne</li><li>• Brimbank City Council</li><li>• Greater Dandenong</li><li>• City of Monash</li><li>• Hobsons Bay City Council</li><li>• Mornington Peninsula Shire</li><li>• Maribyrnong City Council</li><li>• Moreland City Council</li><li>• Wyndham City</li><li>• City of Darebin</li><li>• Moonee Valley Council</li></ul>	<ul style="list-style-type: none"><li>• Central Goldfields Shire</li><li>• Greater Bendigo</li><li>• City of Greater Geelong</li><li>• Greater Shepparton</li><li>• Macedon Ranges Shire</li><li>• Mildura Rural City Council</li><li>• Moira Shire</li><li>• Mount Alexander Shire</li><li>• South Gippsland Shire</li><li>• Yarra Ranges Council</li><li>• Baw Baw Shire Council</li></ul>

**Figure 2** Environmental Upgrade Agreements are a tailored mechanism allowing commercial property owners to secure more attractive finance, and share costs and benefits with tenants.



Environmental Upgrade Agreements address important cash flow considerations for businesses. Through upgrading buildings, businesses can save on outgoings, such as energy bills, water and waste management services and these savings make loan repayments manageable.

### Key issues

Investment in solar and other environmental upgrades on commercial and industrial properties has historically been hindered by a number of structural and market barriers. Through EUAs these barriers can be overcome. For example:

- The EUA is tied to the property, not the business, and as such is “off balance sheet” for the business
- Both the property owner and tenant can be beneficiaries of the EUA, which results in increased property value for the owner and decreased operational cost for the business
- EUAs are competitive long term loans and provide more attractive terms than traditional commercial finance, e.g. 100% finance, quarterly repayments, 10 year loan terms.

### Strategic links

The proposed Environmental Upgrade Agreement program aligns with the following Council strategies and plans:

- *Council Plan Goal Four* - Our free-moving safe, prosperous and dynamic city
- *Prosperous Kingston Framework*:
  - Offers a range of support mechanisms for local business to adopt sustainable business practices.

- Works with other levels of government to attract program assistance for the creation of new industry initiatives that reduce carbon dependency and encourage the adoption of cleaner energy sources.
- *Climate Change Strategy:*
  - Objective: to reduce carbon emissions throughout our municipality from council's corporate emissions, and our community emissions.
  - Transition to a clean and renewable electricity supply
  - To support our community to reduce emissions by 20 percent by 2025
  - Council will investigate ways to support our commercial and industrial sector to improve energy efficiency, and increase renewable energy generation, such as retrofit assistance and finance mechanisms.

### **Environmental Impacts**

Other councils who have adopted EUAs are seeing significant benefits such as;

- Within Yarra Ranges, initial modelling of just one of the many upgrade options available – Solar PV – suggests that EUAs could stimulate an additional 12.5MW of Solar PV on commercial buildings, reducing emissions by approximately 17,000 tonnes of carbon dioxide annually. Given these figures are based on conservative preliminary studies, actual emissions reductions are potentially much greater.
- Mornington Peninsula Shire's EUA program has exceeded expectations, triggering investment in 329 kW of Solar PV within the first 14 months. These Solar PV systems are reducing emissions by approximately 380 tonnes of CO<sub>2</sub> annually.
- It should be noted that EUA finance is not limited to funding Solar PV, but can be applied to any upgrade that delivers an environmental benefit. The potential impacts from other opportunities including energy efficiency, rainwater harvesting, waste minimisation and LED lighting, for example, only extend the potential for environmental benefit.

### **Social Impacts**

- EUAs support businesses to create a sustainable economy by allowing for local capacity building and investment.
- Many of the industrial buildings in Kingston, particularly in older manufacturing precincts such as Moorabbin, Cheltenham and Clayton South will directly benefit from solar and other environmental upgrades which will in turn support resilient employment for those businesses to stay in the Kingston municipality.

### **Economic Impacts**

- EUAs provide an attractive source of funding for medium to large environmental projects. Improved environmental efficiencies including solar installations on industrial and commercial premises will create employment for businesses installing these systems and ensure employment protection for businesses exposed to rising energy prices.
- For many businesses the ability to limit operational cost pressures like power increases has a direct impact on their ability to grow turnover and employ staff. By supporting property owners and businesses to adopt energy efficiencies through EUAs, Council can have a positive impact on the local economy and secure employment.
- The sustained operational savings that flow from Environmental Upgrades indirectly support employment opportunities. This will allow for jobs within the commercial sector to be maintained and offer the capacity to increase employment.

### **Financial implications**

Consultation with a number of the Councils already offering EUAs indicates the establishment of the financial processes necessary to set up EUAs requires initial attention of less than one hour per environmental upgrade agreement and the subsequent invoice and payment processing has been reported as minimal.

Resource time was reported as less than 30 minutes to check rates and title details of an EUA applicant, and approve it.

Council's rates team has researched 10 other local council processes for managing invoices for the EUA program. Kingston's Rates Department is currently considering the best approach for Kingston's invoice process based on this research.

### **Risk Assessment**

An analysis of the risk to Council has been undertaken and it is expected to be minimal. This is based on evidence provided by Sustainable Melbourne Fund and experience from other municipalities with EUAs.

The main risks are identified as property owner defaulting on the loan re-payment, the number of EUAs to support the level of Council's investment is not sustainable, internal finance systems are not aligned with EUA establishment and processing. These risks have been addressed and reconciled through the following:

- The EUA loans are secured against the rateable property, not the business.
- Council's involvement will be with the invoicing of the loan repayment, collection of funds and repayment to the lender. Should a property owner default on their loan repayment, the usual rates and charges collection procedures will be followed by Council.
- The EUA program will be promoted through existing channels such as Kingston's Sustainable Business Network, Economic Growth & Innovation mail outs, traders groups, online media, etc. to promote a successful and viable program.
- The fund administrators will enable the establishment of the necessary processes and systems to manage EUAs, and offer continued support throughout the program.

### **Opportunities in Kingston**

Modelling work commissioned by Eastern Alliance for Greenhouse Action (EAGA) shows there are significant opportunities for financial and energy savings in Kingston (this analysis focuses on energy, and does not account for waste or water savings). This is based on average upgrade of NABERS rating from 2.5 to 4.5 stars in buildings.

<b>Total # Buildings</b>	<b>Uptake</b>	<b>Total Possible Energy Savings (\$/yr)</b>	<b>Associated Abatement (GHGe- tonnes/yr) EUA*</b>
8,957	30%	22,981,051	99,839

*\*abatement total per annum after all 30% opportunity implemented*

### **Consultation**

The EUA proposal has been developed collaboratively between Economic Growth & Innovation, Environmental Planning, and Finance & Corporate Performance, in consultation with the Sustainable Melbourne Fund.

There has been growing interest in Environmental Upgrade Agreements across Victoria with 22 councils now offering EUAs.

Kingston businesses participating in the Kingston Sustainable Business Network have indicated interest in EUAs and have proactively approached the Economic Growth & Innovation team with EUA ready projects.

Separate to this, the Sustainable Melbourne Fund has also been approached by a number of businesses in Kingston interested in accessing EUA finance.

### **Conclusion**

Environmental Upgrade Agreements afford an excellent opportunity for Council to stimulate private investment in businesses throughout the municipality – leading to reduced operating costs, improved asset value of commercial building stock, and more resource efficient enterprises.

This approach aligns with Council's Climate Change Strategy and Prosperous Kingston Framework.

It is not expected that very large numbers of applications for EUAs will be received by Kingston Council. Other metropolitan councils have reported a workable number of applications processed.

The potential of Environmental Upgrade Agreements to reduce business overheads has far reaching implications for the resilience of both individual enterprises and entire industry sectors facing regional and global competition. Environmental Upgrade Agreements can play a significant role in supporting a thriving and sustainable Kingston economy into the future.

### **Appendices**

Appendix 1 - Environmental Upgrade Agreements - FAQ (Ref 18/548067) [↓](#)

Appendix 2 - Environmental Upgrade Agreements - Case studies.docx (Ref 18/548068)



Author/s:	Angela Stubbs, Coordinator Economic Growth & Innovation Helen Scott, Principal Environment Officer
Reviewed and Approved By:	Tania Asper, Manager Economic Growth and Innovation Jonathan Guttmann, General Manager Planning and Development

## **8.2**

### **ENVIRONMENTAL UPGRADE AGREEMENTS FOR KINGSTON BUSINESS COMMUNITY**

<b>1</b>	<b>Environmental Upgrade Agreements - FAQ.....</b>	<b>55</b>
<b>2</b>	<b>Environmental Upgrade Agreements - Case studies.docx.....</b>	<b>57</b>

**FAQ - Environmental Upgrade Finance**

Victorian businesses can upgrade their buildings to be more energy efficient and sustainable, through laws that enable them to use Environmental Upgrade Finance (EUF), previously known as Environmental Upgrade Agreements.

The Sustainable Melbourne Fund facilitates the administration of the EUF program in Victoria.

EUF is a council-based financing mechanism to help businesses access funding for building works to improve energy efficiency, reduce waste and cut water use.

EUF was previously only available for upgrades to buildings in the City of Melbourne, through the City of Melbourne Act 2001.

By amending the Local Government Act (1989) in 2015, the Victorian Government expanded that scheme, giving all Victorian councils the option of offering EUF.

Under an EUF agreement, lenders provide finance to a building owner for environmental upgrades, with the local council then collecting the repayments through its rates system and passing them on to the lender.

Use of the council rates system means that loans are more secure, allowing lenders to offer more competitive loan terms.

**What is Environmental Upgrade Finance?**

Environmental Upgrade Finance (EUF) is a council-based financing mechanism enabling building owners to better access finance for environmental upgrades to existing non-residential buildings. Under an EUF agreement, a lender provides finance to a building owner and the local council collects repayments through the rates system. The council then passes the property charge onto the lender.

Use of the council rates system means that an EUF loan is prioritised over other debts attached to the land, if there is a loan default. This gives lenders more security, allowing them to offer long-term loans at competitive interest rates.

EUF also provides a mechanism to address differing incentives between landlords and tenants. Tenants may elect to contribute to an EUF loan where they will benefit from the funded works through reduced utility bills. Victoria's legislation requires tenant consent before this can occur.

**How have laws been changed to support EUF?**

On 3 September 2015, the Victorian Parliament agreed to a Bill which amends the Local Government Act 1989 to enable all Victorian councils to offer EUF (which could previously only be offered by the City of Melbourne through the City of Melbourne Act 2001). The amendments came into effect in November 2015. They give all Victorian councils the power to offer EUF, but do not require them to do so.

**What type of buildings can access finance through an EUF agreement?**

EUF may be used for the upgrade of existing non-residential buildings on rateable land across Victoria.

**What type of projects can EUF be used for?**

EUF may be used for works that improve the energy, water or environmental efficiency or sustainability of the building. For example, this could include improving water or efficiency, installing on-site energy generation, reducing pollution or waste, or improving the efficiency of the use of materials.



**Where is EUF currently available?**

EUF is currently available in many local government areas across Victoria. Contact the Sustainable Melbourne Fund to find out whether your local government is supporting EUF.

**What are the benefits of extending EUF across Victoria?**

Upgrading buildings for greater energy, water and waste efficiency is a cost-effective way for businesses to cut energy bills, improve building value and reduce greenhouse gas emissions. However, many businesses face difficulty accessing finance for such upgrades. EUF can help businesses to obtain longer term and lower interest loans for environmental upgrades than are available under non-EUF arrangements. This is because the use of the council's rating powers means that an EUF charge is a **'first charge on the land'**, giving the lender greater security. The availability of EUF can therefore help businesses reduce costs and improve building performance by improving building efficiency.

- Building tenants benefit from EUF through reduced energy, water and waste costs, and improved working conditions (such as increased thermal comfort).
- Building owners increase the value of their asset and, in some cases, reduce energy, water and waste costs (in common areas).
- Broader public benefits of EUF include job creation and increased access to finance in Victoria.

**What is the scale of loan available under an EUF agreement?**

The legislation does not prescribe a maximum or minimum loan. This will be determined by private lenders.

**Can tenants contribute to an EUF charge?**

Yes, if they are formally notified of the proposal and give their consent to pay the charge. It is expected that this may occur where tenants benefit from the upgrades, for example, through reduced energy or water bills. If not all tenants agree to taking on the charge, the Bill allows a repayment charge to be passed through to those tenants who have provided written consent but not others.

**How does the EUF legislation affect local council liability?**

- Under an EUF agreement, the council is responsible for imposing EUF charges and passing these onto the lender to repay the loan. However, it is the bank (or other financier) that provides the loan funds. The council operates more as an intermediary.
- Accordingly, in the event of a loan default the council is not liable for the outstanding charges.
- The amended Local Government Act 1989 specifically provides that local councils are not liable for failure of an owner or occupier to pay an environmental upgrade charge.
- It also requires an EUF agreement to specify that the lending body must reimburse the council if the agreement is terminated early and the council has refunded any excess charges collected from the owner or occupier.

## Case studies - EUF projects

### Rye Hotel

Long term EUA has resulted in a 25% saving on existing accounts for the Rye Hotel. This enabled the owner to use savings to make repayments as well as funnel dollars back into the business.

### Impact Investment Group (Melbourne)

Since completing building renovations, Impact has successfully tenanted the building to co-working franchise WeWork on a 15-year contract. In addition, power bills for the property have reduced. Electricity has dropped by 32%, and gas has dropped by 16%.

### Ritchie's Supa IGA-Mildura

Building upgrades via an EUA provide win-win benefits for both tenant and landlord. The asset improves in value, while a business saves on energy costs without encumbering its balance sheet.

.With an interest in reducing its power bills, Ritchie's was keen to install a solar system. But would the cost be worth it? If permanently fixed to the roof, the solar system would provide no long-term benefit if Ritchie's moved locations.

#### Solution

If prospective works to a building provide an environmental benefit, capital can be accessed via an EUA (Environmental Upgrade Agreement). In this case, an EUA would give Ritchie's the finance for a bespoke solar system that would cut power bills – without any upfront, out-of-pocket expense.

Building upgrades via an EUA provide win-win benefits for both tenant and landlord. The asset improves in value, while a business saves on energy costs without encumbering its balance sheet.

### Examples of projects undertaken so far in the City of Melbourne include:

- A \$7 million investment in the commercial building at 501 Swanston Street, which upgraded heating, air conditioning and lift systems for greater energy efficiency
- A \$3.2 million investment in four buildings at the business precinct at King Business Park, which upgraded air conditioning and building management systems
- A \$1.3 million investment in the commercial building at 123 Queen Street, which installed a new tri-generation system and made building improvements such as double glazing
- A \$720,000 investment in the commercial building at 470 Collins Street, which upgraded heating and cooling equipment
- A \$400,000 investment in the commercial building at 460 Collins Street, which upgraded heating and cooling equipment.

# Ordinary Meeting of Council

24 September 2018

Agenda Item No: 8.3

## BONBEACH, EDITHVALE AND CARRUM LEVEL CROSSING REMOVALS - COUNCIL ADVOCACY

Contact Officer: Tara Bell, Team Leader City Transformation

### Purpose of Report

This report seeks to establish a formal advocacy position for Council in relation urban and landscape design matters of critical importance in relation to the LXRA sites at Edithvale, Bonbeach and Carrum.

### 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.

### OFFICER RECOMMENDATION

That Council:

1. Advocate for the outcomes detailed at section 3.3 of this report in future discussions with the Level Crossing Removal Authority and Southern Program Alliance.
2. Reiterate its position of advocacy surrounding the projects listed in its letter to the LXRA dated 15 November 2017 (as attached).
3. Write to the Level Crossing Removal Authority and Southern Program Alliance to inform them of Councils position in relation urban and landscape design outcomes for the level crossing removal sites at Edithvale, Bonbeach and Carrum and its advocacy position for capital projects within Carrum.

### 1. Executive Summary

In early 2017 the State Government announced the removal of level crossings at the following sites in the City of Kingston:

- Charman Road and Park Road Cheltenham
- Balcombe Road Mentone
- Edithvale Road, Edithvale
- Bondi Road Bonbeach
- Station Street Carrum (and closure of crossings at Eel Race Road and Mascot Avenue).

In March 2017 Council resolved to undertake strategic and urban design work within Cheltenham and Mentone Major Activity Centres (adopted in December 2017) and gave authority for officers to participate in the Urban Design Advisory Panel (UDAP) for the Frankston Line projects.

On 15 November 2017 Council wrote to the LXRA advocating for the inclusion of identified projects within the Carrum foreshore precinct and village to form part of the Carrum Revitalisation program.

UDAP meetings for Carrum have been attended by officers in addition to recurring meetings with the Southern Program Alliance. On the whole, the plans present a positive change for the Carrum activity centre and foreshore area with imagery illustrating a high quality design outcome. Officers have been focussing on the detailed design to ensure that the quality shown in the original documentation is not lost through the process.

The decision of the Planning Minister on the Environmental Effects Statement for Edithvale and Bonbeach was released on 31 August 2018 and found that the proposed infrastructure is acceptable from an environmental perspective. With the EES process now complete it is expected that regular UDAP meetings will commence shortly for Edithvale and Bonbeach. In anticipation of this, officers and Council have commenced consideration of the desired outcomes at these sites and at its Ordinary Council Meeting on 23 April 2018, Council resolved to:

- *Continue to advocate for streetscape revitalisation, improved safety, pedestrian connectivity and beautification works to be provided through the Edithvale and Bonbeach Level Crossing Removal project.*
- *Facilitate a meeting between key representatives of the Edithvale Collective and the Level Crossing Removal Authority to provide an opportunity for the Edithvale Collective to share key ideas, opportunities and priorities identified through the Neighbourhood Project.*

Some direct discussions between the Edithvale Collective and the LXRA have occurred with officers currently working with both parties to coordinate a meeting which is anticipated to occur in coming weeks.

Having reviewed available plans and information provided by the LXRA in relation these sites, this report identifies a number of design and land use outcomes that are proposed to form the basis of Council's advocacy to the LXRA and the Southern Program Alliance responsible for the delivery of these projects.

In addition the report recommends that Council reaffirm its position on the inclusion of the identified capital projects within the Carrum foreshore and village environments.

## **2. Background**

In early 2017 (February / March) the State Government announced the removal of level crossings at the following sites in the City of Kingston:

- Charman Road and Park Road Cheltenham
- Balcombe Road Mentone
- Edithvale Road, Edithvale
- Bondi Road Bonbeach
- Station Street Carrum (and closure of crossings at Eel Race Road and Mascot Avenue).

In March 2017 Council resolved to undertake strategic and urban design work within the Cheltenham and Mentone Activity Centres sites (adopted in December 2017) and gave authority for officers to participate in the Urban Design Advisory Panel (UDAP) for the Frankston Line projects.

### **Carrum**

Plans and imagery released by the LXRA to date illustrate positive urban design and place making outcomes for the Carrum project area including the creation of new public open spaces, improved connectivity and a high-quality architectural design response.

Officers have maintained involvement in the UDAP process and have met regularly with the Southern Program Alliance (SPA) since their appointment in December 2017. A key focus has been ensuring that the intent and quality of the proposal is sustained through the life of the project and not value engineered out through the detailed design phase.

Recent LXRA led consultation which concluded at the end of August, sought feedback from the community on detailed elements of the project and the new spaces it will create. In light of this consultation it is considered timely for Council to deliver a formal position to the LXRA on the Carrum project.

In considering a holistic approach to the revitalisation of the Carrum precinct, it is timely to reiterate council's advocacy position with regard to the following projects that would also contribute to the vitality and amenity of the area. In its letter to the LXRA dated 15 November 2017 Council advised that it had resolved to:

*Advocate to the State Government for the inclusion of the following projects as part of the Carrum Revitalisation project:*

- *Additional storage facilities for Carrum Lifesaving Club - \$150,000*
- *Further contribution to the Carrum Sailing and Motor Boat Club of \$350,000 to cover the shortfall in their upcoming facility redevelopment and project management costs*
- *Projects listed under section 3.3 of this report which include:*
  - *Demolition of the Carrum Sailing and motor boat club buildings on Stephens Street and completion of the rock wall - \$100,000*
  - *Extension of the boardwalk along Carrum foreshore, north of the lifesaving club - \$350,000*
  - *Restoration of the Patterson river mouth - \$450,000*
  - *Investigation and implementation of foreshore stormwater treatment solutions south of Carrum Lifesaving club, at Johnson and Progress Avenues - \$250,000*
  - *Additional shade umbrellas and picnic facilities at the Carrum foreshore playground - \$50,000*
  - *Public artwork along the Carrum foreshore - \$25,000, and*
  - *Integration of the significant Norfolk Island Pine at the rear of 641 Nepean Highway into the Promenade design.*

In its letter back to Council on 3 January 2018, the LXRA advised that it was planning for additional picnic facilities on the foreshore and the integration of the significant tree into the design subject to arborist's assessments.

### **Edithvale / Bonbeach**

Officers participated in early discussions with the LXRA on Edithvale and Bonbeach with Council obtaining legal representation at the EES hearing.

UDAP meetings have not yet commenced for Edithvale and Bonbeach. However, with the release of the Minister for Planning's decision in relation the Environmental Effects Statement these meetings are anticipated to commence shortly. In anticipation of this, officers and Council have commenced consideration of the desired outcomes at these sites and at its Ordinary Council Meeting on April 23, Council resolved to:

- *Continue to advocate for streetscape revitalisation, improved safety, pedestrian connectivity and beautification works to be provided through the Edithvale and Bonbeach Level Crossing Removal project.*
- *Facilitate a meeting between key representatives of the Edithvale Collective and the Level Crossing Removal Authority to provide an opportunity for the Edithvale Collective to share key ideas, opportunities and priorities identified through the Neighbourhood Project.*

Council also endorsed the submission in relation to the EES Statement for these sites which sought the following in relation to urban and landscape design:

- Consideration of resilience and comfort for the community, and
- Consultation to be undertaken by LXRA in relation the associated removal of 2.2ha of native vegetation.

It is understood that some direct discussions between the Edithvale Collective and the LXRA have occurred. Officers also met with the Edithvale Collective on 29 May to debrief in relation the outcomes of the Neighbourhood Project and to discuss next steps in terms of engagement with the LXRA. Officers have made contact with both LXRA and the Edithvale Collective to coordinate a meeting, which is anticipated to occur in coming weeks.

In relation to Bonbeach, the Chelsea Bonbeach Train Station Group are represented on the Community Reference Group and have engaged outside of this panel with the LXRA. Given their active involvement in improving the safety and amenity of the railway station, Council should continue to support their active engagement with the LXRA.

Whilst the detailed design phase is yet to commence for Edithvale and Bonbeach level crossing removals, it is considered important for Council to lead the conversation with LXRA and present an informed and proactive position to enable a whole of centre approach.

### **3. Discussion**

#### **3.1 Council Plan Alignment**

Goal 4 - Our free-moving safe, prosperous and dynamic city

Direction 4.4 - Integrated accessible transport and free moving city

A whole of centre approach to the level crossing removal project will provide for an integrated approach to public and active transport and will support the vitality of our local shopping villages and surrounding community.

#### **3.2 Consultation/Internal Review**

Recurring project meetings have been established with the Southern Program Alliance to work through the Carrum Project with relevant departments attending these meetings.

In addition, ongoing internal consultation has been undertaken across Council to establish a whole of Council response to the projects with inputs from the following teams and departments:

- Urban Design
- Public Place Projects
- Traffic and Transport
- Engineering
- Arts and Culture
- Community Buildings
- Property Services
- Infrastructure
- Strategic Planning
- Community Development

### **3.3 Operation and Strategic Issues**

Whilst officers continue to advocate for good design and place making outcomes that benefit the local area and community, the ability to negotiate on critical elements would be enhanced significantly if presented as a formal position of the Council.

A series of objectives are outlined below which seek to provide for a 'whole of centre' approach to infrastructure design and delivery, with station precincts to tie in with the local shopping villages, read consistently within the local context and increase vitality and vibrancy in the precincts.

#### Corridor Wide (Edithvale, Bonbeach and Carrum)

- A holistic, whole of centre approach should be adopted in relation the scope of project works, design and delivery in order to avoid the creation of 'new' and 'old' precincts.
- Infrastructure elements should form part of an architectural and integrated design solution (eg. substations, overhead rail / power lines).
- Built form, materiality and vegetation to provide for high levels of amenity with the released Carrum images representing a good example of this.
- The coastal design response and materiality adopted in Carrum to be adopted along the whole of the southern corridor.
- Safe and convenient pedestrian and cycling access to be prioritised with key desire lines to be maintained.
- Prioritise the retention of vegetation where possible with local indigenous species preferred for replanting in proximity of the foreshore and open rail corridor.
- Scope of work to include upgrades to adjoining shopping village streetscapes and local roads where they provide for key routes to destination activities.
- All signage to be integrated into the design with major promotion signage to be avoided where visible in the public realm.
- Incorporate place based wayfinding linking the station to key destinations.

Carrum Revitalisation

- The design and finish of all exposed structures such as pillars and retaining walls to contribute to a high level of amenity and minimise graffiti attacks (eg. through art, lighting, vertical greening and architectural treatments).
- Promote Carrum as a cycling destination supported by relevant infrastructure.
- Consider enabling public access to the 'periscope' to maximise this place making opportunity for all visitors to Carrum village noting that it currently sits within the ticketed area.
- Provide a high level of safety and amenity through preparation of a lighting strategy that explores integrated and creative lighting outcomes beneath the rail bridge and within the precinct.
- Provide for the delivery of a changing places facility within a location that is conveniently accessible from the foreshore, promenade and shopping village.
- Ensure that new tenancies/buildings are appropriately dimensioned and fitted out in consultation with Council in anticipation of future business needs.
- Ensure that the proposed foreshore building is designed in accordance with Council specifications to accommodate a commercial operation (ie café) to activate the promenade throughout the year.
- The proposed foreshore building to be transferred to Council ownership and management upon completion.

Further to the dot point above it is recommended that Council lead the conversation with LXRA regarding the use of the proposed foreshore promenade building / tenancy. A design and fitout that supports a commercial or social enterprise should be advocated for with Council to hold ongoing ownership of the building. Ownership will enable Council to determine the occupancy of the building through a considered process that seeks year round activation and could include social benefits. A commercial enterprise is preferred over group hire due to the ongoing management requirements of hiring and extended periods of inactivity between hiring times.

In addition to the recommendations regarding design, it is considered that the identified projects at section 2 of this report (including rough cost estimates) would also benefit the vitality of Carrum through the progression of key projects within the community.

It is recommended that Council further advocate for funding to support the delivery of these projects.

Edithvale and Bonbeach

The following objectives build on the resolution of Council on the 23rd April 2018 which directed officers to "continue to advocate for streetscape revitalisation, improved safety, pedestrian connectivity and beautification works to be provided through the *Edithvale and Bonbeach Level Crossing Removal project*".

- Consider place making opportunities identified through the Neighbourhood Project (Edithvale) noting that this was led by local community group the Edithvale Collective, with support from Council.
- Encourage LXRA to engage regularly with the Edithvale Collective and Chelsea Bonbeach Train Station Group throughout project design and construction.



- Streetscape improvements to include both sides of the corridor (Nepean Highway and Station Street) with a key focus on integrating the station with the shopping village precincts for each centre.
- Strengthen pedestrian connections between the station and key anchor points along the foreshore (eg. Lifesaving clubs and foreshore access points).
- Provide for safe and desirable connections across the corridor with paths to align with or improve upon existing desire lines
- Minimise the level of exposed crash barriers and fencing with visible elements to form an integrated design treatment.
- Maximise greening and public open space opportunities around the station precinct and shopping villages to create a high level of amenity and comfort
- Ensure trench walls at platform level adopt high quality materials and finishes that reflect and enhance the amenity of the place.
- Adopt creative approaches to graffiti prevention along the entire length of the trench (eg art installations, wall design, low maintenance landscaping etc).
- Design the pedestrian overpasses to minimise the path of travel and overall height with the detailing to continue the coastal themed materiality adopted in Carrum.
- Support the cross corridor connection at Fraser Road (Edithvale).
- Prioritise the creation of strong visual and pedestrian connections to Beeson Reserve.
- Consider the potential for improvements to Beeson Reserve to provide improved amenity and better integration between the new station precinct and the planned redevelopment of the Edithvale Life Saving Club.
- Explore opportunities to minimise the visual impact of large areas of hardscape around the rail trench and deck areas through landscaping.

#### **4. Conclusion**

It is recommended that Council adopt the objectives outlined at section 3.3 of this report as its advocacy position for the level crossing removal project sites at Edithvale, Bonbeach and Carrum along the southern corridor. It is further recommended that council reiterate its position of advocacy surrounding the projects listed in its letter to the LXRA dated 15 November 2017.

#### **Appendices**

Appendix 1 - Letter to Kevin Devlin - Carrum Revitalisation - 15 November 2017 (Ref 17/179259) [↓](#)

Author/s:	Tara Bell, Team Leader City Transformation
Reviewed and Approved By:	Paul Marsden, Manager City Strategy Jonathan Guttmann, General Manager Planning and Development

## **8.3**

### **BONBEACH, EDITHVALE AND CARRUM LEVEL CROSSING REMOVALS - COUNCIL ADVOCACY**

<b>1</b>	<b>Letter to Kevin Devlin - Carrum Revitalisation - 15 November 2017 .....</b>	<b>69</b>
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City of  
**KINGSTON**

15 November 2017

Mr Kevin Devlin  
Chief Executive Officer  
Level Crossing Removal Authority  
GPO Box 4509  
MELBOURNE VIC 3001

Dear Kevin

**Re: Carrum Revitalisation Projects**

I am writing in response to an invitation by Level Crossing Removal Authority (LXRA) staff to contribute ideas to the Carrum Revitalisation project.

Following the \$50m Carrum funding announcement, Council officers met with the LXRA Carrum project team to discuss the proposed works and any ideas for Council projects that could be included. Council welcomes the opportunity to contribute ideas to the Carrum Revitalisation and potential projects were discussed at the Ordinary Meeting of Council on 23 October 2017. Council has resolved that it will:

*Advocate to the State Government for the inclusion of the following projects as part of the Carrum Revitalisation project:*

- Additional Storage facilities for Carrum lifesaving Club - \$150,000
- Further contribution to Carrum Sailing and Motor Boat club of \$350,000 to cover the shortfall in their upcoming facility redevelopment and project management costs
- Projects listed under section 3.3 of the report, which include:
  - Demolition of the Carrum Sailing and Motor Boar Club building on Stephens Street and completion of the rock wall - \$100,000;
  - Extension of the boardwalk along Carrum foreshore, north of the Lifesaving Club - \$300,000;
  - Restoration of the Patterson River Mouth - \$450,000;
  - Investigation and implementation of foreshore stormwater treatment solutions south of Carrum Lifesaving Club, at Johnston and Progress Avenues - \$250,000;
  - Additional shade umbrellas and picnic facilities at the Carrum foreshore playground - \$50,000;
  - Public art work along Carrum Foreshore - \$25,000; and
  - Integration of the significant Norfolk Pine at the rear of 641 Nepean Highway into the Promenade design.

Whilst the feasibility of these projects has been assessed by Council, the above costs estimates are indicative only as formal prices have not yet been sought.

community inspired leadership

TRIM 17/179259 PAGE 1

Council requests that these projects be considered for inclusion in the LXRA works at Carrum. Council has specifically chosen projects which will greatly benefit the local Carrum community, through improved public facilities, increased amenity for residents, better supported local clubs, and a protected and enhanced foreshore - all contributing to a truly revitalised Carrum precinct.

Council is looking forward to further developing these projects with the LXRA. To discuss this in more detail, please contact Mr Daniel Freer, General Manager City Assets and Environment, on ☎ 9581 4761.

Yours sincerely



**John Nevins**  
CHIEF EXECUTIVE OFFICER

## Ordinary Meeting of Council

24 September 2018

**Agenda Item No: 8.4**

### **HERITAGE OVERLAY – POMPEI'S MARINE BOAT WORKS AND LANDING**

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

The attachments contained in this report relate to Confidential Item 14.2 of tonight's Ordinary Council Meeting.

#### **Appendices**

Appendix 1 - Copy of Submission to Heritage Council (Gary Vines, Biosis) (Ref 18/553090) [↓](#)

Author/s: Paul Marsden, Manager City Strategy

Reviewed and Approved By: Jonathan Guttmann, General Manager Planning and Development

## **8.4**

### **HERITAGE OVERLAY – POMPEI’S MARINE BOAT WORKS AND LANDING**

**1     Copy of Submission to Heritage Council (Gary Vines, Biosis) . 75**



7 September 2018

Mr Paul Marsden  
City of Kingston

Dear Paul

**Pompei's boatyard heritage advice**  
Our ref: Matter 28570

I have been engaged by the City of Kingston to assess the potential heritage value of Pompei's boat building workshop, boat yard, slipways and landings at 557-561 Main Street, Mordialloc in the City of Kingston. The subject area comprises the private allotment 4A Section 11 Township of Mordialloc (SPI 4A~11\PP3186A) as well as part of the streamside reserve (SPI 20E~23\PP3186) and road reserve forming part of Main Street and Governor's Road.

Heritage Victoria has assessed the place for possible inclusion on the Victorian Heritage Register, with the recommendation of the Executive Director and assessment of cultural heritage significance under Part 3 of the Heritage Act 2017, recommending:

- That the place NOT be included in the Victorian Heritage Register under Section 37(1)(b) of the Heritage Act 2017.
- The Heritage Council may wish to consider exercising its powers under s.49(1)(c) of the Heritage Act 2017 to refer the recommendation to the City of Kingston for inclusion of the place in the local Heritage Overlay.

Following consideration of the history of the place, and a review of the report by Heritage Victoria, I have come to the view that the place is of State Significance and would support its inclusion on the Victorian Heritage Register.

I believe it separately meets criteria for local significance and should be included in the Kingston Planning Scheme Heritage Overlay.

The reasons for my view are set out in the following report.

Regards

Gary Vines

Biosis Pty Ltd  
Melbourne Resource Group

38 Bertie Street  
Port Melbourne VIC 3207

Phone: 03 8686 4800  
Fax: 03 9646 9242

ACN 006 175 097  
ABN 65 006 175 097

Email: melbourne@biosis.com.au

[biosis.com.au](http://biosis.com.au)

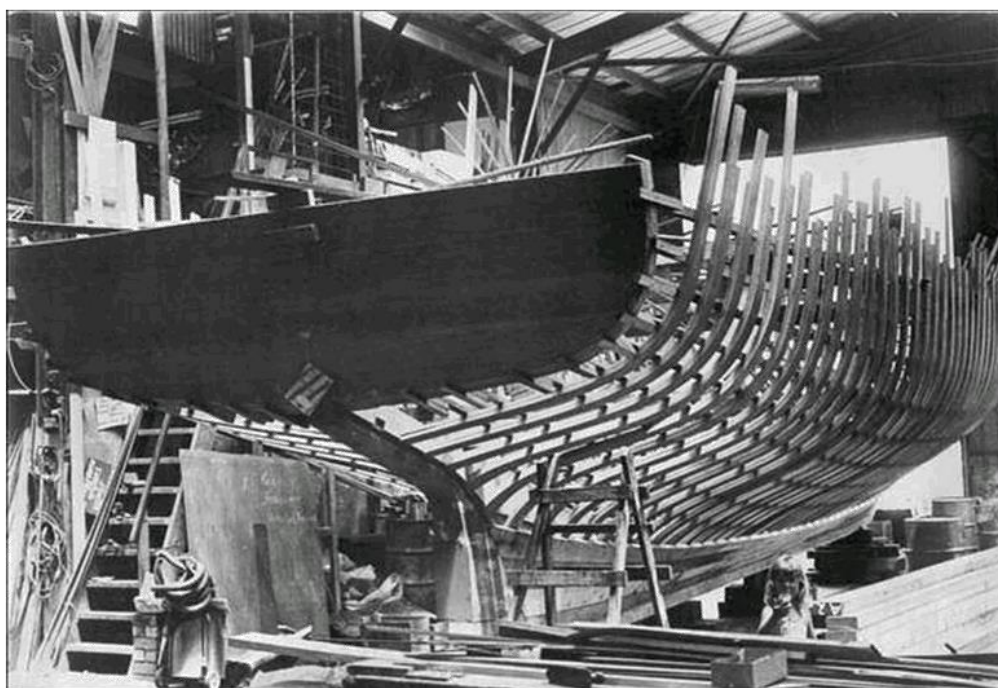


**Submission To Registration Committee of The Heritage Council of  
Victoria**

**Pompei's Marine Boat Works and Landing**

**557-561 Main Street, Mordialloc (City of Kingston)**

**Hermes Number 201522**



By

**Gary Vines**

Biosis Pty Ltd  
38 Bertie Street  
Port Melbourne VIC 3207  
Phone: 03 8686 4800  
ACN 006 175 097

13 September 2018





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## Background

This submission to the Victorian Heritage Council has been prepared on behalf of the City of Kingston in response to a recommendation by the Executive Director of Heritage Victoria, not to include Pompei's Boat 557-561 Main Street, Mordialloc in the City of Kingston in the Victorian Heritage Register (VHR) under the Heritage Act 1995 [Section 32 (1) (a)].

This submission has been prepared with regard to the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (Burro Charter), site, a review of the Executive Director's Recommendation and draws on research undertaken by the author when preparing a Heritage Assessment of the place for the City of Kingston.

It is understood that the Pompei's Marine Boat Works and Landing have previously been identified in community heritage assessments as a place of potential social and historic significance.

Subsequently Heritage Victoria assessed a nomination from a community member to place the Pompei's Marine Boat Works and Landing on the Victorian Heritage Register. The Heritage Victoria recommendation is that the sites not be included on the VHR, with the second recommendation stating that *"the Heritage Council may wish to consider exercising its powers under s.49(1)(c) of the Heritage Act 2017 to refer the recommendation to the City of Kingston for inclusion of the place in the local Heritage Overlay"*. The site and surrounding environs was also considered as part of the Mordialloc Creek Masterplan undertaken for the Mordialloc Structure Plan and associated Design and Development Overlay.

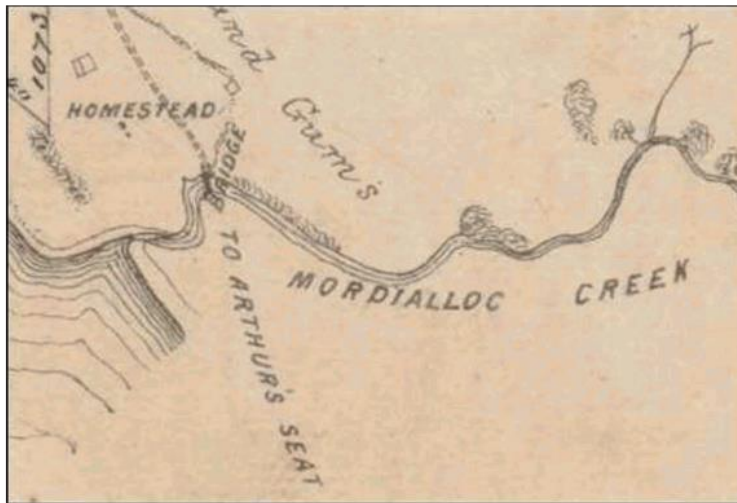
## History of the place

Bunurong people camped by the Mordialloc Creek and were still sufficiently prominent in the area for a reserve to be set aside for them near the Creek. By 1858 however, the Protector of Aborigines William Thomas estimated only 15 Bunurong people were living around Mordialloc.

Mordialloc township owes its origins to local grazier Alexander Vause Macdonald's who erected the Travellers' Rest near the creek in the late 1830s offering hospitality to passing travellers. This was developed into the Mordialloc Hotel by 1853. A timber bridge was erected over the creek in 1855, and the Bridge Hotel was built on the other side of the creek in 1868. By this time a number of Fishermen had established themselves in the area, mooring their boats in the creek. The railway was completed in 1881, attracting holiday makers and the town steadily grew to serve local farmer's fishers and travellers.<sup>1</sup>

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<sup>1</sup> G J Whitehead & L Gamble, By the Creek, A Mordialloc History, City of Kingston 2014.



**Figure 1** Mordialloc in 1863 Macdonald's homestead and bridge marked.



**Figure 2** Township of Mordialloc 1863 showing fishermens huts along the creek.<sup>2</sup>

<sup>2</sup> Victoria. Department of Crown Lands and Survey. Township of Mordialloc, Parish of Mordialloc, County of Bourke Melbourne: Office of Lands and Survey, 1863. Web. 12 September 2018 <<http://nla.gov.au/nla.obj-232490657>>



The area was initially within the Moorabbin Roads Board, and then Moorabbin Shire, but the Town of Mentone and Mordialloc was created in 1920, becoming the separate Town of Mordialloc in 1923, then declared a City in 1926, indicating the rapid growth of the area.

The Mordialloc Township was laid out with a series of crescent and radiating streets east of the main road to the Mornington Peninsular. The road was provided with a three chain side reserve (60 metres) and substantial areas were also reserved around the coast and either side of the creek. Land in the town was sold in the 1860s, but the small population appears to have left many allotments unsold. The railway constructed resulted in a disruption of the street plan as it cut across the outer crescent (now part of Governor Road). This cut off the blocks between the crescents and left a narrow triangular strip between the railway land and Main Street.

These blocks were originally developed for private housing, as the main commercial strip was further up Main Street. The triangular allotment at the south end appears to have been left vacant in the early 20<sup>th</sup> century. The MMBW Plan however shows that a structure was located within the road reserve south of the triangular allotment. This is identified as the stock pound, and the timber building is probably a small keepers' hut, possibly similar to that still on the creek bank (Figure 3).

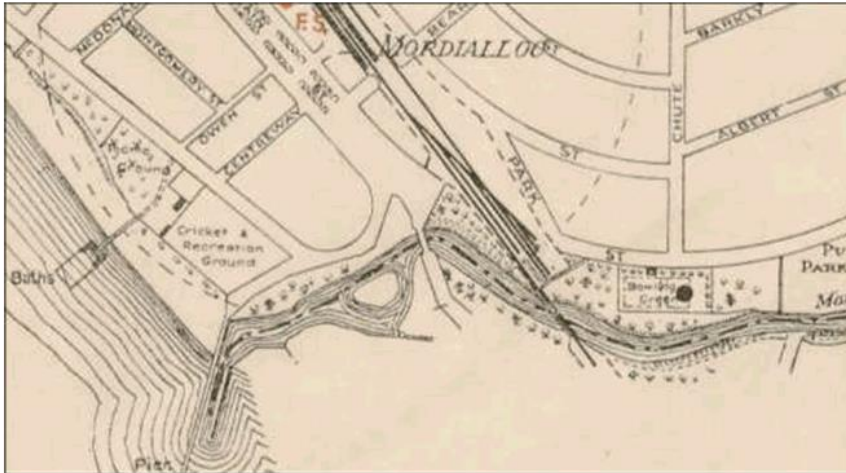
By the 1920s, the area on either side of the creek had been planted out as parkland, with avenues of trees and paths along the creek bank (Figure 4). By the 1940s, these trees had matured, and a number of small sheds were in place along the creek banks. It appears however, that there were no substantial structures on Lot 4A at this time (see Figure 5).



**Figure 3** MMBW Plan 250 400Ft to an inch top and detail plan 4288 40 ft to an inch 1940. <sup>3</sup>

<sup>3</sup> Melbourne and Metropolitan Board of Works plan, scale 400 feet to 1 inch. no.250 , Chelsea & Mordialloc between 1933 & 1950; Melbourne Metropolitan Board of Works. (1940). Melbourne and Metropolitan Board of Works detail plan. 4288, Municipality of Mordialloc [cartographic material]. (1:480 scale plans (detail plans) 40 feet to 1 inch ; 4288). [Melbourne]: MMBW.





**Figure 4 Plan of Mordialloc 1920s with landscaped areas on both sides of the creek<sup>4</sup>**



**Figure 5 Historical Aerial Survey of Victoria 1940-1950 859A1B**

<sup>4</sup> Anderson, Gowan. (1921). Municipalities of Moorabbin, Mentone, Mordialloc [cartographic material] (Greater Melbourne Maps). Melbourne: Anderson, Gowan Pty. Ltd



It would appear then, that while there were a number of small structures along the creek bank, and from historical sources, local tradition and evidence from aerial photographs, there was considerable boating and boat-building and repair activity, including small permanent structures, along the creek bank, the large sheds on Lot 4A, were not constructed until the later 1940s at the earliest.



**Figure 6** Pompei's boat building works probably in the 1950s

Brothers Salvatore and Silvestro Pompei and Salvatore Pompei junior, arrived in Melbourne from Riposto, Sicily in 1926 or 27. The family settled in Mordialloc residing at 601 or 601A Beach Road. They made a living from fishing, and appear in the local newspapers regularly from the 1930s, either reporting unusual creatures and large sharks being caught in the Bay, or assisting in rescues of stranded boats and other fishers.<sup>5</sup>

Salvatore began building boats at their Beach Road property and later taught boat building to his sons. Together they constructed timber clinker and carvel boats repaired timber boats and also hired out fishing boats for from Mordialloc Creek. The boats followed traditional designs and hull shapes they would have been familiar with from their hometown in Sicily. Riposte was a small fishing village, but its position close to the straights of Messina made it an important place for fitting out and supplying boats. However the local boat building traditions appear to have disappeared.<sup>6</sup>

<sup>55</sup> For example in 1930. Pompei, Grosso and Costanza caught a monster shark in the South Channel, which was chemically treated and exhibited at the Mordialloc Carnival. "Advertising" The Herald (Melbourne, Vic. : 1861 - 1954) 23 December 1930: 9. Web. 12 Sep 2018 <<http://nla.gov.au/nla.news-article242762117>>.

<sup>6</sup> *Odysseus Landing on the Island of the Sun: How Traditional Sicilian Boat Building Fused with My Community Art Practice*, By Jeremiah Hulsebos-Spofford, 2009-2010, Italy October 14, 2011 U.S. Fulbright, <https://blog.fulbrightonline.org/odysseus-landing-on-the-island-of-the-sun-how-traditional-sicilian-boat-building-fused-with-my-community-art-practice-by-jeremiah-hulsebos-spofford-2009-2010-italy/>



In the 1930s, the boat building business was relocated to the existing site where three to four boats were constructed each year. They are listed in directories and newspapers as a boat building firm from the late 1940s.<sup>7</sup> Both brothers,<sup>8</sup> as well as Salvatore junior<sup>10</sup> were naturalised between 1945 and 1947.



**Figure 7 Mordialloc Creek in the 1950s (Rose Postcards State Library)**

Jack Pompei, one of Salvatore's sons became known as 'Mr Mordialloc' and was awarded an OAM in 1987 for Service to Marine Search and Rescue Activities in Port Phillip Bay.<sup>11</sup> He is believed to have rescued hundreds of people from Port Phillip Bay and was an advocate for the conservation and rejuvenation of Mordialloc Creek.

By the 1950s, Pompei's business was well established with slipways for launching new vessels and slipping others for repairs, timber landings for tying up hire boats, and the main sheds for boat building. The initial timber framed boat building works as depicted in Figure 6, was enlarged as depicted in the drawing in Figure 13, and then was in turn rebuilt probably in the 1970s.

<sup>7</sup> "Advertising" The Age (Melbourne, Vic. : 1854 - 1954) 12 February 1949: 26. Web. 12 Sep 2018 <<http://nla.gov.au/nla.news-article205353137>>.

<sup>8</sup> "Pompei, Salvatore, 601a Beach-road, Mordialloc, Victoria "CERTIFICATES OF NATURALIZATION." Commonwealth of Australia Gazette (National : 1901 - 1973) 31 May 1945: 1228. Web. 12 Sep 2018 <<http://nla.gov.au/nla.news-article232763008>>.

"Silvestre Pompei, of Italian nationality, born at Riposto, Sicily, and resident 20 years in Australia, -now residing at 601A Beach rd., Mordialloc, intend to Apply for Naturalisation under the Nationality Act Advertising" The Argus (Melbourne, Vic. : 1848 - 1957) 25 February 1947: 14. Web. 12 Sep 2018 <<http://nla.gov.au/nla.news-article22410908>>.<sup>9</sup>

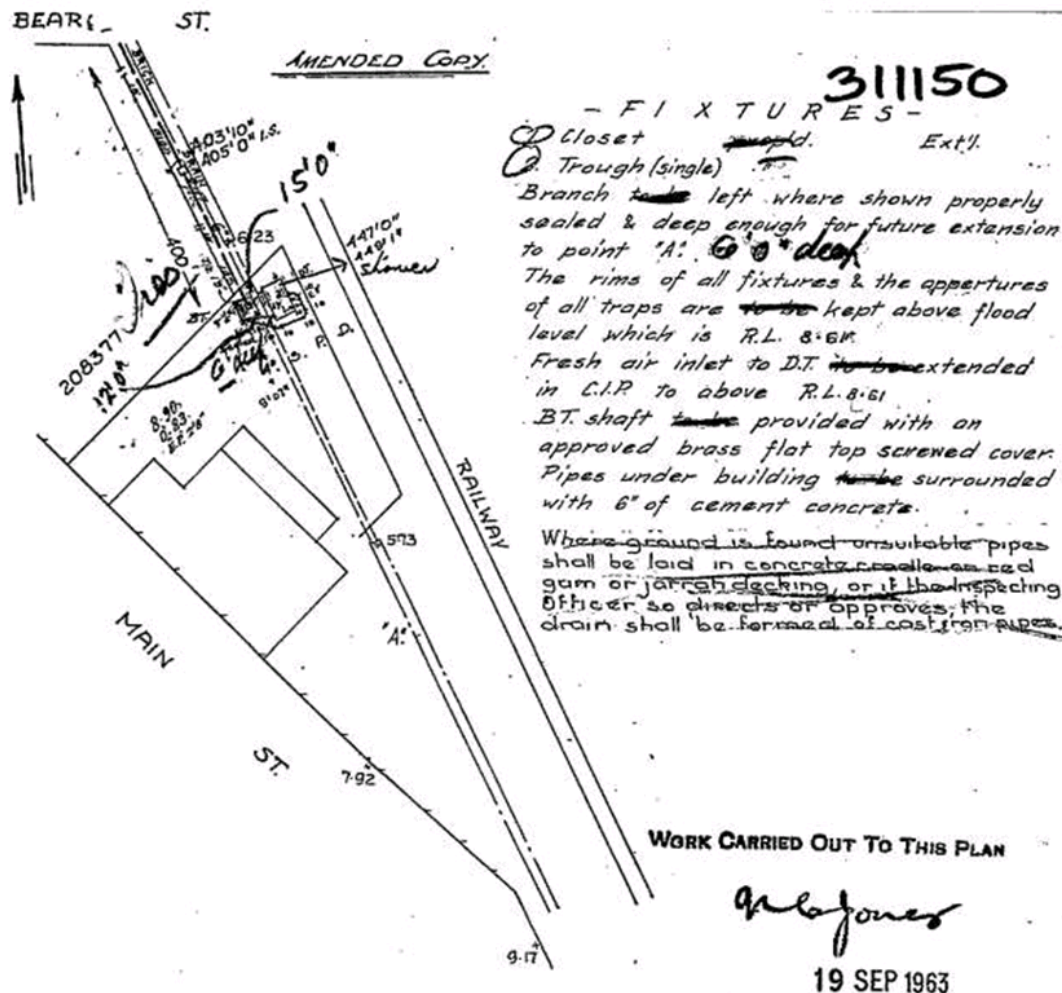
<sup>10</sup> "Pompei, Salvatore, 601a Beach-road, Mordialloc, Victoria "Advertising" The Argus (Melbourne, Vic. : 1848 - 1957) 27 June 1944: 13. Web. 12 Sep 2018 <<http://nla.gov.au/nla.news-article11819653>>.

<sup>11</sup> SYLVESTER JACK POMPEI, Mordialloc, Vic, for service to marine search and rescue activities in Port Phillip Bay "Australia Day honours" The Canberra Times (ACT : 1926 - 1995) 26 January 1987: 6. Web. 12 Sep 2018 <<http://nla.gov.au/nla.news-article119477819>>.





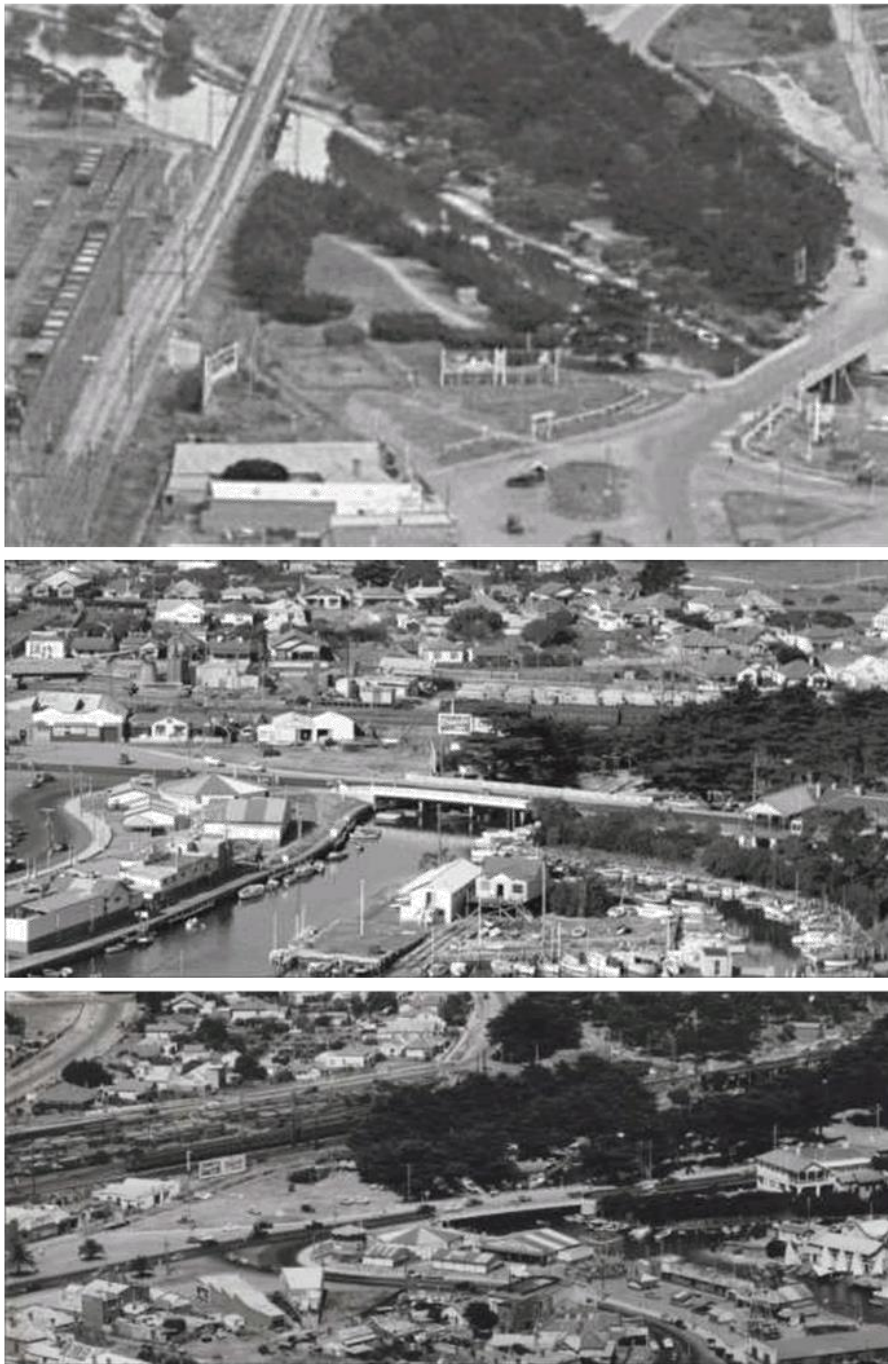
The MMBW property connection files indicated that a extent of the earlier sheds in the 1960s which appears to correspond with the roof forms still present today, although the building was later extended (Figure 8).



**Figure 8 MMBW Property Connection File 1963**

Following Jack's death in 2008, his brother Joe carried on the boat building business until the premises were sold in 2017. A new bridge constructed across Mordialloc Creek in 2009 was named Pompei Bridge opened by Tim Pallas MP Victorian Minister for Roads and Ports on 23 April 2009,<sup>12</sup> and a sculpture 'POMPEI'S BOAT' by Julie Squires (2010) was erected to acknowledge the Pompei family's contribution to the Mordialloc community.

<sup>12</sup> Monuments Australia, Jack Pompei, <http://monumentaaustralia.org.au/themes/people/community/display/98196-jack-pompei> see also <https://www.onlymelbourne.com.au/jack-pompei#.W5sR-VUzaCo>



**Figure 9** 1950s views showing extent of original cypress plantings and original form of sheds<sup>13</sup>

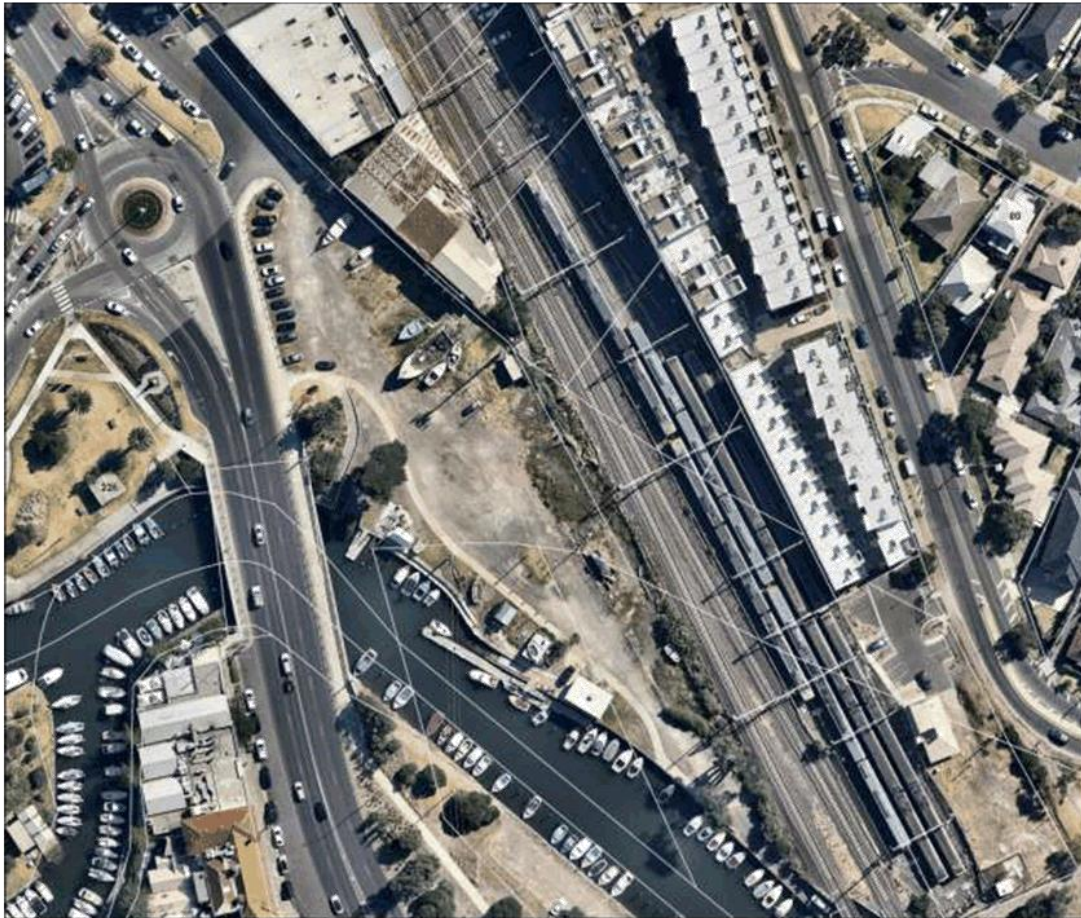
<sup>13</sup> Airspy, Charles Daniel Prat photographer. (1950). Mordialloc <http://handle.slv.vic.gov.au/10381/58750>





### Description of the place

As it currently stands, Pompei's boat-building facilities include a complex of sheds of different ages on Lot 4A, the slipway, wharf landings and creek bank retaining wall on Mordialloc Creek, and a number of small structures and remaining timber boats in the open area between. Remnants of the former extensive tree plantations survive with a large cypress near the bridge and a Canary Island Palm on the roadside. Other cypress trees at the eastern end of the creek near the rail bridge, were removed in recent years, but at least one remains.<sup>14</sup>

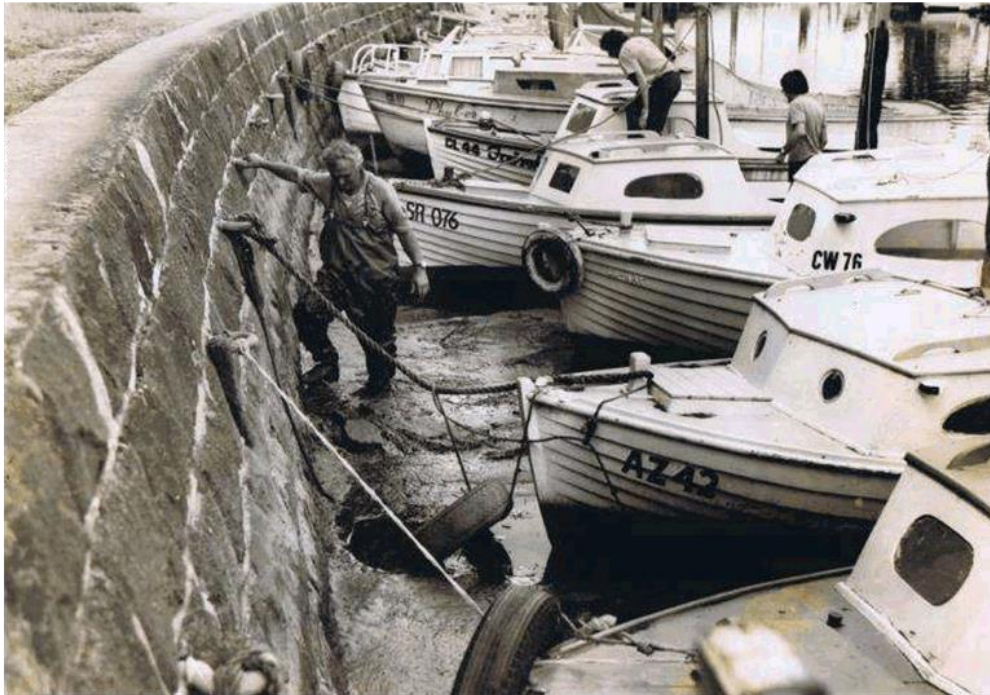


**Figure 10 Nearmap June 2018**

The northern bank of the creek has a substantial bluestone retaining wall which stands about 3 metres high. This is in part constructed from recycled bluestone cobble stones, probable lifted from local lanes and kerbs (see Figure 11). The shape of the bank curves out into the creek and then is cut away again to accommodate the slipway. A corrugated iron shed stands at the top of the slipway, presumably housing the winch and motor. West of this is a brick shed with flat roof, and a little further along a weatherboard shed with steeply pitched corrugated iron roof. A second slipway is located near the bridge with a small shed which was erected only in late 2017. West of this is a boat launching ramp.

<sup>14</sup> See for example Youtube video from 2014 here <https://www.youtube.com/watch?v=UNEZsMn7BCg>





**Figure 11 Jack Pompei at the wall he helped build**



**Figure 12 Recent view showing riverbank wall, landings, jetties and slipways<sup>15</sup>**

<sup>15</sup> <http://melbournedaily.blogspot.com/2014/07/summers-mordialloc.html>



The boat building works comprises a series of interconnected corrugated iron roofed sheds with partial brick walls along the main western elevation and the north side.

The northernmost structure has two large metal doors and low pitched gable, while the middle structure has a flat roof and glazed upper level. The glazing reflects the use of this upper area for creating and laying out construction drawings for boat building and demonstrates the role of the Pompei's not only in building boats, but in creating distinctive designs which are still recognised throughout Australia.

The southern building has a roof ridge parallel with the façade, and supports a large billboard. The triangular areas between the rear of these three structures and the railway line are filled with lower skillion roof sections. The very south end of the allotment is not built on.

A plan for an extension to one of the buildings included in the Heritage Victoria Report (Figure 13) appears to show an earlier version of the sheds with a quite different double gable form. However, the available interior shots of the site, suggest that at least part of the structure of this, or a similar building remains, with the newer roof trusses spanning the full width.

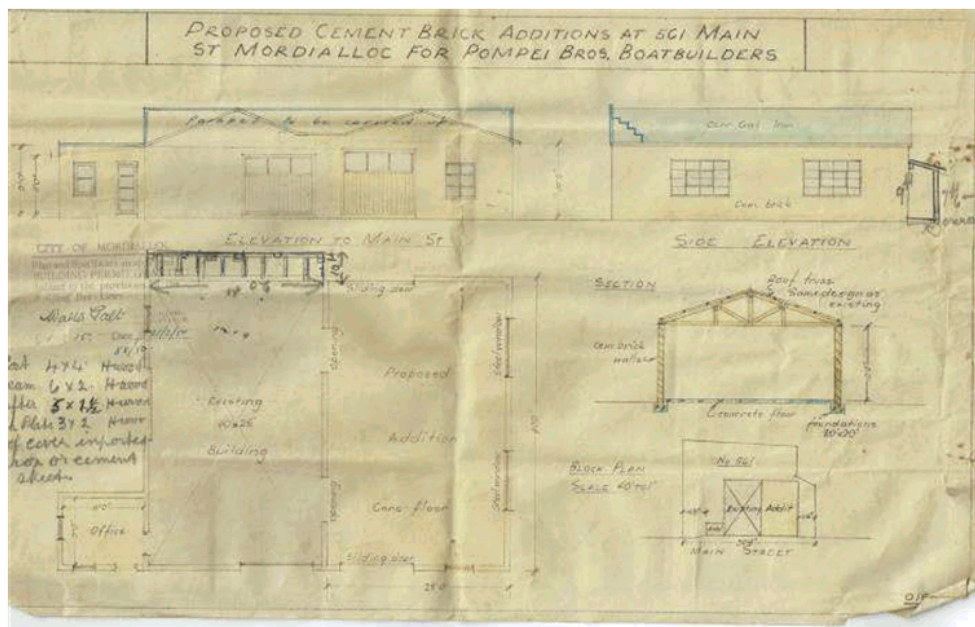


Figure 13 Plan of shed (HV executive director report)





Figure 14 Western elevation of the boat sheds, note drawing/design room in upper centre structure reflected in glazing.



Figure 15 Completed boat taken out of the works (Pompies Marine.com)



## Significance of the place

Boating activities on Mordialloc Creek have been an integral part of the history and landscape character of Mordialloc from at least the end of the 19<sup>th</sup> century. The creek was used as a safe harbour and base for bay fishermen from at least the 1860s, and possibly earlier. The creation of a settlement at the creek crossing followed the pattern of many early villages, where a hotel would be constructed, followed by blacksmith, post office and a range of other local services. The creek provided the initial focus for the settlement and was therefore is the reason for Mordialloc's existence.

Boat-building has been a significant activity in Mordialloc since the early 20<sup>th</sup> century. The history of boat-builders such as William Kretchmar in the 1890s, David Alnutt in the early 20<sup>th</sup> century and of course Jack Pompei is a rare and distinctive theme in Mordialloc and elsewhere in Victoria. Pompei's boat yard is one of only a handful of places representing the small boat building industry. It is a unique type of place within the City of Kingston.

Since at least the early 1930s, the relationship of the boat-builders and fishermen with Mordialloc and the creek has been a formative one. Jack Pompei's role in campaigning for the improvements to the creek and the bay side environment and his championing and rescuing of boating people has been an intrinsic part of the social and cultural history of Mordialloc.

The shoreline of the creek has been completely modified to provide boating and recreational facilities. The current shape of the creek banks, with the curved stone walls, ramps and jetties, represents the reshaping of the natural environment to suit a specific use. The physical evidence continues to demonstrate this historical use, even if boat building is no longer carried out here.

This area, on both sides of the creek and both upstream and downstream of the Nepean Highway bridge was historically seen as part of extensive parklands surrounding the creek and forming an attractive southern entrance to the main shopping strip.

The triangle of land between the creek, railway line and Nepean Highway, was planted densely with Cypress and other trees in the early 20<sup>th</sup> century. A few of these remain, with a number only being cut down in the last decade. There is also a large Canary Island Palm near the bridge.

Recently, a plaque commemorating the opening and naming of the Jack Pompei Bridge (which reads "This bridge has been named "Pompei Bridge" in honour of Jack Pompei, a local boat builder who rescued hundreds of people caught in trouble in the waters of Port Philip Bay") and a sculpture, 'Pompei's Boat' by Julie Squires have been installed.

There is therefore, a distinctive historic landscape comprising remnants of the early 20<sup>th</sup> century modifications, and some recent changes, which is well known and commemorated. It is in the context of this historic or cultural landscape that Pompei's boatyard needs to be considered.



**Figure 16 'Pompei's Boat' by Julie Squires.<sup>16</sup>**

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<sup>16</sup> Weekend Notes Mordialloc Creek Precinct, October 6th 2013,  
<https://www.weekendnotes.com/mordialloc-creek-precinct/>





## Response to Significance Criteria

*Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance).*

The course or pattern of our cultural history as represented by Pompei's is both the boat-building industry, and the historic character of Mordialloc Creek and Mordialloc itself.

Boat building was not a highly capitalised activity and did not require either expensive purpose-built or designed buildings. The critical elements were the suitable spaces near water that allowed construction and launching, and the skills and hand tools of the boat builder. In Victoria, boat-building was confined to a small number of sites in coastal towns and on the Murray River. For example, the Yarra Bank, Maribyrnong River, Williamstown, Queenscliff, Port Fairy, Portland, Warrnambool, Geelong, the Gippsland Lakes, Port Albert, and Echuca, boat building and ship building were seen as absolutely essential skills and an industry critical to the success of the development of fishing and trade in Victoria.<sup>17</sup>

As an ephemeral site type, boat-building works have rarely survived intact, and so an example of this place type is important in demonstrating this aspect of our history. Pompei's boat building activities embody and preserved traditional skills that were passed on from father to son, and comprised intangible heritage values in the ideas, designs, methods and concepts involved in boat building. In particular, they preserved the distinctive boat building traditions of southern Italy and Sicily, and with the disappearance of traditional timber boat building from their home town of Riposto, the site provides a link between the two countries.

The influence of this site in the wider course of Victorian History is evident in the widespread knowledge of the works, the Pompei family and the boats that they produced. The contribution of the Pompei boat works has been to provide a source of vessels, and the industries and recreational activities that they supported. While there were other similar places which also made this contribution, it can be argued that it is the surviving places that represent the overall contribution of the category of heritage place.

The only other directly comparable place in Victoria is Blunts boat works in Williamstown. Given the rarity of these places, it should not be argued that one or other of these places better allows the historical importance of the history of boat building to be understood, as it is not the intention of the VHR to only preserve the one best example of each category of heritage place. Between them Pompei's and Blunt's provide a better understanding of the history of boat building than all other places in Victoria. They complement each other in reflecting the 19<sup>th</sup> century origin on the one hand, and 20<sup>th</sup> century migrant contribution on the other. They are also of substantially different scales and forms so that together they enhance our understanding.

*Criterion B: Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).*

Evidence of small boat building is extremely rare in Victoria and endangered considering the small number of places reflecting this aspect of our history that survive.

The critical elements of boat building places are represented in the surviving fabric, including the enclosed construction sheds, slipways, outdoor rigging areas and water landings. Also, of approximately 50 boat building sites that may have existed in Victoria, only two; Pompei's and Blunt's, retain these elements. Again it should be stressed that the VHR should not be restricted to preserving only one example of a rare type of place, as this puts at risk the protection of Victoria's heritage in the event of an accidental loss.

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<sup>17</sup> Mark Staniforth, Debra Shefi 'Shipbuilding in the Australian Colonies before 1850' *Underwater Archaeology Proceedings*, 2014



The requirement that boat building activity, and its associated equipment and materials is required to be retained in use is unrealistic, and is not applied to other types of historic places. The processes and uses undertaken in historic places are always interpreted from the surviving fabric of the building, the associated landscapes and documentary or other historical record.

*Criterion C: Potential to yield information that will contribute to understanding our cultural or natural history (research potential).*

A detailed internal inspection of the buildings and associated features has not been carried out to my knowledge, and therefore there is potential that such an undertaking will yield information that will contribute to understanding our cultural or natural history. In particular, there is archaeological potential along the creek bank, where prior structures and activities have been present in the past such as fisherman's huts, former landings and other structures, as well as potential deposits of discarded materials during the various activities carried out there.

Therefore it is considered that both a detailed inspection and recording the extant fabric, and archaeological investigation is likely to yield historical information.

*Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).*

A place can be both rare in respect of its survival, and representative in terms of it demonstrating the general characteristics of a type of place. As far as having the associated sheds, boat ramp, slip ways landings and open spaces, Pompei's can be considered representative of this type of place.

Pompei's is one of only two places in Victoria, that can demonstrate substantial evidence of historic timber boat building activity, It therefore plays a major role in preserving and presenting boat building as a class of cultural place.

*Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).*

While the unusual landscape and picturesque character of a place which has water and small boats might be acknowledged, aesthetic characteristics are probably not significant in the normal sense used. However, it should be noted that Mordialloc Creek has been recognised as the principal aesthetic landscape element of the local area, and the landings, boats and other maritime elements are recognised for their aesthetic values as depicted in numerous amateur and professional paintings and illustrations of the area. This aspect however may only apply to the local or regional context rather than the state as a whole.

*Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).*

It is not known that Pompei's boat building works undertook any special technical or creative works, although as a class of mostly forgotten technical skill, wooden boat building generally reflects a special degree of creativity and technical achievement. However, in the present context it is probably not relevant to establishing the significance of the place.

*Criterion G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).*

The association of the site, through its owners, with the cultural history of Mordialloc and the continuing respect and concern of the community for the place demonstrates its social significance. In particular, the recognition of Jack Pompei for his role in the community and the recognition of his boat works and the Mordialloc Creek as the focus of this community role gives the place special characteristics.



Also the associations among the boating community are evident in the numerous acknowledgements by owners of Pompei built boats. This connection is not just to the boats as separate entities, but also to the place they were built and to the builder himself. For example, the Wooden Boat Association noted in its announcement of Jack Pompei's death, that : *"The Pompei Brother's boatyard is legendary, and their boats can be found all over Australia. Many Pompei boat owners bought their boat "because it's a Pompei".*

*Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).*

Both Jack and Joe Pompei are recognised as highly important people in the history of Mordialloc. They are remembered in the community both for the role in developing the fishing and boating industry, and their philanthropy though campaigning to improve the local environment and championing the protection of the bay and waterways. Jack Pompei is also recognised in the boating community for his efforts to rescue hundreds of people from the bay. The community appreciation goes beyond the Mordialloc area to encompass the wider Victorian boating and fishing communities. The association between the community's appreciation and respect for Jack Pompei is also directly connected to the Pompei Boat building works.

The special association is reinforced through the special awards and recognition in naming the adjacent Jack Pompei bridge. Pompei's extensive archival record also documents some of the community recognition<sup>18</sup>

## Response to the Heritage Victoria assessment

Heritage Victoria undertook an assessment for state heritage listing. The conclusion that the place is not of state significance are based on several arguments:

*Boat building no longer occurs, and the absence of the use, and removal of some of the materials and equipment means boat building can no longer be understood better here than most other places in Victoria,*

*There is little remaining fabric demonstrating bayside recreation in the late 19<sup>th</sup> and early 20<sup>th</sup> century,*

*Social significance is acknowledged, but is better represented by the surviving boats the firm built, and does not 'strongly resonate beyond the Mordialloc community or Victoria's boating community',*

*Association with the Pompei family is dependent on signage, boat building equipment and boats in various stages of repair, and is better demonstrated by surviving boats.*

The reliance on the absence of boat building equipment or the continuing use of the site as an active boat building business, to dismiss aspects of historical significance is I believe disingenuous. Such a test is not applied to other types of use, for example that a mansion continues to be used as the primary residence of a wealthy member of society, or that the interior fittings, desks, filing cabinets of a government office are still present. In one respect, Pompei's is better placed to demonstrate the range of material that relates to boat building as an extensive illustrated catalogue of tools, equipment, fittings and material is available from the auction<sup>19</sup> and much of this material still exists in private hands and having been purchased for its memorabilia value, may one day be returned to the site or exhibited elsewhere (see for example Figure 17).

<sup>18</sup> See Jack Pompei News Stories, Pompei marine, <https://pompeismarine.com/est1914/jack-pompei-news-stories/>

<sup>19</sup> Golant Auctioneers and Valuers, "Past Auction Sale - 13 June 2018, timber boat builder's plant & equipment - over 400 lots, Auction Held: 13 June 2018: 561 Main Street, Mordialloc, [https://docs.wixstatic.com/ugd/789dd8\\_4a416224d7d7437f86638d595ea53d1a.pdf](https://docs.wixstatic.com/ugd/789dd8_4a416224d7d7437f86638d595ea53d1a.pdf)





**Figure 17 Sign resold from Pompei's Auction**

The ability of a place to demonstrate the uses is to a great extent dependent on the viewer's prior knowledge of how such a place was used. I understand that an internal inspection of the site was not made. Therefore it cannot be stated with confidence that the interiors of the buildings do not demonstrate aspects of its use. At least some pictorial evidence from the auction catalogue, suggests significant fittings may still be in place (see Figure 18)



**Figure 18 Line shaft attached to roof of workshop.<sup>20</sup>**

<sup>20</sup> Golant Auctioneers <https://www.gollantauctions.com.au/copy-of-18-june-2018>



The categorising of the buildings as undistinguished or generic buildings fails to recognise that the distinctive characteristics of buildings related to boat building and other forms of traditional crafts and manufacture, is their simple vernacular and piecemeal structures which reflect opportunistic use of materials and alterations for specific and sometimes temporary tasks. Therefore the incorporation of earlier structures in the later rebuilding reflects the 'making-do' and limited capital nature of the family business. These aspects are in fact critical to the places historical significance rather than just incidental or accidental.

The Heritage Victoria assessment also considered comparable places in the VHR associated with boating or boat building, and recreation:

*Unlike Pompei's Marine Boat Works and Landing, Blunts Williamstown (VHR H1885), the Lifeboat Station, Port Fairy (VHR H1431) and the Melbourne University Boat Club Shed (VHR H0682) all have substantial intact physical fabric which readily demonstrate their former uses and their cultural heritage values. Blunts Williamstown is directly associated with timber boat building. It remains operational and therefore more readily demonstrates the process of boat building than Pompei's Marine Boat Works and Landing. The other two places are not directly linked to boat building, but are easily readable places associated with other aspects of marine activity. The Lifeboat Station contains a lifeboat constructed at Williamstown, as well as buildings and objects associated with lifesaving. Unlike Pompei's Marine Boat Works and Landing it tells a complete story and the cultural heritage values are clearly evident in the physical fabric of the place. The Melbourne University Boat Club Shed is also not directly linked to the process of boat building but recreational*

Wooden boat building was a principle commercial activity through the Victorian coastal areas in the nineteenth and early twentieth centuries. An analysis of its contribution to the Victorian economy has not been undertaken, but a brief historical review suggests it was among the most important economic activities in coastal towns after fishing and shipping. Its importance was magnified however, by the fact that these other activities could not prosper without the product of the boat builders, as there was practically no importation of small boats.

Surviving evidence of wooden boat building is extremely rare. With the exception of Blunt's in Williamstown, and some remnant slipways in Port Fairy, Queenscliff and possibly Port Welshpool, there is practically no other evidence. By saying that Blunt's better demonstrates this historical activity, Heritage Victoria appears to be conceding that only one of a particular type of place is worthy of inclusion on the Heritage Register. This logic is clearly not applied to most categories of historic places, for example masonry gothic churches or boom-period mansions.

The claim that the association with the boating community is better demonstrated through the boats fails to recognise that this community is widespread through Victoria and recognises the place where their boats were built as important. For example, enthusiast publications (such as Classic Wooden Boat), always reference both the place they were built and the Pompei family as an intrinsic part of the specialness of the boats.<sup>21</sup>

The claim that the association between Pompei's boat works and the Pompei family is reliant on the signage, equipment and boats does not make sense, since similar requirements are rarely made for other places. For example, there are no signs, fittings or works demonstrating the association of John Kelly's Beveridge House or connecting Barunah Plains with the Russell family. It is the place itself and its history, that demonstrate the association with the person.

<sup>21</sup> Classic Wooden Boat .com, <http://www.classicwoodenboat.com.au/ridiculus-lorem/>



The assessment also claims the intactness and integrity of the place is fair/poor, based on changes to the buildings over time, modification of the creek bank from its former natural state, and removal of signage and boat building equipment.

The changes to the buildings and creek bank, rather than reducing integrity or intactness, actually contribute both to the historical significance of the place, and the ability to understand the history and use of the place. The buildings have evolved to accommodate changes in use, expansion of the business, and improvements when the family had capacity to build better or bigger boats or adopt new methods and processes. The enlargement of the main northern part of the building, incorporating some earlier structure, but providing a greater roof clearance, larger entrance doors and longer spans allowed construction of much bigger boats (compare for example Figure 6 and Figure 15).

### **Statement of Significance**

Given the historic background and discussion of the fabric of the buildings and structures and analysis of the landscape associated with the place, the following revised statement of significance has been prepared for Pompei's Marine Boat Works and Landing.

#### ***What is significant***

Pompei's Marine Boat Works and Landing is a complex of industrial buildings, slipways, landings and landscape features located at 557-561 Main Street, Mordialloc. It comprises the main range of timber and iron framed sheds clad in corrugated iron and faced with brick walls to some elevations, several small sheds near the Mordialloc Creek, two slipways, stone creek bank wall, timber landings and other fittings, as well as the open space between these two areas with remaining early 20<sup>th</sup> century tree plantings including Cypress and Canary Island Palm.

#### ***How is it significant?***

Pompei's Marine Boat Works and Landing is of historical and social significance at the state level and of local aesthetic significance.

#### ***Why is it significant?***

Pompei's Marine Boat Works and Landing is historically significant for its relationship with, and ability to demonstrate the history of Victoria's small timber boat-building industry. Timber boat building was a critical activity to Victoria's fishing and recreation. It supported a range of industries and social activities and was strongly focussed on a small number of suitable locations where settlement and bay or river launching places coincided. Boat building was not a highly capitalised activity and did not require expensive purpose-built or designed buildings. Boat building and ship building were seen as essential skills and an industry critical to the success of the development of fishing and trade in Victoria. Pompei's boat building site was influential in the wider course of Victorian History as evident from the widespread knowledge of the works, the Pompei family themselves, and the boats that they produced. The contribution of the Pompei boat works has been to provide a source of vessels so support fishing and recreation. In particular, the role of European migrants before World War Two in introducing and maintaining traditional skills and knowledge is an unusual and important aspect of the place's history. (Criterion A)

Pompei's Marine Boat Works and Landing is also of historical significance as a very rare example of historic small timber boat building yard which is rare in Victoria; a class of place that is becoming endangered, especially considering the small number of places reflecting this aspect of our history that survive. The critical elements of boat building places are represented in the surviving fabric, including the enclosed construction sheds, slipways, outdoor rigging areas and water landings. Pompei's is one of only two





substantially surviving historic timber boat building sites of the 50 or so that that may have once existed in Victoria (Blunt's in Williamstown being the other). (Criterion B)

A detailed internal inspection and analysis of the buildings and associated features can yield information that will contribute to understanding our cultural history by revealing the phases of construction, adaptation and expansion of the works to meet changes in historical uses., In particular, there is archaeological potential along the creek bank, where prior structures and activities have been present in the past such as fisherman's huts, former landings and other structures, as well as potential deposits of discarded materials. (Criterion C)

Pompei's boat works is significant in demonstrating evidence of historic timber boat building as a class of cultural place, as it is one of only two remaining places of this class in Victoria. Pompei's can be considered representative of the typical timber boat building works to the extent that it retains the main elements of simple construction sheds, boat ramp, slip ways, landings and open spaces for fitting out rigging and storage, which varies between the mid nineteenth century and the present day only in the type of material and minor structural changes in the building forms. It therefore plays a major role in preserving and presenting boat building as a class of cultural place. (Criterion D)

While the unusual landscape and picturesque character of a place which has water and small boats might be acknowledged, aesthetic characteristics are probably not significant in the normal sense used. However, it should be noted that Mordialloc Creek has been recognised as the principal aesthetic landscape element of the local area, and the landings, boats and other maritime elements are recognised for their aesthetic values as depicted in numerous amateur and professional paintings and illustrations of the area. This aspect however may only apply to the local or regional context rather than the state as a whole. (Criterion E)

Pompei's boat building works undertook special technical and creative works through the maintenance of traditional skills and designs of boats that were passed on from father to son, building on traditions that were hundreds of years old in their home town of Riposto in Sicily. As a class of mostly forgotten technical skill, wooden boat building generally reflects a special degree of creativity and technical achievement. For example the externally recognisable drafting room was a location of creativity and technical achievement in boat design. However, in the present context it is probably not relevant to establishing the significance of the place at the state level. (Criterion F)

Pompei's boat works is of social significance for its association with the cultural history of Mordialloc, the wider Victorian and Australian boating community and the continuing respect and concern of the community for the place, the Pompei family members and the boats they produced. In particular, the recognition of Jack Pompei for his role in the community and the recognition of his boat works and the Mordialloc Creek as the focus of this community role gives the place special characteristics. Also the associations among the boating community are evident in the numerous acknowledgements by owners of Pompei built boats. This connection is not just to the boats as separate entities, but also to the place they were built and to the builder himself. For example, the Wooden Boat Association noted in its announcement of Jack Pompei's death, that: *"The Pompei Brother's boatyard is legendary, and their boats can be found all over Australia. Many Pompei boat owners bought their boat "because it's a Pompei".* The association is demonstrated through acknowledgement in social media forums, in media articles, the 'Save Pompei's Landing' Facebook group which gained nearly 2000 members in a few months, in the naming of the Pompei Bridge and by the sculpture located adjacent to the bridge. (Criterion G)

Pompei's boat works is also significant for its association with *a person of importance in our history as both* Jack and Joe Pompei are recognised as highly important people in the history of Mordialloc. They are remembered in the community both for their role in developing the fishing and boating industry, and their philanthropy though campaigning to improve the local environment and championing the protection of the bay and waterways. Jack Pompei is also recognised in the boating community for his efforts to rescue hundreds of people from the bay. The community appreciation goes beyond the Mordialloc area to



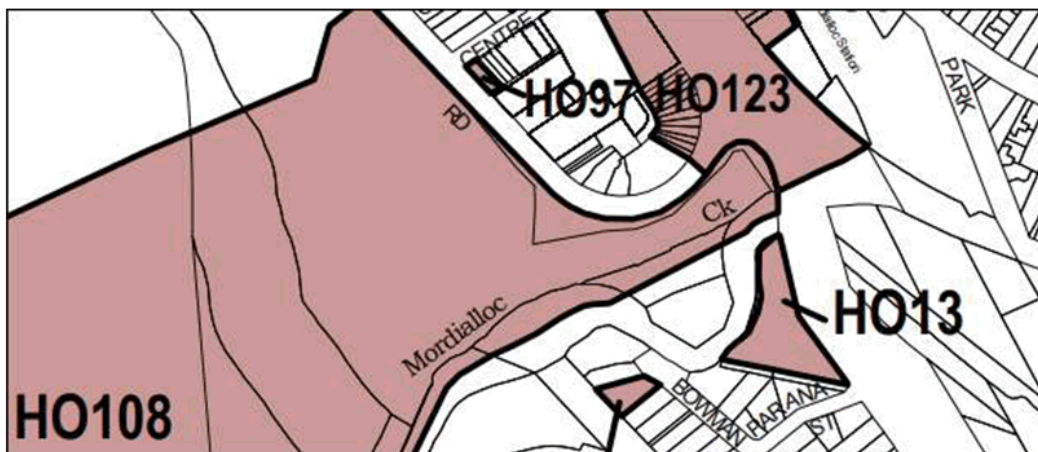
encompass the wider Victorian boating and fishing communities. The association between the community's appreciation and respect for Jack Pompei is also directly connected to the Pompei Boat building works. The special association is reinforced through the special awards (including an OAM in 1987), a sculpture by Julie Squires and naming the adjacent Jack Pompei bridge. Pompei's extensive archival record also documents some of the community recognition. (Criterion H)

The place also embodies the intangible significance related to the preservation of traditional skills that were passed on from father to son, and comprised intangible heritage values in the ideas, designs, methods and concepts involved in boat building. In particular, they preserved the distinctive boat building traditions of southern Italy and Sicily, and with the disappearance of traditional timber boat building from their home town of Riposto, the site provides a link between the two countries.

### Extent of Designation

The Heritage Victoria assessment considered the nominator's extent, comprising two separate areas of the main boat building works and part of the slipway and landings. While these form the main fabric related to the boat building activities they do not encompass the critical third element that reflects the character of boat building places, which is an extent of open ground for manoeuvring, storing and fitting out boats. Pompei's took advantage of redundant crown land which was nominally intended as part of Governor's Road, but which was cut off by the railway. This area became the boat storage yard, and where larger boats could be laid up and fitted out. It was also partly an area originally intended to be landscaped parkland, but having reverted naturally to boating activities, the trees gradually were removed and the present pen character created.

An existing heritage overlay (HO123 Main Street Precinct) is already in place over the area immediately in front of Pompei's boatshed as well as along Main Street up to the Mordialloc Creek Bridge. Other heritage overlays cover the Mordialloc Creek and Foreshore (HO108) and the area around the Bridge Hotel (HO13) south of the creek on the west side of Main Street.



**Figure 19 Existing Planning Scheme Heritage Overlays**

The proposed extent for inclusion in the Heritage Register should be as shown in Figure 20. This encompasses the main boat building sheds, the jetties, slipways, sheds and landings, as well as the formerly landscaped public areas and the apron in front of the sheds historically used for boat building and storage.





**Figure 20 Proposed extent of Heritage Overlay if confined to north side of Mordialloc Creek. Note this might need to be revised to accommodate the existing extent of HO123, or HO123 could be modified to match the new HO boundary.**

The application of a heritage overlay to the area comprising Pompei's boat building sheds, yard and landings is supported. Options for this area are shown below. The first covers the north side of the creek only. The second option, which I would prefer, includes the south side of the creek as well as the adjoining park at Mordialloc Creek Reserve, on the basis that the early 20<sup>th</sup> century plantings were carried out in both areas, and in combination with the other HOs in the area as described above, this takes in the original landscaped creek bank areas which formed the distinguishing character of this part of Mordialloc for most period from the end of the nineteenth century to at least the 1960s. Further assessment may be required to justify the overlay south of the creek.





**Figure 21** Proposed extent of Heritage Overlay if including the south side of Mordialloc Creek and Mordialloc Creek Reserve.

## Conclusion

As one of the only remaining complexes related to historic wooden boat building in Victoria, there is a strong case for its historical significance at the state level. The association between the structures along the creek and the buildings, along with a comprehensive analysis of the buildings' interiors and phases of construction provides a strong case for inclusion on the Heritage Register.

Significance at the state and local level is strongly supported by historical evidence, while social significance is self-evident in the reaction and support of the community. Such significance would be enhanced by designating a landscape inclusive of the buildings and river works, slipways, boat ramp, jetties, riverbank walls, associated sheds, sculpture and remnant planted trees. It has been suggested that one of the buildings may in part include the remnants of an earlier fisherman's cottage. The area is also likely to contain archaeological evidence, and the area along the river bank at least should be included on the Victorian Heritage Inventory as an archaeological site.



### **Statement of Qualifications and Experience**

My full name is Gary Vines, I am employed at Biosis Pty Ltd 38 Bertie St Port Melbourne

I have been a heritage consultant, historical and archaeologist for over 30 years having obtained degrees in history at the University of Melbourne and archaeology (with honours) at LaTrobe University. I have undertaken numerous heritage studies, both as principle consultant (Brimbank, Hume, Southbank and Fishermans Bend) and as a specialist on industrial places (Maribyrnong, Hobsons Bay, Arden McAulay).

I have also undertaken many specialist and thematic studies including comprehensive surveys and assessments of industrial buildings in Melbourne's North and West, the Melbourne tram system, Melbourne sewage system and road and rail bridges.

I am a member of the Australian Association of Consultant Archaeologists, and Australasian Society for Historical Archaeology. A detailed professional resume can be provided on request.

# Ordinary Meeting of Council

24 September 2018

**Agenda Item No: 8.5**

## **KP17/983 - 86 ALBERT STREET, MORDIALLOC**

**Contact Officer:** Girija Shrestha, Senior Statutory Planner

### **Purpose of Report**

This report is for Council to consider Planning Permit Application No. KP-2017/983 - 86 Albert Street, Mordialloc.

### **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.

### **OFFICER RECOMMENDATION**

That Council determine to support the proposal and issue a Notice of Decision to Develop the land for the construction of five (5) dwellings at 86 Albert Street, Mordialloc, subject to the conditions contained within this report.

This application requires a decision by Council the following reasons:

- Applications for five or more dwellings that incorporates one or more double storey dwellings to the rear of the site, with 3 or more objections

**City of Kingston  
Ordinary Meeting of Council**

**Agenda**

**24 September 2018**

<b>PLANNING OFFICER REPORT</b>	
<b>APPLICANT</b>	<b>Mr Valiant Mucaj</b>
<b>ADDRESS OF LAND</b>	<b>No. 86 Albert Street, MORDIALLOC</b>
<b>PLAN OF SUBDIVISION REFERENCE</b>	<b>Lot 1 on Title Plan No. 567896W</b>
<b>PROPOSAL</b>	<b>Develop the land for the construction of five (5) dwellings</b>
<b>PLANNING OFFICER</b>	<b>Girija Shrestha</b>
<b>REFERENCE NO.</b>	<b>KP-983/2017</b>
<b>ZONE</b>	<b>Clause 32.08 - General Residential Zone (Schedule 2)</b>
<b>OVERLAYS</b>	<b>N/A</b>
<b>OBJECTIONS</b>	<b>Eight (8)</b>
<b>CONSIDERED PLAN REFERENCES/DATE RECEIVED</b>	<b>Vistalab, Project date Jan 2017, Sheets TP01 to TP10 inclusive (Revision A) received on 27<sup>th</sup> April, 2018 and overlooking diagram and view from adjoining property received on 2 August 2018</b>
<b>ABORIGINAL CULTURAL HERITAGE SENSITIVITY</b>	<b>Exempt Activity</b>

**1.0 RELEVANT LAND HISTORY**

- 1.1 Council records indicate that there is no relevant planning history relating to this site.

**2.0 SITE PARTICULARS**

- 2.1 The subject site is located on the south side of Albert Street, Mordialloc, approximately 60 metres south-east from its intersection with Park Street. The allotment is regular in shape with a frontage width of 15.24 metres, a maximum site depth of 50.72 metres resulting in an overall area of 833m<sup>2</sup>. The topography of the land features an overall site level difference of approximately 500mm. No significant vegetation exists on the subject land.
- 2.2 At present, the site is occupied by a single-storey brick veneer dwelling with an associated outbuilding (detached galvanized iron car garage). The existing development on the land features a minimum front building setback of 7.8 metres from Albert Street. Vehicle access to the site is currently available via a single-width crossover located at the western-most end of the front property boundary.
- 2.3 A steel wire fence is featured along the site's street frontage. A Callistemon street tree is located within the adjoining road reserve.
- 2.4 No easements are contained within the property. There appear to be no restrictions registered on the Certificate of Title issued for the subject land.
- 2.5 The subject site is located within Area 7B (Local area Mordialloc – central, south, west and east) of the *Kingston Open Space Strategy* approved by Council in June 2012. The Strategy notes that the Epsom Racecourse redevelopment has been completed since the development of the 2005 Open Space Strategy and in total will create an approximate 440 additional dwellings. Other issues in the study area include increased traffic flows along Governor Road, and the residential and industrial interface in the south east corner of the study area. The outcomes of the Mordialloc Structure Plan and the Mordialloc Creek Master Plan 2011 will assist in further guiding land use within the study area.
- 2.6 A site inspection was carried out by the Planning Officer on 17 August 2018.



### 3.0 SURROUNDING ENVIRONS

3.1 The following map illustrates the subject site in its surrounding context.



3.2 The surrounding area typically comprises of a combination of older housing stock comprising single dwellings on single allotments with more recent examples of contemporary medium density housing, including the existing three (3) storey high residential development located on the south-west side of Park Street.

3.3 The subject site is located within close proximity to the Mordialloc Railway Station (approximately 350 metres to the north-west) and the Mordialloc Activity Centre. The surrounding residential area is well serviced by public transport (including bus routes along Nepean Highway/Main Street), primary and secondary schools, community facilities and public reserves.



**City of Kingston  
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**24 September 2018**

3.4 Land directly abutting the subject site and opposite is described as follows:

**North (Front):** Road and No. 123 Albert Street (Opposite) – A single-storey brick veneer dwelling occupies this property and features a minimum front building setback of 9.0m from Albert Street.

**East (Side):** No. 88 Albert Street – This property has recently been developed for four (4) dwellings, comprising of three (3) double-storey dwellings and a single-storey dwelling at the rear (south). The existing development on this site features a minimum front building setback of 5.9m.

**South (Rear):** No. 7 Park Street – A large double-storey dwelling occupies this property and is setback 5.7m from the shared boundary with the subject site.

**West (Side):** No. 84 Albert Street – Three (3) dwellings exist on this property, consisting of two (2) double-storey dwellings and a single-storey dwelling. The existing development on this property is setback a minimum distance of 6.5m from Albert Street.

**4.0 PROPOSAL**

4.1 It is proposed to develop the subject land for five (5), three-storey dwellings with basement car parking and associated works, generally in accordance with the revised plans received by Council on the 27<sup>th</sup> April, 2018. The existing dwelling, front fence and associated outbuilding is to be demolished as a result of the development.

4.2 A summary of the proposed development is, as follows:

<b>Dwelling No.</b>	<b>No. of Bedrooms</b>	<b>Total Floor Area (m<sup>2</sup>)</b>	<b>Total Private Open Space Area (m<sup>2</sup>)</b>	<b>No. of Car Parking Spaces</b>
1	3	175.26	41.63	2
2	3	158.0	48.07	2
3	3	159.0	46.33	2
4	3	161.56	47.24	2
5	3	163.70	91.0	2

4.3 A total of eleven (11) on-site car parking spaces would be provided within a basement car parking area on this site, including the provision of one (1) dedicated visitor car spaces. All vehicle access would be provided via a new 3.5 metre wide crossover at Albert Street with the existing crossover to be removed.

4.4 External building materials for the proposed dwellings would comprise of a combination of face brickwork (grey or charcoal colour), horizontal merbau timber cladding (natural stain), JH Scyon Linea cladding (no colour specified for painted finish), cement sheet cladding (no colour specified), Styrofoam board cladding (no colour specified) with Colorbond metal sheet roof cladding (Colorbond "Monument").

4.5 No front fencing is proposed to be erected along the site's Albert Street frontage.

4.6 The proposal has an overall site coverage of 51.66% and a permeability of 40.75%.

**5.0 PLANNING PERMIT PROVISIONS**

**Zone**

- 5.1 General Residential Zone (Schedule 2): Pursuant to Clause 32.08 of the Kingston Planning Scheme, a planning permit is required to construct two (2) or more dwellings on a lot. A development must meet the requirements of Clause 55 of the Scheme. Schedule 2 to the General Residential Zone includes a variation to one (1) Standard.

**Overlays**

- 5.2 Not applicable.

**Particular Provisions**

- 5.3 **Car parking** - It is noted that recent introduction of Amendment VC148 gazetted on 31 July 2018, has changed the planning permit requirements and number of spaces to be provided in certain circumstances, particularly located within *Principal Public Transport Network Area Maps*, (State Government of Victoria, 2018). Accordingly the visitors' car parking requirement to every 5 dwellings for developments of 5 or more dwellings is 0 in this instance.

Below map shows that the subject land is located within *Principal Public Transport Network Area* (blue hatched area), where no visitors' car parking is required to be provided.



Clause 52.06 – Car Parking contains the following residential car parking rates:

- 1 space to each 1 or 2 bedroom dwelling;
- 2 spaces to each 3 or more bedroom dwelling; and
- 0 visitor space for every 5 dwellings.

This equates to a parking requirement of ten (10) car spaces for the proposed development. A total of eleven (11) on site car parking spaces would be accommodated within the proposed basement car parking area, including provision of a single dedicated visitor car parking space, which is excess than required number.

As the required number of car parking spaces is provided on the site, a planning permit is not required for a reduced car parking rate pursuant to Clause 52.06-3 of the Scheme.



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- 5.4 Clause 55 - Two or More Dwellings on a Lot & Residential Buildings – (Refer to Appendix A for the Planning Officer's full assessment against this report).

**General Provisions**

- 5.5 The Decision Guidelines of Clause 65 of the Kingston Planning Scheme are relevant to this application and require consideration to be given to a variety of matters including planning scheme policies, the purpose of the Zone, orderly planning and the impact on amenity.

**6.0 RELEVANT POLICIES**

6.1 Planning Policy Framework (SPPF)

Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing

6.2 Local Planning Policy Framework (LPPF)

Clause 21.05	Residential Land Use
Clause 22.11	Residential Development Policy

- 6.3 Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF). The land is located within Area No. 27 of the Neighbourhood Character Guidelines.

- 6.4 Design Contextual Housing Guidelines (April 2003 – reference document within Clause 22.11 – Residential Development Policy). The Design Contextual Housing Guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character.

**7.0 ADVERTISING**

- 7.1 The proposal was advertised by sending notices to adjoining and opposite property owners and/or occupiers and by maintaining a public notice on the site for fourteen (14) days. The advertising process was satisfactorily completed and eight (8) objections were received to the proposal.

- 7.2 The main grounds of objection are, as follows:

- Overlooking;
- Overshadowing;
- Visual bulk/neighbourhood character;
- Car parking; and
- Noise impacts.

**8.0 PLANNING CONSULTATION MEETING**

- 8.1 A Planning Consultation Meeting was held on the 21<sup>st</sup> June, 2018, with two (2) Planning Officers, the Owner, two (2) representatives on behalf of the Permit Applicant, three (3) Ward Councillors and eight (8) Objectors in attendance. The above-mentioned issues were discussed at length.

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- 8.2 The above concerns were unable to be resolved at the meeting and all of the original objections still stand.

**9.0 SECTION 50/50A/57A – AMENDMENT TO PLANS**

- 9.1 No formal amendments have been made to the plans. However, revised plans were submitted to Council on the 27<sup>th</sup> April, 2018, in response to Council's request for further information made on the 12<sup>th</sup> January, 2018, pursuant to Section 54 of the *Planning & Environment Act 1987*.
- 9.2 It is noted that the latest set of revised plans (referred to as Revision a) received by Council on the 27<sup>th</sup> April, 2018, were subsequently advertised and now constitute the considered plans.
- 9.3 After consultation meeting held, the applicant submitted the overlooking diagrams (attached as Appendix 3) and views from adjoining properties (attached as Appendix 2) to show that there is no overlooking to occur and the development is not highly visible from the adjoining properties. The submitted diagrams were circulated to the objectors and Council received further two (2) responses.

**10.0 REFERRALS**

- 10.1 The application was referred (and re-referred, where necessary) to the following internal departments:
- Council's Development Engineer – no objection, subject to a number of permit conditions including a requirement for the provision of a Groundwater Assessment Report to be submitted prior to the commencement of any approved basement construction. A flood proof apex is also to be provided along the length of the site's Albert Street frontage.
  - Council's Roads and Drains Department – no objection, subject to a number of standard conditions on any permit issued.
  - Council's Traffic Engineering Department – no objection to the revised plans, given that each of the initial design details requested by the Traffic Engineers have now been satisfied.
  - Council's Vegetation Management Officer / Street Trees – no objection, subject to the inclusion of suitable permit conditions including a landscape plan and associated planting schedule and the replacement of the existing street tree at Albert Street.
  - Council's Urban Designer – who advised that generally ok with the scale and mass of the proposal as it presents to the public realm. This may be excessive compared to four double storey dwelling and a single storey dwelling to the adjoining subject site. Planning Officers acknowledge that the area may not have many triple storey development in the area other than Park Road development (for detail refer to Section 12.2 of this report). However, the area has a strong policy support for the higher density due to proximity to the activity centre and good public transport. The issue with sense of address has been addressed, with an entry feature in the front setback area. The issue with separation between vehicle entrance and pedestrian access could not be resolved at this stage due to provision of each dwelling with a lift, which requires near entry area at the ground level. The lift provision is a good outcome as it will help the people with limited mobility and Planning Officers support this provision.

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- 10.2 The application was not required to be referred to any external authorities, pursuant to Clause 66.02 of the Kingston Planning Scheme.

**11.0 PLANNING CONSIDERATIONS:**

**Planning Policy Framework**

- 11.1 The Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage) and **Clause 16** (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by “Plan Melbourne 2017-2050: Metropolitan Planning Strategy” (Department of Environment, Land Water and Planning, 2017).
- 11.2 **Clause 11** seeks to ensure planning anticipates and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.
- Planning is to prevent environmental and amenity problems created by siting incompatible land uses close together.
- Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.
- 11.3 **Clause 15** (Built Environment and Heritage) aims to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
- 11.4 **Clause 15.01-1S** encourages development to achieve high quality architectural and urban design outcomes that contribute positively to neighbourhood character, minimises detrimental amenity impacts and achieves safety for future residents, and the community, through good design. The provisions of **Clause 15.02-1S** promote energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.
- 11.5 Clause **15.03-2S (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 11.6 The subject land is identified in an area of Aboriginal Cultural Heritage Sensitivity, however, the proposed activity is **exempt** from requiring a Cultural Heritage Management Plan, as the development involves three or more dwellings on a lot where:
- It is less than 0.11 hectares in size; and
  - Is not within 200 metres of the coastal waters of Victoria, any sea within the limits of Victoria or the Murray River.

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- 11.7 Housing objectives are further advanced at Clause 16 which seek to encourage increased diversity in housing.

**Clause 16.01** (Residential Development) seeks to promote a housing market that meets community needs, and is located in areas which offer good access to jobs, services and transport. Clause 16.01-2R specifically requires consideration of population growth in locations that are considered major and neighbourhood activity centres, especially those with good public transport connections.

- 11.11 It is submitted that the proposed development satisfies the afore-mentioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an “as of right” use under the zoning provisions. Subject to appropriate conditions on any permit issued, the development itself achieves an acceptable design outcome for the site and its immediate abutments, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

**Local Planning Policy Framework**

- 11.12 The City of Kingston’s MSS at Clause 21.05 (Residential Land Use) of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.

- 11.13 Relevant objectives and strategies are contained at **Clause 21.05-3: Residential Land Use**. These essentially reinforce Planning Policy Framework relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases.

- 11.14 **Clause 22.11 Residential Development Policy** extends upon the provision contained at Clause 21.05 (Residential Land Use), relating to increased housing diversity areas, incremental housing change areas, minimal housing change areas, residential renewal areas and neighbourhood character. It provides design guidance on how new residential development should achieve architectural and urban design outcomes that positively respond to neighbourhood character.

- 11.15 **Clause 22.11** nominates the surrounding General Residential Zone Schedule 2 area for Increased Housing, and states:

*Encourage increased residential densities and a wider diversity in housing types and sizes in areas which are within convenient walking distance of public transport and activity centres. These areas are identified for ‘increased housing diversity’ on the Residential Framework Plan within the MSS.*

- 11.16 Relevant objectives in Clause 22.11-2 Residential Development Policy include:

- *To promote a managed approach to housing change, taking account of the differential capacity of local areas in Kingston to accommodate increased housing diversity, incremental housing change, residential renewal or minimal housing change, as identified within the MSS.*

- *To encourage new residential development to achieve architectural and urban design outcomes that positively respond to neighbourhood character having particular regard to that identified in the Kingston Neighbourhood Character Guidelines – August 2007.*
- *To promote on-site car parking which is adequate to meet the anticipated needs of future residents.*
- *To ensure that landscaping and trees remain a major element in the appearance and character of the municipality's residential environments.*
- *To limit the amount and impact of increased stormwater runoff on local drainage systems.*
- *To ensure that the siting and design of new residential development takes account of interfaces with sensitive and strategic land uses.*

11.17 It is noted that the site is within convenient walking distance (less than 350m) of public transport including Mordialloc railway station and activity centres. It is considered that the proposed development generally complies and satisfies the State and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations. This is discussed in the Clause 55 assessment, later within this report.

### **Zoning Provisions**

11.19 The mandatory height requirement of 11 metres (and not more than 3 storeys) under Schedule 2 to the General Residential Zone has been satisfied by the proposal, with a maximum overall building height of 10.14 metres proposed. Additionally, the mandatory requirement for the provision of minimum garden area associated with new dwellings under Clause 32.08-4 of the Scheme is applicable to this application as it was lodged after the introduction of Amendment VC110 on the 27<sup>th</sup> March, 2017. The proposal satisfies the minimum requirement of 35% garden area (given that the site area exceeds 650m<sup>2</sup>) with 325m<sup>2</sup> or 39% of the site to be set aside for this purpose.

### **Overlay Provisions**

11.20 Not applicable.

## **12.0 CLAUSE 55 (RESCODE ASSESSMENT)**

- 12.1 The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to *Appendix A*). Clause 55 requires that a development must meet all of the objectives and should meet all of the standards of this clause. Variations to the standards are able to be considered where it is determined that the overall objective is met.
- 12.2 The following assessment gives further discussion to that in the attached appendix. Overall, it is noted that the application achieves a high level of compliance with the ResCode provisions with all thirty-three (33) design objectives and standards satisfied by the proposal.

***Standard B1 – Neighbourhood Character***

One of the key objectives of Clause 55.02-1 is “*to ensure that the design respects the existing neighbourhood character and responds to the features of the site and surrounding area*”. Standard B1 of ResCode suggests that the proposed design should respect the existing or preferred neighbourhood character and respond to the features of the site. The subject site is located within a predominately residential area where medium density housing is already prevalent, due to the area being within close proximity to an established “major activity centre” (i.e. Mordialloc) and an increasing demand for greater housing choice. Of particular note, the adjoining site to the east (side) at No. 88 Albert Street has recently been re-developed for four (4) dwellings with basement car parking. This development comprises of three (3) double-storey dwellings and a single-storey dwelling which are contemporary in nature. Whilst the three-storey height associated with the new dwellings diverges from the more traditional types of housing within Albert Street, it is clear that the established residential areas located on the periphery of the activity centre are being targeted for more intensive forms of housing.

It is acknowledged that the existing residential zone area currently excludes specific examples of three storey development. However, the policy guidance in these types of areas provides strong support for intense housing supply. It is also acknowledged that housing form in this area is changing rapidly. The diagram supplied by the applicant clearly shows that the three storey components visibility would be minimal from the ground level, due to inseting from the first floor level. However, the attached form at the second floor level (third storey) of Dwellings 2 and 3, and Dwelling 4 and 5, may appear as an excessive built form when viewed from surrounding properties. Planning Officers consider that this can be minimized by reducing the balcony size by 1m, and inseting an additional 1m of living area to all four dwellings on the east side of each dwelling. This can be achieved via a conditions, being included on any permit issued.

After inclusion of above conditions, the third floor component would be a very small in size, similar to roof top deck size, which would be minimal visual impact to the area. Further, three storey dwellings exist 50m from the site in Park Street Development. It is also noted that this site is could be developed as an apartment style proposal, which would include continuous built form through the site, which could have greater adverse impact to the neighbouring properties, when compared with this type of development, which provides separation between dwellings.

A number of the objections received to the proposal have expressed concerns regarding the three-storey element associated with the new dwellings, namely in terms of diverging from the typical building height and site coverage associated with existing housing located on the eastern side of Park Street. Council officers consider that the proposed dwellings have been designed and sited in a manner which is reflective of the emerging character of the surrounding area of Mordialloc and would make efficient use of the land, and as referenced above the third storey element is recessed and has a relatively small building foot print to assist with reducing amenity impacts and visual bulk concerns.

Accordingly, the design and siting of the proposed development should not unduly affect the directly adjoining residential properties to the subject land and, as such, offers an appropriate planning outcome for the site.

12.3 The Residential policy objective seeks to ensure that any proposed development accords with the relevant State and Local Planning Policy Framework. An assessment against Kingston's MSS and Residential Development Policy has been provided at Section 11 of this Report, with the proposal found to be generally consistent with the relevant policies.

12.4 It is considered that the proposed development generally complies and satisfies the Planning Policy Framework and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations.

### **13.0 RESPONSE TO GROUNDS OF OBJECTIONS**

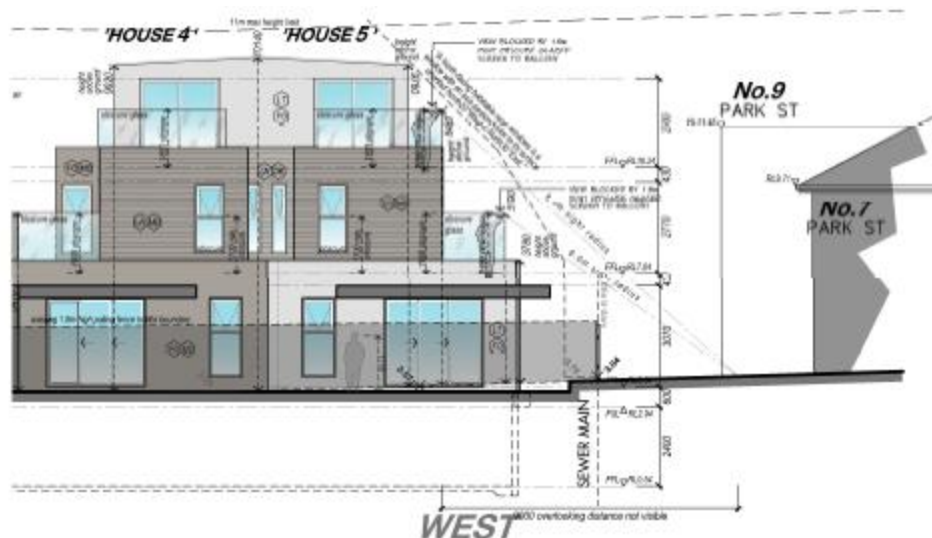
13.1 The Objectors' concerns have largely been addressed in the attached *Appendix A* and, where necessary, further elaborated on in the assessment above.

13.2 A summary of the remaining concerns and response to each valid ground is provided as follows:

- **Overlooking**

Objectors have raised concerns regarding potential overlooking into their respective private open space areas and habitable room windows.

The submitted elevation plans show that all upper floor level habitable room windows (at both the first floor and second floor levels) in addition to each balcony area would feature obscure glazing to a minimum height of 1700mm or the provision of highlight windows with a minimum height of 1700mm. Further, at the ground level, boundary fence height is minimum of 1.8m in height. The applicant has provided overlooking diagrams which clearly show overlooking is minimized. (Refer to details on overlooking diagrams in Appendix 3 including below and Elevations)



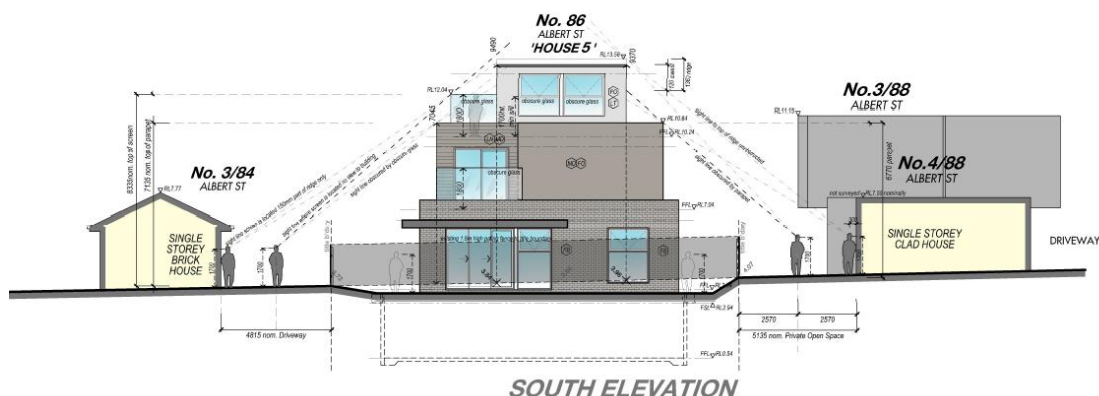
### **Overshadowing**

A number of the objections received to the proposal express concern regarding overshadowing of their properties where located directly adjacent to the subject site.

Shadow diagrams based on the 22<sup>nd</sup> September (equinox) submitted with the revised plans show that the adjoining dwellings to the west at No. 84 Albert Street would not be affected by additional overshadowing from 10:00am onwards. Further to this, the recently completed dwellings at No. 88 Albert Street to the east (side) would only be affected by overshadowing from 3:00pm. The adjoining property to the south (rear) at No. 7 Park Street would also receive a minimum 40m<sup>2</sup> of direct solar access from 10:00am onwards in accordance with the technical requirements of *Standard B21 – Overshadowing* under Clause 55. It is noted the development complies with the Standard (B21) of Clause 55.

- **Visual Bulk/Neighbourhood Character**

One of the main grounds of objection to the proposal relates to the three-storey nature of the new dwellings, which would diverge from the typical height and scale associated with existing dwellings within Albert Street. As discussed under Section 12 of this report, the intensive nature associated with the proposed three-storey high development is considered acceptable within the context of this part of Mordialloc given its proximity to the activity centre (including the Mordialloc train station). Given Mordialloc's role within the hierarchy of activity centres identified within the City of Kingston, Council officers consider that it is reasonable to expect higher densities of housing and more contemporary forms of architectural design in this area.



Further, as submitted above drawing shows that the visibility of the third storey component of the development would be minimal when viewed from the adjoining secluded private open space, due to inseting the second floor component from the first floor footprint. Therefore Planning Officers consider that the visual impact would be minimal in this instance.

- **Car Parking & Traffic**

The issue of increasing car parking demand and additional local traffic has also been raised as an objection to the proposal.

As previously noted, the proposal provides total of eleven (11) car spaces in the basement car parking area, that is more than the statutory requirements for car parking under Clause 52.06 of the Scheme. Council's Traffic Engineers have also offered no objection to the proposal and has indicated that the proposed development should not result in an unreasonable increase in traffic movements within the surrounding street network. Further, it has been stated that no parking permits are likely to be issued to residents of this development. As discussed earlier in this report, Mordialloc Station and many bus lines are within less than 350m of the site.



- **Noise Impacts**

The proposal should not result in an excessive level of noise as a result of the five (5) dwellings on the site and is considered appropriate within the context of an established residential area. It is also noted that a standard condition of any permit issued would require details of the location of any external heating and/or cooling units associated with the proposed development.

13.3 The following objections fall outside of the scope of planning considerations:

- Amenity impacts during construction period.

**14.0 CONCLUSION:**

14.1 On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore, subject to conditions should be supported.

14.2 As outlined above, it has been determined that prior to deciding on this application all factors pursuant to Section 60(1) of The Act have been considered. Further to this, the proposal does not give rise to any significant social and economic effects.

14.3 The proposed development is considered appropriate for the site, subject to conditions, as evidenced by:

- The compatibility of the design and siting with the surrounding area;
- The mitigation of off-site amenity impacts; and
- A suitable level of compliance with all relevant policies, including Clause 22.11 (Council's Residential Development Policy), Clause 52.06 (Car Parking) and Clause 55 (ResCode) of the Kingston Planning Scheme.

**15.0 RECOMMENDATION**

15.1 That Planning Committee determine to support the proposal and issue a Notice of Decision to Grant a Permit to develop the land for the construction of five (5) dwellings with basement car parking and associated works at No. 86 Albert Street, Mordialloc, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on the 27<sup>th</sup> April, 2018, but modified to show:
  - a. the provision of a landscape plan in accordance with the submitted development plan and with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
    - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;

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- ii. A survey, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
  - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
  - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
  - v. A range of plant types from ground covers to large shrubs and trees, species must comprise a minimum 80% indigenous coastal species by total numbers and plant type;
  - vi. The provision of two (2) indigenous canopy trees to be planted within the front setback of the site capable of reaching a mature height of 9 metres in height and a width of at least 3 metres, a further one (1) indigenous canopy tree to be planted within the private open space area of each dwelling capable of reaching a mature height of 6 metres and a width of at least 2 metres;
  - vii. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
  - viii. No trees with a mature height over five (5) metres are to be planted over the proposed or existing easements;
  - ix. The provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
  - x. The location of any tree protection measures including for street trees accurately drawn to scale and labelled and notations referring to any endorsed Tree Management Plan;
- b. the third level balconies of Dwellings 2 and 4 reduced by 1m at the north side and Dwellings 3 and 5 at the south side;
  - c. the third level Living 2 areas of Dwellings 2, 3, 4 and 5 inset an additional 1m at the east side;
  - d. the provision of a longitudinal section of the basement ramp showing gradients, levels, distances, with headroom clearances complying with AS2890.1:2004 and flood apex;
  - e. the provision of the required 150mm high apex above the existing back of footpath level along the entire Albert Street frontage of the subject site;
  - f. the provision of security lighting adjacent to the basement access ramp and the pedestrian pathway on the northern side of the proposed development;
  - g. the street tree to be shown as removed tree on the site/floor plan;
  - h. any changes/notation required under condition 4 of this permit; and
  - i. the surface material of all driveways/accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar.

**Endorsed Plans**

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

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**Street Trees**

3. Prior to the removal of the *Callistemon sp.* (Bottlebrush) street tree located in the Albert Street nature strip, payment must be made to Kingston City Council's customer service in accordance with Council's Street Tree Removal Procedures. This fee includes the removal and replacement of this tree and that must be undertaken by Council at the expense of the Owner/Developer.

**Sustainable Design Assessment**

4. Prior to the endorsement of the Plans required pursuant to Condition 1 of this permit, the provision of a Sustainable Design Assessment (SDA) to be prepared by a suitably qualified professional must be submitted to and approved by the Responsible Authority. The SDA must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, building materials, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.

**Drainage and Water Sensitive Urban Design**

5. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
  - a. Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
  - b. The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
  - c. A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
  - d. The water sensitive urban design treatments as per Conditions 5a), 5b) & 5c), above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
6. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
  - a. All stormwater/drainage works must be provided on the site so as to prevent overflows onto adjacent properties.
  - b. The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 7.4L/s.
  - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

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7. A flood proof apex (ridge level) protecting the property from any overland flows must be provided. This apex is to be a minimum 150mm above the back of footpath level along the entire Albert Street frontage of the site. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a permanent structure (e.g. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.
8. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of Responsible Authority. Should the findings of the submitted GAR demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the Responsible Authority.
9. The basement structure must be designed to respond to the findings of the GAR and GMP required under Condition 8 of this permit and constructed to the satisfaction of the Responsible Authority.

**Parking and Traffic Management**

10. Prior to the occupation of each dwelling hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must, to the satisfaction of the Responsible Authority, be:
  - a. Constructed to the satisfaction of the Responsible Authority.
  - b. Properly formed to such levels that they can be used in accordance with the plans.
  - c. Surfaced in accordance with the endorsed plans under this permit or in an all-weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.

**Infrastructure and Road Works**

11. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
12. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Albert Street and all internal driveways must align with the existing / proposed vehicle crossing.
13. Prior to the commencement of the development hereby approved, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised to the satisfaction of the Responsible Authority.
14. The internal driveway must be at least 500mm from the side boundary at the front boundary.
15. The proposed vehicle crossing must be kept separate from the neighbour's vehicle crossing to create a pedestrian refuge of no less than 1.0 metre wide.
16. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
17. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.

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18. Vehicle crossings and other reinstatements must be constructed to Council's industrial strength specifications.
19. All redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
20. All proposed fencing must be contained wholly within the title property boundaries of the subject land.

General amenity conditions

21. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must be concealed from the street, unless with the further written consent of the Responsible Authority.
22. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
23. Service units, including air conditioning/heating units, where incorporated, must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority and if located on the roof of a building, suitable screening and baffling must be provided to the satisfaction of the Responsible Authority.

Lighting

24. Exterior lighting must be installed in such positions as to effectively illuminate all communal areas to the satisfaction of the Responsible Authority. Such lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land, to the satisfaction of the Responsible Authority.

Completion of Works

25. Prior to the occupation of each dwelling hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
26. Prior to the occupation of each dwelling hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority.
27. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

28. In accordance with Section 68 of the *Planning and Environment Act 1987 (The Act)*, this permit will expire if one of the following circumstances applies:

- The development is not started within two (2) years from the date of permit issue.
- The development is not completed within four (4) years from the date of permit issue.

In accordance with Section 69 of The Act, the responsible authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six (6) months after the permit expiry date, where the development allowed by the permit has not yet started; or
- within twelve (12) months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

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- Note:** The owner(s), occupiers and visitors of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.
- Note:** Prior to the commencement of the development you are required to obtain the necessary Building Permit.
- Note:** The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.
- Note:** Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.
- Note:** The fee for removal of the street tree(s) from the nature strip is **\$1017.42** (including GST), payable to Kingston City Council's Customer Service Department - refer to cashier code "STRE". Customer Service will confirm payment to the Parks Department. The removal of the tree requires a minimum of 2 weeks' notice from the Developer/Owner.
- Note:** Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.
- Note:** Council's Rates Department is responsible for determining and assigning property address details, which include dwelling/unit/apartment and street numbers and/or street names. The onus is on the Permit Applicant/Land Owner to contact Council's Rates Department to determine dwelling/unit/apartment and street numbers, and street name details for the approved development. Any reference to dwelling numbers on endorsed plans is indicative and should not be relied upon for dwelling/unit/apartment and street numbers and/or street name purposes.
- Note:** The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.
- If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (*Australian/New Zealand Standard for Rural & Urban Addressing / AS/NZS 4819:2011*).



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**OR**

In the event Council wishes to oppose the Officer Recommendation to support the application, it can do so on the following grounds:

1. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Residential Land Use contained at Clause 21.05 of the Kingston Planning Scheme.
2. The proposal does not satisfy the requirements of Clause 22.11 – Residential Development Policy, of the Kingston Planning Scheme.
3. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objective and Clause 55.02-2 Residential Policy Objective
4. There are inadequate landscaping opportunities throughout the development which is inconsistent with Clause 22.11 and the objectives of Standard B13 (Landscaping) of Clause 55.03-8
5. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context.

**APPENDIX A – RESCODE ASSESSMENT**

**Standard of the Kingston Planning Scheme**

Two or More Dwellings on a Lot and Residential Buildings (Clause 55 and Schedule 2 to the General Residential Zone).

<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<b>B1 Neighbourhood Character</b> Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.	Yes	Complies. Refer to Section 12 of this report for further discussion.
<b>B2 Residential Policy</b> Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.	Yes	The proposal is considered to be consistent with all relevant sections of the PPF, LPPF (including Council's MSS) and local planning policies, namely Council's Residential Development Policy under Clause 22.11 of the Kingston Planning Scheme. The subject site is located within an area targeted for "increased housing diversity" and is located on the periphery of the Mordialloc Activity Centre.
<b>B3 Dwelling Diversity</b> Encourages a range of dwelling sizes and types in developments of ten or more dwellings.	N/A	Less than ten (10) dwellings proposed.
<b>B4 Infrastructure</b> Provides appropriate utility services and infrastructure without overloading the capacity.	Yes	Complies. It is recommended that suitable condition(s) be included in any permit issued to address infrastructure considerations. No easements are contained within the property.
<b>B5 Integration with the Street</b> Integrate the layout of development with the street	Yes	Complies. The proposed development would be orientated towards Albert Street. No high front fencing is proposed.
<b>B6 Street Setback</b> The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	Yes	Complies. The proposed development would feature a minimum front building setback of 6.52 metres, which exceeds the minimum requirement of 6.20 metres based on the technical requirements of this Standard.

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<b>B7 Building Height</b> Building height should respect the existing or preferred neighbourhood character.	Yes	<b>Standard requirement</b> - The maximum building height must not exceed 11.0 metres (mandatory under the GRZ2). <b>Proposed:</b> 10.14 metres above natural ground level (maximum).  Complies.
<b>B8 Site Coverage</b> Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	Yes	<b>Standard requirement</b> - The site area covered by buildings should not exceed 60% <b>Proposed:</b> 51.66%  Complies.
<b>B9 Permeability</b> Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	<b>Standard requirement</b> - The site area covered by the pervious surfaces should be at least 20% <b>Proposed:</b> 40.75%  Complies.
<b>B10 Energy Efficiency</b> Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.	Yes	Complies. The orientation and layout of the proposed development should make good use of daylight and solar energy.
<b>B11 Open Space</b> Integrate layout of development with any public and communal open space provided in or adjacent to the development.	N/A	No communal open space areas would be created as a part of the proposal.
<b>B12 Safety</b> Layout to provide safety and security for residents and property.	Yes	Complies. The layout and design of the proposed development would promote a sense of safety and security for the likely residents. It is recommended, however, that external security lighting is provided along the basement ramp and shared pedestrian pathway to be constructed adjacent to the site's eastern boundary.
<b>B13 Landscaping</b> To provide appropriate landscaping. To encourage: <ul style="list-style-type: none"> <li>Development that respects the landscape character of the neighbourhood.</li> </ul>	Yes	Complies. No significant vegetation removal is proposed. Conditional consent has been offered to the proposal which includes a requirement for the replacement of

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Title and Objective	Complies with Standard?	Requirement and Proposed
<ul style="list-style-type: none"> <li>Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>The retention of mature vegetation on the site.</li> </ul>		the existing street tree at Albert Street.
<b>B14 Access</b> Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.	Yes	Complies. A new 3.5 metre wide crossover is to be constructed at Albert Street to provide vehicle access to the proposed basement car parking area. The existing crossover is to be removed.
<b>B15 Parking Location</b> Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.	Yes	Complies. Each dwelling would be provided with convenient and accessible car parking within the proposed basement car parking level.
<b>B17 Side and Rear Setbacks</b> Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	Yes	Complies. All side and rear building setbacks would satisfy the minimum requirements under this Standard.
<b>B18 Walls on Boundaries</b> Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	N/A	No walls are to be constructed along any of the site's side or rear property boundaries.
<b>B19 Daylight to Existing Windows</b> Allow adequate daylight into existing habitable room windows.	Yes	Complies. All existing habitable room windows would be located more than 1.0 metre from any wall associated with the proposed development.
<b>B20 North Facing Windows</b> Allow adequate solar access to existing north-facing habitable room windows.	Yes	Complies. The south-facing wall associated with the proposed development would be setback in accordance with the technical requirements of this Standard, which includes a minimum building setback of 1.0 metre from the site's southern boundary. It is also noted that the existing dwelling directly to the rear (south) at No. 7 Park Street is setback at least 6.35m from the shared property boundary with the subject site.

