

Responses to Public Questions Taken on Notice  
Strategy and Policy Review Committee Meeting – 6 April 2009

Shane Dowling asked the following questions regarding the proposed Kyme Place Rooming House Development:

1. Was there a tendering process for the development of this site? How many tenders were received? If more than one, who were they?

*A previous Expression of interest was advertised 30 September 2000 – 6 submissions received  
“Request for Proposal” issued to three selected EOIs - 20 November 2000  
Council selected a preferred developer - 25 June 2001  
Council completes public process for sale on 24 March 2003 – no submissions received  
Council withdraws from sale rescinding previous resolution – 23 July 2007  
There was no tender process for the current proposal.*

2. Can council confirm that both Gary Spivak and Darren Ray were both on the board of directors of the Port Phillip Housing Association (PPHA) prior to and during the tendering process?

Yes.

3. The original report recommending proceeding with the PPHA planning submission dated 7 April 2008 was co-authored by Gary Spivak, a director of PPHA whilst also employed as the housing development officer for the CoPP. Does the current council believe this is appropriate given the clear conflict of interest?

*The provisions of the Local Government Act 1989 applying at the time (sections 77A to 81), did not apply to members of Council staff but related to Councillors and members of special committees.*

4. Does the current council concur with the previous council's decision to refer this matter to a Section 86 Panel?

*The decision of the previous Council was lawfully commenced and will be allowed to continue.*

5. When will council provide answers to individual's questions raised in submissions and at council meetings on the 19 May 2008 and 2 June 2008 respectively?

*Council resolved on 23 June to advise all persons who had made a submission of its decision and the reasons for it.*

6. How many times has the Section 86 committee met and on what dates? Are the minutes of those meetings available for inspection?

*One previous meeting on October 7, 2008. Minutes are publicly available on Council's website.*

7. Why has the Section 86 committee failed to consult with objectors prior to council staff making a recommendation to the committee?

*The Committee will consider public submissions, together with an officer report, on 20 April 2009.*

8. Does the current council believe that all objectors should be engaged in consultation prior to the final decision? If so, when will this occur?

*The planning application has been through 2 public advertising processes, relating to the original and modified proposal. The Committee also received a briefing on the application at a public session on October 7, 2008. Objectors have a right to speak at their submissions at the section 86 committee meeting on 20 April 2009.*

9. Will council clarify when the decision will be made in respect of this application?

*The Committee has the capacity to make the decision on 20 April 2009.*

10. What are the specific plans to provide alternative parking given the reduction of 1/3 of the current capacity?

*Twelve additional spaces are proposed, 10 of which have recently been created on street in the vicinity of the subject site and a further two that relate to the potential removal of the existing car park accessway.*

11. In the current proposed plans, will there be any alterations to the existing parking conditions/restrictions?

*This matter will be considered by the Committee*

12. Where will 40+ rubbish bins be placed for collection?

*This matter will be considered by the Committee*

13. What provisions have been made to facilitate the collection of commercial waste collected on a daily basis?

*This matter will be considered by the Committee*

14. The original proposal stated the sale of "air-space" protecting the original car park. However the submitted plans result in only 2/3 of the land remaining for car parking and 1/3 being used by the proposed development. Given this is a deviation from the original plans, is this acceptable to council given it is council owned land?

*Any consideration in relation the land would be subject to a separate process subject to the resolution of the planning matter.*

15. Does the current council propose to rely on 10-year old data in relation to the vehicle ownership by rooming house residents?

*This matter will be considered by the Committee*

16. Will council make available the final copy of the environmental report?

*The final Environmental Site Assessment report was compiled by GHD in May 2006. It contains disclaimers as to its use to avoid misinterpretation as follows; It was written in relation to a specific project (3 storey residential with basement and ground level car parking) that has since lapsed. Should only be used for other purposes by a competent person with experience in environmental investigations.*

*The report comes with the rider that it should not be reproduced or amended in any way without prior approval of GHD. GHD does not want the report released because it relates to a specific project which has since lapsed, it is now aged in relative terms for investigations of this type and therefore is open to misinterpretation.*

17. Is there a construction management plan available for review?

*This matter will be considered by the Committee*

18. Will council clarify the issue of ownership regarding the two properties – 2/63 Carlisle Street St Kilda and Units 1 & 2, 144 Nott Street, Port Melbourne?

