

Agenda

Ordinary Meeting of Council

Monday, 26th March 2018

Commencing at 7.00pm

Council Chamber
1230 Nepean Highway, Cheltenham

kingston.vic.gov.au

John Nevins
Chief Executive Officer
Kingston City Council

**City of Kingston
Ordinary Meeting of Council**

Agenda

26 March 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, 26 March 2018.

1. Apologies

2. Confirmation of Minutes of Previous Meetings

Minutes of Ordinary Council Meeting 26 February 2018

Minutes of Special Council Meeting 13 March 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

Presentation of Customer Commitment from Community Panel

6. Reports from Delegates Appointed by Council to Various Organisations

7. Question Time

8. Planning and Development Reports

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13. Urgent Business

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14.1 2016/17 CEO Performance Review

14.2 Notice of Motion No. 7/2018 - Cr West - Mentone Hotel

14.3 Notice of Motion No. 9/2018 - Cr West - Mentone Hotel

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Confidential Attachments

11.3 Confidentiality Status of Legal Proceedings Matter

Appendix 1 Confidential Resolution - Special Meeting of Council - 22
November 2017

11.6 Re-appointment of External Members to the Audit Committee - Claire
Filson and Hugh Parkes

Appendix 1 Claire Filson CV - Kingston March 2018

11.6 Re-appointment of External Members to the Audit Committee - Claire
Filson and Hugh Parkes

Appendix 2 Hugh Parkes Curriculum Vitae - March 2018

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.

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

Ordinary Meeting of Council

26 March 2018

Agenda Item No: 8.1

TOWN PLANNING APPLICATION DECISIONS - JANUARY 2018

Contact Officer: Carly De Mamiel, Senior Customer Liaison and Administration Officer

Town Planning Application Decisions – January 2018

Approved By: Jonathan Guttmann - General Manager, Planning & Development

Author: Ian Nice – Manager, City Development

Attached for information is the report of Town Planning Decisions for the month of January, 2018.

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	74	81
Notice of Decision	8	9
Refusal to Grant a Permit	3	3
Other - Withdrawn (4) - Prohibited (0) - Permit not required (0) - Lapsed (1) - Failure to Determine (1)	6	7
Total	91	100

(NB: Percentage figures have been rounded)

OFFICER RECOMMENDATION

That the report be noted.

Appendices

Appendix 1 - Town Planning Application Decisions January 2018 (Trim No 18/23340) [↓](#)

Author/s: Carly De Mamiel, Senior Customer Liaison and Administration Officer

Reviewed and Approved By: Naomi Crowe, Team Leader City Development Administration

8.1

TOWN PLANNING APPLICATION DECISIONS - JANUARY 2018

1	Town Planning Application Decisions January 2018	9
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Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-528/2016	1 Moola Court	CHELTENHAM	11/07/2016	2/01/2018	Develop the land for the construction of up to forty-nine (49) dwellings in a three (3) to four (4) storey building and the removal of an easement	Permit Issued	No
KP-548/2017	376 Warrigal Road	HEATHERTON	18/07/2017	2/01/2018	Use the land for the sale and consumption of liquor (Restaurant and Café Licence) associated with the use of the land as a Convenience Restaurant.	Permit Issued	No
KP-709/2017	5 Citrus Street	BRAESIDE	12/09/2017	2/01/2018	Develop the land for the construction of a storage shed	Permit Issued	No
KP-947/2017	44B Bulli Street	MOORABBIN	7/12/2017	3/01/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-847/2017	14 The Crescent	HIGHETT	2/11/2017	3/01/2018	Develop the land for the construction of Three (3) double storey dwellings	Failure to Determine	No
KP-693/2017	Unit 1 10 Burns Avenue	CLAYTON SOUTH	11/09/2017	3/01/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-948/2017	Unit 1 45 Laura Street	ASPENDALE	7/12/2017	3/01/2018	Develop the land for the construction of alterations and additions to an existing dwelling on a lot less than 300m2	Withdrawn	No
KP-52/2005/A	69 Davey Street	PARKDALE	26/10/2017	3/01/2018	TWO (2) DWELLINGS	Permit Issued	No
KP-186/2017	34 Dahmen Street	CARRUM	14/03/2017	4/01/2018	Develop the land for the construction of five (5) dwellings and reduction of the visitor parking requirement in a Special Building Overlay	Refused	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-883/2017	11A Mena Avenue	CHELTENHAM	10/11/2017	4/01/2018	Develop the land for the construction of a first floor addition to an existing dwelling	Withdrawn	No
KP-813/2017	3-17 Taylor Street	PARKDALE	20/10/2017	5/01/2018	Proposed Second Storey Extension	Permit Issued	No
KP-671/2017	Shop 1007W 1156 Nepean Highway	CHELTENHAM	30/08/2017	5/01/2018	Use of land for the sale of packaged liquor	Permit Issued	No
KP-150/2015/A	7 Woods Avenue	MORDIALLOC	11/12/2017	5/01/2018	Develop the land for the construction of four (4) dwellings	Permit Issued	No
KP-789/2017	26 Tarella Road	CHELSEA	13/10/2017	5/01/2018	Subdivide the Land into Three (3) Lots	Permit Issued	No
KP-917/2017	64 Railway Parade	HIGHETT	28/11/2017	5/01/2018	Subdivide the land into twenty-four (24) lots	Permit Issued	No
KP-895/2016	31 Milan Street	MENTONE	22/10/2016	5/01/2018	Develop the land for the construction of four (4) double storey dwellings	Permit Issued	Yes
KP-921/2017	42 Milton Avenue	CLAYTON SOUTH	29/11/2017	5/01/2018	Subdivide the Land into Four (4) Lots	Permit Issued	No
KP-997/2017	11 Marina Road	MENTONE	21/12/2017	5/01/2018	Develop the land for the construction of a single dwelling in an SBO	Permit Issued	No
KP-992/2017	25 Dahmen Street	CARRUM	21/12/2017	5/01/2018	Building and works in the Special Building Overlay	Permit Issued	No
KP-35/2016/B	215 Chesterville Road	MOORABBIN	31/10/2017	8/01/2018	Develop the land for the construction of a mixed use development comprising eight retail premises and twenty five dwellings, use the land for retail premises, reduce the car parking requirement and waive the loading bay requirement	Lapsed	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-119/2016	26 Clydebank Road	EDITHVALE	25/02/2016	8/01/2018	To construct two or more dwellings on a lots. To construct a building and construct or carry out works	Permit Issued	Yes
KP-855/2017	45 Tennyson Avenue	CLAYTON SOUTH	6/11/2017	8/01/2018	Subdivide the Land into Four (4) Lots	Permit Issued	No
KP-773/2017	13 Clipper Island	PATTERSON LAKES	10/10/2017	8/01/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-376/2017/A	50 Berry Avenue	EDITHVALE	21/11/2017	8/01/2018	Develop the land for the construction of two (2) double storey dwellings	Permit Issued	No
KP-377/2017	2 Maury Lane	CHELSEA	19/05/2017	9/01/2018	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-274/2017	50 Elliot Street	MORDIALLOC	13/04/2017	9/01/2018	Develop the land for the construction of one (1) double storey dwelling to the rear of the existing dwelling on land affected by a Special Building Overlay	Permit Issued	No
KP-412/2017	52 Royena Road	MOORABBIN	31/05/2017	9/01/2018	Develop the land for the construction of two (2) double storey dwellings	Permit Issued	No
KP-728/1997/A	61 Golden Avenue	CHELSEA	18/10/2017	10/01/2018	Buildings and works to an existing dwelling comprising garage and renovation to existing dwelling	Permit Issued	No
KP-409/2017	13 Southern Road	MENTONE	1/06/2017	10/01/2018	Develop the land for the construction of three (3) double storey dwellings	Permit Issued	No
KP-373/2017	27 Burns Avenue	CLAYTON SOUTH	19/05/2017	10/01/2018	Develop the land for the construction of four (4) dwellings	Permit Issued	No
KP-477/2011/A	1027 Nepean Highway	MOORABBIN	29/11/2017	10/01/2018	Development of the land for the construction of eight (8) dwellings & to alter access to a Road in a Road Zone Category 1.	Permit Issued	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-24/2018	3 557 Lower Dandenong Road	DINGLEY VILLAGE	9/01/2018	11/01/2018	Construction of a verandah in the Special Building Overlay	Permit Issued	No
KP-21/2018	9 Marina Road	MENTONE	8/01/2018	11/01/2018	Develop the land for the construction of a single storey dwelling in the Special Building Overlay	Permit Issued	No
KP-738/2017	32 Emma Street	CARRUM	22/09/2017	12/01/2018	Develop the land for the construction of one (1) double storey and one (1) single storey dwelling on the land	Permit Issued	No
KP-582/2017	4 Stanton Street	HIGHETT	31/07/2017	15/01/2018	Develop the land for the construction of two (2) double storey dwellings	Permit Issued	No
KP-19/2018	43 Third Street	PARKDALE	8/01/2018	15/01/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-972/2017	189 Chesterville Road	MOORABBIN	14/12/2017	15/01/2018	Subdivide the Land into Six (6) Lots	Permit Issued	No
KP-696/2017	432 Station Street	BONBEACH	11/09/2017	16/01/2018	Subdivide the Land into Five (5) Lots	Permit Issued	No
KP-502/2017	15 Foy Avenue	CHELSEA	4/07/2017	16/01/2018	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-529/2017	37 Cannes Avenue	BONBEACH	10/07/2017	16/01/2018	Develop the land for the construction of three (3) dwellings	Permit Issued	No
KP-654/2017	28 French Avenue	EDITHVALE	24/08/2017	16/01/2018	Develop the land for the construction of two (2) double storey dwellings	Permit Issued	No
KP-941/2016	1 60 Oakes Avenue	CLAYTON SOUTH	11/11/2016	16/01/2018	Develop the land for the construction of three (3) double storey dwellings	Permit Issued	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-799/2016	1242A Centre Road	CLAYTON SOUTH	28/09/2016	16/01/2018	Develop the land for the construction of three (3) dwellings	Permit Issued	No
KP-25/2018	15A The Crescent	HIGHETT	10/01/2018	16/01/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-1030/2016	6 Grey Street	PARKDALE	8/12/2016	17/01/2018	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-898/2017	23-25 The Parade	CLARINDA	21/11/2017	17/01/2018	Subdivide the Land into Five (5) Lots	Permit Issued	No
KP-135/2017	15 Dingley Court	DINGLEY VILLAGE	23/02/2017	17/01/2018	Develop the land for the construction of one (1) dwelling to the rear of an existing	Permit Issued	No
KP-542/2017	15 Rica Street	MOORABBIN	12/07/2017	17/01/2018	Develop the land for the construction of two (2) double storey dwellings	Permit Issued	No
KP-282/2017	79 Berry Avenue	EDITHVALE	18/04/2017	17/01/2018	Develop the land for the construction of three (3) dwellings	Permit Issued	No
KP-31/2018	20 Melaleuca Drive	CARRUM	16/01/2018	17/01/2018	Develop the land for the construction of building and works on land within a Special Building Overlay	Permit Issued	No
KP-32/2018	27 Plaza Crescent	DINGLEY VILLAGE	16/01/2018	17/01/2018	Develop the land for the construction of building & works on land within a Special Building Overlay	Permit Issued	No
KP-922/2014/A	132-136 Keys Road	CHELTENHAM	19/10/2017	18/01/2018	Develop the land for the construction of 24 warehouses and use the land for a food and drinks premises and office, a reduction to the car parking and loading bay requirements, and creation of access to a Road Zone Category 1 in a Special Building Overlay	Permit Issued	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-487/2008/C	5 Swanston Street	MENTONE	11/12/2017	18/01/2018	FIVE DWELLINGS	Permit Issued	No
KP-579/2017	127-129 Keys Road	MOORABBIN	28/07/2017	18/01/2018	Develop the land for the construction of a warehouse and to create or alter access to a road in a Road Zone, Category 1	Permit Issued	No
KP-820/2017	515 Highett Road	HIGHETT	23/10/2017	18/01/2018	The sale and consumption of liquor on the premises and a wavier of the car parking requirement associated with the use of the land as a food and drink premises	Permit Issued	No
KP-581/2016/A	1 236-238 Balcombe Road	MENTONE	2/01/2018	18/01/2018	Develop the land for the construction of seven (7) dwellings and alter access to a Road Zone Category 1	Permit Issued	No
KP-927/2017	32 McLeod Road	CARRUM	30/11/2017	19/01/2018	Subdivide the Land into Four (4) Lots	Permit Issued	No
KP-931/2017	48 Walkers Road	CARRUM	4/12/2017	19/01/2018	Subdivide the Land into Three (3) Lots	Permit Issued	No
KP-734/2017	15 1-3 James Street	MORDIALLOC	20/09/2017	19/01/2018	Develop the land for a dwelling extension on a lot less than 300 sqm and on common property	Permit Issued	No
KP-404/2017	39 Walkers Road	CARRUM	30/05/2017	22/01/2018	Develop the land for the construction of three (3) dwellings	Notice of Decision	No
KP-392/2017	6 Page Street	CHELTENHAM	26/05/2017	22/01/2018	Develop the land for the construction of three (3) double storey dwellings on land affected by a Special Building Overlay	Notice of Decision	No
KP-286/2015/A	7 Wordsworth Avenue	CLAYTON SOUTH	17/11/2017	22/01/2018	Develop the land for the construction of four (4) double storey dwellings	Permit Issued	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-8/2018	1 Brady Avenue	CLAYTON SOUTH	4/01/2018	23/01/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-929/2010/C	8 Cochranes Road	MOORABBIN	23/06/2017	23/01/2018	Use the Land for a place of assembly and tavern and the sale and consumption of liquor with a reduction in car parking and buildings and works	Notice of Decision	No
KP-457/2017	5 Hicks Street	PARKDALE	16/06/2017	23/01/2018	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-872/2010/D	307 Station Street	CHELSEA	22/01/2018	24/01/2018	Development of a three storey building containing 24 dwellings and a car parking reduction	Permit Issued	No
KP-37/2018	6 Marina Road	MENTONE	18/01/2018	24/01/2018	Develop the land for the construction of alterations & additions on land within a Special Building Overlay	Permit Issued	No
KP-740/2014/A	150 Rosebank Avenue	CLAYTON SOUTH	30/08/2017	24/01/2018	Develop the land for two (2) shops, seven (7) dwellings, a reduction of the car parking requirement and waiver of loading and unloading of vehicles requirement	Notice of Decision	No
KP-824/2017	58 Viney Street	CLARINDA	26/10/2017	24/01/2018	Develop the land for the installation and display of business identification signage (internally illuminated)	Permit Issued	No
KP-197/2017	12A Breeze Street	BONBEACH	14/03/2017	24/01/2018	Develop the land for the construction of three (3) double storey dwellings	Notice of Decision	No
KP-762/2017	25 Canterbury Road	BRAESIDE	3/10/2017	24/01/2018	Develop the land for an extension to an existing office and reduction in associated car parking requirements	Permit Issued	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-438/2007/A	294 Charman Road	CHELTENHAM	27/11/2017	24/01/2018	Use the land for the sale and consumption of liquor in a licensed premises (cafe and restaurant license)	Permit Issued	No
KP-372/1997/A	1A Lagoon Place	PATTERSON LAKES	24/11/2017	24/01/2018	Additional bedroom to existing dwelling	Permit Issued	No
KP-260/2004/A	26 Bondi Road	BONBEACH	18/12/2017	25/01/2018	CONSTRUCT FOUR DWELLINGS	Permit Issued	No
KP-39/2018	3 Ashlar Road	MOORABBIN	18/01/2018	25/01/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-1078/2016	13-15 Chesterville Road	CHELTENHAM	22/12/2016	25/01/2018	Develop the land for the construction of an eleven storey mixed use building comprising up to 93 dwellings, 6 offices and reduction in car parking requirements	Permit Issued	No
KP-50/2018	18 Fourth Avenue	ASPENDALE	23/01/2018	25/01/2018	Develop the land for the construction of one (1) dwelling on land within a Special Building Overlay	Permit Issued	No
KP-38/2018	4 Albenca Street	MENTONE	18/01/2018	29/01/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-381/2008/A	1 Watkins Street	ASPENDALE	7/07/2017	29/01/2018	Amending the plans for alterations and additions to the existing double-storey (with basement) dwelling, including an extended first floor living area and new open pergola on the rooftop terrace	Withdrawn	No
KP-832/2017	75 Bay Trail	MENTONE	27/10/2017	30/01/2018	Removal of native vegetation and alter access to a Road Zone, Category 1	Notice of Decision	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-566/2017	36 Northcliffe Road	EDITHVALE	20/07/2017	30/01/2018	Develop the land for the construction of two (2) double storey dwellings and one (1) single storey dwelling	Permit Issued	No
KP-909/2017	33 Levanswell Road	MOORABBIN	23/11/2017	30/01/2018	Use the land for manufacturing sales, buildings and works, signage and a liquor licence	Withdrawn	No
KP-539/2017	3 2-6 Hartwood Court	CHELSEA HEIGHTS	12/07/2017	30/01/2018	to use the land for industry and to Construct and carry out works (Flue)	Permit Issued	No
KP-968/2016	17 Avon Street	MOORABBIN	21/11/2016	30/01/2018	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-1084/2016	26 Gothic Road	ASPENDALE	23/12/2016	31/01/2018	Develop the land for the construction of eight (8) dwellings	Refused	No
KP-437/2017	1 Janice Avenue	CHELTENHAM	9/06/2017	31/01/2018	Develop the land for the construction of three (3) double-storey dwellings	Refused	No
KP-565/2013/A	524A Nepean Highway	BONBEACH	20/09/2017	31/01/2018	Use the land for the sale and consumption of liquor (General Licence) and to develop the land for the construction of an extension to an existing cafe/restaurant, with a reduction of the car parking requirements	Permit Issued	No
KP-150/2017	11 Village Drive	DINGLEY VILLAGE	1/03/2017	31/01/2018	Develop the land for the construction of two (2) dwellings	Notice of Decision	No
KP-28/2017	96 Ella Grove	CHELSEA	18/01/2017	31/01/2018	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-387/2017	21 Silver Street	CHELTENHAM	24/05/2017	31/01/2018	Develop the land for the construction of one (1) dwelling to the rear of the existing dwelling and alterations to the existing dwelling	Notice of Decision	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-419/2006/A	Lot 1 Victory Road	CLARINDA	1/04/2015	31/01/2018	The use and development of this site for the purpose of a solid inert waste landfill and increased pre and post settlement contours	Permit Issued	Yes

Ordinary Meeting of Council

26 March 2018

Agenda Item No: 8.2

TOWN PLANNING APPLICATION DECISIONS - FEBRUARY 2018

Contact Officer: Carly De Mamiel, Senior Customer Liaison and Administration Officer

Town Planning Application Decisions – February 2018

Approved By: Jonathan Guttmann - General Manager, Planning & Development

Author: Ian Nice – Manager, City Development

Attached for information is the report of Town Planning Decisions for the month of February, 2018.

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	98	73
Notice of Decision	25	18
Refusal to Grant a Permit	3	2
Other - Withdrawn (3) - Prohibited (0) - Permit not required (1) - Lapsed (5) - Failure to Determine (0)	9	7
Total	135	100

(NB: Percentage figures have been rounded)

OFFICER RECOMMENDATION

That the report be noted.

Appendices

Appendix 1 - Town Planning Application Decisions February 2018 (Trim No 18/23340) [↓](#)

Author/s: Carly De Mamiel, Senior Customer Liaison and Administration Officer

Reviewed and Approved By: Naomi Crowe, Team Leader City Development Administration

8.2

TOWN PLANNING APPLICATION DECISIONS - FEBRUARY 2018

1	Town Planning Application Decisions February 2018	23
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Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-528/2016	1 Moola Court	CHELTENHAM	11/07/2016	2/01/2018	Develop the land for the construction of up to forty-nine (49) dwellings in a three (3) to four (4) storey building and the removal of an easement	Permit Issued	No
KP-548/2017	376 Warrigal Road	HEATHERTON	18/07/2017	2/01/2018	Use the land for the sale and consumption of liquor (Restaurant and Café Licence) associated with the use of the land as a Convenience Restaurant.	Permit Issued	No
KP-709/2017	5 Citrus Street	BRAESIDE	12/09/2017	2/01/2018	Develop the land for the construction of a storage shed	Permit Issued	No
KP-947/2017	44B Bulli Street	MOORABBIN	7/12/2017	3/01/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-847/2017	14 The Crescent	HIGHETT	2/11/2017	3/01/2018	Develop the land for the construction of Three (3) double storey dwellings	Failure to Determine	No
KP-693/2017	Unit 1 10 Burns Avenue	CLAYTON SOUTH	11/09/2017	3/01/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-948/2017	Unit 1 45 Laura Street	ASPENDALE	7/12/2017	3/01/2018	Develop the land for the construction of alterations and additions to an existing dwelling on a lot less than 300m2	Withdrawn	No
KP-52/2005/A	69 Davey Street	PARKDALE	26/10/2017	3/01/2018	TWO (2) DWELLINGS	Permit Issued	No
KP-186/2017	34 Dahmen Street	CARRUM	14/03/2017	4/01/2018	Develop the land for the construction of five (5) dwellings and reduction of the visitor parking requirement in a Special Building Overlay	Refused	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-883/2017	11A Mena Avenue	CHELTENHAM	10/11/2017	4/01/2018	Develop the land for the construction of a first floor addition to an existing dwelling	Withdrawn	No
KP-813/2017	3-17 Taylor Street	PARKDALE	20/10/2017	5/01/2018	Proposed Second Storey Extension	Permit Issued	No
KP-671/2017	Shop 1007W 1156 Nepean Highway	CHELTENHAM	30/08/2017	5/01/2018	Use of land for the sale of packaged liquor	Permit Issued	No
KP-150/2015/A	7 Woods Avenue	MORDIALLOC	11/12/2017	5/01/2018	Develop the land for the construction of four (4) dwellings	Permit Issued	No
KP-789/2017	26 Tarella Road	CHELSEA	13/10/2017	5/01/2018	Subdivide the Land into Three (3) Lots	Permit Issued	No
KP-917/2017	64 Railway Parade	HIGHETT	28/11/2017	5/01/2018	Subdivide the land into twenty-four (24) lots	Permit Issued	No
KP-895/2016	31 Milan Street	MENTONE	22/10/2016	5/01/2018	Develop the land for the construction of four (4) double storey dwellings	Permit Issued	Yes
KP-921/2017	42 Milton Avenue	CLAYTON SOUTH	29/11/2017	5/01/2018	Subdivide the Land into Four (4) Lots	Permit Issued	No
KP-997/2017	11 Marina Road	MENTONE	21/12/2017	5/01/2018	Develop the land for the construction of a single dwelling in an SBO	Permit Issued	No
KP-992/2017	25 Dahmen Street	CARRUM	21/12/2017	5/01/2018	Building and works in the Special Building Overlay	Permit Issued	No
KP-35/2016/B	215 Chesterville Road	MOORABBIN	31/10/2017	8/01/2018	Develop the land for the construction of a mixed use development comprising eight retail premises and twenty five dwellings, use the land for retail premises, reduce the car parking requirement and waive the loading bay requirement	Lapsed	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-119/2016	26 Clydebank Road	EDITHVALE	25/02/2016	8/01/2018	To construct two or more dwellings on a lots. To construct a building and construct or carry out works	Permit Issued	Yes
KP-855/2017	45 Tennyson Avenue	CLAYTON SOUTH	6/11/2017	8/01/2018	Subdivide the Land into Four (4) Lots	Permit Issued	No
KP-773/2017	13 Clipper Island	PATTERSON LAKES	10/10/2017	8/01/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-376/2017/A	50 Berry Avenue	EDITHVALE	21/11/2017	8/01/2018	Develop the land for the construction of two (2) double storey dwellings	Permit Issued	No
KP-377/2017	2 Maury Lane	CHELSEA	19/05/2017	9/01/2018	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-274/2017	50 Elliot Street	MORDIALLOC	13/04/2017	9/01/2018	Develop the land for the construction of one (1) double storey dwelling to the rear of the existing dwelling on land affected by a Special Building Overlay	Permit Issued	No
KP-412/2017	52 Royena Road	MOORABBIN	31/05/2017	9/01/2018	Develop the land for the construction of two (2) double storey dwellings	Permit Issued	No
KP-728/1997/A	61 Golden Avenue	CHELSEA	18/10/2017	10/01/2018	Buildings and works to an existing dwelling comprising garage and renovation to existing dwelling	Permit Issued	No
KP-409/2017	13 Southern Road	MENTONE	1/06/2017	10/01/2018	Develop the land for the construction of three (3) double storey dwellings	Permit Issued	No
KP-373/2017	27 Burns Avenue	CLAYTON SOUTH	19/05/2017	10/01/2018	Develop the land for the construction of four (4) dwellings	Permit Issued	No
KP-477/2011/A	1027 Nepean Highway	MOORABBIN	29/11/2017	10/01/2018	Development of the land for the construction of eight (8) dwellings & to alter access to a Road in a Road Zone Category 1.	Permit Issued	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-24/2018	3 557 Lower Dandenong Road	DINGLEY VILLAGE	9/01/2018	11/01/2018	Construction of a verandah in the Special Building Overlay	Permit Issued	No
KP-21/2018	9 Marina Road	MENTONE	8/01/2018	11/01/2018	Develop the land for the construction of a single storey dwelling in the Special Building Overlay	Permit Issued	No
KP-738/2017	32 Emma Street	CARRUM	22/09/2017	12/01/2018	Develop the land for the construction of one (1) double storey and one (1) single storey dwelling on the land	Permit Issued	No
KP-582/2017	4 Stanton Street	HIGHETT	31/07/2017	15/01/2018	Develop the land for the construction of two (2) double storey dwellings	Permit Issued	No
KP-19/2018	43 Third Street	PARKDALE	8/01/2018	15/01/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-972/2017	189 Chesterville Road	MOORABBIN	14/12/2017	15/01/2018	Subdivide the Land into Six (6) Lots	Permit Issued	No
KP-696/2017	432 Station Street	BONBEACH	11/09/2017	16/01/2018	Subdivide the Land into Five (5) Lots	Permit Issued	No
KP-502/2017	15 Foy Avenue	CHELSEA	4/07/2017	16/01/2018	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-529/2017	37 Cannes Avenue	BONBEACH	10/07/2017	16/01/2018	Develop the land for the construction of three (3) dwellings	Permit Issued	No
KP-654/2017	28 French Avenue	EDITHVALE	24/08/2017	16/01/2018	Develop the land for the construction of two (2) double storey dwellings	Permit Issued	No
KP-941/2016	1 60 Oakes Avenue	CLAYTON SOUTH	11/11/2016	16/01/2018	Develop the land for the construction of three (3) double storey dwellings	Permit Issued	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-799/2016	1242A Centre Road	CLAYTON SOUTH	28/09/2016	16/01/2018	Develop the land for the construction of three (3) dwellings	Permit Issued	No
KP-25/2018	15A The Crescent	HIGHETT	10/01/2018	16/01/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-1030/2016	6 Grey Street	PARKDALE	8/12/2016	17/01/2018	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-898/2017	23-25 The Parade	CLARINDA	21/11/2017	17/01/2018	Subdivide the Land into Five (5) Lots	Permit Issued	No
KP-135/2017	15 Dingley Court	DINGLEY VILLAGE	23/02/2017	17/01/2018	Develop the land for the construction of one (1) dwelling to the rear of an existing	Permit Issued	No
KP-542/2017	15 Rica Street	MOORABBIN	12/07/2017	17/01/2018	Develop the land for the construction of two (2) double storey dwellings	Permit Issued	No
KP-282/2017	79 Berry Avenue	EDITHVALE	18/04/2017	17/01/2018	Develop the land for the construction of three (3) dwellings	Permit Issued	No
KP-31/2018	20 Melaleuca Drive	CARRUM	16/01/2018	17/01/2018	Develop the land for the construction of building and works on land within a Special Building Overlay	Permit Issued	No
KP-32/2018	27 Plaza Crescent	DINGLEY VILLAGE	16/01/2018	17/01/2018	Develop the land for the construction of building & works on land within a Special Building Overlay	Permit Issued	No
KP-922/2014/A	132-136 Keys Road	CHELTENHAM	19/10/2017	18/01/2018	Develop the land for the construction of 24 warehouses and use the land for a food and drinks premises and office, a reduction to the car parking and loading bay requirements, and creation of access to a Road Zone Category 1 in a Special Building Overlay	Permit Issued	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-487/2008/C	5 Swanston Street	MENTONE	11/12/2017	18/01/2018	FIVE DWELLINGS	Permit Issued	No
KP-579/2017	127-129 Keys Road	MOORABBIN	28/07/2017	18/01/2018	Develop the land for the construction of a warehouse and to create or alter access to a road in a Road Zone, Category 1	Permit Issued	No
KP-820/2017	515 Highett Road	HIGHETT	23/10/2017	18/01/2018	The sale and consumption of liquor on the premises and a waiver of the car parking requirement associated with the use of the land as a food and drink premises	Permit Issued	No
KP-581/2016/A	1 236-238 Balcombe Road	MENTONE	2/01/2018	18/01/2018	Develop the land for the construction of seven (7) dwellings and alter access to a Road Zone Category 1	Permit Issued	No
KP-927/2017	32 McLeod Road	CARRUM	30/11/2017	19/01/2018	Subdivide the Land into Four (4) Lots	Permit Issued	No
KP-931/2017	48 Walkers Road	CARRUM	4/12/2017	19/01/2018	Subdivide the Land into Three (3) Lots	Permit Issued	No
KP-734/2017	15 1-3 James Street	MORDIALLOC	20/09/2017	19/01/2018	Develop the land for a dwelling extension on a lot less than 300 sqm and on common property	Permit Issued	No
KP-404/2017	39 Walkers Road	CARRUM	30/05/2017	22/01/2018	Develop the land for the construction of three (3) dwellings	Notice of Decision	No
KP-392/2017	6 Page Street	CHELTENHAM	26/05/2017	22/01/2018	Develop the land for the construction of three (3) double storey dwellings on land affected by a Special Building Overlay	Notice of Decision	No
KP-286/2015/A	7 Wordsworth Avenue	CLAYTON SOUTH	17/11/2017	22/01/2018	Develop the land for the construction of four (4) double storey dwellings	Permit Issued	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-8/2018	1 Brady Avenue	CLAYTON SOUTH	4/01/2018	23/01/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-929/2010/C	8 Cochranes Road	MOORABBIN	23/06/2017	23/01/2018	Use the Land for a place of assembly and tavern and the sale and consumption of liquor with a reduction in car parking and buildings and works	Notice of Decision	No
KP-457/2017	5 Hicks Street	PARKDALE	16/06/2017	23/01/2018	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-872/2010/D	307 Station Street	CHELSEA	22/01/2018	24/01/2018	Development of a three storey building containing 24 dwellings and a car parking reduction	Permit Issued	No
KP-37/2018	6 Marina Road	MENTONE	18/01/2018	24/01/2018	Develop the land for the construction of alterations & additions on land within a Special Building Overlay	Permit Issued	No
KP-740/2014/A	150 Rosebank Avenue	CLAYTON SOUTH	30/08/2017	24/01/2018	Develop the land for two (2) shops, seven (7) dwellings, a reduction of the car parking requirement and waiver of loading and unloading of vehicles requirement	Notice of Decision	No
KP-824/2017	58 Viney Street	CLARINDA	26/10/2017	24/01/2018	Develop the land for the installation and display of business identification signage (internally illuminated)	Permit Issued	No
KP-197/2017	12A Breeze Street	BONBEACH	14/03/2017	24/01/2018	Develop the land for the construction of three (3) double storey dwellings	Notice of Decision	No
KP-762/2017	25 Canterbury Road	BRAESIDE	3/10/2017	24/01/2018	Develop the land for an extension to an existing office and reduction in associated car parking requirements	Permit Issued	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-438/2007/A	294 Charman Road	CHELTENHAM	27/11/2017	24/01/2018	Use the land for the sale and consumption of liquor in a licensed premises (cafe and restaurant license)	Permit Issued	No
KP-372/1997/A	1A Lagoon Place	PATTERSON LAKES	24/11/2017	24/01/2018	Additional bedroom to existing dwelling	Permit Issued	No
KP-260/2004/A	26 Bondi Road	BONBEACH	18/12/2017	25/01/2018	CONSTRUCT FOUR DWELLINGS	Permit Issued	No
KP-39/2018	3 Ashlar Road	MOORABBIN	18/01/2018	25/01/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-1078/2016	13-15 Chesterville Road	CHELTENHAM	22/12/2016	25/01/2018	Develop the land for the construction of an eleven storey mixed use building comprising up to 93 dwellings, 6 offices and reduction in car parking requirements	Permit Issued	No
KP-50/2018	18 Fourth Avenue	ASPENDALE	23/01/2018	25/01/2018	Develop the land for the construction of one (1) dwelling on land within a Special Building Overlay	Permit Issued	No
KP-38/2018	4 Albenca Street	MENTONE	18/01/2018	29/01/2018	Subdivide the Land into Two (2) Lots	Permit Issued	No
KP-381/2008/A	1 Watkins Street	ASPENDALE	7/07/2017	29/01/2018	Amending the plans for alterations and additions to the existing double-storey (with basement) dwelling, including an extended first floor living area and new open pergola on the rooftop terrace	Withdrawn	No
KP-832/2017	75 Bay Trail	MENTONE	27/10/2017	30/01/2018	Removal of native vegetation and alter access to a Road Zone, Category 1	Notice of Decision	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-566/2017	36 Northcliffe Road	EDITHVALE	20/07/2017	30/01/2018	Develop the land for the construction of two (2) double storey dwellings and one (1) single storey dwelling	Permit Issued	No
KP-909/2017	33 Levanswell Road	MOORABBIN	23/11/2017	30/01/2018	Use the land for manufacturing sales, buildings and works, signage and a liquor licence	Withdrawn	No
KP-539/2017	3 2-6 Hartwood Court	CHELSEA HEIGHTS	12/07/2017	30/01/2018	to use the land for industry and to Construct and carry out works (Flue)	Permit Issued	No
KP-968/2016	17 Avon Street	MOORABBIN	21/11/2016	30/01/2018	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-1084/2016	26 Gothic Road	ASPENDALE	23/12/2016	31/01/2018	Develop the land for the construction of eight (8) dwellings	Refused	No
KP-437/2017	1 Janice Avenue	CHELTENHAM	9/06/2017	31/01/2018	Develop the land for the construction of three (3) double-storey dwellings	Refused	No
KP-565/2013/A	524A Nepean Highway	BONBEACH	20/09/2017	31/01/2018	Use the land for the sale and consumption of liquor (General Licence) and to develop the land for the construction of an extension to an existing cafe/restaurant, with a reduction of the car parking requirements	Permit Issued	No
KP-150/2017	11 Village Drive	DINGLEY VILLAGE	1/03/2017	31/01/2018	Develop the land for the construction of two (2) dwellings	Notice of Decision	No
KP-28/2017	96 Ella Grove	CHELSEA	18/01/2017	31/01/2018	Develop the land for the construction of two (2) dwellings	Permit Issued	No
KP-387/2017	21 Silver Street	CHELTENHAM	24/05/2017	31/01/2018	Develop the land for the construction of one (1) dwelling to the rear of the existing dwelling and alterations to the existing dwelling	Notice of Decision	No

Planning Decisions January 2018							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-419/2006/A	Lot 1 Victory Road	CLARINDA	1/04/2015	31/01/2018	The use and development of this site for the purpose of a solid inert waste landfill and increased pre and post settlement contours	Permit Issued	Yes

Ordinary Meeting of Council

26 March 2018

Agenda Item No: 8.3

KP17/705 - 1448 CENTRE ROAD CLAYTON SOUTH

Contact Officer: Girija Shrestha, Statutory Planning

Purpose of Report

This report is for Council to consider Planning Permit Application No. KP17/705 - 1448 Centre Road, Clayton South.

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 Planning Permit to Develop the land for the construction of three (3) dwellings at 1448 Centre Road, Clayton South, subject to the conditions contained within this report.

This application requires a decision by Council due to Councillor George Hua's affiliation with the application.

**City of Kingston
Ordinary Meeting of Council**

Agenda

26 March 2018

PLANNING OFFICER REPORT	
APPLICANT	Hartland Group Pty Ltd
ADDRESS OF LAND	No. 1448 Centre Road, CLAYTON SOUTH
PLAN OF SUBDIVISION REFERENCE	Lot 15 on Plan of Subdivision No. 010439
PROPOSAL	Develop the land for the construction of three (3) dwellings and to alter access to land adjacent to a Road Zone Category 1
PLANNING OFFICER	Girija Shrestha
REFERENCE NO.	KP-705/2017
ZONE	Clause 32.08: General Residential Zone (Schedule 3)
OVERLAYS	N/A
OBJECTIONS	Nil
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Received: 28th November, 2017 (Revision B)
ABORIGINAL CULTURAL HERITAGE SENSITIVITY	No

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 Centre Road, Clayton South. The allotment is regular in shape with a frontage width of 15.24 metres, a maximum site depth of 45.11 metres resulting in an overall area of 687m². The topography of the land is relatively flat and appears to be devoid of any significant vegetation.
- 2.2 At present, the subject site is occupied by a single-storey weatherboard clad dwelling with an associated outbuilding (detached garage/shed). The existing development on the land features a minimum front building setback of approximately 9.4 metres from Centre Road. Vehicle access to the site is currently available via a single crossover which is located at the western-most end of the site's frontage.
- 2.3 A 2.0 metre high white timber paling fence on brickwork exists along the site's Centre Road frontage. A Brush Box street tree is located within the adjoining road reserve.
- 2.4 A 3.05 metre wide easement is located adjacent to the site's rear (south) property boundary. Restrictive Covenant No. 1857234 affects the subject land and prohibit the removal of mud, stone, earth, clay, gravel or sand from the site other than for the purpose of excavating for building foundations.

- 2.5 The subject site is located within Area 3A of the *Kingston Open Space Strategy* approved by Council in June 2012. The Strategy notes that Namatjira Park provides this area with a good diversity of opportunities including SFR, sport, play and environmental experiences. The development of the retarding basin/ wetlands in 2012 and accompanying infrastructure will enhance this space further. The area west of Frank Avenue is not well served in terms of social family recreation space. The area west of Milton Street is not adequately served by open space and the railway line to the north presents a barrier to the only small play area present. A wide variety of open space functions are provided within this area including play, social family recreation and visual amenity.

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 single dwellings on single allotments and more recent examples of medium density housing. The architectural style and built form of existing housing in the surrounding area is highly varied, with older housing stock gradually being replaced with contemporary forms of residential development. This includes the recent construction of eight (8) apartments at No. 1424 Centre Road, Clayton South. The existing development pattern associated with this part of Centre Road, ranging from 5.78 metres at No. 1456 Centre Road to 9.63 metres at No. 1450 Centre Road. However, most existing dwellings are of single-storey or double-storey construction. There is no predominant fencing style in the neighbourhood, however, it is noted that many of the residential properties along this section of Centre Road feature high front fencing.
- 3.3 The subject site is located approximately 800 metres (as the crow flies) east of the “major activity centre” of Clayton. The surrounding residential area is well serviced by public transport (including two (2) nearby train stations), primary and secondary schools, community facilities and public reserves (including Keeley Park on the south-west side of railway line).

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

North (Front): Road and Intersection of Centre Road & Jaguar Drive (Opposite) – Centre Road is identified as a Road Zone Category 1. The land located directly opposite the subject site forms part of the Monash City Council.

East (Side): No. 1450 Centre Road – This property has been developed for two (2) single-storey dwellings. The existing development on this site is setback 9.4 metres from Centre Road.

South (Rear): No. 1 Keol Street – A single dwelling occupies this property.

West (Side): No. 1446 Centre Road – A single-storey weatherboard clad dwelling exists on this property which is setback 9.4 metres from its frontage.

4.0 PROPOSAL

- 4.1 It is proposed to develop the subject land for three (3) double-storey dwellings and to alter the existing access to land adjacent to a Road Zone Category 1 with associated works, generally in accordance with the revised plans received by Council on the 28th November, 2017. The existing dwelling and associated outbuilding would be demolished as a part of this application.

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

Dwelling No.	No. of Bedrooms	Total Floor Area (m²)	Total Private Open Space Area (m²)	No. of Car Parking Spaces
1	4	132.6	147	2
2	2	122	50	1
3	2	111	55	1

- 4.3 A total of four (4) on-site car parking spaces would be on this site, with a double car garage to be provided for Dwelling 1 and a single car garage for both Dwellings 2 & 3. All vehicle access would be provided via the existing crossover (to be re-constructed) at Centre Road. A common driveway would be constructed adjacent to the site's west property boundary and serve each of the three (3) dwellings.
- 4.4 External building materials for the proposed dwellings would comprise of a combination of face brickwork (colour not specified – dark grey colour), rendered wall cladding (off-white colour and light grey colour) with concrete tiled roof (charcoal colour).
- 4.5 A 2.0 metre high rendered brick fence would be erected along the site's front property boundary, with the existing front fence to be demolished.
- 4.6 No significant vegetation removal is proposed, with the *Norfolk Island Pine* tree and Leyland Cypress tree considered to be of low retention value.

- 4.7 The proposed development should not contravene any part of the restrictive covenant, given that the only excavation works would be carried out in association with the construction of building foundations. Furthermore, the residential use of the subject land would be maintained as a part of the proposal.

- 4.8 The proposal has an overall site coverage of 41.5% and a permeability of 38%.

5.0 PLANNING PERMIT PROVISIONS

Zone

- 5.1 General Residential Zone (Schedule 3): 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 3 to the General Residential Zone includes a variation to three (3) design standards.

Overlays

- 5.2 Not applicable.

Particular Provisions

- 5.3 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
- 1 visitor space for every 5 dwellings.

This equates to a parking requirement of four (4) car spaces (with no requirement for the provision of visitor car parking) for the proposed development. A total of four (4) on site car parking spaces would be accommodated within a car garage area provided for each dwelling.

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.

- 5.4 Clause 52.29 – Land Adjacent to a Road Zone Category 1: A planning permit is also required to create or alter access to land adjacent to a Road Zone Category 1.
- 5.5 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

- 5.6 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 State Planning Policy Framework (SPPF)

Clause 9 Plan Melbourne

- 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
- Clause 22.13 Clayton South Framework 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. 45 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 one (1) public notice on the site for fourteen (14) days. The advertising process was satisfactorily undertaken and no objections were received to the proposal.

8.0 PLANNING CONSULTATION MEETING

8.1 As no objections were received, a Planning Consultation Meeting was not required with respect to this application.

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

9.1 No formal amendments were made to the plans.

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 the inclusion of standard permit conditions.
- Council's Roads and Drains Department – no objection, subject to standard permit conditions.
- Council's Vegetation Management Officer / Street Trees – no objection, subject to the retention of the existing street tree and the provision of a Tree Management Plan for existing trees located on adjoining properties.

10.2 Pursuant to Clause 66.02 of the Scheme, the application was referred to the following external authority:

- VicRoads – no objection was offered, subject to the inclusion of three (3) conditions on any permit issued in relation to the re-construction of the existing crossover at Centre Road.

11.0 PLANNING CONSIDERATIONS:

State Planning Policy Framework

11.1 The State 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 The settlement policies at **Clause 11** seek to ensure a sufficient supply of land is available for all forms of land use in Victoria. Of particular relevance to housing, **Clause 11** promotes housing diversity and urban consolidation objectives in the established urban realm. **Clause 11.02-1** states that Planning Authorities should plan to accommodate projected population growth over at least a 15 year period, taking account of opportunities for redevelopment and intensification of existing urban areas as well consideration being had for environmental aspects, sustainable development and the costs associated with providing infrastructure. This Clause states:

- *Planning for urban growth, should consider:*
 - *Opportunities for the consolidation, redevelopment and intensification of existing urban areas;*
 - *Neighbourhood character and landscape considerations;*
 - *The limits of land capability and natural hazards and environmental quality;*
 - *Service limitations and the costs of providing infrastructure.*

11.3 **Clause 11.01-2** places particular emphasis on providing increased densities of housing in and around activity centres or sites that have good access to a range of services, facilities and transport options.

11.4 **Clause 13** (Environmental Risks) aims to ensure that planning adopts a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Further, planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.

11.5 **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.

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- 11.6 **Clause 15.03-2** (Aboriginal Cultural Heritage) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 11.7 The Subject Land is **not** identified in an area of Aboriginal Cultural Heritage Sensitivity.
- 11.8 Housing objectives are further advanced at Clause 16. This Clause aims to encourage increased diversity in housing to meet the needs of the community through different life stages and respond to market demand for housing. In much the same vein as Clause 11, this Clause advances notions of consolidation of existing urban areas, particularly in and around activity centres and employment corridors that are well served by all infrastructure and services.
- 11.9 The policies contained within Clause 16.01-4 encourage the provision of range of housing types to meet the increasingly diverse needs of the community. Emphasis is placed on development of well-designed medium density housing with respect to neighbourhood character. Further, this Clause aims to make better use of the existing infrastructure and provide more energy efficient housing.
- 11.10 Policies pertaining to urban design, built form and heritage outcomes are found at Clause 15 of the State Planning Policy Framework. Of particular significance, Clause 15.01 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 promote energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.
- 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 in Clause 21.05-3: Residential Land Use include:

- *To provide a range of housing types across the municipality to increase housing diversity and cater for the changing housing needs of current and future populations, taking account of the capacity of local areas in Kingston to accommodate different types and rates of housing change. This is to be achieved through encouraging residential development within activity centres via mixed-use development, and on transitional sites at the periphery of activity centres.*
- *To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality. This is to be achieved through promoting new residential development, which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.*
- *To promote more environmentally sustainable forms of residential development. To be achieved through promoting medium density housing development in close proximity to public transport facilities, particularly train stations.*
- *To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.*
- *To ensure residential development does not exceed known physical infrastructure capacities.*
- *To recognise and response to special housing needs within the community.*

11.14 Council's Local Planning Policy at Clause 21.05 essentially reinforces State Planning Policy relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases.

11.15 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.

11.16 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 Clause 22.13 (Clayton South Framework Policy) of the Scheme is applicable to the proposal as the subject site is located with *Precinct 1 – Residential A* of the policy area.

The policy for housing in this precinct is to:

- *Limit change to an incremental nature.*
- *Ensure that medium density housing development is limited to sensitive infill development of two dwellings per averaged sized lot.*
- *Ensure that new residential development adjoining the Industrial 1 Zone is appropriately designed to protect its occupants from external noise from the operation of surrounding non-residential uses.*
- *Require new residential development to respond to the design objectives contained in the Clayton South Medium Density Housing Development Guidelines.*

The preferred future character of this precinct is:

- *Medium density housing that maintains the existing character of the area, in the form of single storey detached dwellings one behind the other or semi-detached houses, which address the following built form characteristics of existing development:*
 - *Front setbacks.*
 - *Roof form and pitch, and eaves.*
 - *Building materials and colours.*
 - *Window and door proportions.*
 - *New dwellings facing streets or parks at the rear of existing properties, in the form of detached houses. It may be appropriate to incorporate a two storey component in new dwellings where the upper storey faces a park.*

It is considered that the proposed development would be generally consistent with the preferred future character nominated for this part of Clayton South, which reflect the typical front setbacks, roof form and pitch and window and door proportions associated with existing residential development.

11.18 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 9 metres (and not more than 3 storeys) under Schedule 3 to the General Residential Zone has been satisfied by the proposal. 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 27th March, 2017. The proposal satisfies the minimum requirement of 35% garden area (given that the site area exceeds 650m²) with 237m² of the site to be set aside for this purpose.

Overlay Provisions

- 11.20 Not applicable.

Particular Provisions

- 11.21 Design Standard 1 – Accessways under Clause 52.06-8 of the Scheme outlines a number of technical requirements for driveways and access lanes within a development site, including (amongst others):
- Be at least 3 metres wide. *Complies.*
 - Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide. *Complies.*
 - Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres. *Complies.*
 - If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forward direction. *Complies.*
 - Provide a passing area at the entrance at least 5 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone. *Does not comply – however, has not been made a requirement of VicRoads conditional consent.*
 - Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height. *Complies.*
 - If an accessway to four or more car parking spaces is from land in a Road Zone, the access to the car spaces must be at least 6.0 metres from the road carriageway. *Complies.*

Pursuant to Clause 52.06-5 (Number of Car Parking Spaces) of the Scheme, one (1) car parking space is required for a one or two bedroom dwelling whilst two (2) car parking spaces are required for a dwelling featuring three (3) or more bedrooms. The proposed development satisfies the minimum car parking requirements given that four (4) on-site car parking spaces would be provided.

Additionally, Design Standard 5 – Urban Design requires that “ground level car parking, garage doors and accessways must not visually dominate public space”. The proposed development should not result in excessive hard surfacing within the front setback area and would be visually “softened” through the provision of landscaping adjacent to the site’s Centre Road frontage.

Overall, the proposed car parking and vehicle access arrangement associated with the new dwellings is considered to satisfy the relevant requirements and objectives under Clause 52.06 (Car Parking) of the Scheme.

11.22 Clause 52.29 – Land Adjacent to a Road Zone Category 1

The purpose of this Clause is “*to ensure appropriate access to identified roads*” and “*to ensure appropriate subdivision of land adjacent to identified roads*”.

Vic Roads have offered conditional consent to the proposed access arrangement at Centre Road, subject to inclusion of three (3) conditions on any permit issued.

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 all of the standards of this clause should be met. 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, particularly those standards where concessions are sought. Overall, it is noted that the application achieves a high level of compliance with the ResCode provisions with a number of variations sought. Three (3) of the thirty-three (33) ResCode standards are sought to be varied, with the remaining thirty (30) standards satisfied by the proposal.

Standard B1 – Neighbourhood Character

One of the key objectives of this 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 becoming more prevalent, due to the area being located within walking distance to both the Clayton Railway Station and Westall Railway Station, the Monash Medical Centre, Monash University, local shops, schools, public reserves, etc. Council officers consider that the proposed development has been designed and sited in a manner for this property which is consistent with the evolving character associated with this part of Clayton South.

Specifically, the semi-attached nature of the proposed dwellings is considered to be reflective of more recent examples of medium density housing in the locality which also includes a number of larger multi-dwelling developments. For instance, the nearby property at No. 1424 Centre Road has been recently been developed for eight (8) apartments within a residential building. It is clearly evident that the original housing stock within the area is being gradually replaced with new and more contemporary types of housing construction, given the site's proximity to a wide range of commercial and residential services.

Accordingly, the proposed development is generally consistent with the evolving residential character of the surrounding area and would make efficient use of the subject land (subject to the inclusion of suitable permit conditions).

Standard B2 – Residential Policy

The two (2) objectives of this Standard are:

- *To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies; and*
- *To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.*

The proposed development is considered to satisfy the main policy directives relating the provision of new housing under the State Planning Policy Framework (SPPF), Local Planning Policy Framework (LPPF) including Council's MSS (namely Clause 22.11 – Residential Development Policy) and the relevant purposes of the General Residential Zone.

In accordance with the requirements of this Standard, the proposal requires consideration under Council's Residential Development Policy under Clause 22.11 of the Kingston Planning Scheme. The key areas of consideration under this Policy relate to "built form, siting and scale of development", where the following design techniques are suggested:

- *Encourage the two storey component of new medium density housing to be located towards the front of a site.*

- *Ensure that two storey dwellings are designed to respond to the character of the local neighbourhood. Where the local neighbourhood is characterised by single storey development and this characteristic makes a major or critical contribution to neighbourhood character, new two storey development should incorporate rooms within the roof form of attic style dwellings, and should set the second storey building envelope back from the ground level envelope.*
- *Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.*
- *Encourage well-articulated and graduated elevations in order to avoid 'box-like' double storey designs, thus reducing visual bulk.*
- *Ensure that the siting of new buildings respects the amenity of adjoining neighbours with regard to rear yards and garden outlooks from habitable living room windows.*
- *Ensure that the design and layout of new dwellings incorporate features which minimise overlooking of adjacent properties.*
- *Address potential overlooking through site layout planning as well as individual dwelling planning.*

It is clear that the above Policy strongly encourages the construction of double-storey dwellings towards the front of properties to minimise any off-site impacts to adjoining sites. However, the construction of two-storey dwellings through the middle and towards the rear of a site is not prohibited and may be supported if it demonstrates that it is well designed and sited so as not to unduly impact adjoining properties.

In this instance, the proposal includes the construction of three (3) double-storey dwellings through the entire length of the subject site, which is generally discouraged under Council's Residential Development Policy. However, the siting and design of the new dwellings is considered reasonable in this instance as their location should not result in any adverse amenity impacts to existing dwellings on adjoining properties through overlooking, overshadowing and visual bulk.

Furthermore, the proposal is consistent with all relevant State and Local planning policies (namely Council's Residential Development Policy) applicable to new housing development under the Scheme. Accordingly, the design and siting of the proposed dwellings should not unduly affect the directly adjoining residential properties and, as such, offers a good planning outcome for this allotment.

Standard B6 – Street Setback

The objective of this Standard is “*to ensure the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site*”.

In accordance with requirements under this Standard, the proposed development should have a minimum setback of 9.0 metres from Centre Road based on the average front setbacks of the two (2) adjoining properties. The proposed minimum front setback of 7.64 metres from the site's street frontage is less than the minimum required, however, the proposed setbacks are considered to be appropriate for the following reasons:

- Although the proposed front setback for the new dwellings do not meet the technical requirements of this Standard, it is considered that the development provides a reasonable transition between the adjoining properties and meets the overriding objective of this Clause.
- The proposed front setback of Dwelling 1 from Centre Road would allow for the most efficient use of the subject site.
- There is no prevailing setback rhythm along this section of Centre Road, which includes the existing development at No. 1456 Centre Road which features a minimum front setback of only 5.78 metres from the road reserve.
- The setbacks have been designed to be staggered to minimise any perception of building bulk when viewed from the street and adjoining properties.
- The front setback is large enough to accommodate substantial landscaping including the provision of two (2) small to medium-sized canopy trees. It is also noted that the existing Brush Box street tree is to be retained at Centre Road.

Accordingly, a variation to this Standard is considered reasonable in this instance.

Standard B12 – Safety

The objective of this Standard is “to ensure the layout of development provides for the safety and security of residents and property”.

One of the technical requirements of this Standard includes a design response that should ensure that “developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways”.

It is recommended that a glass panel or window be provided directly adjacent to the front entry area of both Dwelling 2 and Dwelling 3 to allow for adequate visual surveillance opportunities for residents into the adjoining shared accessway area.

The above design modifications could be adequately addressed through the inclusion of a suitable condition on any permit issued for the proposed development.

Standard B29 – Solar Access to Open Space

The objective of this Standard is “to allow solar access into the secluded private open space of new dwellings and residential buildings”.

The technical requirements of this Standard are, as follows:

- *The private open space should be located on the north side of the dwelling or residential building, if appropriate; and*
- *The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where ‘h’ is the height of the wall.*

It is noted that the secluded private open space area associated with Dwelling 1 would be located adjacent to the south (rear) elevation of this dwelling. Further to this, the minimum setback of this secluded open space area is nominated as 7.13 metres from its northernmost boundary whereas the technical requirements of this Standard specify that a minimum distance of 7.22 metres should be provided in this instance.

However, a variation to this Standard is considered reasonable in this instance given that the secluded private open space area of Dwelling 1 would be of good dimension and area with good solar access to be available between 9:00am and midday. As such, the secluded private open space area associated with the proposed development should provide the likely future occupants with useable space for their passive recreation needs.

Accordingly, the design objective of this Standard is considered to have been met.

- 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 11.2 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 State 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 Not applicable.

14.0 CONCLUSION:

- 14.1 On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore 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 (Residential Development Policy), Clause 22.13 (Clayton South Framework Policy), Clause 52.06 (Car Parking), Clause 52.29 (Land Adjacent to a Road Zone Category 1) and Clause 55 (ResCode) of the Kingston Planning Scheme.

15.0 RECOMMENDATION

- 15.1 That Council determine to support the proposal and issue a Planning Permit **to develop the land for the construction of three (3) dwellings and to alter access to land adjacent to a Road Zone Category 1** at No. 1448 Centre Road, Clayton South, subject to the following conditions:

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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 28th November, 2017, 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;
 - 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, provided at adequate planting densities (i.e. plants 1m width at maturity, planted 1m apart);
 - vi. the provision of two (2) suitable canopy trees capable of growing to minimum mature dimensions of 12m height and 6m width, to be planted in the front setback of the property, with the species chosen to be approved by the Responsible Authority, and;
 - vii. the provision of one (1) suitable canopy tree capable of growing to minimum mature dimensions of 8m height and 4m width, to be planted in the secluded private open space of each dwelling, with the species chosen to be approved by the Responsible Authority;
 - viii. 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;
 - ix. no trees with a mature height over five (5) meters are to be planted over proposed or existing easements;
 - x. 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;
 - xi. the location of tree protection measures illustrated to scale and labelled with a notation referring to the endorsed Tree Management Plan as required by this permit;
 - xii. the landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced;
 - b. all requirements specified by VicRoads to be met and notate on the plan, as specified under Condition 3 of this permit

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- c. the “rumpus” room of Dwellings 2 & 3 reduced in size so as to minimise the likelihood of being converted into a third bedroom and to increase solar access to the private open space, to Council’s satisfaction
- d. the provision of a glass panel or window directly adjacent to the front entry area of Dwelling 2 and Dwelling 3
- e. each storage area nominated as a minimum area of 6m³
- f. the location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan (and basement plan if there is one) and a notation referring to the endorsed Tree Management Plan as required by this permit
- g. a Tree Management and Retention Plan as required by Condition 6 of this permit;
- h. the surface material of all driveways/accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar
- i. the location of all external heating and/or cooling units for the proposed dwellings
- j. the provision of a full colour palette, finishes and building materials schedule for all external elevations and driveway/s of the development.

Endorsed Plans

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

Conditions required by VicRoads

- 3. Prior to the commencement of use or occupation, a sealed access crossover as to at least 3 metres wide at the property boundary with the crossover angled at 60 degrees to the road reserve boundary, at least for the first 3 metres from the edge of the road must be constructed to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.
- 4. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).
- 5. Vehicles must enter and exit the land in a forward direction at all times.

Tree Management and Protection Plan

- 6. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.
 - a) The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - b) The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:
 - i. The Tree Protection Zone and Structural Root Zone for all for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - ii. The location of tree protection measures to be utilised.

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7. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
8. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street Trees

9. Tree Protection Fencing is to be established around the *Lophostemon confertus* (Brush Box) street tree located in the Centre Road nature strip prior to demolition and maintained until all works on site are complete.
 - a. The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting
 - b. The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree.

Construction Management

10. Prior to the commencement of any buildings and works on the land (including demolition), a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The CMP must be prepared in accordance with the City of Kingston Construction Management Policy, July 2015 and Construction Management Guidelines, 1 November 2015 (and any superseding versions and / or documents). The CMP must specify and deal with, but is not limited to, the following elements:
 - a) Public Safety, Amenity and Site Security
 - b) Traffic Management
 - c) Stakeholder Management
 - d) Operating Hours, Noise and Vibration Controls
 - e) Air Quality and Dust Management
 - f) Stormwater and Sediment Control
 - g) Waste and Materials Re-use.