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Title and Objective	Complies with Standard?	Requirement and Proposed
<b>B21 Overshadowing Open Space</b> Ensure buildings do not significantly overshadow existing secluded private open space.	Yes	Complies. Based on the revised plans, the amount of additional shadowing likely to be generated by the proposed dwellings onto the adjoining properties falls within the maximum allowed under this Standard. Given the north/south orientation of the subject site and the nominated building setbacks, the level of overshadowing generated by the proposal should not be excessive. This is further demonstrated through the provision of at least 5 hours of sunlight for a minimum area of 40m <sup>2</sup> between 9am and 3pm for the directly adjoining properties (namely the adjoining dwelling to the south at No. 7 Park Street). This is discussed in further detail under Section 13.2 of this report.
<b>B22 Overlooking</b> Limit views into existing secluded private open space and habitable room windows.	Yes	Complies. The proposed dwellings should not generate any unreasonable overlooking opportunities into any existing habitable room windows or secluded private open spaces areas on the adjoining properties located within a horizontal distance of 9.0 metres. A minimum 1800mm high timber paling fence would also be provided along each of the site's side and rear property boundaries. This is discussed in further detail under Section 13.2 of this report.
<b>B23 Internal Views</b> Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	Yes	Complies. It is unlikely that any internal overlooking would be generated by the proposal.
<b>B24 Noise Impacts</b> Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Yes	Complies. A condition of any permit issued for the proposal should require details of the location of any external heating and/or cooling units associated with the proposed development.

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Title and Objective	Complies with Standard?	Requirement and Proposed
<b>B25 Accessibility</b> Consider people with limited mobility in the design of developments.	Yes	Complies. The design and layout of the proposed development appears to have considered the needs of persons with limited mobility, with the main living area to be provided at the ground floor level of each dwelling.
<b>B26 Dwelling Entry</b> Provide a sense of identity to each dwelling/residential building.	Yes	Complies. The entry area of the new dwellings would be identifiable from Albert Street (Dwelling 1) and via a shared pedestrian pathway (Dwellings 2 to 5).
<b>B27 Daylight to New Windows</b> Allow adequate daylight into new habitable room windows.	Yes	Complies. Each new habitable room window would be provided with a minimum 1.0 metre clearance to the sky.
<b>B28 Private Open Space</b> Provide reasonable recreation and service needs of residents by adequate private open space.	Yes	<b>Standard requirement:</b> <ul style="list-style-type: none"> <li>• 40m<sup>2</sup> for each dwelling with one part a minimum area of 25m<sup>2</sup>, a minimum dimension of 3m</li> </ul> OR <ul style="list-style-type: none"> <li>• A balcony of 8 square metres with a minimum width of 1.6 metres</li> </ul> OR <ul style="list-style-type: none"> <li>• A roof-top area of 10m<sup>2</sup> with a minimum width of 2m</li> </ul> <b>Proposed:</b> 31m <sup>2</sup> (at ground level with min 3.0m width) and total 41.63m <sup>2</sup> for Dwelling 1 (3 bedrooms). 31.94m <sup>2</sup> (at ground level with min 3.63m width) and total 48.07m <sup>2</sup> for Dwelling 2 (3 bedrooms). 30.4m <sup>2</sup> (at ground level with min 3.63m width) and total 46.33m <sup>2</sup> for Dwelling 3 (3 bedrooms). 30.3m <sup>2</sup> (at ground level with min 3.63m width) and total 47.24m <sup>2</sup> for Dwelling 4 (3 bedrooms). 37.2m <sup>2</sup> (with min 3.63m width) 40m <sup>2</sup> with min 2.32m width at ground level) and total 91m <sup>2</sup> for Dwelling 5 (3 bedrooms).

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Title and Objective	Complies with Standard?	Requirement and Proposed
<b>B29 Solar Access to Open Space</b> Allow solar access into the secluded private open space of new dwellings/buildings.	Yes	Complies. Each secluded private open space area would feature direct solar access to the north.
<b>B30 Storage</b> Provide adequate storage facilities for each dwelling.	Yes	Complies. A minimum 6m <sup>3</sup> storage area is nominated for each dwelling within either the courtyard area or within the basement car parking area.
<b>B31 Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.	Yes	Complies. The proposed development is consistent with the evolving residential character associated with existing housing stock located on the periphery of the Mordialloc Activity Centre, including the three-storey high medium density development known as "Casa Del Mar" at No. 76 Albert Street. The design and siting of the proposal ensures that the development should not adversely affect the amenity of the only residential property adjoining the subject site. It is noted that the use of varied external building materials associated with each dwelling would be varied and should minimise any visual bulk generated by the proposed three-storey high development. Furthermore, the location of a full basement car parking area would ensure that the on-site facilities do not dominate the streetscape character of this section of Albert Street.
<b>B32 Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character.  Note: Schedule 2 to the General Residential Zone includes a variation to this Standard.	N/A	Not applicable, as no front fencing is proposed at Albert Street.



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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<b>B33 Common Property</b> Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.	Yes	Complies. No likely future body corporate management difficulties are envisaged with the proposed development. However, it is considered that a condition of any permit issued should require the provision of security lighting along the basement car parking area and adjacent to the proposed pedestrian pathway.
<b>B34 Site Services</b> Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.	Yes	Complies. A mail box, clothes line and bin storage area are nominated for each dwelling.

**Appendices**

Appendix 1 - KP-2017/983 - 86 Albert Street, Mordialloc - Considered Plans (Ref 18/501071)

Appendix 2 - KP-2017/983 - 86 Albert Street, Mordialloc - View from adjoining property (Ref 18/501080)

Appendix 3 - KP-2017/983 - 86 Albert Street, Mordialloc - Overlooking diagram (Ref 18/501069)

Author/s: Girija Shrestha, Senior Statutory Planner  
Reviewed and Approved By: Krystal Blizzard, Team Leader City Development  
Ian Nice, Manager City Development  
Jonathan Guttmann, General Manager Planning and Development









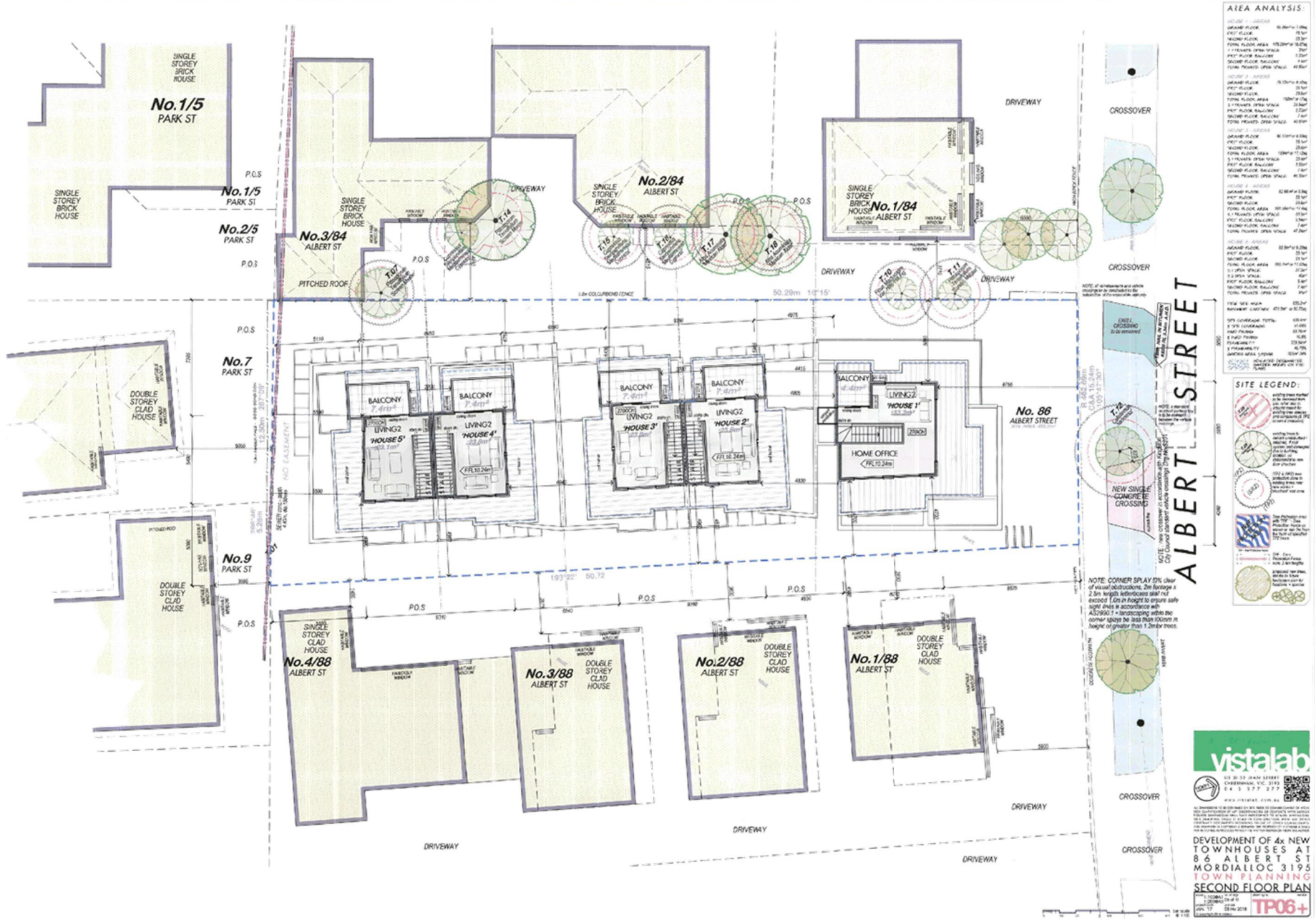












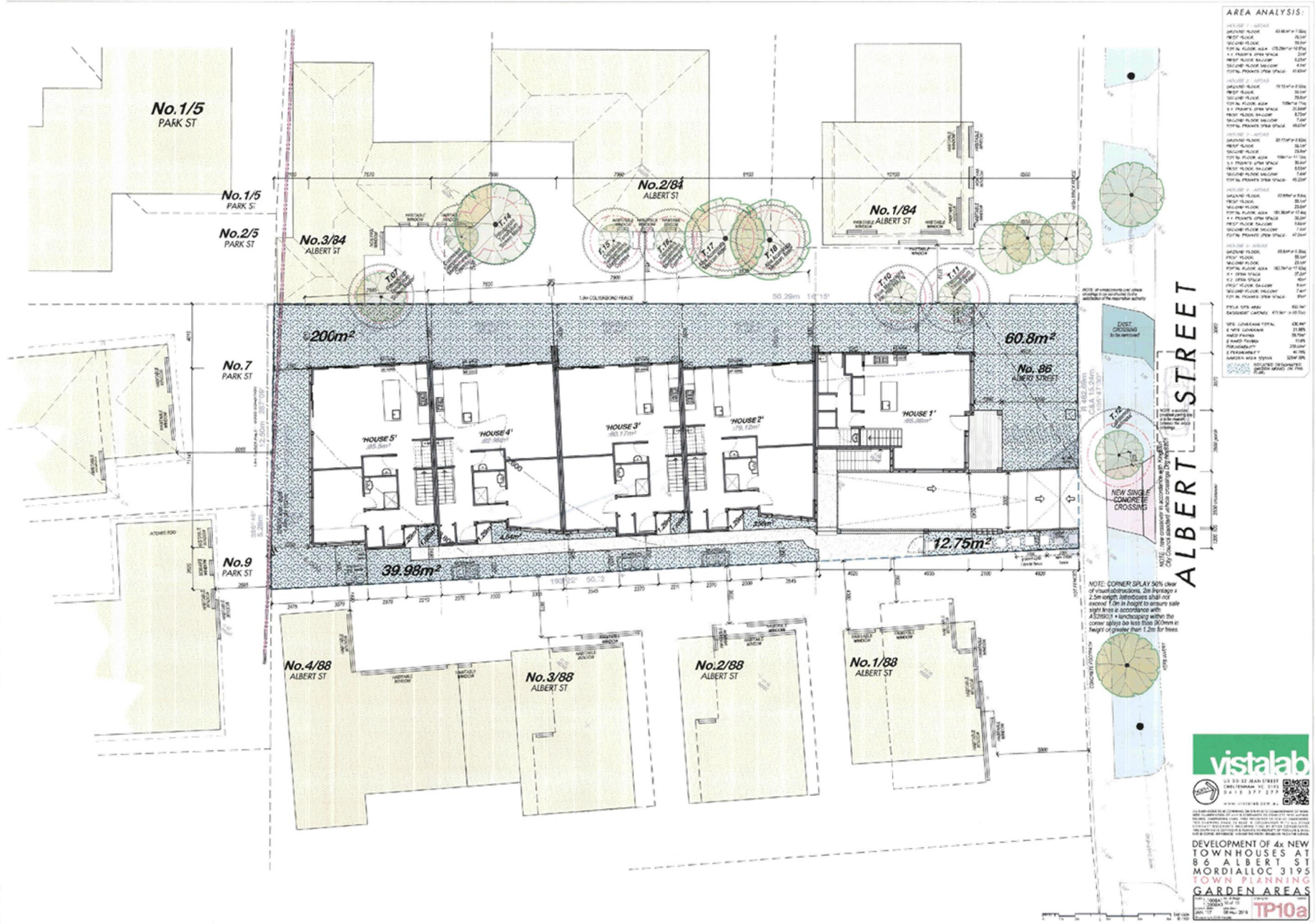




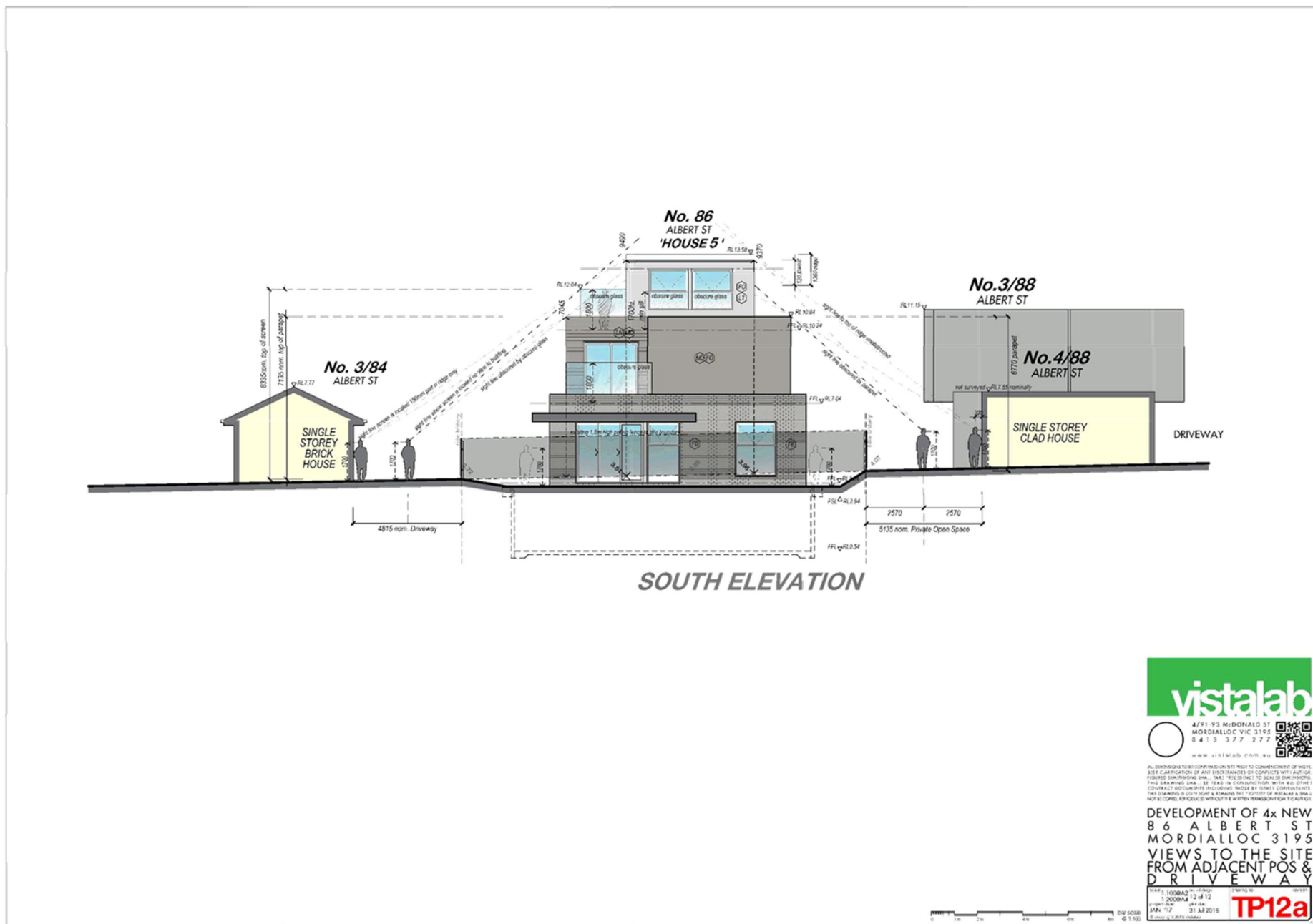


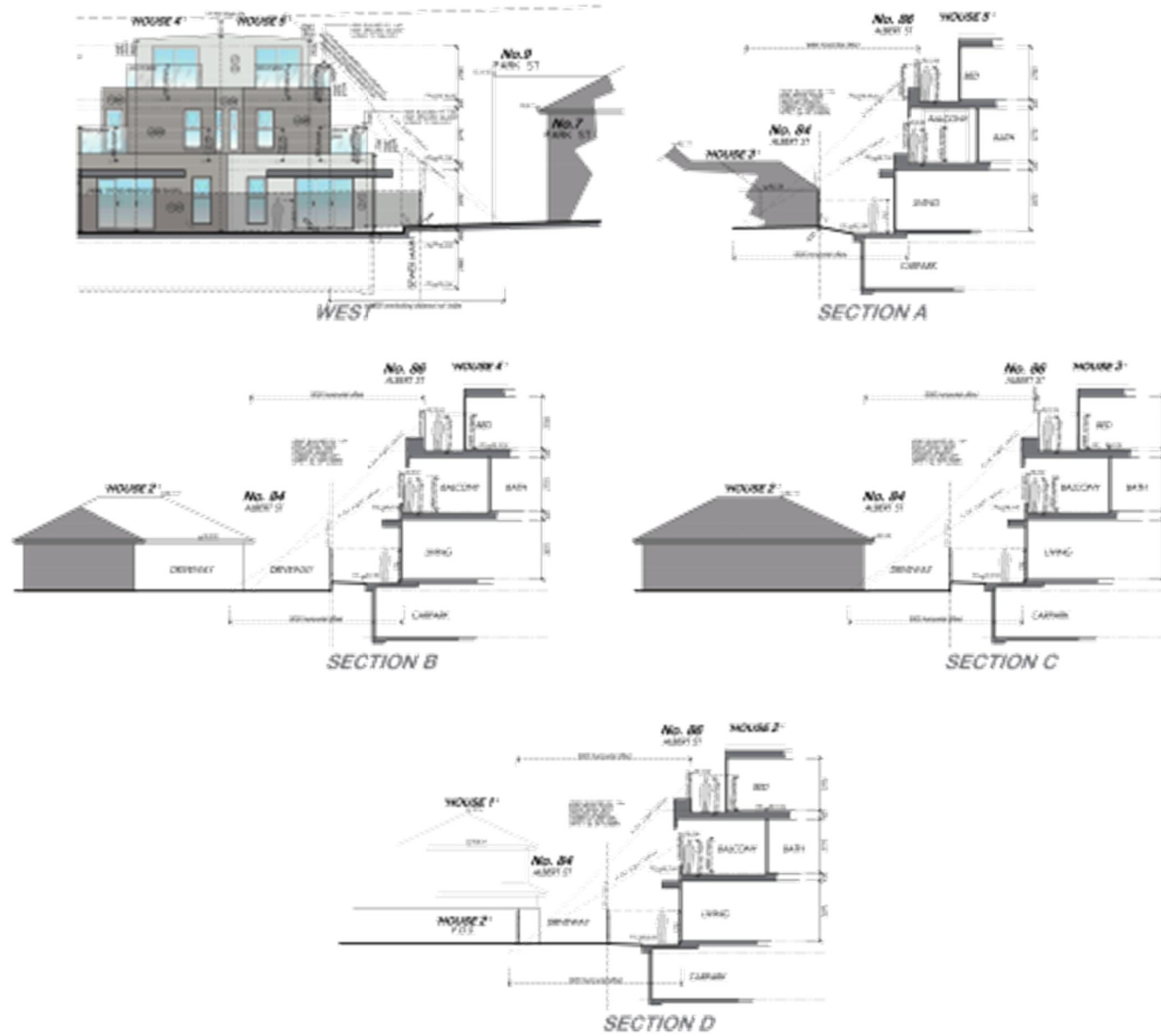














## **9. Community Sustainability Reports**

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Agenda Item No: 9.1

## YOUTH AWARDS MODEL REVIEW

Contact Officer: Zorica Djuric, Team Leader Youth & Family Services

### Purpose of Report

The purpose of this report is to provide Council with details of the review of Kingston's *Young Citizen of the Year* and *Young Community Group of the Year* award categories.

### 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.

### OFFICER RECOMMENDATION

That Council:

1. Continue to seek nominations from young people aged 12 – 25 for the *Young Citizen of the Year* and *Young Community Group of the Year* award categories; and
2. Request the Youth Advisory Committee to develop a new approach to recognising and celebrating the achievements of young people in the City of Kingston.

### 1. Executive Summary

Council staff were requested to review the Kingston youth awards that seek annual nominations for two categories, the *Young Citizen of the Year* and *Young Community Group of the Year*.

Most neighbouring local governments appear to have a similar approach to youth awards as Kingston City Council, and face similar challenges in relation to attracting sufficient nominations and perceptions of relevance.

The current process to renew the membership of Council's Youth Advisory Committee provides an opportunity to review Council's youth awards in partnership with young people.

This report recommends that Council continues to seek nominations for the *Young Citizen of the Year* and *Young Community Group of the Year* award categories, with the winners and finalists for 2019 awarded and recognised in line with *Victorian Youth Week*.

A full review of the intention, eligibility and outcomes of Council's youth awards is proposed to be undertaken by the Youth Advisory Committee. The outcomes of this review will be reported to Council in mid-2019, to inform the approach taken to youth awards in 2020.

## **2. Background**

On 23 April 2018, Council staff were requested to review the Kingston Youth Awards that seek annual nominations for two categories, the *Young Citizen of the Year* and *Young Community Group of the Year*.

Initial research and benchmarking revealed that several neighbouring local governments have a similar approach to that of Kingston City Council. Furthermore, the awards conducted by other local governments appear to suffer from the same challenges, specifically low numbers of nominations, and relevance to young people.

The current process to renew the membership of Council's Youth Advisory Committee provides an opportunity to undertake a full review of the intention, eligibility and outcomes of Council's youth awards, in partnership with young people.

Drawing on the experiences, perspectives, and expertise of young people in this way will provide a much better chance of identifying contemporary approaches to youth recognition and celebration that will attract a greater number of nominations and engage a much broader community audience.

This approach is consistent with Victorian Government policy, which emphasises the importance of "*actively involving young people in the design of youth-focused services, policies and programs*" Source: *Youth Policy. Building Stronger Youth Engagement in Victoria, Department of Health and Human Services*.

## **3. Discussion**

### **3.1 Council Plan Alignment**

Goal 3 - Our connected, inclusive, healthy and learning community

Direction 3.3 – Enhance the wellbeing and participation of families and children

- 3.3.3 Support young people to be resilient, healthy and engaged

Direction 3.4 - Promote an active, healthy and involved community life

The Youth Awards support Council's current agenda of delivering youth activities, events and programs to support the wellbeing, development and recognition of young people in the municipality. The youth awards provides an opportunity to celebrate the outstanding achievements of young people within our community.

### **3.2 Consultation/Internal Review**

As outlined earlier in this report, initial research and benchmarking has revealed awards conducted by other neighbouring local governments offering similar award recognition events for young people.

A review of nominations received over the past six years of the *Young Community Group of the Year* award category (see table below) demonstrates minimal interest from the community, and highlights the need for the future of this award category to be re-considered.

**3.3 Operation and Strategic Issues**

**3.3.1 Review of the Young Citizen and Young Community Group of the Year award categories**

This report recommends that Council continue to seek nominations for this award category, with the *Young Citizen and Young Community Group of the Year* for 2019 awarded and recognised in line with *Victorian Youth Week*.

**3.3.2 Review of the youth award categories and recognition events**

A full review of the intention, eligibility and outcomes of Council's youth awards will then be undertaken by the Youth Advisory Committee. The outcomes of this review will be reported to Council in mid-2019, to inform the approach taken to youth awards in 2020. The review will also take into consideration how to create a more prominent event to recognise the achievements of young people locally.

**3.4 Options**

The option proposed is for Council to seek nominations for the Young Citizen and Young Community Group of the Year 2019. Following this, several options for consideration are likely to arise from the review of Council's youth awards proposed to be undertaken by the Youth Advisory Committee and presented to Council in mid-2019.

**4. Conclusion**

**4.1 Environmental Implications**

There are no known environmental implications arising from the matters considered in this report.

**4.2 Social Implications**

The youth awards recognise valuable contributions made to the Kingston community by young people. In providing opportunities for community participation and engagement, they contribute to broader community and social cohesion.

**4.3 Resource Implications**

The costs associated with administering the youth awards are currently being managed within existing resources.

**4.4 Legal / Risk Implications**

There are no known legal / risk implications arising from the matters considered in this report.

Author/s:	Zorica Djuric, Team Leader Youth & Family Services
Reviewed and Approved By:	Mark Patterson, Manager Family Youth & Children's Services Mauro Bolin, General Manager Community Sustainability

# Ordinary Meeting of Council

24 September 2018

Agenda Item No: 9.2

## CON 18/70 CONSTRUCTION OF EDITHVALE LIFE SAVING CLUB - RESULT OF TENDER PROCESS

Contact Officer: Steve Lewis, Manager Community Buildings

### Purpose of Report

The purpose of this report is to advise Councillors on the outcome of the recent tender process undertaken for the construction of the proposed Edithvale Life Saving Club building and to seek guidance on Councillors' preferred way forward, based on the potential options outlined in this report.

### 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.

### OFFICER RECOMMENDATION

That Council:

1. Proceed with Option 2 and award Contract 18/70 – Construction of Edithvale Life Saving Club project for the adjusted fixed lump sum price of \$4,880,340.00 (exclusive of GST) to 2Construct P/L;
2. Approve the allocation of a separate contingency, as set out in the attached confidential appendix and delegate authority to the CEO to expend this allowance to ensure the successful completion of the project.
3. Note and approve the budget implications arising from this report, as set out in paragraph 4.3.1 of this report.

### 1. Executive Summary

Open tenders have been sought for the construction of the proposed Edithvale Life Saving Club facility. This report is seeking Council approval to award Con 18/70 Construction of Edithvale Life Saving Club project to 2Construct P/L for an adjusted lump sum price of \$4,880,340.00, to fully replace the existing facility and provides an outline of the tender evaluation process followed.

### 2. Background

At its meeting of 23 April 2018, Council resolved to endorse the redevelopment of the Edithvale Life Saving Club facility and directed officers to:-

- Undertake a tender process for construction of the new LSC building; and
- Negotiate a Heads of Agreement with the Club to support a future lease of the new facility

In accordance with the above resolution of Council, officers have sought tenders via an open tender procedure for the construction of the new facility, following a planning permit being issued for construction of the building by Council at its June 2018 meeting.

Tenders have been received and evaluated and are significantly in excess of the available construction budget. In view of this, officers are seeking guidance from Councillors' on their preferred way forward, based on the options outlined in this report.

### **3. Discussion**

#### **3.1 Council Plan Alignment**

Goal 1 - Our well-planned, liveable city supported by infrastructure to meet future needs  
Direction 1.3 - Infrastructure and property investment for a functional city now and into the future

The proposed redevelopment of the Edithvale LSC is in direct response to the age and poor condition of the existing building and the need to support the ongoing provision of emergency service delivery at a public beach which attracts several thousands of visitors throughout the summer.

#### **3.2 Consultation/Internal Review**

Consultation has been undertaken with a wide range of internal and external stakeholders, who have all contributed towards the design of the proposed new facility. In April 2017, a community consultation evening was held on site at the Edithvale LSC building following a mail out to approximately 2500 dwellings in Edithvale. Written comments were provided by approximately 50 residents, the overwhelming majority of which were supportive.

Council also received a petition signed by 54 people in support of the existing café/kiosk at the site and the need for their requirements to be accommodated with any future design.

In addition, further engagement with adjoining residents took place during May 2018 to ensure that they are appropriately updated regarding modifications to the plans. Subject to approval by Council, officers will provide further information to the public on the project and its implementation programme.

#### **3.3 Operation and Strategic Issues**

##### **3.3.1 Tender Evaluation**

Tenders closed at 2.00pm on 2<sup>nd</sup> August 2018, at which point eight (8) tender submissions were received from the following contractors:-



<b><i>Tenders received (in alphabetical order)</i></b>
2Construct P/L
C A Property Group P/L
Connell Design & Construction P/L
DURA Constructions P/L
FIMMA Constructions P/L
Harris Office Environments (VIC) P/L
Insight Construction Group P/L
Mackie P/L

Councillors are asked to note that a further ninth tender was also received after the tender closing time and was immediately disqualified from further assessment.

<b><i>Base Tender Amount submitted at close (excl GST) (in lowest to highest order)</i></b>
\$4,974,093.00
\$5,029,469.00
\$5,147,144.00
\$5,250,000.00
\$5,270,057.00*
\$5,617,970.00
\$5,981,039.25
\$6,253,270.00

*(\*please note that the above marked tender was considered by the TEP to be a non-conforming tender and disqualified from further assessment due to a significant qualification written into the submitted tender document.)*

The Tender Evaluation Panel (TEP) comprised the following Officers:

- Steve Lewis – Manager Community Buildings;
- Fiona Baxter – Acting Capital Projects Team Leader
- Rebecca Graham - Capital Projects Officer;
- Michelle Fahy – Acting Capital Projects Officer
- Michael Cross – Emergency Services Infrastructure Agency (ESIA) (Stakeholder Observer)
- Diane Montalto – Edithvale LSC (Stakeholder Observer).

- Farley Griffin - Edithvale LSC (Stakeholder Observer).
- Danielle Watts – Probity Advisor

The evaluation criteria used to evaluate all tenders under Con 18/70 (listed in order of importance) were as follows:

(i) PASS/FAIL Criteria

- Compliance with OHS, Environmental and Insurance requirements
- Financial Capacity
- Previous Relevant Experience in projects of similar scale and scope

(ii) Weighted Scored Criteria

- Price / Financial Benefit to Council
- Ability to meet set time constraints
- Methodology
- Resources

Unfortunately, all tender submissions received at the close of tender were received significantly in excess of the available budget for the construction of the new facility, which had been established in line with recent prepared cost plans for the project. A significant variance driver of difference between the pre-tender cost plan and all submitted tenders was primarily the cost associated with concrete prices, which were substantially higher than the cost plan estimate.

As a result of the above, under the guidance of the Probity Advisor, the TEP undertook interviews with the four (4) lowest valid tenderers in order to try and negotiate an acceptable revised tender price, based on any potential savings options that can be identified and which do not compromise proposed building functionality.

These proposed saving items are as follows:-

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<i><b>Proposed Saving Item</b></i>	<i><b>Amount Saved Based on Recommended Tenderer's Submission (\$)</b></i>	<i><b>Impact on Facility/Service Utilisation</b></i>
Replacing bluestone finish to first floor deck with alternate ceramic tile	\$ 16,710.00	Minimal impact - aesthetic change only
Deletion of concrete roof garden	\$ 55,712.00	Minimal operational impact as stormwater will still be collected for re-use on site in proposed water tank.
Deletion of vertical balustrades below 800mm above ground level	\$ 1,260.00	Minimal impact - aesthetic change only. Would comply with DDA requirements.
Deletion of vertical balustrades to rain garden area	\$ 1,056.00	Minimal impact - aesthetic change only. Would comply with DDA requirements.
Deletion of timber screens to first floor balcony	\$ 15,270.00	Minimal operational impact and impact on adjoining properties - aesthetic change only.
Acceptance of an alternate timber cladding to that specified	\$ 3,121.00	Minimal impact. Alternative product will need to meet performance requirements of specified product.
Acceptance of an alternate water tank specification	\$ -	Minimal impact. Alternative product will need to meet performance requirements of specified product.
Acceptance of an alternate NATA accredited light fittings	\$ 37,000.00	Minimal impact. Alternative product will meet performance requirements of original specified product.
Deletion of roller blinds to the social room	\$ 19,000.00	Moderate impact on utilisation during summer months due to heat loading and sun glare issues. Potential for items to be retro-fitted if alternative funding were identified at a later date.

As a result of the above process, the following final adjusted base scope lump sum prices for the four (4) short listed contractors are as follows:

<b><i>Adjusted Base Scope Tender Amount – inclusive of all nominated savings and tender options to be accepted (excl GST)  (in lowest to highest order)</i></b>
\$4,779,942.00
\$4,880,340.00
\$4,953,693.00
\$5,025,300.00

### **3.4 Options**

Based on the above position and its significant financial implications for continuing with the project, Councillors are asked to provide direction on their preferred way forward, based on the following options:-

#### **3.4.1 Option 1 – award tender without any proposed scope reductions**

Whilst this option would fully deliver the original project scope, as agreed previously by Council, DELWP and all project stakeholders, it would require Council to allocate an additional \$1,449,772 from within its finite capital works programme during 2019/20 to enable this to proceed in this form. This option is not recommended.

#### **3.4.2 Option 2 – award tender based on potential scope reductions outlined above (officer recommended option)**

This option, which is recommended by officers, would seek to accept the revised fixed lump sum offers, as outlined above and within the attached confidential evaluation matrix (Appendix 1). On this basis it is recommended that Council agree to award Contract 18/70– Construction of Edithvale Life Saving Club project for the revised fixed lump sum price of \$4,880,340.00 (exclusive of GST) to 2Construct P/L on the basis that they provide Council with the best available value.

This option would require the allocation of an additional \$1,300,643 from within its finite capital works programme during 2019/20 to enable this to proceed in this reduced form. In doing so, this would enable a building to be built that retains a high degree of functionality for stakeholders and which can proceed under existing statutory approvals.

Should Council wish to only accept some of the recommended saving options outlined above, then this would be possible on the basis that Council agree to allocate a corresponding amount equivalent to the item to be funded from within the 2019/20 Capital Programme to meet the cost of the item to be included in an amended contract sum.

3.4.3 Option 3 – award revised scope tender to the lowest priced tenderer, rather than the tenderer considered to offer Council best value, based on assessment in accordance with the agreed Tender Evaluation Plan

This option would require the allocation of an additional \$1,200,643 from within its finite capital works programme to enable this to proceed in this form. In doing so, this would enable a building to be built that retains a high degree of functionality for stakeholders and which can proceed under existing statutory approvals.

This option would not be recommended as this course of action would not be in accordance with the evaluation criteria set out within the tender documentation and the Tender Evaluation Plan. This could result in a legal challenge from the unsuccessful contractor as a potential breach of the “process contract” and could present significant financial/compensation implications for Council.

In addition, should this option be accepted, the timeframe for construction is significantly longer than that proposed by the recommended tenderer and, as a result, will place significant operational and financial pressures on the Edithvale Life Saving Club if required to be in temporary accommodation for two full patrol seasons. A letter from the Club President is attached to this report on this matter.

Should Council wish to proceed with this option, consideration would need to be given in regards to potential financial and operational assistance during any extended period of construction.

3.4.4 Option 4 – do not award current tender and retender based on a revised scope that reduces/removes further elements of the current design

This option is not recommended due to:-

- (i) The project is already significantly delayed,
- (ii) All statutory approvals from DELWP and Town Planning would need to be re-obtained, leading to significant further delays,
- (iii) The condition of the existing building is a concern and is subject to ongoing “make safe” works,
- (iv) The functionality of the building may be overly compromised if significant reductions are made to proposed facilities, e.g. storage, etc.
- (v) the new kiosk, which has been designed on a “like for like” size basis at 34m<sup>2</sup>, could potentially be deleted from the final scope. To meet DELWP requirements, this space has had to be designed as a small standalone extension to the main building and, as such could be removed from an amended design. Councillors are asked to note, however, that this existing element of the building has received strong support through the community consultation processes used to develop the current designs and has been subject to a sizeable petition being presented to Council in support of the kiosk’s retention and, ideally, expansion. As such, removal of this item from the proposed scope may lead to community concerns being raised.

**3.4.5     Option 5 – seek additional funding from State Government/LSV**

Officers have written to Life Saving Victoria to seek clarification if additional funding can be provided. Unfortunately, the response has indicated that there is limited capacity within their programme to accommodate an increase in funding. (see attached correspondence – Appendix 2).

Notwithstanding this response from LSV, however, Council could still decide to write to the relevant State minister and make a formal approach for additional funding. Councillors are advised that this option could also be pursued in tandem with Council proceeding with any of the above options, should it wish to keep the project progressing.

It should also be noted that further delays to the award of contract could see costs increase further and the need for new tenders to be sought if this were to extend beyond the current tender validity period of 90 days.

**3.4.6     Option 6 – do not proceed with the project**

This option is not recommended, given that the existing facility is in extremely poor condition and near the end of its operational life. The building houses services that provide safety and emergency services to one of Kingston's busiest beaches, which attracts visitors from across the South East region.

Should Councillors choose not to progress the redevelopment of the LSC, Council would still be required to fund significant asset renewal and compliance works to the existing facility, in order to address significant structural and asset condition issues related to the existing building which is located within a prominent and exposed position on Kingston's foreshore.

As stated above, officer's recommendation is to accept the revised fixed lump sum offers as per Option 2 above and as detailed in this report and the attached confidential evaluation matrix (Appendix 1).

On this basis, it is recommended that Council agree to award Contract 18/70– Construction of Edithvale Life Saving Club project for the revised fixed lump sum price of \$4,880,340.00 (exclusive of GST) to 2Construct P/L on the basis that they provide Council with the best available value. Please note, that should Councillors wish to include any of the potential savings items listed in section 3.3.1 of this report that the fixed lump sum price would need to be adjusted to reflect this amendment and that a corresponding additional budget allocation would need to be made in 2019/20 to fund these works.

A confidential tender evaluation matrix is attached to this report for Councillor information (please see appendix 1).

In addition, Council is also asked to approve the allocation of a separate project contingency allowance, as identified in the attached confidential appendix, and to delegate authority to the CEO (or his nominee) to expend this allowance to expedite the successful implementation of the project.



Council is also recommended to note and approve the budget implications arising from this report, as set out within paragraph 4.3.1.

#### **3.5.1 Programme of Works**

Subject to Council approval of Option 2, the construction of Edithvale Life Saving Club will commence on site during October 2018 and is anticipated to be completed by September 2019.

The Club will operate from temporary facilities during 2018/19 season whilst construction work takes place.

Councillors are asked to note that a lower priced tender was received than the tender recommended for acceptance. The implementation programme associated with this tender was significantly longer than that of the recommended tender. The tender proposed a completion date during mid-December 2019 and made no allowance within their programme for poor weather delays, which would be experienced on all projects to an extent. The TEP were concerned that this tender presented significant operational and financial risks for the Life Saving Club should there be any significant delay, resulting in the club potentially having to operate from temporary facilities for a second patrol season. A letter from the President of the Edithvale Life Saving Club outlining their concerns in this regard is attached for Councilors' information (please see Appendix 3).

### **4. Conclusion**

#### **4.1 Environmental Implications**

Appropriate environmental due diligence has been observed throughout the design process. This includes a Vegetation Assessment, Cultural Heritage Management Plan (CHMP) and Coastal Hazard Vulnerability Assessment (CHVA).

In addition, the design of the new facility will include ESD features in line with Council's Environmental Sustainable Design Strategy.

#### **4.2 Social Implications**

Life Saving Clubs perform a highly valuable community service, helping to keep thousands of beach visitors safe. These clubs also support the health and wellbeing of members of all ages through training, skill development and social interaction.

#### **4.3 Resource Implications**

##### **4.3.1 Current Budget Allocation**

The current approved budget for the Edithvale Lifesaving Club redevelopment project is as follows:-

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<b>Table 1 : Edithvale Life Saving Club Redevelopment Project – Approved Budget Allocation</b>					
	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>Total</b>
KCC – Capital Programme (Rates Funded)	\$60,000.00	\$ 270,000.00	\$ 920,000.00	\$ 770,000.00	\$2,020,000.00
KCC – Capital Programme (Foreshore Reserve Fund)			\$ 350,000.00	\$ 350,000.00	\$ 700,000.00
LSV – Grant (secured)			\$ 750,000.00	\$ 750,000.00	\$1,500,000.00
<b>Total</b>	<b>\$60,000.00</b>	<b>\$ 270,000.00</b>	<b>\$2,020,000.00</b>	<b>\$1,870,000.00</b>	<b>\$4,220,000.00</b>

At the close of the tender process, the actual tender prices received were significantly in excess of the available building construction budget. During negotiations with four short listed tenderers, officers have been able to identify a series of saving options that are considered acceptable and which do not compromise building functionality.

A breakdown of project costs and proposed saving items is attached as a confidential attachment to this report for Councillor information (see Appendix 4). Unfortunately, despite the application of the agreed scope reduction process, a budget deficit of \$1,300,643.00 (exc. gst) still remains.

In order to address the above current budget shortfall, Council is asked to note and approve the allocation and pre-commitment of additional capital funds for the Edithvale Life Saving Club project equivalent to the above deficit amount and refer this to the 2019/20 budget setting process, in order to enable Con 18/70 to be awarded as proposed and for the project to proceed to construction, as per Option 2 of this report.

To enable capacity in the forward capital programme to be created to fund the above shortfall, a number of proposed projects identified for implementation during the 2019/20 financial year will need to be re-profiled as follows:-

<b>Project Code</b>	<b>Edithvale Life Saving Club Redevelopment - Current Budget Allocation</b>						
		<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>Total</b>
C0421	Edithvale Life Saving Club	\$ 60,000.00	\$ 270,000.00	\$2,020,000.00	\$1,870,000.00	\$ -	\$ 4,220,000.00
N0774	Bricker Reserve Delivered Meals Kitchen	\$ -	\$ -	\$ -	\$ 840,000.00	\$ 160,000.00	\$ 1,000,000.00
N0399	L F Payne Hall Refurbishment	\$ -	\$ -	\$ -	\$ 800,000.00	\$ -	\$ 800,000.00
C0303	Building Facilities Renewal - Notional Allocation	\$ -	\$ -	\$ -	\$ 332,862.00	\$5,173,462.00	\$ 5,506,324.00
	<b>Total</b>	<b>\$ 60,000.00</b>	<b>\$ 270,000.00</b>	<b>\$2,020,000.00</b>	<b>\$3,842,862.00</b>	<b>\$5,333,462.00</b>	<b>\$ 11,526,324.00</b>

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Project Code	Edithvale Life Saving Club Redevelopment - Proposed Budget Adjustments to enable contract Con 18/70 to be awarded	2016/17	2017/18	2018/19	2019/20	2020/21	Total
C0421	Edithvale Life Saving Club Budget	\$ 60,000.00	\$ 270,000.00	\$2,020,000.00	\$3,170,643.00	\$ -	\$ 5,520,643.00
N0774	Bricker Reserve Delivered Meals Kitchen	\$ -	\$ -	\$ -	\$ 597,219.00	\$ 402,781.00	\$ 1,000,000.00
N0399	L F Payne Hall Refurbishment	\$ -	\$ -	\$ -	\$ 75,000.00	\$ 725,000.00	\$ 800,000.00
C0303	Building Facilities Renewal - Notional Allocation	\$ -	\$ -	\$ -	\$ -	\$4,205,681.00	\$ 4,205,681.00
	<b>Total</b>	<b>\$ 60,000.00</b>	<b>\$ 270,000.00</b>	<b>\$2,020,000.00</b>	<b>\$3,842,862.00</b>	<b>\$5,333,462.00</b>	<b>\$ 11,526,324.00</b>

#### 4.4 Legal / Risk Implications

Failure to provide appropriate community infrastructure is likely to have reputational risks for Council and will impact on future residents needs in this part of the municipality.

#### Appendices

- Appendix 1 - Edithvale LSC - Tender Evaluation Matrix (Ref 18/515361) - Confidential
- Appendix 2 - Response from LSV regarding request for additional funding - September 2018 (Ref 18/540963) [↓](#)
- Appendix 3 - Letter from Edithvale Life Saving Club regarding concerns on impacts of work programme - August 2018 (Ref 18/515362) - Confidential
- Appendix 4 - Con 18/70 - comparison of all tender breakdowns against budget allocation - september 2018 (Ref 18/541901) - Confidential
- Appendix 5 - Certificate of OHS Compliance - 2Construct Pty Ltd - September 2018 (Ref 18/548639) - Confidential

Author/s: Steve Lewis, Manager Community Buildings  
Reviewed and Approved By: Mauro Bolin, General Manager Community Sustainability

## **9.2**

### **CON 18/70 CONSTRUCTION OF EDITHVALE LIFE SAVING CLUB - RESULT OF TENDER PROCESS**

- 1     Response from LSV regarding request for additional funding  
       - September 2018..... 125**

**Steve Lewis**

---

**From:** Andrew Foran <Andrew.Foran@lsv.com.au>  
**Sent:** Tuesday, 4 September 2018 4:19 PM  
**To:** Steve Lewis  
**Cc:** Fiona Baxter; Rebecca Graham  
**Subject:** Re: Edithvale LSC

Hi Steve,

Thanks for the email.

The options provided are reasonable under the circumstances, and we appreciate your endeavours to find a solution that will enable the delivery of the project brief.

LSV is not able to increase the funds toward this project beyond \$1.5M, primarily due to the significant number of other financial commitments, including Mentone, Edithvale and Aspendale LSC redevelopments.

We would be pleased to work with the City of Kingston on alternatives, including advocacy for further funding.

Regards,

Andrew.

**Andrew Foran**  
**General Manager - Lifesaving Development**  
Lifesaving Development

03 9676 6910 | 0401 712 097



[www.lsv.com.au](http://www.lsv.com.au)  
Life Saving Victoria  
200 The Boulevard,  
Port Melbourne, 3207  
Tel: 03 9676 6900 Fax: 03 9681 8211



## 2018 PRE-SEASON PROGRAM

**18 AUGUST - 2018 LIFESAVING CONFERENCE**

**PRE-SEASON FORUMS**

**8 SEPTEMBER - TRAINING AND ASSESSMENT**

**9 SEPTEMBER - LIFESAVING OPERATIONS**

**13 OCTOBER - MEMBERSHIP AND LEADERSHIP DEVELOPMENT**

**14 OCTOBER - AQUATIC SPORTS**

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**From:** Steve Lewis <Steve.Lewis@kingston.vic.gov.au>  
**Sent:** Tuesday, 7 August 2018 4:47:15 PM  
**To:** Andrew Foran  
**Cc:** Fiona Baxter; Rebecca Graham  
**Subject:** Edithvale LSC



<b>Tender Prices</b>	<b>\$ 4,974,093.00</b>	<b>\$ 5,029,470.00</b>	<b>\$ 5,154,444.00</b>	<b>\$ 5,257,300.00</b>
<b>plus contract contingency (5%)</b>	<b>\$ 248,704.65</b>	<b>\$ 251,473.50</b>	<b>\$ 257,722.20</b>	<b>\$ 262,865.00</b>
<b>plus post contract professional fees</b>	<b>\$ 65,000.00</b>	<b>\$ 65,000.00</b>	<b>\$ 65,000.00</b>	<b>\$ 65,000.00</b>
<b>Total Project Cost</b>	<b>\$ 5,287,797.65</b>	<b>\$ 5,345,943.50</b>	<b>\$ 5,477,166.20</b>	<b>\$ 5,585,165.00</b>
<b>Uncommitted Resources</b>	<b>\$ 3,878,197.00</b>	<b>\$ 3,878,197.00</b>	<b>\$ 3,878,197.00</b>	<b>\$ 3,878,197.00</b>
<b>Difference</b>	<b>-\$ 1,409,600.65</b>	<b>-\$ 1,467,746.50</b>	<b>-\$ 1,598,969.20</b>	<b>-\$ 1,706,968.00</b>
<b>Percentage over budget</b>	<b>36.36</b>	<b>37.85</b>	<b>41.23</b>	<b>44.01</b>

Andrew

Further to our conversation earlier today, I have attached the above summary of the 4 lowest tenders received for construction of the new facility.

The current cost plan, which was prepared in April 2018, assumed a construction budget of \$3.7m, with approximately \$180K for construction contingency and post tender award consultant fees, which is as per the above “uncommitted resources” line. Within this estimate, \$655K was nominated for concrete related works based on the design and tenders being sought in July 2018, as was the case.

The actual concrete prices received from the 4 lowest tenders are as follows:-

<b>\$1,136,645.00</b>	<b>\$1,094,063.00</b>	<b>\$1,235,325.00</b>	<b>\$1,393,689.00</b>
-----------------------	-----------------------	-----------------------	-----------------------

Unfortunately, this is reflective of the current adverse market conditions and has now helped to create a significant budget gap in the project’s finances.

We are currently issuing a schedule of reductions to the lowest 4 tenderers and seeking areas where we can reduce scope. Given the gap, this will still leave the project with a significant variance to resolve.

Options are:-

Option 1 – do not build

Option 2 – reduce scope and seek additional funding from Council and/or LSV

Option 3 – do not reduce scope and seek additional funding from Council and/or LSV

I think we can all assume that Option 1 will not be supported and Option 3 is unlikely given the size of the deficit, which leaves us only with Option 2 to consider once the schedule of potential reductions is received back from the short listed tenderers. Can I request that consideration be given to the allocation of additional funding from LSV/State Government from your side? Confirmation of this would assist in helping to seek a similar matching contribution from Council, who are committed to the project.

Happy to discuss further as required. Can you please ensure that this information has limited circulation given the commercial in confidence obligations on Council via the tender process?

Regards

Steve Lewis  
Community Buildings Manager  
Kingston City Council  
0419581470

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# Ordinary Meeting of Council

24 September 2018

**Agenda Item No: 9.3**

## **APPOINTMENT OF MEMBERS TO THE YOUTH ADVISORY COMMITTEE**

**Contact Officer: Zorica Djuric, Team Leader Youth & Family Services**

### **Purpose of Report**

This report considers membership and proposed recommendations relating to the Youth Advisory Committee.

### **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.

### **OFFICER RECOMMENDATION**

That notwithstanding its Resolution concerning composition of Advisory Committees made on 26 March 2018 and noting that Todd Cracknell (named below) is a member of Council staff, Council resolves that the following be the members of the Youth Advisory Committee until Council resolves otherwise:

- Aditri Vemula
- Zachary Heal
- Galen Sullivan
- Aaryan Kulkarni
- Hana Northey
- Molly McLeod
- Ayda Guclu
- Max Timuska-Carr
- Charan Naidoo
- Gowri Rajaram
- Todd Cracknell
- Rachel Costello

### **1. Executive Summary**

Multiple applications have been received for membership on the Youth Advisory Committee. Current membership levels for the Youth Advisory Committee are quite low so the appointment of new members will enhance the output of the Committee and enable more young voices to be heard in the community.

Officers consider that all applicants meet the membership criteria and should be recommended to Council for appointment to the Committee. However, guidance is required on whether a staff member applicant should be appointed to the Youth Advisory Committee. The Youth Advisory Committee Terms of Reference are contained in Appendix 1 and is silent on the topic of staff member appointments, as are the Terms of Reference for all Advisory Committees.

## **2. Background**

Council resolved at the 26 March 2018 Ordinary Meeting of Council that the current membership of the Advisory Committees be extended until 30 June 2019 and a recruitment process be undertaken to fill current vacancies that exist on committees (with an appointment until 30 June 2020).

At the Ordinary Meeting of Council on 28 May 2018, Council adopted a revised Terms of Reference for the Youth Advisory Committee. The revised Terms of Reference simplified both the membership criteria and the membership appointment process for the committee in recognition of the age group of members. Further, the Terms of Reference ensures all members are fully able to comprehend their role as a member of the Youth Advisory Committee.

## **3. Discussion**

### **3.1 Council Plan Alignment**

Goal 6 - A Well Managed and Effective Organisation

Outcome 6.3 - An organisation that demonstrates community inspired leadership

The Youth Advisory Committee enables young people in the community to participate in Council affairs and to provide a youth perspective in Council's decision making.

### **3.2 Consultation/Internal Review**

Youth Services officers advertised for vacancies on the Youth Advisory Committee via the following methods:

- Advertisements on Council's website, Kingston's Youth Services website and social media platforms; and
- Advertising with local youth service providers and local schools.

### **3.3 Operation and Strategic Issues**

#### **3.3.1 Appointment Process**

A total of twelve (12) applications have been received for the Youth Advisory Committee (Appendix 3).

In accordance with the Terms of Reference, all applicants have submitted application forms and completed an interview with the Team Leader, Youth and Family Services.

Following this application process, officers consider that all applicants should be recommended for appointment to the Youth Advisory Committee for a membership term expiring 30 June 2020.

#### **3.3.2 Staff Member Application**

An application has been received from a staff member named Todd Cracknell for membership on the Youth Advisory Committee. This applicant is from the Statutory Planning Department and is a member of the community who meets the membership criteria. Todd has provided an impressive and thorough application outlining his suitability for the Youth Advisory Committee. He also had a very successful interview regarding his application.

Given the calibre of Todd's application and his genuine interest in engaging as a community member, it is considered by officers that he should be appointed to the Youth Advisory Committee. His expertise would also contribute to elevating committee discussions to a strategic level. Officers would ensure Todd was aware of the potential for conflicts of interest to arise and the management of such conflicts.

**3.3.3 Assessment of Applicants**

Officers have provided a summary of all applicants and a corresponding recommendation for each applicant. This summary is contained in Appendix 3. In assessing the applicants, officers have had regard to the Child Safety Provisions.

**4. Conclusion**

The appointment of new members to the Youth Advisory Committee will enhance the Committee's advice to Council on matters concerning youth within the municipality.

**4.1 Environmental Implications**

Not applicable

**4.2 Social Implications**

Appointments to the Youth Advisory Committee enables young people in the community to play an advisory role in the decision making process of Council.

**4.3 Resource Implications**

Not applicable

**4.4 Legal / Risk Implications**

**Child Safe Standards**

The Youth Advisory Committee has a membership of young people ranging in age from 12–25.

Council has a legal obligation under the *Victorian Child Wellbeing and Safety Act 2005* to comply with a set of *Child Safe Standards* provided for by the Act. The Standards impose an obligation on Council to identify any potential risks to children, and then to reduce or remove these risks Appendix 4.

One of the guiding principles under Section 5, subsection (c) of the *Child Wellbeing and Safety Act 2005* states "*those who develop and provide services, as well as parents, should give the highest priority to the promotion and protection of a child's safety, health, development, education and wellbeing*".

*Child Safe Standard 6: Risk Management and Mitigation*, presented in Appendix 4, requires that Council "*must do what is in our power to reduce the risk of children being harmed*". Council must assess the potential risks in its organisational setting about what could go wrong and what can be done to reduce or remove these risks.

The Child Safe Standards provide an overarching framework with which organisations must comply, to ensure they do not cause harm towards children.

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The Child Safety Commissioner “*may give Council a notice to comply if there is belief on reasonable grounds that the relevant entity is not complying with the Child Safe Standards*”. Source: Section 30 subsection (2) Child Wellbeing and Safety Act 2005.

**Appendices**

Appendix 1 - Terms of Reference - Youth Advisory Committee - Adopted May 2018 (Ref 18/66556) [↓](#)

Appendix 2 - Youth Advisory Committee - Legal Advice - s77 Confidential Information (Ref 18/548846) - Confidential

Appendix 3 - Youth Advisory Committee Applications 2018 (Ref 18/504046) [↓](#)

Appendix 4 - Child Safe Standard 6 (Ref 18/480859) [↓](#)

Author/s:	Zorica Djuric, Team Leader Youth & Family Services
Reviewed and Approved By:	Mark Patterson, Manager Family Youth & Children's Services
	Mauro Bolin, General Manager Community Sustainability



## **9.3**

### **APPOINTMENT OF MEMBERS TO THE YOUTH ADVISORY COMMITTEE**

<b>1</b>	<b>Terms of Reference - Youth Advisory Committee - Adopted May 2018 .....</b>	<b>135</b>
<b>2</b>	<b>Youth Advisory Committee Applications 2018 .....</b>	<b>141</b>
<b>3</b>	<b>Child Safe Standard 6 .....</b>	<b>143</b>



## Terms of Reference Youth Advisory Committee

<b>Name of Committee:</b>	<b>Youth Advisory Committee</b>
<b>Purpose of Committee:</b>	<p>The Youth Advisory Committee has been established to provide advice to Kingston City Council, and organisations working with young people within the City of Kingston, in relation to youth issues.</p> <p>The Youth Advisory Committee is an advisory committee of Council with a Councillor or Councillors nominated on an annual basis.</p> <p>The establishment of a Youth Advisory Committee provides an important forum for identifying municipal-wide issues and opportunities and advising Council about effective policy and service provision regarding young people within the City of Kingston.</p> <p>The Youth Advisory Committee will provide opportunities for young people to develop leadership skills and be part of the decision making process. Further, the committee will provide the opportunities for young people to gain experience and knowledge of local government and the youth service system available to young people in the local and surrounding suburbs.</p> <p>The Youth Advisory Committee has no delegated decision making power from Council.</p>
<b>Council Plan Objectives</b>	<p>To provide advice to Council in:</p> <ul style="list-style-type: none"> <li>• Meeting the needs of young people, children and their families</li> <li>• Implementing the Kingston Youth Strategy</li> <li>• Undertaking community development and social research initiatives to respond to community needs</li> <li>• Encouraging volunteering to create active, confident and resilient communities</li> <li>• Promoting intergenerational activities and spaces</li> </ul>

## ADVISORY COMMITTEE TERMS OF REFERENCE

<b>Criteria for Membership:</b>	<p>The committee is open to young people who are aged between 12 to 25 years who live, work, study or play in the City of Kingston.</p> <p>The following membership criteria also applies:</p> <ul style="list-style-type: none"> <li>• An ability to constructively participate in a fair and open-minded manner.</li> <li>• An ability to consider a broad range of views that reflect the diversity of the community;</li> <li>• Good knowledge and understanding of the local issues that are relevant to young people;</li> <li>• An ability to look beyond personal interests for the benefit of the community and residents of the City of Kingston;</li> <li>• An ability to facilitate communication and engagement with young people;</li> <li>• A capacity to commit to the Youth Advisory Committee for the required duration;</li> <li>• A willingness to celebrate the success and achievements of young people in the City of Kingston.</li> </ul>
<b>Selection of Members:</b>	<p>Towards the end of current members' terms of appointment, a call for nominations will be advertised in local media and on Council's website and social media platforms.</p> <p>Nominations will also be sought from local youth service providers and schools. Specific representatives may be invited to nominate (e.g. Junior Mayor and award winners).</p> <p>A nomination form must be completed by interested representatives and all nominations will be assessed against the Criteria for Membership. All nominees will be interviewed by a Community Development Officer before appointment to the Committee.</p> <p>Appointment to the Committee will be for a period of up to two years, at the discretion of Council. Should a vacancy arise mid-term Officers may recruit following the above process. Mid-term appointments will be for the duration of the remaining Committee term. Members of the Committee may re-apply for the Committee after a two year term.</p> <p>The Youth Advisory Committee has discretion to co-opt members to the Committee to provide specific input and / or expertise for limited periods of time.</p>
<b>Chairperson:</b>	<p>Councillors nominated for membership of the Committee have first option to undertake the role of Chair.</p> <p>Should nominated Councillors not wish to undertake the role of Chair, an independent Advisory Committee member may be elected to the role through a vote or consensus among the independent members.</p> <p>The appointed Chairperson is responsible for the conduct of meetings, ensuring fair and equitable opportunities for views and opinions to be voiced and discussed by the Advisory Committee.</p>

## ADVISORY COMMITTEE TERMS OF REFERENCE

	<p>A deputy Chairperson should be elected to chair meetings in the absence of the Chairperson.</p>
<b>Membership:</b>	<p>The Youth Advisory Committee will consist of the following membership structure:</p> <ul style="list-style-type: none"> <li>• A maximum of three (3) Councillor representatives (appointed by Council resolution)</li> <li>• A maximum of 12 young people at any given time between the ages of 12 and 25 years of age.</li> <li>• Co – opted members with specific input and / or expertise will join the committee on a temporary basis as required.</li> <li>• The outgoing Junior Mayor may be co-opted to the Committee at the end of his/her term.</li> </ul> <p>Membership of the Youth Advisory Committee is voluntary.</p>
<b>Executive Support:</b>	<p>The Governance Department will:</p> <ul style="list-style-type: none"> <li>• Provide terms of reference to new committee members.</li> <li>• Facilitate a review process for the committee and its terms of reference every two years.</li> <li>• Provide information and education on good governance issues such as; conflict of interest, confidentiality and register of interests.</li> <li>• Offer training for the chairperson if required.</li> <li>• Oversee the recruitment and selection process for committee membership.</li> </ul> <p>The Youth Services Team will:</p> <ul style="list-style-type: none"> <li>• Compile and circulate agendas, attend meetings, compile and distribute minutes.</li> <li>• Compile the annual report of the committee on behalf of the Chairperson</li> </ul> <p>The General Manager of Community Sustainability and selected Council Officers will provide professional advice to the committee as required.</p>
<b>Quorum and Voting:</b>	<p>The Committee will operate with 'one third plus one' of the total membership.</p> <p>It is preferable that decisions of the Youth Advisory Committee are made by consensus however; there may be circumstances where a matter is decided by a vote.</p> <p>Each member is entitled to one vote, except that the Chairperson who may exercise a casting vote should this be necessary.</p>

## ADVISORY COMMITTEE TERMS OF REFERENCE

<p><b>Conflict of Interest and Confidentiality:</b></p>	<p>The Local Government Act identifies direct and indirect conflicts of interest which require disclosure as and when they arise. Members of the Youth Advisory Committee must be fully aware of their responsibilities with regard to the management of interests in relation to the discharge of their duties as members of the Youth Advisory Committee.</p> <p>Any matter deemed by a member to represent a Conflict of Interest shall be reported to the Chairperson and the Governance Department or Kingston Youth &amp; Family Services either prior to a meeting or before the specific item is discussed and dealt with in line with the Act and any relevant Council policies or guidelines.</p> <p>It is intended that the Youth Advisory Committee will be a forum for discussing proposed policies and actions that may impact the Kingston Community.</p> <p>It is envisaged that members will be provided with information that is not available in the public realm. It will be critical that committee members are seen as a group that can be trusted with confidential information.</p> <p>The Youth Advisory Committee's ability to fulfill its purpose will be severely hampered if that trust is undermined in any way. Given the level of confidentiality that will be associated with some of the information provided to members, any discussion with non-committee members is limited to information already available to the public.</p> <p>Confidential discussion will not be disclosed without the Chair's prior approval.</p>
<p><b>Meetings:</b></p>	<p>Meetings of the Youth Advisory Committee will be held quarterly, or more often on an as-needs basis by agreement between the committee members and Chairperson. A schedule of meetings will be developed and agreed to annually. Under special circumstances a meeting may be cancelled or re-scheduled.</p> <p>The nominated venue for meetings is the Kingston Youth Services space at Southland.</p> <p>It is expected that each member of the Youth Advisory Committee will attend a minimum of two (2) meetings each year.</p> <p>The Youth Advisory Committee may hold joint meetings to deal with issues that cover the reach of more than one Advisory Committee.</p>

## ADVISORY COMMITTEE TERMS OF REFERENCE

<b>Guiding Principles:</b>	<ul style="list-style-type: none"> <li>• We are inclusive, open minded and respectful of everyone's perspective</li> <li>• We put our personal agendas aside and provide advice for the greater good of the diverse City of Kingston community</li> <li>• Challenging and exploring are an integral part of what we do and how we operate</li> <li>• We represent and commit to the value of the committee</li> <li>• We actively participate and engage in the work of the committee</li> <li>• We are punctual, well prepared, timely with responses and we follow through</li> <li>• We are realistic about what we can achieve</li> <li>• We have a strong focus on outcomes</li> </ul>
<b>Reporting:</b>	<ul style="list-style-type: none"> <li>• A report of each Youth Advisory Committee meeting is to be presented to a Councillor Information Session.</li> <li>• Minutes of each meeting will be provided to all Councillors of the City of Kingston.</li> <li>• A report of the Youth Advisory Committee activities will be presented to Council by 30 June annually.</li> </ul>
<b>Related Documents:</b>	<p><u>Living Kingston 2035</u></p> <p><u>Kingston Youth Strategy</u></p>




### Youth Advisory Committee Applications 2018

Name	Interview Completed	Selection Criteria
Aditri Vemula	Yes. 16/07/2018	Meets the selection criteria
Zachary Heal	Yes. 24/07/2018	Meets the selection criteria
Galen Sullivan	Yes. 24/07/2018	Meets the selection criteria
Aaryan Kulkarni	Yes. 23/07/2018	Meets the selection criteria
Hana Northey	Yes. 19/07/2018	Meets the selection criteria
Molly McLeod	Yes. 18/07/2018	Meets the selection criteria
Ayda Guclu	Yes. 20/07/2018	Meets the selection criteria
Max Timuska-Carr	Yes. 18/07/2018	Meets the selection criteria
Charan Naidoo	Yes. 19/07/2018	Meets the selection criteria
Gowri Rajaram	Yes. 20/07/2018	Meets the selection criteria
Todd Cracknell	Yes. 18/07/2018	Meets the selection criteria
Rachel Costello	Yes. 13/07/2018	Meets the selection criteria

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CCYP | Standard 6: risk management and mitigation

 MenuSearch APPENDIX 4

COMMISSION FOR CHILDREN AND YOUNG PEOPLE

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## Standard 6: risk management and mitigation

To reduce the likelihood of harm organisations must think about and define the risks.

### On this page

Child Safe Standard 6: Strategies to identify and reduce or remove risks of child abuse

Risk assessment

How do you start?

Engage children in the process

An ongoing process

### Child Safe Standard 6: Strategies to identify and reduce or remove risks of child abuse

Risks always exist for children and there may be some risks that are beyond your organisation's control. But you must do what is in your power to reduce the risk of children being harmed.

## Risk assessment

Creating a child safe organisation begins with a clear understanding of the potential risks to children in an organisation's setting – what could go wrong and what you can do to reduce or remove these risks.

To reduce the likelihood of harm, think about and define your organisations risks.

This includes:

- thinking about your organisation, its activities and the services it provides to children
- planning how to make activities as safe as possible
- being proactive to reduce the likelihood of risks.

## How do you start?

Organisations should ask:

- What could go wrong within the organisation or in any specific activity?
- Are there any circumstances that expose children to risk?
- Does the work the organisation does involve bodily contact between adults and children?
- Is there a low level of parental involvement?
- Are there places where interactions between adults and children can be obscured from sight?
- Are there circumstances where a staff member or volunteer could be left alone with a child?
- Does the organisation work with children who are particularly vulnerable?

## Engage children in the process

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We suggest that your organisation involves children and young people in the process of identifying and managing risks. Communicate with them about the measures you are putting in place to keep them safe.

## **An ongoing process**

Remember that reducing risks to children is an ongoing process. Your organisations should monitor the strategies in place to reduce risk and be willing to incorporate the learnings that happen when things work well or don't work so well.

What to read next

**The Child Safe Standards**

**Complying with the Standards**

**Who do the Standards apply to?**

**Enforcing the Standards**

**Our powers**

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## **Upholding children's rights**

## **Making children safe**

## **Reportable Conduct Scheme**

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## **10. City Assets and Environment Reports**

24 September 2018

Agenda Item No: 10.1

## SPORT AND RECREATION STRATEGY - CONSULTATION FINDINGS AND STRATEGY ADOPTION

Contact Officer: Mark Stockton, Team Leader Sport and Recreation

### Purpose of Report

This report seeks Council's adoption of the Sport and Recreation Strategy following consultation with local sporting clubs.

### 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.

### OFFICER RECOMMENDATION

That Council:

1. Note the community consultation findings in response to the draft Sport and Recreation Strategy;
2. Adopt the revised Sport and Recreation Strategy as set out in Appendix 1; and
3. Refer the recommendations and implementation of the Sport and Recreation Strategy to the preparation of Council's future strategic planning and budget processes.

### 1. Executive Summary

Following a six week community consultation period the Sport and Recreation Strategy (the Strategy) is presented for Council's adoption. During this period feedback was received from 42 local sports clubs and interested residents.

Council has been working with its Sport and Recreation Advisory Committee and the community for over two years developing the Strategy. The purpose of the Strategy is to guide Council's decision making with regard to popular sports within Kingston and respond to current and future trends such as female participation in non-traditional sports e.g. AFL. The Strategy recognises Council's role to support minor and emerging sports i.e. disc golf and highlights that future strategic investigations are required to be undertaken or have been completed for other sport and recreation activities not identified within the Strategy's scope i.e. play, passive leisure and aquatics/swimming.

An analysis has been undertaken of the feedback received which is mostly encouraging with over 54% providing positive comments of support. Feedback from sports clubs has also helped strengthen a number of recommendations within the Strategy and two minor changes are proposed to the draft strategy. They include:

- Netball – include “that council will work with existing netball association and undertake a review of existing facilities to determine compliance with Netball Victoria standards”; and
- Baseball – include “the promotion of female participation in baseball as a priority for clubs and associations”.

Further administrative amendments to the Strategy include:

- A statement of clarification to address feedback regarding rezoning of precincts and impact this will have on the demand for facilities; and
- A new section that identifies key projects that Council is currently exploring (Delta, Kerr Crescent and Chadwick Reserve).

The amended sections are highlighted in red within the Strategy as set out as Appendix 1.

Where Council has received general feedback and input that is unrelated to the Strategy i.e. resident concerns with traffic and car parking at existing facilities, this information will be referred to a relevant Council departments for further consideration and action. These matters will be responded to independently of the Strategy and may potentially involve further discussions with residents and clubs.

Council is also progressing a number of actions that are recommendations from within the Strategy, which include:

- Feasibility planning for sporting fields within the north and south of the City;
- Implementation of various floodlighting projects to improve sporting participation; and
- Pavilion improvements at multiple sites to cater for expanding female participation.

Following Council’s adoption of the Strategy, its recommendations and implementation will be subject to Council’s future budget process for funding consideration.

## **2. Background**

The City of Kingston is home to over 100 local sports and recreation clubs that offer a variety of opportunities for residents to stay active, healthy and social. Council plays a key role in supporting and working in partnership with these clubs/associations primarily through the provision of access to and maintenance of facilities. With a growing population, housing densification, culturally diverse communities and asset renewal responsibilities it is important for Council to establish a sport and recreation strategy to define Council’s role and clearly articulate areas of focus with the future provision of its sporting and recreation facilities.

In recognition that Council already has established sport and recreation planning documents, the aim of this project was to develop an overarching sport and recreation strategy. To assist in the preparation of a sport and recreation strategy, Council engaged Simon Leisure Consulting (SLC).

A copy of the Strategy for adoption is set out as Appendix 1.

The Strategy determines:

- Key strategic actions to address known or forecast shortfall of facilities to meet sports that attract high levels of participation;
- Council’s role in supporting newer sporting and recreation trends such as disc golf, female participation and minor sport/recreation activities such as equestrian activities’

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- A listing of proposed pavilion development projects, including female friendly improvements;
- Policy gaps and proposes policy guidelines and principles; and
- An action plan for the implementation of the draft Strategy.

The Strategy focuses on 15 of the most participated sport and recreation activities within Kingston, which include:

- |                             |              |             |
|-----------------------------|--------------|-------------|
| • Australian Rules Football | • Athletics  | • Baseball  |
| • Basketball                | • Cricket    | • Cycling   |
| • Gymnastics                | • Lawn Bowls | • Golf      |
| • Hockey                    | • Netball    | • Rugby     |
| • Soccer                    | • Tennis     | • Skate/BMX |

The Strategy clarifies Council's role with relating to minor sports, i.e. lifesaving, calisthenics, horse riding, ice-skating, disc golf. In addition, it also highlights other planning process to address matters such as dance and performance. The scope of the Strategy does not consider recreational activities relating to play, passive leisure and aquatics/swimming. These activities are considered as part of other Council plans and/or other planning processes.

### **3. Discussion**

#### **3.1 Council Plan Alignment**

Goal 2 - Our sustainable green environment with accessible open spaces  
Outcome 2.5 - Provide for a variety of sport and recreation opportunities across Kingston through the Sport and Leisure Strategy.

#### **3.2 Consultation/Internal Review**

During June and July 2018, Council invited input and feedback from interested stakeholders upon the draft Strategy. Key approaches to consult with clubs, residents and stakeholders included:

Consultation Approach	Findings
Group consultation session with like sports	Two group information/consultation sessions were held with like sports in late June and early July.  A total of 37 people were recorded as attendees to the information sessions.  A total of 30 clubs were represented from nine different sports.  Comments received from the group consultation session are set out as Appendix 2
Targeted club meetings	Individual meetings were held with two netball associations (Chelsea District and Springvale District) to seek their input into the Strategy.
Your Kingston Your Say	A number of comments from residents were

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<b>Consultation Approach</b>	<b>Findings</b>
	provided through the “youkingstonyoursay” website. (refer Appendix 3)
Individual written responses	Individual responses to the draft Strategy were received from Mentone Track and Field Association and Bentleigh Greens Soccer Club (Appendix 4).

The methodology chosen to support this project was to use Council's Sport and Recreation Advisory Committee (SRAC) as the consultation platform to develop the key principles and recommendations for the draft Strategy. The SRAC has participated in six briefings/workshops and its members have provided valuable input into development of the Strategy and support of its key directions. Councillor consideration and input has also guided the development of the draft Strategy.

Council's Sport and Recreation Advisory Committee met on Thursday 9 August, where feedback was tabled. The Committee was supportive of the Strategy proceeding to Council for adoption.

The draft Strategy is consistent with the principles of other Council plans and strategies such as Council's Public Health and Well Being Plan.

### **3.3 Operation and Strategic Issues**

#### **3.3.1 Summary of feedback from consultation**

Throughout the consultation period over 68 separate pieces of feedback has been received from a variety of stakeholders. Please see below a summary table and a full list of comments in Appendix 2.

<b>Support for recommendations</b>	<b>Number of items of feedback received</b>	<b>Officer Comments</b>
Support of strategy and sport specific recommendations.	37 (54%)	
Lack of support for direction of strategy or particular recommendations	3 (4%)	Isolated concerns with no clear trend/s. These will be addressed with respondents.
Suggestions for improvements	19 (27%)	Mostly related to club requests for individual facility improvements. Officers will work independently with clubs to respond to these requests.
Unrelated comments	9 (13%)	Unrelated responses i.e local car parking concerns. These will be referred to relevant Council departments for follow up.
<b>TOTAL</b>	<b>68 (100%)</b>	

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Many of the Strategy's recommendations are of a high level and require further detailed investigations and consultations to be undertaken. Whilst these recommendations importantly provide guidance and direction the long term implications for local clubs is unknown. It is therefore important that Council continue to support clubs as the Strategy is implemented.

**3.3.2 Proposed amendments to the strategy**

Throughout the consultation there were some meaningful suggestions by clubs. In response to club feedback, please see below two proposed amendments to existing recommendations.

<b>Sport</b>	<b>Existing Recommendation</b>	<b>Proposed Recommendation and amendment (<u>underlined</u>)</b>	<b>Comments</b>
Netball	Continue to maintain and improve netball facilities at Dales Park, Bicentennial Park and Rowan Road Reserve.	Continue to maintain and improve netball facilities at Dales Park, Bicentennial Park and Rowan Road Reserve <u>and undertake a review of existing facilities to determine compliance with Netball Victoria standards.</u>	Existing Netball associations requested additional Council support to help plan for future upgrades and renewal of facilities.
Baseball	Work with baseball clubs and peak associations to identify sustainable initiatives that focus upon meeting baseball participation needs.	Work with baseball clubs and peak associations to identify sustainable initiatives that focus upon meeting baseball participation needs, <u>including the promotion of female participation.</u>	Baseball clubs indicated that female participation is a growing area of demand and this should be prioritised.

Where adverse comments or suggestions for improvements were received, there was little consensus or themes to influence considering major changes to the draft Strategy. Most of this type of feedback relates to sports club requests for individual facility improvements, which is beyond the scope of the Strategy and officers will work independently with clubs to respond to these requests.

Where residential concerns relating to non-Strategy matters i.e. traffic and car parking at existing facilities, was recorded this information will be referred to a relevant Council department for further consideration and action. These matters will be responded to independently of the Strategy and may potentially involve further discussions with residents and clubs.

Administrative amendments made to the draft Strategy include:

<b>Page number/Section</b>	<b>Amendment</b>
Page 5 - Demographic Profile	<p>The following statement of clarification was added to address feedback around rezoning of precincts and impact this will have on the demand for facilities:</p> <p>"The population estimates used to inform this strategy are considered a conservative approach recognizing that the existing projections do not make assumptions regarding land that is presently not zoned for Housing. Over coming years Council will be evaluating a range of 'future strategic development sites' such as the</p>

	<p>potential redevelopment of the Clayton Business Park that are yet to be rezoned.</p> <p>For future 'strategic development sites' where large precincts of land will be rezoned for residential purposes, these sites will be assessed on a case by case basis to ensure that they respond to the needs of increased demand for sport and recreation facilities generated by the future community."</p> <p>The amended sections are highlighted in red in Appendix 1.</p>
Page 12 - Council's Key Strategic Development projects	<p>A new section is added that identifies key projects that Council is currently progressing (Delta, Kerr Crescent and Chadwick Reserve). The amended sections are highlighted in red in Appendix 1.</p>

#### **4. Conclusion**

##### **4.1 Environmental Implications**

Environmentally sensitive and sustainable practice are considered as part of the future design development of sport and recreation facilities.

##### **4.2 Social Implications**

Well planned, high quality community facilities are likely to encourage use by residents contributing towards social, health and wellbeing benefits.

##### **4.3 Resource Implications**

Funding to implement the draft Strategy will be considered as part of the preparation of Council's future budgets. With many high level actions within the draft Strategy further investigations are required to be undertaken to determine cost implications for Council.

##### **4.4 Legal / Risk Implications**

The outcomes from many recommendations and projects will lead to upgraded sporting facilities thus reducing risks for Council and its user groups.

#### **Appendices**

Appendix 1 - Sport and Recreation Strategy 2018 - Adoption Attachment (Ref 18/539098) [↓](#)

Appendix 2 - Summary of public consultation - Sport and Recreation Strategy - Sports Clubs (Ref 18/485388) [↓](#)

Appendix 3 - Summary of public consultation - Sport and Recreation Strategy - Resident feedback (Ref 18/485387) [↓](#)

Appendix 4 - Written Submissions - Sport and Recreation Strategy (Ref 18/510630) [↓](#)

Author/s: Troy Lyons, Sport & Recreation Development Coordinator

Reviewed and Approved By: Mark Stockton, Team Leader Sport and Recreation

Mark Juler, Manager Parks & Recreation

Daniel Freer, General Manager City Assets and Environment



# 10.1

## SPORT AND RECREATION STRATEGY - CONSULTATION FINDINGS AND STRATEGY ADOPTION

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# Sports & Recreation Strategy (draft)





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## APPENDICES

Appendix 1 - Proposed priority order of Pavilion Development

Appendix 2 - Inventory of Sporting and Recreation Facilities Available Within the City of Kingston

## 1. SUMMARY REPORT

### 1.1. Study Background and Purpose

The City of Kingston is situated about 20 kilometres southeast of Melbourne's central business district. Its resident population is approximately 160,000 people and is projected to increase to more than 185,000 people by 2036 (without incorporating assumptions regarding land rezoning). Kingston comprises of 21 suburbs and has several prominent features, including the Moorabbin Airport, 13km of beaches, Braeside Park, Southland Shopping Centre, and numerous golf courses.

Residents have access to a wide selection of open space areas and sporting and recreation facilities, which are evenly distributed throughout the municipality. Sport and recreation contributes important physical, social, health and lifestyle benefits to residents. During the past few years, Kingston City Council has embarked on a program to upgrade and expand its provision of facilities, largely as a result of the outcomes and recommendations contained in reserve master plans and sports facility studies. Further, Council has supported proposals for State and National level sporting facilities.

Much of the planning and development of sporting and recreation facilities has occurred without a strong strategic foundation or framework within Council, rather facility planning, provision and development is occurring largely on a reserve by reserve basis, or on a sport by sport basis. Whilst Council has a number of adopted or endorsed strategies and plans for specific areas of responsibility in the sport and recreation sector, it is appropriate to establish a strategic context for the future planning and provision of sport and recreation facilities, which can draw on the directions and recommendations contained in many of the independent strategies, plans and policies that exist.

The Kingston Sport and Recreation Strategy (2017) provides the guiding framework for the future planning, provision, development and management of sporting and recreation opportunities throughout Kingston. It provides an evidence-based approach for Council to respond to the needs and aspirations of residents, and has established a framework and principles to inform Council decision-making, facilitate partnerships, and prioritise the allocation of Council resources towards the greatest need.

### 1.2. Study Aims, Objectives and Scope

The study aim is to provide strategic direction for the ongoing provision of sport and recreation facilities in the City of Kingston. The study was underpinned by the following objectives:

- Review and assess previous sport and recreation research and planning.
- Identify current and future sporting and recreation needs.
- Identify and assess the adequacy of the current suite of facilities.
- Identify policy gaps and establish policy guidelines and principles.
- Develop strategies and recommendations to address key findings, gaps and opportunities.
- Prioritise recommendations to develop an Action Plan.

Whilst the scope of the study generally includes all sports and active recreation pursuits, more detailed analysis was undertaken for the following 15 sports. These sports were selected as they are either one of the more popular sports being participated in by City of Kingston residents, there is a known shortfall of facilities to meet present demand, or the sport is considered to be increasing in popularity.

- |                                   |             |            |
|-----------------------------------|-------------|------------|
| • Australian Rules Football (AFL) | • Athletics | • Baseball |
| • Basketball (indoor courts)      | • Cricket   | • Cycling  |



- 
- |              |              |              |
|--------------|--------------|--------------|
| • Gymnastics | • Lawn Bowls | • Golf       |
| • Hockey     | • Netball    | • Rugby      |
| • Soccer     | • Tennis     | • Skate/ BMX |

Some unstructured active recreation activities are also referenced within this study.

Activities and pursuits excluded from the study include passive leisure, playgrounds, and aquatic facilities.

Activities such as dance, physical expression and performing arts are not included within the scope of this project. Council's role in supporting these activities will be considered as part of the preparation of the Arts and Cultural Strategy 2017 - 2021, which is currently being prepared.

Within Kingston there are number of equestrian groups that operate on Council controlled land. These groups are quite popular with annual requests made to Council for additional land for agistment and gymkhana purposes. Whilst this Strategy does not respond to the need for equestrian facilities, it does recognise that a strategic approach for these uses is required. Potential areas of focus could consider;

- Future role and function of the Riding for the Disabled and trotting track in Moorabbin;
- Facility offering and management with the equestrian facilities at Bicentennial Park and Learmonth Reserve;
- The regional need and provision of equestrian facilities within the City, including the provision of trail networks and equestrian centres within Kingston; and
- The historical and economic role equestrian activities have played within the development of Kingston and surrounding areas.

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## 2. SPORT AND RECREATION PLANNING CONTEXT

The sport and recreation strategy was carried out with consideration of the following policy and planning inputs.

1. Council strategies and planning reports.
2. Demographic profile of the City of Kingston and population projections.
3. Relevant National and State sports participation trends.
4. Female participation in sport.

### 2.1. Council Strategies and Planning Reports

The following strategies and policies currently guide and inform Council's provision of sport and recreation facilities and services. A review of the documents was completed to identify key Council directions and strategies, and to inform the sport and recreation strategy planning process.

#### Strategies and Plans

- Council Plan 2013-2017.
- Green Wedge Sports Facilities Opportunities Paper (2014).
- Kingston Green Wedge Plan (2012).
- Open Space Strategy (2012).
- Pavilion Development Strategy (2008).
- Active Leisure Plan (2011).

## Sport and Recreation Strategy



- Active Youth Spaces Strategy (2011).
- Cycling and Walking Plan (2009).
- Regional Soccer Strategy (2008).
- Synthetic Sporting Surfaces Study (2009).
- Sporting Needs Analysis (2008).
- Tennis Strategy (2011).
- Reserve Master Plans (various reserves).
- Indoor Sports/ Leisure Centres/ Aquatic Facilities needs Analysis.

Policies

- Sports Ground Infrastructure Development Policy (2013).
- Pavilion Development Strategy (2008, and revised 2016).
- Community Joint Use Agreement - Parkdale Community Precinct: External Playing Fields (2012).
- Leasing Policy (2004).
- Draft Lease and Licence Policy.
- Sporting Ground Allocation Policy.



## 2.2. Demographic Profile of the City of Kingston

Key demographic information for Kingston relevant to the Strategy development includes:

- Kingston's estimated population in 2016 was just over 159,000 people.
- The population has a slightly older age profile when compared to all of Melbourne, and of importance is that Kingston has a lower proportion of residents in the active age cohort of 5-39 years (43.1%), compared to all of Melbourne (48.9%).
- Kingston's population is projected to increase to just over 185,000 people by 2036, an overall increase of 26,000 people between 2016 and 2036.
- The population estimates used to inform this strategy are considered a conservative approach recognizing that the existing projections do not make assumptions regarding land that is presently not zoned for Housing. Over coming years Council will be evaluating a range of 'future strategic development sites' such as the potential redevelopment of the Clayton Business Park that are yet to be rezoned.

For future 'strategic development sites' where large precincts of land will be rezoned for residential purposes, these sites will be assessed on a case by case basis to ensure that they respond to the needs of increased demand for sport and recreation facilities generated by the future community.

- Whilst the distribution of the population across the three planning regions<sup>1</sup> of Kingston is currently relatively even, most growth to 2036 will occur in the Northern Region and the Central Region (see Figure 1).
- The areas predicted to experience the strongest population growth are Clayton and Oakleigh South, and the linear precinct along the Nepean Highway incorporating Moorabbin, Highett, Cheltenham and Mentone.
- Whilst there will be an overall ageing of the total population of Kingston to 2036, the total number of residents within the active age cohort is projected to increase by nearly 14,000 people.
- Research shows that the rate of participation by people in organised physical activity and club-based activities is highest for young people and declines with age. The Northern Region will have the largest number of people in the active age cohort (5-39 years) to 2036, despite currently having the lowest number. The Central Region will also experience growth in this age cohort, whilst the Southern Region will have the lowest number of 5-39 year olds by 2036, despite having the highest number presently.

<sup>1</sup> Kingston is divided into three planning regions:

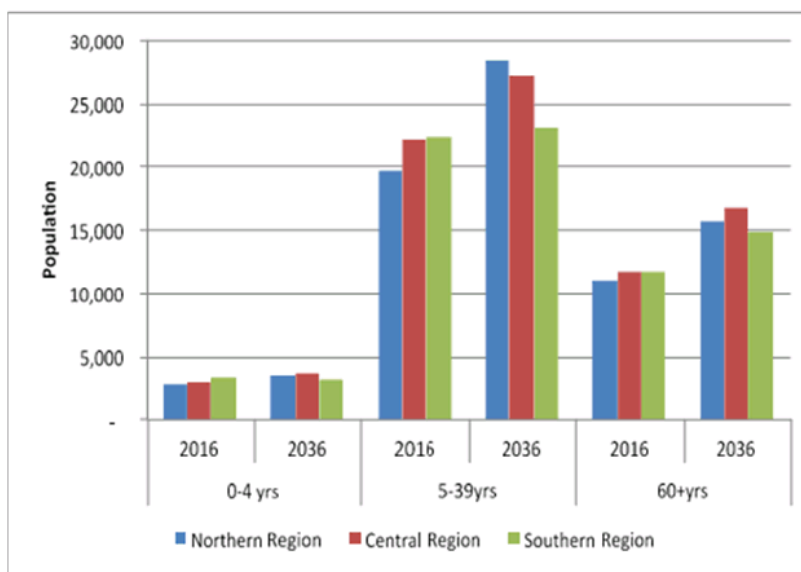
Northern Region: Moorabbin, Clarinda, Clayton South, Dingley Village, Heatherton Highett and Oakleigh South.

Central Region: Cheltenham, Mentone, Moorabbin Airport, Parkdale, Braeside and Mordialloc.

Southern Region: Waterways, Aspendale, Aspendale Gardens, Edithvale, Chelsea, Chelsea Heights, Bonbeach, Carrum and Patterson Lakes.



Figure 1 Projected Population Growth to 2036 by Planning Regions and Age Cohorts



### 2.3. Relevant Sports Participation Trends

Important national trends in club-based sports participation by adults (people aged 15 years and over) are:

- The national participation rate by adults in club-based physical activity has increased since 2001.
- Regardless of gender, regular participation in club-based physical activity nationally was most common amongst people aged 15-24 years.
- In relation to the total participation by adults in sport throughout Australia, football, soccer, cricket and basketball experienced the largest overall increase between 2001 and 2010, whilst tennis and golf experienced a decline.

Important national trends in children's participation (5-14 years) in organised sport are:

- 63.0% of children participate in sport outside of school hours (up from 59.4% in 2000).
- Across all age groups, boys had a higher participation rate (69.6%) in organised sport than girls (56.3%). Participation for both has increased since 2000 (boys by 66.1% and girls at 52.3%).
- In relation to the total participation by children, gymnastics, swimming, football and soccer experienced the largest overall increase between 2000 and 2009, whilst netball and tennis experienced a decline.
- Swimming and netball are still the most popular sports participated in by girls, but soccer and gymnastics participation grew significantly during the period 2001 to 2009.
- Excluding swimming, soccer and Australian Rules football are the most popular sports for boys.
- Improved promotion, management and delivery of introductory sports programs by most State Sporting Associations are having the effect of increasing the number of

primary-school aged children participating in sport. Sports introductory programs include Goal Kick (soccer), Auskick (football), NetSetGo (netball), Hot Shots (tennis) and In2Cricket.

The following table shows the general trend of participation in organised sport by adults and children in the key sports nominated for this study.

Sport	Adult	Children
Athletics	↓	↓
Australian Rules Football	↑	↑
Baseball	↑	↑
Basketball	↑	↔
Cricket	↑	↔
Cycling	↑	↔
Golf	↓	↓
Gymnastics	Numbers not significant	↑
Hockey	↑	↑
Lawn Bowls	↔	Numbers not significant
Netball	↑	↓
Rugby Union	↔	↔
Soccer	↑	↑
Tennis	↓	↓

## 2.4. Female Participation in Sport

Women and girls make up just over half the Victorian population, however, boys have double the sport participation rate of girls. The issues affecting female participation are not new and certainly not unique to Victoria. Many of the issues are the result of deeply entrenched practices, cultural norms and stereotypes that are common and reinforced in broader society.

Several industry enquiries, research and programs undertaken and introduced in the past five years have not only highlighted the gap between the participation levels of males and females in sport, but how the gap might be closed. This research has included the State Government's *Inquiry into Women and Girls in Sport and Active Recreation* and VicHealth's *Changing the Game: Increasing Female Participation in Sport* program.

Soccer, cricket and football have been the sports at the forefront to breaking down the barriers to female participation that their codes have traditionally presented. Whilst soccer in Victoria has seen the percentage of female players plateau in recent seasons, it still enjoys an increasing number of female players each season. The percentage of female soccer players in 2014 was 19%, in 2015 was 17.5% and in 2016 was 18%, however, the total number of female players in this period has increased from 10,650 players in 2014 to 12,100 players in 2016.

Cricket Victoria's Strategy for Victorian Cricket (2015 - 2017) is committed to having a diverse participant base that reflects the Victorian population in terms of gender, ability and cultural background, and includes a target of 30% female participation by 2017. Early data suggests that the sport is on the way to achieving



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the target: in 2014/15, female participation in cricket grew to 19% of total participation, and in 2015/16 increased to 24%.

The rapid increase in female football participation in the past 3-4 years confirms Australian Rules Football as one of the fastest growing female sports in Victoria. In 2015, there were 63 new female teams across the state, in 2016 there were 100 new teams, and in 2017 over 350 new female teams were formed. Early projections for 2018 are suggesting that this figure will again be exceeded.

Making sure girls and women have access adequate sporting facilities is a major step towards continuing to attract female participation. Historically, sporting facilities have been designed primarily to meet the needs of male participants. Today, most community sport and recreation facilities are outdated, and in a vast range of venues they do not provide the range of amenities that attract and sustain participation by women and girls. To encourage more women and girls to become active and involved in sport and active recreation, user-friendly facilities are required.

AFL Victoria and the State Government have developed planning guides to assist local government authorities and other landowners to develop female friendly change facilities at sporting venues. Ironically, whilst the focus of the State Government's *Female Friendly Sports Infrastructure Guidelines* is to provide information and advice on how to deliver more gender equitable environments, many of the new standards advocated are also consistent with changing community views about what male sportsmen now consider as acceptable amenities and associated infrastructure.

However, improved facility provision is only part of the change required, cultural change is also vital in order to provide a strong foundation for increasing female participation. This includes the attitudes of some sports administrators and club committees, how males embrace increased female participation and involvement in their clubs, and the extent to how governance structures of community clubs embrace and encourage female involvement.

Kingston City Council's strategy to increase female participation in sport and recreation needs to be a combination of improved facility provision and policy development advocating and supporting female participation.

### 3. FACILITIES INVENTORY AND ASSESSMENT

An inventory of existing facilities for the selected sporting and recreation activities was undertaken, and a review of the provision and distribution of facilities was carried out for all of Kingston, and also by suburb and planning region. See Appendix 1 for the full audit and inventory of sporting and recreation facilities.

The following table summarises the number of facilities by sport, by suburb and planning region.

Planning Region														
Moorabbin	3													
Clarinda	-	-	-	-	-	-	-	-	-	-	-	-	-	6
Clayton South	2	-	-	-	-	-	-	1xT	-	3xT	-	-	3	2 (2)
Dingley Village	1	-	-	2	-	-	-	1xT	-	-	16	-	3	16
Heatherton	1	-	-	-	-	-	-	2xS	-	-	-	-	-	-
Highett	3	1	-	-	-	-	-	1xT	-	-	-	-	-	-
Oakleigh South	-	-	-	-	-	-	-	2xT	-	-	-	-	-	-
								1xS	-	-	-	-	-	-
Northern Region	10	1	1	2	0	0	0	6xT	0	4xT	24	0	6	29 (2)
Cheltenham	2	-	-	4	2	1	1	4xS	-	2xT	-	2	4	6
Mentone	2	-	1	-	-	-	-	1xT	-	1xT	-	-	-	-
Moorabbin Airport	-	-	-	-	-	-	-	1xS	-	1xS	-	-	-	-
Parkdale	4	-	-	-	3	-	-	3xT	-	1xS	-	-	1	14
Braeside	-	-	-	-	-	1	1	1xS	-	-	-	-	4	-
Mordialloc	1	-	-	-	-	1	-	2xT	-	1xT	-	-	1	6
								3xS	-	4xT	-	-	-	-
Central Region	9	0	1	4	5	3	2	6xT	0	4xT	0	2	10	26
								9xS	-	3xS	-	-	-	-
Waterways	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Aspendale	4	-	-	-	1	-	-	1xT	-	-	-	-	1	6
								4xS	-	-	-	-	-	-
Aspendale Gardens	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Edithvale	1	-	1	1	-	-	-	1xS	1	2xT	-	-	5	-
								1xS	-	1xS	-	-	-	-
Chelsea	1	-	-	2	-	-	-	1xT	-	1xS	6	-	-	2
Chelsea Heights	1	-	-	-	1	-	-	1xS	-	-	-	-	-	6
Bonbeach	4	-	-	-	2	-	-	4xT	-	-	-	-	-	-
								3xS	-	-	-	-	-	-
Carrum	2	-	-	-	-	-	-	2xS	-	-	-	-	-	6
Patterson Lakes	-	-	-	-	3	1	-	-	-	-	-	-	-	6
Southern Region	13	0	1	3	7	1	0	6xT	1	2xT	6	0	6	26
								11xS	-	-	-	-	-	-
<b>Total</b>	<b>32</b>	<b>1</b>	<b>3</b>	<b>9</b>	<b>12</b>	<b>4</b>	<b>2</b>	<b>18xT</b>	<b>1</b>	<b>10xT</b>	<b>30</b>	<b>2</b>	<b>22</b>	<b>81 (2)</b>
								<b>26xS</b>		<b>6xS</b>				

T = turf surface

S = synthetic surface

Tennis (2) = 2 courts but both currently not usable

From a City-wide and planning region perspective, the research shows that:

- There is a good diversity of sporting options available within Kingston.
- AFL ovals, cricket ovals, netball courts, tennis courts and soccer pitches are the most prevalent sporting facilities available (> 20 ovals, courts or fields).

## Sport and Recreation Strategy



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- The sport with the largest number of facilities is tennis, with 81 playable courts and 2 courts currently unplayable (Westall Social Tennis Club). There are also a number of other club-based courts requiring significant investment.
  - The following sports with multiple facilities generally have an even distribution of facilities throughout each of the planning regions: AFL, athletics, baseball, cricket, lawn bowls, soccer and tennis.
  - The following sports with multiple facilities are not evenly distributed throughout each of the planning regions:
    - Basketball ñ there are no basketball courts currently available in the Northern Region.
    - Gymnastics ñ there are no gymnastics facilities currently available in the Northern Region.
    - Netball ñ there are 24 courts available in the Northern Region, no courts in the Central Region, and six courts in the Southern Region.
  - The ratio of turf cricket wickets to synthetic wickets is high, with 40% of all centre cricket wickets being turf.
  - There is capacity for Council to consider further multi-use of sporting fields e.g. regular winter use at Doug Denyer Reserve in Mordialloc.
  - Whilst Council has implemented measures to improve sporting facilities, future investment should be directed towards facilities that enable higher levels of participation e.g. floodlighting improvements, sporting surface upgrades, and provision of female friendly pavilion facilities.



## 4. COUNCIL'S KEY STRATEGIC DEVELOPMENT PROJECTS

Council is currently advancing some key strategic multi-sport field development projects consistent with the key direction of the strategy. These include:

### 5.1 Green Wedge Regional Sportsfield Development – Activating the Chain of Parks and Public Acquisition Overlays

Recent changes to zoning in the Green Wedge as a consequence of Planning Scheme Amendment C143, together and with a number of landfill sites being closed means the transition of the area into public open space is now becoming a reality. Large areas have been identified for development as parkland as part of the Sandbelt Chain of Parks. Within this area the potential for the development of sporting facilities is being actively explored. Access to open space and active open space is becoming a significant issue given the population growth in Melbourne's South East (particularly to the north and west) and the challenges presented to neighbouring councils in relation to land supply to address sport and recreational needs.

The Kingston Green Wedge Plan has identified the potential to introduce a range of sporting facilities that contain a number of ovals and/or other sports infrastructure to provide for regional needs, including cycling, soccer, hockey and cricket.

The establishment of Public Acquisition Overlays for several decades makes clear the opportunity presented in the Kingston Green Wedge to work with the State Government to deliver a significant transition to new recreational resources in the Green Wedge. Recognizing this important partnership a feasibility of a site in Heatherton to cater for a range of sports has recently commenced on a site referred to as the Delta site, located off Kingston Road that is covered by a Public Acquisition Overlay in favor of Parks Victoria. Depending on the outcome of this assessment Council will advocate to the State Government for necessary funding to support the development of a regional sporting hub at this location. Council recognizes that there are other possibilities for sporting facility developments that exist within the Green Wedge and the regional opportunities to create partnerships to facilitate such projects. The recent 'visionary' investment by the Hawthorn Football Club into Kingston's Green Wedge is a very practical demonstration of the potential for significant recreational investment. These will be monitored and considered on a case-by-case basis and subject to suitability and appropriateness assessment

### 5.2 Multi sportsfield development at Kerr Crescent, Aspendale Gardens and Chadwick Reserve, Dingley.

To cater for local sporting needs of the Aspendale Stingrays Soccer Club and Dingley Football and Cricket Clubs Council is investigating the potential for development of additional and improved outdoor multisport facilities at Kerr Crescent, Aspendale Gardens and Chadwick Reserve, Dingley

Whilst preferred design concepts are yet to be finalized there is the potential to achieve:

- A single junior AFL/senior community cricket oval and an additional training space at Chadwick Reserve, Dingley; and
- Multi-sport fields that can be used as 2 AFL/cricket ovals or four soccer fields at Kerr Crescent, Aspendale Gardens.

It is proposed at both sites to include new pavilion facilities with female friendly and disability access amenities, car parking, landscaping and other supporting amenities.

Whilst these facilities broadly expand the supply of outdoor sporting facilities, the development of Kerr Crescent realises a sports facility within an area within Kingston (Aspendale Gardens and the Waterways) that has very limited supply of sporting infrastructure.

Council is progressing planning and will be consulting with residents and other interested groups in late 2018. This input and feedback will assist the completion of further investigations and/or the preparation of preferred design concepts.





## 5. NEEDS ASSESSMENT AND DIRECTIONS BY SPORT/ACTIVITY

A detailed analysis was carried out for the selected sports and activities to determine the adequacy of the current number of facilities to meet the needs of a future municipal population of in excess of 185,000 people by 2036. The following criteria were considered during the needs analysis:

1. Current facility provision in the City of Kingston (number/ distribution).
2. Current membership levels of clubs/ associations.
3. Broad trends in the rate of participation in sport (National/ Victoria/ Kingston).
4. Characteristics of the current and projected population for Kingston.

The outcomes of this analysis are a series of strategic recommendations for each sport, including new or upgraded sporting facilities to meet current and predicted future sporting needs. (Please note, that the various recommendations and improvement projects identified in site-specific master plans have not been included in this summary report but are incorporated into an overall Action Plan for sport and recreation facilities attached to the strategy report). The following section summarises for each sport, the current provision of facilities, participation data, relevant trends and recommendations.

### • Australian Rules Football (AFL)

There are 21 senior/ junior football clubs in Kingston, and 10 Auskick centres, with a combined membership of 6,364 members (2015). The profile of membership is:

- 4,943 juniors, 1,421 seniors (high ratio juniors-seniors compared to State).
- 522 females (8%) , 5,842 males (92%) (low ratio of females to males).
- Dingley has the 4<sup>th</sup> largest Auskick centre in Kingston, and the largest football club.

Compared with National and State averages, participation in Kingston is average for seniors and significantly higher for juniors. Of the six LGAs that cover the South Metro Junior Football League, Kingston currently has the highest growth in girls football (2015 figures).

There is strong growth expected in football in Kingston to 2036, reflecting the general increase in growth for the sport (23% between 2012 and 2015), the expected increased female participation, and the overall popularity of football in the municipality.

Kingston has 32 ovals available for football at 23 different venues:

- There is generally an even distribution throughout Kingston.
- There are 24 senior-sized ovals, 8 junior sized ovals.
- 31 ovals are Council-owned.

Based on the findings of current participation and sport trends, and applying the industry benchmark of 1 oval per 4,000 people, the desired number of ovals for Kingston to meet demand by 2036 is up to 39 ovals, or an additional seven ovals. Dingley Village and the projected growth area along Nepean Highway are the two key areas requiring to be serviced with new ovals in the forecast period.

### Recommendations



## Sport and Recreation Strategy



1. Consider the following options:
    - Purchase of land or long-term lease within the Green Wedge (north) for multiple sports uses, including football ovals.
- 
2. Explore options to meet football participation needs. Eg new and upgraded floodlighting, shared use with other winter sports and access to non-Council facilities.
  3. Consider installing synthetic surfaces as a strategy to increase the training and match capacity across the total provision of grounds.

### • Athletics

There are five athletic clubs in Kingston, with a combined membership of 1,024 members (2015). The profile of membership is:

- 957 juniors, 67 seniors (high ratio of juniors-seniors compared State).
- 526 males (51%), 498 females (49%).
- Of all 16 Southern Metro Region Little Athletic centres, Mentone is the 3<sup>rd</sup> largest centre, followed by Chelsea (6<sup>th</sup>) and Moorabbin (7<sup>th</sup>).

There is a small trend of increasing participation in little athletics and senior athletics in Victoria. Compared with national and state averages, participation in Kingston is significantly higher for juniors but low for seniors, which could be partially explained by three large senior athletic clubs located in local government areas bordering Kingston.

For Kingston, there is strong growth expected to 2036 in little athletics, but only moderate growth for seniors.

Kingston has three athletics tracks that are all Council-owned:

- There is generally an even distribution of athletics tracks throughout Kingston.
- There is one Regional facility that services the LGA catchment, and two District level tracks.
- There are two polyurethane tracks, and one grass track.

There is no recognised industry benchmark for the provision of athletics tracks, however, sports planners have previously used a threshold of 100,000 people as being a trigger for the need for a regional athletics track. In the absence of a recognised industry benchmark, an athletics track facility provision benchmarking exercise was carried out against other Melbourne metropolitan councils to compare Kingston's current provision with other LGAs. The benchmarking data found that Kingston has a higher provision of athletic tracks, that all municipalities benchmarked have a synthetic or bitumen track (which supports the historic planning benchmark of 100,000 people), and that the current level of provision of athletics tracks in Kingston (three tracks), is likely to be adequate to cater for the projected future population to 2036.

Based on the findings of current participation and sport trends, and the existing provision of tracks, it is concluded that no additional athletic tracks will be required, as the existing tracks should be capable of absorbing any increased demand to 2036. However, the regional athletics track at Dolamore Reserve is land-locked, which restricts the scale and scope of any future upgrades that might improve the venue to better function as a Regional facility.

#### Recommendations

4. Explore opportunities for the development of a new regional athletics venue, potentially within the Green Wedge. Until Council considers and endorses a new regional athletics venue, Dolamore Reserve will remain as Kingston's Regional athletics venue.
5. GR Bricker Reserve and Edithvale Recreation Reserve will continue to provide athletics facilities to meet local catchment needs.

### • **Baseball**

There are five baseball clubs in Kingston, with a combined membership of 685 members (2015). The profile of membership is:

- 291 juniors, 394 seniors.
- 834 males (64%), 466 females (36%).

From 2003/04, all baseball participation categories in Victoria have experienced growth, including Tee Ball, juniors, seniors, and womens. Compared with National and State averages, participation in Kingston is significantly higher for both juniors and seniors.

For Kingston, there is strong growth expected to 2036 in baseball, reflecting the overall growth in the sport and the history of the popularity of the sport in Kingston.

Kingston has nine fields at four venues, which are evenly distributed throughout the municipality, including one Regional centre at Kingston Heath Reserve.

There are no industry recognised benchmarks for baseball fields, however, based on the findings of current participation and sport trends, and the existing provision and utilisation of the available baseball fields, it is recommended all fields be retained and should be capable of absorbing any increased demand to 2036.

#### Recommendations

6. Work with baseball clubs and peak associations to identify sustainable initiatives that focus upon meeting baseball participation needs, **including the promotion of female participation.**
7. Review the 2004 Kingston Heath Reserve Master Plan to assess opportunities to increase and/or consolidate sporting uses at the reserve. This strategic assessment to investigate the capacity of the reserve to accommodate both the Cheltenham Baseball Club and the Southern United Hockey Club.

### • **Basketball (indoor courts)**

There is one basketball association based in Kingston (Chelsea Basketball Association). There are another two associations (one in Bayside and one in Glen Eira) that utilise Kingston courts, and a fourth association in the City of Frankston that has Kingston residents playing with it. The membership of the Chelsea Basketball Association is approximately 1,400 (2015), but when combined with the estimated number of Kingston residents who are members of the three associations based in neighbouring local government areas, the total estimated number of Kingston basketballers is approximately 5,000 players.

Compared with National and State averages, the total estimated participation in Kingston is high. For Kingston, there is strong growth expected to 2036 in basketball, reflecting general increased growth in the sport, the increased population growth in the most active cohort for basketball, and the history of the popularity of the sport in Kingston.

Kingston has 12 indoor courts at six venues, which includes the three courts at the Patterson River Secondary College (located in the City of Frankston), but excludes the six courts located at three private schools and the single court at Moorabbin Indoor Sports (private). These courts were excluded on the basis of the limited access to the courts for external sporting groups both now and into the future.

A review of the type and distribution of indoor courts identifies that there is a shortage of courts in the Northern Region. Only one venue (Bonbeach) is Council-owned (2 courts), and four of the six venues have more than one court.

Based on the findings of current participation and sport trends, applying the industry benchmark of 1 court per 10,000 people, and the increasing popularity of indoor basketball and netball, the optimal number of courts for Kingston to meet demand by 2036 is 19 courts, or an estimated additional seven courts. However, research findings from a study currently being undertaken by Council to determine the feasibility of investment into a future potential stadium development at the Mordialloc Secondary College, has identified that an additional eight courts are planned in Melbourne's southeast in the short-term (four courts each at



the Frankston basketball Centre and the Sandringham Family Leisure Centre). These court developments may result in a lessening of the demand for new courts in Kingston.

Having regard for the directions outlined in the Kingston Indoor Sports/ Leisure Centres/ Aquatic Facility Needs Analysis Report (2016) and the feasibility study for a potential stadium development at the Mordialloc Secondary College, the following recommendation is proposed.

#### Recommendation

8. Continue to explore opportunities that support the development of indoor court facilities to meet sporting needs of Kingston residents in the immediate to longer term.

#### • **Cricket**

There are 25 cricket clubs in Kingston, with a combined membership of 3,028 members (2015). The profile of membership is:

- 1,736 juniors, 1,292 seniors (high ratio juniors-seniors compared to State).
- 88 females (3%), 2,940 males (97%).
- Dingley Cricket Club is the largest club in Kingston.

Compared with National and State averages, participation in Kingston is average for seniors and significantly higher for juniors. There was a 17% increase in participation in all Victorian cricket between 2012 and 2015, including 18% in club cricket, and a 24% increase in female cricket between 2014 to 2015. Steady growth in cricket participation is expected to 2036, reflecting the overall growth across the State, the increasing popularity and profile of female cricket, and the high junior participation in Kingston. Of note also is the increasing popularity of community (non-club) cricket by people of south Asia heritage.

Kingston has 44 cricket ovals at 29 different venues:

- There is generally an even distribution throughout Kingston.
- There are 18 turf wickets and 26 synthetic wickets.
- 40 ovals are Council-owned, whilst four ovals are available through joint-use arrangements with schools, comprising Parkdale Secondary College, Mordialloc Secondary College, Cheltenham Secondary College and Patterson River Primary School.

Based on the findings of current participation and sport trends, and applying the industry benchmark of 1 oval per 3,000 people, the optimum number of ovals for Kingston to meet demand by 2036 is up to 52 ovals, or an estimated additional eight ovals. Dingley Village and the projected growth area along Nepean Highway are the two key areas requiring to be serviced with new ovals in the forecast period.

#### Recommendations

9. Explore the following options:

- Purchase of land or long-term lease within the Green Wedge (north) for multiple sports uses, including football ovals.

10. Actively pursue joint-use partnerships with schools to upgrade and maintain ovals on school land to enable their use by external cricket clubs.

11. Work collaboratively with Cricket Victoria and local cricket clubs to identify new approaches to maximise the access to and use of cricket facilities, such as mid-week evenings and Sunday.



## • **Cycling**

There is one cycling club in Kingston, the Chelsea and Peninsula Cycling Club, which has a membership of 32 members (2015). It is based at the Edithvale Velodrome. However, club-based cycling is only a small component of the overall organised participation in the sport. The Southern Masters Cycling Club is one of Melbourne's largest road racing clubs, and whilst not based at the Edithvale Velodrome, a large number of members use the track for training.

The National participation data for organised cycling is misleading to use as the basis for comparing cycling participation rates of Kingston residents, as the National data includes all forms of cycling, including track, road, BMX, and mountain biking.

Notwithstanding this, the National data does show that cycling participation rates increased for adults between 2006 and 2012, and remained stable for children during the same period. This is consistent with the current popularity of road cycling for fitness and recreation amongst adults. In Victoria, the number of active cyclists registered with Cycling Victoria increased from 2,562 cyclists in 2004 to 6,284 in 2014 (an increase of 3,722 cyclists, or 145%). Membership of Victorian cycling clubs is also increasing, at a rate of 12.6% per annum.

More than one million Victorians ride recreationally each week and this continues to increase annually. The participation rate in 2005 was 6.4% and increased to 8.8% by 2014, and participation is strong across all age cohorts. Victoria has the largest number of cycling participants aged 15 years and over compared to all other states and territories.

For Kingston, there is strong growth expected to 2036 in cycling, reflecting the overall growth in the sport and the history of the popularity of the sport in Kingston (the southeast of Melbourne is the most popular area in Melbourne for organised cycling).

Kingston has one velodrome at Edithvale Recreation Reserve, which is located in the Southern Region. The velodrome is freely accessible to the public and other groups, such as schools and personal trainers.

There are no industry recognised benchmarks for the provision of velodrome facilities, however, based on the findings of current participation and sport trends, and the existing provision and utilisation of the Edithvale Velodrome as a cycling training and competition venue, it is recommended that the velodrome be retained and will likely be capable of absorbing increased demand to 2036.

Future demand for access to Edithvale Velodrome is expected to increase as the population of Kingston increases. However, the increase in demand is expected to come largely from cyclists using the facility for road cycling training and fitness benefits, rather than any significant spike in demand for track racing. Recreational cyclists and cyclists riding for fitness identify the velodrome as a safer option for use rather than the roads. It is suggested that Council monitor the use of the velodrome by non-Club members to ensure it continues to accommodate manageable and safe numbers of riders.

Cycling Victoria's State Facilities Strategy (2016-2026) has identified the City of Kingston is a preferred location for a new regional criterium circuit to service the large and increasing number of on-road cyclists. Criterium racing is a globally popular form of racing and an excellent entry point to road racing, and is also considered an excellent foundation for skills and fitness. In Victoria, criterium racing is the most popular form of road racing, with many races held every week over summer by different cycling clubs. With the likely closure of Sandown racecourse, a new and more accessible off-road facility to service the inner and middle southeast area of Melbourne will be required.

### Recommendation

12. Investigate the need, feasibility and potential sites for a Regional criterium course. The investigation should be carried out in partnership with the State Government and Cycling Victoria, and also determine the future role of the Edithvale Velodrome.

## • **Gymnastics**

There are three gymnastics clubs in Kingston, with a combined membership of 1,500 members (2015).





Compared with National and State averages, participation in Kingston is significantly higher. Gymnastics Victoria membership data shows that there was significant growth in gymnastics participation in Victoria in the period 2005 - 2014. Membership of clubs grew by 78% since, whilst membership across Australia also grew by 57% for the same period.

For Kingston, there is continued growth expected to 2036 for gymnastics, reflecting the sustained growth in the sport overall, and the popularity of the sport in Kingston.

Kingston has four gymnastics centres servicing the three clubs (Cheltenham Youth Club uses two venues), with two centres Council owned and two centres privately owned and leased by the club. The available centres tend to be centrally located, with no facility in the Northern Region and the smallest facility in the Southern Region now capping participation (Patterson Lakes Community Centre).

There is no industry benchmark for the provision of gymnastics facilities, and no common approach for the provision of facilities across local government areas, ie. mixture of Council owned and privately owned facilities. Gymnastics Victoria's Facility Guide & Strategy Plan (2014) identifies the City of Kingston as having strong current participation in gymnastics and a likely shortfall of between 250 - 850sqm of gymnastics program space by 2021. The Guide identifies that a District level facility requires approximately 1,100sqm of program space, so on this calculation the expansion of an existing centre, or the development of a new centre will likely be required during the period to 2036.

Based on the findings of current participation and sport trends, and the history of strong gymnastics participation in Kingston, it is concluded that 3 - 4 centres should continue to be adequate to 2036, as the overall ageing of the population is likely to slow the rate of growth of participation. Notwithstanding this, an alternate venue may be required in the Southern Region to absorb the current and likely future unmet demand, due to the constraints of the current venue available at the Patterson Lakes Community Centre.

#### Recommendations

13. Support local gymnastics clubs and Gymnastic Victoria to determine the future provision of gymnastics facilities within the City of Kingston, particularly options to increase gymnastics program space in the Southern Region. Possible sites could include Bonbeach Recreation Reserve and/or Patterson Lakes Community Centre.

### • **Golf**

There are nine private golf courses located in Kingston and two public nine-hole golf courses: Chelsea Public Golf Course (Council-owned) and Spring Park Public Golf Course. The golf courses are evenly distributed throughout the municipality.

Even though the majority of the golf courses are private, an increasing number of these courses are permitting restricted public use, due to the changing (declining) trends in golf club memberships and the changing needs of golfers. However, the cost of a round of golf on the private courses is still in excess of the two public courses, which accommodate those golfers seeking an affordable round of golf, particularly low-income earners.

The management and operation of the Chelsea Public Golf Course is undertaken by the Australasian Golf Club (the resident golf club), with Council providing an annual subsidy to offset costs. Given the continued changing landscape of golf, particularly the increasing opportunities for the public (non-members) to access private golf courses and reduced green fees at private courses, it will be appropriate for Council to assess the local need and value of the Chelsea Public Golf Course against competing sporting and recreation needs.

A further consideration for golf is the planned closure of the privately owned Kingswood Golf Club in Dingley and possible merger discussions reportedly taking place between the Rosedale Golf Club, the Patterson River Golf Club and other parties. The current supply of golf facilities appears to be under considerable stress presently, with questionable sustainability of the existing private clubs.



Council's adopted Golf Course Policy (2015) acknowledges the recreation opportunities, landscape value and environmental benefits that golf courses provide. The Policy intent is to ensure that where clubs are genuinely unable to be economically viable and should the land owner wish to cease golf operations on the site, that the land is used for public or private open space purposes that allow that land to retain its green and open vistas.

Council has actively advocated to the Victorian State Government for a policy position on private golf courses.

#### Recommendation

14. Continue to assess the performance and sustainability of Chelsea Public Golf Course to provide affordable and accessible golfing opportunities.

15. Continue to advocate the principles of Council's Golf Course Policy.

### • **Hockey**

There are three hockey clubs in Kingston, with a combined membership of 890 members (2015). The profile of membership is:

- 395 juniors, 495 seniors.
- 528 males (59%), 361 females (41%).

Compared to National and State averages, participation in Kingston is above average. Victorian participation in hockey declined between 2001 and 2011, however, the sport has experienced resurgence in participation since 2011, and it remains a strong sport in the eastern region of Melbourne.

For Kingston, participation growth is expected to continue to be steady to 2036, reflecting the relatively low overall interest in the sport, but offset by the historic popularity of the sport in the municipality.

There are two synthetic hockey pitches at two different venues in Kingston, and both are located within the Central Region. Based on the findings of current participation and sport trends, and after applying the industry benchmark of 1 pitch per 100,000 people, it is likely that there will be demand for an additional hockey pitch in Kingston by 2036. The Green Wedge Sports Facilities Opportunities Paper, commissioned by Council in 2014, supports a partnership approach between various stakeholders for the provision of a Regional hockey centre.

#### Recommendations

16. Undertake an investigation and feasibility study for the provision of a Regional hockey facility to service the southern region. The study should give consideration to:

- Involving the State Government, neighbouring local government authorities, Hockey Victoria, and local hockey clubs in the feasibility study.
- Reviewing the 2004 Kingston Heath Reserve Master Plan to assess opportunities for increased and/or a consolidation of sporting uses at the Reserve, including the expansion of the existing hockey facility by installing a second pitch on the site of the cricket oval.
- Developing a second pitch at a site near the Kingston Heath Reserve hockey facility.
- Developing a new Regional hockey facility within the Green Wedge.

### • **Lawn Bowls**

There are eight bowling clubs in Kingston, with a combined membership of 974 members (2014).

Compared with National and State averages, participation in Kingston is below average. Throughout Victoria, participation in traditional club bowls continues to decline (4% decline between 2012 and 2014), however, when all forms of bowling are considered ñ club bowling, social bowling and schools bowling programs - there has been an overall increase in recent years.



In Kingston, there is only small growth expected to 2036, which reflects the ageing demographic and the increasing popularity of social bowling, but offset by the overall trend of decline in club (pennant) bowlers.

Kingston has 16 greens at 8 venues:

- There is generally an even distribution of greens throughout Kingston, although no provision in the eastern area from Clayton South to Braeside.
- There are 10 turf greens and six synthetic greens.
- Five of the bowling facilities are Council-owned facilities, and three are privately owned.

Having regard for the industry benchmark of 1 green per 10,000 people and after considering the long-term declining club membership trend for the sport, but the relatively stable local participation, the optimum number of greens for Kingston to 2036 is considered 16 greens (the current number), which should be capable of absorbing any increased demand.

The current provision of bowling clubs appears adequate to absorb any future demand for access to bowling greens

It is likely that much of the increased demand in the medium and long term will originate in Dingley Village where there is no bowling club, however, this presents an opportunity for the existing clubs in Cheltenham, Mentone, Parkdale and Mordialloc to potentially attract new members from this area, and so become more viable, particularly Mordialloc which has a relatively low club membership.

#### Recommendations

17. Work with all bowling clubs in Kingston to ensure a sustainable framework of facilities are available to meet the needs of a growing Kingston population.

#### • **Netball**

Participation in organised netball activities is available from two main sources: either from one of the three netball associations, or from one of the nine football-netball clubs. The combined netball membership from all sources is estimated to be 3,616 netballers (2015), comprising 2,733 juniors and 883 seniors.

Compared with National and State averages, senior participation in Kingston is low, however, junior participation is significantly higher. Victorian netball participation steadily grew by 6.7% between 2009 and 2013, and for the same period in Kingston, the number of juniors grew by 20%. It is expected that the number of senior netballers will increase in the short term as the impact from the introduction of a netball section in the Southern Football League in 2014 takes effect.

For Kingston, growth in netball can be expected to 2036, as it continues to be the main sport for young girls, and increased netball opportunities through football-netball clubs. It is not yet known what impact the popularity of female football will have on netball participation numbers, but anecdotal industry research suggests that many of the new female footballers are girls and women who are/ were active netballers.

Kingston has 30 outdoor courts at three venues, which is consistent with the traditional centralised association model of provision. The three venues and associations are: Dales Park (Kingston and District Netball Association), Rowan Road Reserve (Springvale and District Netball Association), and Bicentennial Park (Chelsea and District Netball Association). The three venues are generally evenly distributed throughout Kingston, with the exception of no provision in the high population area of central west. Each netball centre is Council-owned.

Based on the findings of current participation and sport trends, and applying the industry benchmark of 1 court per 3,500 people, there is a shortage of netball courts. The optimum number of courts for Kingston to meet demand to 2036 is estimated at 46 courts, or an additional 16 courts. This estimate allows for the potential for additional indoor courts, which are outlined in iBasketball (indoor courts) above.

Whilst the typical metro municipal response to the provision of netball courts is through consolidated and centrally located facilities, the growth of netball teams within the Peninsula Football Netball League (PFNL)





and the Southern Football Netball League (SFNL) has resulted in demands upon Council for the provision of stand alone netball courts at sporting reserves.

The PFNL seeks for clubs to provide a court(s) for the netball matches on the reserve at which the football-netball club is based (preferred option), or an alternate venue close by. Currently, half of the 10 PFNL clubs are utilising netball courts that are not located on the reserve at which the club is based. The SFNL currently conducts the majority of its netball competitions at the Springvale & District Netball Association complex at Rowan Road Reserve. However the SFNL does support clubs to conduct matches at alternate venues and times other than Saturday afternoons, by agreement between both competing clubs.

There are many implications to consider with the provision of any new facilities on sporting reserves, such as outdoor netball courts, including available space, perceived loss of open space, vegetation removal, increased car parking requirements and capital development/ renewal costs. Co-locating football ovals and netball courts has the benefit of building stronger and increased connections within clubs. Conversely, the further consolidation of outdoor netball courts at existing sites builds a stronger base to accommodate the needs of the sport, e.g. improved capacity to host larger events, increased utilisation of the courts and encouragement of role modelling through the co-ordination of junior and senior netball activities at a consolidated site. Either approach will result in improved netball participation outcomes for the Kingston community.

Council is strongly supportive of netball activity and has endorsed the upgrade of the eight outdoor netball courts at Dales Park and new outdoor netball courts at Chelsea Recreation Reserve, Regents Park, and Bonbeach Sports Reserve. It is likely that Council will receive further requests from other clubs for outdoor netball courts to be provided at sporting reserves. Whilst clubs express a desire for two outdoor netball courts at reserves, the fixturing of netball games can be accommodated with a single court. Training and other netball activities (events) can be accommodated at the Dales Park, Rowan Road Reserve and Bicentennial Park netball facilities.

#### Recommendations

18. Support local football and netball clubs with the provision of netball courts at sporting reserves, subject to an individual site feasibility assessment.

19. Continue to maintain and improve netball facilities at Dales Park, Bicentennial Park and Rowan Road Reserve and undertake a review of existing facilities to determine compliance with Netball Victoria standards.

### • **Rugby Union**

There is one rugby union club in Kingston (Moorabbin Rugby Union Football Club), with a membership of 323 members (2015).

Compared with National averages, participation in Kingston is low, and may be partially explained by the generally lower participation rate in the sport in Victoria. Victorian Rugby Union membership data shows that there has been only marginal growth in rugby union participation in Victoria in the past 10 years.

For Kingston, only small growth in participation is expected to 2036, reflecting the overall marginal growth in the sport in Victoria, the relatively low popularity of the sport, and the ageing population.

Kingston has two dedicated rugby fields at its only rugby venue, Keys Road Reserve (Moorabbin), which is located towards the north of the municipality.

There are no industry benchmarks for provision, so based on the findings of current participation and sport trends, it is concluded that the current provision of two fields should be adequate to 2036, particularly as a high proportion of the population growth will occur in the Central and Northern Regions, conveniently located to the Keys Road Reserve.

#### Recommendation

20. That Keys Road Reserve is maintained and developed as Kingston's principle Rugby facility.



## • Soccer

There are seven soccer clubs in Kingston, with a combined membership of 1,415 members (2015). The profile of membership is:

- 1,133 juniors, 282 seniors (high ratio of juniors-seniors compared to State).
- 1,210 males, 205 females (high ratio of males to females).
- Chelsea Football Club is the largest club in Kingston.

Compared with National and State averages, participation in Kingston is low for seniors and juniors, although since 2011 junior soccer participation in Kingston has increased by 59%. The lower participation is likely to be partially explained by the historic popularity of Australian Rules football in Kingston resulting in a shortfall of soccer fields, and the fact that three of the clubs are National Premier League clubs, meaning that they are restricted in the number of junior teams that the club can have. In all of Victoria, soccer membership grew by 23,000 players between 2007 and 2014 (or by 55%).

For Kingston, strong growth in soccer is expected to 2036, reflecting the general increased growth in the sport, the increasing popularity of female participation, and the high numbers of junior participants in Kingston.

Kingston has 22 pitches at 11 different venues:

- There is generally an even distribution of soccer pitches throughout Kingston.
- There are nine dedicated soccer pitches, ie. not shared-use fields.
- 17 pitches are Council-owned, 3 pitches are available through joint-use arrangements with schools, and two pitches are privately owned.
- Two pitches are synthetic surface fields.

Based on the findings of current participation and sport trends, and applying the industry benchmark of 1 pitch per 5,000 people, the optimum number of soccer pitches for Kingston to meet demand by 2036 is up to 29 pitches, or an additional seven pitches. The projected growth areas along Nepean Highway and in Clayton South are two key areas requiring to be serviced with new pitches in the forecast period.

Compounding the issue of the current shortage of soccer pitches, is the high use of the four pitches at the Kingston Heath Soccer Complex by the Bentleigh Greens Soccer Club and the recently formed Bayside United women's club, and the soccer pitches in Clayton South used by the Kingston City Football Club. All three clubs are National Premier League clubs, which mean they only accommodate one junior team per age group and implement more intensive training programs for their teams when compared to community soccer clubs, ie. more frequent training sessions per team. This has resulted in access to the Kingston Heath Soccer Complex by community soccer clubs being severely restricted, and validates further the need for additional soccer pitches to be established in the Northern and Central Regions of Kingston.

A further complication for Council is the recent elevation of the Kingston City Soccer Club into the National Premier League and meeting the minimum facility requirements, as determined by Football Federation Victoria.

### Recommendations

21. Undertake a review of the 2004 Kingston Heath Reserve Master Plan to assess opportunities for increased and/or a consolidation of sporting uses at the Reserve, including the potential to establish a fifth pitch at the Kingston Heath Soccer Complex.
22. Undertake a development plan at The Grange Reserve (Westall) to ensure the facilities meet relevant sporting standards.
23. Explore options to meet soccer participation needs. Eg new and/or upgraded facilities, shared use with other winter sports and access to non-Council facilities.
24. With any new soccer pitches, consider installing synthetic surfaces as a strategy to increase the soccer training and match capacity across the total provision of pitches.