*Council is the registered proprietor of both properties which were purchased with the help of state government funding for social housing outcomes.*

*The Office of Housing provided 90% of the funds required for the purchase of 2/63 Carlisle Street, St Kilda. Through the funding agreement, the Office of Housing has the ability to recoup its share of the proceeds from any sale and to be registered as mortgagee.*

*The flats at 144 Nott Street, Port Melbourne were previously committed to the social housing program (PPHA) by Council resolution.*

19. How much did council receive and for how many car spaces from any persons for the Kyme Place car park?

*The cash-in-lieu scheme was a cash contribution made by developers to Council in lieu of car parking spaces that could not be provided but were required under the planning scheme. Cash-in-lieu contributions were pooled and applied to various car parking projects and therefore it is not possible to provide the detail requested.*

20. In view of matters raised, Port Melbourne Alliance would like to invite councillors to visit the site to gain an understanding and appreciation of the issues in respect of this development.

David Linden-Smith asked the following questions regarding the site of the proposed Kyme Place Rooming House Development:

I understand GHD drilled the site back in 2004 to determine what levels of toxins were present:

1. What were the results?

*Soil and groundwater contamination was identified*

2. Where can I get the results?

*The final Environmental Site Assessment report was compiled by GHD in May 2006. It contains disclaimers as to its use to avoid misinterpretation as follows;*

- *It was written in relation to a specific project (3 storey residential with basement and ground level car parking) that has since lapsed.*
- *Should only be used for other purposes by a competent person with experience in environmental investigations.*
- *The report comes with the rider that it should not be reproduced or amended in any way without prior approval of GHD. GHD does not want the report released because it relates to a specific project which has since lapsed, it is now aged in relative terms for investigations of this type and therefore is open to misinterpretation.*

3. Should the EPA have concerns and should they have been consulted?

*The Environmental Site Assessment was conducted in accordance with State Environment Protection Policy (2002) enforceable under Section 16 of the Environment Protection Act 1970*

4. Is ongoing EPA compliance being adhered to?

*There are no known issues in relation to ongoing EPA compliance*

5. How independent is GHD as a drill contractor and what is their experience in this field?

*GHD is believed to be a suitably qualified and experienced contractor in the field of environmental Investigations*

6. Was there a council representative on the site at the time of drilling?

*It is not known but it is doubtful that a Council representative would be required on the site at the time of drilling.*

7. Can we access data and history of the foundry?

*The GHD report does not indicate that the site was used as a foundry.*

8. Is the current environment safe and what is in place to make sure contamination is not spreading or going to spread?

*It is believed that the land can be safely used as a car park. The source of contamination is not known but is expected to be related to historical site uses and possibly related to an adjoining site (former petroleum service station).*

9. Is there any oil seepage from the car park built up over time in the soil?

*It is not known*

10. Why was a previous development around the time of drilling stopped? Was it the cost to rehabilitate the area or was the area too toxic to develop after the results?

*The prospective purchaser failed to sign a contract of sale.*

11. What is the cost to rehabilitate or prevent contamination spreading if a development was granted?

*This is not known*

Adrian Jackson asked if council would:

1. Consider exercise stations for adults on the foreshore?

*The Parks and Open Spaces department is currently investigating the viability, demand and options for adult exercise stations on the foreshore.*

2. Consider teaching children on bikes road rules by setting up a mini street setting?

*The City of Port Phillip Cycle Plan strongly supports cycling development in the form of infrastructure provision, education and awareness, and promotion for all cyclists including learners, commuters, recreational and training cyclists. Direct support through the City of Port Phillip Schools Sustainable Transport Officer is provided to our 7 primary schools to assist cycling participation and safety. Partnering successful programs such as BikeED, Ride to School Day and Healthy Travel Day events all assist to raise awareness of road rules and safety.*

Peter Tsetis asked the following questions regarding Lady Foster Kindergarten:

1. Why is the council pursuing this proposed plan when the current LFK committee, parents and other concerned community members have rejected this (refer to LFK petition)?

*The report to the Strategy and Policy Committee has three options for council to consider. All options include the continuation of Lady Forster Kindergarten. The council has a responsibility to consider the long term needs of a community and*

oversee the management of public land and community facilities. The views of Lady Forster Kindergarten have changed over time with the changes of committee members.