When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

Drainage and Water Sensitive Urban Design

11. 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 11a), 11b) & 11c), above must be implemented on-site, unless an alternative agreement is reached with the Responsible Authority.
- 12. 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 6.3L/s.
 - c. All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Parking and Traffic Management

- 13. 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

- 14. Any redundant vehicular crossing must be removed and the nature strip, kerb and channel, and footpath must be reinstated to the Responsible Authority's standard specifications and to the satisfaction of the Responsible Authority.
- 15. 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.
- 16. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Centre Road and all internal driveways must align with the existing/proposed vehicle crossing.
- 17. Prior to the commencement of development, property boundary, footpath and vehicle crossing levels must be obtained from Council's Roads and Drains Department with all levels raised or lowered to the satisfaction of the Responsible Authority.

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18. Any reinstatements and vehicle crossings are to be constructed to the satisfaction of the Responsible Authority.
19. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
20. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.
21. All front and side fences must be constructed wholly within the title property boundaries of the subject land.

General amenity conditions

22. 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.
23. 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.
24. 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

25. 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

26. 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.
27. 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.
28. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time Limits

29. 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

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- 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.

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: The proposed development requires the construction of a crossover. Separate approval under the Roads Management Act for this activity may be required from VicRoads. Please contact VicRoads prior to commencing any works.

Note: It is noted the development includes a fence to be built over the rear easement. Separate consent from Council and any other relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit.

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: 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*).

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, Clause 55.02-2 Residential Policy Objective and Clause 55.03-1 – Street Setback; Clause 55.03-7 – Safety; Clause 55.05-4 Private Open Space; and Clause 55.05-5 – Solar Access to Open Space.
4. The proposal is not consistent with the purpose of the General Residential Zone (Schedule 3) at Clause 32.08 of the Kingston Planning Scheme as the proposal does not provide a design outcome that is respectful of the prevailing and preferred neighbourhood character.
5. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context.
6. The proposal constitutes an over-development of the site.

APPENDIX A – RESCODE ASSESSMENT

Standard of the Kingston Planning Scheme

Two or More Dwellings on a Lot and Residential Buildings (Clause 55 and Schedule 3 to the General Residential Zone).

Title and Objective	Complies with Standard?	Requirement and Proposed
B1 Neighbourhood Character 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.
B2 Residential Policy 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	Complies. Refer to Section 12 of this report for further discussion.
B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.	N/A	Less than ten (10) dwellings proposed.
B4 Infrastructure 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. A 3.05 metre wide easement is located adjacent to the site's south (rear) property boundary.
B5 Integration with the Street Integrate the layout of development with the street	Yes	Complies. The proposed development would be orientated towards Centre Road. The new 2m high front fence has been designed to respond well to the existing streetscape character.
B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	No	Does not comply – variation required. Refer to Section 12 of this report for further discussion.
B7 Building Height Building height should respect the existing or preferred neighbourhood character.	Yes	Maximum: 9.0 metres (under the GRZ3). Proposed: 7.48 metres above natural ground level (maximum).

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Title and Objective	Complies with Standard?	Requirement and Proposed
		Complies.
B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	Yes	Maximum: 50% (under the GRZ3) Proposed: 41.5% Complies.
B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	At least: 20% Proposed: 38% Complies.
B10 Energy Efficiency 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. Furthermore, the proposed development should not unreasonably reduce the energy efficiency of existing dwellings on adjoining properties.
B11 Open Space 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 are to be created as a part of the proposal.
B12 Safety Layout to provide safety and security for residents and property.	No	Does not comply. Refer to Section 12 of this report for further discussion.
B13 Landscaping To provide appropriate landscaping. To encourage: <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	Yes	Complies. No significant vegetation removal is proposed. Conditional consent has been offered to the proposal which includes a requirement for the retention of the existing Brush Box (<i>Lophostemon confertus</i>) street tree.
B14 Access 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. The existing crossover at Centre Road would be retained (but re-constructed in accordance with VicRoads requirements) to provide vehicle access for each dwelling via a shared accessway.
B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the	Yes	Complies. Each dwelling would be provided with convenient and accessible car parking (for both residents and visitors).

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Title and Objective	Complies with Standard?	Requirement and Proposed
development and the neighbourhood. Protect residents from vehicular noise within developments.		
B16 (Parking Provision) no longer exists following Planning Scheme Amendment VC90 approved on 5 June 2012.		
B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	Yes	<p><u>Ground Floor - Required</u> North (Front): N/A (frontage) East (Side): Up to 200mm or 1.0 metre. South (Rear): Up to 200mm or 1.0 metre. West (Side): Up to 200mm or 1.0 metre.</p> <p><u>First Floor - Required</u> North (Front): N/A (frontage) East (Side): 1.66 metres. South (Rear): 1.66 metres. West (Side): 1.67 metres.</p> <p><u>Ground Floor - Proposed</u> North (Front): N/A (frontage) East (Side): 0 metres. South (Rear): 5.50 metres. West (Side): 0 metres.</p> <p><u>First Floor – Proposed</u> North (Front): N/A (frontage) East (Side): 1.81 metres. South (Rear): 7.31 metres. West (Side): 1.90 metres.</p> <p>Complies.</p>
B18 Walls on Boundaries 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.	Yes	<p>Maximum: 10 metres plus 25% of the remaining length on any property boundary.</p> <p>Complies. A maximum total wall length of 7.08 metres is to be constructed along the site's west (side) property boundary. The maximum average wall height is also nominated as 3.2 metres above the natural ground level.</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed
B19 Daylight to Existing Windows 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.
B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.	Yes	Complies. All existing north-facing habitable room windows associated with the adjoining dwelling at No. 1 Keol Street would be located more than 3.0 metres from the southern-most wall of the proposed development.
B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.	Yes	Complies. The amount of additional shadowing likely to be generated by the proposed residential building 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 ² between 9am and 3pm for the directly adjoining properties (namely that to the south at No. 1 Keol Street).
B22 Overlooking 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. All existing side and rear boundary fencing would be retained at a minimum height of 1900mm so as to prevent any direct overlooking at ground level between properties.

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Title and Objective	Complies with Standard?	Requirement and Proposed
B23 Internal Views 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.
B24 Noise Impacts 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.
B25 Accessibility 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.
B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.	Yes	Complies. The entry area of the new dwellings would be identifiable from either Centre Road (Dwelling 1) or within the common driveway area (Dwellings 2 & 3).
B27 Daylight to New Windows 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.

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.</p>	<p>Yes – subject to conditions</p>	<p>Required: An area of 40m², with one part of the POS to consist of secluded POS at the side or rear of the dwelling or residential building with a minimum area of 40m², a minimum dimension of 5.0m and convenient access from a living room. If a dwelling has more than 2 bedrooms an additional ground level POS area of 20m² with a minimum width of 3m is required to be provided for each additional bedroom, with a maximum of 80m² of POS required for the dwelling.</p> <p>Complies. Each dwelling would satisfy the minimum area requirement for two (2) bedroom or three (3) or more bedrooms, including a minimum 40m² area of secluded private open space to the rear or side of a dwelling. However, Council officers recommended that the “rumpus” area of Dwellings 2 & 3 be reduced in size to minimise the likelihood of this room being used as a third bedroom. This could be satisfactorily addressed as a condition of any permit issued.</p>
<p>B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>No (part)</p>	<p>Does not comply – variation required. Refer to Section 12 of this report for further discussion. Reducing rumpus room size (as stated above in B28 assessment section of this report) will also help to achieve better solar access into POS.</p>
<p>B30 Storage Provide adequate storage facilities for each dwelling.</p>	<p>Yes</p>	<p>Complies. An externally accessible storage area is nominated for each dwelling. However, it is recommended that each respective store be nominated as a minimum area of 6m³.</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed
B31 Design Detail 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 “major activity centre” of Clayton. The design and siting of the proposal ensures that the development should not adversely affect the amenity of the surrounding properties. 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 double-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 Centre Road.
B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character. Note: Schedule 3 to the General Residential Zone includes a variation to this Standard.	Yes	Complies. A 2.0 metre high rendered brick fence would be erected along the site’s street frontage (adjacent to a Road Zone Category 1).
B33 Common Property 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.
B34 Site Services 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. An outdoor clothes line, a bin storage area and a mail box are nominated for each dwelling.

Appendices

Appendix 1 - KP17/705 - 1448 Centre Road Clayton South - Considered Plans (Trim No 18/16567) [↓](#)

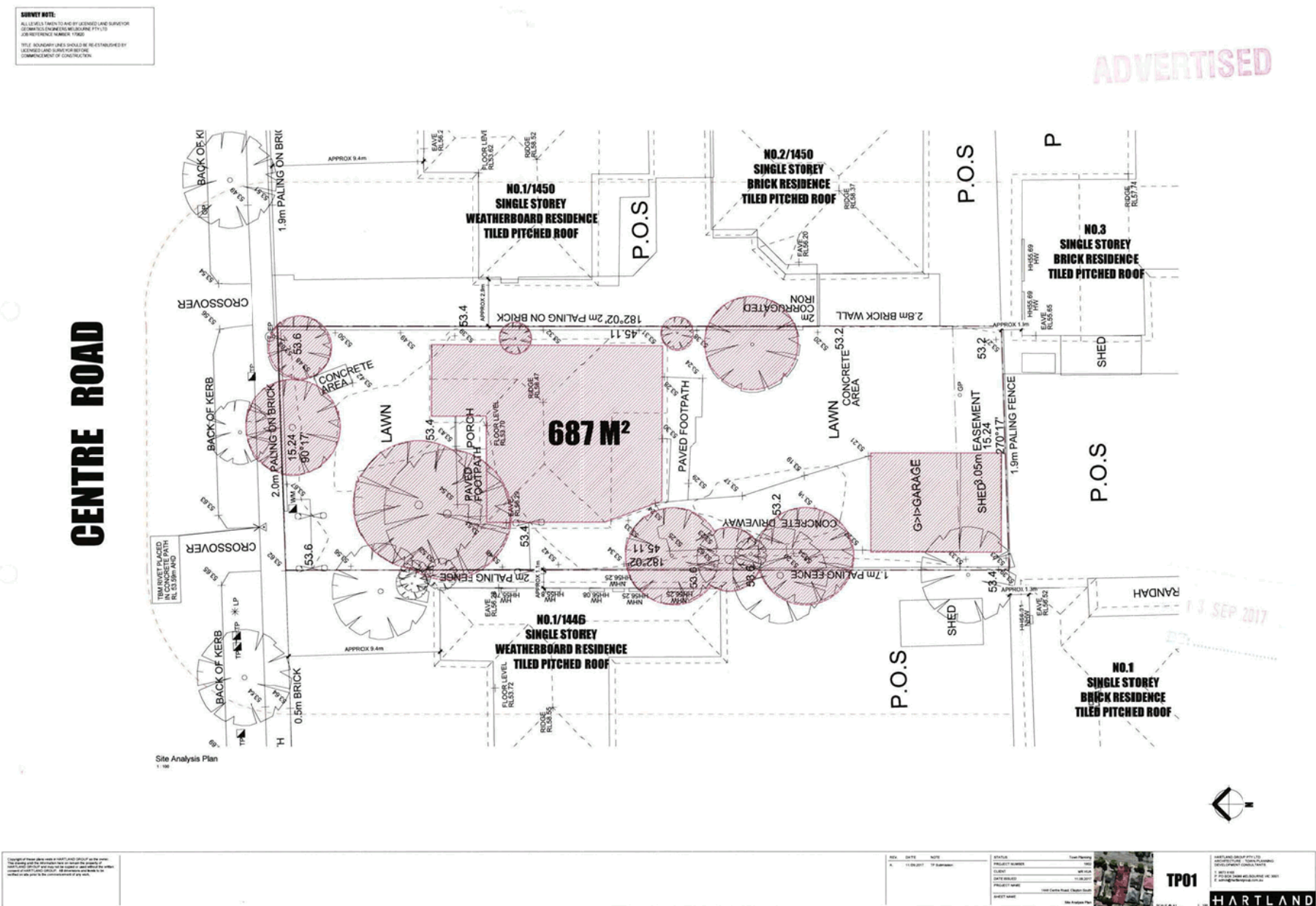
Author/s: Girija Shrestha, Statutory Planning

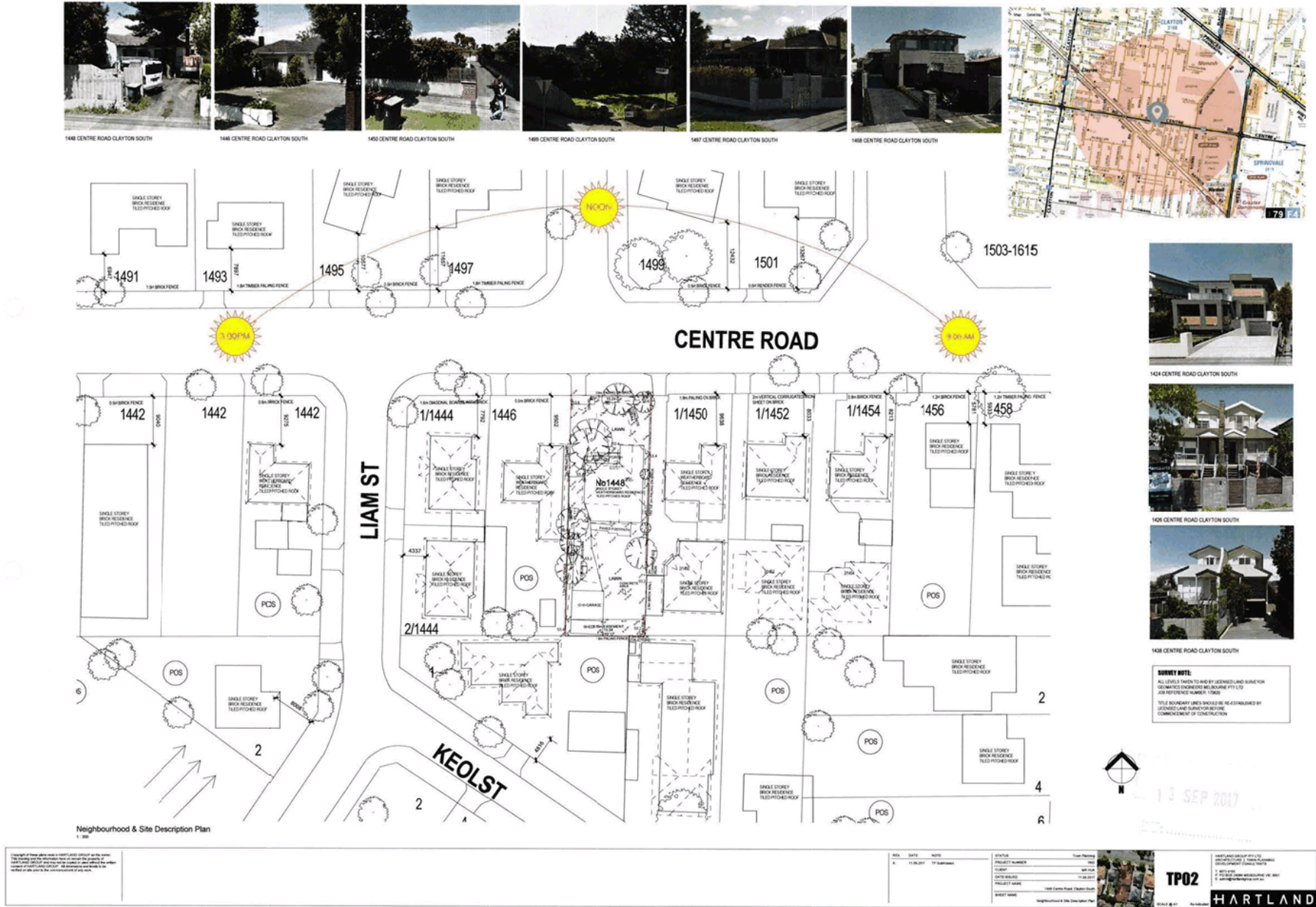
Reviewed and Approved By: Jeremy Hopkins, Principal Statutory Planner

8.3

KP17/705 - 1448 CENTRE ROAD CLAYTON SOUTH

1	KP17/705 - 1448 Centre Road Clayton South - Considered Plans.....	67
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ADVERTISED

Design Response Plan
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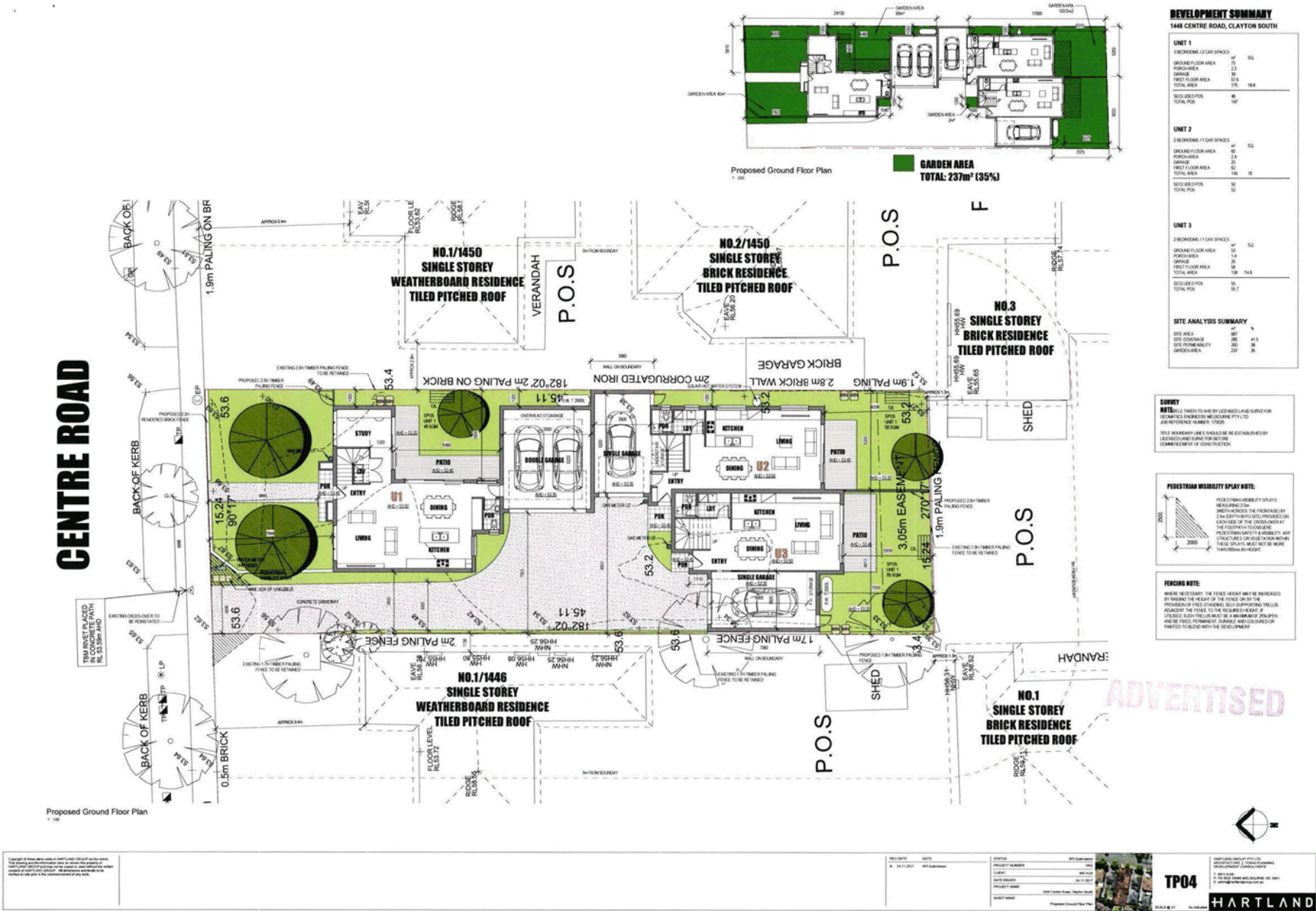




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REV	DATE	NOTE	STATUS	REV	DATE	NOTE
1	04.14.2017	REV Submission	PROPOSED	1	04.14.2017	REV Submission

1400 Centre Road, Chardon, Ohio 44024
 Phone: 440.285.1111
 Email: info@hartlanddesign.com

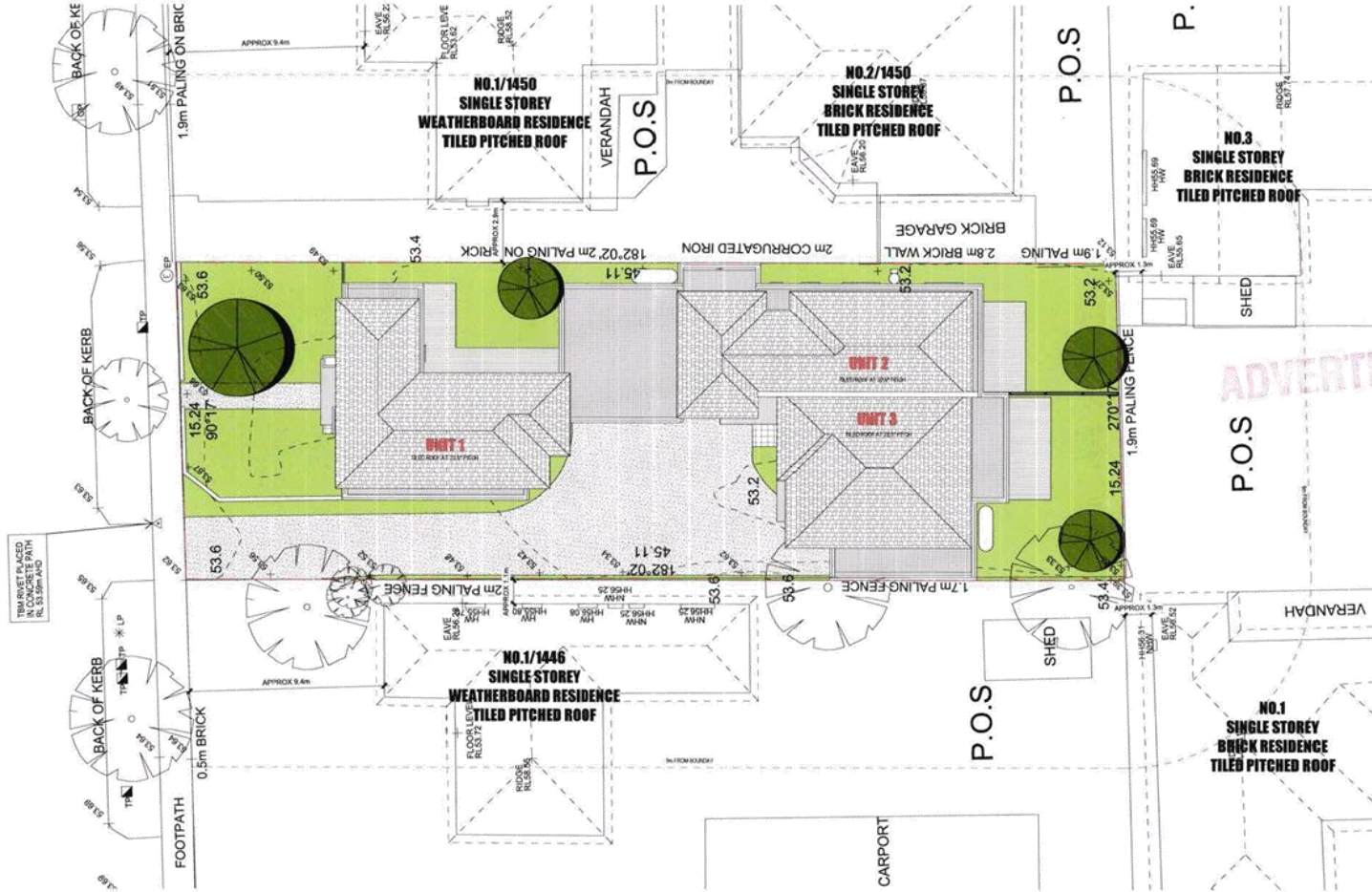




SURVEY
NOTES: TAKEN TO AND BY LICENSED LAND SURVEYOR
FOR THE PURPOSES OF BEING USED FOR THE
JOB REFERENCE NUMBER 10000
THE BOUNDARY LINES SHOWN ARE RE-ESTABLISHED BY
LICENSED LAND SURVEYOR BEFORE
COMMENCEMENT OF CONSTRUCTION

CENTRE ROAD

Proposed Roof Plan
1:100



The plan is a proposed roof plan for the purpose of the job reference number 10000. It is a proposed roof plan for the purpose of the job reference number 10000. It is a proposed roof plan for the purpose of the job reference number 10000.

NO.	DATE	BY	REVISION
1	10/10/2017	10/10/2017	10/10/2017

TP06

HARTLAND

Proposed South Elevation
1:100

Proposed East Elevation

Proposed North Elevation
S - 100

Internal Elevation U2&U3

Internal Elevation U1
1 100

Proposed West Elevation

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MATERIALS/COLOUR/FINISHES SCHEDULE



B1
FACE BRICK

R1
MAIN RENDERR2
FEATURE RENDERA1
ALUCOBOND

OBSCURED GLASS

REV DATE	NOTE	STATUS	REV DESCRIPTION
B. 24.1.2017	001 Submission	PROJECT NUMBER	1002
		CUSTOM	MR. ALK
		DATE ISSUED	24.1.17
		PROJECT NAME	1002 Carter Road, Clayton South
		PROJECT NAME	Proposed Alterations



TP07

7. BOLT & NUT
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HARTLAND

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Agenda Item No: 8.4

AMENDMENT C165 - ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT (ESD) LOCAL POLICY

Contact Officer: Sarah Capenerhurst, Principal Strategic Planner

Purpose of Report

The purpose of this report is to initiate a Planning Scheme Amendment process and seek authorisation from the Minister for Planning to introduce new planning provisions into the Kingston Planning Scheme to establish requirements for new developments to maximise sustainable design outcomes.

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. Request authorisation from the Minister for Planning to prepare Planning Scheme Amendment C165 to the Kingston Planning Scheme.
2. Subject to receipt of authorisation from the Minister for Planning, commence public exhibition of Planning Scheme Amendment C165 in line with the requirements of Section 19 of the *Planning and Environment Act 1987*.
3. Receive a further report following the close of the exhibition process.

1. Executive Summary

This Amendment has been initiated by the City of Kingston with the objective of improving Environmental Sustainable Development (ESD) outcomes through the Planning Permit process. The proposed Local Planning Policy (as attached at Appendix 1) seeks to establish ESD requirements for new developments to maximise sustainable design outcomes.

The Amendment builds upon the overarching ESD objectives of the State Planning Policy Framework (SPPF) and the Municipal Strategic Statement (MSS) as contained within the Kingston Planning Scheme.

The proposed ESD Local Planning Policy will provide statutory weight to the current voluntary approach sought of applicants under the Sustainable Design Assessment in the Planning Process (SDAPP) program. To this end, objectives contained within the ESD policy seek to ensure that development achieves best practice across a wide range of ESD principles including: energy efficiency, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology. Council has demonstrated a commitment to the voluntary SDAPP program since 2010.

It is noted that similar Local Planning Policies for ESD have been approved and implemented in a number of Planning Schemes across metropolitan Melbourne including the Cities of Banyule, Monash, Moreland, Port Phillip, Stonnington, Whitehorse, Yarra, Darebin and Manningham. In this regard, it is considered that the measures proposed in the Local Planning Policy represent what is now an industry accepted 'best practice' approach to the provision of ESD initiatives in new development.

It is noted that five other confirmed Councils (at the time of this report) including Greater Dandenong, Bendigo, Whittlesea, Wyndham and Maroondah are progressing Planning Scheme Amendment processes which seek to implement identical Local Planning Policies for ESD. Following exhibition of the Amendment and Council's consideration of any submissions received, potential exists for Council to resolve to participate in a streamlined Planning Panel and/or Advisory Committee process, should one be appointed to consider submissions to the amendment. It is proposed that a further officer report be prepared at the conclusion of the exhibition period.

2. Background

Planning Scheme Review

In 2010-2012, Council undertook a Planning Scheme Review, as required by Section 12(B) of the *Planning and Environment Act 1987*. This review assessed the strategic performance of the Kingston Planning Scheme and identified issues facing Kingston as well as additional work required to strengthen the strategic direction of the Planning Scheme. The review identified a key gap in the Kingston Planning Scheme in relation to providing guidance through the planning process with respect to ESD. The review identified that:

- *"A new ESD local policy would seek to:*
 - *Ensure consideration of ESD principles in the design phase of the planning permit process*
 - *Increase awareness of ESD*
 - *Ensure that development achieves 'best practice' ESD, rather than merely meeting minimum standards through compliance with building regulation.*

The policy should focus on providing clearer direction on energy, water and waste conservation, through practical initiatives that can be incorporated into a variety of forms of new development.

TAKE2 Pledge for Climate Change

At its Ordinary Council meeting of 24 July 2017, Council agreed to the TAKE2 Pledge for Climate Change, and committed to a range of actions to reduce Council's carbon emissions and further strengthen our resilience to climate change through adaptation. Action 2.1.1.1. in the Annual Action Plan requires Council to develop a Climate Change policy which includes a number of strategic actions that seek to build resilient environments, infrastructure, facilities and communities.

Draft Climate Change Strategy

A draft Climate Change Strategy 2018-2025 is currently being finalised by Council officers for discussion and consideration in the coming months. The draft strategy will provide a clear framework to guide Council and the community towards reducing energy use and carbon emissions to mitigate the effects of and be adaptable to climate change. It is envisaged that the draft strategy will provide direction and specific actions in relation the consideration of ESD principles through the planning permit process as part of development application received by Council.

3. Discussion

3.1 Council Plan Alignment

Goal 1 - Our well-planned, liveable city supported by infrastructure to meet future needs

Direction 1.1 - Intergenerational land use planning for a sustainable community

The proposed Amendment responds directly to Action 1.1.3 *Administer an effective planning scheme, 1.1.3.1 update the Kingston Planning Scheme Review to take account of the new Council Plan and Plan Melbourne* and builds upon existing work at 1.1.3.2 *Develop strategies and undertake required Planning Scheme Amendments in areas including stormwater quality, public open space provision and potentially contaminated land.*

The Amendment also achieves Goal 2 – A Sustainable Natural and Built Environment and Outcome 2.5 Adopt and implement sustainable practices by developing a local policy that will encourage environmental sustainable developments.

3.2 Proposed Amendment C165

Amendment C165 to the Kingston Planning Scheme proposes to:

- Introduce a new Clause at 22.20 Environmentally Sustainable Development (ESD) into the Local Planning Policy Framework (LPPF).
- Update Clause 21.05 Residential Land Use and Clause 21.07 Industrial Land Use to reference ESD.

Preparation of an ESD Local Policy has been identified as a piece of further strategic work in Council's adopted Planning Scheme Review and is an implementation action in the Kingston Planning Scheme (Clause 21.05 and Clause 22.11).

The proposed ESD Local Policy will provide statutory weight to the current voluntary approach sought from applicants under the SDAPP program. Kingston City Council was one of the earliest adopters of the SDAPP program in 2010.

Under the current SDAPP practice, Kingston encourages applications for between 5 – 14 dwellings to prepare a Sustainable Design Assessment (SDA) and applications yielding 15 or more dwellings to submit a Sustainability Management Plan (SMP). Whilst the SPPF recognises the importance of ESD principles, it fails to provide specific guidance and direction on its implementation. Moreover ResCode requirements contained within Clause 54, 55 and 56 of the Kingston Planning Scheme do not cover all ESD principles and relate only to residential development.

The proposed ESD policy provides policy objectives and application requirements for residential, mixed use and non-residential developments to further implement ESD policy directions in the SPPF and MSS. Fundamentally, the policy facilitates the consideration of ESD at the time of planning approval for new developments so as to maximise sustainable design outcomes and minimise costs associated with retrofit and poor design. The policy also provides a range of additional benefits by seeking to:

- Encourage development to exceed ESD principles assessed under the Building Code requirements which are generally considered minimum standards;
- Extend ESD principles contained in Clause 54, 55 and 56 of the Planning Scheme beyond residential development;

- Provide Council planners, landowners and developers with clear environmental objectives for development; and
- Reduce the need for further information requests and facilitates a more efficient processing of applications.

3.2.1 Proposed Planning Scheme Changes

Changes are proposed at Clause 21.05 'Residential Land Use' of the Municipal Strategic Statement (MSS) of the Kingston Planning Scheme. These proposed changes reflect the introduction of the ESD Local Policy and highlight the importance of Council's aspirations in relation to maximising sustainable built outcomes.

A copy of the draft Local Planning Policy for Environmentally Sustainable Design is provided at Appendix 1. The proposed policy provides objectives and application requirements for residential and non-residential developments that require a planning permit. The policy does not introduce any new permit trigger.

The policy encourages new developments to incorporate environmentally sustainable design at the time of planning approval for new development so as to maximise sustainable design outcomes and minimise costs associated with retrofit and poor design. The policy also aims to achieve the following efficiencies and benefits:

- Easier compliance with building requirements through passive design.
- Reduction of life cycle of building costs.
- Improved household energy costs.
- Improved amenity and liveability.
- More environmentally sustainable urban form, and
- An integrated approach to on site water management which compliments the direction of recently gazetted Amendment C152 – Stormwater Management and Water Sensitive Urban Design.

The objectives contained within the Policy seek to ensure that development achieves best practice across a comprehensive range of ESD principles including: energy performance, water resources, indoor environmental quality, stormwater management, transport, waste management and urban ecology.

The proposed Policy will not include additional permit triggers but will establish minimum application requirements to ensure consistent, transparent and more efficient assessment of planning permit applications. The Policy effectively requires two different levels of ESD assessment to suit smaller and larger scale developments respectively. The environmental design standard and the level of information and expertise required to meet application requirements increases as the scale of the development increases. This approach recognises that the opportunities to include ESD initiatives in the development's design increases as the scale of the development increases.

4. Conclusion

4.1 Environmental Implications

The proposed amendment will have a positive effect in terms of minimising the impact of development on the environment throughout the lifespan of a residential, mixed use or non-residential development by considering environmental sustainability from design stage of a building to construction and ongoing management.

Applications for larger scale developments constructed to a high ESD standard will have multiple benefits for occupants in terms of cost savings on utilities, a healthier indoor environment and reduced impact on the environment such as in regards to waste management.

A high ESD standard in our built environment will improve energy efficiency, mitigating the impacts of climate change.

4.2 Resource Implications

The proposed implementation of an ESD Local Planning Policy will provide increased clarity around ESD requirements through the Planning Permit Approval process. As drafted, the policy is anticipated to result in some resource efficiencies by:

- Providing Council planners, landowners and developers with clear environmental objectives for development thereby reducing the amount of time spent negotiating these outcomes;
- Reducing the need for further information requests and additional consultant work thereby facilitating the more efficient and timely processing of applications.

Whilst some efficiencies will be achieved as a result of the policy's implementation, it is acknowledged that the increased focus on ESD outcomes and the imposition of baseline ESD standards places an obligation on Council officers to assess the extent to which Planning Permit Applications achieve the minimum standards proposed.

Based on the experience of other metropolitan Council's with similar ESD Policies in operation, it is envisaged that a dedicated part time ESD Officer position would be required to review ESD initiatives proposed and the content of any supporting technical reports. Subject to the outcome of the Planning Scheme Amendment process and Council's consideration of the draft Climate Change Strategy, a business case will be prepared to explore the need for an ESD officer resource.

Costs associated with the preparation and running of the Amendment are accounted for as part of the City Strategy operational budget. The officer time and resourcing associated with coordinating the Amendment process can be accommodated within existing FTE.

Appendices

Appendix 1 - Clause 22.20 for exhibition ESD policy (Ref 18/42887) [↓](#)

Author/s:	Sarah Capenerhurst, Principal Strategic Planner
Reviewed and Approved By:	Rita Astill, Team Leader Strategic & Environmental Planning Paul Marsden, Manager City Strategy Jonathan Guttmann, General Manager Planning and Development

8.4

AMENDMENT C165 - ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT (ESD) LOCAL POLICY

1	Clause 22.20 for exhibition ESD policy	85
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KINGSTON PLANNING SCHEME

22.20 ENVIRONMENTALLY SUSTAINABLE DEVELOPMENTDD/MM/YYYY
Proposed C165

This policy applies throughout the City of Kingston to residential and non-residential development that requires a planning permit in accordance with the thresholds in Table 1 of this Policy.

22.20-1 Policy BasisDD/MM/YYYY
Proposed C165

Kingston City Council is committed to creating an environmentally sustainable city. Critical to achieving this commitment is for development to incorporate appropriate Environmentally Sustainable Design (ESD) standards. This policy aims to integrate environmental sustainability principles into land-use planning, new developments and redevelopment of existing infrastructure.

This policy provides a framework for early consideration of environmental sustainability at the building design stage in order to achieve the following efficiencies and benefits:

- Easier compliance with building requirements through passive design;
- Reduction of costs over the life of the building;
- Improved affordability over the longer term through reduced running costs;
- Improved amenity and liveability;
- More environmentally sustainable urban form; and
- Integrated water management.

If environmentally sustainable design is not considered at the time of planning approval, the ability to achieve environmentally sustainable development may be compromised by the time these matters are considered as part of a building approval. In addition, there may be difficulties or extra costs associated with retrofitting the development to implement environmentally sustainable design principles.

This policy does not prescribe performance outcomes. The policy enables the provision of information and provides decision guidelines which will assist in the assessment of whether development meets environmentally sustainable development objectives.

This policy complements a range of non-statutory measures aimed at encouraging environmentally sustainable development. These measures include educating residents and applicants, assisting applicants to use Environmentally Sustainable Development (ESD) tools, leading by example with Council projects, promotion of exemplary private projects and promotion of the use of materials with favourable life cycle impacts.

22.20-2 ObjectivesDD/MM/YYYY
Proposed C165

The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

In the context of this policy best practice ESD is defined as a combination of commercially proven techniques, methodologies and systems, appropriate to the scale of development and site specific opportunities and constraints, which are

KINGSTON PLANNING SCHEME

demonstrated and locally available and have already led to optimum ESD outcomes. Best practice in the built environment encompasses the full life of the build.

The following objectives should be satisfied where applicable:

Energy performance

- To improve the efficient use of energy, by ensuring development demonstrates design potential for ESD initiatives at the planning stage.
- To reduce total operating greenhouse gas emissions.
- To reduce energy peak demand through particular design measures (eg, appropriate building orientation, shading to glazed surfaces, optimise glazing to exposed surfaces, space allocation for solar panels and external heating and cooling systems).

Water resources

- To improve water efficiency.
- To reduce total operating potable water use.
- To encourage the collection and reuse of stormwater.
- To encourage the appropriate use of alternative water sources (eg. greywater).

Indoor environment quality

- To achieve a healthy indoor environment quality for the wellbeing of building occupants, including the provision of fresh air intake, cross ventilation, and natural daylight.
- To achieve thermal comfort levels with minimised need for mechanical heating, ventilation and cooling.
- To reduce indoor air pollutants by encouraging use of materials with low toxicity chemicals.
- To reduce reliance on mechanical heating, ventilation, cooling and lighting systems.
- To minimise noise levels and noise transfer within and between buildings and associated external areas.

Stormwater management

- To reduce the impact of stormwater run-off.
- To improve the water quality of stormwater run-off.
- To achieve best practice stormwater quality outcomes.
- To incorporate the use of water sensitive urban design, including stormwater re-use.

Transport

- To ensure that the built environment is designed to promote the use of walking, cycling and public transport, in that order.
- To minimise car dependency.
- To promote the use of low emissions vehicle technologies and supporting infrastructure.

Waste management

KINGSTON PLANNING SCHEME

- To ensure waste avoidance, reuse and recycling during the design, construction and operation stages of development.
- To ensure durability and long term reusability of building materials.
- To ensure sufficient space is allocated for future change in waste management needs, including (where possible) composting and green waste facilities.

Urban ecology

- To protect and enhance biodiversity within the municipality.
- To provide environmentally sustainable landscapes and natural habitats, and minimise the urban heat island effect.
- To encourage the retention of significant trees.
- To encourage the planting of indigenous vegetation.
- To encourage the provision of space for productive gardens, particularly in larger residential developments.

22.06-3 PolicyDD/MM/YYYY
Proposed C201

It is policy to ensure innovative technology, design and processes positively influence the sustainability of all development.

It is policy that applications for the types of development listed in Table 1 be accompanied by information which demonstrates how relevant policy objectives will be achieved.

It is policy that applications for larger non-residential developments (as specified in Table 1) be accompanied by a Green Travel Plan.

22.20-4 Application RequirementsDD/MM/YYYY
Proposed C165

An application must be accompanied by either a Sustainable Design Assessment or a Sustainability Management Plan as specified in Table 1, as appropriate.

A Sustainable Design Assessment will usually not need to be prepared by a suitably qualified professional. It should:

- Provide a simple assessment of the development. It may use relevant tools from the examples listed in the table or an alternative assessment approach to the satisfaction of the responsible authority; and
- Identify environmentally sustainable development measures proposed in response to policy objectives, having regard to the site's opportunities and constraints.

A Sustainability Management Plan should:

- Provide a detailed assessment of the development. It may use relevant tools from the examples listed in the table or an alternative assessment approach to the satisfaction of the responsible authority; and
- Identify achievable environmental performance outcomes having regard to the objectives of this policy (as appropriate); and
- Demonstrate that the building has the design potential to achieve the relevant environmental performance outcomes, having regard to the site's opportunities and constraints; and
- Document the means by which the performance outcomes can be achieved.

KINGSTON PLANNING SCHEME

Various assessment tools have been listed in Table 1 which may be used to assess how the proposed development addresses the objectives of this policy, as appropriate.

Table 1 – ESD Application Requirements

TYPE OF DEVELOPMENT	APPLICATION REQUIREMENTS	EXAMPLE TOOLS
Accommodation /Mixed Use with residential component:		
<ul style="list-style-type: none"> 3 - 9 dwellings; or Development of a building for accommodation other than dwellings with a gross floor area of 1000m² to 2499m². 	Sustainable Design Assessment (SDA)	BESS STORM
<ul style="list-style-type: none"> 10 or more dwellings; or Development of a building for accommodation other than dwellings with a gross floor area more than 2499m². 	Sustainability Management Plan (SMP) Green Travel Plan (GTP)	BESS Green Star MUSIC STORM
Non-residential:		
<ul style="list-style-type: none"> Development of a non-residential building with a gross floor area of 1,000m² to 2,499m². 	Sustainable Design Assessment (SDA)	BESS MUSIC STORM
<ul style="list-style-type: none"> Development of a non-residential building with a gross floor area more than 2499m². 	Sustainability Management Plan (SMP) Green Travel Plan (GTP)	Green Star BESS MUSIC STORM

Note 1: Development (in Table 1) has the same meaning as in Section 3 of the Planning and Environment Act 1987, but does not include subdivision. To remove any doubt, development also includes alteration and additions. In the case of alterations and additions, the requirements of the Policy apply only to the alterations and additions.

Note 2: Mixed Use developments are required to provide the information applicable to each use component of the development.

22.06-5 Decision Guidelines

DD/MM/YYYY
Proposed C201

In determining an application, the Responsible Authority will consider as appropriate:

- The extent to which the development meets the objectives and requirements of this policy from the design stage through to construction and operation.
- Whether the proposed environmentally sustainable development performance standards are functional and effective to minimise environmental impact.

KINGSTON PLANNING SCHEME

- Whether the proposed environmentally sustainable development initiatives are reasonable having regard to the type and scale of the development and any site constraints.
- Whether an appropriate assessment method has been used.
- Whether an ESD plan or framework has previously been approved by the responsible authority (whether under a planning control or otherwise)

22.20-6 Reference DocumentsDD/MM/YYYY
Proposed C165

BESS (Built Environment Sustainability Scorecard) www.bess.net.au,
Council Alliance for a Sustainable Built Environment (CASBE), 2015.
Green Star, Green Building Council of Australia, www.gbca.com.au
Nationwide House Energy Rating Scheme (Nat HERS), Department of Climate
 Change and Energy Efficiency, www.nathers.gov.au
STORM, Melbourne Water, www.storm.melbournewater.com.au
Urban Stormwater Best Practice Guidelines, CSIRO, 2006.

Note: The above reference documents and websites may be amended from time to time.
 It is intended that these documents and websites (or amended versions) are
 relevant reference documents to this policy.

22.20-7 CommencementDD/MM/YYYY
Proposed
C165

The ESD Application requirements in Table 1 do not apply to applications
 received by the responsible authority before the gazettal date of this clause.

22.20-8 ExpiryDD/MM/YYYY
Proposed C165

This policy will expire if it is superseded by an equivalent provision of the Victoria
 Planning Provisions.

26 March 2018

Agenda Item No: 8.5

RESPONSE TO NOTICE OF MOTION NO. 52/2017 - CONSERVATION PLANNER

Contact Officer: Jaclyn Murdoch, Team Leader - Planning Appeals & Compliance

Purpose of Report

The purpose of this report is to respond to Notice of Motion No. 52/2017 raised on 27 November 2017 by Cr West in relation to the need or otherwise for a Conservation Planner.

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. Seek the advice of expert ecologists for Planning Permit Applications made on land in all zones that exceeds 4,000 square metres;
2. Seek the advice of ecological experts or Council's Vegetation Management Officers in circumstances where a Planning Permit is applied for on land less than 4,000 square metres in area and has not been previously developed;
3. Continue to seek external advice from expert ecologists where there is a permit sought for the removal of native vegetation (pursuant to Clause 52.17);
4. Vegetation Management Officers continue to inspect residential land where planning permit applications have been made and provide advice regarding arboriculture matters and where necessary seek ecological advice to assist Planning Officers as required; and
5. Receive briefings from the Manager of City Development at the monthly Planning Councillor Information Sessions regarding applications where approval to remove native vegetation pursuant to Clause 52.17 is sought.

1. Executive Summary

Notice of Motion No. 52/2017 proposes the approval of a new position within Council for a Conservation Planner. The role is intended to assess and require all development applications with indigenous vegetation, to be referred to an external ecological expert.

All Victorian Planning Schemes including the Kingston Planning Scheme, provides for sites of in excess of 0.4 hectares to be assessed against the provisions of Clause 52.17 (Native Vegetation) in order to manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Council's City Development Department do not receive many applications seeking permits for the removal of native vegetation under Clause 52.17. In the 2017 calendar year, five were assessed. The assessment and referral of applications is captured through existing processes by City Development Officers and it is Council Officers' advice that the approach of using external expert ecologists should continue in the circumstances described in the recommendation.

2. Background

Response to the specifics of the Notice of Motion

The Notice of Motion as resolved at the 27 November Ordinary Council Meeting states:

1. *"That Council provide a report to the first Ordinary Council Meeting of 2018 on appointing a Conservation Planner to assess and require all development applications with indigenous vegetation, including subdivision applications, to be referred for expert ecological assessment,*
 - *Further that the conservation planner ensures that all Councillors are briefed on any such application*
 - *Further that the report considers whether this role could be performed by the Green Wedge project manager whose appointment is listed for determination by Council;*
2. *That in the meantime, all development applications with indigenous vegetation, including subdivision applications are referred for expert ecological assessment, and that all Councillors are briefed on such applications at a Councillor Information Session where discussion on the Draft Planning Committee Agenda is conducted."*

Firstly, Council Officers apologise for this report not being put to the first Ordinary Meeting of Council in 2018. This was due to an increased workload as a result of Officers taking annual leave during the festive season.

It is also noted that a report was presented to the Strategic Councillor Information Session on 5 February 2018 at which time, Councillors provided feedback and provided Officers additional time to respond to the feedback received.

3. Discussion

3.1 Council Plan Alignment

Goal 2 - Our sustainable green environment with accessible open spaces
Direction 2.2 - Greening Kingston and place making

The Notice of Motion seeks to ensure a thorough and comprehensive approach is taken for all applications where native vegetation is proposed to be removed. This is supported by Council's Officers and the report seeks to demonstrate the ability of the organisation to appropriately respond to this issue.

3.2 Planning application volume

In the 2017 calendar year Council received 1,246 total number of applications (not including secondary consent applications or extensions of time). The profile of these applications is as follows:

Residential – 47% approximately
Industrial or commercial – 8% approximately
Subdivision – 15% approximately
Other (including use, signage, liquor etc.) – 30% approximately

3.3 Planning Scheme Triggers

The Planning Scheme provides a permit requirement to remove, destroy or lop native vegetation, including dead vegetation. This does not apply if the table to Clause 52.17-7 specifically states that a permit is not required.

Some of the more commonly relied upon exemptions listed within the table to Clause 52.17-7 are as follows:

- 'Site area' described as:

Native vegetation that is to be removed, destroyed or lopped on land, together with all contiguous land in one ownership, which has an area of less than 0.4 hectares.

This exemption does not apply to native vegetation on a roadside or rail reservation.

- 'Planted vegetation' described as:

Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.

This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.

Officers have attached a copy of the current Clause 52.17 provision. This provides Councillors with greater detail regarding other exemptions and the assessment and decision making criteria.

Where there is a permit requirement and the application is of the type defined within Clause 66.02-2 of the Kingston Planning Scheme, there is requirement for the application to be referred to the Department of Environment, Land, Water and Planning (DELWP). However, this will usually only apply to 'detailed assessment pathways'.

3.4 Current Operational Practice

The following operational practices are observed in the City Development Department in relation to the management of applications:

- Council's City Development Department meet each week to allocate and refer newly received applications. Relevant to the Notice of Motion, this meeting will flag instances when applications are submitted requesting planning permission pursuant to Clause 52.17 Native Vegetation.

Assessments under Clause 52.17 can relate to all land zones, including but not limited to, Residential, Industrial and Green Wedge zonings. However, there are also a number of exemptions, including, most notably, the area of the site (less than 4,000 square metres) and that the vegetation was planted or grown as a result of direct seeding (unless managed with public funding).

- The referral of the applications then occurs to both internal departments of Council and external referral authorities.
- Where an application seeks approval for the removal of native vegetation pursuant to Clause 52.17 (Native Vegetation) Council's Statutory Planning Officers engage an external ecologist expert to provide an assessment and/or peer review of an ecology report provided by the applicant as part of the application.
- It is also noted that Council's Planning Officers are able to request further information if they believe the application seeks approval for the removal of native vegetation (pursuant to Clause 52.17) and it has not been applied for, or if there is vegetation worthy of retention, irrespective of the permit requirement under Clause 52.17.
- In instances where an application does not specifically meet the triggers to remove vegetation (52.17) but vegetation is proposed to be removed the application will be internally referred to Council's Vegetation Management Team.
- In these circumstances, Council's Vegetation Management Officers inspect the land and if required, request arboricultural assessments to be provided to Council for Officers' consideration. Council's Vegetation Management Officers will then review the arboricultural report and provide recommendations to the Planning Officers.

The Vegetation Management Team hold qualifications in the following areas:

- Diploma in Horticulture (Arboriculture) AAQF Certificate 5 Arboriculture and Graduate Certificate in Arboriculture.
- Certificate 4 Arboriculture
- Masters in Urban Horticulture and a Graduate Certificate in Arboriculture

This team is supported by a range of other Council Teams including the Parks Natural Resource area Team and Strategic and Environment Planning Team with the City Strategy area where a broad range of qualifications and expertise is also available.

- On larger sites where the Vegetation Management Officers inspect the land and identify potential ecological value they provide advice to Planning Officers that guides them towards seeking expert ecological advice.
- The team collectively perform a role of seeking to where appropriate make recommendations in the assessment of planning matters around the conservation of vegetation on development sites as well as the potential for new planting as part of proposed landscape plans.
- In the 2017 calendar year the Vegetation Management Team provided comments on over half of the applications received by Council (approximately, 60 percent). The team also provided advice on over 1,100 occasions during 2017 comprising of the initial referrals for the applications received during that year, in addition to re-referrals and condition 1 assessments.

- This team can also make recommendations that even if the 52.17 trigger is not present and expert ecologist advice is required it can be sought.
- Upon receipt of a referral the Vegetation Management Officers will review the proposed plans and visit the subject land to form a view on the proposed vegetation. The officers will then provide feedback to the relevant Planning Officer assessing the application of the quality of the vegetation. The Planning Officer will then take this feedback into account in assessing the planning application.

3.5 Expert Ecological Advice

In 2017, Council's Planning Officers considered five applications (approximately) for which an external ecologist was engaged to provide advice where native vegetation was proposed to be removed pursuant to Clause 52.17. The cost to investigate each matter was approximately \$5,000.00, resulting in total cost to Council of approximately \$25,000.00.

Following discussions with a number of other municipalities it is clear that the general practice is rather than retain an ecologist on Council staff to assess planning applications where this expertise is required it is generally sought to 'peer review' ecological reports submitted with applications. In some instances Councils rely solely on the feedback they may receive from the applicant's ecologist or from the Officers of the Department of Environment, Land, Water and Planning. This option also ensures that Councils are generally able to seek the appropriate expert for the particular ecological issue under investigation.

If Council were to pursue employing a full time ecologist employed by the City of Kingston, the cost of securing someone with the required qualifications would likely be between \$106,230.90 and \$118,978.17 per annum (including on-costs, at Band 7 between increment A and D). Further, it is likely that the successful incumbent would have significantly less experience than the ecologists that Council currently engages to undertake peer review. The use of external ecologists can also be beneficial when Council is required to appear before Planning Panels and the VCAT where high levels of 'expertise' are required often in instances where the ecologist would be subject to cross examination.

On the basis of the above, there is a significant cost benefit and service quality benefits to Council in pursuing the use of external ecological assistance.

3.6 Proposed new Procedure

Having reviewed the Notice of Motion it is recommended that a new procedure is introduced to ensure that Councillors are made aware of applications seeking approval to removal Native Vegetation under Section 52.17 of the Kingston Planning Scheme.

In addition to existing practice of providing Councillors with a weekly copy of the Planning register of new applications and those applications presently being advertised, Officers will now bring to the attention at the Planning Councillor Information Session any new applications that have sought approval to remove native vegetation pursuant to Section 52.17.

3.7 Green Wedge Officer

The Notice of Motion requests that Officers consider whether the Green Wedge Officer could perform the role of a 'Conservation Planner'. Officers are mindful that over recent years the Green Wedge Officer role has been one working in the Public Places Team co-ordinating a range of Council projects in the Kingston Green Wedge to enhance its presentation. These projects have largely involved working with the broader Parks area to ensure that roadside plantings in key locations within the Green Wedge are programmed, established and maintained. Increasingly the focus on conservation and landscape enhancement will be increased in the Green Wedge as the delivery of the 'Chain of Parks' commences and significant new opportunities for landscaping, trail creation and potential wetlands are facilitated.

Council at its recent February Ordinary Council Meeting resolved, as part of its response to Notice of Motion 29/2017, to provide additional resourcing to support activities it is wishing to complete in the Green Wedge. It will be most important that Council's Vegetation Management Officers and expert ecologists (where appointed) work closely with the resources provided to the City Strategy Department and within the City Assets and Environment Division in instances where there is overlap in the planning work Council is undertaking in the Green Wedge.

4. Conclusion

4.1 Environmental Implications

Given the limited extent of applications that trigger planning approvals for the removal of Native Vegetation in a highly urbanised area like Kingston it is important that Council carefully manages such proposals.

Historically the appointment of external ecologists to assist Council has been beneficial in this regard.

4.2 Resource Implications

The recommendations in this report will require, from time to time, additional assessments to be undertaken by external ecologists on sites where Council's Vegetation Management Officers seek additional expertise relating to ecology. In such instances this will require a 'site visit' to determine whether the site has ecological significance.

Officers are confident that instances where 'detailed reports' are required from an external ecologist will be limited and of a volume that has been managed through existing operational budgets over recent years.

Appendices

Appendix 1 - Notice of Motion No. 52/2017 - Conservation Planner (Trim No 18/29653) [↓](#)

Appendix 2 - Clause 52-17 - Kingston Planning Scheme (Trim No 18/29998) [↓](#)

Author/s:	Jaclyn Murdoch, Team Leader - Planning Appeals & Compliance
Reviewed and Approved By:	Ian Nice, Manager City Development Jonathan Guttman, General Manager Planning and Development

8.5

RESPONSE TO NOTICE OF MOTION NO. 52/2017 - CONSERVATION PLANNER

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2	Clause 52-17 - Kingston Planning Scheme	103

Ordinary Meeting of Council**27 November 2017****Agenda Item No: 12.7****NOTICE OF MOTION NO. 52/2017 - CR WEST -
CONSERVATION PLANNER**

I move that:

1. Council provide a report to the December meeting of Council on appointing a Conservation Planner to assess and require all development applications with indigenous vegetation, including subdivision applications; to be referred for expert ecological assessment;
 - That the conservation planner ensures that all councillors are briefed on any such application
 - That the report considers whether this role could be performed by the Green Wedge project manager?? Whose appointment is listed for determination on tonight's agenda;
2. That in the meantime, all development applications with indigenous vegetation, including subdivision applications are referred for expert ecological assessment, and that all Councillors are briefed on such applications at a Planning Agenda Review Meeting.

Cr Rosemary West

Background:

1. Several development applications have recently been dealt with by Council without proper assessment of indigenous vegetation and/or without Ward Councillors being briefed:
 - The subdivision of 19 Tarella Road was undertaken in January 2016 without ecological assessment and indeed without officers or Councillors being aware that it involved significant remnant indigenous vegetation including a patch of remnant Coastal Banksia Woodland. The VCAT Member who recently refused a planning application for this site commented on the claim by objectors that the subdivision had been approved by Council without assessment of the indigenous vegetation;
 - Mordialloc Creek Wetlands application by Melbourne Water on last week's Planning Committee Meeting agenda originally came to Council in 2012 without a Council-appointed expert ecological assessment. The ecological assessment eventually commissioned by council led to an agreement with Melbourne Water to protect an important remnant wetland. This was deferred by Melbourne Water for cost considerations. When it came back to Council for confirmation recently neither Central nor South Ward Councillors were made aware of this until a councillor heard about from a resident objector.

**City of Kingston
Ordinary Meeting of Council**

Agenda**27 November 2017**

- A residential development application in Spring Road Dingley Village was last month approved without any ecological assessment of or prior briefing of Councillors about indigenous vegetation on the site despite lengthy consideration of liability issues related to the adjacent landfill. This is one of the few patches of remnant indigenous vegetation left in the Green Wedge. Councillors do not know what EVC may be involved or whether it is rare vegetation that should require approval by DELWP under Clause 52.17 of the planning scheme.