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### • Tennis

There are 13 tennis clubs in Kingston (excludes church-based clubs), with a combined membership of 1,300 members (2015). The profile of membership is:

- 574 juniors, 726 seniors (high ratio of juniors-seniors compared to State).
- 834 males (64%), 466 females (36%)
- Dingley Tennis Club and Parkdale Tennis Club are the largest clubs in Kingston.

Compared with National and State averages, participation in Kingston is low, which is partly explained by the average participation rates also including all social and recreational tennis. Victorian club tennis participation declined between 2008 and 2013, however, increased by 44% between 2013 and 2014. This can be explained by the introduction of a new tennis club member registration process (now picks up regular social players) and the popularity of the tennis introductory program, Hot Shots. In the South Metro Zone of Melbourne, which includes clubs from Kingston, tennis membership grew by 56% in 2014.

For Kingston, moderate growth is expected to 2036, reflecting the renewed interest in the sport and the sport's whole-of-life appeal, which has the potential to be assisted by the overall ageing of the population.

There are 83 courts at 13 different venues (plus two community courts and seven hit-up walls):

- There is generally an even distribution of tennis courts throughout Kingston.
- There is one Regional tennis centre with 16 courts (Dingley Tennis Club).
- Of the 83 courts, 67 are porous surface courts, and 16 are either acrylic or synthetic surface.
- 12 of the 13 tennis facilities are Council-owned, with the Clarinda Tennis Club facility being privately owned.

Based on the findings of current participation and sport trends, and applying the industry benchmark of 1 court per 2,000 people, it is concluded that there is a sufficient number of tennis courts throughout the municipality to absorb any additional growth to 2036. Whilst it is recommended that no net increase in the number of courts occur, it may be that some tennis facilities might be rationalised or downsized, whilst other tennis facilities may expand their number of courts to accommodate growth. This is consistent with the general findings of the Kingston Tennis Strategy (2011), which identified that additional courts may be required in Oakleigh South, Clarinda and Clayton South (Northern Region), in Mordialloc (Central Region), and at various locations throughout the Southern Region.

The current number of tennis courts is adequate to absorb any future demand for tennis, notwithstanding the future potential for some tennis clubs to rationalise the number of courts currently available and others that may need to increase the number of courts, in order to meet changing demand across the municipality.

For tennis, the focus for the next 15 to 20 years should be on facility improvements and renewal, particularly the quality of tennis court surfaces, installation of floodlights, and the upgrade of clubrooms.

#### Recommendations

- 25 Undertake a feasibility study in conjunction with the Dingley Tennis Club for the upgrade of the Dingley tennis centre to better meet the standards of a Regional tennis facility.
- 26 Explore future opportunities to improve the provision of tennis facilities at the Le Page Reserve, which may include the relocation of courts and the pavilion.
- 27 Continue discussions with the tennis clubs to identify sustainable options for the provision of tennis facilities across the City.
- 28 Prioritise funding towards facility improvements at tennis club facilities that have demonstrated sustainable memberships and are supported by Tennis Victoria.

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### • **Skate/ BMX**

There are five skate parks located in Kingston. Their location and hierarchy is noted below:

- Namatjira Park Skate Park, Clarinda (District).
- Sir William Fry Reserve, Moorabbin (Regional).
- Dingley Skate Park (Local).
- Mordialloc Skate Park (Local).
- Bicentennial Park Skate Park, Chelsea (Regional).

Whilst the distribution of skate facilities throughout Kingston is relatively even, there is no authorised specialist BMX facility available in Kingston, and this is considered a shortfall for an LGA of Kingston's size.

The Active Youth Spaces Strategy (2011) concluded that the current number and distribution of skate facilities is adequate for the projected needs of the population to 2036, and that the focus for works should be on renewal and upgrade of the existing skate parks. This strategy endorses the directions of the Active Youth Spaces Strategy, as the current distribution of facilities will continue to provide youth and young adults with good access to skate parks.

The key to the ongoing success and popularity of the skate parks will be their renewal and upgrade, as advocated in the Active Youth Spaces Strategy.

Planning for the recent development at Bicentennial Skate Park did not support the provision of floodlighting at a non-supervised skate facility.

#### Recommendations

29. Implement the recommendations of the Active Youth Spaces Strategy relating to the upgrade and enhancement of the existing skate facilities.
30. Investigate the need for a specialist BMX facility in Kingston, and location options.

### • **Low Cost/ Free Active Recreation Facilities**

There are individuals and pockets of communities within Kingston who experience disadvantage in many forms. Recreation and sport helps to build communities and creates a sense of community connection, and can help to bind families through shared experiences and achievements. Through participation, sport and recreation can also help address anti-social behaviour and can support education.

The enhancement of major parks with playgrounds, with linear paths and linkages between open space areas, and with other family recreation facilities (e.g. BBQs, seats and shelters) will continue to encourage increased recreational activity and to access these, there is no cost to residents. Council has in recent years committed capital funds to the upgrade and improvement of passive recreational opportunities in its parks and reserves, and this commitment to enhance these opportunities should continue.

People's preferences for the way they engage in physical activity are changing. Whilst traditional, club-based sport will continue to have appeal for a cross-section of the community, an increasing number of people are choosing to participate in social and non-competitive sporting and physical activities. The key attributes of this form of physical activity include:

- Can be undertaken for little or no cost.
  - Can be informal.
  - Can be undertaken at times and locations that are flexible.
  - Generally requires little or no equipment.
  - Focus is generally on fun and social engagement.



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- Improves physical fitness, health and wellbeing.

Many councils have, or are now beginning to install, infrastructure that is typically used and designed for social and non-competitive sporting and recreation uses. It is recommended that Council consider options for the installation of informal sporting and recreation facilities within its park environments, to add to infrastructure already existing, such as skate parks, tennis hit-up walls and basketball half-courts. Other opportunities are now emerging to support and encourage social sporting and recreation activities. Each of the activities require different infrastructure to support them, require footprints of varying areas to accommodate the main playing or active space, and require different locational characteristics or settings to be considered.

Examples of other informal sporting and recreation equipment includes:

- Jogging paths around major reserves.
- Outdoor fitness equipment (or outdoor gyms).
- Three on three basketball courts.
- Enclosed small-sided soccer pitches.
- Golf practice cages.
- Bouldering walls, or parkour courses.
- Outdoor table tennis tables.

#### Recommendation

31. Investigate opportunities to embellish parks and sporting reserves with active recreation facilities that encourage low cost/free participation.

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## 6. SPORT AND RECREATION FRAMEWORK

A framework that incorporates a set of guiding principles and defines the role of Council will underpin the future planning, provision and management of sport and recreation facilities in the City of Kingston.

### • Principles

The following key principles will inform the future planning, design and management of sport and recreation facilities.

INCREASED PARTICIPATION	<i>Council will support sport and recreation projects that will facilitate increased participation by Kingston residents in sport and recreation activities and improve their health and wellbeing.</i>
DIVERSITY	<i>Council will facilitate the provision of a range of sporting and recreation facilities and services across Kingston to firstly, ensure that the community has access to a variety of different sporting and recreation opportunities, and secondly, to cater for different levels of abilities and needs.</i>
MULTIUSE AND SHARED USE	<i>Council will advocate strongly for and optimise the provision of sport and recreation facilities that are multiuse and can support shared use, where appropriate and practical.</i>
ACCESSIBLE AND INCLUSIVE	<i>Sport and recreation facilities will be accessible to and encourage people of all ages, genders, abilities and cultural backgrounds.</i>
ADAPTABLE	<i>Sport and recreation facilities will be designed and managed to meet accepted sport and recreation facility guidelines and standards whilst also being flexible to meet future community needs.</i>
PARTNERSHIPS	<i>Council will adopt a collaborative and partnership approach with community groups, schools, all levels of government, government agencies, peak sporting organisations and the private sector for the planning, provision and management of sport and recreation facilities.</i>
FINANCIALLY RESPONSIBLE	<i>Financial viability and cost effectiveness of sport and recreation facilities will be considered in all aspects of their planning, development and management.</i>
STRATEGIC JUSTIFICATION	<p><i>Strategically supported by local or regional plans and/or state sporting association/peak body facility development plans to meet identified community needs and gaps.</i></p> <p><i>Where practical, develop and upgrade sporting facilities accordance with peak bodies recommended design guidelines such as:</i></p> <ol style="list-style-type: none"> <li>1. Cricket Victoria's Community Cricket Facility Guidelines (2015).</li> <li>2. AFL Preferred Facility Guidelines (2012) and Upgrade for unisex use (2015)</li> <li>3. Gymnastics Victoria's Facility Guide &amp; Strategy Plan (2017).</li> <li>4. National Tennis Facility Planning and Development Guide.</li> <li>5. Netball Victoria's Facilities Manual (2017).</li> </ol>

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### • Council's Role in Sport and Recreation Provision

Kingston City Council's role in the future provision of sport and recreation facilities and services will have four key components.

<b>PLAN</b>	<i>Facilitate the planning, development and management of sport and recreation facilities and services to cater for identified current and future community needs.</i>
<b>PROVIDE</b>	<i>Provide sport and recreation facilities and services through direct funding, shared funding, and facilitated funding arrangements.</i>
<b>SUPPORT</b>	<i>Support clubs, other community groups, and management entities with the development, management and maintenance of sport and recreation facilities.</i>
<b>PARTNER</b>	<i>Work with the community, local clubs, associations, education (private and government providers) to ensure that sport and recreation facilities, programs and services meet community needs and optimise investment opportunities.</i>

### • Sports Facility Hierarchy

The quality and level of provision of playing surfaces and supporting infrastructure, such as pavilions, car parking, floodlighting, and spectator areas, will vary between sporting facilities. The variance will in most cases be dependent upon the sport, the number of people playing the sport, and the different grades or standards of competition within a sport that support specific sport pathways. With different standards of competition, the facility requirements and the facility standards can typically change as well.

The Sport and Recreation Strategy is recommending that a framework for sports facility provision is introduced which recognises that some sports may now (or into the future) require a range of facilities to support these different uses. The framework (or sports facility hierarchy) will help delineate between the different standards of facility provision for each of the nominated sports. A three tiered hierarchy for sports facilities is recommended to guide the current and future provision of sporting facilities: Regional; District; and Local. This hierarchy is consistent with the four tiered classification system for open space, as defined in Council's Open Space Strategy (2012). The fourth category for open space, Neighbourhood, is a category supporting small parks and is not relevant for sports facility provision.

It is important to note that the sports facility hierarchy may not necessarily relate to a whole reserve or sports precinct, rather the individual sporting facilities within it. That is, a reserve could have a Regional level facility and District and Local level facilities within its boundaries.

#### Regional level

Regional level sporting facilities are designed and maintained to service the whole council area, and beyond. They are typically specialist sporting facilities catering for one and sometimes two sports and are provided to a sufficient standard to enable them to host regional and State events.

Regional level sporting facilities may support a centralised sporting competition that draws teams or competition from throughout the municipality, and sometimes beyond. Kingston presently has only a handful of examples of Regional level facilities, including the Dingley Tennis Club, the Springvale & District Netball Association and the Kingston Heath Soccer Complex.

#### District level



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District level sporting facilities are designed and maintained to cater primarily for club training and competition, and are usually regarded as the headquarter facility for clubs and/or associations. They usually comprise of playing surfaces and a pavilion or clubroom, and can include a range of supporting infrastructure, such as floodlighting, practice facilities and formal car parking.

District level sporting facilities are typically multipurpose in nature and are generally designed and managed to cater for at least two sports, where appropriate and practical. A majority of the sporting facilities in Kingston are considered to be District level facilities, and examples include Ben Kavanagh Reserve, Highett Recreation Reserve, the Edithvale Bowling Club, the Bicentennial Park Baseball Field, the Parkdale Tennis Club, and the Bonbeach Basketball Stadium.

#### Local level

Local level sports facilities primarily cater for junior training and competition, and in some instances may be used as overflow facilities for senior teams. Local level sports facilities are generally built and maintained to a basic level, and could be school facilities being used as joint-use facilities with the community.

Examples of existing sports facilities in Kingston that would be considered Local level, include George Woods Reserve, the Mordialloc skate park, and the Chelsea Lawn Tennis Club facility.

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## 7. RECREATION SERVICES POLICY AND PLANNING

One of the overall objectives of Council in relation to the provision of sport and recreation facilities and services, is to improve the health and wellbeing of residents through increased participation in physical activity. To enable Council to effectively plan, develop and provide recreation opportunities, a range of up to date policies and strategies in this field are required to underpin Council's roles and responsibilities.

A review of existing policies and guidelines required to underpin the effective management and provision of sport and recreation in Kingston, identified the need to either review some existing policies or develop new.

### • Sporting Ground Allocation Policy

Council has a strong commitment to providing its community with a broad range of sporting and recreational opportunities, and in doing so provides a wide range of sporting facilities and services for its residents and visitors to the municipality. Whilst Council has an existing policy that guides the process to allocate sports grounds and other associated facilities, it is timely to review the policy in the context of increasing participation in sport and recreation by juniors, females, people from diverse communities, and people with disabilities.

The objectives of the review of the existing Sporting Ground Allocation Policy should include:

1. To increase participation in sport and recreation for women and girls, juniors, people with a disability and people from diverse backgrounds.
2. To ensure Kingston residents are more active more often during all stages of life.
3. To provide a diverse range of recreation opportunities that reflects the municipality is diverse communities.
4. To provide supportive environments and facilities which encourage participation.
5. To develop and maintain partnerships to enhance participation options.
6. To ensure sporting facilities are allocated to clubs and groups with sound governance structures, open memberships, elected committees and a demonstrated commitment to social responsibility.
7. To enable Council to address the needs of growth sports.

The review should also consider the changing length of seasons by some sports, the increasing need by clubs to access facilities for pre-season training, the finite capacity of sports fields, the importance of sport pathways and the need for co-operative alliances between junior and senior clubs, and the increased desire by non-club sporting teams and recreational groups to access sports fields and associated facilities.

### • Sports Facility Design Standards and Guidelines

It will be important that Council facilitates the provision of any future new sporting facilities in accordance with the hierarchy of provision recommended in Section 5.3, and also in accordance with the standards and guidelines set down by respective sports governing bodies. This will ensure that sporting facilities will be fit for purpose, and will be provided to a standard and configuration that will ensure sustainable club use and development.

Council should undertake a review of the Sportsground Infrastructure Development Policy (2013), which identifies desired standards for sports facility provision. The review should ensure facility standards are developed for the sports nominated in the Sport and Recreation Strategy and for the three levels of the sports facility hierarchy, where multiple levels of a sport exist.

Preferred standards for the provision of pavilions/ clubrooms should also be developed. The proposed new standards should be developed with consideration of Council's Pavilion Development Strategy (2008, and revised in 2016) and the standards and guidelines set down by respective sports governing bodies.

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Council's Pavilion Development Strategy was reviewed in 2016 as a result of a changing environment for the use of pavilions, the changing function of pavilions, and the changing profile of the clubs and community groups currently using pavilions or projected to be using them in the future. The strategy was updated following consideration of the following factors:

- Female friendly facilities;
- Universal (disability) access;
- Designing spaces that are multiuse in design;
- Availability and functionality of storage facilities; and
- Meeting the needs of varying sports codes.

The strategy also includes a prioritised order for the incremental development of pavilions. The principles underpinning the Sport and Recreation Strategy (2017) in Section 5.1 provided an overarching context for the provision of sports pavilions. A weighted assessment tool has been developed to ensure a transparent approach is used to prioritise the order of pavilion development, and considers a range of inputs including:

1. Condition of physical assets (fit for use) ñ weighting of 40%.
2. Utilisation and building context (fit for purpose) ñ weighting of 30%.
3. Future relevance (fit for future) ñ weighting of 20%.
4. Potential for funding and partnerships ñ weighting of 10%.

The weightings ensure that while the condition of the pavilion is very important, it cannot be the sole determinant of priority for upgrades.

A proposed priority order of pavilion development is included in Appendix 1, and whilst the order is not prescriptive, it provides Council with guidance for annual budget planning.

#### • **Fees and Charges Policy**

A new Fees and Charges Policy will be required to support the proposed new Sport and Recreation Framework, and will require a review of Council's existing Fees and Charges Policy. Fees and charges policies for the use of sports facilities and pavilions should be underpinned by a clearly defined set of principles.

It is recommended that the following principles underpin the preparation of a new fees and charges policy:

1. Sports grounds have a residual benefit to the community as open space, and as a consequence, the cost of providing the resource should be shared between sports clubs and ratepayers where the general public have access to the reserve.
2. Costs to be recovered through any proposed pricing policy should focus on a percentage contribution towards the direct costs of maintaining a sports facility, especially with respect to sports grounds.
3. The cost of capital works to upgrade sporting facilities should not be taken into consideration when determining fees and charges.
4. Seasonal fees and charges levied for the use of sporting facilities should be shared proportionately between tenants, if more than one seasonal user group shares a facility.
5. User groups using better standard sporting facilities should contribute more than groups using basic standard facilities (links to the proposed sports facility hierarchy), to ensure equity and access for all to facilities.
6. Seasonal fees and charges should be consistent for the same grade and quality of sporting facilities across the municipality.

Sport and Recreation Strategy



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7. Commercial organisations, semi-commercial clubs, or user groups generating revenue from Council-owned or Council-managed sporting facilities should be required to pay a premium rate for use of their facilities.

- **Use of School Land and School Facilities Policy**

Council has existing arrangements with selected schools for the use of facilities on school land by external community sporting groups, particularly where Council has invested capital funds for the provision or maintenance of such facilities. It is likely that additional opportunities will need to be investigated with schools for the shared use of school facilities, as a strategy to enable increased access to facilities in the areas of the municipality where constraints exist on the availability of land, or where partnerships may expedite the provision of much needed facilities.

It is timely to review Council's existing policy underpinning joint-use agreements, to determine how capital funds, access arrangements, and management resources might be optimised for the benefit of Council and community groups in relation to the provision and use of facilities on school land.

The Department of Education and Training has recently developed new templates and agreements for access to government school facilities, and these need to be considered when reviewing the Council's policy.

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## 8. STRATEGY ACTION PLAN

This section lists the recommendations emanating from the Kingston Sport and Recreation Strategy (2017). The table on the following pages incorporates the following information:

- A list of the key strategy recommendations by key result area and by planning area,
- The reference in the study report to the recommendation.
- Estimated costs (exclude GST).
- An indicative prioritisation for the proposed works, where:

- ST = Short Term (1 ñ 5 years).
- MT = Medium Term (6 ñ 10 years).
- LT = Long Term (10+ years).

The key result areas incorporated into the Action Plan are:

1. Strategic Facility Planning ñ facility planning with City-wide implications.
2. Facility Planning ñ planning for a specific sport or locality.
3. Facility Provision ñ improved facilities for a specific sport or locality.
4. Policy Development ñ directions for new/ revised policy development or procedures.

The prioritisation of recommendations has been informed by the following factors:

- Demand and need in relation to influencing an increase in sports and recreation participation.
- Facilitating equity of access to sporting facilities.
- Capacity of the sport and recreation staff of Kingston City Council.

It is important to note that the listing of a project or task in the Action Plan does not commit any organisation to a responsibility for funding, including Kingston City Council, which has to balance its limited resources with other commitments and projects.

Item No	Planning Precinct	Recommended Action	Report Reference	Priority
<b>Australian Rules Football</b>				
1	Northern Region	Consider the following options: • Purchase of land or long-term lease within the Green Wedge (north) for multiple sports uses, including football ovals.	4.1, 4.5	ST
2	Council Wide	Explore options to meet football participation needs. E.g. new and upgraded floodlighting, shared use with other winter sports and access to non-Council facilities.	4.1, 4.5	ST
3	Council Wide	Consider installing synthetic surfaces as a strategy to increase the training and match capacity across the total provision of grounds.	4.1,4.5.	Ongoing
<b>Athletics</b>				
4	Council wide	Explore opportunities for the development of a new regional athletics venue, potentially within the Green Wedge. Until Council considers and endorses a new regional athletics venue, Dolomore Reserve will remain as Kingston's Regional athletics venue	4.2	MT
5	Northern and Southern Region	GR Bricker Reserve and Edithvale Recreation Reserve will continue to provide athletics facilities to meet local catchment needs.	4.2	Ongoing

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Baseball				
6	Council Wide	Work with baseball clubs and peak associations to identify sustainable initiatives that focus upon meeting baseball participation needs.	4.3	Ongoing
7	Council Wide	Review the 2004 Kingston Heath Reserve Master Plan to assess opportunities to increase and/or consolidate sporting uses at the reserve. This strategic assessment to investigate the capacity of the reserve to accommodate both the Cheltenham Baseball Club and the Southern United Hockey Club.	4.3	ST

Basketball				
8	Council wide	Continue to explore opportunities that support the development of indoor court facilities to meet sporting needs of Kingston residents in the immediate to longer term.	4.4	MT

Cricket				
9	Northern Region	Explore the following options: • Purchase of land or long-term lease within the Green Wedge (north) for multiple sports uses, including football ovals.	4.1, 4.5	ST
10	Council Wide	Actively pursue joint-use partnerships with schools to upgrade and maintain ovals on school land to enable their use by external cricket clubs.	4.5	Ongoing
11	Council Wide	Work collaboratively with Cricket Victoria and local cricket clubs to identify new approaches to maximise the access to and use of cricket facilities, such as mid-week evenings and Sunday.	4.5	Ongoing

Cycling				
12	Council Wide	Investigate the need, feasibility and potential sites for a Regional criterium course. The investigation should be carried out in partnership with the State Government and Cycling Victoria, and also determine the future role of the Edithvale Velodrome.	4.6	MT

Gymnastics				
13	Council Wide	Support local gymnastics clubs and Gymnastic Victoria to determine the future provision of gymnastics facilities within the City of Kingston, particularly options to increase gymnastics program space in the Southern Region. Possible sites could include Bonbeach Recreation Reserve and/or Patterson Lakes Community Centre.	4.7	LT

Golf				
14	Southern Region	Review the performance and sustainability of Chelsea Public Golf Course to provide affordable and accessible golfing opportunities.	4.8	ST
15	Council Wide	Continue to advocate the principles of Council's Golf Course Policy.	4.8	Ongoing

Hockey				
16	Council Wide	Undertake an investigation and feasibility study for the provision of a Regional hockey facility to service the southern region. The study should give consideration to: • Involving the State Government, neighbouring local government authorities, Hockey Victoria, and local hockey clubs in the feasibility study. • Reviewing the 2004 Kingston Heath Reserve Master Plan to assess opportunities for increased and/or a consolidation of sporting uses at the Reserve, including the expansion of the existing hockey facility by installing a second pitch on the site of the cricket oval. • Developing a second pitch at a site near the Kingston Heath Reserve hockey facility. Developing a new Regional hockey facility within the Green Wedge. • Developing a new Regional hockey facility within the Green Wedge	4.9	MT



## Sport and Recreation Strategy



Lawn Bowls				
17	Council Wide	Work with all bowling clubs in Kingston to ensure a sustainable framework of facilities are available to meet the needs of a growing Kingston population.	4.10.	Ongoing
Netball				
18	Council Wide	Support local football and netball clubs with the provision of netball courts at sporting reserves, subject to an individual site feasibility assessment.	4.11.	ST
19	Council Wide	Continue to maintain and improve netball facilities at Dales Park, Bicentennial Park and Rowan Road Reserve and undertake a review of existing facilities to <b>determine compliance with Netball Victoria standards.</b>	4.11.	Ongoing
Rugby Union				
20	Northern Region	That Keys Road Reserve is maintained and developed as Kingston's principle Rugby facility.	4.12.	
Soccer				
21	Central and Northern Region	Undertake a review of the 2004 Kingston Heath Reserve Master Plan to assess opportunities for increased and/or a consolidation of sporting uses at the Reserve, including the potential to establish a fifth pitch at the Kingston Heath Soccer Complex.	4.13.	ST
22	Northern Region	Undertake a development plan at The Grange Reserve (Westall) to ensure the facilities meet relevant sporting standards.	4.13.	ST
23	Council Wide	Explore options to meet soccer participation needs. E.g. new and/or upgraded facilities, shared use with other winter sports and access to non-Council facilities.	4.13.	ST
24	Council Wide	With any new soccer pitches, consider installing synthetic surfaces as a strategy to increase soccer training and match capacity across the total provision of pitches.	4.13.	Ongoing
Tennis				
25	Northern Region	Undertake a feasibility study in conjunction with the Dingley Tennis Club for the upgrade of the Dingley tennis centre to better meet the standards of a Regional tennis facility.	4.14.	MT
26	Central Region	Explore future opportunities to improve the provision of tennis facilities at the Le Page Reserve, which may include the relocation of courts and the pavilion.	4.14	LT
27	Southern Region	Continue discussions with the tennis clubs to identify sustainable options for the provision of tennis facilities across the City	4.14	Ongoing
28	Council Wide	Prioritise funding towards facility improvements at tennis club facilities that have demonstrated sustainable memberships and are supported by Tennis Victoria.	4.14	Ongoing
Skate/BMX				
29	Council Wide	Implement the recommendations of the Active Youth Spaces Strategy relating to the upgrade and enhancement of the existing skate facilities.	4.15	Ongoing
30	Council Wide	Investigate the need for a specialist BMX facility in Kingston, and location options.	4.15	LT
Low Cost/Free Active Recreation Facilities				
31		Investigate opportunities to embellish parks and sporting reserves with active recreation facilities that encourage low cost/free participation.	4.16	Ongoing

Sport and Recreation Strategy



## **Appendix 1**

### **Proposed priority order of Pavilion Development**

Sport and Recreation Strategy



(2017)

The following table demonstrates pavilions that are well advanced in terms of detailed planning and/or project delivery.

Name of Pavilion	Status	Major/Minor Works
H A Droop Pavilion - Ben Kavanagh Res.	Works commenced in 2017	Major
Mentone Reserve 'H G Soppet' Pavilion & Mentone Reserve 'Corby' Pavilion	Concept design planning	Major
Gerry Green Reserve Hall & Gerry Green Reserve Grandstand	Works planned for 2017	Major
Jack Grut Reserve Pavilion (Stage 1)	Works planned for 2017	Major
Roy Dore Reserve, including Long Beach Tennis Club pavilion	Concept design prepared 2017	Major
Southern Road Reserve Pavilion	Concept design prepared and funding sought from the State Government to provide female friendly facilities in 2018/19	Minor
Bonbeach Recreation Reserve YCW	Concept design prepared and funding sought from the State Government to provide female friendly facilities in 2018/19	Minor
Regents Park	Planning for female friendly facilities identified within draft Regents Park Master Plan	Major/Minor

The principles underpinning the Sport and Recreation Strategy (2017) in Section 5.1 provided an overarching context for the provision of sports pavilions. A weighted assessment tool has been developed to ensure a transparent approach is used to prioritise the order of pavilion development, and considers a range of inputs including:

1. Condition of physical assets (fit for use) ñ weighting of 40%.
2. Utilisation and building context (fit for purpose) ñ weighting of 30%.
3. Future relevance (fit for future) ñ weighting of 20%.
4. Potential for funding and partnerships ñ weighting of 10%.

The weightings ensure that while the condition of the pavilion is very important, it is not the sole determinant to implement pavilion upgrade works.

A proposed priority listing separating pavilions into high and medium is presented below reflecting the assessment of pavilions against the above criteria for the highest ranked 15 pavilions. This proposed list is not prescriptive and is presented in alphabetical order. It provides guidance for the development of Council's annual and long term budget planning.

For the highest ranked 15 pavilions, recommended future works have been identified and graded as either major (funding exceeding \$0.5M) or minor (funding lower than \$0.5M). The grading of works also assist Council to determine future application to State Government Funding programs.

## Sport and Recreation Strategy



Priority	Name of Pavilion (in alphabet order)	Recommended Future Works	Major/Minor Works
High			
	Dales Park Pavilion	Complete renewal of facility to meet sport and club needs	Major
	Dingley Reserve Sports Club Pavilion	Complete renewal of facility to meet sporting needs. Future work to reflect future outdoor sporting provision within Dingley.	Minor/Major
	GR Bricker Reserve Pavilion	Accessibility improvements e.g. ramp access, improved storage, change (female friendly) and umpires facilities.	Minor
	Jack Grut Reserve Pavilion (Stage 2)	Stage 2 works includes renewal of storage, community space and public toilets	Minor/Major
	Le Page Park Sports Pavilion	Accessibility improvements e.g. ramp access, improved storage, change (female friendly) and umpires facilities	Minor
	Highett Main Pavilion	Accessibility improvements e.g. lift access to first floor, improved storage, upgraded change (female friendly) and umpires facilities	Minor
	Highett Small Pavilion	Complete renewal of facility to meet sporting needs (secondary pavilion at the reserve).	Minor
	Namatjira Park Sports Pavilion	Complete renewal of facility to meet sporting and club needs	Major
	Walter Galt Reserve	Female friendly facilities	Minor
Medium	Chadwick Reserve Pavilion	Complete renewal of facility to meet sport and club needs	Major
	Dolomore Reserve Athletics Pavilion	Complete renewal of facility to meet sport and club needs.	Major/Minor
	Edithvale Common Change Rooms	Extend existing facility to include change facilities, including female friendly, storage and umpires/referees rooms.	Minor/Major
	Keeley Park East and West Pavilion/s	Improved storage, change (female friendly) and referees facilities. Consideration to be given to pavilion consolidation at Keeley Park.	Minor/Major
	Kingston Heath Reserve - Baseball Pavilion	Accessibility improvements e.g. ramp access, improved storage, change (female friendly) and umpires facilities	Minor
	Regents Park Football Pavilion	Improved storage, change (female friendly) and umpires facilities	Minor
	The Grange Reserve Soccer Pavilion	Complete renewal of facility to meet sport and club needs	Major

Sport and Recreation Strategy

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## **Appendix 2**

### **Inventory of Sporting and Recreation Facilities Available Within the City of Kingston**

## Sport and Recreation Strategy



(2017)

Reserve / Facility Name and Location	Ownership and Management	Sporting and Recreation Facilities Available (and associated infrastructure)	Classification Local District Regional	User Group(s)	Functionality Constraints Opportunities
<b>Northern Region</b>					
<b>Dane Road Reserve</b> Dane Road, Moorabbin	Council owned and managed	1 oval ñ turf wicket, unlit 3 cricket practice nets Pavilion 5 porous tennis courts ñ 3 floodlit Clubroom Guide Hall		Moorabbin Park Cricket Club  Highmoor Uniting Tennis Club  Moorabbin Guides GLOC Theatre	Oval is not currently being allocated for use in winter. It is a junior AFL size oval.
<b>Moorabbin Reserve</b> Linton Street, Moorabbin	Council owned. Managed by St Kilda Football Club	1 AFL oval only, floodlit 3 bowling greens ñ 1 synthetic, floodlit, 1 turf, unlit, 1 overgrown/not in use.		St Kilda Football Club Various peak football organisations Moorabbin Bowling Club	Oval and associated buildings are set to be redeveloped into a new administration and training base for the St Kilda FC and administration offices for various local football organisations. Community access will be possible to the sporting facilities. The bowls club are seeking to rejuvenate the third unused green.
<b>GR Bricker Reserve</b> Rowans Road, Moorabbin	Council owned and managed	Athletics track (Polyurethan Spurtan BV) 1 oval ñ synthetic wicket 3 cricket practice nets Pavilion Play space Outdoor fitness gym Model Railway Scout Hall		Moorabbin Little Athletics Club Omega Cricket Club Southern Football Club Umpires Association Moorabbin Obedience Dog Club  Steam Locomotive Society of Victoria 5 <sup>th</sup> Cheltenham Scout Group	Athletics track surface upgrade in 2017. Pavilion accommodates a number of user groups, each with an exclusive area.
<b>Highett Recreation Reserve</b> 111 Chesterville Road, Highett	Council owned and managed	Oval 1 ñ turf wicket, floodlit Main Pavilion Oval 2 ñ turf wicket, unlit Pavilion Oval 3 ñ synthetic wicket, unlit 4 cricket practice nets Play space Flying Fishing pond, floodlit Archery field and pavilion		Highett Football Club Highett Auskick Highett Cricket Club  Southern Fly-fishing Moorabbin Archery	There is high fencing along the road adjacent to the sport facilities, and low fencing along the road adjacent to the passive spaces. Pedestrian entrances to the sporting grounds are all through vehicle entrances. Oval 3 is junior sized.
<b>William Fry Reserve</b> Cnr Nepean Hwy & Bay Road, Highett	Council owned and managed	Skate park Basketball half-court Tennis hit-up wall Play space			



## Sport and Recreation Strategy



(2017)

Reserve / Facility Name and Location	Ownership and Management	Sporting and Recreation Facilities Available (and associated infrastructure)	Classification Local District Regional	User Group(s)	Functionality Constraints Opportunities
<b>Dales Park</b> Warrigal Road, Oakleigh South	Council owned and managed	8 netball courts, 4 floodlit Pavilion Play space		Kingston District Netball Association	Courts are orientated east-west, however, are in good condition. There is overflow car parking available.
<b>Clarinda Tennis Club</b> 4-14 Crawford Road, Clarinda	Privately owned and managed	3 porous tennis courts, 2 floodlit 3 classic clay courts, all floodlit Clubroom		Clarinda Tennis Club	
<b>Keeley Reserve (West)</b> 62A-64 Main Road, Clayton South	Council owned and managed	2 soccer fields ñ 1 floodlit (winter) 1 oval ñ synthetic wicket (summer) Pavilion		Kingston Football Club Omega Cricket Club	The synthetic cricket wicket is between the two soccer fields Drainage to Sports fields required.
<b>Keeley Reserve (East)</b> 62A-64 Main Road, Clayton South	Council owned and managed	1 oval ñ synthetic wicket, floodlit 3 cricket practice nets Pavilion Sea Scouts Building Menis Shed Play space		Carnegie United Cricket Club Clayton Junior Football Club  Yet Kieu Sea Scouts Kingston Menis Shed	Floodlights are non-compliant. Car park and landscaping around the sea scouts and Menis Shed have recently been upgraded. Drainage to Sports fields required.
<b>The Grange Reserve</b> 136 Osborne Avenue, Clayton South	Council owned and managed	2 acrylic tennis courts, floodlit 2 disused acrylic tennis courts, floodlit Clubroom  1 soccer field, floodlit (regional competition field), plus practice / warm-up pitch (half size) Pavilion		Westall Social Tennis Club  Kingston Football Club	Soccer facility is fenced. Site subject to a Facility Development Plan (2017/18).
<b>Namatjira Park</b> 37A Springs Road, Clayton South	Council owned and managed	3 bowling greens ñ all turf, 2 floodlit Clubroom 1 oval ñ turf wicket, floodlit Pavilion 1 community tennis court Tennis hit-up wall Basketball half-court Skate park ñ bowl only Outdoor fitness gym Play space		Clayton Bowls Club  Parkdale United Cricket Club Clayton District Cricket Club South East Predators (Gridiron)	Oval lighting is non-compliant

## Sport and Recreation Strategy



(2017)

Reserve / Facility Name and Location	Ownership and Management	Sporting and Recreation Facilities Available (and associated infrastructure)	Classification Local District Regional	User Group(s)	Functionality Constraints Opportunities
<b>Heatherton Reserve</b> 32-54 Ross Street, Heatherton	Council owned and managed	1 oval - turf wicket, floodlit Pavilion 3 cricket practice nets Clubroom		Heatherton Football Club Heatherton Cricket Club  La Baracca Incorporated	The floodlighting is poor. There is new landscaping and seating around the pavilion. La Baracca Incorporated clubroom accommodates the Italian Citizens of Heatherton, Aspendale Gardens Senior Citizens and Heatherton Senior Citizens
<b>Dingley Recreation Reserve</b> Marcus Road, Dingley Village	Council owned and managed	2 basketball courts Corrigan Oval n synthetic wicket, undersized, playground on one corner Souter Oval n turf wicket, floodlit 4 cricket practice nets 2 Pavilions		Dingley Football Club Dingley Junior Football Club Dingley Auskick Dingley Cricket Club	The floodlighting on Souter Oval is non-compliant. Pavilion comprises 2 separate buildings: one is a social facility and one is the change room and canteen facility.
<b>Chadwick Reserve</b> Howard Road, Dingley Village	Council owned and managed	1 soccer field (east) n unlit 2 soccer fields (west), floodlit (winter) 1 oval (west) n syn wicket (summer) Pavilion Play Space		Dingley Stars Football Club  Dingley Cricket Club	Pavilion appears insufficient to adequately service 3 fields.  Opportunity to have shared winter use. Eg junior AFL and Soccer.
<b>Rowan Road Reserve</b> Rowan Road, Dingley Village	Council owned and managed	16 netball courts, 14 floodlit Pavilion 16 porous tennis courts, all floodlit Tennis hit-up wall (double) Clubroom 2 baseball / softball fields Batting cage Pavilion Skate park Play space		Springvale & District Netball Association  Dingley Tennis Club  Dingley Baseball and Softball Club Springvale Lions Baseball Club	Netball court run off is non-compliant. Tennis courts 1 and 2 have temporary spectator seating.  Gravel, unformed car park services the baseball field. Springvale Lions is a summer competition club.

Sport and Recreation Strategy



(2017)

Reserve / Facility Name and Location	Ownership and Management	Sporting and Recreation Facilities Available (and associated infrastructure)	Classification Local District Regional	User Group(s)	Functionality Constraints Opportunities
<b>Central Region</b>					
<b>Cheltenham Bowls Club</b> 2A Wilson Street, Cheltenham	Private	2 turf greens, 1 floodlit		Cheltenham Bowls Club	
<b>Cheltenham Secondary College</b> Bernard Street, Cheltenham	DoE owned. and managed	1 cricket field w synthetic wicket 2 indoor basketball courts		Highett Cricket Club	Oval is not currently allocated for use in winter.
<b>Keys Road Reserve</b> 92 Keys Road, Cheltenham	Council owned and managed	2 rugby fields Field 1 is fully floodlit Field 2 has training floodlights Pavilion		Moorabbin Rugby Union Football Club	Fields are not currently allocated for use in summer. Field 2 is undulating. There is no spectator or player shelter on either field. No vehicle access into the reserve.
<b>Kingston Heath Reserve</b> 255-317 Centre Dandenong Road, Cheltenham	Council owned and managed	4 baseball fields (2 have dugouts) Synthetic hockey field, floodlit Pavilion w shared between baseball and hockey 2 synthetic soccer fields, all floodlit 2 turf soccer fields, all floodlit (incl. regional competition field) Pavilion 1 cricket field w synthetic wicket 2 cricket practice nets Combined tennis hit-up wall (double-sided) and basketball half-court Community tennis court Play Space		Cheltenham Baseball Club Southern United Hockey Club  Bentleigh Greens Soccer Club Moorabbin City Soccer Club Clarinda United Football Club  Kingston Heath Cricket Club	The two northern fields have capacity to accommodate up to 6 smaller baseball fields.      Oval is not currently allocated for use in winter. Opportunity to provide pavilion facilities to encourage winter usage.

## Sport and Recreation Strategy



(2017)

Reserve / Facility Name and Location	Ownership and Management	Sporting and Recreation Facilities Available (and associated infrastructure)	Classification Local District Regional	User Group(s)	Functionality Constraints Opportunities
<b>Le Page Park</b> 69-81 Herald Street, Cheltenham	Council owned and managed	6 porous tennis courts Tennis hit up wall (double sided) Clubroom Oval 1 n synthetic wicket, floodlit Oval 2 n synthetic wicket, training lights only Pavilion 3 cricket practice nets Play space 4 asphalt netball courts		Le Page Tennis Club  Cheltenham Junior Football Club Cheltenham Panthers Auskick Le Page Cricket Club	Tennis perimeter fencing is in poor condition.  The netball courts are no longer in use. The courts are non-compliant, however, the surface is in good condition.  Opportunity to review the layout and functionality at this site.
<b>Cheltenham Youth Club</b> 352 Charman Road, Cheltenham	Privately owned and leased	Gymnastic facility n kindy gym		Cheltenham Youth Club	Permanently set up satellite kindy gym facility managed by the Cheltenham Youth Club.
<b>Mentone Reserve</b> Brindisi Street, Mentone	Council owned and managed	1 oval n turf wicket, floodlit 3 cricket practice nets Pavilion (change rooms) Grandstand (social rooms)		St Bedes/Mentone Amateur Football Club Mentone Auskick Mentone Cricket Club	The reserve is fully fenced.
<b>Mentone Bowling Club</b> 2 Swanston Street, Mentone	Privately owned and managed	1 synthetic bowling green, floodlit 1 turf bowling green Clubroom		Mentone Bowling Club	Facility is privately owned.
<b>Southern Road Reserve</b> Southern Road, Mentone	Council owned and managed	1 oval n synthetic wicket, unlit 3 practice cricket nets Pavilion		Kingston Heath Cricket Club St Bedes/Mentone Amateur Football Club	Unformed car parking. A small change room has been created out of a former storage shed.
<b>Dolamore Reserve</b> 3 Queen Street, Parkdale	Council owned and managed	Athletics track (polyurethane)  4 porous tennis courts, all floodlit 1 acrylic tennis court, floodlit Clubroom		Mentone Little Athletics Club Mentone Athletics Club Mentone Veterans Athletics Club Mentone Tennis Club	Athletics track and associated field event facilities are to a regional standard, but requires renewal.

## Sport and Recreation Strategy



(2017)

Reserve / Facility Name and Location	Ownership and Management	Sporting and Recreation Facilities Available (and associated infrastructure)	Classification Local District Regional	User Group(s)	Functionality Constraints Opportunities
<b>Parkdale Bowling and Social Club</b> Alameda Place, Parkdale	Privately owned and managed	1 synthetic green, floodlit Clubhouse			
<b>Gerry Green Reserve</b> Imes Street Parkdale	Council owned and managed	1 oval n turf wicket, floodlit 3 cricket practice nets Pavilion 9 porous tennis courts, all floodlit Play space		Parkdale Amateur Football Club Parkdale Cricket Club  Parkdale Tennis Club	Pavilion upgrade planned in 2017/18.
<b>Walter Galt Reserve</b> 41 Victoria Street, Parkdale	Council owned and managed	Oval 1 n turf wicket, floodlit Oval 2 n synthetic wicket, unlit 5 cricket practice nets Pavilion Tennis hit-up wall		Mordialloc/Braeside Junior Football Club Parkdale Auskick Kingston Hawthorn Cricket Club	Main oval and associated car park have been upgraded to accommodate Kingston Hawthorn Cricket Club's senior teams, which are Premier cricket competition teams. Opportunity exists to upgrade oval no 2 for junior sporting activities. Pavilion has been upgraded and expanded recently.
<b>Mordialloc Community Centre</b> 115 Warren Road, Mordialloc	Council owned and managed by a Committee of Management	Gymnastic facility n kindy gym, WAG levels 1-6, MAG levels 0-2		Mordialloc Gymnastic Club	Permanently set up gym facility.
<b>Gilmour Reserve (Parkdale Secondary College)</b> Magnolia Street, Parkdale	DoE owned, and managed	1 oval n turf wicket, unlit 1 soccer field, floodlit, plus practice / warm-up pitch (half size) Pavilion 3 indoor basketball courts		Mentone Cricket Club Parkdale Cricket Club  McKinnon Basketball Association	
<b>George Woods Reserve</b> Governor Road, Mordialloc	Council owned and managed	1 oval n synthetic wicket (Summer) Venue for goal kick soccer (winter)		Mordialloc Cricket Club Aspendale Junior Sporting Club	The area is too small to accommodate older age junior and senior sporting competitions. The reserve has no pavilion. There is no off-street car parking available. Oval is junior size.
<b>Jack Grut Reserve</b> 68 Governor Road, Mordialloc	Council owned and managed	1 oval - turf wicket (summer) 4 cricket practice nets 1 soccer field, unlit (winter) Pavilion		Parkdale United Cricket Club  Aspendale Junior Sporting Club Mordialloc Brass Band	Upgraded pavilion facilities are scheduled in 2017/18

## Sport and Recreation Strategy



(2017)

Reserve / Facility Name and Location	Ownership and Management	Sporting and Recreation Facilities Available (and associated infrastructure)	Classification Local District Regional	User Group(s)	Functionality Constraints Opportunities
<b>Ben Kavanagh Reserve</b> McDonald Street, Mordialloc	Council owned and managed	1 oval fl turf wicket, lit 4 cricket practice nets  Play space 2 bowling greens: 1 synthetic, floodlit; 1 turf, unlit 3 petanque pistes Girls Guide Hall Basketball half-court		Mordialloc Cricket Club Mordialloc Football Club Mordialloc-Old Mentone Auskick Mordialloc Super Rules Football Club Mordialloc Bowling Club Longbeach Petanque Club  Witchell Girl Guides	A number of facility improvements are planned for 2017 fl 2021 including pavilion, netball court and cricket nets.



## Sport and Recreation Strategy



(2017)

Reserve / Facility Name and Location	Ownership and Management	Sporting and Recreation Facilities Available (and associated infrastructure)	Classification Local District Regional	User Group(s)	Functionality Constraints Opportunities
<b>Doug Denyer Reserve</b> 98-108 McDonald Street, Mordialloc	Council owned and managed	6 porous tennis courts, all floodlit 2 ovals & synthetic cricket wickets 3 cricket practice nets Pavilion Play space		Mordialloc Tennis Club Mordialloc Cricket Club	The sportsground area is a retarding basin. Opportunity exists to expand additional winter usage.
<b>Cheltenham Youth Club</b> 352 Charman Road, Cheltenham	Privately owned and leased	Gymnastic facility & kindy gym		Cheltenham Youth Club	Permanently set up satellite kindy gym facility managed by the Cheltenham Youth Club.
<b>Cheltenham Youth Club</b> 126 Woodlands Drive, Braeside	Privately owned and leased	Gymnastic facility & full range of boys and girls gymnastics, trampoline and sport aerobics		Cheltenham Youth Club	Permanently set up gymnastics facility managed by the Cheltenham Youth Club.
<b>Lemnos Community Centre</b> 906 Springvale Road, Braeside	Privately owned and managed	2 soccer fields			
<b>Mentone Grammar School Playing Fields</b> Springvale Road, Keysborough	Privately owned and managed	1 full size soccer field 1 junior soccer field			

## Sport and Recreation Strategy



(2017)

Reserve / Facility Name and Location	Ownership and Management	Sporting and Recreation Facilities Available (and associated infrastructure)	Classification Local District Regional	User Group(s)	Functionality Constraints Opportunities
<b>Southern Region</b>					
<b>Browns Reserve</b> James Avenue, Aspendale	Council owned and managed	1 oval ñ synthetic wicket (summer) 3 cricket practice nets Various soccer fields (floodlit) (winter) Pavilion		St Brigids St Louis Cricket Club Aspendale Junior Sporting Club	Floodlighting is non-compliant. Pavilion upgraded in 2017.
<b>Glen Street Reserve</b> Glen Street, Aspendale	Council owned and managed	1 oval ñ synthetic wicket, floodlit Pavilion		Edithvale/Aspendale Junior Football Club Aspendale Auskick Parkdale United Cricket Club	Floodlighting is to match standard
<b>Aspendale Gardens Reserve</b>	Council owned and managed	1 oval ñ synthetic wicket.			Opportunity to provide pavilion facilities and lighting to expand usage.
<b>Aspendale Gardens Primary School</b> Kerr Crescent, Aspendale	DoE owned, Council managed	PS Oval ñ synthetic wicket, junior size Aspendale Oval ñ synthetic wicket		St Brigids St Louis Cricket Club St Brigids St Louis Cricket Club Parkdale United Cricket Club Chelsea Heights-Aspendale Gardens CC	Council allocate use of the two ovals. Ovals are not currently allocated for use in winter. The oval within the primary school grounds is suitable only for young junior cricket use. No pavilion available, only a shelter on Aspendale Oval.
<b>Regents Park</b> Sixth Avenue, Aspendale	Council owned and managed	4 porous tennis courts, all floodlit 2 plexipave tennis courts, unlit Clubroom 1 oval ñ turf wicket, floodlit 3 cricket practice nets Pavilion Scout Hall		Aspendale Tennis Club  Edithvale/Aspendale Football Netball Club Edithvale/Aspendale Junior Football Club Edithvale/Aspendale Sporting Club Aspendale Cricket Club 1st Edithvale Scout Group	
<b>Edithvale Common</b> 109 Edithvale Road, Edithvale	Council owned and managed	3 bowling greens: 2 turf, 1 synthetic, all unlit Clubroom 1 oval ñ synthetic wicket, unlit 3 cricket practice nets Pavilion		Edithvale Bowling Club  Edithvale/Aspendale Junior Football Club Chelsea Heights-Aspendale Gardens CC	There is a need for change facilities at this site.
<b>Edithvale Recreation Reserve</b> Edithvale Road, Edithvale	Council owned and managed	2 soccer pitches, both floodlit 1 Velodrome 1 soccer pitch (centre of velodrome-winter), partially floodlit		Chelsea Soccer Club Chelsea and Peninsula Cycling Club Chelsea Soccer Club	2 soccer fields are junior size

## Sport and Recreation Strategy



(2017)

Reserve / Facility Name and Location	Ownership and Management	Sporting and Recreation Facilities Available (and associated infrastructure)	Classification Local District Regional	User Group(s)	Functionality Constraints Opportunities
		1 grass athletics track (centre of velodrome-summer) 1 baseball field w/ lit infield 2 batting cages Pavilion Play space		Chelsea Little Athletics Club Chelsea Baseball Club	The pavilion is new and is shared between athletics, soccer, baseball and cycling.
<b>Bicentennial Park</b> Scotch Parade, Chelsea	Council owned and managed	6 netball courts, all floodlit Pavilion 2 baseball diamonds, 1 floodlit 2 batting cages Outdoor fitness gym Skate park and vert ramp Fitness path circuit		Chelsea and District Netball Association  Bonbeach/St Chads Baseball Club	Some of the light poles are within the 3.05m run-off zone making the courts non-compliant. Diamond 2 has capacity to accommodate 3 junior fields.
<b>Chelsea Recreation Reserve</b> Beardsworth Avenue, Chelsea	Council owned and managed	1 oval w/ turf wicket, floodlit 3 cricket practice nets  2 porous tennis courts w/ unlit Clubroom 1 synthetic bowling green Clubrooms Brigade training track		Chelsea Football Netball Club Chelsea Cricket Club Chelsea Junior Football Club Chelsea Lawn Tennis Club  Chelsea Bowling Club	The oval playing surface is in good condition. Pavilion has been recently extended and renovated.  Tennis clubroom is small.  Brigade training track runs in the front of the pavilion. This track receives limited usage.
<b>Beazley Reserve</b> 142-172 Thames Promenade, Chelsea Heights	Council owned and managed	1 oval w/ synthetic wicket, floodlit 3 practice cricket nets Pavilion 6 porous tennis courts w/ all unlit Clubroom Chelsea Heights Community Centre Community Garden		Chelsea Heights-Aspendale Gardens CC Chelsea Heights Football Netball Club  Chelsea Heights Tennis Club	Pavilion is new.
<b>Bonbeach Sports Reserve</b> Bondi Road, Bonbeach	Council owned and managed	4 AFL ovals, 3 floodlit 7 cricket ovals (4 turf and 3 synthetic) 2 sets of 3 cricket practice nets Main pavilion (western end) Curwood Hall YCW Pavilion		Bonbeach Tangy Cricket Club Bonbeach Football Netball Club St Brigids St Louis Cricket Club  Chelsea YCW Sports Club (AFL, cricket, basketball, netball)	Main pavilion is integrated with the stadium, and both have been recently upgraded. Scoreboard building on eastern oval is in poor condition.

## Sport and Recreation Strategy



(2017)

Reserve / Facility Name and Location	Ownership and Management	Sporting and Recreation Facilities Available (and associated infrastructure)	Classification Local District Regional	User Group(s)	Functionality Constraints Opportunities
		2 indoor basketball courts Scout Hall Play space		Chelsea and District Basketball Association 1 <sup>st</sup> Chelsea Heights Scouts	
<b>Chelsea Pony Club</b> Broadway, Bonbeach		Cross Country Course Sand Arena (30m x 70m) Clubrooms		Chelsea Pony Club	
<b>Roy Dore Reserve</b> Graham Road, Carrum	Council owned and managed	Oval 1 (east)-synthetic wicket, floodlit Oval 2 (west)-synthetic wicket, floodlit 3 cricket practice nets  2 pavilions; 1 social and 1 change rooms 6 porous tennis courts n 4 floodlit Clubroom Tennis hit-up wall (double) Play space		Carrum Cricket Club Carrum/Patterson Lakes Vets Football Club Carrum/Patterson Lakes Jnr Football Club Carrum Patterson Lakes Sports Club  Longbeach Tennis Club	Council has commenced a design development process for new pavilion and tennis facility.
<b>Learmonth Reserve</b> Learmonth Road, Patterson Lakes	Council owned and managed	6 synthetic grass tennis courts, all floodlit Clubroom Pony Club area Pony Club Pavilion		Patterson Lakes Tennis Club  Mentone Pony Club Dingley Pony Club	
<b>Patterson Lakes Community Centre</b> 54-70 Thompson Rd, Patterson Lakes	Council owned and managed by a Committee of Management	Gymnastic facility n full range of boys and girls gymnastics		Patterson Lakes Community Gymnastics Club	Gymnastic facility is not permanently set up. Facility is not adequate to meet all gymnastics programs, with satellite programs being held at Cornish College.

Sport and Recreation Strategy

(2018)

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**Australian Rules Football (AFL)**

Are you supportive of the research and recommendations for your interested sport?

Lighting	Number of Ovals	Female change facilities	Synthetic Surfaces
Lighting	Additional Ovals to accommodate female participation	Womans change rooms	Synthetic Fields with more usage, greater flexibility and multipurpose
Agree with Improved Lighting	Additional Reserves	Female Friendly Change room	
Extra Lighting for training	More ovals to meet growing demand.		
Improved Lighting at Bonbeach Reserve desperately needed due to more teams and girls training	More ovals		

If no please tells us why?

Concerns with synthetic surfaces

Are there any other comments you wish to make about the draft strategy?

Joint Football Netball Courts at local grounds

Comments unrelated to the Strategy

Coaches boxes
Veterans should be recognised
Security for Clubrooms

**Soccer**

Are you supportive of the research and recommendations for your interested sport?

Agree with review of Kingston Heath Reserve Master Plan
Agree with Pitch 5 option

If no please tells us why?

Should move away from investing in the Grange Reserve

Are there any other comments you wish to make about the draft strategy?

Need to recognise infrastructure requirements for FFA

Comments unrelated to the Strategy

Highlight high participation and grow levels more

**Baseball**

Are you supportive of the research and recommendations for your interested sport?

Strongly support recommendation 1 - (Work with Clubs/peak associations)
---

Are there any other comments you wish to make about the draft strategy?

Add an additional recommendation to continually promote female participation in baseball

Add an additional recommendation to undertake individual evaluation of existing facilities to ensure they are updated, and maintained. (Lights, nets, change facilities)

**Tennis**

Are you supportive of the research and recommendations for your interested sport?

Supportive of recommendation 1 - Dingley Tennis Centre feasibility study
--

If no please tells us why?

Not fully supportive of improved facilities at Le Page Reserve or prioritising facility improvements towards clubs who have sustainable memberships

What do you think should be Council's key focus area for implementation of the strategy?

1. Addressing supply and demand	Update antiquated facilities from 1950's
2. Renewal of existing	
3. Female Friendly equity	
4. Policy Review	

Are there any other comments you wish to make about the draft strategy?

No



For clubs to be self sufficient

Future needs catering for female participation and wheelchair tennis

#### Comments unrelated to the Strategy

No

Tennis can use synthetic surface for multisport, low maintenance no watering.

### Lawn Bowls

Are you supportive of the research and recommendations for your interested sport?

What do you think should be Council's key focus area for implementation of the strategy?

1. Female Friendly
2. Renewal of existing facilities
3. Addressing supply demand
4. Policy Review

Are there any other comments you wish to make about the draft strategy?

Future needs - social bowling is growing. Kingston e-news support. Financial support

### Cricket

Are you supportive of the research and recommendations for your interested sport?

Yes we agree with Kingston's recommendations

Agree with School Ground update

Are there any other comments you wish to make about the draft strategy?

Improve Training Nets as a priority

Regular/Scheduled repair and replacement of training nets and centre wickets

### Golf

Are you supportive of the research and recommendations for your interested sport?

Public Courses provide affordable golf

Public Golf is increasing participation

What do you think should be Council's key focus area for implementation of the strategy?

Fiat user friendly course for juniors and disabled seniors

Are there any other comments you wish to make about the draft strategy?

Need for Junior and Womens Programs

Council should purchase the Edithvale Public Golf Course

### Hockey

Are you supportive of the research and recommendations for your interested sport?

SUHC membership is approximately 600. Schools also use facilities.

What do you think should be Council's key focus area for implementation of the strategy?

3. Female Friendly equity - Hockey is already high in participation for females. Development of facilities is required to help meet this emerging demand

We consider the key focus areas to be of equal significance and inter-related.

Are there any other comments you wish to make about the draft strategy?

Green Wedge development should consider 3 pitches (minimum 2) with SUHC principle tenant

Its too conservative when relating it to our real growth.

#### Comments unrelated to the Strategy

3 Clubs in Kingston.

### Cycling

Are you supportive of the research and recommendations for your interested sport?

Yes but the membership seems low compared to active participants. This should include racing, training, education, seniors activities and all abilities programs

What do you think should be Council's key focus area for implementation of the strategy?

1. Renewal of existing facilities

2. Addressing supply demand (ie develop new)
3. Female Friendly equity.
4. Policy Review

Has the strategy failed to pick up on anything relating to your sport?

Education facility, school sports and education programs, all abilities access.

Are there any other comments you wish to make about the draft strategy?

Happy to help flesh it out with some cycling specific ideas. There are facilities around Australia and overseas which are good benchmarks to look at

SUMMARY FOR SPORT CLUB CONSULTATION		
37	60.6557377	
3	4.918032787	
15	24.59016393	
6	9.836065574	
61		
OVERALL		
37	54.41176471	
3	4.411764706	
19	27.94117647	
9	13.23529412	
68		

Respondent No	Feedback
1	It would be great if hockey was supported more. Currently there is only one club that is well supported in the City of Kingston. These facilities are locked up when not in use. For the participation to continue to grow, kids needs to be able to go and play, like they can, with footy, cricket and netball. We need more venues for practice and social play.
2	We live in Columbia street in Oakleigh South and every Saturday from 8am to 5pm there are constant cars parking and travelling through our street to access the netball courts off Wasington Drive. We can't get out of our driveway! Can council look at providing access to the netball courts via Warrigal road rather than through our street.
3	I play social tennis every Wednesday night at the Clarinda Tennis club and there is one court which is not used as there are no lights for that court. It would be appreciated if Council can include the installation of lighting for this tennis court for public as part of Council's Sports and Recreational Strategy.
4	Soccer is poorly supported, please improve facilities in the Aspendale area
5	Hi team, about 12 months ago I attended a meeting at Rossdale Golf Club. I have not heard or seen anything since from Club, Council or State Government re changes to facilities / golf cours layout / continuation of Aspendale GC / Edithvale Aspendale FC. This project requires serious community consultation, and could provide facilities for many sporting associations , if given correct procedural negotiation and careful planning
6	In the Draft Strategy Plan, Council identified that additional courts may be required in the Clayton South, Clarinda, Oakleigh South area. Clarinda Tennis Club has 6 courts, 5 with lights - the 6th court requires lighting to accommodate the increased participation at Clarinda Tennis Club. Our membership has risen from 160 to 250 in the past few years and is still increasing in junior & adult membership, as well as coaching & Hot Shot players, and our association with the local primary school. Having 6 courts under lights would enable more players to utilise the courts. Clarinda Tennis Club has made many improvements to the clubhouse & making our bathroom wheelchair friendly, resurfaced 3 of the courts and replaced fencing. We have had help from Council grants and Tennis Australia grants but more than \$60,000 has been provided by the club. We would be looking for a permit and hopefully some funding from Council to complete the lighting project.

7	Re netball courts - Forth Ave, Aspendale. Suggestions- Traffic should be one way and directed to a designated Drop off point (most suitable location would be at the at the scout hall) All participants should be encouraged to car pool where possible. Parking in surrounding streets should be on one side of the street leaving the other side for residents. Residents should not have to pay additional fees ( the rates are high enough) !! One hour parking for participants is not long enough, one and half hour parking would allow for a little socialisation before and after the game.
---	---

**Troy Lyons**

**Subject:** RE: Draft Sport and Recreation Strategy

**From:** [REDACTED] ([REDACTED])

**Sent:** Friday, 27 July 2018 1:15 PM

**To:** Sport Recreation <Sport.Recreation@kingston.vic.gov.au>

**Cc:** Mark Stockton <Mark.Stockton@kingston.vic.gov.au>; Sharon Dewar <Sharon.Dewar@kingston.vic.gov.au>

**Subject:** Draft Sport and Recreation Strategy

Dear Sharon

I would like to respond to Council's draft Sport and Recreation Strategy on behalf of the Mentone Track and Field Centre (MTFC)

MTFC is the umbrella organisation [comprising Mentone Athletics Club, Mentone Little Athletics Centre, Mentone Masters Athletics] responsible for the day to day management of the Dolamore Mentone Athletics Centre.

Firstly, we commend the council in undertaking such a comprehensive review of the various sporting facilities throughout the municipality and we agree with the overall thrust of the strategy.

We have noted that the Council proposes a new fees and charges policy and it is appropriate to have a set of underlying principles.

There is however no information on how any new policy would impact on users and the various clubs charged with the responsibility of providing sporting opportunities to the community. It is one thing to provide the actual facility, however there is an enormous amount of work required to establish and run clubs, set up coaching programs, organise and run competitions, etc. Consideration needs to be given to capacity to pay having regard to all the other costs associated in providing organised sporting opportunities.

In regard to the Athletics component of the strategy

- we question whether the number of Masters athletes has been included in the overall number of senior athletes. Recognition should also be given to the large number of fun runners, joggers, etc who use the track on an informal out of training hours basis.
- In regard to the Inventory of Sporting facilities we suggest it be noted that the Dolamore Athletics Centre is managed by the MTFC on behalf of the Council

#### Recommendations

4. Explore opportunities for the development of a new regional athletics venue, potentially within the Green Wedge. Until Council considers and endorses a new regional athletics venue, Dolamore Reserve will remain as Kingston's Regional athletics venue.
5. GR Bricker Reserve and Edithvale Recreation Reserve will continue to provide athletics facilities to meet local catchment needs.

Dolamore Reserve Athletics Pavilion

Complete renewal of facility to meet sport and club needs.

Major/Minor

We agree with the recommendations however we believe it should be specifically noted that the track and runups etc fail to meet current standards, are reaching the end of their useful life and need replacing within 3 years.

We look forward to progressing discussions with you in regard to immediate short term repairs to the track and developing the technical specification for major track replacement works within the next three years.

Yours sincerely

Geoff Barrow  
Secretary

MENTONE TRACK & FIELD CENTRE Inc  
DOLAMORE RESERVE, MENTONE



Geoff Barrow CPEng

Engineering Manager  
22 Church St, Brighton East, VIC 3186  
Tel: 09 950 0000 Mob: 0419 751 004  
Email: [geoff@kingston.vic.gov.au](mailto:geoff@kingston.vic.gov.au)

From: Sharon Dewar <[Sharon.Dewar@kingston.vic.gov.au](mailto:Sharon.Dewar@kingston.vic.gov.au)> On Behalf Of Sport Recreation  
Sent: Friday, 20 July 2018 12:00 PM  
To: Sport Recreation <[Sport.Recreation@kingston.vic.gov.au](mailto:Sport.Recreation@kingston.vic.gov.au)>  
Subject: Final chance to have your say - Draft Sport and Recreation Strategy

Dear Kingston Sport and Recreation Club,

Thank you to the clubs and those who attended a consultation session, or have provided feedback already.

A friendly reminder that the consultation period on Council's draft Sport and Recreation Strategy closes **27 July 2018**.

If you'd like to provide feedback please visit our online consultation page at <https://www.yourkingstonyoursay.com.au/sportrec>, and:

- complete our online feedback form
- complete a feedback form and return it to PO Box 1000, Mentone VIC 3194 or [info@kingston.vic.gov.au](mailto:info@kingston.vic.gov.au)
- provide a written submission to [info@kingston.vic.gov.au](mailto:info@kingston.vic.gov.au)

For more information about the strategy please visit <https://www.yourkingstonyoursay.com.au/sportrec>



**Troy Lyons**

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**From:** Mark Stockton  
**Sent:** Friday, 3 August 2018 8:02 AM  
**To:** Ray Atkinson  
**Cc:** Troy Lyons  
**Subject:** Re: Final chance to have your say - Draft Sport and Recreation Strategy

Hi Ray, thank you for the feedback. i will forward it through to my colleague Troy Lyons who is leading this project.

Thanks

Sent from my iPhone

On 3 Aug 2018, at 12:18 am, Ray Atkinson wrote:

Hi Mark and Staff,

I did attend the consultation session and read through the draft report. In our area of expertise we broadly agree with the appraisal in Section 4.13 Soccer.

I make two observations:

1. It is an odd statistic that soccer participation compared to national averages and yet participation rate has increased 59% since 2011. Do you conclude that this means participation is likely to accelerate above the national average in Kingston?
2. Definitely agree recommendation 21. 2004 Kingston Heath Reserve Master Plan has to be reviewed. There are unique advantages to be in a reserve that is in the Green Wedge.

While it may not be directly relevant to the draft plan I would like to emphasise; being one of the key negotiators with the AAFC team that took on the FFV in the supreme court battle of 2013; that Bentleigh Greens NEVER endorsed the last minute compromise forced on Victoria by FFA to limit clubs to one NPL junior team per age group. We knew that this is NOT in line with the Greens philosophy of community engagement which is also a priority for all city councils. We well understand that the stance of the FFV between 2010 to 2016 has not been helpful to Councils who are the major landlords of most soccer facilities.

I am sorry that I did not feel the views expressed here would fit in the "have your say" format.

Yours sincerely,

Ray Georgiou  
 Chairman BGSC

----- Original Message -----

**From:** Sport Recreation  
**To:** Sport Recreation  
**Sent:** Friday, July 20, 2018 12:00 PM  
**Subject:** Final chance to have your say - Draft Sport and Recreation Strategy

Dear Kingston Sport and Recreation Club,



Thank you to the clubs and those who attended a consultation session, or have provided feedback already.

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If you'd like to provide feedback please visit our online consultation page at <https://www.yourkingstonyoursay.com.au/sportrec>, and:

- complete our online feedback form
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- provide a written submission to [info@kingston.vic.gov.au](mailto:info@kingston.vic.gov.au)

For more information about the strategy please visit <https://www.yourkingstonyoursay.com.au/sportrec>

<image001.jpg>

Kind regards,  
<image003.jpg>

**Sharon Dewar**

Sport and Recreation Liaison Officer | PARKS AND RECREATION

[kingston.vic.gov.au](http://kingston.vic.gov.au)  
d 9581 4608 e [sharon.dewar@kingston.vic.gov.au](mailto:sharon.dewar@kingston.vic.gov.au)

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# Ordinary Meeting of Council

24 September 2018

Agenda Item No: 10.2

## CONTRACT 18-3 ROAD RESURFACING WORKS

Contact Officer: Brian Trower, Team Leader Roads & Drains

### Purpose of Report

This report seeks Council's approval to award Contract No.18/3 Road Resurfacing Works to Downer EDI Works Pty Ltd based on a schedule of rates contract for a total value up to \$3,000,000 for 21 months period with the option to extend for a period of an additional 12 months.

### 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.

### OFFICER RECOMMENDATION

That Council:

1. Award Contract No.18/3 Road Resurfacing Works to Downer EDI Works Pty Ltd based on a schedule of rates contract for a total value up to \$3,000,000 for 21 months period with a further 12 month extension at Council's discretion, to the value of \$1,500,000; and
2. Authorise the Chief Executive Officer or their delegate to execute this contract and award a further one year option subject to the contractors' satisfactory performance.

### 1. Executive Summary

This report seeks approval for the award of Contract No.18/3 Road Resurfacing Works to Downer EDI Works Pty Ltd.

Officers have evaluated the six (6) tender submissions received for Contract No.18/3 and have ranked Downer EDI Works Pty Ltd as preferred tenderer, this ranking has been arrived at after scoring of financial factors and company capabilities including quality of work, experience etc. (See Appendix 1 for detailed assessment of contractors including scores for various criteria used to select the preferred contractor).

Whilst the price per tonne of asphalt is approximately 4% higher than last financial year, the average cost per sq. m is reduced, as there is minimal industrial streets included within the program over the next 21 months and the material cost for residential streets is significantly less to that of Industrial roads.

The City of Kingston is also receiving competitive tender submissions for road resurfacing, this is consistent across Metropolitan areas. This has a lot to do with supply and demand asphalt contractors in the market. And that we are not as yet experiencing a direct impact from the large road infrastructure projects planned by the State Government to future years.

Downer EDI Works P/L, have a long history of successfully undertaking road resurfacing contracts Australia wide, including within the City of Kingston. Downer's performance, quality standard and also commitment to implement environmental friendly products that have low carbon emission. Downer EDI has introduced a low carbon asphalt, the mix has a high level of recycled content resulting in a total emission saving of 70 Tonnes of carbon dioxide.

## **2. Background**

The City of Kingston has an extensive road network for which it has statutory obligations under the Road Management Act. Part of these obligations are to maintain the road network to standards prescribed in Council's Road Management Plan dated 2017. This plan allows for a contractor to be appointed to provide road resurfacing services as part of Kingston's Asset Management Strategy for road pavement maintenance.

## **3. Discussion**

### **3.1 Council Plan Alignment**

Goal 1 - Our well-planned, liveable city supported by infrastructure to meet future needs

Direction 1.3 - Infrastructure and property investment for a functional city now and into the future

The works undertaken as part of Contract No.18/3 have been identified by Council officers following recent condition rating survey which was carried out by an independent automated process.

### **3.2 Consultation/Internal Review**

Infrastructures Maintenance Team was consulted on this road resurfacing works service with an emphasis on complementing the services provided by each team.

### **3.3 Operation and Strategic Issues**

This contract is required to effectively maintain the 600km local road network managed by the City of Kingston and utilized by the wider community.

### **3.4 Tender Evaluation**

Prices were sought by Advertised Public Tender with tenders closing 19 July 2018. Kingston City Council and Bayside City Council jointly invited this tender and Kingston City Council was appointed by Bayside City Council to act as their agent. The tender invitation request mentioned that the tender may be awarded to one or two separate contractors.

Six (6) tenders were received and evaluated by a Tender Evaluation Panel, consisting of Brian Trower, Team Leader, Roads and Drains, Ehteshamul Kabir, Assets Engineer and Lin Dawes, Administration Systems Coordinator, Roads and Drains. Procurement procedures were followed in line with advice received from Council's procurement department for previous "standard" service contracts of a similar value.

A two stage tender evaluation was undertaken which resulted in Downer EDI Works Pty Ltd being the highest scoring tenderer after an initial assessment. Tenderers within 10% of this score were then shortlisted and subjected to a detailed evaluation.

The detailed evaluation of the tender was confirmed through the following criterion:

- Schedule of Rates price comparison;
- Company history in similar roles;
- Access to suitable plant and equipment;
- Access to suitable sub-contractors and in-house trades where required;
- Quality of works in similar roles;
- Responsiveness to customer requests for similar Councils;
- Relationship with contract principal and residents;
- Insurances;
- Compliance with OHS and EMS; and
- Financial viability.

Following the evaluation of the minimum criteria, non-price and price criteria, Downer EDI Works was invited to an interview. As a result Downer EDI Works Pty Ltd was selected as the preferred tenderer.

During the tender evaluation process, panel members of Kingston City Council and Bayside City Council held a joint meeting to select a contractor that would provide best value for money for each Council. Robert Conn, Project Engineer represented Bayside City Council and Ehteshamul Kabir and Lin Dawes represented Kingston City Council.

As the price difference between the two lowest Tenderers was negligible, other factors were included in the evaluation of the Tenders (see Appendix 1). Downer EDI scored higher in relation to performance, quality standard and also commitment to implement environmental friendly products.

Although Alex Fraser have a presence in Kingston in the form of a recycling plant for asphalt and concrete, asphalt is not batched within the City of Kingston and therefore the tenderer was not considered as a complete local supplier.

The City of Kingston and the City of Bayside worked in collaboration in the development of the tender documentation and joint advertisement of the tender, however due to the preferred contract management by the individual Council's, Kingston has selected Downer as the preferred tenderer, and the City of Bayside selected an alternative preferred tenderer.

### **3.5 Tender Evaluation Details**

See Appendix 1 and Appendix 5 for detailed Tender Evaluation Matrix and Detailed Cost Estimates.

As per the attached, Council's Procurement and Contracts team has approved Downer EDI Works Pty Ltd as Rapid Compliant (Appendix 2).

**3.6 Options**

**3.6.1 Option 1**

That Council:

1. Award contract No.18/3 Road Resurfacing Works to Downer EDI Works Pty Ltd as a schedule of rates contract for 21 months with a further 12 month option at Council's discretion as per pricing option 1 for a total contract sum of up to \$1,500,000 per year.
2. Authorise the Chief Executive Officer or their delegate to execute this contract and award a further one year option subject to the contractors' satisfactory performance.

**3.6.2 Option 2**

Not award this contract.

**4. Conclusion**

Downer EDI Works Pty Ltd is the preferred tenderer for the Road Resurfacing Works covered by Contract 18/3, representing the best value for Council in providing a service for resurfacing works to roads managed by Council.

**4.1 Environmental Implications**

The use of hot-mix asphalt is constantly evolving with a greater emphasis on environmental outcomes. Due to the large amount of concrete roads, Kingston is well suited to using crumbed rubber (granulated recycled tyres) and recycled plastic within the asphalt mix.

The use of hot-mix asphalt is generally considered a better environmental outcome than concrete alternatives due to the lower energy requirements to produce the bituminous material. However bituminous materials are still produced using the heavy products from an oil refining process.

Downer products, for example asphalt using plastic, glass and recycled materials, align with the City of Kingston Purchasing Policy. Downer EDI has partnered with a resource recovery company to develop a low carbon asphalt, the mix has a high level of recycled content resulting in a total emission saving of 70 Tonnes of carbon dioxide.

**4.2 Social Implications**

This contract supports continued road resurfacing of the road network within the municipality, which aligns with the requirements of the Road Management Plan to provide a safe and efficient road network for the community.

**4.3 Resource Implications**

This contract is to be funded and managed from within the existing budget allocation within the Infrastructure Capital Works Program specifically budget N0039 Resurfacing Program part of the Road Renewal Program that has an annual budget of \$6.58M.

The list of roads (see Appendix 3) have been included to the tender have been prioritised from the Infrastructure Capital Prioritisation criteria. The detailed cost breakdown provides rates for materials and labour based on the list of roads and scope of works included to the tender. A full condition assessment of roads within the municipality was completed in June, the list of roads over the 21 months is to include roads from the prioritisation list from the recent condition assessment.

The labour and material rates included within the tender are less to that of previous years, as there is minimal industrial streets included within the scope of works. Within the 2017/18 financial year, \$1,292,000 was spent on predominately Industrial roads at a rate of \$27.32 sq. m; these roads requiring a different mix and thickness to that of residential roads. Whereas the forecast expenditure for this financial year is \$1,424,254 with a rate of rate of \$24.78 sq. m.

The rates are comparable to previous years, there has been a price increase per tonne of asphalt from last financial year to this financial year of approximately 4%, however for this tender we have not seen a significant rate increase when compared to other construction projects. This has a lot to do with supply and demand asphalt contractors in the market.

#### **4.4 Legal / Risk Implications**

For the subject contract the preferred tenderer represents the best outcome to Council in terms of value for money and level of risk.

#### **Appendices**

- Appendix 1 - Contract 18-3 Road Resurfacing Works Evaluation Matrix (Ref 18/508641) - Confidential
- Appendix 2 - Contract 18-3 Rapid Compliance Downer (Ref 18/508647) [↓](#)
- Appendix 3 - Contract 18-3 Road Resurfacing List of Roads (Ref 18/508650) [↓](#)
- Appendix 4 - Contract 18-3 Kingston Carbon Emission Reduction Statement (Ref 18/508654) [↓](#)
- Appendix 5 - Contract 18-3 Detailed Cost Estimates (Ref 18/539605) - Confidential

Author/s:	Brian Trower, Team Leader Roads & Drains
Reviewed and Approved By:	Rachelle Quattrocchi, Manager Infrastructure
	Daniel Freer, General Manager City Assets and Environment

# 10.2

## CONTRACT 18-3 ROAD RESURFACING WORKS

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2	Contract 18-3 Road Resurfacing List of Roads .....	229
3	Contract 18-3 Kingston Carbon Emission Reduction Statement .....	231



Indicators

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Company Name

Downer

Location

Personnel Type

Type of Work

Responsible Admin

Documents

Company Status

Select options

General

Select options

Clear Search

Search

Companies - Total: 1

Registration

0

Verification

0

Complaint

1

Suspended

0

Deactivated

0

Add New Contractor

Contractor Status

Excel

Company List

Company Name	Contact	E-Form Status	Requested	Responsible Admin
DOWNER EDI WORKS PTY LTD	Kieron Whitaker	Verified	28/11/2017 10:37	Graeme Hobbs

Displaying Items 1 - 1 of 1

Documents

Expired

0

Requested

0

Request Verification

0

Verified

6

Rejected

0

11:37 AM

1/12/2017

**ASPHALT WORKS - LIST OF STREETS FOR 2018-19**

Street Name	Suburb	From	To	Scope of Works
Bourke Street	Mentone	Flinders St	Latrobe St including Roundabout	Overlay
Rivoli Street	Mentone	Marina Road	Plummer Road	Overlay
Como Pde West	Mentone	Parkers Road	Alameda Place or Antibes	Patching and Overlay
Japaddy Street	Mordialloc	Sibthorpe Street	Boundary Road	Overlay
Kershaw St	Mordialloc	Warren Road	Davey Street	Overlay
Chute St	Mordialloc	Barkly St	Crown Avenue	Patching and Overlay
Chandler Street	Parkdale	Victoria Street	Ellen Street	Patching and Overlay
Herald St	Cheltenham	Bernard St	Argus St	Overlay
Cavanagh St	Cheltenham	Intersction with Silver St		Patching and Overlay
Farm Road	Cheltenham	Warrigal Road	Jells Road	Patching and Overlay
Scott Avenue	Clayton South	Westall Road	Glenmorgan Close	Overlay
Glenmorgan Close	Clayton South	Westall Road	Scott Ave	Overlay
Main Road	Clayton South	Fairbank Road	Whiteside Road	Overlay
Laura St	Clayton South	Mallawa St	McMillan St	Overlay
Hadkinson St	Clayton South	Mallawa St	McMillan St	Overlay
Cleary Court	Clayton South	Clayton Road	End	Overlay
Ida Stret	Clayton South	Westall Road	Beswick St	Overlay
Beswick Street	Clayton South	Fairbank Road	Saunders St	Overlay
Saunders St	Clayton South	Westall Road	Beswick St	Overlay
Rosella Avenue	Clarinda	Bourke Road	Tammany Drive	Overlay
Bunney Road	Oakleigh South	Clarinda Road	Carroll Road	Patching
Highett Road	Highett	Nepean Highway	Henry St	Patching and Overlay
Nellbern Road	Moorabbin	South Road	Bignell Road	Patching and Overlay
Kingsway	Moorabbin	South Road	Wren Road	Patching and Overlay
Wells Road	Patterson Lakes	South End of Bridge	The Parkway	Patching and Overlay
Gladesville Blvd	Patterson Lakes	Legana Court	1A	Patching and Overlay

## Statement of Carbon Emission Reduction

Low CO<sub>2</sub> Asphalt

Presented To: Kingston City Council

Project: CON-18/3 - Road Resurfacing Works

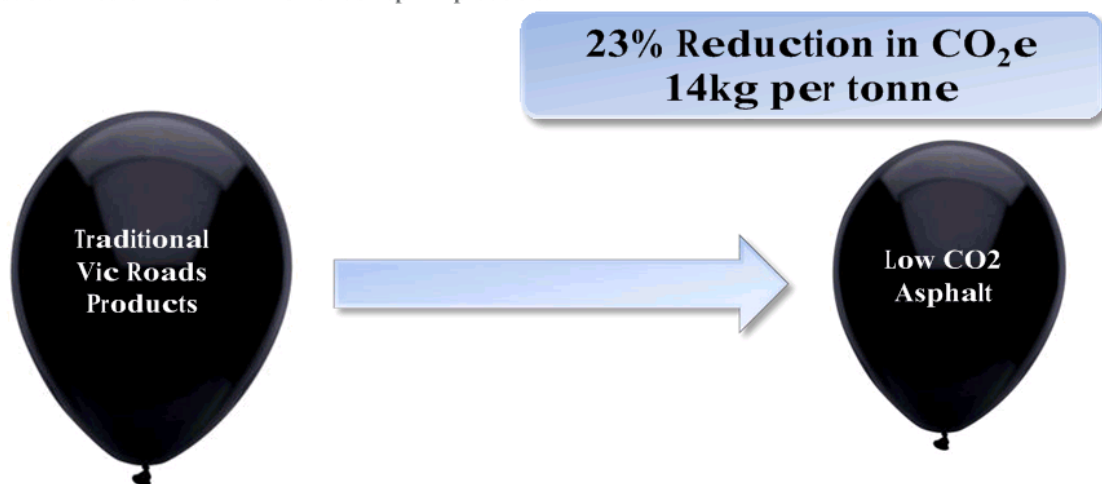
Date: 19 July 2018

Total Emission Saving Through the use of low CO<sub>2</sub> Asphalt:

**70 Tonnes CO<sub>2</sub>e\***

Downer acknowledges Kingston City Council's commitment to the environment through the adoption of Low CO<sub>2</sub> products in lieu of traditional Vic Roads asphalt products.

Signed:



\* The stated savings are based on a Cradle to Gate Carbon Assessment analysis conducted by a third party environmental consultant Energetics. This document is intended to provide our clients with information regarding the emissions reduction benefits associated with their choice of a Low CO<sub>2</sub> Asphalt in lieu of the traditional Vic Roads asphalts. It is not intended to constitute an official emission reduction certificate under any mandatory or voluntary scheme. Schematics are not to scale and are strictly illustrative.

## Ordinary Meeting of Council

24 September 2018

Agenda Item No: 10.3

### UPDATE TO NOTICE OF MOTION 10/2016 - CR EDEN - WEED KILLER

Contact Officer: Tony Collins, Team Leader Parks & Recreation

#### Purpose of Report

The purpose of this report is to update Council regarding a trial of an alternative herbicide in response to Notice of Motion 10/2016 relating to the use of weed killers.

#### 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.

#### OFFICER RECOMMENDATION

That Council:

1. Continue to trial the use of Local Safe around Council's 114 playgrounds to 30 June 2019.
2. Receive a further report on the use of alternate treatments to Glyphosate in Council's operations for weed management.

#### 1. Executive Summary

At the 26<sup>th</sup> June 2017 Ordinary Meeting, Council resolved that Council:

1. Continue to control weeds in public open space using an Integrated Weed Management approach that includes the use of Glyphosate in accordance with the manufacturer's instructions and in line with industry best practice;
2. Trial the use of Local Safe as an alternative to Glyphosate for weed control around Council's 114 playgrounds for the 2017/18 financial year;
3. Receive a further report on the outcome of the trial following its conclusion; and
4. Continue to review alternative products to Glyphosate as they become available.

Officers commenced a trial of Local Safe in December 2017 on Council's 114 playgrounds. The objective of the trial was to determine the effectiveness of Local Safe in comparison to Glyphosate.

Nine months since the commencement of the trial, a number of playgrounds became been assessed as non-compliant to Australian playground standards due to weed growth forming a trip hazard. To allow sufficient time to adequately assess the results of the trial regarding the effectiveness of Local Safe, Officers are proposing to continue this trial for a full 18 months until the end of the financial year and engage additional resources to ensure Council's playgrounds remain compliant with Australian standards.

## **2. Background**

At the April 26th 2016 Ordinary Meeting through a Notice of Motion, Council resolved the following:

*“That in light of community concern regarding the use of potentially carcinogenic weed killers that Council officers prepare a report to council to review the use of weed killers, and alternative mechanisms for weed control particularly around lakes, waterways, children's play grounds and kindergartens.  
Further, that consideration be given to Bayside Council's December 2015 report.”*

In September 2016 through a CIS report, Council considered the ongoing control of weeds in public open space using an Integrated Weed Management approach including Glyphosate and continue to review product information and industry advice to ensure informed and appropriate decisions are made regarding council's approach to weed control activities. In addition a trial to compare alternative weed killers to Glyphosate was commenced. The results of the trial were presented to Council at the June 2017 Ordinary Meeting.

At the 26 June 2017 meeting, Council resolved the following:

*10.4 Response to Notice of Motion 10/2016 - Cr Eden - Weed Killer*

### **RECOMMENDATION**

*That Council:*

- 1. Continue to control weeds in public open space using an Integrated Weed Management approach that includes the use of Glyphosate in accordance with the manufacturer's instructions and in line with industry best practice;*
- 2. Trial the use of Local Safe as an alternative to Glyphosate for weed control around Council's 114 playgrounds for the 2017/18 financial year;*
- 3. Receive a further report on the outcome of the trial following its conclusion; and*
- 4. Continue to review alternative products to Glyphosate as they become available.*

Following discussions with the Australian Pesticides and Veterinary Medicines Authority (APVMA) and the registered supplier, Council was permitted to purchase Local Safe and trial its use around Council's 114 playgrounds commencing December 2017.

### **2.1 Local Safe Herbicide Trial**

In December, 2017 Council commenced a trial using Local Safe as an alternative to Glyphosate around 114 playgrounds. The objective of the trial was to determine the effectiveness of Local Safe by comparison to Glyphosate and determine if this product could effectively control selected weed species within Council's playgrounds.

As part of the trial, weeds were treated every four to six weeks in line with the Parks playground inspection program and weed control program. Local safe was applied in line with the label recommendations.

Whilst Local Safe burns off the above ground vegetation of broad leaf weeds and grasses including Kikuyu it has failed to properly control weeds. The weeds and grass are not killed and continue to re-shoot. The stolons (runners from the Kikuyu grass) are establishing and become a tripping hazard as they continue to re-shoot, establish and grow. In response staff spend additional hours hand weeding playground soft fall areas as well as applying additional applications of Local Safe. This in turn delays the delivery of the operational playground inspection program as required by Australian standards.

Prior to the trial commencing and Glyphosate was still being used to control weeds around playgrounds the annual Independent Playground audit was conducted in May 2017 and it identified 3 playgrounds where hazardous weed growth was occurring. Staff removed the hazardous weeds by hand weeding. Since commencing the trial a further Independent Playground audit was undertaken in May 2018 and identified 10 playgrounds where weeds were a trip hazard within the soft fall under-surfacing resulting in non-compliance with playground standards.

Officers have provided feedback to the provider of Local Safe on the effectiveness of the product and invited them to meet with staff and inspect playgrounds where Local has been used during the trial.

In order to meet playground compliance levels, additional resources are required to compliment the use of Local Safe. Council could resume the use of Glyphosate in accordance with the manufacturer's instructions.

See images below from May audit.



Phillip Street Reserve, Mentone – May 2018



Drushi Court Reserve, Clarinda – May 2018



Larado Reserve, Clayton South – May 2018

## 2.2 Current community perception regarding use of Glyphosate

Following recent media reporting of a court ruling related to the use of Glyphosate in the United States of America, some community members may have raised concerns about the use of Glyphosate. Monsanto, the company who produces the product, have indicated they will appeal the decision.

The advice from APVMA as of August 2018 has not changed and states: 'Following concerns raised by the International Agency for Research on Cancer (IARC), the



APVMA has undertaken a detailed assessment of the human health risks associated with the use of glyphosate and determined that a full reconsideration is not required.' Further to this: 'The APVMA concluded that the use of glyphosate in Australia does not pose a cancer risk to humans, and that products containing glyphosate are safe to use as per the label instructions.'

This is consistent with previous advice from the APVMA and Worksafe that as long as staff adhere to product usage guidelines and safe work procedures Glyphosate is safe to use. Glyphosate is widely available over the counter through retail outlets for domestic use in the community.

Based on advice and now Council's trial, Glyphosate continues to offer the most economical, effective herbicide option for weed management in open space, however presents a perception conundrum for Council given the community concern.

### **3. Discussion**

#### **3.1 Council Plan Alignment**

Goal 2 - Our sustainable green environment with accessible open spaces  
Direction 2.1 - Environmental resilience and sustainability

The proposed Officer recommendation is aligned with goal 2 and Direction 2.1 as it ensures a sustainable approach to the weed management within Council's open space areas.

#### **3.2 Consultation/Internal Review**

Council Officers reviewed reports and practices relating to the use of Local Safe undertaken at other Local Governments. Further to this, Officers discussed the use of Local Safe with the APVMA as well as the suppliers.

Council Officers also discussed the practices, experience and learnings with Bayside and Yarra City Council staff who have undertaken trials of alternative weed control methods. Kingston Council Officers attended a trial of steam being used as a weed treatment in Bayside City Council in December 2016 to determine its effectiveness as an alternative to herbicide. The trial demonstrated that steam offers limited control of weeds following multiple applications. It can be used in any weather conditions, however, its use is constrained due to issues of accessibility; it is ineffective at killing the weed root system and is very costly.

Officers have provided feedback to the provider of Local Safe on the effectiveness of the product and invited them to meet with staff and inspect playgrounds where Local has been used during the trial.

### **3.3 Operation and Strategic Issues**

#### **3.3.1 Safety & Resource Implications**

Council staff and contractors applying herbicides are trained and use the chemicals as per the label instructions and in line with industry best practice. To avoid residents entering worksites and to minimise community concerns about herbicide use in open space, staff erect signs advising that spraying operations are taking place. To date the trial of Local Safe in comparison to using Glyphosate indicates the alternative treatment is more expensive and not as effective.

As a result of the trial use of Local Safe around Council's playgrounds, Council staff have now resorted to applying Local Safe every two to three weeks (doubling the number of treatments) instead of every four to six weeks in order to address the weed growth. With spring and summer approaching, the growth of weeds will increase as will the corresponding need to treat the weed growth. This additional work impacts on available resources resulting in delays to carrying out repairs and other programs such as auditing the playgrounds in line with Australian standards.

If Local Safe is continued to be used there will be a requirement to supplement its implementation with an increase in resources to undertake manual weed control or accept the risk of increased weed coverage in Council's playgrounds.

Overall, without effective weed control Council's open space areas will decline in quality and presentation resulting in a reduced amenity of these sites.

#### **3.3.2 Integrated Weed Management**

Outside of the trial sites, Council currently uses an integrated approach to weed control throughout the municipality and reviews product information to ensure informed decisions are made regarding the best options/alternatives available to be used for all weed control. Glyphosate is used throughout Kingston for non-selective control of a broad range of weeds in public open space.

Integrated Weed Management (IWM) is the approach used by Kingston Council and offers the best alternative to total reliance on herbicide. The nature of IWM is the use of multiple techniques depending on the given weed issue and the location. IWM considers cost and safety but also effective long term management of a given site.

Council's use of IWM for weed management/control includes the following techniques:

- Fire (Ecological Control Burns & Weed Burning using gas burners);
- Herbicide;
- Manual;
- Mechanical; and
- Best practice landscape techniques.

Best practice landscape techniques include good design principles of selecting the right plant for the situation, dense plantings (to compete with weeds), and mulching of plantings to suppress weed growth.

The IWM approach is constantly reviewed to look at improvements that can be incorporated into the strategy, including alternative herbicide options.

### **3.4 Options**

#### **3.4.1 Option 1 Extend Local Safe trial until June 2019 (Recommended)**

Note trial thus far and continue to trial Local Safe around Council's 114 playgrounds to 30 June 2019 at an estimated additional cost of \$8,000 per month inclusive of a hand weeding program in playgrounds.

#### **3.4.2 Option 2 End the trial of Local Safe**

End the trial of Local Safe around playgrounds and return to using glyphosate as part of an integrated weed management approach. Continue to research and review any alternative weed treatment options available.

#### **3.4.3 Option 3**

End the trial of Local Safe and as an alternative and engage contractors to apply steam around Council's 114 playgrounds to control weeds. This would require additional resources estimated to cost \$16,000/month. Steam treatment offers limited control of weeds by burning off the above ground vegetation of weeds, however, it is ineffective at killing the weed root system. The weeds and grass are not killed and continue to re-shoot.

## **4. Conclusion**

### **4.1 Environmental Implications**

While there is some concerns in the community regarding the environmental impacts of Glyphosate, the advice from the appropriate regulator in Australia is that Glyphosate is safe to use, when done so in accordance with the instructed work method.

### **4.2 Social Implications**

There are different public perceptions regarding Glyphosate. Not using Glyphosate around playgrounds may ease some community concerns.

### **4.3 Resource Implications**

The projected additional operating budget cost is \$8K per month which would ensure playgrounds meet the required standards.

### **4.4 Legal / Risk Implications**

The use of Glyphosate is registered for weed control in Australia and is approved by the APVMA and WorkSafe. All Parks staff and contractors using Glyphosate are fully trained in its safe use. It is used as per the manufacturer's recommendations as detailed on the label instructions; in accordance with safe work systems; the relevant Material Safety Data Sheet (MSDS); and in line with industry best practice. A continuation of the Local Safe trial until June 2019 will require the allocation of additional resources to ensure safe compliant playgrounds.

**City of Kingston  
Ordinary Meeting of Council**

**Agenda**

**24 September 2018**

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Author/s: Tony Collins, Team Leader Parks & Recreation  
Reviewed and Approved By: Mark Juler, Manager Parks & Recreation  
Daniel Freer, General Manager City Assets and Environment

## Ordinary Meeting of Council

24 September 2018

Agenda Item No: 10.4

### **TENDER EVALUATION REPORT FOR MENTONE RENAISSANCE STAGE 2 – SHOPPING CENTRE STREETSCAPE WORKS**

**Contact Officer:** Brian Trower, Team Leader Roads & Drains  
Alan West, Team Leader Engineering Design

#### **Purpose of Report**

This report seeks Council's approval to award contract 18/69 – Mentone Parade Shopping Centre Streetscape Works – Stage 2, Como Parade West to Florence Street. It is proposed that CDN Constructors Pty Ltd be accepted as the preferred tenderer for this contract based on their submitted tender.

#### **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.

#### **OFFICER RECOMMENDATION**

That Council:

1. Authorise the Chief Executive Officer or their delegate to award Contract No. 18/69 – Mentone Parade Shopping Centre Streetscape Works – Stage 2 Como Parade West to Florence Street to CDN Constructors Pty Ltd on a Lump Sum basis for the tendered price of \$2,899,712.77 (GST exclusive).
2. Approve a Contingency Allowance of \$150,000.00 ex GST from civil infrastructure capital allocation to cover unexpected financial variations.
3. Authorise the Chief Executive Officer to execute documents for Contract 18/69.

#### **1. Executive Summary**

This reports seeks approval for the award of Contracts for Mentone Parade Shopping Centre Streetscape Works to CDN Constructors Pty Ltd.

A request for tender was advertised on Saturday 11 August 2018 for Mentone Parade Shopping Centre Streetscape Works contract. Officers have evaluated tender submissions received for Contract No. 18/69 and have ranked CDN Constructors Pty Ltd as the highest scoring tenderer for this contract. This ranking has been arrived at after scoring of financial factors and company capabilities.

CDN Constructors Pty Ltd has passed financial viability checks and has a long company history and has successfully completed comparable streetscape construction projects with the City of Kingston and other municipalities.

## **Background**

Broad consultation on the 'Mentone Renaissance' project has been ongoing for a number of years with a focus on works that will help revitalise the shopping precinct, celebrate the area's heritage, improve traffic flow and improve pedestrian safety in the area.

The overall vision is being implemented in the following stages:

### **Stage 1**

These works were completed during 2017 and 2018 and included;

- Traffic lights at the intersection of Balcombe Road and Davies Street
- A roundabout at the intersection of Davies Street and Florence Street; and
- Indented street parking along Davies Street to improve traffic flow.

### **Stage 2**

These works are scheduled to be constructed during the 2018/2019 financial year. These works involve implementing streetscape improvements at the intersections of Mentone Parade, Florence Street and Como Parade West – aka the 'Mentone Triangle'.

The scope of works are shown on the drawing included as appendix 1 and at the time of tender the extent of works were divided into the following sections in consideration of the planned LXRA works:

- Part A includes the construction of a new public piazza with paved pedestrian areas, landscaping, street furniture and the lighting of Kilbreda Tower.
- Part B includes road reconstruction along a section of Mentone Parade, widening the pedestrian shop front areas, landscaping and street furniture.

### **Future Stages**

Further improvements are planned and have been included within the Capital Works 5 year Program (not included to the scope of this contract) to be programmed following the completion of the LXRA Mentone Station, the future works include:

- Intersection improvements at the intersection of Balcombe Road and Como Parade West;
- The Como Parade West bus zones opposite the station;
- Streetscape works along Granary lane; and
- Streetscape works along Mentone Parade between Florence Street and Brindisi Street.

## **2. Discussion**

### **2.1 Council Plan Alignment**

Goal 1 - Our well-planned, liveable city supported by infrastructure to meet future needs

Direction 1.3 - Infrastructure and property investment for a functional city now and into the future

Works covered by Contract No. 18/69 have been identified by Council officers as necessary to achieve the objectives of the Mentone Structure Plan and provide infrastructure to meet the current and future needs of the community at this location.

### **2.2 Consultation & Communication Plan**

#### **2.2.1 Consultation/ Internal Review**

Feedback and input into the award of this contract has been sought from relevant internal departments. This includes:

- City Strategy on the overall functionality to achieve the intended objectives.
- Parks on the overall landscape design and vegetation maintenance requirements.
- Traffic and Transport on traffic management
- Communications and Community Relations on the approach to consultation.

In addition to internal consultation there has been extensive consultation with external stakeholders that has included; businesses immediately affected by the works, Kilbreda College, Public Transport Victoria (PTV), bus operators and the Crossing Removal Authority representatives.

**2.2.2      Communication Plan**

Following the appointment of the preferred tenderer, Council officers recommend implementing the following communication plan to inform the community and key stakeholders:

<b>Stage</b>	<b>Message</b>	<b>Key activity</b>
<b>6 weeks prior to construction</b>	Preparation of artwork for signage	<ul style="list-style-type: none"> <li>• Prepare broad communication materials including artwork for hoarding/on-site signage</li> </ul>
<b>3 weeks (minimum) prior to commencement of works onsite</b>	<i>“Construction set to commence on Mentone Piazza”</i>	<ul style="list-style-type: none"> <li>• Liaise face-to-face with adjacent traders and businesses + information bulletin</li> <li>• Information bulletin to residents within 2km radius</li> <li>• Social media</li> <li>• Mentone Renaissance update eDM</li> <li>• KYC</li> <li>• Artwork applied to piazza hoarding</li> </ul>
<b>Construction commences</b>	<i>“Construction works pave the way for a new community piazza at the historic triangle site”</i>	<ul style="list-style-type: none"> <li>• Regular construction updates via Facebook and eDM</li> <li>• Regular information bulletins for traders</li> <li>• Time lapse video</li> </ul>
<b>Construction complete</b>	<i>“The Mentone Piazza opens as a space for vibrant community activities that celebrates Mentone’s heritage”.</i>	<ul style="list-style-type: none"> <li>• Small launch event/ribbon cutting with Mayor</li> </ul>



## **2.3 Operation and Strategic Issues**

### **2.3.1 Redevelopment of Mentone Station**

The Level Crossing Removal Authority (LXRA) is planning to undertake major works at this location, as part of the proposal rail tracks are to be lowered under Balcombe Road. Council officers have been liaising closely with LXRA's representatives to minimise the risk of needing to modify Council's streetscape project.

The tender for the Mentone Parade Shopping Centre Streetscape Works originally consisted of two Parts; Part A of Contract No. 18/69 involves the construction of the piazza with this area not being significantly affected by the proposed changes to Mentone Station.

With Part B of Contract No. 18/69 to be separated as it involves streetscape works at the intersection of Como Parade West and Mentone Parade which will align with the pedestrian entrance into the new station.

Council officers have since received confirmation from LXRA that they are now planning to start survey & preliminary works at the end of 2018, with construction to commence in mid-2019.

Therefore the risk of the impacts of the LXRA works and the timing of the Mentone Parade Shopping Centre Streetscape Works has been significantly reduced.

### **2.3.2 Timeline for construction**

Due to the complexities of this project, the appointed contractor will require lead time to undertake a broad range of preparation works between November 2018 and January 2019. This includes the preparation of detailed traffic management plans, ordering bespoke pre-cast concrete seating elements, plant stock, specialty lighting and preparing designs for specific items.

Whilst the advertised tender had indicated a February 2019 start date, CDN Constructors Pty Ltd have indicated availability for a pre-Christmas 2018 commencement; an earlier start and completion date would provide benefits to Council and the Community.

Further if the works were to commence pre-Christmas then disruption would be minimised to Kilbreda College, as the majority of students won't be in attendance during the 2018/19 December to January period.

## **2.4 Tender Evaluation**

A request for tender was advertised on Saturday 11 August 2018 with tenders closing on Thursday, 6 September 2018, at 2:00PM.

Four tenders were received and evaluated by a Tender Evaluation Panel, consisting of Tony Pell, Senior Construction Engineer, Darren Stephens, Senior Design Engineer, Fleur Gascoyne, Strategic Projects Co-ordinator and Simon Nicolosi, Public Place Project Officer. Procurement procedures were followed in line with advice received from Council's procurement department.

The tender evaluation for contract 18/69 was undertaken by a scored tender evaluation method. A breakdown of the scoring for the detailed evaluations has been included within Appendix 2. The detailed evaluation involved scoring tenderers against the following criterion:

- Occupational health and safety and certifications Mandatory (PASS/FAIL) Criteria
- Financial Capacity/Financial Stability Mandatory (PASS/FAIL) Criteria
- Tender price
- Experience and past performance
- Ability to meet set time constraints
- Construction methodology
- Company and sub-contractor's resources

Scoring for CDN Constructors Pty Ltd was derived after conducting a face to face interview and detailed analysis of the tender submissions.

CDN Constructors Pty Ltd obtained the highest overall score in the detailed evaluation, resulting in CDN Constructors Pty Ltd recommended as the preferred tenderer for this project.

CDN Constructors Pty Ltd has a long company history with an extensive list of successfully completed streetscape construction projects with the City of Kingston and other municipalities.

Council's Procurement Risk & OH&S team has approved preferred tenderer OH&S systems and records as Rapid (included to Appendix 4).

## **2.5 Project Costs**

The tender price of \$2,899,712.77 (GST exclusive) is comparable to the detailed construction estimate of \$3.0 M prepared prior to the advertised tender based on recent contracts and increased market rates.

The number of tenderers submitting tenders for this project and other civil contracts is low compared to previous years. The most likely reason is the higher demand for civil contractors caused by the unprecedented level of broader government investment in civil infrastructure projects.

## **3. Conclusion**

Following the tender evaluation of the Mentone Parade Shopping Centre Streetscape Works – Stage 2, Como Parade West to Florence Street CDN Constructors Pty Ltd, is recommended as the preferred tender for award of contract No. 18/69 for both Part A and the option to include Part B.

### **3.1 Environmental Implications**

The design includes a sizable grassed area with the central piazza plus a significant number of large trees spread throughout the pedestrian areas to provide shade and amenity benefits.

### **3.2 Social Implications**

The implementation of this contract will significantly improve the streetscape around the Mentone triangle area and will:

- Improve pedestrian movement, catering for public transport commuters, school students and local shoppers;
- Enhance local and broader community opportunities to 'linger longer' in the activity centre
- Provide open spaces that will be used by residents living in higher density apartments; and
- Will help to revitalize Mentone and encourage active trading interfaces with the public realm.

Given the nature of the construction there will be some inconvenience, where possible this will be minimised. As part of the planning of the construction works, hours of work and the staging of the works have been carefully considered to minimise community disruption as much as possible.

### **3.3 Resource Implications**

The Mentone Renaissance project has an adopted budget of \$3.4 million in 2018/2019 to implement this project with additional funding in subsequent years for future stages.

The funding available for contract 18/69 is reduced to \$2.9 million after allowances for other project related expenditure such as project planning, completed alterations to electricity supply and consultancy fees.

The funding for this contract is planned to be delivered through Council's adopted capital works program. Based on the project cost of \$3,049,712.70 (GST exclusive) funding will be drawn from the following project areas:

<b>Budget Allocation</b>	<b>Amount</b>
2018/2019 Capital Works budget for Mentone Activity Centre	\$2.9M
2018/2019 Capital Works budget for Mentone Activity Centre - Granary Lane	\$150 K

The preferred tenderer lump sum price of \$2,899,712.77 (GST exclusive) for Parts A & B is similar to the available budget of \$2.9M.

In addition to the contract sum a contingency amount of \$150,000.00 ex GST be allocated from the Capital Works budget for Mentone Activity Centre - Granary Lane to cover unexpected project variations. Temporary works have been planned for Granary Lane to the value of \$30-40 K with further works planned in future years within the Capital Works Program.

It is prudent to allow for variations of this magnitude as it is not possible to fully predict subsurface ground conditions and service authority asset locations prior to commencement of excavation works. This allowance is standard for projects of this nature.

**3.4 Legal / Risk Implications**

Prior to advertising the tender, in consideration of the planned LXRA works the Mentone Parade Shopping Centre Streetscape Works was split into two parts however during the tender negotiations, the preferred tenderer has been made aware of the potential for a change in scope by extending the contract to include Part B at Council's discretion.

**Appendices**

Appendix 1 - Con-18/69 - Mentone Streetscape Plan (Ref 18/548719) [↓](#)

Appendix 2 - Contract 18-69 - Tender Evaluation Matrix (Ref 18/548722) - Confidential

Appendix 3 - Con-18/69 - Mentone Piazza Artists Impression (Ref 18/548724) [↓](#)

Appendix 4 - Certificate of Compliance CDN Pty Ltd (Ref 18/554223) [↓](#)

Author/s: Brian Trower, Team Leader Roads & Drains

Alan West, Team Leader Engineering Design

Reviewed and Approved By: Rachelle Quattrocchi, Manager Infrastructure

Daniel Freer, General Manager City Assets and Environment

# 10.4

## TENDER EVALUATION REPORT FOR MENTONE RENAISSANCE STAGE 2 – SHOPPING CENTRE STREETSCAPE WORKS

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3	Certificate of Compliance CDN Pty Ltd .....	255







# Certificate of Compliance

## CDN Constructors Pty Ltd

Have been assessed and deemed Compliant as a Level 1 Contractor in Kingston's OHS Contractor management system.

Date: Friday, 14 September 2018

(This assessment remains valid for a period not exceeding 2 years from the issue date.)

Certification will be suspended upon the expiry of

Insurance Policies, Licences and Certification documents.

Repeated or serious safety breaches may lead to the cancellation of this certification.

Compliance to Level 1 allows the contractor to undertake tasks assessed as High Risk Construction, Extreme, High, Medium and Low Risk

*community inspired leadership*



# Ordinary Meeting of Council

24 September 2018

Agenda Item No: 10.5

## HEATHERTON PARK CAP RECTIFICATION WORKS

Contact Officer: Julian Harvey, Manager Property, Arts and Leisure Services

### Purpose of Report

This report recommends that Council appoint Goldsmith Civil and Environmental Pty Ltd to undertake the cap rectification works at Heatherton Park.

### 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.

### OFFICER RECOMMENDATION

That Council:

1. Award contract CON-18/59 Heatherton Park Landfill Cap Remediation to Goldsmith Civil and Environmental Pty Ltd for a sum of \$1,111,356.25 including GST in accordance with their tender submission.
2. Authorise allocation of \$263,644 including GST as a contingency amount on contract 18/59.
3. Authorise the CEO or their delegate to execute the contract.

### 1. Executive Summary

Council has tendered the cap rectification works required at Heatherton Park to comply with a Pollution Abatement Notice (PAN) Issued by the Environment Protection Authority (EPA). A suitable contractor has been identified to undertake the work which involves:

- Stripping areas of the park;
- Importing and placing clay rich material to form a compliant cap;
- Placing cover soil material; and
- Hydroseeding the disturbed areas.

Officers recommend that Goldsmith Civil and Environmental Pty Ltd be awarded the Contract and that upon completion of the works the City of Monash, in accordance with the 1995 Amalgamation Agreement be invoiced for 77% of the costs incurred by Council in responding to the PAN.

### 2. Background

Heatherton Park is a closed landfill that was operated by the former City of Oakleigh and was closed in 1980's. At this time the site was landscaped and subsequently planted with community participation and opened as a park.

In 2015 the EPA issued a Pollution Abatement Notice (PAN) requiring Council to undertake various investigations leading to works on the site. Council challenged a number of the items in the PAN and successfully argued that the standard of closure should be that as it would have applied in the original licence, and not the standard that would apply to a new landfill. The environmental investigations of the site have been completed which identified that the former City of Oakleigh did not achieve a compliant capping layer (cap) over the site when it closed the landfill.

The retrospective introduction of a capping methodology to current standards would have led to the destruction of significant quantiles of established trees and shrubs throughout the park. With this dilemma Council sought discussions with senior representatives of the EPA to enable a pragmatic capping solution to be found that would not involve the loss of established vegetation on the site.

The methodology to allow the existing vegetation to remain has been approved and verified by an EPA approved environmental auditor.

Council has subsequently tendered the works – a copy of the confidential tender evaluation panel report is attached at appendix 1.

Council has involved the City of Monash in the evaluation of the tender submissions as under an agreement signed by Kingston and Monash the City of Monash is liable for 77% of the costs incurred by Kingston in responding to the PAN.

### **3. Discussion**

#### **3.1 Council Plan Alignment**

Goal 1 - Our well-planned, liveable city supported by infrastructure to meet future needs

Direction 1.3 - Infrastructure and property investment for a functional city now and into the future

Rectification of the cap at Heatherton Park will improve the environmental performance of the closed landfill by reducing the infiltration of water into the waste mass. The capping works will be undertaken in stages to minimise disruption to users of the park and existing trees and shrubs will be preserved.

#### **3.2 Consultation/Internal Review**

Officers with the assistance of technical experts have interviewed the preferred tenderer and sought clarifications on their submission. The outcome of this review has led to the recommendation that they be awarded the contract.

The EPA have been advised of the works and the City of Monash have participated in the evaluation of the Tenders. Council's parks team have been consulted on measures to be implemented by the contractor to re-establish grass cover over affected areas.

A community information campaign will be undertaken advising residents in the area and park users of the cap remediation works. Information will be placed on signs throughout the park and on Council's website.

**3.3 Operation and Strategic Issues**

**3.3.1 First Issue - Project Management**

The project will be overseen and project managed by Bluesphere Environmental who developed the scope of works. The contract provides for several hold points where auditor verification is required.

**3.3.2 Second Issue - City of Monash**

The City of Monash have been advised of the impending works and have participated in the evaluation of the tenders. Under the 1995 Amalgamation Agreement the City of Monash is liable for 77% of the costs incurred by Council in responding to the PAN issued on the site. Monash dispute this, however Council as the Owner of the land and the party identified under the PAN have no option but to proceed with the works. The reimbursement of the costs will be pursued upon completion of the remediation works.

**3.3.3 Third Issue - Park Impact**

The works are proposed to proceed in 4 stages to minimize disruption on the Park. The methodology requires the stripping back of the existing turf and soil cover, spreading imported clay rich material and then applying soil and hydro seeding.

Works areas will be fenced off and unavailable during the works and will remain fenced whilst vegetation cover is established. The time frames for this work is heavily weather dependent and dependent upon the supply of soil from the market. Regular updates will be provided to the community on the progress of the project.

**4. Conclusion**

**4.1 Environmental Implications**

The cap rectification project will resolve the existing deficient cap at the site. This will reduce water infiltration into the waste mass thereby reducing the potential for negative off site impacts from the closed landfill. The works have been designed to minimize the loss of existing established vegetation at the site.

**4.2 Social Implications**

The local community has played a significant role in developing Heatherton Park. The protection of the existing plantings has been central in the methodology that has been developed. This project will address a landfill legacy issue and display Council's commitment to current and future generations by resolving past shortcomings.

**4.3 Resource Implications**

The project is funded in the current capital works program *Project NO939 Former Landfill Sites Remediation (EPA Compliance) \$1,470,000 Ex GST*. Upon completion of the works Council will invoice Monash of 77% of costs in accordance with the 1995 Amalgamation Agreement.

**4.4 Legal / Risk Implications**

The City of Monash disputes Council's right to recover monies under the 1995 amalgamation agreement. Council must undertake these works irrespective of Monash's position or it will face enforcement action from the EPA. The recommended contractor is a reputable and experienced earthmoving company who will assume responsibility for operational risks at the site, they will be overseen by Council's environmental Consultant to further reduce Council's risk.

**Appendices**

Appendix 1 - CON-18/59 Heatherton Park Landfill Cap Remediation Tender Evaluation  
Report (Ref 18/545343) - Confidential

Author/s: Julian Harvey, Manager Property, Arts and Leisure Services  
Reviewed and Approved By: Daniel Freer, General Manager City Assets and Environment

# Ordinary Meeting of Council

24 September 2018

Agenda Item No: 10.6

## **RESPONSE TO NOTICE OF MOTION NO. 15/2016 - CR BROWNLEES - PLANNING POLICY (PARKING AND REAR SETBACKS) AND TO NOTICE OF MOTION NO. 20/2018 CR HUA - IMPACT OF MULTI-UNIT DEVELOPMENT ON PARKING**

Contact Officer: Alex Reid, Traffic & Transport Engineer

### **Purpose of Report**

This report sets out the findings of a report that investigates the impact of multi-unit developments on parking as requested under two Notice of Motion items; 15/2016 – Planning Policy (Parking and Rear Setbacks) and No 20/2018 – Impact of Multi-Unit Development on Parking.

### **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.

### **OFFICER RECOMMENDATION**

That Council:

1. Endorse “Issues and Opportunities Discussion Paper” appended to this report for the purposes of community consultation, in accordance with section 3.2;
2. Receive a further report outlining the consultation feedback, analysis and recommendations for further consideration.

### **1. Executive Summary**

The Kingston Car Parking Study responds to the Notice of Motion 15/2016 – Planning Policy (Parking and Rear Setbacks), resolved on 22 August 2016, which sought to consider the application of a car parking overlay for strategic areas of Kingston that require at least one (1) car parking space for each bedroom in new multi-unit developments. In addition, at the Ordinary Meeting of Council on 25 June 2018, Council resolved Notice of Motion No 20/2018 – Impact of Multi-Unit Developments on Parking. Council officers commissioned MR Cagney to prepare an additional investigation of the impact of multi-development on parking, focussing on areas outside activity centres.

Traffic and Transport engaged a transport planning consultancy, MR Cagney, to undertake the Kingston Car Parking Study. This is the traffic and transport component of Council’s Neighbourhood Character Study and Housing Strategy. The first stage of the study was to prepare an Issues and Opportunities Discussion Paper, which focussed on areas around activity centres. MR Cagney gave a presentation on the draft report and themes of the Issues and Opportunities Discussion Paper at the Strategic Councillor Information Session on 18 June 2018. Council requested a further session with MR Cagney to work through Councillors’ specific issues, which was held on 10 September 2018.

The Issues and Opportunities Paper, along with the Appendix report on the car parking impacts of multi-unit development in response to Notice of Motion No 20/2018 – Impact of Multi-Unit Developments on Parking, have now been completed.

This report seeks Council to receive the Issues and Opportunities Discussion Paper and to commence community consultation on the content of this discussion paper.

## **2. Background**

At its meeting of 22 August 2016 Kingston City Council resolved to:

*“1. Receive the officer’s report in response to Notice of Motion No 15/2016 [Planning Policy (Parking and Rear setbacks)].*

*2. Note that in accordance with Council’s resolution at its Ordinary Meeting on 22 February 2016, officers have allocated budget and resources in the 2016/17 financial year to review its Neighbourhood Character Study and Housing Strategy following the release of the Managing Residential Development Advisory Committee’s report.*

*3. Instruct officers to include in the formulation of the briefs for the work identified in recommendation 2, a traffic and transport component that considers the application of a car parking overlay for strategic areas of Kingston that require at least one (1) car parking space for each bedroom in new multi-unit developments and the possibility of requiring a 5 metre setback at the rear of new multi-unit developments.”*

Following the Notice of Motion, Traffic and Transport engaged a transport planning consultancy, MRCagney, to prepare the Kingston Car Parking Study. The Issues and Opportunities Discussion Paper is the first deliverable of the overall parking study which will inform future community engagement activities and the final study recommendations. This paper focussed on activity centres.

At its meeting of 25 June 2018, Council resolved:

*That the officers prepare a report on the impact of multi-unit development on street parking, local traffic and emergency services. Further that the report also include policy recommendation on:*

- 1. Improved car parking requirements to be incorporated into future Kingston Planning Scheme;*
- 2. Policy for street parking restrictions for those streets that are jammed with unit development;*
- 3. That Council advocate to the State Government for changes to the Planning Scheme to ensure Mandatory Parking requirements in areas of most need.*
- 4. Other measures that could be put in place to solve these problems.*
- 5. That officers request Council’s traffic consultant to consider these issues as part of the Parking Study and that a report on the estimated cost of the extra consultancy be reported back to Councillors at a Councillor Information Session.*

Following this Notice of Motion, Traffic and Transport engaged MR Cagney to undertake further research into of the impact of multi-development on parking – focussing on areas outside activity centres.



At the 27 August 2018, Council Meeting, a report was presented detailing information about progress on Council's investigation on the impact of multi-unit development on parking and additional costs for the further analysis requested. It also recommended receiving a report to the September Ordinary Meeting of Council on the timing and content of community consultation on the Issues and Opportunities Discussion Paper – the first deliverable of the Kingston Car Parking Study.

MR Cagney provided a presentation to Councillors on the 10 September on the report's main findings as an action of the previous CIS briefing provided (18 June 2018). This presentation was arranged to work through Councillor specific issues in relation to a presentation given by MR Cagney on the 18 June and the findings of the Kingston Car Parking Study – Issues and Opportunities Paper.

### **3. Discussion**

#### **3.1 Council Plan Alignment**

Goal 4 - Our free-moving safe, prosperous and dynamic city  
Direction 4.4 - Integrated accessible transport and free moving city

The Kingston Car Parking Study identifies issues and opportunities for parking management in the municipality – particularly in activity centres. Further research undertaken by MR Cagney focus on areas outside activity areas. These works seek to ensure parking management is fair, equitable, and of greatest benefit to the community.

#### **3.2 Consultation/Internal Review**

In preparing this report, assistance has been provided from internal department teams with reference to the issues and opportunities raised in the Issues and Opportunities Discussion Paper and the appendix report on the impact of multi-development on parking.

The Project Brief for the Kingston Car Parking Study requires MR Cagney to develop a detailed consultation plan including innovative and contemporary way to engage the Community. In its submission MR Cagney recommended a targeted approach involving specific stakeholders such as a Councillors, guidance groups, local traders, residents, visitors and other interest groups. MR Cagney have considerable experience as presenters and facilitators to develop and undertake an informative consultation process which includes workshops and presentations.

Discussion with MR Cagney and the Communications and Community Relations Department considered the use of 'Care Factor' surveys as a way of engaging the community about their experience of streets and town centres in the municipality. 'Care Factor' surveys seek to identify the attributes and characteristics that make centres enjoyable places. Respondents are asked to identify key factors that makes a place enjoyable, welcoming, interesting or unique to visit. This survey will determine the relative importance that residents place on car parking compared to other access and amenity issues. The results can be analysed for the municipality and compared with similar surveys at other locations. The survey response data can also be broken down to smaller areas such as wards or suburbs to take account of local community views.

The City Strategy Department, which is leading the Council's Neighbourhood Character Study and Housing Strategy, support the use of 'Care Factor' surveys as part of consultation. This approach will be supported by:

- 'Your Kingston, Your Say' on-line surveys, social mapping and direct feedback, and
- 'User group' workshops and presentations undertaken by MR Cagney.

It is proposed to undertake this consultation in October and November 2018.

### **3.3 Operation and Strategic Issues**

#### **3.3.1 Impact of Multi-Development on Parking.**

There is a high correlation between the work requested in the Notice of Motion No. 20/2018 - Impact of Multi-Unit Development on Parking, and the work already completed on the Kingston Car Parking Study for Notice of Motion 15/2016 – Planning Policy (Parking and Rear Setbacks). Thus, this was added as an appendix to the Issues and Opportunities Discussion Paper.

The survey identified the key characteristics of ten residential streets that are located away from activity centres and public transport, which nevertheless have high levels of subdivision and multi-unit developments to see how they relate to parking. The characteristics include proximity to other land uses – such as public transport, activity centres, and other uses such as schools, sporting facilities, and the foreshore. It also looks at the geometry of the road – such as the width of the road and nature strip and bends in the road. The function of the road was also looked at – for example is there a bus route, high traffic flows and speeds, or pedestrian activity. The built environment was considered – for example the number of units per block and the number of parking spaces available. Other characteristics such as parking levels, parking restrictions and census data were also investigated.

This investigation identifies key 'trigger levels' when the level of development impacts on parking. This will help Council identify possible actions to reduce the impact of development on parking.

A representative from MR Cagney presented the report findings in greater detail at the further session with Councillors on the 10 September. The main findings were:

- The relationship between housing density (and population density) and the level of parking in a street is not particularly strong.
- Similarly, the relationship between car ownership and the level of parking in a street is not strongly correlated as people with more cars mostly choose to live in dwellings with more parking.
- Garages are often used for things other than parking (such as storage) and provision of free unrestricted on-street parking can encourage this practice.
- In roads that are 7m wide where parking is permitted on both sides of the road gaps in on-street parking and driveways create passing opportunities that allow drivers to pull in to allow drivers to safely pass each other. Parking also helps maintain lower traffic speeds in these streets.

The report recommends, where appropriate

- Installing time restrictions in narrow streets
- Providing permits for existing residents.
- Phasing out parking permits for new residents and developments.
- Providing passing areas to ensure sufficient passing opportunities.
- Limiting the number of vehicle crossovers at new developments.
- Improving street-scape (such as tree planting and raised crossings) to reinforce low traffic speeds

The report also comments on recent changes to the Victorian Planning Scheme requirements which reduce parking requirements (including visitor parking at new dwellings) at developments located within 400m of the Principal Public Transport Network. This will encourage developers to focus higher intensity development close to public transport routes.

#### **3.3.2 Consultation**

It is proposed to undertake consultation on the content of the Issues and Opportunities Discussion Paper and the appendix report on the impact of multi-unit development on parking in October and November 2018. The content of the consultation is set out in 3.2 of this report.

## **4. Conclusion**

This report provides information about Council's investigation on the impact of multi-unit development on parking. It also recommends conducting community consultation on the Issues and Opportunities Discussion Paper – the first deliverable of the Kingston Car Parking Study during October and November 2018.

### **4.1 Social Implications**

The Issues and Opportunities Paper of the Kingston Parking Strategy recognises the impact that car parking has on the local community. It provides a number of options to manage car parking in residential street to improve residents' amenity, particularly close to activity centres. Further investigations have also been undertaken to investigate the impact multi-unit development has on parking in areas further way from activity centres.

### **4.2 Resource Implications**

The community engagement activities recommended in this report are covered by the project budget in the adopted Traffic and Transport Department materials budget.

### **4.3 Legal / Risk Implications**

If consultation is not undertaken in October or November, Council would not be able to consult residents about the Kingston Car Parking Study until February 2019 (due to the Christmas break) and this will delay the traffic and transport input into Council's Neighbourhood Character Study and Housing Strategy.

**Appendices**

Appendix 1 - Kingston Car Parking Study - Issues and Opportunities Discussion  
Paper and Residential Areas Analysis (Ref 18/554476) [↓](#)

Author/s: Alex Reid, Traffic & Transport Engineer  
Reviewed and Approved By: Ross Gregory, Manager Traffic and Transport  
Daniel Freer, General Manager City Assets and Environment

## **10.6**

### **RESPONSE TO NOTICE OF MOTION NO. 15/2016 - CR BROWNLEES - PLANNING POLICY (PARKING AND REAR SETBACKS) AND TO NOTICE OF MOTION NO. 20/2018 CR HUA - IMPACT OF MULTI-UNIT DEVELOPMENT ON PARKING**

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Discussion Paper and Residential Areas Analysis ..... 269**

# Kingston Car Parking Study

## Issues and opportunities discussion paper

**Prepared for:** City of Kingston

**Date:** 15 February 2018

**Version:** Final

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## QUALITY ASSURANCE REGISTER

Issue	Description	Prepared by	Reviewed by	Authorised by	Date
a	Draft issue for client feedback	Branwell Travers, Murray West, Karl Baker	Karl Baker	Karl Baker	22 December 2017
1	Final report	Branwell Travers, Murray West, Karl Baker	Karl Baker	Karl Baker	15 February 2018

## DOCUMENT INFORMATION

Project Name	Kingston Car Parking Study
Document Name	Issues and Opportunities Discussion Paper
Client	City of Kingston
Job Number	6272
Prepared by	MRCagney Pty Ltd Melbourne

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## Executive Summary

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The City of Kingston is undergoing a period of change. Like many suburbs within Melbourne's middle-ring, the municipality has recently experienced population growth and demographic change accompanied by a growing shift towards attached dwellings and apartments to accommodate new residents. Kingston finds itself grappling with the challenge of accommodating this change while maintaining the lifestyle that its residents are accustomed to and value.

Increasing population and commercial activity have been accompanied by new parking demands. Unpacking the relationship between car parking demand, land use planning and transport behaviour is essential in identifying the issues and solutions for parking supply in Kingston.

The Kingston Car Parking Study responds to a City of Kingston Council resolution to review the warrants for a new strategic parking overlay that requires at least one car parking space for each bedroom in multi-unit developments, and more broadly seeks to provide a thorough review of possible parking management tools to guide future policy development.

This Issues and Opportunities Paper is the first document to be prepared for the study, and provides a review of existing conditions and current parking data, and presents a range of studies to assess the appropriateness of a suite of typical parking management tools. This paper provides a solid basis to inform community engagement and will help guide the development of recommendations provided in the final Kingston Car Parking Study report.

A comprehensive analysis of car parking occupancy and demand across seven activity centres and their surrounds has found that reasonably convenient parking is available to most residents, visitors and workers throughout the day. This finding does not support the position that there is a macro-scale parking supply or availability problem in the municipality.

It is acknowledged that there are instances of high parking occupancy in specific locations resulting in spill over from off-street car parks on to on-street carparking. This may be having some localised impact on on-street parking accessibility, however, it is not clear that this is a result of new residential development rather than high demand for parking at nearby rail stations and activity centres.

Some factors that can strongly influence residential car parking demand include travel mode choice and car ownership, however Census data collected suggests that residents of Kingston generally have a lower need for parking than the average resident of Greater Melbourne, and that residents of activity centres within the municipality have a further reduced need for parking. Rates of car ownership are lower in the City of Kingston than the Greater Melbourne average, and car ownership rates are even lower for residents living in attached dwellings or living within the seven activity centres. Owing to the presence of effective public transport networks, rates of public transport patronage are higher than in many other comparable municipalities.

While this does not prove a complete absence of parking issues in the municipality, the evidence does not appear to support an overwhelming strategic justification that more residential parking is required in the municipality. Instead, there is evidence to support the use

of a suite of demand management tools (including priced parking, time limited parking, expanded use of resident permits, etc) to satisfy the community's mobility and accessibility needs and deliver sustainable transport outcomes. Furthermore, there are a broad range of studied benefits associated with reduced (or entirely absent) minimum parking requirements that deserve thorough consideration by Council and City of Kingston residents.



## 1. PURPOSE AND SCOPE

### 1.1 Purpose

This report is the first step in the preparation of the Kingston Car Parking Study, which will identify issues and opportunities for parking management in the municipality and present options to ensure parking policy contributes to vibrant, equitable, and accessible communities.

This discussion paper presents Council and the community with an overview of parking issues in the City of Kingston as a preamble to upcoming community engagement workshops and the subsequent development of recommendations. It aims to clearly define the parking issues in the local government area, inform the Council and community about how parking policy can influence sustainability, prosperity and urban form in the City of Kingston, and outline a broad range of options for addressing the issues.

This report will help inform community engagement discussions which will be followed by more detailed analysis of the impacts of various policy options based on the learnings drawn from consultation. This process will ultimately culminate in recommendations on how Council can best respond to car parking issues to the greatest benefit to the community.

### 1.2 Background

The City of Kingston has been receiving feedback from some residents who are concerned with perceived increased occupancy of on-street parking spaces in residential streets, particularly near activity centres. There are concerns about the impacts this may be having on local neighbourhood character, amenity and traffic. There is a perception that this is due to on-site parking provision at new multi-unit dwelling developments being inadequate to cater to the parking needs of their residents, resulting in spill over of parking demand to on-street locations.

In response, Council has sought to investigate strategies to mitigate such parking issues, and specifically to investigate increasing minimum on-site car parking requirements for new multi-dwelling developments to a rate of one car parking space per bedroom and to make residents of new developments in key zones ineligible for resident parking permits.