2. What legal rights does council have if in fact the LFK committee and parents reject this proposal?

*The council report details three options for the use of public land, all of which include Lady Forster Kindergarten continuing. The council has a responsibility to consider the long term needs of a community and oversee the management of public land and community facilities. The state government is the legal authority which determines who is the committee of management of public land. Their determination can change as community needs change.*

3. Are there any alternative proposals that Council may seek if in fact the current proposal involving LFK is rejected?

*The report to council has three options included, all of which include the continuation of Lady Forster Kindergarten.*

*One of the options is on council managed public land next to Lady Forster Kindergarten, to develop a single purpose facility to provide a permanent location for the Albert Park College Childcare Centre.*

Jim Coates asked the following questions regarding Lady Foster Kindergarten:

1. How many preschool places (including both kindergarten and childcare) are currently available in both Lady Forster Kindergarten and Albert Park College Childcare and how many places will be available in the proposed new childcare facility created under each of the options?

*Currently Lady Forster Kindergarten is licensed for 50 places  
Albert Park College Childcare is licensed for 35 places.*

*Under the various options the following would occur:*

*Option 1 (three parcels of land)*

<i>LFK</i>	<i>50 licensed places</i>
<i>APCCC + additional long day care places + playgroups</i>	<i>100 licensed places</i>

*Option 2 (one parcel – COPP develop own Crown land holding, no change to LFK)*

<i>LFK</i>	<i>50 licensed places</i>
<i>APCCC</i>	<i>40 licensed places</i>

*Option 3 (2 parcels – COPP and LFK back block)*

<i>LFK</i>	<i>50 licensed places</i>
<i>APCCC + additional long day care</i>	<i>68 licensed places</i>

2. Why has the option of taking part of the park (also Crown Land) to the south not been put forward?

*No option to take part of Lagoon Reserve has been considered, as council's open space policy regards parkland highly. The three parcels of public land immediately adjacent to Lagoon Reserve have space to cater for an integrated family & children's centre.*

3. Have any negotiations been undertaken with Port Melbourne Primary School to permanently locate the new early childhood hub on PMPs grounds and why was this option not discussed?

*The Port Melbourne Primary School is located on a tightly held block of land, and is under increasing pressure to meet a growing population. The location of the APCCC to the site was always regarded as temporary and council has been provided funding from the Department of Education to provide a permanent facility on this basis.*

4. Why was this meeting held during school holidays and at extremely short notice?

*The report was introduced into the Strategy and Policy Committee meeting as part of council's normal meeting cycle. This committee makes no decisions, but makes a recommendation for Council to consider at its Ordinary Meeting, which is held on the fourth Monday of each month. Council will make a decision on this report at the Ordinary Meeting on Monday 27 April. Public comment can be made at this meeting.*

*All council reports are available to the public the Friday before the meeting. Members of the public were advised this report would be coming up prior to its availability online.*

*Council acknowledges the holiday timing was unfortunate, but the increasing urgency of finding a permanent location for Albert Park College Childcare Centre meant it could not be delayed.*

Andrew Cocking asked the following questions regarding Lady Foster Kindergarten:

1. Will Council assure that the Lady Forster Kindergarten (LFK) current philosophies such as play-based learning remain?

*All options in the report include the continuation of Lady Forster Kindergarten as a community managed kindergarten, run independently of local government. Therefore the philosophies remain a matter for the Committee to determine.*

2. If the philosophies or standing practices of the LFK and that of Council and Education Department conflict, will the Philosophies of the LFK take precedence? IE will children still be permitted to climb trees? Will children be allowed to play outside without having to wear shoes if that is their wish?

*The council report is about public land and options available to develop that land. All options include the continuation of Lady Forster Kindergarten as a Community Managed entity. The report proposes options that would change the committee of management status on the public land only.*

3. Do you think this is a reasonable expectation to have the proposed Hub completed by October 2010, given that the displaced secondary school children of the area have waited years for their school to even start being constructed?

*Albert Park College Childcare Centre was located at the Albert Park College, and has been displaced since the closure of the college. The council is endeavoring to relocate the APCCC to a permanent facility to re-open in conjunction with the new school.*

4. What plans has Council in place to cater for children for the period of time when the current LFK is decommissioned?

*The report has three options, two of which would have no impact on Lady Forster's current building.*

*If relocation was required, Council has undertaken significant capital works in the past, and relocated services many times over the past 5 years, always working closely with families on this process. We have always been able to provide alternative accommodation for both council and community run services that meet the operational & programming requirements of the individual services if this was required.*

*Enrolments remain a matter for the kindergarten.*

Kathy Hondrogiannis asked the following questions regarding the Lady Forster Kindergarten:

1. Is Council alleging incompetence of the running of Lady Forster Kindergarten?  
Where is the evidence?
2. What is the reason for this action by Council?