Appendices

Appendix 1 - Leader Newspaper Article - 1 November 2017 - Plea to Buy Block (Trim No 17/182177) [↓](#)

Author/s: Rosemary West, Councillor

Reviewed and Approved By:

12.7

NOTICE OF MOTION NO. 52/2017 - CR WEST - CONSERVATION PLANNER

1	Leader Newspaper Article - 1 November 2017 - Plea to Buy Block.....	431
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mordiallochelsealeader.com.au

CHELSEA



The block of land that local residents, inset, are trying to preserve for parkland. Pictures: CHRIS EASTMAN

Plea to buy block

Development knock-back seen as signal for protection. **Emma Watson reports**

CHELSEA locals crying out for more public parkland have renewed their push for Kingston Council to buy a bushy block.

Their plea comes after the state's planning tribunal knocked back a bid to axe all but one exotic tree from a 3500sq m site in Tarella Rd to make way for 14 two-storey homes.

The developers took their proposal to VCAT after Kingston Council failed to

make a decision. VCAT senior member Margaret Baird refused a permit for the 14-home development, given the amount of vegetation to go and disrespect for neighbourhood character.

Campaigner Mike Eising is again calling for the block to be preserved as a public reserve.

"We believe this decision paves the way for Kingston Council to readdress the

acquisition of the site," he said.

In April 2016, councillors voted against a motion to consider buying the block when it was on the market.

Planning and development general manager Jonathan Guttman said it would cost millions and needed to be a key priority for the broader community.

Mayor David Eden said Kingston was investigating whether environmental

protections for the land could be introduced.

There are just two vegetation protection overlays (VPOs) and four environmental significance overlays (ESOs) in the region that include protection for significant trees: the Edithvale Seaford Wetlands area and expanses of indigenous vegetation.

Leader has contacted the applicant's office for comment.

52.1712/12/2017
VC138**NATIVE VEGETATION****Purpose**

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) the *Guidelines*:

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

52.17-112/12/2017
VC138**Permit requirement**

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

52.17-212/12/2017
VC138**Application requirements**

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the *Guidelines*.

52.17-312/12/2017
VC138**Property vegetation plans**

A permit granted to remove, destroy or lop native vegetation in accordance with a property vegetation plan must include the following condition:

“This permit will expire if one of the following circumstances applies:

- The removal, destruction or lopping of native vegetation does not start within two years of the date of this permit.
- The removal, destruction or lopping of native vegetation is not completed within ten years of the date of this permit.”

52.17-412/12/2017
VC138**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the decision guidelines specified in the *Guidelines* as appropriate.

52.17-5 Offset requirements12/12/2017
VC138

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the *Guidelines*. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.

52.17-6 Transitional provisions12/12/2017
VC138

The requirements of Clause 52.17 of this scheme in force immediately before the commencement of Amendment VC138 continue to apply to an application for:

- A permit lodged before that date.
- An amendment to a permit if:
 - the original permit application was lodged before that date; or
 - the original permit application was one that benefited from the following transitional provision.
- A permit lodged within 12 months after that date, if the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) has stated in writing that a report about the proposed removal, destruction or lopping of native vegetation has been generated by the Department of Environment, Land, Water and Planning's native vegetation information systems within 12 months before that date.

52.17-7 Table of exemptions12/12/2017
VC138

The requirement to obtain a permit does not apply to:	
Conservation work	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work: <ul style="list-style-type: none"> ▪ which provides an overall improvement for biodiversity; and ▪ with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Crown land	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land: <ul style="list-style-type: none"> ▪ by or on behalf of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>), or Parks Victoria, and in accordance with the <i>Procedure for the removal, destruction or lopping of native vegetation on Crown land</i>; or ▪ with written permission from the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Dead native vegetation	Native vegetation that is dead. This exemption does not apply to a standing dead tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

The requirement to obtain a permit does not apply to:	
Emergency works	<p>Native vegetation that is to be removed, destroyed, or lopped:</p> <ul style="list-style-type: none"> ▪ in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access associated with emergency works; or ▪ where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.
Existing buildings	<p>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the use or maintainance of a building constructed in accordance with a planning or building permit issued before 15 September 2008.</p> <p>This exemption does not apply to:</p> <ul style="list-style-type: none"> ▪ the operation or maintenance of a fence; or ▪ native vegetation located more than 10 metres measured from the outermost point of the building.
Existing buildings and works in the Farming Zone and Rural Activity Zone	<p>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the use or maintenance of an existing building or works used for Agricultural production, including a dam, utility service, bore, horticultural trellising and accessway in the Farming Zone or the Rural Activity Zone.</p> <p>This exemption does not apply to:</p> <ul style="list-style-type: none"> ▪ the use or maintenance of a Dwelling; or ▪ the operation or maintenance of a fence; or ▪ native vegetation located more than 10 metres measured from the outermost point of the building or works.
Fences	<p>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable:</p> <ul style="list-style-type: none"> ▪ the operation or maintenance of an existing fence; or ▪ the construction of a boundary fence between properties in different ownership. <p>The clearing along both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence.</p>

The requirement to obtain a permit does not apply to:

Fire protection	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to carry out any of the following fire protection activities:</p> <ul style="list-style-type: none"> ▪ fire fighting; ▪ planned burning; ▪ making or maintenance of a fuelbreak or firefighting access track (or any combination thereof) that does not exceed a combined width of 6 metres; ▪ making a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>); ▪ in accordance with a fire prevention notice issued under either: <ul style="list-style-type: none"> • Section 65 of the <i>Forests Act 1958</i>; or • Section 41 of the <i>Country Fire Authority Act 1958</i>. ▪ keeping native vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the <i>Electricity Safety Act 1998</i>; ▪ minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by or on behalf of that authority, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the <i>Road Management Act 2004</i>. <p><i>Note: Additional permit exemptions for bushfire protection are provided at Clause 52.48.</i></p>
Geothermal energy exploration and extraction	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <i>Geothermal Energy Resources Act 2005</i> .
Grasses	<p>Native grass that is to be mowed or slashed for maintenance only, provided that the grass is:</p> <ul style="list-style-type: none"> ▪ located within a lawn, garden or other landscaped area; or ▪ maintained at a height of at least 10 centimetres above ground level.
Grazing	<p>Native vegetation that is to be removed, destroyed or lopped by domestic stock grazing on:</p> <ul style="list-style-type: none"> ▪ freehold land; or ▪ Crown land in accordance with a license, permit or lease granted under applicable legislation.
Greenhouse gas sequestration and exploration	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <i>Greenhouse Gas Geological Sequestration Act 2008</i> .

The requirement to obtain a permit does not apply to:	
Harvesting for timber production – naturally established native vegetation	<p>Naturally established native vegetation that is to be removed, destroyed or lopped to enable timber harvesting operations and associated activities that are in accordance with the <i>Code of Practice for Timber Production 2014</i> and are:</p> <ul style="list-style-type: none"> ▪ undertaken on public land under a licence or permit issued under section 52 of the <i>Forests Act 1958</i>; or ▪ authorised in accordance with Part 5 of the <i>Sustainable Forests (Timber) Act 2004</i>.
Land management or directions notice	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the <i>Catchment and Land Protection Act 1994</i>.</p>
Land use conditions	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the <i>Catchment and Land Protection Act 1994</i>.</p>
Lopping and pruning for maintenance	<p>Lopping or pruning native vegetation, for maintenance only, provided no more than 1/3 of the foliage of each individual plant is lopped or pruned.</p> <p>This exemption does not apply to:</p> <ul style="list-style-type: none"> ▪ the pruning or lopping of the trunk of a native tree; or ▪ native vegetation on a roadside or railway reservation.
Mineral exploration and extraction	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention license issued under the <i>Mineral Resources (Sustainable Development) Act 1990</i>:</p> <ul style="list-style-type: none"> ▪ that is low impact exploration within the meaning of Schedule 4A of the <i>Mineral Resources (Sustainable Development) Act 1990</i>; or ▪ in accordance with a work plan approved under Part 3 of the <i>Mineral Resources (Sustainable Development) Act 1990</i>. <p><i>Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.</i></p>
New buildings and works in the Farming Zone and Rural Activity Zone	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the construction of a building or works used for Agricultural production, including a dam, utility service, bore and accessway, in the Farming Zone or the Rural Activity Zone.</p> <p>The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> ▪ 1 hectare of native vegetation which does not include a tree. ▪ 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level. ▪ 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. <p>This exemption does not apply to the construction or operation of a pivot irrigation system or horticultural trellising.</p>

The requirement to obtain a permit does not apply to:	
New dwellings in the Farming Zone and Rural Activity Zone	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the construction of a dwelling in the Farming Zone or Rural Activity Zone.</p> <p>The maximum extent of native vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> ▪ 300 square metres of native vegetation which does not include a tree. ▪ 5 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level. ▪ 1 native tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. <p>This exemption does not apply native vegetation removed, destroyed or lopped to enable the construction of a swimming pool, tennis court or horse ménage.</p>
Personal use	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to obtain reasonable amounts of wood for personal use by the owner or lawful occupier of the land.</p> <p>For the purpose of this exemption personal use means uses such as heating and cooking, building and fence construction on land, and hobbies such as arts and craft.</p> <p>This exemption does not apply to:</p> <ul style="list-style-type: none"> ▪ contiguous land in one ownership that has an area of less than 10 hectares; ▪ the removal, destruction or lopping of native vegetation by means other than cutting or chopping; or ▪ a standing native tree (including a dead tree) with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.
Pest animal burrows	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows in the Farming Zone or the Rural Activity Zone:</p> <ul style="list-style-type: none"> ▪ in accordance with written agreement of an officer of the department responsible for administering the <i>Flora and Fauna Guarantee Act 1988</i>; or ▪ provided the maximum extent of native vegetation removed, destroyed or lopped on contiguous land in the same ownership in a five year period does not exceed any of the following: <ul style="list-style-type: none"> • 1 hectare of native vegetation which does not include a tree; or • 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.
Planted vegetation	<p>Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.</p> <p>This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.</p>

The requirement to obtain a permit does not apply to:	
Railways	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Regrowth	<p>Native vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established native vegetation, and is:</p> <ul style="list-style-type: none"> ▪ less than 10 years old; or ▪ bracken (<i>Pteridium esculentum</i>); or ▪ within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation; or ▪ less than ten years old at the time of a property vegetation plan being signed by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>), and is: <ul style="list-style-type: none"> • shown on that plan as being 'certified regrowth'; and • on land that is to be used or maintained for cultivation or pasture during the term of that plan. <p>This exemption does not apply to land where native vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.</p>
Road safety	Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by and on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).
Site area	<p>Native vegetation that is to be removed, destroyed or lopped on land, together with all contiguous land in one ownership, which has an area of less than 0.4 hectares.</p> <p>This exemption does not apply to native vegetation on a roadside or rail reservation.</p>
Stock movements on roads	<p>Native vegetation that is to be removed, or destroyed by stock being moved along a road.</p> <p>This exemption does not apply to grazing as a result of holding stock in a temporary fence (including an electric fence) on a roadside for the purpose of feeding.</p>

The requirement to obtain a permit does not apply to:	
Stone exploration	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.</p> <p>The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> ▪ 1 hectare of native vegetation which does not include a tree. ▪ 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level. ▪ 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. <p>This exemption does not apply to costeaning and bulk sampling activities.</p>
Stone extraction	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone extraction in accordance with a work plan approved under the <i>Mineral Resources (Sustainable Development) Act 1990</i> and authorised by a work authority under that Act.</p>
Surveying	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the <i>Surveying Act 2004</i>) using hand-held tools to establish a sightline for the measurement of land.</p>
Traditional owners	<p>Native vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:</p> <ul style="list-style-type: none"> ▪ a natural resource agreement under Part 6 of the <i>Traditional Owner Settlement Act 2010</i>; or ▪ an authorisation order made under sections 82 or 84 of the <i>Traditional Owner Settlement Act 2010</i> as those sections were in force immediately before the commencement of section 24 of the <i>Traditional Owner Settlement Amendment Act</i> in 2016 (1 May 2017).
Utility installations	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary:</p> <ul style="list-style-type: none"> ▪ to maintain the safe and efficient function a Minor utility installation; or ▪ by or on behalf of a utility service provider to maintain or construct a utility installation in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>).

The requirement to obtain a permit does not apply to:

Vehicle access from public roads	<p>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the construction or maintenance of a vehicle access across a road reserve from a property boundary to a public road.</p> <p>This exemption only applies to properties which share a common boundary with the road reserve, and the total width of clearing must not exceed 6 metres.</p> <p>This exemption does not apply where there is a practical opportunity to site the accessway to avoid the removal, destruction or lopping of native vegetation.</p> <p>In this exemption, roadside and public road have the same meanings as in section 3 of the <i>Road Management Act 2004</i>.</p> <p><i>Note: Under the Road Management Act 2004 the written consent of the coordinating road authority is required to conduct any works, including removing a tree or other vegetation, in, on, under or over a road.</i></p>
Weeds	<p>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal or destruction of a weed listed in the schedule to Clause 52.17.</p> <p>The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> ▪ 1 hectare of native vegetation which does not include a tree. ▪ 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.

Ordinary Meeting of Council

26 March 2018

Agenda Item No: 8.6

RESPONSE TO NOTICE OF MOTION NO. 53/2017 - LANDSCAPE PLANS

Contact Officer: Jaclyn Murdoch, Team Leader - Planning Appeals & Compliance

Purpose of Report

The purpose of this report is to respond to Notice of Motion No. 53/2017 raised on 27 November 2017 by Cr West in relation to landscape plans.

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 proposal to investigate the appropriateness of increasing the penalty units for Clauses 42 (42.1 and 42.2), 43 and 45 to 15 penalty units each during the 2018 review of the Community Local Law; and
2. Support the creation of a new full time Band 5 position for a trial period of 2 years to proactively seek compliance with the approved landscape plans (specifically the retention of trees and provision of new canopy trees) where planning permits have been issued for developments.

1. Executive Summary

Consideration has been given to how Council is able to provide a sufficient level of resource to oversee the retention and provision of canopy trees as required by landscape plans approved under Planning Permits.

The issue of the occupancy permit by the relevant private building surveyor is the only 'moment in time' that Council will be notified of the development being completed noting that in most instances (although not a requirement for the building surveyor) the landscaping should have been completed. As such this will be a 'trigger' subject to the recommended resourcing to require a site inspection of every development site to ensure canopy trees are retained and planted as required on the landscape plan. It is proposed that the focus of future inspections will be on 'trees' mindful of the balance needing to be struck with the rights of future property owners with respect to the choice of shrubs and other landscaping elements they may select for the homes they purchase.

Recognising that between 2011 and 2016 Council had approximately 800 net new dwellings created each year the task to 'check' each landscape plan and then follow-up where required is significant. The Planning Department received in the 2017 financial year 1,246 applications (not including secondary consent applications or extensions of time) with the profile being 47% residential which illustrates the high volume of post construction assessment work that will be required to check all landscape plans.

The report recommends the appointment of an Officer with experience in reviewing compliance with landscape plans for a 2 year trial to then evaluate the success of this initiative.

Over recent years Council's City Development Department have made enhancements to the Community Local Law to create 'replanting requirements' and also to increase the penalty units from 2 and 5 to 10 penalty units for illegally removing trees. In responding to the Notice of Motion the report recommends that upon the next review of the local law increasing the penalties again to 15 penalty units.

Council's Vegetation Management Team have a strong commitment to process improvement and in addition to the outcomes recommended through this report and the response to Notice of Motion 52/2017 will also be continuing to explore improvements to policy and processes.

2. Background

The Notice of Motion 53/2017 states:

1. *That Council officers provide a report on how best to meet the following requirements for the first Ordinary Meeting of Council in 2018:*
 - *Council requires all development sites with approved landscape plans to be inspected prior to occupation.*
 - *Consideration of whether Council can fund the extra costs involved by imposing new fees on any development application that proposes to remove trees or native shrubs. And whether this fee can be set at a lower rate where the landscape plan proposes to plant indigenous trees and understorey plants.*
 - *Investigation of increasing fines for tree removal without a permit where a development application follows.*
2. *In the meantime, officers to please show more rigor in assessing applications for tree removal prior to development.*

A report was presented to the Strategic Councillor Information Session on 5 February 2018. A discussion also occurred between the Mayor and Cr. West and the Chief Executive Officer and General Manager of Planning and Development to better understand the intent of the Notice of Motion. As a consequence of this discussion it was agreed that the report would be re-scoped to ensure focus was placed on understanding the resource required to ensure at the appropriate interval (ideally prior to occupation) all development sites are checked to ensure compliance with the retention of and provision for canopy trees as required by the landscape plans linked to Planning Permits.

The report now presented seeks to respond to the feedback provided by the Mayor and Cr. West.

3. Current resources within the Vegetation Management Team

Council's Vegetation Management Team comprises of one Senior Vegetation Management Officer, two Vegetation Management Officers and a Student Vegetation Management Officer.

Community Local Law

In 2017 over 700 Local Law applications were received seeking approval for tree removal. Of these, the significant majority were granted permits for various reasons. However, of these, the majority included a condition requiring replanting.

Council's Vegetation Management Officers have recently had input into the 2017 annual review of the Community Local Law, which was supported by Council at its Ordinary Meeting of 11 December 2017. The review included the change to the definition of a 'protected tree' to include any tree planted as required by a replanting condition of a Local Law Permit issued for the removal of a protected tree. The changes also included the strengthening of the criteria used to assess applications for Local Law permits for tree removal.

As a consequence of this change to the Local Law Council's Vegetation Management Officers will be able to take a more proactive approach in ensuring that the replanting conditions of the Local Law Permits are complied with.

Planning Applications

In the 2017 calendar year Council received 1246 applications (not including secondary consent applications or extensions of time). The profile of these applications where relevant to 'potential' landscape plan assessments is as follows:

Residential – 47%
Industrial or commercial – 8%
Subdivision – 15% approximately.

Of these approximately half of the applications lodged required the input of Council's Vegetation Management Officers, the majority of which, if supported, would have been subject to a condition requiring the submission and approval of a Landscape Plan.

Council's Planning Compliance Officers currently undertake landscape compliance checks generally only as a reactive measure following the issue of occupancy permits when complaints are raised.

4. Responses to items within the Notice of Motion 53/2017

1. *Council requires all development sites with approved landscape plans to be inspected prior to occupation.*
- Council's Planning Compliance Officers currently undertake reactive landscape plan inspections of developments. This occurs after the occupancy permit has been issued and is usually in response to a complaint.

It is understood that the intention of the Notice of Motion is to inspect the canopy trees required to be retained and planted by conditions of planning permits for development after the issue of occupancy permits by relevant private building surveyors.

The recent Census indicates that approximately 4,000 net new dwellings were constructed in Kingston between the last two census periods indicating on average 800 new dwellings per annum. Noting that some of these dwellings are in the form of apartments where landscaping (tree) requirements are limited many remain in the form of medium density housing where significant landscaping plan requirements for retention and replanting of trees are established. Noting that in-excess of 600 applications were submitted for assessment (residential / industrial etc) in 2017 that are likely to have landscape plan requirements the volume of plans that would require inspection are significant.

Officers have assumed that each site is likely to require an average of 2 hours of officer time to coordinate access, attend and inspect (mindful this will fluctuate pending the number of dwellings and size of site). If Council needed to inspect 450 properties per annum this would equate to 900 hours per year for one officer devoted to undertaking inspections, which is the equivalent of 24 working weeks. Based on 48 weeks per year (allowing for annual leave) this is half of one officer's time occupied by site inspections alone.

Importantly when considering resourcing the above does not include subsequent follow up where non-compliances have been identified which are likely to be more time intensive than the inspections themselves. Nor does it take into account the resource impact of amendment applications which will be lodged and require reinspection after non compliances are identified.

The above cannot be absorbed within the existing staff establishment. There would be the need to create and employ an additional Planning Enforcement and Liaison Officer (or similar) with relevant, vegetation related qualifications. It is expected that the intended functions could be carried out by a Band 5 Officer. The cost would be between \$77,000 and \$90,000 (including on costs at a Band 5 level).

Officers believe that it is appropriate that a 2 year trial be conducted mindful this will provide an opportunity to evaluate resourcing and optimally reduce the need for resourcing into the future, on the basis that the development community are aware that Council is proactively evaluating all sites.

The above resourcing assessment is based on the inspection of the land to ensure that the canopy trees required by conditions of the planning permit have been retained or planted. The length of the inspections and resource required to inspect all shrubs and other landscaping shown on the approved landscape plan would be significantly more and would require further consideration by Officers. It is however understood the primary focus of this initiative is tree retention and tree placement as part approved landscape plans. Officers believe that concerns may also be raised from residents regarding the level of scrutiny from Council Officers regarding the way in which residents within the City of Kingston choose to landscape their properties.

2. *Consideration of whether council can fund the extra costs involved by imposing new fees on any development application that proposes to remove trees or native shrubs. And whether this fee can be set at a lower rate where the landscape plan proposes to plant indigenous trees and understorey plants.*
- Fees for development applications are set by the *Planning and Environment (Fees) Regulations 2016*. While these change from time to time, they are managed by the State Government and Council is unable to set different fees depending on different species of vegetation.

Further, there are areas within the municipality where indigenous and native vegetation is favoured. However, there are others where the neighbourhood character exhibits more examples of exotic vegetation. Council's Vegetation Management Officers make this assessment and then apply the recommended appropriate set of conditions on the Planning Permit. The preference of private land landowners and the significant cultural diversity that exists in Kingston is often a contributing factor in determining how people choose to approach the establishment of their gardens. It is often not possible at the 'planning stage' to understand who the 'end user' is likely to be of a dwelling on how this preference will inevitably influence choice around landscaping.

3. *Investigation of increasing fines for tree removal without a permit where a development application follows.*

- In the September 2016 review of the Community Local Law, Council's City Development Officers increased the penalty units from 2 and 5 to 10 penalty units, increasing the applicable fine issued where tree removal has occurred without the necessary permission.

In the 2018 review of the Community Local Law, Officers propose to increase the penalty units applicable to Clauses 42, 42.1 and 42.2, 43 and 45.

While this increase will assist in acting as a deterrent, any infringement issued will usually be issued prior to a development application being lodged (if at all).

It is noted that the Kingston Planning Scheme through Clause 55.03-8 (landscaping objectives) and Standard B13 (amongst other things) enables Council's Planning Officers to consider whether the removal of a tree gained a development advantage, and if so, require the replacement of significant trees removed within the 12 months prior to the application being made. Council continues to maintain detailed aerial photography which assists it in regard to such investigations.

4. *Officers please show more rigor in assessing applications for tree removal.*

- Council's Vegetation Management Officers are required to assess development applications and make recommendations to Council's Planning Officers regarding matters relating to vegetation. This referral will always involve a site inspection and written comments. Often Council's Vegetation Management Officers will request additional information to assist in their assessment of an application. These can include requirements to provide arborist or ecologist reports assessing the quality of vegetation on the site.

Once provided, Council's Vegetation Management Officers will review any information lodged, balancing this with the development proposed, and make recommendations to the Planning Officers. Depending on the issues identified, there may be ongoing involvement from Council's Vegetation Management Officers.

This advice is then further considered as part of the assessment of the planning application and requires weighting against all other relevant provisions of the Kingston Planning Scheme.

5. Discussion

5.1 Council Plan Alignment

Goal 2 - Our sustainable green environment with accessible open spaces

Direction 2.2 - Greening Kingston and place making

In response to the Notice of Motion, the officer recommendation will assist in placing greater importance on the protection of vegetation within the City of Kingston, working towards deterring the unlawful removal of vegetation and ensuring that where possible compliance with approved plans and permits is achieved.

5.2 Consultation/Internal Review

Council's Vegetation Management Officers are involved in consultation on issues such as the review of the Community Local Law, Environmental Significance Overlay Schedule No. 3 and Neighbourhood Character and Housing.

Externally, any change to Council's Community Local Law requires a statutory process under the *Local Government Act* 1989 to be followed.

5.3 Operation and Strategic Issues

5.3.1 Resourcing

In response to item number 1 in the Notice of Motion, the inspection of all residential developments once occupancy permits have been issued would likely require a minimum additional resource (within the Appeals and Compliance Team) dedicated to this function.

It is possible that the increase in the penalty units for infringements issued under the Local Law may marginally assist with resourcing Council's enforcement duties under the Community Local Law. This is to be distinguished from the proactive compliance approach being proposed through this Notice of Motion which endeavors to reduce non-compliance against Planning Permits.

There will also be an impact on resources within the Statutory Planning Team. Every year there are approximately 600 planning permits issued for residential development. Each of these planning permits has a condition requiring the approval of a landscape plan. Where non-compliances are identified there will be an impact on resources within the Statutory Planning Team given the increase in the number of amendments being received following the inspection of the land. The administrative cost (set by the State Government) to make an application to Council to amend a landscaping plan is now set at a minimum of \$500 and could be as much as \$1,002.10.

This report has provided an estimate of the resourcing requirements for Officers to operate as proposed through the Notice of Motion. Officers are recommending that this be reviewed in 2 years to see whether the functions of this role can be managed by 1 full time employee as proposed to be created through this report.

5.3.2 Local Planning Policy Framework

Council's City Strategy Department is undertaking a review of Neighbourhood Character and Housing, with the view to developing policy guidance.

Council's City Development Officers including Vegetation Management Officers will play an important role in informing this work and suggesting changes to local planning policy to give greater weight to instances where vegetation retention should be a high policy consideration.

5.3.3 Development of an operational policy

Council's Vegetation Management Officers are seeking to develop a policy for adoption by Council guiding the operations undertaken by Council's Vegetation Management Officers.

This policy will guide the internal operations of the team in a way that is transparent and accessible to the public, and that will assist residents in managing trees on their land.

6. Conclusion

6.1 Environmental Implications

The work that Council's Vegetation Management Officers have been doing and continue to do is seeking to reduce the net loss of tree canopy cover within the City of Kingston. This will have a positive environmental impact.

6.2 Resource Implications

This report has provided an estimate of the resourcing requirements to address the Notice of Motion. Officers are recommending that this be reviewed in 2 years to see whether the allocated resources are sufficient or could potentially be reduced at that time.

Appendices

Appendix 1 - Notice of Motion No. 53/2017 - Landscape Plans (Trim No 18/29665) [↓](#)

Author/s:	Jaclyn Murdoch, Team Leader - Planning Appeals & Compliance
Reviewed and Approved By:	Ian Nice, Manager City Development Jonathan Guttmann, General Manager Planning and Development

8.6

RESPONSE TO NOTICE OF MOTION NO. 53/2017 - LANDSCAPE PLANS

1	Notice of Motion No. 53/2017 - Landscape Plans	123
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Ordinary Meeting of Council**27 November 2017****Agenda Item No: 12.8****NOTICE OF MOTION NO. 53/2017 - CR WEST - LANDSCAPE PLANS**

I move that:

1. Council requires all development sites with approved landscape plans to be inspected prior to occupation;
2. Council officers provide a report on how best to meet this requirement for the December Ordinary Meeting.
3. The report to consider whether council can fund the extra costs involved by imposing new fees on any development application that proposes to remove trees or native shrubs. And whether this fee can be set at a lower rate where the landscape plan proposes to plant indigenous trees and understorey plants.
4. The report to also investigate increasing fines for tree removal without a permit where a development application follows;
5. Officers please show more rigor in assessing applications for tree removal.

Cr Rosemary West

Background:

Officers need to remember that while that one person might want a tree removed on their property, most people want more trees retained – Councillors were reminded of this by residents at recent ward meetings.

Residents who attended the VCAT hearing for 19 Tarella Road Chelsea noted that a Council arborist report to VCAT recommended removing remnant Coast Banksia Woodland on the site because it would not fit in with the development.

Appendices

Appendix 1 - Leader Newspaper Article - 1 November 2017 - New Plan to Save Trees
(Trim No 17/183838) [↓](#)

Author/s: Rosemary West, Councillor

Reviewed and Approved By:

12.8

NOTICE OF MOTION NO. 53/2017 - CR WEST - LANDSCAPE PLANS

- 1 Leader Newspaper Article - 1 November 2017 - New Plan to
 Save Trees..... 437**

New plan to save trees

CHARGING developers extra to pay for the cost of policing their green commitments could be one way to help protect Kingston's leafy suburbs, according to the deputy mayor.

Despite Kingston's policy requiring landscape plans when it granted planning permits, Cr Rosemary West said it "doesn't have the resources to check every block".

"Council by and large is relying on neighbours to ring and complain," Cr West said.

"My argument is we should add the cost of it on to the developer."

Her comments come after a Cheltenham man shared his concerns about the disappearance of leafy street canopies as older houses were sold off.

"There seems to be an attitude among investors that all landscaping on a block is an inconvenience and obstacle to be disposed

THE RULES

■ Anyone wanting to remove or prune any tree with a trunk circumference of 110cm or more at ground level must get a council permit.

■ A permit is required to undertake works within the critical root zone of significant trees or vegetation.

■ A planning permit may be required to remove vegetation (native to Victoria) on land greater than 4000sq m. Comprehensive landscape plans are required as part of planning permit conditions.

■ The council identifies and conserves significant trees through a region-wide register.

of," James Ackroyd said.

But Cr West said now was the time for residents to learn how they could protect their own neighbourhood.

Kingston is working on a new housing and neighbourhood character study.

It is also reviewing its planning scheme. Ratepayer's can submit their thoughts on issues including vegetation protection.



The removal of this large tree in Cheltenham sparked James Ackroyd to call for better protection of vegetation.



morabbinleader.com.au

Agenda Item No: 8.7

BEAUMARIS BAY - NATIONAL HERITAGE NOMINATION

Contact Officer: Leah Wheatley, Principal Environment Officer
Andrea Skraba, Team Leader, Strategic and Environmental Planning

Purpose

The purpose of this report is to provide information in relation the proposed National Heritage List nomination for Beaumaris Bay and to seek Council endorsement of a submission in support of the nomination.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

PROPOSED ACTION

That Council submit the letter of support at Appendix 1 in relation to the Beaumaris Bay Consortium's National Heritage List nomination for Beaumaris Bay.

1. Background

The Beaumaris Bay Consortium is pursuing a National Heritage Listing for Beaumaris Bay in recognition of its outstanding palaeontological significance to Australia. The consortium, made up of a coalition of scientific and community groups, is led by Sandringham Foreshore Association President Dr Vicki Karalis.

2. Discussion

Beaumaris Bay is a rare urban fossil site recognised for its land and marine fossils. The Beaumaris Bay Consortium has compiled a substantial nomination submission supported by a range of scientific and paleontological evidence. It has been advised by the Australian Heritage Council that the nomination has merit.

The area shown in the nomination for National Heritage Listing is within the City of Bayside, extending from the Port Phillip Bay side of the Bay Trail from Table Rock, to the Bayside and Kingston municipal boundary and into the Bay. The existing Beaumaris Motor Yacht Squadron (BMYS) leased area is excluded from the nominated area.

The National Heritage List nomination process involves the current application being accepted by the Federal Department of the Environment and Energy. If accepted, the Department of the Environment and Energy will initiate community consultation based on the nomination received. The final extent of the nominated site to be included on the National Heritage List will be determined by the Department of the Environment and Energy following its own assessment of the nomination.

Areas recorded on the National Heritage List will be protected by the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*. If the Beaumaris Bay area is recorded on the National Heritage List it will protect the area from future development, retain the area currently leased by the BMYS for its current use and have minimal impact on the community's use of the clifftop areas.

For the application to progress, the National Heritage Department required a letter of support from Bayside City Council as Manager of the land (on behalf of the Department of Environment, Land, Water and Planning). Bayside City Council, at its meeting of 20 February 2018 unanimously resolved to provide a letter of support for the National Heritage List nomination.

In considering whether to support the proposal, Bayside City Council undertook community consultation about the nomination. Of the 223 participants that submitted an online survey on Council's website, 197 (88%) of participants were in support of the proposal. The BMYS ran its own survey, with 107 out of 111 people who took part in that survey were not supportive of the nomination. While the BMYS does not support the nomination in its current form, it supports the principle of the nomination provided it includes recognition of the current activities and proposed redevelopment of the BMYS site.

Whilst the Beaumaris Bay area is within the City of Bayside it is considered that the nomination would benefit from the support of Kingston City Council. The subject site is located on the municipal boundary between Bayside and Kingston, and its preservation would benefit the Kingston community. It is evident that the site has substantial significance to the palaeontological field, and potential to be used for educational purposes.

3. Conclusion

Beaumaris Bay is a regionally and nationally significant palaeontological site located in the City of Bayside on the Bayside and Kingston municipal boundary. The Beaumaris Bay Consortium has prepared a substantial nomination submission for the site's inclusion on the National Heritage List due to the palaeontological significance of the area. It is recommended that Council write a letter of support for the Beaumaris Bay Consortium's nomination.

Appendices

Appendix 1 - Letter of support for Beaumaris Bay National Heritage List nomination (Trim No 18/38510) [↓](#)

Author/s:	Leah Wheatley, Principal Environment Officer Andrea Skraba, Team Leader, Strategic and Environmental Planning
Reviewed and Approved By:	Paul Marsden, Manager City Strategy Jonathan Guttmann, General Manager Planning and Development

8.7

BEAUMARIS BAY - NATIONAL HERITAGE NOMINATION

- 1 Letter of support for Beaumaris Bay National Heritage List
nomination 131**

26 March 2018



Dr Vicki Karalis
Beaumaris Bay Consortium
PO Box 52
Sandringham VIC 3191

Dear Dr Karalis

Re: Support for the National Heritage List nomination for Beaumaris Bay

I refer to the Beaumaris Bay Consortium's National Heritage Listing nomination for Beaumaris Bay in recognition of its outstanding palaeontological significance to Australia.

Beaumaris Bay is a rare urban fossil site recognised for its land and marine fossils. The Beaumaris Bay Consortium, made up of a coalition of scientific and community groups, has compiled a substantial nomination submission supported by a range of scientific and paleontological evidence.

Whilst Beaumaris Bay is within the City of Bayside, it is considered that the nomination would benefit from the support of Kingston City Council given the site's location adjacent the municipal boundary between City of Bayside and City of Kingston.

Council notes that areas recorded on the National Heritage List will be protected by the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*. If the Beaumaris Bay area is recorded on the National Heritage List it will protect the area from future development and have minimal impact on the community's use of the cliff-top areas. Preservation of the site would benefit the Kingston community who also use the area, and there is potential for the site to be used for educational purposes.

It is evident that the site has substantial significance to the palaeontological field, and is of great importance to the local community. Therefore, Kingston City Council is pleased to support to the Beaumaris Bay Consortium's submission for inclusion of Beaumaris Bay on the National Heritage List.

Should you have any queries please contact Andrea Skraba, Principal Strategic Planner on 9581 4781 or andrea.skraba@kingston.vic.gov.au

Yours sincerely

His Worship the Mayor
Cr Steve Staikos

community inspired leadership

TRIM 18/38510

26 March 2018

Agenda Item No: 8.8

PLANNING SCHEME AMENDMENT C166 - ST KILDA FOOTBALL CLUB SIGNAGE

Contact Officer: Amber Swales, Strategic Planner

Purpose of Report

The purpose of this report is to initiate a Planning Scheme Amendment process for combined Amendment C166 and Planning Permit application (KP18/121) under section 96A of the Planning and Environment Act 1987 to facilitate the installation of advertising signage at 32-64 Linton Street, Moorabbin (Moorabbin Reserve) associated with the St Kilda Football Club.

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. Subject to receipt of a Lux Plan Diagram illustrating the light spill from all illuminated signage, request Authorisation from the Minister Planning to prepare combined Planning Scheme Amendment C166 and Planning Permit application (KP18/121).
2. Exhibit Planning Scheme Amendment C166 to the Kingston Planning Scheme and Planning Permit application (KP18/121) in accordance with the Planning and Environment Act 1987 if authorisation is granted by the Minister for Planning to prepare the amendment.

1. Executive Summary

Proposed Planning Scheme Amendment C166 has been lodged by 10 Consulting Group on behalf of the St Kilda Football Club. The Amendment seeks to amend the Kingston Planning Scheme to allow for outdoor advertising signage associated with the use of the land at 32-64 Linton Street Moorabbin as the St Kilda Football Club training facility.

The application seeks an amendment to the Schedule to the Public Parks and Recreation Zone of the Kingston Planning Scheme to change the advertising provisions for 32-64 Linton Street, Moorabbin from 'Category 4 - Sensitive use' to 'Category 3 - High amenity areas'. The applicant has also concurrently applied for a planning permit to erect advertising signage at the site.

This report recommends that a request be made to the Minister for Planning to authorise the preparation of the Amendment C166 under Section 96A of the Planning and Environment Act 1987 and to proceed with exhibition should authorisation be granted.

2. Background

The Moorabbin Reserve is located at the eastern edge of the Moorabbin Activity Centre. The surrounding area generally comprises of residential properties abutting the subject site and opposite on the northern side of South Road, as well as the Moorabbin Reserve Bowls Club which occupies the land abutting the northern end of the Moorabbin Reserve.

The redevelopment of the facilities at Moorabbin Reserve is currently underway and are due to be completed by April 2018. The development will facilitate the revitalisation and extension of uses and activities offered at the Moorabbin Reserve and the relocation of the St Kilda Football Club. The new facilities will accommodate the sporting needs of a range of community sports leagues as well as the AFL Victoria regional office.

3. Discussion

3.1 Council Plan Alignment

Goal 1 - Our well-planned, liveable city supported by infrastructure to meet future needs

Direction 1.2 - Effectively influence the urban and architectural design of the City

3.2 Consultation/Internal Review

Internal Referrals

The application has been referred internally to the following relevant departments and their views have informed the content of this report:

- City Transformation
- Parks and Recreation
- City Development

Community Consultation

If Council resolves to seek Authorisation to commence the Planning Scheme Amendment, and authorisation is granted, formal notice of the application is required in accordance with the Planning and Environment Act 1987. This would involve placing the Planning Scheme Amendment and Planning Permit Application on public exhibition for a period of at least four (4) weeks with the following consultation undertaken:

- Notices placed in the Government Gazette and local paper
- Notices erected on site
- Direct notification to nearby landowners and occupiers
- Amendment documentation and permit application available at Council's Cheltenham office and website.

The public exhibition process will provide an opportunity for the community to provide feedback on the proposed Amendment and Planning Permit application.

3.3 Operation and Strategic Issues

3.3.1 Zoning Controls

The site is subject to the Public Park and Recreation Zone – Schedule 3 (PPRZ3). The purpose of the PPRZ is to:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

- To recognise areas for public recreation and open space.
- To protect and conserve areas of significance where appropriate.
- To provide for commercial uses where appropriate.

The default advertising sign category for the PPRZ is Category 4 – Sensitive areas. Promotion and business identification signage such as those proposed by the St Kilda Football Club are prohibited under Category 4.

The submitted Planning Scheme Amendment application proposes to designate the subject site as Category 3 – High amenity areas (Medium limitation) by amending the Schedule to the Public Park and Recreation Zone (Appendix 2). The purpose of the Category 3 restriction is:

- To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

The signage proposed by the St Kilda Football club is permitted under Category 3, subject to the granting of a Planning Permit.

3.3.2 Appropriateness of Category 3 – High Amenity Areas (Medium Limitation)

All zones in the Victoria Planning Provisions specify which category of signage limitation is applicable for that zone. In some zones (including the Public Park and Recreation Zone) a schedule can vary the applicable category and the advertising sign requirements for all areas, or specific sites within that zone.

At present all PPRZ areas in Kingston fall within Category 4 of the advertising sign requirements. This means that only limited signage is permissible, and that promotion signs such as those proposed by the St Kilda Football Club are prohibited. Changing the Category to Category 3 would allow for the installation of promotion signs on the subject site, subject to a planning permit approval.

Council's Outdoor Advertising Signage Policy (Clause 22.15) applies to the proposal and to all land where a planning permit is required to construct or display a sign. The Amendment and proposed planning permit application are both considered to be consistent with the intent of this policy.

The Amendment supports and implements the State Planning Policy Framework as it will allow for the proper identification of the Moorabbin Reserve sporting and community facilities in accordance with Clause 52.25 – Advertising Signs.

3.3.3 Signage Application (KP18/121)

The applicant has concurrently submitted a Planning Permit application KP18/121 to exhibit and display 8 illuminated and non-illuminated advertising signs in accordance with the attached plans (Appendix 1).

The proposed signage provides for a range of business identification signs relevant to the St Kilda Football Clubs operations. The proposed signage is considered to be consistent with the proposed Category 3 designation which seeks to achieve signage outcomes appropriate within a residential context. In this regard it is noted that the number of signs with a direct interface and/or oblique interface to residential properties is limited to three. These signs are separated from the closest residential property by a minimum of at least 35 metres.

In addition to the signage outlined above, façade treatments/public art is proposed comprising of a St Kilda emblem integrated within a perforated screen above the players building entry and St Kilda player 'wall art' on perforated aluminium backlit panels facing south, perpendicular to Linton Street. These additions are exempt from planning permit requirements.

3.4 Options

3.4.1 Option 1

Pursuant to Section 96A of the *Planning and Environment Act 1987*, request the Minister for Planning authorise the preparation of Amendment C166 to the Kingston Planning Scheme, and subject to receipt of authorisation, commence public exhibition of the Amendment.

Should Council resolve to proceed with authorisation, and authorisation is granted by the Minister, Planning Permit KP18/121 would also form part of the formal public exhibition process.

3.4.2 Abandon Amendment C166 to the Kingston Planning Scheme

Council has the option of not pursuing an Amendment and Planning Permit application to the Kingston Planning Scheme. This option is not supported by Council officers as it is considered the proposal has sufficient strategic merit to proceed with public exhibition.

4. Conclusion

Planning Scheme Amendment C166 proposes to amend the Schedule to the Public Park and Recreation Zone of the Kingston Planning Scheme to change the advertising provisions for 32-64 Linton Street, Moorabbin (Moorabbin Reserve) from Category 4 to Category 3. A Planning Permit application has been lodged concurrently for new signage associated with the St Kilda Football Club at the site.

It is considered that adequate strategic justification has been provided to proceed with the Amendment. It is therefore recommended that a request be made to the Minister of Planning to authorise the preparation of the Amendment C147 under Section 96A of the *Planning and Environment Act 1987* and that the application proceed to exhibition if authorisation is granted.

Appendices

Appendix 1 - Amendment C166 - Moorabbin Reserve - Moorabbin Reserve/St Kilda FC Advertising Signage - Formal Application - Development Plans (Ref 18/38467) [↓](#)

Appendix 2 - Amendment C166 - Moorabbin Reserve -Moorabbin Reserve/St Kilda FC Advertising Signage - Formal Application - Clause 36_02s_king (Ref 18/38489) [↓](#)

Author/s:	Amber Swales, Strategic Planner
Reviewed and Approved By:	Rita Astill, Team Leader Strategic & Environmental Planning Paul Marsden, Manager City Strategy Jonathan Guttmann, General Manager Planning and Development

8.8

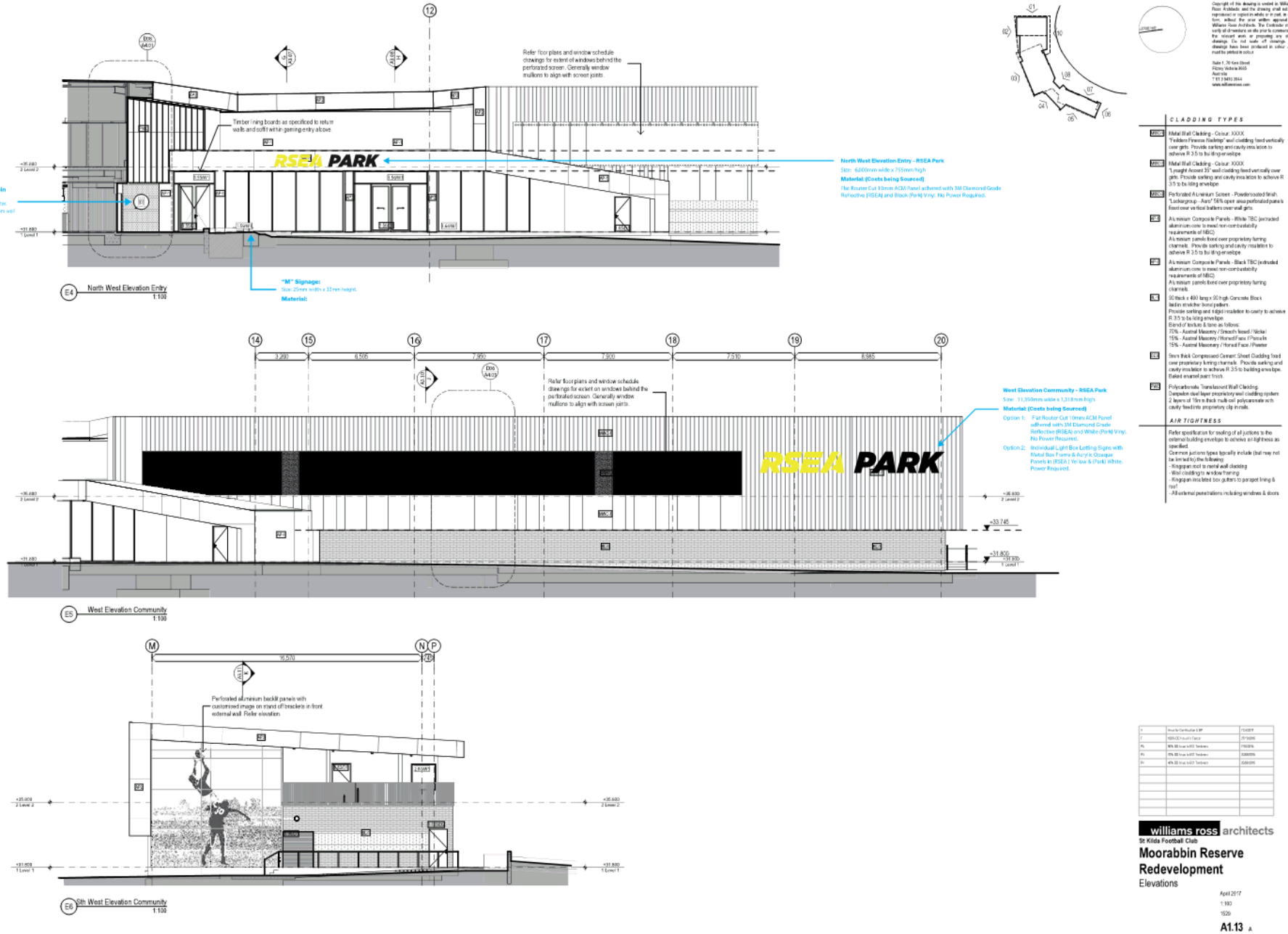
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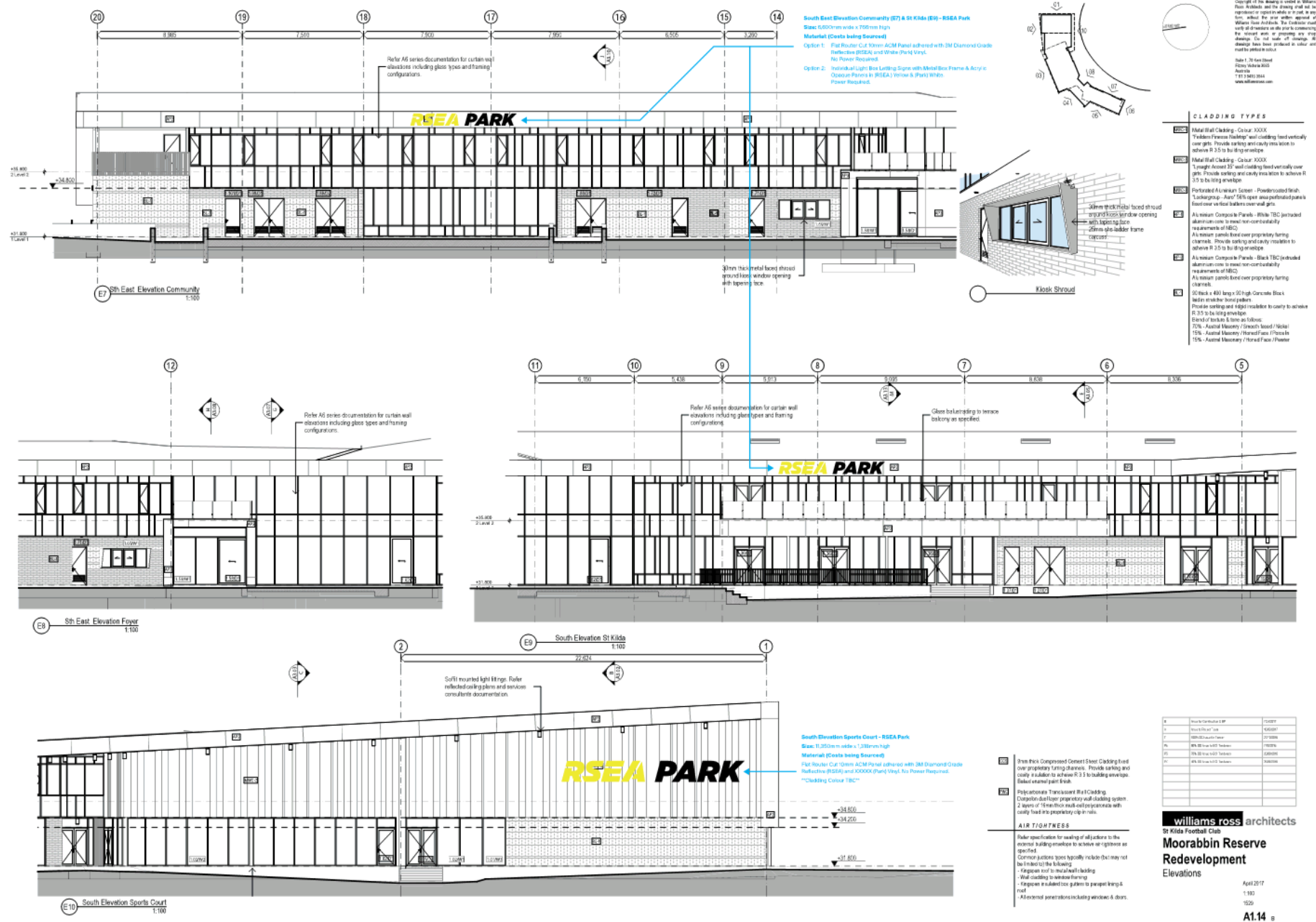
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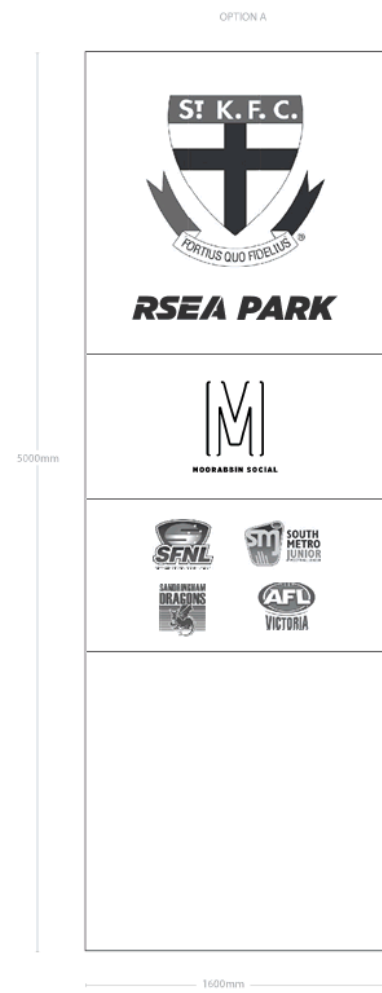
williams ross architects
St Kilda Football Club
Moorabbin Reserve
Redevelopment
Elevations

April 2017
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SIGNAGE PROGRAM
SIGN TYPES

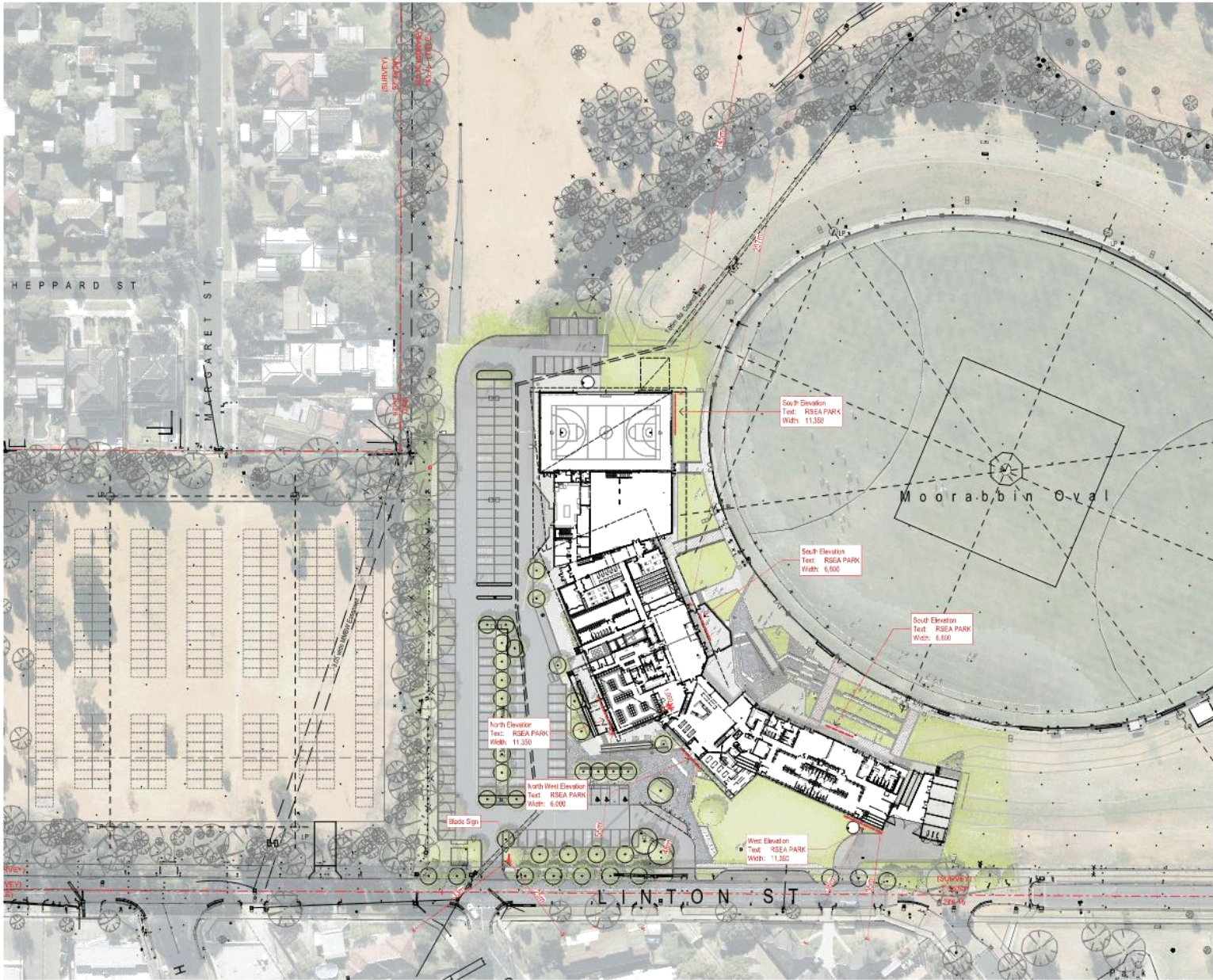


TYPE A
PILLAR

- SUBSTRATE**
4mm laser-cut, folded Alucobond panels
- FRAME**
150mm fabricated STS
Potential for internal LED for backlit panels
Cage for concrete footing
- COATING**
Powder coating or two-pack finish (two colours)
Anti-graffiti SAV
- GRAPHICS**
SAV (one colour)
Digitally printed SAV (clear)
- FIXINGS**
Pins or cage at base for concrete footing

NB – Content is indicative only pending finalisation of architects drawings and scope.

THREESACROWD.COM.AU
COMMERCIAL IN CONFIDENCE © 2016



KINGSTON PLANNING SCHEME

19/01/2006
VC37
Proposed
C166

SCHEDULE TO THE PUBLIC PARK AND RECREATION ZONE

Public land	Use or development	Conditions
None specified		

Land	Advertising Sign Category
None specified	Category 3 – High amenity areas
Moorabbin Reserve, 32-64 Linton Street, Moorabbin	

Ordinary Meeting of Council

26 March 2018

Agenda Item No: 8.9

LAND USE TERMS ADVISORY COMMITTEE - COUNCIL SUBMISSION

Contact Officer: Bianca Coughlan, Principal Strategic Planner

Purpose of Report

Planning Panels Victoria has written to Council advising that the Minister for Planning has established a Land Use Terms Advisory Committee to *“review and recommend improvements to land use terms and their definitions in Clause 74 of the VPP”*.

The Committee has released a Discussion Paper for public comment (Appendix 1) and Council officers are currently preparing a response to this report, a draft of which will be circulated to Councillors by email on Friday 16 March 2018.

The purpose of this report is to provide background information and context in relation the scope of the Discussion Paper and the aims of the Advisory Committee.

Disclosure of Officer / Contractor Direct or Indirect Interest

No Council officers 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 context in which submissions can be made to the Advisory Committee.
2. Provide the submission included in Appendix 2 to the Advisory Committee.
3. Write to the Minister for Planning, outlining the importance of further consultation with Local Government on the outcomes of the Advisory Committee work in relation to future changes to the Victorian Planning Provisions.

1. Discussion

In December 2017, the Minister for Planning appointed an advisory committee to review and recommend improvements to land use terms and definitions in Clause 74 of the Victoria Planning Provisions.

The Land Use Terms Advisory Committee is part of the Smart Planning Program, initiated by the Victorian Government. The objective of the Smart Planning Program is to reform and modernise the Victorian planning system by increasing the effectiveness and efficiency of the operation of planning schemes.

The scope of the Advisory Committee's Terms of Reference includes the provision of technical advice in relation the following matters:

- Principles and business rules for including land use terms in Clause 74.
- Existing land use terms in Clause 74 that should be removed or modified.
- New land use terms that should be included in Clause 74.
- Implications of any recommended changes to land use terms and their definitions.
- A recommended approach to implement any proposed changes.

The Committee has released a discussion paper which seeks to encourage discussion in relation land use terms that should be deleted, modified or included (Appendix 1).

The discussion paper is currently on public consultation and submissions are being sought in relation the proposed changes. Following consideration of any submissions received, the Advisory Committee is then required to prepare a final report by mid-April 2018 to be submitted to the Minister for Planning. It is noted that there is no public hearing associated with this Advisory Committee.

Council officers are currently preparing a submission to the Discussion Paper. A draft of this submission will be circulated to all Councillors on the 16 March 2018, with a more detailed discussion of the proposed changes being provided at CIS on 19 March 2018.

2. Conclusion

Council officers have identified a need to respond to the Land Use Terms Advisory Committee Discussion Paper and are currently preparing a draft submission. This requires officers to work through the proposed 67 changes identified in the Discussion Paper to understand which changes may have consequences for the City of Kingston. A summary of the main aspects of the submission will be provided at CIS on the 19 March 2018.