At its meeting of 22 August 2016 Kingston City Council resolved to:

*"1. Receive the officer's report in response to Notice of Motion No 15/2016 [Planning Policy (Parking and Rear setbacks)].*

*2. Note that in accordance with Council's resolution at its Ordinary Meeting on 22 February 2016, officers have allocated budget and resources in the 2016/17 financial year to review its Neighbourhood Character Study and Housing Strategy following the release of the Managing Residential Development Advisory Committee's report.*

*3. Instruct officers to include in the formulation of the briefs for the work identified in recommendation 2, a traffic and transport component that considers the application of a car parking overlay for strategic areas of Kingston that require at least one (1) car parking space for each bedroom in new multi-*

*unit developments and the possibility of requiring a 5 metre setback at the rear of new multi-unit developments.”*

Additionally, at its meeting on 27 July 2015 Council resolved to:

- 1. Effective immediately to create a ‘not eligible for resident parking permits list’.*
- 2. That the ‘not eligible for resident parking permits list’ be applied to all planning applications incorporating one net new dwelling or greater in the following zones:*

*2.1. Activity Centre Zone*

*2.2. Comprehensive Development Zone*

*2.3. Commercial 1 Zone*

*2.4. Commercial 2 Zone*

*2.5. Mixed Use Zone*

*2.6. Residential Growth Zone*

*2.7. General Residential Zone Schedules 1 and 2*

- 3. That all planning applications that fall within the parameters identified in Recommendation 2 that are yet to be advertised at the date of this resolution, be included on the ‘not eligible for resident parking permits list’ and that affected permit applicants be notified in writing.*

Changes to car parking provisions would require a Parking Overlay applied to Council's Planning Scheme. However, State government planning guidance states that an overlay “should only be used to decrease the standard number of car parking spaces specified ... unless there is an overwhelming strategic reason to increase these rates” (State Planning Practice Note 57).

This study will review the merits of the approach outlined by Council's resolutions and discuss best practice holistic approaches to managing car parking in urban areas undergoing development and change.

### **1.2.1 Neighbourhood Character Study and Housing Strategy**

A Kingston Neighbourhood Character Study and Housing Study are currently being prepared for Council in parallel with this Car Parking Study. The Housing Study will discuss issues including affordability, cost, diversity of housing options, special needs housing options, and development yields. Similarly, the Neighbourhood Character Study will discuss the impact of development on the heritage, character and amenity of existing neighbourhoods.

The findings of this study will likely impact some of the findings and recommendations of the Housing and Neighbourhood Character Studies. As such, community engagement and study development for these three pieces of work will be coordinated to ensure recommendations of each project are consistent.

### 1.3 Scope

While Council and community concerns have focused on planning regulations governing on-site parking requirements, this discussion paper considers the full range of car parking policy measures within the jurisdiction of Council to ensure that all options for addressing any car parking problems are canvassed. Policy measures within the jurisdiction of Council include:

- On-site parking requirements for property development or change of land-use
- Resident parking permit schemes
- Time restrictions on users of Council-managed on- and off-street car parking facilities
- Pricing of Council-managed on- and off-street car parking facilities
- Enforcement of pricing and restrictions on Council management of on- and off-street car parking facilities.

A holistic review of parking policy is essential to ensure the full range of policy options and their impacts are understood. Parking policy can impact car ownership trends, travel behaviour, active travel uptake, pedestrian activity in town centres and main streets, retail prosperity, public health, urban form, housing affordability and diversity of housing options. It is essential that parking policy responses consider these factors in full.

This report includes analysis of existing parking occupancy in several key activity centres, on the basis that these locations will likely experience the most acute issues due to high non-residential parking demand spilling into residential streets.

### 1.4 Study Area

This report considers the issue of car parking as it affects the City of Kingston local government area. The report examines Council's current approach to car parking management and explores the key influences and trends on car parking demand across the municipality.

Seven of Kingston's key activity centres are the focus of a detailed assessment of parking supply and occupancy. These are locations where parking demand and potential issues of under-supply are likely to most pronounced within the municipality because of overlapping retail, residential and commuter parking demands.

It is acknowledged that there will be smaller pockets of Kingston including residential areas and smaller activity centres within Kingston which may also be experiencing significant albeit less widespread parking demand. The broad range of tools available to Council identified by this report can be applied to a range of environments and commentary on suitable contexts for implementation will be provided.

### 1.5 Structure of this report

The report is structured in four sections, as follows:

- Section 2 defines and quantifies the existing parking problem in Kingston with supporting parking occupancy data, population, dwelling growth, and travel behaviour trends
- Section 3 outlines Council's existing parking management regime, including on-site parking requirements for development, applicable parking overlays, permit schemes, time restrictions, priced parking, and Council operated off-street parking facilities
- Section 4 discusses the impacts of parking policy and draws on a review of relevant local and international literature to discuss impacts of parking policy on urban form, sustainable travel, and community prosperity
- Section 5 outlines a range of possible options for ensuring parking policy in Kingston returns the greatest benefit to the community.

## 2. WHAT IS THE PARKING PROBLEM IN KINGSTON?

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This section describes current car parking conditions in Kingston and aims to establish a more refined understanding of car parking issues and relevant travel, population and development trends that can impact on parking demand. Included in this section is:

1. A review of parking occupancy surveys to assess existing parking demand
2. Analysis of recent urban development trends and implications for parking demand
3. Analysis of recent trends in transport behaviour in the City of Kingston and implications for parking demand.

### 2.1 Understanding current parking demand

Understanding parking demand in the municipality requires review of suitable data that can illustrate where parking demand is highest and quantify the extent to which parking demand from major non-residential trip attractors is spilling into residential environments. To inform this review a series of parking occupancy surveys have been undertaken at locations throughout the municipality.

#### 2.1.1 Approach to gathering data

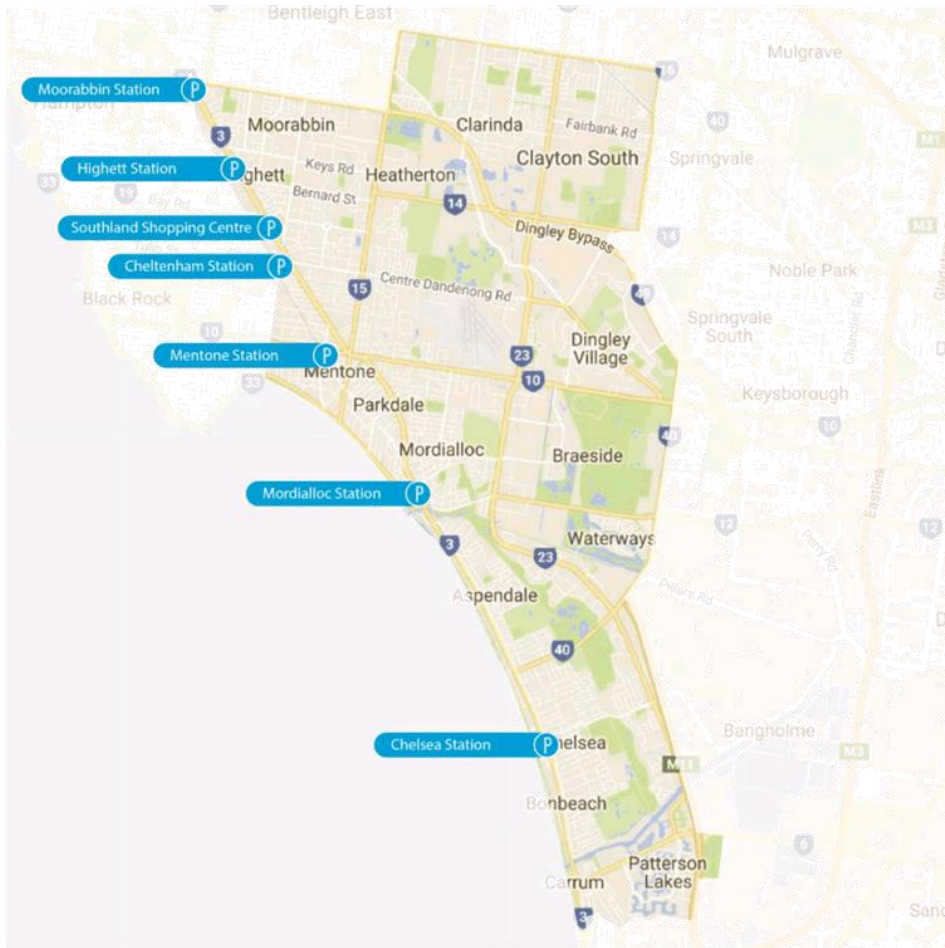
Parking occupancy data was collected at the following seven locations in the City of Kingston:

- Highett
- Cheltenham
- Mentone
- Moorabbin
- Mordialloc
- Southland
- Chelsea.

These locations in the context of the municipality are shown in Figure 2-1.



Figure 2-1: Overview of parking survey locations



The survey locations were selected to understand the extent of parking problems within areas experiencing particularly high expected parking demands. It was assumed that parking problems are likely to be most acute in locations where a combination of at least two of the following factors are present:

- Locations designated as activity Centre or Urban Shopping Village status within Council's planning framework
- Locations with regional significance as major attractors of trips, particularly by private vehicle
- Locations adjacent to train station or other high-quality transit service stop that may be associated with commuter-related parking demand

- Locations with concentrations of parking concerns raised by the community
- Locations with evidence of recent history of increased density in General Residential Zoned areas.

Parking survey coverage at each location was based on walkable catchment analysis to/from a nominated major trip attractor. Except for Southland Shopping Centre, train stations were adopted as the most logical major trip attractor. At each selected location, all streets within a walkable catchment of the train station (or, in the case of Southland, a pedestrian entrance to the shopping centre) were surveyed. Walkable catchments were defined using GIS software in three categories as follows:

- Less than 1-minute walk
- 1-3-minute walk
- 3-5-minute walk.

Detailed maps of surveyed parking areas at each location are provided in Appendix A.

Surveys were completed on Thursday 14 September 2017 and Saturday 16 September 2017 from 6:00 AM to 10:00 PM, with occupancy recorded at 15-minute intervals. The parking survey at Southland was conducted prior to the opening of Southland Railway station and the introduction of paid parking within the Southland shopping centre car park. A future survey of parking occupancy at Southland could assist in understanding the impacts of both increased public transport provision and priced parking.

#### 2.1.2 How do we interpret parking survey results?

The parking occupancy data has been interpreted with reference to benchmarks based on published guidelines. A target occupancy of 85% is a well-established benchmark for parking in town centre conditions on the basis that:

- At this level of occupancy most drivers will be able to locate a free space within a reasonably convenient distance to their chosen destination
- Significantly lower levels of occupancy suggest parking is oversupplied (or overpriced), and the associated costs of unnecessary provision will be negatively impacting a range of factors including housing affordability and retail viability.
- Higher levels of occupancy suggest parking is under-priced or possibly undersupplied.

This 85% occupancy target has been promoted in a range of publications including *Parking Management Best Practices* (Litman, 2006) and *The High Cost of Free Parking* (Shoup, 2011), and has become a widely accepted rule-of-thumb informing parking policy decision making. Notwithstanding, it is acknowledged that some community members may be accustomed to lower occupancy levels in residential settings and would contend that occupancy levels in the order of 85% would have impacts on amenity and character. This is a discussion that must be had with the community during upcoming community engagement. However, the costs and consequences associated with parking oversupply are significant, as discussed in Section 4 of this report. On this basis, a target level of occupancy of 85% is considered appropriate to guide analysis in this report.



### 2.1.3 Results of parking surveys

Parking survey results highlight low to moderate levels of maximum on-street occupancy across all study areas, as shown in Table 2-1. Most study areas recorded a maximum occupancy of between 50 – 65%, except for Southland, which recorded markedly lower occupancy. These results suggest that reasonably convenient parking should be available to most residents, visitors and workers throughout the day, even at locations within the municipality that are likely to experience the most acute demand pressures on available supply. The results generally do not support the position that there is a macro-scale parking supply or availability issue in the municipality.

Table 2-1: Total peak hour on-street parking occupancy

Survey area	Thursday peak	Saturday peak
Chelsea	54%	48%
Cheltenham	66%	56%
Highett	61%	53%
Mentone	66%	63%
Moorabbin	64%	64%
Mordialloc	65%	61%
Southland	31%	33%

Source: Trans Traffic Survey on behalf of City of Kingston

Notwithstanding, it is acknowledged that some localised instances of high parking occupancy may be experienced in specific locations. Reviewing occupancy data for public off-street parking facilities highlights some instances where spill over from off-street car parks may be having some localised impact on on-street parking availability (see Table 2-2). It shows that public off-street parking facilities (other than Moorabbin and Mordialloc) experience very high occupancy, with demand potentially spilling over into adjacent streets. These off-street parking facilities provide some town centre parking supply for customers, but also serve the significant demand for longer-term parking at rail stations. Given the high occupancy recorded in Table 2-2 the implementation of demand management tools in off-street facilities would be appropriate. However, the relationship with on-street parking demand must also be considered to deliver a logical and consistent parking strategy for each precinct holistically.

Table 2-2: Total peak hour off-street parking occupancy

Survey area	Thursday peak	Saturday peak
Chelsea	98%	43%
Cheltenham	92%	63%
Highett	100%	96%
Mentone	97%	89%
Moorabbin	69%	57%
Mordialloc	N/A	N/A
Southland	90%	85%

Source: Trans Traffic Survey on behalf of City of Kingston

Reviewing total (on- and off-street) parking occupancy in the study area provides a complete presentation of the level of parking demand, the possible impacts on business, visitors and residents, and the appropriateness of possible policy interventions. Table 2-3 presents the total occupancy of all public on and off-street facilities in each study area.

Table 2-3: Total peak hour parking occupancy (on and off street)

Survey area	Thursday peak	Saturday peak
Chelsea	59%	47%
Cheltenham	78%	59%
Highbury	63%	55%
Mentone	72%	68%
Moorabbin	69%	64%
Mordialloc	65%	61%
Southland	35%	36%

Source: Trans Traffic Survey on behalf of City of Kingston

The results presented in Table 2-3 confirm that, in general, parking occupancy is comfortably within generally accepted limits in all study areas, albeit in Cheltenham and Mentone maximum occupancy exceeds 70%. Rather than suggesting a trend of parking undersupply, the data indicates that parking may in fact be oversupplied in the activity centres, particularly given the intent of planning policy to encourage greater use of active and public transport.

## 2.2 Recent urban development trends and implications for parking demand

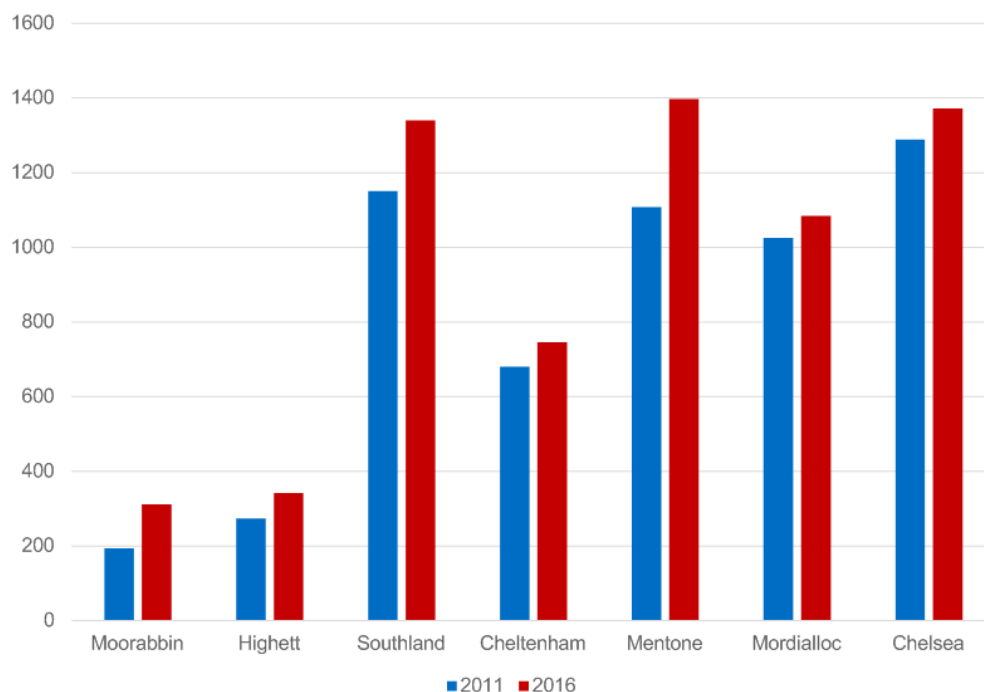
Recent urban development trends have been reviewed to identify whether real or perceived parking issues correlate with increased residential development, population, or employment activity. In conjunction with occupancy survey data and community feedback, this will help to highlight the causes of potential parking issues and any hotspot locations and will provide an indication of the likely effectiveness of Council's proposed policy responses, including increasing minimum parking requirements for new residential development.

### 2.2.1 Residential development and population growth trends

Reviewing residential and population growth trends can highlight areas where real or perceived parking issues correlate with a concentration of new development. This can help to identify whether parking demand associated with new residential development is occurring on-street rather than on-site.

The number of dwellings for years between 2011 and 2016, and the dwelling growth rates since 2011 are summarised for each of the seven selected study areas in Figure 2-2 below.

Figure 2-2: Number of dwellings



Source: SGS Economics and Planning analysis of ABS Census data (2017)

All study areas experienced a growth in dwellings from 2011 to 2016, however the most notable growth was experienced in Mentone, followed by Southland. While Moorabbin experienced a particularly high growth rate, this growth has occurred from a low base, and Moorabbin remains the study area with the least number of dwellings. Chelsea, Mordialloc and Cheltenham experienced relatively low growth in dwellings. As expected, population trends (Table 2-4) closely resemble trends in dwelling growth.

Table 2-4: Population and population growth 2011-16

Precinct	2011	2014	2015	2016
Moorabbin	328	370	543	610
	-	12.9%	65.7%	86.1%
Highett	670	724	767	823
	-	8.1%	14.5%	22.9%
Southland	2,366	2,581	2,622	2,748
	-	9.1%	10.8%	16.1%
Cheltenham	1,396	1,452	1,481	1,514
	-	4.1%	6.1%	8.5%

Precinct	2011	2014	2015	2016
Mentone	2,117	2,396	2,493	2,689
	-	13.1%	17.8%	27.0%
Mordialloc	1,771	1,856	1,865	1,883
	-	4.8%	5.3%	6.4%
Chelsea	2,413	2,486	2,561	2,626
	-	3.0%	6.1%	8.8%
City of Kingston	148,304	153,034	154,583	156,132
	-	3.2%	4.2%	5.3%
Greater Melbourne	4,168,900	4,437,430	4,532,137	4,627,724
	-	6.4%	8.7%	11.0%

Source: SGS Economics and Planning analysis of ABS Census data (2017)

Based on the hypothesis that on-street parking issues are a direct result of new residential development, the Mentone and Southland activity centres would be the two most likely locations to experience parking issues. Parking data, however, reveals that Southland experiences by far the lowest on-street parking demand, while Mentone does not experience markedly different on-street parking demand than elsewhere in the municipality, suggesting there is no strong correlation between residential development and excessive on-street parking occupancy.

### 2.2.2 Employment trends

Employment trends have been reviewed to identify whether increased retail activity is contributing to real or perceived parking issues in the study areas. Employment trends provide an indirect measure of broader retail activity, and the associated potential trends in employer and customer parking demand.

The number of retail trade jobs for years between 2011 and 2016, and the retail trade job growth rates since 2011 are provided in Table 2-5. Retail employment has remained relatively stagnant in City of Kingston, in comparison to the steady growth experienced in Greater Melbourne, and all study areas have experienced a similar contraction slow growth in retail employment as the City of Kingston average.

Table 2-5: Retail trade employment and growth 2011-16

Precinct	2011	2014	2015	2016
Moorabbin	271	275	276	278
		1.7%	2.1%	2.8%
Highett	56	57	57	57
		1.7%	2.1%	2.8%
Southland	2,801	2,847	2,861	2,879
		1.7%	2.1%	2.8%
Cheltenham	137	139	140	140
		1.7%	2.1%	2.8%
Mentone	443	450	453	455

Precinct	2011	2014	2015	2016
		1.7%	2.1%	2.8%
Mordialloc	327	332	334	336
		1.7%	2.1%	2.8%
Chelsea	299	304	305	307
		1.7%	2.1%	2.8%
City of Kingston	14,787	15,051	15,129	15,229
		1.8%	2.3%	3.0%
Greater Melbourne	232,209	240,319	242,553	246,242
		3.5%	4.5%	6.0%

Source: SGS Economics and Planning analysis of ABS Census data (2017)

The number of health care and social assistance jobs for years between 2011 and 2016, and the health care and social assistance job growth rates since 2011 are summarised in Table 2-6. All study areas experienced a strong growth in health care employment to 2015 followed by a larger spike in 2016. It is also noted that health care and social assistance jobs were a much smaller proportion of the workforce than retail trade jobs in Kingston.

Table 2-6: Health care / social assistance employment and growth 2011-16

Precinct	2011	2014	2015	2016
Moorabbin	229	242	247	272
		5.7%	7.9%	18.8%
Highett	79	83	85	94
		5.1%	7.6%	19.0%
Southland	438	463	472	521
		5.7%	7.8%	18.9%
Cheltenham	98	103	105	116
		5.1%	7.1%	18.4%
Mentone	223	236	240	265
		5.8%	7.6%	18.8%
Mordialloc	107	113	115	127
		5.6%	7.5%	18.7%
Chelsea	151	159	162	179
		5.3%	7.3%	18.5%
<b>City of Kingston</b>	<b>7,064</b>	<b>7,460</b>	<b>7,614</b>	<b>8,401</b>
		5.6%	7.8%	18.9%
<b>Greater Melbourne</b>	<b>236,419</b>	<b>255,215</b>	<b>261,066</b>	<b>296,383</b>
		8.0%	10.4%	25.4%

Source: SGS Economics and Planning analysis of ABS Census data (2017)

Overall, the results outlined in Table 2-5 and Table 2-6 provide little evidence to suggest that increased retail activity and job growth could be associated with a general increase in parking activity in the study areas.

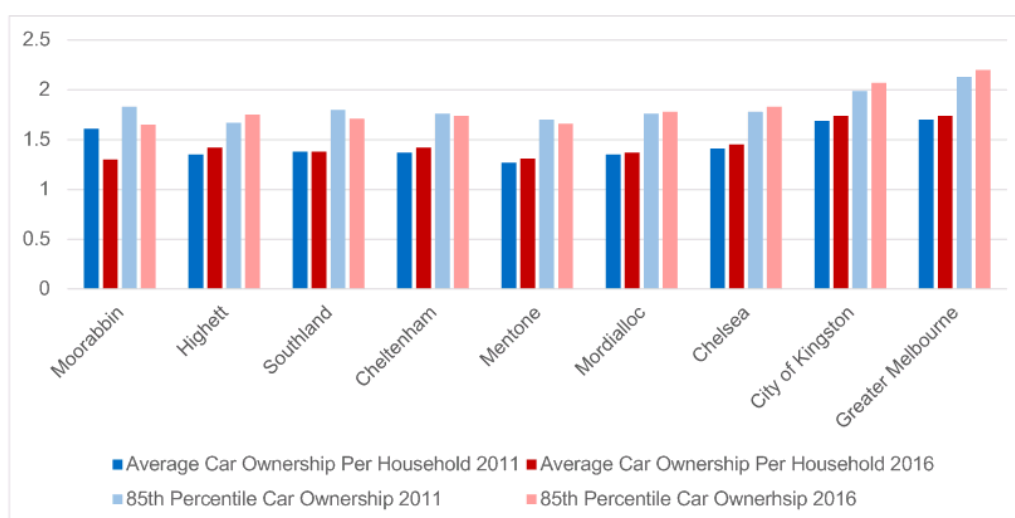
## 2.3 Recent transport trends and implications for parking demand

Review of transport trends in Kingston can help determine whether existing parking provision policy is appropriate. Travel distance trends and mode choice data can help highlight locations where free and ample parking is inducing car travel for short trips of walkable or bikeable distance, while review of car ownership rates and development trends can help determine whether car ownership routinely exceeds on-site parking provision at new residential developments.

### 2.3.1 Car ownership trends

ABS Census data presents car ownership rates per dwelling, providing an insight into the demand for residential parking provision in Kingston. Average car ownership levels per dwelling in 2011 and 2016 are shown in Figure 2-3. This shows that while car ownership has generally increased slightly in most of the activity centre study areas between 2011 and 2016, car ownership is nonetheless significantly lower in all study areas than the City of Kingston and Greater Melbourne averages. Average car ownership across the entire municipality is approximately equal to the Greater Melbourne average, although 85<sup>th</sup> percentile car ownership is slightly lower.

Figure 2-3: Average car ownership per dwelling



Source: SGS Economics and Planning analysis of ABS Census data (2017)

### 2.3.2 Car ownership and number of dwelling bedrooms

Car ownership rates when compared against the number of bedrooms in private dwellings provide another layer of insight into the transport behaviours and associated parking needs of people living in different types of dwellings. Figure 2-4 provides an analysis of ABS Census data breaking down average car ownership against the number of bedrooms in a dwelling.

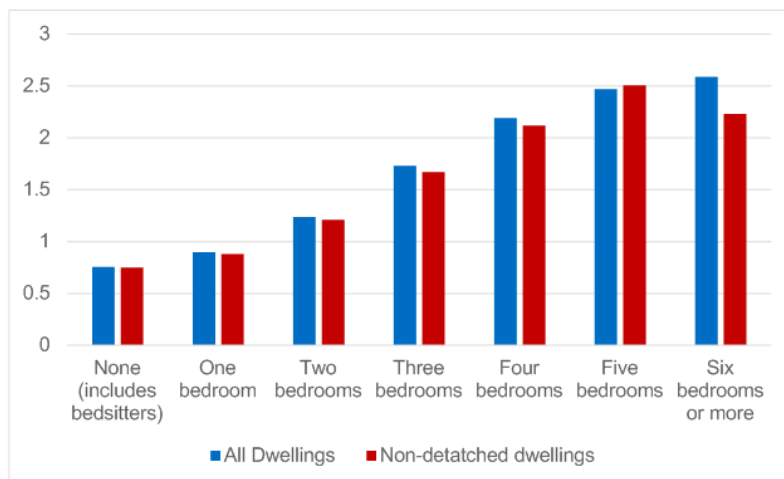
The data shows that car ownership increases with the number of bedrooms within a dwelling, however the average number of cars does not directly align with the number of bedrooms and the average car ownership is lower than the number of bedrooms. The average car ownership



for dwellings with zero bedrooms (e.g. studios or bedsits) is 0.76, 0.90 for one-bedroom dwellings, 1.24 for two-bedroom dwellings, 1.73 for three-bedroom dwellings, and 2.19 for four-bedroom dwellings.

Car ownership is lower among residents who do not live in detached dwellings across all dwelling sizes except for dwellings with five bedrooms.

Figure 2-4: Average car ownership per private dwelling by number of bedrooms, City of Kingston



Source: MRCagney analysis of ABS Census 2016. Figures for non-detached dwellings include all dwelling structure categories except for 'separate house'. This includes semi-detached, terrace house, townhouse, flat, apartment as well as caravan, cabin, houseboat, improvised home; it also excludes responses for dwellings not stated or not applicable. The average number of motor vehicles has been calculated using the Number of Motor Vehicles (ranges) dataset. The number of vehicles for the category four or more vehicles was taken as four to align with the method used by SGS Economics and Planning (2017) to calculate Figure 2-3. The total number of cars in households with four or more cars may be greater than an average of four which would impact on the average number per dwelling.

### 2.3.3 Mode choice

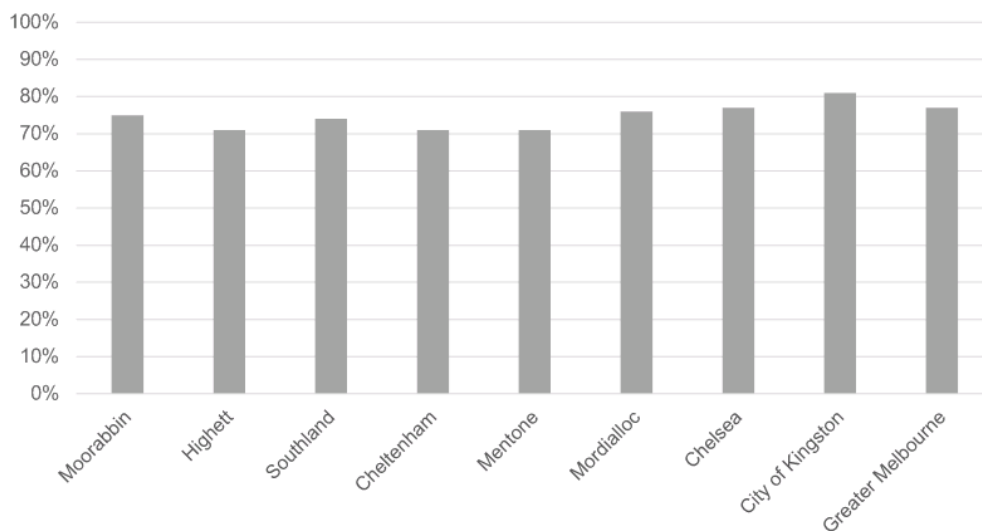
Review of mode choice provides an insight into car dependence in the study areas and is useful to highlight whether car use is markedly higher than the Greater Melbourne average, and thus a contributing factor to higher parking demand at key destinations.

The proportion of workers who travel to work by car is summarised in Figure 2-5. The proportion of people who travel to work by car is slightly higher in the municipality than the Greater Melbourne average. However, this trend is not evident in the activity centre study areas. All study areas have lower car use than the municipality wide average, and most have lower car use than the Greater Melbourne average.

This, in conjunction with the lower rates of car ownership in the study areas, suggests a relatively significant proportion of the population of Kingston's activity centres (in the context of Greater Melbourne) choose to not own a car and travel by alternative means.



Figure 2-5: Mode share - travel to work by car



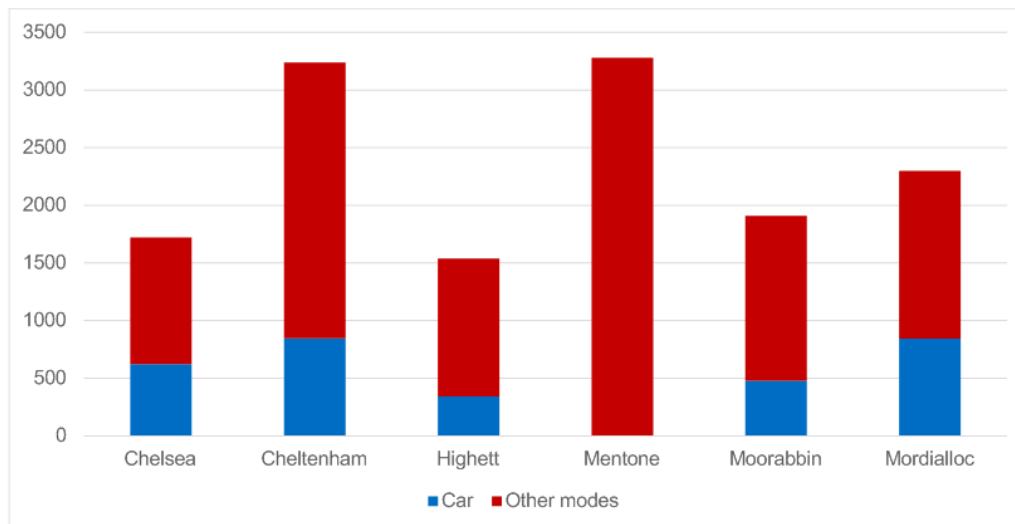
Source: ABS Census (2011)

#### 2.3.4 Access mode at train stations

Train stations can be a source of high parking demand that can spill over into adjacent residential areas. Review of travel modes used by passengers accessing train stations in the study area can help quantify the demand for parking at these stations and contextualise the importance of vehicle accessibility in comparison to other travel modes.

Access modes for train stations with the study area are summarised in Figure 2-6 based on origin-destination surveys undertaken by Public Transport Victoria. Access is supported by a range of infrastructure and service provisions, as outlined in Table 2-7.

Figure 2-6: Average weekday arrivals by transport mode (financial year 2013-14) – train stations



Source: Public Transport Victoria Origin Destination (OD) Survey (2015)

Table 2-7: Train station accessibility attributes

Train Station	Attributes
Moorabbin	30 car parking spaces 5 bicycle racks Five regular connecting buses (811, 812, 823, 824, 825)
Highett	116 car parking spaces 10 bicycle racks Two regular connecting buses (708, 828)
Cheltenham	356 car parking spaces 10 bicycle racks Seven regular connecting buses (600, 811, 812, 822, 828, 922, 923)
Mentone	272 car parking spaces 4 bicycle racks One regular connecting SmartBus (903), plus four regular connecting buses (708, 811, 812, 825)
Mordialloc	203 car parking spaces 16 bicycle racks One regular connecting SmartBus (903), plus four regular connecting buses (705, 706, 708, 709)
Chelsea	198 car parking spaces 30 bicycle racks One regular connecting SmartBus (902), plus three regular connecting buses (706, 857, 858)

Source: Public Transport Victoria

As illustrated in Figure 2-6, most train passengers do not access stations by car but by other modes, largely as pedestrians or on buses.

The results published by PTV for Mentone station appear to be erroneous. Given the presence of a railway car park with 272 car parking spaces it is likely that the proportion of passengers arriving to Mentone station by car would be a similar to that of other stations within Kingston, particularly considering most stations are provided with similarly sizeable parking facilities (as outlined in Table 2-7). Comparing the station parking provisions provided in Table 2-7 with the average weekday arrivals by car suggests there may be some relatively minor overspill of station parking into adjacent street and parking facilities, however this is difficult to quantify without vehicle occupancy, passenger drop-off by car, and parking space turnover data.

## 2.4 Summary: what is the parking problem in Kingston?

Concerns have been raised by parts of the community that recent growth in residential development has resulted in parking issues due to new developments not providing adequate on-site parking to meet the needs of residents. In response to this, a thorough review of parking surveys has been completed to help quantify these impacts.

Parking survey data collected for this report has focused on activity centres, where a combination of high non-residential parking demand and the most significant residential growth is expected to present the most pronounced examples of the issues raised by community members. However, review of parking survey data suggests that on-street parking occupancy, even in localities with the highest demand for parking, is generally well within appropriate levels to facilitate convenient access. While some localised instances of on-street parking spilling onto surrounding residential streets would be expected on occasion, it is not clear that this parking demand is associated with new residential development rather than adjacent rail stations and retail.

Parking supply data for residences in the municipality could not be obtained, however car ownership data suggests that residential parking demand is not particularly high. Residents of the surveyed activity centres within the municipality own notably fewer cars than the municipality-wide and Greater Melbourne average, and average household car ownership does not strongly correlate with the number of dwelling bedrooms. It is notable that average household car ownership is generally significantly less than 1 car / bedroom.

The evidence collected is not suggestive of a widespread accessibility issue due to a consistent lack of parking supply associated with residential development. Notwithstanding, it is acknowledged that residents may not be concerned purely with access, but with other impacts relating to perceived amenity. Unpacking these concerns will be a focus of upcoming community engagement, and the impacts of various policy response options are reviewed in subsequent sections of this report.

### 3. HOW IS COUNCIL CURRENTLY MANAGING PARKING IN KINGSTON?

This section summarises Council's current approach to managing car parking throughout the municipality. Council is currently involved with parking provision and management through:

- Regulating on-site parking requirements accompanying new development and changes of land-use through planning regulations
- Providing and managing on-street carparking
- Providing and managing some off-street carparks in town centres.

This section discusses current Council approaches to management across these various functions.

#### 3.1 Planning regulations – on-site minimum parking requirements

The Kingston Planning Scheme sets out requirements for the provision of on-site parking for all development in the municipality. Specifically, the requirements are set out in *Clause 52.06: Car parking* which specifies the rate of parking which must be provided for different land uses and building types. The requirements of this clause form part of the Victorian Planning Provisions which are set by the Department of Environment, Land, Water and Planning and establish a consistent framework across the entire State of Victoria.

Clause 52.06 establishes both an 'A Rate' and 'B Rate'. The A rate is the default parking requirement for all Victorian municipalities. The B Rate is a standard variation for areas where a Parking Overlay applies and provides for a modest reduction in the level of carparking required. The City of Kingston has not introduced a parking overlay and as such the standard A rate applies throughout the municipality. Table 3-1 provides an overview of the City of Kingston minimum parking rates for some common residential, community and commercial land uses.

Table 3-1: Summary of City of Kingston Minimum Parking Rates

Land -use		Minimum number of parking spaces required
<b>Dwelling</b>	To each one or two bedroom dwelling	1
	To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms)	2
	For visitors to every 5 dwellings for developments of 5 or more dwellings	1
<b>Residential aged care facility</b>	To each lodging room	0.3
<b>Residential/Retirement Village</b>	To each one or two bedroom dwelling	1
	To each three or more bedroom dwelling (with studies or studios)	2

Land -use		Minimum number of parking spaces required
	that are separate rooms counted as a bedrooms)	
	For visitors to every five dwellings for developments of five or more dwellings	1
<b>Food and drink premises</b>	To each 100 sq m of leasable floor area	4
<b>Restaurant</b>	To each patron permitted	0.4
	To each 100 sq m of leasable floor area	
<b>Shop</b>	To each 100 sq m of leasable floor area	4
<b>Office</b>	To each 100 sq m of net floor area	3.5

Source: City of Kingston Planning Scheme

### 3.1.1.1 Car parking waivers and reductions

The requirements of Clause 52.06: Car parking are triggered when a planning permit is required for a change of land-use or for a building extension. However, in many cases for development of established sites there is limited potential to provide on-site carparking due to physical constraints. Council recognises that in some instances the provision of the required on-site parking is not practical and has an established process where applicants can apply for a waiver of requirements.

The key elements of this process are a written submission explaining the merits of a waiver or reduction in parking provision and a Clause 52.06 Assessment which respond to the decision guidelines detailed in the Clause. This process considers:

- The existing and proposed land uses including hours of operation, staff and patron numbers
- Potential impacts on adjoining properties
- Availability of existing parking in the area
- The accessibility of the site via walking, cycling and public transport
- A study of car parking demand completed by a qualified traffic engineer (only where significant reductions or waivers are sought).

## 3.2 On-street parking management

On street parking in the City of Kingston is managed through a range of tools including parking permits, time restrictions and enforcement measures.

### 3.2.1 Time restrictions

Council manages demand and turnover of on-street carparking through the enforcement of time restricted parking in areas of high demand and need. In key areas of high demand a variety of time restrictions are used ranging from short-term drop-off and pick-up zones through to longer

4P restrictions. Time restrictions in Kingston are generally only used in activity centres or locations with particularly high on-street parking demand.

The rationale behind the application of time restrictions is set out in *Council's Parking Management Policy* (2016) which establishes a management approach for different areas and contexts. The policy identifies user priorities for different land use contexts and recommends appropriate time restrictions. Table 3-2 provides an overview of the parking policy framework.

Table 3-2: Overview of City of Kingston Parking Management Policy (2016)

Location	Management Approach
<b>Residential Areas</b>	<p>Parking within residential streets is generally unrestricted allowing for a variety of users to park for an unrestricted period of time.</p> <p>In areas located closer to areas of high demand such as schools, activity centres and railway stations parking restrictions and residential permit zones apply on some residential streets to allow residents greater opportunity to park near their property.</p>
<b>Commercial Areas and Activity Centres</b>	<p>Parking within commercial areas and activity centres is generally time restricted to maintain a balance between short-term high-turnover car parking and medium-term parking.</p> <p>The application of 1/2P, 1P or 2P is typical within Activity Centres or within 200m of a commercial area during business hours. This approach seeks to ensure that parking occupancy does not exceed 95%.</p> <p>Places an emphasis on higher turnover of parking to contribute to an active streetscape and positive social and economic outcomes such as retail turnover.</p>
<b>Streets Near Railway Stations</b>	<p>Streets located near railway stations should be managed to provide some car parking for commuters whilst managing impacts on residential areas.</p> <p>Subject to site context time restrictions such as 2P or 4P should be applied on one side of the street for 9am to 6pm Monday to Friday.</p> <p>In locations where the railway line abuts the street, parking should be made available for commuter parking. Where the railway line is on the opposite side of the road, parking should be primarily for the use of the abutting properties. Under-used parking should be made available for commuters.</p>
<b>Foreshore areas</b>	<p>Parking management in these areas seeks to strike a balance between residential, local business and visitor parking. The application of paid parking between 8am and 8pm is typical for these locations.</p>
<b>Streets with Schools, Kindergartens and Hospitals</b>	<p>Parking restrictions around schools and other educational facilities seeks to minimise any impact of parked cars on safe travel for pedestrians and cyclists. Generally, streets adjacent to schools are for pick-up and drop-off purposes only with the application of no standing and no parking zones during school terms in areas adjacent to school entrances and exits.</p>



### 3.2.2 Priced Parking

The application of priced parking in the City of Kingston is limited to carparking within foreshore reserves. There are approximately 11 foreshore carparks within Kingston adjacent to beaches, open space reserves and community facilities. In these locations a carpark user must purchase a ticket to park. Kingston residents are eligible for a Foreshore Parking Permit which exempts them from the paid parking requirement.

### 3.2.3 Parking Permits

Council regulates the use of on-street parking through a series of parking permits which seek to meet and balance the different needs of residents, visitors and businesses in Kingston. Typically, a parking permit allows the permit holder's vehicle to remain parked for longer than the displayed time restrictions or to park in designated spaces. Parking permit types available within the City of Kingston are summarised in Table 3-3.

Table 3-3: Overview of parking permits available in the City of Kingston

Permit Type	Description
<b>Residential Parking Permit</b>	Residential permits are available to residents and exempt the permit holder from time-based parking restrictions or allow them to park in residential permit zones. Exemptions do not extend to spaces with parking restrictions sign-posted 1P or less or to off-street car parks. Properties with three or more dwellings on a lot are not eligible for a residential parking permit. Properties with two or more dwellings on a lot granted planning permission after 28 July 2015 are not eligible for a parking permit.
<b>Disabled Parking Permit</b>	People with disabilities have access to two types of parking permits – Blue Permits and Green Permits. Blue Permits allows permit holders to access designated Disabled Parking Bays which provide wider accessible spaces which allow for the loading and unloading of mobility aids. The Green Permit allows permit holders to park in standard car parking spaces and double the signposted time limit.
<b>Trader Parking Permit</b>	Trader Parking Permits may be made available dependent upon demand from local businesses as determined by parking studies.
<b>Foreshore Parking Permit</b>	Foreshore Parking Permits are issued to all ratepayers within Kingston enabling them to park free of charge in designated foreshore areas.
<b>Car Share Permit</b>	Car share permits grants long term and exclusive carparking access for car share vehicles. Spaces are provided to car share operators for a period of two years and are charged a fee for use.
<b>Work Zone Permit</b>	A work zone permit is intended to permit the occupation of on-street car parking spaces for the exclusive use by entities undertaking construction works.

### 3.2.4 Enforcement

Council enforces permits, time restrictions and priced parking through on the ground parking enforcement officers.



### 3.3 Provision of off-street parking

Council provides off street parking in several locations across the municipality including activity centres, foreshore reserves and sports reserves. In these areas high levels of parking demand is managed through a combination of time restrictions and priced parking.

Council provided car parking is located in the following Major Activity Centres in Kingston:

- Chelsea
- Mordialloc
- Mentone
- Cheltenham.

Carparking within these centres is generally managed through the application of a range of time restrictions, typically 3P or 4P. Time restrictions within off-street car parks are generally longer than for on-street car parks. Car parking is contained in a mix of multi-level and surface car parks with some surface level car parks fragmented across many different land parcels. Council provided off-street carparking is complemented in some locations by privately provided off-street parking associated with entities such as supermarkets.

### 3.4 Is the current management regime appropriate?

City of Kingston's current management regime for parking is quite conventional and consistent with typical management practices of many other municipality in greater Melbourne. The consequence of these policies is generally that parking tends to be oversupplied and under-priced (free) at the expense of a range of desirable outcomes relating to active travel participation, quality of the urban realm, housing affordability and diversity, and efficient use of town centre land. Review of parking occupancy data in the municipality supports the position that parking is generally oversupplied and/or under-priced.

Given that minimum parking rates for development are generally the major driver of parking provision in new development, the data referenced above suggests that Victoria's existing minimum parking requirements are contributing to some parking oversupply. On this basis, rather than supporting an overlay to enforce higher parking rates, it is considered that *lower* parking requirements would be appropriate.

Table 3-4 below provides a brief comparison of minimum parking rates for residential development in Victoria, NSW, Brisbane and Gold Coast. This comparison highlights how Victorian parking requirements are notably higher than other comparable Australian cities and states and helps to demonstrate how additional increases through a parking overlay would be unprecedented in these contexts.

Table 3-4: Comparison - Victorian minimum parking rates

Victoria	NSW	Brisbane	Gold Coast
Min. 1 per 1-2 bed Min. 2 per 3+ bed Min. 1 visitor per 5	Dwelling Min. 1-2 / dwelling  Medium Density Min. 1 / dwelling + 1 space / 5 dwellings Min. 1 visitor per 5  High Density Min. 0.4 per 1 bed Min. 0.7 per 2 bed Min 1.2 per 3 bed Min. 1 visitor per 7	City Core Max. 0.5 per 1 bed Max. 1 per 2 bed Max. 1.5 per 3 bed Max. 2 per 4+ bed 1 visitor per 20 dwellings  City Frame/ 400m of transport Min. 0.9 per 1 bed Min. 1.1 per 2 bed Min. 1.3 per 3+ bed Min. 0.15 visitor per dwelling  Dual Occupancy Min. 1 per 1-2 bed Min. 2 per 3+ bed  Multiple dwelling Min. 1 per 1 bed Min. 1.25 per 2 bed Min. 1.5 per 3+ bed	Centre Zone: 400m Min. 0.75 per dwelling Min. 1 visitor per 10  Centre Zone: 800m Min. 0.9 per dwelling Min. 1 visitor per 10  General Min. 1 per 1 bed Min. 1.25 / 2 bed Min. 1.5 per 3 bed Min. 2 per 4 bed Min. 2 visitor + 1 per 10

Rather than seeking to increase supply, it is suggested that City of Kingston pursue an expanded demand management strategy to encourage more efficient use of existing parking assets, increased active travel participation and public transport use, and ultimately reduced car ownership. Appropriate demand management strategies that are considered appropriate for consideration in the municipality include:

- Priced parking – priced parking may be implemented where occupancy consistently exceeds 85%. Pricing should be periodically reviewed to target an occupancy in the order of 75-85%. Priced parking is a key demand management strategy that appears underutilised throughout the municipality
- Residential permits – Council's current permit system appears to be appropriate and should prevent significant overspill parking from new medium and high density residential development, provided enforcement is maintained. Council should consider expanding its permit system where residents are experiencing accessibility issues
- Time limits – Council should consider expanding its use of time limits (in conjunction with resident permits) to discourage long term visitor parking in residential streets
- Enforcement – enforcement of parking restrictions must be maintained at sufficient levels to ensure restrictions are generally adhered to. It is difficult to assess the appropriateness of Council's current enforcement regime, however, it is anticipated community engagement will be informative in this respect. Where enforcement is unproductive, this may be a sign that underlying restrictions are unnecessary.

## 4. WHAT ARE THE IMPACTS OF ON-SITE PARKING REQUIREMENTS?

Accommodating the needs of people owning and traveling by car is the most obvious intent of parking policy, however parking policy has a much broader influence on the character and function of city and towns. The ways in which parking policy shapes urban environments and the people who live there essentially fall into three categories:

- **Travel behaviour:** Parking policy can influence travel mode choice, car ownership, travel distance (for instance, whether people choose to shop locally or drive elsewhere), duration of stay and traffic congestion. Parking policy that overvalues parking convenience is often associated with reduced active travel participation, even for very short trips, and can have a range of negative flow on impacts from reduced retail performance to poorer physical and mental public health outcomes.
- **Public space and urban realm:** Parking policy is a major influence on how much space is allocated to parking cars in urban environments. This space typically has a negative effect on the urban realm by separating activity, increasing walking distance, and reducing amenity.
- **Urban development:** Parking policy significantly influences the configuration, yield and viability of urban development, and can have flow on impacts on housing affordability. Parking requirements can reduce the available space for higher-value land uses and enforce poor design outcomes due to access and driveway requirements.

On-site minimum parking requirements for new developments or change of land-use are a major element of Council policy and have important impacts on these three factors. This chapter discusses the impacts of minimum parking requirements.

### 4.1 Reasons cited for maintaining or increasing minimum on-site parking requirements

A recent Council Resolution has sought to review the warrants for a strategic parking overlay requiring an increased minimum parking provision of at least one car parking space for each bedroom in a multi-unit development.

Minimum parking requirements for new development have been widely enforced across Australia and overseas for decades primarily as an attempt to reduce externality costs incurred on local government and surrounding residents and businesses when parking demands associated with new development are not met on site. Externalities may include costs incurred on local government to provide and management parking facilities, or amenity and accessibility issues imposed on surrounding residents or businesses. It is understood concerns raised by the community in relation to some of these impacts has contributed to Council passing this resolution.

Some expanded discussion of the rationale provided for maintaining or increasing minimum parking requirements is provided below.

#### 4.1.1 The significance of driving as a mode of transport

One notion underpinning arguments in favour of minimum on-site parking requirements is that driving is the dominant form of transport within existing urban environments and therefore public authorities need to respond by ensuring roads and parking infrastructure satisfy this demand.

Contemporary land use and transport planning seeks to direct urban areas away from a heavy reliance upon private motor vehicles for personal mobility and to encourage greater levels of walking, cycling and public transport use for everyday trips. Notwithstanding this objective, private motor vehicle use remains a significant component of Kingston's and Metropolitan Melbourne's transport mix with 69% residents of Kingston using a car to get to work each day.

While the proportion of people who use private vehicles every day in the municipality may not align with aspirations for a more sustainable transport system, some would suggest that existing levels of vehicular transport should not be ignored. Proponents of maintaining or increasing minimum parking requirements may argue that while the land use planning system should seek to deliver on outcomes to improve alternative transport modes it equally has the responsibility to facilitate the orderly development of land in line with existing community attitudes and behaviours.

While parking policy and Council-led walking and cycling interventions can encourage increased uptake of active and public transport, the extent to which parking policy alone can engender a large change is unclear. Without broader changes to the transport system implemented by other jurisdictions it is unlikely that public transport mode share will change substantially in the short-term.

If it is accepted that cars are the dominate form of transport, then it would also need to be acknowledged that accommodating the parking needs of these vehicles is in turn an issue which must be addressed. On average cars spend 80% of the time parked at home, 3-4% of the time in transit moving between destinations, and 16% parked at other locations.<sup>1</sup>

The question for local governments is whether the potential nett impacts are sufficient to regulate parking supply on private land through minimum parking requirements.

#### 4.1.2 Provision of parking and economic activity

As a consequence of local population growth, policies of urban consolidation, and the designation of a centre hierarchy, Kingston's activity centres have seen their role and function change and generally increase over time. While this has meant greater levels of activity taking place (including expanded retail, service and office activity), the amount of public car parking provided within centres has remained stable over the same period. In the future the role of Kingston's activity centres is anticipated to increase in line with population growth projections.

Within activity centres car parking is perceived by local traders and tenants as being a significant influence on activity centre prosperity. The significance of car parking supply on activity centre performance is contested with a range of viewpoints on the role and value of car parking supply in supporting vibrant activity centres.

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<sup>1</sup> <http://www.tandfonline.com/doi/full/10.1080/21650020.2014.885385>



Local traders often express a desire for a greater amount of car parking to be provided with an aspiration to maintain ample amounts of free and unrestricted car parking. In contrast, moves to remove car parking, apply pricing regimes, or time restrictions to car parking to meet broader transport and land use objectives have previously been met with fierce opposition from local traders within metropolitan Melbourne.

Underpinning this is the assumption that the majority of prospective customers arrive at an activity centre by vehicle and that if parking became more restricted customers would be less willing to access a centre than one with a more generous supply of car parking. Consequently, large out-of-centre shopping centres which offer free parking or nearby activity centres with more relaxed parking regimes are perceived to be a threat, as it is believed that customers who arrive by car can simply drive to the next shopping centre to avoid priced parking, time restrictions or trying to find a car space. As such, increasing the number of car parks provided within a centre rather than encouraging alternative behaviours or managing demand is a popular approach.

The availability of parking can be a factor in determining whether an individual makes the decision to drive to a particular location, chooses an alternative mode of travel, or chooses an alternative destination. However, several other factors can be equally as influential on transport behaviour including: the availability of viable transport alternatives, the perceived quality and safety of a centre as a place, and distance required to travel to a competing centre.

Larger centres with a stronger 'pull factor', better access to rail and supporting bus networks, a more densely populated walkable catchment, and better cycling access are likely to be better placed to sustain vibrant economic activity despite parking constraints than smaller centres with fewer alternative modes of transport available.

#### **Case Study: Yarraville Village**

Research conducted following the introduction of paid parking at Yarraville Village in the City of Maribyrnong in Melbourne's inner west found that 63% of former patrons continued to visit the centre following the introduction of paid parking, 23% continued to visit but dropped the car from their journey while 14% of people stopped visiting following the introduction of paid parking.<sup>2</sup> Further to this the survey found that grocery spending dropped by \$24 on average and that discretionary spending dropped by \$24 on average.

It is important to note that the introduction of paid parking was heavily criticised and there is limited evidence that the occupancy of car spaces in the centre exceeded the 85% threshold recommended as the maximum average occupancy before reviewing parking arrangements. The scheme applied a uniform \$1.80 per hour price to all Council managed on and off-street car parks between Tuesdays and Saturdays. It is possible that an alternative regime of time restrictions and pricing could have been implemented which may have minimised negative impacts or even enhanced the financial performance of the centre by increasing the overall capacity of the centre.

<sup>2</sup> Gary Au, 2016, A users' perspective of paid parking at a local retail precinct, ATRF: [http://atrf.info/papers/2016/files/ATRF2016\\_Full\\_papers\\_resubmission\\_8.pdf](http://atrf.info/papers/2016/files/ATRF2016_Full_papers_resubmission_8.pdf)

It is suggested that increased residential densities around activity centres can sustain economic activity without the need to accommodate greater amounts of car parking. Proponents of this argue that facilitating greater residential development within a short walking or cycling distance to activity centres makes walking, cycling or catching public transport a viable alternative limiting the need to provide additional car spaces in line with population growth and centre demand.

Despite the important relationship between car parking availability, personal transport behaviour and the impact on activity centres, there is limited research considering the direct individual impacts of these factors. Gaining a better understanding of community experiences and expectations around parking within activity centres would aid in decision making for activity centre parking provision in the future.

#### 4.1.3 Growth and increasing residential development

Plan Melbourne 2017 sets a vision for the growth and development of Metropolitan Melbourne through to the year 2050 and seeks to locate 65% of future residential development in established suburbs of Melbourne. The Plan establishes a framework to support development in established areas with good access to public transport, jobs and services. As such, the established areas of Kingston are anticipated to accommodate additional housing and population. This growth will occur across the entire municipality, however, areas with ideal access to the Frankston Railway Line will be subject to the greatest growth.

It is suggested that for many established residents of Kingston this growth in population and development has contributed to perceived issues relating to car parking in their local community. These concerns are primarily focused on residential streets in Kingston, with some residents suggesting new multi-unit residential development has not fully provided for the car parking needs of its inhabitants onsite, and therefore on-street parking has been left to cater to this demand. The extent to which this is a widespread issue and the severity of the impacts are unclear.

Car parking issues are frequently cited by resident objectors in third party planning appeals, with it being estimated that over half of all VCAT planning permit appeals cite parking as an issue and nine out of ten of these appeals involved third party objectors.<sup>3</sup> This would suggest that ease of parking is a quality which many people perceive as being desirable within residential areas. Conversely, new development which has either a real or perceived impact local parking accessibility can generate angst among established residents and feeds into broader community aversion to change.

While it is critical to acknowledge that parking demand in residential areas is perceived to be an important issue, determining the best approach for addressing this concern should balance the benefits and costs of implementing higher parking rates.

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<sup>3</sup> Elizabeth Taylor, 2014, "Fight the towers! Or kiss your car park goodbye": How often do residents assert car parking rights in Melbourne planning appeals?  
<http://www.tandfonline.com/doi/abs/10.1080/14649357.2014.929727?scroll=top&needAccess=true&journalCode=rptp20>

#### 4.1.4 Amenity of residential streets

Overspill parking on residential streets is sometimes cited a source of reduced amenity caused by development that does not cater to its associated parking demand internally. It can be argued that overspill parking represents an externality cost of development that reduces nearby residents' enjoyment of their surrounding environment. The concerns of residents and other immediate stakeholders in this regard are important, however it is ultimately Council's responsibility to manage their asset with the greatest nett benefit to the community in mind. With this in mind, there are a range of related impacts including sustainable travel behaviour, housing choice and affordability, main street viability, and community health and wellbeing that deserve consideration.

#### 4.2 The high cost of free parking

One of the most influential academic voices on parking policy is Professor Donald Shoup. Shoup is Professor of Urban Planning at the University of California, Los Angeles and is widely regarded as an expert in the economics of parking. Shoup's 2005 book *The High Cost of Free Parking* offers a thorough critique of conventional parking policy frameworks, in particular minimum parking requirements. The case against minimum parking rates put forward by Shoup can be summarised as follows:

- Minimum parking requirements are founded on the premise that parking should always be free, and accordingly demand should not exceed supply. The intent of parking minimums is to match supply to estimated demand for free parking, but as cities grow and land use intensifies, retaining un-priced parking has significant impact on efficient land use, development viability and travel behaviour. This is true of on-street and off-street parking. Shoup contends that the implicit assumption that parking should always be free is unreasonable.
- Parking minimums create an over-supply of parking that causes congestion. A common argument in favour of minimums is that they reduce localised congestion by enabling drivers to easily find an unoccupied space without unnecessary circulation on local streets. However, Shoup suggests that an over-supply of free parking enforced by parking minimums will both increase the supply of parking and lower the cost, thereby inducing vehicle travel (and congestion) that may otherwise have occurred via alternative travel modes.
- Parking minimums require more parking to be supplied to meet a given level of demand. Requiring individual developments to meet their individual parking demands is inefficient because it ignores opportunities for adjacent developments with complementary parking demand profiles to share common parking facilities. In this way, minimum parking requirements can act as a barrier for smaller developers that may struggle to meet minimum parking requirements on small sites (or existing heritage sites where a change in use is sought) and give market power to large landowners, who are better placed to satisfy minimum requirements on site and realise economies of scale from the provision of consolidated parking facilities on a large mixed-use site.
- Parking minimums create a fragmented and low-density urban form. This criticism flows logically from the prior three points; by enforcing separate parking facilities that exceed demand for free parking on individual properties, minimum parking requirements results



in multiple standalone car parks that create a disjointed and disconnected urban form. Surface car parks, access driveways and multistorey facilities all contribute in differing ways to longer walking distances, reduced activity intensity, and less attractive environments. This undermines urban amenity and the relative attractiveness of other transport modes, especially walking.

Criticisms of minimum parking requirements can also be considered in terms of their economic, social, and environmental impacts:

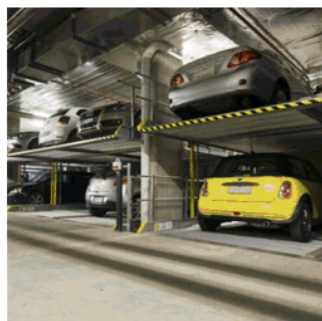
- *Economic:* Minimum parking requirements increase the cost of providing floor space which encourages lower land use density and subsidises vehicle ownership and travel over other modes of transport. This contributes to a range of negative externalities, such as congestion, as previously noted.
- *Social:* Parking minimums bundle transport costs into the cost of land use development. As such, in the case of residential developments, the costs of providing parking will be reflected in higher dwelling prices. This has obvious implications for housing affordability, and provides few opportunities for people who do not own a car to choose corresponding housing options without bundled vehicle costs (i.e. a parking space). Further, given that vehicle ownership and use tends to be positively correlated with income, the cost burden of minimums tends to disproportionately negatively impact low-income households.
- *Environmental:* Most of the outcomes described above, especially higher rates of vehicle ownership and travel, and larger areas of impermeable surfaces, tend to impact negatively on environmental outcomes.

Shoup's thinking on car parking has been used to inform local government responses to car parking management and pricing in North America, New Zealand and Australia. Shoup popularised the theory that an 85% occupancy rate of on-street car parking spaces is the most efficient which is now commonly used by planners as a benchmark for parking occupancy. Many local government jurisdictions have introduced market prices for public carparking based on the framework established by Shoup.

#### 4.3 Costs of on-site parking and impacts on housing affordability

The Bureau of Planning and Sustainability in Portland (USA) undertook a study into the costs of on-site parking and subsequent impacts on housing affordability. The study considered six different building and parking provision configurations, as illustrated below.

Figure 4-1: Building and parking provision configurations

**No Parking:** apartment building with no on-site car parking (pictured: The Commons, Brunswick).**Tuck Under Parking:** Single level of parking located at ground level beneath an apartment or unit.**Surface Parking:** single level of parking provided at surface level.**Podium Parking:** Parking within a multi-level carpark above ground level with apartment building above.**Mechanical Parking:** parking facilitated by reduce the space required for parking.**Underground Parking:** parking provided under ground level with apartments above.

The authors calculated land and construction costs and the number of units and associated rental yields that would be required to deliver an appropriate return on investment.

The key relationship highlighted was that as more parking was provided, the construction costs tended to increase, whereas the number of units over which costs could be spread decreased. Overall, even a small amount of on-site parking had large impacts on the rental yields required for the development to be profitable.

For example, requiring the provision of 0.75 underground car-parks per unit would cause the rental yields required for the development to stack up to increase by USD \$500 per month, or 63%. The results suggest that in medium density settings even moderate minimum parking requirements may have significant adverse impacts on housing affordability.

Figure 4-2: Relationship between parking configuration, supply, and ROI

Building development type	Number of units	Number of parking spaces	Parking spaces per unit	7% ROI* monthly rent	10% ROI* monthly rent
No parking	50	0	0	\$800	\$1150
Tuck under	45	9	0.25	\$850	\$1200
Surface	30	19	0.60	\$1200	\$1800
Podium	42	22	0.50	\$950	\$1350
Mechanical	46	23	0.50	\$1175	\$1660
Underground	44	33	0.75	\$1300	\$1900

Note: ROI = Return on Investment

Other research from North America<sup>4 5</sup> has estimated that car parking represents 10% of the development cost of housing, adding 10% to the sale price of both detached dwellings and units. Within the Australian context, mandatory parking requirements have been identified as a key regulatory barrier to providing affordable housing in Australian capital cities<sup>6</sup>. Market analysis of Australian property sales has concluded that the purchase price reduction for an apartment without a basement carpark is approximately \$50,000<sup>7</sup> and that a car park can add between \$40,000 and \$100,000 to the sale value of a city apartment<sup>8 9</sup>.

Indicative construction costs for car parking in Metropolitan Melbourne are identified in Figure 4-3. It identifies that as the complexity of car parking structures increases so does the construction cost of providing parking spaces. While the costs of parking construction can differ based on specific site conditions and contexts, the provision of carparking within multi-unit development is not without cost. These costs are ultimately passed onto prospective buyers and add to the total purchase price of a property.

<sup>4</sup> Litman, T., 2007. Parking management: Strategies, evaluation and technique. Paper presented at the 2007 annual meeting of the Transportation Research Board, January 2007. Washington DC.

<sup>5</sup> Litman, T. 2016, Parking Requirement Impacts on Housing Affordability

<sup>6</sup> Industry Super Australia, 2017, Assisting Housing Affordability Discussion Paper, <http://www.industrysuperaustralia.com/assets/Assisting-Housing-Affordability-ISA-Discussion-Paper-FINAL-2017.pdf>

<sup>7</sup> Conics 2009, Position Paper Car-less communities: Increase Wealth and Improve Lifestyle <https://www.planning.org.au/documents/item/1230>

<sup>8</sup> Aussie Home Loans 2011, What's a Parking Spot Worth? <https://www.aussie.com.au/blog/whats-a-parking-spot-worth/>

<sup>9</sup> Sheko, A, Martel, A, Spencer, A., 2015, Policy, Planning and Financing Options for Affordable Housing in Melbourne <https://msd.unimelb.edu.au/sites/default/files/docs/Policy%20planning%20and%20financing%20mechanisms%20paper.pdf>

Figure 4-3: Indicative Construction Costs for Carparking in Melbourne (July 2017)

Car Parking		Range	
Open bitumen car parking, drainage, linemarking (30 sqm/car)	Per sqm	\$85	\$110
2 to 3 storey parking station, concrete structure, no lifts, no mechanical ventilation, no sprinklers (30 - 35 sqm/car)	Per sqm	\$620	\$850
Multi storey parking station, concrete structure, lift, no mechanical ventilation, no sprinklers (30 - 35 sqm/car)	Per sqm	\$750	\$1,000
Underground, below offices, concrete structure, excavation, lifts, mechanical ventilation, sprinklers (35 - 40 sqm/car)	Per sqm	\$1,150	\$1,500

Source: Napier Blakeley Melbourne Construction Costs July 2017  
[http://www.napierblakeley.com/images/docs/CC\\_Datacard\\_Melbourne\\_July\\_17.pdf](http://www.napierblakeley.com/images/docs/CC_Datacard_Melbourne_July_17.pdf)

#### 4.4 Parking requirements and housing affordability: a case study of San Francisco

In this study, Jia (1998)<sup>10</sup> investigated the relationship between housing prices and the provision of off-street parking in San Francisco. The results indicated that an off-street car park added approximately 10% to the cost of a residential property in San Francisco, where new residential developments are required to provide one car park per unit. The researchers conclude:

*The results are statistically significant, robust, and dramatic. Housing affordability in San Francisco is directly affected by the requirements that parking spaces be provided along with housing units. Why is the requirement for a parking space bundled with housing? Why should each dwelling unit be required to have a fixed number of parking spaces regardless of the numbers of cars in the household? Would the public interest be better served if parking and housing were unbundled, creating separate markets for each?*

The study drew further links between parking provision and housing affordability and estimated - using data on incomes and property prices - that 24% more households could afford to purchase their own homes if parking was not bundled into the costs of the development.

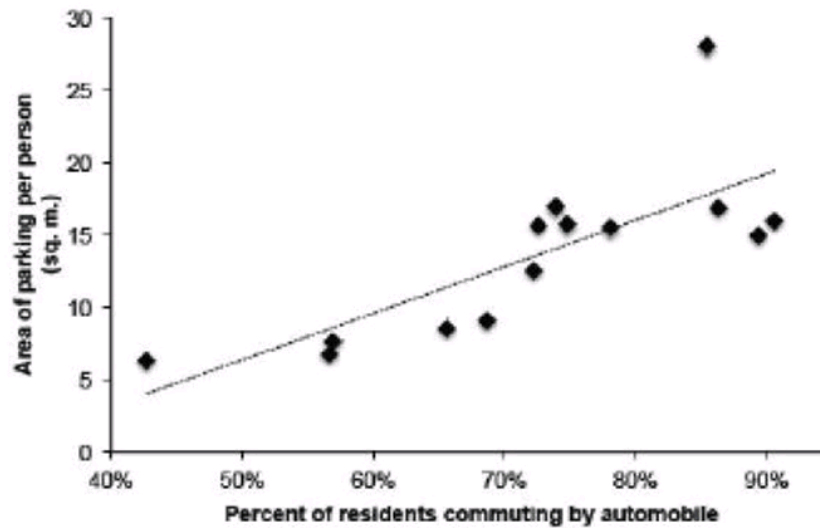
#### 4.5 The influence of urban transportation and land use policies on the built environment and travel behaviour

In this study McCahill (2012) considers the relationship between land area allocated to parking and use of private vehicles for commuting in 14 cities in the U.S.

McCahill's research strongly suggests that parking policy affects transport and land use outcomes, and concludes the provision of parking leads to increased levels of driving and in turn more parking area, which ultimately contributes to congestion and lower land use density.

<sup>10</sup> Jia, W. and Wachs, M., 1999. Parking requirements and housing affordability: Case Study of San Francisco. Transportation Research Record, 1685, 156-160 <https://trid.trb.org/view/514173>

Figure 4-4: Relationship between parking per person and residents commuting by automobile





## 5. WHAT ARE THE RANGE OF FUTURE APPROACHES AVAILABLE FOR IMPROVING PARKING MANAGEMENT IN KINGSTON?

This section considers options for future management of parking in the City of Kingston. As identified in Section 3, Council is currently involved in parking provision and management through:

- Regulating on-site parking requirements accompanying new development and changes of land-use through planning regulations
- Providing and managing on-street carparking
- Providing and managing some off-street carparks in town centres.

The options for future parking management consider existing performance across these Council functions and likely challenges into the future. In broad terms Council can respond to the parking problems identified in Sections 2 and 3 through reforms to three sets of tools:

- Revising minimum parking rates in the Kingston Planning Scheme
- More extensive and effective use of on-street parking management tools through permits, time restrictions and priced parking
- Reforms to Council's role in off-street parking provision.

Reforms across these areas need to be considered in a holistic manner, noting interactions between the various parking management tools and interactions between on-site privately provided parking and public parking facilities.

This section focuses on opportunities for direct Council interventions in parking management and policy. However, it is also acknowledged that effective responses to parking problems rely on a broader set of effective land use and transport policies. For example, pursuing higher density development within walking distance of activity centres and public transport nodes and encouraging mode shift from cars to walking, cycling and public transport can assist in alleviating parking-related challenges. The tools identified in this section seek to respond to the issues with the existing provision of car parking in Kingston identified earlier in this report and build upon emerging opportunities for car parking in Kingston. The key directions these tools are seeking to advance are:

- Managing the impact of parking from new residential development
- Facilitating Council's housing and settlement objectives
- Aligning car parking provision with transport, development and demographic trends
- Encouraging further uptake of sustainable transport modes
- Addressing community and trader perceptions of car parking overcrowding
- Supporting the growth and development of Kingston's activity centres.

The approach used to assess the advantages and disadvantages of each of the identified tools has been guided by learnings from other jurisdictions and best practice guidance.

### 5.1 Options for reforming on-site parking requirements

The main statutory tool available to Council to revise on-site parking requirements for new development or changes of land-use in the municipality is the Parking Overlay. The Parking Overlay can enable councils to respond to local car parking issues and can be used to establish local variations to the standard requirements in Clause 52.06.

State government guidance (Practice Note 57, April 2013) suggests that the primary purpose of the Parking Overlay should be to manage car parking in a precinct where common issues can be identified, and a common strategy can be adopted to respond to them. As such, the application of the Parking Overlay is generally limited to smaller areas of a municipality such as specified activity centres and is unlikely to be broadly applicable across the municipality. Further discussion on the prospects of statutory implementation of amended parking overlay rates is detailed in Section 5.2.

The Practice Note indicates that the introduction of a schedule to the Parking Overlay should only be used to decrease the standard number of car parking spaces specified in Clause 52.06, unless there is an overwhelming strategic reason to increase these rates.

The application of a Parking Overlay generally requires detailed analysis and the preparation of a car parking plan which examines existing car parking demand and supply; identifies issues with the current approach to carparking; establishes objectives and strategies specifying how objectives will be achieved; and identifies any locational, financial or other actions to implement the objectives and strategies. A full Planning Scheme Amendment would be required to facilitate its formal implementation.

Options for revising on-site parking requirements are discussed in the following sub-sections. The full range of options includes:

- a) Business as Usual
- b) Increase minimum parking rates
- c) Reduce minimum parking rates
- d) Abolish minimum parking rates
- e) Implement a cash-in-lieu scheme for minimum parking requirements
- f) Reduce use of waivers for individual development.

#### 5.1.1 Business as Usual

A business as usual approach would maintain the existing statutory arrangements for the application of minimum parking rates in the City of Kingston. The key elements and implications of this approach are summarised in Table 5-1.



Table 5-1: Overview of business as usual approach

Option	Advantages	Disadvantages
Maintain existing application of Clause 52.06 Column A minimum parking rates.	<p>Follows existing default rates established by State government.</p> <p>Does not require further Council resources for justifying departures from State-prescribed rates.</p> <p>Relatively high on-site parking requirements may minimise impacts of new development on availability of existing public on- and off-street parking.</p>	<p>State-prescribed minimum parking rates are likely to be demanding excessive levels of on-site parking accompanying development, particularly in major activity centre locations.</p> <p>Excessive parking supply can result in numerous unintended negative impacts including higher development costs (impacting on housing affordability) and incentives for increased car ownership with impacts on local congestion and unsustainable travel behaviours.</p> <p>Excessive parking requirements may result in extensive use of dispensations in planning practice, creating uncertainty and inconsistency for planning applicants.</p>

While we suggest that business as usual parking rates are likely to be set too high rather than too low, we also note that within the municipality there are some community views that existing minimum requirements are inadequate and that there are excessive dispensations for individual developments resulting in excessive pressure on on-street parking availability. Our analysis of parking occupancy (Section 2), however, suggests that on-street parking is generally widely available, even in locations such as activity centres where parking demands are usually highest.

### 5.1.2 Increase minimum parking rates

Minimum parking rates could be increased through introduction of a Parking Overlay. Increased rates could be established for all or selected land uses. For example, Council has suggested investigation of increasing the rate applicable to residential uses, particularly multi-unit developments. The key elements and implications of this approach are summarised in Table 5-2.

Table 5-2: Overview of increase to minimum parking rate

Option	Advantages	Disadvantages
Establish higher rates of minimum parking requirements for particular land uses	May minimise impacts of new development on existing on-street parking by increasing the level of alternative off-street, private on-site parking supply.	<p>Likely to result in excessive total public and private parking supply in areas with high levels of new development which can result in numerous unintended negative impacts including higher development costs (impacting on housing affordability) and incentives for increased car ownership with impacts on local congestion and unsustainable travel behaviours.</p> <p>Excessive parking requirements may result in extensive use of dispensations in planning practice, creating uncertainty and inconsistency for planning applicants.</p> <p>State planning guidance states that the purpose of the Parking Overlays is to reduce MPRs unless there is overwhelming strategic justification to increase parking rates.</p> <p>Implementing this option through a formal Planning Scheme Amendment is likely to be difficult (based on State guidance).</p>

### 5.1.3 Reduce minimum parking rates

MPRs for all or some land-uses could be reduced through introduction of a Parking Overlay. The key elements and implications of this approach are summarised in Table 5-3.

Table 5-3: Overview of reduction in minimum parking rate

Option	Advantages	Disadvantages
Activate State-prescribed Column B Rates in Clause 52.06 which lowers the minimum parking requirement	<p>Constitutes a minor variation to the 'default' position and would generally require less strategic justification than the application of significantly lower minimum parking requirements.</p> <p>Provides minor reductions in on-site parking provision which may have indirect positive impacts on reducing building development costs and reducing incentives for car-ownership and use.</p>	Has the potential to exacerbate perceived issues with excessive demand for on-street parking in the City of Kingston.
Apply lower rates of minimum parking requirements for land uses	<p>Allows developers increased flexibility to provide on-site parking to meet projected demands associated with different contexts and built forms.</p> <p>Lower provision of parking space may encourage lower rates of car ownership and a greater uptake in sustainable transport modes.</p>	Without the simultaneous implementation of on-street parking regulations may exacerbate perceived and real issues with nearby on-street carparking.

### 5.1.4 Abolish minimum parking rates

The specification of no minimum parking rates in the Parking Overlay is an untested approach within the Victorian planning system. The Parking Overlay could hypothetically be used to achieve this outcome, however, it is likely this approach would require advocacy and changes to the planning scheme to achieve its statutory implementation.

The key elements and implications of this approach are summarised in Table 5-4.

Table 5-4: Overview of removing minimum parking rates

Option	Advantages	Disadvantages
Remove minimum parking rates from the Kingston Planning Scheme	<p>Allows individual applications or private developers to determine their own parking requirements based on projected need for parking.</p> <p>The appropriate rate of carparking would generally be determined by a traffic and parking impact assessment or market assessment.</p> <p>This could result in a more nuanced approach to carparking provision than a strict statutory reading of the Planning Scheme.</p>	<p>Has the potential to exacerbate perceived and real issues with carparking in the City of Kingston.</p> <p>Could leave Council with limited ability to enforce the provision of carparking in developments where it is deemed necessary.</p> <p>This approach has not previously been implemented through the Victorian Planning Scheme and would require thorough consultation with the Department of Environment, Land, Water and Planning.</p>

### 5.1.5 Implement cash-in-lieu scheme for minimum parking requirements

The introduction of a Parking Overlay to allow for greater flexibility in the delivery of parking would amend the existing statutory arrangements for parking provision in the City of Kingston and enable parking to be provided off-site or enable cash-in-lieu payments to be made in place of providing car parking spaces on site. This approach has the most relevance to activity centre contexts where land ownership is fragmented, making it challenging for development proponents to achieve minimum parking requirements on an individual site. This approach aligns with a centre-based approach to car parking which acknowledges that car parking resources should be pooled and shared among all tenants of an activity centre.

The key elements and implications of this approach are summarised in Table 5-5.

Table 5-5: Overview of reduction in minimum parking rate

Option	Advantages	Disadvantages
Enabling 'cash-in-lieu' payments in place of providing car parking spaces on site	<p>Financial contributions under the Parking Overlay allows 'cash-in lieu' payments in place of providing car parking spaces. This however can only be devised as a requirement where it is justified on the core principles of need, nexus, accountability and equity. Effectively there would need to be a specifically identified program or project for which the contributions funds were being collected for. Most logically a 'cash-in lieu' program would be applied</p>	<p>Unlikely to be able to be broadly applied within the municipality.</p> <p>Detailed analysis is required to justify the application of a 'cash-in lieu' program under the Parking Overlay.</p> <p>Would require a full Planning Scheme Amendment to facilitate its formal implementation.</p>

Option	Advantages	Disadvantages
	<p>under the Parking Overlay to a specific precinct or area. The scope of what the 'cash-in lieu' program is seeking to address would result from detailed traffic analysis, investigation and project/program development in providing the necessary evidence base.</p> <p>Could be used as a mechanism to fund the development of council owned carparking within Activity Centres.</p>	
Specify that permits can or cannot be granted for some or all of the parking to be provided on another site.	This could enable a more strategic approach to carparking provision.	The practicality of this approach is unclear.

#### 5.1.6 Reduce use of waivers for individual developments

Limiting the use of waivers for individual developments could be implemented through the Parking Overlay. A planning requirement could be established to ensure that permits cannot be granted for developments which do not provide the minimum rate of parking. The practical effect of this approach would be to increase the total level of on-site parking supply relative to business-as-usual where dispensations are common. The key elements and implications of this approach are summarised in Table 5-6.

Table 5-6: Overview of reducing waivers for individual developments

Option	Advantages	Disadvantages
Specify that permits may not be granted for carparking waivers or reductions	May minimise impacts of new development on existing on-street parking by increasing the level of alternative off-street, private on-site parking supply.	<p>May unreasonably constrain development in locations where it is not feasible to provide on-site carparking.</p> <p>Could undermine or contradict other Council objectives for heritage, neighbourhood character or economic development policy.</p>
Specify that permits cannot be granted to provide more than the maximum parking provisions specified in the schedule	<p>Promotes highest and best use for the development of land, seeks to discourage high-value land from being utilised as lower-value carparking.</p> <p>Could prevent out of centre commercial development from undermining the success and vitality of activity centres.</p>	Reduces flexibility for land-owners and developers in providing higher levels of parking where desired.



## 5.2 Considerations in Council implementation of the Parking Overlay

Any of the revisions to on-site parking provision described above would require the introduction of a schedule to the Parking Overlay into the City of Kingston Planning Scheme. While Council can pursue amendments to the Planning Scheme, the adoption of a Planning Scheme amendment would require the approval of a Planning Panel to be given weight in the planning system. Understanding how the Parking Overlay has previously been implemented in comparable jurisdictions is essential in understanding the prospects for successful implementation for the City of Kingston.

### 5.2.1 Overview of previous Parking Overlay implementation

The Parking Overlay (PO) has been used in 16 Metropolitan Melbourne based Planning Schemes utilising 35 separate Schedules. The Melbourne Planning Scheme contains the greatest number of Schedules (numbering a total of 13). The clear majority of the PO Schedules relate to activity centres of varying sizes from Neighbourhood Activity Centres (Manningham, PO2) to Major Activity Centres (Whitehorse, PO1). The PO is also sometimes applied to special areas to either manage car parking such as the Royal Melbourne Showgrounds (Melbourne PO4) or to facilitate certain forms of uses or development such as the Collingwood Arts Precinct (Yarra PO1).

The purpose and mechanisms underpinning the use of the PO are noted to vary between:

- Its use for sustainability purposes, reducing car parking requirements to enable certain land uses or favour sustainable transport modes
- Funding public car parking facilities through financial contribution schemes
- Providing greater control over the parking assessment process of new uses and development.

Overwhelmingly, the PO has been utilised in a way to have greater control over the provision of parking through the reduction in or capping of the rate, or to better manage parking through centralised parking facilities constructed through financial contribution schemes. This is reflected in its predominant use in activity centres which seek to discourage private vehicle use through the encouragement of sustainable transportation and creation of centralised public parking facilities.

Of particular interest to inform the current Kingston project work, is that the majority of the PO Schedules utilised to vary the requirements of Clause 52.06 have either:

- Reduced the standard rate of car parking; or
- Implemented financial contribution schemes in lieu of parking waivers to fund public parking facilities (and effectively removing the ability to waive car parking via a site-by-site parking assessment).

However, there are no examples of the PO being used within Metropolitan Melbourne to increase the standard car parking rates. The only examples where a car parking rate is higher than the standard rate is where the Schedule reflects a reduced rate of an earlier higher

standard rate of Clause 52.06 which has subsequently been reduced (e.g. Glen Eira, PO1 originally introduced as a Schedule to Clause 52.06 through Amendment C60 (2010)).

### 5.2.2 Implications for Kingston

An analysis of the previous implementation of the Parking Overlay has found that the PO has not been used previously in Metropolitan Melbourne to increase minimum parking requirements, which is perhaps reflective of the commentary of *Planning Practice Note 57: Parking Overlay* (PPN57) which highlights the need for a high degree of strategic justification for any proposed increase.

In referring back to *Planning Practice Note 57: The Parking Overlay* and its direction that the schedule to the PO should only be used to *decrease* the standard number of car parking spaces, “*unless there is an overwhelming strategic reason to increase these rates*”. The ability to increase the standard car parking rate in Kingston is likely to be extremely difficult based on both required strategic justification. The fact that there have not been any proposed amendments within Metropolitan Melbourne to increase the rate highlights the weight of this challenge.

## 5.3 Complimentary tools for reforming on-street management

Alongside revisions to on-site parking regulations through the Parking Overlay there will likely be benefit for the City of Kingston in considering these revisions alongside complementary improvements to on- and off-street parking management. This section discusses the range of potential revisions to on-street parking management, including:

- Extending application of time restricted parking
- Extending application of priced parking
- Reforming the parking permit system.

### 5.3.1 Extending application of time restricted parking

Time restricted parking is made available to users for free, but restricts the time allowed for use of on-street carparks. Time restrictions can be particularly beneficial in areas with high demand for parking and where higher parking turnover may have benefits (e.g. shopping areas & commercial centres). As identified in section 3.3.2 a range of time restrictions already apply across many areas of Kingston. Council could consider applying existing time restrictions and permit systems across a wider range of locations.

As a management tool outside of the planning system, this can be used in combination with the planning approvals framework to manage additional demand for available on-street parking being generated by newly approved private development.

### 5.3.2 Extend the application of priced parking

Priced on-street parking is where users must pay to park, with rates that may vary by length of stay or time of use. Paid public parking in the municipality is presently limited to non-residents parking within foreshore reserves. Subject to further analysis, there may be potential to extend the use of priced parking activity centres or commercial precincts.



This approach is generally only recommended in locations where occupancy remains high despite the use of other management tools (such as parking permits and time restrictions).

Pricing parking within activity centres has advantages over time-restrictions as it enables more flexible use of parking space by some users for longer periods. This can mean that users who place high value on parking for a long period of time have flexibility to do so. Conversely, parking time restrictions may limit the types of activities that people can undertake while parking (if an activity exceeds parking time restrictions) or results in inconvenience associated with people moving a parked car to avoid penalties.

Occupancy based triggers can be used to guide locations where pricing may be applicable. International best practice commonly targets peak period parking occupancy of 75-85% as an ideal level of space utilisation<sup>11</sup>. This means that around one in seven spaces is empty and available for users at any given time. When parking occupancy rises significantly above this level it becomes difficult for users to find a space, requiring them to circle around for parking or park on nearby residential streets.

The City of Auckland has adopted a policy of Demand Responsive Priced Parking<sup>12</sup> which means that prices charged for on-street parking will be adjusted based on parking demand. Price rates are adjusted up or down with the goal of maintaining on average 85% occupancy at peak times. When demand is low (occupancy of 50% or less) the price is reduced by up to 25% of the hourly rate, when demand is average (occupancy of 70-90%) the price remains the same and when the demand is high (occupancy of 90-100%) the price is increased up to 15% of the hourly rate. The policy generally seeks to review car park occupancy and pricing regimes every 12 months in areas of typically stable demand and more frequently in locations with variable demand. The application of priced parking should consider the demand for car parking with different time restrictions, for instance if demand for long term off-street car parking exceeds an 85% occupancy but short term on-street parking remains low, applying priced parking to long term parking rather than short term parking may be appropriate.

There may be community resistance to the implementation of such a system where it does not currently apply. Southland Shopping Centre in preparation for the opening of the Southland Railway Station centre management has recently introduced paid carparking at the privately managed Southland carpark. The application of paid parking in this location may ameliorate concerns that the introduction of paid parking in activity centres would drive customers to larger shopping centres where there is free parking.

### 5.3.3 Reforming the permit system

Council's existing system of parking permits provides for key user groups and establishes a strong framework for the future management of carparking in Kingston. Several approaches to reforming the current permit system include:

- Maintaining existing arrangements

<sup>11</sup> For a discussion of the empirical rationale for this ratio, see Shoup, D. 2005. *The High Cost of Free Parking*. APA Planners Press.

<sup>12</sup> Auckland Transport. 2015. *Parking Strategy*.

- Amend fees for permits
- Restrict issuance of permits for residential properties with off street parking
- Other approaches

#### 5.3.3.1 Existing arrangements

Recent amendments have been made to the eligibility requirements for residential parking permits within Kingston which deem residents of dwellings where there are two or more dwellings on a lot ineligible for a residential parking permit. This approach seeks to ensure that new multi-dwelling development is self-sufficient in terms of car parking provision and address community perceptions that new multi-unit development is placing additional pressure on on-street parking within residential areas.

While this approach is common in many inner and middle-ring municipalities, aspects of this framework could be seen as punitive rather than an objectively equitable and efficient approach to parking management. Greater clarity regarding the rationale for determining permit entitlements is required. The basis for granting permits based on dwelling typology rather than need for off-street parking or capacity to provide off-street parking should be explained. This highlights the need for a more robust framework of residential permit allocation.

#### 5.3.3.2 Expand parking permit requirement areas

The application of permit parking areas in the City of Kingston has occurred on an ad-hoc basis in alignment with Council's parking management strategy. While this approach allows for the flexible introduction of parking permits in residential streets where it is requested by residents or is deemed to be necessary, this approach does not proactively manage potential on-street parking demand arising from new development. Pre-emptively applying street parking permit requirements in locations of dwelling growth would ensure that the occupants of new dwellings did not expect to use on-street carparking in lieu of off-street parking and maintain on-street parking for existing demand.

This could influence the purchasing decisions and transport behaviour of prospective residents and influence developer behaviour in terms of car parking provision. Following the development of the Kingston Housing and Neighbourhood Character Study locations identified for moderate or substantial housing change could be applied with parking permit requirements.

#### 5.3.3.3 Fees for permits

Council's existing residential parking permit fee structure provides one complimentary permit for single dwellings and charges an additional \$20 for a second permit. Residents of eligible two-dwelling developments are charged \$20 for their first and only permit.

A common approach for Councils in pricing residential parking permits is to make the costs of obtaining a permit reflective of the administrative costs of the scheme. The application of a higher charge could discourage the application of residential parking permits where on-site alternatives are available.

#### 5.3.3.4 Residential properties with off-street parking

The availability of off-street parking in existing development could be a consideration for the total number of residential parking permits a dwelling is entitled to.

At present, the residential permit allocation system places little emphasis on the capacity of a residential property to provide off-street parking and the corresponding need for on-street carparking. For example, a single dwelling which has access to off-street carparking through the form of a driveway and garage is entitled to the same amount of on-street carparking as a single dwelling without access to off-street car parking.

A permit allocation framework which considers the provision of off-street parking such as driveways and garages in the allocation of permit entitlements would provide a more accurate reflection of the need for off-street carparking and provide an incentive for residents with off-street parking to use it as such.

Residents of detached and semi-detached dwellings with off-street car parking should be encouraged to use off-street car parking as opposed to using undercover and indoor areas for storage or leaving driveways vacant for ease of entry or exit.

#### 5.3.3.5 Other potential approaches

Other approaches include the introduction of a 'cap and trade' system of residential parking permits. This approach would establish the total number of on-street carparks that can be provided within a precinct or street and allocate eligible dwellings with an on-street carparking entitlement. Dwellings could then choose to accept that entitlement and acquire a residential parking permit or sell back the permit entitlement to a central pool of parking permits.

Dwellings which were not allocated a permit entitlement or were allocated an insufficient number of permits for their needs could then purchase additional residential permits to meet their on-street parking needs. This approach would allow a dwelling that has a self-sufficient level of off-street car parking to sell their entitlement which could then be acquired by a dwelling which has insufficient provision of off-street carparking (such as a larger multi-generational household or sharehouse). This approach places a limit on the total number of residential parking permits that can be provided and introduction of a price mechanism which provides incentives for residents to use private off-street parking.

#### 5.3.4 Enforcement

Enforcement of parking restrictions should be targeted at improving parking management and focus on both locations where the demand for parking is greatest and where adherence to time restrictions, permits and priced parking is not observed. There is an opportunity to engage with the community to collect feedback on locations where greater enforcement activity is required. Obtaining a better understanding of community attitudes towards the perceived level of parking enforcement in different locations would assist in designing an enforcement regime which effectively change parking behaviours. Engaging with the community on determining the levels and locations of parking enforcement would also aid in communicating the benefits of parking enforcement and ameliorate some community concerns that enforcement action is taken for reasons other than managing parking such as raising revenue.

## 5.4 Complimentary reforms to off-street parking management

Alongside reforms to on-street Council parking management, reforms to public off-street parking management may also complement changes to on-site parking regulations. Council provides off-street carparking in four Major Activity Centres in Kingston. Tools for enhancing off-street parking management include:

- Investment in additional carparking capacity
- Consolidating carparking for other uses.

### 5.4.1 Investment in additional carparking capacity

One option for addressing perceived issues of parking under-supply is through the provision of additional Council managed off-street car parking at locations of high parking demand.

The consolidation of existing car parks and the provision of additional carparking was identified in the Cheltenham, Mentone and Mordialloc Activity Centre Structure Plans. The development of additional carparking has also been recommended in the Moorabbin and Highett Activity Centre Structure Plans.

The direct provision of additional carparking is a capital-intensive approach and would require a significant direct investment from Council to construct new or expanded facilities. This type of initiative may conflict with Council objectives for intensifying land-use in activity centres.

### 5.4.2 Consolidate Council carparking for other land uses

The Kingston City Council owns a number of car parks throughout the municipality. There are opportunities to consolidate the provision of Council parking using multi-story buildings to reduce the land area occupied by parking and reduce provision of Council car parking at locations where it is poorly utilised to free up space for alternative uses.

Surface carparking areas constitute significant Council property assets that should be effectively used to support broader policy objectives. Recent increases in land values and demand for residential and commercial built space within Kingston activity centres mean that existing car parking uses may no longer represent the most valuable use of the land on which they are located. This is likely to be particularly the case in activity centres or near public transport hubs where land values are high and there is high demand for alternative land-uses.

Provision of some car parking space within activity centres is likely to be necessary to support retail vitality and ensure the competitiveness of local retail strips with alternatives such as shopping malls. However, recent surveys indicate that a large proportion of people visiting and shopping in activity centres walk to these centres and do not depend on carparking availability. Provision of extensive and free parking space is likely to over-incentivise the use of cars to access activity centres.



## 5.5 Interactions between approaches

Changes to on-site parking requirements need to be considered in a holistic way, alongside management approaches for public on- and off-street parking facilities. There are several key conflicts and synergies between management approaches which need to be considered, including:

- Provision of on-site carparking in new development and demand for on-street carparking
- The relationship between time restricted carparking applied to on-street carparks and off-street carparks.

### 5.5.1 Provision of on-site carparking in new development and demand for on-street residential parking

The amount of on-site carparking provided by new development has a range of potential impacts on the demand for on street residential carparking. A reduction in the amount of on-site carparking provided by new development is likely to increase demand for on-street carparking in areas of unrestricted on-street carparking. This is likely to be the case even in areas where good transport alternatives to private vehicles are available.

This highlights the need to ensure that any changes to on-site parking requirements take into consideration impacts on on-street carparking. This highlights the need for more effective management of on-street parking through the simultaneous implementation of residential permit zones, time restrictions and paid parking to ameliorate increases in demand generated by a reduction of statutory minimums.

While a reduction in on-site parking requirements is often associated with a perceived and real pressure on on-street residential carparking, requiring a higher rate of on-site carparks to be provided may encourage excessive car ownership and usage and in turn place pressure on carparking in other locations such as activity centres and railway stations.

### 5.5.2 Relationship between time restricted on-street parking and off-street parking

While on-street and off-street carparking both play an important role in providing carparking within activity centres, the specific functions that these public facilities perform should be considered when designing a management approach.

#### 5.5.2.1 On-street carparking

Public on-street carparking is generally located parallel to retail frontages and provides people using cars with access to retail stores. The total number of on-street carparks available within activity centres is generally fewer than the total number of off-street carparks available. The proximity of these spaces to consumer retail uses makes these carparks an attractive location for patrons who seek to make a quick visit to activity centres; for example, picking up a newspaper from a newsagent, dropping off dry-cleaning, buying a coffee or completing a top-up shop at a supermarket. The convenient nature of on-street carparks for these types of transactions can encourage patrons to circle around shopping strips to find a close carpark.

Consequently, on-street parking should be a focus for short stay and high turnover carparking with parking management being optimised to facilitate a large volume of lower value visitations and discouraging long term parking. Depending upon individual activity centre context the

application of short term time restrictions (1/4P- 1P) would be a suitable approach for on-street carparking in activity centres. The accessibility of on-street parking should also make it a priority location for accessible car spaces for people with a disability.

#### 5.5.2.2 Off-street carparking

Off-street carparking is typically contained within surface level carparks and in some instances multi-level carparks, and is often located to the rear or side of traditional high street retail strips. There is generally a greater number of spaces available in these carparks reducing occupancy pressure. Access to these carparks is facilitated by side streets and access roads. As such, patrons may be required to walk some distance between the carpark and a shop or service. The greater availability of carparking and lower demand for carparking in these locations combined with longer walking distances between car spaces and stores make these more suitable for longer visits and multi-purpose trips to activity centres.

The focus for off-street parking is longer term parking which allows for more generous visitations to activity centres such as all-day business meetings, casual browsing, multipurpose shopping trips and other lengthier stays. Short-term or high-turnover stays do not necessarily need to be discouraged however on-street parking should be the focus for these types of visits. The application of time limits such as 2P or 4P or even all-day parking would generally be appropriate. A combination of parking time limits within off-street carparks could also be considered to provide for a variety of longer-term trips.

#### 5.5.3 Summary

Table 5-7 provides a preliminary summary of the tools available to Council for managing car parking in Kingston. The matrix provides a high-level framework of the conflicts and synergies between available tools and identifies where approaches could be implemented simultaneously and where implementation of tools would likely be counterproductive or ineffective. For instance, reducing on-site parking minimums while relaxing on-street parking permit requirements are identified as conflicting approaches, as this would likely shift parking demand onto streets and exacerbate existing issues.

This assessment does not consider the relative effectiveness of different tools in reducing or managing parking demand.

Table 5-7: Implementation approach matrix

On-site Parking	Maintain Status Quo																	
	Reduce Parking Minimums																	
	Increase Parking minimums																	
	Remove parking minimums																	
On-Street Parking	Parking permits																	
	Time limits																	
	Priced parking																	
	Repurpose parking																	
Off-street parking	New parking																	
	Consolidate Parking																	
	Maintain Status Quo	Reduce Parking Minimums	Increase Parking minimums	Remove parking minimums	Parking permits	Time limits	Priced parking	Repurpose parking	New parking	Consolidate parking								
On-site requirements					On-Street Parking				Off Street Parking									
<table><tr><td>+3</td><td>+2</td><td>+1</td><td>0</td></tr><tr><td>Approach Strongly Aligns</td><td>Approach Aligns</td><td>Approach Partly Aligns &amp; Partly Conflicts</td><td>Approach Conflicts</td></tr></table>											+3	+2	+1	0	Approach Strongly Aligns	Approach Aligns	Approach Partly Aligns & Partly Conflicts	Approach Conflicts
+3	+2	+1	0															
Approach Strongly Aligns	Approach Aligns	Approach Partly Aligns & Partly Conflicts	Approach Conflicts															



### 5.6 Next Steps

This Issues and Opportunities Report will be presented to Council, stakeholders and the broader Kingston community for feedback. Community engagement on the Issues and Opportunities Discussion Paper will be conducted across Kingston in early 2018.

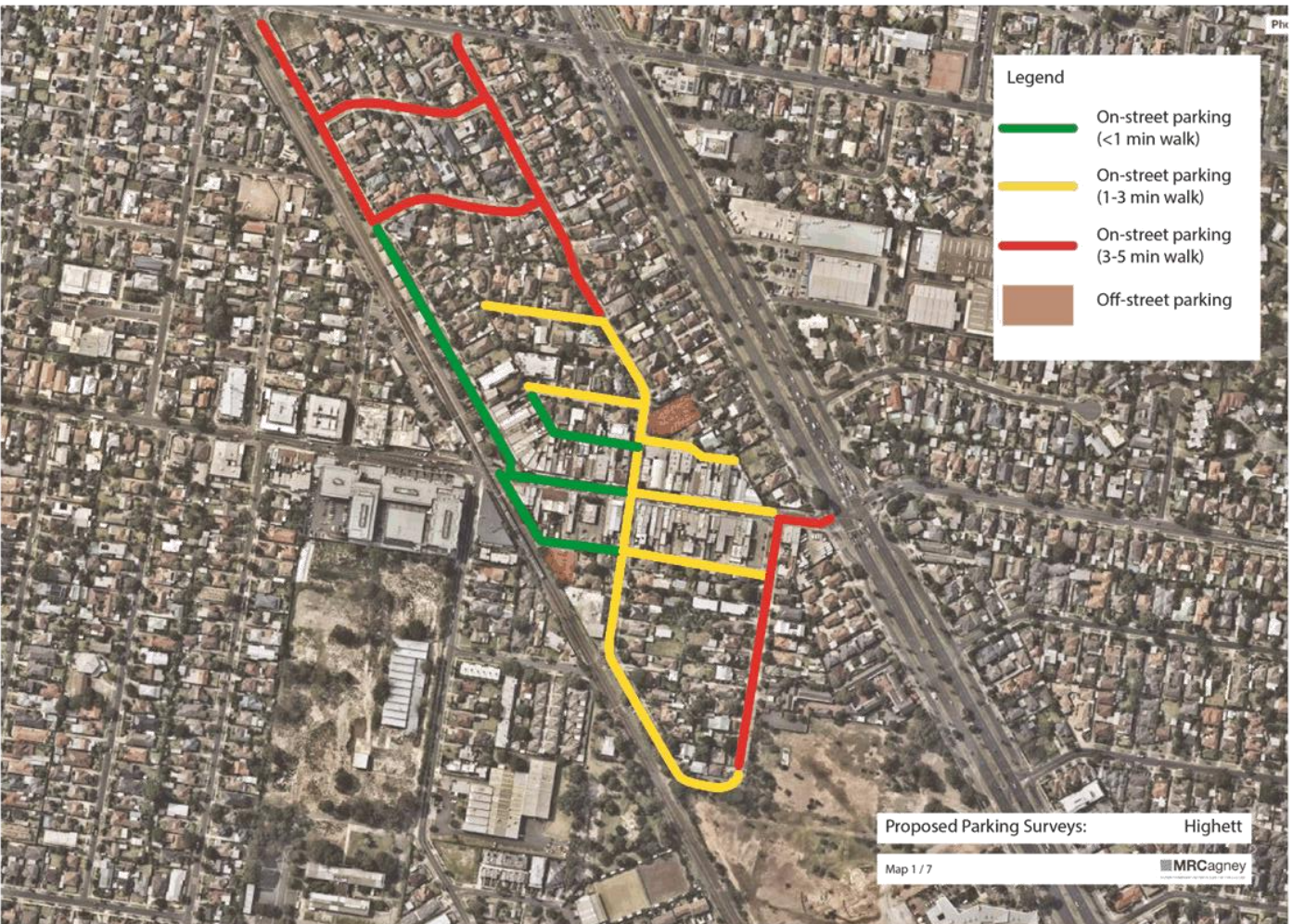
Feedback from Council, community and stakeholders will be collated into a brief consultation summary report as a supplement to this paper and will be presented to Council's Project Control Group to summarise the findings from the engagement period.

Following community engagement, the study findings will be presented in a final report.

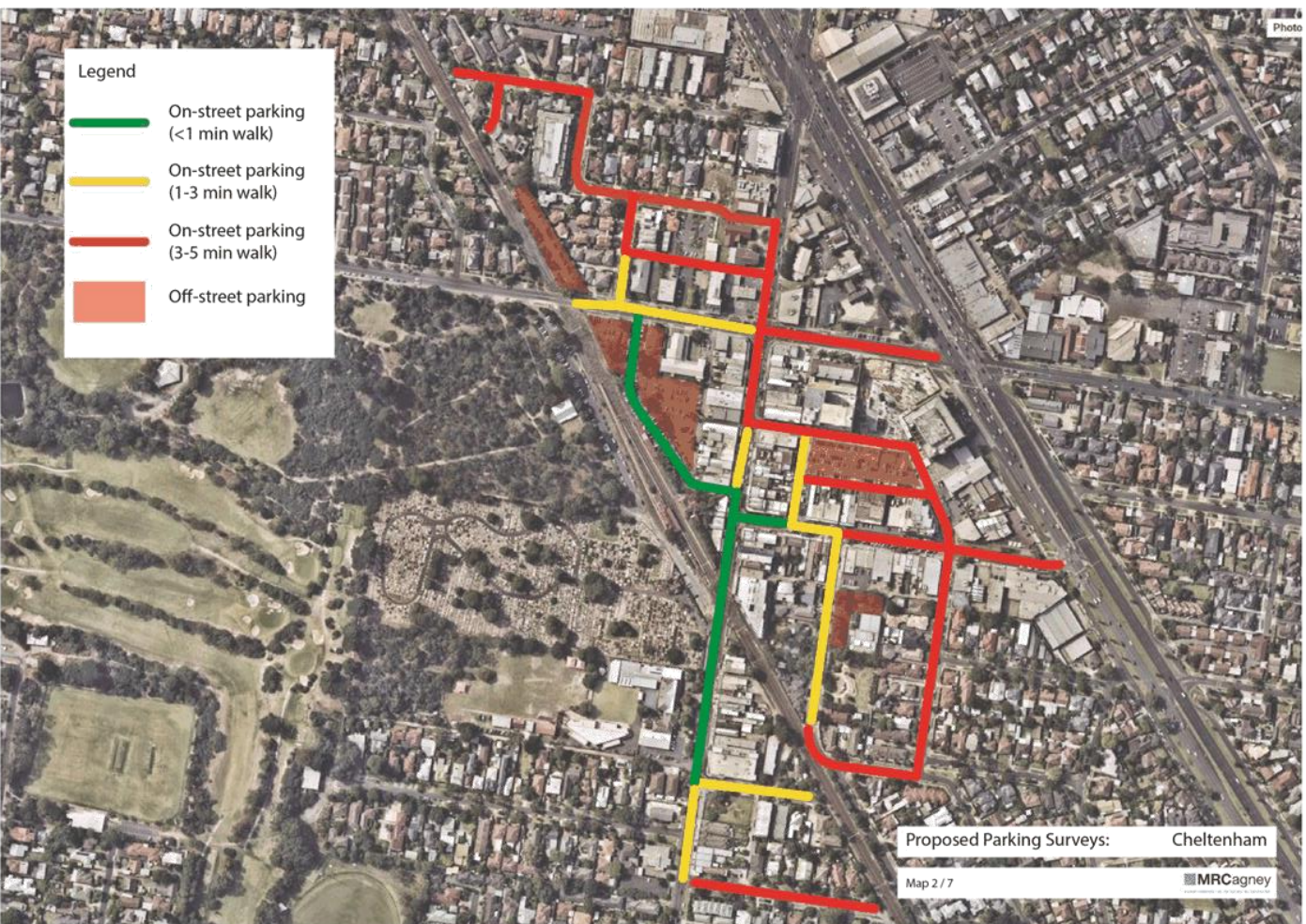
## **APPENDIX A DETAILED RESULTS OF PARKING OCCUPANCY SURVEYS**

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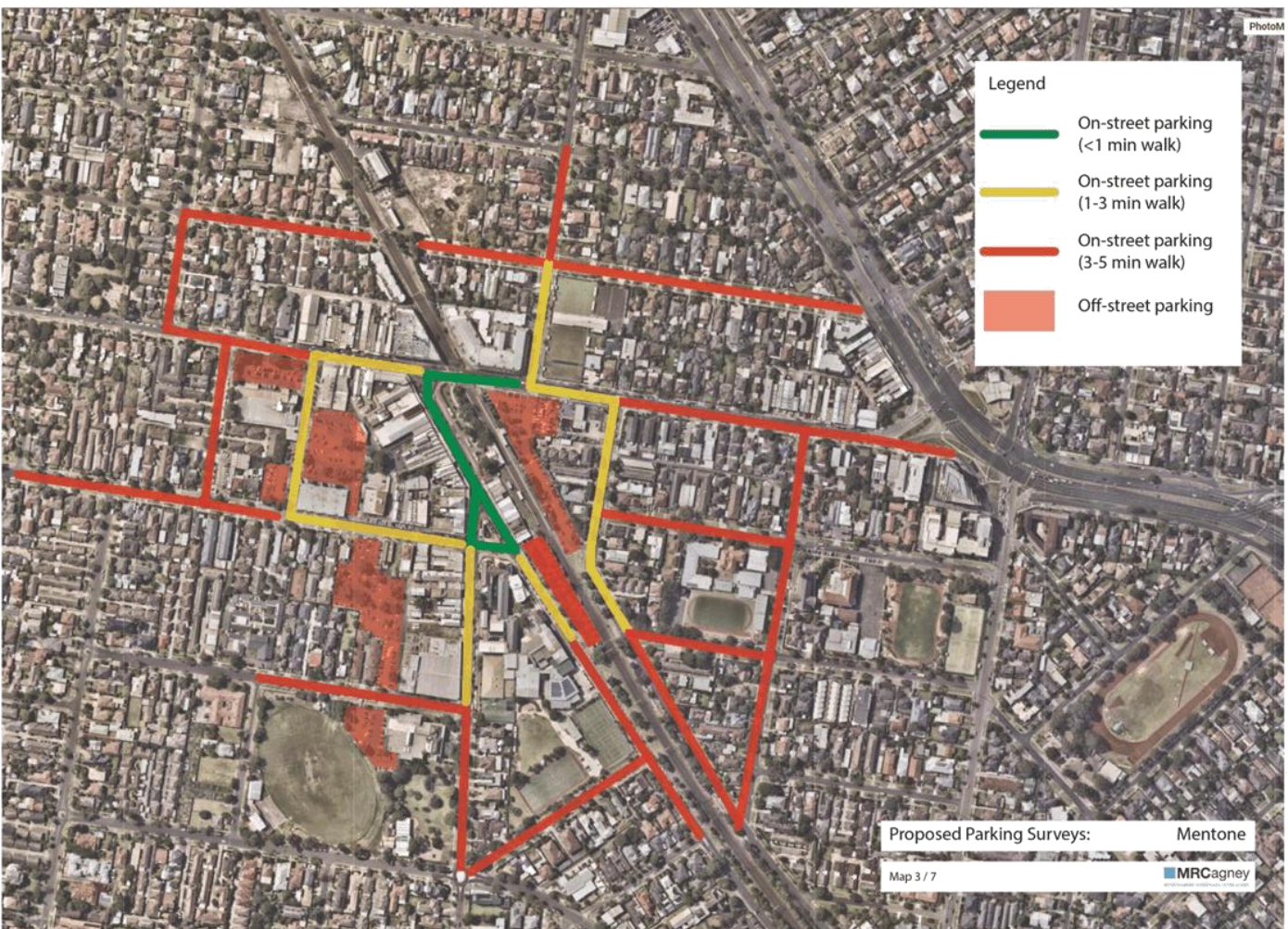
### **A.1    Parking survey areas**



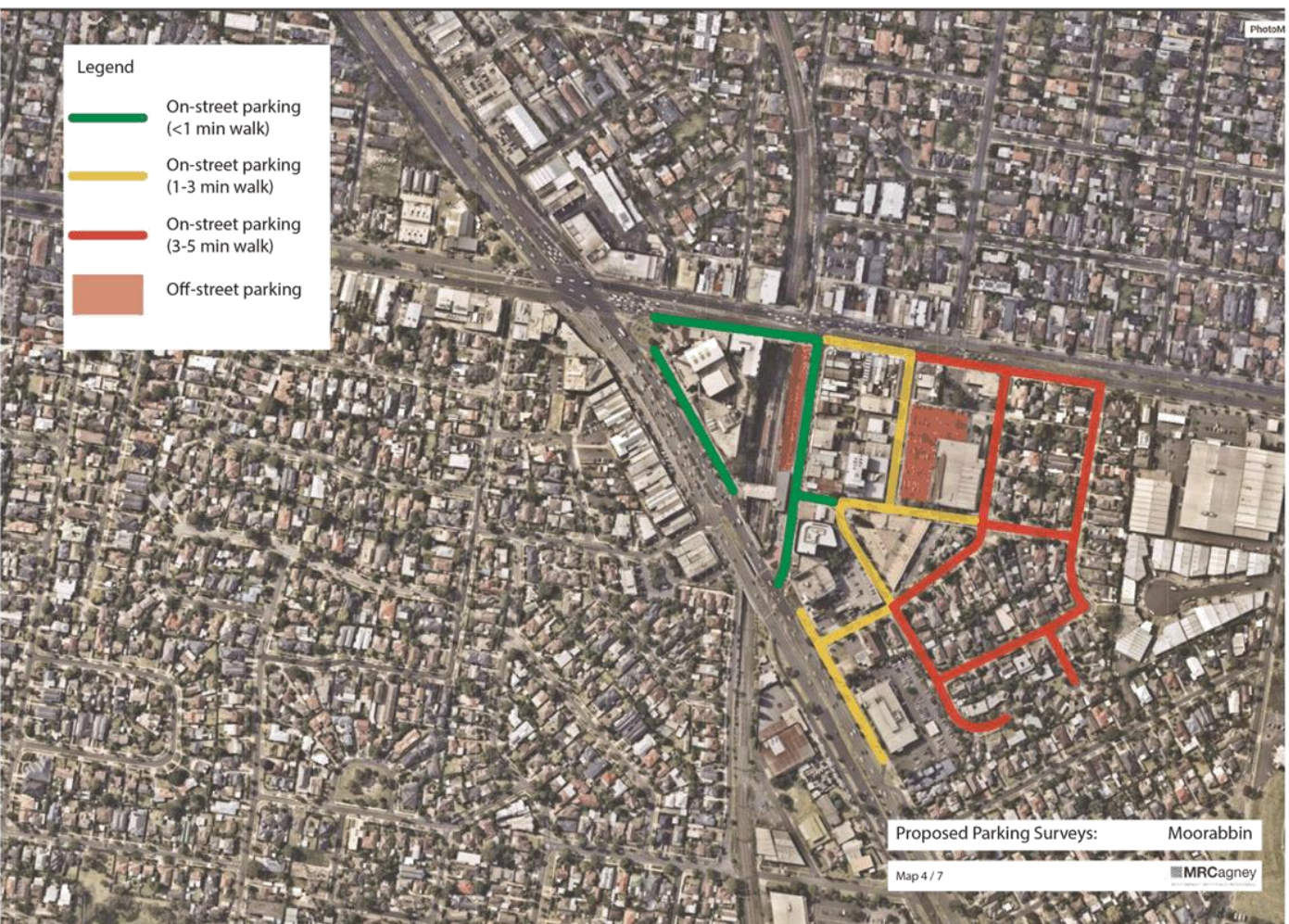




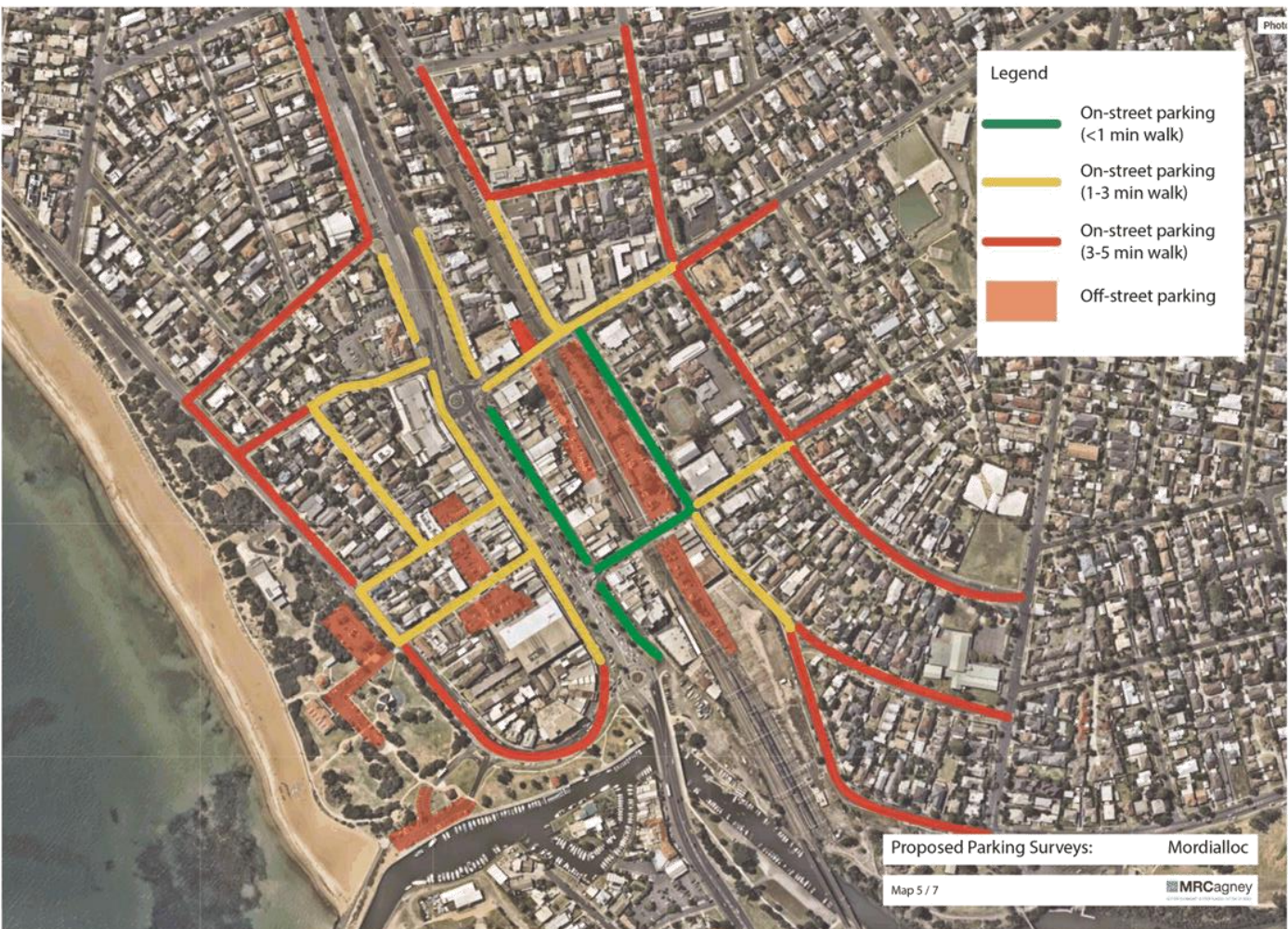




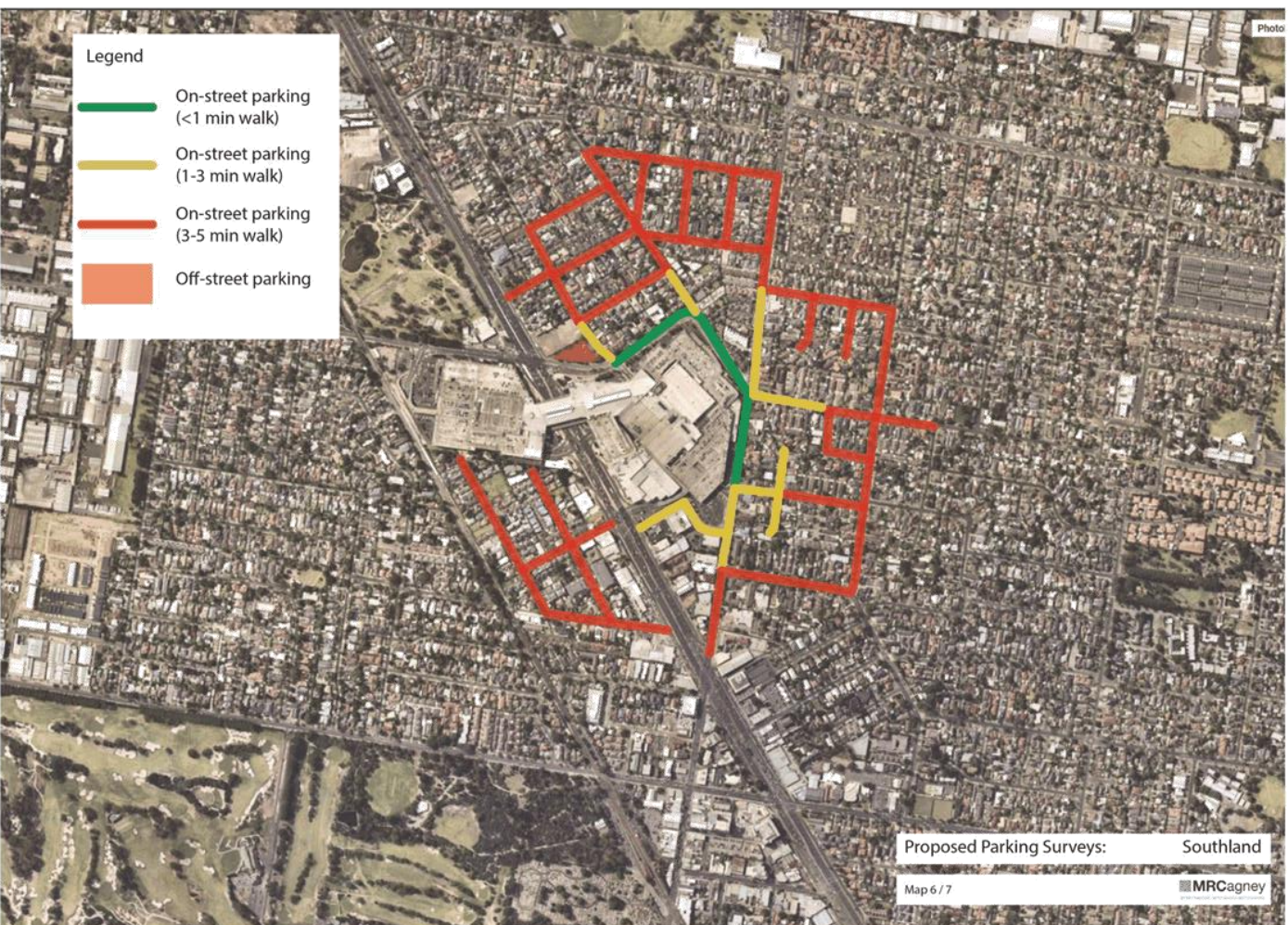










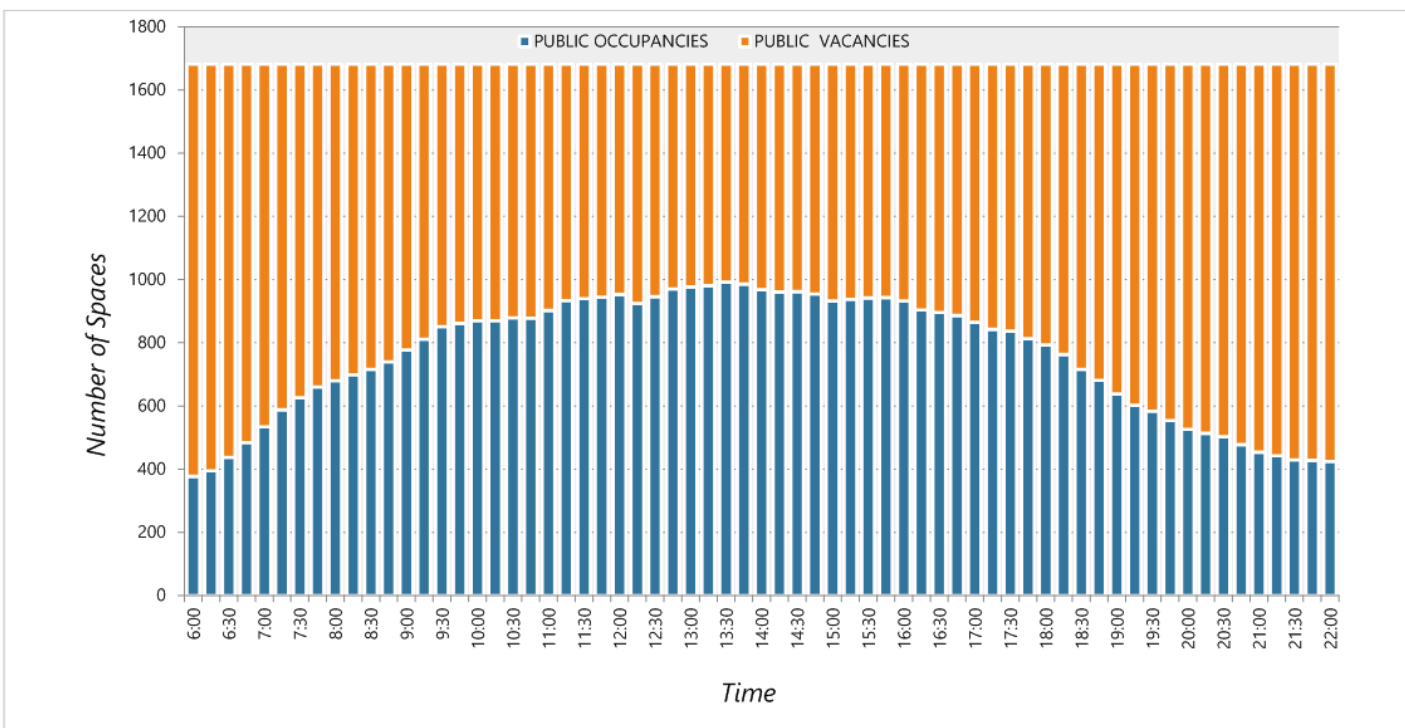




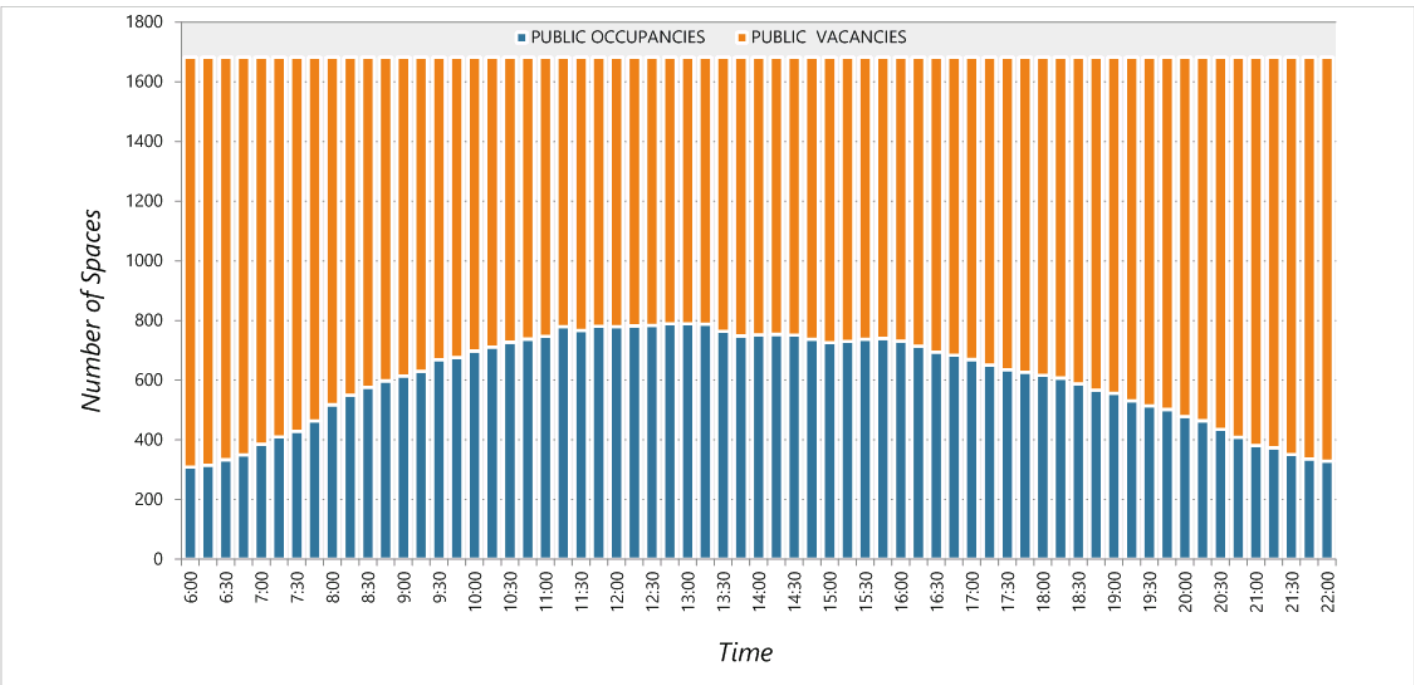


## A.2 Parking survey results

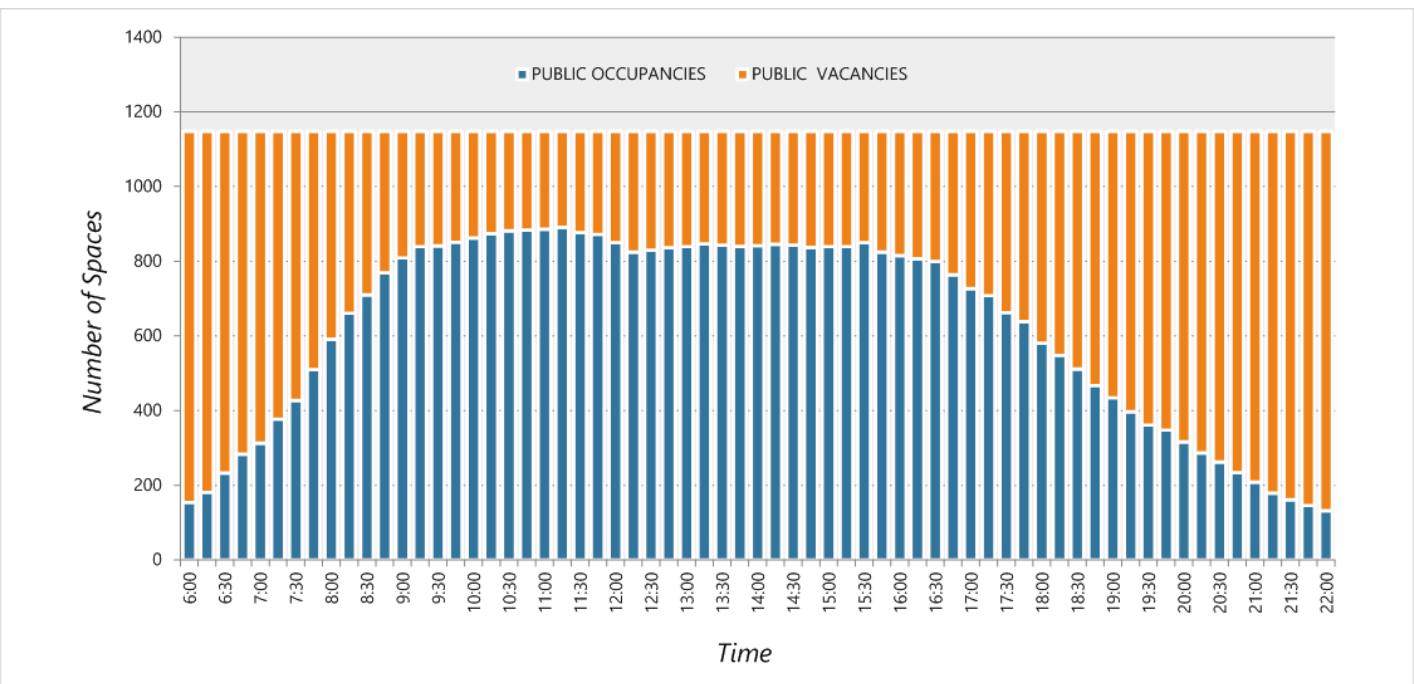
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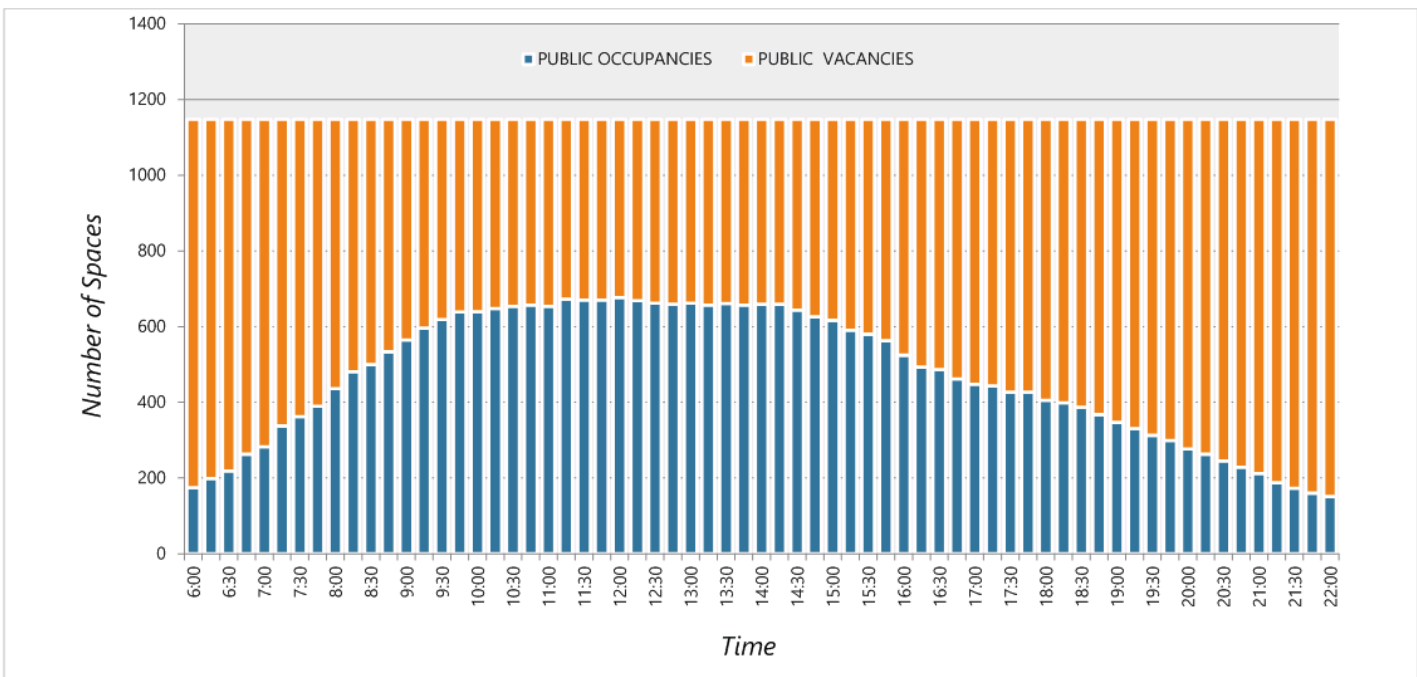
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Cheltenham, Thursday 14 September 2017