*All options presented in the Council report include the continuation of the Lady Forster Kindergarten, which is highly regarded in the community.*

Wendy-Jane Anderson asked the following questions regarding the Lady Forster Kindergarten:

1. In reference to Item 1.2 of the report, who is asking Council to assume control of the land currently controlled by Lady Forster Kindergarten (LFK)?

*The report recommends Council ask the State Government to transfer control of public land currently under the management of Lady Forster Kindergarten to Council.*

2. In reference to Item 2.1 of the report, what does COPP identify as the History and traditions of LFK?

*Lady Forster Kindergarten has operated in Port Phillip for over 80 years. It is much loved by the community for its provision of kindergarten education.*

3. In reference to Item 5.15 of the report, what Policies/Traditions of LFK does COPP recognise as being consistent with COPP, State and Federal government policies on the provision of quality education, health & care of families and children?

*Federal, state and council policies seek high quality education & care outcomes for children aged 0-6. LFK delivers on these policies through the provision of high quality care and education for children aged 3-6 and those aged higher in its vacation care program.*

4. In reference to Item 5.1.3 of the report, what attempts beside LFK's attendance at 2 steering Committee meetings and private meeting with Mayor and Councillors including Greg Wood, has COPP made to engage LFK in the consultation process?

*Council has been involved in discussions with Lady Forster on its building renewal needs for the past five years, including Lady Forster providing council with a masterplan in 2005 for building renewal over the three parcels of land. There have been at least 22 times when council and Lady Forster have met or corresponded on this topic.*

5. In reference to Item 3.9 of the report, what other attempts has COPP made to ensure a successful outcome for all stakeholders in the discussions with LFK? How many Councillors have visited LFK?

*Council has consulted with all services users via the Steering Committee as to how such a centre could be designed to improve services over the life of a family. Deputy Mayor Judith Klepner and Councillor Janet Bolitho are very familiar with Lady Forster Kindergarten, having both sent their children to Lady Forster.*

6. In reference to Item 3.10 of the report, what were dates and what are the minuted outcomes of the discussions between COPP and families at APCCC?

*Albert Park College Childcare Centre is represented on the Steering Committee and their families have been consulted via APCCC nominated representatives.*

7. In reference to Item 3.11 of the report, how many other locations in Port Melbourne has the COPP identified as having facilities for playgroups? How many playgroups currently operate in Port Melbourne? How many rostered playgroups (Occasional Child Care Model) operate in COPP?

*There are five locations playgroups currently operate from, two of which include a secure outdoor space immediately adjacent to the playgroup meeting room. All locations and number of groups meeting there are listed below.*

Port Melbourne					
Port Melb Trugo	Port Melb Hub	Port Melb NH	Port Melb U/Church	Sandridge Trugo	Total
1	6	1	2	1	11

*For rostered playgroup the operations in CoPP are as follows:*

- 1 x Rostered Playgroup operates out of the Port Melbourne Hub for 2 hours on a Weds 10am – 12pm.*
- 2 x Occasional care services – 1 operating out of Port Melbourne Hub (Southport Playhouse) and 1 operating out of Elwood St Kilda Learning Centre.*

8. In reference to Item 3.13 of the report, if the COPP MEYP plan has identified – quote – the importance of maximizing children's access to the natural environment and Open Space as a key determinate in improving child development, health and

wellbeing – how will removing an open play space from one group of children at LFK be of any benefit to these children and does COPP have any impact studies on affects of this removal on the children?

*If the recommended option is adopted, all children accessing the hub will have access to double the open space required under regulations.*

9. In reference to Item 5.3.4 of the report, if the hub is located at 85 Liardet Street is a double storey facility – how does this not meet the Federal and State government broad reform agenda?

*Section 5.3.4 mentioned above states “A variation of this option would be to build a two storey building. This would allow for playgroups to be included but has the disadvantages of additional expense (lift etc) and a two storey building in the park precinct.” Depending on configuration a two storey building may meet policy outcomes, however there is ample space across three parcels of public land to avoid a two storey building on this location.*

10. In reference to Items 5.2.4, 5.2.5 and 5.3.4 of the report, why is a 2 storey building not consistent with its proximity to Lagoon Reserve when one side of Lagoon Reserve is occupied by multiple multi storey buildings?

*The proposed location is part of public land reservations, including Lagoon Reserve. Council values public parkland, and does not have a policy of building multi-storey buildings on parkland.*

*The multiple storey apartment buildings referred to are not located on the reserve itself.*

11. In reference to Item 5.3.3.3 of the report, what is the COPP’s purpose in including a comparison of the assumed outdoor play space between APCCC and LFK?