Appendices

- Appendix 1 - Land Use Terms Advisory Committee Discussion Paper (Ref 18/38155) [↓](#)
- Appendix 2 - Land Use Terms Advisory Committee - City Development Responses (Ref 18/42761) [↓](#)

Author/s:	Bianca Coughlan, Principal Strategic Planner
Reviewed and Approved By:	Rita Astill, Team Leader Strategic & Environmental Planning Paul Marsden, Manager City Strategy Jonathan Guttmann, General Manager Planning and Development

8.9

LAND USE TERMS ADVISORY COMMITTEE - COUNCIL SUBMISSION

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Planning and Environment Act 1987

Land Use Terms Advisory Committee Discussion Paper

27 February 2018

Planning and Environment Act 1987

Advisory Committee report pursuant to section 151 of the Act

Land Use Terms Advisory Committee

Discussion Paper

27 February 2018

The image shows two handwritten signatures in black ink. The first signature, on the left, is 'Lester Townsend' and the second, on the right, is 'Katherine Navarro'. Both are written in a cursive, flowing style.

Lester Townsend, Chair

Katherine Navarro, Member

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Introduction

This is the Discussion Paper of the Land Use Terms Advisory Committee. The purpose of this Discussion Paper is to inform written submissions to the Committee. The Committee will conduct targeted consultation in March 2018 with the view to finalising its advice in April 2018.

The Advisory Committee consists of:

- Lester Townsend, chair
- Katherine Navarro.

The Committee has been assisted by Cazz Redding who has provided input in to this Discussion Paper and Greta Grivas who has provided project officer support.

The Advisory Committee comes from an initiative of Smart Planning. Further general information about Smart Planning can be accessed at:

<https://www.planning.vic.gov.au/policy-and-strategy/planning-reform/smart-planning-program>

Submissions to the Advisory Committee

You are invited to consider the issues raised in this Discussion Paper and to make a submission.

You are free to structure your submission and address topics as you wish. However, it would assist the Committee if you presented your thoughts under the issues raised in this Discussion Paper. The Committee welcomes submissions on issues we have not canvassed, but that are relevant to our Terms of Reference.

Submissions can be made online at:

www.engage.vic.gov.au/land-use-terms-advisory-committee

Please complete your submission by close of business on 3 April 2018.

For any questions please contact Greta Grivas in Planning Panels Victoria on (03) 8392 5121 or planning.panels@delwp.vic.gov.au.

Your input is sought

The Government has initiated the Smart Planning program to reform and modernise the Victorian planning system, and to increase the effectiveness and efficiency of the operation of planning schemes. In October 2017 the discussion paper, *Reforming the Victoria Planning Provisions: A discussion paper* was released which sought comment on a range of proposals to improve the system.

Proposal 5.2 of the Smart Planning discussion paper was to review and update the land use terms section of the Victoria Planning Provisions (VPP). The Advisory Committee was appointed following feedback from the Smart Planning consultation to address the submissions received.

This Committee has been specifically asked to provide advice and present findings and recommendations on the following matters:

- Principles and business rules for including land use terms in Clause 74.
- Existing land use terms in Clause 74 that should be removed or modified.
- New land use terms that should be included in Clause 74.
- Legal and practical implications of any recommended changes to land use terms and their definitions. These include:
 - existing use rights implications
 - consequential changes to the VPP (such as changes to zone land use tables, general terms and nesting diagrams)
 - potential impacts on users of the planning system.
- With regard to the identified legal and practical implications, a recommended approach to implement the proposed changes.

The Committee has reviewed the submissions and this Discussion Paper presents specific issues and questions in response to the initial submissions.

The Committee is aware that for any of the issues identified there will be practitioners who have firsthand experience with the issue. The Committee welcomes submissions or invitations for targeted consultation on these issues.

Making a submission

You are free to structure your submission and address topics as you wish. However, it would assist the Committee if you addressed the following questions:

1. **Are the proposed principles appropriate?**
2. **Are there good reasons to change the practice that a land use listed in Clause 74 does not need to be defined, provided it has a well-defined common usage? What are these reasons?**
3. **What currently undefined terms should be defined, and what definition do you propose?**
4. **Is there a need to create specific definitions for land use terms defined in relation to other Acts?**
5. **Is there a need to list all land use terms used in VPP zone tables in Clause 74?**

6. Is there a need to restrict land uses in special purpose zones to terms listed in Clause 74?
7. Should unlisted land use terms or activities be able to form part of conditions in land use tables?
8. Should 'closet pan' be updated to 'toilet' in **Dwelling**?
9. How can the definition of Dwelling be changed to clarify the issue of self containment?
10. How can the VPP make it clear that a **Dwelling** is where people live or reside either permanently or for a considerable period of time, but that Clause 52.23 applies?
11. Should **Group accommodation** be changed to read:
Land, in one ownership, containing a number of **self contained buildings** ~~dwelling~~s used to accommodate persons away from their normal place of residence?
12. Should **Rural workers' accommodation** be defined? If so, what would its definition be and how should it be treated in zones?
13. What impacts associated with 'glamping' need to be controlled, that are not already controlled under the **Camping and caravan park** term?
14. What changes are required to **Retirement village** and **Residential village**, and why?
15. Can you think of a better term than **Agriculture** to capture the complete range of nested uses?
16. Should ancillary goods be permitted to be sold in **Primary produce sales**?
17. Should the conditions for **Primary produce sales** in the Farming Zone, Green Wedge Zone, Green Wedge A Zone and Rural Activity Zone be amended? What should they be?
18. Should **Apiculture** be removed from the nesting under **Animal Husbandry** and be nested directly under **Agriculture**?
19. Is there merit in renaming the Animal husbandry terms to make them clearer?
20. Is there merit in dividing **Animal husbandry** into terms dealing with farmed animals, domestic pets, racing dogs, and other animals? Would the following specific changes help reduce confusion:
 - a) Split the current definition of **Animal keeping** into **Domestic pet husbandry** and **Racing dog husbandry**.
 - b) Replace the definition of Animal keeping with a broad definition that applies to animals other than farm animal, domestic pets and racing dogs.
 - c) Rename **Animal boarding** to **Domestic pet boarding** and revise it to include domestic pet day care.
 - d) Move **Horse riding school** to be nested under **Animal Keeping** rather than Animal training?
21. Why is there a need to define **Community garden**, and what would the definition be?

22. Should the VPP define **Family Day Care** and make it as of right where **Home based business** is as of right for fewer than, say, five children?
23. Should **Child care centre** be nested under **Education centre**?
24. What new **Education centre** terms are needed and why?
25. Is there merit in defining **Brewery**, **Distillery** or **Chocolate factory**? If there is, how should they be treated in zones?
26. Is there merit in changing **Transfer station** to read:
Land used to collect, consolidate, temporarily store, sort or recover refuse, ~~or~~ used or surplus materials before transfer for disposal, recycling or use elsewhere?
27. Is there merit in changing **Materials recycling** to read:
Land used to ~~collect~~, dismantle, treat, process, store, recycle, or sell, refuse, used or surplus materials?
28. Should there be a **Waste-to-energy facility** definition?
29. If there is merit in supporting pod based motor repairs through and new definition and a particular provision? Are there other pod based businesses that may require the same approach?
30. Should **Major sports and recreation facility** be renamed **Spectator sports facility**, and **Minor sports and recreation facility** be renamed **Community sports and recreation facility**?
31. Should **Restricted recreation facility** be changed to read:
Land used by members of a club or group, ~~members' guests, or by the public on payment of a fee,~~ for leisure, recreation, or sport, such as a bowling or tennis club, ~~gymnasium and fitness centre~~. It may include food and drink for consumption on the premises, and gaming. It may also include use by members' guests, or by the public on payment of a fee.?
32. Should the potential overlap between **Informal outdoor recreation**, **Open sports ground** and **Outdoor recreation facility** be clarified? Do you support the proposed clarification?
33. Is there merit in treating shop front style recreation facilities more like shops?
34. Should the VPP list **Gym**, **Pilates studios** and **Yoga studio** in Clause 74, nested under **Indoor recreation facility**, but not defined?
35. Should **Dancing school** be changed to **Dance studio**?
36. Is the indoor–outdoor distinction for recreation facilities causing problems? If so, changes are needed to resolve these problems?
37. Why is there a need to include training in **Motor racing track**?
38. Is there a need to amend the definition of **Medical centre**, and what precise change is required?
39. Should **Cinema based entertainment facility** be nested under **Place of assembly**?
40. Should the definitions of **Cinema** and **Cinema based entertainment facility** specifically exclude a **Drive-in theatre**?
41. Should **Conference centre** be the head term instead of **Function centre**?

42. Should **Function centre** (or **Conference centre** if it becomes the head term) be updated to read:
Land used, by arrangement, to cater **for conferences** or private functions, and in which food and drink may be served. It may include entertainment and dancing?
43. Should **Place of assembly**, **Place of worship** and **Restricted place of assembly** be revised to include “spiritual” activities?
44. Should the **Place of worship** definition be changed to recognise that some religious or spiritual activities occur in non specific or non denominational buildings?
45. Should **Live music venue** be listed in Clause 74, and if so how would it be defined?
46. Should a definition for **Solar farm**, based on the current definition for **Wind energy facility**, be included in Clause 75?
47. Should the VPP list **Bar** in Clause 74 and nest it in **Tavern** without a definition?
48. Should the VPP list **Cafe** in Clause 74 and nest it in **Convenience restaurant** without a definition?
49. Is it appropriate to change the definition of **Take away food premises** to allow for a certain number of table or seats? What number?
50. What is the best way to cater for small arts venues in Clause 74:
 - a) Don't change anything
 - b) Create a definition of **Arts venue** and nest in **Place of assembly**
 - c) Create definition of **Arts venue** and nest under **Tavern**
 - d) Something else?
51. What would be an appropriate definition for a small arts venue?
52. Is there merit in amending **Shop** to include:
It includes demonstrations of products including music performances in shops selling recorded music.
53. Is there merit in amending **Shop** to include:
It includes the selling of food products prepared on the premises.
54. Should the VPP list **Day spa**, **Massage parlour**, and **Animal grooming** in Clause 74 nested under **Shop**, but not defined?
55. Should ‘remote controlled equipment’ be added to **Restricted retail premises**?
56. Should **Railway** be defined as an unnested term and include **Railway station**?
57. What is the appropriate definition for **Road**?
58. Is it appropriate to delete **Heliport**?
59. What specific limit should be placed on pumping stations in **Minor utility installation**?
60. Is there merit in making it explicit in the VPP that no permit is required for water extraction? Are development controls needed?
61. Is there merit in introducing a particular provision to specify building and works requirements for a **Minor utility installation** similar to 52.19 Telecommunications facility.

62. Is there merit in introducing a definition of **Contractors depot** and allowing the temporary use of land for a **Contractors depot** in certain circumstance?
63. Should the VPP list **Self-storage facility** in Clause 74 nested under **Store**, but not defined?
64. Should Car park include:
[It may include charging of electric vehicles?](#)
65. Is there merit in defining **Display village**, and what should it include?
66. Is there merit in defining a use aimed at capturing pop up galleries or shops? If so what should it include, and what limits should be applied?
67. What practical implementation issues should the Committee consider?

1 Background

1.1 The role of the Committee

The Government initiated the Smart Planning program to reform the Victorian planning system and increase the effectiveness and efficiency of the planning system. As part of that program, a discussion paper – *Reforming the Victoria Planning Provisions* – was released in October 2017. That discussion paper sought comment on a number of proposals to improve the system. Proposal 5.2 of that discussion paper was to review and update the land use terms section of the VPP, to achieve the following objectives:

- *Increase use of everyday terms that the community understands*
- *Remove or modernise obsolete terms and provide for new or emerging land uses*
- *Distinguish between similar land uses where treated differently in land use tables*
- *Remove unnecessarily specific terms and broaden terms, where appropriate*
- *Provide definitions for undefined terms where appropriate (except for terms that are sufficiently captured by an ordinary dictionary meaning or defined in the Act).*

This Committee has been appointed to provide advice and present its findings and recommendations on the following matters:

- Principles and business rules for including land use terms in Clause 74.
- Existing land use terms in Clause 74 that should be removed or modified.
- New land use terms that should be included in Clause 74.
- Legal and practical implications of any recommended changes to land use terms and their definitions. These include:
 - existing use rights implications
 - consequential changes to the VPP (such as changes to zone land use tables, general terms and nesting diagrams)
 - potential impacts on users of the planning system.
- With regard to the identified legal and practical implications, a recommended approach to implement the proposed changes.

Method

The Terms of References state that the Committee is to conduct the review generally according to the following methodology:

- preparation of a concise discussion paper
- an on-line submission process
- targeted consultation to explore the issues or other matters, including up to two workshops or forums.

Scope of the Committee

Clause 4 of the Terms of Reference states that the Committee is not expected to:

- *Review land use terms which are currently under consideration by the Department of Environment, Land, Water and Planning (DELWP) through other projects.*

The Committee has been advised that the following terms¹ do not need to be considered by the Committee:

- Residential building
- Residential aged care
- Rooming house
- Community care accommodation
- Extensive animal husbandry, Intensive animal husbandry, Cattle feedlot, Broiler farm
- Earth and energy resources industry, and Stone extraction.

Clause 4 of the Terms of Reference also states that the Committee is not expected to:

- Review land use permissions in zones, with the exception of identifying and having regard to the consequential impacts of proposed changes in land use terms on the functioning of zones.
- Recommend changes that would have major implications for the operation and purposes of the existing zones.
- Review Clause 72 (General Terms), unless there is a consequential change that flows from a change to a land use term.

1.2 Reforms to date

Amendment VC142 implemented some of the less complicated suggestions which came through the survey or other past reviews.

Changes to definitions include the following:

- Amending the Research and development centre definition to include 'or test' after 'develop' to clarify that the testing of new technologies is allowable and to facilitate the development of such centres in line with State policy objectives.
- Amending the Warehouse definition to clarify it can include the storage and distribution of goods for online retail, but excludes in-person collection and retail sales at the premises.

Changes to land use terms include the following:

- replacing the term Adult sex bookshop with Adult sex product shop
- replacing the term Home occupation with Home based business
- replacing the term Pleasure boat facility with Recreational boat facility
- replacing the term Pleasure park with Amusement park
- deleting the term Business college from the VPP
- deleting the term Cabaret from the VPP
- deleting the term Community market from the VPP and making consequential changes to land use tables within Clauses 32.03, 32.07, 32.08, and 32.09 to make Market a Section 2 (permit required) land use
- deleting the term Trash and treasure market from the VPP.

¹ In this Discussion paper we have identified Existing land use terms, Proposed or unlisted land use terms and Obsolete land use terms.

1.3 What are the issues

The Smart Planning project has undertaken various public and targeted consultations, and received many submissions. The Committee has been provided with the submissions relating to land use terms.

Some submissions commented on matters that, on reflection, fall outside of the scope of the Terms of Reference of the Advisory Committee, because they relate to broader policy issues.

Many submitters made general submissions or supported general principles, such as a periodic review or consultation with Councils using real live examples; very few submissions set out the precise change they sought to definitions.

Overarching issues

A number of issues have implications under a number of land use terms:

- The need to cater for small scale food production which can be prohibited in certain zones because of the operation of Clause 52.10.
- The need to simplify controls over shop front activities that fall outside of the shop definition and hence need a permit such as small gyms.
- The need to better cater for arts venues and cultural activities.

In this Discussion Paper these issues are discussed in a number of places under the relevant head clause.

General issues

The issues raised in submissions, which don't relate to specific terms, include:

- The relevance of terms is more important than the number of terms defined.
- Duplication and overlapping of definitions should be avoided.
- Terms should be defined enough to guide decision-making, and not so broad as to lose meaning and purpose.
- Victorian Civil and Administrative Tribunal (VCAT) cases should be used to guide and determine appropriate land use definitions.
- Obsolete and outdated terms should be removed or revised.
- All land use terms in Clause 74 should be defined, including currently undefined definitions.
- Common land use terms which are not defined should be (for example **Road**).
- Land use terms should be 'future proofed' to allow for emerging technologies, for example, carbon sequestration, microbreweries and 'pop up shops'.

Issues with specific terms

Issues which relate to specific terms are addressed in the Chapter 0 of this Report.

1.4 The approach of the Committee

The questions identified in this Discussion Paper are to assist submitters. They do not represent any predetermined views of the Committee.

The Committee is aware that for any of the issues identified there will be practitioners who have firsthand experience with the issue. The Committee welcomes submissions or invitations for targeted consultation on these issues.

2 About land use terms

Appendix B provides a more detailed explanation of this Chapter.

Land use terms are defined in Clause 74 of the VPP.²

Land use terms are 'nested'; that is, a term can be included in another term or include terms within itself. The nesting of land use terms reduces the number of land use terms that need to be listed in a table of uses.

The definitions are set out in a table with four columns:

- the defined term
- the definition, if there is one – some terms are listed without definition
- other listed terms that are included in the definition
- the land use term in which it is included, if any.

Land use terms play a critical role in the planning system in (at least) six places:

- Determining whether a permit is required in a zone
- Informing affected parties of the nature of advertised uses
- Drafting zone controls, either standard or special purpose zones³
- Clause 52.06 dealing with car parking
- Clause 52.10 dealing with uses with adverse amenity potential
- Specifying exempt land uses in Clause 62.01.

Land use definitions do not have a role in determining existing use rights.

Legal cases have drawn a distinction between:

- the 'purpose of use' and
- 'use' in the sense of activities, processes or transactions.

It is accepted that the activities on a site may have more than one purpose, and it is the purpose that determines how the definitions should be applied.⁴

VCAT has also noted:⁵

... it is necessary to have regard to the structure, context and purpose of the planning scheme provisions at the time of interpreting the land use terms.

² The VPP is a comprehensive set of planning provisions for Victoria that are used, as required, to construct planning schemes. Clause 74 appears in all planning schemes without variation from the VPP.

³ These Clause 37 zones can have a specifically tailored table of uses.

⁴ *Cascone v City of Whittlesea* (1993) 11 AATR 175, 190.

⁵ *Radford v Hume CC* [2006] VCAT 2662 at [2].

3 Principles and business rules

3.1 Introduction

The Committee's Terms of Reference require it to advise on:

- Principles and business rules for including land use terms in Clause 74.

The Committee seeks feedback on the following principles and business rules that could underpin drafting land use terms:

- Principles:
 - Focus on what needs control
 - Use everyday terms
 - Don't define everything
 - Avoid planning controls in definitions
 - Use facilitatory terms and guard against restrictive interpretations
 - Don't replicate other Acts: define for Planning Schemes
 - Avoid general definitions in land use terms
 - Be clear about distinguishing features
 - Cater for emerging uses.
- Business rules:
 - List in Clause 74 any term that applies in a VPP zone
 - Only use listed terms in the 'use' column of zones
 - Allow unlisted land use terms in conditions in zones.

In setting out these principles and business rules we have been mindful of the Smart Planning objectives outlined in Chapter 0.

3.2 Proposed principles

This section sets out a number of proposed principles. The Committee seeks submissions on the following question:

1. *Are the proposed principles appropriate?*

(i) Focus on what needs control

Land use definitions should draw distinctions based on the anticipated impacts of the use. Land use terms are not a typology of human activities, but a tool for managing impacts to achieve planning objectives. It doesn't matter if a land use term covers a miscellany of uses provided those uses have a common set of impacts.

It is particularly important to be clear on the difference between similar land uses where they are treated differently in land use tables. If uses are treated in the same way in land use table, there is less of need to distinguish between them.

(ii) Use everyday terms

It is not always possible to use everyday terms for land uses, but the aim should be to use an everyday term where possible. This often involves listing everyday terms without definition so it is clear where they fall.

Most planners will know what a **Bar** is, which falls within a **Tavern**. Listing **Bar** in the table of uses as being part of a **Tavern** – but without a definition – would remove any doubts about the term **Bar** in a permit header or in a notice. However, there would potentially be a lack of clarity as to what aspects of a **Tavern** were not part of a **Bar**.

(iii) Don't define everything

Some terms are listed in Clause 74, but are not defined. A number of stakeholders called for definitions of these terms.

List 1: Undefined land use terms listed in Clause 74

Airport	Drive-in theatre	Kindergarten	Racing dog training
Amusement park	Employment training centre	Library	Real estate agency
Backpackers' lodge	Equestrian supplies	Market garden	Reception centre
Bank	Freezing and cool storage	Mooring pole	Reservoir
Beauty salon	Golf course	Nurses' home	Residential college
Boarding house	Golf driving range	Nursing home	Rice growing
Boat ramp	Hairdresser	Paintball games facility	Road freight terminal
Bus terminal	Hall	Party supplies	Secondary school
Car sales	Heliport	Pier	Slipway
Car wash	Horse riding school	Pontoon	Supermarket
Conference centre	Horse stables	Postal agency	Tertiary institution
Dancing school	Hostel	Primary school	Travel agency
Department store	Jetty	Race course	Zoo
Dog breeding		Racing dog keeping	

Clause 74 lists fifty-four terms without definition: this aids interpretation as it shows, for example that a **Hairdresser** is nested within a **Shop** without the need to define **Hairdresser**. Some stakeholders found this lack of definition frustrating, but the Committee sees no need to define commonly accepted terms. Having said this, there may be merit in defining broader terms in the list including **Conference centre**, **Hall**, **Hostel** to assist planners with categorising these uses.

The Committee seeks submissions on the following questions:

2. *Are there good reasons to change the practice that a land use listed in Clause 74 does not need to be defined, provided it has a well-defined common usage? What are these reasons?*
3. *What currently undefined terms should be defined, and what definition do you propose?*

(iv) Avoid planning controls in definitions

Some submitters sought restrictions as part of a definition, for example, one stakeholder suggested:

*Include a more specific definition for **Caretaker's dwelling** which ensures that they are attached to business as there has been decisions by the Victorian Civil and Administrative Tribunal that has approved a five bedroom dwellings which is significant in size with a large family in residence. In this case, parameters*

on the size, buffer considerations relating to amenity impacts for occupants, number of occupants etc. would have been useful.

Using Victoria's Planning System is a detailed guide for people who use the planning system on a regular basis. Chapter 9 of the guide deals with plain English. It provides clear advice to avoid placing control in definitions.

It is true that that some definitions embody restrictions on the scale of the use, for example:

Convenience shop: *A building with a leasable floor area of no more than 240 square metres, used to sell food, drinks, and other convenience goods. It may also be used to hire convenience goods.*

This makes sense when the restriction relates to the likely impacts of the use, and not the planning merits of the permission.

Such restrictions could be included as a condition in the table of uses with a reference to a particular provision if required.

(v) Use facilitatory terms and guard against restrictive interpretations

A number of definitions specifically guard against overly restrictive interpretations, for example, a **Restaurant** allows for “entertainment and dancing”. The Committee sees merit in this approach.

(vi) Don't replicate other Acts: define for Planning Schemes

A number of definitions make reference to activities defined under other Acts, for example, **Mineral exploration** and **Mineral extraction**. Stakeholders have suggested the need to define **Railway** and **Road**:

Where practicable, definitions within the VPPs should seek to be consistent with defined terms in other legislation. For example, the definition of “road” in the Road Management Act 2004 includes both the roadway and all of the land within the ‘road reserve’ – this could be clarified to ensure consistency of understanding and use.

While definitions should seek to be consistent, the Committee supports definition tailored for the planning system.

The Committee notes that this principle has not been applied for **Geothermal energy exploration**, **Geothermal energy extraction**, **Greenhouse gas sequestration**, **Greenhouse gas sequestration exploration**, **Mineral exploration**, **Mineral extraction**, **Petroleum Exploration**, **Petroleum extraction** and some uses listed under **Utility Installation**.

All of these terms are defined by reference to their primary legislation, rather than being adapted to incorporate a land use or planning perspective as one would ordinarily expect. There may be a reason the Committee is not aware of for this approach and the Committee invites submissions in relation to land use planning based definitions for these terms.

The Committee seeks submissions on the following question:

4. *Is there a need to create specific definitions for land use terms defined in relation to other Acts?*

(vii) Avoid general definitions in land use terms

Some stakeholders called for definitions, for example, **Affordable housing**, which are not so much a land use term but a general term. The cost of a house does not change the use. The Committee is only concerned with land use terms. Clause 72 would be a more appropriate place to put this definition.

(viii) Be clear about distinguishing features

Part of understanding how definitions work is understanding what the distinguishing features of a use are compared to similar or nested uses. In some cases the land use term does not reflect these differences, for example the difference between **Major sports and recreation facility** and **Minor sports and recreation facility** is whether substantial provision is made for spectators; this should be clear in the name of the term.

(ix) Cater for emerging uses

There is an emerging trend for small scale integrated food and entertainment establishments, for example small scale specialist food and beverage producers. These uses may for all intents and purposes appear as a shop, but fall within an industry definition.

3.3 Proposed business rules**(i) List in Clause 74 any term that applies in a VPP zone**

The Committee has not had the opportunity to cross check all the terms listed in zone tables (including schedules to special purpose zones) are listed in Clause 74. The Committee notes, for example, that **Contractor's depot** appears in the Public Park and Recreation Zone, but is not listed in Clause 74. **Railway** and **Road** are used in zones but not defined.

The Committee seeks submissions on the following question:

5. *Is there a need to list all land use terms used in VPP zone tables in Clause 74?*

(ii) Only use listed terms in the 'use' column of zones

Planning Practice Note 10, *Writing Schedules* (January 2018), says of land use tables:

Tables of uses should use the land use terms and follow the nesting diagrams in Clauses 74 and 75. If the head of a nested group of land use terms is intended to be a Section 2 use and there are no exemptions anywhere else in the table, then it does not need to be listed. (Page 4)

If a nested land use term is used in a Section, the head of the nest and an exemption must also be listed in the table. (page 9)

A difficulty is that as land use terms change special purpose zone schedules are not routinely updated and now contain many outdated land use terms.

The Committee seeks submissions on the following question:

6. *Is there a need to restrict land uses in special purpose zones to terms listed in Clause 74?*

(iii) Allow unlisted land use terms in conditions in zones

It is one thing to restrict the 'use' column in land use tables to listed terms, it is a different issue to apply the same restriction to the 'condition' column.

Drafting practice seems to vary on applying this restriction to the 'condition' column. For the Collingwood Arts Precinct a Special Use Zone was exhibited as part of the Fast Track Government Land Service process. The exhibited zone included:

Section 1 – Permit not required

Use	Condition
Office	Must be used in conjunction with the use of the site for arts and creative industries.

Following the public consultation process, but before approval this was changed to:

Section 1 – Permit not required

Use	Condition
Office	Must be used in conjunction with the use of an arts and craft centre, a place of assembly (other than amusement parlour or nightclub), and leisure and recreation (other than Major sports and recreation facility and Motor racing track).

The Committee understands that this was because it was felt within the Department that a condition in a table of uses could not refer to a land use activity. This will have implications for other proposed Special Use Zones such as the following extract of a proposed zone:

Section 2 – Permit required

Use	Condition
Accommodation (other than Dwelling)	Must be for tourists.
Dwelling	Must be for guest or staff accommodation
Industry	Must be a brewery
Market	
Manufacturing Sales	Must be a brewery
Mineral, stone or soil extraction (other than Mineral exploration, Mining, and Search for stone)	
Winery	

The Committee can see no reason why it would not be appropriate to include unlisted and potentially undefined uses or activities as condition in the table of uses in a special purpose zone. A permit can be issued for a 'brewery' for example and so there does not seem to be any good reason why a condition could not control this.

The Committee seeks submissions on the following question:

7. *Should unlisted land use terms or activities be able to form part of conditions in land use tables?*

4 Possible changes to land use terms

The Committee's Terms of Reference require it to advise on:

- Existing land use terms in Clause 74 that should be removed or modified.
- New land use terms that should be included in Clause 74.

4.1 Accommodation

Issues raised in relation to **Accommodation** uses included:

- Update closet pan to toilet
- Student housing where a living or kitchen space is shared
- Short term accommodation
- Bed and breakfast
- Group accommodation
- Health and wellness retreat
- Rural workers' accommodation in rural zones
- Caravan and camping park
- Dependent person's unit and tiny houses
- Retirement Village and Residential Village.

(i) Update closet pan to toilet

The definition of dwelling states it must include:

d) a closet pan and wash basin

It was submitted that this should be updated to:

d) toilet and wash basin

This seems to make sense.

The Committee seeks submissions on the following question:

8. Should 'closet pan' be updated to 'toilet' in **Dwelling**?

(ii) Student housing where a living or kitchen space is shared

Submissions requested a definition for shared student housing where a living or kitchen space is shared. The critical aspect to this issue is whether the accommodation is 'self contained'.

Table 1: Comparison of selected Accommodation use terms

Accommodation	Dwelling	Residential building
Land used to accommodate persons.	A building used as a self contained residence which must include: a) a kitchen sink; b) food preparation facilities; c) a bath or shower; and d) a closet pan and wash basin. It includes out-buildings and works normal to a dwelling.	Land used to accommodate persons, but does not include camping and caravan park, corrective institution, dependent person's unit, dwelling, group accommodation, host farm, residential village or retirement village.

On one reading a shared kitchen might mean that accommodation is not self contained and hence the establishment is a **Residential building**. But if the accommodation determined to be self contained, because the building as a whole provided self contained accommodation, then (provided it is for permanent accommodation) it is a **Dwelling**.

The issue is whether a student building as a whole is self contained. VCAT has considered the issue of self containment in this in relation to Clause 52.23, Shared housing.

VCAT said:⁶

... Whilst Cobden's case was dealing with a community care unit, Clause 52.24 also contains a requirement to provide self contained accommodation for clients. On this point, Acting Deputy President Byard said: "I am persuaded that self contained accommodation in Clause 52.24 in relation to community care unit means that the unit, not individual rooms, is to be self contained".⁷

In Knox CC v Tulcany Pty Ltd Senior Member Liston was dealing with a boarding house or rooming house and Clause 52.23 specifically. He said:

- *[25] The Tribunal recognises the difficulty of interpreting Clause 52.23. "Provides self contained accommodation" is capable of meaning "for each person" or "for the building as a whole". A difficulty of the former interpretation is, as said by Senior Member Byard in Cobden, that this proposition "would involve there being a series of self contained flats or dwellings, rather than an accommodation "unit'." A difficulty of the latter is that it is hard to imagine a domestic building of ten habitable rooms or less which fails the test of shared housing.*
- *[26] Ultimately we are satisfied that the correct approach is that the building, as a whole, must be self contained. Clause 52.23 is not unambiguous, but there is nothing in the clause which necessarily requires its interpretation based on an analysis of the tenancy arrangements of the occupants. The Tribunal in Cobden v Greater Bendigo CC [2003] VCAT 1395, dealt with the issue of self contained accommodation in the context of a community care unit, nevertheless the decision of the Tribunal in the Cobden case supports our conclusion in this matter.*

I support the conclusions in Cobden v Greater Bendigo CC and Knox CC v Tulcany Pty Ltd in preference to Intervarsity Developments Pty Ltd v Frankston CC. I find that so far as the requirement in Clause 52.23 regarding self contained accommodation is concerned, it is the building as a whole that must provide self contained accommodation. Accordingly, there is no question that Holly Lodge is a building that provides self contained accommodation.

The same analysis would appear relevant to the definition of **Dwelling**. The Committee seeks submissions on the following question:

9. *How can the definition of Dwelling be changed to clarify the issue of self containment?*

⁶ Armato v Hepburn Shire [2007] VCAT 603 at [32]

⁷ Cobden v Greater Bendigo CC [2003] VCAT 1395 at [52]

(iii) Short term accommodation

Some stakeholders sought a definition to distinguish between long term and short term or temporary forms of accommodation.

This issue has been addressed by VCAT. The definition of dwelling provides that it is a building used as a self contained **residence**. Residence means a place where people live or reside either permanently or for a considerable period of time.⁸

VCAT has noted:⁹

It is also important when considering whether the land is used as a dwelling not to be distracted by the form of buildings on the land. Just because there is a house on the land does not necessarily mean that it is being used as a dwelling. The house on the subject land may well be used as a residence in other circumstances, but it is not being so used at present. The use of land for planning purposes is not determined by the style of development but the purpose for which the land is actually used. Thus it is fallacious to say that because there is a house on the land ipso facto the land is being used as a dwelling.

If no one resides at a house and people only stay there temporarily over the weekend or for very short periods of time, then house is not a building used as a residence and therefore the land cannot be said to be used for the purpose of a dwelling. However, Clause 52.23 means that a permit is not required.

Clause 52.23, *Shared Housing*, states:

A permit is not required to use a building, including outbuildings normal to a dwelling, to house a person, people and any dependants or 2 or more people if the building meets all of the following requirements:

- *Is in an area or zone which is used mainly for housing.*
- *Provides self contained accommodation.*
- *Does not have more than 10 habitable rooms.*

On a plain English reading of the term “shared housing”, the concept of tourist or other short term rental accommodation does not immediately spring to mind. The concept of shared housing is typically associated with student housing or housing shared by group of people not necessarily related.

VCAT said:¹⁰

I find that it is possible to interpret Clause 52.23 as being applicable to any situation where accommodation is provided in a building for any person or people if the building meets each of the three specified requirements. It is ... “a very general provision indeed”. However, ... an examination of the history of the introduction of the planning scheme provisions now in clauses 52.22,

⁸ See *Derring Lane Pty Ltd v Port Phillip City Council* [1999] VSC 269; *Merrett v Moira SC* [2005] VCAT 242 at [16] – [17]

⁹ *Armato v Hepburn Shire* [2007] VCAT 603 at [13]

¹⁰ *Armato v Hepburn Shire* [2007] VCAT 603 at [47]

52.23 and 52.24 makes it evident that this was the intention, that is, that it be a very general provision.

If people choose to let out a holiday house or other single accommodation unit, a planning permit for the use of land for this purpose is not generally sought or required by councils, probably on the erroneous basis that such accommodation is a **Dwelling**. As VCAT has determined, it is probably not the correct characterisation because the land is not being used as a residence. But the question arises as to whether any good planning purpose would be served by requiring a planning permit for a domestic scale accommodation use, which in other circumstances might well be used as a dwelling.

The issue of controlling short term accommodation on a domestic scale is not a change in the definition of **Dwelling**, but in a change to 52.23. This is beyond the scope of this Committee.

The Department has recently consulted on changes to Clause 52.23 which would seem to have the effect of making short term accommodation no longer subject to the Clause 52.23 exemption.

The 'Review and reform of planning provisions for community care unit, crisis accommodation and shared housing' May 2017:

VCAT have previously determined ... that any land use included in the term accommodation ... can 'benefit' from the exemption provided by the existing shared housing provisions. The draft provisions now address this issue and clarifies that the exemption only applies to a rooming house.

The Committee seeks submissions on the following question:

10. How can the VPP make it clear that a **Dwelling** is where people live or reside either permanently or for a considerable period of time, but that Clause 52.23 applies?

(iv) **Bed and breakfast**

Some submitters thought the term **Bed and breakfast** was no longer used publicly in the way the VPP intended, and was outdated.¹¹

Table 2: Bed and breakfast definition

Land use term	Definition	Includes	Included in
Bed and breakfast	A dwelling used, by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence.		Dwelling

A dwelling includes "... out-buildings and works normal to a dwelling" and so a **Bed and breakfast** can be delivered in an outbuilding. If the outbuilding is capable of being classified as a separate **Dwelling** but is not used as a residence then the shared housing provisions of 52.23 apply.

As the Committee understands it **Bed and breakfast** allows people to use part of their dwelling for paid accommodation without an issue that the use is ancillary to the use of the

¹¹ The Committee understands the 'bnb' in the popular online travel service 'Airbnb' is a contraction of bed and breakfast.

land as a **Dwelling**. It is separately listed so that limits can be placed on the number of people and car parking, for example in the General Residential Zone:

Section 1 – Permit not required

Use	Condition
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.

(v) Group accommodation

The issue with this definition is that **Dwelling** refers to people residing but this term refers to people away from their normal place of residence. This is an inherent contradiction.

Table 3: Group accommodation definition

Land use term	Definition	Includes	Included in
Group accommodation	Land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence.		Accommodation

The Committee seeks submissions on the following question:

11. Should **Group accommodation** be changed to read:

*Land, in one ownership, containing a number of **self contained buildings** ~~dwellings~~, used to accommodate persons away from their normal place of residence?*

(vi) Health and wellness retreat

Some submitters sought a specific definition for a health and wellness retreat. It is not immediately clear to the Committee how such a use might have a different planning impact to an establishment where the patrons were less interested in their own health.

If the issue is to support tourist accommodation in areas where this is currently prohibited this raises a broader policy issue, beyond the scope of this Committee.

(vii) Rural workers' accommodation in rural zones

The issue of rural workers' accommodation in rural zones would seem to be a matter for the zone controls and not land use terms. It is not clear from submissions if the accommodation is intended for seasonal workers or for permanent workers. There may be benefit in defining **Rural workers' accommodation**. It could fit under **Hostel** (seasonal) or **Boarding house** (permanent).

Accommodation for seasonal workers may well be ancillary to the agricultural use the farm use if the workers work on land in the same ownership.

The Committee seeks submissions on the following question:

12. Should **Rural workers' accommodation** be defined? If so, what would its definition be and how should it be treated in zones?

(viii) Caravan and camping park

It was submitted that **Caravan and camping park** needs to be expanded to deal with glamping and long term accommodation on park sites.

Table 4: Camping and caravan park definition

Land use term	Definition	Includes	Included in
Camping and caravan park	Land used to allow accommodation in caravans, cabins, tents, or the like.		Accommodation

Glamping

In respect of glamping – glamorous camping – the quality of the tents would seem to be irrelevant to the purpose of the use.

The Committee seeks submissions on the following question:

13. *What impacts associated with ‘glamping’ need to be controlled, that are not already controlled under the **Camping and caravan park** term?*

Permanent accommodation

VCAT¹² considered an application for 67 self contained cabins in the Green Wedge Zone. The Tribunal had to determine whether the 67 cabins each with two ancillary car spaces, additional visitor parking and communal multipurpose facilities comprise:

- a **Camping and caravan park**, which was one of few permissible **Accommodation** uses in this zone, or
- multiple **Dwellings** or a **Residential village** both of which are prohibited **Accommodation** uses, or
- some other form of accommodation use.

It is significant that unlike other uses nested under **Accommodation** (for example **Motel** and **Residential hotel**) which refer to accommodation being provided for persons away from their normal place of residence, a **Camping and caravan park** is not subject to a requirement that it is a use which can only accommodate persons on a temporary basis.

VCAT found that while a **Camping and caravan park** may include some permanent residents the proposal was not a **Camping and caravan park**:

41 The Tribunal was advised that the project is intended as permanent housing although a proportion (undefined) would be available for non-permanent use. There is no mix proposed of caravans, cabins, tents and the like. There are no common ablution or cooking facilities. This is not a tourist location and there is no tourist attraction. There is no feature that makes this appear like a camping and caravan park. Thus, it is not accurately characterised as a camping and caravan park.

42 It is not solely tenure or shared facilities or common amenities that distinguish camping and caravan park from other forms of “dwelling” but instead a range of factors which are difficult to pin down. The Tribunal finds that tourist or holiday accommodation is one of those factors, as is some

¹² Wilbow Corporation v Kingston CC (Red Dot) [2005] VCAT 2699 (20 December 2005).)

measure of impermanence, albeit not a completely transient population as recognised in the Dromana¹³ case.

(ix) Dependent person's unit and tiny houses

It was submitted that there was a need for a definition of **Tiny house** or **Removable dwelling** as distinct from caravan.

Concern was also expressed about **Dependent Person's Units** which it was said were a problem, because there is no clarity regarding what 'care' means. These issues relate to general issues around small secondary dwellings that go beyond land use terms and the scope of the Committee.

Table 5: Dependent person's unit definition

Land use term	Definition	Includes	Included in
Dependent person's unit	A movable building on the same lot as an existing dwelling and used to provide accommodation for a person dependent on a resident of the existing dwelling.		Accommodation

(x) Retirement village and Residential village

It was submitted that **Retirement village** and **Residential village** should be combined as they are very similar. It was submitted that **Retirement village** allows for multiunit developments in zones that would normally not allow such density.

Table 6: Residential village and Retirement village definitions

Land use term	Definition	Includes	Included in
Residential village	Land, in one ownership, containing a number of dwellings, used to provide permanent accommodation and which includes communal, recreation, or medical facilities for residents of the village.		Accommodation
Retirement village	Land used to provide permanent accommodation for retired people or the aged and may include communal recreational or medical facilities for residents of the village.		Accommodation

The Committee seeks submissions on the following question:

14. What changes are required to **Retirement village** and **Residential village**, and why?

4.2 Agriculture

Issues raised in relation to **Agriculture** uses included:

- What is agriculture?
- Primary produce sales
- Animal husbandry – Animal keeping, animal boarding and animal training
- Horticulture and Crop raising.

¹³ Dromana Tourist Park Holdings Pty Ltd v Mornington Peninsula SC [2005] VCAT 1439 (20 July 2005).

In addition to these submissions, a number of submitters indicated that terms within **Agriculture** need to reflect current practices and future proof them to allow for adaptation of agricultural practices. An example of this was the interaction of free range farming and animal husbandry definitional issues. These are being considered by a separate process and fall outside the remit of this review.

(i) What is agriculture?

The first observation to make about **Agriculture** is that it includes a number of uses that most people would not think of as **Agriculture**, such as boarding domestic pets. These are uses that are found in industrial areas in cities as well as in rural areas.

The Committee seeks submissions on the following question:

15. *Can you think of a better term than **Agriculture** to capture the complete range of nested uses?*

(ii) Primary produce sales

It was submitted that **Primary produce sales** should allow for some ancillary goods. For example, a cheese shop in a rural zone may also sell crackers and bottled drinks to be consumed with the primary produce (cheese). This would seem to shift the use to a regular **Shop** which is prohibited in the Farming Zone.

Other issues seem to relate more to the condition applied in zones than the definition. In the Farming Zone, Green Wedge Zone, Green Wedge A and Rural Activity Zone, the conditions are:

- Must not be within 100 metres of a dwelling in separate ownership.
- The area used for the display and sale of primary produce must not exceed 50 square metres.

There are no conditions to be met in the Rural Living Zone or the Rural Conservation Zone.

The Committee notes that the produce does not have to be from the land where the **Primary produce sales** use is located.

Table 7: Primary produce sales definition

Land use term	Definition	Includes	Included in
Primary produce sales	Land used to display and sell primary produce, grown on the land or adjacent land. It may include processed goods made substantially from the primary produce.		Retail premises

The Committee seeks submissions on the following question:

16. *Should ancillary goods be permitted to be sold in **Primary produce sales**?*
17. *Should the conditions for **Primary produce sales** in the Farming Zone, Green Wedge Zone, Green Wedge A Zone and Rural Activity Zone be amended? What should they be?*

(iii) Animal husbandry – Animal keeping, animal boarding and animal training

The Committee has found the **Animal husbandry** set of definitions to be one of the most problematic. Leaving aside farm animals are included under **Extensive animal husbandry** and **Intensive animal husbandry** and subject to a separate review process there are a number of obvious difficulties with these definitions:

- **Animal keeping** does not cover all animals, only domestic pets and racing dogs.
- **Animal keeping** does not involve the keeping of domestic pets. **Animal husbandry** refers to “keep, breed, board, or train”, but **Animal keeping** does not include “keep” in respect of domestic pets, though it does for racing dogs.
- **Animal boarding** does not cover all animals, only domestic pets.
- A **Horse riding school** is under animal training, but it is not likely that the horses are being trained, rather it is the humans riding them that are being trained.

Apiculture

There were no submissions made in relation to this defined land use term, however, the Committee queried whether this land use term was better placed directly under **Agriculture** rather than being nested under **Animal Husbandry**.

The Committee seeks submissions on the following questions:

18. Should **Apiculture** be removed from the nesting under **Animal Husbandry** and be nested directly under **Agriculture**?

What the terms actually cover

The definitions embody four different animal related activities:

- ‘keep’ which the Committee takes to mean keeping your own animals
- ‘breed’
- ‘board’ look after other animals on a temporary basis for a fee
- ‘train’.

Table 8: Animal husbandry definitions

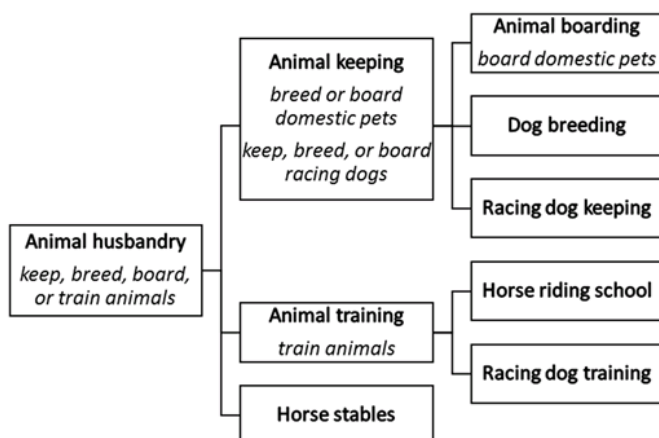
Land use term	Definition	Includes	Included in
Animal husbandry	Land used to keep, breed, board, or train animals, including birds.	Animal keeping Animal training Horse stables	Agriculture
Animal keeping	Land used to: a) breed or board domestic pets; or b) keep, breed, or board racing dogs.	Animal boarding Dog breeding Racing dog keeping	Animal husbandry
Animal boarding	Land used to board domestic pets, such as boarding kennels and a cattery.		Animal keeping
Dog breeding			Animal keeping
Racing dog keeping			Animal keeping
Animal training	Land used to train animals.	Horse riding school Racing dog training	Animal husbandry

Land use term	Definition	Includes	Included in
Horse riding school			Animal training
Racing dog training			Animal training
Horse stables			Animal husbandry

The definitions distinguish:

- farm animals in **Extensive animal husbandry** and **Intensive animal husbandry**
- racing dogs
- dogs in general
- domestic pets
- horses
- other animals.

Figure 1: Understanding the non-farm animals covered by Animal husbandry terms



A number of submissions said there should be a clear distinction between domestic pets and non-domestic pets or other animals.

Some submitters contended that there is an unnecessary overlap with the land use terms **Animal keeping**, **Animal boarding** and **Animal training**, with the land use terms review needing to reframe these terms and make it clear whether they apply to domestic pets acknowledging there is a need for a specific reference to racing dogs.

In a recent VCAT case of *Living Streets Designs Pty Ltd v Strathbogie SC (Red Dot) [2016]* VCAT, the VCAT considered a number of issues, namely whether the defined use of training (which is as of right) would be caught up in the other defined use of **Animal keeping** and therefore the whole enterprise required a planning permit. As the facility involved a separate and distinct use (**Animal keeping**), this second use required a planning permit. The Tribunal noted a high level review of these definitions was required, including determining whether both definitions needed to be retained, noting that no actual definitions of these two defined uses are provided in Clause 74.

In that case, the impact of the differences between the two definitions resulted in **Racing dog training** (a Section 1 use in the Farming Zone) did not require a planning permit, but **Racing dog keeping** which is nested under **Animal keeping** was only a Section 1 use in the Farming Zone if there were fewer than 5 animals under **Animal keeping**.

It is worth noting that keeping a domestic pet would seem to fall under **Agriculture** and would be a Section 2 use permit required in a General Residential Zone if it were not ancillary to the **Accommodation** use. This is likely to be managed by way of local laws.

In the General Residential Zone a person without a permit can:

- breed domestic pets, provided there are no more than two animals
- keep, breed, or board racing dogs provided there are no more than two racing dogs.

It is not clear to the Committee how a successful breeding operation can take place with no more than two animals.

In the General Residential Zone a person can seek a permit to:

- breed domestic pets, provided there are no more than five animals
- keep, breed, or board racing dogs provided there are no more than five racing dogs.

Doggy day care

Some submitters sought a specific clarification around **Doggy day care**. The Committee thinks that this is simply a form of animal boarding and the definition could make this clear.

Equine related definitions

A number of submissions suggested that equine related uses should be removed from **Agriculture** to better manage the impact on productivity and amenity. Part of this concern was that farms in the Green Wedge Zone were being 'overtaken' by hobby farms and horse agistment where previously they were used for agricultural purposes such as cattle grazing, and cropping. These concerns extended to the loss of valuable farming land to pursuits that are not traditionally "agricultural" and do not contribute to food production.

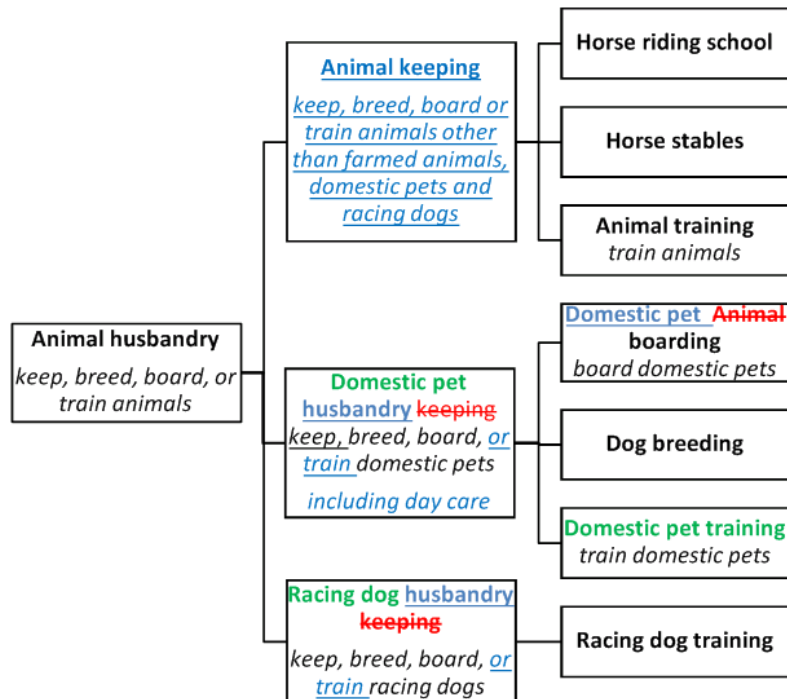
This is not primarily a definitional issue but a policy issue. As discussed below the Committee is seeking feedback on possible changes to the **Animal husbandry** group of definitions. If there were clear policy reasons to control equine uses they could be nested under **Animal husbandry**.

A way forward

The Committee seeks feedback on a number of possible changes:

- Divide **Animal husbandry** into terms dealing with farm animals (**Extensive animal husbandry** and **Intensive animal husbandry**), domestic pets, racing dogs, and other animals.
- Split the current definition of **Animal keeping** into **Domestic pet husbandry** and **Racing dog husbandry**.
- Replace the definition of **Animal keeping** with a broad definition that applies to animals other than farm animal, domestic pets and racing dogs.
- Rename **Animal boarding** to **Domestic pet boarding** and revise it to include domestic pet day care.
- Move **Horse riding school** to be nested under **Animal Keeping** rather than **Animal training**.

Figure 2: Possible re-nesting and renaming of selected Animal husbandry terms, excluding farm animals



The Committee seeks submissions on the following questions:

19. Is there merit in renaming the Animal husbandry terms to make them clearer?
20. Is there merit in dividing **Animal husbandry** into terms dealing with farmed animals, domestic pets, racing dogs, and other animals? Would the following specific changes help reduce confusion:
 - a) Split the current definition of **Animal keeping** into **Domestic pet husbandry** and **Racing dog husbandry**.
 - b) Replace the definition of Animal keeping with a broad definition that applies to animals other than farm animal, domestic pets and racing dogs.
 - c) Rename **Animal boarding** to **Domestic pet boarding** and revise it to include domestic pet day care.
 - d) Move **Horse riding school** to be nested under **Animal Keeping** rather than Animal training?

The Committee is not proposing any changes to whether or not a permit is required in respect to the various uses in different zones.

(iv) Horticulture and Crop raising

A number of submitters contended the differences between **Crop raising** and **Horticulture** were not clear, but it is not clear to the Committee how these difficulties play out in practice.¹⁴ **Horticulture** is nested under **Crop raising**.

Table 9: Comparison of plants referred to in Crop raising and Horticulture

Crop raising	Horticulture
Land used to propagate, cultivate or harvest plants, including:	Land used to propagate, cultivate, or harvest:
- cereals	- -
- flowers	- flowers
- fruit	- fruit
- seeds	- -
- trees	- -
- turf	- -
- vegetables	- vegetables
- -	- vines
- -	- or the like

There was a submission in relation to “*intensive horticulture*” which may be undertaken within the structures or buildings such as greenhouses, specifically as structures for the cultivation or protection of plants.

One option is would be to create new definitions under **Horticulture** to differentiate between **Protected horticulture** and **Open air horticulture**. It seems that the issue relates primarily to the horticultural structure and rather than the use as such. If there is a policy reason to control these structures then it might be better to address it a building and works issue rather than a land use issue. This would potentially allow control (if it were justified) under overlay controls and well as zone controls.

(v) Community gardens

A number of submissions sought a definition of “*market garden/streetscape garden/edible garden*”. *Plan Melbourne* says:

Policy 5.4.2 Support community gardens and productive streetscapes

Melbourne has more than 50 community gardens, with more planned. Establishing more community gardens will give Melburnians opportunities to share skills and learn from their neighbours’ food-growing knowledge, increase social interaction and community partnerships, produce local food for personal consumption or sale at local farmers’ markets, and promote healthy eating.

¹⁴ As an aside, it is not clear to the Committee that a mushroom is a plant, except in the broadest of taxonomies and so would not be covered by these definitions.

A community garden would seem to fall squarely within **Horticulture**. There may be merit in defining a **Community garden** if there is a policy position to reduce controls on this sort of community activity.

The Committee seeks submissions on the following question:

21. *Why is there a need to define **Community garden**, and what would the definition be?*

4.3 Child care centre group

Currently **Child care centre** only includes **Kindergarten** in its nesting.

Children can be noisy, and the key issue relating to this use is noise. This along with carparking and the issue of busy pick ups and drop offs causing traffic congestion can affect the amenity of a neighbourhood. The impact of such uses has been examined in VCAT cases such as *Petzieredes v Hobsons Bay CC (Red Dot)*[2012] VCAT 686 that considered the impacts of child care centres in a residential zone setting, particularly with issues relating to children's noise and whether acoustic fencing should be erected between such centres and neighbouring residences.

A number of submissions queried whether family day care (child care not in a centre) should be defined and regulated. Family day care use would be a **Home based business** but would probably not meet the floor area requirements of Clause 52.11 to be as of right in residential zones:

- *The net floor area used in conducting the business including the storage of any materials or goods must not exceed 100 square metres or one-third of the net floor area of the dwelling, whichever is the lesser. The net floor area of the dwelling includes out-buildings and works normal to a dwelling.*

A permit can be granted but only if the following condition is met:

- *Which has a floor area not exceeding 200 square metres or one-third of the net floor area of the dwelling, whichever is the lesser.*

Family day care might be analogous to **Home based businesses** or **Bed and breakfast**, both of which are permitted subject to certain limitations.

The Committee seeks submissions on the following question:

22. *Should the VPP define **Family Day Care** and make it as of right where **Home based business** is as of right for fewer than, say, five children?*

(i) What is the role of a Kindergarten?

No submissions have been received in relation to the definition of **Kindergarten**, even though it is currently undefined. Current research and policy in relation to early learning and benefits of early childhood learning in terms of outcomes for children leading into foundation years of primary school education. This is also reflected in the change in use of child care workers being recognised as “educators” and the move towards diploma based certification in child care centres.

The Committee seeks feedback as to whether **Kindergarten** should be moved from **Child care centre** and placed under the **Education centre**. Alternatively, **Child care centre** could be nested under **Education centre**.

The Committee seeks submissions on the following question:

23. Should *Child care centre* be nested under *Education centre*?

4.4 Earth and energy resources group

There were general submissions stating an overhaul of this Earth and energy resources group was required in order to incorporate or manage changes within the industry. *Earth and energy resources industry* and *Stone extraction* definitions are being considered through a separate process and fall outside of this review.

4.5 Education

Concerns were expressed that the definitions of education delivery models too narrow.

Table 10: Education centre definition

Land use term	Definition	Includes	Included in
Education centre	Land used for education.	Employment training centre Primary school Secondary school Tertiary institution	

Education centre is a broad definition, and while the nested terms are narrow, it is not clear that what additional term ought to be listed.

Concerns were raised over training that doesn't provide a formal qualification (for example, gardening, potentially in community neighbourhood houses and the like)

In many cases education will be ancillary, or take place in what would otherwise be a *Place of assembly*. For example, training courses in a conference or function centre. This would not seem to be a normal part of that other use and a separate permission would not need to be sought.

It was suggested that there needs to be a distinction between private, public and not for profit providers, but it not clear why this is relevant from a planning perspective.

The Committee seeks submissions on the following question:

24. What new *Education centre* terms are needed and why?

4.6 Industry

Issues raised in relation to *Industry* uses included:

- General submissions to Industry
- Small scale food production
- Research and development centre
- Materials recycling, Transfer station and Refuse disposal
- Waste to energy facility
- Motor repairs.

(i) General submissions to Industry

There were general submissions made in relation to the *Industry* nesting group including:

- Deleting the industrial uses from Clause 74 and inserting them into Clause 52.10

- Whether Industry could be compartmentalised to be more narrowly defined¹⁵ to be more prescriptive of “heavy” and “light” Industry as currently occurs in New South Wales.

These submissions require a policy decision that falls outside the scope of this review.

(ii) Breweries and tourist oriented industry

It was submitted that micro-brewing is a new and emerging industry that could benefit from definition in the planning scheme. Currently it is an undefined use that falls within **Industry** or potentially **Manufacturing sales**.

In Clause 52.10 it would be categorised as ‘Food and Beverage Production other than those listed within this group’. As such, it would be prohibited in the Commercial 1 Zone and Township Zones. It would be subject to permit in the Farming Zone, and prohibited in the Green Wedge Zone.

The broader issue is whether breweries, distilleries or chocolate factories could be defined and treated the same way as wineries, on the basis these uses have a tourism orientation as much as an industry orientation.

Table 11: Winery definition

Land use term	Definition	Includes	Included in
Winery	Land used to display, and sell by retail, vineyard products, in association with the growing of grape vines and the manufacture of the vineyard products. It may include the preparation and sale of food and drink for consumption on the premises.		

A **Winery** is different to these types of uses because it occurs “*in association with the growing of grape vines and the manufacture of the vineyard products*”.

The Committee seeks submissions on the following questions:

25. Is there merit in defining **Brewery**, **Distillery** or **Chocolate factory** and other similar uses? If there is, how should they be treated in zones?

(iii) Research and development centre

Research and development centre is being considered through another review process and falls outside the scope of this review.

(iv) Materials recycling, Transfer station and Refuse disposal

The Committee understands there is a Statewide Waste and Resource Recovery Plan (SWRRP) amendment process currently under way. This process will examine, among other issues, a land use and waste planning framework and will consider definitions relating to **Materials recycling**, **Transfer station** and **Refuse disposal**.

¹⁵ Alpine Shire considers small scale food production uses including a microbrewery, small coffee roaster and small gin distillery to be **Manufacturing Sales**.