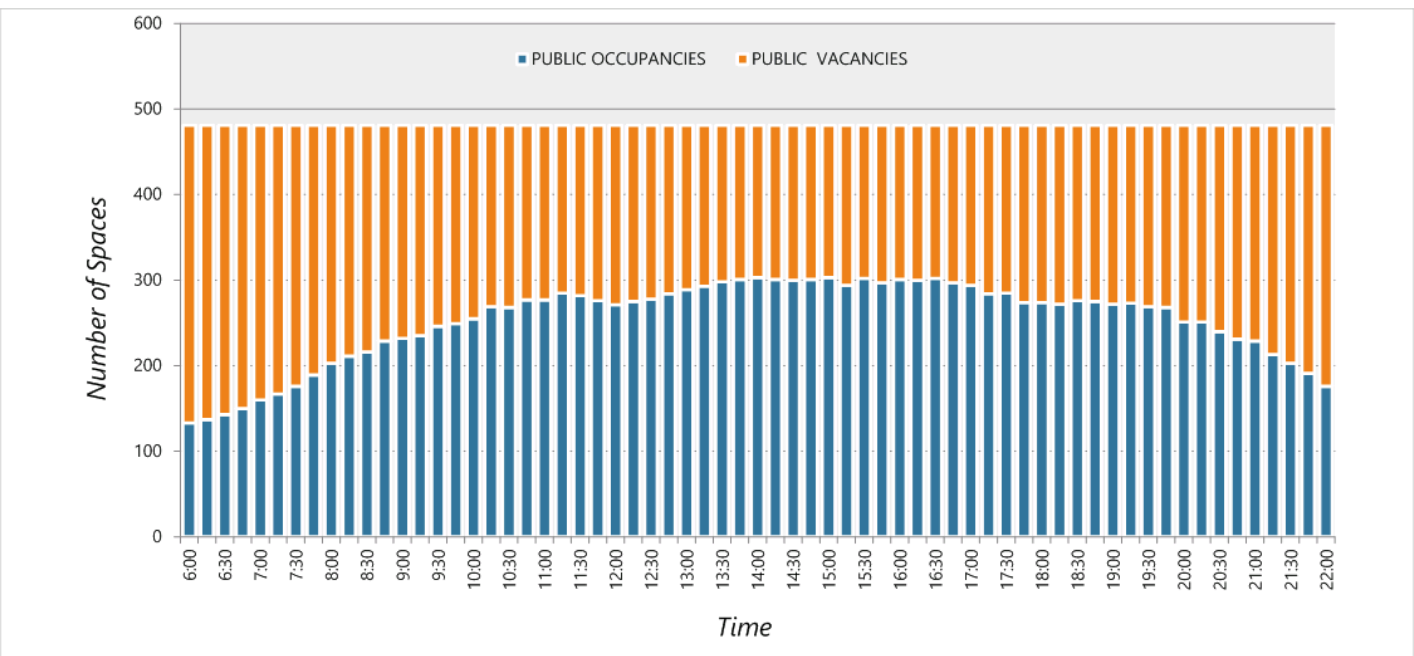


Cheltenham, Saturday 16 September 2017

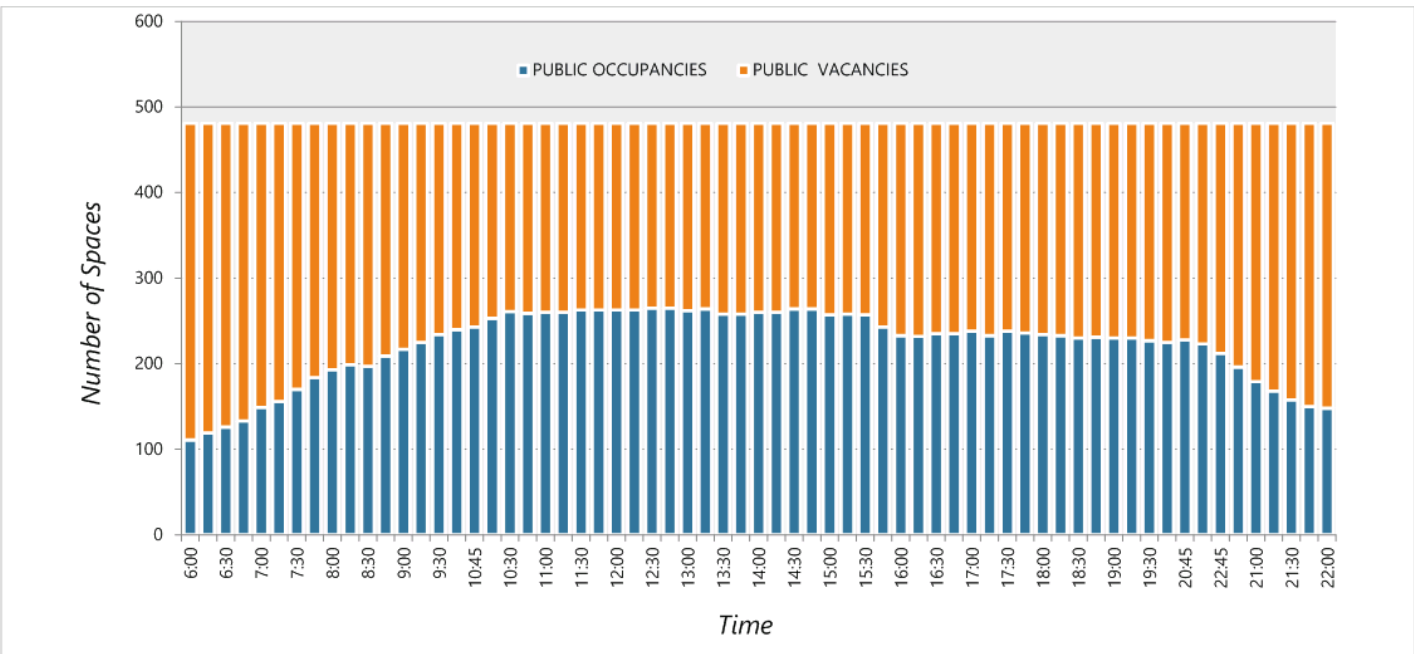




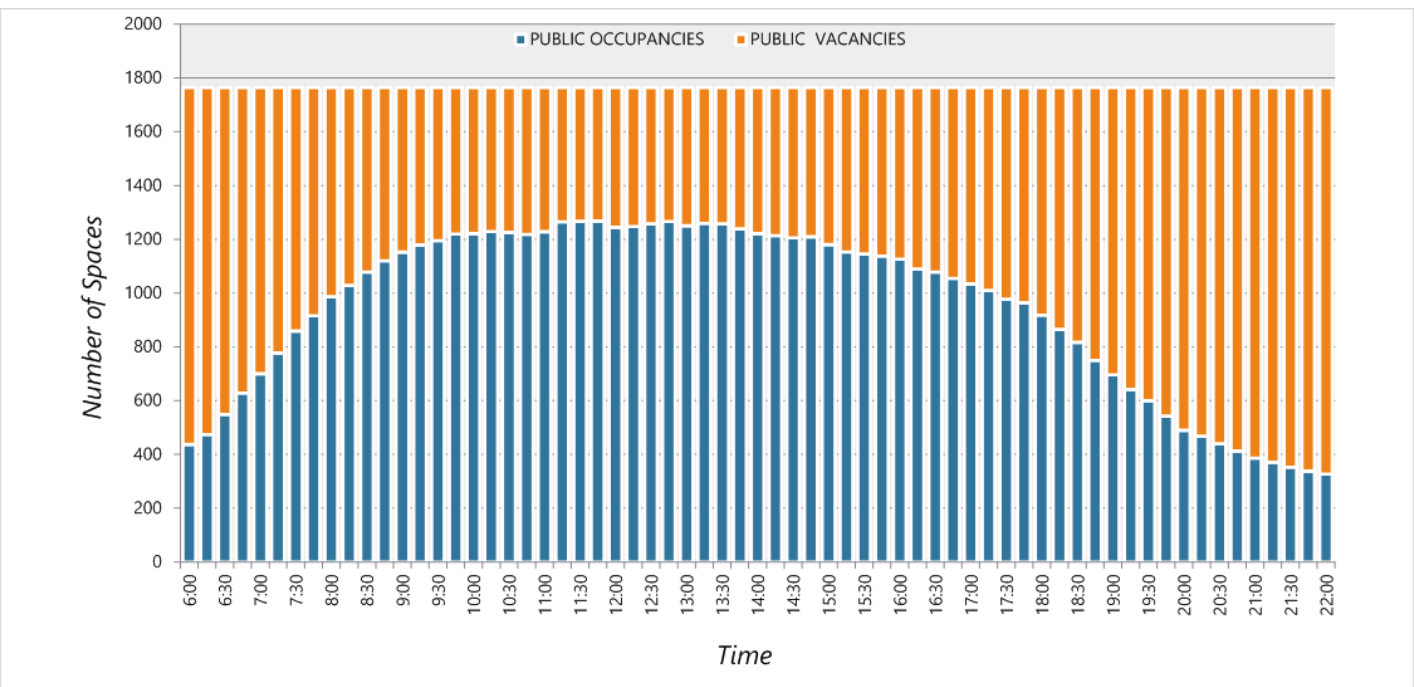
Highett, Thursday 14 September 2017



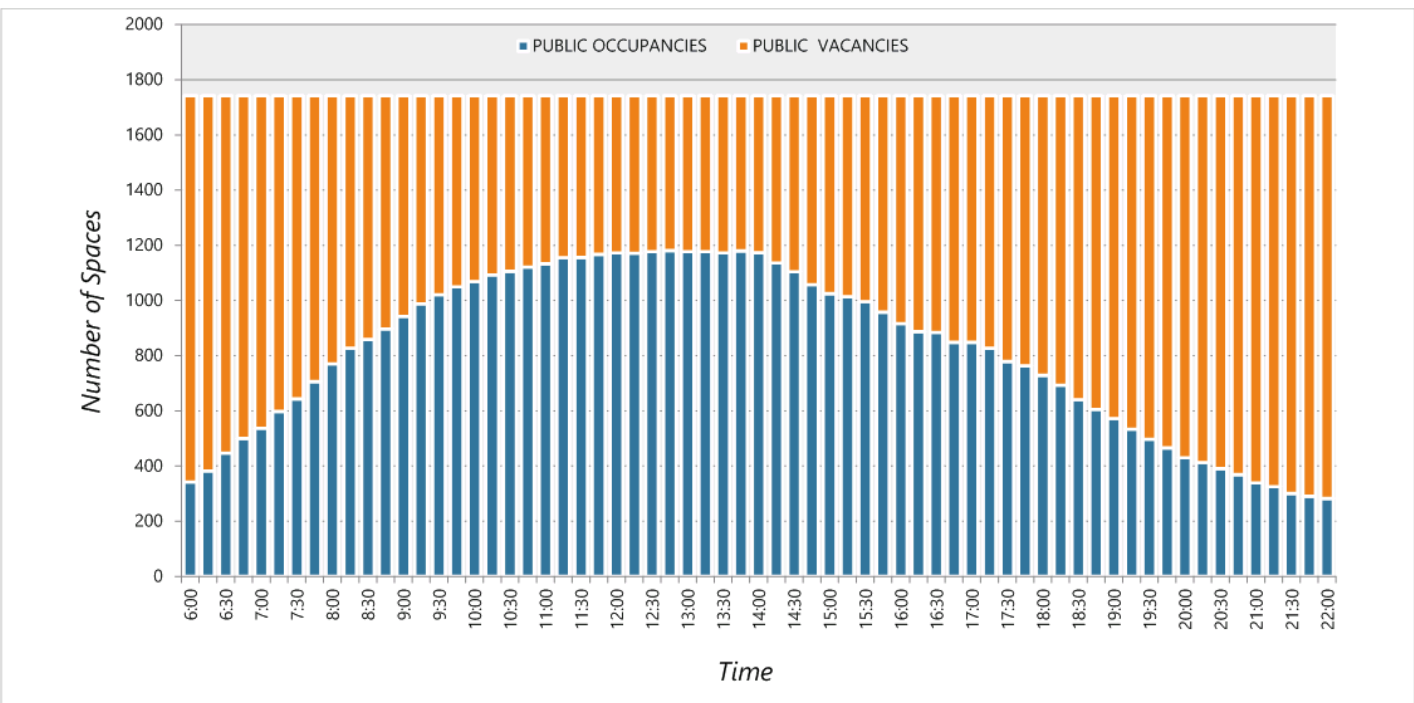
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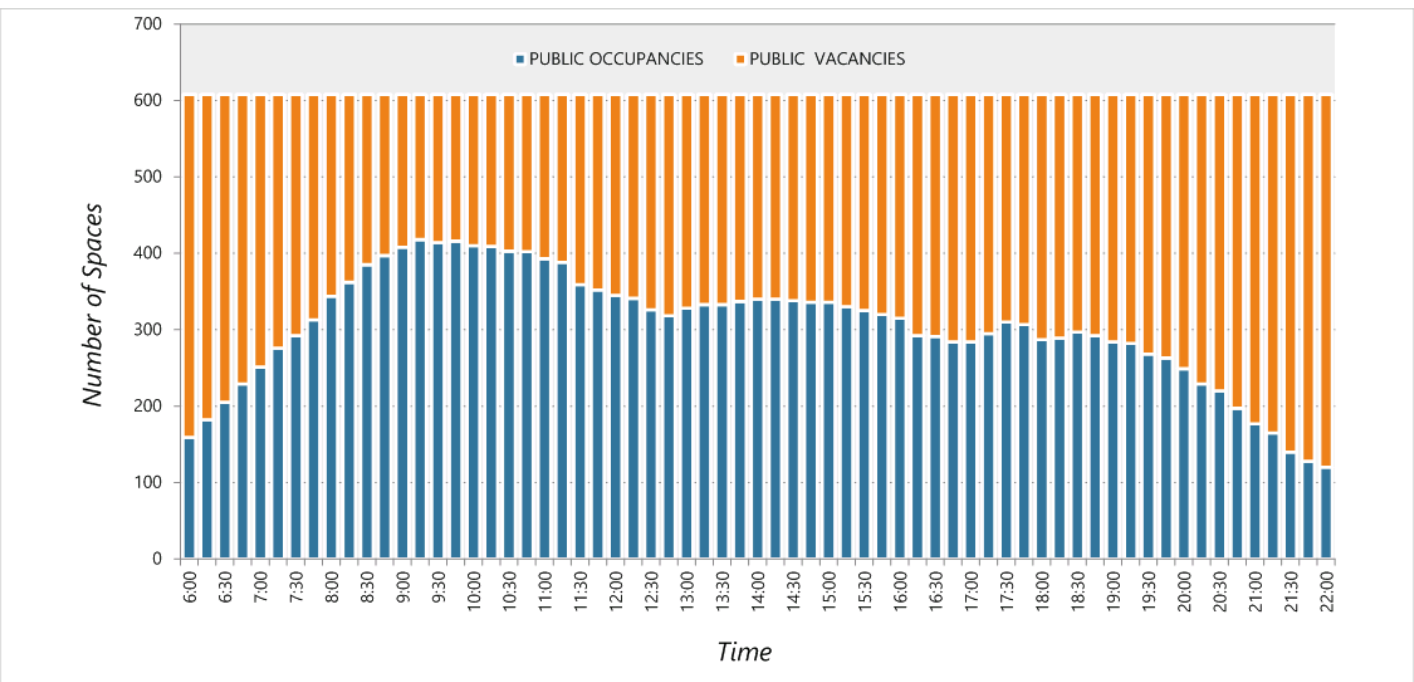
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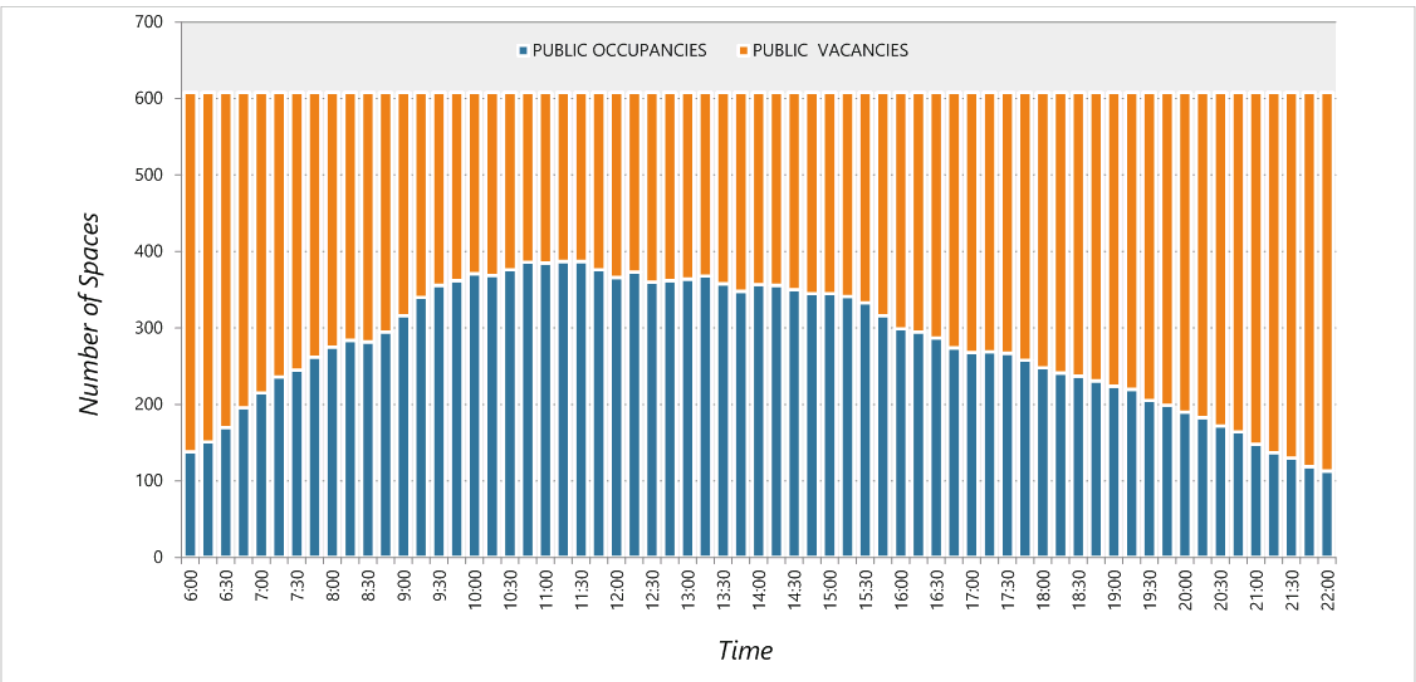
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Moorabbin, Thursday 14 September 2017

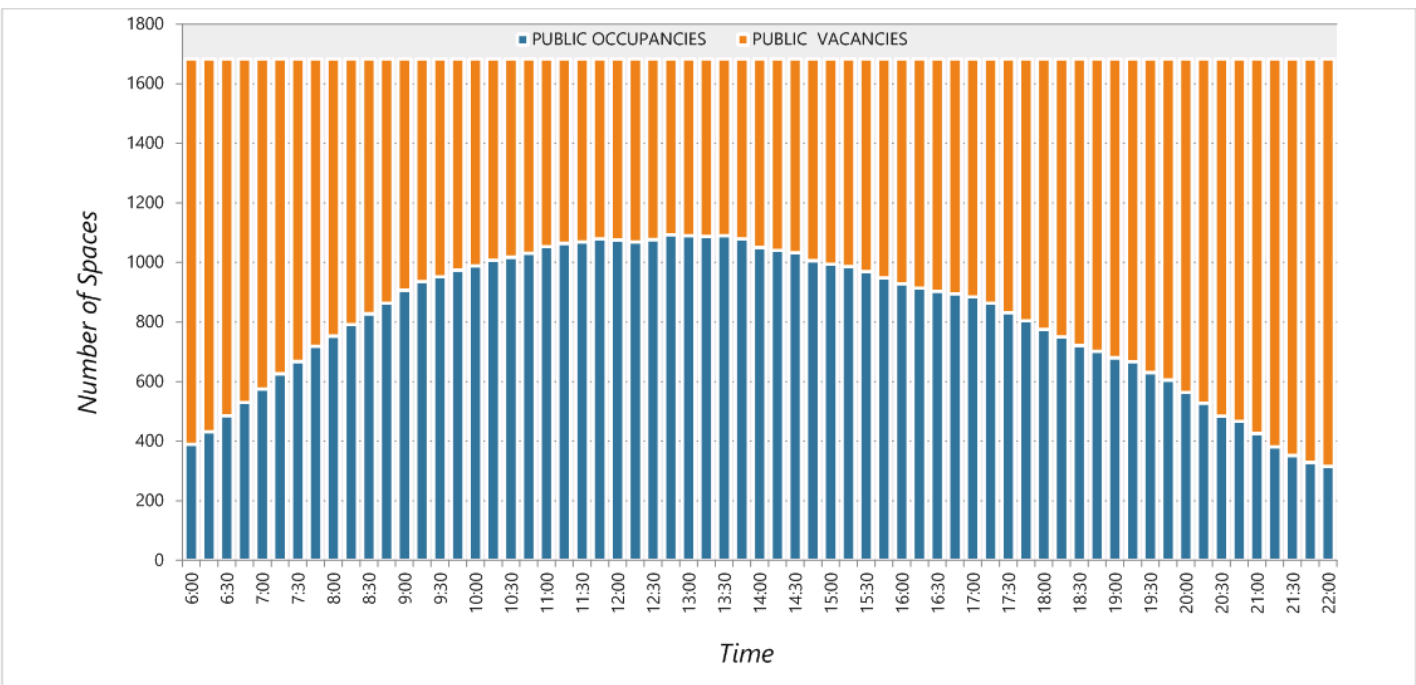


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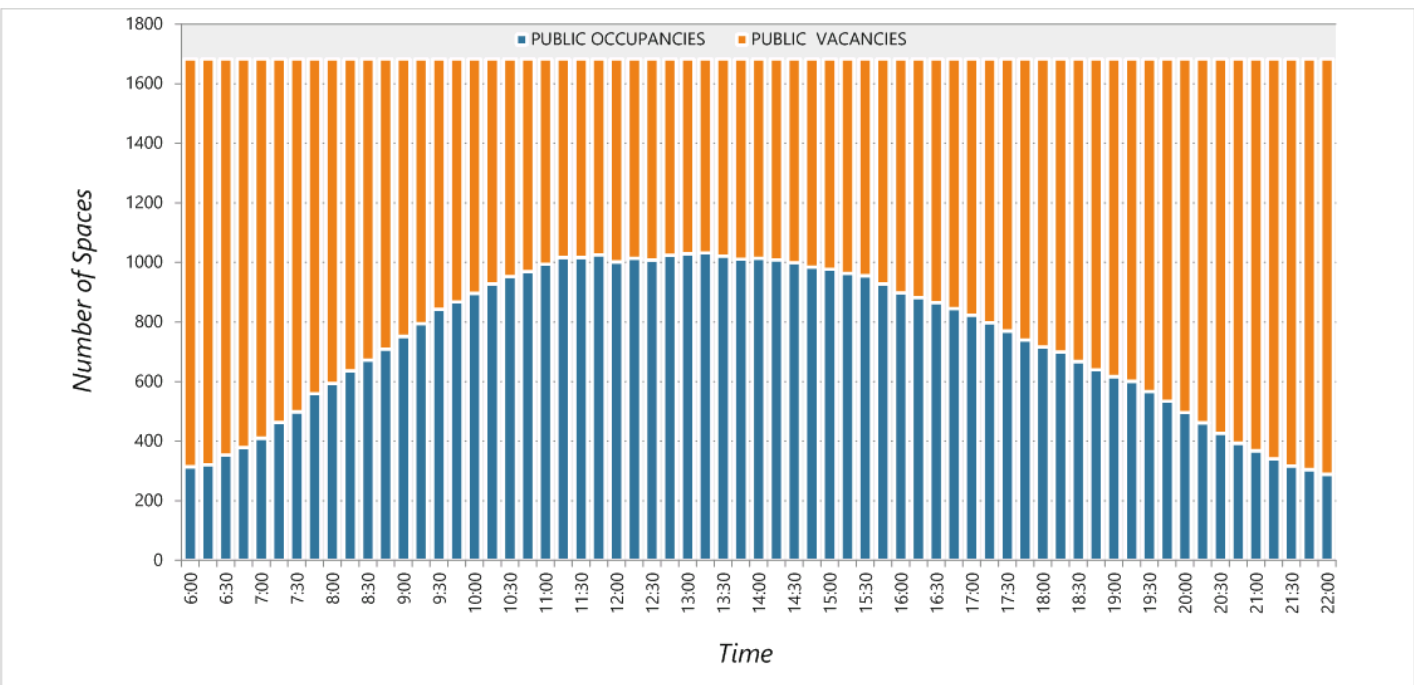




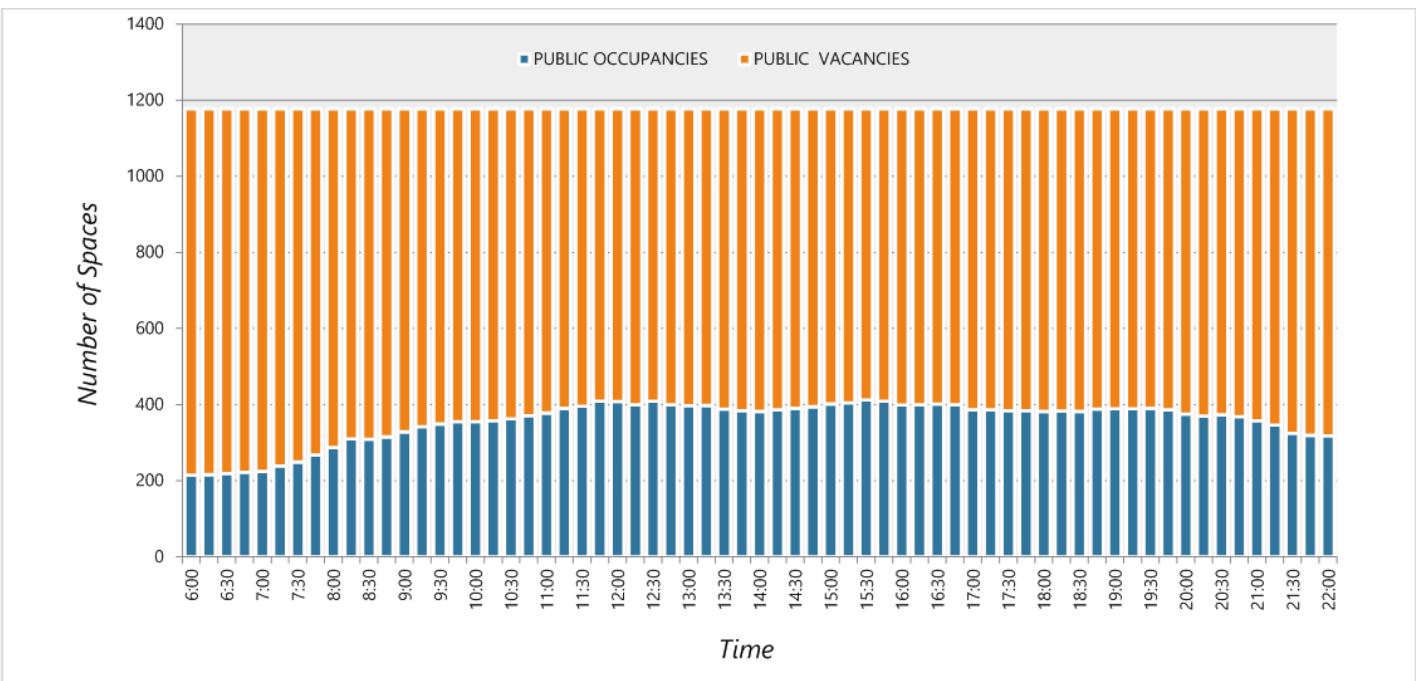
Mordialloc, Thursday 14 September 2017



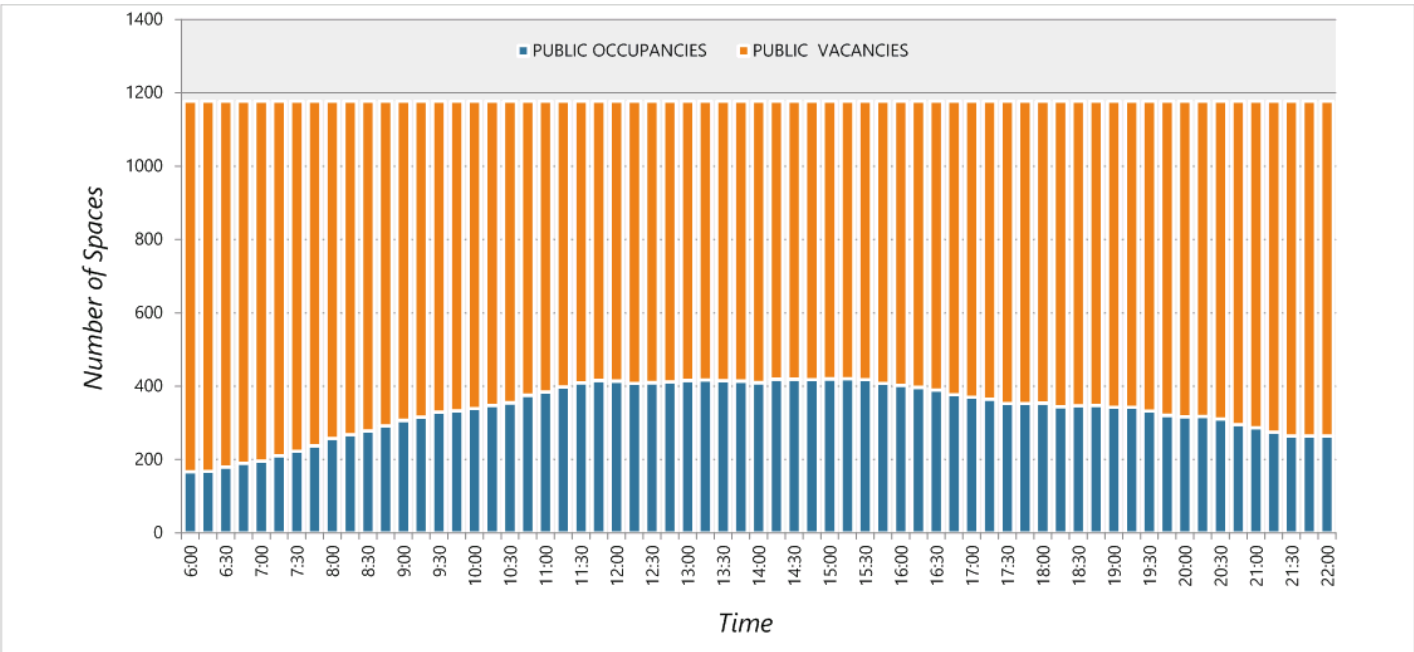
Mordialloc, Saturday 16 September 2017



Southland, Thursday 14 September 2017



Southland, Saturday 16 September 2017





# Kingston Car Parking Study

## Residential Areas Analysis - Appendix

**Prepared for:** Kingston City Council

**Prepared by:** MRCagney Pty Ltd, Melbourne, Australia

**Kingston Car Parking Study**  
Draft Residential Areas Analysis

## Document Information

<b>Project Name</b>	Kingston Car Parking Study, Residential Areas Analysis
<b>Status</b>	Draft Report
<b>Client</b>	Kingston City Council
<b>MRC Reference</b>	6272

## Quality Assurance Register

Issue	Description	Prepared by	Reviewed by	Authorised by	Date
1	Draft Report	BT MW	KB MW	KB	24/08/2018
2	Final Report	BT MW	KB MW	KB	30/08/2018
3	Final Report	BT	KB	KB	4/09/2018

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## Executive Summary

This report summarises analysis of on-street parking demand in residential areas of the City of Kingston and provides recommendations for Council on potential management responses. The report is intended to assist Council with decision-making on parking management in response to issues raised by the community about problems with on-street car parking in residential areas where infill development has recently occurred.

The report analyses ten residential areas from across the City of Kingston to identify attributes which influence residential on-street parking demand. The sites were selected by Council staff and are representative of locations that have experienced recent infill development. Parking occupancy surveys were conducted at each of the ten areas identifying the level of parking demand across the day. A desktop analysis of each area was conducted identifying how factors such as street design, land use, urban form and other attributes may result in higher or lower parking demand. This included analysis of population density, dwelling density and rates of car ownership in each area. A comparative analysis of the results was completed, and a series of conclusions and recommendations provided to inform future management strategies for car parking in residential areas of Kingston.

The parking surveys found that on-street parking occupancy was relatively low across most sites, although varied widely. Average occupancy between hours of 7am and 9pm ranged between 15% and 51% of available spaces. Four-hour peak occupancy ranged between 19% and 69%. At all but three of the ten sites, peak occupancy was less than 50%. Higher occupancy at three sites reflects localised parking issues that may warrant additional targeted management responses. The survey results also suggest, however, that high levels of on-street parking occupancy are not universal across residential areas that have experienced recent infill development. While changes in demand for on-street car parking may be perceived as an issue by some in the community, in most cases, current levels of parking occupancy are not resulting in significant adverse impacts on the transport function, amenity or safety of Kingston's residential streets.

The study concludes with a set of recommendations on potential management responses to the issues highlighted by the analysis. This summary highlights the recommendations across the following topics, and the analysis supporting these recommendations:

### **Application of time limits and permits for managing on-street parking demand**

The application of time restrictions and residential parking permit schemes for on-street parking is currently applied in a limited fashion across the residential areas of Kingston. The availability of freely available on-street parking for storage of residents' cars likely encourages residents to hold on to underutilised cars and may be suppressing the uptake of public or active transport alternatives.

The application of residential parking permit schemes in development 'hot spots' is recommended. This would send a signal to developers to provide parking on-site consistent with the market's genuine demand for parking in the absence of free alternatives provided by Council. The introduction of daytime and overnight time limits in some locations may be appropriate to manage residential parking demand in the future. Specifically, time limits to manage residential occupancy should be considered when peak occupancy approaches 70% or when genuine operational issues are apparent.

### **Street design**

Results from parking surveys suggest that most streets in the study area would not permit free moving traffic in both directions for the entire length of the street if on-street parking was fully occupied. Some form of negotiation of passing space would be required between drivers travelling in opposite directions.



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**Kingston Car Parking Study**  
Residential Areas Analysis

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These narrow local street environments can contribute positively to road safety outcomes by encouraging residents to travel at lower travel speeds, pay greater attention to available space on the road and negotiate with drivers travelling in the opposite direction. However, narrow streets in conjunction with high levels of on-street car parking may present genuine operational and safety issues on local roads. Further to this, the sense of a crowded street may contribute to community perceptions of a lack of enough car parking.

To balance infrastructure constraints and parking needs it is recommended that Council develop guidelines for the implementation of staggered no-stopping zones on residential streets to ensure sufficient passing opportunities are maintained where parking occupancy is high on narrow streets. It is also recommended that vehicle crossovers should be limited to one per property to limit the further loss of kerbside on-street car parking and amenity.

**Spatial distribution of zoning for higher density development throughout the municipality**

The study found that the population and dwelling density of each of the study areas varies greatly and bares no obvious relationship to on-street parking occupancy rates. Many areas with a high population density also had low on-street parking occupancy, while other areas had lower population density yet had higher average peak occupancy. Similarly, car ownership and on-street parking occupancy were not found to be strongly related. This suggests that density may be accompanied by lower car ownership rates when located in well serviced areas with good public transport services. In areas more poorly served by alternative transport options, residents of higher density development are still likely to rely heavily on car travel.

Directing higher density development to areas of high public and active transport accessibility is appropriate and may enable greater uptake of sustainable travel modes and lower car ownership. Public and active transport accessibility should be considered when determining the application of different residential zones throughout the municipality. This may influence the preparation of the Kingston Housing and Neighbourhood Character Study.

**On-site parking requirements for development**

There are strong links between on-street parking management and on-site parking supply. On-street parking management that phases out free on-street storage of cars may free-up on-street space for short-stay or visitor parking, reducing requirements for on-site provision. Findings from the analysis concluded that there were a variety of causes for higher on-street parking and therefore that rigid and universal minimum parking rates parking requirements for development may be less effective than more flexible rules that allow, for example, for reduced on-site rates in locations with good access to public transport.

In summary, there are a range of factors which influence on-street parking demand in the residential areas of Kingston. A number of tools are available to Council to influence the demand for on-street car parking and better manage existing on-street car parking. The recommendations identified in this report, such as the application of time limits and the introduction of parking permits within residential areas should be tested with the community ahead of implementation.



## 1 Introduction

### 1.1 Purpose

This paper has been prepared by MRCagney for the Kingston City Council to provide an analysis of on-street parking demand in residential areas of the City of Kingston where infill development has recently occurred. This analysis responds to Council concerns that development is potentially having a negative impact on on-street parking operations, street function, amenity or safety.

This information will complement the demand analysis and problem identification work presented in MRCagney's *Kingston Car Parking Study - Issues and Opportunities Report* (March 2018) which provided an analysis of car parking demand in activity centres. The findings of this report are also relevant to the preparation of the Kingston Housing and Neighbourhood Character Strategy.

### 1.2 Scope

This report presents and analyses the data from on-street parking occupancy surveys undertaken at ten locations in residential areas within the Kingston municipality. These ten locations were selected by Council for further analysis on the basis that recent infill development has occurred and is potentially having a material impact on on-street parking operations, street function, amenity or safety.

### 1.3 Approach

The following approach has been used to identify and analyse on-street parking demand in residential areas of the City of Kingston:

1. Presentation of data and commentary on on-street parking occupancy surveys undertaken at ten locations in residential areas within the Kingston municipality (as identified and commissioned by council).
2. Identification of street design, land use, urban form and spatial attributes within the survey areas that coincide with higher levels of surveyed on-street parking occupancy. Attributes considered include:
  - Proximity to land uses that are major transport demand generators (eg activity centres, schools, hospitals, sporting facilities, foreshore beaches)
  - Street geometry (eg width of road, width of nature strip, bends in road)
  - Street function (eg road hierarchy classification, traffic volumes)
  - Built environment (eg approximate era of development, size of street blocks).
  - Land use zone
  - Parking area
  - Existing parking management regime (eg presence of time restrictions).

These attributes have generally been considered qualitatively, rather than defined in quantitative terms.

**Kingston Car Parking Study**  
Residential Areas Analysis

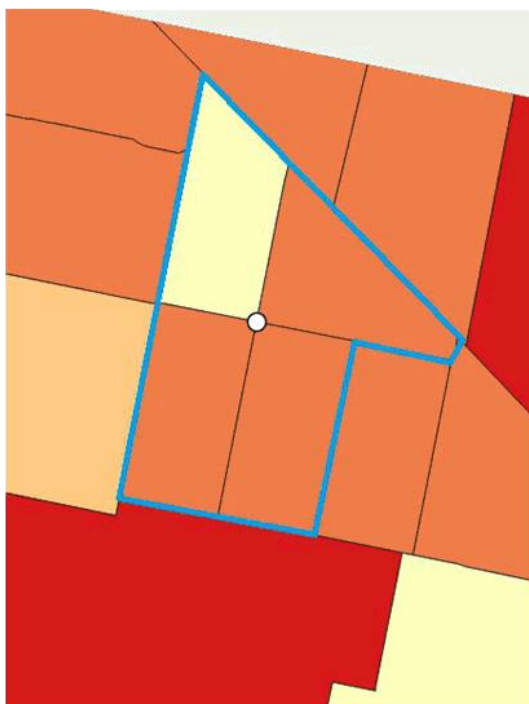
3. Analysis of the following 2016 ABS Census data to provide some quantitative indicators of relevant attributes of the surveyed areas, namely:

- Rates of car ownership
- Dwelling density
- Population density.

Data analysis of these factors is based on custom geographies that provide the finest grain level of data available for each of the three attributes. As illustrated by Figure 1 and Figure 2, average car ownership data has been calculated using a combination of SA1 geographical areas, whereas dwelling and population density data has been calculated using a combination of Mesh Blocks.

4. Finally, a brief discussion of the implications of the above analysis for improving parking management in residential locations with high levels of in-fill development has been provided.

**Figure 1: Combined SA1s for Car Ownership**



**Figure 2: Combined Mesh Blocks for Population and Dwelling Density**



## 2 Parking survey results

Parking occupancy surveys were undertaken at ten sites within the City of Kingston on Thursday 26 July 2018 between the hours of 7:00 am and 9:00 pm. Survey areas were selected by Kingston City Council on the basis that recent multi-unit residential development had taken place and may be having an impact on on-street parking operation, street function, amenity or safety.

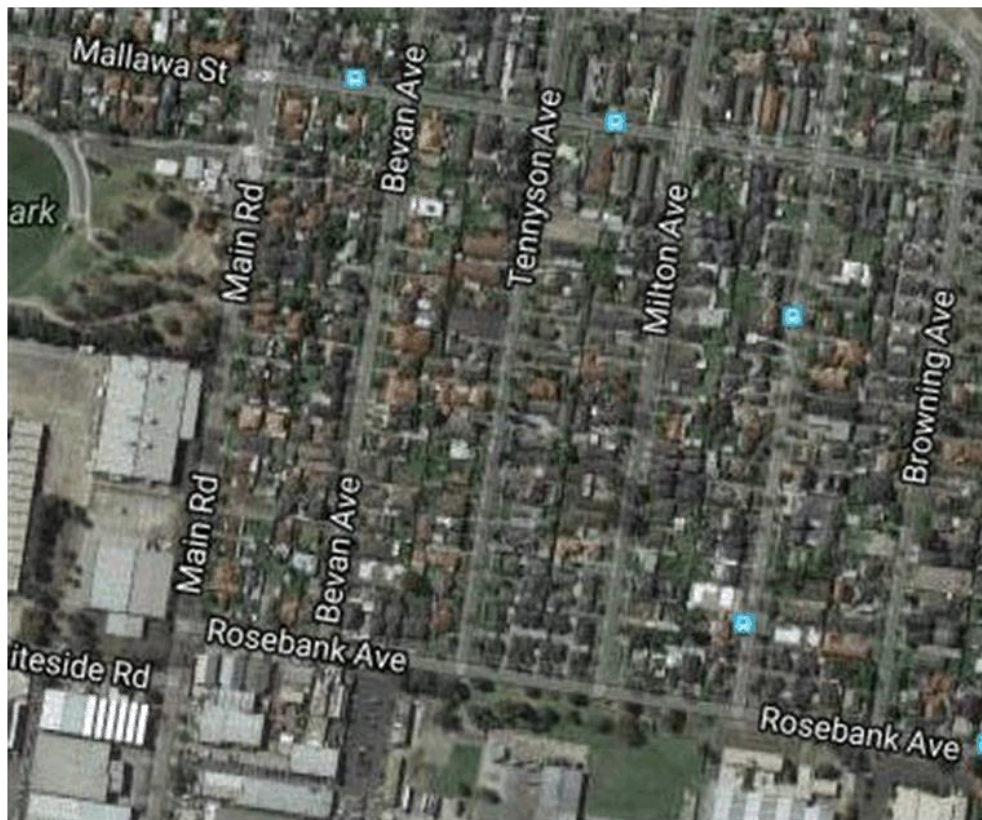
This section presents the results of the occupancy surveys for each of the ten survey areas and describes key attributes of the survey areas and their environs to inform a discussion of key factors that may be contributing to any current issues (refer to Section 3).

### 2.1 Tennyson Avenue, Clayton South

#### 2.1.1 Location and context

The survey area is shown in Figure 3 below. An analysis of key attributes identified within the survey area is summarised in Table 1.

**Figure 3: Tennyson Avenue, Clayton South overview map**



**Kingston Car Parking Study**  
Residential Areas Analysis

**Table 1: Summary of key attributes - Tennyson Avenue, Clayton South**

<b>Attribute:</b>	<b>Description:</b>	<b>Implication:</b>
<b>Proximity to land uses that are major transport demand generators</b> (eg activity centres, schools, hospitals, sporting facilities, foreshore beaches)	<ul style="list-style-type: none"> <li>Approximately 850m from Westall Railway Station</li> <li>Approximately 1km from Westall Secondary College</li> <li>Approximately 350m from Keeley Park</li> <li>Over a kilometre from Monash Medical Centre</li> <li>Over a kilometre from Monash University</li> <li>Street is located within the Monash National Employment and Innovation Cluster</li> </ul>	There are no major transport generators within the immediate vicinity of this location. It is unlikely that on-street parking is being used for non-residential purposes.
<b>Street geometry</b> (eg width of road, width of nature strip, bends in road)	<ul style="list-style-type: none"> <li>Street is linear, and the surrounding street network is grid-based</li> <li>Footpaths provided on both sides of street</li> <li>3m nature strips on both sides of street</li> <li>Carriageway is approximately 7m wide, which can accommodate two parked cars and one lane of traffic movement</li> <li>All properties have vehicle crossovers</li> </ul>	<p>The street geometry cannot accommodate two rows of parked cars alongside two lanes of moving traffic. If parallel parking is occupied on both sides of the street some negotiation between opposing vehicles is required.</p> <p>This is appropriate given the low speed and traffic volumes on this street, however adequate passing opportunities need to be maintained either by ensuring parking occupancy is somewhat lower than typically accepted desirable maximums, or by providing marked no stopping zones in combination with existing double driveways and intersections which also provide opportunities for passing.</p>
<b>Street function</b> (eg road hierarchy classification, traffic volumes)	<ul style="list-style-type: none"> <li>Local access street running north-south</li> <li>Street is a through road</li> <li>Average weekday traffic volume is 429 vehicles per day</li> <li>Average traffic speed is 35km/h in a 50km/h zone</li> <li>The 85<sup>th</sup> percentile speed is 43.6km/h</li> </ul>	<p>Street accommodates low volumes of slow moving traffic for local access to homes.</p> <p>On street parking may be contributing to lower travel speeds and associated benefits to amenity and the safety and comfort of vulnerable street users.</p>
<b>Built environment</b> (eg approximate era of development, size of street blocks).	<ul style="list-style-type: none"> <li>Lot sizes vary from approximately 880sqm for an un-subdivided lot to in the order of 120sqm to 250sqm for subdivided lots.</li> <li>Development is from a mix of eras from predominantly detached housing from the 1960-70s through to more contemporary unit development from the 1990s through to today.</li> </ul>	<p>The area has been subject to moderate housing change in recent times.</p> <p>Multi-unit development typically provides consolidated vehicle crossovers for multiple dwellings on a lot, minimising the loss of kerbside space to additional vehicle crossovers.</p>



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<b>Attribute:</b>	<b>Description:</b>	<b>Implication:</b>
<b>Planning zone</b>	<ul style="list-style-type: none"> <li>Land is zoned GRZ2</li> </ul>	<p>The general residential zone is applied to areas where growth and housing diversity is anticipated.</p> <p>The GRZ sets a mandatory building height of 8.6m or two storeys, and allows for the development of detached houses, townhouses, units and apartments.</p> <p>It is likely that this area will be subject to further built form changes in the future.</p>
<b>Parking Area</b>	<ul style="list-style-type: none"> <li>This street and the surrounding area is not located within a 400m buffer of the Principal Public Transport Network.</li> </ul>	Standard 'Column A' parking rates apply to the street.
<b>Existing parking management regime</b> (eg presence of time restrictions).	<ul style="list-style-type: none"> <li>No on-street daytime or overnight parking restrictions presently apply.</li> <li>A parking permit scheme does not apply to this area.</li> </ul>	<p>On-street parking related to new or existing development is therefore not regulated by Council.</p> <p>The availability of free car storage provided on-street by the City may be influencing residents' car ownership and travel choices.</p>
<b>Car Ownership Rates</b>	<ul style="list-style-type: none"> <li>The average car ownership is 1.46 cars per dwelling.</li> </ul>	<p>This is lower than the average car ownership rate of the Kingston LGA and Metropolitan Melbourne.</p> <p>The average rate of car ownership is 1.74 cars per household in both the Kingston LGA and Greater Melbourne.</p>
<b>Population Density</b>	<ul style="list-style-type: none"> <li>The population density of this street is 47.6 persons per hectare</li> </ul>	<p>The population density of the City of Kingston is 17.64 persons per hectare.</p> <p>Median population density of Melbourne is 33 persons per hectare.</p>
<b>Dwelling Density</b>	<ul style="list-style-type: none"> <li>The dwelling density of this street is 18.1 dwellings per hectare</li> </ul>	The dwelling density of the Kingston LGA is 6.99 dwellings per hectare.

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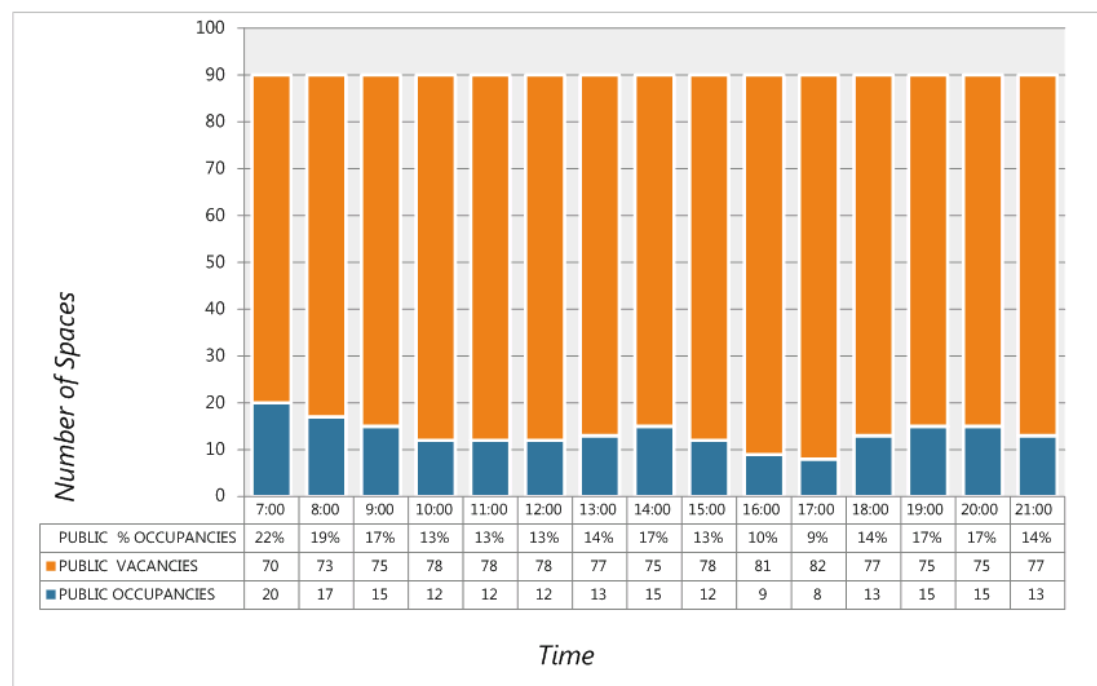
## 2.1.2 Occupancy results

The results of the occupancy survey are presented in Figure 4. The results show that the occupancy of on-street parking is generally very low in this location.

There is a total of 90 on-street car parking spaces on Tennyson Avenue, and the maximum occupancy recorded was 20 public occupancies (22% occupancy) at 7:00 am. It is expected that data recorded at 7:00 am broadly captures most residents who live in the area and park on the street – i.e. occupancy would not be expected to be significantly higher overnight or prior to 7:00 am. Occupancy drops to a morning low of 12 public occupancies (13% occupancy) between 10:00 am and 12 noon before rising to 15 public occupancies (16% occupancy) at 2:00 pm. Occupancy drops to a low of just 9 and 8 (9%) public occupancies between 4:00 pm and 6:00 pm.

This level of parking occupancy should not have adverse impacts on the function, amenity or safety of the street. In fact, moderate on-street parking occupancy likely has some traffic calming effect that contributes to the slow recorded travel speeds on this street. Despite the relatively narrow street carriageway that can only accommodate one-way traffic in situations where cars are parked on both sides of the street, there are likely to be ample passing opportunities along the street with current levels of parking occupancy. The presence of regular double driveways along the street will also provide passing opportunities.

**Figure 4: Parking Occupancy - Tennyson Avenue, Clayton South**





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**Table 2 Tennyson Street Parking Occupancy**

Street	Section	Side	Capacity	Parking Occupancy														
				7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00
Tennyson Ave	From Rosebank Ave To No.38/No.39	E	24	2	1	1	0	0	1	1	1	0	0	0	1	1	1	1
		W	26	5	4	4	3	3	4	5	5	4	3	3	5	4	4	3
	From No.38/No.39 To Oakes Ave	E	19	7	6	5	4	4	3	3	4	4	3	3	4	5	6	5
		W	21	6	6	5	5	5	4	4	5	4	3	2	3	5	4	4
<b>PUBLIC CAPACITY</b>				<b>90</b>	<b>90</b>	<b>90</b>	<b>90</b>	<b>90</b>	<b>90</b>	<b>90</b>	<b>90</b>	<b>90</b>	<b>90</b>	<b>90</b>	<b>90</b>	<b>90</b>	<b>90</b>	<b>90</b>
<b>PUBLIC OCCUPANCIES</b>				<b>20</b>	<b>17</b>	<b>15</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>13</b>	<b>15</b>	<b>12</b>	<b>9</b>	<b>8</b>	<b>13</b>	<b>15</b>	<b>15</b>	<b>13</b>
<b>PUBLIC VACANCIES</b>				<b>70</b>	<b>73</b>	<b>75</b>	<b>78</b>	<b>78</b>	<b>78</b>	<b>77</b>	<b>75</b>	<b>78</b>	<b>81</b>	<b>82</b>	<b>77</b>	<b>75</b>	<b>75</b>	<b>77</b>
<b>PUBLIC % OCCUPANCIES</b>				<b>22%</b>	<b>19%</b>	<b>17%</b>	<b>13%</b>	<b>13%</b>	<b>13%</b>	<b>14%</b>	<b>17%</b>	<b>13%</b>	<b>10%</b>	<b>9%</b>	<b>14%</b>	<b>17%</b>	<b>17%</b>	<b>14%</b>

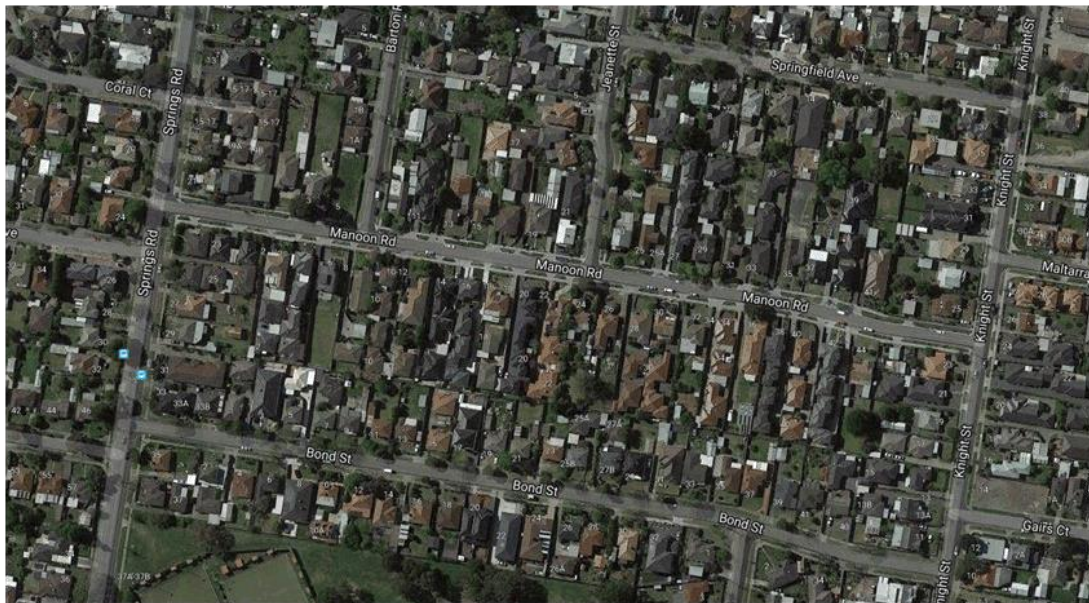
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## 2.2 Manoon Road, Clayton South

### 2.2.1 Location and Context

The survey area is shown in Figure 5 below. An analysis of key attributes identified within the survey area is summarised in Table 3.

**Figure 5: Manoon Road, Clayton South overview map**



**Table 3: Summary of key attributes - Manoon Road, Clayton South**

Attribute:	Description:	Implication:
<b>Proximity to land uses that are major transport demand generators</b> (eg activity centres, schools, hospitals, sporting facilities, foreshore beaches)	<ul style="list-style-type: none"> <li>Approximately 1km from Clayton Railway Station</li> <li>Approximately 800m from Clayton Activity Centre</li> <li>400m from Namatjira Park</li> <li>Over a kilometre from Monash Medical Centre</li> </ul>	There are no major transport generators within the immediate vicinity of this location. It is unlikely that on-street parking is being used for non-residential purposes.
<b>Street geometry</b> (eg width of road, width of nature strip, bends in road)	<ul style="list-style-type: none"> <li>Street is linear, and the surrounding street network is grid-based</li> <li>Footpaths provided on both sides of street</li> <li>3m nature strips on both sides of street</li> <li>Carriageway is approximately 7m wide, which can accommodate two parked cars and one lane of traffic movement</li> <li>All properties have vehicle crossovers</li> </ul>	<p>The street geometry cannot accommodate two rows of parked cars alongside two lanes of moving traffic. If parallel parking is occupied on both sides of the street some negotiation between opposing vehicles is required.</p> <p>This is appropriate given the low speed and traffic volumes on this street,</p>

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<b>Attribute:</b>	<b>Description:</b>	<b>Implication:</b>
		however adequate passing opportunities need to be maintained either by ensuring parking occupancy is somewhat lower than typically accepted desirable maximums, or by providing marked no stopping zones in combination with existing double driveways and intersections which also provide opportunities for passing.
<b>Street function</b> (eg road hierarchy classification, traffic volumes)	<ul style="list-style-type: none"> <li>Local access street running east-west</li> <li>Street is a through road</li> <li>Average weekday traffic volume is 303 vehicles per day</li> <li>Average traffic speed is 36km/h in a 50km/h zone</li> <li>The 85<sup>th</sup> percentile speed is 42.2km/h</li> </ul>	<p>Street accommodates low volumes of slow moving traffic for local access to homes.</p> <p>On street parking may be contributing to lower travel speeds and associated benefits to amenity and the safety and comfort of vulnerable street users.</p>
<b>Built environment</b> (eg approximate era of development, size of street blocks).	<ul style="list-style-type: none"> <li>Lot sizes vary from approximately 1,000sqm for an un-subdivided lot to units on subdivided lots of 200sqm.</li> <li>Development is from a mix of eras from predominantly detached housing from the 1960/70s through to more contemporary unit development from the 1990s through to today.</li> </ul>	<p>The area has been subject to moderate housing change in recent times.</p> <p>Multi-unit development typically provides consolidated vehicle crossovers for multiple dwellings on a lot, minimising the loss of kerbside space to additional vehicle crossovers.</p>
<b>Planning zone</b>	<ul style="list-style-type: none"> <li>Land is zoned GRZ3</li> </ul>	<p>The general residential zone is applied to areas where growth and housing diversity is anticipated.</p> <p>The GRZ sets a mandatory building height of 8.6m or two storeys, and allows for the development of detached houses, townhouses, units and apartments.</p> <p>It is likely that this area will be subject to further built form changes in the future.</p>
<b>Parking Area</b>	<ul style="list-style-type: none"> <li>This street and the surrounding area is located within a 400m buffer of the Principal Public Transport Network. Bus services operate along Centre Road to the north.</li> </ul>	<p>Lots entirely or partly within 400m of the PPTN now have a reduced parking requirement ('Column B' rates now automatically apply to new development). This also waves the requirement to provide visitor car parking.</p>
<b>Existing parking management regime</b> (eg presence of time restrictions).	<ul style="list-style-type: none"> <li>No on-street daytime or overnight parking restrictions presently apply.</li> <li>A parking permit scheme does not apply to this area.</li> </ul>	<p>On-street parking related to new or existing development is therefore not regulated by Council.</p>

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Attribute:	Description:	Implication:
		The availability of free car storage provided on-street by the City may be influencing residents' car ownership and travel choices.
<b>Car Ownership Rates</b>	<ul style="list-style-type: none"> <li>The average car ownership is 1.49 cars per dwelling.</li> </ul>	<p>This is lower than the average car ownership rate of the Kingston LGA and Metropolitan Melbourne.</p> <p>The average rate of car ownership is 1.74 cars per household in both the Kingston LGA and Greater Melbourne.</p>
<b>Population Density</b>	<ul style="list-style-type: none"> <li>The population density of this street is 42.15 persons per hectare</li> </ul>	<p>The population density of the City of Kingston is 17.64 persons per hectare.</p> <p>Median population density of Melbourne is 33 persons per hectare.</p>
<b>Dwelling Density</b>	<ul style="list-style-type: none"> <li>The dwelling density of this street is 17.97 dwellings per hectare</li> </ul>	The dwelling density of the Kingston LGA is 6.99 dwellings per hectare.

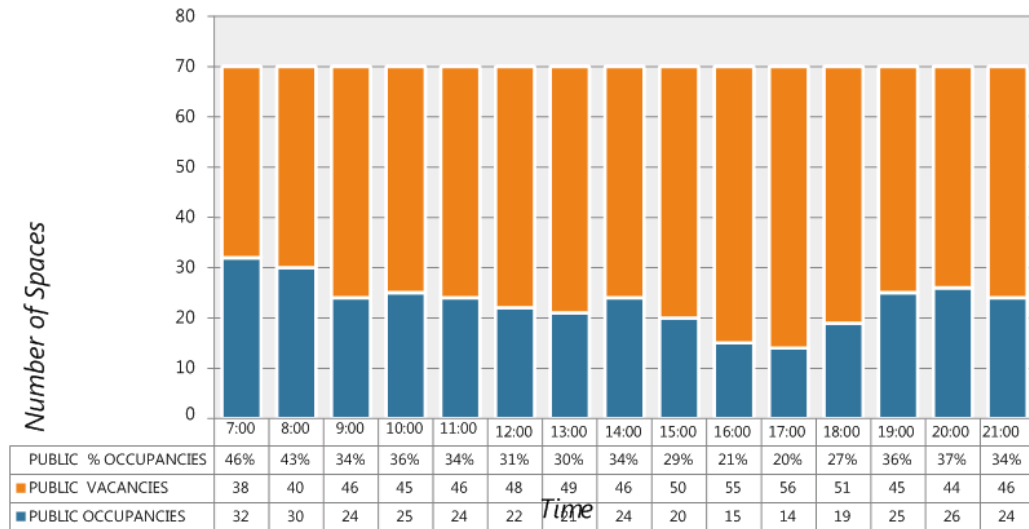
### 2.2.2 Occupancy Results

The results of the occupancy survey are presented in Figure 6. The results show that the occupancy of on-street parking is generally low-moderate in this location. There is a total of 70 on-street car parking spaces on Manoon Road, and the maximum occupancy recorded was 32 public occupancies (45% occupancy) at 7:00 am. It is expected that data recorded at 7:00 am broadly captures most residents who live in the area and park on the street – i.e. occupancy would not be expected to be significantly higher overnight or prior to 7:00 am. The average occupancy across the day is 32% and the peak occupancy across the four highest hours is 40%.

This level of parking occupancy should not have adverse impacts on the function, amenity or safety of the street. Despite the relatively narrow street carriageway that can only accommodate one-way traffic in situations where cars are parked on both sides of the street, there are likely to be ample passing opportunities along the street with current levels of parking occupancy. The presence of regular double driveways along the street will also provide passing opportunities. Current parking occupancy levels may raise convenience issues with local residents, and this may explain why car parking is perceived as an issue on this street. Notwithstanding, such parking occupancy levels likely have some traffic calming effect that contributes to the slow recorded travel speeds on this street.

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**Figure 6: Parking Occupancy - Manoon Road, Clayton South**



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Table 4 Manoon Road Parking Occupancy

Street	Section	Side	Capacity	Parking Occupancy														
				7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00
Manoon Rd	From Knight St To Jeanette St	N	18	8	7	6	5	5	4	4	5	4	3	3	5	7	7	6
		S	18	10	9	7	7	7	6	6	8	7	7	5	6	7	8	8
	From Jeanette St To Barton Rd	N	8	4	4	3	4	3	2	0	1	1	0	1	2	2	3	3
		S	9	5	5	4	4	4	3	4	4	4	4	3	3	4	4	4
	From Barton Rd To Springs Rd	N	9	2	2	2	3	3	4	4	3	2	1	1	1	2	2	1
		S	8	3	3	2	2	2	3	3	3	2	0	1	2	3	2	2
<b>PUBLIC CAPACITY</b>				<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>	<b>70</b>
<b>PUBLIC OCCUPANCIES</b>				<b>32</b>	<b>30</b>	<b>24</b>	<b>25</b>	<b>24</b>	<b>22</b>	<b>21</b>	<b>24</b>	<b>20</b>	<b>15</b>	<b>14</b>	<b>19</b>	<b>25</b>	<b>26</b>	<b>24</b>
<b>PUBLIC VACANCIES</b>				<b>38</b>	<b>40</b>	<b>46</b>	<b>45</b>	<b>46</b>	<b>48</b>	<b>49</b>	<b>46</b>	<b>50</b>	<b>55</b>	<b>56</b>	<b>51</b>	<b>45</b>	<b>44</b>	<b>46</b>
<b>PUBLIC % OCCUPANCIES</b>				<b>46%</b>	<b>43%</b>	<b>34%</b>	<b>36%</b>	<b>34%</b>	<b>31%</b>	<b>30%</b>	<b>34%</b>	<b>29%</b>	<b>21%</b>	<b>20%</b>	<b>27%</b>	<b>36%</b>	<b>37%</b>	<b>34%</b>



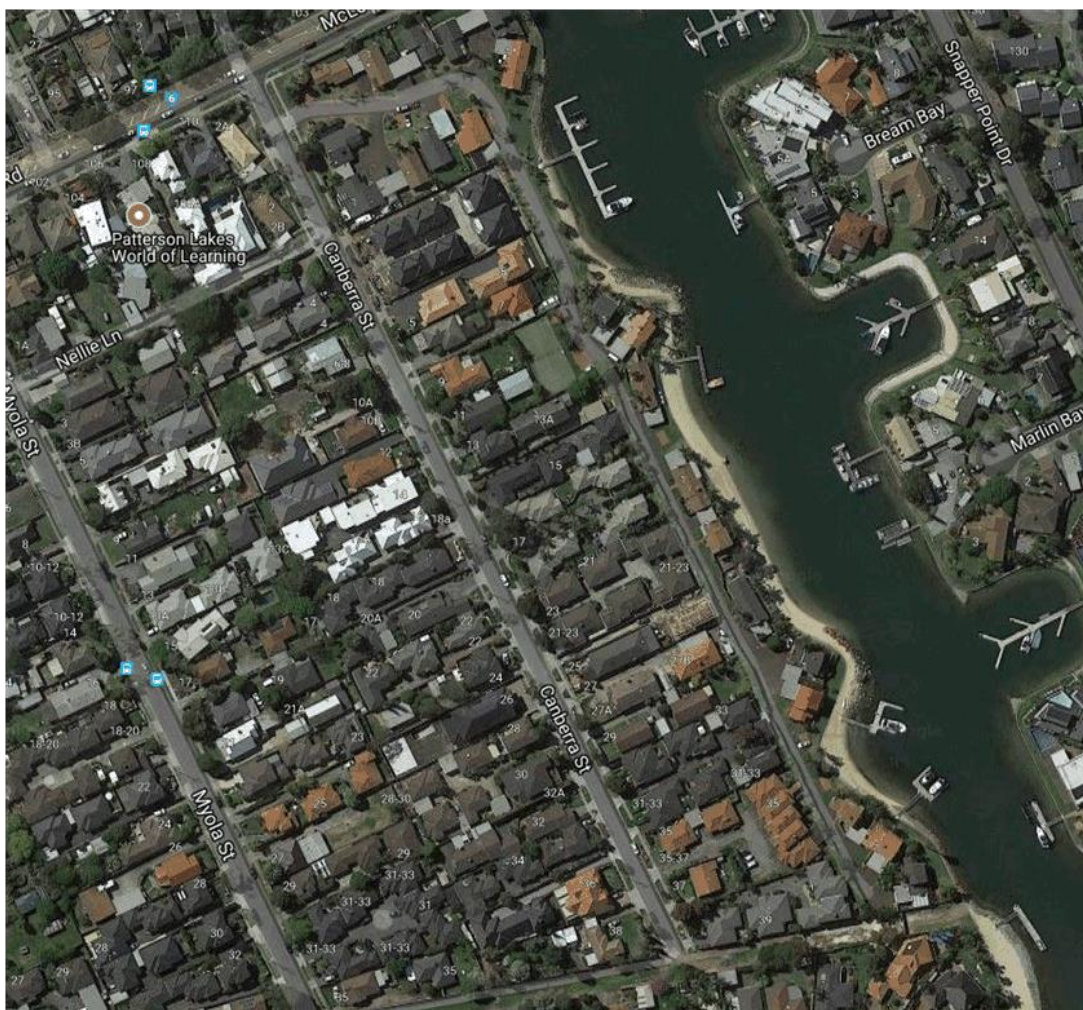
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## 2.3 Canberra St, Carrum

### 2.3.1 Location and context

The survey area is shown in Figure 7 below. An analysis of key attributes identified within the survey area is summarised in Table 5.

**Figure 7: Canberra Street, Carrum overview map**



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**Table 5: Summary of key attributes – Canberra Street, Carrum**

<b>Attribute:</b>	<b>Description:</b>	<b>Implication:</b>
<b>Proximity to land uses that are major transport demand generators</b> (eg activity centres, schools, hospitals, sporting facilities, foreshore beaches)	<ul style="list-style-type: none"> <li>Over 1km from Carrum Railway Station</li> <li>Over 1km from Carrum beach</li> <li>Approximately 1km from Carrum Activity Centre</li> <li>Approximately 150m from Roy Dore Reserve</li> <li>Approximately 400m from Patterson Lakes Marina</li> <li>Patterson Lakes World of Learning Childcare Centre is located on 106 McLeod Road</li> </ul>	There are no major transport generators within the immediate vicinity of this location. It is unlikely that on-street parking is being used for non-residential purposes.
<b>Street geometry</b> (eg width of road, width of nature strip, bends in road)	<ul style="list-style-type: none"> <li>Street is linear, and the surrounding street network is grid-based</li> <li>Footpaths provided on both side of street</li> <li>2m nature strips on both sides of street</li> <li>Carriageway is approximately 7m wide, which can accommodate two parked cars and one lane of traffic movement</li> <li>All properties have vehicle crossovers</li> </ul>	<p>The street geometry cannot accommodate two rows of parked cars alongside two lanes of moving traffic. If parallel parking is occupied on both sides of the street some negotiation between opposing vehicles is required.</p> <p>This is appropriate given the low speed and traffic volumes on this street, however adequate passing opportunities need to be maintained either by ensuring parking occupancy is somewhat lower than typically accepted desirable maximums, or by providing marked no stopping zones in combination with existing double driveways and intersections which also provide opportunities for passing.</p>
<b>Street function</b> (eg road hierarchy classification, traffic volumes)	<ul style="list-style-type: none"> <li>Local access street running north-south off an arterial road</li> <li>Street is a no through road</li> <li>Average weekday traffic volume is 497 vehicles per day</li> <li>Average traffic speed is 35km/h in a 50km/h zone</li> <li>The 85<sup>th</sup> percentile speed is 41.7km/h</li> </ul>	<p>Street accommodates low volumes of slow moving traffic for local access to homes.</p> <p>On street parking may be contributing to lower travel speeds and associated benefits to amenity and the safety and comfort of vulnerable street users.</p>
<b>Built environment</b> (eg approximate era of development, size of street blocks).	<ul style="list-style-type: none"> <li>Lot sizes vary from approximately 900sqm for an un-subdivided lot to units on subdivided lots of 200sqm.</li> <li>Lot sizes are predominately between 250 and 400sqm.</li> <li>The street has experienced housing change, with the majority of new development in the street being multi-unit development from the 1990s onwards.</li> <li>There are small number of detached dwellings from the 1960s and 1970s.</li> </ul>	<p>The area has been subject to significant housing change in recent times.</p> <p>Multi-unit development typically provides consolidated vehicle crossovers for multiple dwellings on a lot, minimizing the loss of kerbside space to additional vehicle crossovers.</p>

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<b>Attribute:</b>	<b>Description:</b>	<b>Implication:</b>
<b>Planning zone</b>	<ul style="list-style-type: none"> <li>Land is zoned GRZ3</li> </ul>	General residential zone is applied to areas where growth and housing diversity is anticipated. The zone sets a mandatory building height of 11m or four storeys, and allows for the development of detached houses, townhouses, units and apartments.
<b>Parking Area</b>	<ul style="list-style-type: none"> <li>This street and the surrounding area is not located within a 400m buffer of the Principal Public Transport Network.</li> </ul>	Standard 'Column A' parking rates apply to the street.
<b>Existing parking management regime</b> (eg presence of time restrictions).	<ul style="list-style-type: none"> <li>In response to community concern, parking restrictions have been applied to the northern portion of Canberra Street. A no stopping area applies from number 1 through to 5, between 9am-5pm Monday to Friday. A 3P restriction applies to the western side.</li> <li>These restrictions were introduced in an attempt to restrict parking by attendees of the World of Learning, construction vehicles and the residents of new units.</li> <li>A parking permit scheme does not apply to this area.</li> </ul>	<p>On-street parking related to new or existing development is therefore not regulated by Council.</p> <p>The application of a daytime parking restriction (length of time and no stopping restrictions) is likely limiting encroachment of car parking in this area from nearby demand generating land uses.</p> <p>The availability of free car storage provided on-street by the City may influence existing and future residents' car ownership and travel choices.</p>
<b>Car Ownership Rates</b>	<ul style="list-style-type: none"> <li>The average car ownership is 1.77 cars per dwelling.</li> </ul>	<p>This is slightly higher than the average car ownership rate of the Kingston LGA and Metropolitan Melbourne.</p> <p>The average rate of car ownership is 1.74 cars per household in both the Kingston LGA and Greater Melbourne.</p>
<b>Population Density</b>	<ul style="list-style-type: none"> <li>The population density of this street is 33.46 persons per hectare</li> </ul>	<p>The population density of the City of Kingston is 17.64 persons per hectare.</p> <p>Median population density of Melbourne is 33 persons per hectare.</p>
<b>Dwelling Density</b>	<ul style="list-style-type: none"> <li>The dwelling density of this street is 17.14 dwellings per hectare</li> </ul>	The dwelling density of the Kingston LGA is 6.99 dwellings per hectare.

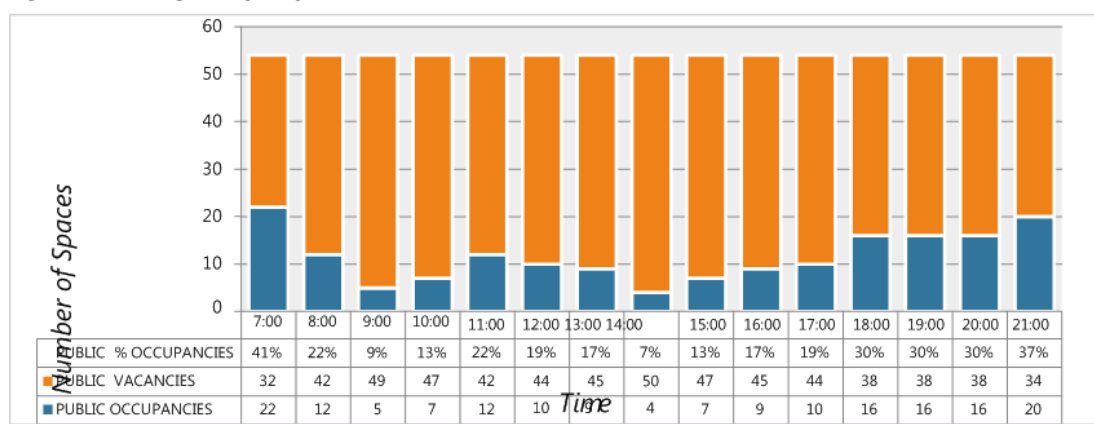
### 2.3.2 Occupancy results

The results of the occupancy survey are presented in Figure 8. The results show that the occupancy of on-street parking is generally low in this location. There is a total of 54 on-street car parking spaces on Canberra Street, and the maximum occupancy recorded was 22 public occupancies (40% occupancy) at 7:00 am. It is expected that data recorded at 7:00 am broadly captures most residents who live in the area and park on the street – i.e. occupancy would not be expected to be significantly higher overnight or prior to 7:00 am. The average occupancy across the day is 34% and the peak occupancy across the four highest hours is 18.61%.

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This level of parking occupancy should not have adverse impacts on the function, amenity or safety of the street. Despite the relatively narrow street carriageway that can only accommodate one-way traffic in situations where cars are parked on both sides of the street, there are likely to be ample passing opportunities along the street with current levels of parking occupancy. The presence of regular double driveways along the street will also provide passing opportunities. Current occupancy levels may raise convenience issues with local residents, and this may explain why car parking is perceived as an issue on this street. Notwithstanding, such parking occupancy levels likely have some traffic calming effect that contributes to the slow recorded travel speeds on this street.

**Figure 8: Parking Occupancy - Canberra Street, Carrum**





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**Table 6 Canberra Street Parking Occupancy**

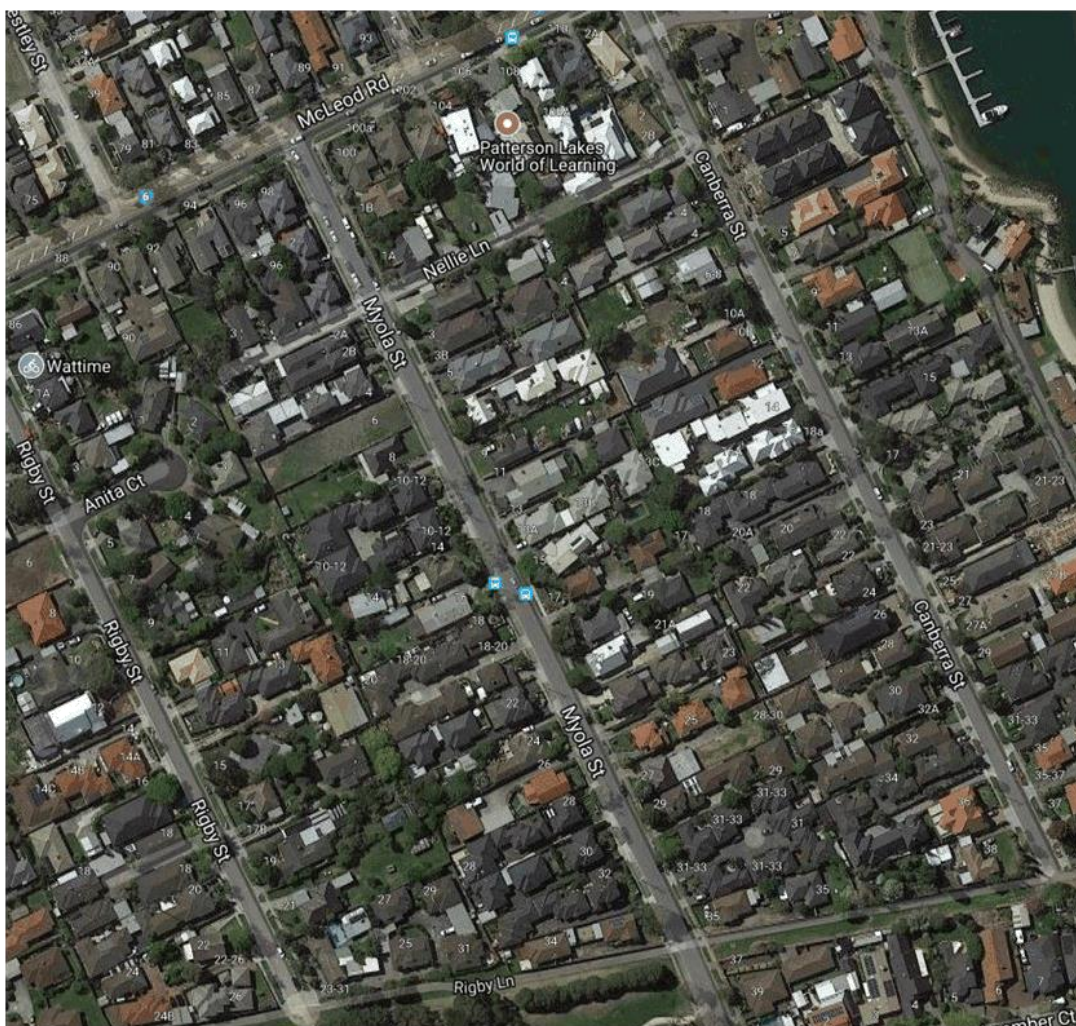
Street	Section	Side	Restriction	Clear Way	Capacity	Parking Occupancy														
						7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00
Canberra St	From Mcleod Rd To Nellie Lane	W	Unrestricted	No Stopping 7:30am-9:30am Mon-Fri	2	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
			3P 9am-5pm Mon-Fri		3	1	0	0	0	0	0	0	0	1	1	0	0	0	0	0
		E	Unrestricted	No Stopping 9am-5pm Mon-Fri	6	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0
	From Nellie Lane To No.9/No.10	W	3P 9am-5pm Mon-Fri		5	3	2	1	1	2	2	2	2	2	1	1	1	3	2	3
		E	Unrestricted	No Stopping 9am-5pm Mon-Fri	4	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
			Unrestricted		2	1	1	0	0	0	0	1	1	1	1	0	0	0	0	1
	From No.9/No.10 To Carrun Roy Dore Reserve	W	Unrestricted		13	9	3	1	3	5	4	2	1	2	4	5	8	7	7	8
			Unrestricted	No Stopping 11am-1pm Mon	1	1	0	0	0	0	0	0	0	0	0	0	1	1	1	1
			Unrestricted		1	1	1	0	0	1	1	1	0	0	0	1	1	1	1	1
		E	Unrestricted		17	6	5	3	3	4	3	2	0	1	2	3	4	3	4	5
<b>PUBLIC CAPACITY</b>						<b>54</b>	<b>54</b>	<b>54</b>	<b>54</b>	<b>54</b>	<b>54</b>	<b>54</b>	<b>54</b>	<b>54</b>	<b>54</b>	<b>54</b>	<b>54</b>	<b>54</b>	<b>54</b>	<b>54</b>
<b>PUBLIC OCCUPANCIES</b>						<b>22</b>	<b>12</b>	<b>5</b>	<b>7</b>	<b>12</b>	<b>10</b>	<b>9</b>	<b>4</b>	<b>7</b>	<b>9</b>	<b>10</b>	<b>16</b>	<b>16</b>	<b>16</b>	<b>20</b>
<b>PUBLIC VACANCIES</b>						<b>32</b>	<b>42</b>	<b>49</b>	<b>47</b>	<b>42</b>	<b>44</b>	<b>45</b>	<b>50</b>	<b>47</b>	<b>45</b>	<b>44</b>	<b>38</b>	<b>38</b>	<b>38</b>	<b>34</b>
<b>PUBLIC % OCCUPANCIES</b>						<b>41%</b>	<b>22%</b>	<b>9%</b>	<b>13%</b>	<b>22%</b>	<b>19%</b>	<b>17%</b>	<b>7%</b>	<b>13%</b>	<b>17%</b>	<b>19%</b>	<b>30%</b>	<b>30%</b>	<b>30%</b>	<b>37%</b>

## 2.4 Myola Street, Carrum

### 2.4.1 Location and context

The survey area is shown in Figure 9 below. An analysis of key attributes identified within the survey area is summarised in Table 7.

**Figure 9: Myola Street, Carrum overview map**





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**Table 7: Summary of key attributes – Myola Street, Carrum**

<b>Attribute:</b>	<b>Description:</b>	<b>Implication:</b>
<b>Proximity to land uses that are major transport demand generators</b> (eg activity centres, schools, hospitals, sporting facilities, foreshore beaches)	<ul style="list-style-type: none"> <li>Over 1km from Carrum Railway Station</li> <li>Over 1km from Carrum beach</li> <li>Approximately 1km from Carrum Activity Centre</li> <li>Adjacent to Roy Dore Reserve</li> <li>Approximately 400m from Patterson Lakes Marina</li> </ul>	There are no major transport generators within the immediate vicinity of this location. It is unlikely that on-street parking is being used for non-residential purposes.
<b>Street geometry</b> (eg width of road, width of nature strip, bends in road)	<ul style="list-style-type: none"> <li>Street is linear, and the surrounding street network is grid-based</li> <li>Footpaths provided on both side of street</li> <li>2m nature strips on both sides of street</li> <li>Carriageway is approximately 8m wide, which can accommodate two parked cars and one or two lanes of traffic movement depending on vehicle size</li> <li>All properties have vehicle crossovers</li> </ul>	<p>The street geometry can accommodate two rows of parked cars alongside two lanes of moving traffic at slow speeds, however large cars will generally need to negotiate for space with opposing vehicles if parallel parking is occupied on both sides of the street.</p> <p>This is generally appropriate given the low traffic volumes on this street, however some speed reduction would be desirable. Some passing opportunities need to be maintained either by ensuring parking occupancy is somewhat lower than typically accepted desirable maximums, or by providing marked no stopping zones.</p>
<b>Street function</b> (eg road hierarchy classification, traffic volumes)	<ul style="list-style-type: none"> <li>Collector road running north-south off an arterial road</li> <li>Street is a through road which runs south to Paterson Lakes.</li> <li>Average weekday traffic volume is 1,638 vehicles per day</li> <li>Average traffic speed is 45km/h in a 50km/h zone</li> <li>The 85<sup>th</sup> percentile speed is 52.8km/h</li> </ul>	Street accommodates relatively low traffic volumes travelling at moderate speeds throughout the immediate neighbourhood, and also provides access to local homes.
<b>Built environment</b> (eg approximate era of development, size of street blocks).	<ul style="list-style-type: none"> <li>Lot sizes vary from approximately 900sqm for an un-subdivided lot to units on subdivided lots of 190sqm.</li> <li>Lot sizes are predominately between 190 and 350sqm.</li> <li>The street has experienced housing change, with the majority of new development in the street being multi-unit development from the 1990s onwards.</li> <li>There are small number of detached dwellings from the 1960s and 1970s.</li> </ul>	<p>The area has been subject to significant housing change in recent times.</p> <p>Multi-unit development typically provides consolidated vehicle crossovers for multiple dwellings on a lot, minimizing the loss of kerbside space to additional vehicle crossovers.</p>
<b>Planning zone</b>	<ul style="list-style-type: none"> <li>Land is zoned GRZ3</li> </ul>	General residential zone is applied to areas where growth and housing diversity is anticipated. The zone sets a

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Attribute:	Description:	Implication:
		mandatory building height of 11m or four storeys, and allows for the development of detached houses, townhouses, units and apartments.
<b>Parking Area</b>	<ul style="list-style-type: none"> <li>This street and the surrounding area is not located within a 400m buffer of the Principal Public Transport Network.</li> </ul>	Standard 'Column A' parking rates apply to the street.
<b>Existing parking management regime</b> (eg presence of time restrictions).	<ul style="list-style-type: none"> <li>No on-street daytime or overnight parking restrictions presently apply.</li> <li>A parking permit scheme does not apply to this area.</li> </ul>	<p>On-street parking related to new or existing development is therefore not regulated by Council.</p> <p>The availability of free car storage provided on-street by the City may be influencing residents' car ownership and travel choices.</p>
<b>Car Ownership Rates</b>	<ul style="list-style-type: none"> <li>The average car ownership is 1.71 cars per dwelling.</li> </ul>	<p>This is slightly lower than the average car ownership rate of the Kingston LGA and Metropolitan Melbourne.</p> <p>The average rate of car ownership is 1.74 cars per household in both the Kingston LGA and Greater Melbourne.</p>
<b>Population Density</b>	<ul style="list-style-type: none"> <li>The population density of this street is 37.11 persons per hectare</li> </ul>	<p>The population density of the City of Kingston is 17.64 persons per hectare.</p> <p>Median population density of Melbourne is 33 persons per hectare.</p>
<b>Dwelling Density</b>	<ul style="list-style-type: none"> <li>The dwelling density of this street is 18.55 dwellings per hectare</li> </ul>	The dwelling density of the Kingston LGA is 6.99 dwellings per hectare.

## 2.4.2 Occupancy results

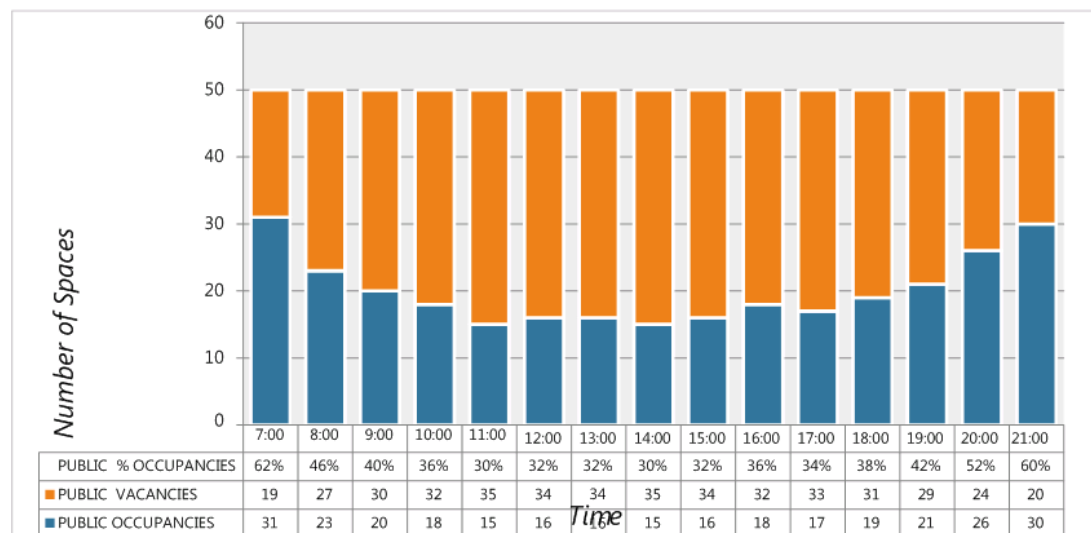
The results of the occupancy survey are presented in Figure 10. The results show that the occupancy of on-street parking is generally at moderate-low levels in this location. There are a total of 50 on-street car parking spaces on Myola Street, and the maximum occupancy recorded was 31 public occupancies (62% occupancy) at 7:00 am. It is expected that data recorded at 7:00 am broadly captures most residents who live in the area and park on the street – i.e. occupancy would not be expected to be significantly higher overnight or prior to 7:00 am. The average occupancy across the day is 40% and the peak occupancy across the four highest hours is 55%.

This level of parking occupancy should not have adverse impacts on the function, amenity or safety of the street. Despite the relatively narrow street carriageway that can only accommodate one-way traffic in situations where cars are parked on both sides of the street, there are likely to be ample passing opportunities along the street with current levels of parking occupancy. The presence of regular double driveways along the street will also provide passing opportunities. Current occupancy levels may raise convenience issues with local residents, and this may explain why car parking is perceived as an issue on this street. Higher parking

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occupancy levels likely have some traffic calming effect, however some additional measures including street tree planting may be necessary in this location to slightly reduce travel speed further.

**Figure 10: Parking Occupancy - Myola Street, Carrum**



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Table 8 Myola Street Parking Occupancy

Street	Section	Side	Capacity	Parking Occupancy														
				7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00
Myola St	From Mcleod Rd To Nellie Lane	W	4	3	3	4	4	4	4	4	4	3	3	2	1	2	3	3
		E	5	3	2	2	2	1	1	2	2	2	2	1	1	1	1	2
	From Nellie Lane To No.13/No.14	W	7	4	3	2	2	1	1	2	2	3	3	2	2	3	4	4
		E	9	5	4	4	4	3	3	2	2	2	3	3	2	1	3	5
	From No.9/No.10 To Carrun Roy Dore Reserve	W	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
			1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
			10	7	4	2	1	2	3	3	2	2	3	4	7	7	8	8
		E	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
			1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
			12	9	7	6	5	4	4	3	3	4	4	5	6	7	7	8
PUBLIC CAPACITY				50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
PUBLIC OCCUPANCIES				31	23	20	18	15	16	16	15	16	18	17	19	21	26	30
PUBLIC VACANCIES				19	27	30	32	35	34	34	35	34	32	33	31	29	24	20
PUBLIC % OCCUPANCIES				62%	46%	40%	36%	30%	32%	32%	30%	32%	36%	34%	38%	42%	52%	60%



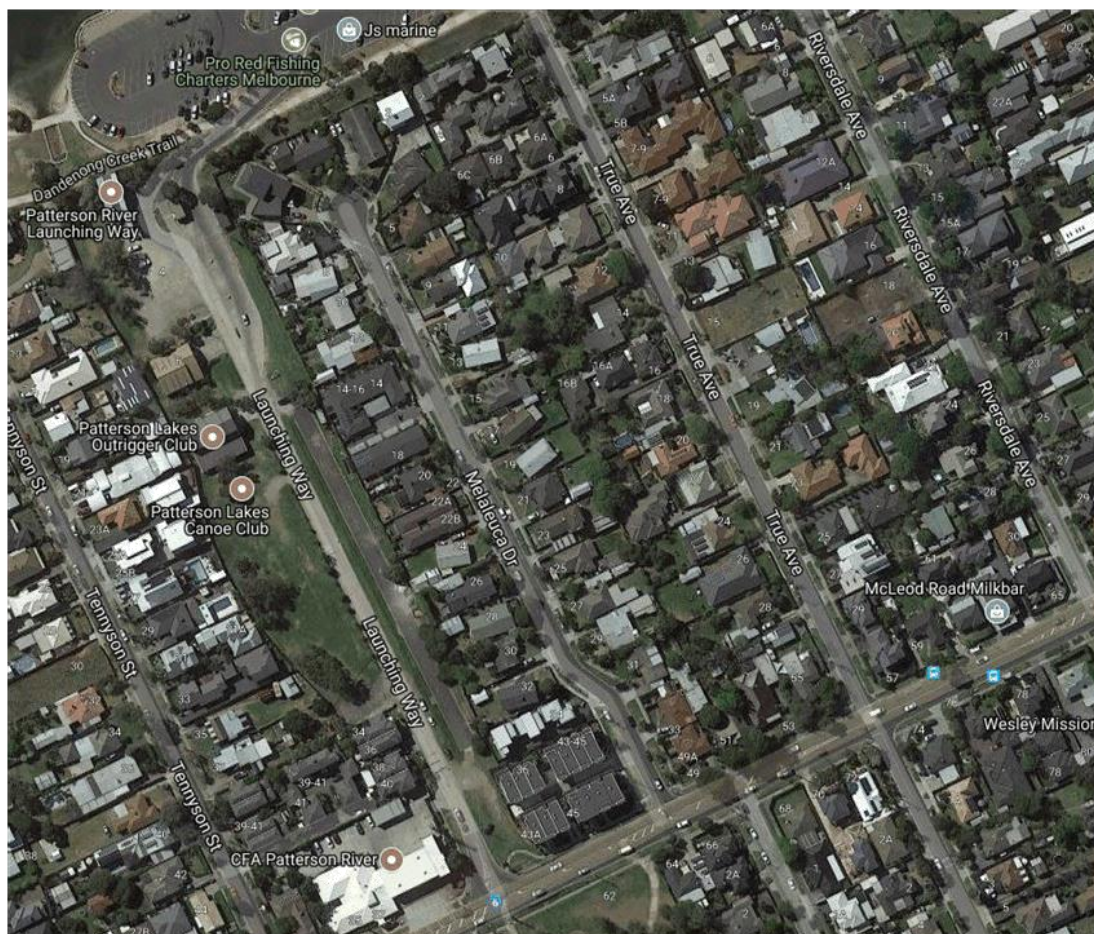
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## 2.5 Melaleuca Drive, Carrum

### 2.5.1 Location and context

The survey area is shown in Figure 11 below. An analysis of key attributes identified within the survey area is summarised in Table 9.

**Figure 11: Melaleuca Drive, Carrum overview map**



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**Table 9: Summary of key attributes – Melaleuca Drive, Carrum**

<b>Attribute:</b>	<b>Description:</b>	<b>Implication:</b>
<b>Proximity to land uses that are major transport demand generators</b> (eg activity centres, schools, hospitals, sporting facilities, foreshore beaches)	<ul style="list-style-type: none"> <li>Approximately 750m from Carrum Railway Station</li> <li>Approximately 1km from Carrum beach</li> <li>Approximately 600m from Carrum Activity Centre</li> <li>Approximately 400m from Patterson River and the Patterson River Boat Launching Ramp</li> <li>Street is parallel to Launching Way which leads to the Patterson River Boat Launching Ramp.</li> </ul>	There are no major transport generators within the immediate vicinity of this location. It is unlikely that on-street parking is being used for non-residential purposes.
<b>Street geometry</b> (eg width of road, width of nature strip, bends in road)	<ul style="list-style-type: none"> <li>Street is linear with a minor bend and the surrounding street network is grid-based</li> <li>Footpaths provided on both sides of street</li> <li>3m nature strips on both sides of street</li> <li>Road carriageway is approximately 7m wide, which can accommodate two parked cars and one lane of traffic movement</li> <li>All properties have vehicle crossovers</li> </ul>	<p>The street geometry cannot accommodate two rows of parked cars alongside two lanes of moving traffic. If parallel parking is occupied on both sides of the street some negotiation between opposing vehicles is required.</p> <p>This is appropriate given the low speed and traffic volumes on this street, however opportunities need to be maintained either by ensuring parking occupancy is somewhat lower than typically accepted desirable maximums, or by providing marked no stopping zones in combination with existing double driveways and intersections which also provide opportunities for passing.</p>
<b>Street function</b> (eg road hierarchy classification, traffic volumes)	<ul style="list-style-type: none"> <li>Local access street running north-south off an arterial road</li> <li>Street is a no through road</li> <li>Average weekday traffic volume is 263 vehicles per day</li> <li>Average traffic speed is 27km/h in a 50km/h zone</li> <li>The 85<sup>th</sup> percentile speed is 31.9km/h</li> </ul>	Street accommodates very low traffic volumes travelling at very low speeds for access to local homes.
<b>Built environment</b> (eg approximate era of development, size of street blocks).	<ul style="list-style-type: none"> <li>Lot sizes vary from approximately 550sqm for an un-subdivided lot to units on subdivided lots of between 90sqm and 300sqm.</li> <li>The street has experienced a moderate level of housing change, with most dwellings within the street being detached dwellings from the 1960s and 1970s.</li> <li>There are some examples of multi-unit development from the 1980s onwards.</li> </ul>	<p>The area has been subject to moderate housing change in recent times.</p> <p>Multi-unit development typically provides consolidated vehicle crossovers for multiple dwellings on a lot, minimising the loss of kerbside space to additional vehicle crossovers.</p>



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Attribute:	Description:	Implication:
	<ul style="list-style-type: none"> <li>A more recent 14 lot townhouse development is located on the corner of Melaleuca Drive and McLeod Road with lot sizes ranging from 77sqm to 100sqm.</li> </ul>	
<b>Planning zone</b>	<ul style="list-style-type: none"> <li>Majority of land is zoned GRZ3</li> <li>Recently developed townhouse development is zoned GRZ2.</li> </ul>	General residential zone is applied to areas where growth and housing diversity is anticipated. The zone sets a mandatory building height of 11m or four storeys, and allows for the development of detached houses, townhouses, units and apartments.
<b>Parking Area</b>	<ul style="list-style-type: none"> <li>This street and the surrounding area is not located within a 400m buffer of the Principal Public Transport Network.</li> </ul>	Standard 'Column A' parking rates apply to the street.
<b>Existing parking management regime</b> (eg presence of time restrictions).	<ul style="list-style-type: none"> <li>No stopping restrictions have been applied to the western side of the street from number 32 to number 38,</li> <li>No on-street daytime or overnight parking restrictions apply to the remainder of the street.</li> <li>A parking permit scheme does not apply to this area.</li> </ul>	<p>The application of no stopping restrictions seeks to address issues relating to drivers parking on both sides of the road close to the intersection with McLeod Road. Specifically residents of the recently constructed townhouse development.</p> <p>The availability of free car storage provided on-street by the City may be influencing residents' car ownership and travel choices.</p> <p>On-street parking related to new or existing development is therefore not regulated by Council.</p>
<b>Car Ownership Rates</b>	<ul style="list-style-type: none"> <li>The average car ownership is 1.66 cars per dwelling.</li> </ul>	<p>This is lower than the average car ownership rate of the Kingston LGA and Metropolitan Melbourne.</p> <p>The average rate of car ownership is 1.74 cars per household in both the Kingston LGA and Greater Melbourne.</p>
<b>Population Density</b>	<p>The population density of this street is 49.08</p> <ul style="list-style-type: none"> <li>persons per hectare</li> </ul>	<p>The population density of the City of Kingston is 17.64 persons per hectare.</p> <p>Median population density of Melbourne is 33 persons per hectare.</p>
<b>Dwelling Density</b>	<ul style="list-style-type: none"> <li>The dwelling density of this street is 23.44 dwellings per hectare</li> </ul>	The dwelling density of the Kingston LGA is 6.99 dwellings per hectare.

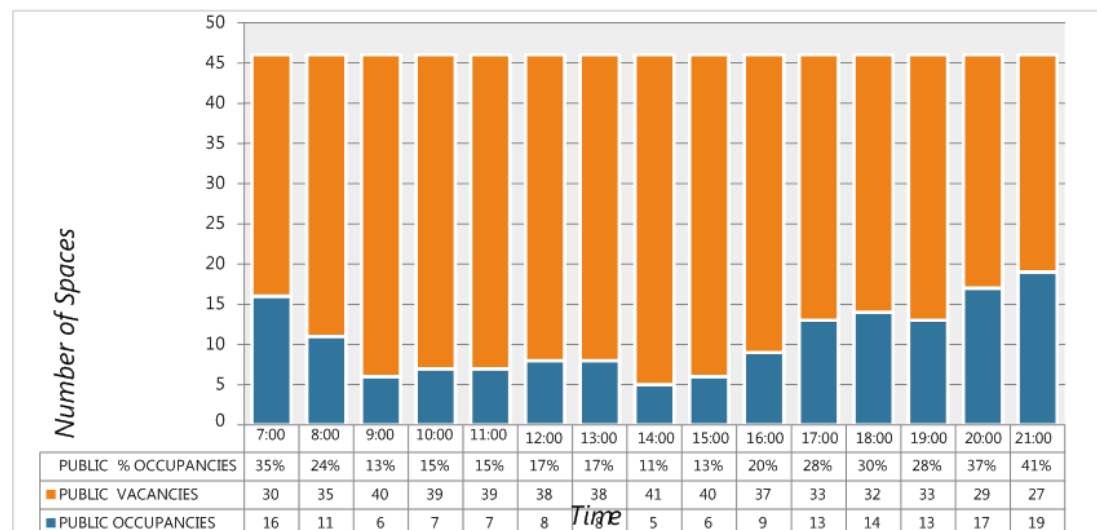
## 2.5.2 Occupancy results

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The results of the occupancy survey are presented in Figure 12. The results show that the occupancy of on-street parking is low in this location. There are a total of 46 on-street car parking spaces on Melaleuca Drive, and the maximum occupancy recorded was 19 public occupancies (41% occupancy) at 9:00 pm. It is expected that data recorded at 9:00 pm broadly captures most residents who live in the area and park on the street – i.e. occupancy would not be expected to be significantly higher overnight after 9:00 pm. The average occupancy across the day is 23% and the peak occupancy across the four highest hours is 35%.

This level of parking occupancy should not have adverse impacts on the function, amenity or safety of the street. Despite the relatively narrow street carriageway that can only accommodate one-way traffic in situations where cars are parked on both sides of the street, there are likely to be ample passing opportunities along the street with current levels of parking occupancy. The presence of regular double driveways along the street will also provide passing opportunities. Current occupancy levels may raise convenience issues with local residents, and this may explain why car parking is perceived as an issue on this street. Notwithstanding, such occupancy levels likely have some traffic calming effect which contributes to the very low speeds recorded in this street.

**Figure 12: Parking Occupancy - Melaleuca Drive, Carrum**



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Table 10 Melaleuca Drive Parking Occupancy

Street	Section	Side	Capacity	Parking Occupancy															
				7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	
Melaleuca Drive	From Mcleod Rd To No.20/No.19	E	12	6	5	4	4	4	3	3	2	2	3	4	4	5	6	6	
		W	14	2	2	1	1	0	0	1	0	0	1	2	2	2	3	4	
	From No.20/No.19 To End	E	9	3	2	0	0	0	1	1	0	0	1	2	3	2	3	4	
		W	11	5	2	1	2	3	4	3	3	4	4	5	5	4	5	5	
PUBLIC CAPACITY				46	46	46	46	46	46	46	46	46	46	46	46	46	46	46	
PUBLIC OCCUPANCIES				16	11	6	7	7	8	8	5	6	9	13	14	13	17	19	
PUBLIC VACANCIES				30	35	40	39	39	38	38	41	40	37	33	32	33	29	27	
PUBLIC % OCCUPANCIES				35%	24%	13%	15%	15%	17%	17%	11%	13%	20%	28%	30%	28%	37%	41%	

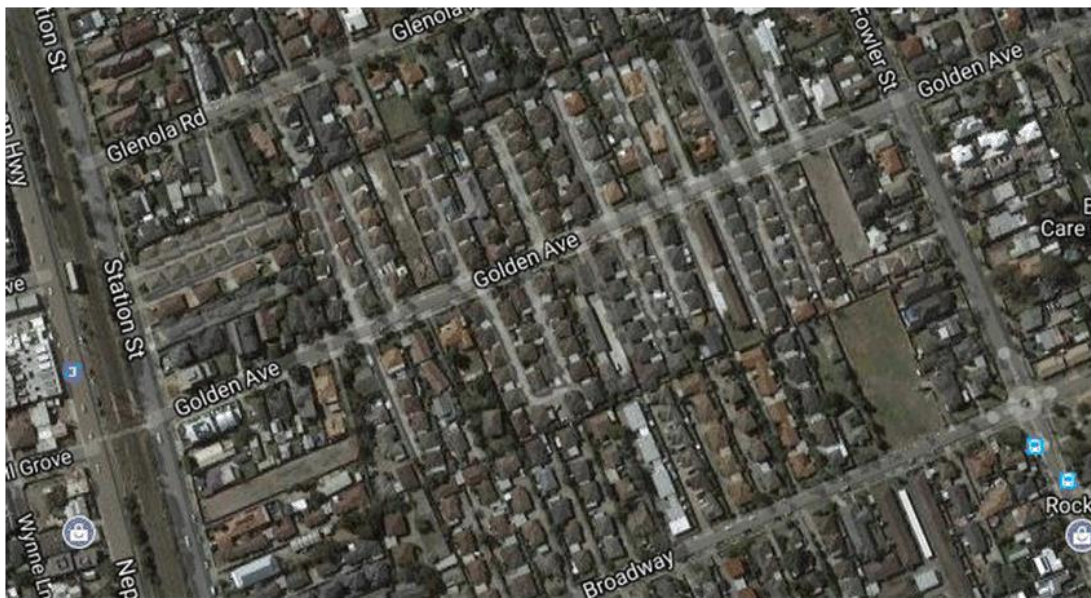
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Residential Areas Analysis

## 2.6 Golden Avenue, Chelsea

### 2.6.1 Location and context

The survey area is shown in Figure 13 below. An analysis of key attributes identified within the survey area is summarised in Table 11.

**Figure 13: Golden Avenue, Chelsea overview map**



**Table 11: Summary of key attributes – Golden Avenue, Chelsea**

Attribute:	Description:	Implication:
<b>Proximity to land uses that are major transport demand generators</b> (eg activity centres, schools, hospitals, sporting facilities, foreshore beaches)	<ul style="list-style-type: none"> <li>Approximately 750m from Bonbeach Railway Station</li> <li>Approximately 850m from Chelsea beach</li> <li>Approximately 650m from Chelsea Activity Centre</li> <li>Approximately 200m to Chelsea Primary School and 300m to St Joseph's Primary School</li> </ul>	There are no major transport generators within the immediate vicinity of this location. It is unlikely that on-street parking is being used for non-residential purposes
<b>Street geometry</b> (eg width of road, width of nature strip, bends in road)	<ul style="list-style-type: none"> <li>Street is linear and the surrounding street network is grid-based</li> <li>Footpaths provided on both sides of street</li> <li>3m nature strips on both sides of street</li> <li>Road carriageway is approximately 7m wide, which can accommodate two</li> </ul>	The street geometry cannot accommodate two rows of parked cars alongside two lanes of moving traffic. If parallel parking is occupied on both sides of the street some negotiation between opposing vehicles is required.

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<b>Attribute:</b>	<b>Description:</b>	<b>Implication:</b>
	<p>parked cars and one lane of traffic movement</p> <ul style="list-style-type: none"> <li>All properties have vehicle crossovers.</li> <li>Access to multi-unit sites is via consolidated vehicle crossovers, individual lots do not have separate vehicle crossovers.</li> </ul>	<p>This is appropriate given the low speed and traffic volumes on this street, however adequate passing opportunities need to be maintained either by ensuring parking occupancy is somewhat lower than typically accepted desirable maximums, or by providing marked no stopping zones in combination with existing double driveways and intersections which also provide opportunities for passing.</p>
<b>Street function</b> (eg road hierarchy classification, traffic volumes)	<ul style="list-style-type: none"> <li>Local access street running north-south off an arterial road</li> <li>Street is a through road running between Station Street and Fowler Street.</li> <li>Average weekday traffic volume is 557 vehicles per day</li> <li>Average traffic speed is 36km/h in a 50km/h zone</li> <li>The 85<sup>th</sup> percentile speed is 43.3km/h</li> </ul>	<p>Street accommodates low traffic volumes travelling at relatively low speeds for access to local homes.</p>
<b>Built environment</b> (eg approximate era of development, size of street blocks).	<ul style="list-style-type: none"> <li>Street is predominately multi-unit development from a range of eras from the 1970s through to more contemporary development.</li> <li>Some brick double storey 'six pack' style of development.</li> <li>Un-subdivided lots are generally larger than 1,500sqm but individual units on a lot are typically between 150sqm and 350sqm.</li> </ul>	<p>The area has been subject to moderate housing change in recent times.</p> <p>Multi-unit development typically provides consolidated vehicle crossovers for multiple dwellings on a lot, minimising the loss of kerbside space to additional vehicle crossovers.</p>
<b>Planning zone</b>	<ul style="list-style-type: none"> <li>Land is zoned GRZ3</li> </ul>	<p>General residential zone is applied to areas where growth and housing diversity is anticipated. The zone sets a mandatory building height of 11m or four storeys, and allows for the development of detached houses, townhouses, units and apartments.</p>
<b>Parking Area</b>	<ul style="list-style-type: none"> <li>This street and the surrounding area is not located within a 400m buffer of the Principal Public Transport Network.</li> </ul>	<p>Standard 'Column A' parking rates apply to the street.</p>
<b>Existing parking management regime</b> (eg presence of time restrictions).	<ul style="list-style-type: none"> <li>No on-street daytime or overnight parking restrictions apply to the street.</li> <li>A parking permit scheme does not apply to this area.</li> </ul>	<p>On-street parking related to new or existing development is therefore not regulated by Council.</p> <p>The availability of free car storage provided on-street by the City may be influencing residents' car ownership and travel choices.</p>



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<b>Attribute:</b>	<b>Description:</b>	<b>Implication:</b>
<b>Car Ownership Rates</b>	<ul style="list-style-type: none"> <li>The average car ownership is 1.20 cars per dwelling.</li> </ul>	<p>This is significantly lower than the average car ownership rate of the Kingston LGA and Metropolitan Melbourne.</p> <p>The average rate of car ownership is 1.74 cars per household in both the Kingston LGA and Greater Melbourne.</p>
<b>Population Density</b>	<ul style="list-style-type: none"> <li>The population density of this street is 42.53 persons per hectare</li> </ul>	<p>The population density of the City of Kingston is 17.64 persons per hectare.</p> <p>Median population density of Melbourne is 33 persons per hectare.</p>
<b>Dwelling Density</b>	<ul style="list-style-type: none"> <li>The dwelling density of this street is 24.34 dwellings per hectare</li> </ul>	<p>The dwelling density of the Kingston LGA is 6.99 dwellings per hectare.</p>

## 2.6.2 Occupancy results

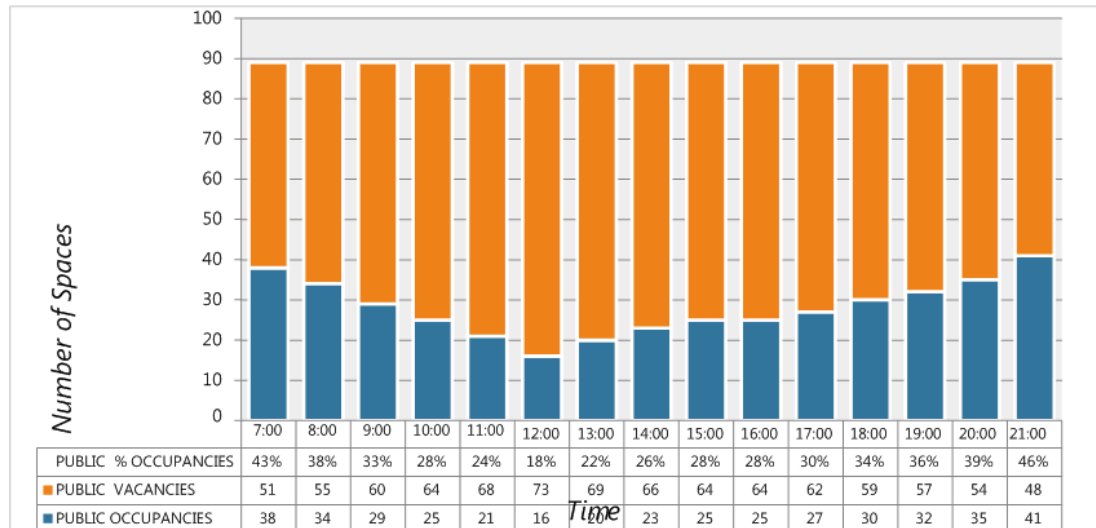
The results of the occupancy survey are presented in Figure 14. The results show that the occupancy of on-street parking is low in this location. There is a total of 89 on-street car parking spaces on Golden Avenue, and the maximum occupancy recorded was 41 public occupancies (46% occupancy) at 9:00 pm. It is expected that data recorded at 9:00 pm broadly captures most residents who live in the area and park on the street – i.e. occupancy would not be expected to be significantly higher overnight after 9:00 pm. The average occupancy across the day is 30% and the peak occupancy across the four highest hours is 41%.

This level of occupancy is not expected to have a negative impact on street function, amenity or safety in this location. Despite the relatively narrow street carriageway that can only accommodate one-way traffic in situations where cars are parked on both sides of the street, there are likely to be ample passing opportunities along the street with current levels of parking occupancy. The presence of regular double driveways along the street will also provide passing opportunities. Current occupancy levels may raise convenience issues with local residents, and this may explain why car parking is perceived as an issue on this street. Notwithstanding, such occupancy levels likely have some traffic calming effect which contributes to the lower speeds recorded in this street.



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**Figure 14: Parking Occupancy - Golden Avenue, Chelsea**



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Table 12 Golden Avenue Parking Occupancy

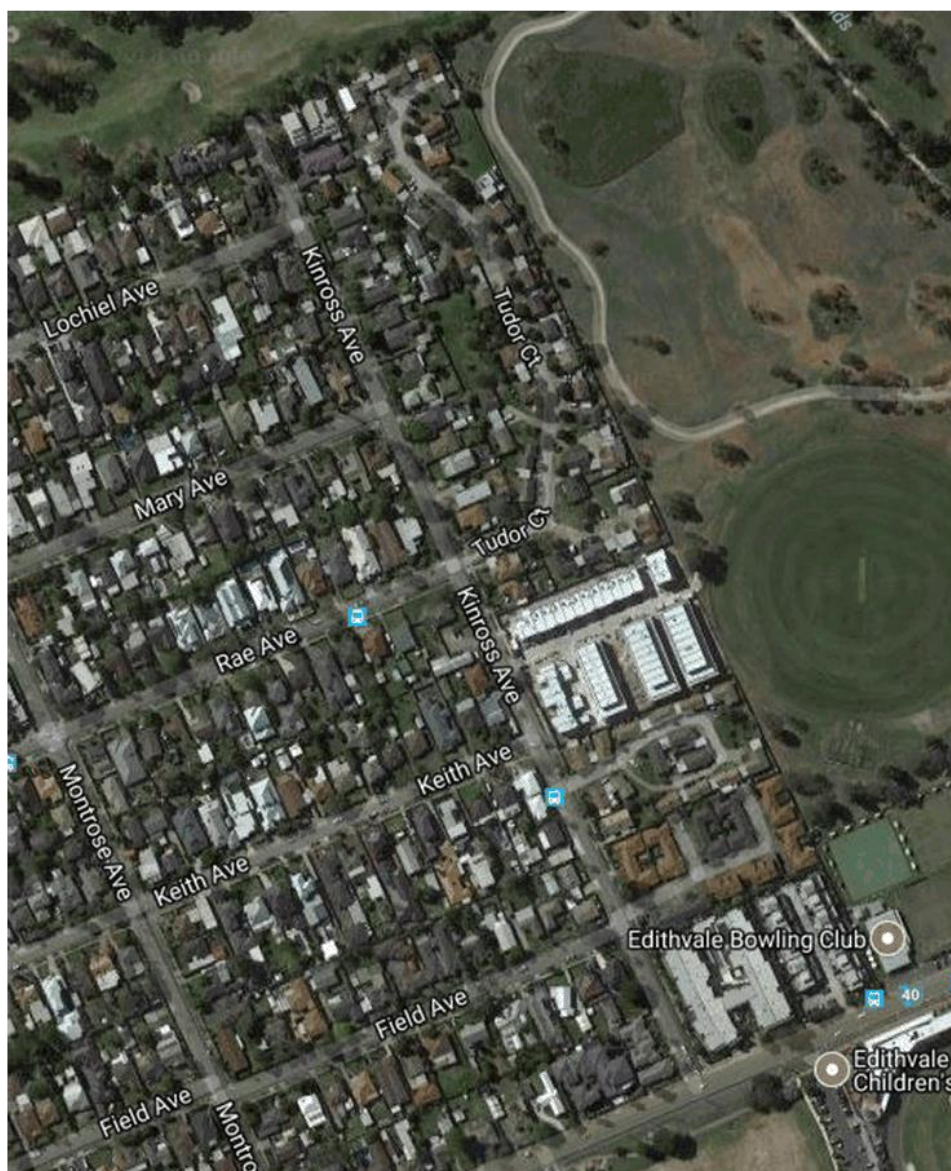
Street	Section	Side	Capacity	Parking Occupancy															
				7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	
Golden Ave	From Station St To No.10	S	7	5	5	6	6	5	2	3	4	4	4	5	5	5	5	6	
		N	11	6	6	5	4	4	3	5	7	9	8	7	6	6	5	6	
	From No.10 To Fowler St	S	35	13	11	9	8	5	3	4	5	6	7	8	11	11	12	14	
		N	36	14	12	9	7	7	8	8	7	6	6	7	8	10	13	15	
PUBLIC CAPACITY				89	89	89	89	89	89	89	89	89	89	89	89	89	89	89	
PUBLIC OCCUPANCIES				38	34	29	25	21	16	20	23	25	25	27	30	32	35	41	
PUBLIC VACANCIES				51	55	60	64	68	73	69	66	64	64	62	59	57	54	48	
PUBLIC % OCCUPANCIES				43%	38%	33%	28%	24%	18%	22%	26%	28%	28%	30%	34%	36%	39%	46%	

## 2.7 Kinross Avenue, Edithvale

### 2.7.1 Location and context

The survey area is shown in Figure 15 below. An analysis of key attributes identified within the survey area is summarised in Table 13.

**Figure 15: Kinross Avenue, Edithvale overview map**



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**Table 13: Summary of key attributes – Kinross Avenue, Edithvale**

<b>Attribute:</b>	<b>Description:</b>	<b>Implication:</b>
<b>Proximity to land uses that are major transport demand generators</b> (eg activity centres, schools, hospitals, sporting facilities, foreshore beaches)	<ul style="list-style-type: none"> <li>Approximately 750m from Edithvale Railway Station</li> <li>Over 1km from Edithvale beach</li> <li>Adjacent to Edithvale Bowling Club and Edithvale Recreation Reserve</li> <li>Edithvale Community Centre and Family and Children's centre is located on the opposite side of Edithvale Road.</li> <li>Approximately 500m from the Edithvale Wetlands</li> </ul>	There are no major transport generators within the immediate vicinity of this location. It is unlikely that on-street parking is being used for non-residential purposes.
<b>Street geometry</b> (eg width of road, width of nature strip, bends in road)	<ul style="list-style-type: none"> <li>Street is linear and the surrounding street network is grid-based</li> <li>Footpaths provided on both sides of street</li> <li>3m nature strips on both sides of street</li> <li>Road carriageway is approximately 7m wide, which can accommodate two parked cars and one lane of traffic movement</li> <li>All properties have vehicle crossovers</li> </ul>	<p>The street geometry cannot accommodate two rows of parked cars alongside two lanes of moving traffic. If parallel parking is occupied on both sides of the street some negotiation between opposing vehicles is required.</p> <p>This is generally appropriate given the relatively low traffic volumes on this street, however some minor reductions in vehicle speed would be desirable and adequate passing opportunities need to be maintained either by ensuring parking occupancy is somewhat lower than typically accepted desirable maximums, or by providing marked no stopping zones in combination with existing double driveways and intersections which also provide opportunities for passing.</p>
<b>Street function</b> (eg road hierarchy classification, traffic volumes)	<ul style="list-style-type: none"> <li>Local access street running north-south off an arterial road</li> <li>Street is a no through road running off Edithvale Road</li> <li>There are five local streets which intersect with Kinross Avenue</li> <li>Average weekday traffic volume is 1,741 vehicles per day</li> <li>Average traffic speed is 41km/h in a 50km/h zone</li> <li>The 85<sup>th</sup> percentile speed is 48.1km/h</li> </ul>	Street accommodates low traffic volumes travelling at relatively low speeds for access to local homes.
<b>Built environment</b> (eg approximate era of development, size of street blocks).	<ul style="list-style-type: none"> <li>Lot sizes vary from approximately 9,580 to 600sqm for an un-subdivided lot to units on subdivided lots of 180 to 300sqm.</li> <li>There are a mix of development styles ranging from 1960s and 1970s detached dwellings and multi-unit development from the 1980s onwards,</li> </ul>	<p>The area has been subject to moderate housing change in recent times.</p> <p>Multi-unit development typically provides consolidated vehicle crossovers for multiple dwellings on a lot, minimizing the loss of kerbside space to additional vehicle crossovers.</p>

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<b>Attribute:</b>	<b>Description:</b>	<b>Implication:</b>
	including a townhouse style development with approximately 44 dwellings.	
<b>Planning zone</b>	<ul style="list-style-type: none"> <li>Land is zoned GRZ3</li> </ul>	General residential zone is applied to areas where growth and housing diversity is anticipated. The zone sets a mandatory building height of 11m or four storeys, and allows for the development of detached houses, townhouses, units and apartments.
<b>Parking Area</b>	<ul style="list-style-type: none"> <li>Part of the street from Mary Ave south is within a 400m buffer of the Principal Public Transport Network. A bus service which forms part of the Principal Public Transport Network operates on Edithvale Road.</li> </ul>	Lots entirely or partly within 400m of the PPTN now have a reduced parking requirement ('Column B' rates now automatically apply to new development). This also waves the requirement to provide visitor car parking.
<b>Existing parking management regime</b> (eg presence of time restrictions).	<ul style="list-style-type: none"> <li>No stopping signs are applied to the eastern side of the road between Rae Avenue and Keith Avenue adjacent to the recently constructed townhouse development.</li> <li>No on-street daytime or overnight parking restrictions apply to the remainder of the street.</li> <li>A parking permit scheme does not apply to this area.</li> </ul>	<p>Application of no stopping signs adjacent to recent townhouse development may be encouraging residents to utilise on-site car parking for vehicle storage.</p> <p>On-street parking related to new or existing development is therefore not regulated by Council.</p> <p>The availability of free car storage provided on-street by the City may be influencing residents' car ownership and travel choices.</p>
Car Ownership Rates	<ul style="list-style-type: none"> <li>The average car ownership is 1.66 cars per dwelling.</li> </ul>	<p>This is slightly lower than the average car ownership rate of the Kingston LGA and Metropolitan Melbourne.</p> <p>The average rate of car ownership is 1.74 cars per household in both the Kingston LGA and Greater Melbourne.</p>
Population Density	<ul style="list-style-type: none"> <li>The population density of this street is 35.90 persons per hectare</li> </ul>	<p>The population density of the City of Kingston is 17.64 persons per hectare.</p> <p>Median population density of Melbourne is 33 persons per hectare.</p>
Dwelling Density	<ul style="list-style-type: none"> <li>The dwelling density of this street is 17.44 dwellings per hectare</li> </ul>	The dwelling density of the Kingston LGA is 6.99 dwellings per hectare.



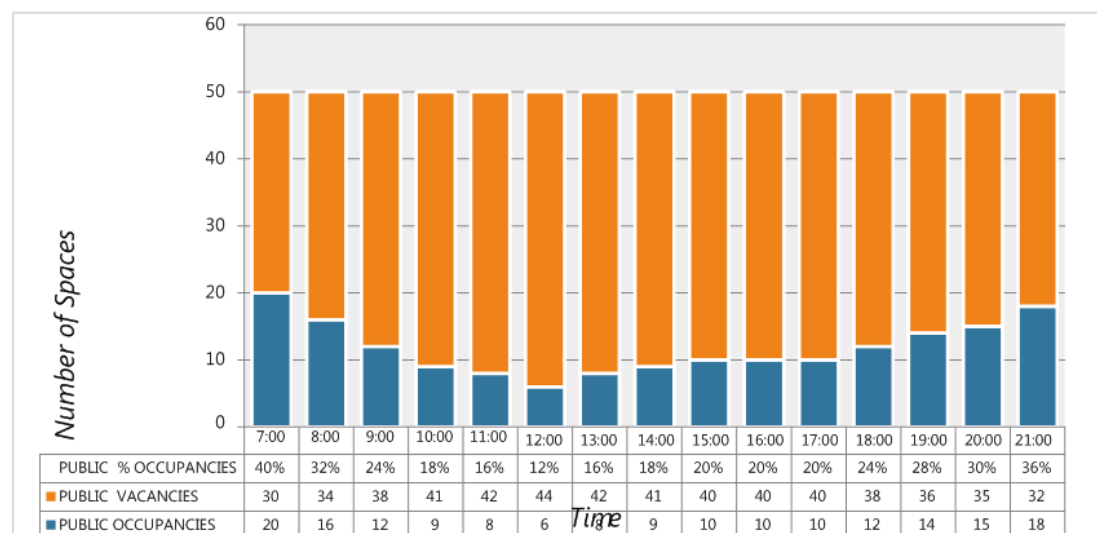
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## 2.7.2 Occupancy results

The results of the occupancy survey are presented in Figure 16. The results show that the occupancy of on-street parking is low in this location. There is a total of 50 on-street car parking spaces on Kinross Avenue, and the maximum occupancy recorded was 20 public occupancies (40% occupancy) at 7:00 am. It is expected that data recorded at 7:00 am broadly captures most residents who live in the area and park on the street – i.e. occupancy would not be expected to be significantly higher overnight or prior to 7:00 am. The average occupancy across the day is 23% and the peak occupancy across the four highest hours is 34%.