*Both APCCC and LFK are regulated and licensed under the same Department of Education and Early Childhood Development (DEECD) regulations. The comparison has been provided to show there is a substantial public land allotment that could increase the numbers of children using the site if all parcels were combined and still provide outdoor play space double that required by regulations.*

12. In reference to Item 5.6.4 of the report, why does the COPP want to disadvantage the human rights of LFK families and children by removing their existing outdoor play area?

*In all options LFK families and children have access to outdoor play areas exceeding that required by regulations.*

13. In reference to Item 5.7.3 of the report, what process is COPP putting into place to repair the damage to existing strong neighbourhood partnerships if the COPP proposal to adversely possess the site from LFK succeeds?

*The site is public land and its use as a kindergarten will continue.*

*Strong neighbourhood partnerships are enhanced in the hub concept, through provision of early years care and learning services from one location, rather than operating in isolation from one another. Research shows integrated early years services provide positive outcomes for communities, particularly disadvantaged and vulnerable families.*

*Council encourages Lady Forster Kindergarten to engage on this concept, as it has reiterated in meetings with Lady Forster Kindergarten's President and Director over the past 12 months. Lady Forster Kindergarten has been represented, and continues to be represented on the Steering Committee attached to this project.*

14. In reference to Item 3.15 of the report, COPP assumes that LFK needs soil redemption – have COPP sent a written request to LFK asking about the soil quality?

*The issue of soil quality was raised at the Steering Committee meeting on 19 March 2009. LFK advised the steering committee that the LFK site has no soil remediation issues. Council officers, since the Strategy and Policy Review Committee meeting of 6 April, have written to LFK about whether they have had their soil tested.*

15. In reference to Item 4.6.1 of the report, has COPP investigated the possibilities with the Department of Sustainability and Environment to have a very small parcel of Lagoon Reserve transferred to Management of COPP to extend the site at 85 Liardet Street to which would be the best outcome for all the stakeholders?

*No consultation with the community has been undertaken regarding Lagoon Reserve, as council's open space policy regard parkland highly. The three parcels of public land immediately adjacent to Lagoon Reserve have space to cater for an integrated family & children's centre.*

16. In reference to Item 4.6.1 of the report, have the COPP commissioned any surveys with Lagoon Reserve tenants and public users as to their opinion on the use of a small parcel of the reserve to create a larger play space for the children at APCCC. (With regard to COPP green and open space policy there is a park across the road – Edwards Park – which has family friendly facilities and is the preference for outdoor play. Lagoon reserve is a dog off leash park and utilised by sporting clubs.)

*No consultation with the community has been undertaken regarding Lagoon Reserve, as council's opens space policy regard parkland highly. The three parcels of public land immediately adjacent to Lagoon Reserve have space to cater for an integrated family & children's centre.*

17. In reference to Item 5.3.3.4 of the report, Council has stated in 3 sections that the building at LFK is declining in quality or has a limited lifespan, what documentation does COPP have to support this claim?

*Council has a copy of a Masterplan produced by architects acting for LFK in 2005 which has plans for rebuilding over the three parcels of land concerned in this report, and notes the LFK building is "in very poor condition". The masterplan was provided to Council by LFK in 2005.*

18. In reference to Item 5.1.6.2 of the report, COPP states 68 long day care places – does this mean 118 children will use the site for playing all day every day? Or does the 68 include LFK long day places?

*The 68 long day care places include APCCC places.*

19. In reference to Item 5.1.3 of the report, why has COPP not been successful in engaging LFK parents and Management in the project?

*Lady Forster Kindergarten withdrew from the Liardet St Family & Children's Centre Steering Committee in December 2008, however a council resolution of 18 December 2008 ensured kindergarten representatives were welcome to continue to participate in the Steering Committee for the project. LFK representatives attended the Steering Committee of 19 March 2009.*

20. In reference to Item 5.1.7.3 of the report, the play area of 2000sqm for use by 118 children on a daily basis – what is the actual breakdown of the allocated play areas to the different facilities and will fences be placed to separate the play areas therefore negating the Open Space policy of the MEYP plan for the COPP? LFK has no internal fenced play space and complies with MEYP.