Table 12: Waster transfer, recycling and disposal definitions

Land use term	Definition	Includes	Included in
Transfer station	Land used to collect, consolidate, temporarily store, sort or recover refuse or used materials before transfer for disposal or use elsewhere.		Industry
Materials recycling	Land used to collect, dismantle, treat, process, store, recycle, or sell, used or surplus materials.		Industry
Refuse disposal	Land used to dispose of refuse, by landfill, incineration, or other means.		Industry

It is not clear to the Committee why a **Transfer station** deals with “*refuse or used materials*”, but a **Material recycling** deals with “*used or surplus materials*”. Could both deal with “*refuse, used or surplus materials*”?

It is also not clear what the practical differences are between “*temporarily store*” in **Transfer station** and “*store*” in **Materials recycling**.

Generally the difference between the uses seems clear, with the **Transfer station** being a stop on a journey, whereas **Material recycling** is a facility where material is processed. Deleting “*collect*” from the **Material recycling** definition might make this distinction clearer without having any practical implications.

Clause 52.45, Resource recovery, sets out application requirements and decision guidelines for these uses with the purpose:

To facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.

The Committee seeks submissions on the following questions:

26. Is there merit in changing **Transfer station** to read:
Land used to collect, consolidate, temporarily store, sort or recover refuse, ~~or~~ used or surplus materials before transfer for disposal, recycling or use elsewhere?
27. Is there merit in changing **Materials recycling** to read:
Land used to ~~collect~~, dismantle, treat, process, store, recycle, or sell, refuse, used or surplus materials?

(v) Waste-to-energy facility

At present a waste to energy plant would seem to fall under the term **Refuse disposal**. Waste to energy clearly does not fall into the definition of a **Renewable energy facility**, and while there may be environmental benefits from a waste-to-energy plant it is not a renewal resource.

The Committee seeks submissions on the following questions:

28. Should there be a **Waste-to-energy facility** definition?

(vi) Motor repairs

The only submissions received in relation to the nesting of terms for **Service Industry** relate to self contained pods being used for minor repairs on cars and whether this needs to be considered in the definition of **Motor repairs**. These pods were submitted as being capable of being placed anywhere, including as an ancillary use on land where the dominant use is a shop, carpark or warehouse. The submitter contended that there was no need for land use planning control for such a proposition, whereas it may unnecessarily be caught by **Motor repairs**.

If there is merit in supporting this type of activity it may need to be managed by a set of particular provisions. While it may be unworkable to require a permit for each operation there may still be a need to manage the use.

The Committee seeks submissions on the following questions:

29. *If there is merit in supporting pod based motor repairs through and new definition and a particular provision? Are there other pod based businesses that may require the same approach?*

4.7 Leisure and recreation

Issues raised in relation to **Leisure and recreation** uses included:

- Major versus minor
- Restricted recreation facility v Indoor recreation facility
- What's going on outside?
- Specific terms
- Indoor versus outdoor
- Motor racing track.

(i) Major versus minor

The terms **Major sports and recreation facility** and **Minor sports and recreation facility** do not really communicate their purpose: the distinction is whether where there is substantial provision made for spectators, such as a grandstand, and whether spectators are usually charged admission.

Table 13: Sports and recreation facility definitions

Land use term	Definition	Includes	Included in
Major sports and recreation facility	Land used for leisure, recreation or sport, and where there is substantial provision made for spectators, such as a grandstand, and to which spectators are usually charged admission.	Racecourse	Leisure and recreation
Minor sports and recreation facility	Land used for leisure, recreation, or sport, without substantial provision for spectators, and which is usually open to non-paying spectators.	Indoor recreation facility Informal outdoor recreation Open sports ground Outdoor recreation facility Restricted recreation facility	Leisure and recreation

The Committee seeks submissions on the following question:

30. Should *Major sports and recreation facility* be renamed *Spectator sports facility*, and *Minor sports and recreation facility* be renamed *Community sports and recreation facility*?

(ii) **Restricted recreation facility versus Indoor recreation facility**

The issue here is if a person pays a fee to learn to dance it is an *Indoor recreation facility*, but if they pay a fee to learn yoga it is potentially a *Restricted recreation facility*.

It seems the intent of the *Restricted recreation facility* is to capture clubs, but because it refers to “Land used ... the public on payment of a fee” it could be taken to cover a range of small commercial operations that would otherwise fall under *Indoor recreation facility*. Submissions called for this distinction to be clear.

Table 14: Indoor recreation facility and Restricted recreation facility definitions

Land use term	Definition	Includes	Included in
Indoor recreation facility	A building used for indoor leisure, recreation, or sport.	Dancing school	Minor sports and recreation facility
Restricted recreation facility	Land used by members of a club or group, members' guests, or by the public on payment of a fee, for leisure, recreation, or sport, such as a bowling or tennis club, gymnasium and fitness centre. It may include food and drink for consumption on the premises, and gaming.		Minor sports and recreation facility

The Committee seeks submissions on the following question:

31. Should *Restricted recreation facility* be changed to read:
Land used by members of a club or group, ~~members' guests, or by the public on payment of a fee,~~ for leisure, recreation, or sport, such as a bowling or tennis club, ~~gymnasium and fitness centre.~~ It may include food and drink for consumption on the premises, and gaming. It may also include use by members' guests, or by the public on payment of a fee.

(iii) **What's going on outside?**

Some submissions sought clarification on public parks and plazas. The Committee's review of *Informal outdoor recreation*, *Open sports ground* and *Outdoor recreation facility* reveals an overlap in the definitions that could be removed:

- “Land used for outdoor ... sport” would seem to include “Land used for sport, but which is available for informal outdoor leisure or recreation when not being used or prepared for an organised game”.
- Similarly “Land used for outdoor leisure” would seem to include “Land open to the public and used by non-paying persons for leisure”. The issue is the relevant definitions are not nested.

Table 15: Outdoor recreation facility definitions showing possible changes

Land use term	Definition	Includes	Included in
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Informal outdoor recreation	Land open to the public and used by non-paying persons for leisure or recreation, such as a public plaza , public park , cycle track, picnic or barbecue area, playground, and walking or jogging track.		Minor sports and recreation facility
Open sports ground	Land used for organised games of sport , but which is available for informal outdoor leisure or recreation when not being used or prepared for an organised game. It may include lights, change rooms, pavilions, and shelters.		Minor sports and recreation facility
Outdoor recreation facility	Land used for outdoor leisure, recreation, or sport. It does not include an Open sports ground or Informal outdoor recreation.	Amusement park Golf course Golf driving range Paintball games facility Zoo	Minor sports and recreation facility

The Committee seeks submissions on the following question:

32. *Should the potential overlap between [Informal outdoor recreation](#), [Open sports ground](#) and [Outdoor recreation facility](#) be clarified? Do you support the proposed clarification?*

(iv) Specific terms

It was submitted that the terms generally needed updating to better reflect contemporary terms, including, for example, a virtual reality recreation centre.

There was a concern that [Dancing school](#) was no longer needed. The Committee observes that dance studios are a surprisingly popular land use.

A number of stakeholders called for new definitions for [Gym](#), [Personal training](#), [Pilates](#) and [Yoga studios](#). These uses fall clearly in the definition of [Indoor recreation facility](#).¹⁶ Listing them could help remove confusion about how they are defined.

Many of these uses take up shop fronts in a Commercial 1 Zone; they need a permit for this. Rather than provide new definitions, the critical issue would seem to be greater flexibility in zone controls to allow these uses to establish in shop fronts.

Table 16: Indoor recreation facility definition

Land use term	Definition	Includes	Included in
Indoor recreation facility	A building used for indoor leisure, recreation, or sport.	Dancing school	Minor sports and recreation facility

The Committee seeks submissions on the following questions:

33. *Is there merit in treating shop front style recreation facilities more like shops?*
34. *Should the VPP list [Gym](#), [Pilates studios](#) and [Yoga studio](#) in Clause 74, nested under [Indoor recreation facility](#), but not defined?*

¹⁶ At least they do if the [Restricted recreation facility](#) is made more focused

35. Should *Dancing school* be changed to *Dance studio*?

(v) Indoor versus outdoor

Most **Outdoor recreation facilities** will have a club house, and many **Indoor recreation facilities** will have some outdoor areas. It is not clear if this is an issue.

The Committee seeks submissions on the following question:

36. *Is the indoor–outdoor distinction for recreation facilities causing problems? If so, changes are needed to resolve these problems?*

(vi) Motor racing track

Motor racing track does not include ‘training’; and it was submitted that it should. A ‘motor training track’ seems to fall under **Leisure and recreation**. There is potential for a motor training track to be treated more liberally than a **Motor racing track**. In an Industrial 3 Zone for example, a **Motor racing track** would be prohibited, but a permit could be sought for a training facility.

The Committee seeks submissions on the following question:

37. *Why is there a need to include training in **Motor racing track**?*

4.8 Office

(i) Medical centre and Hospital

There were limited submissions received in relation to this nesting of terms, with the only submissions received relating to the definition of **Medical centre**. Some specific submissions sought clarification around the “*providing health service*” aspect of the definition and whether this included nurses. It is not apparent to the Committee why this distinction in relation to nurses needs to be made.

Table 17: Medical definitions

Land use term	Definition	Includes	Included in
Medical centre	Land used to provide health services (including preventative care, diagnosis, medical and surgical treatment, and counselling) to out-patients only.		Office
Hospital	Land used to provide health services (including preventative care, diagnosis, medical and surgical treatment, and counselling) to persons admitted as in-patients. It may include the care or treatment of out-patients.		

One submitter suggested framing **Medical centre** to be a “*consultative service*” so as to encompass similar “*non-medical*” purposes such as naturopathy, although this may be redundant as the definition of Office references “*professional*” activity and a planning permit can describe the use as ‘Naturopathy (**Medical centre**)’. A more basic issue is that not everyone would consider naturopathy to be medicine.

The Committee notes that the difference between a **Hospital** and a **Medical centre** hinges on whether the facility treats 'in-patients' or 'out-patients'. The Committee understands that in the medical world:

- some in-patients, whilst admitted, are not present at a facility – they may be treated by way of a 'hospital in the home' service
- some outpatients may stay overnight at a facility.

The Committee seeks submissions on the following question:

38. *Is there a need to amend the definition of **Medical centre**, and what precise change is required?*

4.9 Place of Assembly

There were a number of submissions about Place of assembly. Some submitters contended the term was too broad, but others thought it was too limiting. Submissions raised issues about:

- Cinema Based Entertainment Facility
- Commercial art galleries
- Amusement parlour
- Carnival and Circus
- Festival – Music and Arts Festival
- Function centre – Conference centre – Reception Centre
- Place of Worship
- Live Music – Live Music Venue.

(i) Cinema Based Entertainment Facility

A submission suggested shifting **Cinema based entertainment facility** from an unnested use to **Place of assembly**. This makes sense given the nature of the use.

Table 18: Cinema type definitions

Land use term	Definition	Includes	Included in
Cinema	Land used to provide screen based entertainment or information to the public.		Place of assembly
Cinema based entertainment facility	Land used to provide screen based entertainment or information to the public, in association with the provision of meals or sporting, amusement, entertainment, leisure or retail facilities.		
Drive-in theatre			Place of assembly

Drive-in theatre is not defined but is nested under **Place of assembly**. **Drive-in theatre** seems to be a redundant term considering the broad definition of **Cinema** and **Cinema based entertainment facility**, but the Committee recognises that drive-in theatres do still exist and as a concept may still be pursued. A **Drive-in theatre** will have a vastly different impact to a **Cinema**.

The Committee seeks submissions on the following question:

39. *Should **Cinema based entertainment facility** be nested under **Place of assembly**?*

40. Should the definitions of **Cinema** and **Cinema based entertainment facility** specifically exclude a **Drive-in theatre**?

(ii) Commercial art galleries

Concerns were raised about the difficulties of conducting small scale art screenings, especially screenings that may occur in shop galleries.

This is a similar issue to a number of **Indoor recreation facility** uses take up shop fronts in a Commercial 1 Zone and need a permit for this.

(iii) Amusement parlour

It was submitted that the term **Amusement parlour** is too specific and outdated. The Committee understands that the function of this definition is to establish planning control over establishments with more than two pinball machines, making it clear that three or more machines are not ancillary to another use. This was once a significant planning issue.

(iv) Carnival and Circus

There was a submission that the definitions for **Carnival** and **Circus** should be updated to apply to non-public land. The Committee understands that the definitions do apply to non-public land, but that:

- Clause 62.01 states that any requirement in this scheme relating to the use of land, other than a requirement in the Public Conservation and Resource Zone, does not apply to the use of land for a **Carnival** or **Circus** if the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997 are met.
- These uses are currently exempt from planning permission on public land because of Clause 62.03.

(v) Festival – Music and Arts Festival

There was a submission that there should be a further nested term called **Events** and music and arts festivals could fall under them.

In *MAMF Functions Pty Ltd v Buloke SC (Red Dot) [2016] VCAT 289* the Tribunal considered the proposal to hold a music and arts festival on public land and whether a planning permit for **Place of assembly** was required to be sought or whether the music festival could be characterised as an innominate use.

Clause 62.03 was discussed as this provides an exemption to allow for temporary events on public land provided the public land manager authorises the event and this could arguably have applied in this case.

VCAT considered the principles the Committee has discussed earlier in this discussion paper, specifically the Cascone case. VCAT considered what was the real and substantial purpose of the use that a planning permit was being sought and determined that the description in the planning permit of 'Music and Art Festival (Place of assembly)' was accurate and proper, with there being no benefit in removing **Place of assembly** from the planning permit description. This premise was based on the view that the use was properly characterised as **Place of assembly** or as an innominate use still generally falling within the broader land use

definition of a **Place of assembly** having regard to the hierarchy and nesting of land use terms within the planning scheme¹⁷.

VCAT determined the general definition of **Place of assembly** could comfortably accommodate music and arts festival as **Place of assembly** encompasses a variety of specific land uses that can either be defined or are innominate, with the common criteria being the congregation of people for a cultural or entertainment activity. VCAT noted that the Council would not inadvertently grant the applicant a general permission by simply stating **Place of assembly** in the preamble of the planning permit. Rather Council would seek to further specify what use has been given permission under the planning permit, in this case arts and music festival.

VCAT also considered whether the use of the land for an arts and music festival amounted to an ancillary or separate use of the land when the factor of camping was also included as a use of the land. The Tribunal formed the view that this combination did not create a new or unusual innominate use and remained an appropriate **Place of assembly** use.

The Committee does not see the need to introduce art and music festival as a land use term to be nested under **Place of assembly**.

(vi) Function centre – Conference centre – Reception Centre

Whilst no submissions were received in relation to the definitions of these terms, both **Conference centre** and **Reception centre** are terms that are undefined but nested under **Function centre**.

Table 19: Function centre definition

Land use term	Definition	Includes	Included in
Function centre	Land used, by arrangement, to cater for private functions, and in which food and drink may be served. It may include entertainment and dancing.	Conference centre Reception centre	Place of assembly
Conference centre			Function centre
Reception centre			Function centre

These terms may require modernising and the Committee invites submissions as to whether **Conference centre** is now the more generic term and should replace **Function centre** as the head term under **Place of assembly**.

The Committee notes that the definition of **Function centre** does not seem to include public conferences.

The Committee seeks submissions on the following question:

41. Should **Conference centre** be the head term instead of **Function centre**?
42. Should **Function centre** (or **Conference centre** if it becomes the head term) be updated to read:
Land used, by arrangement, to cater for conferences or private functions, and in which food and drink may be served. It may include entertainment and dancing?

¹⁷ [6]

(vii) Place of Worship

There were submissions that claim the definition of **Place of worship** is too limiting and should be expanded to include other activities where a number of people may practice that common faith.

The Committee acknowledges that there are activities which bring people together that do not necessarily have a religious basis to it, but may be more akin to being a spiritual one. However, others may form the view that the inherent meaning of this term is for the use and development of the land to construct structures that readily relate to a recognised religion, as opposed to a spiritual event that can be held in a library or local hall.

The Committee notes the recent Supreme Court judgement of Justice Emerton in *RSSB Australia Pty Ltd v Ross* [2017] VSC 314, in which the Tribunal had to consider the nature of the activities and their purpose to ascertain the correct land use term to determine the appropriate planning controls. One of the questions considered was whether the RSSB was a “religion” and could rely on the land use term **Place of worship**. Justice Emerton accepted the submission that noted a liberal approach to the interpretation of this land use may be warranted¹⁸.

The Committee seeks submissions on the following question:

43. Should **Place of assembly**, **Place of worship** and **Restricted place of assembly** be revised to include “spiritual” activities?
44. Should the **Place of worship** definition be changed to recognise that some religious or spiritual activities occur in non specific or non denominational buildings?

(viii) Live Music – Live Music Venue

There is a Planning Practice Note 81 (May 2016) which specifically provides guidance in relation to the planning controls relating to Live Music and Entertainment Noise, managing the agent of change principle and Clause 52.43. This is a land use term that is not currently defined in the VPPs. This Planning Practice Note provides examples of some of the various venues that can be turned into a live music venue. The question then becomes one of whether the venue will be predominantly a live music venue, with possible ancillary food and alcohol to be served or whether it will be a pub or restaurant that occasionally plays live music.

It is not clear to the Committee whether a dedicated land use definition is required or whether the current land use definition of **Nightclub** is sufficient to regulate the use of a venue (albeit one where there is no gaming or sale of packaged liquor).

The Advisory Committee invites submissions as to whether:

45. Should **Live music venue** be listed in Clause 74, and if so how would it be defined?

¹⁸ [47]

4.10 Renewable Energy group

(i) Renewable Energy Group

There were a number of submissions stating that this nesting group should have sufficient definitions that are flexible enough to provide current but future proofed definitions of the kind of facilities for evolving energy resources. This would have the result of the focus being on the impact rather than the form, which is consistent with one of the broader principles of considering the purpose of the use.

The Committee notes that the term **Renewable energy facility** is being examined under the SWRRP to include further aspects to the definition. On that basis, the Committee believes this falls outside the scope of its review.

(ii) Solar farm

There was a submission stating that the term solar farm required definition in order to future proof this form of **Renewable energy facility**. There was a recent Advisory Committee established to consider a call in of a VCAT case relating to the expansion of the Countrywide Energy Solar Farm in Wangaratta North, however, that matter did not appear to raise any issues in the land use definition of a solar farm. The Committee does not propose to introduce a definition for solar farm, however, it invites submissions as to whether it should consider introducing a new definition of solar farm that could be drawn on the current **Wind energy facility** definition.

The Committee seeks submissions on the following question:

46. *Should a definition for **Solar farm**, based on the current definition for **Wind energy facility**, be included in Clause 75?*

4.11 Retail premises

Issues raised in relation to **Retail premises** uses included:

- Food and drink:
 - New definitions
 - Tables in a takeaway
 - Deliveroo and Uber eats
 - Bar, nightclub or venue.
- Shop:
 - Small performances in shops
 - Small food manufacturing
 - Personal services – day spas and massage parlours.
- Restricted retail premises.

4.11.1 Food and drink premises

(i) New definitions

Many submissions said there should be new or refined definitions to:

- define **Cafe**
- define **Bar**
- address food trucks.

There are three definitions that relate to primarily to the sale of food:

Table 20: Sale of food definitions

Land use term	Definition	Includes	Included in
Take away food premises	Land used to prepare and sell food and drink for immediate consumption off the premises.		Food and drink premises
Convenience restaurant	Land used to prepare and sell food and drink for immediate consumption, where substantial provision is made for consumption both on and off the premises.		Food and drink premises
Restaurant	Land used to prepare and sell food and drink, for consumption on the premises. It may include: a) entertainment and dancing; and b) the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time. It does not include the sale of packaged liquor.		Food and drink premises

A **Cafe** would seem to be a **Convenience restaurant**. While some submissions took issue with **Convenience restaurant**, on the basis that it was not needed, it appears to the Committee to be clearly aimed at suburban fast food establishments.

The Committee is of the view that **Bar** is clearly falls within **Tavern**.

Clause 62 says any requirement in this scheme relating to the use of land¹⁹, does not apply to the use of land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device. It would seem planning schemes only apply to food trucks if they are parked on private land. The Committee does not see the need, or merit, to change this arrangement.

The Committee seeks submissions on the following questions:

47. Should the VPP list **Bar** in Clause 74 and nest it in **Tavern** without a definition?
48. Should the VPP list **Cafe** in Clause 74 and nest it in **Convenience restaurant** without a definition?

(ii) Tables in a takeaway

It was submitted that a takeaway should be allowed to have up to six tables. This seem appropriate, and the Committee does not see that this would change the fundamental purpose of the use.

The Committee seeks submissions on the following question:

49. Is it appropriate to change the definition of **Take away food premises** to allow for a certain number of table or seats? What number?

¹⁹ Other than a requirement in the Public Conservation and Resource Zone.

(iii) Deliveroo and Uber Eats

An emerging issue is the increasing proportion of some restaurants takeaway food trade with online delivery services. A degree of takeaway food has always been part of a restaurant business, but at some point the proportion of takeaway service could increase until it was no longer ancillary. Such an establishment might then be seen as a **Convenience restaurant**.

It is not clear to the Committee if this is causing practical or legal difficulties for operators.

It is not clear to the Committee that there are any zones where this would make an as of right use require a permit. In the Commercial 1 Zone neither **Restaurant** nor **Convenience restaurant** require a permit. It appears to the Committee that there would be no change or a reduction in the car parking requirement.

A 'dark kitchen'²⁰ would seem to be a **Take away food premises**. It does not seem relevant whether the person picking up the takeaway is picking it up for their own consumption or someone else.

(iv) Bar, nightclub or venue

It was submitted that the planning system does not deal well with arts venues and part of the mismatch is due to arts and cultural spaces becoming smaller and more casual in their offerings. For example, small 'do it yourself' screen cinemas didn't exist in the 1960s. Spaces are also becoming more hybrid: a small **Bar** may host occasional art exhibitions, poetry readings, comedy acts, live music and film screenings.

Concerns were expressed over how a small hybrid venue would be treated in the planning system. Use as an art gallery is **Exhibition centre**, which is a **Place of assembly**. Comedy or live music performances could require the place be classified as **Nightclub (Place of assembly)** or **Tavern (Retail Premises)**. Film screenings might make a use a **Cinema (Place of assembly)**. It was said:

As all of these uses require individual permissions, the process of wading through the scheme, commissioning supporting reports (such as traffic), and making the applications at considerable expense and effort, is a major disincentive to activities that are otherwise expressly encouraged in state and local policy frameworks.

The Committee observes that a **Bar** is a **Tavern** which is defined as:

Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.

The Committee accepts that display and sale of art work if not ancillary would be a separate use. Poetry readings, comedy acts, live music and film screenings are presumably entertaining and should not be an issue in a **Bar**. The issue is if these uses mean the purpose of the establishment changes to a **Nightclub** or **Cinema**.

²⁰ A take away food premises that aimed solely at internet orders, without a visible street presence.

Table 21: Nightclub definition

Land use term	Definition	Includes	Included in
Nightclub	A building used to provide entertainment and dancing. It may include the provision of food and drink for consumption on the premises. It does not include the sale of packaged liquor, or gaming.		Place of assembly

The Committee seeks submissions on the following questions:

50. *What is the best way to cater for small arts venues in Clause 74:*
- Don't change anything*
 - Create a definition of **Arts venue** and nest in **Place of assembly***
 - Create definition of **Arts venue** and nest under **Tavern***
 - Something else?*
51. *What would be an appropriate definition for a small arts venue?*

4.11.2 Shop

(i) Small performances in shops

A submitter stated that musicians performing in record stores are being shut down because according to council officers, separate planning permission is required. Demonstrating products, including music, should not be controversial in a shop. It is not much different to a book launch or book signing in a book store. If the basic purpose changes from selling goods to providing entertainment then a separate planning permission may well be appropriate. This would be addressed by the proper application of legal principles pertaining to uses.

The Committee seeks submissions on the following questions:

52. *Is there merit in amending **Shop** to include:*
It includes demonstrations of products including music performances in shops selling recorded music.

(ii) Small food manufacturing

An emerging issue is the manufacture and sale of bespoke food items. These can be classed as Industry and by dint of Clause 52.10 prohibited in a Commercial 1 Zone.

The definition of shop makes it clear that a local bakery is a shop, so the Committee cannot see the difficulty with other small scale food production activities.

The Committee seeks submissions on the following question:

53. *Is there merit in amending **Shop** to include:*
It includes the selling of food products prepared on the premises.

(iii) Personal services – day spas and massage parlours

Submissions called for definitions of day spas, massage parlours and animal grooming. These uses are akin to a **Hairdresser** and would seem to fall squarely within **Shop**.

The Committee seeks submissions on the following question:

54. Should the VPP list **Day spa**, **Massage parlour**, and **Animal grooming** in Clause 74 nested under **Shop**, but not defined?

4.11.3 Restricted retail premises

It was submitted that provision needs to be made for **Model shop** or **Hobby shop**. It was explained that these shops sell large remote control equipment and could have a specific listing in the **Restricted retail premises**.

The definition of **Restricted retail premises** includes:

m) goods and accessories which:

- Require a large area for handling, display and storage of goods; or
- Require direct vehicle access to the building by customers for the purpose of loading or unloading goods into or from their vehicles after purchase or hire.

It would seem that these uses should already be captured by the Restricted retail definition, but submitters spoke of enforcement action against some operators.

The Committee seeks submissions on the following questions:

55. Should 'remote controlled equipment' be added to **Restricted retail premises**?

4.12 Transport terminal group

(i) Railway station and Railway, Road and Tramway

Tramway is currently an unnested but defined land use term under Clause 74.

Table 22: Tramway definition

Land use term	Definition	Includes	Included in
Tramway	Land used to provide a system of transport in vehicles connected to a network of tracks, and includes tram stops, shunting areas and associated passenger facilities.		

Arguably some of those aspects of that definition would require **Tramway** to be nested under **Transport Terminal Group**, however, it is not a neat nesting as is currently defined.

The purpose of the **Tramway** definition is to remove the need for planning permits for tram stop upgrades. In the past these have been subject to VCAT appeals.

There were a number of submissions that suggested the land use term **Railway station** needed expanding beyond its current definition in order to reference the entire corridor.

Another submission stated that the better definition for **Railway station** should be obtained from the "Railway Infrastructure" definition set out in the *Rail Management Act 1996* (Victoria). It is not the Committee's view to disturb the long-held principle to avoid adopting directly the definition of a term from one legislative instrument into the land use terms definitions of the VPP.

Table 23: Railway station definition

Land use term	Definition	Includes	Included in
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Railway station	Land used to assemble and distribute goods and passengers and includes facilities to park and manoeuvre vehicles. It may include the selling of food, drinks and other convenience goods and services.	Transport terminal
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A submitter stated that **Railway station** should be removed from **Transport Terminal Group** and made into a Section 2 use in a number of zones (whereas it is currently a Section 3 use in some zones).

Submissions also called for a definition of **Road**.

The Committee seeks submissions on the following questions:

56. Should **Railway** be defined as an unnested term and include **Railway station**?
57. What is the appropriate definition for **Road**?

(ii) Airport and airfield

There was a submission that the Committee should refine and clarify the difference between **Airport** and **Airfield**. These terms are used in the State Planning Policy Framework in the VPP. Whilst nested under **Transport terminal**, **Airport** is not defined and **Airfield** is not listed.

It appears the subtle difference between an **Airport** and airfield is that in addition to being land used for allowing planes to take off and land, an **Airport** has a terminal, paved runways and more than one runway whereas an airfield does not.

There have been a number of VCAT cases where an **Airfield** has been determined to be an ancillary use of the dominant purpose of the land.

At this stage the Committee cannot see the need to define the difference between an **Airport** and airfield. Unless the Committee receives further submissions on the need for, and distinguishing features between **Airport** and **Airfield**, it does not propose to define **Airfield**.

(iii) Heliport and Helicopter landing site

The Committee notes that:

- **Heliport** is nested under **Transport terminal** but is not defined in Clause 74
- **Helicopter landing site** is defined but unnested.

A planning permit is required for either use under Clause 52.15 of the VPP unless a relevant exemption applies, however, it is unclear the need for term of **Heliport**, unless this is where the term is referencing permanent facilities for the assembly and distribution of goods or passengers.

The Committee notes the Practice Note 75 December 2012 which sets out the “*Planning requirements for heliports and helicopter landing sites*”. This Practice Note acknowledges that a:

... heliport would normally have one or more helipads, with facilities for passenger handling such as a terminal building. It may also include facilities such as a hangar, refuelling and lighting.

The Committee understands these terms have recently been the subject of various reviews, such as a 2014 Helicopter Landing Site Review where submitters suggested removing the term **Heliport** and retaining **Helicopter landing site**. The Committee also notes the recent Planning Scheme Amendment GC49 relating to hospital helicopter landing sites.

While there may be some logic in nesting a **Helicopter landing site** under **Transport terminal**, the Committee does not propose such a nesting. The term has been specifically created to require planning permission for helicopter landings in the face of arguments that these landings were ancillary to the primary use of the land.²¹ It is not clear that such uses will always involve the activities of “assemble and distribute goods or passengers” and the definition is created to deal with these instances.

The Committee seeks submissions on the following question:

58. Is it appropriate to delete **Heliport**?

4.13 Utility installation group

Consultation to date has raised the following issues:

- Include electric car charging point
- Amend minor utility installation definition to define extent of ‘neighbourhood’
- Clarify the difference between ‘utility installation’ and ‘minor utility installation’ and potentially consolidate.

Table 24: Utility definitions

Land use term	Definition	Includes	Included in
Utility installation	Land used: a) for telecommunications; b) to transmit or distribute gas, oil, or power; c) to collect, treat, transmit, store, or distribute water; or d) to collect, treat, or dispose of storm or flood water, sewage, or sullage. It includes any associated flow measurement device or a structure to gauge waterway flow.	Minor utility installation Reservoir Telecommunications facility	

²¹ Proposals for helipads have from time to time caused angst amongst neighbours and resulted in changes to planning controls. Significant cases include *Alfred Hospital v City of Melbourne & Mirvac Pty Ltd and Ors* (1983) 1 PABR 334, *Grollo Group v City of Preston and Ors* (1986) 4 AATR 113 (editorial comment 4 AATR 113), *Mornington Peninsula SC v Fox and Ors* [2003] VCAT 772 14 VPR 130 (editorial comment 14 VPR 129) and *Bos v Manningham CC* [2004] (Red Dot) VCAT 1048 (editorial comment 20 VPR 4).

Land use term	Definition	Includes	Included in
Telecommunications facility	Land used to accommodate any part of the infrastructure of a Telecommunications network. It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole, or other structure or thing used, or for use in or in connection with a Telecommunications network.		Utility installation
Minor utility installation	Land used for a utility installation comprising any of the following: a) sewerage or water mains; b) storm or flood water drains or retarding basins; d) gas mains providing gas directly to consumers; e) power lines designed to operate at less than 220,000 volts; f) a sewage treatment plant, and any associated disposal works, required to serve a neighbourhood; g) a pumping station required to serve a neighbourhood; or h) an electrical sub-station designed to operate at no more than 66,000 volts. It includes any associated flow measurement device or a structure to gauge waterway flow.	Water retarding basin	Utility installation

(i) Include electric car charging point

The issue is whether an electric vehicle charging point is a land use or a piece of street furniture. The Committee does not see that charging an electric vehicle is a distinct land use – in the future it will be as normal to a car park as line making. Others may disagree and see it more akin to a [Service station](#).

(ii) Define extent of 'neighbourhood'

Minor utility installation includes:

f) a sewage treatment plant, and any associated disposal works, required to serve a neighbourhood

g) a pumping station required to serve a neighbourhood.

Submitters said that neighbourhood should be defined. The Committee agrees and thinks a simple area extent, so many hectares, or pumping capacity, say up to 200 L/s, would make the term easy to use.

The Committee seeks submissions on the following questions:

59. What specific limit should be placed on pumping stations in [Minor utility installation](#)?

(iii) Water extraction

Water extraction is not covered by the VPP.

In *Stanley Pastoral Pty Ltd v Indigo SC* (Red Dot) [2015] VCAT 1822, the Tribunal considered an appeal against a decision of the Responsible Authority to refuse a permit to extract groundwater:

*Both the responsible authority and the applicant contend that the proposal comes within this definition [of **Utility installation**]. The Tribunal is satisfied that the proposal accurately answers the definition of **Utility installation**.*

However, Section 8(6)(b) of the *Water Act* provides:

A right conferred by this section is limited only to the extent to which an intention to limit it is expressly (and not merely impliedly) provided in—

(b) any other Act or in any permission or authority granted under any other Act; ...

VCAT found that no permit was required.

Stanley Community Incorporated, sought a review of the Tribunal's decision (*Stanley Rural Community Inc v Stanley Pastoral Pty Ltd* [2016] VSC 764). It submitted that legislation governing licences for water allocations was no different from the detailed legislation that provided for specific controls and permissions over other issues that intersect with the planning system.²²

In dismissing the appeal, the Court held:

The operation of ss 8(4) and (6) of the Water Act, combined with the absence of any express provision in the Planning and Environment Act and/or [the planning scheme] qualifying the rights conferred upon [Stanley Pastoral] by the take and use licence, was fatal to Stanley Community Incorporated's appeal.

The Committee seeks submissions on the following question:

60. *Is there merit in making it explicit in the VPP that no permit is required for water extraction? Are development controls needed?*

(iv) Is this a land use issue?

While it may not be appropriate to require a land use permit for a **Minor utility installation** there may be merit in controlling buildings and works. A number of submitters suggested this approach.

Clause 52.19 Telecommunications facility requires a permit to construct a building or construct or carry out works for a Telecommunications facility, subject to certain exemption.

The Committee seeks submissions on the following questions:

²² Including, subdivision, building, heritage, environment, noise, dust, traffic and transport, liquor, sex work, gambling and many other matters including the extraction of other natural resources.

61. *Is there merit in introducing a particular provision to specify building and works requirements for a **Minor utility installation** similar to 52.19 Telecommunications facility.*

4.14 Warehouse group

It was submitted that terms generally need updating to be more reflective of contemporary terms, but no specific suggestions were made.

Areas where there is confusion and request for clarification:

- Vehicle depot
- Contractors depot
- Self-storage facilities
- Shipping containers as ancillary buildings.

(i) Clean fill storage

It was suggested that here needed to be a definition for **Clean fill storage**. If this is seen as necessary it would seem most appropriate to amend the definition of **Earth and energy resources industry** to include 'storage'. This term is subject to a separate review.

Table 25: Possible change to Earth and energy resources industry

Land use term	Definition	Includes	Included in
Earth and energy resources industry	Land used for the exploration, removal, storage , or processing of natural earth or energy resources. It includes any activity incidental to this purpose including the construction and use of temporary accommodation.	Clean fill storage Greenhouse gas sequestration Greenhouse gas sequestration exploration Geothermal energy exploration Geothermal energy extraction Mineral exploration Mineral extraction Petroleum exploration Petroleum extraction Stone exploration Stone extraction	

(ii) Vehicle depot

Submissions sought clarification around the issue of a vehicle depot as distinct from a vehicle store. It is not clear to the Committee what the precise issue is.

Table 26: Vehicle store and related definitions

Land use term	Definition	Includes	Included in
Car park	Land used to park motor vehicles.		

Store	Land used to store goods, machinery, or vehicles.	Boat and caravan storage Freezing and cool storage Rural store Shipping container storage Vehicle store	Warehouse
Vehicle store	Land used to park or store vehicles in connection with a goods or passenger transport business.		Store

(iii) Contractors depot

A number of submissions called for a definition of **Contractors depot**. Part of this concern was to allow for the temporary use of land as a **Contractors depot**.

The Committee seeks submissions on the following questions:

62. *Is there merit in introducing a definition of **Contractors depot** and allowing the temporary use of land for a **Contractors depot** in certain circumstance?*

(iv) Self-storage facilities

A number of submissions called for a definition of **Self-storage facilities**.

The Committee seeks submissions on the following questions:

63. *Should the VPP list **Self-storage facility** in Clause 74 nested under **Store**, but not defined?*

(v) Shipping containers as ancillary buildings

The Advisory Committee noted the VCAT Red Dot decision of *Watson v Monash CC (In Summary) (Red Dot)* [2011] VCAT 2176 in which the Tribunal considered whether a shipping container constituted a “structure” for the purposes of the “building” definition. However, as the shipping container would be ancillary to an existing “shop” use, no “use” approval was needed.

4.15 Other issues**(i) Car park**

It was submitted that **Car park** should only apply to where there is a payment of fee, otherwise it is ancillary.

Table 27: Car park definition

Land use term	Definition	Includes	Included in
Car park	Land used to park motor vehicles.		

As the Committee understands it, the term car park is used to prevent car parking that services uses in one zone, for example the Commercial 1 Zone, spilling over into an adjoining zone where that use might be prohibited.

Whether the people using the parking pay a fee or not is largely irrelevant from a planning point of view.

It might be worth clarifying that a car park can include charging for electric vehicles.

The Committee seeks submissions on the following questions:

64. *Should Car park include:*

It may include charging of electric vehicles?

(ii) Display village

It was submitted that **Display home** could be improved by defining **Display village**.

A simple response is that a **Display village** is simply a collection of **Display homes** and no specific definition is required. However, the Committee notes that sometimes **Display villages** have other amenities such a cafe and it might be worth addressing this.

Table 28: Display home definition

Land use term	Definition	Includes	Included in
Display home	A building constructed as a dwelling, but used for display, to encourage people to buy or construct similar dwellings.		

The Committee seeks submissions on the following questions:

65. *Is there merit in defining **Display village**, and what should it include?*

(iii) Pop up shop or galley

Pop up galleries or shops can be a way of activating vacant buildings. To the extent that this keeps activity centre active and attractive it would have broad policy support in the VPP.

Because an **Art gallery** is not **Retail premises**, it can require a permit in a Commercial 1 Zone. There is a broader issue of how an Art gallery should be treated in the VPP but there appears to be merit in defining a temporary, non-commercial pop up galley.

The Committee seeks submissions on the following questions:

66. *Is there merit in defining a use aimed at capturing pop up galleries or shops? If so what should it include, and what limits should be applied?*

5 Practical implications

The Committee's Terms of Reference require it to advise on:

- Legal and practical implications of any recommended changes to land use terms and their definitions. These include:
 - existing use rights implications
 - consequential changes to the VPP (such as changes to zone land use tables, general terms and nesting diagrams)
 - potential impacts on users of the planning system.
- With regard to the identified legal and practical implications, a recommended approach to implement the proposed changes.

(i) Dealing with special purpose zones

Apart from the practical issues of addressing changing VPP zones there is the issue of schedules to special purpose zones. These schedules appear not to have been updated as part of VC142.

Ideally the schedules in these zones should be redrafted with the new land use terms. An alternative work around is to specify that the terms used in a specific schedule has the meaning current when the schedule was introduced. This could prevent unintended consequences.

The Committee seeks submissions on the following questions:

67. What practical implementation issues should the Committee consider?

Appendix A Appointment and Terms of Reference

The Advisory Committee appointment and Terms of Reference

The Minister for Planning appointed Lester Townsend and Katherine Navarro as the Land Use Terms Advisory Committee (the Committee) on 21 December 2017 under section 151 of the *Planning and Environment Act 1987*.

Terms of Reference

Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to review and recommend improvements to land use terms and their definitions in Clause 74 of the Victoria Planning Provisions (VPP).

Name

The Advisory Committee is to be known as the Land Use Terms Advisory Committee.

1. The Advisory Committee is to have two members with the following skills:
 - Expert knowledge and experience of the operation of the VPP and planning schemes.
 - Expert knowledge and experience of statutory drafting.
 - Legal expertise about the operation of land use definitions in the planning system.

The Advisory Committee may seek additional expertise as required.

Purpose

2. The purpose of the Advisory Committee is to review and recommend improvements to land use terms and their definitions in Clause 74 of the VPP.
3. The Advisory Committee is to provide advice and present its findings and recommendations on the following matters:
 - Principles and business rules for including land use terms in Clause 74.
 - Existing land use terms in Clause 74 that should be removed or modified.
 - New land use terms that should be included in Clause 74.
 - Legal and practical implications of any recommended changes to land use terms and their definitions. These include:
 - existing use rights implications
 - consequential changes to the VPP (such as changes to zone land use tables, general terms and nesting diagrams)
 - potential impacts on users of the planning system.

With regard to the identified legal and practical implications, a recommended approach to implement the proposed changes.

4. The Advisory Committee is not expected to:
 - Review land use terms which are currently under consideration by the Department of Environment, Land, Water and Planning (DELWP) through other projects.
 - Review land use permissions in zones, with the exception of identifying and having regard to the consequential impacts of proposed changes in land use terms on the functioning of zones.
 - Recommend changes that would have major implications for the operation and purposes of the existing zones.

- Review Clause 72 (General Terms), unless there is a consequential change that flows from a change to a land use term.

Background

5. The Government has initiated the Smart Planning program to reform and modernise the Victorian planning system. The aim of the Smart Planning program is to increase the effectiveness and efficiency of the operation of planning schemes. As part of that program, a discussion paper (*Reforming the Victoria Planning Provisions: A discussion paper*) was released in October 2017 and comment sought on a range of proposals to improve the system. Proposal 5.2 of the discussion paper is to review and update the land use terms section of the VPP.
6. The objectives of Proposal 5.2 are:
 - Increase use of everyday terms that the community understands.
 - Remove or modernise obsolete terms and provide for new or emerging land uses.
 - Distinguish between similar land uses where treated differently in land use tables.
 - Remove unnecessarily specific terms and broaden terms, where appropriate.
 - Provide definitions for undefined terms where appropriate (except for terms that are sufficiently captured by an ordinary dictionary meaning or defined in the Act).

Method

7. The Advisory Committee may inform itself in any way it sees fit, but must consider the following:
8. The objectives of the Smart Planning program generally, with particular regard to the need to simplify the planning scheme.
9. The planning policy principles and objectives, and rational underpinning the VPP's definition system (including the operation of Clause 74) and individual land use terms and their definitions, including:
10. A User's Guide to the new standard terms and definitions for planning schemes in Victoria (September 1996); and
11. Report of the Advisory Committee on the Victoria Planning Provisions (August 1997).
12. The objectives of Proposal 5.2 in *Reforming the Victoria Planning Provisions: A discussion paper*.
13. All relevant submissions in relation to land use terms received DELWP as part of the consultation for the Smart Planning program.
14. The submissions and other contributions received through the project methodology outlined below.
15. The Advisory Committee is to conduct the review generally according to the following methodology:
16. Preparation of a concise discussion paper that sets out the scope of the review, the role of land use terms in the planning system, proposed principles for drafting land use terms and definitions, a summary of the issues and suggestions received through Smart Planning consultation so far and a description of how to participate in the submission process to be conducted by the Advisory Committee.
17. An on-line submission process designed to allow submitters to identify specific land use terms for deletion, modification or inclusion, to explain the reasons and to also make general comments. This should make it clear that the only changes to the zones that can be considered are consequential changes to land use tables that flow from new, modified or deleted land use terms.
18. Consideration of submissions and other investigation as necessary,
19. Preparation of a final report as set out in paragraph 0.
20. The following parties should be invited to make submissions to the Advisory Committee:

- All councils.
- Organisations represented on the Smart Planning Reform Advisory Group.
- Referral authorities and government agencies which interface with the planning system.

A general invitation for submissions should also be made through the Planning Matters newsletter. DELWP will provide assistance with identifying relevant contact details.

21. The Advisory Committee is to consult with relevant DELWP Planning Group representatives including from Planning Systems, Statutory Planning Services and the Smart Planning program.
22. Public hearings are not required. The Advisory Committee may conduct targeted consultation to explore the issues or other matters, including up to two workshops or forums. The Advisory Committee may meet and may invite others to meet with them.
23. The Advisory Committee may apply to vary these Terms of Reference in any way it sees fit before submitting its report.

Submissions are public documents

24. The Advisory Committee must retain a library of any submissions or other supporting documentation provided directly to it until a decision has been made on its report or five years has passed from the time of its appointment.
25. A copy of all submissions is to be provided to the DELWP's Planning Group.
26. Any submissions or other supporting documentation provided to the Advisory Committee must be available for public inspection until the submission of its report, unless the Advisory Committee specifically directs that the material is to remain 'in camera'.

Final report

27. The Advisory Committee must produce a written report that includes the following:
 28. A response to the 'Purpose' of the Terms of Reference.
 29. A summary and assessment of submissions to the Advisory Committee.
 30. Any other relevant matters raised in the course of the Advisory Committee's consultations.
 31. Prioritised recommendations which clearly identify:
 32. Changes which can be implemented immediately because they are relatively uncomplicated, or policy-neutral.
 33. Changes with more significant consequential impacts which can be implemented in the short-medium term.
 34. Potential longer-term changes which would benefit from further review or consultation.
 35. A list of persons and organisations that made submissions, attended a workshop, met with or otherwise informed the Advisory Committee's advice, findings and recommendations.

Timing

36. The Advisory Committee must provide a discussion paper for further consultation no later than 20 business days from the date that Planning Panels Victoria is formally notified of the Committee's appointment.
37. A period of 4 weeks is to be provided for submissions to be made to the Advisory Committee and for the Advisory Committee to conduct other targeted engagement.
38. The Advisory Committee must submit its final report as soon as practicable but no later than 15 business days from the conclusion of the consultation period.
39. The Advisory Committee is to report no later than 13 April 2018.

Fee

40. The fee for the Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the Planning and Environment Act 1987.
41. The costs of the Advisory Committee will be met by DELWP's Smart Planning program.



Richard Wynne MP
Minister for Planning

Date: December 2017

The following information does not form part the Terms of Reference.

Project Management

- 1 *Administrative and operational support to the Committee will be provided by Greta Grivas, Planning Panels Victoria, on 8392 5121 or greta.grivas@delwp.vic.gov.au*
- 2 *The departmental contact person will be Tim Westcott, Smart Planning program, on 8392 5541 or tim.westcott@delwp.vic.gov.au.*

Appendix B About land use terms

B.1 Defining land use terms in the Victoria Planning Provisions

Clause 74 and the nesting of terms

Land use terms are defined in Clause 74 of the VPP.²³

Land use terms are 'nested'; that is, a term can be included in another term or include terms within itself. The nesting of land use terms reduces the number of land use terms that need to be listed in a table of uses.

The definitions are set out in a table with four columns:

- the defined term
- the definition, if there is one – some terms are listed without definition
- other listed terms that are included in the definition
- the land use term in which it is included, if any.

You can see from Table 29 that **Warehouse** includes **Store** that includes **Boat and caravan storage** and **Freezing and cool storage**.

Table 29: Extract of Clause 74

Land use term	Definition	Includes	Included in
Warehouse	Land used to store or display goods. It may include the storage and distribution of goods for wholesale and the storage and distribution of goods for online retail. It does not include premises allowing in-person retail or display of goods for retail, or allowing persons to collect goods that have been purchased online.	Commercial display area Fuel depot Mail centre Milk depot Store	
Store	Land used to store goods, machinery, or vehicles.	Boat and caravan storage Freezing and cool storage Rural store Shipping container storage Vehicle store	Warehouse
Boat and caravan storage	Land used to store boats, caravans, or vehicle-towed boat trailers.		Store
Freezing and cool storage			Store

It is worth noting that definitions often specify:

- what activities the term includes, for example: "... It may include the storage and distribution of goods for wholesale ..."

²³ The VPP is a comprehensive set of planning provisions for Victoria that are used, as required, to construct planning schemes. Clause 74 appears in all planning schemes without variation from the VPP.

- what activities it excludes, for example: “... It does not include premises allowing in-person retail ...”.

Plain English

Not all terms listed are defined, for example **Freezing and cool storage**. The VPP are drafted according to plain English principles and words have their ordinary meanings unless specifically defined. Clause 74 states:

A term listed in the first column, under the heading ‘Land Use Term’, which does not have a meaning set out beside that term in the second column, under the heading ‘Definition’, has its ordinary meaning.

Inclusive terms

Clause 74 anticipates that not all land use terms will be listed:

74 Land use terms

The following table lists terms which may be used in this planning scheme in relation to the use of land. This list is not exhaustive. However, a term describing a use or activity in relation to land which is not listed in the table must not be characterised as a separate use of land if the term is obviously or commonly included within one or more of the terms listed in the table.

A term listed in the first column:

- includes any term listed in the third column and any term included within that term
- may also include other terms which are **not** listed in the first column.
- but does not include any other term that is listed in the first column – this is sometimes made explicit in a definition.

All terms listed in the third column are also listed in the first column.

Head terms

There are 15 ‘head terms’ in Clause 74 that the majority of uses fall under. These terms are more or less self-explanatory. The exception is **Agriculture** that includes animal boarding uses that could be for domestic pets and take place in urban environments.

List 2: Head land use terms

Accommodation	Education centre	Place of assembly	Retail premises
Agriculture	Industry	Recreational boat facility	Transport terminal Utility installation
Child care centre	Leisure and recreation	Renewable energy facility	Warehouse
Earth and energy resources industry	Office		

Unnested terms

There are 20 unnested terms that do not fall under a head term²⁴.

²⁴ The Committee notes an error in Clause 74: **Wind energy facility** is nested under **Renewable energy facility** but its listing in Clause 74 does not reflect this.

List 3: Unnested land use terms

- Art and craft centre	- Crematorium	- Helicopter landing site	- Saleyard
- Brothel	- Display home	- Home based business	- Service station
- Car park	- Emergency services facility	- Hospital	- Tramway
- Cemetery	- Freeway service centre	- Natural systems	- Veterinary centre
- Cinema based entertainment facility	- Funeral parlour	- Research centre	- Winery.

B.2 The role of land use terms

Land use terms play a critical role in the planning system in (at least) six places:

- Determining whether a permit is required in a zone
- Informing affected parties of the nature of advertised uses
- Drafting zone controls, either standard or special purpose zones²⁵
- Clause 52.06 dealing with car parking
- Clause 52.10 dealing with uses with adverse amenity potential
- Specifying exempt land uses in Clause 62.01.

Land use definitions do not have a role in determining existing use rights.

Determining whether a permit is required

Each zone in the VPP contains a table of uses:

- A use in Section 1 does not require a permit, but any condition opposite the use must be met.²⁶
- A use in Section 2 requires a permit. Any condition opposite the use must be met. If the condition is not met, the use is prohibited.
- A use in Section 3 is prohibited.

Deciding under which land use term a proposal fits can be critical to determining whether a permit is required or whether the use is prohibited.

Legal cases have drawn a distinction between:

- the 'purpose of use' and
- 'use' in the sense of activities, processes or transactions.

It is accepted that the activities on a site may have more than one purpose, and it is the purpose that determines how the definitions should be applied.²⁷

²⁵ These Clause 37 zones can have a specifically tailored table of uses.

²⁶ If the condition is not met, the use is in Section 2 and requires a permit unless the use is specifically included in Section 3 as a use that does not meet the Section 1 condition.

²⁷ *Cascone v City of Whittlesea* (1993) 11 AATR 175, 190

In *Cascone v City of Whittlesea*,²⁸ Ashley J canvassed the leading authorities²⁹ and summarised the following principles in characterising a proposed use:

- It is always necessary to ascertain the purpose of the proposed use.
- It is wrong to determine the relevant purpose simply by identifying activities, processes or transactions and then fitting them to some one or more uses as defined in a scheme.
- It is wrong to approach the ascertainment of purpose of proposed use on the footing that it must fit within one (or more) of the uses defined in a scheme.
- If the purpose of a proposed use very largely falls within a defined use and the extent to which it does not is so trifling that it can be ignored, then the purpose as revealed should be taken to fall within the defined use.
- More than one separate and distinct purpose can be revealed. If one is dominant, and the lesser purpose or purposes are ancillary to the dominant purpose, then, in planning terms, there is one purpose. But if one use is not dominant, each revealed purpose must be considered. The mere fact that one purpose is authorised will not prevent other revealed purposes from being prohibited.

VCAT has also noted:³⁰

... it is necessary to have regard to the structure, context and purpose of the planning scheme provisions at the time of interpreting the land use terms.

Giving notice and writing permits

Many planning permits are advertised. It helps people understand what has been applied for if an everyday term can be used. Some Councils advertise with an everyday term and include the defined land use term in brackets, for example 'Brewery (**Industry** or **Manufacturing sales**)'.

Advertising the everyday term with the defined term in brackets makes it accessible to the public and assists planners and lawyers to identify the defined land use term it falls under.

Drafting zones

A number of zones allow tables of uses to be drafted specific to a site or locality. These are listed at Clause 37 of the VPP and include the Special Use Zone, Comprehensive Development Zone, Capital City Zone, Docklands Zone, Priority Development Zone, Urban Growth Zone (where a precinct structure plan is in place), and Activity Centre Zone.³¹ Land use terms are obviously used in the exercise of drafting these zones.

²⁸ *Cascone v City of Whittlesea* (1993) 11 AATR 175.

²⁹ *Humphries v Latrobe Valley Caravans Pty Ltd* (1976) 63 LGRA 434; *Franchesini v Melbourne and Metropolitan Board of Works* (1980) 57 LGRA 284; *City of Springvale v Heda Nominees Pty Ltd* (1982) 57 LGRA 298; *Davey v Brightlite Nominees Pty Ltd* [1984] VR 957; *City of Nunawading v Harrington* [1985] VR 641; *Royal Agricultural Society of New South Wales v Sydney City Council* (1987) 61 LGRA 305; *St Kilda City Council v Perplat Investments Pty Ltd* (1990) 72 LGRA 378; *Clare v Jeff's Bulk Appliances Pty Ltd* [1981] VR 758.

³⁰ *Radford v Hume CC* [2006] VCAT 2662 at [2].

³¹ The special purpose zones Urban Floodway Zone, Urban Growth Zone (where no precinct structure plan applies) and Port Zone have defined table of uses.

Clause 52.06 Car parking

Clause 52.06 lists parking requirements for a range of uses, most of which are listed in Clause 74. A land use term that applies to a use generally affects the number of car parking spaces that must be supplied.

Clause 52.10 Uses with adverse amenity potential

Clause 52.10 lists 'threshold distances' for a range of uses, most of which do not really align with terms listed in Clause 74. Clause 52.10 explains:

The threshold distance referred to in the table to this clause is the minimum distance from any part of the land of the proposed use or buildings and works to land (not a road) in a residential zone, Capital City Zone or Docklands Zone, land used for a [Hospital](#) or an [Education centre](#) or land in a Public Acquisition Overlay to be acquired for a [Hospital](#) or an [Education centre](#).

The Commercial 1 Zone says:

Section 2 – Permit required

Use	Condition
Industry	Must not be a purpose listed in the table to Clause 52.10.
Warehouse	Must not be a purpose listed in the table to Clause 52.10.

This has the effect of prohibiting, among others, the following uses:

- Certain listed food or beverage production, including:
 - Bakery (other than one ancillary to a shop)
 - Manufacture of milk products
 - Milk depot
 - Poultry processing works
 - Smallgoods production.
- Food or beverage production other than those listed within this group.

This essentially prohibits craft breweries, coffee roasters, distilleries, cheeseries, small artisanal smallgoods and the like to manufacture in the Commercial 1 Zone.

Clause 62.01 Uses not requiring a permit

Clause 62.01 exempts certain uses from a permit. It uses land use terms from Clause 74, but also the unlisted term [Road](#).

Existing use rights

Planning Schemes control the change in use or the development of land. It is a generally accepted principle that a person can continue to use the land in a manner that was previously lawful but has become unlawful as a result of an amendment to the relevant Planning Scheme. This 'right' to continue existing practices is called 'existing use rights'.

Certain criteria need to be met in order for a person to be able to claim existing use rights. Under Clause 63 of the VPP if a person can demonstrate the ongoing use of land for a period of 15 years that person can claim existing use rights and can continue what may otherwise be a prohibited use under the new planning controls. These existing use rights are not

extinguished by the issue of a planning permit. There may be occasions where changing the use of the land may result in 'losing' those existing use rights and triggering a need for a planning permit.

Two important principles underpin existing use rights:

- The definitions in the planning scheme are not used to determine what the existing use is.³²
- Changes in the intensity of a use is usually not a change in the use.

³² See Clauses 63.02 Characterisation of use 63.03 Effect of definitions on existing use rights.

3 April 2018

- 1 Are the proposed principles appropriate**
 - Principles are generally appropriate
 - There may be some repetition (ii and v)
 - Difficult to avoid planning controls in definitions
- 2. Are there good reasons to change the practice that a land use listed in Clause 74 does not need to be defined, provided it has a well-defined common usage? What are these reasons?**
 - Current practice should not be changed
 - List of non-defined common uses should be expanded
- 3. What currently undefined terms should be defined, and what definition do you propose?**
Assumed that this question relates to those terms that are listed but undefined under 74
 - Beauty salon
 - Boarding House
 - Bus terminal – vehicle store
 - Car wash
 - Hairdresser should barber
 - Horse stables replaced with agistment
 - Kindergarten
 - Library because it is changing
 - Market garden
 - Nursing home (Council would question whether this definition should be changed to Aged Care Facility)
 - Postal agency
 - Residential college
 - Road freight Terminal
 - Supermarket
- 4. Is there a need to create specific definitions for land use terms defined in relation to other Acts?**
 - Only if it refers to the section of the other Acts where the definition is found? See our answer to question 57.
- 5. Is there a need to list all land use terms used in VPP zone tables in Clause 74?**
 - Yes
- 6. Is there a need to restrict land uses in special purpose zones to terms listed in Clause 74?**
 - No, it should be defined under the schedule under the Zone.
- 7. Should unlisted land use terms or activities be able to form part of conditions in land use tables?**
 - No, unless the unlisted term or activity is defined.

8. **Should 'closet pan' be updated to 'toilet' in Dwelling?**
 - Yes.
9. **How can the definition of Dwelling be changed to clarify the issue of self containment?**
 - The current definition of dwelling addresses self-containment. Rather than trying to deal with this issue through the definition of dwelling, definitions for other types of accommodation should be included under Clause 74:
 - Community care unit
 - Crisis accommodation
 - Dependent persons unit - dependent person should be defined as a term under Clause 72
 - Student housing
 - Bed and breakfast (airbnb's)
10. **How can the VPP make it clear that a Dwelling is where people live or reside either permanently or for a considerable period of time, but that Clause 52.23 applies?**
 - As above.
11. **Should Group accommodation be changed to read:
Land, in one ownership, containing a number of self contained buildings dwellings, used to accommodate persons away from their normal place of residence?**
 - Reference to 'self-contained' buildings is not required provided the definition of dwelling continues to make reference to self-contained buildings.
 - This definition should be expanded to include shared housing and revise nesting diagrams under Clause 75 and zone land use tables to deal with section 1 vs section 2 uses (i.e. Accommodation – crisis accommodation AND Accommodation – Group Accommodation – Student housing)
12. **Should Rural workers' accommodation be defined? If so, what would its definition be and how should it be treated in zones?**
 - N/A
13. **What impacts associated with 'glamping' need to be controlled, that are not already controlled under the Camping and caravan park term?**
 - Noting the decision referenced in the discussion paper, Wilbow Corporation v Kingston CC (Red Dot) [2005] VCAT 2699 (20 December 2005) we think the definition should be amended to include reference to impermanence and tourist or holiday accommodation.
 - Glamping does not need to be controlled.
14. **What changes are required to Retirement village and Residential village, and why?**
 - No changes required. Concerns regarding density can be resolved under conditions in the zones.
 - We note that a provision for aged care facilities is proposed through a separate reform of the scheme and may result in changes to the land use terms.