This level of parking occupancy should not have adverse impacts on the function, amenity or safety of the street. Despite the relatively narrow street carriageway that can only accommodate one-way traffic in situations where cars are parked on both sides of the street, there are likely to be ample passing opportunities along the street with current levels of parking occupancy. The presence of regular double driveways along the street will also provide passing opportunities. Current moderate on-street parking occupancy likely has some traffic calming effect that contributes to slower travel speeds, however some additional speed reduction elements (for example, street trees) would be welcome.

**Figure 16: Parking Occupancy - Kinross Avenue, Edithvale**





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**Table 14 Kinross Avenue Parking Occupancy**

Street	Section	Side	Capacity	Parking Occupancy															
				7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	
Kinross Ave	From Edithvale Rd To Field Ave	E	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
		W	6	1	1	1	1	2	2	2	1	1	1	1	1	1	1	1	
	From Field Ave To Keith Ave	E	9	2	1	1	1	1	0	0	1	1	1	0	0	1	1	1	
		W	6	1	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
			1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	From Keith Ave To Rae Ave	E	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
		W	12	12	10	8	7	5	4	5	5	6	6	7	9	11	12	12	
	From Rae Ave To Mary Ave	E	7	2	1	1	0	0	0	0	1	1	1	1	1	0	0	1	
		W	10	2	2	1	0	0	0	1	1	1	1	1	1	1	1	2	
PUBLIC CAPACITY				50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	
PUBLIC OCCUPANCIES				20	16	12	9	8	6	8	9	10	10	10	12	14	15	18	
PUBLIC VACANCIES				30	34	38	41	42	44	42	41	40	40	40	38	36	35	32	
PUBLIC % OCCUPANCIES				40%	32%	24%	18%	16%	12%	16%	18%	20%	20%	20%	24%	28%	30%	36%	

## 2.8 Woods Avenue, Mordialloc

### 2.8.1 Location and context

The survey area is shown in Figure 17 below. An analysis of key attributes identified within the survey area is summarised in Table 15.

**Figure 17: Woods Avenue, Mordialloc overview map**



**Table 15: Summary of key attributes – Woods Avenue, Mordialloc**

Attribute:	Description:	Implication:
<b>Proximity to land uses that are major transport demand generators</b> (eg activity centres, schools, hospitals, sporting facilities, foreshore beaches)	<ul style="list-style-type: none"> <li>Approximately 800m from Mordialloc Railway Station</li> <li>Approximately 800m from Mordialloc Activity Centre</li> <li>Over 1km from Mordialloc beach</li> <li>Adjacent to Ben Kavanagh Reserve</li> </ul>	There are no major transport generators within the immediate vicinity of this location. It is unlikely that on-street parking is being used for non-residential purposes
<b>Street geometry</b> (eg width of road, width of nature strip, bends in road)	<ul style="list-style-type: none"> <li>Street is linear and the surrounding street network is grid-based</li> <li>Footpaths provided on both sides of street</li> <li>3m nature strips on both sides of street</li> <li>Road carriageway is approximately 7m wide, which can accommodate two parked cars and one lane of traffic movement</li> <li>All properties have vehicle crossovers</li> </ul>	<p>The street geometry cannot accommodate two rows of parked cars alongside two lanes of moving traffic. If parallel parking is occupied on both sides of the street some negotiation between opposing vehicles is required.</p> <p>This is generally appropriate given the relatively low traffic volumes on this street, however some minor reductions in vehicle speed would be desirable and adequate passing opportunities need to</p>

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<b>Attribute:</b>	<b>Description:</b>	<b>Implication:</b>
		be maintained either by ensuring parking occupancy is somewhat lower than typically accepted desirable maximums, or by providing marked no stopping zones in combination with existing double driveways and intersections which also provide opportunities for passing.
<b>Street function</b> (eg road hierarchy classification, traffic volumes)	<ul style="list-style-type: none"> <li>Local access street running east-west off a connector road</li> <li>Street is a through road running off Chute Street</li> <li>Average weekday traffic volume is 265 vehicles per day</li> <li>Average traffic speed is 30km/h in a 50km/h zone</li> <li>The 85<sup>th</sup> percentile speed is 36.3km/h</li> </ul>	Street accommodates very low traffic volumes travelling at low speeds for access to local homes.
<b>Built environment</b> (eg approximate era of development, size of street blocks).	<ul style="list-style-type: none"> <li>Lot sizes vary from 1200sqm for an un-subdivided lot to units on subdivided lots of 200 to 300sqm.</li> <li>There are a mix of development styles ranging from 1960s and 1970s detached dwellings to multi-unit development from the 1990s onwards.</li> </ul>	<p>The area has been subject to moderate housing change in recent times.</p> <p>Multi-unit development typically provides consolidated vehicle crossovers for multiple dwellings on a lot, minimizing the loss of kerbside space to additional vehicle crossovers.</p>
<b>Planning zone</b>	<ul style="list-style-type: none"> <li>Land is zoned GRZ3</li> </ul>	General residential zone is applied to areas where growth and housing diversity is anticipated. The zone sets a mandatory building height of 11m or four storeys, and allows for the development of detached houses, townhouses, units and apartments.
<b>Parking Area</b>	<ul style="list-style-type: none"> <li>This street and the surrounding area is not located within a 400m buffer of the Principal Public Transport Network.</li> </ul>	Standard 'Column A' parking rates apply to the street.
<b>Existing parking management regime</b> (eg presence of time restrictions).	<ul style="list-style-type: none"> <li>No on-street daytime or overnight parking restrictions apply to the street.</li> <li>A parking permit scheme does not apply to this area.</li> </ul>	<p>On-street parking related to new or existing development is therefore not regulated by Council.</p> <p>The availability of free car storage provided on-street by the City may be influencing residents' car ownership and travel choices.</p>
Car Ownership Rates	<ul style="list-style-type: none"> <li>The average car ownership is 1.41 cars per dwelling.</li> </ul>	This is lower than the average car ownership rate of the Kingston LGA and Metropolitan Melbourne.

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Attribute:	Description:	Implication:
		The average rate of car ownership is 1.74 cars per household in both the Kingston LGA and Greater Melbourne.
Population Density	<ul style="list-style-type: none"> <li>The population density of this street is 40.04 persons per hectare</li> </ul>	<p>The population density of the City of Kingston is 17.64 persons per hectare.</p> <p>Median population density of Melbourne is 33 persons per hectare.</p>
Dwelling Density	<ul style="list-style-type: none"> <li>The dwelling density of this street is 23.69 dwellings per hectare</li> </ul>	The dwelling density of the Kingston LGA is 6.99 dwellings per hectare.

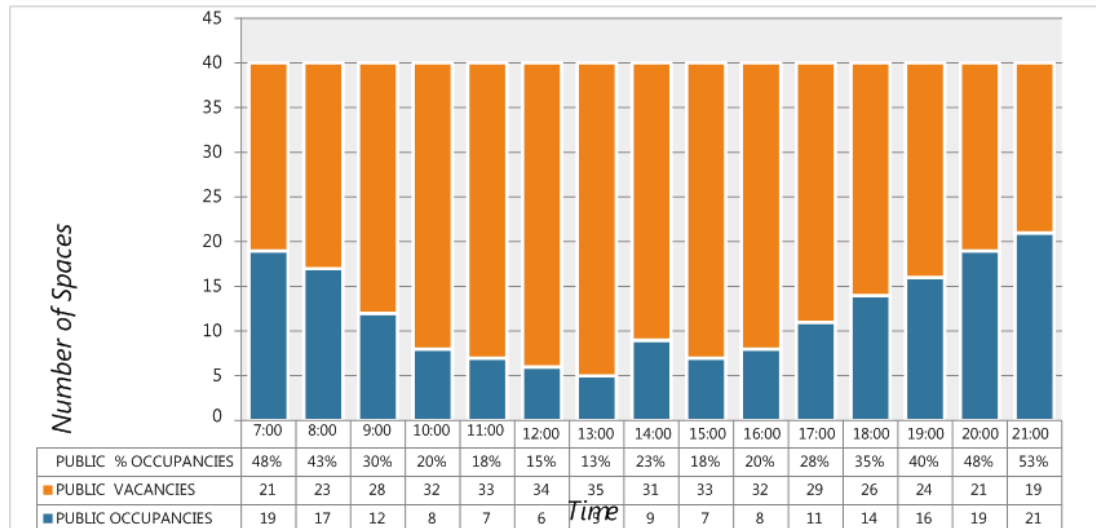
## 2.8.2 Occupancy results

The results of the occupancy survey are presented in Figure 18. The results show that the occupancy of on-street parking is relatively low in this location. There is a total of 40 on-street car parking spaces on Woods Avenue, and the maximum occupancy recorded was 21 public occupancies (52% occupancy) at 9:00 pm. It is expected that data recorded at 9:00 pm broadly captures most residents who live in the area and park on the street – i.e. occupancy would not be expected to be significantly higher overnight after 9:00 pm. The average occupancy across the day is 30% and the peak occupancy across the four highest hours is 47%.

This level of parking occupancy should not have adverse impacts on the function, amenity or safety of the street. Despite the relatively narrow street carriageway that can only accommodate one-way traffic in situations where cars are parked on both sides of the street, there are likely to be ample passing opportunities along the street with current levels of parking occupancy. The presence of regular double driveways along the street will also provide passing opportunities. Current occupancy levels are relatively high compared with the other streets studied and will likely raise convenience issues with local residents. Notwithstanding, such occupancy levels are expected to contribute to the low speeds recorded in this street.

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**Figure 18: Parking Occupancy - Woods Avenue, Mordialloc**



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Table 16 Woods Avenue Parking Occupancy

Street	Section	Side	Capacity	Parking Occupancy															
				7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	
Woods Ave	From Chute St To No.5/No.8	S	12	5	4	3	2	1	0	0	1	0	0	1	2	3	4	4	
		N	12	4	4	3	2	2	2	1	2	3	3	3	4	4	4	5	
	From No.5/No.8 To Edward St	S	8	4	4	3	2	2	1	1	2	2	2	3	2	3	4	5	
		N	8	6	5	3	2	2	3	3	4	2	3	4	6	6	7	7	
PUBLIC CAPACITY				40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
PUBLIC OCCUPANCIES				19	17	12	8	7	6	5	9	7	8	11	14	16	19	21	
PUBLIC VACANCIES				21	23	28	32	33	34	35	31	33	32	29	26	24	21	19	
PUBLIC % OCCUPANCIES				48%	43%	30%	20%	18%	15%	13%	23%	18%	20%	28%	35%	40%	48%	53%	

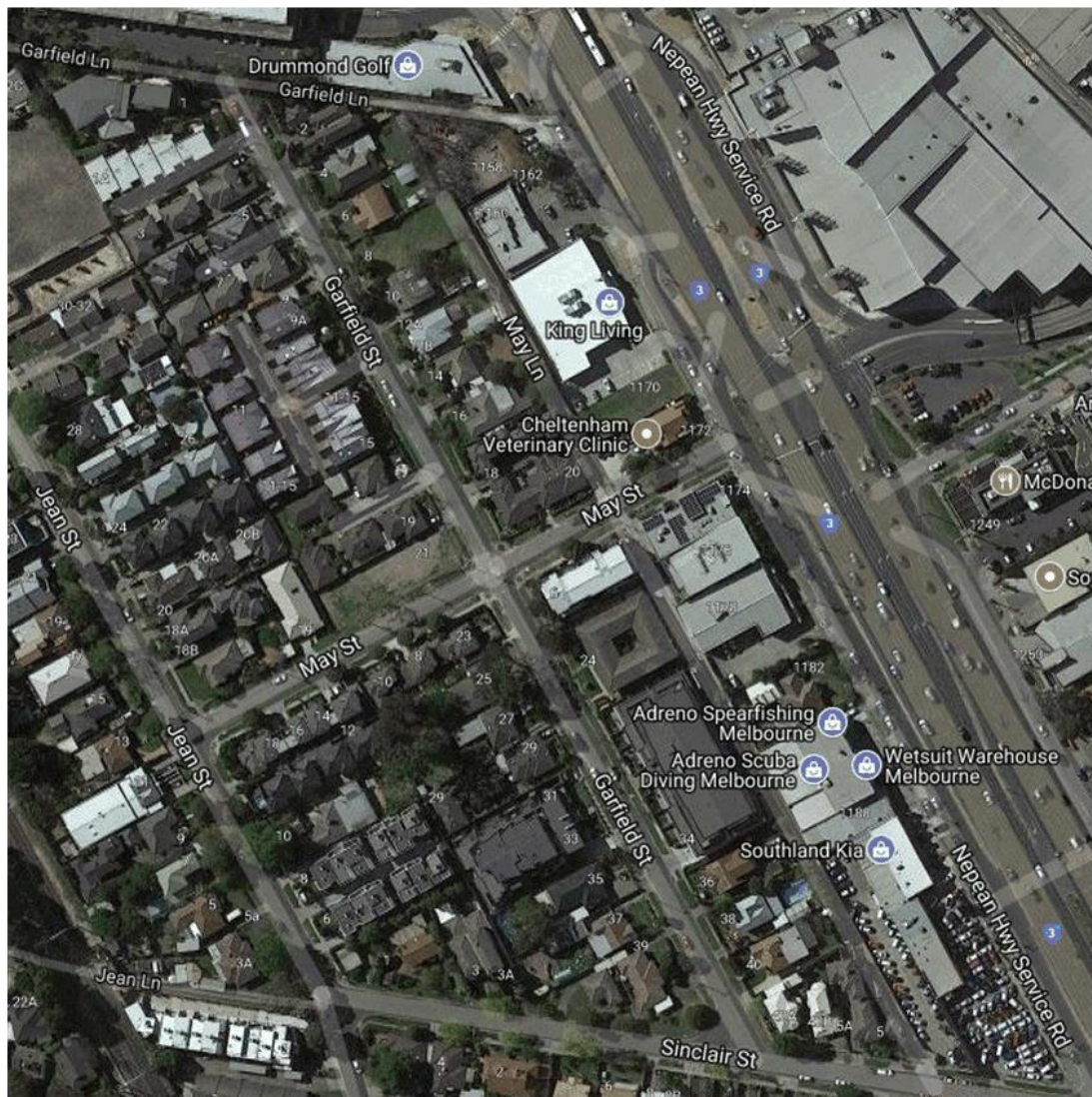


## 2.9 Garfield St, Cheltenham

### 2.9.1 Location and context

The survey area is shown in Figure 19 below. An analysis of key attributes identified within the survey area is summarised in Table 17.

**Figure 19: Garfield Street, Cheltenham overview map**



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**Table 17: Summary of key attributes – Garfield Street, Cheltenham**

<b>Attribute:</b>	<b>Description:</b>	<b>Implication:</b>
<b>Proximity to land uses that are major transport demand generators</b> (eg activity centres, schools, hospitals, sporting facilities, foreshore beaches)	<ul style="list-style-type: none"> <li>Approximately 400m from Southland Railway Station</li> <li>Approximately 700m from Cheltenham Activity Centre</li> <li>Approximately 200m from Southland Shopping Centre</li> <li>Approximately 1km to Cheltenham Railway Station</li> </ul>	Southland Shopping Centre is a major travel generator and is located nearby, albeit on the opposite side of the Nepean Highway. The parking demand profile suggests the street is not being significantly utilized for on-street parking for non-residential purposes.
<b>Street geometry</b> (eg width of road, width of nature strip, bends in road)	<ul style="list-style-type: none"> <li>Street is linear and the surrounding street network is grid-based</li> <li>Footpaths provided on both sides of street</li> <li>3m nature strips on both sides of street</li> <li>Road carriageway is approximately 7m wide, which can accommodate two parked cars and one lane of traffic movement</li> <li>All properties have vehicle crossovers</li> </ul>	<p>The street geometry cannot accommodate two rows of parked cars alongside two lanes of moving traffic. If parallel parking is occupied on both sides of the street some negotiation between opposing vehicles is required.</p> <p>This is generally appropriate given the relatively low traffic volumes on this street, however some minor reductions in vehicle speed would be desirable and adequate passing opportunities need to be maintained either by ensuring parking occupancy is somewhat lower than typically accepted desirable maximums, or by providing marked no stopping zones in combination with existing double driveways and intersections which also provide opportunities for passing.</p>
<b>Street function</b> (eg road hierarchy classification, traffic volumes)	<ul style="list-style-type: none"> <li>Local access street running north-south off a connector road</li> <li>Street is a no-through road running terminating at a laneway to the north</li> <li>Average weekday traffic volume is 308 vehicles per day</li> <li>Average traffic speed is 28km/h in a 50km/h zone</li> <li>The 85<sup>th</sup> percentile speed is 34.3km/h</li> </ul>	Street accommodates very low traffic volumes travelling at very low speeds for access to local homes.
<b>Built environment</b> (eg approximate era of development, size of street blocks).	<ul style="list-style-type: none"> <li>Lot sizes vary from 600sqm for an un-subdivided lot to units on subdivided lots of 140 to 300sqm.</li> <li>Multi-storey apartment developments are located on blocks greater than 2,000sqm.</li> <li>This area has undergone significant housing change with a mix of unit developments, including single storey detached units, semi-detached townhouse style dwellings, as well as</li> </ul>	<p>The area has been subject to substantial housing change in recent times.</p> <p>Multi-unit development typically provides consolidated vehicle crossovers for multiple dwellings on a lot, minimizing the loss of kerbside space to additional vehicle crossovers.</p>

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<b>Attribute:</b>	<b>Description:</b>	<b>Implication:</b>
	<p>more intensive multi-storey apartment developments.</p> <ul style="list-style-type: none"> <li>There are a mix of development styles ranging from 1960s and 1970s detached dwellings to multi-unit development from the 1990s onwards.</li> </ul>	
<b>Planning zone</b>	<ul style="list-style-type: none"> <li>Land is zoned GRZ3</li> </ul>	General residential zone is applied to areas where growth and housing diversity is anticipated. The zone sets a mandatory building height of 11m or four storeys, and allows for the development of detached houses, townhouses, units and apartments.
<b>Parking Area</b>	<ul style="list-style-type: none"> <li>The entire street and surrounds are within a 400m buffer of the Principal Public Transport Network. This is due to the presence of Southland Station and a bus service which operates on the Nepean Highway as part of the Principal Public Transport Network.</li> </ul>	Lots entirely or partly within 400m of the PPTN now have a reduced parking requirement ('Column B' rates now automatically apply to new development). This also waves the requirement to provide visitor car parking.
<b>Existing parking management regime</b> (eg presence of time restrictions).	<ul style="list-style-type: none"> <li>Garfield Street is subject to a 1P parking restriction Mon-Sat 9am-6pm.</li> <li>A parking permit scheme is applied to this area residents are entitled to 1 permit per dwelling, including units.</li> <li>No on-street overnight parking restrictions apply to the street.</li> </ul>	<p>Demand for parking during daytime or working hours in this area is well regulated by daytime parking restrictions, limiting encroachment from commuter or business car parking in residential streets.</p> <p>The absence of overnight parking restrictions in this area does not restrict non-permit holders from parking cars on the street overnight, including residents of new developments. The availability of free car storage provided unregulated overnight on-street car parking may be residents' car ownership and travel choices.</p>
Car Ownership Rates	<ul style="list-style-type: none"> <li>The average car ownership is 1.35 cars per dwelling.</li> </ul>	<p>This is significantly lower than the average car ownership rate of the Kingston LGA and Metropolitan Melbourne.</p> <p>The average rate of car ownership is 1.74 cars per household in both the Kingston LGA and Greater Melbourne.</p>
Population Density	<ul style="list-style-type: none"> <li>The population density of this street is 65.92 persons per hectare</li> </ul>	<p>The population density of the City of Kingston is 17.64 persons per hectare.</p> <p>Median population density of Melbourne is 33 persons per hectare.</p>



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Attribute:	Description:	Implication:
Dwelling Density	<ul style="list-style-type: none"> <li>The dwelling density of this street is dwellings 30.96 per hectare</li> </ul>	The dwelling density of the Kingston LGA is 6.99 dwellings per hectare.

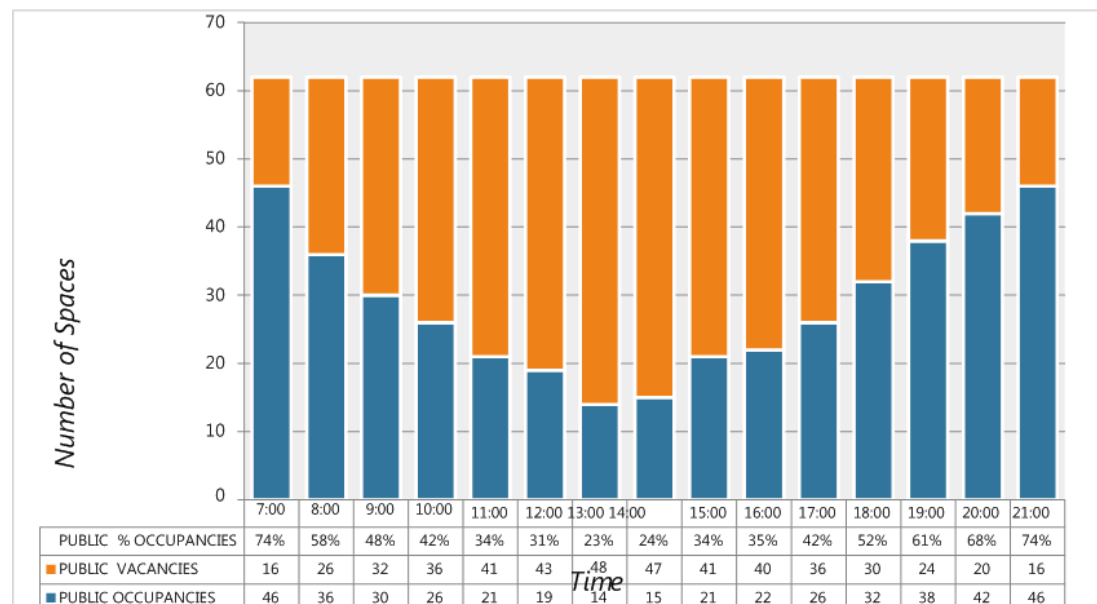
## 2.9.2 Occupancy results

The results of the occupancy survey are presented in Figure 20. The results show that the occupancy of on-street parking is moderate to high in this location. There is a total of 62 on-street car parking spaces on Garfield Street, and the maximum occupancy recorded was 46 public occupancies (74% occupancy) at 7:00 am and 9:00 pm. It is expected that data recorded at 7:00 am and 9:00 pm broadly captures most residents who live in the area and park on the street – i.e. occupancy would not be expected to be significantly higher overnight or early in the morning. The average occupancy across the day is 46% and the peak occupancy across the four highest hours is 69%.

This level of occupancy may be contributing to some genuine adverse impacts on the function, amenity or safety of the street. One impact may be inconvenience created by a difficulty negotiating passing opportunities when opposing vehicles travel along Garfield Street due to the streets narrow width. Given the low traffic volumes and short corridor length, however, this issue would not necessarily be particularly onerous. The presence of double driveways may also present passing opportunities for vehicles.

Notwithstanding, it is understandable that local residents would find this situation irritating. Providing some marked no-stopping zones to create clear passing opportunities would be of immediate benefit without forcing abrupt significant changes to local parking behaviour. More holistic approaches to parking management should be pursued (including time limits and resident parking permit policies).

**Figure 20: Parking Occupancy - Garfield Street, Cheltenham**



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 Residential Areas Analysis

**Table 18 Garfield Street Parking Occupancy**

Street	Section	Side	Capacity	Parking Occupancy														
				7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00
Garfield St	From Sinclair St To May St	E	18	13	10	9	8	7	5	3	3	5	4	6	8	10	11	12
		W	12	9	7	5	4	3	2	0	2	3	4	5	6	8	9	10
	From May St To End	E	17	12	10	9	9	8	8	8	5	7	9	8	9	10	11	12
	No Stopping 6:30am-7:30am Fri	W	15	12	9	7	5	3	4	3	5	6	5	7	9	10	11	12
<b>PUBLIC CAPACITY</b>				<b>62</b>	<b>62</b>	<b>62</b>	<b>62</b>	<b>62</b>	<b>62</b>	<b>62</b>	<b>62</b>	<b>62</b>	<b>62</b>	<b>62</b>	<b>62</b>	<b>62</b>	<b>62</b>	<b>62</b>
<b>PUBLIC OCCUPANCIES</b>				<b>46</b>	<b>36</b>	<b>30</b>	<b>26</b>	<b>21</b>	<b>19</b>	<b>14</b>	<b>15</b>	<b>21</b>	<b>22</b>	<b>26</b>	<b>32</b>	<b>38</b>	<b>42</b>	<b>46</b>
<b>PUBLIC VACANCIES</b>				<b>16</b>	<b>26</b>	<b>32</b>	<b>36</b>	<b>41</b>	<b>43</b>	<b>48</b>	<b>47</b>	<b>41</b>	<b>40</b>	<b>36</b>	<b>30</b>	<b>24</b>	<b>20</b>	<b>16</b>
<b>PUBLIC % OCCUPANCIES</b>				<b>74%</b>	<b>58%</b>	<b>48%</b>	<b>42%</b>	<b>34%</b>	<b>31%</b>	<b>23%</b>	<b>24%</b>	<b>34%</b>	<b>35%</b>	<b>42%</b>	<b>52%</b>	<b>61%</b>	<b>68%</b>	<b>74%</b>

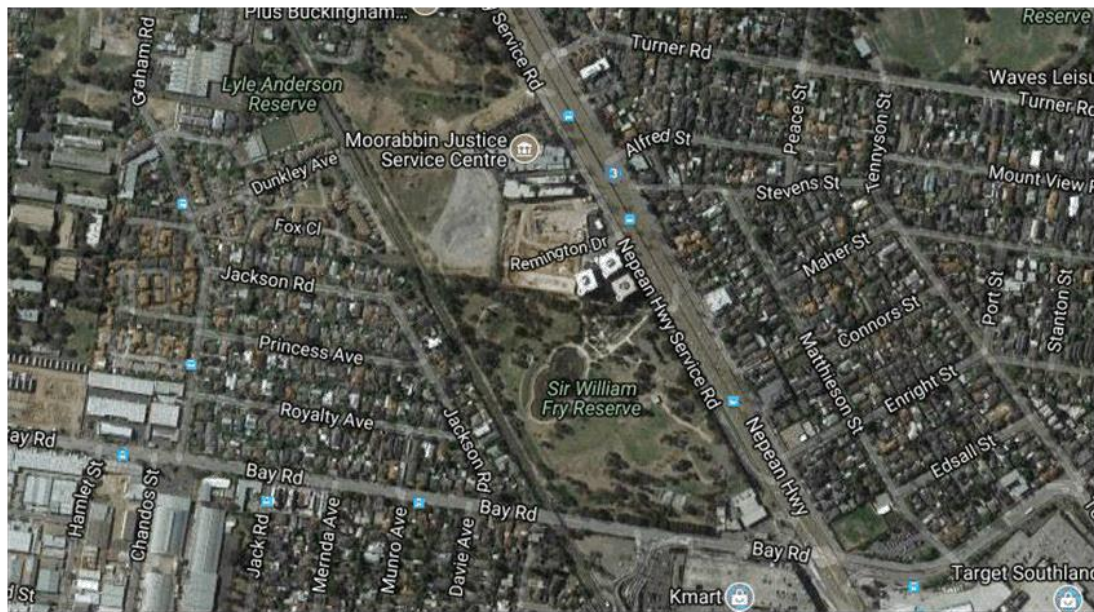
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## 2.10 Nepean Highway Service Road, Highett

### 2.10.1 Location and context

The survey area is shown in Figure 21 below. An analysis of key attributes identified within the survey area is summarised in Table 19.

**Figure 21: Nepean Highway Service Road, Highett overview map**



**Table 19: Summary of key attributes – Nepean Highway Service Road, Highett**

Attribute:	Description:	Implication:
<b>Proximity to land uses that are major transport demand generators</b> (eg activity centres, schools, hospitals, sporting facilities, foreshore beaches)	<ul style="list-style-type: none"> <li>Approximately 400m from Southland Railway Station</li> <li>Approximately 700m from Cheltenham Activity Centre</li> <li>Approximately 200m from Southland Shopping Centre</li> <li>Approximately 1km to Cheltenham Railway Station</li> </ul>	There are major transport generators within the immediate vicinity of this location. It is likely that much of the daytime occupancy of car parks in this location can be attributed to the presence of the park, commercial buildings and the Moorabbin Justice Service Centre. This location is also within close proximity to Southland Shopping Centre. The recent introduction of paid parking at Southland Shopping Centre may have pushed drivers to park in the surrounding street network.
<b>Street geometry</b>	<ul style="list-style-type: none"> <li>Service road on either side of the Nepean Highway, each service road is</li> </ul>	



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<b>Attribute:</b>	<b>Description:</b>	<b>Implication:</b>
(eg width of road, width of nature strip, bends in road)	<p>approximately 8m wide and accommodates one lane of parallel parking and one traffic lane</p> <ul style="list-style-type: none"> <li>There may be capacity for a second lane of parallel parking</li> </ul>	
<b>Street function</b> (eg road hierarchy classification, traffic volumes)	<ul style="list-style-type: none"> <li>Service road parallel to an arterial road running north-south</li> <li>Provides local access to dwellings and land uses located on the Nepean Highway</li> <li>Average weekday traffic volume is 1,045 vehicles per day</li> <li>Average traffic speed is 31km/h in a 50km/h zone</li> <li>The 85<sup>th</sup> percentile speed is 40.1km/h</li> </ul>	Street accommodates low traffic volumes travelling at low speeds for access to local homes and business.
<b>Built environment</b> (eg approximate era of development, size of street blocks).	<ul style="list-style-type: none"> <li>Lot sizes vary from 600sqm for an un-subdivided lot to units on subdivided lots of 140 to 300sqm.</li> <li>Multi-storey apartment developments are located on blocks greater than 2,000sqm.</li> <li>This area has undergone significant housing change with a mix of unit developments, including single storey detached units, semi-detached townhouse style dwellings, as well as more intensive multi-storey apartment developments.</li> <li>There are a mix of development styles ranging from 1960s and 1970s detached dwellings to multi-unit development from the 1990s onwards.</li> </ul>	<p>The area has been subject to moderate housing change in recent times.</p> <p>Multi-unit development typically provides consolidated vehicle crossovers for multiple dwellings on a lot, minimizing the loss of kerbside space to additional vehicle crossovers.</p>
<b>Planning zone</b>	<ul style="list-style-type: none"> <li>Land is zoned GRZ3</li> </ul>	General residential zone is applied to areas where growth and housing diversity is anticipated. The zone sets a mandatory building height of 11m or four storeys, and allows for the development of detached houses, townhouses, units and apartments.
<b>Parking Area</b>	<ul style="list-style-type: none"> <li>This street and the surrounding area is not located within a 400m buffer of the Principal Public Transport Network.</li> </ul>	Standard 'Column A' parking rates apply to the street.
<b>Existing parking management regime</b> (eg presence of time restrictions).	<ul style="list-style-type: none"> <li>No on-street daytime or overnight parking restrictions apply to the street.</li> <li>A parking permit scheme does not apply to this area.</li> </ul>	No on-street parking restrictions nor a resident parking permit scheme apply to this street.

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Attribute:	Description:	Implication:
		On-street parking related to new or existing development is therefore not regulated by Council.  The availability of free car storage provided on-street by the City may be influencing residents' car ownership and travel choices.
Car Ownership Rates	<ul style="list-style-type: none"> <li>The average car ownership is 1.42 cars per dwelling.</li> </ul>	<p>This is lower than the average car ownership rate of the Kingston LGA and Metropolitan Melbourne.</p> <p>The average rate of car ownership is 1.74 cars per household in both the Kingston LGA and Greater Melbourne.</p>
Population Density	<ul style="list-style-type: none"> <li>The population density of this street is 29.56 persons per hectare</li> </ul>	<p>The population density of the City of Kingston is 17.64 persons per hectare.</p> <p>Median population density of Melbourne is 33 persons per hectare.</p>
Dwelling Density	<ul style="list-style-type: none"> <li>The dwelling density of this street is 17.51 dwellings per hectare</li> </ul>	The dwelling density of the Kingston LGA is 6.99 dwellings per hectare.

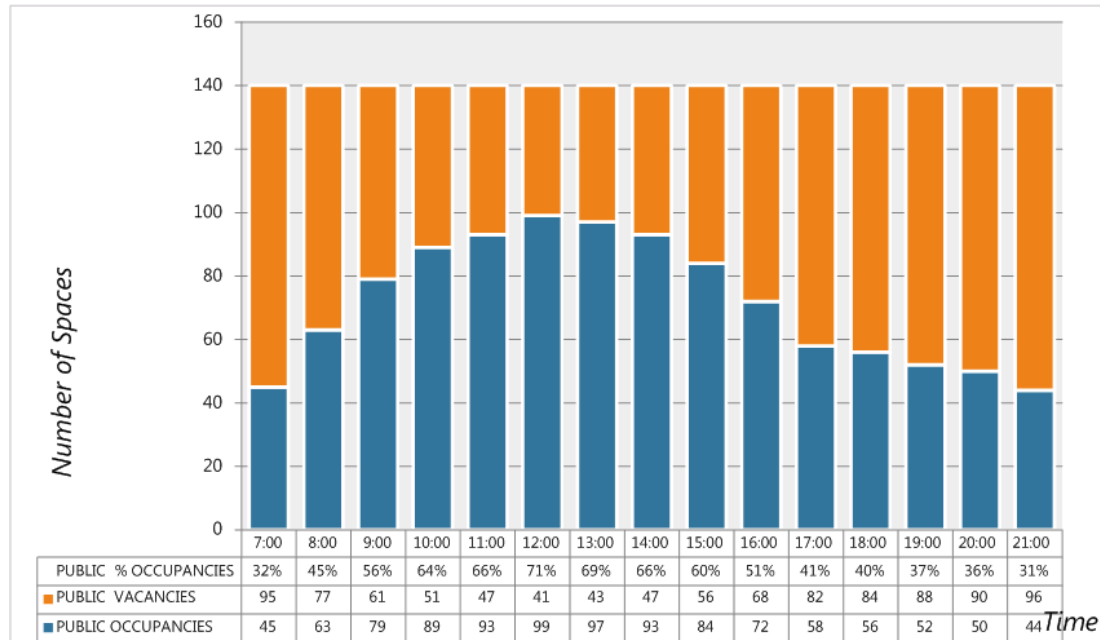
## 2.10.2 Occupancy results

The results of the occupancy survey are presented in Figure 22. The results show that the occupancy of on-street parking is low-moderate in this location. There is a total of 140 on-street car parking spaces on the Nepean Highway Service Road, and the maximum occupancy recorded was 99 public occupancies (70% occupancy) at 12:00 noon. This suggests that peak occupancy is associated with demand from surrounding non-residential demand generators, including commercial, retail and recreational land uses.

The occupancy profile for the Nepean Highway Service Road contrasts with the typical profiles of the other streets surveyed for this study – i.e. where occupancy is highest at the start of the day and lowest in the middle of the day. Occupancy at 7:00 am, which typically represents residential parking demand, is 45 (32% occupancy). The average occupancy across the day is 51% and the peak occupancy across the four highest hours is 68%. These occupancy levels are not particularly high and are not expected to be causing any significant accessibility issues for local residents. Council could pursue time limits in conjunction with resident parking permits to maintain accessibility for existing residents into the future, however this must be consistent with the broader municipal parking Strategy currently being developed and must not provide new residential development access to free or subsidised on-street parking or vehicle storage.

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**Figure 22: Parking Occupancy - Nepean Highway Service Road, Highett**



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Table 20 Nepean Highway Service Road Parking Occupancy

Street	Section	Side	Capacity	Parking Occupancy														
				7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00
Nepean Hwy Service Rd (W)	From 1152B Slip Lane To 1144 Slip Lane	E	29	4	10	15	19	21	24	26	26	20	16	10	6	3	1	0
		W	34	12	20	28	30	33	34	32	30	28	23	20	18	15	13	11
	From 1144 Slip Lane To Remington Dr	E	14	0	0	0	1	2	2	1	0	1	2	1	0	0	0	0
		W	17	15	16	17	17	16	17	17	17	16	15	13	16	17	17	16
	From Remington Dr To Exit 1140	E	24	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0
		W	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
	WZ 7am-5pm Mon-Fri; 8am-1pm Sat		2	0	0	0	1	0	1	1	0	0	0	0	1	1	2	1
			16	10	13	15	16	16	16	16	16	15	12	10	11	12	13	12
<b>PUBLIC CAPACITY</b>				<b>140</b>	<b>140</b>	<b>140</b>	<b>140</b>	<b>140</b>	<b>140</b>	<b>140</b>	<b>140</b>	<b>140</b>	<b>140</b>	<b>140</b>	<b>140</b>	<b>140</b>	<b>140</b>	<b>140</b>
<b>PUBLIC OCCUPANCIES</b>				<b>45</b>	<b>63</b>	<b>79</b>	<b>89</b>	<b>93</b>	<b>99</b>	<b>97</b>	<b>93</b>	<b>84</b>	<b>72</b>	<b>58</b>	<b>56</b>	<b>52</b>	<b>50</b>	<b>44</b>
<b>PUBLIC VACANCIES</b>				<b>95</b>	<b>77</b>	<b>61</b>	<b>51</b>	<b>47</b>	<b>41</b>	<b>43</b>	<b>47</b>	<b>56</b>	<b>68</b>	<b>82</b>	<b>84</b>	<b>88</b>	<b>90</b>	<b>96</b>
<b>PUBLIC % OCCUPANCIES</b>				<b>32%</b>	<b>45%</b>	<b>56%</b>	<b>64%</b>	<b>66%</b>	<b>71%</b>	<b>69%</b>	<b>66%</b>	<b>60%</b>	<b>51%</b>	<b>41%</b>	<b>40%</b>	<b>37%</b>	<b>36%</b>	<b>31%</b>

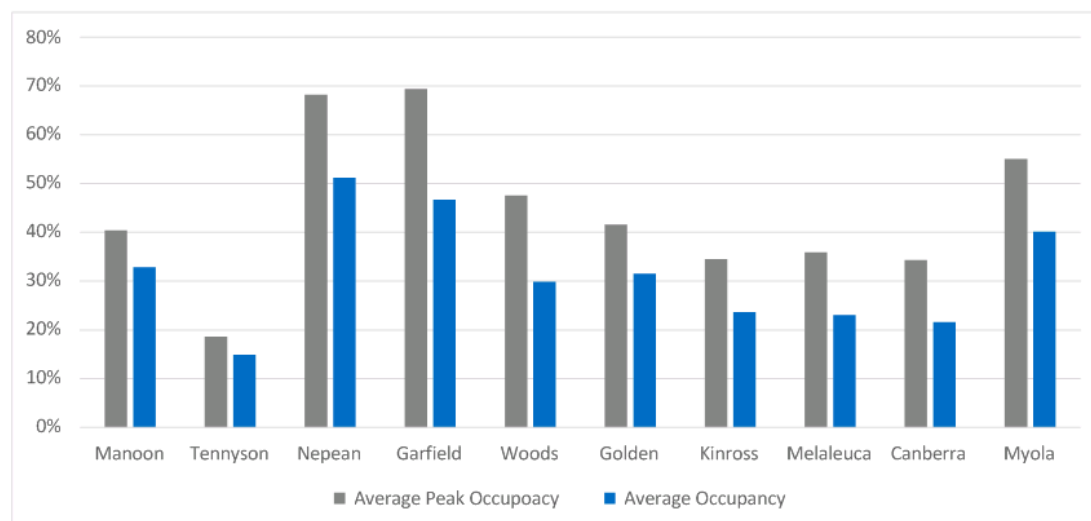
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### 3 Comparative analysis of results

This section compares the parking occupancy results of each of the ten study areas and attempts to identify and explain the factors which may contribute to rates of parking occupancy. The average peak occupancy (the average of the four highest hours of parking occupancy) and the average occupancy for the entire day at each of the ten locations is shown in Figure 23.

Garfield Street, Nepean Highway Service Road and Myola Street recorded a peak occupancy of greater than 50%; Woods Avenue, Golden Avenue, Manoon Avenue, Melaleuca Avenue, Kinross Avenue and Canberra Avenue have peak occupancies of between 50% and 35%; and Tennyson Street had an occupancy of approximately 18%.

**Figure 23: Average occupancy and average peak occupancy**



#### 3.1 Locations with higher levels of occupancy

This section seeks to describe some of the factors at play and dynamics of individual streets with moderate to high on-street parking occupancy to inform discussion on recommended parking management approaches.

##### Nepean Highway Service Road:

The occupancy results for the Nepean Highway Service Road indicate that highest demand occurs during the day with a peak at 12 noon, which strongly suggests that peak demand is associated with non-residential uses such as the nearby park, commercial offices and the Neighbourhood Justice Centre.

Considering only the hours of 7:00 am to 9:00 am and 8:00 pm to 10:00 pm, when residential parking demand is generally highest and commercial demand lowest (or completely absent), the average occupancy is only 36%. This suggests that the residential component of on-street parking demand on the Nepean Highway Service Road is broadly comparable to the other surveyed streets with lower total parking demand.

Council may consider implementing demand management techniques (eg time limits) to manage on-street parking demand during busy periods. Attempts to introduce time restrictions adjacent to number 1146 were not supported by residents, likely do to the fact residents of new multi-unit developments are not eligible for a parking permit. However as identified above, 'overnight' parking by residents only accounts for an occupancy rate of approximately 36%, suggesting that daytime restrictions may be more appropriate.

#### **Garfield Street:**

Garfield Street has the highest peak occupancy of all the surveyed streets. While Garfield Street is located relatively close to Southland Shopping Centre, given that the peak occupancy is found at the beginning and end of the day and is lower during daytime hours it is not thought that car parking demand in this location is related to nearby commercial uses or with commuter car parking associated with Southland Railway Station.

There is not an appreciable trend across the surveyed streets that suggests a direct relationship between population or dwelling density and on-street parking occupancy, however in this specific location density may be a factor. Notwithstanding, there are likely other contributing factors. Rates of car ownership per dwelling are rather low (1.35 cars per dwelling), which suggests there may be a higher propensity for people to use on-site parking space for alternative uses (such as storage) or some residents may simply prefer to park on-street for convenience to avoid tightly constrained driveway manoeuvring. The street currently has 1P restrictions applied to regulate demand for on-street parking. However, as per Council's Parking Management Policy (2015), residents in dwellings advertised/constructed before 28 July 2015 have access to one parking permit which will contribute to the high level of demand for on-street parking in the location.

The street is beginning to reach its capacity to cater to additional residential on-street parking demand. While existing residents should not be affected by abrupt changes to on-street parking access, parking permits should not be allocated to residents in new developments advertised after the 28 July 2015, in alignment with Council's Parking Management Policy.

#### **Myola Street:**

Myola Street is over 1 km from a railway station or activity centre, and this may influence the higher car ownership rates in this area and the higher recorded on-street parking occupancies. However, while nearby Canberra Street also has poor access to public transport networks and has a similarly high car ownership rate, recorded parking occupancy was notably lower. The reasons for the higher occupancy on Myola Street is not clear.

The recent introduction of parking restrictions to the northern end of Canberra Street (as shown in Figure 24) may partly explain lower rates of occupancy on Canberra Street compared to Myola Street, where no restrictions apply.

#### **Figure 24 Canberra Street Parking Restrictions**



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Possible reasons for the discrepancy could be smaller lot sizes on Myola Street compared to Canberra Street making on-site parking more expensive and difficult to provide. A higher proportion of multiple occupant one and two-bedroom dwellings with one car park may also be a factor, with longer distances to public transit and activity centres contributing to these households owning more than one car. More intensive development may also provide fewer on-site opportunities for informal parking on driveways.

Myola Street is a collector road with slightly higher flows of traffic, which may make it a more accessible and high-profile location to park. Additionally, the slightly wider carriageway width (8m) may also make residents more comfortable parking on-street without feeling they are creating an obstruction (two-way movement with parking on both sides is possible for smaller vehicles), and they may therefore be more likely to park on-street for convenience or to create garage space for storage. A narrower carriageway without a through connection on Canberra Street may help explain the lower on-street parking occupancy in this location.

### 3.2 Are any factors associated with higher occupancy?

Some key factors such as dwelling density and car ownership could be reasonably expected to influence demand for on-street in residential streets. This section reviews available evidence to test whether direct relationships do indeed exist between these factors and higher levels of on-street parking occupancy in the surveyed streets.

#### 3.2.1 Density and occupancy

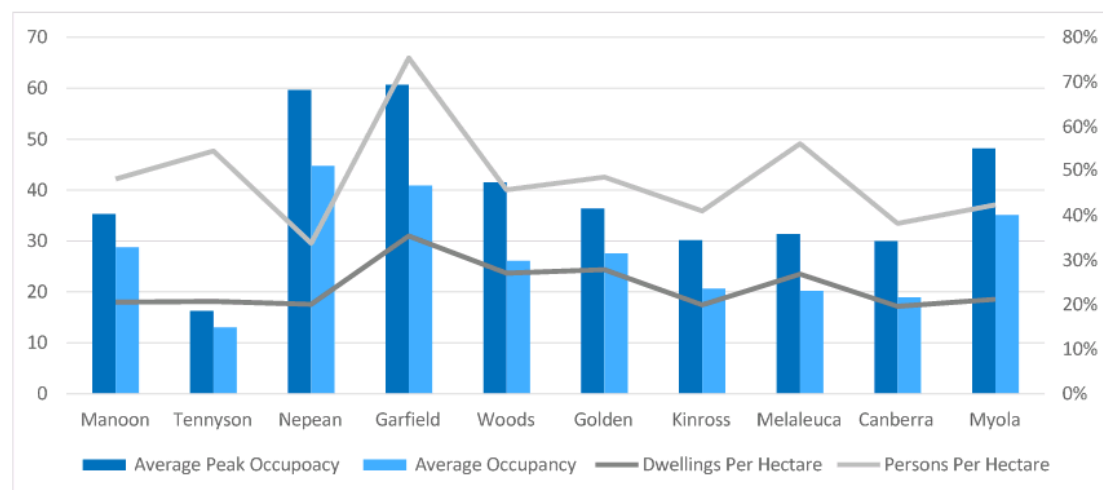
The relationship between parking occupancy and dwelling or population density is unclear. Dwelling density across the ten study areas generally range from between 20 dwellings per hectare to 30 dwellings per hectare, while population density varies from approximately 30 persons per hectare to 65 persons per hectare.

Garfield Street, the location with the highest peak occupancy, also has the highest dwelling and population density with an average peak occupancy of 70% and a population density of 65 persons per hectare. This population density is significantly higher than the other study area sites and may suggest that this level of population density is a contributing factor in the parking occupancy rates of the study area. However, given rates of car ownership per household in Garfield Street are significantly lower than average for the municipality (which would be expected to lead to lower on-street occupancy rates), it is inferred that the higher population density may be associated with greater demand for storage space, leading to a greater propensity for residents to store vehicles on street to free up garage space for alternative uses.

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More broadly, the population and dwelling density of the remaining study areas vary greatly and bears no obvious relationship to occupancy rates. As illustrated by Figure 25, Tennyson Street has a relatively high population density compared to the other locations with approximately 50 persons per hectare however has the lowest average and peak occupancy rates. Nearby Canberra Street has a lower population density yet has double the average peak occupancy of Tennyson Avenue.

**Figure 25 Average occupancy, average peak occupancy, dwelling density and population density**



### 3.2.2 Car ownership and occupancy

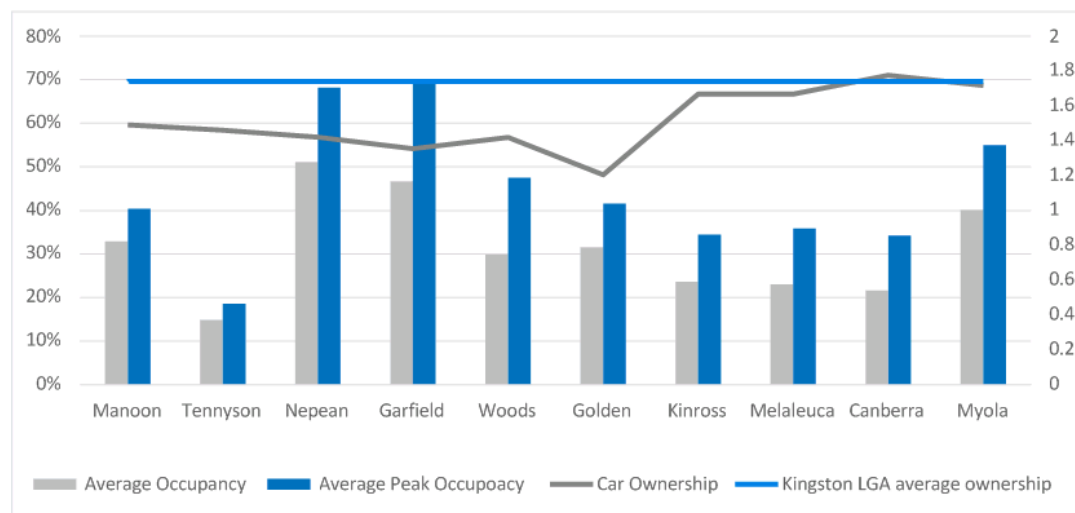
Similarly, the relationship between car ownership and parking occupancy is not clear. The average rates of car ownership in each study area is less than 1.8 cars per household and with the exception of Canberra Street is lower than the City of Kingston average (1.79 cars per household). As illustrated by Figure 26, Garfield Street recorded the highest peak occupancy but had the second lowest car ownership rate of all of study areas, while in contrast Canberra Street had the highest car ownership rate but the second lowest peak occupancy rate.

Given car ownership and on-street parking occupancy does not appear to be strongly related, this indicates a general tendency for residents to choose housing options that meet their requirements for car storage. This is logical, however factors such as the availability of freely provided on-street car storage and the availability and affordability of housing options that satisfy storage requirements (and other housing preferences) also influence these decisions and may help explain why some residents choose to take advantage of free on-street parking.

MRCagney have not reviewed recent development approvals to assess whether parking provision has been lower in denser locations with higher on-street parking occupancy (eg Garfield Street), however Council should consider phasing out the provision of free on-street storage for new residents in the future.

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**Figure 26: Average occupancy, average peak occupancy and average car ownership per household**



### 3.2.3 Population density and car ownership

This section discusses the relationship between the rate of car ownership and population and dwelling density for each of the study areas.

Garfield Street has one of the lowest rates of car ownership per household, however it also has the highest dwelling density, therefore the total number of cars owned by residents would be amongst the highest of the surveyed streets. In the absence of detailed review of historical planning applications, it is not clear whether the high surveyed rate of on-street parking occupancy is because residents do not have sufficient parking supply on-site or whether residents simply prefer to park on-street or are using on-site parking supply for alternative uses.

Reviewing other surveyed locations does not clearly suggest that density in conjunction with high ownership rates are related to high on-street parking occupancies.

Golden Avenue has a high population density of 45 persons per hectare, but a low car ownership rate of 1.2 per household and a peak occupancy of approximately 40%. This suggests that the relatively high population density is balanced by significantly lower car ownership, which may explain the relatively low on-street parking occupancy.

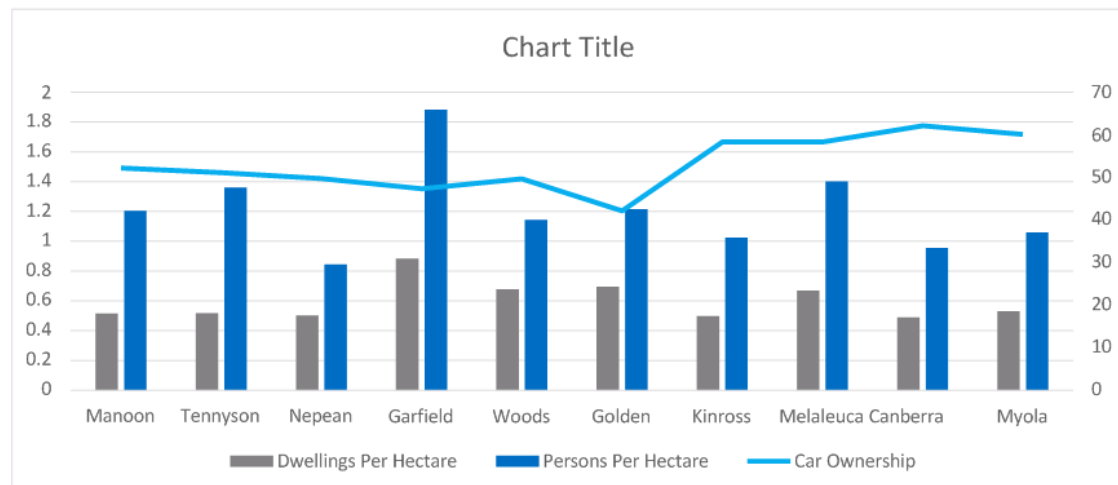
Myola Avenue has a moderate population density around 35 persons per hectare but a high car ownership rate of 1.7 car per household. It is noted that nearby Canberra Avenue has a slightly higher car ownership rate of 1.8 cars per household and a similar population and dwelling density to Myola Avenue but has a much lower peak occupancy rate. Similarly, Melaleuca Drive has a comparable rate of car ownership to both Canberra Street and Myola Street with a higher population density, but experiences lower peak occupancy similar to Canberra Avenue.

The data may suggest that while density may enable lower car ownership rates when located in well serviced areas with good public transport services, in more poorly serviced areas residents of higher density

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development still tend to rely on car travel at higher rates. This may influence Council's decision-making regarding development approvals in areas outside the principal transit network.

**Figure 27: Average car ownership per household, dwelling density and population density**



### 3.2.4 Land use zoning and occupancy

Residential land within the City of Kingston is largely regulated by the General Residential Zone (GRZ) with only one small portion of land subject to the Neighbourhood Residential Zone (NRZ) and a small portion subject to the Residential Growth Zone (RGZ).

Some areas of Kingston have been subject to significant housing change in both volume and scale which is more akin to the type of development expected in the RGZ than in the GRZ such as apartment developments and large multi-unit developments. Some of this higher intensity residential growth has occurred in locations which are not in highly accessible areas connected to jobs and services by quality public transport. This has potentially resulted in households requiring multiple cars to facilitate daily journeys and in turn increases demand for on-street car parking. Notwithstanding, access to freely available on-street parking for storage of residents' cars likely encourages residents to hold on to second cars or underutilised cars and can suppress the uptake (and in the long term, provision) of public or active transport alternatives.

Recent changes to Victoria Planning Provisions (VPP) reduce on-site minimum parking requirements for areas within 400m of the Principal Public Transport Network (PPTN). Directing higher density development to within these areas is appropriate and may enable greater uptake of sustainable travel modes and lower car ownership. This is not to say some infill development of areas outside the PPTN is inappropriate, however storage of cars should largely be catered to on-site. Rather than achieving this by enforcing strict minimum parking requirements, on-street parking management that phases out free on-street storage of cars may enable a more sophisticated response by the market, enabling a greater range of housing choices to be provided.



### 3.2.5 Parking management and occupancy

Parking restrictions are presently only applied to four of the ten study areas, with a combination of no stopping restrictions, time restrictions and permit schemes being applied.

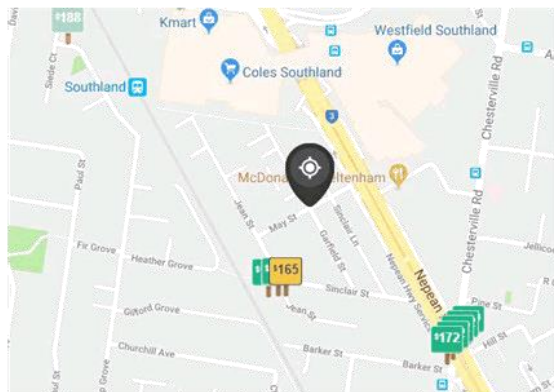
Garfield Street has a daytime parking restriction applied to the street, restricting parking by non-permit holders to 1P during daytime or working hours. In conjunction with the time restrictions, a permit scheme applies to the area with residents of established dwellings eligible for one permit. This is appropriately restricting daytime car parking within the street and preventing high levels of occupancy from nearby demand generating land uses such as the shopping centre or railway station. However, as no evening or overnight restrictions apply, demand for overnight car parking by residents of recent multi-unit developments is not being regulated.

Canberra Street, Kinross Street and Melaleuca Drive have no stopping restrictions applied to portions of the street, which broadly attempt to either alleviate congestion, improve road safety, regulate parking by adjacent multi-unit developments or prevent parking from nearby land uses. It is unclear whether the demand for on-street parking has just shifted beyond the no stopping area or if it has effectively regulated the demand for and usage of on-street car parking.

For the remainder of streets, no parking restrictions currently apply. This effectively provides free on-street storage of private vehicles, and limits Council's ability to manage access to parking through parking permit schemes. Residents of new developments within these areas have therefore been able to choose housing options that do not meet their parking requirements on-site, being able to reasonably expect the availability of free on-street car parking for any excess requirement. As such, there is little incentive to sell a second or underutilised car or take up public or active transport options.

The further implementation of time limits in some locations may be appropriate to manage residential parking demand in the future. Applying time restrictions to overnight parking may be required to achieve desired reduction in on-street parking demand. As previously identified, even in streets where daytime restrictions apply, on-street parking is still made available for vehicle storage overnight. Time limits would need to be implemented in conjunction with introducing residential parking permit schemes to effectively manage parking demand. The application of a parking permit scheme in alignment with Council's existing Parking Management Policy would maintain access to on-street parking for existing residents who have made housing choices based on the regulations in place at the time by providing parking permits to residents of existing detached dwellings. Permits would, however, be phased out for new multi-unit development as already specified in Council's parking management policy. Some consideration could also be given to phasing out the transfer of permit entitlements at the sale of existing dwellings including detached housing. The application of a residential parking permit schemes in hot spots of development would send a signal to developers to provide parking on-site consistent with the market's genuine demand for parking in the absence of free alternatives provided by Council.

It is noted that car parking is a commodity that has a discernible value and the current provision of free storage of vehicles by Council does not reflect the cost to provide or manage car parking or the market value of car parking. According to car park rental website Parkhound, the value for an off-street car park in the area surrounding Garfield Street, Cheltenham is between \$165-172 per month. This gives some indication of the value of car parking in this area of Kingston. It is not suggested that Council charge for parking at this price. It is, however, valuable contextual information for managing parking in high demand areas.

**Kingston Car Parking Study**  
Residential Areas Analysis**Figure 28: Price of off-street car park in Kingston (Parkhound)**



### 3.3 Implications for street design

The streets surveyed generally had road widths of approximately 7 metres, which can accommodate approximately three car widths and permits two lanes of parallel parking and one travel lane. This can safely cater to two-way travel provided travel speeds are low (~30 km/h or lower) and traffic volumes are in the order of 2,000 vehicles per day or less, however it is necessary to ensure sufficient passing opportunities are maintained by managing parking occupancy or by providing marked no-stopping zones.

Narrow local street environments encourage residents to travel at lower travel speeds, pay greater attention to available space on the road and negotiate with drivers travelling in the opposite direction. Narrow local street configurations are common across Australian cities and can contribute to low traffic speeds and discourage non-local traffic.

This is achieved by creating an uncomfortable environment for free traffic movement and can be further enhanced by streetscaping elements such as street trees that create comfortable environments for walking, riding and recreation. It is, however, not unexpected that some residents will perceive that such a design is under performing in terms of traffic carrying function and therefore requires fixing. This also likely contributes to the perception that parking occupancy is a problem when established residents notice that the local road environment of their street is becoming more constrained, even if there are on-street car parking spaces available.

Parking surveys suggest that most streets in the study area would not permit free moving traffic in both directions for the entire length of the street and that some form of negotiation of passing space would be required between drivers of opposing cars. In many cases passing opportunities are likely to be accommodated by the regular presence of double driveways. In cases where lack of passing opportunities is particularly problematic, the implementation of staggered no-stopping zones would likely ensure the streets operate appropriately in the future.

Conversely, works to widen the streets or provide indented parking bays are not supported. Aspiring for continuous passing lanes of traffic on local residential street will only increase the increase travel speeds, reduce amenity for vulnerable road users, and reduce opportunities for water sensitive urban design (WSUD) and street tree planting in the future. This is highlighted by the fact the only 8m wide two-way local street surveyed in this study (Myola Street) recorded significantly higher speeds (45 km/h average). This approach would also likely come at a significant cost to Council.

While not directly a parking issue, Council should consider greater street tree planting and streetscape improvements in local streets to reinforce the place function of local streets and create more comfortable environments for walking, riding and recreation. This may also help create street environments where slow travel and negotiating for passing opportunities feels more appropriate and the intent of constrained carriageways is clearer.

## 4 Assessment of management responses suggested by Council

Council has provided a number of potential management responses for MRCagney's consideration. An assessment of each potential action is provided in Table 21.

**Table 21: Assessment of actions suggested by Council**

Possible Actions:	Potential Benefit	Potential Negative	Recommendation
<b>Requiring wider roads for large subdivisions to accommodate parking in developments with a high-density development</b>	Provides increased capacity for on-street parking of vehicles	<p>Reduces the available area available to construct dwellings</p> <p>Induces higher travel speeds and potentially less comfortable environs for vulnerable road users</p> <p>Increases the cost and reduces the feasibility of development</p> <p>May lead to an oversupply of car parking</p> <p>Increased parking supply does not address amenity concerns of increased traffic and parking</p>	<p>Existing street widths (7m) are appropriate for local streets with traffic volumes of &lt;2,000 vehicles per day, and with low travel speeds (~30 km/h or below)</p> <p>Street design should include street trees, threshold treatments and place-oriented design to encourage lower travel speeds on local streets</p>
<b>Council widening roads when they are reconstructed</b>	Provides increased capacity for on-street parking of vehicles	<p>Costly to council with no mechanism to recoup monies spent</p> <p>Negative impact on neighbourhood character</p> <p>Negative impact on active travel modes</p> <p>Increased traffic speeds</p> <p>Increased parking supply does not address amenity concerns of increased traffic and parking</p>	<p>Council should implement marked no-stopping zones to ensure sufficient passing opportunities are maintained where parking occupancy is high</p> <p>Street trees and more place-oriented street design should be implemented when roads are reconstructed to encourage slower speeds and discourage non-local traffic</p>
<b>Installing indented parking into the nature strip</b>	Likely to provide sufficient capacity for on-street parking of vehicles	Costly to council with no mechanism to recoup monies spent	Council should implement marked no-stopping zones to ensure sufficient passing opportunities are maintained.

**Kingston Car Parking Study**  
Residential Areas Analysis

Possible Actions:	Potential Benefit	Potential Negative	Recommendation
	Reduced amenity impact compared to full carriageway widening	Negative impact on neighbourhood character  Increased traffic speeds  Increased parking supply does not address amenity concerns of increased traffic and parking	This restriction should be installed only where necessary, as double driveways and intersections provide natural passing areas.
<b>Increase parking enforcement levels</b>	May regulate parking behaviour in hot spot locations with existing parking restrictions  If aligned with customer service requests it may alleviate community concerns	Requires on-street parking restrictions (eg time restrictions) to be implemented  May not have broad community support	Council should introduce time restrictions where occupancy is high  Parking permits may be provided to existing residents but phased-out when new development occurs, or existing properties are sold
<b>Increase public open space requirement to reduce overdevelopment</b>	May reduce the overall area available to develop on a site and reduce overall site density and accompanying parking demand	May encourage development at the same intensity with a greater height	Increasing the amount of open space required by new development could be investigated by the Kingston Housing and Neighbourhood Character Study.  The introduction of the Garden Area Requirement to reformed residential zones in 2016 likely already addresses this issue  Increases in site permeability or open space requirements would require neighbourhood character justification and may limit Kingston's capacity to accommodate population growth
<b>Reducing the number of crossovers for each block to a single crossover</b>	Would encourage site coordination and master planning of sites  Is likely to align with neighbourhood character policy	May restrict the development of townhouse-style dual occupancy developments, which are generally lower density than multi-unit or battle-axe style development	Reduction in the number of vehicle crossovers is supported
<b>Increasing the requirements for storage</b>	May encourage appropriate use of garages and carports for off-street car parking	Storage requirements (with the exception of apartment developments) are not regulated by Council through	Recent research suggests residents of existing detached housing are more likely to choose to use garage space

**Kingston Car Parking Study**  
Residential Areas Analysis

Possible Actions:	Potential Benefit	Potential Negative	Recommendation
	purposes and alleviate on-street parking demand	<p>the Planning Scheme or building code.</p> <p>Imposes a cost on development (with a flow on to residents) regardless of individual need</p> <p>May have a housing affordability impact</p>	<p>for storage and hence parking on-street than residents of attached dwellings. Storage requirements on new (predominantly attached) dwellings would therefore have little impact</p> <p>Introducing time restrictions where occupancy is high, in conjunction with parking permits for existing residents is likely fairer and simpler. Permits should be phased-out when new development occurs, or existing properties are sold</p>
<b>Restrict on-street storage of caravans and boats on-street</b>	<p>Restricting caravans and boats from parking on-street would free up valuable on-street parking spaces for other use</p> <p>Existing Council Policy means parking permits are not available for caravans and boats/trailers in streets where restrictions are applied.</p>	<p>Overall demand may remain the same as households shift boats/caravans from on-street parking to off-street parking and park cars on-street</p> <p>Will incur enforcement costs</p>	<p>Road space should be prioritised to provide access, rather than free storage of private property</p> <p>Where parking permits are introduced due to high occupancy, permits should only be provided to cars registered to a local address, and should exclude boats, caravans and trailers</p>
<b>Trigger levels for installing parking restrictions</b>	-	-	<p>Time restrictions should be considered when occupancy reaches 70% or when genuine operational issues are observed (regular difficulty passing opposing cars on narrow streets, etc)</p> <p>An appropriate introductory limit may be 2 or 4 hours</p>
<b>Access arrangements for emergency vehicles</b>	-	-	<p>Streets should maintain a clear 3m travel lane to maintain access for emergency service vehicles (eg 7m carriageway with parking on both sides)</p> <p>Parking occupancy should be monitored and managed to maintain sufficient passing opportunities</p>

**Kingston Car Parking Study**  
Residential Areas Analysis

Possible Actions:	Potential Benefit	Potential Negative	Recommendation
High levels of student living with large numbers of people living in a single home	-	Number of permits made available by Council is already limited to each household, rather than to each individual living in the property.	There are few mechanisms available to Council to influence the use of a dwelling, however this issue equally applies to families with adult children living at home, or multi-generational households. Facilitating carpooling and advocating for improved non-vehicular transport options to universities may be a more appropriate way of addressing this issue  Cap-and-trade parking permits may also be considered

## 5 Recommendations

The following recommendations are provided based on the analysis undertaken in this study:

### Application of time limits and permits for managing parking demand

- Consider introducing time limits to manage residential occupancy when occupancy approaches 70% or when genuine operational issues are apparent.
- Where time limits are introduced in residential streets, consider introducing parking permits for existing residents in alignment with Councils Parking Management Policy.
- Amendments to the Parking Management Policy should be considered in relation to parking permit schemes, permits should be phased out for all new development (not just new multi-unit development) and upon the sale of existing dwellings entitlements to parking permits should not be transferred to a new owner.

### Street design

- Provide staggered no-standing zones to ensure sufficient passing opportunities are maintained where parking occupancy is high on narrow streets. Council may develop guidelines for the application of such treatments to streets throughout the municipality.
- Vehicle crossovers should be limited to one per property to limit the further loss of kerbside on-street car parking and amenity.
- Place-oriented streetscaping (eg street tree plantings) should be implemented in local streets to reinforce appropriate travel speeds and promote comfort and safety for people walking, riding and playing.

### Spatial distribution of zoning for higher density development throughout the municipality

- Public and active transport accessibility should be considered when determining the application of different residential zones throughout the municipality. This may influence the preparation of the Kingston Housing and Neighbourhood Character Study.

### On-site parking requirements for development

- Parking requirements for development should consider a range of factors such as the availability of alternative sustainable transport and potential green travel plans, rather than rigid minimum parking rates.

### Consultation

- The extent to which the local community supports the application of time limits and parking permits within residential areas to manage parking demand should be tested with the community thorough community engagement.



# Ordinary Meeting of Council

24 September 2018

Agenda Item No: 10.7

## 2018/19 CAPITAL ADJUSTMENTS POST 2017/18 EOFY

Contact Officer: Brian McNamara, Senior Asset Management Analyst

### Purpose of Report

To inform Council and recommend adoption of the adjustments to the 2018/19 Capital Works Program arising from finalisation of the accounting for the 2017/18 Capital Program and recognising known adjustments to grant incomes.

### 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.

### OFFICER RECOMMENDATION

That Council approves the adjustments to the 2018/19 Capital Program as identified in this report and attachments.

## 1. Executive Summary

This report captures End of Financial Year adjustments to the 2017/18 Capital Program that are required to Carry Over funding to the 2018/19 Capital Program to support project continuity and previously approved funding commitments to project delivery across the financial years.

Government grant incomes received in advance of projects planned for delivery in 2018/19 and successful grant incomes announced post 30 June 2018 are also identified in this report.

In total \$9M of adjustments are recognised bringing the adjusted value of the 2018/19 Capital Program to \$69,607,930.

## 2. Background

The 2018/19 Capital Works Program adopted on 26 June 2018 was largely prepared in April/May prior to its advertisement for public comment. This Forecast report recognises End of Financial Year reconciliations and adjustments from the 2017/18 Capital Program, to support continuity of project delivery into 2018/19.

With the exception of recognising adjustments to grant incomes, this report does not alter previously approved project allocations where the project is funded across two or more financial periods.

## 3. Discussion

### 3.1 Council Plan Alignment

Goal 1 - Our well-planned, liveable city supported by infrastructure to meet future needs

Direction 1.3 - Infrastructure and property investment for a functional city now and into the future

### **3.2 Consultation/Internal Review**

This report is prepared in consultation with Finance department and project managers responsible for capital project delivery. The outcome is to ensure previously approved project allocations are appropriately recognised where project delivery may occur over two or more financial years.

### **3.3 Operation and Strategic Issues**

The approval of these end of financial year adjustments to the Adopted Capital Budget by including Carry Overs and other EOFY adjustments from the 2017/18 Capital Program

This ensures that approved project allocations are appropriately recognised where they cross over financial years, enabling project managers to proceed with implementation.

Note with the exception of income adjustments and some internal budget transfers this report does not change the net value of previously approved capital programs.

## **4. Capital Program Forecast (September) – summary of adjustments**

Item	Description	\$	
	<b>Adopted 2018/19 Capital Budget</b>	<b>60,615,661</b>	
	<b><u>Rate Adjustments</u></b>		
1a	Rate EoY cross over from/to 2017/18	5,640,772	increase
	<b><u>Reserve Adjustments</u></b>		
2a	Reserves EoY cross over from/to 2017/18	1,342,421	increase
	<b><u>Grant Adjustments</u></b>		
	Grants received in advance of 2018/19	1,828,820	increase
3a	Grants EoY cross over from/to 2017/18	522,256	increase
3b	Grant income adjustments within 2018/19	(342,000)	decrease
	<b>2018/19 Capital Forecast (September)</b>	<b>69,607,930</b>	

The above adjustments are further expanded in Appendix 1 of this report; Appendix 2 provides a full detailed breakdown of all adjustments to be confirmed by this report.

## **5. Conclusion**

This report collates best available information representing known adjustment to the Forecast 2018/19 Capital Program as at September 2018.

The report includes EOFY adjustments from 2017/18 and variations to Grants & Contributions within 2018/19.

The end result is approximately \$9M increase to the 2018/19 Capital Program.

**Appendices**

Appendix 1 - Adjustments summary over \$100,000 - Sept 2018 (Ref 18/552303) [↓](#)

Appendix 2 - Full Listing of Adjustments September 2018 (Ref 18/552231) [↓](#)

Author/s:	Brian McNamara, Senior Asset Management Analyst
Reviewed and Approved By:	Rachelle Quattrocchi, Manager Infrastructure Daniel Freer, General Manager City Assets and Environment

# 10.7

## 2018/19 CAPITAL ADJUSTMENTS POST 2017/18 EOFY

1	Adjustments summary over \$100,000 - Sept 2018.....	431
2	Full Listing of Adjustments September 2018 .....	435

## Appendix One: Summary listing of adjustments >\$100,000 to 2018/19 Capital Program

Adjustment to the 18/19 Capital Program greater than \$100,000 are identified in the table below. A complete and detailed listing of all proposed adjustment to the 2018/19 Capital Program coming from EOFY Carry Overs and grant income adjustments is provided in separate attachment.

Code	Project	2018/19 Adopted Budget	Rate	Reserve	Grant	Internal Transfer	2018/19 Forecast	Description
C0456	Land Purchase - 8-10 Barker Street, Cheltenham	0		150,000			150,000	Land Purchase completed in 17/18. This carry over is for the demolition of two houses, site clean-up and preparation for future recreational space. To be completed Oct 2018
N0939	Former Landfill Sites Remediation (EPA Compliance)	1,470,000	180,000				1,650,000	C'Over of \$180k for works in progress, Delayed start pending EPA direction on requirements
N0769	Elder St Landfill Remediation	1,000,000		331,559			1,331,559	Works pending advice from EPA on treatment recommendations. Monitoring and soil analysis is in progress. Part of this allocation is for development of new recreational space.
N0231	Green House Gas Reduction / Rising Sea Levels	300,000	138,000			(120,000)	318,000	C'Over to enable planned solar installations at Westall Hub, Mentone Office and Mills Rd Depot
N9938	Water Conservation Programs - Buildings	40,000				(40,000)	0	Transfer \$40k to C0383 Dingley Village Neighbourhood house for water conservation addition
C0304	Streetlight fittings replacement - Energy Efficiency	0	218,000				218,000	C'Over to complete \$2.5M project to replace with LED fittings. Delayed start due to supply issue, to be completed End Sept
C0427	Patterson Lakes (Inner Harbour) Public Jetty	0			184,000		184,000	Project fully funded by Grant income received in advance. Floating jetty complete. Second stage is boardwalk construction
C0041	Moorabbin Reserve Master Plan implementation	200,000		756,667	65,043		1,021,710	C'Over for construction of carpark and establishment of landscaping. Includes \$65,043 Dept of Justice grant
C0404	Netball Facilities Development - Chelsea	0	275,485				275,485	C'Over contractual commitment for works in progress, to be completed Sept 2018
N0669	Sportsground Lighting - Pole Replacements	350,000	195,000				545,000	C'Over for contractual commitment to installation at Dingley Rec Reserve. To be completed Sept 2018
N1009	SL- Chelsea Rec Res Sports Lighting	0	135,000				135,000	C'Over for Works in Progress, to be completed Sept 2018
C0365	GR Bricker Athletics Track Upgrade	0	(210,000)		210,000		0	B'Fwd for works completed in 2017/18 – Final grant income to be claimed in 2018/19
C0432	SRV- Chelsea Reserve Cricket Nets Upgrade	0	91,500		7,750		99,250	C'Over funding for works rescheduled pending outcome of negotiations with club
C0030	Minor Facilities Grants - Council Contribution (SRV Grants)	250,000				(250,000)	0	Transfer of Council Contribution to SRV Projects as per 18/510354 \$115k to C0488 Curwood Hall Pavilion, \$135k to C0489 Edithvale Sports Lights

Code	Project	2018/19 Adopted Budget	Rate	Reserve	Grant	Internal Transfer	2018/19 Forecast	Description
C0433	SRV- Gerry Green Reserve Cricket Nets Upgrade	0	88,000		5,500		93,500	C'Over Available funds for project reschedule to better align with pavilion redevelopment
C0488	SRV- Female Friendly Facilities - Curwood Pavilion	0	141,000		100,000		241,000	C'Over surplus funds of \$141,000 to provide Council contribution to SRV Project to be delivered in 2018/19. \$90k SRV grant received in advance + \$10k final claim in 18/19
C0489	SRV- Female Friendly Facilities - Southern Rd Pavilion	0	15,000		80,000	115,000	210,000	C'Over surplus funds of \$15,000 to provide Council contrition to SRV Project to be delivered in 2018/19. Includes Transfer of \$115,000 from C0030 \$72k SRV grant received in advance + \$8k final claim in 18/19
N1015	SRV- Minor Facilities - Edithvale Rec Sports Lighting	0			180,000	135,000	315,000	C'Over \$90 SRV Grant income received in advance – \$10k Final SRV claim in 18/19 & \$80k Club Contribution
C0263	Pavilion Dev- Cliff Sambell Pav - Gerry Green Res	1,349,500	241,000				1,590,500	C'Over remaining balance of \$191,000 for works in progress to complete project
N0794	Soppett Pavilion Redevelopment - Mentone Reserve	3,525,000	109,000		600,000	300,500	4,534,500	C'Over unspent EOFY balance of \$109,000.and \$600,000 grant income received in advance. Transfer \$300,500 from N0965
N0965	Mentone Pavilion - Remo St Encroachment & Services	250,000	50,500			(300,500)	0	Merge Budget into N0794 Soppett pavilion
C0362	Public Toilets Renewal - Barkers Rd Riding for Disabled	0	105,000				105,000	C'Over funding for completion of installation over July School holidays
C0416	Acacia AV Preschool	1,475,000	140,000				1,615,000	C'Over unspent EOFY balance for works in progress.
C0384	Dingley Village Neighbourhood House precinct - Stg1	3,000,000	148,000			40,000	3,188,000	C'Over unspent allocation to support continuation of detailed design development in 2018/19. To be tendered Oct
N0650	Mentone Shops Public Toilet (Rear Post Office)	0	175,000				175,000	C'Over to enable completion of project in 2018/19 – delayed by authorities relocation of services
N0021	Bay Trail Shared Path - Implementation	2,745,000	320,000				3,065,000	C'Over unspent EOFY balance to support implementation in 2018/19. Delayed due to VCAT appeals
C0341	Edithvale Rd Pedestrian Crossing to Children's Hub	0	245,000				245,000	C'Over funded to implement project in 2018/19. Delayed due to VicRoads negotiations.
C0011	Vehicles, Plant & Equipment Replacement (Operational Areas)	300,000	300,000				600,000	C'Over funding for purchase of replacement truck on order
N0765	Mills Road Depot Development - Site Purchase	5,550,000	250,000			120,000	5,920,000	C'Over \$20k unspent balance to support implementation of project. \$120k transfer from Green House for Solar Installation
N0795	1230 Nepean Highway - Oakleigh Room : Works to Balcony and sliding doors	300,000	100,000				400,000	C'Over funding to support implementation in 2018/19 p Delay due to retendering



Code	Project	2018/19 Adopted Budget	Rate	Reserve	Grant	Internal Transfer	2018/19 Forecast	Description
N0793	Fire Hydrant Upgrades/Installations	300,000	112,000				412,000	C'Over for awarded works to upgrade fire service at Mills Road Depot
N0060	Desktop Fleet - PC's and Notebooks	1,500,000	150,000				1,650,000	C'Over unspent balance to support initiative for major renewal of computer equipment
N0971	Hardware and Cloud Transition	380,000	283,000				663,000	C'Over due to long lead times to specify technical requirements and co-ordinate transition timing
C0231	Library Management System Update	0	430,000				430,000	C'Over unspent budget to support implementation of project in 2018/19. Tender has been awarded
	Sum of other lesser adjustments detailed in attachment		1,215,287	104,015	576,783			
Total Adjustment			5,640,772	1,342,421	2,009,076	0		

C	2018-2019 CAPITAL PROGRAM	ADOPTED	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	FORECAST (SEP)	FUNDING SOURCE (Forecast)			
											GRANTS & CONTRIBS.	GRANTS Received Prior to 2017/18	RESERVE FUNDS	COUNCIL RATE
ACC	Project Name	2018/19 CAPITAL BUDGET	RATES Adjust From 2017/18	GRANTS Received Prior to 18/19	GRANTS budgeted 17/18 for council in	GRANTS & Incomes NEW	RESERVES FROM 2017/18	Internal Budget Transfers	ADJUSTMENT NOTES	2018/19 CAPITAL BUDGET	GRANTS & CONTRIBS.	GRANTS Received Prior to 2017/18	RESERVE FUNDS	COUNCIL RATE
	1 - Our well-planned, liveable city supported by infrastructure to meet future needs													
	Design, build and maintain the public realm through civil infrastructure (1.3.1)													
N0040	RD- Road Renewal - Roads Reconstruction Program <i>Priority Program (Inc combined Footpath and Drainage)</i>	6,586,181								6,586,181	586,181	-	-	6,000,000
C0297	RD- YARELLA LANE, Edithvale - ROW construction rear 240- 242													
N0119	FP- Footpath Renewal Program	700,000								700,000	-	-	-	700,000
N0087	DR- DRAINAGE PROGRAMS (Flood Mitigation)	2,750,000								2,750,000	-	-	-	2,750,000
C0240	DR- KINROSS Ave, Edithvale, easement drain	-	50,000						\$50k C'Over for cashflow adjustment of unspent funds to support delivery in 2018/19	50,000	-	-	-	50,000
	Effectively Manage Council's Property Portfolio (1.3.3)	0								0				
C0456	Land Purchase - 8-10 Barker Street, Cheltenham	-					150,000		\$150k Open Space Res C'Over for demolition of two houses, site clean-up and shaping in preparation for future recreational space.	150,000	-	-	150,000	-
	SUBTOTAL GOAL 1:	10,036,181	50,000	-	-	-	150,000	-		10,236,181	586,181	-	150,000	9,500,000
	2- Our sustainable green environment w	0								0				
	Environmental resilience and sustainability (2.1)	0								0				
N0939	Former Landfill Sites Remediation (EPA Compliance)	1,470,000	180,000						\$180k C'Over for works in progress, Delayed start pending EPA direction on requirements	1,650,000	400,000	-	-	1,250,000
N0769	Elder St Landfill Remediation	1,000,000					331,559		\$331k Open Space Res C'Over of remaining allocation for continuation of project in 2018/19	1,331,559	-	-	1,331,559	-
N0231	Green House Gas Reduction / Rising Sea Levels	300,000	138,000					(120,000)	\$120k contribution to N0765 Mills Rd depot for 100kW Solar system	318,000	-	-	-	318,000
C0304	Streetlight fittings replacement - Energy Efficiency	-	218,000						\$218k C'Over of remaining allocation for works in progress	218,000	-	-	-	218,000
N0239	Sportfield Warm Season Grass	120,000								120,000	-	-	-	120,000
N0038	Water Conservation Programs - Buildings	40,000						(40,000)	\$40k Transfer to C0384 Dingley Village N'Hood House	-	-	-	-	-
N0019	Bay & Waterways Stormwater Quality Improvement	50,000	37,000	5,000					\$37k C'Over for Climate Change Strategy \$5k Melb Water Grant received in advance for 18/19 project	92,000	-	5,000	-	87,000
	Activating and protecting the foreshore (2.3)	0								0				
C0019	Foreshore Natural Resource Management	110,000								110,000	-	-	-	110,000
N0020	Foreshore Infrastructure Renewals	500,000	75,000	-					\$75k C'Over for boardwalk at Alexandra St	575,000	-	-	-	575,000
N0656	FRF- Mentone Coastal Precinct Plan Implementation	250,000								250,000	-	-	250,000	-
N0799	FRF- Foreshore Drainage Improvements	160,000					35,351		\$35k C'Over for drainage upgrade under Alexandra St Boardwalk	195,351	-	-	195,351	-
C0324	FRF- Parkdale Yacht Club	1,210,000					1,775		\$1.8k C'Over Remaining Balance for project Implementation	1,211,775	-	-	711,775	500,000
N0018	Mordialloc Creek Asset Renewal	100,000								100,000	-	-	-	100,000
N0981	Foreshore Ticket Parking Machine Replacements	170,000								170,000	-	-	-	170,000
C0427	Patterson Lakes (Inner Harbour) Public Jetty	-		184,000					\$184k Grant received in advance of stage 2 works planned in 18/19	184,000	-	184,000	-	-
C0421	Edithvale Life Saving Club	2,020,000	40,000						\$40k C'Over remaining balance to support project implementation in 18/19	2,060,000	750,000	-	350,000	960,000
	Implement the Open Space Strategy (2.4)	0								0				
N0007	Minor Reserve Improvements	150,000								150,000	-	-	-	150,000
C0107	Reserves Tree Planting Programme	50,000								50,000	-	-	-	50,000
N0010	Reserve Revegetation	70,000								70,000	-	-	-	70,000
C0018	Parks & Open Space Strategy Implementation	200,000								200,000	-	-	-	200,000
C0014	Watering System Major Repairs & Renewal	100,000								100,000	-	-	-	100,000
N0013	Reserve Fencing Renewal	95,000								95,000	-	-	-	95,000
N0191	Parks Asset Renewal	400,000		28,820					\$28k Dept of Justice Grant received in advance of project delivery in 18/19	428,820	-	28,820	-	400,000
N0011	Reserve Gravel Carparks Minor Upgrades	70,000								70,000	-	-	-	70,000
N0012	Reserve Pathway Renewals & Minor Upgrades	35,000								35,000	-	-	-	35,000
N0659	GWR- Project Officer	100,000								100,000	-	-	100,000	-
N0661	GWR- Sports Grounds Study	-					30,000		\$30k GreenWedge Fund C'Over for study to commence in 18/19	30,000	-	-	30,000	-

C	acc	2018-2019 CAPITAL PROGRAM		ADOPTED	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	FORECAST (SEPT)	FUNDING SOURCE (Forecast)			
		Project Name	2018/19 CAPITAL BUDGET	RATES Adjust From 2017/18	GRANTS Received Prior to 18/19	GRANTS budgeted 17/18 for reconfig in	GRANTS & Incomes NEW	RESERVES FROM 2017/18	Internal Budget Transfers	ADJUSTMENT NOTES	2018/19 CAPITAL BUDGET	GRANTS & CONTRIBS.	Grants Received Prior to 2017/18	RESERVE FUNDS	COUNCIL RATE	
		N1017 Kingston Sportfield Feasibility - Green Wedge	-				300,000			\$300k State Gov Grant for feasibility study of Delta Site	300,000	300,000	-	-	-	
		N1006 Parks Capital Delivery Resource	200,000								200,000	-	-	-	200,000	
		C0012 Playground Improvement & Renewal Program	450,000								450,000	-	-	-	450,000	
		C0013 Playground Major Repairs & Maintenance	200,000								200,000	-	-	-	200,000	
		N1007 GWR- Spring Rd Mowing and Maint	80,000								80,000	-	-	80,000	-	
		N1008 GWR- Landscaping and Maint	90,000								90,000	-	-	90,000	-	
		C0319 Active Youth Spaces Strategy - Implementation	100,000								100,000	-	-	100,000	-	
		C0462 Barker Street Cheltenham Urban Park	100,000								100,000	-	-	100,000	-	
		Provide variety of sport and recreation opportunities (	-								-	-	-	-	-	
		Reserve Masterplan Development	-								-	-	-	-	-	
		C0041 Moorabbin Reserve Master Plan implementation	200,000			65,043		756,667		\$65k Balance of \$216k grant to be claimed in 18/19 \$757k Open Space Res C'Over for works delivery in progress	1,021,710	65,043	-	956,667	-	
		C0192 Bonbeach Sports Reserve - Masterplan Implementation	300,000								300,000	-	-	300,000	-	
		C0191 Walter Galt Reserve - Masterplan Implementation	338,600					37,070		\$37k Open Space Res C'Over to support implementation in18/19	375,670	-	-	375,670	-	
		C0449 GR Bricker Reserve Park Master Plan	50,000								50,000	-	-	-	50,000	
		C0320 Dales Park Development Plan	350,000								350,000	-	-	350,000	-	
		C0321 Le Page Park Master Plan (Design)	150,000								150,000.00	-	-	150,000	-	
		C0385 Ben Kavanagh Reserve Masterplan Implementation	470,000								470,000	-	-	250,000	220,000	
		C0391 Netball Facilities Development - Regents Park	600,000	5,000						\$5k Balance C'Over for works in progress	605,000	-	-	-	605,000	
		C0403 Netball Facilities Development - Bonbeach	370,000	(51,000)						\$51k B'Fwd for works completed in 17/18	319,000	-	-	235,000	84,000	
		C0404 Netball Facilities Development - Chelsea	-	275,485						\$275K C'Over for works in progress	275,485	-	-	-	275,485	
		C0464 Kerr Crescent New Pavilion - (Local Std) - Concept	100,000								100,000	-	-	-	100,000	
		C0429 Regents Park Masterplan (Ground works)	-	50,000						\$50k C'Over for planning rescheduled to 18/19	50,000	-	-	-	50,000	
		C0445 Female Change Facilities - Regents Park	200,000								200,000.00	-	-	-	200,000	
		C0430 Dingley Sports Ground Development- Feasibility & De	130,000	47,000						\$47k C'Over for continuation of design and investigation in 18/19	177,000	-	-	-	177,000	
		N1003 Kingston Heath Baseball/Hockey reconfiguration - Cor	25,000								25,000	-	-	-	25,000	
		N1004 GR Bricker Pavilion Redevelopment - Concept	25,000								25,000	-	-	-	25,000	
		N1005 Highett Hub - With Meals on Wheels - Concept	25,000								25,000	-	-	-	25,000	
		Sports Infrastructure	-								-	-	-	-	-	
		C0420 Lighting at Le page Park Oval 1	-	(18,712)		18,712				\$18.7k Income to be claimed in 18/19 for works in 17/18	-	18,712	-	-	(18,712)	
		N0669 Sportsground Lighting - Pole Replacements	350,000	132,000				63,000		\$132k C'Over Balance to support programmed works \$63k allocation transfer from N0834	545,000	-	-	-	545,000	
		N1009 SL- Chelsea Rec Res Sports Lighting	-	135,000						\$135k C'Over for tendered works to commence Sept 2018	135,000	-	-	-	135,000	
		N0834 Inspection Audit Program of Sportsground Lighting	60,000	63,000				(63,000)		\$63k C'Over to support Installation program \$63k Transfer to N0669	60,000	-	-	-	60,000	
		C0365 GR Bricker Athletics Track Upgrade	-	(210,000)		210,000				\$210k income to be claimed in 18/19 for works in 17/18	-	210,000	-	-	(210,000)	
		N0930 Dolamore Athletic Track Renewal	150,000	20,000						\$20k C'Over balance to support works in 18/19	170,000	-	-	-	170,000	
		C0431 Dane Rd Reserve High Fencing (Railway side)	290,000								290,000	-	-	-	290,000	
		C0030 Minor Facilities Grants - Council Contribution (SRV Gr	250,000					(250,000)		Transfer \$250k as part of adopted funding plan \$135K to N1015, \$115k to C0489.	-	-	-	-	-	
		C0349 Aspendale Tennis Lighting Project	-			6,000				\$6k Final Grant claim in 18/19	6,000	6,000	-	-	-	
		C0331 SRV- Kingston Leisure Centres Needs Analysis	-			3,000				\$3k final SRV claim in 18/19	3,000	3,000	-	-	-	
		C0281 SRV- Parkdale Sec College Soccer Pitch Lighting	-			9,000				\$9k final SRV claim in 18/19	9,000	9,000	-	-	-	
		C0351 SRV- Highett Football Club Sports Lighting (+80k SRV	-			10,000				\$10k final SRV Claim in 18/19	10,000	10,000	-	-	-	
		C0432 SRV- Chelsea Reserve Cricket Nets Upgrade	-	91,500		7,750				\$91.5k C'Over for works rescheduled pending club negotiations	99,250	7,750	-	-	91,500	
		C0433 SRV- Gerry Green Reserve Cricket Nets Upgrade	-	88,000		5,500				#	93,500	5,500	-	-	88,000	
		C0400 SRV - Browns Reserve Pavilion Upgrade	-	(5,000)		5,000				\$5k Final SRV claim in 18/19 for works in 17/18	-	5,000	-	-	(5,000)	
		C0401 SRV - Rowan Road Netball - Development of change fa	-	(37,500)		37,500				\$37.5k Final SRV claim in 18/19 for works in 17/18	-	37,500	-	-	(37,500)	
		C0402 SRV - Cheltenham Baseball Club - Field Lighting Upgr	-	113,000		32,500				\$113k C'Over for programmed works \$32.5k Final SRV Claim in 18/19	145,500	32,500	-	-	113,000	
		N0835 SRV- Parkdale Tennis Court Renewal (+\$100k SRV - \$3	-	(65,000)		65,000				\$65k final SRV claim for works in 17/18	-	65,000	-	-	(65,000)	

C	2018-2019 CAPITAL PROGRAM	ADOPTED	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	FORECAST (SEP)	FUNDING SOURCE (Forecast)			
											GRANTS & CONTRIBS.	GRANTS Received Prior to 2017/18	RESERVE FUNDS	COUNCIL RATE
	Project Name	2018/19 CAPITAL BUDGET	RATES Adjust From 2017/18	GRANTS Received Prior to 18/19	GRANTS budgeted 17/18 for receipt in	GRANTS & Incomes NEW	RESERVES FROM 2017/18	Internal Budget Transfers	ADJUSTMENT NOTES	2018/19 CAPITAL BUDGET				
C0488	SRV- Female Friendly Facilities - Curwood Pavilion	-	141,000	90,000		10,000			\$141k Surplus Funds C'Over from 2017/18 \$90k SRV Grant received in advance 17/18 \$10k SRV Final Balance to claim in 18/19	241,000	10,000	90,000	-	141,000
C0489	SRV- Female Friendly Facilities - Southern Rd Pavilion	-	15,000	72,000		8,000		115,000	\$15k Surplus Funds C'Over from 2017/18 \$72k SRV Grant received in advance in 17/18 \$8k SRV Grant Balance to claim in 18/19 \$115k Transfer from C0030	210,000	8,000	72,000	-	130,000
N1015	SRV- Minor Facilities - Edithvale Rec Sports Lighting	-		90,000		90,000		135,000	\$90k SRV grant received in advance for 18/19 project \$10k SRV final claim in 18/19 + \$80k Club Contribution \$135k Transfer from C0030	315,000	90,000	90,000	-	135,000
N0987	Kingston Heath Soccer pitch No.2 Synthetic surface re	-	50,000						\$50k C'Over balance for works in progress	50,000	-	-	-	50,000
N0511	Cricket Infrastructure Development	75,000								75,000	-	-	-	75,000
N0526	Tennis Facility Development	30,000								30,000	-	-	-	30,000
N0993	TF- Patterson Lakes Tennis Court Surface	-	17,000						\$17k C'Over balance for works in 18/19	17,000	-	-	-	17,000
N0129	Recreation Minor Projects	50,000								50,000	-	-	-	50,000
N0014	Concrete Cricket Wicket Refurbishment	45,000								45,000	-	-	-	45,000
C0015	Cricket Net Renewal Program	40,000								40,000	-	-	-	40,000
N0578	Goal Post Renewal Program	25,000								25,000	-	-	-	25,000
N0008	Oval Regrading Works (Ex Landfill site)	60,000								60,000	-	-	-	60,000
N0241	Bicentennial Park Baseball Oval No.1 Reconstruction	50,000								50,000	-	-	-	50,000
C0234	Sportsground Drainage Improvement Program	80,000	25,000						\$25k C'Over balance to continue planned works	105,000	-	-	-	105,000
C0444	The Grange Master Plan Development	-	10,000						\$10k C'Over for concept investigations in 18/19	10,000	-	-	-	10,000
C0492	Dingley Sports Pavilion-Concepts (Chadwick Sports Pavilions)	50,000								50,000	-	-	-	50,000
		-								-	-	-	-	-
C0263	Pavilion Dev- Cliff Sambell Pav - Gerry Green Res	1,349,500	241,000						\$241k C'Over balance for works in progress	1,590,500	89,500	-	-	1,501,000
C0388	Moorabbin Reserve Pavilion Development	180,000								180,000	-	-	-	180,000
N0794	Soppett Pavilion Redevelopment - Mentone Reserve	3,525,000	109,000	600,000				300,500	\$109k C'Over balance for implementation in 18/19 \$600k Gav Grant received in advance for 18/19 works \$300k allocation merge from N0965	4,534,500	500,000	600,000	-	3,434,500
N0965	Mentone Pavilion - Remo St Encroachment & Services	250,000	50,500					(300,500)	\$50.5k C'Over remaining balance from 17/18 \$30k Merge/Transfer to N0794	-	-	-	-	-
C0428	Stadium Development - Kingston Basketball	50,000								50,000	-	-	-	50,000
C0439	Roy Dore Pavilion (Grant Dependent)	100,000								100,000	-	-	-	100,000
	SUBTOTAL GOAL 2:	20,383,100	1,979,272	1,069,820	475,006	408,000	1,192,421	(160,000)	-	25,347,619	2,622,506	1,069,820	5,956,021	15,699,272
		-	-	-	-	-	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-	-	-	-	-	-
	3- Our connected inclusive, healthy and	-	-	-	-	-	-	-	-	-	-	-	-	-
	Provide equitable access to services and facilities for	-	-	-	-	-	-	-	-	-	-	-	-	-
C0025	Public Toilets Renewal - General	80,000								80,000	-	-	-	80,000
N0934	Public Toilet Renewal - Dolamore Reserve	150,000								150,000	-	-	-	150,000
C0362	Public Toilets Renewal - Barkers Rd Riding for Disable	-	105,000						\$105k C'Over to support works in progress	105,000	-	-	-	105,000
C0437	Disability Access- Changing Places - Bicentennial Par	150,000								150,000	-	-	-	150,000
	Enhance wellbeing and participation of families and c	-	-	-	-	-	-	-	-	-	-	-	-	-
C0347	Chelsea Heights Kindergarten (\$350k DEECD GRANT)	-		1,750					\$1.75k final grant claim in 18/19	1,750	1,750	-	-	-
N0967	Rene Anderson Former Pre-school Refurbishment	-	53,000						\$53k C'Over to cover final contract payment	53,000	-	-	-	53,000
C0416	Acacia AV Preschool (Dependent on \$650k grant)	1,475,000	140,000						\$140k C'Over to support works in progress	1,615,000	325,000	-	-	1,290,000
C0458	Washington Drv Kinder - Early Learning Upgrade	460,512								460,512	335,512	-	-	125,000
	Promote an active, healthy and involved community li	-	-	-	-	-	-	-	-	-	-	-	-	-
C0049	Waves - Asset Replacement Strategy	400,000								400,000	-	-	-	400,000
N0139	Don Tatnell Asset Replacement Strategy	225,000								225,000	-	-	-	225,000
C0384	Dingley Village Neighbourhood House precinct - Stg1	3,000,000	148,000	750,000		(750,000)		40,000	\$148k C'Over to support implementation in 18/19 \$750k Grant received in advance (Reduce 18/19 forecast) \$40k Transfer from N0038 Water Conservation Programs	3,188,000	-	750,000	-	2,438,000
C0414	Mordialloc Men's Shed	-	51,000	9,000					\$51k C'Over for scheduling of project after Ben Kav Pavilion \$9k Contribution received in advance	60,000	-	9,000	-	51,000

ACC	C	2018-2019 CAPITAL PROGRAM								REVISED ADJUST	FORECAST (SEPT)	FUNDING SOURCE (Forecast)			
		ADOPTED	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	ADJUSTMENT NOTES	2018/19 CAPITAL BUDGET			GRANTS & CONTRIBS.	GRANTS Received Prior to 2017/18	RESERVE FUNDS	COUNCIL RATE
		Project Name	2018/19 CAPITAL BUDGET	RATES Adjust From 2017/18	GRANTS Received Prior to 18/19	GRANTS budgeted 17/18 for capital in	GRANTS & Incomes NEW	RESERVES FROM 2017/18	Internal Budget Transfers						
		Support learning and development (3.5)													
	C0424	Library Service Bookstock Purchasing	1,056,006								1,056,006	-	-	-	1,056,006
	N0401	Library Amenity Improvements -(carpet, shelving, min	100,000	50,000						\$50k C'Over to support fitout of Dingley Library	150,000	-	-	-	150,000
	C0187	Westall Community HUB	-	30,000						\$30k C'Over for replacement of external doors	30,000	-	-	-	30,000
		SUBTOTAL GOAL 3:	7,096,518	577,000	759,000	1,750	(750,000)	-	40,000	-	7,724,268	662,262	759,000	-	6,303,006
		4- Our free-moving safe, prosperous and													
		Vibrant shopping centres and employment precincts (	0												
	N0970	Moorabbin Activity Centre - Structure Plan	-	50,000						\$50k C'Over for supply and installation of ordered signage	50,000	-	-	-	50,000
	N0650	Mentone Shops Public Toilet (Rear Post Office)	-	175,000						\$175k C'Over for rescheduled project due to Service relocations	175,000	-	-	-	175,000
	C0466	Cheltenham Property Acquisitions	1,000,000								1,000,000	-	-	1,000,000	-
	N0813	Moorabbin Activity Centre Upgrades & Improvements	-	9,000						\$9k C'Over for continuation of design	9,000	-	-	-	9,000
	C0010	Implement Structure Plans - (Moorabbin to Mordialloc)	195,000								195,000	-	-	-	195,000
	C0417	Mentone Activity Centre - PIAZZA	3,400,000								3,400,000	-	-	-	3,400,000
	C0418	Mentone Activity Centre - GRANARY LANE	180,000								180,000.00	-	-	-	180,000
	C0451	Moorabbin Activity Centre Upgrades & Improvements	30,000								30,000	-	-	-	30,000
	N0982	Smart City Initiatives	100,000								100,000	-	-	-	100,000
	N0983	Christmas Decorations	150,000								150,000	-	-	-	150,000
	C0472	Parkdale Local Shopping Centre Enhancement	100,000								100,000.00	-	-	-	100,000
		Rich in arts, innovation and tourism (4.3)	0								-				
	C0103	Community Facility Funding Contingency (Arts Focus)	50,000								50,000	-	-	-	50,000
	C0104	Public Art	20,000	20,000						\$20k C'Over to support restoration and repair projects	40,000	-	-	-	40,000
	N0144	Kingston Hall - Facility Renewals	250,000								250,000	-	-	-	250,000
	C0310	Kingston Hall Forecourt	-	35,000						\$35k C'Over for LED Signage on order	35,000	-	-	-	35,000
	N0188	Kingston Arts Centre - Facility Renewals	65,000								65,000	-	-	-	65,000
	C0271	Masonic Hall, Mordialloc - Restoration Planning	200,000	75,000						\$75k C'Over remaining balance to support project in 18/19	275,000	-	-	-	275,000
		Integrated, accessible transport and a free-moving cit	0								-				
		Connected Walking & Cycleways	-								-	-	-	-	-
	C0158	Cycling & Walking - East/West Cycleway	500,000	75,000						\$75k C'Over remaining balance to support next stages of project in 18/19	575,000	-	-	-	575,000
	C0033	Bike & Walking Trails	150,000								150,000	-	-	-	150,000
	N0021	Bay Trail Shared Path - Implementation	2,745,000	320,000						\$320k C'Over remaining balance for project rescheduled du to VCAT appeals	3,065,000	-	-	-	3,065,000
	C0287	GWR- Walking and Cycling Connectivity Project	200,000								200,000	-	-	200,000	-
	C0346	GWR- Linking Karkarook Park to Clayton Road	800,000								800,000	-	-	800,000	-
	N0117	Traffic Management Improvement Programs	670,000								670,000	-	-	-	670,000
	N0958	TM - Parkdale LATM (\$65k VicRoads)	-	(45,500)		45,500				\$45.5k Final claim for works completed in 17/18	-	45,500	-	-	(45,500)
	N0819	TM - WILSON STREET, Cheltenham - LATM	-	30,000						\$30k C'Over for trees and landscaping	30,000	-	-	-	30,000
	C0341	Edithvale Rd Pedestrian Crossing to Children's Hub	-	245,000						\$245k C'Over for implementation in 18/19 following delays in negotiations with VicRoads	245,000	-	-	-	245,000
	N0803	Minor Public Lighting Upgrades	80,000								80,000	-	-	-	80,000
	C0001	Kingston Industrial Development Strategy	250,000								250,000	-	-	-	250,000
	N0837	Traffic Signal Upgrades	147,000								147,000	-	-	-	147,000
		SUBTOTAL GOAL 4:	11,282,000	988,500	-	45,500	-	-	-	-	12,316,000	45,500	-	2,000,000	10,270,500



C	2018-2019 CAPITAL PROGRAM	ADOPTED	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	REVISED ADJUST	FORECAST (SEP)	FUNDING SOURCE (Forecast)			
		2018/19 CAPITAL BUDGET	RATES Adjust From 2017/18	GRANTS Received Prior to 18/19	GRANTS budgeted 17/18 for receipt in	GRANTS & Incomes NEW	RESERVES FROM 2017/18	Internal Budget Transfers	ADJUSTMENT NOTES	2018/19 CAPITAL BUDGET	GRANTS & CONTRIBS.	Grants Received Prior to 2017/18	RESERVE FUNDS	COUNCIL RATE
	<b>5- Our well governed and responsive or</b>													
	<b>A responsive and well-managed organisation (5.4)</b>													
C0011	Vehicles, Plant & Equipment Replacement (Operational)	300,000	300,000						\$300k C'Over for Trucks on order but not to be delivered until 18/19	600,000	-	-	-	600,000
N0765	Mills Road Depot Development - Site Purchase	5,550,000	250,000					120,000	\$250k C'Over Remaining balance from 17/18 \$120k Transfer from N0231 for solar panel installations	5,920,000	-	-	-	5,920,000
N0509	1230 Nepean Hwy - Programmed Renewal Works	203,000								203,000	-	-	-	203,000
C0335	1230 Nepean Hwy - Backup Generator	-	30,000						\$30k C'Over for OHS access improvements to Generator	30,000	-	-	-	30,000
N0795	1230 Nepean Highway - Oakleigh Room : Works to Balance	300,000	100,000						\$100k C'Over remaining for works to commence 18/19	400,000	-	-	-	400,000
	<b>Building Facilities - Renewal &amp; Upgrades</b>	-								-	-	-	-	-
N0024	Heating Ventilation and Cooling System Renewals & Upgrades	175,000								175,000	-	-	-	175,000
N0025	Floor Coverings Renewal Program	150,000								150,000	-	-	-	150,000
N0026	Kitchen & Toilets Renewal Program	150,000								150,000	-	-	-	150,000
N0028	Disability Audit Compliance - Building Upgrades	250,000								250,000	-	-	-	250,000
N0027	Renewal Program identified from condition audit	1,189,862								1,189,862	-	-	-	1,189,862
N0030	Building OH&S Improvements	95,000								95,000	-	-	-	95,000
C0315	Advanced Project Design & Feasibility Budget	100,000								100,000	-	-	-	100,000
C0316	Building Demolitions Programme	100,000	81,000						\$81k C'Over remaining for planned Demolitions in Mentone	181,000	-	-	-	181,000
N0793	Fire Hydrant Upgrades/Installations	300,000	112,000						\$112k C'Over for upgrades to fire service at Mills Rd	412,000	-	-	-	412,000
C0469	Bonbeach Basketball Stadium - Air Conditioning	350,000								350,000	-	-	-	350,000
	<b>Corporate Systems</b>	-								-	-	-	-	-
C0060	Desktop Fleet - PC's and Notebooks	1,500,000	150,000						\$150k C'Over to support implementation of tendered and ordered upgrade program	1,650,000	-	-	-	1,650,000
C0061	System Security	85,000								85,000	-	-	-	85,000
C0062	Communications	70,000	85,000						\$85k C'Over for works rescheduled for optimum timing	155,000	-	-	-	155,000
C0064	Phone Projects	70,000	36,000						\$36k C'Over for works rescheduled for optimum timing	106,000	-	-	-	106,000
N0153	Software Licensing	20,000								20,000	-	-	-	20,000
N0154	IS Strategy Implementation	180,000	90,000						\$90k C'Over for ICT Strategy priority activities	270,000	-	-	-	270,000
N0971	Hardware and Cloud Transition	380,000	283,000						\$283k C'Over to support hardware upgrades	663,000	-	-	-	663,000
C0068	Asset Management System - Development & Support	50,000	49,000						\$49k C'Over for Consultancies on order	99,000	-	-	-	99,000
N0775	Asset Management Systems - Operational Function	100,000								100,000	-	-	-	100,000
c0231	Library Management System Update	-	430,000						\$430k C'Over budget for tendered works	430,000	-	-	-	430,000
N0155	Corporate Information	50,000								50,000	-	-	-	50,000
N0156	Corporate Systems & Mobility	100,000	50,000						\$50k C'Over to support Mobility project implementation	150,000	-	-	-	150,000
	<b>SUBTOTAL GOAL 5:</b>	<b>11,817,862</b>	<b>2,046,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>120,000</b>	<b>-</b>	<b>13,983,862</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>13,983,862</b>
	<b>TOTAL - CAPITAL WORKS PROGRAM 2018/19</b>	<b>60,615,661</b>	<b>5,640,772</b>	<b>1,828,820</b>	<b>522,256</b>	<b>(342,000)</b>	<b>1,342,421</b>	<b>-</b>	<b>-</b>	<b>69,607,930</b>	<b>3,916,449</b>	<b>1,828,820</b>	<b>8,106,021</b>	<b>55,756,640</b>
		<b>TRUE</b>								<b>TRUE</b>	<b>TRUE</b>	<b>TRUE</b>	<b>TRUE</b>	



## Ordinary Meeting of Council

24 September 2018

**Agenda Item No: 10.8**

### **RESPONSE TO NOTICE OF MOTION 26/2017 - CR WEST - TREES FOR NEPEAN HIGHWAY**

**Contact Officer: Jessica Salehian, Senior Landscape Architect**

#### **Purpose of Report**

To seek approval from Council to engage a consultant to prepare plans that respond to the Resolution of Council on 25 June 2018 and the Notice of Motion 26/2017 on 24 July 2017.

#### **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.

#### **OFFICER RECOMMENDATION**

That Council engage a landscape design consultant to develop plans and implementation costings that respond to the Resolution of Council on 25 June 2018 and the Notice of Motion 26/2017 on 24 July, 2017 for landscaping the Nepean Highway outer separators, centre median and nature strips.

Stage 1 spans from north of Mc Donald Street, Mordialloc to South Road Moorabbin. Stage 2 spans from South of McDonald Street to Osprey Lane, Carrum.

The objectives of the landscape design are to be:

- compliant with the design requirements of Vic Roads and Vic Track when undertaking landscape improvements along the Nepean Highway
- maintaining and enhancing the existing native trees along the Highway with further complementary native and indigenous planting
- maintaining and enhancing plantings through activity centres and adjacent to parks; including Australian Native Pines (Hoop & Norfolk Island Pines)
- maintaining and enhancing existing plantings and fill gaps with plantings as seen through Parkdale
- inform LXRA landscape treatment south of Mordialloc Creek

## **1. Executive Summary**

This report is to seek approval from Council to engage a consultant to prepare plans that respond to the Resolution of Council on 25 June 2018 and the Notice of Motion 26/2017 on 24 July, 2017.

The proposed design work will demonstrate how best Council can undertake a program of native and where possible indigenous tree planting along the medians, outer separators and if possible nature strips along the Nepean Highway through the City of Kingston.

It will also seek to inform the future landscape treatments at all LXRA sites south of Mordialloc Creek.

Refer below to Council Resolution as Carried on 25 June 2018:

### **10.5 Response to Notice of Motion 26/2017 - Cr West - Trees for Nepean Highway**

**Moved: Cr West**

**Seconded: Cr Brownlees**

*That:*

1. *Officers develop a brief for the engagement of a landscape design consultant to develop plans and costings for the outer separators north of Mc Donald Street, Mordialloc. The plans will respond to the Notice of Motion from the ordinary meeting of Council 24 July, 2017. The anticipated timeline is for development of brief July/August; award contract for design late August; design September/November and report back to Council November/December 2018 in accordance with the Council resolution of July 2017, including specifically: .*

*The objectives of the landscape design are to be:*

- compliance with the design requirements of Vic Roads when undertaking landscape improvements along the Nepean Highway*
  - maintaining and enhancing the existing native trees along the Highway with further complementary native and indigenous planting*
  - maintaining and enhancing plantings through activity centres and adjacent to parks; including the Norfolk Island and Hoop Pines*
  - maintaining and enhancing existing plantings and fill gaps with plantings as seen through Parkdale*
2. *Council receive a further report following the development of compliant landscape plans for the outer separators north of Mc Donald Street, Mordialloc to enable consideration of future funding of landscape works to be implemented and maintained along the Nepean Highway.*
  3. *Officers continue maintaining and enhancing the planting of local foreshore species on both sides of the highway south of Mordialloc Creek.*
  4. *Officers continue working with LXRA to develop suitable plans and landscape treatments incorporating native and indigenous plants to be implemented along the rail corridor as part of the design for the removal of five level crossings between Aspendale and Carrum.*
  5. *Officers continue to undertake regular horticultural maintenance activities including replacement planting and reinforce Date Palm theme as required along Main Street, Mordialloc.*

**CARRIED**

Refer below to Notice of Motion as Carried on 24 July 2017:

**12.1 Notice of Motion No. 26/2017 - Cr West - Trees for Nepean Highway**

**Moved: Cr West**

**Seconded: Cr Staikos**

1. *That Council officers prepare a report outlining whether and how best Council can undertake a program of native and where possible indigenous tree planting along the medians and if possible nature strips along the Nepean Highway through the City of Kingston. This will need to involve discussions with VicRoads and Victrack to seek their in principle support and co-operation for such a project.*
2. *That with VicRoads support, officers draw up a draft plan that involves:*
  - *Maintaining and enhancing the existing native trees along the Highway by further complementary plantings.*
  - *Maintaining and enhancing existing plantations through Activity Centres and adjacent to parks including:*
    - *The Norfolk Island Pines along the Nepean Highway north and south of the Council offices in Cheltenham;*
    - *The Canary Island Palms and other recently established plantings through Mordialloc,*
    - *Complementary native plantings adjacent to Bradshaw and Attenborough Parks*
  - *For the rest of the highway north of the Mordialloc Creek, maintaining and enhancing the existing planting of a varied avenue of bushy native, ideally indigenous, trees that are favoured by VicRoads for their safety features, i.e. trees that have slender trunks and scrubby branching foliage such as may be seen through Parkdale. Such trees have important safety features:*
    - *They screen out oncoming headlights;*
    - *They help to prevent cars from crossing the centre median,*
    - *They buffer the impact of such cars in a safer and more effective way than eucalypts.*
  - *Maintaining and enhancing the planting of local foreshore species on both sides of the highway south of the Creek.*
  - *Avoiding as far as possible the removal of existing healthy mature trees.*
  - *Avoiding the planting of more eucalypts whose trunks are likely in time to become hazardous to drivers who accidentally allow their cars to leave the road at speed.*
  - *Considering the use of appropriate native grasses and ground cover plants to reduce the need for mowing.*
  - *Instituting a program of monitoring and rubbish collection.*
3. *This plan should be put out for a period of community consultation before it is finally approved by Council and any relevant statutory authorities.*

**CARRIED**

**2. Background**

This report responds to the Resolution of Council on 25 June 2018 and the Notice of Motion 26/2017 on 24 July, 2017 and outlines whether and how best Council can undertake a program of native and where possible indigenous tree planting along the medians, outer separators and nature strips along the Nepean Highway through the City of Kingston.

Nepean Highway travels through two major gateways of Kingston, specifically Carrum and Moorabbin. Further planting along the Nepean Highway has the potential to contribute to a significant improvement of the landscape character and enhance the amenity of the highway.

The objective of any roadside landscape treatment is to visually improve the roadside whilst balancing the issues associated with the identified site constraints, site conditions, road safety, occupational health and safety and maintenance risks and costs.

The anticipated timeline for Stage 1 design works north of Mc Donald Street is to award a contract for design in mid-October; design November/March and report back to Council April 2019.

Timelines for Stage 2 design works will be scheduled to coincide with proposed LXRA design works to ensure landscape design theming along the Nepean Hwy south of Mordialloc informs all future LXRA design and works within this area. It is also intended that Council's design consultants review proposed LXRA designs to ensure a holistic landscape design treatment is achieved.

Landscape improvements for the Nepean Highway are not currently budgeted for in the Capital Works Forward Plan. Additional funding or reallocation of \$150k from the existing Capital Budget is required to prepare the design and costings.

A staged implementation of the designed works that respond to the implementation of Resolution of Council on 25 June 2018 and the Notice of Motion 26/2017 on 24 July over a number of years could be considered and funding for this project should be included in the forward Capital Works plan.

### **3. Discussion**

#### **3.1 Council Plan Alignment**

Goal 2 - Our sustainable green environment with accessible open spaces  
Direction 2.4 - Review and implement the open space strategy to ensure high quality and increased capacity of the open space network

#### **3.2 Consultation/Internal Review**

External authorities such as Vic Roads and Vic Track will need to provide comments on concept plans to ensure proposed works meet all safety guidelines. Community consultation may be required in the event that Council undertakes extensive landscape works along the Nepean highway in the future.

Operation and Strategic Issues

##### **3.2.1 Option 1**

Engage a landscape design consultant to develop plans and costings for the Nepean Highway centre median, outer separators and nature strips commencing with Stage 1 works north of Mc Donald Street, Mordialloc to South Road Moorabbin, to be followed by Stage 2.

All plans will respond to the Resolution of Council on 25 June 2018 and the Notice of Motion 26/2017 on 24 July 2017. The anticipated timeline for Stage 1 works is to award contract for design in mid-October; design November/March and report back to Council April 2019.

##### **Option 2**

Do not proceed with design of Nepean Highway and continue to focus on establishing and maintaining existing plantings and landscape treatments and reinforce them by replacing plant loss and filling vacant sites.

#### **4. Conclusion**

##### **4.1 Environmental Implications**

Planting and landscaping along Nepean Highway will provide:

- Shade, shelter & cooling;
- Improve air quality;
- Seasonal variation; and
- Storm water mitigation.

##### **4.2 Social Implications**

Planting and landscaping along the Nepean Highway would reinforce a sense of place by improving aesthetic appeal, amenity and creating an identity for the City of Kingston.

##### **4.3 Resource Implications**

Additional tree planting and landscaping along Nepean Highway is not currently budgeted for. Significant additional resourcing would be required for the establishment and ongoing maintenance of any new plantings and landscape treatments.

Quotations have been received for Stage 1 design works from appropriate landscape design consultants to develop plans and costings that will respond to the Resolution of Council on 25 June 2018 and the Notice of Motion 26/2017 on 24 July 2017. These are currently under assessment with costs ranging from \$43,500 - \$49,800 (Excl. GST).

It is estimated Stage 2 will cost in order of \$100k for the design, review and co-ordination with LXRA and other relevant authorities.

The total cost for the engagement of a landscape design consultant is estimated to be \$150,000 (Excl. GST) plus a 10% contingency for Stages 1 & 2 and could be funded from Council's adopted 2018/19 and 2019/20 Operating Budget.

A cost estimate will be undertaken as part of the design process for implementation.

##### **4.4 Legal / Risk Implications**

- There are risks to the health and safety of staff and contractors undertaking work along the Nepean highway, in particular throughout the 80kph section.
- Implementation of landscape works will require a significant budget, possibly with the need to install safety barriers as part of this project.

Author/s: Jessica Salehian, Senior Landscape Architect

Reviewed and Approved By: Mark Juler, Manager Parks & Recreation  
Daniel Freer, General Manager City Assets and Environment

## **11. Corporate Services Reports**



# Ordinary Meeting of Council

24 September 2018

Agenda Item No: 11.1

## WARD ADVISORY COMMITTEES

Contact Officer: Stephanie O'Gorman, Governance Officer

### Purpose of Report

This report is a further response to a resolution from the Council meeting on 27 February 2017 regarding the establishment of Ward based Advisory Committees. The resolution sought an officer report on the need to provide area based Advisory Committees following discussion at the Councillor Planning Workshop held in February 2017.

The report identifies considerations regarding the structure and operation of the proposed committees in terms of the organisation's needs and commitment to contemporary consultation in the context of future legislative direction.

Given the direction of the proposed new Local Government Act, much of the thinking behind the structure of the committees is aimed at aligning them with the consultation / engagement objectives of the new Act.

It is recommended a demographically representative advisory committee be established in each ward.

### 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.

### OFFICER RECOMMENDATION

That Council:

1. Establish a demographically representative advisory committee in each ward to be known as the North Ward Advisory Committee, the Central Ward Advisory Committee and the South Ward Advisory Committee.
2. Adopt the Ward Advisory Committee Terms of Reference and Ward Advisory Committee Guidelines attached to this report.
3. Commences operation of the Ward Advisory Committees in February 2019.

### 1. Executive Summary

At the Councillor Workshop in February, 2017 Councillors expressed an interest in forming area based advisory committees.

Further to this discussion a Notice of Motion was submitted at the 27 February 2017 Ordinary Meeting of Council seeking an officer report on the potential formation of such committees. It was resolved as follows:

**12.3 Notice of Motion No. 5/2017 - Cr Brownlees - Ward Based Committees**

**Moved: Cr Brownlees**

**Seconded: Cr Gledhill**

*That officers prepare a report that outlines the processes for establishing and forming, including operational, reporting and staffing possibilities, a Ward based advisory/consultative committee for each ward.*

**Procedural Motion**

**Moved: Cr West**

**Seconded: Cr Staikos**

*That this item be deferred until Council officers provide a report in response to discussion at the Councillor Planning Workshop about the need to provide locally based Village or Ward Advisory Committees.*

**CARRIED on the Casting Vote of the Chairperson**

Further discussion with Councillors regarding the proposed committees also took place at the Planning Councillor Information Session on 5 June and 17 July 2017 (with this report being deferred from 21 August 2017).

Consequently, this report outlines a proposal for each ward to have its own Ward Advisory Committee. These committees are in addition to the existing issue based Advisory Committees complementing Council's Consultation Structure.

This report provides a Terms of Reference document (which references supporting Guidelines) for the operation of the new committees and are provided as attachments to this report.

## **2. Background**

In March 2015 Council resolved to form seven Advisory Committees as a part of its Consultation Framework (adopted August 2014). These committees included:

- Public Spaces and Environment Advisory Committee
- Access and Equity Advisory Committee
- Sport and Recreation Advisory Committee
- Arts and Culture Advisory Committee
- Kingston Festivals Advisory Committee (now not an Advisory Committee)
- Kingston Youth Advisory Committee
- Community Safety Advisory Committee

In July 2015 an eighth advisory committee was added to the structure, that being the Business and Development Advisory Committee. The objective of these committees is to assist Council in achieving its goals as set out in the Council Plan.

Following feedback received from Councillors in the February 2017 workshop and the related resolution from the February 2017 Ordinary Council Meeting, a report on the need for new committees be formed on a ward basis – North, South and Centre Ward Advisory Committees was called for

The concept of the Ward Advisory Committees was further discussed with Councillors at the Planning Councillor Information Session on 5 June, 17 July, 21 August 2017 and most recently on 16 July 2018. At the Ordinary Meeting of Council on 23 July 2018, it was resolved that this item be deferred for consideration at the September Ordinary Meeting of Council.

The proposed Ward Advisory Committees provide further opportunities for Council to engage with our community.

An expansion of Council's consultative reach is in line with Council's commitment to engagement as outlined in the Council plan and aligns with the Local Government Bill 2018.

### **3. Discussion**

#### **3.1 Operation and Strategic Issues**

##### **3.1.1 Local Government Act Review**

The Local Government Act is currently under review. One of the cornerstones of the proposed Act is its emphasis on participatory engagement. The proposed expansion of Council's consultative reach in creating additional Advisory Committees aligns well with these proposed legislative changes and enables Council to enhance its existing engagement with the community.

##### **3.1.2 Advisory Committee Structure**

Ward Advisory Committees are in addition to the current Advisory Committee structure. The new committees will not affect the operations of the existing committees.

At the Planning Councillor Information Session on 5 June 2017, Councillors were supportive of the proposal for the Ward Advisory Committees to operate as an addition to the already existing strategic Advisory Committees.

It is therefore proposed that to encourage wider community participation in Council's Advisory Committee structure that preference be given to community members who are not already members of a strategic Advisory Committee. If vacancies remain, those community members who are already on a Strategic Advisory Committee may be appointed to a Ward Advisory Committee or vice versa.

##### **3.1.3 Ward Advisory Committee Membership**

It is proposed that the membership of Ward Advisory Committees be selected on a demographic representative basis to ensure that committees effectively represent the distinct demographic profile of the Kingston community. Demographic characteristics for membership may include age, gender, suburb and/or cultural background for example. It is recommended that the membership structure of Ward Advisory Committees should reflect the demographic profile of each Ward as much as possible.

Each committee will have a maximum of 25 members. The selection of the membership will involve calling for nominations, utilising a similar process to that which was used for the Customer Charter Community Panel and the Housing Strategy/Neighbourhood Character Community Panel. Direct nomination by Council of community members could be utilised if nominations do not meet the number of positions available for each Ward Advisory Committee.

It is proposed that the initial term of membership for Ward Advisory Committees aligns with the current Council Term, with memberships expiring in February 2021. This membership term will enable the new Council to review the Ward Advisory Committees along with the Strategic Advisory Committees.

**3.1.4 Council Plan 2017 – 2021**

Ward Advisory Committees are Advisory Committees of Council. As with all City of Kingston's Advisory Committees, these committees have a strategic focus.

In establishing Ward Advisory Committees, Council is seeking high level discussion, advice and feedback from members of the local community on matters that link directly to the delivery of the Council Plan.

This includes feedback on Council projects, policy initiatives and issues that impact on the local community.

Ward Advisory Committees will provide an important link in Council's consultation process and enable Council to deliver on the goals as set out in the Council Plan 2017 – 2021 by engaging the community in decision making and speaking up on behalf of our community.

**3.1.5 Ability to make recommendations to Council**

Consistent with Council's Strategic Advisory Committees, the ability to make recommendations to Council via the Councillor Information Session (CIS) cycle is a key element of Ward Advisory Committees. The CIS cycle will provide a conduit for discussion between Councillors and Officers as to the progression of proposed recommendations from Ward Advisory Committees to Council.

In order to make a recommendation to move forward to the CIS cycle, it is proposed that it must be supported by two thirds of the total committee.

A Ward Advisory Committee recommendation must call for an Officer report if the recommendation:

- substantially affects the level of Council services;
- commits the Council to expenditure in excess of \$2,500 and that has not been included in the adopted budget;
- establishes or amends a Council policy; or
- commits the Council to any contractual arrangement, as determined by the Chief Executive Officer.

Whether an Officer report is prepared will then be discussed with all Councillors at a CIS to be dealt with as set out in Appendix 2.

Officers may progress a recommendation of a Ward Advisory Committee in consultation with the appropriate General Manager if the recommendation does not trigger any of the above and:

- 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 which is further outlined in Appendix 2 of this report – Ward Advisory Committee Guidelines.

### **3.2 Operation**

The addition of three Ward Advisory Committees is consistent with achieving Council's engagement and consultative priorities. The major question is the level of administration required for the committees and the best way to facilitate high level feedback to Council. The level of administration and facilitation will dictate the resource implications for the organisation.

#### **3.2.1 External Facilitation and Internal Administration**

It is proposed that an external person be engaged to facilitate Ward Advisory Committee meetings. Given the large membership numbers for each Ward Advisory Committee, it is considered that the skills of an experienced external facilitator will be required to manage discussions to ensure that all voices are heard and each member is given the opportunity to contribute in a meaningful way.

The administration of the committees will be undertaken by the Governance Department.

#### **3.2.2 Meeting Cycle**

The structure of the Ward Advisory Committee meeting cycle is designed to maximise opportunities for Councillors to attend while balancing additional out of hours workload. It is proposed that meetings are held during the second week of the relevant month on a Tuesday, Wednesday and Thursday evening. This takes into consideration existing commitments in relation to Council meetings, Planning Committee meetings, Councillor Information Sessions, Planning Conferences, Strategic Advisory Committee Meetings, civic and community events etc.

At the CIS on July 17 2017 the majority of Councillors indicated a preference for the meeting cycle as outlined below. It provides for three Ward Advisory Committee meetings per calendar year with the option for Council to call a city-wide meeting when and if the need arises.

It is proposed that meetings would not be scheduled for the months of December and January or within the care taker period prior to Local, State and Federal Government Elections.

Ward Advisory Meetings do not affect a Councillor's ability to call a Ward Meeting that is open to all constituents in a ward as per the existing Ward Councillor Meeting Policy

**City of Kingston  
Ordinary Meeting of Council**

**Agenda**

**24 September 2018**

Month	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
<b>Ward Advisory Committee Meetings</b>	North Centre South				North Centre South				North Centre South	
<b>City Wide Meeting i.e. all 3 Ward Advisory Committees</b>	To be determined as required									

**3.2.3 Digital Engagement between Ward Advisory Committee Meetings**

It is proposed to use digital platforms to engage with committee members between meetings to further enhance engagement with the committees.

**3.2.4 Venues, Catering and Reimbursements**

Meetings will be held at Council owned venues to be determined. Venues will be chosen on a rotational basis across each of the wards. City-wide meetings would also rotate from ward to ward.

Appropriate catering will be provided for committee members prior to the beginning of each meeting. Meetings will run from 6 - 8pm with catering provided between 5.30pm and 6pm.

It is also proposed that members be paid a retainer of \$200 per annum for their attendance. Officers feel this is appropriate given the level of involvement and commitment being asked of members. Additional expenses associated with travel, respite care and/or child care would also be paid in order to encourage attendance from all sectors of the community.