*No plans have been produced for any options. The space breakdown was simply to demonstrate what may fit on site. The Steering Committee has been appointed by Council to provide advice on the design and configuration of the centre. Representatives of the Lady Forster Kindergarten Committee of Management are members of the Steering Committee and can provide this advice.*

21. In reference to Item 5.1.7.6 of the report, what are the Sustainable design features of the new building? What is the carbon footprint regarding the sustainability of the materials used in the construction process?

*No building or plans have been developed, beyond the space options produced in the report. The project aims to achieve Greenstar accreditation, which seeks to optimise the use of materials and design in a way to maximise its environmental efficiencies and operation. However sustainable design features that are included will be a matter for consideration by the Steering Committee.*

22. In reference to Item 5.2.3.5 of the report, COPP again makes an unsubstantiated statement about the declining LFK building and also makes a claim that it has prior knowledge that any funding LFK may seek from 3 tiers of government would not be available. What information does COPP have to back up this claim?

*The report at 5.2.3.5 states: "This option does not address the declining quality of the Lady Forster Kindergarten building. It is unlikely that any additional funding would be available in the foreseeable future from any of the three tiers of government for rebuilding the kindergarten."*

*Council has no knowledge of whether funding for a building for LFK would be available, but merely notes the fact that three levels of government are all contributing to fund a new building for early years services. This is very rare.*

*The reference to a declining building is based on information that has been provided by Lady Forster Kindergarten to the Council.*

23. In reference to Item 5.2.3.6 of the report, how long is the foreseeable future in actual measurable terms?

*The section referred to above reflects the rare nature of the funding that has been made available for this project from the State and Federal governments.*

24. In the original funding submission to both State and Federal government, was it written that COPP had management rights for the 3 sites in Liardet Street or was it made clear in the submission that 2 parcels in the site were under the management of LFK? And only 1 site was under management of COPP? Was it written that the funding for this Hub be only linked to the Liardet Street site or available to any site deemed suitable by COPP?

*The funding submission was for the Liardet St site. Management status of the land is relevant to the extent it provides authority to create an integrated family and children's centre in line with the funding provided.*

25. What other sites have been identified by COPP as suitable for this Hub?

*No other sites are suitable for this hub as an integrated family & children's centre. Privately held land that may be of a suitable size is prohibitively expensive to acquire for such a development.*

26. At the Steering Committee meetings why was COPP's intention to adversely possess the LFK site not made clear by Greg Wood?

*It had been council's intention to work in partnership with Lady Forster Kindergarten. The LFK committee is now saying that they do not want to be part of the project, so council is now considering seeking transfer of management of the land to council so the project can proceed. The kindergarten and childcare services would continue to be community managed in the new building. Management status of the land is relevant to the extent it provides authority to create an integrated family and children's centre in line with the funding provided.*

27. What safety precautions will the Council implement to protect the decontaminated land at LFK and the health and wellbeing of the staff, children and families and neighbours of the site when the site soil is being moved and the buildings being demolished which possibly contain asbestos?

*For demolition – A safety plan will be prepared and approved and the workers are suitably clothed and the area is restricted. The material is placed into secure enclosed containers or direct to trucks and transported to disposal off site. The air on the site is constantly monitored until the demolition is complete and the results are submitted to the EPA for acknowledgment. No external bodies are allowed on site during the demolition stage.*

*For soil disposal – A disposal plan is prepared and agreed by EPA. The plan agreed to depends on the rating of the soil, after extensive testing. Council has commenced testing at 85 Liardet St.*

28. What compensation structure is in place for families and neighbours who suffer any cross contamination from this process to their land or buildings and adverse

health problems initiated by the decontamination of the site and the demolition and building process?

*Council has done soil testing at 85 Liardet St. Any work Council undertakes will be carried out in strict accordance with regulations.*

Michele Williams asked the following questions regarding Lady Forster Kindergarten:

1. On several occasions the paper states that the Federal Government, the State Government and the City of Port Phillip has committed \$4.5 million to the construction of the community centre on the land comprising 85 Liardet Street and the LFK land. Is this factually correct?

*The City of Port Phillip, together with Federal and State governments have contributed \$4.5M for a new Family and Children's Centre in Liardet St, Port Melbourne.*

2. LFK had no understanding that the funding was based on the takeover of its land – why has it not previously been informed of this?

*It had been council's intention to work in partnership with Lady Forster Kindergarten. The LFK committee is now saying that they do not want to be part of the project, so council is now considering seeking transfer of management of the land to council so the project can proceed. The kindergarten and childcare services would continue to be community managed in the new building. Management status of the land is relevant to the extent it provides authority to create an integrated family and children's centre in line with the funding provided.*

3. Where and when was it stated that the funding was given on this basis?

*A joint local, state and federal funding package for the Family & Children's centre was announced in a media release issued by Member for Albert Park Martin Foley on 6 February 2009.*

4. Equally the paper states that if the council is not able to use the LFK land, it will result in the loss of the federal funding – how can this be the case?