15. **Can you think of a better term than *Agriculture* to capture the complete range of nested uses?**
 - No – we think this definition is appropriate to remain.
16. **Should ancillary goods be permitted to be sold in *Primary produce sales*?**
 - Yes, to the principle of allowing ancillary goods sold. However, we question if this should be conceived through the definition of Primary produce sales. Given that if you specifically allow the sale of other good not produced on or adjacent to the land there is a risk that the use could transform into a use not aligned with the purpose of the zone. There is more capacity to control this transformation with the existing definition.
17. **Should the conditions for *Primary produce sales* in the Farming Zone, Green Wedge Zone, Green Wedge A Zone and Rural Activity Zone be amended? What should they be?**
 - The conditions should remain unchanged.
18. **Should *Apiculture* be removed from the nesting under *Animal Husbandry* and be nested directly under *Agriculture*?**
 - Apiculture in a General Residential Zone is the most sensitive and whether apiculture is nested under Animal Husbandry or directly under Agriculture, the use will require a permit. No change required.
19. **Is there merit in renaming the Animal husbandry terms to make them clearer?**
 - Yes
20. **Is there merit in dividing *Animal husbandry* into terms dealing with farmed animals, domestic pets, racing dogs, and other animals? Would the following specific changes help reduce confusion:**
 - a) **Split the current definition of *Animal keeping* into *Domestic pet husbandry* and *Racing dog husbandry*.**
 - Consideration needs to be given to the unintended consequence of this change 'if' it were to increase the ability to allow 'Animal keeping' related activities within the Green Wedge and Green Wedge A Zone without appropriate triggers to evaluate the suitability of such uses. The current structure of these zones limits the ability to allow a significant number of animals without the need for a permit to use the land for animal related purposes.
 - b) **Replace the definition of *Animal keeping* with a broad definition that applies to animals other than farm animal, domestic pets and racing dogs.**
 - No comment to make
 - c) **Rename *Animal boarding* to *Domestic pet boarding* and revise it to include domestic pet day care.**
 - Renaming and revising the term is supported.

- d) **Move Horse riding school to be nested under Animal Keeping rather than Animal training?**
- Depends on the proportion of training – it may be best to remain nested under horse riding school.
21. **Why is there a need to define Community garden, and what would the definition be?**
- No suggestions for definition.
22. **Should the VPP define Family Day Care and make it as of right where Home based business is as of right for fewer than, say, five children?**
- A definition of a Family Day Care is supported, however, this should be controlled through a separate particular provision that allows relevant thresholds to be addressed (i.e number of children, floor areas , hours of operation, etc.).
23. **Should Child care centre be nested under Education centre?**
- Childcare should remain un-nested while Kindergarten should be defined and nested under Education Centre.
24. **What new Education centre terms are needed and why?**
- Language centres
 - Licencing centres (i.e boat, motorbikes, drones)
 - There are current gaps that we do not think can be filled with current definitions under Clause 74.
25. **Is there merit in defining Brewery, Distillery or Chocolate factory? If there is, how should they be treated in zones?**
- There is merit in defining the terms above, however, it may be also necessary to differentiate Brewery from Microbrewery.
 - Where small scale operations of the above uses are encouraged engagement with the EPA should be considered to determine conditions in zone.
26. **Is there merit is changing Transfer station to read:
Land used to collect, consolidate, temporarily store, sort or recover refuse, ~~or~~ used or surplus materials before transfer for disposal, recycling or use elsewhere?**
- There is merit in the changes to the definition. However, there may be broader changes that should be considered depending on the final recommendations that arise from the SWRRP amendment.
27. **Is there merit in changing Materials recycling to read:
Land used to collect, dismantle, treat, process, store, recycle, or sell, refuse, used or surplus materials?**
- There is merit in the changes to the definition. However, there may be broader changes that should be considered depending on the final recommendations that arise from the SWRRP amendment.
28. **Should there be a Waste-to-energy facility definition?**
- We agree that there this use does not neatly fit anywhere currently. As such, there is merit in defining this use.

29. If there is merit in supporting pod based motor repairs through and new definition and a particular provision? Are there other pod based businesses that may require the same approach?
- We are not convinced that it is a sufficiently prominent issue that would require a separate definition and particular provision. As an ancillary use and development to a predominant use, it can be controlled if required.
 - We think an amendment to Clause 62.02-2 to include temporary pod based business similar to the current exemption for 'temporary buildings and works associated with an event on public land'. This would include motor repairs, but also other services brought to private land, as exempt buildings and works. This would need to be carefully worded to ensure that it was not taken advantage of.
30. Should Major sports and recreation facility be renamed **Spectator sports facility**, and Minor sports and recreation facility be renamed **Community sports and recreation facility**?
- Although the suggested definitions are potentially easier to understand the purpose it may not always be the case that the 'Community sports and recreational facility' is in fact 'Minor' when compared to a 'Spectator sports facility' so caution needs to be exercised in determining one may be less detrimental / intensive than the other.
31. Should Restricted recreation facility be changed to read:
Land used by members of a club or group, ~~members' guests, or by the public on payment of a fee,~~ for leisure, recreation, or sport, such as a bowling or tennis club, ~~gymnasium and fitness centre.~~ It may include food and drink for consumption on the premises, and gaming. It may also include use by members' guests, or by the public on payment of a fee.?
- The proposed amendments to this definition are generally supported, subject to dealing with the definition of gyms and other fitness facilities. See our response to question 34.
 - If this definition changes as proposed, we believe that there should be a new definition created to capture gymnasium and fitness centre, we suggest it should be called 'fitness centres'. This would enable our suggestions to question 34.
32. Should the potential overlap between **Informal outdoor recreation**, **Open sports ground** and **Outdoor recreation facility** be clarified? Do you support the proposed clarification?
- Keep informal outdoor recreation, however, there may be merit in deleting open sports ground, given that they are both nested under Minor sports and recreation facility and any proposal to use land as an open sports ground could also be considered under outdoor recreation facility.
33. Is there merit in treating shop front style recreation facilities more like shops?
- Yes – however, as discussed in our answers to 31 and 34, we support a new definition 'fitness centre'. If the goal is to facilitate these uses in commercial areas, the new definition could be nested under shop, making them as of right. This change may also be coupled with the changes proposed through the Smart Planning reforms regarding car parking.

- 34. Should the VPP list **Gym, Pilates studios and Yoga studio** in Clause 74, nested under **Indoor recreation facility**, but not defined?**
- We don't believe that these types of uses need to be separately listed, provided that the new definition we are proposing 'fitness centre' includes references to these types of uses.
- 35. Should **Dancing school** be changed to **Dance studio**?**
- We are not sure why there is a need for this change. However, perhaps, if there are issues associated with this use, it should be a defined land use rather than merely listed.
- 36. Is the indoor–outdoor distinction for recreation facilities causing problems? If so, changes are needed to resolve these problems?**
- We don't believe there is a problem with these uses. We would expect there to be dominant and a less dominant aspect of the use.
 - We have however identified a problem with some of the nesting of listed terms under outdoor recreation facility. For instance, a driving range and a paint ball facility could be indoor facilities but currently they are nested under outdoor recreation facility. Our suggested solution, is to un-nest these (and other similar) listed terms.
- 37. Why is there a need to include training in **Motor racing track**?**
- Yes we agree this should be included.
- 38. Is there a need to amend the definition of **Medical centre**, and what precise change is required?**
- The issue regarding whether to include or exclude a nurse as providing a health service, is regarding the car parking provision in Clause 52.06.
 - We think this concern can be addressed through the inclusion of a new 'general term' defining health services. We think this should include references to western and alternative medicine, osteopathy, naturopathy, counselling etc. Another alternative solution would be to list (not define) these health services, adding them to the 'includes' column next to medical centre.
- 39. Should **Cinema based entertainment facility** be nested under **Place of assembly**?**
- We query whether this definition remains relevant. Mindful that consideration has been given to removing Clause 57, Council has concerns about this type of change as it relates to the Green Wedge and Green Wedge A Zone as it may not be appropriate to have a 'restricted' Cinema based entertainment facility in a location outside the Urban Growth Boundary.
- 40. Should the definitions of **Cinema** and **Cinema based entertainment facility** specifically exclude a **Drive-in theatre**?**
- No it should not.
- 41. Should **Conference centre** be the head term instead of **Function centre**?**
- No we think function centre should remain the head term, because a conference is a type of function.

42. Should **Function centre** (or **Conference centre** if it becomes the head term) be updated to read:
Land used, by arrangement, to cater **for conferences** or private functions, and in which food and drink may be served. It may include entertainment and dancing?
- As above. However, if it changes it should specifically address conferences.
43. Should **Place of assembly**, **Place of worship** and **Restricted place of assembly** be revised to include “spiritual” activities?
- We agree that the planning scheme should be updated to include reference to ‘spiritual’ activities. However, this would have to be defined either as a general term in Clause 72 or as an activity and land use in Clause 74. If it is undefined there will be disputes over what this includes.
44. Should the **Place of worship** definition be changed to recognise that some religious or spiritual activities occur in non specific or non denominational buildings?
- Yes we agree with this change.
45. Should **Live music venue** be listed in Clause 74, and if so how would it be defined?
- We think that the current Clause 52.43 should remain and is the most appropriate avenue for assessment based. Live music is often in addition to another land use, i.e. bar, nightclub, but not the sole use of the land. If it was thought to be useful in the definitions of the planning scheme, we think it could be listed, undefined and possibly nested under place of assembly.
 - Another solution could be that the definition of place of assembly, tavern and hotel to include reference to the potential for live music.
 - We do think that if Clause 52.43 remains, there should be reference to this including a DJ as a live music venue, and that the frequency is also defined (for instance, does it need to have live music every night or is once a week still defined in this way?).
 - See our response to question 47 regarding food truck park, as this often includes live music and we see merit in anticipating the overlap in responding to this question.
46. Should a definition for **Solar farm**, based on the current definition for **Wind energy facility**, be included in Clause 75?
- Yes we agree that solar farm should be defined and nested in a similar way to wind energy facility.
47. Should the VPP list **Bar** in Clause 74 and nest it in **Tavern** without a definition?
- We agree that Bar should be listed in Clause 74, but we also think it should be defined. Our suggested definition is: *Land used to sell liquor for consumption on the premises. It may include food for consumption on the premises, entertainment, dancing or live music.*
 - However, rather than being nested under Tavern, we think it should be nested under Food and Drink premises, with the zones updated to include a condition restricting the floor area or the standing vs seating ratio. Both of these parameters will avoid gaming.

- In addition to the above we believe there is a need for a definition of a 'Food truck park'. This definition should include references to it being indoors or outdoors, temporary or permanent and include consumption of food and liquor on site, entertainment and live music. While we acknowledge the role of Clause 62, that only relates to public land. Many food truck parks are being proposed on private land, and there is a lack of clarity regarding their categorisation and assessment criteria. We think it would nested under Place of assembly.
- 48. Should the VPP list **Cafe** in Clause 74 and nest it in **Convenience restaurant** without a definition**
- We agree that 'café' should be listed in Clause 74. It should not be defined. It should be nested under food and drink premises, not convenience restaurant.
- 49. Is it appropriate to change the definition of **Take away food premises** to allow for a certain number of table or seats? What number?**
- We believe that this definition is redundant, given that food and drink premises covers the potential for food to be immediately consumed on or off site. Depending on the zone, these types of uses may require permits which would enable decision makers to control the extent.
 - The discussions 'uber eats', 'deliveroo' scenarios do not have to be captured through the take away food premises definition or another definition.
- 50. What is the best way to cater for small arts venues in Clause 74:**
- a) Don't change anything
 - b) Create a definition of **Arts venue** and nest in **Place of assembly**
 - c) Create definition of **Arts venue** and nest under **Tavern**
 - d) Something else?
 - Create a definition of arts venue and nest in place of assembly. Facilitating this type of use as of right (on a small scale) has to be dealt with by the listing of this use specifically in the table of uses in the zones – perhaps with a condition.
- 51. What would be an appropriate definition for a small arts venue?**
- No suggestion to make.
- 52. Is there merit in amending **Shop** to include:
It includes demonstrations of products including music performances in shops selling recorded music.**
- Yes
- 53. Is there merit in amending **Shop** to include:
It includes the selling of food products prepared on the premises.**
- Yes

54. Should the VPP list **Day spa**, **Massage parlour**, and **Animal grooming** in Clause 74 nested under **Shop**, but not defined?
- We support these terms being nested under shop. However, they all must be defined in Clause 74.
 - In particular, we note on-going issues within the City of Kingston, regarding the establishment of 'massage parlours' in commercial zones without planning permits, and our experience in many of these premises becoming illegal brothels. The definition should include reference to a level of accreditation of employees.
 - Another land use is Barber which we think should be listed and nested under shop but not defined.
55. Should 'remote controlled equipment' be added to **Restricted retail premises**?
- Yes.
56. Should **Railway** be defined as an unnested term and include **Railway station**?
- Yes.
57. What is the appropriate definition for **Road**?
- We think this should be defined as a general term in Clause 72 not Clause 74 and this could be addressed through reference to the Road Management Act.
 - We do see value in defining Road Zone Category 1 and Road Zone Category 2, which would both be defined in Clause 74.
58. Is it appropriate to delete **Heliport**?
- Yes
59. What specific limit should be placed on pumping stations in **Minor utility installation**?
- No comment to make.
60. Is there merit in making it explicit in the VPP that no permit is required for water extraction? Are development controls needed?
- No comment to make.
61. Is there merit in introducing a particular provision to specify building and works requirements for a **Minor utility installation** similar to 52.19 Telecommunications facility.
- Yes.
62. Is there merit in introducing a definition of **Contractors depot** and allowing the temporary use of land for a **Contractors depot** in certain circumstance?
- Yes – see relevant VCAT decisions for discussion: Indigo Shire Council v Carter (Correction) [2014] VCAT 1273 (24 October 2014)
 - Vehicle store should be renamed, redefined or deleted. See discussion in the abovementioned decision.
 - Bus terminal needs to be defined – this should envisage repair and storage.
 - Shipping containers are buildings and works. While these are often relied upon as temporary structures, they require permission in some zones and are prohibited in others. Clarity on this issue should be considered further by the committee.

63. Should the VPP list **Self-storage facility** in Clause 74 nested under **Store**, but not defined?
- We are not sure whether this is necessary – store adequately deals with the use of land for self-storage facility.
64. Should Car park include:
It may include charging of electric vehicles?
- Yes.
65. Is there merit in defining **Display village**, and what should it include?
- Yes.
66. Is there merit in defining a use aimed at capturing pop up galleries or shops? If so what should it include, and what limits should be applied?
- Yes - facilitating temporary uses, should broadly be captured by this reform.
 - This should be done through defining 'temporary use' in Clause 72, then including it in section 1 use table of the appropriate zones, provided the conditions are met.
67. What practical implementation issues should the Committee consider?
- This reform should not be considered in isolation. Many of the questions and many of the responses will require in our view, changes to the VPP's – specifically (but not limited to) the zones. These potentially changes will include where activities may appear in the table of uses and whether conditions associated with particularly land uses need to be changed.
 - It is an imperative that a robust and engaging process be recommended by the Advisory Committee prior to any changes being made to the construction of zones. If this does not occur a substantial risk exists that a range of unintended consequences will arise that will significantly impact on the confidence held in the planning system. **The drafting of revised zones for consultation with 'tracked changes' illustrating how revised land use terms and 'conditions' may be translated is a critical part of the engagement on this initiative.**
 - Very careful consideration needs to be given to the 'Smart Planning' initiatives and the interplay with this Advisory Committee to ensure a holistic approach is taken to the changes being proposed. Kingston is particularly concerned with the potential for changes to the definitions of land uses or conditions associated with them for zones which are applied outside the Urban Growth Boundary (eg Green Wedge Zone and Green Wedge A Zone) and other initiatives such as a review of Clause 57. The Advisory Committee should recommend further engagement with Local Government to ensure these matters are carefully and thoroughly considered so as not to erode State and Local Planning Policy.

9. Community Sustainability Reports

Ordinary Meeting of Council

26 March 2018

Agenda Item No: 9.1

INDIVIDUAL DEVELOPMENT GRANT APPLICATION - POTENTIAL CONFLICT OF INTEREST

Contact Officer: Dominic McCann Co-ordinator Community Wellbeing
Dominic McCann, Coordinator Community Wellbeing

Purpose of Report

The purpose of this report is to seek approval for funding, under the Individual Development Grants component of the Community Grants Program 2017-2018, for an application received from a resident of the City of Kingston whose aunt is an employee of Kingston City Council.

Disclosure of Officer / Contractor Direct or Indirect Interest

No Council officers and/or contractors 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 an Individual Development Grant of \$600 to George Tzintzis to participate in the 2018 International Cheerleading Union World Championships in April 2018.

1. Executive Summary

There are a high proportion of Kingston Council staff members who are also residents of the City of Kingston, resulting in a high likelihood that Individual Development Grant applicants may have a close association with Council. Under this circumstance, an Individual Development Grant application has been received from George Tzintzis whose aunt, Maria Tzintzis is an employee of Kingston City Council in the Statutory Planning Department. George has been selected to represent Australia in the 2018 International Cheerleading Union World Championships to be held in Orlando, Florida in April 2018. (Appendix 2)

In accordance with Council policy to ensure an open process and to address any real or perceived conflict of interest, this application to the Individual Development Grants program is presented to Council for its consideration and resolution.

2. Background

The City of Kingston's Individual Development Grants are offered to individuals in the areas of arts and culture; sports and recreation; academic achievement; and environmental or humanitarian initiatives. (Appendix 1)

In the current 2017-2018 funding period 41 applications have been received. Thirty seven have been successful and this application is yet to be determined.

The grant application has been assessed by the Coordinator of Community Wellbeing and the assessment has been reviewed by the Team Leader Social Development. The assessment is deemed to meet the Individual Development Grants criteria in the **Sports & Recreation** category as follows:

2. Sports & Recreation

Applications will be considered for emerging and established athletes to participate in an officially recognised competitive event that has a set of rules and a code of conduct at State, National or International level.

Criteria	Compliant	Comments
Permanent resident of Kingston	✓	Resident of Dingley Village
Sport and Recreation	✓	International Cheerleading Union World Championships

The proposed grant allocation is consistent with the criteria determined by the Grants Guidelines as follows:

Level of activity	Funding	Funding with 20% loading for Health Care Card or Pensioner Concession Card
Activity at a State level within Victoria	\$125	\$150
Activity at National level held interstate or in Victoria	\$250	\$300
Activity at an international level held overseas, interstate or in Victoria	\$500	\$600

3. Discussion

3.1. Council Plan Alignment

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

3.4 Promote an active, healthy and involved community life

3.2. Consultation/Internal Review

The application has been assessed for eligibility at officer level against the guidelines and reviewed by the Team Leader Social Development. The application meets the Individual Development Grants criteria for an activity at an international level held overseas. The applicant also receives a 20% loading as he holds a Health Care Card. Assessing officers have declared no conflict of interest although the applicant's aunt is a current Kingston Council employee.

3.3. Operation and Strategic Issues

3.3.1. Transparency

Funding disbursed to members of Council staff may be perceived by some members of the public as a conflict of interest so it is important that the assessment process is clear and open. Consequently, by presenting this report to Council and placing it on the public record, the opportunity for any claim of conflict of interest has been minimised.

3.4. Options

3.4.1. Option 1

That Council approve the grant application as presented.

3.4.2. Option 2

That Council does not approve the grant application as presented.

4. Conclusion

Although the applicant's aunt is a current employee of Kingston Council, officers recommend that this individual grant application be granted as it meets the grants criteria.

4.1. Environmental Implications

None relevant to this matter.

4.2. Social Implications

The Individual Development Grant program demonstrates Council's support and commitment to its stated values and to the growth and development of individual residents in the areas of the arts and culture; sport and recreation; humanitarian pursuits; and environmental endeavours.

4.3. Resource Implications

The 2017-2018 Council budget has an allocation of \$26,199 for the Individual Development Grants component of the Community Grants Program. This grant allocation of \$600.00 can be accommodated within the existing budget.

4.4. Legal / Risk Implications

Any potential risk implications associated with this grant application are adequately addressed through the adherence of Council policy.

Appendices

Appendix 1 - Community Grants Program - Individual Development Grant - Guidelines 2017-2018 (Trim No 17/140143) [↓](#)

Appendix 2 - Community Grants Program 2017-2018 - Individual Development Grants - George Tzintzis - Application (Trim No 18/24759) [↓](#)

Author/s: Dominic McCann, Coordinator Community Wellbeing
Reviewed and Approved By: Jihan Wassef, Team Leader Community Engagement
Tim Bearup, Manager Libraries & Social Development
Mauro Bolin, General Manager Community Sustainability

9.1

INDIVIDUAL DEVELOPMENT GRANT APPLICATION - POTENTIAL CONFLICT OF INTEREST

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GUIDELINES

Individual Development Grants



APPLICATIONS ACCEPTED ON AN ONGOING BASIS FROM 1 JULY 2017 TO 30 JUNE 2018

City of Kingston
1230 Nepean Highway
Cheltenham VIC 3192

T: 1300 653 356 or (03) 9581 4676
F: (03) 9581 4500
E: community@kingston.vic.gov.au
W: www.kingston.vic.gov.au

The City of Kingston invites individuals to make an application to the Community Grants Program for individual development activities.

Individuals are strongly encouraged to read these guidelines before making an application.

Multilingual services are also available for those experiencing language difficulties as follows.

Council Contacts:						
Main switchboard	Arabic - عربي	9679 9881	Cambodian - ខ្មែរ	9679 9882	All other languages 9679 9887	
9581 4567	Croatian - Hrvatski	9679 9884	Greek - Ελληνικά	9679 9885	Including:	
Facsimile	Vietnamese - Việt-ngữ	9679 9886	Cantonese - 粵語	9679 9883	Turkish - Türkçe	Spanish - Español
9581 4500	Italian - Italiano	9679 9865			Mandarin - 國語	Polish - Polski
TTY (for hearing impaired)					Somali - Soomaali	Sinhalese - සිංහල
9581 4506						

Introduction

Kingston City Council sees its purpose as working in partnership with the community to enhance the quality of life of current and future generations. Its vision is for a diverse, dynamic community where we all share a sustainable, safe, attractive environment and a thriving economy (One Vision Council Plan 2013-17 & Living Kingston 2035). Please refer to Council's Website www.kingston.vic.gov.au for more details.

In response to this purpose and vision, and to recognise and support the community's contribution to creating a vital and vibrant Kingston, Council provides an annual Community Grants Program comprising of:

- **Individual Development Grants** to support individual development and pursuit in sports, the arts and Humanitarian goals.
- **Schools Grants** to acknowledge student achievement within Kingston's school community.
- **Kingston Charitable Fund** for charitable registered organisations.
- **Annual Grants** for not for profit community groups and organisations delivering activities that reach a large part of Kingston with municipal benefits that also benefit residents in local neighbourhood areas.
- **Access and Equity Grants** for not for profit groups for indigenous, multicultural and disabled activities.
- **Children's Week Grants** for not for profit community groups, schools that are planning a one off activity or event during that week.
- **Youth Festival Grants** for not for profit community groups and organisations, schools, and student groups and young people who are auspiced by their school / incorporated organisations in Kingston that deliver events and one-off activities that celebrate Youth Week in April of each year.
- **Arts Grants** for Individual artists, not-for-profit art groups and organisations to stimulate creative programs in the local community and position Kingston as a cultural hub with a vibrant arts community.

Why Council provides grants

Through the Community Grants Program, Council aims to support community activity that:

- Meets needs that we know about in the community
- Makes the community stronger and more connected
- Gives residents the chance to participate in a range of different activities
- Helps Council to achieve its work in the community.

The Individual Development Grants specifically aim to support individuals in their pursuit of high levels of performance and development by:

- Recognising the sacrifices that people make to reach significant goals
- Developing local leaders and positive role models
- Building a positive image of Kingston, its community and the residents who are part of it.

About these Guidelines

These guidelines refer to funding opportunities open to residents of the City of Kingston under the **Individual Development Grants**. They explain the grants available, important dates, who can apply, what can and cannot be funded, how to apply, how applications are assessed and where to get more information if you are interested in making an application.

While the guidelines are very useful, individuals who intend to make an application are encouraged to contact Council and speak to the Community Grants and Networks Officer for more information. Contact can be made by phone on 9581 4676 or via email community@kingston.vic.gov.au

Important dates

There is no closing date for Individual Development Grants however **applications must be received at least 2 weeks prior to the start of the planned activity**. Consideration may be given if an applicant's departure from this timeframe is reasonably necessary.

If applying on line a copy of the application will be automatically sent to your registered email address. Applicants will be advised in writing of the funding decision within 4 weeks of Council receiving the application. This timeframe maybe extended if the applicant is / has a family member employed by the City of Kingston Council.

From the date of notification of the funding decision, successful applicants should allow approximately 30 days for a grant payment to be received, which means that funding may be received after the development activity has occurred.

Due to the above timelines, applications should be submitted as soon as possible.

Grant area breakdown

Funding assistance is available to individuals in the following areas of pursuit:

1. Arts & Culture

Applications will be considered for emerging and established artists and cultural workers to undertake special activities that enhance their creative and professional development at State, National or International level. Such activities may include residencies, study intensives, master classes, mentoring, conferences, or presentation of work at a significant cultural event or venue.

2. Sports & Recreation

Applications will be considered for emerging and established athletes to participate in an officially recognised competitive event that has a set of rules and a code of conduct at State, National or International level.

3. Environmental/ Humanitarian Initiatives

Applications will be considered for individuals who undertake or participate in recognised and significant Humanitarian or Environmental initiatives for activities at a State, National or International level. Such activities may include conferences, study intensives or volunteer services to subsidise travel of not more than 60 days for qualified humanitarian service.

Funding available

Council will allocate a fixed sum as part of each financial year's budget for the provision of grants on a competitive basis. Once this sum has been depleted no further applications can be considered.

Funding will be considered to the following levels:

- \$125 for activity at a State level within Victoria*
- \$250 for activity at a National level held interstate or in Victoria*
- \$500 for activity at an International level held overseas, interstate or in Victoria*

* A further 20% funding consideration may be made for applicants who demonstrate financial hardship through a Centre link-issued Health Care Card or Pensioner Concession Card.

Who can apply?

Applications are invited from individuals who are:

- **Permanent residents** of the City of Kingston
- Participating as an individual or as part of a team or group in the development activity
- Able to demonstrate a record of achievement and practice in their field of pursuit
- Covered by adequate insurances
- Representing **Victoria/Australia** in a recognised State/National/International competition or that is recognised by a relevant professional body
- Engaging in an activity that is recognised by a relevant State/National/International professional body or institution, or engages with an established professional artist that has made a recognised and significant contribution to their practice (Arts & Culture requests only).

Only one application can be supported per individual in any one financial year.

Who cannot apply?

- Teams, community groups or organisations (eligible individual team members can make an application). Community groups or organisations should refer to the Community and Partnership Grants for available funding opportunities).
- Individuals who are not permanent residents of the City of Kingston.

Consideration may be given if an applicant's departure from eligibility criteria is reasonably necessary.

What you can apply for

Applications can seek funding assistance to help cover costs associated with the development activity that are not covered by any other means, limited to:

- Travel requirements
- Accommodation
- Activity registration or entry fees
- Purchase or hire of equipment or materials required to compete or participate in the development activity
- Transportation of equipment or materials.

What you cannot apply for

In addition, please note that the following types of requests are ineligible for support:

- Costs that are being covered by, or considered the responsibility of another involved party
- Daily costs such as food, beverages, personal products and accommodation on-costs
- New equipment or materials not directly related to being able to compete or participate in the development activity
- Non-competitive sports activity such as training camps and coaching clinics
- School, TAFE or university fees or scholastic materials
- Publishing, promotion or distribution of CDs, DVDs or writing works
- Website development or maintenance
- Insurance
- Development activity that occurs before Council has received an application.

How are applications assessed?

All applications are assessed and approved at Council officer level, and are considered on their merit using the following assessment criteria:

1. Applicant meets standard eligibility criteria
2. Level and location of the activity
3. Demonstrates achievement and development potential in their field of pursuit
4. Level of assistance from other sources
5. Evidence of financial hardship limiting ability to participate and realise their full potential.

Assessment may also consider if the applicant has previously received an Individual Development Grant. The assessing Council officer may also discuss an application with fellow officers and/or seek further information from the applicant or relevant professional/event body.

Once a funding recommendation is formed, Council will contact the applicant in writing to communicate the funding decision.

Making an application

Applications are accepted on an ongoing basis but must be received at least 2 weeks prior to the planned development activity. Consideration may be given if an applicant's departure from this timeframe is reasonably necessary. Applications received after the activity has occurred will not be accepted.

Community Grants is accessed "on-line" via SmartyGrants. The link can be found on the Grants page of the City of Kingston website www.kingston.vic.gov.au. Please follow the links to download the guidelines and to access the on-line Grants application. You can access it by directly typing in <http://kingston.smartygrants.com.au>

Please note you will need an email address. Just register your email. The password is anything you will remember easily and where it says organisation you can simply put individual if you wish.

- ① If you have any difficulties please contact the Community Grants & Networks Officer on 9581 4676 or by email community@kingston.vic.gov.au

To be eligible for assessment, applications must be fully completed with all questions answered and documents attached where requested.

Any attachments required for an application

You can scan these into your computer for electronic attachment to your on-line application

- Copy of letter received from the affiliated body, professional institution, or event organisers (as appropriate) as evidence of selection/acceptance into the development activity.
NB. Copy of completed registration/entry form will not be accepted as evidence of selection.
- Copy of current Centre-link issued Health Care Card or Pensioner Concession Card if seeking an additional 20% funding consideration.

Hardcopy applications

Applications can still be made on a hardcopy application form if you prefer. Please contact the Community Grants and Networks Officer at community@kingston.vic.gov.au or on 9581 4676 to have a form posted to you.

Typed and handwritten applications are accepted. If you are handwriting your application, please print clearly and use black or blue ink.

To be eligible for assessment, applications must be fully completed with all questions answered and documents attached where requested.

Hardcopy applications will be accepted by:**Post**

Individual Development Grant Application
City of Kingston
PO Box 1000
Mentone VIC 3194

**Hand delivery**

Any City of Kingston customer Service desk
1230 Nepean Highway
Cheltenham

(Make sure that your application is clearly labelled "Attention: Community Grants and Networks Officer")

**Email**

community@kingston.vic.gov.au

(Subject field: Individual Development Grant Application)

NB. Must include all required attachments.

Other general information

- Council's funding decisions are final.
- Individuals can only receive one grant per financial year running from 1 July to 30 June.
- The activity start date will determine the financial year that applies for assessment. For instance, an activity held 29 June 2018 to 03 July 2018 would be assessed as part of 2017/2018 grants program.
- Payment of a grant will be made by cheque in the name of the applicant or if the applicant is a minor the cheque can be made out in the name of parent/legal guardian.
- Funding is released once Council's Finance Department has processed a cheque requisition, taking approximately 30 days.
- Funding will not be released if an applicant owes money or a previous grant report to Council.
- Successful applicants will need to acknowledge Council's support.
- Successful applicants will need to report on the spending of the funding received (acquittal).
- Council may, at its discretion, promote the recipients of grants to the community.
- Council may make funding conditional on other specific conditions being met.
- Funding is not automatic on application. All requests are subject to consideration.

If you have any difficulties please contact the Community Grants and Networks Officer on 9581 4676 or by email community@kingston.vic.gov.au

Individual Development Grants 2017-2018

Individual Development Grants 2017-18

Application IDG0602017 From George Tzintzis

Applicant Details

* indicates a required field

Note: In this form you will be asked to provide information regarding your "activity". This refers to any competitive sports event or art/cultural related master class, residency, event or conference

Your Name *	Mr George Tzintzis
Postal Address *	[REDACTED]
Daytime Phone Number *	[REDACTED]
Mobile Phone Number	
Email Address	[REDACTED]
Your age	[REDACTED]
Date of Birth	[REDACTED]
Are you, or a member of your immediate family, a staff member at the City of Kingston Council? *	<input type="radio"/> No <input checked="" type="radio"/> Yes If yes please provide details below
	Maria Tzintzis - Aunt
Field of Practice *	<input checked="" type="radio"/> Sport/Recreation <input type="radio"/> Arts/Culture <input type="radio"/> Environmental/Humanitarian
Level of Practice:	<input type="radio"/> Junior Sports <input type="radio"/> Senior Sports <input checked="" type="radio"/> Masters/Veteran Sports <input type="radio"/> Emerging Artist <input type="radio"/> Established Artist <input type="radio"/> First Time Volunteer <input type="radio"/> Established Volunteer
Are you a Member of a local club/group in your field of practice: *	<input checked="" type="radio"/> Yes <input type="radio"/> No If yes, please name the club/group:
Name of Club *	Melbourne Cheer Academy
Club contact name and phone number *	0400 442 844

Individual Development Grants 2017-2018

Individual Development Grants 2017-18

Application IDG0602017 From George Tzintzis

Details of recent previous activity

Sports/Recreation applicants only, please list any current rankings

International Open Coed Level 5

Other applicants please give a few details of recent activity in your field.

Arts & Culture requests only, please attach a cv and example of recent work

No files have been uploaded

If you experience any difficulty in attaching files please contact the Community Grants & Networks Officer on 9581 4676 or Community@kingston.vic.gov.au

Any other comments you would like to add?

Privacy Statement

Personal information collected by Council is used for municipal purposes as specified in the Local Government Act 1989. The personal information will be held securely and used solely by Council for these purposes and/or directly related purposes. Council may disclose this information to other organisations if required or permitted by legislation. The applicant understands that the personal information provided is for the above purpose and that he or she may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to Council's Privacy Officer. A full copy of our Privacy Policy may be obtained from the Kingston website: <http://www.kingston.vic.gov.au/Contact-Us/Privacy> or from one of our Customer Service Centres.

Activity details

*** indicates a required field**

Activity Name *

Cheerleading

Specific events entered (if applicable) *

2018 International Cheerleading Union World Championships

Individual Development Grants 2017-2018

Individual Development Grants 2017-18

Application IDG0602017 From George Tzintzis

Activity Venue / Location: *	Orlando
State: *	Florida
Country: *	America
Start date of activity *	18/04/2018
End date of activity *	09/05/2018
Activity Level: *	<input type="radio"/> State <input type="radio"/> National <input checked="" type="radio"/> International
Question / Text	<input checked="" type="radio"/> Competition <input type="radio"/> Residency <input type="radio"/> Master Class <input type="radio"/> Performance / Exhibition <input type="radio"/> Study Intensive <input type="radio"/> Conference <input type="radio"/> Volunteer Services <input type="radio"/> Other:
How do you see this activity adding to your development in your field of practice? *	This competition is the olympics of cheerleading. You can't go any higher than this. The fact that my team is able to participate is an achievement in itself.
Organisation name organising the activity:	Melbourne Cheer Academy
Organisation phone number	0400 442 844
Are you participating as part of a team/group:	<input type="radio"/> No <input checked="" type="radio"/> Yes <small>If yes please name the group/team below</small>
Name of group/team:	Team Australia
Manager's name	Mr Edward Miles
Email address of team / manager	edward@melbournecheeracademy.com
Manager / team phone number	0400 442 844
Team/Group Facebook page/group	https://www.facebook.com/groups/209418875749569/

Individual Development Grants 2017-2018

Individual Development Grants 2017-18

Application IDG0602017 From George Tzintzis

Please attach a copy of a letter received from the affiliated body, professional institute, or event organisers (as appropriate) as evidence of selection/acceptance into the development act *

Filename ICU GRANT LETTER.docx

File size 7.3 kB

Please note this must include the name of the applicant

If you have any difficulties attaching a copy of your letter please contact the Community Grants & Networks Officer, on 9581 4676 or Community@kingston.vic.gov.au for assistance or arrangement to send in a hardcopy.

Budget Details

* indicates a required field

Have you received any Individual Development Grants in the last 3 years? *

☐ Yes ☒ No ☐ Not Sure

If yes, please give details

Have you received any other Council Grants or Sponsorship in the last 3 years?

NO

If yes please give details otherwise simply state NO

Do you receive income from other sources to support you in your field of practice?

Other than working two jobs to support my dream, NO.

If yes please give brief details otherwise simply state NO

Please provide details of income and expenses for your activity **including GST**.

Please show funding that you get from other sources including in-kind support and other council funding as well as input from your own funds.

In regards to Expenses please consider such items such as Accommodation, Travel, Entry fees, Equipment and Insurance.

Budget

Individual Development Grants 2017-2018

Individual Development Grants 2017-18

Application IDG0602017 From George Tzintzis

Income Description	\$	Expenditure Description	\$
		Travel costs	\$3,700.00
		Accommodations	\$2,200.00
		Entry fees	\$750.00
		Uniform costs	\$300.00
			Total: \$6,950.00

Evidence of Financial Hardship.

Please provide a copy of your current Centre-link Issued Health Care Card or Pensioner Concession Card if you would like Council to consider an additional 20% allowance as part of the grant. The applicant's name **MUST** appear on the card to be eligible for consideration of financial hardship.

If you experience difficulty attaching this copy please contact the Community Grants & Networks Officer on 9581 4676 or Community@kingston.vic.gov.au to arrange sending in a hardcopy.

Attach scanned image of card

Filename IMG-1848.JPG
File size 1.7 MB

Feedback (optional)

Question / Name

Council Welcomes your feedback about your experience with the Community Grants Program as it helps us to continuously improve our processes. If you have a couple of moments please complete this page. We appreciate your time.

Please note that your participation or otherwise in providing feedback has no influence whatsoever on the assessment of your application.

How did you hear about this grant opportunity?

- ☐ Local Leader Newspaper
- ☐ Kingston Your City Council newspaper
- ☐ Previous applicant
- ☐ Other Council Publication
- ☒ Council Website
- ☐ Council Face book page
- ☐ Flier/postcard in public place
- ☐ Through my local club/group

Individual Development Grants 2017-2018

Individual Development Grants 2017-18

Application IDG0602017 From George Tzintzis

- ☐ Word of Mouth
☐ Other:

Did you find the guidelines easy to understand?

- ☒ Yes
☐ No

Comment:

Did you find the application easy to use?

- ☒ Yes
☐ No

Comment:

Did you find other information and Council Officers helpful?

- ☒ Yes
☐ No

Comment

Is there anything else you would like to say ?

Do you know a person in your field who might be a worthy nomination for Kingston Council's Australia Day Awards (Citizen and Young Citizen of the Year) ?

Please note that this is not a nomination but rather an indication about which you may be contacted about in the future.

Name of person

Nomination for:

- ☐ Citizen of the Year
☐ Young Citizen of the Year

Declaration

*** indicates a required field**

Minors

If you are under 18 and are successful in being awarded a grant please indicate if you would like the cheque made out to a parent or guardian or yourself.

Individual Development Grants 2017-2018

Individual Development Grants 2017-18

Application IDG0602017 From George Tzintzis

**I would prefer the
cheque made out to... ***

☒ The named applicant ☐ In the name of a Parent/
Guardian

**Name of Parent /
Guardian**

PLEASE NOTE:

When you are happy with your completed application please REVIEW IT and then on the review page hit the big yellow SUBMIT button. You will receive an email to confirm your application has been submitted. Your application can only be processed after you have submitted it.

Privacy Statement

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Declaration *

☒ I agree that the information in this application and the attachments is, to the best of my knowledge, true and correct. I shall notify Kingston City Council of any changes to this information or circumstances that may affect this application. I understand that this is an application only and may not necessarily result in funding approval.

Please tick the above circle to agree with the declaration.

Note:- when you submit the application you will receive an email confirming your submission with a PDF copy of your application. If you do not receive an email you have not submitted the application.

19th February, 2018

Community Grants
City of Kingston
1230 Nepean Highway
Cheltenham VIC 3192

To whom it may concern,

I am writing to you as a Team Manager of the Australian representative TEAM AUSTRALIA cheerleading squad representing Australia at the **2018 International Cheerleading Union World Championships** in Orlando, Florida, 26th-27th April to compete against what is expected to be over 70 countries.

This competition brings the leading all star teams from around the world where over 70 countries including UK, Scotland, China, Germany, Mexico & NZ comprising in excess of 20,000 athletes will compete head to head for World Championship titles.

We are proud to advise that Melbourne Cheer Academy has brought together the best of our cheerleaders to form the 19 person Co-ed squad which is made up of athletes ranging in age from 15 years to 31 years.

I can confirm that George Tzintzis of 8 Pankina Court, Dingley Village has been chosen as a valued member of the team and in preparation, for this event George is training 8-12 hours a week with the team. They will be required in Los Angeles and Orlando for final USA training camp from the 18th April.

In training, athletes are instructed in not only the disciplines which make up the sport of cheerleading but also are trained to develop and display leadership skills, personal confidence and team unity.

As George resides in the municipality of Kingston I'm hoping that the council may be able to assist with some form of financial assistance in the form of an individual grant to offset the considerable cost to represent his respective community, Victoria and Australia in this prestigious World Championship.

Thanking you in anticipation of your favourable consideration.

Warm Regards

Edward Miles
General Manager
Melbourne Cheer Academy
Ph. 0400 4428 44

Kathryn Scarpella

From: Dominic McCann
Sent: Monday, 19 February 2018 3:14 PM
To: Kathryn Scarpella
Subject: FW: Community Grant Application - George Tzintzis

Hi Kathryn

FYI and for filing

Thanks




Dominic

**Dominic McCann**

CO-ORDINATOR COMMUNITY WELLBEING | COMMUNITY ENGAGEMENT TEAM

kingston.vic.gov.au

d 9581 4748 m 0439 868 724 e dominic.mccann@kingston.vic.gov.au

community inspired leadership   



My Community Life is a free online marketing website for community groups and organisations to list their details, events, activities and volunteering opportunities.

Community

Events & Activities

Volunteer

From: George Tzintzis [mailto:george.tzintzis@gmail.com]
Sent: Monday, 19 February 2018 2:19 PM
To: Dominic McCann <Dominic.McCann@kingston.vic.gov.au>
Subject: Community Grant Application - George Tzintzis

Hi Dominic,

I'm writing in regards to the community grant application I lodged earlier today.

Along with my application I attached a letter outlining why I am applying for this grant and what it would mean.

Cheerleading is a sport that hasn't been around as long as other traditional sports. It's a sport that broke down the boundaries and created something new.

To be a part of this world is something I am very grateful for and to be able to compete at such a high level is cheer fantasy come true.

It can be hard at times when it comes to financing my passion. Even though it may get me down, I cannot put a price on love. This grant may not seem like much to some, but to me, it means everything.

I hope that you can believe in me and help me on my journey to the world championships.

Looking forward to hearing from you.

Kind regards,
George

Dominic McCann

From: Kathryn Scarpella
Sent: Wednesday, 21 February 2018 8:35 AM
To: Dominic McCann
Subject: FW: George Tzintzis - Team Australia Cheerleading Squad
Attachments: image005.jpg

Dominic
FYI Below
Kath

From: Edward Miles [mailto:edward@melbournecheeracademy.com]
Sent: Tuesday, 20 February 2018 11:41 PM
To: Kathryn Scarpella <Kathryn.Scarpella@kingston.vic.gov.au>
Subject: Re: George Tzintzis - Team Australia Cheerleading Squad

Hi Kathryn,

Yes I can confirm that George is one of our athletes who will be representing Australia at the World Championships in April 2018.

Thanks,

--

Edward Miles
General Manager
Melbourne Cheer Academy
1/37 Lexton Road, Box Hill North 3129
6/2 Railway Avenue, Oakleigh 3166
(+61 3) 9998 6493
www.melbournecheeracademy.com

On Sun, 18 Feb 2018 at 9:49 pm, Kathryn Scarpella <Kathryn.Scarpella@kingston.vic.gov.au> wrote:

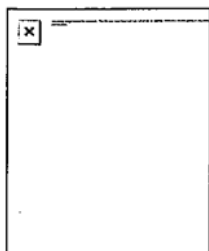
Hello Edward,

I refer to our telephone conversation today and would appreciate if you could reply to this email confirming that George Tzintzis is a representative of Team Australia Cheerleading Squad representing Australia at the 2018 International Cheerleading Union World Championships in Orlando, Florida in April/May 2018.

For our reporting we need to have this officially in writing (via return email) with your Melbourne Cheer Academy logo.

Thanking you in anticipation.

Kind regards

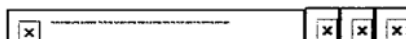


Kathryn Scarpella

COMMUNITY GRANTS & NETWORKS OFFICER : SOCIAL DEVELOPMENT

kingston.vic.gov.au

d 9581 4676 e kathryn.bond@kingston.vic.gov.au



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Any views expressed in this message are those of the individual sender, except where the message states otherwise and the sender is authorized to state them to be the views of any such entity.

Kind regards,

--

Edward Miles
General Manager

Melbourne Cheer Academy

Phone: (03) 9998 6493

Box Hill Gym - 1/37 Lexton Road Box Hill North 3129

Oakleigh Gym - 6/2 Railway Avenue, Oakleigh 3166

www.melbournecheeracademy.com

Ordinary Meeting of Council

26 March 2018

Agenda Item No: 9.2

REQUEST FOR AUSTRALIAN AND ABORIGINAL FLAGS AT MORDIALLOC LIFE SAVING CLUB / GATHERING PLACE

Contact Officer: Susan Quach, Coordinator Community Development

Purpose of Report

The purpose of this report is to advise Council of the request from Mordialloc Life Saving Club and the Derrimut Weelam Gathering Place for the Australian and Aboriginal flags to be flown from the newly developed MLSC site.

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 amend its Aboriginal Policy and Action Plan Clause 2.2 to include the Mordialloc Life Saving Club / Derrimut Weelam Gathering Place as a site in which the Aboriginal flag is permanently flown.

1. Executive Summary

The Mordialloc Life Saving Club (MLSC) was redeveloped in 2016 with the MLSC and Derrimut Weelam Gathering Place (GP) moving into the new facility in late 2016 / early 2017. The two facility users have written to Council and requested that the Australian and Aboriginal flags be flown at the site. The Australian flag was flown at the former MLSC site. Inclusion of the Aboriginal flag is appropriate given the Aboriginal Gathering Place is in the new facility and will assist in raising awareness of the GP to the Aboriginal and broader community in Kingston. The cost of installing the two flag poles is estimated to be \$8962.60 and can be accommodated within Council's 2017/18 operational budget. These works are to be arranged under officer delegation.

2. Background

The Derrimut Weelam Gathering Place was established in the newly developed Mordialloc Life Saving Club. The purpose of the GP is:

- To provide a space for the Kingston Koorie Mob to meet, and to learn about and celebrate their cultural heritage. The space offers the Kingston Koorie Mob a sense of belonging and community, and provides respect for their identity and culture;
- To be a place of welcome for Aboriginal community members where they can connect, learn skills and traditions from Aboriginal Elders and Traditional Owners, share cultural heritage and hear about local cultural history. It is a space for creating dialogue and education around health and wellbeing for all ages of Aboriginal participants to close the gap in health, educational and economic outcomes between Aboriginal and non-Aboriginal people; and

- To be a resource for the broader Kingston community to learn about Aboriginal culture, promote Aboriginal cultural heritage, strengthen community connections and connections to Traditional Owners.

The MLSC has been servicing the Mordialloc beach since 1921. The original building was destroyed by fire in 1954 and rebuilt to service the community for a further 70 years before being demolished and rebuilt in 2017. The MLSC flew the Australian flag at its previous venue.

At the MLSC and GP tenants meeting held on 22 June 2017, the Derrimut Weelam Gathering Place advised they intend to write to Council and request the Australian and Aboriginal flags be flown in front of the facility. MLSC agreed to the proposal.

3. Discussion

3.1 Council Plan Alignment

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

Direction 3.1 - Respond to our community's social needs

The proposal to fly the Australian and Aboriginal flags at the newly developed MLSC incorporating the GP aligns with Council's commitment to respond to the Kingston community's social needs. In this instance, the desire to acknowledge Australian and Aboriginal heritage at the venue.

3.2 Consultation/Internal Review

Following the MLSC and GP tenants meeting on 22 June 2017, correspondence was received from both the Derrimut Weelam Gathering Place and the Mordialloc Life Saving Club confirming that they would like the Australian and Aboriginal flags flown from the site (refer to Appendix 1 and 2).

Consultation and advice was sought from the Public Places team in relation to the cost and location of the flag poles – refer to 3.3.2 and 3.3.3 below.

3.3 Operation and Strategic Issues

3.3.1 Aboriginal Policy and Action Plan

The current policy states:

“2.2 Acknowledge the Aboriginal cultural heritage of the municipality by having the Aboriginal flag permanently flown at Council offices in Cheltenham, Mentone and the Kingston Arts Centre and Attenborough Park”.

To accommodate the flying of the Aboriginal flag at the Mordialloc Life Saving Club / Derrimut Weelam Gathering Place venue, the policy wording can be updated as follows:

“2.2 Acknowledge the Aboriginal cultural heritage of the municipality by having the Aboriginal flag permanently flown at Council offices in Cheltenham; Mentone; the Kingston Arts Centre; Attenborough Park; and the Derrimut Weelam Gathering Place at the Mordialloc Life Saving Club”.

3.3.2 Rationale for flying the flags

Council funded the establishment of an Aboriginal Gathering Place in the newly developed Mordialloc Life Saving Club. The request has been submitted from Parkdale Secondary College, as auspice of the Kingston Koorie Mob and lease holder of the GP component of the facility. Granting this request for the Aboriginal flag to be flown at the site will demonstrate respect and acknowledgement of traditional owners of the land and local Aboriginal and Torres Strait Islander community members in alignment with Council's Aboriginal Policy and Action Plan. The flag will also increase community awareness and the profile of the GP.

The MLSC previously flew the Australian flag at its former site and wish to continue this tradition as many Life Saving Clubs across Australia do.

3.3.3 Location of flag installation

Consultation with the Public Place projects team indicated the preferred site for the flags in the grasses area at the front of the building as shown in the image below. The cost is estimated at \$8962.50.



3.4 Options

3.4.1 Option 1

Approve the installation of the Australian and Aboriginal flags at the Mordialloc Life Saving Club / Derrimut Weelam Gathering Place and amend the Aboriginal Policy and Action Plan to incorporate this additional site. Approval of the request will further demonstrate Council's support for the MLSC, GP and local Aboriginal community.

3.4.2 Option 2

Do not approve the installation of the Australian and Aboriginal flags at the MLSC / GP. This option will not be viewed favorably by the MLSC or the GP. The MLSC flew the Australian flag at their former site and therefore the GP may view refusal of the request as a lack of support for the GP and the local Aboriginal community.

4. Conclusion

It is recommended that Council approve the request to install and fly the Australian and Aboriginal flags at the Mordialloc Life Saving Club / Derrimut Weelam Gathering Place.

4.1 Environmental Implications

Any environmental impact from the installation of the flag poles will be minimal.

4.2 Social Implications

The MLSC have historically flown the Australian flag and its inclusion will align with community's previous experience and expectations. Flying the Aboriginal flag will demonstrate respect and acknowledgement of traditional owners of the land and the local Aboriginal and Torres Strait Islander community. The flag will also increase community awareness and the profile of the Derrimut Weelam Gathering Place.

4.3 Resource Implications

The cost of installing the two flag poles is estimated to be \$8962 which can be accommodated within the 2017/18 operational budget.

4.4 Legal / Risk Implications

There are no legal / risk implications that need to be considered.

Appendices

Appendix 1 - Gathering Place request Aboriginal Flag June 2017 (Trim No 17/135624) [↓](#)

Appendix 2 - Flags at Mordialloc Life Saving Club 2017 (Trim No 18/21961) [↓](#)

Author/s:	Susan Quach, Coordinator Community Development
Reviewed and Approved By:	Jihan Wassef, Team Leader Community Engagement
	Tim Bearup, Manager Libraries & Social Development
	Mauro Bolin, General Manager Community Sustainability

9.2

REQUEST FOR AUSTRALIAN AND ABORIGINAL FLAGS AT MORDIALLOC LIFE SAVING CLUB / GATHERING PLACE

1	Gathering Place request Aboriginal Flag June 2017	263
2	Flags at Mordialloc Life Saving Club 2017	265

25/06/2017

City of KingstonRe: A flag pole for an Aboriginal flag at the Gathering Place.

I am the Koorie Leader at Parkdale Secondary College and the Gathering Place in Mordialloc.

The Gathering Place has become a fabulous resource for all Aboriginal children and their families in the City of Kingston. We have been fortunate to host a number of gatherings since we have moved in, including a 'Closing the Gap' event, The St Kilda Football Club Community Club and a meeting of local health providers to build better connections to community. I look forward to a full calendar of events in 2017 –18. Thank you for funding this important initiative for the local Aboriginal people.

It is now well evidenced that Aboriginal children develop great resilience from connection to culture. The Gathering Place has become a tremendous resource in promoting this resilience in our children.

With this in mind, I am requesting your financial assistance to purchase a flag pole. The Aboriginal flag is very important to Aboriginal people across Australia. It represents connections to country, strength and respect for Indigenous people. Aboriginal children and young people of Kingston deserve and need these qualities. If you are able to provide the flag pole it will be a strong message to the children of generosity, acceptance and of course an acknowledgement of the traditional owners of the land, the BoonWurrung people of the Kulin Nation.

Thank you for considering this request and I look forward to your response.

Yours faithfully.

Katrina Amon



Katrina Amon

Koorie Leader

Parkdale Secondary College



Warren Road, Melbourne VIC 3195

PH: 03 9580 6311

Mob: 0417596137

Please note that I am not available on Tuesday and Friday.

From: Grant Rattenbury <grant@mlsc.com.au>
Sent: Wednesday, 2 August 2017 6:35 AM
To: Susan Quach
Subject: Re: Flags at MLSC

Good morning Susan

We have discussed the idea of flags at MLSC / Gathering Place within our club and agree that 2 flags should be flown at club.

The Aboriginal and Australian flags.

Our thought was to have them on edge of grass at front of building (beach road side) but are open to other ideas and locations

if you would like a letter drafted i can organise one in next few days or if this email is ok, then let me know

Regards

Grant Rattenbury
President
Mordialloc Life Saving Club

From: Susan Quach
Sent: Friday, 28 July 2017 9:07 AM
To: 'Grant Rattenbury'
Subject: Flags at MLSC

Hi Grant

I have received a letter from Katrina Amon requesting that the Aboriginal flag be flown at the MLSC/Gathering Place.




As discussed at the tenants meeting, can the MLSC also forward correspondence with your request in relation to flying flags?

My understanding is that there was support to fly the Australian and Aboriginal flags at the site.

If you have a preference in regards to location can you also please advise in the letter?

Many thanks
Susan



Susan Quach
COORDINATOR COMMUNITY DEVELOPMENT \ COMMUNITY ENGAGEMENT TEAM
kingston.vic.gov.au
d: 9581 4734 m: 0459 167 691 susan.quach@kingston.vic.gov.au
community inspired leadership
  



My Community Life is a free online marketing website for community groups and organisations to list their details, events, activities and volunteering opportunities.

[Community](#)[Events & Activities](#)[Volunteer](#)

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Ordinary Meeting of Council

26 March 2018

Agenda Item No: 9.3

FAMILY & DOMESTIC VIOLENCE ACTION PLAN - EXTENSION

Contact Officer: Amy Wallis, Community Engagement Officer

Purpose

The purpose of this report is to present a request from the Family Violence Working Group to have additional time for the submission of the draft Kingston Domestic and Family Violence Prevention Action Plan and associated actions in response to Cr. Oxley's NOM No. 15/2017 and the Council Resolution 23 October 2017 that approved the following:

1. Develop and adequately resource a comprehensive Council wide approach to the development of a domestic and family violence prevention action plan to be presented to Council in April.
2. Reiterate its earlier motions to address domestic and family violence within the City of Kingston and accordingly direct officers not to limit/narrow the scope of this plan.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

PROPOSED ACTION

That Council:

1. Receives this report and supports the request from the Family and Domestic Violence Working Group (FVWG) to undertake a broader community consultation process to inform the development of actions within the Action Plan.
2. Endorse the FVWG's request for an extension of time so that the draft Action Plan would be presented to Council in the August 2018 cycle.

1. Executive Summary

In response to Cr. Oxley's NOM No. 15/2017, the Kingston Domestic and Family Violence Prevention Action Plan is due to be presented to Council in April 2018. A Family Violence Working Group was formed to oversee the development of the draft Action Plan. The Working Group (FVWG) consists of 6 community members, 6 community organisations and 6 internal staff. To date they there have been three meetings which were held 14 Dec 2017, 7 Feb 2018 and 21 Feb 2018.

At the February 21st 2018 meeting the Working Group expressed having some difficulty with the frequency of meetings and associated time commitments that have been required in order to complete a draft Action Plan by April 2018. Group members also expressed interest in conducting a broader community consultation process prior to developing the detailed content of the draft Action Plan.

Arising from this discussion, the Working Group unanimously endorsed seeking an extension of time from Council for the development of the Action Plan, which would allow for broader community engagement to occur which would inform the development of the Action Plan. Therefore, approval is sought for the draft Action Plan to be presented to Council in the August 2018 cycle.

2. Background

Council is seeking to develop a comprehensive Domestic and Family Violence Prevention Action Plan and associated actions in response to Cr. Oxley's NOM No. 15/2017.

In accordance with requests from this NOM, the following activities have been undertaken to date:

- Family Violence Project Officer recruited.
- Family Violence Working Group (FVWG) Terms of Reference and positions advertised.
- Engaged a consultant to deliver a Family Violence and gender equality training session for key positions within teams across Council.
- Family Violence Working Group members appointed (consisting of 6 community members, 6 community organisations and 6 internal staff).
- Three meetings have been held to date (14 Dec 2017, 7 Feb 2018 and 21 Feb 2018).
- FVWG members discussed and documented roles, responsibilities, decision making processes and group expectations.
- FVWG members discussed and documented the scope of the FVWG work.
- FVWG members consulted and reviewed national, state and local strategies and action plans with Regional Integration FV Co-ordinator, WHISE to inform the structure of Council's Action Plan.
- FVWG members examined the influence of primary, secondary and tertiary factors on family violence and how this would relate to the content of the Action Plan.
- FVWG members agreed on a broad structure, terminology, and vision statement for the draft Action Plan.
- FVWG members developed key areas for action and associated objectives for the Action Plan.
- At the February 21st FVWG meeting, the group unanimously agreed on the following methodologies and content and planning for a community consultation, with further conversations and refinement to the methodology to be held at subsequent working group meetings:

Obtain feedback from all Kingston residents via

- anonymous online survey
- 3 x community forums (to be held in each council ward area)

Promote through social media campaign:

- *Your Kingston Your Say, KYC, Kingston Farmers Market, Leader*

Consult with Council's existing Council networks/committees including:

- Access and Equity (reps from Positive Aging, Disability and Aboriginal combined onto this committee)
- Interfaith
- Community Safety
- Public Art
- Sports and Rec
- Youth Consultative
- targeted groups identified by the Family Violence Working Group

2.1 Key Issues identified by the FV working group:

The working group identified the following key priority areas to be considered in the development of the Action Plan:

- Elder Abuse
- Practical support for residents
- Children
- Collective Voice
- Community Education
- Service offerings and gaps
- Organisational collaboration
- Changes arising from the Royal Commission into family violence
- Focus on prevention
- Referral pathways for CALD community / interpreters
- White Ribbon campaign and ambassadors
- Friendship Egyptian Association (FEA) – Linking FEA with nurses and services
- Services for men
- Children with a disability
- Gender equality in workplaces

Concurrently, an internal Council-wide consultation has been conducted. Through this process it was identified that there was a need to redevelop Council's Family Violence Policy in order to support employees making disclosures of family violence. Consequently, an updated draft Family Violence Policy has been developed by the People Support Department for consideration and adoption.