**3.2.5 Proposed Timeline for implementation of Ward Advisory Committees**

It is proposed that the Ward Advisory Committees begin meeting in February 2019. This will allow sufficient time for a comprehensive recruitment process, including an external facilitator, and time to develop work plans for the committees.

Date	Action
Early October	Develop demographic profile and criteria for selection of committee members
Mid-October	Prepare information for advertising of Expression of Interest
Mid-October– mid November	Expressions of Interest open for committee members Recruitment of facilitator
Late November	Ward Advisory Committee formed

**4. Conclusion**

**4.1 Environmental Implications**

N/A



**4.2 Social Implications**

Advisory Committees provide an important link in Council's consultation process and enable Council to deliver on the goals as set out in the Council Plan 2017 – 2021 by engaging the community in decision making and speaking up on behalf of our community.

**4.3 Resource Implications**

Costs associated with the operation of the Ward Advisory Committees are currently unbudgeted.

The approximate costs per annum for the operation of the committees would be as follows:

1. Payment of a facilitator - approximately \$5,000 to \$10,000.
2. Payment of members of the committees (retainer and reimbursement costs) – approximately \$15,000.
3. Payment of catering – approximately \$10,000

**4.4 Legal / Risk Implications**

N/A

**Appendices**

Appendix 1 - Ward Advisory Committee - Terms of Reference (Ref 17/58663) [↓](#)

Appendix 2 - Ward Advisory Committee Guidelines (Ref 17/58690) [↓](#)

Appendix 3 - Ward Advisory Committee Recommendations Process (Ref 17/109162) [↓](#)

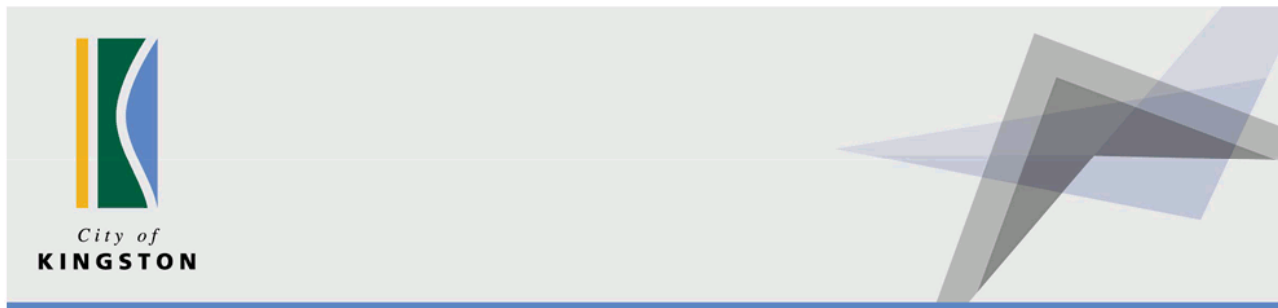
Author/s: Stephanie O'Gorman, Governance Officer

Reviewed and Approved By: Phil DeLosa, Manager Governance  
Paul Franklin, General Manager Corporate Services

# 11.1

## WARD ADVISORY COMMITTEES

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3	Ward Advisory Committee Recommendations Process .....	473



## Draft Ward Advisory Committee Terms of Reference

<b>Purpose and Scope of Committee:</b>	<p>Council has established three (3) Ward Advisory Committees. These are the North Ward Advisory Committee, the Central Ward Advisory Committee and the South Ward Advisory Committee.</p> <p>Ward Advisory Committees are Advisory Committees of Council and consistent with all City of Kingston Advisory Committees have a purely strategic focus.</p> <p>In establishing Ward Advisory Committees, Council is seeking high level discussion, advice and feedback from members of the local community on matters that link directly to the delivery of the Council Plan.</p> <p>This includes feedback on Council projects, policy initiatives and issues that impact on the local community.</p> <p>Ward Advisory Committees provide an important link in Council's communication process and enable Council to deliver on the goals as set out in the Council Plan 2017 – 2021 by engaging the community in decision making and speaking up on behalf of our community.</p> <p>Ward Advisory Committees have no delegated decision making power from Council.</p>
<b>Committee Objectives:</b>	<p>The objective of Ward Advisory Committees is to assist Council in achieving its goals as set out in the Council Plan.</p> <p>Ward Advisory Committees will achieve this by;</p> <ul style="list-style-type: none"> <li>• Providing feedback to Council on items of strategic importance</li> <li>• Acting as a key consultation mechanism for Council on items requiring community consultation</li> <li>• Bringing to Council's attention issues of importance to the local community</li> <li>• Representing the local community and their interests</li> <li>• Working positively with Council and celebrating achievements and successes as a community</li> </ul>

## DRAFT WARD COMMITTEE TERMS OF REFERENCE

<p><b>Criteria for membership:</b></p>	<p>Ward Advisory Committee members may include residents, property/business owners and members of community organisations from each of the three wards respectively.</p> <p>Ward Councillors will support their Ward Advisory Committee. Ward Councillors are non-voting members of their respective committee.</p> <p>Committee members must demonstrate;</p> <ul style="list-style-type: none"> <li>• An ability to constructively participate in an advisory capacity;</li> <li>• An ability to represent a broad range of views that reflect the diversity of the community;</li> <li>• A strong understanding of the local community and its social, environmental and economic influences;</li> <li>• Good knowledge and understanding of the local issues;</li> <li>• A willingness to contribute positively to meetings in a fair and unbiased manner;</li> <li>• An ability to look beyond personal interests for the benefit of the community and residents of the City of Kingston;</li> <li>• An ability and willingness to encourage participation from and provide feedback to the community;</li> <li>• A capacity to commit to the Ward Advisory Committee for the required duration;</li> <li>• A willingness to celebrate the success and achievements the City of Kingston.</li> </ul>
<p><b>Membership Structure:</b></p>	<p>Ward Advisory Committees will consist of the following membership structure:</p> <p><b>Demographic based nominees (Max 25)</b> Self-nominated community members will be selected to reflect the Ward's demographic profile. A maximum of 25 members will be selected from the community based on this demographic profile to the extent possible.</p> <p>To encourage wider community participation in Council's Advisory Committee structure preference will be given to community members who are not already members of a Strategic Advisory Committee.</p> <p>Direct nomination by Council of community members could be utilised if nominations do not meet the number of positions available for each Ward Advisory Committee inclusive of those community members who are already on a Strategic Advisory Committee.</p>
<p><b>Selection of Members:</b></p>	<p>The selection of the membership will involve calling for expressions of interest.</p> <p>Individual letters will be sent to a random sample of addresses supported by an advertisement placed in the local media and on Council's website.</p> <p>A form must be completed by interested representatives.</p> <p>Ward Advisory Committee membership should be reflective of a broad range of community interests, locations, gender, cultural background, suburb, age, etc.</p>

## DRAFT WARD COMMITTEE TERMS OF REFERENCE

	<p>Appointment will be for an initial period to February 2021. Should the next Council continue with Ward Advisory Committees, members may be reappointed for a maximum of two terms i.e. four years. Casual vacancies will be filled according to the selection process outlined in these Terms of Reference.</p> <p>If inadequate nominations are received during the re-appointment process, members whose term has expired (i.e. served for the initial term) are eligible to re-nominate.</p>
<b>Facilitation of Meetings</b>	<p>Meetings will be facilitated/chaired by an independent facilitator.</p> <ul style="list-style-type: none"> <li>• The facilitator must ensure that:</li> <li>• Meetings run smoothly and efficiently</li> <li>• The agenda is followed</li> <li>• Councillors, members and Officers are asked to disclose conflicts of interest</li> <li>• All members have an opportunity to contribute to discussions on each agenda item</li> <li>• All members are respectful of each other and listen to each other's opinions</li> <li>• The meeting concludes within two hours of its commencement</li> </ul>
<b>Administrative Support:</b>	<p>The Governance Department will:</p> <ul style="list-style-type: none"> <li>• Provide terms of reference to committee members.</li> <li>• Facilitate a review process for the committee and its terms of reference every two years.</li> <li>• Provide information and education on good governance issues such as; conflict of interest, confidentiality and register of interests.</li> <li>• Oversee the recruitment and selection process for committee membership.</li> <li>• Compile and circulate agendas, compile and distribute minutes.</li> </ul> <p>General Managers and selected Council Officers will provide professional advice to the committees as required on an ex officio basis.</p>
<b>Quorum and Voting:</b>	<p>The Committee will operate with 'two thirds plus one' of the total membership.</p> <p>It is preferable that decisions of Ward Advisory Committees are made by consensus however; there may be circumstances where a matter is decided by a vote.</p> <p>Recommendations of the Ward Advisory Committee to Councillors must have the support of two thirds of the total membership.</p> <p>Each member is entitled to one vote. Councillors are non-voting members of the committees.</p>

## DRAFT WARD COMMITTEE TERMS OF REFERENCE

<b>Conflict of Interest and Confidentiality:</b>	<p>The Local Government Act identifies direct and indirect conflicts of interest which require disclosure as and when they arise. Members of Ward Advisory Committees must be fully aware of their responsibilities with regard to the management of interests in relation to the discharge of their duties as members.</p> <p>Any matter deemed by a member to represent a Conflict of Interest shall be reported to the Governance Department either prior to a meeting or before the specific item is discussed and dealt with in line with the Act and any relevant Council policies or guidelines.</p> <p>It is intended that Ward Advisory Committees will be a forum for discussing proposed policies and actions that may impact the Kingston Community.</p> <p>It is envisaged that members may be provided with information that is not available in the public realm. It will be critical that committee members are seen as a group that can be trusted with confidential information.</p> <p>A Ward Advisory Committee's ability to fulfill its purpose will be severely hampered if that trust is undermined in any way. Given the level of confidentiality that will be associated with some of the information provided to members, any discussion with non-committee members is limited to information already available to the public.</p> <p>Confidential information will not be disclosed without Council's prior approval.</p>
<b>Meetings:</b>	<p>Ward Advisory Committee meetings will be held 3 times per annum with the option for one joint meeting of all Committees on an as needs basis determined by the Council. Meetings will be scheduled for the second week in the months of February, June and October. Members will be engaged using digital platforms between scheduled meetings.</p> <p>Under special circumstances a meeting may be cancelled or re-scheduled. A Council venue that is central for all members to access will be nominated for meetings.</p> <p>It is expected that each committee member will attend a minimum of 2 out of 3 meetings each year.</p> <p>Members will be paid a retainer for their participation. Additional expenses associated with travel, Respite care and/or child care will also be paid to members.</p>
<b>Guiding Principles:</b>	<ul style="list-style-type: none"> <li>• We are inclusive, open minded and respectful of everyone's perspective</li> <li>• We put our personal agendas aside and provide advice for the greater good of the diverse City of Kingston community</li> <li>• Challenging and exploring are an integral part of what we do and how we operate</li> <li>• We represent and commit to the value of the committee</li> <li>• We actively participate and engage in the work of the committee</li> </ul>



## DRAFT WARD COMMITTEE TERMS OF REFERENCE

	<ul style="list-style-type: none"> <li>• We are punctual, well prepared, timely with responses and we follow through</li> <li>• We are realistic about what we can achieve</li> <li>• We have a strong focus on outcomes</li> </ul>
<b>Reporting:</b>	<p>Notes of Ward Advisory Committee meetings will be prepared by Council Officers and will be submitted to a Councillor Information Session.</p> <p>Where a Ward Advisory Committee wishes to make a recommendation to Council, members and officers should refer to the Ward Advisory Committee Guidelines (Section 9 – Reporting and Committee Recommendations).</p> <p>Recommendations of Ward Advisory Committees will be processed for Council consideration via a report prepared by officers as per the Ward Advisory Committee Guidelines.</p>
<b>Related Documents:</b>	<p><a href="#"><u>Ward Advisory Committee Guidelines</u></a></p> <p><a href="#"><u>Ward Advisory Committee Proposed Recommendations Process</u></a></p> <p><a href="#"><u>Council Plan 2017 - 2021</u></a></p> <p><a href="#"><u>Living Kingston 2035</u></a></p>
<b>Review:</b>	To be reviewed in February 2021

## Ward Advisory Committee Guidelines

APPROVAL:	
VERSION NO:	1
TRIM REF:	
ENDORSEMENT:	Manager, Governance General Manager Corporate Services
REVIEW DATE:	To be reviewed February 2021
RESPONSIBLE EXECUTIVE:	General Manager Corporate Services
POLICY OWNER	Manager Governance

### 1. Purpose

The Ward Advisory Committee Guidelines (the Guidelines) provide information and procedures in relation to the *Ward Advisory Committees* program at the City of Kingston for the Council Term 2016 - 2020.

### 2. Scope

The Guidelines apply to all *meetings* of *Ward Advisory Committees* of the City of Kingston.

The Guidelines are designed to ensure *Ward Advisory Committees* operate efficiently and productively by outlining procedures for a range of matters including preparation of agendas and notes, governance requirements and *meeting* procedures.

The Guidelines serve as a reference document for Council *officers* and *Committee members* in facilitating *Ward Advisory Committee* meetings.

### 3. Definitions

Word/Term	Definition
<i>Ward Advisory Committee</i>	means a Ward Advisory Committee adopted by Council.
<i>Committee</i>	means a Ward Advisory Committee as defined in this section.
<i>Assembly</i>	means an Assembly of Councillors as defined in the Act.
<i>Member</i>	means a member of a Ward Advisory Committee.
<i>Meeting</i>	means a meeting of a Ward Advisory Committee.
<i>Officer</i>	means an officer of Kingston Council.
<i>Terms of Reference</i>	means Ward Advisory Committee Terms of Reference as adopted by Council.

## 4. Procedure / Guidelines

### (1) Overview of Ward Committees

Council has established three *Ward Advisory Committees*.

These committees are:

- Central Ward Advisory Committee
- South Ward Advisory Committee
- North Ward Advisory Committee

These *committees* have a strategic focus and Council is seeking high level discussion, advice and feedback from these committees on matters that link directly to the delivery of the Council Plan.

*Ward Advisory Committees* do not have delegated decision making power from Council. Rather, they serve as a reference source that provides Ward Councillors with important feedback on Council projects and policy initiatives that impact on the Ward and municipality.

*Ward Advisory Committees* will be reviewed in line with each Council term to reflect the Council's priorities as identified in the Council Plan.

### (2) Scope of Ward Advisory Committees

The scope of each *Ward Advisory Committee* is defined in the *Terms of Reference*. *Ward Advisory Committees* must operate within their *Terms of Reference*.

### (3) Roles and Responsibilities

#### a. Ward Advisory Committee Members

The overarching role of a *member* is to attend scheduled meetings and to provide feedback and advice to Council on matters within the scope of the *committee's Terms of Reference*. *Members* must be familiar with the *Terms of Reference*.

*Members* should actively participate in meetings and show respect to other *members* by listening while another person is speaking.

It is the intention of Council that *committees* will be strategically focused. *Members* can contribute to the achievement of this objective by ensuring their contributions are in line with the 'bigger picture' focus of their *committee*. *Members* should not use meetings to raise maintenance and/or service requests with Council. This is to be done via Council's existing Customer Service mechanisms.

#### b. Council Officers

The overarching role of *officers* is to ensure the effective running of *committees* by providing advice, presentations and administrative support to committees.

*Officers* have a range of responsibilities in relation to *committees*. Specific responsibilities have been listed in the *Terms of Reference* and this Guideline provides further specificity in relation to responsibilities of *officers*.

*Officers* responsible for *Ward Advisory Committees* are responsible for preparing and setting the agenda in line with Council Plan objectives (see part 4 'Agendas' of Guideline) and presenting the notes of each meeting to the next scheduled Corporate Leadership Group (CLG) Meeting and Strategic Councillor Information Session (CIS) (see part 9 'Reporting' of Guidelines). These *officers* are also expected to attend all *meetings*.

*Officers* in the Governance Department are responsible for communicating and ensuring compliance with relevant governance requirements for each *committee* (see part 8 'Governance Requirements' of Guidelines).

All *officers* are responsible for utilising *committees* to gain feedback and undertake consultation on projects and policy initiatives. Feedback provided by *committees* should be considered in *officers'* decision making processes and outlined in Council reports under the sub-heading consultation, where applicable.

c. Councillors

Councillors may attend any *meeting* in their Ward. A Councillor in attendance shall be accorded due status as an elected representative of the community.

**(4) Agendas**

a. Preparation

Agendas for meetings are to be compiled by the Governance Department responsible for the *committee*.

b. Content

Agenda items should be generated within the scope of a committee's *Terms of Reference*.

*Members* may suggest items for discussion to responsible *officers*; however, *officers* must assess whether the suggested item links to the Council Plan and is within the scope of the committee's *Terms of Reference*. Items not meeting these requirements should not be included on an agenda.

All agendas must include the following items:

- Apologies
- Disclosures of *officer/Councillor/member* conflicts of interest
- Confirmation of Notes of previous meeting
- Items for discussion

c. Delivery

Agendas will be circulated to all *members* via email at least five clear days before meetings. Hardcopy agendas will only be provided where a member does not have email access.

**(5) Notes of the Meeting**

a. Content

Notes of the meeting must include the following:

- Attendance of *members, officers* and Councillors
- Apologies
- Disclosures of *officer/Councillor/member* conflicts of interest
- Items discussed
- Proposed Recommendations raised by the *committee*

Notes should be concise and provide a summary of the discussion on each agenda item. Notes are not to be a transcript of the meeting.

b. Delivery

Notes will be provided to *members* with the next meeting's agenda (see clause 4 (c))

Notes will be presented to Councillors at the next scheduled Strategic CIS after meetings (see part 9 'Reporting' of Guideline).

**(6) Meetings**

a. Venues

Meetings will be held at Council owned venues to be determined by *officers* annually. Venues will be chosen on a rotational basis across each ward.

b. Times

Meetings may run for a maximum duration of two hours. It is incumbent on the Facilitator to ensure that meetings do not exceed the maximum duration so as to respect the community nature of the committees and out of hours *officer* and Councillor time.

**(7) Meeting Procedures**

a. Facilitation of Meetings

In accordance with the *Terms of Reference* for *committees*, meetings will be facilitated/chaired by an independent facilitator.

The facilitator must ensure that:

- Meetings run smoothly and efficiently
- The agenda is followed
- Councillors, *members* and *Officers* are asked to disclose conflicts of interest
- All *members* have an opportunity to contribute to discussions on each agenda item
- All *members* are respectful of each other and listen to each other's opinions
- The meeting concludes within two hours of its commencement

b. Presentations

Presentations may be included on an agenda where *officers* consider this would enhance the *committee's* understanding of a particular issue. *Members* may request specific presentations and *officers* must assess whether the requested presentation is linked to the Council Plan and within the committee's *Terms of Reference*. Presentations not meeting these requirements will not be included on the agenda.

Presenters may be Council *officers* or representatives from external agencies.

c. Rules of Discussion

Discussions in meetings should generally be informal and not subject to formal rules of debate. The facilitator should generally allow free discussion on issues, without enforcing rules of debate, wherever free discussion is practical or appropriate. Notwithstanding the above, the facilitator may wish to use formal meeting procedures when dealing with matters. In such instances, the following procedures shall apply:

The facilitator shall invite *members* to speak on a matter in the following order:

- a. mover
- b. seconder
- c. other *members*;
- d. Facilitator to summarise and advise committee of outcome and next steps.

## (8) Governance Requirements

### a. Assembly of Councillors

A *Ward Advisory Committee meeting* with one or more Councillors in attendance is considered an '*Assembly of Councillors*' under the Local Government Act (the Act). An *assembly* must observe the following legislative requirements<sup>1</sup>:

- An 'Assembly of Councillors Record' form must be completed by *officers* in attendance at *meetings*. This form must record:
  - Names of all Councillors and *officers* in attendance
  - Matters considered
  - Conflict of interest disclosures by Councillors and if so, whether the Councillor in question left the *assembly* (see clause 8(b) 'Conflicts of Interest' of Guideline).
- An 'Assembly of Councillors Record' form must be reported at and incorporated into the minutes of an Ordinary Meeting of Council as soon as practicable.

*Officers* can access an 'Assembly of Councillors Record' form in the Policy Portal on Kingston's staff intranet. Once completed, this form must be saved in HPE Content Manager container 02/06/01.

Governance will prepare the Assembly of Councillors Record Report for each Ordinary Meeting of Council, which will capture all assembly forms completed by *committee officers*.

### b. Conflicts of Interest

Councillors and *officers* in attendance at *meetings* must also be mindful of the legislative requirements for *assemblies* in relation to conflicts of interest<sup>2</sup>.

Councillors must consider whether a matter before the *assembly* would give rise to a conflict of interest if it was before Council. If so, Councillors must disclose the conflict of interest and leave the *assembly* whilst the matter is under consideration. This disclosure must be either immediately before the consideration of the item, or as soon as the Councillor becomes aware that he or she has a conflict of interest.

A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must:

- not exercise the power or discharge the duty or function; and
- disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as he or she becomes aware of the conflict of interest in the matter, including those situations when the *Officer* is exercising a statutory power or duty of the Chief Executive Officer.

<sup>1</sup> Local Government Act 1989 (Vic) sections 76AA and 80A

<sup>2</sup> Local Government Act 1989 (Vic) section, 79, 80A(3) and (4)



All Councillor and *officer* disclosures must be noted on the Assembly of Councillors record form.

*Ward Advisory Committee members* are not subject to the requirements of the Act. However, to preserve the integrity of *committees* it is recommended that *members* declare any personal interests that might conflict with matters discussed at *meetings*.

As a general rule, *members* should declare an interest to the *meeting* before a matter giving rise to the conflict of interest is discussed and leave the room for the duration of the discussion. *Members* can refer to relevant sections of the Act to gain a better understanding of circumstances which give rise to a conflict of interest<sup>3</sup>.

## (9) Reporting and Committee Recommendations

### a. Reporting

*Officers* must prepare a report attaching the notes of *meetings* to the next scheduled CLG meeting and CIS meeting after an *Advisory Committee meeting*.

### b. Committee Recommendations

*Ward Advisory Committees* do not have decision making powers and cannot direct *Officers*.

Where a *Ward Advisory Committee* wishes to make a recommendation to Council, *Officers* should refer to the Ward Advisory Committee Proposed Recommendation Flowchart contained in Appendix 1 for guidance on the appropriate action to take.

In order to make a recommendation to Council, the recommendation must be supported by two thirds of the total committee.

A *Ward Advisory Committee* Recommendation must call for an *Officer* report if the recommendation:

- Substantially affects the level of Council services;
- Commits the Council to expenditure in excess of \$2,500 and that has not been included in the adopted budget;
- Establishes or amends a Council policy; or
- Commits the Council to any contractual arrangement, as determined by the Chief Executive.

Whether an *Officer* report is prepared will then be discussed with all Councillors at a CIS to be dealt with as set out in Appendix 2.

*Officers* may progress a recommendation of a *Ward Advisory Committee* if the recommendation does not trigger any of the above and:

- Aligns with the Council Plan; and
- Is consistent with Council Policy, Strategy, Masterplan or *Officer* Delegation; and
- Is of an appropriate scope and scale; and
- Is within existing budget and less than \$2,500.

*Officers* must liaise with General Managers prior to undertaking a recommendation from a *Ward Advisory Committee*. *Officers* must inform Councillors that a recommendation is being progressed via the reporting requirements set out above.

<sup>3</sup> Local Government Act 1989 (Vic) sections 77A, 77B, 78, 78A-E

Officers must not progress a recommendation from a *Ward Advisory Committee* if it does not meet the criteria. Officers must instead inform Councillors of the recommendation via the reporting requirements. Councillors may then make a decision to progress the proposed recommendation via an officer report to a Council Meeting, a Councillor Notice of Motion to a Council Meeting or alternatively inform the Ward Advisory Committee that the recommendation will not be progressed.

**(10) Responsibility**

Governance Officer - Governance

**(11) References and links to other documents**

Local Government Act 1989 (Vic)

[http://www.austlii.edu.au/au/legis/vic/consol\\_act/lga1989182/](http://www.austlii.edu.au/au/legis/vic/consol_act/lga1989182/)

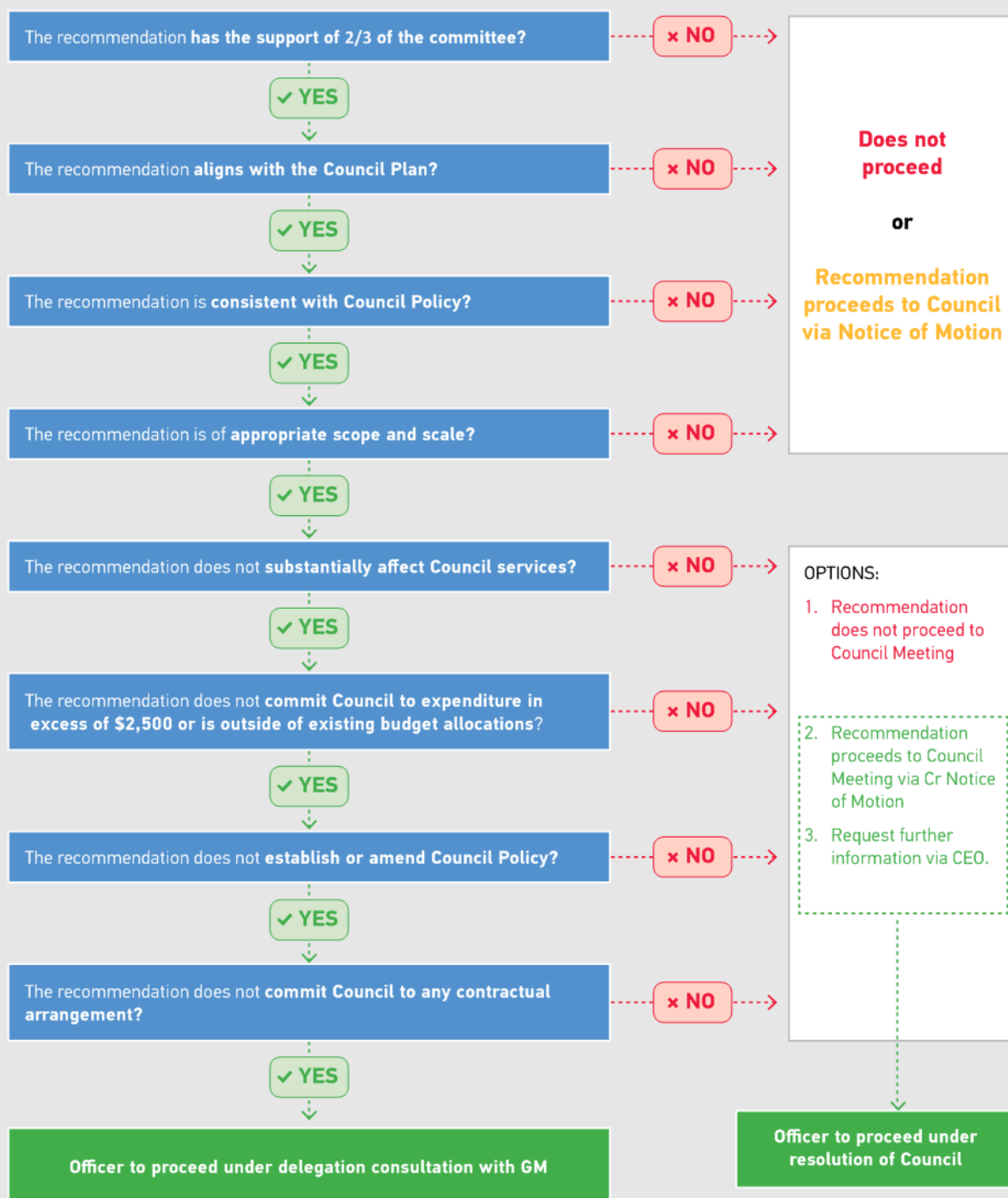
Ward Advisory Committee Terms of Reference [www.kingston.vic.gov.au/](http://www.kingston.vic.gov.au/)

## Appendices

*Appendix 1 – Proposed Ward Advisory Committee Recommendations Process*  
(Trim 17/109162)



# Committee Recommendation Process



# Ordinary Meeting of Council

24 September 2018

Agenda Item No: 11.2

## MEETING PROCEDURES (AMENDMENT) LOCAL LAW

Contact Officer: Joanne Creedon, Governance Officer

### Purpose of Report

The purpose of this report is to enable Council to adopt the Meeting Procedures Local Law by completing the legislative requirements for making this local law.

### 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.

### OFFICER RECOMMENDATION

That, having completed the procedure referred to in section 119(2) of the Local Government Act 1989, Council:

1. Make the Meeting Procedures (Amendment) Local Law as attached in Appendix 1 with a commencement date of 25 September 2018;
2. Authorise the affixing of the common seal to the Meeting Procedures Local Law; and
3. Authorise the Chief Executive Officer to :
  - a. Give public notice of the making of the Meeting Procedures Local Law; and
  - b. Send a copy of the Meeting Procedures Local Law to the Minister for Local Government.

### 1. Executive Summary

The Meeting Procedures Local Law is a very significant part of the Governance Framework setting out the rules and processes that regulate proceedings at Council meetings and special committee meetings generally. Council is required to have such a Local Law under the Local Government Act 1989 (the Act).

At the Ordinary Meeting of Council on 25 June 2018, the following was resolved;

*That Council:*

1. *Adopt the proposed Meeting Procedures (Amendment) Local Law as shown in Appendix 1 for consultation.*
2. *Authorise commencement of the statutory process for the making of the proposed Local Law, in accordance with Part 5 of the Local Government Act 1989 (the Act), by giving public notice of its intention to make the proposed Local Law and inviting submissions under section 223 of the Act; and*
3. *Determine to appoint a committee in accordance with section 223 of the Act, comprising of the Mayor Cr Staikos; Cr West and Cr Oxley to hear the submissions in relation to the proposed Local Law, at a meeting to be determined and to report to Council on these submissions.*

4. *In the event that no submissions are received, receive a report to adopt the Meeting Procedures (Amendment) Local Law.*

As there were no submissions received during the consultation period no amendments have been made to the Meeting Procedures (Amendment) Local Law which is attached in Appendix 1. The Consolidated Meeting Procedures Local Law is also attached in Appendix 2.

This change to the Local Law has the effect of limiting the ability of amendments to motions to commit Council to expenditure in excess of \$25,000 and requires an officer report be presented to Council to ensure Council has a thorough understanding of the implications of such expenditure.

## **2. Background**

The Meeting Procedures Local Law was recently reviewed in 2017 to coincide with the new Council term and a new Meeting Procedures Local Law was made in July 2017.

Subsequently, a further issue was highlighted by way of Notice of Motion at the Ordinary Meeting of Council on 28 May 2018. Council's resolution in relation to this Notice of Motion has led to the development of the attached Meeting Procedures (Amendment) Local Law, which features an amended clause 26 in accordance with Council's resolution.

## **3. Discussion**

### **3.1 Council Plan Alignment**

Goal 6 - A Well Managed and Effective Organisation

Outcome 6.1 - A well-governed, efficient and responsive organisation

The Meeting Procedures Local Law ensures an efficient and well governed decision making process for Council.

### **3.2 Consultation/Internal Review**

This matter was canvassed at the Ordinary Meeting of Council on 28 May 2018 by Council and accordingly it was resolved that the existing Meeting Procedures Local Law be amended in accordance with the statutory process set out in the Act.

### **3.3 Operational and Strategic Issues**

#### **3.3.1 Identified Issue with Clause 26 of the Meeting Procedures Local Law**

This change to the local law limits the ability of amendments to motions to commit Council to expenditure in excess of \$25,000 and requires an officer report be presented to Council to ensure Council has a thorough understanding of the implications of such expenditure.

In the 2017 review of the Meeting Procedures Local Law, a similar expenditure restriction was placed on Notices of Motion, which also requires the presentation of an officer report on expenditure in excess of \$25,000. This will align amendments with the limitations placed on Notices of Motion which will ensure that all significant expenditure is appropriately and thoroughly considered by Council by way of officer report, written comment or briefing prior to making a decision.

Additionally, the requirement for the presentation of officer advice outlining the expenditure and potential implications thereof will provide transparency for the community and enhance public trust in Council's financial management processes.

**3.3.2 Submissions Process**

In accordance with section 119 of the Act, submissions relating to the proposed Local Law were invited. However, no submissions were received and therefore no amendments have been made to the Local Law based on submissions received.

**4. Conclusion**

**4.1. Environmental Implications**

Not applicable.

**4.2. Social Implications**

Not applicable

**4.3. Resource Implications**

The Meeting Procedures (Amendment) Local Law will ensure that appropriate consideration is undertaken of expenditure proposed by way of an amendment in excess of \$25,000 and balanced with existing budget commitment

**4.4. Legal Implications**

Council must comply with statutory requirements in the Act when amending the Meeting Procedures Local Law.

**Appendices**

Appendix 1 - Meeting Procedures (Amendment) Local Law 2018 (Ref 18/87402) [↓](#)

Appendix 2 - Consolidated Meeting Procedures Local Law 2018 (Ref 18/87400) [↓](#)

Author/s: Joanne Creedon, Governance Officer

Reviewed and Approved By: Phil DeLosa, Manager Governance  
Paul Franklin, General Manager Corporate Services



# 11.2

## MEETING PROCEDURES (AMENDMENT) LOCAL LAW

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**CITY OF KINGSTON**

*City of*  
**KINGSTON**

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**CITY OF KINGSTON**

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**MEETING PROCEDURE (AMENDMENT) LOCAL LAW****PART 1  
INTRODUCTION****1. Title**

This Local Law will be known as the "Meeting Procedures (Amendment) Local Law."

**2. Purpose Of This Local Law**

The purpose of this Local Law is to:

- (1) amend *the Council's* Meeting Procedures Local Law.

**3. Authorising Provision**

This Local Law is made under section 111(1) of the *Local Government Act* 1989.

**4. Operation Date**

This Local Law operates from the day after the day upon which it is made by the Council.

**5. Revocation**

Unless sooner revoked, this Local Law ceases to operate on the same day on which *the Council's* Meeting Procedures Local Law ceases to operate.

**6. Application**

This Local Law applies and has operation throughout the whole of the municipal district.

**7. Interpretation**

Unless the contrary intention appears in this Local Law, the following words and phrases are defined as indicated:

"*the Council*" means Kingston City Council.

"*Principal Local Law*" means *the Council's* Meeting Procedures Local Law (as made on 24 July 2017).

**CITY OF KINGSTON**

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**PART 2.  
AMENDMENT TO MEETING PROCEDURES LOCAL LAW****8. Amendment to Clause 26**

(1) Insert the following clause after clause 26(6) of the *Principal Local Law*:

“(26) (7) An amendment must call for an officer report if the amendment commits *the Council* to expenditure in excess of \$25,000 and that has not been included in the adopted budget.



*City of*  
**KINGSTON**

# **MEETING PROCEDURES LOCAL LAW**

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## **MEETING PROCEDURES LOCAL LAW**

### **PART 1 - PRELIMINARY PROVISIONS**

#### **1. Title**

This Local Law may be cited as the "Meeting Procedures Local Law".

#### **2. Objectives**

The objectives of this Local Law are to:

- (1) provide for the peace order and good government of the *municipal district*; and
- (2) provide for the administration of the *Council's* powers and functions; and
- (3) regulate proceedings at *Council* meetings, committee meetings and other meetings conducted by or on behalf of the *Council* where the *Council* has resolved that the provisions of this Local Law are to apply; and
- (4) regulate proceedings for the election of the *Mayor* and *Chairpersons* of various committees; and
- (5) promote and encourage community participation in the system of local government by providing mechanisms within the meeting arrangements for the *Council* to ascertain the community's views and expectations; and
- (6) regulate the use of the *common seal*; and
- (7) prohibit unauthorised use of the *common seal* or any device resembling the *common seal*.

#### **3. Authority to make the Local Law**

This Local Law is made pursuant to sections 91 and 111 of the *Act*.

#### **4. Commencement and End Dates**

This Local Law:

- (1) Commences on 1 August 2017; and
- (2) Unless sooner revoked, this Local Law ceases to operate on 26 September 2025.

#### **5. Revocation of earlier Local law**

From the commencement of this Local Law, the following Local Laws are revoked:

- (1) Meeting Procedures Local Law (Local Law No.7 of 2009); and
- (2) Meeting Procedures (Amendment) Local Law No. 8; and
- (3) Meeting Procedures (Amendment) Local Law No. 9.

## 6. Scope

- (1) This Local Law applies to:
- (a) all *Council* meetings and *Special Committee* meetings; and
  - (b) any other meeting in respect of which *Council* has resolved that the Local Law is to apply.
- (2) In its application to *Special Committee* meetings this Local Law applies:
- (a) as if any reference to a *Councillor* is a reference to a member of the *Special Committee*; and
  - (b) with all other necessary adaptations.

## 7. Definitions

The words identified in italics throughout this Local Law are intended to have the following meanings, unless the context suggests otherwise:

<i>Act</i>	means the Local Government Act 1989 (as amended from time to time).
<i>agenda</i>	means a document containing the date, time and place of a <i>Council meeting</i> and a list of business to be transacted at the <i>Council meeting</i> .
<i>Authorised Officer</i>	means a person appointed by the <i>Council</i> under section 224 of the <i>Act</i> .
<i>Chairperson</i>	means the person who chairs a <i>Council meeting</i> .
<i>Chief Executive Officer</i>	has the meaning ascribed to it by the <i>Act</i> .
<i>common seal</i>	means the common seal of the <i>Council</i> .
<i>the Council</i>	means Kingston City Council.
<i>Councillor</i>	means a Councillor of the <i>Council</i> .
<i>Council meeting</i>	means an <i>Ordinary Meeting</i> or a <i>Special Meeting</i> and includes the <i>statutory meeting</i> .
<i>Delegated Officer</i>	means a <i>Council</i> staff member delegated the power to perform a duty imposed, perform a function conferred or exercise a power conferred by this Local Law, whether by direct delegation from the <i>Council</i> or by delegation from the <i>Chief Executive Officer</i> .
<i>Deputy Mayor</i>	means any Deputy Mayor of the <i>Council</i> .
<i>division</i>	means the clarification of votes cast by <i>Councillors</i> .
<i>delivered</i>	means giving a <i>Councillor</i> a document by hand delivering the document, delivering the document to a specified address or electronically mailing the document.
<i>Mayor</i>	means the Mayor of the <i>Council</i> .
<i>minutes</i>	means the record of proceedings of a <i>Council meeting</i> .
<i>municipal district</i>	means the municipal district of the <i>Council</i> .
<i>notice of motion</i>	means a notice setting out the text of a motion which a

	<i>Councillor</i> proposes to move at a <i>Council meeting</i> .
<i>offence</i>	means an act or default contrary to this Local Law.
<i>Ordinary Meeting</i>	means an ordinary meeting of the <i>Council</i> .
<i>penalty</i>	means the maximum fine that may be imposed by a court of appropriate jurisdiction.
<i>penalty unit</i>	has the meaning ascribed to it by section 110 of the Sentencing Act 1991 (as amended from time to time).
<i>petition</i>	means a letter or a document which is addressed to or is obviously intended for the <i>Council</i> and is signed by 12 or more persons.
<i>point of order</i>	means a request by a <i>Councillor</i> for a ruling by the <i>Chairperson</i> on an aspect of meeting procedure.
<i>reasonable notice</i>	means 48 hours prior to a <i>Council meeting</i> unless otherwise specified.
<i>Schedule</i>	means a Schedule to this Local Law.
<i>Special Committee</i>	means a <i>special committee</i> established by the <i>Council</i> under the <i>Act</i> .
<i>Special Meeting</i>	means a special meeting of the <i>Council</i> .
<i>statutory meeting</i>	means the annual <i>special meeting</i> held for the purpose of electing the <i>Mayor</i> .
<i>visitor</i>	means any person other than a <i>Councillor</i> or member of <i>Council</i> staff present at a <i>Council meeting</i> .
<i>written or in writing</i>	includes duplicated, photocopied, photographed, printed and typed.

#### **8. Explanation of Words used in this Local Law**

- (1) Words, the meanings of which are defined in clause 7 of this Local Law or elsewhere in it, appear in italic type in the text.
- (2) Introductions to Parts, headings and notes are explanatory only and do not form part of this Local Law. They are provided to assist understanding.
- (3) Unless the contrary intention appears, words in the singular include the plural and words in the plural include the singular.

## PART 2 – ELECTION OF THE MAYOR

### 9. Election of the Mayor

The *Mayor* must be elected in accordance with the following procedures:

- (1) The *Mayor* must be elected at a *Council meeting* which is called the *statutory meeting*.
- (2) If the office of the *Mayor* becomes vacant before the expiration of the normal term of office, the election of another *Councillor* as *Mayor* for the remaining period of the normal term of office must be dealt with in the same manner as is prescribed below, at the first scheduled *Council meeting* which is held more than 48 hours after the vacancy occurs.
- (3) The *statutory meeting* may be adjourned immediately after the *Mayor* is elected to be resumed at another time not more than a week later and at the resumed meeting the *Mayor* may be invested into office. The *Mayor* is, however, the *Mayor* as soon as he or she is elected.
- (4) The election of the *Mayor* must be carried out by a show of hands.
- (5) Prior to undertaking the election of *Mayor*, and subject to the period of time remaining in the term of the *Council*, the *Council* may consider whether to resolve to elect a *Mayor* for a term of two years.
- (6) The Acting *Chairperson* (who should not be a candidate for the office of *Mayor*) calls for nominations from *Councillors* for the position of *Mayor*. Nominations do not require seconding. The Acting *Chairperson* shall ask each nominee, other than when self-nominated, if he or she accepts the nomination.
- (7) Once all nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*:
  - (a) if there is only one candidate nomination, the Acting *Chairperson* will declare that the candidate nominated is deemed to be elected;
  - (b) If there is more than one candidate, the Acting *Chairperson* will call on the *Chief Executive Officer* to conduct the Mayoral election process.
  - (c) if there is more than one candidate, the *Councillors* present at the *Council meeting* vote for one of the candidates;
  - (d) in the event of a candidate receiving a majority of the votes, that candidate is to be declared to have been elected;
  - (e) in the event that no candidate receives a majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The *Councillors* present at the *Council meeting* then vote for one of the remaining candidates;
  - (f) if one of the remaining candidates receives a majority of the votes, that candidate is to be declared to be elected. If none of the remaining candidates receives a majority of the votes, the process of declaring the candidates with the fewest number of votes a

defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives a majority of the votes. Once a candidate receives a majority of votes that candidate is to be declared to be elected.

- (g) in the event that no candidate receives a majority of the votes and two or more candidates have received the same lowest number of votes, then the process to exclude a candidate from the next vote (i.e. deemed a defeated candidate) will be conducted by lot.
- (h) if a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
  - (i) each candidate will draw one lot;
  - (ii) the order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal lowest number of votes except that if two or more such candidates' surnames are identical, the order will be determined by the alphabetical order of the *Councillors'* first names; and
  - (iii) as many identical pieces of paper as there are *Councillors* who received an equal lowest number of votes must be placed in a receptacle. The word "Defeated" shall be *written* on one of the pieces of paper, and the *Councillor* who draws the paper with the word "Defeated" written on it must be declared a defeated candidate. The *Councillors* present at the meeting then vote for one of the remaining candidates.
- (i) in the event that no candidate receives a majority of the votes and there are only two remaining candidates, each of whom have received an equality of votes, the process to determine who is elected will be conducted by lot.
- (j) if a lot to elect a candidate is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
  - (i) Two identical pieces of paper must be placed in a receptacle. Each piece of paper will have the name of one of the two remaining candidates' names *written* upon it.
  - (ii) The *Chief Executive Officer* will advise that the name drawn out will be the name of the elected candidate. The *Chief Executive Officer* will then draw one of those pieces of papers out of the receptacle and read out the candidates' name appearing on it, declaring that candidate to be elected as *Mayor*.

#### 10. Election of Deputy Mayor

The election of a *Deputy Mayor* (where considered appropriate) will, to the maximum extent practicable, follow the same procedure as that for the election of the *Mayor*.



### PART 3 - MEETING REQUIREMENTS

#### 11. Chairing of Meetings

- (1) Where the *Mayor* is present at a *Council meeting*, the *Mayor* will be the *Chairperson* of that *Council meeting*.
- (2) Where the *Mayor* is unable to attend a *Council meeting* for any reason or is required to vacate the chair, the *Deputy Mayor* (if elected) will be the Acting *Chairperson*.
- (3) Where neither the *Mayor* nor *Deputy Mayor* is able to attend a *Council meeting* for any reason, or neither is able to take the chair, an Acting *Chairperson* must be elected from among the other *Councillors* present.
- (4) In addition to the duties and discretions provided in this Local Law, the *Chairperson*:
  - (a) must not accept any motion, question or statement which is derogatory or defamatory of any *Councillor*, member of *Council* staff or member of the community; and
  - (b) must call to order any person who is disruptive or unruly during any *Council meeting*.

#### 12. Quorum

- (1) The quorum for a *Council meeting* is a majority of the total number of *Councillors*.
- (2) If within half an hour after the time appointed for any *Council meeting*, a quorum is not present or if the number of *Councillors* present at a *Council meeting* is reduced to a number less than a quorum during the *Council meeting*:
  - (a) a majority of the *Councillors* present; or
  - (b) if the *Councillors* present cannot reach a majority decision or there are no *members* present, the *Chief Executive Officer* -

may adjourn the *Council meeting* up to a week later than the time stated in the *agenda* for the commencement of the *Council meeting* or from the date of the latest adjournment.
- (3) In any case where under this clause a *Council meeting* is adjourned, the *Chief Executive Officer* must give notice verbally or *in writing*, which can include by telephone or electronic mail, to all *Councillors* of the date and time to which the meeting has been adjourned. In cases where the adjournment is a second or subsequent adjournment, then the period of a week runs from the time and date to which the *Council meeting* was last adjourned.
- (4) There is no limit on the number of times that a *Council meeting* can be adjourned under this clause.
- (5) If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by the majority of *Councillors*, the *Chief Executive*

*Officer*, or, in his or her absence, a member of *Council* staff authorised for this purpose, must adjourn the *Council meeting* for a length of time sufficient to enable the dispensation for the affected *Councillors* to be obtained from the Minister administering the *Act*.

### **13. Notice of Meetings**

- (1) The date, times and places of *Council meetings* may be determined from time to time by the *Council* and notice of these determinations must be provided by the *Chief Executive Officer*:
  - (a) to the public in accordance with the *Act* by notice in a newspaper generally circulating in the *municipal district* and on the *Council's* website; and
  - (b) to *Councillors* either incorporated or accompanied by an *agenda* of the business to be dealt with, which must be *delivered* to every *Councillor* at least 48 hours before the *Council meeting*.
- (2) Notice of a *Special Meeting* and the *agenda* for a *Special Meeting* may be *delivered* to *Councillors* less than 48 hours before the *Special Meeting* if exceptional circumstances exist.

### **14. Form of Agendas and Minutes**

- (1) The *Chief Executive Officer* must determine, from time to time, the form of –
  - (a) the *agenda* to be used; and
  - (b) the *minutes* which are to be kept.
- (2) Different forms of *agendas* or for the keeping and presentation of *minutes* may be determined for the various types of meetings held.
- (3) Subject to sub-clause (1), the *minutes* of a *Council meeting* must include the following information:
  - (a) the date, time and place of the *Council meeting*, the time of its commencement and conclusion and the time of any adjournment and resumption of the *Council meeting*; and
  - (b) the names of *Councillors* present and a record of their attendance (relative to items considered at the *Council meeting*) during the whole *Council meeting*; and
  - (c) the names of members of *Council* staff or other advisers present; and
  - (d) required details of any conflict of interest disclosures by *Councillors* and members of *Council* staff; and
  - (e) formal reports by *Councillors* who report as delegates, or by members of *Council* staff or other advisers; and
  - (f) the names of *Councillors*:
    - (i) who move and second any motion or amendment; and

- (ii) who, when a *division* is called, vote for and against the motion or abstain from voting; and
- (iii) who request that their name be recorded in the *minutes* as voting against a motion or amendment; and
- (g) the text of any motion or amendment which is proposed, whether or not it is seconded; and
- (h) an indication of any formal submission made verbally pursuant to a statutory right by a *visitor*; and
- (i) a summary of any question asked in accordance with clause 18 of the Local Law by a *visitor* at a *Council meeting* and a summation of the answer given verbally at the *Council meeting*.

#### **15. Business at Meetings**

- (1) Only business contained in the *agenda* may be dealt with at *Council meetings* unless sub-clause (2) applies.
- (2) A matter may be dealt with as urgent business if:
  - (a) at an *Ordinary Meeting* a majority of *Councillors* vote in favour of the matter being dealt with as urgent business; or
  - (b) at a *Special Meeting* of Council, all *Councillors* are present and unanimously vote in favour of the matter being dealt with as urgent business in accordance with the *Act* (s 84(4)).

#### **16. Order of Business**

- (1) Business at *Council meetings* must include:
  - (a) apologies; and
  - (b) disclosures of conflicts of interest, which must be made at any point in the meeting described in the *agenda* as well as in compliance with the *Act*; and
  - (c) designation of items of business as confidential in compliance with the *Act*.
- (2) Subject to sub-clause (1), business at *Ordinary Meetings* must also include:
  - (a) confirmation of *minutes*; and
  - (b) Public Question Time; and
  - (c) petitions; and
  - (d) *notices of motion*; and
  - (e) delegates' reports; and
  - (f) urgent business.

- (3) Once an agenda has been prepared and sent to Councillors, the order of the business for that Meeting may only be altered by resolution of Council. This includes the request for an item to be brought forward.

#### **17. Confirmation of Minutes**

- (1) A copy of the *minutes* of a *Council meeting* must be *delivered* to *Councillors* with *reasonable notice* prior to the *Council meeting* at which those *minutes* are to be confirmed.
- (2) When the confirmation of the *minutes* is to be dealt with at a *Council meeting*, the *Chairperson* may:
  - (a) seek a motion to confirm the *minutes*, or to confirm the *minutes* subject to rectification of an alleged omission from or inaccuracy in the *minutes*; or
  - (b) ask: "Is any item in the *minutes* opposed?" Opposition can only be expressed in regard to items in the *minutes* on the basis that the record is incomplete or inaccurate. The *Chairperson* must not allow discussion or motions on any other issue than an alleged omission from or inaccuracy in the *minutes*.
- (3) If no *Councillor* indicates opposition, the *Chairperson* must declare the *minutes* to be confirmed.
- (4) If any *Councillor* indicates opposition, he or she must specify the particular item or items in the *minutes* concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the record.

#### **18. Community Question Time**

- (1) *Visitors* present at an *Ordinary Meeting* may submit questions to be answered during the meeting.
- (2) Questions must be submitted to the *Council* by:
  - (a) Submitting an online question form on the *Council's* website by 10.00am on the day of an *Ordinary Meeting*; or
  - (b) Placing a hard copy question form in the Question Box situated in the *Council* Chamber foyer by 7.30pm on the day of an *Ordinary Meeting*.
- (3) At the discretion of the *Chairperson*, questions may be answered verbally during the "Public Question Time" segment by a *Councillor* or a member of *Council* staff present at the *Ordinary Meeting* or later *in writing*. Questions submitted late must be either dealt with at the next *Ordinary Meeting* or at the discretion of the *Chief Executive Officer* may be answered *in writing*.
- (4) Questions will be answered in the Council Chamber only if the questioner is present in the gallery. Where a questioner is not present, a response will be provided *in writing*.
- (5) Individual members of the public are permitted to ask a maximum of three questions during any one Public Question Time.

- (6) Any preamble to a question will not be read out unless the Chairperson considers it appropriate.
- (7) An answer must only be given to the *Ordinary Meeting* if the *Chairperson* has determined that the relevant question:
  - (a) does not relate to a matter beyond or outside the *Council's* powers; and
  - (b) is not defamatory, indecent, abusive or objectionable; and
  - (c) is not repetitive of a question already answered (whether at that meeting or an earlier one); and
  - (d) is not asked to be derogatory of or to embarrass a *Councillor*, a member of *Council* staff or a member of the community; and
  - (e) does not relate to a matter already considered and resolved upon by the *Council*.
- (8) No debate on questions asked or answers given is permitted.

#### **19. Petitions and Joint Letters**

- (1) Subject to sub-clause (2), every *petition* or joint letter presented to the *Council* shall be *in writing* (other than in pencil), typed or printed, containing the request of the petitioners or signatories, and be signed by at least 12 people.
- (2) The Council may by resolution accept electronic petitions received via online websites if it is satisfied that the petition is authentic from a legitimate website.
- (3) A *petition* or joint letter addressed to Council or any member personally which requires a decision of or directions from the *Council* must be referred to the *Chief Executive Officer*.
- (4) Notwithstanding sub-clause (2) where a *petition* or joint letter presented to a *Council meeting* relates to an item of business on the *agenda*, the *petition* or joint letter may be considered by the *Council* as part of its deliberations on the item.

#### **20. Delegates' Reports**

- (1) At an *Ordinary Meeting*, the *Mayor* and *Councillors* who are delegates or representatives of the *Council* on other bodies may report to the *Council meeting* on issues of importance to the *Council*, notwithstanding that the report is not listed on the *agenda*.
- (2) No motion (except to receive any such report) can be accepted by the *Chairperson* unless there is a matter raised in it which is resolved in the manner prescribed by sub-clause 15(2) to be urgent business.

#### **21. Time Limit for Meetings**

- (1) Subject to sub-clause (2) a *Council meeting* must conclude no later than three hours after the commencement of the meeting.

- (2) A *Council meeting* may be extended beyond three hours by resolution.
- (3) Business not completed by the conclusion time of a *Council meeting* is deemed to be adjourned.
- (4) The *Chief Executive Officer* must give notice of the adjourned *Council meeting* to all *Councillors* in the same manner as is prescribed in clause 13(1)(b).

## **22. Speaking Times**

- (1) No *Councillor* may speak longer than the time set out below unless granted an extension by the meeting:
  - (a) mover of a motion – five minutes
  - (b) *Councillor* speaking to a motion or amendment – three minutes
  - (c) closing statement (right of reply) – two minutes
  - (d) presenter of delegate's report – three minutes
- (2) A motion for an extension of time, once carried, shall allow a *Councillor* a further three minutes in which to speak.

## **23. Visitors Speaking at Meetings**

- (1) The *Chairperson* at his or her discretion may allow any *visitor* at a *Council meeting* at any time to address the *Council meeting* on any matter which is before the meeting at the time, if the *Chairperson* is of the view that such an address may provide information of benefit to *Councillors*.
- (2) The *visitor* addressing the *Council meeting* cannot speak for more than 3 minutes (unless granted more time by the *Chairperson*).

## **24. Suspension of Standing Orders**

- (1) At any *Council meeting* any provision or provisions of this Local Law, except those relating to a quorum and to the procedures for the election of the *Mayor*, may by resolution of that *Council meeting* be suspended for any part of or the whole of the *Council meeting*.
- (2) No motion, except one which proposes the resumption of standing orders, may be accepted by the *Chairperson* or be lawfully dealt with during any suspension of this Local Law.
- (3) The purpose of such suspension of standing orders is to enable full discussion of any particular issue and the resumption of such provisions must take place before any motions are put.
- (4) Suspension should not be used purely to dispense with the processes and protocol of the government of the *Council*.



**25. Recording of Meetings**

In accordance with the Recording of Public Council Meetings Policy, the *Chief Executive Officer* (or other persons authorised by the *Chief Executive Officer*) may record on suitable video or audio recording equipment all the proceedings of a *Council meeting*.

**PART 4 – DECISION MAKING AT MEETINGS****26. Requirements for Motions and Amendments**

- (1) A motion may be moved by a *Councillor* as a formal proposal that the *Council meeting* should resolve in certain terms.
- (2) A motion having been moved and seconded may be amended by leaving out, inserting or adding words in a manner that leave the intention and effect of the motion materially undisturbed.
- (3) A motion which purports to be amendment but which if passed would directly contradict or negate the motion or materially deprive the motion of effect cannot be accepted as an amendment.
- (4) A motion or amendment which is proposed by a *Councillor* at a *Council meeting* must be:
  - (a) clearly expressed and unambiguous; and
  - (b) not defamatory or objectionable in nature; and
  - (c) relevant to an item on the *agenda* (unless it relates to an item which has been agreed by the *meeting* as urgent business).
- (5) Any motion or amendment which differs in wording from a recommendation or *notice of motion* which is on the *agenda* must, if required by the *Chairperson*, be *written* out by the proposer and given to the *Chairperson*. If required by a *Councillor*, a copy must be given to all *Councillors* present before any further debate takes place on the matter or before the vote on it is taken. The *Chairperson* may adjourn the *Council meeting* to allow time for these requirements to be met.
- (6) Any motion or amendment which does not conform to sub-clause (3) or (4) may be rejected by the *Chairperson*.
- (7) An amendment must call for an officer report if the amendment commits the Council to expenditure in excess of \$25,000 and that has not been included in the adopted budget.

**27. Procedures with Respect to Motions**

- (1) A *Councillor* proposing to move a motion must first indicate a wish to address the *Chairperson*.
- (2) Once recognised by the *Chairperson*, the mover must state the motion without speaking to it.
- (3) The *Chairperson* must call for a seconder (other than the mover).

- (4) Any motion which is not seconded lapses.
- (5) Where the mover intends to move a recommendation as it appears in the agenda, they may do so in the following manner, "I move the recommendation on page (state page number) of the agenda."
- (6) Where the mover intends to move a motion other than a recommendation as it appears in the agenda, they must state the motion in full.
- (7) Once a motion is seconded, the *Chairperson* may:
  - (a) invite *Councillors* to speak in accordance with clause 29(6); or
  - (b) ask whether the motion is opposed and if no opposition is indicated, the *Chairperson* may then put the motion to the vote without debate; or
  - (c) at any time during the debate ask whether the motion is opposed or is further opposed and if no such opposition is indicated, may put it to the vote without further debate.
- (8) Where a motion is in two or more parts, upon request from a *Councillor*, the *Chairperson* may at his or her discretion put each part to the vote separately.
- (9) Subject to clause 29, a motion must be put to the vote when the *Chairperson* believes that the issues have been reasonably canvassed in the debate.
- (10) The moving or seconding of a motion cannot be withdrawn, except with leave of the *Chairperson*. Where leave is granted, the *Chairperson* may:
  - (a) seek a substitute mover or seconder; or
  - (b) if there is no willingness to be the substitute mover or seconder, declare the motion as lapsed.

## **28. Procedures with Respect to Amendments**

- (1) Any *Councillor*, including the mover and seconder of a motion, may move or second any amendment to the motion.
- (2) The procedures contained in clause 29 should be followed to deal with an amendment.
- (3) When any amendment is put to the vote and declared carried by the *Chairperson*, it thereupon becomes the substantive motion and can be further amended.
- (4) Only one amendment can be before the *Council meeting* at a time and until it is put to the vote no further amendment can be proposed, but with the leave of the *Chairperson* another amendment or motion can be foreshadowed by any *Councillor* stating in brief terms the nature of it.
- (5) Where a proposed alteration from another *Councillor* is accepted by the mover and seconder, such alteration shall not be regarded as an amendment to the motion.

**29. Rules of Debate**

- (1) A *Councillor* may only speak once on the motion and once on any amendment of a motion subject to sub-clause (2).
- (2) The mover of a motion has a right of reply with respect to the debate on his or her motion immediately before the vote is taken, but that right of reply is lost if an amendment to the motion is carried.
- (3) Once a right of reply has been exercised, the *Chairperson* must put the motion to the vote without making comment or permitting any further comment on the motion.
- (4) The mover of an amendment has no right of reply.
- (5) A *Councillor* may address the *Council meeting* to explain why the *Councillor* proposes to abstain from the voting on a motion, but shall not then speak in favour or opposition to the motion.
- (6) The *Chairperson* shall invite *Councillors* to speak on a motion or amendment in the following order:
  - (a) mover (this opportunity cannot be deferred to later in the debate);
  - (b) seconder (may be reserved or deferred to later in the debate);
  - (c) other *Councillors*; then
  - (d) mover's right of reply (where applicable).
- (7) A *Councillor* may, when no other *Councillor* is speaking, ask any question concerning or arising out of the motion or amendment before the *Chairperson*. The *Chairperson* has the right to limit questions and direct that debate be commenced or resumed.
- (8) A *Councillor* must not in any debate make any defamatory, indecent, abusive, offensive or disorderly statement or comment or a statement or comment which is objectionable in language, substance or nature.
- (9) If a statement or comment is made contrary to sub-clause (8), the *Chairperson* may call upon the *Councillor* to withdraw it and apologise and if that is required the *Councillor* concerned must immediately and unreservedly do so.
- (10) In cases where there is competition for the right to speak at a *Council meeting* then the *Chairperson* must decide the order in which *Councillors* will speak.
- (11) If a debate is adjourned by motion then the *Councillor* who moved the adjournment has the right to speak first when the debate is resumed.
- (12) A *Councillor* must not be interrupted except by the *Chairperson* or upon a *point of order* being taken.
- (13) A *Councillor* is not deemed to be speaking on the motion or amendment before the meeting when:

- (a) calling a *point of order*; or
  - (b) asking a question; or
  - (c) foreshadowing a new motion or further amendment; or
  - (d) making a request under clause 27(8)
- (14) When exercising a right of reply, a *Councillor* must not introduce new material.
- (15) If a resolution is made at a *Council meeting*, the substance of the resolution cannot be further discussed at that meeting.
- (16) The *Councillors* and members of *Council* staff in any *Council meeting* must be referred to by their official titles.
- (17) The *Chairperson* may address the *Council meeting* upon any matter under discussion and will not be deemed to have left the chair on such occasions.
- (18) Except in cases of sickness or physical disability, a *Councillor* at any *Council meeting* must stand when speaking.

### **30. Notices of Motion**

- (1) A *notice of motion* must be:
- (a) in writing; and
  - (b) signed by one (1) *Councillor*; and
  - (c) lodged with the *Chief Executive Officer* by 12.00 noon seven (7) clear days before the date of the *Council meeting* nominated in the *notice of motion*.
- (2) Any *notice of motion* received after the time specified in sub-clause (1) must, unless withdrawn *in writing*, be included on the next appropriate *Council meeting agenda*.
- (3) A *notice of motion* may be withdrawn at any time prior to the scheduled *Council meeting* at which the notice of motion is proposed.
- (4) The *Chief Executive Officer* or *Delegated Officer*:
- (a) must arrange for every *notice of motion* received by him or her to be numbered and endorsed with the date and time of it being received, and for it to be kept or entered, in the order received, in a register of *notices of motion*; and
  - (b) must list the *notice of motion* (and if more than one, in the order they were received), on the next appropriate *Council meeting agenda* unless the *notice of motion* nominates a specific *Council meeting* date; and
  - (c) may include on the *agenda* immediately following a *notice of motion* any comment which provides relevant factual information concerning the issues dealt with in such *notice of motion*.

- (5) If the *Councillor* who has given a *notice of motion* is not present at the *Council meeting* when the matter is the next item on the *agenda* to be considered, the *Chairperson* may move it or may call upon any other *Councillor* to move it and if the motion is not moved (and seconded) it lapses.
- (6) Any *notice of motion* may be amended and the mover and seconder may accept a proposed amendment and the mover may amend the motion prior to it being seconded.
- (7) A *notice of motion* must call for an officer report if the *notice of motion*:
  - (a) substantially affects the level of Council services;
  - (b) commits the Council to expenditure in excess of \$25,000 and that has not been included in the adopted budget;
  - (c) establishes or amends a Council policy; or
  - (d) commits the Council to any contractual arrangement, as determined by the Chief Executive.
- (8) If a *notice of motion*, whether amended or not, is lost, a similar motion cannot again be put before the current Council for a period of three calendar months from the date it was lost.

### **31. Notices of Rescission**

- (1) A *Councillor* may propose a *notice of motion* to rescind or alter a previous resolution that has not been acted on.
- (2) A *notice of motion* to rescind or alter a previous resolution must:
  - (a) be signed by three *Councillors* and dated; and
  - (b) *delivered in writing*, to the *Chief Executive Officer*, no later than 5.00pm on the second day following the *meeting* of the *Council* at which the resolution proposed to be rescinded or altered was carried.
- (3) A resolution will be deemed to have been acted on if:
  - (a) its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or
  - (b) a statutory process has been commenced,
 so as to vest enforceable rights in or obligations on the *Council* or any other person.
- (4) The *Chief Executive Officer* or an appropriate member of *Council* staff must defer implementing a resolution which:
  - (a) has not been acted on; and

- (b) is the subject of a *notice of motion* to rescind or alter a previous resolution which has been *delivered* to the *Chief Executive Officer* in accordance with sub-clause (2)(b),

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

- (5) If a *notice of motion* to rescind or alter a previous resolution is lost, a similar motion may not be put before the *Council* for at least 3 months from the date it was last lost, unless the *Council* resolves that the *notice of motion* be re-listed at a future *Council meeting*.
- (6) If a *notice of motion* to rescind or alter a previous resolution is not moved at the *Council meeting* at which it is listed, it lapses.
- (7) A *notice of motion* to rescind or alter a previous resolution listed on an *agenda* may be moved by any *Councillor* present but may not be amended.

### **32. Changing a Council Policy**

- (1) Where the *Council* intends to review, amend or update one or more of its policies, a notice to rescind or alter a previous resolution is not required. The new decision, despite being inconsistent with the earlier decision, reflects the *Council's* changed policy position and does not rescind or amend the earlier decision.
- (2) Notwithstanding sub-clause (1) an appropriate course of action should be the submission of a *notice of motion*, in accordance with clause 26(1) of this Local Law, requesting an officer report regarding the proposed policy change.

### **33. Formal/Procedural Motions**

- (1) The form and effect of, and procedure with respect to, formal/procedural motions are set out in *Schedule 1*.
- (2) A formal/procedural motion is one that deals with the conduct or process of the meeting itself.
- (3) A substantive motion is a motion that deals with matters other than the conduct or process of the meeting itself.
- (4) Formal/procedural motions have precedence on substantive motions and amendments.
- (5) A formal/procedural motion must be dealt with immediately by the Chairperson.
- (6) Except for a formal/procedural motion to defer an item, a formal/procedural motion, once moved and voted upon has no bearing on any substantive motion currently before the Council.
- (7) Subject to Schedule 1, debate on a formal/procedural motion is not permitted and the mover does not have a right of reply. Unless otherwise provided, a procedural motion cannot be amended.



**34. En Bloc Resolutions**

- (1) Subject to clause 34(2), Council may consider agenda items en bloc, so long as the motion to hear the items en bloc is firstly moved, seconded and approved by a majority vote.
- (2) Items that relate to planning matters or that involve statutory third party rights must not be considered en bloc.

**35. Voting**

- (1) All voting on matters is by show of hands.
- (2) Where a *Councillor* intends to abstain from voting on a matter the *Councillor* must indicate to the *Chairperson* that he/she is abstaining from voting.
- (3) Notwithstanding clause 36, at any *Council meeting* a *Councillor* may ask that his or her name be recorded in the *minutes* as having voted in the negative, immediately after the *Chairperson* has put any motion, amendment or other question to the vote and has announced the result of that vote.
- (4) In the event of a tied vote, the *Chairperson* must exercise a second vote, or casting vote, in accordance with the *Act*.

**36. Divisions**

- (1) At any *Council meeting* a *division* may be called by a *Councillor* immediately after the *Chairperson* has put any motion, amendment or other question to the vote and has announced the result of that vote.
- (2) A *division* cannot be called once consideration of the next item on the *agenda* has commenced.
- (3) The calling of a *division* sets aside the result of the voting announced by the *Chairperson*.
- (4) The result of a division supersedes the result of the original vote and a *Councillor* may change his or her previous vote when a division is called.
- (5) When a *division* has been called, the *Chairperson* must:
  - (a) ask *Councillors* voting in the affirmative to stand and announce the names of those *Councillors*; then
  - (b) ask for those voting in the negative to stand and announce the names of those *Councillors*; then
  - (c) ask for those abstaining from voting to stand and announce the names of those *Councillors*.
- (6) The names of *Councillors* voting in the affirmative and in the negative and *Councillors* abstaining from voting must be recorded in the *minutes* of the *Council meeting*.
- (7) The *Chairperson* must announce the result of the vote immediately after the *division* is taken.

**PART 5 – BEHAVIOUR AND ORDER AT MEETINGS****37. Courtesy to the Chairperson**

When speaking at a *Council meeting*, all persons shall direct their attention primarily towards the *Chairperson*.

**38. Points of Order**

- (1) A *point of order* is an objection that the motion, amendment or statement made is:
  - (a) contrary to this Local Law or the provisions of the *Act*; or
  - (b) defamatory; or
  - (c) irrelevant; or
  - (d) improper; or
  - (e) obscene; or
  - (f) abusive or objectionable language or behaviour; or
  - (g) outside *Council's* powers.
- (2) A *Councillor* may take a *point of order* by stating briefly the matter which is the subject of the *point of order* and the ground in sub-clause (1) upon which the *point of order* is being made.
- (3) When a *point of order* is called the *Councillor* speaking at the time must stop (unless asked by the *Chairperson* for an explanation), until the *Chairperson* rules upon it.
- (4) The *Chairperson* may not take a *point of order*.
- (5) The *Chairperson* may adjourn the *Council meeting* to consider a *point of order* which has been taken and shall rule upon it as soon as possible and before the business of the *Council meeting* proceeds further.
- (6) The *Chairperson* must, when ruling upon a *point of order*, state the provision of this Local Law or other legislation, rule, custom or practice upon which he or she is basing the ruling. The *Chairperson's* determination is, subject to clause 39(2), final.
- (7) A *point of order* cannot be taken for the sole purpose of:
  - (a) expressing a mere difference of opinion; or
  - (b) contradicting a speaker; or
  - (c) disrupting the meeting.

**39. Dissenting from the Chairperson's Ruling**

- (1) When the *Chairperson* makes a ruling during a *Council meeting* a *Councillor* may move a motion to the effect that the meeting dissent from the *Chairperson's* ruling.

- (2) When a motion of dissent is moved and is seconded the following procedures must be followed:
  - (a) the *Chairperson* asks the mover, then the seconder, to speak to their motion and the matter is then further debated as required. The matter is put to the vote and the *Chairperson* announces the result; and
  - (b) the *Chairperson* is bound by the result of the motion of dissent - if it is passed then his or her previous ruling is changed so that it conforms to the motion of dissent, if it is defeated then his or her previous ruling stands.
- (3) The defeat of the *Chairperson's* ruling is not a vote of no-confidence in the *Chairperson* and must not be so regarded by the meeting.

#### **40. Behaviour at Meetings**

- (1) *Visitors at Council meetings:*
  - (a) must not interject or take part in the debate; and
  - (b) must preserve silence in the gallery at all times during a *Council meeting*; and
  - (c) must not operate photographic, audio or video recording equipment or any other recording device at any *Council meeting* without first obtaining the consent of the *Chairperson*. Such consent may at any time during the course of such *Council meeting* be revoked by the *Chairperson*.
- (2) If any *visitor* or *Councillor* is called to order by the *Chairperson* for any improper or disorderly conduct and thereafter again acts in breach of this Local Law, the *Chairperson* may order him or her to leave the meeting room or building.  
  
The *Chairperson* may order a *visitor* or *Councillor* to leave the meeting room or building for a period of time as determined by the *Chairperson*.
- (3) The *Chairperson* may ask any *Authorised Officer*, *Delegated Officer* or member of the Victoria Police to remove from the meeting room or building any person whom the *Chairperson* has ordered to leave the *meeting room* or building under this clause.  
  
Any *visitor* or *Councillor* removed from the *meeting* must not return without the approval of the *Chairperson*.
- (4) If the *Chairperson* is of the opinion that disorder at the *Council table* or in the gallery makes it desirable to adjourn the *Council meeting*, he or she may adjourn the *meeting* to a later time on the same day or to some later day as he or she thinks appropriate up to a week later than the time stated in the *agenda* for the commencement of the *Council meeting*.
- (5) In any case where under this clause a *Council meeting* is adjourned, the *Chief Executive Officer* must give notice, verbally or *in writing*, to all *Councillors* of the date and time to which the *Council meeting* has been adjourned.

**PART 6 – PENALTIES****41. Offences****(1) It is an offence:**

- (a) for a *Councillor* to not withdraw a statement or comment which is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature, and to not apologise, when called upon twice by the *Chairperson* to do so.

**Penalty: 5 penalty units**

- (b) for any *visitor* to not leave the meeting room or building when ordered by the *Chairperson* to do so under clause 40(2).

**Penalty: 5 penalty units**

- (c) for a *Councillor* to not leave the meeting room or building when ordered by the *Chairperson* to do so under clause 40(2).

**Penalty: 5 penalty units**

- (d) for any person to fail to obey a direction of the *Chairperson* relating to the conduct of the *meeting* and the maintenance of order.

**Penalty: 5 penalty units**

- (e) for any *visitor* to contravene clause 40(1)(c) of this Local Law.

**Penalty: 5 penalty units**

**42. Infringement Notices**

- (1) The fixed *penalty* in respect of an infringement notice is two *penalty units*.
- (2) As an alternative to prosecution an *Authorised Officer* or *Delegated Officer* may issue an infringement notice to any person who breaches this Local Law.

**43. Payment of Penalty**

- (1) A person issued with an infringement notice may pay the *penalty* to the *Chief Executive Officer*, Kingston City Council, Council Offices (wherever located from time to time).
- (2) A person issued with an infringement notice is entitled to disregard the infringement notice and defend a prosecution in court.

**PART 7 – THE COMMON SEAL****44. The Common Seal and Sealing Clause**

- (1) The *common seal* may be used only on the authority of the *Council* and a person must not use it without that authority.

**Penalty: 5 penalty units**

- (2) The *Chief Executive Officer* must keep the *common seal* in safe custody.
- (3) The form of the *common seal* and sealing clause is to be as detailed in *Schedule 2* or to like effect.
- (4) Every document to which the *common seal* is affixed must be signed by one *Councillor* and the *Chief Executive Officer*, unless sub-clause (5) applies.
- (5) The *Council* may delegate to the *Chief Executive Officer* the authority to affix the *common seal* to any group or class of documents and in such cases the document only requires the signature of the *Chief Executive Officer* to attest the affixing of the *common seal*.

**CITY OF KINGSTON**  
**Meeting Procedure Local Law**  
**SCHEDULE 1 – FORMAL/PROCEDURAL MOTIONS**

	<b>FORMAL/ PROCEDURAL MOTION</b>	<b>FORM</b>	<b>MOVER &amp; SECONDER</b>	<b>MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED</b>	<b>WHEN MOTION IS PROHIBITED</b>	<b>DEBATE YES/NO</b>	<b>EFFECT IF CARRIED</b>	<b>EFFECT IF LOST</b>
1.	Deferral of debate to later hour and/or date	That this matter be deferred to am/pm and/or date	<i>Any Councillor</i>	Any matter	(a) During election of a <i>Chairperson</i> (b) When another <i>Councillor</i> is speaking	Yes	Motion and amendments postponed to the stated time and/or date	Debate continues unaffected
2.	Deferral of debate indefinitely	That this matter be deferred until further notice	<i>Any Councillor</i>	Any matter except (a) election of a <i>Chairperson</i> (b) a matter in respect of which a call of the <i>Council</i> has been made for that meeting	(a) During the election of a <i>Chairperson</i> (b) When another <i>Councillor</i> is speaking (c) When the matter is one in respect of which a call of the <i>Council</i> has been made	Yes	Motion and any amendment postponed but may be resumed at any later meeting if on <i>agenda</i>	Debate continues unaffected
3.	Adjournment of meeting to later hour or date	That the meeting be adjourned to am/pm and/or date	<i>Any Councillor</i>	Any meeting	(a) During the election of a <i>Chairperson</i> (b) When another <i>Councillor</i> is speaking	No	Meeting adjourns immediately until the stated time and/or date	Debate continues unaffected



**CITY OF KINGSTON**  
**Meeting Procedure Local Law**  
**SCHEDULE 1 - FORMAL/PROCEDURAL MOTIONS CONTD...**

	<b>FORMAL/ PROCEDURAL MOTION</b>	<b>FORM</b>	<b>MOVER &amp; SECONDER</b>	<b>MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED</b>	<b>WHEN MOTION IS PROHIBITED</b>	<b>DEBATE YES/NO</b>	<b>EFFECT IF CARRIED</b>	<b>EFFECT IF LOST</b>
4.	Adjournment of meeting indefinitely	That this meeting be adjourned until further notice	Any <i>Councillor</i>	Any matter except election of a <i>Chairperson</i>	(a) During the election of a <i>Chairperson</i> (b) When another <i>Councillor</i> is speaking (c) During a meeting which is a call of the <i>Council</i>	No	Meeting adjourns until an <i>agenda</i> is delivered under clause 13	Debate continues unaffected
5.	The closure	That the motion now be put	Any <i>Councillor</i>	Any matter	During nominations for <i>Chairperson</i>	No	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion	Debate continues unaffected
6.	Laying question on the table	That the question lie on the table	Any <i>Councillor</i>	Any matter except election of a <i>Chairperson</i>	(a) During the election of a <i>Chairperson</i> b) During a meeting which is a call of the <i>Council</i>	No	Motion and amendments not further discussed or voted on until: [insert detail]	Debate continues unaffected

**CITY OF KINGSTON**  
**Meeting Procedure Local Law**  
**SCHEDULE 1 - FORMAL/PROCEDURAL MOTIONS CONTD...**

	FORMAL/ PROCEDURAL MOTION	FORM	MOVER & SECONDER	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	DEBATE YES/NO	EFFECT IF CARRIED	EFFECT IF LOST
6.	Continued						(a) The <i>Council</i> resolves to take from the table at the same meeting  (b) The matter is placed on an <i>agenda</i> and the <i>Council</i> resolves to take the question from the table	
7.	Previous question	That the question be not now put	Any <i>Councillor</i>	Any matter except (a) election of a <i>Chairperson</i> (b) a matter in respect of which a call of the <i>Council</i> has been made for that	(a) During the election of a <i>Chairperson</i> (b) when another <i>Councillor</i> is speaking (c) when the matter is one in respect of	No	(a) No vote or further discussion on the motion until it is placed on an <i>agenda</i> for a later	Motion (as amended up to that time) is put immediately without further amendment or debate

				meeting	which a call of the <i>Council</i> has been made		meeting (b) Proceed to next business	
7.	Continued				(d) when an amendment is before the meeting			
8.	Proceeding to next business	That the meeting proceed to the next business NOTE: (a) may not be amended (b) may not be debated & (c) must be put to the vote as soon as seconded	Any <i>Councillor</i>	Any matter except (a) election of a <i>Chairperson</i> (b) a matter in respect of which a call of the <i>Council</i> has been made for that meeting	(a) During the election of a <i>Chairperson</i> (b) when another <i>Councillor</i> is speaking (c) when the matter is one in respect of which a call of the <i>Council</i> has been made	No	If carried in respect of: (a) an amendment, the meeting considers the motion without reference to the amendment (b) a motion, no vote or further discussion on the motion until it is placed on an <i>agenda</i> for a later meeting	Debate continues unaffected

**Kingston City Council****Meeting Procedures Local Law  
Schedule 2 - Form of Common Seal**

The **Common Seal** of the Kingston City Council was  
hereunto affixed in the presence of:

..... **Councillor**

An image of the Common  
Seal appears in the  
original copy of this local law.

..... **Chief Executive Officer**

# Ordinary Meeting of Council

24 September 2018

Agenda Item No: 11.3

## USE OF COMMON SEAL REVIEW

Contact Officer: Stephanie O'Gorman, Governance Officer

### Purpose of Report

The purpose of this report is to review Council's current practices regarding affixation of the common seal for the execution of specific classes of documents.

### 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.

### OFFICER RECOMMENDATION

1. That Council no longer require the affixation of the common seal to Section 173 Agreements, Transfer of Land documents, Leases and Licenses and other Contract documents (excepting non-CEO employment contracts) of greater than \$100,000 value.
2. That henceforth the common seal be affixed to such individual documents as Council by Resolution or the Chief Executive Officer as delegate determines should bear the common seal.

### 1. Executive Summary

The common seal is currently affixed to classes of documents as determined by a 2006 resolution of Council which provides that Section 173 Agreements, Transfer of Land documents, Leases and Licenses and other Contract documents (excepting non-CEO employment contracts) of greater than \$100,000 value be signed under seal. It was further resolved that the CEO be granted the authority to affix the seal to those classes of documents.

In accordance with this resolution, the specified classes of documents have had the common seal of the City of Kingston affixed when executed. The execution clause used has been in accordance with that set out in the Meeting Procedures Local Law.

This report seeks to review the current process in light of advice received from Maddocks Lawyers, which highlights the significant decline in the use of common seals and further advises that the affixation of the common seal to the classes of documents listed in the 2006 resolution is not required. Pursuant to this advice, officers are proposing that Council revoke its previous resolution regarding the affixing of the common seal and instead that these classes of documents be executed in accordance with the execution clauses provided by Maddocks Lawyers.

This report does not preclude use of the common seal on documents. Where this is deemed necessary, the common seal can be affixed in accordance with a Council resolution or under delegation and will continue to be affixed in accordance with the Meeting Procedures Local Law.

## **2. Background**

Section 5(2)(b) of the Local Government Act 1989 (the Act) provides that Council must have a common seal.

Section 5(3) of the Act provides that the common seal of a Council must:

- (a) bear the name of the Council (which name may refer to the inhabitants of the municipal district) and any other word, letter, sign or device the Council determines should be included; and
- (b) be kept at the Council office; and
- (c) be used in accordance with the local laws of the Council.

Council is compliant with these sections of the Act and the approach proposed by officers will not impinge upon Council's compliance with the Act.

## **3. Discussion**

### **3.1 Council Plan Alignment**

Goal 5 - Our well-governed and responsive organisation

Outcome 5.4 - A responsive and well managed organisation

By revoking Council's 2006 resolution, Council will be able to execute instruments such as deeds and contracts more efficiently, which will benefit both the organisation and third parties entering into agreements with Council.

### **3.2 Consultation/Internal Review**

Officers have consulted with Maddocks Lawyers to obtain advice about affixing the common seal.

Internal consultation has been undertaken with departments who regularly deal with section 173 agreements, transfer of land documents, leases and licences and contracts to ensure that the recommended approach is agreeable. All officers consulted have generally agreed with and noted the benefits of the recommended approach. There have been reservations about documents beyond the CEO's delegation, such as long term leases and sale of land documents, however, these may still have the common seal affixed as determined on a case by case basis by Council resolution or under delegation.

### **3.3 Operation and Strategic Issues**

#### **3.3.1 Use of the Common Seal**

The common seal is currently affixed to documents in accordance with the following resolution from the Ordinary Meeting of Council on 27 March 2006:

That Council resolve the following:

- 1. Section 173 Agreements, Transfer of Land documents, Leases and Licenses and other Contract documents (excepting non-CEO employment contracts) of greater than \$100,000 value be signed under seal.



2. To confirm that the CEO has authority to affix the common seal under the Council to CEO delegations and is therefore granted the authority to affix the seal to those classes of documents under resolution (1) above.

Advice was sought from Maddocks Lawyers on the necessity of affixing the common seal to the classes of documents listed in the 2006 resolution. Maddocks advised that the affixation of the common seal is generally not required, with the exception of two very specific legislative requirements. These are:

- If Council is a water corporation and wishes to delegate any functions, powers or duties under the *Water Act 1989* to any member of Council staff, the common seal must be affixed to the Instrument of Delegation; and
- If Council's consent is sought to the setting aside of roads for plantation purposes under section 350 of the *Land Act 1958*, the consent must be provided under and have affixed to it, the common seal.

It is highly unlikely that these situations will arise for Council and moreover should these circumstances arise, they will not impact on the proposed course of action for use of the common seal in this report as Council would affix the common seal by Council resolution or under delegation.

It should be noted that the affixing of the common seal is distinct from a requirement that a document be executed 'under seal', which is discussed in part 3.3.2 of the report.

Maddocks Lawyers advised that many councils still arrange for the common seal to be affixed to routine documents out of habit, for ceremonial purposes or to avoid queries about the power of the delegate to sign and commit the council legally.

Council currently affixes the common seal to specific classes of documents in accordance with the 2006 Council resolution. This process is both time consuming and inefficient, particularly when viewed in the context of the legal advice stating that there is no legal basis for affixing the common seal to these classes of document.

### **3.3.2 Section 173 Agreements**

Maddocks Lawyers have advised that deeds must be executed under seal and the most common type of deed to be executed by Council will be agreements under section 173 of the *Planning and Environment Act 1987*. The requirement that such agreements be executed under seal does not mean that Council's common seal must be affixed. Rather, the phrase 'under seal' is a reference to a deed, which is evidenced by the execution clause used where the words 'signed, sealed and delivered' must appear before the signatory's signature and name appear.

In accordance with this advice, it is proposed that the process of affixing of the common seal to such documents cease. Internal procedures will be amended to ensure that execution clauses for deeds be amended to mirror the execution clause provided by Maddocks, which would read:

*"Signed, sealed and delivered for and on behalf of Kingston City Council."*

**3.3.3 Contracts and other Agreements**

The legal advice from Maddocks Lawyers also references instruments other than deeds, for instance a contract or other type of agreement. Such instruments are not required to be executed under seal and therefore it is proposed that internal procedures be amended to ensure that execution clauses used for such instruments mirror the execution clauses provided by Maddocks, which would read:

*“Executed for and on behalf of Kingston City Council”; or*

*“Signed for and on behalf of Kingston City Council.”*

Provided the signatory has the necessary delegated authority to execute the instrument, the clauses provided by Maddocks will be sufficient to validly execute the instrument and there will be no need for the common seal to be affixed.

**3.3.4 Delegated Authority**

In order for an instrument to be validly executed, two elements must be satisfied:

1. The correct execution clause is used in accordance with advice from Maddocks Lawyers; and
2. The officer executing the instrument has the necessary delegated authority to do so.

Therefore, the onus is on individual officers responsible for the execution of instruments to ensure valid execution occurs. To assist with this process, templates for the correct execution clauses will be available to all officers by way of an internal procedure.

Generally officers are aware of the extent of their delegations under the Instruments of Delegation, which are available to all officers to access. In addition, advice can always be obtained on the ambit of delegated authority from the Governance Department.

**3.3.5 Use of Common Seal Moving Forward**

Where Council or officers believe that a document warrants the affixation of the common seal, such as for ceremonial purposes or for documents beyond the CEO’s delegation, this can be determined on a case by case basis by Council resolution or under delegation.

**4. Conclusion**

**4.1 Environmental Implications**

Not applicable.

**4.2 Social Implications**

Not applicable.

**4.3 Resource Implications**

Not applicable.

**City of Kingston  
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**4.4 Legal / Risk Implications**

Council will continue to comply with the Act by:

3. Having a common seal;
4. Keeping the common seal at the council office; and
5. Using the common seal in accordance with Council's local law.

Officers with delegated authority to execute instruments must ensure that execution clauses used mirror the clauses provided by Maddocks Lawyers, as specified in part 3.3.2 and 3.3.3 of this report.

Removal of the process of affixing the common seal to classes of documents will result in a more efficient and streamlined process, which will benefit both Council and relevant third parties.

Author/s:	Stephanie O'Gorman, Governance Officer
Reviewed and Approved By:	Phil DeLosa, Manager Governance Paul Franklin, General Manager Corporate Services

# Ordinary Meeting of Council

24 September 2018

Agenda Item No: 11.4

## 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 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.

### OFFICER RECOMMENDATION

That Council approve the following grant applications:

- Chelsea PC Support Group - \$1000.00
- Clarinda Baptist Church - \$1000.00

### 1. Executive Summary

The Quick Response Grants Program gives individuals and community groups the opportunity to apply for small grants 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 \$2,000.00.

Quick Response Grants are a category under Council's Community Grants Program.

### 2. Background

In November 2015 Council adopted the Quick Response Grants Program and 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 an Ordinary Meeting of Council.

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; or who is in needing circumstances.

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.

**City of Kingston  
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**3. Discussion**

**3.1. Council Plan Alignment**

Goal 3: Our connected, inclusive, healthy and learning community  
Direction 3.4 Promote an active, healthy and involved community life

**3.2. Operation and Strategic Issues**

**3.2.1. Assessment of Application Criteria**

Applications for Quick Response Grants are assessed against the criteria outlined in the guidelines as follows:

- Does the proposed activity/event/project support the delivery of one or more of Council Plan strategic goals?
- Does the proposed activity/event/project benefit the City of Kingston residents?
- Has the applicant demonstrated a clear need for funds?
- If the applicant is an organisation, that it is a not-for-profit and has a bank account in the name of organisation.
- If the applicant is an organisation, are funds needed at short notice or can they wait for the Annual Grants program?
- Can the project be funded under any other Council grant program?

**4. Applications**

<b>Name:</b>	Chelsea PC Support Group	
<b>Amount requested:</b>	\$1000.00	
<b>Description of Project/Event:</b>	The Chelsea PC Support Group is a volunteer run community group that has been providing technology support and training to seniors in the Kingston region for over 15 years. We aim to improve the digital literacy of senior citizens in our community by offering group presentations and question and answer sessions on a variety of topics of interest to seniors, such as online banking, shopping and communications. Our topics are presented by experienced teachers and computer experts. Seniors can learn about online security, accessing government services online, how to bank, shop and communicate safely online, and how to avoid common scams. Seniors will build their skills and confidence in a safe and supportive environment. In order to foster this environment and encourage enjoyment of technology we provide tea, coffee, snacks and prizes. We also provide free online support via a Facebook group.	
<b>How the funds will be used:</b>	The funds will be used to cover room hire expenses, provide nibbles at meetings and provide small prizes to encourage participation.	
<b>Assessment Criteria:</b>		
• The activity/event/project supports one or more of the Council Plan strategic goals		✓
• The activity/event/project benefits the City of Kingston residents		✓
• The applicant has demonstrated a clear need for funds		✓
• The applicant is an individual or not for profit organisation		✓
• Funds are needed at short notice		✓
• The project cannot be funded under any other Council Grant program		✓
<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 a grant of \$1000.00.		

**City of Kingston  
Ordinary Meeting of Council**

**Agenda**

**24 September 2018**

<b>Name:</b>	Clarinda Baptist Church	
<b>Amount requested:</b>	\$2000.00	
<b>Description of Project/Event:</b>	Establishment of community garden and associated activities to encourage social interaction	
<b>How the funds will be used:</b>	Materials for garden beds: Treated pine sleepers, steel brackets,-external fixings (screws), back fill (soil), fertiliser, seedlings, water point installed in back yard, tap fittings and accessories, water proof mesh for garden beds	
<b>Assessment Criteria:</b>	<ul style="list-style-type: none"><li>• The activity/event/project supports one or more of the Council Plan strategic goals</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 is an individual or not for profit organisation</li><li>• Funds are needed at short notice</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>
<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 a grant of \$1000.00.		

## 5. Conclusion

The grant applications in this report have been assessed according to the assessment criteria approved by Council in the Quick Response Guidelines.

### 5.1. Environmental Implications

Not applicable to this report.

### 5.2. Social Implications

The allocation of Quick Response Grants allows for Council to provide funds on a small scale to groups and individuals or towards projects or events that are consistent with Council's strategic directions and of benefit to Kingston's residents and community.

### 5.3. Resource Implications

Funds for Quick Response Grants are allocated by Council through its annual budget process.

### 5.4. Legal / Risk Implications

Not applicable to this report.

Author/s: Gabrielle Pattenden, Governance Officer  
 Reviewed and Approved By: Phil DeLosa, Manager Governance  
 Paul Franklin, General Manager Corporate Services



# Ordinary Meeting of Council

24 September 2018

Agenda Item No: 11.5

## ASSEMBLY OF COUNCILLORS RECORD REPORT

Contact Officer: Phil DeLosa, Manager Governance

### Purpose of Report

To provide copies of the Assembly of Councillors records in line with Section 80A of the Local Government Act 1989 to support openness and transparency of Governance processes.

### 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.

### OFFICER RECOMMENDATION

That Council note the contents of this report for the public record.

### 1. Executive Summary

This report contains records for all meetings defined as an Assembly of Councillors under Section 80A of the Local Government Act 1989, (the Act).

### 2. Background

The Act requires that Assembly of Councillors records are reported to the next possible meeting of Council. This seeks to promote openness and transparency of Council decision making and to place on public record any declarations of direct or indirect interests by Councillors.

### 3. Discussion

#### 3.1 Council Plan Alignment

Goal 5 - Our well-governed and responsive organisation

Direction 5.1 - Support decision making to provide an efficient and effective council which embodies the principles of democracy

The reporting of Assembly of Councillors meets the requirements of the Act and is critical to Direction 5.1.

#### 3.2 Consultation/Internal Review

Not applicable to this report.

### **3.3 Operation and Strategic Issues**

#### **3.3.1 Legislative Requirements**

As prescribed by section 80A of the Act, the written record only needs to be a simple document that records:

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

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

Section 80A of the Act requires a Councillor attending an assembly to disclose a conflict of interest and leave the room whilst the matter is being considered.

This requirement is explained in further detail in Practice Note No. 6 Assemblies of Councillors which was authored by Local Government Victoria. This Practice Note advises that unlike Council meetings, it is not necessary for a Councillor to disclose any details of the conflict of interest. It is sufficient to just disclose that the conflict of interest exists and this is all that should be recorded.

The rationale behind this limited requirement is to protect Councillors' privacy. In Council or Special Committee meetings, Councillors have an option under the Act to disclose a conflict of interest in writing to the CEO, which allows for the nature and type of the conflict of interest to remain private. The Act does not provide this option in relation to Assemblies of Councillors and thus Councillors are only required to disclose the existence of a conflict of interest and not the nature and type of interest at an assembly.

## **4. Conclusion**

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

### **4.1 Environmental Implications**

Nil

### **4.2 Social Implications**

Tabling Assembly of Council records supports disclosure and transparency of Council operations.

### **4.3 Resource Implications**

Nil

### **4.4 Legal / Risk Implications**

Reporting Assemblies of Councillors to Council meets the legislative requirement contained in section 80A of the Act.

**City of Kingston  
Ordinary Meeting of Council**

**Agenda**

**24 September 2018**

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**Appendices**

- Appendix 1 - Assembly of Councillors Record - Planning Councillor Information Session -  
3 September 2018 (Ref 18/539700) [↓](#)
- Appendix 2 - Assembly of Councillors Record - Strategic Councillor Information Session -  
10 September 2018 (Ref 18/547599) [↓](#)
- Appendix 3 - Assembly of Councillors Record - Strategic Councillor Information Session -  
17 September 2018 (Ref 18/555094) [↓](#)

Author/s: Phil DeLosa, Manager Governance

Reviewed and Approved By: Paul Franklin, General Manager Corporate Services

# 11.5

## ASSEMBLY OF COUNCILLORS RECORD REPORT

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2	Assembly of Councillors Record - Strategic Councillor Information Session - 10 September 2018.....	535
3	Assembly of Councillors Record - Strategic Councillor Information Session - 17 September 2018.....	539

# Assembly of Councillors Record

This Form MUST be completed by;

- (i) The appropriate attending Council Officer or;
- (ii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Manager Governance for filing.

## Assembly details:

**Date:** 3 September 2018

**Time:** 5.45pm

**Assembly Location:** Oakleigh Room, 1230 Nepean Highway Cheltenham

**Assembly Reason:** Planning Councillor Information Session

## Attendees:

### Councillor/s:

Cr Tamsin Bearsley (arrived at 6.13pm)  
 Cr David Eden  
 Cr Geoff Gledhill  
 Cr Georgina Oxley  
 Cr Rosemary West OAM

### Officer/s:

John Nevins, Chief Executive Officer  
 Mauro Bolin, General Manager Community Sustainability  
 Paul Franklin, General Manager Corporate Services  
 Jonathan Guttman, General Manager Planning and Development  
 Jihan Wassef, Team Leader Social Development  
 Megan O'Halloran, Manager Communications & Community Relations  
 Phil De Losa, Manager Governance  
 Ian Nice, Manager City Development  
 Stephanie O'Gorman, Governance Officer

### Apologies:

Cr Staikos (Mayor)  
 Cr Brownlees  
 Cr Barth  
 Cr Hua  
 Daniel Freer, General Manager City Assets and Environment

### Matter/s Discussed:

1. Apologies
2. Disclosures by Councillors, Officers and Contractors of any Conflict of Interest
3. Notes of the Planning CIS Meeting of 6 August 2018
4. Individual Ward Briefings
5. Access and Equity Advisory Committee 1 August 2018
6. Planning Delegation Policy Emails - August 2018

## Assembly of Councillors Record

This Form MUST be completed by;

- (i) The appropriate attending Council Officer or;
- (ii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Manager Governance for filing.

7. Draft Agenda - Planning Committee - See Separate Agenda
8. Notice of Application (Advertising) Policy Review
9. ResCode (Clause 55) Assessments & Proposed 'New Format' Planning Council Report Template
10. Response to Notice of Motion 2/2017 - Declaration of Termite Prone Areas
11. MAV State Council Motions - October 2018
- 11.1 Pompei Heritage Update
- 11.2 Depot Strategic Option
12. State Government Rail Loop Announcement
13. Report on Legal Advice
14. Invitations

### Conflict of Interest Disclosures:

Nil

**Did senior officer present ask for disclosure of Conflicts of Interest? Yes**

**Councillor Disclosures: (refer 2 over page).**

Nil

**Record if a Councillor left the meeting during the discussion.**

N/A

**Officer Disclosures: (refer 4 over page)**

Nil

Completed by: Stephanie O'Gorman, Governance Officer

Date: 4 September 2018



**Assembly of Councillors Record - Any record of an Assembly of Councillors is reported at next practicable Council meeting and recorded in the Minutes.**

**Requirements and explanation:**

**1. Section 80A(1) and (2) Officer Requirements (re Written Record to be made of disclosure of Conflicts of Interest):**

Section 80A(1) and (2) of the Local Government Act 1989, stipulates:

- "(1) At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:
  - (a) the names of all Councillors and members of Council staff attending,
  - (b) the matters considered,
  - (c) any conflict of interest disclosures made by a Councillor attending under subsection (3),
  - (d) whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."
- (2) The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable-
  - (a) reported at an ordinary meeting of the Council; and
  - (b) incorporated in the minutes of that Council meeting."

**2. Section 80A(3) and (4) Councillor Requirements (re Conflict of Interest):**

Section 80A(3) and (4) of the Local Government Act 1989, stipulates:

- "(3) If a Councillor attending an assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must, at the time set out in subsection (4), disclose to the assembly that he or she has a conflict of interest and leave the assembly whilst the matter is being considered by the assembly. Penalty: 120 penalty units.
- (4) A Councillor must disclose the conflict of interest either-
  - (a) immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
  - (b) if the Councillor realises that he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that he or she has a conflict of interest."

**3. Section 3(1) definition:**

"**Assembly of Councillors**" (however titled) means a planned or scheduled meeting of at least five Councillors and one member of Council staff, or an advisory committee of the Council where one or more Councillors are present which considers matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a function, duty or power of the Council that has been delegated to a person or Committee; or

but does not include a meeting of the Council, a Special Committee of the Council, a club, association, peak body, political party or other organisation."

**Brief Explanation:**

Some examples of an *Assembly of Councillors* will include:-

- Meeting / briefing of five Ward Councillors;
- Advisory committee or Village Committee Meeting where 1 or more Councillor is present
- Other Councillor briefing sessions;
- Budget discussions;
- Workshops re key Council priorities;
- Site inspections / preliminary planning conferences;

providing **at least five Councillors and one Council Staff member is present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

*As a matter of good practice, it would be considered exceptional not to deem any scheduled / planned meeting of five or more Councillors and an officer/s as an Assembly of Councillors. If you require further clarification, please call the Governance team.*

**4. Section 80B Officer Requirements (re Disclosure of Conflicts of Interest):**

A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must:

- not exercise the power or discharge the duty or function; and
- disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as he or she becomes aware of the conflict of interest in the matter, including those situations when the Officer is exercising a statutory power or duty of the Chief Executive Officer.

# Assembly of Councillors Record

This Form MUST be completed by;

- (i) The appropriate attending Council Officer or;
- (ii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Manager Governance for filing.

## Assembly details:

**Date:** 10 September 2018

**Time:** 5.45pm

**Assembly Location:** 1230 Nepean Highway Cheltenham

**Assembly Reason:** Strategic Councillor Information Session

## Attendees:

### Councillors

Cr Tamara Barth (arrived 5.48pm)  
 Cr Tamsin Bearsley  
 Cr David Eden  
 Cr Geoff Gledhill  
 Cr George Hua (arrived at 5.59pm)  
 Cr Georgina Oxley  
 Cr Rosemary West OAM (arrived 5.48pm)

### Officers

John Nevins, Chief Executive Officer  
 Mauro Bolin, General Manager Community Sustainability  
 Paul Franklin, General Manager Corporate Services  
 Daniel Freer, General Manager City Assets and Environment  
 Jonathan Guttman, General Manager Planning and Development  
 Megan O'Halloran, Manager Communications & Community Relations  
 Phil De Losa, Manager Governance  
 Joanne Creedon, Governance Officer  
 Jihan Wassef, Team Leader Social Development  
 Mark Juler, Manager Parks and Recreation  
 Julian Harvey, Manager Property, Arts and Leisure Services

### Apologies

Cr Steve Staikos (Mayor)  
 Cr Ron Brownlees OAM

## Assembly of Councillors Record

This Form MUST be completed by;

- (i) The appropriate attending Council Officer or;
- (ii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Manager Governance for filing.

### Matter/s Discussed:

1. Apologies
2. Disclosures by Councillors, Officers and Contractors of any Conflict of Interest
3. Notes of the Strategic CIS Meeting of 20 August 2018
4. Community Safety Advisory Committee - Notes - 15 August 2018
5. Contract 18-3 Road Resurfacing Works
6. Youth Awards Model Review
7. Sport and Recreation Strategy - Consultation Findings and Strategy Adoption
8. Response to Notice of Motion 58/2017 - Cr West - Street and Park Tree Management Strategy
9. Response to Notice of Motion 26/2017 - Cr West - Trees for Nepean Highway
10. Update To Notice of Motion 10/2016 - Cr Eden - Weed Killer
11. Proposed Purchase of 43 Garden Boulevard
12. Proposed Edithvale 24 Hour Dog Off Leash Consultation Feedback
13. Recording of Public Gallery
14. Community Local Law - Annual Review
15. Draft Agenda - Ordinary Meeting of Council - See Separate Agenda

### Conflict of Interest Disclosures:

**Did senior officer present ask for disclosure of Conflicts of Interest?**

Yes

**Councillor Disclosures: (refer 2 over page).**

Nil

**Record if a Councillor left the meeting during the discussion.**

NA

**Officer Disclosures: (refer 4 over page)**

Nil

Completed by: Joanne Creedon Governance Officer

Date: 10/9/18

**Assembly of Councillors Record - Any record of an Assembly of Councillors is reported at next practicable Council meeting and recorded in the Minutes.**

**Requirements and explanation:**

**1. Section 80A(1) and (2) Officer Requirements (re Written Record to be made of disclosure of Conflicts of Interest):**

Section 80A(1) and (2) of the Local Government Act 1989, stipulates:

- "(1) At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:
  - (a) the names of all Councillors and members of Council staff attending,
  - (b) the matters considered,
  - (c) any conflict of interest disclosures made by a Councillor attending under subsection (3),
  - (d) whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."
- (2) The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable-
  - (a) reported at an ordinary meeting of the Council; and
  - (b) incorporated in the minutes of that Council meeting."

**2. Section 80A(3) and (4) Councillor Requirements (re Conflict of Interest):**

Section 80A(3) and (4) of the Local Government Act 1989, stipulates:

- "(3) If a Councillor attending an assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must, at the time set out in subsection (4), disclose to the assembly that he or she has a conflict of interest and leave the assembly whilst the matter is being considered by the assembly. Penalty: 120 penalty units.
- (4) A Councillor must disclose the conflict of interest either-
  - (a) immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or
  - (b) if the Councillor realises that he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that he or she has a conflict of interest."

**3. Section 3(1) definition:**

"**Assembly of Councillors**" (however titled) means a planned or scheduled meeting of at least five Councillors and one member of Council staff, or an advisory committee of the Council where one or more Councillors are present which considers matters that are intended or likely to be:

- the subject of a decision of the Council; or
- subject to the exercise of a function, duty or power of the Council that has been delegated to a person or Committee; or

but does not include a meeting of the Council, a Special Committee of the Council, a club, association, peak body, political party or other organisation."

**Brief Explanation:**

Some examples of an *Assembly of Councillors* will include:-

- Meeting / briefing of five Ward Councillors;
- Advisory committee or Village Committee Meeting where 1 or more Councillor is present
- Other Councillor briefing sessions;
- Budget discussions;
- Workshops re key Council priorities;
- Site inspections / preliminary planning conferences;

providing **at least five Councillors and one Council Staff member is present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

*As a matter of good practice, it would be considered exceptional not to deem any scheduled / planned meeting of five or more Councillors and an officer/s as an Assembly of Councillors. If you require further clarification, please call the Governance team.*

**4. Section 80B Officer Requirements (re Disclosure of Conflicts of Interest):**

A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must:

- not exercise the power or discharge the duty or function; and
- disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as he or she becomes aware of the conflict of interest in the matter, including those situations when the Officer is exercising a statutory power or duty of the Chief Executive Officer.

# Assembly of Councillors Record

This Form MUST be completed by;

- (i) The appropriate attending Council Officer or;
- (ii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Manager Governance for filing.

## Assembly details:

**Date:** 19 September 2018

**Time:** 5.45pm

**Assembly Location:** Oakleigh Room, 1230 Nepean Highway Cheltenham

**Assembly Reason:** Strategic Councillor Information Session

## Attendees:

### Councillor/s:

Cr Steve Staikos (Mayor)  
 Cr Tamara Barth (arrived at 5.53pm)  
 Cr Tamsin Bearsley  
 Cr Ron Brownlees OAM  
 Cr George Hua (arrived at 5.54pm)  
 Cr Georgina Oxley  
 Cr Rosemary West OAM

### Officer/s:

John Nevins, Chief Executive Officer  
 Mauro Bolin, General Manager Community Sustainability  
 Paul Franklin, General Manager Corporate Services  
 Daniel Freer, General Manager City Assets and Environment  
 Paul Marsden, Manager City Strategy  
 Megan O'Halloran, Manager Communications & Community Relations  
 Phil De Losa, Manager Governance  
 Stephanie O'Gorman, Governance Officer  
 Ross Gregory, Acting Manager Parks and Recreation  
 Zorica Djuric, Team Leader Youth & Family Services  
 Rachelle Quattrocchi, Manager Infrastructure  
 Steve Lewis, Manager Community Buildings  
 Julian Harvey, Manager Property, Arts and Leisure Services

### Apologies:

Cr Gledhill  
 Cr Eden

### Matter/s Discussed:

1. Apologies
2. Disclosures by Councillors, Officers and Contractors of any Conflict of Interest

## Assembly of Councillors Record

This Form MUST be completed by;

- (i) The appropriate attending Council Officer or;
- (ii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Manager Governance for filing.

3. Notes of the Strategic CIS Meeting of 10 September 2018
4. Environmental Upgrade Agreements for Kingston Business Community
9. Response to Notice of Motion No. 6/2018 - Cr West - Signs for Parks
5. Councillor Only Confidential Discussion - Quarterly CEO Performance Feedback - June-August 2018
6. July 2017 to May 2018 (2017/18) CEO Performance Review
7. Appointment of Members to the Youth Advisory Committee
8. Special Meeting of Council - See Separate Agenda
10. Tender Evaluation Report for Mentone Renaissance Stage 2 – Shopping Centre Streetscape Works
11. Building Capital Works Forward Plan - Cost Pressures and Considerations
12. CON 18/70 Construction of Edithvale Life Saving Club - Result of Tender Process
13. Response to Notice of Motion No. 15/2016 - Cr Brownlees - Planning Policy (Parking and Rear Setbacks) and to Notice of Motion No. 20/2018 Cr Hua - Impact of Multi-Unit Development on Parking
14. Bonbeach, Edithvale and Carrum Level Crossing Removals - Council Advocacy
15. Heatherton Park Cap Rectification Works
16. Australia Day Breakfast Options
17. Invitations
18. 2018/19 Capital Adjustments Post 2017/18 EOFY

### Conflict of Interest Disclosures:

Did senior officer present ask for disclosure of Conflicts of Interest? Yes / No

## Assembly of Councillors Record

This Form MUST be completed by;

- (i) The appropriate attending Council Officer or;
- (ii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Manager Governance for filing.

**Councillor Disclosures: (refer 2 over page).**

**Record if a Councillor left the meeting during the discussion.**

**Officer Disclosures: (refer 4 over page)**

Completed by:

Date:



**Assembly of Councillors Record - Any record of an Assembly of Councillors is reported at next practicable Council meeting and recorded in the Minutes.**

**Requirements and explanation:**

**1. Section 80A(1) and (2) Officer Requirements (re Written Record to be made of disclosure of Conflicts of Interest):**

Section 80A(1) and (2) of the Local Government Act 1989, stipulates:

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  - (a) the names of all Councillors and members of Council staff attending,
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- (2) The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable-
  - (a) reported at an ordinary meeting of the Council; and
  - (b) incorporated in the minutes of that Council meeting."

**2. Section 80A(3) and (4) Councillor Requirements (re Conflict of Interest):**

Section 80A(3) and (4) of the Local Government Act 1989, stipulates:

- "(3) If a Councillor attending an assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must, at the time set out in subsection (4), disclose to the assembly that he or she has a conflict of interest and leave the assembly whilst the matter is being considered by the assembly. Penalty: 120 penalty units.
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**3. Section 3(1) definition:**

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- the subject of a decision of the Council; or
- subject to the exercise of a function, duty or power of the Council that has been delegated to a person or Committee; or

but does not include a meeting of the Council, a Special Committee of the Council, a club, association, peak body, political party or other organisation."

**Brief Explanation:**

Some examples of an *Assembly of Councillors* will include:-

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- Other Councillor briefing sessions;
- Budget discussions;
- Workshops re key Council priorities;
- Site inspections / preliminary planning conferences;

providing **at least five Councillors and one Council Staff member is present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

*As a matter of good practice, it would be considered exceptional not to deem any scheduled / planned meeting of five or more Councillors and an officer/s as an Assembly of Councillors. If you require further clarification, please call the Governance team.*

**4. Section 80B Officer Requirements (re Disclosure of Conflicts of Interest):**

A member of Council staff who has a conflict of interest in a matter in which they also have delegated power, duty or function must:

- not exercise the power or discharge the duty or function; and
- disclose the type of interest and the nature of the interest to the Chief Executive Officer, in writing, as soon as he or she becomes aware of the conflict of interest in the matter, including those situations when the Officer is exercising a statutory power or duty of the Chief Executive Officer.

# Ordinary Meeting of Council

24 September 2018

**Agenda Item No: 11.6**

## **COMMUNITY LOCAL LAW - ANNUAL REVIEW**

**Contact Officer: Joanne Creedon, Governance Officer**

### **Purpose of Report**

The purpose of this report is to present to Council the proposed Community (Amendment) Local Law No. 3 and to seek Council's endorsement to release the proposed Local Law for formal community consultation.

### **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.

### **OFFICER RECOMMENDATION**

That Council

1. Receive the proposed Community Local Law amendments;
2. Authorise commencement of the statutory process for the making of the proposed Local Law, in accordance with Part 5 of the Local Government Act 1989 (the Act), by giving public notice of its intention to make the proposed Local Law and inviting submissions under section 223 of the Act; and
3. Determine to appoint a committee, in accordance with section 223 of the Act, comprising of Cr Bearsley, Cr Hua and Cr West as nominated to hear the submissions in relation to the proposed amending Local Law, at a meeting on Tuesday 13 November 2018, commencing at 5.00pm and report to Council; and
4. In the event that no submissions are received, receive a report to adopt the amending Community Local Law.

### **1. Executive Summary**

Council's Community Local Law (Local Law) was first adopted in August 2015. An annual review of the Community Local Law is now conducted as both a commitment to continuous improvement and to recognise the changing dynamics of community responsive laws that regulate actions and behaviour within the City of Kingston.

The 2017 review resulted in the adoption of the Community (Amendment) Local Law No. 2 in December last year.

It is proposed that the Local Law again be updated to incorporate the amendments proposed during this year's review.

## **2. Background**

An annual review allows the Local Law to be updated should Council change any of its policy positions over the previous 12 months and allows for Council to be responsive as community needs change.

Since the 2017 review two issues have been raised by internal stakeholders. These issues have been considered and incorporated into the proposed Community (Amendment) Local Law No. 3, attached in Appendix 1.

The amendments include changes to clauses 42 – 45 regarding Tree Protection and clause 158.1 which relates to the use of moveable/portable barbeques in open space. A copy of the proposed Community Local Law (Consolidated) is attached in Appendix 2.

## **3. Discussion**

### **3.1 Council Plan Alignment**

Goal 5 - Our well-governed and responsive organisation

Direction 5.4 - A responsive and well managed organisation

An effective Local Law ensures the well-being of the community is protected and that Council's facilities and associated risks are managed effectively. A frequent review of the local law is undertaken to ensure it is effective and addresses both the community need as well as reflecting Council adopted policy.

### **3.2 Consultation/Internal Review**

Content review meetings have been held with internal stakeholders. The feedback received in these meetings has been incorporated into the proposed Local Laws attached to this report.

The proposed Community (Amendment) Local Law No. 3 and proposed Community Local Law (Consolidated) have been reviewed by Maddocks Lawyers. No issues were relating to content change were identified in this review.

In keeping with the practice that occurred with the 2016 and 2017 reviews, a one stage public consultation process will be conducted to comply with the statutory processes pursuant to section 119(2) and 223 of the Local Government Act 1989.

### **3.3 Operation and Strategic Issues**

#### **3.3.1 Key dates**

<b>24 September 2018</b>	Ordinary Meeting of Council to begin Statutory Consultation and determine a Council committee to hear submissions received pursuant to the section 223 public submission process.
<b>5 October 2018</b>	Statutory consultation process begins (28 days).
<b>12 November 2018</b>	Section 223 Committee meeting to hear section 223 public submissions if required.
<b>26 November 2018</b>	Ordinary Meeting of Council - adoption of Community Local Law

#### **3.3.2 Content Change**

The proposed changes to the content of the Community Local Law are outlined below.

**3.3.2.1 Amend Clauses 42 – 45 (Tree Protection)**

Clause 43 of the Local Law states:

*A person must not carry out, or direct, authorise or allow to be carried out, any works near a protected tree or vegetation contrary to the guidelines in the Australian Standard AS4970-2009 Protection of Trees on Development Sites.*

In its current form, clause 43 of the Local Law prohibits any development activities to be undertaken near a protected tree. This is contrary to the guidelines in *Australian Standard AS4970-2009 Protection of Trees on Development Sites* (the Standard) which allows for such works to take place under certain conditions.

The Standard which is referenced in the Local Law provides guidance on the principles for protecting trees on land subject to development. It follows the stages of development from planning to implementation. The Standard aims to assist those concerned with trees in relation to development. In order to provide consistency with the Standard clause 42 will be amended to allow for works to take place near a protected tree subject to obtaining a permit from Council.

This change improves the control that Council's Vegetation Management Officers have in regard to development activities near protected trees by placing conditions on any permit approved. Such conditions will ensure that development activities near a protected tree are managed and the construction method tailored to the specific site. At present no permit exists and development activities are difficult to monitor and control.

In amending clause 42 to regulate works near a protected tree, clause 43 becomes redundant and so will be deleted from the Local Law. Clause 42 will now read:

**42. A person must not without a permit:**

- 42.1. *remove, damage, kill or destroy or direct, authorise or allow to be removed, damaged, killed or destroyed; or***
- 42.2. *cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned contrary to the guidelines recommended in the Australian Standard AS4373 – 2007 Pruning of Amenity Trees; or***
- 42.3. *carry out, or direct or allow to be carried out, any work contrary to the guidelines in the Australian Standard AS4970-2009 Protection of Trees on Development Sites near any protected tree.***

Further, clauses 44 and 45 will be amended to correlate with the deletion of clause 43. This includes deleting references to 'vegetation' as vegetation encompasses more than what the Local Law intends to protect, which is a 'protected tree' as defined in the Local Law. Reference to 'vegetation' is also considered impractical with respect to the enforcement of any penalties for development activities contrary to the Standard and in turn a Council permit.

**3.3.2.2 Amend Clause 158.1 (Permit trigger in relation to the use of moveable/portable barbeques in open space.)**

Clause 158.1 of the Local Law states:

*A person must not, without a permit (or a permit or licence granted by an agency of the State Government), while in or upon any Council land or foreshore reserve light any fire or permit any fire to remain alight unless in a fireplace provided by Council or in a moveable non-solid fuel burning barbeque.*

At the Ordinary Meeting of Council on 26 February 2018 regarding Item 10.4 – Response to Notice of Motion No. 24/2017 - BBQs in Kingston, Council resolved:

*That Council:*

- 1. Officers continue using the Open Space Strategy, Playground Strategy, population data and community consultation to guide the development of appropriate facilities including barbeques within different categories of open space; and*
- 2. Trial for 12 months the removal of the permit trigger (Clause 158.1 of the Community Amenity Local Law) in relation to the use of moveable/portable barbeques, in open space areas.*

In order to enact this resolution, clause 158.1 will be amended on a trial basis for 12 months. The amended clause will now read:

*A person must not, without a permit (or a permit or licence granted by an agency of the State Government), while in or upon any Council land or foreshore reserve light any fire or permit any fire to remain alight unless in a fireplace provided by Council.*

#### **3.3.2.3 Reference and Typographical Updates**

A small number of references and typographical errors have also been identified in this review.

Firstly, the table on page 53 of the Local Law Consolidated, 'Schedule 1 (Penalties for Offences Against this Local Law)' has been updated so that the page and clause numbers are correctly referenced.

Secondly, the title of a number of reference documents in 'Part 8 Reference Documents' on page 7 have been updated to reflect changes to legislation and internal guidelines.

These changes have no impact on the workings of the Local Law.

#### **3.3.3 Legal Review**

The proposed Community (Amendment) Local Law No. 3 and proposed Community Local Law (Consolidated) have been reviewed by Maddocks Lawyers. No issues relating to content change were identified in this review.

## **4. Conclusion**

### **4.1 Environmental Implications**

Not applicable

**4.2 Social Implications**

The Charter of Human Rights requires that Local Laws not be incompatible with human rights. The current review has been undertaken with the view of this not occurring.

Community consultation will be as prescribed by section 223 of the LGA and is envisaged to take place during October 2018.

**4.3 Resource Implications**

Not applicable.

**4.4 Legal / Risk Implications**

Section 119(2)(c) of the LGA requires after a Local Law is made Council must give notice in the Government Gazette and a public notice specifying –

- (a) the title of the Local Law;
- (b) the purpose and general purport of the Local Law; and
- (c) that a copy of the Local Law may be inspected at the Council office.

Also after a Local Law is made Council must send a copy to the Minister (section 119(4)).

**Appendices**

Appendix 1 - Proposed Community (Amendment) Local Law No. 3 (Ref 18/541135) [↓](#)

Appendix 2 - Proposed Community Local Law (Consolidated) (Ref 18/482658) [↓](#)

Author/s: Joanne Creedon, Governance Officer

Reviewed and Approved By: Phil DeLosa, Manager Governance  
Paul Franklin, General Manager Corporate Services

# 11.6

## COMMUNITY LOCAL LAW - ANNUAL REVIEW

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**CITY OF KINGSTON**  
**COMMUNITY (AMENDMENT) LOCAL LAW NO. 3**  
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## KINGSTON CITY COUNCIL

## COMMUNITY (AMENDMENT) LOCAL LAW 3

**COMMUNITY (AMENDMENT) LOCAL LAW NO. 3****PART 1  
INTRODUCTION****1. Title**

This Local Law will be known as the "Community (Amendment) Local Law No. 3".

**2. Purpose Of This Local Law**

The purpose of this Local Law is to amend **Council's** Community Local Law 2015 by:

2.1 revising the regulation of:

2.1.1 protected trees; and

2.1.2 the use of Council Land and Foreshore Reserves.

**3. Authorising Provision**

This Local Law is made under section 111(1) of the *Local Government Act 1989*.

**4. Operation Date**

This Local Law operates from the day after the day upon which it is made by **Council**.

**5. Revocation**

Unless sooner revoked, this Local Law ceases to operate on the same day on which **Council's** Community Local Law 2015 ceases to operate.

**6. Application**

This Local Law applies and has operation throughout the whole of **Council's** municipal district.

**7. Interpretation**

Unless the contrary intention appears in this Local Law, the following words and phrases are defined as indicated:

"**Council**" means Kingston City Council.

"**Principal Local Law**" means **Council's** Community Local Law 2015.

## KINGSTON CITY COUNCIL

## COMMUNITY (AMENDMENT) LOCAL LAW 2

**PART 2**  
**AMENDMENTS TO COMMUNITY LOCAL LAW**

**8. Amendments to the Principal Local Law**

8.1 In clause 42.2 of the **Principal Local Law** delete “,” and substitute “; or”.

8.2 Immediately after clause 42.2 of the **Principal Local Law**, add:

*“42.3 carry out, or direct or allow to be carried out, any work contrary to the guidelines in the Australian Standard AS4970-2009 Protection of Trees on Development Sites near”*

8.3 Delete clause 43 of the **Principal Local Law**.

8.4 In clause 44 of the **Principal Local Law** delete “clause 42 and 43 do” and substitute “clause 42 does”.

8.5 In clause 45 of the **Principal Local Law** delete “or 43”.

8.6 In Clause 158.1 of the **Principal Local Law** delete “or in a moveable non-solid fuel burning barbeque.”

8.7 In Schedule 1 to the **Principal Local Law** delete from the table:

19	43	Works near protected trees or vegetation contrary to the guidelines in the Australian Standard AS4970 2009 Protection of Trees on Development Sites	20	10
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Council resolved to give notice of its intention to adopt the Community (Amendment), Local Law No.3 on **XX September 2018** and resolved to adopt the Community (Amendment), Local Law No.3 on **XX November 2018**.

The **Common Seal** of the City of Kingston was hereby affixed in the presence of:

.....**Councillor**

.....**Chief Executive Officer**



# **COMMUNITY LOCAL LAW [consolidated]**

DRAFT

Consolidated Community Local Law (Community Local Law – Adopted by Council 24 August 2015 and Community (Amendment) Local Law No. 1 - Adopted by Council 19 September 2016 and Community (Amendment) Local Law No. 2 – Adopted by Council 11 December 2017)  
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## PART 1 – PRELIMINARY, OBJECTIVES & DEFINITIONS

### Title

1. This Local Law is called Community Local Law

### What are the objectives of this Local Law?

2. The objectives of this Local Law are to:
  - 2.1 provide for the peace, order and good government of the *municipal district*; and
  - 2.2 provide for the administration of *Council's* powers and functions; and
  - 2.3 promote a physical and social environment free from hazards to health, in which the residents of the *municipal district* can enjoy a quality of life that meets the general expectations of the community; and
  - 2.4 prevent and suppress nuisances which may adversely affect the enjoyment of life within the *municipal district* or the health, safety and welfare of persons within the municipal district; and
  - 2.5 consolidate *Council's* previous Local Laws 1, 2, 3, 4, 5 and 6
 and to achieve these objectives by:
  - 2.6 regulating and controlling activities of people within the *municipal district* which may be dangerous, unsafe or detrimental to the quality of life of other people in, or the environment of, the *municipal district*; and
  - 2.7 providing standards and conditions for specified activities to protect the safety and the welfare of people within, and the environment of, the *municipal district*.

### What authorises this Local Law?

3. This Local Law is made under section 111 of the *Act* and section 42 of the *Domestic Animals Act 1994*.

### When does this Local Law commence?

4. This Local Law commences on 1 November 2015.

### When does this Local Law end?

5. Unless revoked sooner, this Local Law ends on 31 October 2025.

### To what part of the municipal district does this Local Law apply?

6. This Local Law applies throughout the whole of the *municipal district*.

### What does this Local Law replace?

7. From the commencement of this Local Law, the following Local Laws are revoked:

Consolidated Community Local Law (Community Local Law – Adopted by Council 24 August 2015 and Community (Amendment) Local Law No. 1 – Adopted by Council 19 September 2016, Community (Amendment) Local Law No. 2 – Adopted by Council 11 December 2017 and Community (Amendment) Local Law No. 3 – Adopted by Council xx/xx/xx)  
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- 7.1 Public Health Local Law (Local Law No.1 of 2005)
- 7.2 Roads and Traffic Local Law (Local Law No. 2 of 2005)
- 7.3 Roads and Traffic (Amendment) Local Law 2006
- 7.4 Management of Council Property Local Law (Local Law No. 3 of 2005)
- 7.5 Foreshore Reserves Local Law (Local Law No. 4 of 2005)
- 7.6 Environment and Amenity Local Law (Local Law No. 5 of 2005)
- 7.7 Birds, Animals, Poultry, Rodents and Bees Local Law (Local Law No. 6)

#### Reference documents

- 8. Reference is made to the following documents, as amended from time to time:
  - 8.1 *Australian Standard AS4373 – 2007 Pruning of Amenity Trees*, which is incorporated into and forms part of this Local Law
  - 8.2 *Australian Standard AS4970 – 2009 Protection of Trees on Development Sites*, which is incorporated into and forms part of this Local Law
  - 8.3 *Busking Guidelines*, which are incorporated into and form part of this Local Law
  - 8.4 *Building Site Stormwater Code of Practice*, which is incorporated into and forms part of this Local Law
  - 8.5 *Catchment and Land Protection Act 1994*
  - 8.5A *City of Kingston Environmental Weed List*, which is incorporated into and forms part of this Local Law
  - 8.5B *Construction Management Guidelines*, which are incorporated into and form part of this Local Law
  - 8.6 *Domestic Animal Act 1994*
  - 8.7 *Firearms Act 1996*
  - 8.8 *Footpath Activities Policy*, which is incorporated into and forms part of this Local Law
  - 8.9 *Food Act 1984*
  - 8.10 *Gambling Regulation Act 2003*
  - 8.11 *A 'Good Neighbour' Code of Practice for a Circus or Carnival* which is incorporated into and forms part of this Local Law
  - 8.12 *Guideline on Asset Protection Permits*
  - 8.13 *Guideline on Domestic Waste, Green Waste, Recyclable Material and Hard Waste Collection Service*, which is incorporated into and forms part of this Local Law

Consolidated Community Local Law (Community Local Law – Adopted by Council 24 August 2015 and Community (Amendment) Local Law No. 1 – Adopted by Council 19 September 2016, Community (Amendment) Local Law No. 2 – Adopted by Council 11 December 2017 and Community (Amendment) Local Law No. 3 – Adopted by Council xx/xx/xx)  
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- 8.14 *Guideline on Property Numbers: Size, Location and Visibility*
- 8.15 *Heavy Vehicle National Law (Victoria)*
- 8.16 *Infringements Act 2006*
- 8.17 *Interpretation of Legislation Act 1984*
- 8.18 *Kingston Planning Scheme*
- 8.19 *Liquor Control Reform Act 1998*
- 8.20 *Livestock Disease Control Act 1994*
- 8.21 *Local Government Act 1989*
- 8.22 *Motor Car Trader Act 1986*
- 8.23 *Nature Strip Planting Guidelines*, which are incorporated into and form part of this Local Law
- 8.23A *Parking Management Policy*, which is incorporated into and forms part of this Local Law
- 8.24 *Planning and Environment Act 1987*
- 8.25 *Prevention of Cruelty to Animals Act 1986*
- 8.26 *Public Health and Wellbeing Act 2008*
- 8.27 *Road Management Act 2004*
- 8.28 *Road Safety Act 1986*
- 8.29 *Sentencing Act 1991*
- 8.30 *State Environment Protection*
- 8.31 *Street Numbering Policy*
- 8.32 *Summary Offences Act 1996*
- 8.33 *Wildlife Act 1975*
- 8.34 *Wildlife Regulations 2013*

#### **Definition of Words used in this Local Law**

9. The words identified in italics throughout this Local Law are intended to have the following meanings, unless the context suggests otherwise:

*Act* means the *Local Government Act 1989*.

*advertising sign* means any board, notice, structure, banner or other similar device used for the purpose of soliciting sales or notifying people of the presence of an adjacent property or other address, whether real, internet-based or

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otherwise, where goods or services may be obtained.

*animal* includes every species of quadruped and every species of bird (including, without limitation, poultry).

*agricultural animal* includes a pig, cow, sheep, horse, donkey and goat.

*appointed agent* means the person authorised in writing by an *owner* of a *building* or *land* to make an application, appeal, referral or representation on the *owner's* behalf.

*approved* means approved in writing by *Council*.

*Asset Protection Permit* means a written *permit* issued by *Council* for the protection of *public infrastructure assets* during *building work*.

*assistance animal* means any animal trained to support people with a disability in *public places*, in employment and when accessing goods and services and includes sight dogs, hearing dogs, mobility dogs and psychiatric service dogs.

*audible intruder alarm* means a device, installed or retained in a *premises* by or at the direction of the *owner* or *occupier* of the *premises*, which is designed to be (or which has the effect when switched on or being) activated by the presence of any intruder on the *premises* so as to emit noise capable of being heard beyond the boundary of the *premises* in which it is installed.

*Authorised Officer* means a person appointed by *Council* to be an Authorised Officer under section 224 of the *Act*.

*bicycle* means a *vehicle* with two or more wheels built to be propelled partly or wholly by human power, but does not include a *wheeled recreational device* or a *wheeled toy*.

*bin* means a *Council* approved wheeled mobile collection container having a capacity of 80 litres, 120 litres, 240 litres, 360 litres or 660 litres supplied to *premises* by *Council* in connection with *Council's* regular trade or *domestic waste*, *green waste* or recycling waste collection service.

*bin skip* means a container or other structure designed or used for holding a substantial quantity of *rubbish* that is unable to be lifted without mechanical assistance but does not include *bins* used in connection with *Council's* regular collection of *domestic waste*, *green waste*, commercial, industrial or trade waste.