*All land referred to in the report is public land.*

*The conditions of Federal funding are to increase long day places and the provision of integrated early years learning and care services, such as kindergarten, maternal & child health, and community spaces for networks such as playgroup. This can only be achieved in Option One.*

5. Why would the federal government provide funding on the basis of a false assumption that the council has control over the LFK land?

*The Council submission was for an integrated Family & children's centre at Liardet St in conjunction with Lady Forster Kindergarten.*

6. Shouldn't the Council have properly obtained funding on the basis of the land over which it currently has control?

*The funding is for an early learning and care centre based on public land, and provision of kindergarten through Lady Forster Kindergarten as a community managed kindergarten will continue under this proposal.*

7. Has the Council misled the Federal government into providing this funding?

*Council's submission for federal funding was to deliver an integrated Family & Children's centre at Liardet St.*

8. Further, 5.3.3.5 states that the option that does not involve the LFK land is "inconsistent with Federal government funding" – what are the conditions of their funding, why was LFK not made aware of those conditions if it involves their land?

*The conditions of Federal funding are to increase long day places and the provision of integrated early years learning and care services, such as kindergarten, maternal & child health, and community spaces for networks such as playgroup. Research shows integrated early years services provide positive outcomes for communities, particularly disadvantaged and vulnerable families.*

9. What community consultation has the Council carried out with respect to this proposal?

*The Steering Committee attached to this process has representatives from key user groups including Lady Forster Kindergarten, Albert Park College Childcare Centre and Playgroups. Representatives have been asked to facilitate feedback with their service user groups so that it is incorporated into this project.*

10. If the Council resolves to pass this recommendation LFK wants to know what its rights to be heard by Council are and also what the Council proposes to do with the LFK children for the period?

*Public comment can be made at the Ordinary Meeting of Council on Monday 27 April from 6pm in the St Kilda Town Hall Council Chamber.*

*Council has undertaken significant capital works for Children's Services in the past and relocated services many times over the past 5 years, always working closely with families on this process. We have always been able to provide alternative accommodation for both council and community run services that meet the operational & programming requirements of the individual services if this was required.*

11. What is the appeal process that is available to the kindergarten?

*Council is not aware of the appeal process.*

Russell Crowe asked the following questions regarding Lady Forster Kindergarten:

1. How does Council propose to recognise the history and traditions of the LFK since the proposal is to demolish the current building, cut down existing trees, take away current open space and completely change 80 plus years of history and tradition of LFK?

*In all options Lady Forster Kindergarten will continue as a community managed kindergarten.*

2. Why should LFK disclose any funding or their need to replace their current building?

*Lady Forster Kindergarten is under no obligation to disclose funding or need to replace their current building, but council's report has been informed by advice provided by Lady Forster Kindergarten to council in 2005 that their building was in "very poor condition" and had a lifespan of up to 10 years.*

3. How will open space be maximized in the context of this development, when open space will actually be taken away?

*An integrated family & children's centre will increase the number of children and families who can access services over the life of a family. By combining all three parcels of public land, children accessing the centre will have, as a minimum, double the amount of outdoor play space required under regulations.*

4. How will maximum play space be achieved?

*The space options are noted in the report and the maximum play spaces are noted in the various options. Configuration and design of such play spaces is something the Steering Committee can provide advice to council on, and no such discussions have commenced.*

Joanna Peterson asked the following questions regarding Lady Forster Kindergarten:

1. How has natural justice and procedural fairness been met given proposed timeframes?

*Council has had a number of communications with members of the Lady Forster Kindergarten committee over the past five years. This includes a number of meetings over the past 12 months on this proposal with the President and Director of Lady Forster Kindergarten.*

2. What representations were made to Federal and State government to obtain a commitment to funding when no agreement had been reached with LFK?

*Council's submission for federal funding was to deliver an integrated Family & Children's centre at Liardet St.*

3. Council has resolved to support continuity of the features of LFK – will this include the fees which are significantly less than Council childcare?

*As all options include the continuation of Lady Forster Kindergarten as a community managed kindergarten, settings of fees is something that remains in the hands of the Committee of Lady Forster Kindergarten.*

4. Were remediation costs included in the proposal for funding and if not, why not?

*Yes, remediation costs have been factored into the proposal.*

5. How is the proposal that LFK cater to 113 children consistent with the interests of LFK as it doesn't have any children under 3 at present?