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

This report aligns with One Vision Council Plan Goal 2: *A sustainable natural and built environment*; Direction 2.6.2: *Maintain and facilitate implementation of the Community Safety Strategy through a partnership approach*; and in particular Objective 2.3: *Reduce prevalence of family violence*, within the recently endorsed Public health and Wellbeing Plan 2017-2021

3.2 Consultation/Internal Review

The Kingston Family Violence Working Group acts as the lead community consultation mechanism in the development of the draft action plan.

3.3 Operation and Strategic Issues

3.3.1 Frequency of Meetings

The working group expressed having some difficulty with the frequency of meetings and associated time commitments that have been required to complete a draft action plan by April 2018 (i.e. fortnightly meetings and time to review material between meetings). The members have agreed that it is preferable to have longer and less frequent meetings (2.5 hours meetings every 3 weeks). However, this would only be achievable if the FVWG received an extension on the time allocated for the development of the draft Action Plan.

3.3.2 Seeking greater community engagement

The working group have also identified the need for broader community consultation prior to drafting the Action Plan. At the meeting on 21 February 2018, the group discussed the benefits and limitations of including broader community consultation. The group reached a consensus that it would be most beneficial to engage the broader community in the development of the draft action plan with the purpose of:

1. Having more community input in identifying priority objectives, gaps, emerging needs, and actions to help prevent family violence in Kingston; and
2. Providing an opportunity to increase community engagement and 'buy-in' to the action plan implementation.

The working group discussed potential engagement methodologies and generated a list of possible questions to include in the community consultation.

The FVWG resolved to request a time-extension from Council in order to undertake some community engagement activities and to use this feedback to inform the development of the draft Action Plan.

3.4 Options

3.4.1 Option 1 (Recommended)

That Council:

- a. Supports the request from the Family Violence Working Group (FVWG) to undertake a broader community consultation process to inform the development of actions within the draft Kingston Family and Domestic Violence Prevention Action Plan; and
- b. Endorses the FVWG's request for an extension of time so that the draft Action Plan would be presented to Council in the August 2018 cycle.

3.4.2 Option 2

That Council does not endorse the FVWG's intended community engagement activities and does not approve an extension of the time for the completion of the draft Domestic and Family Violence Prevention Action Plan.

4. Conclusion

4.1 Environmental Implications

There are no environmental implications.

4.2 Social Implications

Including community consultation in the development of the draft action plan provides an opportunity for additional engagement about family violence, identifying specific needs/gaps, priority objectives and actions for the community.

Engaging the community in this process of consultation will help in the implementation of the action plan, increase networks, and enhance partnerships and collaborative actions.

4.3 Resource Implications

An extension for the contract for the Family Violence Project Officer role will be required beyond April 2018. This would be managed within existing operational budget allocations.

4.4 Legal / Risk Implications

There are no legal implications identified.

Author/s:	Amy Wallis, Community Engagement Officer
Reviewed and Approved By:	Tim Bearup, Manager Libraries & Social Development Mauro Bolin, General Manager Community Sustainability

10. City Assets and Environment Reports

Ordinary Meeting of Council

26 March 2018

Agenda Item No: 10.1

EDITHVALE PUBLIC GOLF COURSE - FUTURE MANAGEMENT ARRANGEMENTS

Contact Officer: Mark Stockton, Team Leader Sport and Recreation

Purpose of Report

To seek Council endorsement to enter into a partnership grant agreement and renew sub lease agreement with the Australasian Golf Club for the continued maintenance and management of the Edithvale Public Golf Course.

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 a new sub-lease agreement to be offered to Australasian Golf Club Inc. for its continued occupancy of the Edithvale Public Golf Course, including the following terms:
 - Rent: \$1pa (on demand); and
 - Term: 7 years 6 months (due to expire in December 2025 at same time as Council's Head Lease with Melbourne Water).
2. Endorse partnership grant funding of \$120,000 per annum increasing by CPI each year to the Australasian Golf Club Inc. for its continued maintenance and management of the Edithvale Public Golf Course;
3. Authorise the General Manager, City Assets and Environment to prepare and execute a service and/or funding agreement with the Australasian Golf Club Inc;
4. Refer funding of the partnership grant to the Australasian Golf Club Inc. to the preparation of Council's 2018/19 budget process; and
5. Prepare an asset management plan and a compliance risk assessment for the Edithvale Public Golf Course.

1. Executive Summary

Approval is sought to align leasing arrangements associated with access to and use of the Edithvale Public Golf Course through to December 2025. This approach involves executing a continued sub lease agreement with the Australasian Golf Club Inc. for management and operation of the Edithvale Public Golf Course through to December 2025 (expiring at the same time as Council's land lease with Melbourne Water).

It is proposed that Council transition the Golf Club onto a partnership grant (similar to that of a community centre) and continue to financially support the Edithvale Public Golf Course via an annual grant payment of \$120,000 (to be increased annually by CPI) for a three year period.

This three year funding agreement will allow Council the ability to monitor and review the Golf Club's performance and provide flexibility for financial arrangements to be updated as required. It is also proposed to include some service objectives within the partnership agreement as a tool to monitor the Golf Club's progress and performance. These are proposed to include:

- Number of Rounds (type, age, gender);
- Continued involvement in participation programs (e.g. Golf Victoria programs); and
- Staff and/or volunteer development/resource plan.

With aging course infrastructure, it is also proposed that Council undertake investigations to prepare an asset management plan for the Edithvale Public Golf Course. The purpose of an asset renewal plan would be to inform and guide future investment decisions at the Edithvale Public Golf Course, whether they are made by Council or the Australasian Golf Club Inc.

2. Background

The Edithvale Public Golf Course (formerly known as Chelsea Public Golf Course) adjoins Edithvale Wetlands and is largely located on land owned by Melbourne Water and leased to Council for the purposes of operating a nine hole golf course. For most of the last 27 years the Australasian Golf Club Inc. (the Golf Club) has sub-leased the land from Council and maintained it as a golf course for the benefit of its members and the public. The leased land from Melbourne Water is zoned as a Special Use Zone (SUZ), with Land Subject to Inundation Overlay (LSIO).

Edithvale Public Golf Course (the Course) is currently Council's only public golf course and is of particular value to those members of the community who may not have the financial means to access private courses across Kingston. The Club report that of the 15,000 rounds played last year at the course, 85% are by Kingston residents.

The green fees include:

- Weekends – Adult \$20, Concession \$18 and Juniors \$10; and
- Midweek – Adult \$18, Concession \$16 and Juniors \$7.50.

In Council's consideration of this financial subsidy, an Expression of Interest process was run in 2011 to see if any external operators had the willingness and capacity to run the course. In response only one submission was received and it was assessed a providing an unfavourable financial outcome for Council. Council resolved in March 2012 to provide the Golf Club with an annual cash payment of \$70,000 rising to \$100,000 in future years for the management and maintenance of the Course.

The subsidy payments provided by Council have traditionally been used by the Club to support ongoing expenses relating to the direct management and maintenance of the golf course (salaries, consumables and equipment). The current financial arrangements between Council and the Golf Club are due to expire in June 2018.

Council's Golf Course Policy affirms that Council seeks its existing golf clubs to remain economically viable and notes the considerable community amenity, recreational opportunities and landscape values that golf courses provide.

A Memorandum of Understanding (refer Appendix 1) between the parties foreshadowed an intention by Council to enter into a new sub lease for the Course with the Golf Club, however, this never occurred due to Council's lengthy negotiations with Melbourne Water over the Head Lease.

In December 2015 Council signed a Head Lease agreement with Melbourne Water for a 10 year term, which was negotiated as part of recently completed drainage project including a land purchase for a pumping station. The Head Lease agreement with Melbourne Water expires in December 2025.

The Golf Club share the pavilion facility at the Course with the Keysborough Angling Club which was relocated from Patterson Lakes in 2012.

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

Council's draft Sport and Recreation Strategy is supportive of retaining affordable public access golf courses and recommends to continue to assess the Golf Club's performance and sustainability with its management and maintenance.

3.2 Consultation/Internal Review

Council Officers from the Sport and Recreation and Property team's meet on a quarterly basis with executive members of the Australasian Golf Club to review the ongoing performance and operations of the golf club/course.

3.3 Operation and Strategic Issues

3.3.1 Alignment of occupancy arrangements (Head lease and Sub Lease)

Officers propose to align a new sub-lease agreement with the Golf Club to the expiration of Council's head lease with Melbourne Water (December 2025). The proposed overall term of the Golf Club's sub lease would therefore be approximately 7 years 6 months. This will provide the Golf Club security of tenure.

3.3.2 Partnership funding Grant

It is proposed to extend the financial subsidy that Council provides the Golf Club for an additional three years for the ongoing maintenance and management of the Course. This is to be formalised via a partnership grant arrangement, similar to that of Council's community centres.

The Golf Club has requested a small increase of \$20,000 per annum, which reflects incremental increases in business costs that was not provided for within the current MOU. The total amount payable over the life of the three year Partnership agreement would be \$360,000 plus CPI. Further grant payments would be subject to future consideration by Council.

Within the partnership grant funding agreement between Council and the Golf Club, it is recommended to include some service objectives and indicators in order to monitor the Golf Club's performance. These would include:

- Number of Rounds (type, age, gender);
- Continued involvement in participation programs (eg Golf Victoria); and
- Staff and/or volunteer development/resource plan.

The partnership funding grant will support the Golf Club in continuing to provide a valuable community service with the management and maintenance of Council's only public golf course.

Council will work with the Golf Club, peak golf agencies i.e. Golf Victoria and other like golf clubs to identify opportunities to share resources and knowledge.

3.3.3 Asset Management Planning and compliance audit

The Golf Club report that it is spending a considerable amount of its annual budget towards the upkeep of assets that are aged and nearing end of life i.e. irrigation system. The Golf Club's focus is towards the maintenance and upkeep of the course and it has limited financial capacity to contribute to the renewal of major infrastructure such as irrigation systems and fencing that would require significant investment. As Council has a limited tenure of the site, there is limited return on investment outcomes for Council to invest in significant asset improvements.

As there is limited data and information relating to the condition and performance of existing assets at the Course, it is recommended that Council procure specialist and independent advice to prepare an asset condition & compliance audit and renewal plan for the Course. Compliance matters, particularly relating to risk and OH&S are matters for Council and the Golf Club to consider and explore at the Golf Course. The purpose of an asset renewal plan would be to inform and guide future investment decisions at the Course.

4. Conclusion

4.1 Environmental Implications

The Golf Club seeks to ensure that it operates in a manner to minimise its impact on the environment.

4.2 Social Implications

With nine private golf courses located in Kingston and two public nine-hole golf courses, comprising Edithvale Public Golf Course (Council-leased) and Spring Park Public Golf Course (Parks Victoria), Kingston residents enjoy a variety of golfing experiences. Furthermore the courses provide considerable landscape value and environmental benefits.

In 2017, Council provided a submission to the Planning for Golf in Victoria – Discussion Paper highlighting Council's adopted Golf Course Policy (2015) that 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.

4.3 Resource Implications

The 2018/19 resourcing requirements of \$110,000 to meet the annual rental to Melbourne Water of \$10,000 and Golf Club funding contribution of \$100,000 are provided for within the draft 2018/19 Council budget.

Additional Council funding of \$20,000 per annum is required to be provided within the 2018/19 budget to meet the funding request from the Golf Club.

The Golf Club has also requested that its rental of \$1 per annum is maintained within a new sublease arrangement. Increasing the sublease rental amount would create a further financial stress upon the Golf Club.

4.4 Legal / Risk Implications

Through the sublease, risk associated with the management and maintenance of the Course are the responsibility of the Golf Club. It is recommended to provide the Golf Club internal support to help mitigate risks with its operation.

4.5 Legal / Risk Implications

Through the sublease, risk associated with the management and maintenance of the Course are the responsibility of the Golf Club. It is recommended to provide the Golf Club internal support to help mitigate risks with its operation.

Appendices

Appendix 1 - Signed and executed Memorandum of Understanding between Kingston and Australasian Golf Club for Edithvale Road Edithvale (Ref 12/45124)



Appendix 2 - Golf Club response to proposed leasing terms (Ref 18/32532) [!\[\]\(799877f5c2f906134441300079881630_img.jpg\)](#)

Author/s:	Mark Stockton, Team Leader Sport and Recreation
Reviewed and Approved By:	Mark Juler, Manager Parks & Recreation Daniel Freer, General Manager City Assets and Environment

10.1

EDITHVALE PUBLIC GOLF COURSE - FUTURE MANAGEMENT ARRANGEMENTS

- | | | |
|---|-------------------------------------------------------------------------------------------------------------------------------------|-----|
| 1 | Signed and executed Memorandum of Understanding
between Kingston and Australasian Golf Club for Edithvale
Road Edithvale..... | 283 |
| 2 | Golf Club response to proposed leasing terms..... | 287 |

MEMORANDUM OF UNDERSTANDING

Between

AUSTRALASIAN GOLF CLUB (Club)

AND

CITY OF KINGSTON (Council)

In relation to the future operations of the Chelsea Public Golf Course (Land)

Dated 2nd April 2012 between the Club and Council (The Parties)

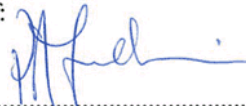
The Parties agree:

- A. Upon execution of this MOU The Club and The Council wish to enter into a new sub-lease for the leasing of the clubroom and the Chelsea Public Golf Course.
- B. Council and the Club are currently parties to a Head Lease for land known as Chelsea Public Golf Course and a Sub Lease dated 15 March 1993 and varied Sub Lease commencing 1 July 2001, under which Council sub-leases land and leases a clubroom to the Club. This agreement remains in overhold pending the execution of this MOU and the execution of a subsequent new agreement between Council and Melbourne Water for a new lease.
- C. Council has resolved to agree terms with Melbourne Water to negotiate a new lease for part of the land known as Chelsea Public Golf Course and following the execution of a new Head lease to sub-lease that land and Council land to Australasian Golf Club Incorporated for the sum of \$1 pa to include an exclusive lease for the clubroom.
- D. Council has resolved to provide a payment to the Australasian Golf Club Incorporated (subject to the Club executing a new sub lease for the Chelsea Public Golf Course) of \$70,000 pa for the duration of the sub-lease term rising to a maximum of \$100,000 pa. over the next six years.
- E. Council will undertake essential Capital works during the new term which include a new central drain and the removal of the old redundant building at the entrance to the course. Additionally Council will assist the Club in establishing an asset management plan for the course and meet annually to determine funding.
- F. Following the execution of this MOU Council will facilitate access to approved State Government funding totalling \$33,000, to enable The Club to undertake course replenishment works.

- G. Council has expressed its wish to provide ongoing support for the Club including any reasonable support during extreme weather conditions as experienced during the floods of February 2011.
 - H. Council and The Club intend to commence the new lease sub-lease and funding arrangement set out in C on July 1st 2012.
 - I. Council has agreed to provide a facility of up to \$20,000 to enable the Club to continue to operate the Course until June 30th 2012. The Club will provide notice to Council when funds are required.
 - J. The Club shall continue to make available the course to the public.
 - K. The Club will use its best endeavours to maximise course accessibility to members of the public.
 - L. At all times until the new Head lease and new Sub Lease are executed Council and the Club remain subject to the terms of the existing Head Lease and Sub Lease and it is understood by the Parties that the terms of this MOU do not supersede the terms of the existing Head Lease.
-

Execution Page**EXECUTED** by the parties as a deed on the date 7-5-12

The Common Seal of the Kingston City
Council was hereunto affixed in the
presence of:



General Manager, Corporate Services

PAUL FRANKLIN

Full Name

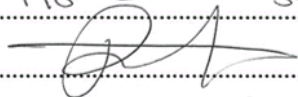


**THE COMMON SEAL of Australasian
Golf Club** was affixed in the presence of
authorised persons:



CRAG GARBELLINI

PO Box 198 CHELSEA 3196



JERRY ZAPANTIS

20 SIGNNA CRES ENOGAVOUR HILLS



President

Full name

Usual address

Secretary

Full name

Usual address



Australasian Golf Club Incorporated

AFFILIATED WITH V.G.L. & V.G.L.A.

P.O. Box 155 Chelsea 3196

E: austgolfclub@bigpond.com

Fraser Ave, Edithvale 3196

(03) 9772 4242

Notes to guide the meeting between Mark Stockton of the Kingston City Council and Craig Garbellini, John Martin and Arthur Dubery of the Australasian Golf Club Inc. re the Renewal of the Sub-Lease of the Edithvale Public Golf Course. 28/02/2018

THE CURRENT SUB-LEASE

The existing sub-lease is between the City Council and the Australasian Golf Club Inc. in which AGC manages or runs the public golf course in return for grant funding and use of the course.

The City Council leases the course from Melbourne Water.

The original sub-lease was started in 1993 and has been renewed a few times.

The present sub-lease covers the period from 1 July 2012 to 30 June 2018.

Annual funding, in the form of a grant, to a maximum of \$100,000 was provided during this period. We consider this more of a management fee.

We share the clubroom facilities with the Keysborough Angling Club Inc.

The Australasian Golf Club Inc. is an incorporated association and is not necessarily dependant on the Edithvale Public Golf Course.

Activity during the Current Lease

With four months to go we can summarise as follows:

We have managed to operate within the above funding level.

This has been achieved by tight financial control and the full cooperation of all on our Committee.

Volunteers have played a substantial role here.

Two new mowers were acquired, on an HP agreement and fully paid off.

Otherwise our plant requirements have been met by reconstructing plant previously scrapped as well as purchasing and reconditioning second hand plant.

The course has been open every day during the past six years, with the exception of Christmas Day and inclement weather.

Some 15,000 games were played here during the past 12 months. The number of games played has been influenced by the Council's drainage project but is now steadily increasing. (See schedule)

We have 92 members but approximately 80% of the games are played by local public patrons.

Some 80% of all games are played by residents of Kingston.

A number of local Social Groups use the course

- The **Old Boys Golf Club** continue to field six or seven fourballs and use the club rooms on Thursdays. (Mainly senior men)
- The **Kolonga YWCA Golf Club** field six or seven fourballs and use the club rooms on Wednesdays. (Senior ladies.)
- The Saturday Morning Old Golfers (**SMOG**) play 9 holes, have a short presentation and go home by 10:30. The average age of this group of men and women has over the years come down with many much younger golfers joining. (We may have to get them to change their name.)
- A group of **Cook Islanders**, averaging about 25 in number, use the course and clubroom a few times a year.
- A group from the **Lifestyle Retirement Village** are regular visitors.
- **Tradies** frequent the course after work during the summer as well as on RDOs.
- The course is a popular venue for **Bucks Parties**.

Golf Australia

Golf Australia, through Golf Victoria, is showing an increasing interest in the Edithvale Public Golf Course.

- Golf Australia's **Mygolf** junior program has commenced here and is expected to grow with time. (Young children and their parents)(See brochure)
- Similarly, Golf Australia's Ladies "**Get on Course**" program has started. (Ladies new to the game)(See brochure)
- On the 23rd of March 2018 Golf Victoria will be taking over the course to host a full day program on the course for **intellectually disadvantaged** children and their parents from a number of special schools. Between 100 and 120 children are expected to attend.

Golf Professional

We have engaged a part-time golf Professional who is now giving lessons here to members and public patrons. (Some are members of other clubs)

Achievements during the present Sub-Lease

The Course

Although we warned the Council that we would perhaps need more funds to see us through the difficult Drainage Project we, with the cooperation of the Council and their construction contractor, managed not only to keep the course open but to do so within the original financial arrangement.

We have made improvements to the course, e.g. a new bunker, a few mounds and some tees, bunkers and greens have been reshaped and improved.

We have planted over 450 trees and shrubs.

Although we have had to purchase potable water for all irrigation, the teeing areas and greens have been adequately watered. The fairways, having to rely entirely on rain fall, are now in good condition for this time of the year. At present, we are experiencing a few problems with the greens. These will improve once the harsh summer conditions abate and remedial measures take effect.

We have replaced some internal fencing and approaches to tees as well as attending to some urgent repairs to the perimeter fencing.

We replaced, in a new position, the water meter to facilitate the reconstruction of the car park.

The Clubhouse

The refurbishing of the club house by the Council is greatly appreciated. We have also made some improvements here ourselves. Some of this has been achieved in collaboration with the Keysborough Angling Club. This would include the purchase and installation of air conditioners, fryers, fridges and outdoor blinds. (Totalling some \$9,000). We have also been instrumental in arranging the complete replacement of the existing clubhouse floor covering at no cost to the Council. (Due to be done in April this year.)

The Result

All the above confirms that we have worked diligently to honour the terms of the existing sub-lease agreement and successfully manage this important public facility all within the agreed financial arrangements.

However the level of funding did not allow us to adequately replenish capital assets. These will have to see us through the next seven years.

It has also been a pleasure to deal with Messrs Daniel Freer, Troy Lyons and recently Mark Stockton of the council. Their courteous treatment of our requests and queries has been greatly appreciated.

THE NEW SUB-LEASE

The renewed sub-lease would run from July 2018 through December 2025.

We have confirmed in our letter of 20/02/2018 that our Committee has agreed to enter into the proposed sub-lease, dependant on the level of grant funding provided. We have based the following assumptions and calculations of a level of funding that would be applicable between July 2018 and June 2021. (Three years as suggested by the Council's Mr Troy Lyons)

The Grant Payments

It is a very difficult task to prepare long-term budget estimates for this Golf Course.

Expenses are greatly influenced by the quantity of water we have to purchase which depends on annual rainfall. The income depends greatly on public patronage which depends largely on the state of the course.

As we do not have the facilities or funding to water the fairways their state depends entirely on the weather. The state of the teeing areas and greens depends mainly on how much potable water we can afford to purchase.

General Increase in the CPI

The current sub-lease was agreed in April 2012. Based on the CPI as at 31 March 2012, that of December 2017 and an estimate of increase to the middle of a three year term starting in July 2018, the increase in the CPI would be some 20%. (See printout). Although this may not be the most appropriate index in this instance it should result in a fair result. Lengthy detailed research would be needed to achieve a more accurate estimate.

We thus request an increase of 20% to cover this aspect of the grant evaluation. This would be fairly modest and should not be contentious.

Irrigation System

The existing irrigation reticulation system, servicing the teeing areas and greens, was installed many years ago under tight financial restraint. Most of the labour was provided by volunteers. It is now well past its use-by date. We are constantly attending to leaks and suffering water loss. This needs to be replaced urgently at a cost of \$200,000. (See quotation) If this is not possible during the first three years of the new sub-lease period we believe that leakage, repair costs and lost labour hours could amount to some extra \$5,000 per annum.

Aging Plant and Machinery.

The last new plant purchase was made some six years ago, on an HP agreement. We now urgently need to purchase a reliable sprayer and replace the aging and reconditioned on-site utility vehicle and a few other items. (See plant schedule) We believe that we could provide for most of this on an HP agreement as we did with the last new purchases. This would see the finance spread over five or six years which we believe we could achieve under the CPI escalated grant level as estimated above.

Perimeter Fencing

Ideally, a major part of the perimeter fencing should be replaced. Although we do not have quotations for this we believe that it would cost about \$200,000.

Assuming that this is not possible during this first three year period, some urgent repairs are needed now and perhaps in four years' time. We estimate that this could cost some \$10,000. (This is already before the Council for consideration.)

Computers

The computers and our Point of Sale system are very old and we would need to update or replace them. However we should be able to finance some of this from the escalated existing budget. Ideally we would require a further once off \$5,000 boost our ability cover replacement.

Water

As with all golf courses in the area, we are entirely dependent on the water available to us. We are constantly searching for an alternative long term solution to this problem.

Major Course Developments

Major course developments and improvements would not be contemplated during this new lease period.

Wording of the MOU

There are a few anomalies in the wording of the sub-lease document that should perhaps be addressed.

Definitions**“Weeds”**

Perhaps we need to remove bent grass, kikuyu and couch from the list of weeds that have to be removed from the course.

“Employee”

Should perhaps include **Volunteer**. Volunteers have played a huge roll in the successful running of this course.

Attachment 1, Special Conditions Clause 2.5.

“provide all necessary equipment, plant, , facilities, staff consultants and to pay all recurrent fees and charges to maintain the golf course as a public golf course similar to public golf courses in operation within metropolitan Melbourne; and”

We need to keep in mind the differences in the land ownership as well as the level of funding given to the other metropolitan Melbourne public courses

CONCLUSION

We are proud of our performance in managing this important public facility for the residents of Kingston. It is the only one of its kind in the City of Kingston.

If substantial funding were available it could be developed to match the best in Melbourne. We do however understand that the level of funding available is restricted by the fact that the course does not belong to the Council. Perhaps it is time to again consider the purchase of the property in order to provide a first class facility for the deserving residents of the City of Kingston.

11. Corporate Services Reports

Ordinary Meeting of Council

26 March 2018

Agenda Item No: 11.1

ASSEMBLY OF COUNCILLORS RECORD REPORT

Contact Officer: Joanne Creedon, Governance Officer

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

Planned Outcome 5 - Efficient and Innovative Stewardship of the Organisation and Resources

Strategy 5.2 - An organisation with transparent, innovative and robust business and financial processes facilitating strong accountability to the community

The reporting of Assembly of Councillors meets the requirements of the Act and is critical to Strategy 5.3.

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.

Appendices

- Appendix 1 - Assembly of Councillors Record - Public Spaces and Environment Advisory Committee - 22 February 2018 (Ref 18/28465) [↓](#)
- Appendix 2 - Assembly of Councillors Record - Planning Councillor Information Session - 5 March 2018 (Ref 18/34718) [↓](#)
- Appendix 3 - Assembly of Councillors Record - Strategic Councillor Information Session - 13 March 2018 (Ref 18/39360) [↓](#)
- Appendix 4 - Assembly of Councillors Record - Strategic Councillor Information Session - 19 March 2018 (Ref 18/42738) [↓](#)

Author/s: Joanne Creedon, Governance Officer
Reviewed and Approved By: Phil De Losa, Manager Governance
Paul Franklin, General Manager Corporate Services

11.1

ASSEMBLY OF COUNCILLORS RECORD REPORT

1	Assembly of Councillors Record - Public Spaces and Environment Advisory Committee - 22 February 2018	301
2	Assembly of Councillors Record - Planning Councillor Information Session - 5 March 2018	303
3	Assembly of Councillors Record - Strategic Councillor Information Session - 13 March 2018	307
4	Assembly of Councillors Record - Strategic Councillor Information Session - 19 March 2018	311

This Form MUST be completed by:

- The applicants attending Council Officer or Advisory Officer of a Village Committee or
- Chairman of any Local Advisory Committee where there is no Council Officer present and returned IND5/DAYLE17 to the Program Leader Governance for filing.

Date: 22 Feb 2018
Time: 6 pm

Assembly Location: Oakleigh Room, 1230 Nepean Hwy

Assembly Reason: Public Spaces and Environment Committee

Attendees: Robert Erwin, Mary Limington, Pamela Payne, Chae Hae Han, Sarah Schumacher, and the Miller-Guthrie family.

Councillor: C. Rosemary West

Officers: Kris White, Team Leader Public Place Projects.

Tony Collins, Team Leader Parks

Apologies: ~~Superstitions~~, Barry Bush, Paul Baumgartner

Mattson's Discussed: Living links, role of trees in the urban environment

Conflict of Interest Disclosures: None disclosed.

Did senior officer present ask for disclosure of conflicts of interest? ☒ Yes ☐ No

Councillor Disclosures: (refer 2 over page). No conflicts disclosed.

Record if a Councillor left the meeting during the discussion.

Officer Disclosures: (refer 4 over page) No conflicts

Completed by: Chris White

Date: 22/07/2018

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 76AA 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: 5 March 2018

Time: 5.45pm

Assembly Location: 1230 Nepean Highway Cheltenham VIC 3192

Assembly Reason: Planning Councillor Information Session

Attendees:

Councillors:

Cr Steve Staikos (Mayor)
 Cr Tamsin Bearsley (arrived at 6.01pm)
 Cr Tamara Barth (arrived at 6.02pm)
 Cr Ron Brownlees OAM
 Cr David Eden (arrived at 5.59pm)
 Cr Geoff Gledhill
 Cr George Hua (arrived at 6.10pm)
 Cr Georgina Oxley
 Cr Rosemary West OAM

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 Guttmann, General Manager Planning and Development
 Phil De Losa, Manager Governance
 Keryn Fisher, Program Leader Communications and Events
 Ian Nice, Manager City Development
 Jihan Wassef, Team Leader Community Engagement

Guests:

Andrew Marty, Managing Director, SACS Consulting

Apologies:

Nil

Assembly of Councillors Record

This Form MUST be completed by;

- (i) The appropriate attending Council Officer or;
- (ii) Advisory Officer of a Village Committee or;
- (iii) Chairperson of any Council Advisory Committee where there is no Council Officer present and returned IMMEDIATELY to the Program Leader 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 19 February 2018
4. Planning Delegation Policy Emails February 2018
5. Request for Australian and Aboriginal Flags at Mordialloc Life Saving Club / Gathering Place
6. Draft Planning Committee Agenda - KP17/705 - 1448 Centre Road Clayton South
7. Confidential CEO Performance Review
8. Amendment C165 - Environmentally Sustainable Development (ESD) Local Policy
9. Response to Notice of Motion No. 52/2017 - Conservation Planner
10. Response to Notice of Motion No. 53/2017 - Landscape Plans
11. Report in Accordance with Council Resolution of 11 December 2017 Regarding Legal Advice
12. Confidential Mentone Hotel VCAT Update
13. Invitations

Conflict of Interest Disclosures:

Did senior officer present ask for disclosure of Conflicts of Interest?

Yes

Councillor Disclosures: (refer 2 over page).

Record if a Councillor left the meeting during the discussion.

Nil

Officer Disclosures: (refer 4 over page)

The CEO, John Nevins disclosed a Conflict of Interest in in Item 7 – CEO Performance Review

Completed by: Phil De Losa

Date: 5/3/18

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) Advisory Officer; or
- (iii) 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: 13 March 2018

Time: 5.45pm

Assembly Location: 1230 Nepean Highway Cheltenham VIC 3192

Assembly Reason: Strategic Councillor Information Session

Councillors

Cr Steve Staikos (Mayor)
 Cr Tamsin Bearsley (arrived at 6.09pm)
 Cr Tamara Barth
 Cr Ron Brownlees OAM
 Cr David Eden (arrived at 6.44pm)
 Cr Geoff Gledhill
 Cr Georgina Oxley (arrived at 6.30pm)
 Cr Rosemary West OAM

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 Guttmann, General Manager Planning and Development
 Megan O'Halloran, Manager Communications & Community Relations
 Phil De Losa, Manager Governance
 Joanne Creedon, Governance Officer
 Johanna Nuttall, LXRA Liaison Officer

Guests

Adjunct Prof. Stephen Cornelissen, CEO, Mercy Health
 Jenny Smith, Executive Director Strategy, Planning & Major Projects, Mercy Health
 Lyndal Rofo, Project Manager Mercy Health, Mercy Health
 Adam McGuire, Project Director, Level Crossing Removal Authority
 Steve Litterick, Alliance Manager – Southern Program Alliance, Level Crossing Removal Authority.

Apologies

Cr Hua

Assembly of Councillors Record

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Matter/s Discussed:

1. Apologies
2. Declaration by Councillors, Officers and Contractors of any Conflict of Interest
3. Notes of CIS of 5 March 2018
4. Sport and Recreation Advisory Committee - 11 October 2017
5. Parkdale Tennis Club Request for Waiver of Resurfacing Work
6. Southern Cross Care Victoria and Kingston Council Agreement
7. Level Crossing Removal Authority Presentation - Southern Program Alliance & Carrum Project
8. Draft Agenda - Ordinary Meeting of Council
9. Special Meeting of Council – 7.06pm
10. Invitations
11. Review of Ward Councillor Meetings Policy
12. Strategic Advisory Committees Review

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.

N/A

Officer Disclosures: (refer 4 over page)

John Nevins CEO disclosed a Conflict of Interest in Item 8 – Item 14.1 2016/17 CEO Performance Review of Draft Agenda of the Ordinary Meeting of Council.

Completed by: Joanne Creedon

Date: 13 March 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:

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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."

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- Workshops re key Council priorities;
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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 March 2018

Time: 5.45pm

Assembly Location: 1230 Nepean Highway Cheltenham

Assembly Reason: Strategic Councillor Information Session

Attendees

Councillors

Cr Steve Staikos (Mayor)
 Cr Tamara Barth (arrived at 6.01pm)
 Cr Tamsin Bearsley
 Cr Ron Brownlees OAM
 Cr Geoff Gledhill
 Cr George Hua (arrived at 5.49pm)
 Cr Rosemary West OAM (arrived at 5.49pm)

Officers

Paul Franklin, Acting CEO
 Mauro Bolin, General Manager Community Sustainability
 Daniel Freer, General Manager City Assets and Environment
 Jonathan Guttman, General Manager Planning and Development
 Phil De Losa, Manager Governance
 Joanne Creedon, Governance Officer
 Keryn Fisher, Team Leader Communications and Events
 Tim Bearup, Manager Libraries and Social Development
 Amy Wallis, Family Violence Project Officer
 Mark Juler, Manager Parks & Recreation
 Ross Gregory, Manager Traffic and Transport
 Julian Harvey, Manager Property, Arts and Leisure Services
 Paul Marsden, Manager City Strategy

Guests

Adam Maguire, Project Director Level Crossing Removal Authority
 Joanna DeLotto, Deputy Director Communications and Stakeholder Relations Level Crossing Removal Authority
 Adam Mitchell, Senior Environmental Advisor Level Crossing Removal Authority
 Vicky Karalis, Sandringham Foreshore Association

Apologies

Cr David Eden
 Cr Georgina Oxley
 John Nevins, 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.

Matter/s Discussed:

1. Notes of the Strategic CIS Meeting of 13 March 2018
2. Notes of the Access and Equity Advisory Committee 7 February 2018 Meeting
3. Family & Domestic Violence Action Plan – Extension
4. Bentleigh Greens Soccer Club's Proposed Realignment of Fence at Kingston Heath Reserve Regional Soccer Facility
5. Edithvale Public Golf Course - Future Management Arrangements
6. Level Crossing Removal Authority Briefing on Environmental Effects Statement for Edithvale and Bonbeach
7. Draft Lease and Licence Policy
8. Planning Scheme Amendment C166 - St Kilda Football Club Signage
9. Land Use Terms Advisory Committee - Council Submission
10. Beaumaris Bay - National Heritage Nomination
11. Confidential KP17/419 - 95-97 Beach Road Mentone - Grounds of Refusal
12. Strategic Advisory Committees Review
13. Review of Ward Councillor Meetings Policy
14. Re-appointment of External Members to the Audit Committee - Claire Filson and Hugh Parkes
15. Junior Council Proposal Update
16. MAV State Council Motions - May 2018
17. Invitation
18. Notices of Motion

Conflict of Interest Disclosures:

Nil

Did senior officer present ask for disclosure of Conflicts of Interest?

Yes

Councillor Disclosures: (refer 2 over page).

Record if a Councillor left the meeting during the discussion.

Cr Barth left the meeting at 8.19pm and did not return to the meeting.

Cr Gledhill left the meeting at 8.38pm and did not return to the meeting.

Officer Disclosures: (refer 4 over page)

Nil

Completed by: Joanne Creedon

Date: 19/03/18

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.

Ordinary Meeting of Council

26 March 2018

Agenda Item No: 11.2

QUICK RESPONSE GRANTS

Contact Officer: Joanne Creedon, 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:

- Parkdale Mordialloc Combined Pensioners Association - \$400.00
- Aspendale Lifesaving Swimming and Youth Club Inc. - \$1000.00
- Edithvale Aspendale Sporting Club - \$1000.00
- Ms Fionna Madigan - \$700.00
- Mordialloc Life Saving Club - \$1000.00
- St Andrews Calisthenics - \$500.00

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.

**City of Kingston
Ordinary Meeting of Council**

Agenda

26 March 2018

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.

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

Name:	Parkdale Mordialloc Combined Pensioners Association		
Amount requested:	\$400.00		
Description of Project/Event:	Provision of entertainment for association events in 2018.		
How the funds will be used:	The funds will be used to engage entertainers and to provide afternoon tea at association events.		
Assessment Criteria:			
• 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			✓
Grants received in current or last financial year			
2015/16 – Partnership Grant \$927.00			
2016/17 – Partnership Grant \$954.81			
2016/17 – Seniors Festival Grant \$300.00			
Officer Comment:			
This application meets the assessment criteria and is recommended for approval for a grant of \$400.00			

**City of Kingston
Ordinary Meeting of Council**

Agenda

26 March 2018

Name:	Aspendale Lifesaving Swimming and Youth Club Inc.		
Amount requested:	\$2000.00		
Description of Project/Event:	The purchase of sun safe wide brimmed hats for the club's Nippers program.		
How the funds will be used:	The funds will be used to purchase the wide brimmed hats.		
Assessment Criteria:			
• 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			✓
Grants received in current or last financial year			
Nil			
Officer Comment:			
This application meets the assessment criteria and is recommended for approval for a grant of \$1000.00 due to budgetary constraints.			

Name:	Edithvale Aspendale Sporting Club	
Amount requested:	\$2000.00	
Description of Project/Event:	The club requires a new set of jumpers for its Senior Women's Development Football Team as well as training equipment.	
How the funds will be used:	The funds will be used to purchase the jumpers and training equipment.	
Assessment Criteria:		
• 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		✓
Grants received in current or last financial year		
Nil		
Officer Comment:		
This application meets the assessment criteria and is recommended for approval for a grant of \$1000.00 due to budgetary constraints.		

**City of Kingston
Ordinary Meeting of Council**

Agenda

26 March 2018

Name:	Ms Fionna Madigan	
Amount requested:	\$1200.00	
Description of Project/Event:	Expenses for Gallery hire and opening catering costs of Exhibition at A3 Gallery	
How the funds will be used:	Hire of A3 Gallery for Exhibition 'Thin Places' Opening 28th March \$700 Costs of Opening Catering \$500	
Assessment Criteria:		
• 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		✓
Grants received in current or last financial year Nil		
Officer Comment: This application meets the assessment criteria and is recommended for approval for a grant of \$700.00 due to budgetary constraints.		

Name:	Mordialloc Life Saving Club	
Amount requested:	\$2000.00	
Description of Project/Event:	Replacement of projector equipment in club's rooms.	
How the funds will be used:	Supply & installation of new ceiling mount projector unit to replace outdated unit.	
Assessment Criteria:		
• 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		✓
Grants received in current or last financial year 2016/17 – Community Grant \$200.00		
Officer Comment: This application meets the assessment criteria and is recommended for approval for a grant of \$1000.00 due to budgetary constraints.		

**City of Kingston
Ordinary Meeting of Council**

Agenda

26 March 2018

Name:	St Andrews Calisthenics	
Amount requested:	\$1000.00	
Description of Project/Event:	Provision of uniforms for club members	
How the funds will be used:	The funding will go towards the uniforms reducing the costs for member families.	
Assessment Criteria:		
• 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		✓
Grants received in current or last financial year		
Nil		
Officer Comment:		
This application meets the assessment criteria and is recommended for approval for a grant of \$500.00 due to budgetary constraints.		

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.

Appendices

- Appendix 1 - Quick Response Grant Application QRG010318 - Parkdale Mordialloc CPA - March 2018 (Trim No 18/33899) [↓](#)
- Appendix 2 - Quick Response Grant Application QRG020318 - Aspendale Lifesaving Swimming and Youth Club Inc - March 2018 (Trim No 18/33909) [↓](#)
- Appendix 3 - Quick Response Grant Application QRG030318 - Edithvale Aspendale Sporting Club - March 2018 (Trim No 18/33910) [↓](#)
- Appendix 4 - Quick Response Grant Application QRG040318 - Fiona Madigan - March 2018 (Trim No 18/33912) [↓](#)
- Appendix 5 - Quick Response Grant Application QRG070318 - Mordialloc Lfe Saving Club - March 2018 (Trim No 18/34837) [↓](#)
- Appendix 6 - Quick Response Grant Application QRG080318 - St Andrews Calisthenics - March 2018 (Trim No 18/34854) [↓](#)

Author/s: Joanne Creedon, Governance Officer
Reviewed and Approved By: Phil De Losa, Manager Governance
Paul Franklin, General Manager Corporate Services

11.2

QUICK RESPONSE GRANTS

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6	Quick Response Grant Application QRG080318 - St Andrews Calisthenics - March 2018.....	345

Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG010318 From PARKDALE MORDIALLOC CPA

Applicant Details

* indicates a required field

Applicant *	PARKDALE MORDIALLOC CPA
Contact Person 1 *	Mrs JULIE SMART
Contact Person 1 Primary Address *	[REDACTED]
Contact Person 1 Primary Phone Number *	[REDACTED]
Contact Person 1 Alternative Phone Number	[REDACTED] Must be an Australian phone number
Contact Person 1 Primary Email *	[REDACTED]
Type of organisation *	<input type="radio"/> Not-for-profit <input type="radio"/> School <input checked="" type="radio"/> Community Group <input type="radio"/> Individual

Activity Description

Short project description *	Engagement of entertainers in March 2018 Provide a short description of your project/activity/event
Location of Project *	WALTER GALT RESERVE 41 VICTORIA ST PARKDALE What is the location of your activity/project/event?
Who will benefit from the project? *	The events will be open to our members, their guests, visitors from local nursing home and members from the community aged 55 years and over. Describe how the proposed activity/event/project benefits City of Kingston residents
Total project cost *	\$400.00 Must be a dollar amount
Amount requested *	\$400.00 Must be a dollar amount and no more than 2000
When are the funds required? *	28/02/2018 Must be a date

Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG010318 From PARKDALE MORDIALLOC CPA

What will the funds be used for? *

Remuneration to the entertainers and afternoon teas
Describe how the funds will be spent

Please attach any supporting information

No files have been uploaded
For example, references, images or annual reports

Budget Details

Have any other funds been raised? *

☒ Yes
☐ No

If yes, how much?

\$100.00
Must be a dollar amount

How were the funds raised?

accumulated savings

Has you received any funding from Kingston City Council for this project?

☐ Yes
☒ No

If yes, how much?

Must be a dollar amount

If yes, when did you receive the funding?

Must be a date

Applicant Bank Details

Does your organisation have a bank account?

☒ Yes
☐ No

Bank Name

[REDACTED]

Bank BSB

[REDACTED]

Bank Account Number

[REDACTED]

If you would prefer payment by cheque, who should this be made out to?

If you are an individual under 18 and are successful in being awarded a grant, please provide the name of a parent or guardian as the cheque will be made out in their name.

Privacy Statement

Personal information collected by Council is used for municipal purposes as specified in the Local Government Act 1989. The personal information will be held securely and used solely by Council for these purposes and/or directly related purposes.

Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG010318 From PARKDALE MORDIALLOC CPA

Council may disclose this information to other organisations if required or permitted by legislation. The applicant understands that the personal information provided is for the above purpose and that he or she may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to Council's Privacy Officer. A full copy of our Privacy Policy may be obtained from the Kingston website: <http://www.kingston.vic.gov.au/Contact-Us/Privacy> or from one of our Customer Service Centres.

Declaration

I have read and understood the Quick Response Grants Guidelines.

I agree that the information in this application and the attachments is, to the best of my knowledge, true and correct. I shall notify Kingston City Council of any changes to this information or circumstances that may affect this application. I understand that this is an application only and may not necessarily result in funding approval.

Name Julie Smart

Position held (if applicable) President

Date 16/02/2018
Must be a date

Declaration



Please tick to agree with the Declaration

Please review your application and ensure all fields marked with an * are completed.

NOTE: when you submit your application you will receive an email confirming this. A PDF copy of your application will be attached to the email.

IF YOU DO NOT RECEIVE AN EMAIL YOUR APPLICATION HAS NOT BEEN SUBMITTED.

Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG020318 From Aspendale Lifesaving Swimming and Youth Club Inc

Applicant Details

* indicates a required field

Applicant * Aspendale Lifesaving Swimming and Youth Club Inc

Contact Person 1 * Mr Brad Smith

**Contact Person 1
Primary Address ***

**Contact Person 1
Primary Phone Number ***

**Contact Person 1
Alternative Phone
Number** Must be an Australian phone number

**Contact Person 1
Primary Email ***

Type of organisation *

- ☒ Not-for-profit
- ☐ School
- ☐ Community Group
- ☐ Individual

Activity Description

Short project description * The purchase of sun safe wide brimmed hats for our Nippers to protect them from the harmful effects of the sun's ultraviolet radiation whilst they are on the beach participating in our Nipper program. Aimed at 6-13 year olds, the Nippers program trains children in surf awareness, surf lifesaving competition, basic first aid and resuscitation.

Provide a short description of your project/activity/event

Location of Project * Aspendale

What is the location of your activity/project/event?

Who will benefit from the project? * In line with Surf Life Saving Australia's Sun Safety Policy, it is mandatory that we provide sufficient protection from the sun for all members. The new wide brimmed hats will be worn by our 200 Nippers (6-13 year olds) during all beach activities during our Sunday morning 2 hour Nipper season which runs over the hot summer months October to March. Our Nipper program is integral to the survival of our club providing valuable recruitment and retention opportunities. Over the past 5 seasons our Nipper membership has grown by 31%, therefore new

Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG020318 From Aspendale Lifesaving Swimming and Youth Club Inc

hats will enable the Club to keep up with demand and further expand our Nipper program.

Describe how the proposed activity/event/project benefits City of Kingston residents

Total project cost *

\$2,000.00

Must be a dollar amount

Amount requested *

\$2,000.00

Must be a dollar amount and no more than 2000

When are the funds required? *

02/09/2018

Must be a date

What will the funds be used for? *

200 sun safe wide brimmed hats

Describe how the funds will be spent

Please attach any supporting information

Filename: Aspendale Life Saving Club - 316_Crystal Sports Invoice for Brad Smith.pdf
File size: 107.6 kB

Filename: LSV Letter of Endorsement- Aspendale LSC.pdf
File size: 34.8 kB

For example, references, images or annual reports

Budget Details

Have any other funds been raised? *

☐ Yes

☒ No

If yes, how much?

Must be a dollar amount

How were the funds raised?

Has you received any funding from Kingston City Council for this project?

☐ Yes

☒ No

If yes, how much?

Must be a dollar amount

If yes, when did you receive the funding?

Must be a date

Applicant Bank Details

Does your organisation have a bank account?

☒ Yes

☐ No

Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG020318 From Aspendale Lifesaving Swimming and Youth Club Inc

Bank Name

████████████████████████████████████████████████████████████████████████████████

Bank BSB

██████████

Bank Account Number

██████████

If you would prefer payment by cheque, who should this be made out to?

If you are an individual under 18 and are successful in being awarded a grant, please provide the name of a parent or guardian as the cheque will be made out in their name.

Privacy Statement

Personal information collected by Council is used for municipal purposes as specified in the Local Government Act 1989. The personal information will be held securely and used solely by Council for these purposes and/or directly related purposes.

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Declaration

I have read and understood the Quick Response Grants Guidelines.

I agree that the information in this application and the attachments is, to the best of my knowledge, true and correct. I shall notify Kingston City Council of any changes to this information or circumstances that may affect this application. I understand that this is an application only and may not necessarily result in funding approval.

Name

Brad Smith

Position held (if applicable)

Nipper Coordinator

Date

01/03/2018
Must be a date

Declaration

☒ Please tick to agree with the Declaration

Please review your application and ensure all fields marked with an * are completed.

NOTE: when you submit your application you will receive an email confirming this. A PDF copy of your application will be attached to the email.

IF YOU DO NOT RECEIVE AN EMAIL YOUR APPLICATION HAS NOT BEEN SUBMITTED.

Quick Response Grants - March 2018
Quick Response Grants Application Form
Application QRG020318 From Aspendale Lifesaving Swimming and Youth Club
Inc



						QTY		
QUANTITY	DESCRIPTION					PRICE EA	Discount	TOTAL
200	Sun Safe Wide Brimmed Hat					\$10.00		\$2,000.00
1	Postage					\$18.00		\$18.00
	Direct Bank Transfer Details(please advise by email when payment is made)							
	Crystal Sports							
	BSB-112 879							
	Acc No-449 005 258							
						TOTAL		\$2,018.00
						GST TOTAL	\$201.80	



200 The Boulevard
Port Melbourne VIC 3207
PO Box 353
South Melbourne DC VIC 3205
Tel (03) 9676 6900
Fax (03) 9681 8211
mail@lifesavingvictoria.com.au
www.lifesavingvictoria.com.au
ABN 21 102 927 364

Friday, 23 February 2018

To Whom it may concern,

Life Saving Victoria wishes to endorse the application for our affiliated service, Aspendale Life Saving Club, in their application for City of Kingston Quick Response Grants, for funding towards the sun safety initiatives in their Nippers Program.

It is a recommendation that all clubs protect their members from the risks of sun related illness by promoting a culture of sun safety in all club programs. Simple measures such as providing nippers with sun smart style hats is a simple measure to help protect members from the Australian sun.

If you require any further information, please feel free to contact me as per my contact details below.

Kind Regards,

Nicholas Foon
Volunteer Support Officer
P: 9676 6941
E: nicholas.foon@lsv.com.au



Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG030318 From Edithvale Aspendale Sporting Club

Applicant Details

* indicates a required field

Applicant *	Edithvale Aspendale Sporting Club
Contact Person 1 *	Mrs Louise Aston
Contact Person 1 Primary Address *	[REDACTED]
Contact Person 1 Primary Phone Number *	[REDACTED]
Contact Person 1 Alternative Phone Number	Must be an Australian phone number
Contact Person 1 Primary Email *	[REDACTED]
Type of organisation *	<input type="radio"/> Not-for-profit <input type="radio"/> School <input checked="" type="radio"/> Community Group <input type="radio"/> Individual

Activity Description

Short project description *	<p>We require a new set of jumpers for our Senior Women's Development Football Team. These will cost approx. \$6,000.00. The girls would also benefit from some new training equipment to help them learn specific skills. Some of the training equipment we need are 6x yellow balls which are \$100.00 each, a ruck bag and a tackle bag which would cost about \$250.00 each along with various other training aides. We hope to attract more senior women to join our club over the next month or so to assist with our numbers as we have two teams, a senior women's team and a development team.</p> <p>Provide a short description of your project/activity/event</p>
Location of Project *	<p>Regent's Park, Aspendale</p> <p>What is the location of your activity/project/event?</p>
Who will benefit from the project? *	<p>Girls / Women who come to our club to play women's football.</p> <p>Describe how the proposed activity/event/project benefits City of Kingston residents</p>
Total project cost *	\$8,000.00

Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG030318 From Edithvale Aspendale Sporting Club

Must be a dollar amount

Amount requested *

\$2,000.00

Must be a dollar amount and no more than 2000

When are the funds required? *

30/03/2018

Must be a date

What will the funds be used for? *

To go towards a new set of football jumpers together with various training equipment as listed above.

Describe how the funds will be spent

Please attach any supporting information

No files have been uploaded

For example, references, images or annual reports

Budget Details

Have any other funds been raised? *

☐ Yes

☒ No

If yes, how much?

Must be a dollar amount

How were the funds raised?

Has you received any funding from Kingston City Council for this project?

☐ Yes

☒ No

If yes, how much?

Must be a dollar amount

If yes, when did you receive the funding?

Must be a date

Applicant Bank Details

Does your organisation have a bank account?

☒ Yes

☐ No

Bank Name

[REDACTED]

Bank BSB

[REDACTED]

Bank Account Number

[REDACTED]

If you would prefer payment by cheque, who

Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG030318 From Edithvale Aspendale Sporting Club

should this be made out to?

If you are an individual under 18 and are successful in being awarded a grant, please provide the name of a parent or guardian as the cheque will be made out in their name.

Privacy Statement

Personal information collected by Council is used for municipal purposes as specified in the Local Government Act 1989. The personal information will be held securely and used solely by Council for these purposes and/or directly related purposes.

Council may disclose this information to other organisations if required or permitted by legislation. The applicant understands that the personal information provided is for the above purpose and that he or she may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to Council's Privacy Officer. A full copy of our Privacy Policy may be obtained from the Kingston website: <http://www.kingston.vic.gov.au/Contact-Us/Privacy> or from one of our Customer Service Centres.

Declaration

I have read and understood the Quick Response Grants Guidelines.

I agree that the information in this application and the attachments is, to the best of my knowledge, true and correct. I shall notify Kingston City Council of any changes to this information or circumstances that may affect this application. I understand that this is an application only and may not necessarily result in funding approval.

Name

Louise Aston

Position held (if applicable)

Date

22/02/2018
Must be a date

Declaration



Please tick to agree with the Declaration

Please review your application and ensure all fields marked with an * are completed.

NOTE: when you submit your application you will receive an email confirming this. A PDF copy of your application will be attached to the email.

IF YOU DO NOT RECEIVE AN EMAIL YOUR APPLICATION HAS NOT BEEN SUBMITTED.

Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG040318 From Ms Fionna Madigan

Applicant Details

* indicates a required field

Applicant *	Ms Fionna Madigan
Contact Person 1 *	Ms Fionna Madigan
Contact Person 1 Primary Address *	[REDACTED]
Contact Person 1 Primary Phone Number *	[REDACTED]
Contact Person 1 Alternative Phone Number	Must be an Australian phone number
Contact Person 1 Primary Email *	[REDACTED]
Type of organisation *	<input type="radio"/> Not-for-profit <input type="radio"/> School <input type="radio"/> Community Group <input checked="" type="radio"/> Individual

Activity Description

Short project description *	Expenses for Gallery hire and opening catering costs of Exhibition at A3 Gallery Provide a short description of your project/activity/event
Location of Project *	A3 Gallery, Shirley Bourke Theatre, 64 Parkers Rd Parkdale. What is the location of your activity/project/event?
Who will benefit from the project? *	Local and wider community. I will bring a high quality and innovative art exhibition to City of Kingston, which will contribute to its cultural capital and support its position as a 'go to' creative metropolitan precinct. This benefits City of Kingston residents by offering them accessible exposure to current visual arts practice; Art provides an opportunity for aesthetic reflection which benefits mental health of a populace. Openings create opportunities for social connections the enhance to opportunity to seed new creative partnerships and ideas. Describe how the proposed activity/event/project benefits City of Kingston residents
Total project cost *	\$1,200.00

Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG040318 From Ms Fionna Madigan

Must be a dollar amount

Amount requested *

\$1,200.00

Must be a dollar amount and no more than 2000

When are the funds required? *

15/03/2018

Must be a date

What will the funds be used for? *

Hire of A3 Gallery for Exhibition 'Thin Places' Opening 28th March \$700

Costs of Opening Catering \$500

Describe how the funds will be spent

Please attach any supporting information

No files have been uploaded

For example, references, images or annual reports

Budget Details

Have any other funds been raised? *

☒ Yes
☐ No

If yes, how much?

\$4,000.00

Must be a dollar amount

How were the funds raised?

(Cost of painting boards, painting materials, framing)
Raised by working as many shifts as i can (community mental health sector).

Has you received any funding from Kingston City Council for this project?

☐ Yes
☒ No

If yes, how much?

Must be a dollar amount

If yes, when did you receive the funding?

Must be a date

Applicant Bank Details

Does your organisation have a bank account?

☒ Yes
☐ No

Bank Name

████████████████████

Bank BSB

██████

Bank Account Number

██████████

Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG040318 From Ms Fionna Madigan

If you would prefer payment by cheque, who should this be made out to?

If you are an individual under 18 and are successful in being awarded a grant, please provide the name of a parent or guardian as the cheque will be made out in their name.

Privacy Statement

Personal information collected by Council is used for municipal purposes as specified in the Local Government Act 1989. The personal information will be held securely and used solely by Council for these purposes and/or directly related purposes.

Council may disclose this information to other organisations if required or permitted by legislation. The applicant understands that the personal information provided is for the above purpose and that he or she may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to Council's Privacy Officer. A full copy of our Privacy Policy may be obtained from the Kingston website: <http://www.kingston.vic.gov.au/Contact-Us/Privacy> or from one of our Customer Service Centres.

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Name Fionna Madigan

Position held (if applicable)

Date 22/02/2018
Must be a date

Declaration



Please tick to agree with the Declaration

Please review your application and ensure all fields marked with an * are completed.

NOTE: when you submit your application you will receive an email confirming this. A PDF copy of your application will be attached to the email.

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Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG070318 From Mordialloc Life Saving Club

Applicant Details

* indicates a required field

Applicant *	Mordialloc Life Saving Club
Contact Person 1 *	Mr Matthew Phillips
Contact Person 1 Primary Address *	[REDACTED]
Contact Person 1 Primary Phone Number *	[REDACTED]
Contact Person 1 Alternative Phone Number	Must be an Australian phone number
Contact Person 1 Primary Email *	[REDACTED]
Type of organisation *	<input checked="" type="radio"/> Not-for-profit <input type="radio"/> School <input type="radio"/> Community Group <input type="radio"/> Individual

Activity Description

Short project description *	<p>Requirement to upgrade existing projector in training rooms as existing projector is faulty.</p> <p>This projector is used for educational videos & information days/evenings for use on life saving, nutrient/diet programs, school groups & for use by City of Kingston when they hold information & meetings in this room.</p> <p>Provide a short description of your project/activity/event</p>
Location of Project *	<p>Mordialloc life saving club - 199 BEach Rd, Mordialloc</p> <p>What is the location of your activity/project/event?</p>
Who will benefit from the project? *	<p>All members, school groups & City of Kingston meetings.</p> <p>Describe how the proposed activity/event/project benefits City of Kingston residents</p>
Total project cost *	<p>\$3,000.00</p> <p>Must be a dollar amount</p>
Amount requested *	<p>\$2,000.00</p> <p>Must be a dollar amount and no more than 2000</p>

Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG070318 From Mordialloc Life Saving Club

When are the funds required? *

15/03/2018
Must be a date

What will the funds be used for? *

Supply & installation of new ceiling mount projector unit to replace existing faulty unit.
Describe how the funds will be spent

Please attach any supporting information

No files have been uploaded
For example, references, images or annual reports

Budget Details

Have any other funds been raised? *

☒ Yes
☐ No

If yes, how much?

\$800.00
Must be a dollar amount

How were the funds raised?