*builder* means a person who has applied to *Council* (or any other person by whom such an application may be made) for a *building permit* or, if no such application has been made, the person in charge of any *building work* being carried out.

*building* includes any structure or building, whether temporary or permanent, or any part of such building or structure.

*building site* means any *land* on which, or on part of which, *building work* is being carried out.

*building work* means any activities, events and practices for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a *building* or any landscaping or excavation works which may impact on *public infrastructure assets*.

*camp* includes to:

- a) erect, occupy or use any tent, caravan or *vehicle* or any temporary makeshift or similar structure for the purpose of accommodation; and
- b) park, occupy or use any caravan or other moveable form of accommodation.

*carriageway* means the portion of the *road* generally available for traffic by registered *motor vehicles*, whether sealed, formed or unconstructed.

*cat* means a cat of either sex over the age of 12 weeks, and includes any de-sexed cat over the age of 12 weeks.

*charity or clothing recycling bin* means any bin placed by or on behalf of any charitable or non-profit organisation and dedicated to the collection of used clothing or small household items.

*Chief Executive Officer* has the meaning ascribed to it by the *Act*.

*construction period* means the period during which *building work* is carried out.

*contractor* means a person who contracts to provide *building work*.

*Council* means Kingston City Council.

*Council building* means any *building* (and its grounds) owned, occupied, controlled and/or managed by *Council* which has some or all areas designated for public access irrespective of whether it also has some or all areas designated for *Council* staff access only.

*Council land* means any land either vested in or under the control of *Council*, including *roads*, reserves, water courses and *foreshore reserves*.

*designate* and *designated by Council* means set or having set out any matter or thing by resolution of Council or determination of a person with the necessary delegated authority.

*dog* means a dog of either sex over the age of 12 weeks, and includes any de-sexed dog over the age of 12 weeks.

*domestic waste* means all waste or *rubbish* produced or accumulated in or on any *land* but excludes:

- a) *hard waste* and *recyclable material*;
- b) waste that is not effectively sealed, including any slops or liquid waste or any moist refuse unless such moist refuse has been previously drained and effectively wrapped;
- c) burning or hot material;
- d) night soil, medical waste or other matter which could cause injury or danger to any person;
- e) oil, paint, solvents, chemicals or similar substances or any other thing, substance or material whatsoever which may damage such bin or receptacle or reduce its strength or effectiveness; and
- f) any item of material which takes the total weight of the contents of a *bin* over 70 kilograms.

*dwelling* means any structure that is designed to be used for human habitation and is capable of being so used.

*environmental weed* has the meaning ascribed to it by the *City of Kingston Environmental Weed List*

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*foreshore reserve* means all *land* whether owned or managed by the *Council* adjacent to the waters of Port Phillip Bay extending to the low water mark but excluding any *road reserve*.

*green waste* means all organic waste produced or accumulated in or on any *land*, including grass clippings, branches, garden prunings and leaves but excluding any log, stump, soil, rubbish, *domestic waste* or portion of a tree, shrub, trunk or branch which has a diameter exceeding 75 millimetres or a length exceeding 400 millimetres.

*hard waste* is any waste *designated* by *Council* but excludes *domestic waste*, *green waste* and *recyclable waste*.

*heavy vehicle* has the meaning ascribed to it by the *Road Safety Act 1986*.

*Infringement Notice* means an Infringement Notice issued by an *Authorised Officer*.

*land* has the meaning ascribed to it by the *Interpretation of Legislation Act 1984*.

*large bird* means any pigeon, cockatoo, parrot or other bird but does not include poultry or *small birds*.

*liquor* means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius.

*motor vehicle* has the meaning ascribed to it by the *Road Safety Act 1986*.

*municipal district* means the municipal district of *Council*.

*night soil* means all human excrement or faecal matter, human urine and animal faeces.

*Notice to Comply* means a notice to comply issued under this Local Law.

*noxious weed* has the meaning ascribed to it by the *Catchment and Land Protection Act 1994*.

*occupier* includes the *owner* or tenant, and the person in charge or having the management or control of any *premises*.

*offence* means an offence against or breach of a provision of this Local Law or a breach of a *permit*, notice or direction issued under it.

*owner*:

- a) in relation to a *vehicle* has the same meaning as the *Road Safety Act 1986*;
- b) in relation to *building work* means the person who owns the *land* on which the *building work* is or is due to be carried out; and
- c) in relation to a *premises* means the person entitled to receive the rent of the *land* or *premises* (whether on that person's own account or as the agent of or as trustee for any other person) or who would be entitled to receive the same if the *land* was, or *premises* were, let.

*parking permit* means a permit issued in accordance with the *Parking Management Policy*

*pen* means any *building* or structure or part thereof for the housing or use of *animals* and includes any area of *land* adjacent to any such *building* or structure or any part thereof used as a compound or yard for *animals*, and includes but is not limited to a kennel, cattery, bird cage, stable or poultry house.



*penalty* means the maximum fine that may be imposed by a court of appropriate jurisdiction.

*penalty unit* has the meaning ascribed to it by section 110 of the *Sentencing Act 1991*.

*permit* means a permit issued in writing in accordance with or under the provisions of this Local Law.

*person in charge* means the person immediately responsible in the absence of the owner or occupier for the *building works* being carried out on a *building site*.

*premises* includes the whole or part of any *land*, *building* and any *building* under construction, whether or not a *public place*.

*private property* means land other than Council Land and land occupied, managed or controlled by a public authority.

*protected tree* means any:

- a) tree with a trunk circumference greater than 110 centimetres measured at its base; or
- b) multi-stemmed tree where the circumference of its exterior stems measured at its base is greater than 110 centimetres; or
- c) tree planted as required by a replanting condition of a *permit* issued for the removal of a *protected tree*,

excluding species which are *environmental weeds* or *noxious weeds*.

*Public Holidays* means the days appointed as Public Holidays under sections 6 and 7 of the *Public Holidays Act 1993*, and those days substituted as Public Holidays under section 8 of that Act, that are applicable to the *municipal district*.

*public infrastructure assets* means items, facilities or systems owned, managed or otherwise controlled by *Council* which provide or facilitate a public service, including (but not limited to) *roads*, footpaths, stormwater systems, lighting, fencing, retaining walls, trees, landscaping, kerb and channel, traffic management devices, traffic signals, signs, line marking, nature strips, street furniture, car parks, bridges, *buildings* and structures.

*public place* has the meaning ascribed to it by the *Summary Offences Act 1966*.

*recyclable material* means any jars, bottles, cans, plastic containers, paper, cardboard and other materials *designated* by *Council*.

*rubbish* includes food waste and discarded food, and any offensive matter other than sewage and manure.

*road* has the meaning ascribed to it by the *Act*.

*schedule* means a schedule to this Local Law.

*second-hand goods* means any goods which have been worn or otherwise used.

*sell* includes sell (whether by wholesale or retail or by means of any machine or mechanical device), barter or exchange, agreeing to sell, offering or exposing for sale, keeping or having in possession for sale, sending, forwarding, delivering or receiving for or on sale, and attempting, directing, causing, suffering, or admitting any such acts or things.

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*Senior Officer* has the meaning ascribed to it by the *Act*.

*Service Authority* means an entity (whether publicly or privately owned) which provides, or intends to provide, water, sewerage, drainage, gas, electricity, telephone, telecommunications or like services under the authority of an Act of Victoria or the Commonwealth.

*shopping trolley* means a wheeled container or receptacle supplied by a retailer to enable customers to transport goods.

*small bird* means budgerigars, canaries or finches and other similarly sized birds.

*small premises* means any lot of less than 530 metres<sup>2</sup> or any lot where two or more dwellings are constructed on the same parcel of *land*.

*state road* has the meaning ascribed to it by the *Road Management Act 2004*.

*state road authority* has the meaning ascribed to it by the *Road Management Act 2004*.

*street festival* means an organised recreational, cultural, commercial or social gathering of people, which is held on a *road*.

*street party* means an organised social gathering of people resident in one or several adjacent *roads*, which is held on a *road*.

*street procession* includes a march, parade, fun run, triathlon, *bicycle* race or other such organised activity on a *road*.

*supplier* means a person responsible for the delivery or collection of materials (including timber, concrete, bricks, debris and waste) or equipment to, from or near *land* prior to, during or after *building work* and in connection with the *building work*.

*temporary vehicle crossing* means a constructed form of wooden panels or other *Council* approved structure over a bed of sand, that extends from the boundary of *land* over any *public infrastructure asset* to a *road*, and is designed to minimise damage to *public infrastructure assets* caused by *motor vehicles* and materials entering and leaving the *land* during the *construction period*.

*tree prunings* means the items identified by *Council* by public notice published in a newspaper generally circulated throughout the *municipal district* or on the *Council* website.

*unlawful game* has the meaning ascribed to it by the *Gambling Regulation Act 2003*.

*vehicle* has the meaning ascribed to it by the *Road Safety Act 1986*.

*vehicle crossing* is a bridge or crossing constructed to *Council* specifications, over any footpath or channel next to a *road* to enable a person using the *road* to have access to *land* on the other side of the footpath or channel.

*wheeled recreational device* has the meaning ascribed to it by the *Road Safety Road Rules 2009*.

*wheeled toy* has the meaning ascribed to it by the *Road Safety Road Rules 2009*.

### Explanation of Words used in this Local Law

10. Words, the meaning of which are defined in clause 9 of this Local Law or elsewhere in it, appear in italic type in the text.
11. Introductions to Parts, headings and notes are explanatory only and do not form part of this Local Law. They are provided to assist understanding.
12. Unless the contrary intention appears, words in the singular include the plural and words in the plural include the singular.

## PART 2 – YOUR PROPERTY, TREES AND PETS

### Your Property

#### Property Numbers

13. Council or an *Authorised Officer* may allocate a property number to each property in the *municipal district* and, from time to time, may make changes to property numbers in accordance with *Council's Street Numbering Policy*.
14. For each property that has been allocated a property number under clause 13, the *owner* of the property must ensure that the property is marked with the number allocated and that the number is of sufficient size, in such a position, made of such material and kept in such state of repair as to be clearly readable from the nearest *road* under all normal lighting conditions.

**Penalty: 2 penalty units**

#### NOTE

Refer to the *Guideline on Property Numbers: Size, Location and Visibility* for determining the sufficiency of size, location and visibility of property numbers.

#### Domestic Waste, Green Waste, Recyclable Material & Hard Waste

15. Each *occupier* of *premises* to which Council provides a waste collection service (including *domestic waste*, *green waste*, *recyclable material* and *hard waste*) must comply with the *Guideline on Domestic Waste, Green Waste, Recyclable Material and Hard Waste Collection Service*.

**Penalty: 10 penalty units**

#### Bins

16. Each *occupier* of *premises* must keep at such *premises* a *bin* in compliance with the *Guideline on Domestic Waste, Green Waste, Recyclable Material and Hard Waste Collection Service* to be used for the deposit and collection of all *domestic waste* and *recyclable material* produced or accumulated in or about such *premises*.

**Penalty: 10 penalty units**

17. Clause 16 does not *apply* to a person who causes *domestic waste*, *green waste* and *recyclable material* to be recycled within the *premises*, provided the recycling takes place in a way which does not cause a nuisance to the *occupier's* neighbours

**Bin - Flats & Units**

18. The *owner* of any flats or units must, when required by *Council*, provide on the *premises* on which the flats or units are located a clearly defined area for the storage of all *bins*, and cause that area to be kept in a clean and sanitary condition at all times.
19. The *occupier* of each flat or unit must, when directed in writing by *Council*, keep the *bin* designated for the use by such flat or unit in the defined area required under clause 18, except on the days appointed or advertised by *Council* as waste collection days in relation to such *premises*.

**Hard Waste**

20. Each *occupier* of *premises* to which *Council* provides a *hard waste* collection service must:
  - 20.1 not place out for collection items or material other than *hard waste* on the days *designated* or advertised by *Council* from time to time as *hard waste* collection days; and
  - 20.2 place out the *hard waste* in front of the *premises* so as to allow collection by a collection *vehicle*, and arrange it in a manner consistent with any details that have been provided in writing by *Council*; and
  - 20.3 remove items or materials so placed out for collection which are not *hard waste* upon being directed to do so by an *Authorised/ Delegated Officer*.

**Penalty: 2 penalty units**

**Tree Prunings**

21. Each *occupier* of *premises* to which *Council* provides a *tree prunings* collection service may deposit *tree prunings* on the nature strip or, when permitted by *Council*, footpath, in front of the *premises*, for collection on days *designated* by *Council* from time to time as collection days, and:
  - 21.1 must not deposit items or items other than *tree prunings* on the days *designated* by *Council* from time to time as tree prunings collection days; and
  - 21.2 must not deposit *tree prunings* before the time approved by *Council*; and
  - 21.3 must place the *tree prunings* in front of the *premises* so as to allow collection by a collection *vehicle*, and arrange them in a manner consistent with any details that have been provided in writing by *Council*; and
  - 21.4 must remove items of material deposited on the nature strip or footpath which are not *tree prunings*, upon being directed to do so by an *Authorised/ Delegated Officer*.

**Penalty: 2 penalty units**

## Disposal of Refrigerators &amp; other Compartments

22. A person must not place or leave or allow to remain any disused refrigerator, icechest, ice-box, trunk, chest or any other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any *Council land* without first:
- 22.1 removing every door and lid; and
  - 22.2 removing every lock, catch and hinge attached to a door or lid; or
  - 22.3 otherwise rendering every door and lid incapable of being fastened; and
  - 22.4 placing the item on its back.

**Penalty: 10 penalty units**

## Chimneys

23. The *owner* or *occupier* of any *premises* must not cause or allow any chimney on that *land* to discharge dust, grit, ash or smoke to such an extent that it is dangerous to health or is offensive to another person.

**Penalty: 5 penalty units**

## Audible Intruder Alarms

24. The *owner* or *occupier* of any *premises* must not install or allow to be installed or cause to be retained in an active state upon any such *premises* any *audible intruder alarm* which emits a noise audible beyond the boundary of such *premises*, unless the *audible intruder alarm* is constructed or regulated so as to ensure that:
- 24.1 whenever it is activated, the *audible intruder alarm* is rendered inaudible beyond the boundary of the *premises* within 10 minutes of being activated; and
  - 24.2 it cannot reactivate until it has been manually reset.

**Penalty: 10 penalty units**

25. Despite clause 24, an *audible intruder alarm* may operate for a further period of 10 minutes should it be activated by a different cause following the cessation of the *audible intruder alarm* in accordance with sub-clauses 24.1 and 24.2.
26. Where *Council* receives a complaint that an *audible intruder alarm* operates in *premises* in a way which does not comply with clause 24 (whether modified by clause 25 or not), it may investigate the complaint.

## Dangerous or Unsightly Premises

27. The *owner* or *occupier* of any *premises* must not keep the *premises* or allow the *premises* to be kept in a manner which is, or which results in the *premises* being dangerous or unsightly.

**Penalty: 10 penalty units**

28. In determining whether there has been a breach of clause 27 and any enforcement action should be taken, an *Authorised Officer* must have regard to whether:

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- 28.1 there are any materials or substances on the *premises* that are kept in such a way that they may be dangerous, flammable or explosive; or
  - 28.2 the way in which the *premises* is kept or items are stored on the *premises* may constitute or contribute to it being a health hazard; or
  - 28.3 the condition of the *premises*, or any part of it, may promote the presence of vermin and pests; or
  - 28.4 the appearance of the *premises* is one of neglect and is out of character with other *premises* in the vicinity; or
  - 28.5 in any other condition determined by *Council* to be dangerous or likely to cause danger to health, life or property.
29. Where the *owner* or *occupier* of the *premises* fails to comply with the requirements of clause 27, *Council* or an *Authorised Officer* may carry out or cause to be carried out the work required and recover the reasonable costs of doing so.
30. The *owner* or *occupier* of any *premises* in a residential, commercial, industrial or mixed use zone as determined by reference to the Kingston Planning Scheme, must at all times maintain the *premises* in a neat and tidy condition by keeping them clear of all *rubbish*, and by mowing, slashing or otherwise removing undergrowth and overgrown grass and weeds.

**Penalty: 10 penalty units**

31. For the purposes of clause 30 any *premises* identified by *Council* as containing remnant and/or protected vegetation, or identified as being in a conservation area, may be exempted from the operation of that clause by *Council*.
32. *Council* or an *Authorised Officer* may, by notice in writing, direct the *owner* or *occupier* of any vacant *premises* to:
- 32.1 erect; or
  - 32.2 repair; or
  - 32.3 replace; or
  - 32.4 modify
- fencing enclosing the vacant *premises*.
33. A notice under clause 32 may specify:
- 33.1 the material with which any fencing to be erected must be constructed; and
  - 33.2 the height and other dimensions of the fencing to be erected.
34. The *owner* or *occupier* of any *premises* who receives a notice under clause 32 must perform any work specified in the notice within the time stated in the notice.

**Penalty: 5 penalty units**

**Noxious Weeds**

35. The *owner* or *occupier* of any *premises* must not allow to grow on those *premises* any *noxious weed* except with the approval of *Council*.

**Penalty: 5 penalty units**

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**Moveable Dwelling**

36. A person must not, for a period exceeding 28 days in any one calendar year and without a *permit*, inhabit any moveable *dwelling* on *private property* unless that property is a licensed caravan park.

**Penalty: 5 penalty units**

37. Clause 36 does not apply to an *occupier* of any *private property* storing thereon one moveable *dwelling* owned by him/her provided such moveable *dwelling* is not at any time, while so stored, occupied by any person for the purpose of sleeping or living.

**Motor Vehicles, Machinery & Second-hand Goods**

38. A person must not, without a *permit*, use any *premises* (other than *premises* in an area where such activity is permitted under the Kingston Planning Scheme) for the storage, repair, servicing, assembly or disassembly of any *motor vehicle* or machinery other than a *motor vehicle* registered at those *premises*.

**Penalty: 5 penalty units**

39. Clause 38 does not apply to a maximum of two *vehicles* owned by the *occupier* of the *premises* for the purposes of restoration.

40. A person must not, without a *permit*, use any *premises* (other than *premises* in an area where such activity is permitted under the Kingston Planning Scheme) for the assembly, dismantling or storage of *second-hand goods*.

**Penalty: 5 penalty units**

41. In determining whether to grant a *permit* for the storage of *motor vehicles*, machinery or *second-hand goods*, or for the assembly or dismantling of such *motor vehicle*, machinery or *second-hand goods*, *Council* must take into account:

- 41.1 the zoning of the *premises*; and
- 41.2 the proximity of the *premises* to adjoining properties; and
- 41.3 the amenity of the area; and
- 41.4 the capacity to screen the proposed use from adjoining *premises* or from any *road*; and
- 41.5 the capacity to protect neighbours from noise from activities on the *premises*; and
- 41.6 the nature of the *motor vehicles*, machinery or *second hand goods*; and
- 41.7 the purposes for which the *motor vehicles*, machinery or *second hand goods* are kept; and
- 41.8 any other matter relevant to the circumstances associated with the application.

**Your Trees****Tree Protection**

42. A person must not without a *permit*:
- 42.1 remove, damage, kill or destroy or direct, authorise or allow to be removed, damaged, killed or destroyed; or

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42.2 cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned contrary to the guidelines recommended in the *Australian Standard AS4373 – 2007 Pruning of Amenity Trees*; or

42.3 carry out, or direct or allow to be carried out, any work contrary to the guidelines in the *Australian Standard AS4970-2009 Protection of Trees on Development Sites* near

any *protected tree*.

**Penalty: 20 penalty units**

42A. All applications for *permits* under clause 42 must be accompanied by the written consent of the owner of the *land* on which the tree is located.

42B. In determining whether to grant a *permit* under clause 42, *Council* must take the following into consideration:

42B.1 the effect of the removal of the *protected tree* on the aesthetics of the neighbouring area; and

42B.2 whether the *protected tree* is dead or there are health and safety reasons justifying removal of the *protected tree*; and

42B.3 whether it is likely that the *protected tree* gives rise to a risk of damage to property or to the safety of the public; and

42B.4 whether the *protected tree* is causing a public nuisance or creating an undue nuisance to adjoining landowners; and

42B.5 any other matter which *Council* considers relevant to the circumstances associated with the application.

43. [clause deleted]

**Penalty: 20 penalty units**

44. Clause 42 does not apply:

44.1 to a person who is acting in accordance with the instructions or directions of an *Authorised Officer*; or

44.2 in respect of a tree that is an *environmental weed*.

45. If a *protected tree* is interfered with in any of the circumstances specified in clause 42, the *owner* of any private property on which the *protected tree* is located is guilty of an offence, whether or not the person who actually interfered with the *protected tree* is identified or prosecuted, unless the *owner* can prove that the interference was undertaken by another party without the authorisation of the *owner*.

**Penalty: 20 penalty units**

Trees or Plants Causing Damage to Council Land, or on Council Land

46. An *owner* or *occupier* of any *premises* must not allow trees or plants on those *premises* to cause damage to or interfere with any:

46.1 *Council land*; or

46.2 *building*, fixture or drain owned by, vested in or under the control of *Council*; or

46.3 footpath, kerb and channel or *road pavement*.

**Penalty: 10 penalty units**

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**Your Pets**

47. Clauses 48 – 58A (inclusive) do not apply to:

- 47.1 any *land* on which the location of a pet shop is permitted under the Kingston Planning Scheme applicable to that *land*; or
- 47.2 any *land* on which the location of an *animal* hospital or veterinary practice is permitted under the Kingston Planning Scheme applicable to that *land*; or
- 47.3 any person licensed pursuant to the *Wildlife Act 1975*, and who complies with the *Wildlife Act 1975* and *Wildlife Regulations 2002* in the keeping of an *animal*.

**Keeping of Animals**

48. Unless permitted under the Kingston Planning Scheme, a person must not, without a *permit*, keep or allow to be kept on any *premises* any more of each species or group of *animals* than is stated in the following table:

Type of Animal	Premises greater than 4000m <sup>2</sup>	Premises less than 4000m <sup>2</sup>	Small Premises
Cat	4	2	2
Dog	4	2	1
Rodent/Reptile	10	5	2
Game Bird	25	2	0
Poultry	25	10	0
Large Bird	5	5	2
Small Bird	50	50	10
Rooster	0	0	0
Swine/Pig	0	0	0
Agricultural Animal	0	0	0

**Penalty: 5 penalty units**

49. Unless permitted under the Kingston Planning Scheme or an Act, a person must not, without a *permit*, keep an *animal* of a species not listed in the table in clause 48 in any *dwelling* or on any *land* or *premises*.

**Penalty: 5 penalty units**

50. The *owner* or *occupier* of any *dwelling* within the boundaries of Governor Road south to the Mordialloc Main Drain, and Springvale Road west to the Mornington Peninsula Freeway, known as "The Waterways", must not keep or *permit* or allow to be kept any *cat* in such *dwelling*.

**Penalty: 5 penalty units**

51. Clause 49 does not apply to persons who purchased a *dwelling* during stage one of "The Waterways" and who owned one or more *cats* at the time of purchase, provided that:

- 51.1 the *cat* is confined indoors or in a totally enclosed *pen* or yard on the *premises*; and
- 51.2 when the *cat* is outside the *owner's dwelling*, it is confined within an enclosed cage.

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**NOTE**

Clause 50 does not apply to a person who was not the original purchaser of a dwelling during stage one of the "The Waterways". So, second and subsequent *owners* of such dwellings are subject to clause 49.

**Animals & Amenity**

52. An *owner* or *occupier* of any *dwelling* or *land* and/or *premises*, must not keep an *animal* in that *dwelling* or on that *land* and/or *premises*, if there is a loss of or an adverse impact on the residential amenity of others by reason of odour, existence of vermin or the like.

**Penalty: 5 penalty units**

53. An *owner* or *occupier* of any *land* on which an *animal* is kept must prevent any unreasonable noise at unreasonable times being emitted by an *animal* from the *land*.

**Penalty: 5 penalty units**

54. For the purposes of clause 53 unreasonable times are times outside the hours of 7am to 8pm Monday to Friday and 9am to 8pm Saturdays, Sundays and *Public Holidays*.

**NOTE**

Clause 54 does not apply to *cats* or *dogs*. Nuisances caused by *cats* or *dogs* are regulated by the *Domestic Animals Act 1994*.

**Litters of Animals**

55. For the purpose of calculating the maximum number of *animals* kept, the progeny of any *dog* or *cat* lawfully kept will be exempt for a period of 12 weeks after their birth.

**Housing of Animals**

56. Any person applying for a *permit* for the keeping of *animals* must include:
- 56.1 a full description of the *dwelling* or *land* and/or *premises*, together with all other relevant information regarding the place and manner in which the animals are to be kept, or the *building* to be erected or constructed; and
  - 56.2 a block plan with measurements showing the portion of the *dwelling* or *land* and/or *premises*, in which it is intended to keep the *animals*, or to erect or construct the *building*; and
  - 56.3 such further information as *Council* may require.

**Permits Relating to the Number of Animals Kept**

57. In determining whether to grant a *permit* for the keeping of *animals* where the number exceeds that determined by *Council* and which is set out in this Local Law, *Council* must take into account:
- 57.1 the zoning of the *land*; and
  - 57.2 the extent of compliance with any guidelines for the siting of structures or housing of *animals* issued by *Council*; and
  - 57.3 the amenity of the area; and

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- 57.4 the type and additional numbers of *animals* to be kept; and
  - 57.5 the likely effects on adjoining *owners* or *occupiers*; and
  - 57.6 any relevant provisions of the Kingston Planning Scheme; and
  - 57.7 the adequacy of any *animal* shelters on the *premises*, *dwelling* or other *land*.
58. In determining what may be adequate shelter, consideration should be given to:
- 58.1 the type of *animals* to be kept; and
  - 58.2 the height of the shelter; and
  - 58.3 the distance from the street frontage of the property; and
  - 58.4 the distance from any other *road*; and
  - 58.5 whether the minimum distance from the boundary of any adjoining property is one metre; and
  - 58.6 whether the minimum distance from any *dwelling* is nine metres; and
  - 58.7 any other matter relevant to the circumstances associated with the application.
- 58A. All *animal* shelters must be maintained so that:
- 58A.1 all manure and other waste is removed and/or treated as often as necessary so that it does not cause a nuisance or offensive condition; and
  - 58A.2 all manure and other waste is to be stored in a fly and vermin proof receptacle until removed from the *premises* or otherwise disposed of; and
  - 58A.3 the area of *land* within 1.5 metres of the area or structure in which the *animal* is kept is kept free from dry grass, weeds, refuse, rubbish or other material capable of harbouring vermin; and
  - 58A.4 all food, grain or chaff is kept in vermin proof receptacles; and
  - 58A.5 the area where *animals* are kept is thoroughly cleaned and maintained at all times in a clean and sanitary manner; and
  - 58A.6 all poultry houses are a minimum of 1.5 metres from any boundary fence; and
  - 58A.7 they are a minimum of 4 metres from any *dwelling*; and
  - 58A.8 if an excess animal permit is granted, the poultry house must be constructed a minimum of 9 metres from any dwelling.

**Penalty: 5 penalty units**

#### Keeping of Bees & Wasps

59. The *owner* or *occupier* of any *dwelling*, *land* or *premises* must not keep or allow to remain in that *dwelling* or on that *land* or *premises* any
- 59.1 European or English wasps nest, or
- 59.2 honeybee swarm or feral honeybee nest
- and, upon receiving notice to do so from an *Authorised Officer*, must within the timeframe set out in the notice eradicate or cause to be eradicated any wasps or honeybee nest.
- Penalty: 10 penalty units**
60. An *Authorised Officer* may remove bees or wasps from any property if he or she is satisfied that they present a risk to the health and safety of any person.

#### Grazing Animals

61. The *owner* or *occupier* of any *premises* used or partly used for the grazing of livestock must ensure that fencing on the *premises* is adequate for the purpose of preventing livestock from straying onto any adjacent *road*.
- Penalty: 10 penalty units**
62. A person must not, without a *permit*:
- 62.1 allow a grazing *animal* owned by him or her to wander, graze or otherwise be at large; or
- 62.2 fail to prevent a grazing *animal* owned by him or her from wandering, grazing or otherwise being at large
- on any *road*, *Council Land* or other *land*.
- Penalty: 5 penalty units**

### PART 3 – VEHICLES & ROADS

#### Vehicles

##### Parking Management

63. A *parking permit* is required to leave a *vehicle* standing in a range of specific parking precincts as defined in the *Parking Management Policy*.
64. An application for a *parking permit* must be in the form contained in the *Parking Management Policy*.
65. *Parking permits* will be granted in accordance with the *Parking Management Policy*.
66. A *parking permit* holder must:
- 66.1 comply with any conditions imposed on the *parking permit*; and
- 66.2 comply with any conditions imposed by the *Parking Management Policy*, provided always that, in the case of any inconsistency, the conditions imposed on the *parking permit* will prevail.
- Penalty: 10 penalty units**

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67. A *parking permit* holder must:
- 67.1 not assign, transfer or encumber his or her *parking permit*; and
  - 67.2 ensure that the *parking permit* is firmly affixed to the lower interior of the passenger's side corner of the front windscreen of the relevant *vehicle*; and
  - 67.3 ensure that all printed information on the *parking permit* is capable of being read by any person standing beside the *vehicle*.

**Penalty: 2 penalty units**

68. A *parking permit* applies to a specific *vehicle* and a *parking permit* holder and is non-transferrable.
69. A *parking permit* ceases to be valid on a change of residence or on a change of *vehicle* of the *parking permit* holder, whichever occurs first.
70. [clause deleted]
71. [clause deleted]
72. [clause deleted]

#### Repair & Display of Vehicles

73. A person must not on any *road* or *Council land* or in any *public place* paint, service, dismantle or rebuild any *vehicle* or repair any *vehicle* (except where necessary to enable it to be removed).

**Penalty: 20 penalty units**

74. A person must not, without a *permit*, display for sale a *vehicle* or trailer on any *road* or *Council land* or in any *public place*.

**Penalty: 20 penalty units**

#### Abandoned, Derelict & Unregistered Vehicles

75. A person must not park or leave standing an abandoned, derelict or unregistered *vehicle* or cause or allow such a *vehicle* owned by that person to be parked or left standing on a *road* for more than 24 consecutive hours.

**Penalty: 10 penalty units**

76. Any *vehicle* found on *Council land* or a *road* and considered by an *Authorised Officer* to be abandoned, derelict or unregistered may be dealt with under the provisions of Schedule 11 of the Act.

77. A *vehicle* which has been impounded must be surrendered if:

- 77.1 in the event of a claim being made by the *owner* or a person acting on behalf of the *owner*, satisfactory evidence is provided of that person's ownership or authority from the *owner*; and
- 77.2 any *penalties* for illegal parking have been paid and/or fees for the removal or impounding of the *vehicle* have been paid to *Council*.

## Roads

### Obstruction to free use of a road

78. A person must not, without a *permit*, place or keep any object (including but not limited to a *vehicle*) on a *road* so as to obstruct the free use of that *road*.

**Penalty: 20 penalty units**

- 78A. A person must not leave or permit to be left on a road or *Council land* any *charity* or *clothing recycling bin*.

**Penalty: 20 penalty units**

### Transportation of Waste

79. A person must not convey or cause to be conveyed in any *vehicle* on any *road* any manure, dead *animal* or remains, offal, bones, hides, skins, offensive matter, *rubbish*, *green waste* or other waste matter unless the *vehicle* is constructed, fitted, loaded and covered so that:

79.1 no leakage occurs or other material is dropped or deposited on any *road* or adjacent area from the *vehicle*; and

79.2 the possibility of escape of offensive odours is reduced.

**Penalty: 10 penalty units**

### Street Parties, Street Festivals and Processions

80. A person must not, without a *permit*, hold a *street party*, *street festival* or *street procession* on a *road*.

**Penalty: 10 penalty units**

81. In determining whether to grant a *permit* for a *street party*, *Council* must take into account the following:

81.1 whether the *road* can be closed to vehicular traffic for the duration of the *street party*; and

81.2 whether all *owners* or *occupiers* of properties with any vehicular access via the section of *road* to be closed have been advised; and

81.3 whether a person on behalf of the applicant has been nominated to erect and remove the barriers which close the *road* at locations and times specified in the *permit*; and

81.4 whether an indemnity and guarantee has been provided to *Council*; and

81.5 any other matter relevant to the circumstances of the application.

82. In determining whether to grant a *permit* for a *street festival* or *street procession*, *Council* must take into account the following:

82.1 whether the *road* can be closed to vehicular traffic, or partly closed with safe and effective separation of vehicular traffic and *street festival/procession* patrons and equipment; and

82.2 whether the agreement of the Victoria Police and the Roads Corporation has been obtained and their requirements met, including an appropriate traffic detour sign scheme; and

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- 82.3 whether an indemnity and guarantee has been provided to *Council*; and
- 82.4 whether all *owners* or *occupiers* of properties with any vehicular access via the section of *road* to be closed have been advised by letter and given seven days to comment or object; and
- 82.5 whether a person who may be liable for injury caused by the *street festival* or *street procession* is insured against that risk; and
- 82.6 any other matter relevant to the circumstances of the application.

#### Restriction of Use of a Road by Heavy Vehicles

- 83. If, in the opinion of *Council*, a *road*, or part of a *road*, is likely to be damaged by a particular class of *vehicle*, it may prohibit such *vehicles* from using that *road* or part of the *road*, for as long as it considers is necessary to prevent the damage.
- 84. Before prohibiting any class of *vehicle*, *Council* must give public notice of its intention in a newspaper circulating in the *municipal district* and cause a notice to be displayed on or adjacent to the *road*.
- 85. *Council* must erect a sign at each point where *vehicles* can enter the *road* or part of the *road* in respect of which the prohibition applies.
- 86. *Council* must obtain any additional approvals required by any Act or regulation prior to the installation of the sign.
- 87. A person must not, without a *permit*, use a *road* contrary to any sign erected pursuant to clause 85.

#### **Penalty: 3 penalty units**

- 88. In determining whether to grant a *permit* for a *vehicle* exceeding the load limit on a *road* to use that *road*, *Council* must take into account:
  - 88.1 the amount of damage (if any) likely to be caused to the *road* by the *vehicle* mentioned in the application; and
  - 88.2 the type and weight of the *vehicle*; and
  - 88.3 the goods to be transported and the weight of those goods; and
  - 88.4 alternative *roads* which are available; and
  - 88.5 the necessity to impose special speed limits; and
  - 88.6 any other matter relevant to the circumstances of the application.

#### Storing or Servicing of Heavy Vehicles

- 89. A person must not, without a *permit*, store, service, repair or wash any *heavy vehicle* on *land* within a residential area unless such activity is permitted under the Kingston Planning Scheme.

#### **Penalty: 5 penalty units**

- 90. In considering any application for a *permit* under clause 89, *Council* must take into account:
  - 90.1 the zoning of the *land* upon which the *heavy vehicle* is to be stored, serviced, repaired or washed; and
  - 90.2 the proximity of adjoining properties to the *land*; and
  - 90.3 the likely effect on the *occupiers* / *owners* of the adjoining properties; and

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- 90.4 the distance of the *heavy vehicle* from *dwellings*; and
- 90.5 any other matter relevant to the circumstances associated with the application.

#### PART 4 - HEALTH

- 91. A person must not, without a *permit*, deposit any *night soil* or any liquid mix of *night soil* on any *land* or in water or any water course.

**Penalty: 20 penalty units**

#### PART 5 – BUSINESS & BUILDERS

##### Business

##### Road Regulation of Trading

- 92. A person must not, without a *permit*, on any *road*, or on any other *Council land*, *sell* goods or services or distribute goods or literature.

**Penalty: 20 penalty units**

##### Moveable Advertising Signs & Display of Goods

- 93. A person must not, without a *permit*, place or cause or allow to be placed any *advertising sign*, or display any goods, on any *road* or *Council land*.

**Penalty: 10 penalty units**

- 93A An owner of a *vehicle* must not, without a *permit*, place or cause or allow to be placed any *advertising sign*, or display any goods, on or in that *vehicle* on any *road* or *Council land*.

**Penalty: 10 penalty units**

- 93B An owner of an *advertising sign* must not, without a *permit*, place or cause or allow to be placed that *advertising sign* on any *road* or *Council land*.

**Penalty: 10 penalty units**

- 94. In determining whether to grant a *permit* to allow the placement of *advertising signs* and/or display of goods on *Council land* or a *road*, *Council* must take into account:

- 94.1 whether the proposed location of the *advertising sign* or goods is hazardous; and
- 94.2 the width and height of the *advertising sign* or display; and
- 94.3 any other signs from the applicant's *premises*; and
- 94.4 whether persons who may be liable for injury caused by the placing of the *advertising sign* or display of goods are insured against that risk; and
- 94.5 whether an indemnity and guarantee has been provided to *Council*; and
- 94.6 whether the *advertising sign* will be placed or goods will be displayed outside the applicant's *premises*; and
- 94.7 whether adequate lighting of the area can be achieved if the usual

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business hours include hours of darkness; and

- 94.8 any other matter relevant to the circumstances of the application.

#### Busking

95. A person must not, without a *permit* issued in accordance with the *Busking Guidelines*, busk on any:

95.1 *road*; or

95.2 other *Council land*

with the object, or apparent object, of collecting money.

**Penalty: 5 penalty units**

#### Outdoor Eating Facilities

96. A person must not, without a *permit*, place any chair, table or other similar facilities on any *road* or other *Council land* (except a park or recreational reserve) or any *designated* site.

**Penalty: 10 penalty units**

97. In determining whether to grant a *permit* for outdoor dining facilities, *Council* must have regard to the *Footpath Activities Policy*.

#### Shopping Trolleys

98. A person must not leave a *shopping trolley* on any part of a *road* or on any other *Council land* or on any other *land* which is not under the care and control of the owner of the *shopping trolley*.

**Penalty: 10 penalty units**

99. The manager of a shopping complex must immediately collect *shopping trolleys* ordinarily kept within that complex from:

99.1 *Council land*; or

99.2 any other *land* which is not under the care and control of the owner of the *shopping trolley*

when notified to do so by *Council* or an *Authorised Officer*.

**Penalty: 10 penalty units**

100. *Council* may *designate* areas on *Council land* for the purposes of storing *shopping trolleys*.

101. Any *land* under the care and control of the owner of a *shopping trolley* and *designated* for the purposes of storing *shopping trolleys* must be signposted to that effect.

102. A person leaving a shopping trolley in an area designated under clause 100 does not commit an offence under clause 97.

103. An *Authorised Officer* may impound any *shopping trolley* which has been left in any area which is neither *designated* by *Council* for the purpose of leaving *shopping trolleys* nor on *land* under the care and control of the owner of the *shopping trolley*.

104. *Council* may determine a charge for releasing *shopping trolleys* impounded by it.

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105. A retailer must not make available for use, or permit to be used, a *shopping trolley* which does not have a coin mechanism attached to it.

**Penalty: 10 penalty units**

106. Clause 105 does not apply when a retailer makes available for use, or allows to be used, 20 *shopping trolleys* or less.
107. A retailer may apply in writing for a *permit* for an exemption from the application of clause 105.

#### Street Appeals

108. A person must not, without a *permit*, solicit or collect on any *Council land* or from house to house any gifts of money or subscriptions for any purpose.

**Penalty: 10 penalty units**

109. A person must not seek to solicit contributions from the occupants of *vehicles* that are stationary in compliance with traffic control signals other than with the permission of *Council* and after obtaining an appropriate permit for a "Highway Collection" from the Victoria Police.

**Penalty: 10 penalty units**

110. A person must not, without a *permit*, provide a windscreen cleaning or similar service on any *Council land* (including a *road*).

**Penalty: 10 penalty units**

#### Street Stalls

111. A person must not, without a *permit*, *sell* goods or services from a temporary stall on any *road* or other *Council land*.

**Penalty: 10 penalty units**

#### Wheeled Recreational Devices, Wheeled Toys & Bicycles

112. *Council* may *designate* areas in which *wheeled recreational devices*, *wheeled toys* or *bicycles* must not be used or ridden and must erect signs in or at the entrance to any such area so *designated* indicating those prohibitions.

113. A person must not ride or otherwise use a *wheeled recreational device*, *wheeled toy* or *bicycle* in an area *designated* by *Council* under clause 112.

**Penalty: 2 penalty units**

114. A person must not ride or otherwise use a *wheeled recreational device*, *wheeled toy* or *bicycle*, or authorise another person to ride or otherwise use a *wheeled recreational device*, *wheeled toy* or *bicycle*, on a *road* in a manner so as to cause inconvenience or obstruct, hinder, endanger, alarm or prevent the free passage of any pedestrian or other user of the *road*, whether in or on another *vehicle* or not.

**Penalty: 2 penalty units**

115. Where a person continues to ride or otherwise use a *wheeled recreational device*, *wheeled toy* or *bicycle* in contravention of clause 113 or 114 and acts contrary to a direction from an *Authorised Officer* to cease such contravention, such *wheeled recreational device*, *wheeled toy* or *bicycle* may be removed by an

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*Authorised Officer* and impounded.

- 115A A person must not, without a *permit*, use any *wheeled recreational device* for recreational purposes in any *public place* (other than a *road*) or on any *private property*.

**Penalty: 5 penalty units**

- 115B A person must not in any *public place* or on any *private property* ride or otherwise use any *wheeled recreational device*:

- 115B.1 which does not have, securely fixed to the engine thereof, a silencing device, constructed so that all the exhaust from the engine passes through the silencing device in such a manner as to effectively prevent undue noise; or
- 115B.2 which has attached thereto a cut-out or any device capable of producing an open exhaust; or
- 115B.3 which causes undue noise by reason of -
- 115B.3.1 being in a state of disrepair; or
- 115B.3.2 the manner in which such *wheeled recreational device* is loaded, ridden or used; or
- 115B.3.3 the construction or adjustment of the machinery of such *wheeled recreational device*; or
- 115B.3.4 the construction or adjustment or condition of the silencing device.

**Penalty: 5 penalty units**

- 115C If a person breaches clause 115A or 115B, or continues to ride or otherwise use any *wheeled recreational device*, *wheeled toy* or *bicycle* in contravention of a direction issued by an *Authorised Officer*:

- 115C.1 an *Authorised Officer* may impound a *wheeled recreational device* being ridden or used, or which has been ridden or used, in contravention of this Local Law;
- 115C.2 within 48 hours of impoundment of a *wheeled recreational device* under clause 115C.1, an *Authorised Officer* must serve notice in writing of the impoundment on the owner of the *wheeled recreational device*;
- 115C.3 subject to sub-clause 115C.4, upon payment of a fee determined by *Council*, which is not to exceed an amount that reasonably represents the cost to *Council* of impounding, keeping and releasing the *wheeled recreational device*, an *Authorised Officer* must release the *wheeled recreational device* to its owner, or any agent of the owner;
- 115C.4 the owner or any agent of the owner of an impounded *wheeled recreational device* will not be entitled to its release where it has been impounded following:
- 115C.4.1 a first offence against clauses 115A or 115B, until the expiry of 6 months from the date of impoundment; or

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- 115C.4.2 a second or subsequent offence against clauses 115A or 115B, until the expiry of 12 months from the date of impoundment;
- 115C.5 If the owner of a *wheeled recreational device* impounded under clause 115C.1 has not paid the relevant fee within 28 days of service of the notice under clause 115C.2, *Council* may destroy, give away or otherwise dispose of that *wheeled recreational device*; and
- 115C.6 If the identity or whereabouts of the owner of a *wheeled recreational device* impounded under clause 115C.1 is unknown, an *Authorised Officer* must take reasonable steps to ascertain the owner's identity and/or whereabouts and:
- 115C.6.1 if the identity or whereabouts of the owner can be ascertained, comply with the process set out in clause 115C.2, 115C.3 and 115C.4; or
- 115C.6.2 if the identity or whereabouts of the owner cannot be ascertained, an *Authorised Officer* may, after 28 days of impoundment destroy, give away or otherwise dispose of the *wheeled recreational device*."

#### Industrial, Trade & Commercial Rubbish

116. Each *occupier* of *premises* must ensure that any container used for the storage of industrial, trade or commercial *rubbish* is:
- 116.1 constructed of *approved* impervious materials so as to prevent the escape by leakage, or otherwise, of any of the contents of such container and the absorption or accumulation of any *rubbish* that may be deposited therein; and
- 116.2 provided with a removable drainage plug of adequate size in the floor or in the side immediately adjacent to the floor of the container for the purpose of cleaning when required by an *Authorised Officer*; and
- 116.3 thoroughly cleaned after each emptying of the contents, and when required by an *Authorised Officer*; and
- 116.4 where the container holds putrescible waste be:
- 116.4.1 constructed so as to be water tight, fly and vermin proof; and
- 116.4.2 provided with a fly and vermin proof close fitting lid or lids with overlapping flanges on top of the container which is or are kept closed except when *rubbish* is being deposited or discharged; and
- 116.5 kept at all times in good order and in a clean and sanitary condition; and
- 116.6 where the container is to be emptied by *Council* or its agents, of a type which complies with this Local Law unless otherwise approved by *Council*.

#### **Penalty: 20 penalty units**

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117. The *occupier* of any *premises* must, when required by an *Authorised Officer*, ensure that the area within the *premises* on which such trade, industrial or commercial *rubbish* container is stored or kept is:

- 117.1 provided with an approved impervious surface, graded and drained to the sewer or an approved outlet with such silt traps or other treatment devices as required by the *Authorised Officer* and supplied with a tap connected to reticulated water supply and a hose of approved size; and
- 117.2 screened in such a way and with such material as is required by the *Authorised Officer*; and
- 117.3 adequately fenced or otherwise constructed so as to deny access to the public.

**Penalty: 20 penalty units**

118. The *occupier* of any *premises* must ensure that the container referred to in clause 116 only remains on a *road* or other *Council land* on the day of collection and in a location which does not interfere with vehicular or pedestrian traffic or which is otherwise approved by an *Authorised Officer*.

**Penalty: 20 penalty units**

119. The *occupier* of any *premises* must ensure that the area on which any container used for the storage of industrial, trade or commercial *rubbish* and its surrounding area is maintained at all times in a clean and sanitary condition.

**Penalty: 20 penalty units**

#### Sale of Aerosol Spray Paint Containers

120. A person who:

- 120.1 offers for sale any aerosol spray paint container; or
- 120.2 owns, operates or manages a business from *premises* on which an aerosol spray paint container is offered for sale

must not

- 120.3 store or display; or
- 120.4 cause to be stored or displayed; or
- 120.5 allow to be stored or displayed

any aerosol spray paint container in an area that is accessible to the public.

**Penalty: 5 penalty units**

121. An *Authorised Officer* may seize or impound any aerosol spray paint container which is found in circumstances where clause 120 has been contravened.

#### Builders

##### Tapping into Drains

122. A person must not, without a *permit*, destroy, damage or tap into a *Council* drain.

**Penalty: 20 penalty units**

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## Interference with Water Courses

123. A person must not, without a *permit*, destroy, damage or interfere with a water course, ditch, creek, gutter, drain, tunnel, bridge, levee, culvert or fence which is the property or under the control or management of *Council*.

**Penalty: 20 penalty units**

## Management of Stormwater

124. A *person in charge* must comply with any requirements imposed by the *Building Site Stormwater Code of Practice* in respect of any *building work* on a *building site*.

**Penalty: 20 penalty units**

125. If requested to do so by an *Authorised / Delegated Officer*, a *person in charge* must, to the best of that person's knowledge, identify or attempt to identify any person responsible for contravening the *Building Site Stormwater Code of Practice* while on that *building site*.

**Penalty: 20 penalty units**

## Road Occupation &amp; Works

126. A person must not, without a *permit*, occupy or fence off part of a *road*, undertake any trenching, under boring or reinstatement works, use a mobile crane or travel tower, or erect a hoarding or overhead protective awning in, on, under or over a *road* or other *Council land*.

**Penalty: 20 penalty units**

127. In determining whether to grant a *permit* for *road* opening, reinstatement or works under clause 126, *Council* must take into account:

127.1 the nature and duration of the works; and

127.2 the likely hazard to users of the *road*; and

127.3 whether persons who may be liable for injury caused by the works are insured against that risk; and

127.4 the impact of the works on the amenity of the adjoining area; and

127.5 whether an indemnity and security bond have been provided to *Council*; and

127.6 any other matter relevant to the circumstances of the application.

128. Clause 126 does not apply to the works of *Service Authorities*:

128.1 in an emergency or urgent circumstances; or

128.2 when works are being carried out in accordance with the *Road Management Act 2004*.

## Vehicle Crossings

129. A person must not, without a *permit*, construct a *vehicle crossing*.

**Penalty: 20 penalty units**

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130. An *owner* or *occupier* of any *premises* must ensure that any *vehicle crossing* constructed to service those *premises* is constructed and sited to the satisfaction of *Council*.

**Penalty: 20 penalty units**

131. *Council* may by notice in writing to the *owner* or *occupier* of *premises* require:
- 131.1 the construction of a satisfactory *vehicle crossing* to any *premises*, with the full cost of such works to be borne by the *owner* or *occupier*; or
  - 131.2 the repair of a *vehicle crossing* which is in a state of disrepair, with the full cost of such works to be borne by the *owner* or *occupier*; or
  - 131.3 the removal of a *vehicle crossing* and reconstruction of the kerb and channel and footpath where the *vehicle crossing* is, in the opinion of *Council*, no longer required, with the full cost of such works to be borne by the *owner* or *occupier*.
132. An *owner* or *occupier* of *land* to whom a notice in writing is given under clause 131 must comply with the requirements of such notice.

**Penalty: 20 penalty units**

#### Asset Protection

133. The
- 133.1 *owner* of any *land*;
  - 133.2 *builder* engaged to carry out *building work* on *land*;
  - 133.3 *appointed agent*; or
  - 133.4 demolition *contractor* engaged to carry out the demolition of a structure on the *land*, in the case of *building work* involving demolition,
- must:
- 133.5 obtain an *Asset Protection Permit* before carrying out the *building work*; or allowing the *building work* to be carried out on that *land*; and
  - 133.6 not carry out or allow to be carried out any *building work* on that *land* unless an *Asset Protection Permit* has been obtained.

**Penalty: 20 penalty units**

134. An *Asset Protection Permit* expires on the date specified in the *Asset Protection Permit* or, if not specified, 24 months after the date of its issue, unless it is renewed.
135. A security bond is required to be paid on granting an *Asset Protection Permit*, the amount of which will be determined by *Council*.
136. Upon completion of the *building work*, the amount of the security bond may be:
- 136.1 retained by *Council* to offset the costs of repairing any damage; or
  - 136.2 refunded to the person who lodged it, upon that person requesting that it be refunded and *Council* being satisfied that no damage has been caused, or that any damage caused has been repaired by, or on behalf of, that person to *Council's* satisfaction.
137. If an *Asset Protection Permit* has expired and the security bond to which it relates

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has not been retained or refunded in accordance with clause 136, the security bond will become the property of *Council* absolutely and may be used by *Council* in any way that it thinks fit.

#### Construction Management

- 137A Unless otherwise agreed by *Council*, a *person in charge* must comply with any requirements imposed by the *Construction Management Guidelines* in respect of any *building work* on the *building site*.

**Penalty: 20 penalty units**

#### Inspections of a Building Site

138. *Council* may determine if and when inspections of a *building site* may be conducted.
139. An *Authorised Officer* may enter any *land* or *building* at any reasonable time for the purpose of inspecting any *public infrastructure asset*, *building work*, sewerage toilet, portable toilet (closed) system, *vehicle*, plant, facility, *temporary vehicle crossing* or other thing referable to complying with this Part.
140. If, as a result of an inspection of a *building site*, an *Authorised / Delegated Officer* identifies any damage which appears to result from non-compliance with this Local Law, the *Authorised / Delegated Officer* may direct the responsible person to reinstate the damage within a specified time.
141. The *Authorised / Delegated Officer* giving the direction under clause 140 must provide the responsible person with written confirmation of that direction either at the time of the inspection or within a reasonable timeframe.
142. A person to whom a direction is given under clause 140 must comply with such direction.

**Penalty: 20 penalty units**

#### Temporary Toilet Facilities on Building Sites

143. The:
- 143.1 *owner* of the *land* on which the *building work* is being or is to be carried out;
  - 143.2 *builder* engaged to carry out the *building work* ; or
  - 143.3 *appointed agent*
- must not carry out or allow to be carried out any *building work* or other work necessitating the employment or engagement of persons on a *building site* unless a sewerage toilet or a fresh water flush with water seal type portable toilet (closed) system is provided, and is serviced as required (at least monthly) for the use of persons on that *building site* to the satisfaction of *Council* or an *Authorised / Delegated Officer*.

**Penalty: 10 penalty units**

## PART 6 - COUNCIL BUILDINGS

### Behaviour in Council Buildings

144. A person must not in any *Council building* or its surrounds:

- 144.1 behave in a manner which is boisterous or harmful or which interferes with the quiet enjoyment of any person using the *Council building*; or
- 144.2 act in any way that endangers any person who is in a *Council building*; or
- 144.3 use indecent, insulting, offensive or abusive language; or
- 144.4 destroy, damage, write upon or interfere with any structure or any *Council* property contained in a *Council building*; or
- 144.5 act contrary to a sign; or
- 144.6 deposit any litter except in a receptacle provided for that purpose; or
- 144.7 except for a child under the age of 6 years in the care of a responsible person, enter or use any dressing room, shower convenience or any passage leading thereto in a *Council building* which has been appointed or appropriated to persons of the opposite sex; or
- 144.8 without a *permit*, hawk, *sell* or hire out any goods, articles or services; or
- 144.9 obstruct, hinder or interfere with any person apparently managing, any attendant of, any member of *Council's* staff working in or any person employed at a *Council building* in the performance of their duties.

**Penalty: 10 penalty units**

### Availability & Hire

145. A person must not, without a *permit* or other form of *Council* consent organise or undertake any event in a *Council building*.

**Penalty: 10 penalty units**

### Management Committees

146. *Council* may appoint a committee, known as a Management Committee, to advise it on the management of any *Council building*.

### Hours

- 147. Subject to clause 149, *Council buildings* will be open to the public during such hours as *Council* determines.
- 148. *Council* or an *Authorised Officer* may at any time close a *Council building* or any part of it for any purpose, including maintenance and cleaning.
- 149. *Council* or an *Authorised Officer* may, at any time, restrict or prohibit normal entry to a *Council building*.
- 150. *Council* or an *Authorised Officer* may from time to time hire out a *Council building* or any designated part or parts thereof to any person, organisation or group and for such purposes as the *Council* or an *Authorised Officer* deems fit.
- 151. During any period for which a *Council building* or any part thereof has been so

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hired out, the *Authorised Officer* may refuse admission thereto to any person other than persons associated with the purpose of the hirer.

152. *Council* or an *Authorised Officer* may provide for such conditions on any hiring as the *Council* or Manager deems fit.

#### Prohibition on Entry

153. A person must not, without the approval of *Council*:

- 153.1 enter or remain in a *Council building* while under the influence of intoxicating liquor or any prohibited drug, or bring liquor or any prohibited drug into a *Council building*; or
- 153.2 bring any *animal* into a *Council building* or allow any *animal* under his or her control to remain in a *Council building*; or
- 153.3 re-enter a *Council building* within 24 hours after being directed by the *Authorised Officer* to leave for any breach of this Local Law or any other law; or
- 153.4 enter or remain in a *Council building* other than during the hours when the *Council building* is open to the public, without the approval of the *Chief Executive Officer* or a *Senior Officer*;
- 153.5 enter a *Council building* other than through an entrance provided for the purpose of public entry; or
- 153.6 enter or remain in any part of a *Council building* not set aside for public use; or
- 153.7 enter or remain in a *Council building* if he or she is under the age of 10 years, unless he or she is in the care of a responsible adult.

**Penalty: 10 penalty units.**

154. Sub-clause 153.2 does not apply to the bringing of any *assistance animal* into a *Council building*.
155. Sub-clauses 153.5, 153.6 and 153.7 do not apply to a member of *Council* staff or any other person authorised to be present by *Council*.

#### Prohibited Articles

156. A person must not bring into or cause or permit to be brought into or remain in any part of a *Council building* any:

- 156.1 *wheeled recreational vehicle, wheeled toy or bicycle*; or
- 156.2 chemical, substance, liquid or powder which is dangerous or injurious to health or has the potential to foul, pollute or soil any part of a *Council building* or to cause discomfort to any persons in a *Council building*, whether by offensive or noxious smell or otherwise.

**Penalty: 10 penalty units.**

## PART 7 – COUNCIL LAND & FORESHORE RESERVES

### Behaviour on Council Land & Foreshore Reserves

157. A person must not, in or upon any *Council land* or *foreshore reserve*:

- 157.1 damage or interfere with any structure, notice, *building* or part thereof, seat, tree or plant; or
- 157.2 walk on natural resource areas, flower beds or borders, climb trees, or enter any prohibited areas as *designated* by *Council* from time to time; or
- 157.3 climb, get on or over any fence or gate or write on or disfigure or post bills or advertisements on any of the fences, gates, walls, seats or other structures; or
- 157.4 roll or throw stones or missiles; or
- 157.5 leave any litter except in bins provided; or
- 157.6 spit upon or otherwise foul any path or structure; or
- 157.7 remove, displace, disfigure or damage any noticeboard, scoreboard or other fixture; or
- 157.8 carry firearms or shoot, attempt to shoot, snare, attempt to snare, destroy or attempt to destroy any bird or *animal* therein or thereon except with the written authority of *Council* or unless specifically authorised to do so being a person who is a member of the Victoria Police in the course of his or her duties or another person authorised under the *Firearms Act 1996*; or
- 157.9 play any *unlawful game* or make any wager for money or carry on any form of gambling or by any unseemly or indecent conduct or otherwise interfere with the comfort or enjoyment of other persons; or
- 157.10 interfere with or in any way hinder or interrupt any member of *Council's* staff or any *Authorised Officer*; or
- 157.11 act in any way that endangers any person; or
- 157.12 behave in a manner which is boisterous or harmful or which interferes with another person's use and enjoyment of the *Council land* or *foreshore reserve* or any part thereof; or
- 157.13 use any indecent or abusive language; or
- 157.14 enter or remain while in a drunken or intoxicated condition or while under the influence of any hallucinatory drug; or
- 157.15 remain at any time when lawfully directed to leave by any *Authorised Officer* or member of *Council's* staff notwithstanding that a fee or charge for admission may have been paid; or
- 157.16 act contrary to any lawful direction of any member of *Council's* staff or any *Authorised Officer*, including any direction to leave the *Council land* or *foreshore reserve*; or
- 157.17 commit any nuisance; or
- 157.18 act contrary to any sign; or
- 157.19 shift or remove any rubbish bin or container provided by *Council*.

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**Penalty: 10 penalty units**

## Use of Council Land &amp; Foreshore Reserves

158. A person must not, without a *permit* (or a permit or licence granted by an agency of the State Government), while in or upon any *Council land or foreshore reserve*:
- 158.1 light any fire or permit any fire to remain alight unless in a fireplace provided by *Council*; or
  - 158.2 conduct any event; or
  - 158.3 establish, erect or affix any permanent memorial; or
  - 158.4 erect, fix, distribute, or place any advertisements for any commercial, charitable, cultural or community purposes; or
  - 158.5 organise, hold or attend any rally, procession, demonstration or other public gathering; or
  - 158.6 conduct, organise or participate in any competitive game or sport; or
  - 158.7 engage in, play or practise cricket, football, bowls, tennis, lacrosse, golf, archery or any like games that may interfere with the use and enjoyment of the *Council land or foreshore reserve* or any part thereof by any other person; or
  - 158.8 *sell* any article or operate or cause to be operated any amusement for which a charge is made or make a collection of money for any purpose; or
  - 158.9 ride, drive or use any horse, *motor vehicle*, motor cycle, recreation vehicle, *bicycle*, *wheeled recreational device*, *wheeled toy* or other vehicle.
  - 158.10 enter or remain within or upon any playing area during the progress of any sports match or sports gathering, except where the person is a player, official or competitor at such sports match or sports gathering authorised under this Part; or
  - 158.11 enter any plots or areas which are set aside for the planting or growing of plants, unless the person is a member of *Council's* staff or a member of the Management Committee.

**Penalty: 10 penalty units**

159. Sub-clause 158.9 does not apply to:
- 159.1 the parking of any *motor vehicle*, motor cycle, *bicycle* or other vehicle in any parking area set aside for that purpose by *Council*; or
  - 159.2 the wheeling of *bicycles*, prams, wheelchairs, child or baby carriages and children's toys; or
  - 159.3 the riding or use of a *wheeled recreational device*, *wheeled toy* or *bicycle* in such a manner that does not interfere with the use or enjoyment of the *Council land or foreshore reserve* or any part thereof by any other person, except where *Council* has by sign provided to the contrary; or
  - 159.4 any *Authorised Officer* or member of *Council's* staff acting in the course of his or her duties; or
  - 159.5 any roadway *designated* by *Council* resolution as being an exception to

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sub-clause 158.9.

#### Access to Council Land & Foreshore Reserves

160. *Council* or an *Authorised Officer* may approve days and times upon which charges or entrance fees may be made for the use of *Council land and foreshore reserves*.
161. *Council* or an *Authorised Officer* may grant permission to use *Council land and foreshore reserves* on such terms and conditions as it or he/she thinks fit, and may demand a security bond to be held by *Council* for the duration of any works and returned if *Council's* terms and conditions are met.
162. *Council* or an *Authorised / Delegated Officer* may from time to time resolve or determine that certain *Council land and foreshore reserves* or parts thereof be provided for public access or withdrawn from public access.
163. A person must not:
- 163.1 enter or exit any *Council land* or *foreshore reserve* other than via a designated access point/s (where applicable); or
- 163.2 park a *vehicle* on *Council land* or a *foreshore reserve* other than in a dedicated parking area.

**Penalty: 10 penalty units**

164. A person must not, without a *permit*, access a property abutting *Council land* or *foreshore reserve* via the *Council land* or *Foreshore Reserve*.

**Penalty: 10 penalty units**

#### Animals in or on Council Land & Foreshore Reserves

165. A person must not cause or permit any horse or other *animal* belonging to that person or in respect of which he or she is in charge to be brought onto, enter or remain on any part of *Council land* or *foreshore reserve*, other than an area or areas identified by the erection of signs.

**Penalty: 5 penalty units**

166. Clause 165 does not apply to the use of any *assistance animals*.
167. Any *animal* found on *Council land* or a *foreshore reserve* contrary to this Local Law may be seized and impounded by an *Authorised Officer*.

#### Enclosures

168. A person must not, except where and in accordance with any conditions authorised by *Council*, enter any area on *Council land* or a *foreshore reserve* enclosed for plantation of young trees, shrubs, marrum grass, grass plots, dune restoration or for the growth or preservation of native flora.

**Penalty: 5 penalty units**

#### Fires

169. A person must not, without a *permit*, light, cause to be lit or remain alight any fire on any part of *Council land* or a *foreshore reserve*

**Penalty: 10 penalty units**

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## Stranded Vehicles

170. An *Authorised Officer* may remove or cause to be removed any *vehicle* causing an obstruction or parked, stranded or left on *Council land* or a *foreshore reserve* provided that the removal of the *vehicle*:
- 170.1 is agreed to by its *owner* or driver; or
  - 170.2 is reasonable having regard to the obstruction being caused and the means readily available to remove that obstruction.
171. Any *vehicle* left on *Council land* or a *foreshore reserve* for a continuous period exceeding 24 hours may be removed by *Council* and impounded.
172. A person must not park or leave standing any *vehicle* on a *Council land* or a *foreshore reserve* so as to cause an obstruction to any other *vehicle* or persons other than in a parking area *designated* for the parking of such a *vehicle*.

**Penalty: 5 penalty units**

## Bathing Boxes &amp; Boathouses

173. A person must not use or allow to be used:
- 173.1 any bathing box on *Council land* or a *foreshore reserve* for any purpose other than for passive recreation, dressing, undressing and the storage of bathing suits and beach accessories; or
  - 173.2 any boat house or fishing box on *Council land* or a *foreshore reserve* for any purpose other than:
    - 173.2.1 a purpose mentioned in sub-clause 173.1; or
    - 173.2.2 the storage of boats and fishing gear.

**Penalty: 5 penalty units**

174. Every person granted permission to occupy any site on *Council land* or a *foreshore reserve*, whether in the form of a *permit* or otherwise, must pay *Council* the fees determined by *Council* from time to time.
175. *Council* may remove from *Council land* or a *foreshore reserve* any bathing box, boathouse, fishing box or other *building* on *Council land* in the event of non-payment of fees or for any other reason deemed sufficient by *Council*.
176. *Council* may allow the transfer of any permission to occupy a site on *Council land* (including a *permit*) but no person must sublet or sub-license or part with possession or occupation of any site or structure in or on *Council land* or a *foreshore reserve*.

**Penalty: 5 penalty units**

177. The renewal of any permission to occupy a site on *Council land* (including a *permit*) is at all times at the discretion of *Council*.
178. Without limiting the generality of clause 177, *Council* may remove from *Council land* or a *foreshore reserve* any bathing box, boathouse, fishing box or other *building* if there has been:
- 178.1 a failure to comply with any notice to comply in respect of rectifying any structural defect, dangerous state, unsightliness, regular or periodic use for purposes other than those permitted under clause 173; or
  - 178.2 any prolonged disuse or termination of a lease, licence or *permit*; or

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- 178.3 any program of removal agreed to by *Council* for reasons of addressing tidal effects, beach stabilisation, erosion or other purposes; or
- 178.4 any direction for removal issued by any Coastal Management or other Government Agency.

#### Defacing Council Land

- 179. A person must not
  - 179.1 destroy, damage, deface or interfere with any *road* or other *Council land*; or
  - 179.2 destroy, damage or interfere with any trees or plants on any *road* or other *Council land*; or
  - 179.3 remove any thing belonging to the *Council* from any *road* or other *Council land*; or
  - 179.4 destroy, damage or interfere with any *Council* property or assets (owned or managed by *Council*) located on any *road* or other *Council land*.

**Penalty: 20 penalty units**

- 180. A person must not plant or place any trees, plants or shrubs or associated landscape features on any *road* or other *Council land* unless such features are consistent with the *Nature Strip Guidelines*.

**Penalty: 20 penalty units**

#### Bin Skips

- 181. An *owner* of a *bin skip* must not, without a *permit*, place or cause or allow to be placed a *bin skip* for the removal of *building* or industrial, *green* or *domestic* waste or vegetation on any *road* or other *Council land*.

**Penalty: 10 penalty units**

- 182. The *owner* of a *bin skip* placed on private property must ensure that the *bin skip* does not discharge or drain directly or flow onto any *road* or other *Council land*.

**Penalty: 10 penalty units**

- 183. In determining whether to grant a *permit* for the placement of a *bin skip* on a *road* or other *Council land*, *Council* must take into account:

- 183.1 whether the placement will obstruct the passage of *vehicles* and pedestrians, obscure the view of motorists or present a physical hazard; and
- 183.2 where relevant, whether the applicant holds a relevant accreditation with *Council*; and
- 183.3 whether the placement will contravene the restrictions or limitations imposed by the inscription on any traffic control signs; and
- 183.4 whether hazard lights can be securely attached on the side nearest passing traffic or placed on a *carriageway* or adequate reflective tape can be attached at either end of the *bin skip*, so that an approaching motorist can identify the extent and form of the *bin skip* container; and
- 183.5 the protection of any *Council* assets; and
- 183.6 whether any indemnity and guarantee has been provided; and

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183.7 whether the person or persons who may be liable for injury caused by the placing of the *bin skip* is or are insured against that risk; and

183.8 any other matter relevant to the circumstances of the application.

#### Materials on Roads or Council Land

184. A person must not, without a *permit*, place, store, leave or cause or allow to be placed, stored or left on any *road* (whether or not a public highway) or other *Council land* any item/s or material/s.

**Penalty: 20 penalty units**

185. Any items or materials left on any *road* (whether or not a public highway) or other *Council land* may be removed by an *Authorised Officer*, and he or she may request the person who placed, stored, left or caused or allowed to be placed stored or left on the *road* or *Council land* the item/s or material/s to remove the item/s or material/s, which may be disposed of in any manner convenient and any items or equipment may be impounded.

186. A person must comply with a request made by an *Authorised Officer* under clause 185.

**Penalty: 20 penalty units**

187. In determining whether to grant a *permit* under clause 184, *Council* must have regard to:

187.1 the area of *land* to be affected by the deposit, storage or leaving of the item/s or material/s; and

187.2 the use to which that *land* is normally put; and

187.3 the safety in using that land for the proposed purpose; and

187.4 the nature of signs or lighting to be required (if any) relating to such use; and

187.5 the duration of the proposed use; and

187.6 whether the person or persons who may be liable for injury caused by the placing of the item/s or material/s is or are insured against that risk; and

187.7 whether an indemnity and guarantee has been provided; and

187.8 what arrangements are in place for restoring the area; and

187.9 whether there is a need to comply with section 223 of the *Act*; and

187.10 any other matters considered relevant to the circumstances.

188. Nothing in clause 185 or 186 applies to any person who parks or leaves standing any *motor vehicle* on a *road* or who leaves any item or material/s on a *road* in accordance with this Local Law.

#### Substances from Livestock

189. A person must not, without a *permit*, drive, ride or lead any livestock on any *road* or other *Council land*.

**Penalty: 20 penalty units**

#### NOTE

Where the *road* is a *state road*, the permission of the relevant state *road* authority must also be obtained.

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190. A person driving, riding or leading livestock on a *road* must take all reasonable steps to promptly remove any substance on the *road* that has fallen from, or been deposited by, the livestock, and must make good any damage and remove any consequent hazard.

**Penalty: 20 penalty units**

191. Where any damage or hazard remains on a *road* as a result of the driving, riding or leaving of livestock, the person referred to in clause 190 must promptly notify *Council* and Victoria Police of the damage or hazard.

**Penalty: 20 penalty units**

#### Camping on Council Land & Public Places

192. Unless permitted under the Kingston Planning Scheme, a person must not, without a *permit*:

192.1 *camp*; or

192.2 keep, erect, place or occupy a caravan, tent or similar structure on *Council land* or in a *public place*.

**Penalty: 5 penalty units**

#### Trees & Plants Overhanging Roads Council Property

193. The *owner* or *occupier* of any *premises* abutting any *road* must not allow trees and or plants to grow on or from those *premises* in such a manner that they cause danger to traffic or drivers by preventing an unobstructed passage and a clear view of other *vehicles* or signs or signals installed to control, direct, guide, regulate or warn drivers.

**Penalty: 5 penalty units**

194. The *owner* or *occupier* of any *premises* must not allow any trees or plants growing on or from those *premises* to overhang a footway or other *Council land* at a height of less than 2.4 metres.

**Penalty: 5 penalty units**

195. The *owner* or *occupier* of any *premises* must not allow any trees or plants growing on or from those *premises* to overhang the *carriageway* of a *road* at a height of less than 4.5 metres.

**Penalty: 5 penalty units**

#### Circuses & Carnivals

196. A person must not, without a *permit*, conduct a circus, carnival or similar event on any *land*.

**Penalty: 20 penalty units**

197. Clause 196 does not apply where the Kingston Planning Scheme allows a circus, carnival or other similar event to be held subject to a planning permit being obtained, and it is conducted in compliance with the "*Good Neighbour Code of Practice for Circus or Carnival*".

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198. In determining whether to grant a *permit* under clause 196, *Council* must take into account:
- 198.1 the location of the *land*; and
  - 198.2 the suitability of the *land*; and
  - 198.3 the duration of the event; and
  - 198.4 the proposed hours of operation; and
  - 198.5 the availability of sanitary facilities to the *land*; and
  - 198.6 the likely damage to be caused; and
  - 198.7 the amenity of the area; and
  - 198.8 the availability of parking; and
  - 198.9 whether the person who may be liable for injury caused as a result of the holding of the circus, carnival or other similar event is insured against that risk; and
  - 198.10 the likely effects on traffic in the area; and
  - 198.11 whether an indemnity and guarantee has been provided; and
  - 198.12 any other matter relevant to the circumstances associated with the application.

## PART 8 - CONSUMPTION OF LIQUOR IN PUBLIC PLACES

### Consumption of Liquor

199. A person must not, without a *permit*, consume any *liquor* or have in his or her possession a bottle, can, wine cask or other receptacle which has been opened and which contains *liquor* in any *public place* between 6 p.m. on 31 December and 10 am on 1 January in the following year.

**Penalty: 5 penalty units**

200. *Council* may from time to time *designate* areas where *liquor* may not be consumed or possessed in opened containers.
201. A person must not, without a *permit*, consume *liquor* or have *liquor* in his or her possession in an opened container in an area *designated* in accordance with clause 200.

**Penalty: 5 penalty units**

202. Despite clauses 199 and 201, a person who consumes *liquor* or has *liquor* in his or her possession in an opened container does not commit an offence if:
- 202.1 he or she is taking part in a procession, function, *street party* or other activity on a *road* or other *public place* in respect of which a licence or *permit* has been granted to possess *liquor* in an opened container or drink alcohol in accordance with any other Act; or
  - 202.2 he or she is in or on licensed premises or an extension of licensed premises in respect of which consumption of *liquor* and possession in opened containers is permitted; or
  - 202.3 in respect of an area *designated* under clause 200 the area is not signposted with a sign indicating the nature of the prohibition.

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203. *Council* may grant a *permit* for the consumption of any *liquor* or for the possession of *liquor* in unsealed containers in any *public place* as may be designated by *Council*.

## PART 9 - FIRE

### Lighting Fires in the Open & Incinerators

204. A person must not, without a *permit*, light, allow to be lit or remain alight a fire in the open air.

**Penalty: 10 penalty units**

205. A person must not leave any fire burning in the open air unattended.

**Penalty: 10 penalty units**

206. *Council* may only grant a *permit* to burn within the area designated rural, industrial or commercial under the Kingston Planning Scheme for the purpose of fuel reduction, regeneration of indigenous plants, eradication of prohibited weeds or diseased plants or for any other purpose *Council* sees fit.

207. *Council* may issue a *permit* for the purpose of cooking for cultural activities or for the purpose of enabling religious observance.

208. A person must not light or allow to be lit or remain alight a fire in the open air that causes a nuisance by odour, smell, smoke or any other means.

**Penalty: 5 penalty units**

209. Clauses 204 and 205 do not apply to a barbecue while being used for the purpose of cooking food for human consumption.

210. A person must not light or allow to be lit or remain alight a fire in any incinerator or other structure used for the purpose of burning solid fuel materials to create heat outdoors.

**Penalty: 5 penalty units**

211. A person must not construct, erect, install, use or allow to be constructed, erected, installed or use an incinerator on any *land* or allow any incinerator to remain on any *land*.

**Penalty: 5 penalty units**

212. A person must not, on any *road*, light or allow to be lit or remain alight any fire, unless that person is an officer or employee or authorised contractor of a public body and engaged in an activity for or on behalf of that public body.

**Penalty: 10 penalty units**

213. A person must not light or allow to be lit or remain alight a fire in the open air or in a barbecue that causes a hazard to any person, property or vegetation.

**Penalty: 10 penalty units**

214. Clauses 210 and 211 do not apply in respect of any incinerator which is the subject of a planning permit.

215. A person must not burn or cause or allow to burn any offensive or toxic material

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or matter, substance or materials consistent with rubber, plastic, oil or oil waste, petrol waste, paint, chemicals, food waste, pressured can, textile fabric, faecal matter or any offensive or noxious matter.

**Penalty: 10 penalty units**

#### **Barbecue**

216. A person must not construct or re-construct or allow or cause to be constructed or re-constructed any solid fuel barbecue within three metres of any fence or structure (whether fixed or portable) or within three metres of any overhanging tree or foliage.

**Penalty: 5 penalty units**

217. A person must not light or allow to be lit or remain alight any barbecue in the open air that causes a nuisance by odour, smoke or any other means.

**Penalty: 5 penalty units**

218. A person must not light or allow to be lit or remain alight any fire in a barbecue for purposes other than cooking food for human consumption.

**Penalty: 5 penalty units**

#### **Directive Powers**

219. An *Authorised Officer* or an officer of the Country Fire Authority, Metropolitan Fire Brigade or Victoria Police may direct the *owner* or *occupier* or person in charge of any *land* on which a fire is alight in the open air contrary to any provision of this Local Law to immediately extinguish the fire.

220. An *owner* or *occupier* or person in charge of *land* must comply with a direction under clause 219.

**Penalty: 5 penalty units**

221. If any person fails to extinguish a fire when directed to do so by an *Authorised Officer* such *Authorised Officer* may extinguish or cause to be extinguished such fire.

222. An *Authorised Officer* may extinguish or cause to be extinguished a fire left unattended in the open air.

### **PART 10 – PERMITS & DELEGATION**

#### **Applying for a Permit**

223. A person who wishes to apply for a *permit* may do so by:
- 223.1 lodging with *Council* an application in a form or to the effect prescribed by *Council*; and
  - 223.2 paying to *Council* the appropriate application fee.
224. *Council* may require an applicant to provide additional information before further considering an application for a *permit*.
225. *Council* may require a person applying for a *permit* to give public notice of the

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application, and entitle any person to make a submission and be heard about it.

### **Fees**

226. *Council* may by resolution, from time to time, determine fees for the purposes of this Local Law, and:
- 226.1 in determining any fees and charges, may establish a system or structure of fees and charges, including a minimum or maximum fee or charge if it considers it is appropriate to do so; and
  - 226.2 may waive, reduce or alter a fee with or without conditions.

### **Issue of Permits**

227. *Council* may:
- 227.1 issue a *permit* with or without conditions; or
  - 227.2 refuse to issue a *permit*.

### **Conditional Permits**

228. A *permit* may be subject to conditions which *Council* considers to be appropriate in the circumstances, including:
- 228.1 the payment of a fee or charge; and
  - 228.2 a time limit to be applied whether specifying the duration commencement or completion date; and
  - 228.3 the happening of an event; and
  - 228.4 the rectification, remedying or restoration of a situation or circumstance; and
  - 228.5 where the applicant is not the *owner* of the subject *land*, the consent of the *owner*; and
  - 228.6 the granting of some other *permission* or authorisation; and
  - 228.7 any other matter considered relevant to a particular application.
229. The conditions of a *permit* must be set out in the *permit*.
230. *Council* may, during the currency of a *permit*, alter the conditions of a *permit* if it considers it to be appropriate to do so, after providing the *permit* holder with an opportunity to make comment on the proposed alteration.
231. A person who undertakes an activity for which *Council* has issued a *permit* must comply with the conditions of the *permit*.

**Penalty: 10 penalty units**

### **Duration of a Permit**

232. A *permit* is in force until the expiry date indicated on the *permit*, unless it is cancelled before the expiry date.
233. If no expiry date is indicated on a *permit*, the *permit* expires on 30 June next after the day on which it is raised.

### Cancellation of a Permit

234. *Council* may cancel a *permit* if it considers that:
- 234.1 there has been a serious or ongoing breach of the conditions of the *permit*,  
or
  - 234.2 a *notice to comply* has been issued but not complied with within the time specified in the *notice to comply*; or
  - 234.3 there was a significant error or misrepresentation in the application for the *permit* or
  - 234.4 in the circumstances, the *permit* should be cancelled.
235. Before it cancels a *permit*, *Council* must, if it is practicable to do so, provide to the *permit* holder an opportunity to make comment on the proposed cancellation.
236. If a *permit* holder is not the *owner* of the subject *land*, and the *owner's* consent was required to be given to the application for the *permit*, the *owner* must be notified of any *notice to comply* and of the reason why it has been served.

### Correction of Permits

237. *Council* may correct a *permit* in relation to:
- 237.1 a clerical mistake or an error arising from any accident, slip or omission;  
or
  - 237.2 an evident material miscalculation or an evident material mistake of description of a person, thing or property.
238. *Council* must notify a *permit* holder in writing of any correction.

### Registers

239. *Council* must maintain a register of *permits*, including details of corrections and cancellations.
240. *Council* must maintain a register of determinations made and of guidelines prepared for the purpose of this Local Law.

### Service Authorities

241. A *Service Authority* or a person employed or acting on behalf of a *Service Authority* is not required to obtain a *permit* in respect of work which is for the purposes of the *Service Authority*.
242. A person who would, but for this clause, be required to obtain a *permit* in respect of any activity must notify *Council* of the activity prior to its commencement.

### Exemptions

243. *Council* may by written notice exempt any person or class of persons from the requirement to obtain a *permit*, either generally or at specified times.
244. *Council* may require an applicant to provide additional information before dealing with an application for an exemption.
245. An exemption from the requirement to obtain a *permit* may be granted subject to conditions.

246. A person must comply with the conditions of an exemption from the requirement
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to obtain a *permit*.

**Penalty: 10 penalty units**

247. An exemption from the requirement to obtain a *permit* may be cancelled or corrected as if it were a *permit*.

#### **Offences**

248. A person who makes a false representation or declaration (whether oral or in writing), or who omits relevant information, in an application for a *permit* or exemption is guilty of an *offence*.

**Penalty: 10 penalty units**

#### **Delegation**

249. In accordance with section 114 of the *Act*, *Council* delegates to:
- 249.1 the *Chief Executive Officer* and to each *Senior Officer* and to any person for the time being acting for such persons all the powers, discretions and authorities of *Council* under this Local Law including the powers and discretions to issue or refuse *permits*, fix conditions and durations relevant to such *permits*, cancel *permits*, require additional information, apply guidelines or policies of *Council*, to waive the need for any *permit*, to waive, fix or reduce fees or charges or to do any act, matter or thing necessary or incidental to the exercise of any function or power of *Council*; and
  - 249.2 an *Environmental Health Officer* and to any person for the time being acting for that person the power to issue or refuse *permits* and apply conditions, exercise discretions and require additional information.
250. Nothing in clause 249 prevents *Council* from revoking any delegation to any member of *Council* staff or from delegating any or any other duty imposed or function or power conferred by this Local Law to any member of *Council* staff.

### **Part 11 – ENFORCEMENT**

#### **Impounding**

251. An *Authorised Officer* may seize and impound any thing which has been or is being used or possessed in contravention of this Local Law.
252. Where any thing has been impounded under this Local Law, *Council* or an *Authorised Officer* must, if it is practicable to do so, serve Notice of Impounding personally or by mail on the person who appears to be the *owner* of the impounded thing.
253. An impounded thing must be surrendered to:
- 253.1 its *owner*; or
  - 253.2 a person acting on behalf of its *owner* who provides evidence to the satisfaction of an *Authorised / Delegated Officer* of his or her authority from the *owner* –
    - 253.2.1 evidence to the satisfaction of the *Authorised / Delegated Officer* being provided of the *owner's* right to the thing; and

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253.2.2 payment of any fee determined by *Council* or an *Authorised / Delegated Officer* from time to time.

254. If an impounded thing has not been surrendered to its owner or a person acting on the *owner's* behalf within 14 days of the Notice of Impounding being served or, if no Notice of Impounding has been served, of the act of impounding, *Council* may, at its discretion,

254.1 *sell*;

254.2 *give away*; or

254.3 *destroy*,

the impounded thing.

### **Notice to Comply**

255. An *Authorised / Delegated Officer* may, by serving a *Notice to Comply*, direct a person who appears to be in breach of this Local Law to remedy any situation which constitutes a breach under this Local Law.

### **Time to Comply**

256. A *Notice to Comply* must state the time and date by which the situation must be remedied.

257. The time required by a *Notice to Comply* must be reasonable in the circumstances having regard to:

257.1 the amount of work involved; and

257.2 the degree of difficulty; and

257.3 the availability of necessary materials or other necessary items; and

257.4 climatic conditions; and

257.5 the degree of risk or potential risk; and

257.6 any other relevant factor.

### **Failure to Comply with a Notice to Comply**

258. A person who fails to comply with a *Notice to Comply* served on that person is guilty of an *offence*.

**Penalty: 10 penalty units.**

### **Power of Authorised / Delegated Officer to Act in Urgent Circumstances**

259. In urgent circumstances arising as a result of a failure to comply with this Local Law, an *Authorised / Delegated Officer* may take action to remove, remedy or rectify a situation without first serving a *Notice to Comply* if:

259.1 the *Authorised / Delegated Officer* considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a *Notice to Comply* may place a person, *animal*, property or thing at risk or in danger; and

259.2 wherever practicable, a *Senior Officer* is given prior notice of the proposed action.

260. In deciding whether circumstances are urgent, an *Authorised Officer* must take

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into consideration:

- 260.1 whether it is practicable to contact the person by whose default, permission or sufferance that situation has arisen; or
  - 260.2 the *owner* or the *occupier* of the *premises* or property affected; and
  - 260.3 whether there is an urgent risk or threat to public health, public safety, the environment or *animal* welfare.
261. The action taken by an *Authorised / Delegated Officer* under clause 259 must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
262. An *Authorised / Delegated Officer* who takes action under clause 259 must ensure that as soon as practicable:
- 262.1 details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
  - 262.2 a report of the action taken is submitted to the *Chief Executive Officer* or a *Senior Officer* to whom the *Authorised Officer* reports.

### Offences

263. A person who:
- 263.1 contravenes or fails to comply with any provision under this Local Law; or
  - 263.2 contravenes or fails to comply with any condition contained in a *permit* issued under this Local Law; or
  - 263.3 contravenes or fails to comply with a *Notice to Comply* within the time specified in the *Notice to Comply*,
- is guilty of an *offence* and is liable to:
- 263.4 the *penalty* stated under a provision, or, if no *penalty* is stated, a *penalty* not exceeding five *penalty units* for a first offence;
  - 263.5 a further *penalty* of two *penalty units* for each day after conviction during which the contravention continues; and
  - 263.6 upon conviction for a second or subsequent *offence*, double the *penalty* stated under a provision or 20 *penalty units*, whichever is the lesser, or, if no *penalty* is stated, a *penalty* not exceeding 20 *penalty units*.
264. As an alternative to prosecution for an offence, a person may be served with an *Infringement Notice*.

### Infringement Notices

265. An *Authorised Officer* may issue an *Infringement Notice* under this Local Law.
266. The penalty fixed in respect of an *Infringement Notice* is the amount set out in Schedule 1.
267. A person issued with an *Infringement Notice* may pay the penalty indicated to an *Authorised Officer* at *Council's* offices.
268. To avoid prosecution, the penalty indicated must be paid in accordance with the *Infringements Act 1996*.
269. A person issued with an *Infringement Notice* is entitled to disregard the *Infringement Notice* and defend the prosecution in court.

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**SCHEDULE 1 – PENALTIES FOR OFFENCES AGAINST THIS LOCAL LAW**

For Local Laws a *penalty unit* is currently fixed by the State Government at a value of \$100 per *penalty unit* (but this may vary from time to time).

<u>Page</u>	<u>Clause</u>	<u>Offence</u>	<u>Maximum Penalty Units</u>	<u>Infringement Notice Penalty Units</u>
14	14	Failure to provide a suitable property number	2	1
14	15 and 16	Failure to comply with domestic waste, green waste and recyclable requirements	10	2
15	20	Failure to comply with hard waste requirements	2	2
15	21	Disposal of tree prunings contrary to the Local Law	2	2
16	22	Disposal of refrigerators/compartments contrary to the Local Law	10	2
16	23	Chimney discharge contrary to Local Law	5	2
16	24	Audible Intruder Alarm contrary to Local Law	10	5
16-17	27 and 30	Dangerous or unsightly land contrary to Local Law	10	2
17	34	Failure to undertake repair or restorative works contrary to Local Law	5	2
17	35	Growing of noxious weed species contrary to Local Law	5	2
18	36	Placement of moveable dwelling contrary to Local Law	5	1
18	38 and 40	Storage, assembly or dismantling of vehicles contrary to Local Law	5	2
18	42	Damage to or interference with protected trees contrary without a permit	20	10
19	45	Damage to protected trees (indirect responsibility)	20	10

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<b><u>Page</u></b>	<b><u>Clause</u></b>	<b><u>Offence</u></b>	<b><u>Maximum Penalty Units</u></b>	<b><u>Infringement Notice Penalty Units</u></b>
19	46	Damage to Council land or on Council land caused by trees and plants	10	10
20	48 and 49	Keeping of animals contrary to Local Law	5	2
20	50	Keeping of cats in restricted areas	5	2
21	52 and 53	Animals and amenity contrary to Local Law	5	2
22	58A	Animal shelters not maintained in accordance with the Local Law	5	2
22	59	Keeping of bees and wasps contrary to Local Law	10	2
23	61	Failing to adequately fence grazing animals	10	2
23	62	Grazing animals at large contrary to Local Law	5	2
23	66	Non-compliance with parking permit conditions and parking management policy	10	2
24	67	Parking permit not kept and displayed in accordance with Local Law	2	
24	73	Repair and display of vehicles contrary to Local Law	20	2
24	74	Display of a vehicle for sale contrary to Local Law	20	2
24	75	Parking of abandoned, derelict or unregistered vehicles contrary to Local Law	10	2
25	78	Obstruction to free use of a road contrary to Local Law	20	5
25	78A	Charity or clothing recycling bin left on a road or Council land	20	4
25	79	Transportation of waste contrary to Local Law	10	1
25	80	Holding of street parties, festivals or processions contrary to Local Law	10	2

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<b><u>Page</u></b>	<b><u>Clause</u></b>	<b><u>Offence</u></b>	<b><u>Maximum Penalty Units</u></b>	<b><u>Infringement Notice Penalty Units</u></b>
26	87	Use of road contrary to any sign erected on it	3	2
26	89	Storing/servicing heavy vehicles contrary to Local Law	5	2
27	91	Night soil contrary to Local Law	20	10
27	92	Trading on a road or Council land contrary to Local Law	20	4
27	93, 93A and 93B	Use of moveable advertising or display of goods contrary to Local Law	10	2
28	95	Busking contrary to Local Law	5	3
28	96	Use of outdoor eating facilities contrary to Local Law	10	2
28	98 and 99	Use and storage of shopping trolleys contrary to Local Law	10	1
29	105	Permit use of shopping trolleys without a coin mechanism	10	1
29	108 – 110	Street appeals contrary to Local Law	10	2
29	111	Street stalls contrary to Local Law	10	2
29	113 and 114	Use of wheeled recreational devices, wheeled toys or bicycles contrary to Local Law	2	5
30	115A and 115B	Use of wheeled recreational device contrary to Local Law	5	
31-32	116 – 119	Storage of industrial, trade and commercial rubbish contrary to Local Law	20	10
32	120	Storage of aerosol paint containers contrary to Local Law	5	2
32	122	Tapping into drains contrary to Local Law	20	5
33	123	Interference with water courses contrary to Local Law	20	5
33	124 – 125	Management of stormwater contrary to Local Law	20	10

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<b><u>Page</u></b>	<b><u>Clause</u></b>	<b><u>Offence</u></b>	<b><u>Maximum Penalty Units</u></b>	<b><u>Infringement Notice Penalty Units</u></b>
33	126	Road occupation and works contrary to Local Law	20	5
33-34	129, 130 and 132	Construction of vehicle crossings contrary to Local Law	20	5
34	133	Failure to obtain and Asset Protection Permit	20	5
35	137A	Construction management contrary to Construction Management Guidelines	20	5
35	142	Failure to comply with a notice to following a site inspection.	20	5
35	143	Temporary toilet facilities on building sites contrary to Local Law	10	2
36	144	Behaviour in Council buildings contrary to Local Law	10	2
36	145	Use of Council buildings contrary to Local Law	10	2
37	153	Entry to Council buildings contrary to Local Law	10	2
37	156	Prohibited articles in Council buildings	10	2
38	157	Behaviour on Council land contrary to Local Law	10	2
39	158	Use of Council land and foreshore reserves contrary to local Law	10	2
40	163 and 164	Access to Council land contrary to Local Law	10	2
40	165	Animals on Council land or foreshore reserves contrary to Local Law	5	2
40	168	Entry to enclosures contrary to Local Law	5	2
40	169	Fires on Council land or foreshore reserves contrary to Local Law	10	2
41	172	Vehicles on Council land or foreshore reserves contrary to Local Law	5	2
41	173	Bathing boxes and boathouse on Council land or foreshore reserves contrary to Local Law	5	2

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<u>Page</u>	<u>Clause</u>	<u>Offence</u>	<u>Maximum Penalty Units</u>	<u>Infringement Notice Penalty Units</u>
41	176	Subletting of bathing boxes and boathouse on Council land or foreshore reserves contrary to Local Law	5	2
42	179 - 180	Defacing Council land	20	2
42	181 - 182	Use of skip bins contrary to Local Law	10	2
42	184	Materials on roads or Council land contrary to Local Law	20	2
43	186	Failure to comply with a notice in relation to materials on roads	20	2
43-44	189 - 191	Substances from livestock contrary to Local Law	20	2
44	192	Camping on Council land contrary to Local Law	5	2
44	193 - 195	Trees and plants overhanging roads contrary to Local Law	5	1
44	196	Conduct of circuses and carnivals contrary to Local Law	20	4
45	199 - 201	Consumption of liquor contrary to Local Law	5	2
46	204	Lighting of fires in open air contrary to Local Law	10	2
46	205	Leaving a burning fire unattended	10	2
46	208	Allowing fire to cause a nuisance contrary to Local Law	5	2
46	210	Use of incinerators or other structures to light fires contrary to Local Law	5	2
46	211	Construction or install of incinerators contrary to Local Law	5	2
46	212	Lighting of fires on a road contrary to Local Law	10	2

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<u>Page</u>	<u>Clause</u>	<u>Offence</u>	<u>Maximum Penalty Units</u>	<u>Infringement Notice Penalty Units</u>
46	213 and 215	Allowing fire to cause a hazard contrary to Local Law	10	2
47	216	Location of barbeques contrary to Local Law	5	2
47	217	Nuisance of barbeque odour and smoke	5	2
47	218	Lighting or allowing a barbeque to remain alight for a purpose other than cooking food	5	2
47	220	Non-compliance with a direction from an Authorised Officer	5	2
48	231	Failure to comply with a condition of a permit	10	2
49	246	Failure to comply with a condition of an exemption	10	2
50	248	False representation or omission relating to an application	10	2
51	258	Failure to comply with a notice to comply	10	2

# Ordinary Meeting of Council

24 September 2018

Agenda Item No: 11.7

## RECORDING OF PUBLIC GALLERY

Contact Officer: Stephanie O'Gorman, Governance Officer

### Purpose of Report

Council has recently considered recording the public gallery at Council and Planning Committee meetings for the purpose of public safety. This report presents for Council's adoption a revised *Recording of Meetings Policy* which outlines Council's process in recording the public gallery and addresses the Privacy implications of this activity.

### 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.

### OFFICER RECOMMENDATION

That Council:

1. Adopt the revised *Recording of Meetings Policy* contained in Appendix 1; and
2. Conduct a three month trial of Closed Circuit Television recording of the public gallery commencing October 2018 to assess the capability of the system in terms of image, sound, recording and storage.

### 1. Executive Summary

The current *Recording of Meetings Policy* (the current Policy) governs the recording, live streaming and archiving of Council meetings and such recording is limited in its application to members of the public in attendance.

Further to Council's resolution at the 28 May 2018 Ordinary Meeting of Council, the *Recording of Council Meetings Policy* (the revised Policy) has been revised to include the recording of the public gallery via Closed Circuit Television (CCTV). The revised policy also addresses privacy considerations in accordance with the *Privacy and Data Protection Act 2014* (the Act) and in particular the Information Privacy Principles contained in Schedule 1 of the Act. The revised Policy is contained in Appendix 1.

### 2. Background

At the Ordinary Meeting of Council on 29 January 2018, it was resolved that officers prepare a report detailing the process to be adopted to allow for recording of the gallery in the Council Chamber during Ordinary Council Meetings and Planning Committee Meetings.

In response to this resolution, a report was presented to the Ordinary Meeting of Council on 28 May 2018, which resulted in the following resolution:

1. That the existing CCTV system in the Council Chamber be used to record the public gallery at Ordinary Council and Planning Committee meetings.

2. That the following actions be completed prior to implementing recording of the public gallery:
  - a. formalise procedures through policy and guidelines to respond to privacy principles requirements;
  - b. amend Council's *Recording of Public Council Meetings Policy* to include recording of the public gallery;
  - c. upgrade the sound component of the system; and
  - d. trial the capability of the system in terms of image, sound, recording and storage prior to implementation and report back to Councillors at a Councillor Information Session.

Following the May 2018 resolution, officers have amended the *Recording of Meetings Policy* to incorporate recording of the public gallery via the CCTV system in the Council Chamber for the purpose of public safety.

### **3. Discussion**

#### **3.1 Council Plan Alignment**

Goal 5 - Our well-governed and responsive organisation

Direction 5.4 - A responsive and well managed organisation

The recording and live streaming of Council meetings reflects Council's commitment to transparent decision making. The revised Policy also now provides for the recording of the public gallery by CCTV cameras for the purpose of enhancing public safety for all parties attending and/or participating in Council's decision making forum.

#### **3.2 Consultation/Internal Review**

Officers have considered the corresponding policies of the City of Whitehorse and the City of Glen Eira.

Officers have also undertaken internal consultation with the Community Buildings Department regarding the existing CCTV infrastructure in the Council Chamber.

#### **3.3 Operation and Strategic Issues**

##### **3.3.1 Distinction between the purposes of recording meetings**

To provide clarity for members of the public, the revised Policy has been separated into the following parts:

- **Part 1. Recording and Live Streaming of Meetings**  
This section refers only to the recording and live streaming of meetings for the purpose of providing transparency and accessibility to Council's decision making processes. The revised Policy maintains the intent of the existing Policy in that members of the public are not intended to be recorded subject to limited exceptions such as when members of the public are invited to address Council. Only minor changes have been made to this section in the revised Policy.
- **Part 2. CCTV Recording of the Public Gallery**  
This section refers only to the CCTV recording of the public gallery for the purpose of public safety. This section will be described in greater detail in part 3.3.2 of this report.



**3.3.2 Privacy considerations for CCTV recording of the public gallery**

In a report presented to the Ordinary Meeting of Council on 28 May 2018, the relevant privacy considerations were outlined for Council's consideration. The revised Policy seeks to address the requirements under the Information Privacy Principles in the Act:

- **Notification and Signage**  
The revised Policy specifies that visible signage will be displayed in the Council Chamber advising members of the public that CCTV cameras are in operation. Signage will align with existing Council signage regarding the use of CCTV cameras in public places within the City of Kingston for consistency.
- **Use and Disclosure**  
The revised Policy sets parameters for the disclosure of CCTV footage to a third party. Un-redacted access will be limited to requests from law enforcement agencies.
- **Data Security**  
The revised Policy sets a clear retention period of 30 days for footage obtained via CCTV cameras. Generally, such footage is temporary in nature and does not require long term retention.
- **Access and Correction**  
The revised Policy sets parameters around access to footage collected. In accordance with the Information Privacy Principles, where an organisation holds personal information about an individual it must provide access to the information upon request by the individual. There are a number of exceptions to this general rule, which are contained in IPP 6.  
  
The revised Policy outlines a process of application for access to footage. However, in practice, there will be some difficulty in providing footage to applicants as Council must maintain the privacy of other individuals captured in the recording. This can be achieved by some form of technical de-identification of people other than the applicant. The purchase of additional software or outsourcing of this task may be required.

**3.3.3 Sound recording capabilities**

During the proposed three month trial, the sound recording capabilities of the existing CCTV system in the Council Chamber will be tested. However, it is unlikely that audio of individual conversations within the public gallery will be captured given the capacity of the existing system. Outcomes of this aspect of the trial will be reported back to Councillors at a Councillor Information Session.

**4. Conclusion**

**4.1 Environmental Implications**

Not applicable.

**4.2 Social Implications**

Not applicable.

**4.3 Resource Implications**

Provision of CCTV footage to an individual could result in a cost to Council for the de-identification of other individuals who appear in the footage. This is discussed in part 3.3.2 of this report.

**4.4 Legal / Risk Implications**

The revised Policy addresses the privacy considerations of recording the public gallery and has been drafted in accordance with the Information Privacy Principles contained in the Act.

**Appendices**

Appendix 1 - Revised Recording of Meetings Policy August 2018 - Clean Copy (Ref 18/555126) [↓](#)

Appendix 2 - Revised Recording of Meetings Policy August 2018 - Marked Up Version (Ref 18/513228) [↓](#)

Author/s:	Stephanie O'Gorman, Governance Officer
Reviewed and Approved By:	Phil DeLosa, Manager Governance Paul Franklin, General Manager Corporate Services

# 11.7

## RECORDING OF PUBLIC GALLERY

1	Revised Recording of Meetings Policy August 2018 - Clean Copy .....	619
2	Revised Recording of Meetings Policy August 2018 - Marked Up Version.....	625



# Recording of Council Meetings Policy

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## 1 Document Control

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

RESPONSIBLE GENERAL MANAGER	General Manager Corporate Services
POLICY OWNER	Manager Governance
ADOPTED BY	Council on 24 September 2018
REVIEW DATE	30/09/2020
CM REF AND VERSION	13/75208 [v3]
VERSION HISTORY	This Policy Replaces Version Version 1- April 2014 Version 2 – 28 November 2016

## 2 Purpose

The 'Recording of Council Meetings Policy' (the Policy) provides information and procedures in relation to:

- the recording and live streaming of public meetings of Kingston City Council; and
- the recording of the public gallery via Closed Circuit Television (CCTV) cameras.

## 3 Scope

The Policy applies to all *meetings* of Kingston City Council.

## 4 Policy Details

Council has resolved to record, live stream and archive *meetings* on the internet that are open to the public, noting that *meetings* that are closed to the public in accordance with section 89(2) of the Act will be recorded and kept confidential. Part 1 of this Policy reflects Council's commitment to transparent and accessible decision making processes.

Council is also committed to the safety of members of the public in attendance at meetings and for this reason, CCTV systems will also be in operation to record the public gallery for the purpose of public safety. Part 2 of this Policy governs the use of CCTV systems at meetings.

### Part 1. Recording and Live Streaming of Meetings

#### 4.1.1 Scope

The recording and live streaming of meetings reinforces Council's commitment to transparency and accessibility in Council's decision making processes. This section outlines who will be recorded, when meetings will and will not be recorded and how recordings can be accessed.

#### 4.1.2 Councillors and Officers

All Councillors and Officers will be recorded when in attendance at public *meetings* of Council.

The default camera position will ensure that all Councillors present are in view throughout the *meeting*.

#### 4.1.3 Meetings open to the public

All public *meetings* of Kingston City Council will be recorded and live streamed on the internet unless Council resolves otherwise.

#### 4.1.4 Meetings closed to the public

- a. Where Council resolves to close the *meeting* to the public in accordance with section 89(2) of the Act, recording will continue but the *meeting* will cease to be live streamed on the internet.
- b. Officers will ensure that the appropriate recording devices are utilised when the *meeting* is closed to the public to ensure that the recording is not streamed on the internet.
- c. All *meetings* closed to the public will be recorded unless Council resolves otherwise.

- d. Items designated confidential under section 89(2)(a) personnel matters and section 89(2)(b) the personal hardship of any resident or ratepayer will not be recorded to respect the personal privacy of staff, residents and ratepayers.

#### 4.1.5 Public Gallery

- a. It is not intended that visitors in the public gallery be recorded and signage to this effect is to be visibly displayed in the foyer of the Council Chamber, which reads:

*"For the purposes of transparency, this public meeting is being recorded and streamed live on the internet. The recording will be archived and available on Council's website [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au). However, for the purpose of public safety, this public meeting is also being recorded via CCTV. All care is taken to maintain your privacy; however as a visitor in the public gallery, your presence may be recorded."*

- b. The Chairperson will read out the statement contained in clause 4.1.5(a) at the commencement of each meeting.

#### 4.1.6 Question Time

- a. It is practice for visitors at an Ordinary Meeting of Council to have the opportunity to submit a question during Question Time. The visitor should be present in the gallery when the question is read out and responded to.

Questioners will not be recorded in the public gallery subject to Part 2 of this Policy however their full name and where they are from will be read out and recorded during Question Time.

- b. If a visitor who asks a question does not wish for their full name to be read out this must be indicated in the appropriate section of the Question Form and only the visitors first name will be read out.

The visitor's full name and where they are from will continue to be recorded in the public minutes of the meeting.

#### 4.1.7 Members of the public addressing Council

- a. Members of the public who address Council or the Planning Committee either in support or objection of a Planning Application will be recorded. The following wording will appear in correspondence inviting applicants and objectors to address Council:

*"This public meeting is being recorded and streamed live on the internet. The recording will be archived and available on Council's website [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au). All care is taken to maintain your privacy; however as a visitor in the public gallery, your presence may be recorded."*

- b. By participating in a public Council meeting, members of the public agree to being recorded. In the event of exceptional circumstances rendering an individual unable to be recorded, it is at the Chairperson's absolute discretion to call for a motion to cease recording in accordance with clause 4.3 of this Policy.

#### 4.1.8 Archived Recordings

- a. All public meetings that are streamed live on the internet will later be archived on Council's website [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au). Due to the instantaneous nature of live streaming, there will be no editing of the contents of the recorded public meeting.

Bookmarks advising of the agenda items considered during the meeting will be added to the archived version of the recorded meeting to provide ease of navigation for viewers.

- b. Members of the public can access all recorded public meetings free of charge on Council's website [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au).
- c. Meetings closed to the public that have been recorded will be archived securely by the Governance Department to maintain the confidentiality of the information and will not be accessible to the public.
- d. Councillors wishing to access an archived recording of a meeting closed to the public can do so via the Governance Department.

## **Part 2. CCTV Recording of Meetings**

### **4.2.1 Scope**

Visitors in the public gallery *at meetings* will be subject to CCTV recording for the purpose of public safety. This practice is separate and distinct from the recording and live streaming of meetings. CCTV recording and any data obtained will be handled in accordance with the Information Privacy Principles contained in Schedule 1 of the Privacy and Data Protection Act 2014. At all times, Council will endeavor to balance the need for public safety with an individual's right to privacy.

### **4.2.2 Notification and Signage**

In accordance with IPP 1, visitors in the public gallery will be made aware of CCTV recording via signage visibly displayed in the Council Chamber.

Signage will include the following information:

- That CCTV surveillance is underway for the purpose of public safety;
- Identify Council as the owner of the CCTV system; and
- Reference to Council's website for further information.

The Chairperson will also read the Statement contained in Clause 4.1.5(a) at the commencement of each meeting.

### **4.2.3 Use and Disclosure**

In accordance with IPP 2, Council will only disclose CCTV records/footage to a third party in accordance with the primary purpose of collection and will only disclose footage for a secondary purpose where an exemption listed in IPP 2 applies, such as where required by a law enforcement agency.



#### 4.2.4 Data Quality

In accordance with IPP 3, Council will take reasonable steps to ensure that the CCTV recording that it collects, uses or discloses is accurate, complete and up to date.

#### 4.2.5 Data Security

- a. In accordance with IPP 4, Council will take reasonable steps to protect information gathered through the CCTV recording of visitors at meetings from misuse and inappropriate disclosure.
- b. CCTV footage will be retained for 30 days after each meeting. Where footage has been provided to a third party (e.g. Victoria Police) it will be the third party's responsibility to retain the records/footage in accordance with the disposal authority that covers their agency's functional responsibilities.
- c. Council will ensure its record keeping practices comply with the Public Records Office Standards for the management of public records, Public Records Office Specifications and the Public Records Act 1973 (Vic). In general, surveillance camera footage is temporary and only retained for 30 days after the meeting.

#### 4.2.6 Access and Correction

- a. In accordance with IPP 6, Council will provide access to the recording to individuals whose personal information is collected via CCTV recording upon request and within the 30 day retention period.
- b. Individuals seeking access to CCTV footage they appear in must make such applications in writing addressed to the Manager Governance. The application should include the following information:
  - The meeting the footage is requested for;
  - The applicant's contact details; and
  - A copy of photographic identification (for the purposes of identifying the applicant and to ensure the privacy of other attendees is protected)
- c. Footage will be provided to individuals provided it is within the 30 day retention period as per clause 4.2.5(b).
- d. To protect the privacy of other individuals captured in the recording, Council will de-identify images and sounds attributable to individuals other than the applicant. This will not occur where footage is requested from law enforcement agencies.

### 5 Human Rights Charter

This policy has been reviewed against and complies with the Charter of Human Rights and Responsibilities Act 2006.

### 6 Related Documents and Resources

#### Legislation / External Document

- *The Local Government Act 1989*
- *The Privacy and Data Protection Act 2014*

## 7 Definitions

<b>Word/Term</b>	<b>Definition</b>
<b>CCTV</b>	means Closed Circuit Television
<b>Council</b>	means the City of Kingston Council
<b>Meetings</b>	means Ordinary and Special Meetings of Council and Planning Committee Meetings
<b>Meetings closed to the public</b>	means meetings closed to the public on specified grounds by Council in accordance with section 89(2) of the Act
<b>Public meetings</b>	means Ordinary and Special Meetings of Council and Planning Committee Meetings which have not been closed to the public in accordance with section 89(2) of the Act



# Recording of Council Meetings Policy

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## 1 Document Control

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RESPONSIBLE GENERAL MANAGER	General Manager Corporate Services
POLICY OWNER	Manager Governance
APPROVED/ADOPTED BY	Council on Select date
EFFECTIVE DATE (If different from approval date)	Select date
SIGNATURE	
REVIEW DATE	30/09/2020
CM REF AND VERSION	13/75208 [v3]
VERSION HISTORY	This Policy Replaces Version <a href="#">Enter number</a> Version 1- April 2014 Version 2 – 28 November 2016

## 2 Purpose

The 'Recording of Council Meetings Policy' (the Policy) provides information and procedures in relation to:

- the recording and live streaming of public meetings of Kingston City Council; and
- the recording of the public gallery via Closed Circuit Television (CCTV) cameras.

## 3 Scope

The Policy applies to all *meetings* of Kingston City Council.

The Policy applies to the Councillors present at *meetings*. Council and it is intended that the default camera position will ensure that all Councillors present will be visible.

The Policy also applies to members of the public, both as visitors in the public gallery and as contributors to *meetings* the public meeting.

## 4 Policy Details

Council has resolved to record, live stream and archive ~~Ordinary, Special and Planning Committee~~ *mMeetings* on the internet that are open to the public, noting that *meetings* that are closed to the public in accordance with section 89(2) of the Act will be recorded and kept confidential. [Part 1 of this Policy](#) reflects Council's commitment to transparent and accessible decision making processes.

~~Council is also committed to the safety of members of the public in attendance at meetings and for this reason, CCTV systems will also be in operation to record the public gallery for the purpose of public safety. Part 2 of this Policy governs the use of CCTV systems at meetings.~~

### Part 1. Recording and Live Streaming of Meetings

#### 4.1.1 Scope

~~The recording and live streaming of meetings provides a high level of~~reinforces Council's commitment to transparency and accessibility ~~in~~ Council's decision making processes. This section outlines who will be recorded, when meetings will and will not be recorded and how recordings can be accessed.

#### 4.1.2 Councillors and Officers

~~Following Council's resolution to implement the recording and live streaming of public meetings,~~ All Councillors and Officers will be recorded when in attendance at public *meetings* of Council, commencing from the 22 July 2013 Ordinary Meeting of Council.

The default camera position will ensure that all Councillors present are in view throughout the *meeting*.

#### 4.1.3 Meetings open to the public

All public *meetings* of Kingston City Council will be recorded and live streamed on the internet unless Council resolves otherwise.

#### 4.1.4 Meetings closed to the public

- a. Where Council resolves to close the *meeting* to the public in accordance with section 89(2) of the Act, recording will continue but the *meeting* will cease to be live streamed on the internet.
- b. ~~It is the responsibility of o~~Officers ~~to will~~ ensure that ~~the~~ appropriate recording devices are utilised when the *meeting* is closed to the public to ensure that the recording is not streamed on the internet.
- c. All *meetings* closed to the public will be recorded unless Council resolves otherwise.
- d. Items designated confidential under section 89(2)(a) personnel matters and section 89(2)(b) the personal hardship of any resident or ratepayer will not be recorded to respect the personal privacy of staff, residents and ratepayers.

#### 4.1.5 Public Gallery

- a. It is not intended that visitors in the public gallery be recorded and signage to this effect is to be visibly displayed in the foyer of the Council Chamber, which reads:

*~~"For the purposes of transparency, t~~This public meeting is being recorded and streamed live on the internet. The recording will be archived and available on Council's website [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au). ~~However, for the purpose of public safety, this public meeting is also being recorded via CCTV-systems.~~ All care is taken to maintain your privacy; however as a visitor in the public gallery, your presence may be recorded."*

- b. ~~To ensure that people with a disability are aware of the recording and live streaming of Council meetings, t~~The Chairperson will read out the statement contained in clause ~~9.4.144.1.5(a)~~ at the commencement of each meeting.

#### 4.1.6 Question Time

- a. It is practice for visitors at an Ordinary Meeting of Council to have the opportunity to submit a question during Question Time. The visitor should be present in the gallery when the question is read out and responded to.

Questioners will not be recorded in the public gallery subject to Part 2 of this Policy however their full name and where they are from will be read out and recorded during Question Time.

- b. If a visitor who asks a question does not wish for their full name to be read out this must be indicated in the appropriate section of the Question Form and only the visitors first name will be read out.

The visitor's full name and where they are from will continue to be recorded in the public minutes of the meeting.

#### 4.1.7 Members of the public addressing Council

- a. Members of the public who address Council or the Planning Committee either in support or objection of a Planning Application will be recorded. The following wording ~~from clause 9.4.1 of the Policy~~ will appear in correspondence inviting applicants and objectors to address Council:

*"This public meeting is being recorded and streamed live on the internet. The recording will be archived and available on Council's website [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au). All care is taken to maintain your privacy; however as a visitor in the public gallery, your presence may be recorded."*

- b. By participating in a public Council meeting, members of the public agree to being recorded. In the event of exceptional circumstances rendering an individual unable to be recorded, it is at the Chairperson's absolute discretion to call for a motion to cease recording in accordance with clause 4.3 of this Policy.

#### 4.1.8 Archived Recordings

- a. All public meetings that are streamed live on the internet will later be archived on Council's website [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au). Due to the instantaneous nature of live streaming, there will be no editing of the contents of the recorded public meeting. Bookmarks advising of the agenda items considered during the meeting will be added to the archived version of the recorded meeting to provide ease of navigation for viewers.
- b. Members of the public can access all recorded public meetings free of charge on Council's website [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au).
- c. Meetings closed to the public that have been recorded will be archived securely by the Governance Department to maintain the confidentiality of the information and will not be accessible to the public.
- d. Councillors wishing to access an archived recording of a meeting closed to the public can do so via the Governance Department.

### Part 2. CCTV Recording of the Public Gallery Meetings

#### 4.9.2.1 Scope

Notwithstanding clause 4.1 of this Policy, visitors in the public gallery at meetings will be subject to CCTV recording for the purpose of public safety. This practice is separate and distinct from the recording and live streaming of meetings. CCTV recording and any data obtained will be handled in accordance with the Information Privacy Principles contained in Schedule 1 of the Privacy and Data Protection Act 2014. At all times, Council will endeavor to balance the need for public safety with an individual's right to privacy.

#### 4.10.2.2 Notification and Signage

In accordance with IPP 1, visitors in the public gallery will be made aware of CCTV recording via signage visibly displayed in the Council Chamber.

Signage will include the following information:

- That CCTV surveillance is underway for the purpose of public safety;
- Identify Council as the owner of the CCTV system; and
- Reference to Council's website for further information.

The Chairperson will also read the Statement contained in Clause 4.1.5(a) at the commencement of each meeting.

#### 4.11.2.3 Use and Disclosure

In accordance with IPP 2, Council will generally only disclose CCTV records/footage to a third party in accordance with the primary purpose of collection and will only disclose footage for a secondary purpose where an exemption listed in IPP 2 applies, such as where required by a law enforcement agency.



#### 4.12.2.4 Data Quality

In accordance with IPP 3, Council will take reasonable steps to ensure that the CCTV recording that it collects, uses or discloses is accurate, complete and up to date.

#### 4.13.2.5 Data Security

- a. In accordance with IPP 4, Council will take reasonable steps to protect information gathered through the CCTV recording of visitors at meetings from misuse and inappropriate disclosure.
- b. CCTV footage will be retained for 30 days after each meeting, unless otherwise required for legal reasons. Where footage has been provided to a third party (e.g. Victoria Police) it will be the third party's responsibility to retain the records/footage in accordance with the disposal authority that covers their agency's functional responsibilities.
- c. Council will ensure its record keeping practices comply with the Public Records Office Standards for the management of public records, Public Records Office Specifications and the Public Records Act 1973 (Vic). In general, surveillance camera footage is temporary and may be destroyed when any relevant administrative use has concluded, only retained for 30 days after the meeting.

#### 4.14.2.6 Access and Correction

- a. In accordance with IPP 6, Council will provide access to the recording to individuals whose personal information is collected via CCTV recording upon request and within the 30 day retention period.
- b. Individuals seeking access to CCTV footage they appear in must make such applications in writing addressed to the Manager Governance Department. The application should include the following information:
  - The meeting the footage is requested for;
  - The applicant's contact details; and
  - A copy of photographic identification (for the purposes of identifying the applicant and to ensure the privacy of other attendees is protected)
- a-c. Footage will be provided to individuals provided it is within the 30 day retention period as per clause 4.13.2.5(b).
- d. To protect the privacy of other individuals captured in the recording, Council will de-identify images and sounds attributable to individuals other than the applicant. This will not occur where footage is requested from law enforcement agencies.

## 5 Human Rights Charter

This policy has been reviewed against and complies with the Charter of Human Rights and Responsibilities Act 2006.

## 6 Related Documents and Resources

### Legislation / External Document

State here any Federal or State legislation, directives or guidelines, or any Council Local Law, which provides the broad framework in which this policy operates and with which it needs to comply. *The Local Government Act 1989*



- *The Privacy and Data Protection Act 2014*

## 7 Definitions

Include definitions for key terms and acronyms referred to in the policy. Ensure definitions are consistent with other Council documents.

Word/Term

**CCTV**

**Council**

**Meetings**

**Meetings closed to the public**

**Public meetings**

Definition

means Closed Circuit Television

means the City of Kingston Council

means Ordinary and Special Meetings of Council and Planning Committee Meetings

means meetings closed to the public on specified grounds by Council in accordance with section 89(2) of the Act

means Ordinary and Special Meetings of Council and Planning Committee Meetings which have not been closed to the public in accordance with section 89(2) of the Act

# Ordinary Meeting of Council

24 September 2018

Agenda Item No: 11.8

## AUSTRALIA DAY BREAKFAST OPTIONS

Contact Officer: Keryn Fisher, Program Leader Communications and Events

### Purpose of Report

The purpose of this report is to present options to deliver the Australia Day Breakfast event, this follows a request from Council in July to review the current approach to the event.

### 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.

### OFFICER RECOMMENDATION

That Council:

1. Receive the information;
2. Modify the delivery of the Australia Day Breakfast event to increase the focus on new citizens and community participation in the event.

### 1. Executive Summary

At the 23 July Ordinary Council Meeting, Council requested a review of the format and focus of the Australia Day Breakfast to have a greater emphasis on the Citizenship Ceremony while retaining the Citizen and Community Group of the Year Awards.

Currently the Australia Day Breakfast is an invite only sit down breakfast event at Kingston City Hall. This event incorporates the City of Kingston Australia Day Awards Ceremony and one of the City of Kingston Citizenship Ceremonies.

Approximately 300 guests attend this event made up of Councillors, local MP's, Award nominees and various other local VIP's. This number also includes 10 – 15 new citizens, and their guests, who undertake Australian Citizenship. The wider community is not currently invited to the event.

The broader community had an opportunity to celebrate Australia Day at the Globe to Globe World Music Festival. But with Globe to Globe not taking place in 2019, further options to celebrate Australia Day with greater community involvement have now been considered for the breakfast.

### 2. Background

At the 23 July Ordinary Council Meeting, Council resolved:

**City of Kingston  
Ordinary Meeting of Council**

**Agenda**

**24 September 2018**

*Change the format and the focus of the Australia Day Breakfast to have a greater emphasis on the Citizenship ceremony while retaining the Citizen and Community Group of the Year Awards as the key awards to be presented at the event to be held on Australia Day at the Kingston City Hall and that a further report be considered by Council at CIS during September 2018.*

Currently the Australia Day Breakfast is an invite only sit down breakfast event at Kingston City Hall. This event incorporates the City of Kingston Australia Day Awards Ceremony and one of the City of Kingston Citizenship Ceremonies. Approximately 300 people attend this event made up of the following guests:

Group	Approx. no. of attendees
Councillors (table of up to 10 each)	90
Local MP's (up to four guests)	30
Australia Day Award recipients	40
Community Group representatives (including Lions, Rotary, Historical Societies, Advisory Committees, Probus )	40
Australia Day Award nominees and nominators	25
New Citizens and their guests	20
OAM's	20
VIP's (Junior Mayor, Performers)	20
Australia Day Award past winners	15

Members of the community are represented by a small number of groups including Lions, Rotary, Historical Societies, Advisory Committees and Probus; the wider community is not currently invited to the event.

The broader community celebrated Australia Day at the Globe to Globe World Music Festival as it has been delivered on Australia Day each year for a number of years. Attendance at this event has slowly been decreasing due in part to Australia Day falling on a long weekend, and to it competing with a range of other community events.

### **3. Discussion**

#### **3.1 Council Plan Alignment**

Goal 3 - Our connected, inclusive, healthy and learning community

Direction 3.4 - Promote an active, healthy and involved community life

By increasing local community involvement at the Australia Day Breakfast it provides an opportunity for connection and celebration and welcomes our new citizens to the Kingston community.

#### **3.2 Consultation/Internal Review**

The Festival and Events Advisory Committee is supportive of continuing to deliver an event on Australia Day at Kingston City Hall and are supportive of increasing community participation at the event.

The Department of Immigration, Citizenship and Multicultural Affairs expects that we provide an opportunity for 1,000 new citizens annually to undertake Australian Citizenship. This is currently achieved by delivering six ceremonies each year.

**3.3 Operation and Strategic Issues**

**3.3.1 Number of Citizenship Ceremonies**

The Department of Immigration, Citizenship and Multicultural Affairs expects that we will provide an opportunity for 1,000 new citizens annually to undertake Australian Citizenship.

We currently hold between five and six ceremonies each year with a maximum of 200 candidates attending each ceremony.

In recent years the number of candidates nominated by the Department has been declining, and throughout 2018 the number of candidates at each ceremony has fallen well below the maximum of 200 candidates.

If the number of new citizens are increased at the Australia Day Breakfast event, and if this trend from the Department continues, Council will be able to meet the expectation for new citizens over four events each year.

**3.3.2 Council run Australia Day community celebration**

The community has lost an opportunity to celebrate Australia Day in a local setting due to Globe to Globe World Music Festival not taking place in 2019.

By providing 80 seats to the local Kingston community to attend the Australia Day Breakfast and Citizenship Ceremony at the City Hall, the community are provided with an opportunity to participate in a council run Australia Day event.

By opening up the event to the public we will avoid any negative comment or media feedback over reduced Australia Day activities.

**3.3.3 City of Kingston Australia Day Awards**

Seven nominations for Citizen of the Year and 11 nominations for the Community Group of the Year awards were received in 2018.

By continuing to award both the Citizen of the Year and Community Group of the Year Award at the Breakfast event it provides an opportunity for the event to continue to focus on celebrating Australia Day.

**3.4 Options**

**3.4.1 Option 1**

Deliver the Australia Day breakfast with theatre style seating for the formal proceedings, including both the Australia Day Awards (Citizen of the Year and Community Group of the Year) and the Citizenship Ceremony.

This will be followed by buffet style brunch where some seating will be provided at round tables in the Banquet Room. The Banquet Room will be opened up to the Grand Hall to allow for a flow of people between the two areas.

This approach allows for a significant increase in community participation and a greater focus on the Citizenship Ceremony, it would see an increase in the total number of guest to 600, made up of the following groups:

**City of Kingston  
Ordinary Meeting of Council**

**Agenda**

**24 September 2018**

Group	Approx. no. of attendees
New Citizens and their guests (est. 80 new citizens & 160 guests)	240 <i>(increase)</i>
Councillors (up to 10 each)	90 <i>(no change)</i>
Local community invitees <i>(to be promoted directly to community)</i>	80 <i>(increase)</i>
Local MP's (up to four guests)	30 <i>(no change)</i>
Australia Day Award recipients	40 <i>(no change)</i>
Community Group representatives <i>(including Lions, Rotary, Historical Societies, Advisory Committees, Probus etc )</i>	40 <i>(no change)</i>
Australia Day Award nominees and nominators	25 <i>(no change)</i>
OAM's	20 <i>(no change)</i>
VIP's <i>(Junior Mayor, Performers)</i>	20 <i>(no change)</i>
Australia Day Award past winners	15 <i>(no change)</i>

**3.4.2 Option 2**

Deliver the Australia Day breakfast in its current format and limit the numbers to 300 participants. This will see no increase in the number of new citizens and no option to invite local community members.

**4. Conclusion**

The current delivery of the Australia Day Breakfast event limits both community and new citizen participation. With Globe to Globe not being delivered in 2019, consideration should be given to offering the local community an Australia Day celebration. By opening up the event to the public, we will avoid any negative comment or media feedback over reduced Australia Day activities.

**4.1 Environmental Implications**

NA

**4.2 Social Implications**

By opening up the event to the public and increasing the number of new citizens we continue to provide the local community with a council run Australia Day celebration.

**4.3 Resource Implications**

Either option will ensure the event can be delivered within the current \$30,000 budget allocation.

**4.4 Legal / Risk Implications**

NA

Author/s: Keryn Fisher, Program Leader Communications and Events  
Reviewed and Approved By: Paul Franklin, General Manager Corporate Services

## **14. Confidential Items**

## **14 Confidential Items**

The following items were deemed by the Chief Executive Officer (and/or delegate) to be suitable for consideration in closed session in accordance with section 89 (2) of the Local Government Act 1989. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

**14.1 Notice of Motion No. 28/2018 - Cr Staikos - Reappointment of Mr John Nevins as Chief Executive Officer**

*Agenda item 14.1 Notice of Motion No. 28/2018 - Cr Staikos - Reappointment of Mr John Nevins as Chief Executive Officer* is designated confidential as it relates to personnel matters (s89 2a)

**14.2 Heritage Overlay - Pompei's Marine Boat Works and Landing**

*Agenda item 14.2 Heritage Overlay - Pompei's Marine Boat Works and Landing* is designated confidential as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**14.3 July 2017 to May 2018 (2017/18) CEO Performance Review**

*Agenda item 14.3 July 2017 to May 2018 (2017/18) CEO Performance Review* is designated confidential as it relates to personnel matters (s89 2a)

### **Confidential Appendices**

**9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of Tender Process**

*Appendix 1, Edithvale LSC - Tender Evaluation Matrix* is designated confidential as it relates to (s89 2d)

**9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of Tender Process**

*Appendix 3, Letter from Edithvale Life Saving Club regarding concerns on impacts of work programme - August 2018* is designated confidential as it relates to (s89 2d)

**9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of Tender Process**

*Appendix 4, Con 18/70 - comparison of all tender breakdowns against budget allocation - september 2018* is designated confidential as it relates to (s89 2d)

**9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of Tender Process**

*Appendix 5, Certificate of OHS Compliance - 2Construct Pty Ltd - September 2018* is designated confidential as it relates to (s89 2d)

**9.3 Appointment of Members to the Youth Advisory Committee**

*Appendix 2, Youth Advisory Committee - Legal Advice - s77 Confidential Information* is designated confidential as it relates to (s89 2f,h)



**10.2 Contract 18-3 Road Resurfacing Works**

*Appendix 1, Contract 18-3 Road Resurfacing Works Evaluation Matrix is designated confidential as it relates to (s89 2d)*

**10.2 Contract 18-3 Road Resurfacing Works**

*Appendix 5, Contract 18-3 Detailed Cost Estimates is designated confidential as it relates to (s89 2d)*

**10.4 Tender Evaluation Report for Mentone Renaissance Stage 2 – Shopping Centre Streetscape Works**

*Appendix 2, Contract 18-69 - Tender Evaluation Matrix is designated confidential as it relates to (s89 2d)*

**10.5 Heatherton Park Cap Rectification Works**

*Appendix 1, CON-18/59 Heatherton Park Landfill Cap Remediation Tender Evaluation Report is designated confidential as it relates to (s89 2d)*

**RECOMMENDATION**

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

**14.1 Notice of Motion No. 28/2018 - Cr Staikos - Reappointment of Mr John Nevins as Chief Executive Officer**

*This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to personnel matters (s89 2a)*

**14.2 Heritage Overlay - Pompei's Marine Boat Works and Landing**

*This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)*

**14.3 July 2017 to May 2018 (2017/18) CEO Performance Review**

*This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to personnel matters (s89 2a)*

**Confidential Appendices**

**9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of Tender Process**

**Appendix 1, Edithvale LSC - Tender Evaluation Matrix**

*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)*

**9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of Tender Process**

**Appendix 3, Letter from Edithvale Life Saving Club regarding concerns on impacts of work programme - August 2018**

*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)*

- 9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of Tender Process**  
**Appendix 4, Con 18/70 - comparison of all tender breakdowns against budget allocation - september 2018**  
*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)*
- 9.2 CON 18/70 Construction of Edithvale Life Saving Club - Result of Tender Process**  
**Appendix 5, Certificate of OHS Compliance - 2Construct Pty Ltd - September 2018**  
*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)*
- 9.3 Appointment of Members to the Youth Advisory Committee**  
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- 10.2 Contract 18-3 Road Resurfacing Works**  
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- 10.2 Contract 18-3 Road Resurfacing Works**  
**Appendix 5, Contract 18-3 Detailed Cost Estimates**  
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- 10.5 Heatherton Park Cap Rectification Works**  
**Appendix 1, CON-18/59 Heatherton Park Landfill Cap Remediation Tender Evaluation Report**  
*This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)*