*The integrated family & children's Centre proposal provides a home for the existing 50 places at Lady Forster Kindergarten, managed by its own committee.*

*Additional registered places for long day care and playgroup would be run under the auspices of those community organisations, each programming their services according to their own philosophies.*

Clinton Ford asked the following questions regarding Lady Forster Kindergarten:

1. What option studies, other than the use of the land surrounding LFK and affecting LFK, have actually been investigated by the Council?

*No studies have been conducted as parkland is a highly valued space in Port Phillip. Combining the three existing parcels of public land adjacent to Lagoon Reserve has enough space to deliver an integrated family & children's centre.*

2. What is the Council's position regarding the use of part of the Lagoon Reserve for the establishment of a Family and Children's Centre and hence significantly enhance the viability of option 2 and option 3?

*Parkland is a highly valued space in Port Phillip, and combining the three existing parcels of public land adjacent to Lagoon Reserve would enable the aspirations of an integrated centre to deliver services over the life of a family to occur.*

3. What space evaluation studies have been conducted on the Lagoon Reserve to understand, if any, the impact of utilizing a portion of the open space to establish a "worth while" Children's Centre?

*No studies have been conducted as parkland is a highly valued space in Port Phillip. Combining the three existing parcels of public land adjacent to Lagoon Reserve has enough space to deliver an integrated family & children's centre.*

4. Does the Council endorse the significant loss of creative play space for LFK children, currently at an average of 54 sqm per child to an average of 17 sqm – some 68% space loss per child under the proposed option?

*Combining three parcels of public land provides more children the chance to share creative play space as part of an integrated Family & Children's Centre. Children from Lady Forster Kindergarten, as well as Albert Park College Childcare would be able to use the ample open space on the three parcels of land for learning and play in accordance with the educational and operational philosophies of their respective management.*

5. If Council were to develop a Family and Children Centre in replacement of LFK, what commitment do they have to maintain the same fee structure and price point for services offered?

*As all options include the continuation of Lady Forster Kindergarten as a community managed kindergarten, settings of fees is something that remains in the hands of the Committee of Lady Forster Kindergarten.*

6. Does the council feel any reputation risk in disenfranchising the more than 100 parents and residents whose children will be affected by such operational changes?

*Under the proposal there are no operational changes to how the services of kindergarten and childcare would operate, as they would continue to be community managed services.*

7. What is Council's plan to accommodate the more than 50 children who will be displaced by the development at LFK? What quality of interim services can be offered and how as parents will we have our choice of difference maintained?

*Council has undertaken significant capital works for Children's Services in the past and relocated services many times over the past 5 years, always working closely with families on this process. We have always been able to provide alternative accommodation for both council and community run services that meet the operational & programming requirements of the individual services if this was required.*

*Staging the project to minimize disruption to families and children may also be a possibility.*

Megan Williams asked the following question regarding Lady Forster Kindergarten:

1. In reference to Item 5.6.4 of the report, please explain how family and children's human rights would be adversely affected if LFK remained as is?

*Research shows integrated early years services provide positive outcomes for communities, particularly disadvantaged and vulnerable families. Combining the three parcels of public land provides all families in the area with access to the advantages an integrated service provides, in looking after a family over its life. Options of less than three parcels of land do not have enough space to provide an integrated service, and preclude access to all families of these benefits.*

Kerry Ruse asked the following questions regarding Lady Forster Kindergarten:

1. What will the Council do to guarantee another comparable experience for my daughter to that of my son who attended LFK?

*In all options Lady Forster Kindergarten will continue to operate as a community managed kindergarten.*

2. What other options have been explored rather than taking away what is so clearly a much loved and valued kindergarten?

*Space in Port Melbourne is at a premium. There are very few space options that are also close and convenient to the Port Melbourne centre, and combining three parcels of public land for this use provides ample space for all children to enjoy high quality early years care and learning.*

3. Why, in an area that is clearly short of quality childcare places, does the only option appear to be to interfere with (at the protest of all LFK stakeholders) what has been a successfully run traditional kindergarten for the past 80 years?

*The report to council has three options included, all of which include the continuation of Lady Forster Kindergarten as a community managed kindergarten.*

Note on Acronyms:

APCCC	Albert Park College Childcare Centre
COPP	City of Port Phillip
LFK	Lady Forster Kindergarten