Fundraising within the club.

Has you received any funding from Kingston City Council for this project?

☐ Yes
☒ No

If yes, how much?

Must be a dollar amount

If yes, when did you receive the funding?

Must be a date

Applicant Bank Details

Does your organisation have a bank account?

☒ Yes
☐ No

Bank Name

[REDACTED]

Bank BSB

[REDACTED]

Bank Account Number

[REDACTED]

If you would prefer payment by cheque, who should this be made out to?

If you are an individual under 18 and are successful in being awarded a grant, please provide the name of a parent or guardian as the cheque will be made out in their name.

Privacy Statement

Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG070318 From Mordialloc Life Saving Club

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Name Matthew Phillips

Position held (if applicable) Director of Facilities

Date 01/03/2018
Must be a date

Declaration



Please tick to agree with the Declaration

Please review your application and ensure all fields marked with an * are completed.

NOTE: when you submit your application you will receive an email confirming this. A PDF copy of your application will be attached to the email.

IF YOU DO NOT RECEIVE AN EMAIL YOUR APPLICATION HAS NOT BEEN SUBMITTED.

Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG080318 From St Andres Calisthenics

Applicant Details

* indicates a required field

Applicant *	St Andres Calisthenics
Contact Person 1 *	Mrs Danielle Mueller
Contact Person 1 Primary Address *	[REDACTED]
Contact Person 1 Primary Phone Number *	[REDACTED]
Contact Person 1 Alternative Phone Number	Must be an Australian phone number
Contact Person 1 Primary Email *	President.stac@gmail.com
Type of organisation *	<input checked="" type="radio"/> Not-for-profit <input type="radio"/> School <input type="radio"/> Community Group <input type="radio"/> Individual

Activity Description

Short project description *	<p>We are wanting to give students the opportunity to invest in new club uniform that they will be able to wear to and from class, performances and our yearly concert. Having the uniform will also allow us to advertise the club through the students friends/family.</p> <p>Provide a short description of your project/activity/event</p>
Location of Project *	<p>Chelsea</p> <p>What is the location of your activity/project/event?</p>
Who will benefit from the project? *	<p>Students/Teachers of St Andrews Calisthenics</p> <p>Describe how the proposed activity/event/project benefits City of Kingston residents</p>
Total project cost *	<p>\$1,894.20</p> <p>Must be a dollar amount</p>
Amount requested *	<p>\$1,000.00</p> <p>Must be a dollar amount and no more than 2000</p>
When are the funds required? *	<p>30/03/2018</p> <p>Must be a date</p>

Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG080318 From St Andres Calisthenics

What will the funds be used for? *

Helping to minimise the cost of uniforms for families.
Describe how the funds will be spent

Please attach any supporting information

Filename: E4112196-21DC-4B32-B729-96D8B73F9AF4.jpg
File size: 99.6 kB
For example, references, images or annual reports

Budget Details

Have any other funds been raised? *

☐ Yes
☒ No

If yes, how much?

Must be a dollar amount

How were the funds raised?

Has you received any funding from Kingston City Council for this project?

☐ Yes
☒ No

If yes, how much?

Must be a dollar amount

If yes, when did you receive the funding?

Must be a date

Applicant Bank Details

Does your organisation have a bank account?

☒ Yes
☐ No

Bank Name

[REDACTED]

Bank BSB

[REDACTED]

Bank Account Number

[REDACTED]

If you would prefer payment by cheque, who should this be made out to?

If you are an individual under 18 and are successful in being awarded a grant, please provide the name of a parent or guardian as the cheque will be made out in their name.

Privacy Statement

Quick Response Grants - March 2018

Quick Response Grants Application Form

Application QRG080318 From St Andres Calisthenics

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Name Danielle Mueller

Position held (if applicable) President

Date 01/03/2018
Must be a date

Declaration ☒
Please tick to agree with the Declaration

Please review your application and ensure all fields marked with an * are completed.

NOTE: when you submit your application you will receive an email confirming this. A PDF copy of your application will be attached to the email.

IF YOU DO NOT RECEIVE AN EMAIL YOUR APPLICATION HAS NOT BEEN SUBMITTED.



Date: March 1, 2018

Subtotal	\$	1,722.00
GST	\$	172.20
Total	\$	1,894.20

ABN: 44532505393

Ordinary Meeting of Council

26 March 2018

Agenda Item No: 11.3

CONFIDENTIALITY STATUS OF LEGAL PROCEEDINGS MATTER

Contact Officer: Joanne Creedon, Governance Officer

Purpose of Report

The purpose of this report is to ensure that public transparency of Council's resolution "Item 3.1 – Legal Proceedings Matters" carried at the Special Meeting of Council on 22 January is achieved.

The confidential designation of the resolution is now removed following the finalisation of legal proceedings in regard to this matter.

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 report and note that the resolution of Item 3.1 – Legal Proceedings Matter at the Special Meeting of Council on 22 January is no longer designated confidential; and
2. Make public Appendix 1 – Confidential Resolution of Special Meeting of Council 22 November 2017.

1. Executive Summary

At the Special Meeting of Council on 22 January 2018 Council resolved upon Item 3.1 – Legal Proceedings Matter.

This item was designated confidential in accordance with section 89(2) of the Local Government Act on the grounds that it involved legal advice (s89 2f) and was resolved in the closed part of the meeting.

Upon reopening the meeting to the public Council resolved that the resolution of Item 3.1 be made not confidential upon finalisation of the legal proceedings:

That the meeting be opened to members of the public and that the resolution be made public, upon finalisation of legal proceedings.

On 2 March 2018, the Supreme Court of Victoria issued a General Form of Order which finalised the legal proceedings in the matter. As a result the resolution is now not confidential.

2. Background

Council considered Item 3.1 – Legal Proceedings Matter at its Special Meeting on 22 January 2018.

The following resolution was carried:

3.1 Legal Proceedings Matter

That Council:

1. Vary the 22 November 2017 Special Meeting of Council resolution part 7 to allow for 'Jack Pompei Loyalty Members' to use the Pompei Landing boat ramp under a paid membership arrangement;
2. Provide the Department of Environment Land Water & Planning with a copy of Council's full resolution, Deed of Settlement and draft tenancy documents on a confidential basis and subject to Mr Leon Pompei's approval; and
3. Extend the settlement offer acceptance date to 31 January 2018.
4. Delegate the Chief Executive Officer to make minor changes, consistent with Council's resolved position, in consultation with the Mayor and Council's Legal Advisors to the Deed of Settlement and Release, Lease and License documents as required and execution of these documents.

3. Conclusion

This report aims to achieve public transparency of Council's decision making by removing the confidentiality status of the matter and informing the community of the decision.

Appendices

Appendix 1 - Confidential Resolution - Special Meeting of Council - 22 November 2017
(Trim No 18/35644) - Confidential

Author/s:	Joanne Creedon, Governance Officer
Reviewed and Approved By:	Phil De Losa, Manager Governance Paul Franklin, General Manager Corporate Services

Agenda Item No: 11.4

STRATEGIC ADVISORY COMMITTEES REVIEW

Contact Officer: Joanne Creedon, Governance Officer

Purpose of Report

This report presents recommendations regarding the Strategic Advisory Committees structure for the 2016-20 Council term.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

PROPOSED ACTION

1. That Council endorse the continuation of the following Advisory Committees and adopt the terms of reference contained in Appendix 1 of this report:
 - Arts and Cultural Advisory Committee
 - Business and Economic Development Advisory Committee
 - Community Safety Advisory Committee
 - Public Spaces and Environment Advisory Committee
 - Sport and Recreation Advisory Committee
2. That Council endorse the continuation of the Access and Equity Advisory Committee and adopt the updated committee terms of reference contained in Appendix 2 of this report.
3. That Council endorse the continuation of the Youth Advisory Committee and undertake a review of the committee's terms of reference.
4. That the Festivals and Events Advisory Committee be reclassified as a Network Committee.
5. That the current membership of the Advisory Committees be extended until 30 June 2019 and a recruitment process undertaken to fill current vacancies that exist on committees (with an appointment until 30 June 2020).

1. Executive Summary

The Strategic Advisory Committees structure was adopted by Council as part of an overarching Council Consultation Framework that requires review of the structure every new Council term to ensure the committees align with the Council's priorities as developed in the Council Plan.

The review aims to ensure the committees represent an effective consultation mechanism for Council through:

- Discussion with Councillors regarding the development of the Council Plan at the Councillor Workshop held in February 2017
- Further discussion with Councillors at briefing meetings.

- Feedback from all Advisory Committee officers on the operation of the eight Advisory Committees.

It is proposed that the Strategic Advisory Committees structure be retained however the following changes are recommended:

- the Terms of Reference of the Youth Advisory Committee be reviewed and amended to maximise flexibility while maintaining appropriate accountability to Council and State funding bodies.
- the Festivals and Events Advisory Committee be reclassified as a Network Committee
- the Terms of Reference of the Access and Equity Committee be amended to ensure the membership structure is consistent with other committees by integrating the function of the existing subcommittees into the main committee.

2. Background

At the Ordinary Meeting of Council on 27 July 2015 Council adopted the Terms of Reference for the following eight Advisory Committees:

- Access and Equity
- Arts and Cultural
- Business and Economic Development
- Community Safety
- Festivals and Events
- Public Spaces and Environment
- Sport and Recreation
- Youth Advisory Committee

Any existing members on the previous equivalent committees were invited to join the new Advisory Committees with memberships to expire 30 June 2017.

These Advisory Committees have been in operation under the Council adopted Terms of Reference since July 2015.

Advisory Committee Officer Guidelines were developed and presented to Councillors at the Strategic Councillor Information Session on 16 May 2016. These Guidelines provide information and procedures for officers in relation to the Advisory Committees program.

3. Discussion

3.1 Council Plan Alignment

Goal 5 - Our well-governed and responsive organisation

Outcome 5.1 - Support decision making to provide an efficient and effective council which embodies the principles of democracy

Kingston's Advisory Committees provide a mechanism for community members to provide strategic feedback to Council on Council Plan objectives.

3.2 Consultation/Internal Review

All Advisory Committee officers have been requested to provide preliminary feedback on the operation of the Advisory Committees.

3.3 Operation and Strategic Issues

3.3.1 Objectives of the Advisory Committees

Advisory Committees are strategically focused committees with an advisory role to Council. They are structured to provide high level advice and feedback to Council in relation to matters which are consistent with the Council Plan and the achievement of Council's goals as set out in the plan.

Officers responsible for Advisory Committees have endeavoured to prepare agendas and put information before committees that will achieve the high level, strategic discussions and feedback as envisaged when the Advisory Committee model was adopted. However, the following issues have impeded some committees' ability to operate at a strategic level:

- *Carryover of memberships from previous structure*
With the exception of the Business and Economic Development Advisory Committee, which was a new committee, all other committees carried over existing memberships from the previous committee structure. This resulted in difficulties for some members to adapt to the new objectives of the Advisory Committees.
- *Frequency of meetings*
The number of meetings for each committee was initially to be a maximum of four per year. However, this was amended by Council to allow for additional meetings to be held by arrangement with the committee and Chairperson. This has resulted in some committees having numerous meetings per year and not enough content to put before the committee at each meeting, which has contributed to the difficulties in maintaining the high level discussion topics for committees.
- *Meeting attendance*
Some committees have struggled with the number of members attending meetings, with the Youth Advisory Committee in particular consistently unable to form a quorum resulting in the cancellation of meetings.

It is anticipated that many of these issues will be addressed via the appointment of new membership, the outcomes of the review and adjustments to the existing Terms of Reference – particularly for the Youth Advisory Committee.

3.3.2 Review Advisory Committees

Upon considering the feedback provided by Advisory Committee officers, it is proposed that the following committees remain within the Advisory Committees structure without change:

1. Arts and Cultural Advisory Committee
2. Community Safety Advisory Committee
3. Business and Economic Development Advisory Committee
4. Sport and Recreation Advisory Committee
5. Public Spaces and Environment Advisory Committee
6. Youth Advisory Committee

- **Access and Equity**
The Access and Equity Advisory Committee is recommended to remain within the structure with a change proposed to the committee's membership.

This change involves the removal of current representation from sub committees (Aboriginal, Multicultural, Disability and Positive Ageing sub committees) and integrating those functions into the Advisory Committee by recruiting members with particular interest and expertise in these priority issues. This brings the terms of reference for this committee in line with other committees.

Feedback received has also identified that the Festivals & Events Committee could operate better outside of the Advisory Committees model:

- **Festivals and Events**
It is recommended that the Festivals and Events Advisory Committee be removed from the Advisory Committees structure and instead be reclassified as a network, with Terms of Reference to ensure direct community input to festivals is maintained.

It is considered that the level of administration outweighs the benefits of the committee existing as an Advisory Committee, given that the committee is only required to assist with the organisation of the four major events held throughout the year in Kingston and the majority of suggestions and proposed actions submitted by the committee are operational and do not require Councillor feedback or a Council decision.

Further, given that the organisation of and preparation for the festivals is in itself operational in nature, it is difficult for the committee to function at the strategic level envisaged by the Advisory Committees model. Notes of meetings will be provided to Councillors to ensure awareness of matters being discussed and will still have Councillor membership.

- **Youth Advisory Committee**
Officers are of the view that the Terms of Reference for the Youth Advisory Committee be slightly relaxed to increase the effectiveness of the Committee.

The Youth Advisory Committee is unique in that it receives Engage State Government Funding and therefore must meet certain associated funding requirements. At times, this has conflicted with the requirements of the committee under the Advisory Committees structure. For instance, the Engage Funding carries minimum membership requirements for the committee. However, the committee is currently struggling with membership numbers.

Additionally, the structure of Advisory Committees can often be too rigid, given the age of members on the Youth Advisory Committee, which range from 12 – 25 years of age, which contributes to the difficulties of the committee to operate at a strategic level.

A particular issue that has arisen is that the Terms of Reference requires that a quorum must be 'one third plus one' of the total members. However, given the ages of members, there is often last minute cancellations regarding attendance and therefore the meetings themselves have been cancelled consistently over the past few months. This causes inconvenience for officers, members and Councillors.

A further issue identified by officers is the current strict reporting requirements for Advisory Committees to fit well with the monthly meetings the committee members wish to have could be modified for example to only require quarterly reporting to Council.

In light of the above issues, it is proposed that the Youth Advisory Committee terms of reference be reviewed. This will enable the committee to function under less rigid terms of reference, which would be beneficial to both members and officers, whilst still maintaining a strong connection to the decision making of Council.

4. Conclusion

4.1 Environmental Implications

Not applicable.

4.2 Social Implications

Advisory Committees are a key consultative mechanism for community members to provide feedback to Council on matters concerning the community.

4.3 Resource Implications

Not applicable.

4.4 Legal / Risk Implications

Not applicable.

Appendices

- Appendix 1 - Terms of Reference Advisory Committees August 2017 (Arts and Culture / Business and Economic Development / Community Safety / Public Spaces and Environment / Sport and Recreation) (Trim No 17/121093) [↓](#)
- Appendix 2 - Draft Access and Equity Advisory Committee Terms of Reference August 2017 (Trim No 17/121074) [↓](#)
- Appendix 3 - MARKED UP Draft Access and Equity Advisory Committee Terms of Reference - August 2017 (Trim No 17/121081) [↓](#)

Author/s: Joanne Creedon, Governance Officer
Reviewed and Approved By: Phil De Losa, Manager Governance
Paul Franklin, General Manager Corporate Services

11.4

STRATEGIC ADVISORY COMMITTEES REVIEW

1	Terms of Reference Advisory Committees August 2017 (Arts and Culture / Business and Economic Development / Community Safety / Public Spaces and Environment / Sport and Recreation)	359
2	Draft Access and Equity Advisory Committee Terms of Reference August 2017	383
3	MARKED UP Draft Access and Equity Advisory Committee Terms of Reference - August 2017.....	389



Terms of Reference Arts & Cultural Advisory Committee

Name of Committee:	Arts & Cultural Advisory Committee
Purpose of Committee:	<p>The Arts and Cultural Advisory Committee has been established to provide advice to the City of Kingston in relation to broad-based arts and cultural issues within the community.</p> <p>The Arts and Cultural Advisory Committee is an advisory committee of Council with a Councillor or Councillors nominated on an annual basis.</p> <p>The establishment of the Arts and Cultural Advisory Committee provides an important forum for identifying municipal-wide issues and opportunities and advising Council about effective policy and service provision regarding arts and cultural within the City of Kingston.</p> <p>As with all City of Kingston Advisory Committees, the Arts and Cultural Advisory Committee has a citywide focus. The committee should focus on issues and opportunities that are relevant across the entire municipality.</p> <p>The committee should provide specialist advice to Council as an input into decisions that impact municipal-wide Council policy.</p> <p>The Arts and Cultural Advisory Committee has no delegated decision making power from Council.</p>
Council Plan Objectives	<p>To provide advice to Council on the provision of :</p> <ul style="list-style-type: none"> • Quality community facilities that are well used and accessible specifically arts and Cultural facilities • A city responsive to the needs and aspirations of the community through extensive community consultation for Arts and Cultural activities • Connected and effective community groups are supported through the provision of the diverse range of Arts and Cultural activities i.e. the Arts Grants Program • A city rich with Cultural vitality through the implementation of the Arts and Cultural Strategy, Public Art Strategy, diverse Arts and Cultural Activities including Cultural Heritage.

ADVISORY COMMITTEE TERMS OF REFERENCE

Criteria for Membership:	<ul style="list-style-type: none"> • Current involvement in service provision, policy or program development in arts and culture; • Endorsement by their organisation if applicable; • Strong community networks and linkages; • An ability to constructively participate in an advisory capacity; • An ability to represent a broad range of views that reflect the diversity of the community; • A strong understanding of the local community and its social, environmental and economic influences; • Good knowledge and understanding of the local issues that are relevant to arts and culture; • A willingness to contribute positively to meetings in a fair and unbiased manner; • An ability to look beyond personal interests for the benefit of the community and residents of the City of Kingston; • An ability and willingness to encourage participation from and provide feedback to the community regarding Policy Area; • A capacity to commit to the Strategic Advisory Committee for the required duration; • A willingness to celebrate the success and achievements of arts and culture in the City of Kingston;
Selection of Members:	<p>The selection of the membership will involve calling for nominations. An advertisement may be placed in the local media and on Council's website. Specific representatives may be invited to nominate. A nomination form must be completed by interested representatives and all nominations will be assessed against the Criteria for Membership.</p> <p>All nominees will be interviewed before appointment to the Committee. The interview panel will consist of a least two Councillors on the Committee and at least one Council Officer representative.</p> <p>Appointment will be for a period of two years, with a maximum of two terms i.e. four years. Should there be a need for the Arts and Cultural Advisory Committee to continue beyond this time, a re-appointment process will be undertaken for all members in accordance with 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 max four years) are eligible to re-nominate.</p>
Chairperson:	<p>The role of Chairperson shall be undertaken by a Councillor.</p> <p>A Councillor may also choose not to undertake the role of Chair. In this case 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> <p>A deputy Chairperson should be elected to chair meetings in the absence of the Chairperson.</p>

ADVISORY COMMITTEE TERMS OF REFERENCE

Membership:	<p>The Arts and Cultural Advisory Committee will consist of the following membership structure:</p> <ul style="list-style-type: none"> • A maximum of three (3) Councillor representatives (appointed by Council resolution) • A maximum of six (6) representatives from service providers/ agencies or organisations who have expertise and experience in the provision of arts and cultural services in the City of Kingston; and • A maximum of two (2) community representatives with an interest in the provision of arts and cultural services in the City of Kingston <p>Co-opted representatives will be invited to participate from time to time when specialised skills and knowledge are required and to contribute from their field of expertise.</p>
Executive Support:	<p>The Governance Department will:</p> <ul style="list-style-type: none"> • Provide terms of reference to new committee members. • Facilitate a review process for the committee and its terms of reference every two years. • Provide information and education on good governance issues such as; conflict of interest, confidentiality and register of interests. • Offer training for the chairperson if required. • Oversee the recruitment and selection process for committee membership. <p>The Arts and Cultural Services Department will:</p> <ul style="list-style-type: none"> • Compile and circulate agendas, attend meetings, compile and distribute minutes. • Compile the annual report of the committee on behalf of the Chairperson • Facilitate the annual Arts and Cultural grants process. <p>The General Manager of City Assets and Environment and selected Council Officers will provide professional advice to the committee as required.</p>
Quorum and Voting:	<p>The Committee will operate with 'one third plus one' of the total membership.</p> <p>It is preferable that decisions of the Arts and Cultural 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>Conflict of Interest and Confidentiality:</p>	<p>The Local Government Act identifies direct and indirect conflicts of interest which require disclosure as and when they arise. Members of the Arts and Cultural 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 Arts and Cultural 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 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 Arts and Cultural 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 Arts and Cultural 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>Meetings:</p>	<p>Meetings of the Arts and Cultural Committee will be held quarterly or more often by arrangement with the committee members and Chairperson. A schedule of meetings will be developed and agreed to annually.</p> <p>The Committee will also hold one (1) Special Meeting per year to assess applications for the annual Arts Grants program.</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 member of the Arts and Cultural Advisory Committee will attend a minimum of two (2) meetings each year.</p> <p>The Arts and Cultural 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

Guiding Principles:	<ul style="list-style-type: none"> • We are inclusive, open minded and respectful of everyone's perspective • We put our personal agendas aside and provide advice for the greater good of the diverse City of Kingston community • Challenging and exploring are an integral part of what we do and how we operate • We represent and commit to the value of the committee • We actively participate and engage in the work of the committee • We are punctual, well prepared, timely with responses and we follow through • We are realistic about what we can achieve • We have a strong focus on outcomes
Reporting:	<ul style="list-style-type: none"> • A report of each Arts and Cultural Advisory Committee meeting is to be presented to a Councillor Information Session. • Minutes of each meeting will be provided to all Councillors of the City of Kingston. • A report of the Arts and Cultural Advisory Committee activities will be presented to the Council by 30 June annually.
Related Documents:	<p><u>Council Plan 2013 - 2017</u></p> <p><u>Living Kingston 2035</u></p> <p><u>Arts and Cultural Strategy 2011 - 2015</u></p> <p><u>Public Art Policy</u></p> <p><u>Public Art Strategy 2012 - 2016</u></p>



Terms of Reference Business & Economic Development Advisory Committee

Name of Committee:	Business and Economic Development Advisory Committee
Purpose of Committee:	<p>The Business and Economic Development Advisory Committee has been established to provide advice to the City of Kingston in relation to the growth and development of the Kingston economy and the generation of local employment opportunities issues within the community.</p> <p>The Business and Economic Development Advisory Committee is an advisory committee of Council with a Councillor or Councillors nominated on a biennial basis upon establishment and renewal of this Terms of Reference. The establishment of a Business and Economic Development Advisory Committee provides an important forum for identifying municipal-wide issues and opportunities and advising Council about effective policy and service provision regarding business and economic development within the City of Kingston.</p> <p>As with all City of Kingston Advisory Committees, the Business and Economic Development Advisory Committee has a purely strategic focus. The committee should focus on issues and opportunities that are relevant across the entire municipality and at a regional scale given the nature of the committee.</p> <p>The committee should provide specialist advice to Council as an input into decisions that impact municipal-wide Council policy.</p> <p>The Business and Economic Development Advisory Committee has no delegated decision making power from Council.</p>
Council Plan Objectives:	<p>To provide advice to Council on the provision of :</p> <ul style="list-style-type: none"> • Vibrant active urban centres • An informed, learning and connected City of Kingston • A thriving, profitable and sustainable local economy • A community with functional traffic, parking and transport links

ADVISORY COMMITTEE TERMS OF REFERENCE

Criteria for membership:	<ul style="list-style-type: none"> • Currently operating a business within the City of Kingston or a local resident with specific expertise in a business related area such as research and development relevant to business (e.g. a researcher at CSIRO or a University involved with the development of an advanced manufacturing process); • Strong business networks and linkages; • An ability to constructively participate in an advisory capacity; • An ability to represent a broad range of views that reflect the diversity of the community; • A broad understanding of the influence of business and economics on the local community and its social, environmental and economic well-being. • A strong understanding of the local and regional economies and the changes that are occurring globally; • Good knowledge and understanding of the local issues that are relevant to business, employment, logistics and economic development; • A willingness to contribute positively to meetings in a fair and unbiased manner; • An ability to look beyond personal interests for the benefit of the community and residents of the City of Kingston; • An ability and willingness to encourage participation from and provide feedback to the community regarding business and economic development; • A capacity to commit to the Advisory Committee for the required duration; • A willingness to celebrate the success and achievements of businesses in the City of Kingston.
Selection of Members:	<p>The selection of the membership will involve calling for nominations. An advertisement may be placed in the local media and on Council's website. Specific representatives may be invited to nominate. Council can also directly appoint members if it chooses. A nomination form must be completed by interested representatives and all nominations will be assessed against the Criteria for Membership.</p> <p>Appointment will be for a period of two years by resolution. Should there be a need for the Business and Economic Development Advisory Committee to continue beyond this time, a re-appointment process will be undertaken for all members in accordance with the selection.</p>
Chairperson	<p>The role of Chairperson shall be undertaken by a Councillor.</p> <p>A Councillor may also choose not to undertake the role of Chair. In this case 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> <p>A deputy Chairperson should be elected to chair meetings in the absence of the Chairperson.</p>

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ADVISORY COMMITTEE TERMS OF REFERENCE

Quorum and Voting:	<p>The Committee will operate with 'one third plus one' of the total membership.</p> <p>It is preferable that decisions of the Business and Economic Development 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>
Executive Support:	<p>The Governance Department will:</p> <ul style="list-style-type: none"> • Provide terms of reference to new committee members. • Facilitate a review process for the committee and it's terms of reference every two years. • Provide information and education on good governance issues such as; conflict of interest, confidentiality and register of interests. • Offer training for the chairperson if required. • Oversee the recruitment and selection process for committee membership. <p>The Economic Development Department will:</p> <ul style="list-style-type: none"> • Compile and circulate agendas, attend meetings, compile and distribute minutes. • Compile the annual report of the committee on behalf of the Chairperson <p>The General Manager of Planning and Development and selected Council Officers will provide professional advice to the committee as required.</p>
Membership:	<p>The Business and Economic Development Advisory Committee will consist of the following membership structure:</p> <ul style="list-style-type: none"> • A maximum of three (3) Councillor representatives (appointed by Council resolution) • A maximum of ten (10) representatives from business operators, service providers/agencies or organisations who have expertise and experience in business operations, economic development, employment or logistics in the City of Kingston
Meetings:	<p>Meetings of the Business and Economic Development Advisory Committee will be held quarterly or more often by arrangement with 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. A Council venue that is central for all members to access will be nominated for meetings.</p> <p>It is expected that each member of the Business and Economic Development Advisory Committee will attend a minimum of three (3) meetings each year.</p> <p>The Business and Economic Development 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

Conflict of Interest and Confidentiality:	<p>The Local Government Act identifies direct and indirect conflicts of interest which require disclosure as and when they arise. Members of the Business and Economic Development 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 Business and Economic Development 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 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 Business and Economic Development 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 Business and Economic Development 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>
Guiding Principles:	<ul style="list-style-type: none"> • We are inclusive, open minded and respectful of everyone's perspective • We put our personal agendas aside and provide advice for the greater good of the diverse City of Kingston community • Challenging and exploring are an integral part of what we do and how we operate • We represent and commit to the value of the committee • We actively participate and engage in the work of the committee • We are punctual, well prepared, timely with responses and we follow through • We are realistic about what we can achieve • We have a strong focus on outcomes
Reporting:	<ul style="list-style-type: none"> • A report of each Business and Economic Development Advisory Committee meeting is to be presented to a Councillor Information Session. • Minutes each meeting will be provided to all Councillors of the City of Kingston. • A report of the achievements of the Business and Economic Development Advisory Committee will be presented to Council by 30 June annually.

ADVISORY COMMITTEE TERMS OF REFERENCE

Related Documents:[Council Plan](#)[Living Kingston 2035](#)



Terms of Reference Community Safety Advisory Committee

Name of Committee:	Community Safety Advisory Committee
Purpose of Committee:	<p>The Community Safety Advisory Committee (CSAC) has been established to provide advice to the City of Kingston in relation to community safety issues within the community.</p> <p>The CSAC is an advisory committee of Council with a Councillor or Councillors nominated on an annual basis. The establishment of a CSAC provides an important forum for identifying municipal-wide issues and opportunities and advising Council about effective policy and service provision regarding community safety issues within the City of Kingston.</p> <p>As with all City of Kingston Advisory Committees, the CSAC has a citywide focus. The committee should focus on issues and opportunities that are relevant across the entire municipality.</p> <p>The committee should provide specialist advice to Council as an input into decisions that impact municipal-wide Council policy.</p> <p>The Community Safety Advisory Committee has no delegated decision making power from Council.</p>
Council Plan Objectives	<p>To provide advice to Council on:</p> <ul style="list-style-type: none"> • The development, implementation, review and evaluation of Kingston's Community Safety Strategy and community safety initiatives; • Planning for the prevention of community safety issues; • A coordinated response to arising community safety concerns; and • Responses to national, state and other relevant inquiries, policies and legislation in relation to community safety. <p>CSAC will seek advice from other experts as required to ensure outcomes are best practice, well-informed, inclusive, and accessible.</p>
Criteria for Membership:	<ul style="list-style-type: none"> • Current involvement in service provision, policy or program development in the field of Community Safety, Public Health, Social Planning, Community Development, Crime Prevention, the Emergency Services or similar; and endorsement of your organisation to be its representative on the CSAC; or • Strong community networks and linkages and an interest in creating a safer community in Kingston; and • An ability to constructively participate in an advisory capacity; • An ability to represent a broad range of views that reflect the diversity of the community; • A strong understanding of the local community and its social,

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ADVISORY COMMITTEE TERMS OF REFERENCE

	<p>environmental and economic influences;</p> <ul style="list-style-type: none"> • Good knowledge and understanding of the local issues that are relevant to community safety; • A willingness to contribute positively to meetings in a fair and unbiased manner; • An ability to look beyond personal interests for the benefit of the community and residents of the City of Kingston; • An ability and willingness to encourage participation from and provide feedback to the community regarding community safety; • A capacity to commit to the CSAC for the required duration; • A willingness to celebrate the success and achievements of community safety in the City of Kingston.
Selection of Members:	<p>Representatives from the emergency services and organisations involved in public policy, community safety, social planning and crime prevention will be invited to nominate to be members of CSAC.</p> <p>Council can also directly appoint members if it chooses.</p> <p>Appointment will be for a period of two years. Membership of CSAC and the Terms of Reference will also be reviewed every two years.</p>
Chairperson:	<p>The CSAC will be chaired by a Council Officer.</p> <p>The Chairperson is responsible for the conduct of meetings, ensuring fair and equitable opportunities for views and opinions to be voiced and discussed by the CSAC.</p> <p>A Deputy Chairperson should be elected to chair meetings in the absence of the Chairperson.</p>
Membership:	<p>The CSAC will consist of the following membership structure:</p> <ul style="list-style-type: none"> • A maximum of three (3) Councillor representatives (appointed by Council resolution) • A representative from each of the emergency service providers including; <ul style="list-style-type: none"> – Victoria Police – Ambulance Victoria – Melbourne Fire Brigade – Country Fire Authority – State Emergency Services – Life Saving Victoria – Australian Volunteer Coast Guard <p>Service providers/ agencies or organisations who have expertise and experience in the provision of community safety, public policy, social planning and crime prevention in the City of Kingston will be invited to participate in the committee from time to time and as required.</p>

ADVISORY COMMITTEE TERMS OF REFERENCE

Executive Support:	<p>The Governance Department will:</p> <ul style="list-style-type: none"> • Provide terms of reference to new committee members. • Facilitate a review process for the committee and its terms of reference every two years. • Provide information and education on good governance issues such as; conflict of interest, confidentiality and register of interests. • Offer training for the chairperson if required. • Oversee the recruitment and selection process for committee membership. <p>The Community Engagement Department will:</p> <ul style="list-style-type: none"> • Compile and circulate agendas, attend meetings, compile and distribute minutes. • Compile the annual report of the committee on behalf of the Chairperson <p>The General Manager of Community Sustainability and selected Council Officers will provide professional advice to the committee as required.</p>
Quorum and Voting:	<p>The Committee will operate with 'one third plus one' of the total membership.</p> <p>It is preferable that decisions of the CSAC are made by consensus however; there may be circumstances where a matter is decided by a vote. Each member is entitled to one vote, except that the Chairperson who may exercise a casting vote should this be necessary.</p>
Conflict of Interest and Confidentiality:	<p>The Local Government Act identifies direct and indirect conflicts of interest which require disclosure as and when they arise. Members of the CSAC 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 CSAC.</p> <p>Any matter deemed by a member to represent a Conflict of Interest shall be reported to the Chairperson and 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 the CSAC 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 CSAC's ability to fulfill its purpose will be severely hampered if that trust is undermined in any way.</p> <p>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>

ADVISORY COMMITTEE TERMS OF REFERENCE

Meetings:	<p>Meetings of the CSAC will be held quarterly or more often by arrangement with the committee members and Chairperson. 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 member of the CSAC will attend a minimum of two (2) meetings each year.</p> <p>The CSAC may hold joint meetings to deal with issues that cover the reach of more than one Advisory Committee.</p>
Guiding Principles:	<p>Members of the CSAC will:</p> <ul style="list-style-type: none"> • Plan for a safer community (prevention). • Respond to safety concerns using evidence-based practice. • Consult key community stakeholders on proposed initiatives prior to their implementation and utilise the Community Engagement Framework in planning consultations. • Plan for the evaluation of initiatives implemented to prevent safety harms or respond to safety concerns. • Endeavour to minimise harms to the whole community. • Develop strong partnerships to deliver better outcomes for the community. • Aim to deliver outcomes that are inclusive and accessible to everyone and will seek advice accordingly. • Be inclusive, open minded and respectful of everyone's perspective. • Put our personal agendas aside and provide advice for the greater good of the diverse City of Kingston community. • Challenge and explore as an integral part of what we do and how we operate. • Represent and commit to the values of the Committee. • Actively participate and engage in the work of the Committee. • Be punctual, well prepared, timely with responses and follow through. • Be realistic about what we can achieve. • Have a strong focus on outcomes.
Reporting:	<ul style="list-style-type: none"> • A report of each Community Safety Advisory Committee meeting is to be presented to a Councillor Information Session. • Minutes of each meeting will be provided to all Councillors of the City of Kingston. • A report of the Community Safety Advisory Committee activities will be presented to the Council by 30 June annually.
Related Documents:	<p>Council Plan</p> <p>Living Kingston 2035</p> <p>Community Safety Strategy</p>



Terms of Reference Public Spaces and Environment Advisory Committee

Name of Committee:	Public Spaces and Environment Advisory Committee
Purpose of Committee:	<p>The Public Spaces and Environment Advisory Committee has been established to provide advice to the City of Kingston in relation to broad-based public space and environmental issues within the community.</p> <p>The Public Spaces and Environment Advisory Committee is an advisory committee of Council with a Councillor or Councillors nominated on an annual basis.</p> <p>The establishment of a Public Spaces and Environment Advisory Committee provides an important forum for identifying municipal-wide issues and opportunities and advising Council about effective policy and service provision regarding Public Spaces and Environment within the City of Kingston.</p> <p>As with all City of Kingston Advisory Committees, the Public Spaces and Environment Advisory Committee has a purely strategic focus. The committee should focus on issues and opportunities that are relevant across the entire municipality.</p> <p>The committee should provide specialist advice to Council as an input into decisions that impact municipal-wide Council policy.</p> <p>The Public Spaces and Environment Advisory Committee has no delegated decision making power from Council.</p>
Council Plan Objectives	<p>To provide advice to Council on the provision of :</p> <ul style="list-style-type: none"> • Intergenerational public land use, planning and delivery • Foreshore management that ensures a vibrant, accessible and enhanced foreshore • Protected and enhanced areas of high natural environmental value • Sustainable practices • A sense of community pride in the amenity of our parks, streetscapes and public spaces

ADVISORY COMMITTEE TERMS OF REFERENCE

Criteria for Membership:	<ul style="list-style-type: none"> • Interest in the Council Plan objectives outlined above which are directly relevant to the Public Spaces and Environment Advisory Committee • Involvement in organisations which have direct involvement in topics as outlined in the Council Plan objectives above. • Strong community networks and linkages; • An ability to constructively participate in an advisory capacity; • An ability to represent a broad range of views that reflect the diversity of the community; • A strong understanding of the local community and its social, environmental and economic influences; • Good knowledge and understanding of the local issues that are relevant to public spaces and environment ; • A willingness to contribute positively to meetings in a fair and unbiased manner; • An ability to look beyond personal interests for the benefit of the community and residents of the City of Kingston; • An ability and willingness to encourage participation from and provide feedback to the community regarding public spaces and environment ; • A capacity to commit to the Advisory Committee for the required duration; • A willingness to celebrate the success and achievements of public spaces and environment initiatives in the City of Kingston.
Selection of Members:	<p>The selection of the membership will involve calling for nominations. An advertisement may be placed in the local media and on Council's website. Specific representatives may be invited to nominate. A nomination form must be completed by interested representatives and all nominations will be assessed against the Criteria for Membership.</p> <p>All nominees will be interviewed before appointment to the Committee. The interview panel will consist of a least two Councillors on the Committee and at least one Council Officer representative.</p> <p>Appointment will be for a period of two years, with a maximum of two terms i.e. four years. Should there be a need for the Public Space and Environment Advisory Committee to continue beyond this time, a re-appointment process will be undertaken for all members in accordance with 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 max four years) are eligible to re-nominate.</p>

ADVISORY COMMITTEE TERMS OF REFERENCE

Chairperson:	<p>The role of Chairperson shall be undertaken by a Councillor.</p> <p>A Councillor may also choose not to undertake the role of Chair. In this case 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> <p>A Deputy Chairperson should be elected to chair meetings in the absence of the Chairperson.</p>
Membership:	<p>The Public Spaces and Environment Advisory Committee will consist of the following membership structure:</p> <ul style="list-style-type: none"> • A maximum of three (3) Councillor representatives (appointed by Council resolution annually) • A maximum of six (6) representatives from service providers/agencies or organisations who have expertise and experience in the provision of Public Spaces and Environment ; and • A maximum of four (4) community representatives with an interest in the provision of Public Spaces and Environment services in the City of Kingston
Executive Support:	<p>The Governance Department will:</p> <ul style="list-style-type: none"> • Provide terms of reference to new committee members. • Facilitate a review process for the committee and its terms of reference every two years. • Provide information and education on good governance issues such as; conflict of interest, confidentiality and register of interests. • Offer training for the chairperson if required. • Oversee the recruitment and selection process for committee membership. <p>The Environmental Sustainability and Parks Teams will:</p> <ul style="list-style-type: none"> • Compile and circulate agendas, attend meetings, compile and distribute minutes. • Compile the annual report of the committee on behalf of the Chairperson <p>The General Managers of City Assets and Environment and Sustainable Planning and Development and selected Council Officers will provide professional advice to the committee as required.</p>
Quorum and Voting:	<p>The Committee will operate with 'one third plus one' of the total membership.</p> <p>It is preferable that decisions of the Public Spaces and Environment 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

Conflict of Interest and Confidentiality:	<p>The Local Government Act identifies direct and indirect conflicts of interest which require disclosure as and when they arise. Members of the Public Spaces and Environment 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 Public Spaces and Environment 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 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 Public Spaces and Environment 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 Public Spaces and Environment 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>
Meetings:	<p>Meetings of the Public Spaces and Environment Advisory Committee will be held quarterly or more often by arrangement with 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. A Council venue that is central for all members to access will be nominated for meetings.</p> <p>It is expected that each member of the Public Spaces and Environment Advisory Committee will attend a minimum of two (2) meetings each year.</p> <p>The Public Spaces and Environment 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

Guiding Principles:	<ul style="list-style-type: none"> • We are inclusive, open minded and respectful of everyone's perspective • We put our personal agendas aside and provide advice for the greater good of the diverse City of Kingston community • Challenging and exploring are an integral part of what we do and how we operate • We represent and commit to the value of the committee • We actively participate and engage in the work of the committee • We are punctual, well prepared, timely with responses and we follow through • We are realistic about what we can achieve • We have a strong focus on outcomes
Reporting:	<ul style="list-style-type: none"> • A report of each Public Spaces and Environment Advisory Committee meeting is to be presented to a Councillor Information Session. • Minutes of each meeting will be provided to all Councillors of the City of Kingston. • A report of the Public Spaces and Environment Advisory Committee activities will be presented to the Council by 30 June annually.
Related Documents:	<p> Council Plan Living Kingston 2035 Kingston Open Space Strategy Kingston's Energy Efficiency Strategy Kingston's Integrated Water Cycle Strategy Kingston's Green Wedge Plan Coastal Management Plan Biodiversity Strategy Tree Strategy Playground Strategy NRA Resource Plan Active Youth Spaces </p>



Terms of Reference Sport & Recreation Advisory Committee

Name of Committee:	Sports and Recreation Advisory Committee
Purpose of Committee:	<p>The Sports and Recreation Advisory Committee has been established to provide advice to the City of Kingston in relation to broad-based sports and recreation issues within the community.</p> <p>The Sports and Recreation Committee is an advisory committee of Council with a Councillor or Councillors nominated on an annual basis.</p> <p>The establishment of a Sports and Recreation Advisory Committee provides an important forum for identifying municipal-wide issues and opportunities and advising Council about effective policy and service provision regarding sports and recreation within the City of Kingston.</p> <p>As with all City of Kingston Advisory Committees, the Sports and Recreation Advisory Committee has a purely strategic focus. The committee should focus on issues and opportunities that are relevant across the entire municipality.</p> <p>The committee should provide specialist advice to Council as an input into decisions that impact municipal-wide Council policy.</p> <p>The Sports and Recreation Advisory Committee has no delegated decision making power from Council.</p>
Council Plan Objectives	<p>To provide advice to Council on the provision of :</p> <ul style="list-style-type: none"> • Assets that are managed and used to meet the needs of the community and provide for current and future generations • Quality community sports and recreational facilities that are well used and accessible • Parks, playgrounds and reserves that meet community needs, e.g. recreational competition sports, public health. • A community linked through trails, tracks and pathways • Green wedge planned and improved for current and future generations • Connected and effective community groups. • Increased participation in physical activity through Sport and Recreation services

ADVISORY COMMITTEE TERMS OF REFERENCE

Criteria for membership:	<ul style="list-style-type: none"> • Current involvement in service provision, policy or program development in the area of sports and recreation; • Endorsement by their organisation if applicable; • Strong community networks and linkages; • An ability to constructively participate in an advisory capacity; • An ability to represent a broad range of views that reflect the diversity of the community; • A strong understanding of the local community and its social, environmental and economic influences; • Good knowledge and understanding of the local issues that are relevant to sports and recreation; • A willingness to contribute positively to meetings in a fair and unbiased manner; • An ability to look beyond personal interests for the benefit of the community and residents of the City of Kingston; • An ability and willingness to encourage participation from and provide feedback to the community regarding sports and recreation; • A capacity to commit to the Advisory Committee for the required duration; • A willingness to celebrate the success and achievements of sports and recreation in the City of Kingston.
Selection of Members:	<p>The selection of the membership will involve calling for nominations. An advertisement may be placed in the local media and on Council's website. Specific representatives may be invited to nominate. A nomination form must be completed by interested representatives and all nominations will be assessed against the Criteria for Membership.</p> <p>Appointment will be for a period of two years. Should there be a need for the Sport and Recreation Advisory Committee to continue beyond this time, a re-appointment process will be undertaken for all members in accordance with the selection process outlined in these Terms of Reference.</p> <p>The Advisory Committee membership should be reflective of a broad range of sport and recreation interests.</p> <p>All nominees will be interviewed before appointment to the Committee. The interview panel will consist of a least two Councillors on the Committee and at least one Council Officer representative.</p> <p>Appointment will be for a period of two years, with a maximum of two terms i.e. four years. Should there be a need for the Sport and Recreation Advisory Committee to continue beyond this time, a re-appointment process will be undertaken for all members in accordance with 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 max four years) are eligible to re-nominate.</p>

ADVISORY COMMITTEE TERMS OF REFERENCE

Chairperson:	<p>The role of Chairperson shall be undertaken by a Councillor.</p> <p>A Councillor may also choose not to undertake the role of Chair. In this case 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> <p>A Deputy Chairperson should be elected to chair meetings in the absence of the Chairperson.</p>
Membership:	<p>The Sports and Recreation Advisory Committee will consist of the following membership structure:</p> <ul style="list-style-type: none"> • A maximum of three (3) Councillor representatives (appointed by Council resolution) • A maximum of eight (8) representatives from service providers/agencies or organisations who have expertise and experience in the provision of sports and recreation services in the City of Kingston;
Executive Support:	<p>The Governance Department will:</p> <ul style="list-style-type: none"> • Provide terms of reference to new committee members. • Facilitate a review process for the committee and it's terms of reference every two years. • Provide information and education on good governance issues such as; conflict of interest, confidentiality and register of interests. • Offer training for the chairperson if required. • Oversee the recruitment and selection process for committee membership. <p>The Sport and Recreation Department will:</p> <ul style="list-style-type: none"> • Compile and circulate agendas, attend meetings, compile and distribute minutes. • Compile the annual report of the committee on behalf of the Chairperson <p>The General Manager of City Assets and Environment and selected Council Officers will provide professional advice to the committee as required.</p>
Quorum and Voting:	<p>The Committee will operate with 'one third plus one' of the total membership.</p> <p>It is preferable that decisions of the Sports and Recreation 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>Conflict of Interest and Confidentiality:</p>	<p>The Local Government Act identifies direct and indirect conflicts of interest which require disclosure as and when they arise. Members of the Sports and Recreation 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 Sports and Recreation 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 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 Sports and Recreation 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 Sports and Recreation 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>Meetings:</p>	<p>Meetings of the Sports and Recreation Advisory Committee will be held quarterly or more often by arrangement with 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. A Council venue that is central for all members to access will be nominated for meetings.</p> <p>It is expected that each member of the Sports and Recreation Advisory Committee will attend a minimum of two (2) meetings each year.</p> <p>The Sport and Recreation 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

Guiding Principles:	<ul style="list-style-type: none"> • We are inclusive, open minded and respectful of everyone's perspective • We put our personal agendas aside and provide advice for the greater good of the diverse City of Kingston community • Challenging and exploring are an integral part of what we do and how we operate • We represent and commit to the value of the committee • We actively participate and engage in the work of the committee • We are punctual, well prepared, timely with responses and we follow through • We are realistic about what we can achieve • We have a strong focus on outcomes
Reporting:	<ul style="list-style-type: none"> • A report of each Sport and Recreation Advisory Committee meeting is to be presented to a Councillor Information Session. • Minutes of each meeting will be provided to all Councillors of the City of Kingston. • A report of the Sports and Recreation Advisory Committee activities will be presented to the Council by 30 June annually.
Related Documents:	<p><u>Council Plan</u></p> <p><u>Living Kingston 2035</u></p> <p><u>Kingston Open Space Strategy</u></p> <p><u>Active Leisure Plan</u></p> <p><u>Active Youth Spaces Strategy</u></p> <p><u>Sport Specific Strategies (Soccer, Tennis)</u></p> <p><u>Various Reserve Master Plans</u></p>



Terms of Reference Access and Equity Advisory Committee

Name of Committee:	Access and Equity Advisory Committee
Purpose of Committee:	<p>The Access and Equity Advisory Committee has been established to provide advice to the City of Kingston in relation to access and equity issues within the community.</p> <p>The Committee works towards a sustainable, equal and more inclusive community. This includes a focus on four strategic areas within the City of Kingston: Indigenous people, people with disabilities, people from multicultural backgrounds and older people through the development of an Age Friendly Community.</p> <p>The Access and Equity Advisory Committee is an advisory committee of Council with a Councillor or Councillors nominated on an annual basis. The establishment of an Access and Equity Advisory Committee provides an important forum for identifying municipal-wide issues and opportunities and advising Council about effective policy and service provision regarding access and equity within the City of Kingston.</p> <p>As with all City of Kingston Advisory Committees, the Access and Equity Advisory Committee has a citywide focus. The Committee should focus on issues and opportunities that are relevant across the entire municipality.</p> <p>The Committee should provide specialist advice to Council as an input into decisions that impact Council policy.</p> <p>The Committee is also required to review the Access and Equity grant applications according to the Access and Equity Grants Program Policy.</p> <p>The Access and Equity Advisory Committee has no delegated decision making power from Council.</p>
Council Plan Objectives	<p>To provide advice to Council on the provision of :</p> <ul style="list-style-type: none"> • Enhanced community wellbeing and participation in community life for all residents • A collaborative and visionary approach to Positive Ageing • Programs built on access and equity principles to foster inclusive communities • A city responsive to the needs and aspirations of the community • Connected and effective community groups • Arts and cultural programs • Community safety initiatives

HPE CM 17/121074

ADVISORY COMMITTEE TERMS OF REFERENCE

Criteria for Membership:	<ul style="list-style-type: none"> • Interest in the Council Plan objectives outlined above which are directly relevant to the Access and Equity Advisory Committee; • Involvement in organisations which have direct involvement in topics as outlined in the Council Plan objectives above. • Interest in one or more of the following: <ul style="list-style-type: none"> ○ Multicultural ○ Aboriginal ○ Disability ○ Older people/seniors; • Strong community networks and linkages; • An ability to constructively participate in an advisory capacity; • An ability to represent a broad range of views that reflect the diversity of the community; • A strong understanding of the local community and its social, environmental and economic influences; • Good knowledge and understanding of the local issues that are relevant to Access and Equity ; • A willingness to contribute positively to meetings in a fair and unbiased manner; • An ability to look beyond personal interests for the benefit of the community and residents of the City of Kingston; • An ability and willingness to encourage participation from and provide feedback to the community regarding Access and Equity ; • A capacity to commit to the Advisory Committee for the required duration; • A willingness to celebrate the success and achievements of Access and Equity initiatives in the City of Kingston.
Selection of Members:	<p>The selection of the membership will involve calling for nominations. An advertisement may be placed in the local media and on Council's website. Specific representatives may be invited to nominate. A nomination form must be completed by interested representatives and all nominations will be assessed against the Criteria for Membership.</p> <p>All nominees will be interviewed before appointment to the Committee. The interview panel will consist of a least two Councillors on the Committee and at least one Council Officer representative.</p> <p>Appointment will be for a period of two years, with a maximum of two terms i.e. four years, excluding members representing organisations that can reapply at the end of four years. Should there be a need for the Access and Equity Advisory Committee to continue beyond this time, a re-appointment process will be undertaken for all members in accordance with 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 max four years) are eligible to re-nominate.</p>
Chairperson:	<p>The role of Chairperson shall be undertaken by a Councillor.</p> <p>A Councillor may also choose not to undertake the role of Chair. In this case 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,</p>

ADVISORY COMMITTEE TERMS OF REFERENCE

	<p>ensuring fair and equitable opportunities for views and opinions to be voiced and discussed by the Advisory Committee.</p> <p>A Deputy Chairperson should be elected to chair meetings in the absence of the Chairperson.</p>
Membership:	<p>The Access and Equity Advisory Committee will consist of the following membership structure:</p> <ul style="list-style-type: none"> • A maximum of three (3) Councillor representatives (appointed by Council resolution) • A maximum of 16 community representatives with an interest in the following Access and Equity priority issues: <ul style="list-style-type: none"> ○ Disability ○ Multicultural ○ Aboriginal ○ Positive ageing • Of the 16 members above, a maximum of six (6) representatives from service providers/ agencies or organisations who have expertise and experience in the provision of Access and Equity services in the City of Kingston.
Executive Support:	<p>The Governance Department will:</p> <ul style="list-style-type: none"> • Provide terms of reference to new committee members. • Facilitate a review process for the committee and its terms of reference every two years. • Provide information and education on good governance issues such as; conflict of interest, confidentiality and register of interests. • Offer training for the chairperson if required. • Oversee the recruitment and selection process for committee membership. <p>The Community Engagement Department will:</p> <ul style="list-style-type: none"> • Compile and circulate agendas, attend meetings, compile and distribute minutes. • Compile the annual report of the committee on behalf of the Chairperson • Facilitate the annual Access and Equity grants process. <p>The General Manager of Community Sustainability and selected Council Officers will provide professional advice to the committee as required.</p>
Quorum and Voting:	<p>The Committee will operate with 'one third plus one' of the total membership.</p> <p>It is preferable that decisions of the Access and Equity 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

Conflict of Interest and Confidentiality:	<p>The Local Government Act identifies direct and indirect conflicts of interest which require disclosure as and when they arise. Members of the Access and Equity 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 Access and Equity 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 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 Access and Equity 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 Access and Equity 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>
Meetings:	<p>Meetings of the Access and Equity Advisory Committee will be held quarterly or more often by arrangement with the committee members and Chairperson.</p> <p>A schedule of meetings will be developed and agreed to annually. 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 member of the Access and Equity Advisory Committee will attend a minimum of four (4) meetings each year.</p> <p>The Access and Equity Advisory Committee may hold joint meetings to deal with issues that cover the reach of more than one Advisory Committee.</p> <p>Project working groups may be temporarily established to assist in achieving the Committee's objectives as required.</p>
Guiding Principles:	<ul style="list-style-type: none"> • We are inclusive, open minded and respectful of everyone's perspective • We put our personal agendas aside and provide advice for the greater good of the diverse City of Kingston community • Challenging and exploring are an integral part of what we do and how we operate

ADVISORY COMMITTEE TERMS OF REFERENCE

	<ul style="list-style-type: none"> • We represent and commit to the value of the committee • We actively participate and engage in the work of the committee • We are punctual, well prepared, timely with responses and we follow through • We are realistic about what we can achieve • We have a strong focus on outcomes
Reporting:	<ul style="list-style-type: none"> • A report of each Access and Equity Advisory Committee meeting is to be presented to a Councillor Information Session. • Minutes of each meeting will be provided to all Councillors of the City of Kingston. • A report of the Access and Equity Advisory Committee activities will be presented to the Council by 30 June annually.
Related Documents:	<p><u>Council Plan 2013 - 2017</u></p> <p><u>Living Kingston 2035</u></p> <p><u>Aboriginal Policy and Action Plan 2014 – 2019</u></p> <p><u>Kingston Positive Aging Plan 2014 – 2019</u></p> <p><u>Multicultural Action Plan 2013 – 2017</u></p> <p><u>Disability Action Plan 2015 – 2019</u></p>



Terms of Reference

Access and Equity Advisory Committee

Name of Committee:	Access and Equity Advisory Committee
Purpose of Committee:	<p>The Access and Equity Advisory Committee has been established to provide advice to the City of Kingston in relation to access and equity issues within the community.</p> <p>The Committee works towards a sustainable, equal and more inclusive community. This includes a focus on four strategic areas within the City of Kingston: Indigenous people, people with disabilities, people from multicultural backgrounds and older people through the development of an Age Friendly Community.</p> <p>The Access and Equity Advisory Committee is an advisory committee of Council with a Councillor or Councillors nominated on an annual basis. The establishment of an Access and Equity Advisory Committee provides an important forum for identifying municipal-wide issues and opportunities and advising Council about effective policy and service provision regarding access and equity within the City of Kingston.</p> <p>As with all City of Kingston Advisory Committees, the Access and Equity Advisory Committee has a citywide focus. The Committee should focus on issues and opportunities that are relevant across the entire municipality.</p> <p>The Committee should provide specialist advice to Council as an input into decisions that impact Council policy.</p> <p>The Committee is also required to review the Access and Equity grant applications according to the Access and Equity Grants Program Policy.</p> <p>The Access and Equity Advisory Committee has no delegated decision making power from Council.</p>
Structure of Committee	<p>The Access and Equity Advisory Committee is the overarching committee under which sit four sub-committees. These sub-committees include:</p> <ul style="list-style-type: none"> • The Aboriginal Committee • The Multicultural Committee • The Disability Committee • The Positive Ageing Committee. <p>The respective sub-committees have a nominated chairperson to sit on the Access and Equity Advisory Committee.</p>

ADVISORY COMMITTEE TERMS OF REFERENCE

Council Plan Objectives	<p>To provide advice to Council on the provision of :</p> <ul style="list-style-type: none"> Enhanced community wellbeing and participation in community life for all residents A collaborative and visionary approach to Positive Ageing Programs built on access and equity principles to foster inclusive communities A city responsive to the needs and aspirations of the community Connected and effective community groups Arts and cultural programs Community safety initiatives
Criteria for Membership:	<ul style="list-style-type: none"> Interest in the Council Plan objectives outlined above which are directly relevant to the Access and Equity Advisory Committee; Involvement in organisations which have direct involvement in topics as outlined in the Council Plan objectives above. <u>Interest in one or more of the following:</u> <ul style="list-style-type: none"> <u>Multicultural</u> <u>Aboriginal</u> <u>Disability</u> <u>Older people/seniors;</u> Strong community networks and linkages; An ability to constructively participate in an advisory capacity; An ability to represent a broad range of views that reflect the diversity of the community; A strong understanding of the local community and its social, environmental and economic influences; Good knowledge and understanding of the local issues that are relevant to Access and Equity ; A willingness to contribute positively to meetings in a fair and unbiased manner; An ability to look beyond personal interests for the benefit of the community and residents of the City of Kingston; An ability and willingness to encourage participation from and provide feedback to the community regarding Access and Equity ; A capacity to commit to the Advisory Committee for the required duration; A willingness to celebrate the success and achievements of Access and Equity initiatives in the City of Kingston.
Selection of Members:	<p>The selection of the membership will involve calling for nominations. An advertisement may be placed in the local media and on Council's website. Specific representatives may be invited to nominate. A nomination form must be completed by interested representatives and all nominations will be assessed against the Criteria for Membership.</p> <p>All nominees will be interviewed before appointment to the Committee. The interview panel will consist of a least two Councillors on the Committee and at least one Council Officer representative.</p> <p>Appointment will be for a period of two years, with a maximum of two terms i.e. four years, <u>excluding members representing organisations that can reapply at the end of four years</u>. Should there be a need for the Access and Equity Advisory Committee to continue beyond this time, a re-appointment</p>

ADVISORY COMMITTEE TERMS OF REFERENCE

	<p>process will be undertaken for all members in accordance with 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 max four years) are eligible to re-nominate.</p>
Chairperson:	<p>The role of Chairperson shall be undertaken by a Councillor.</p> <p>A Councillor may also choose not to undertake the role of Chair. In this case 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> <p>A Deputy Chairperson should be elected to chair meetings in the absence of the Chairperson.</p>
Membership:	<p>The Access and Equity Advisory Committee will consist of the following membership structure:</p> <ul style="list-style-type: none"> • A maximum of three (3) Councillor representatives (appointed by Council resolution) • <u>A maximum of 16 community representatives with an interest in the following Access and Equity priority issues:</u> <ul style="list-style-type: none"> ◦ <u>Disability</u> ◦ <u>Multicultural</u> ◦ <u>Aboriginal</u> ◦ <u>Positive ageing</u> • <u>Of the 16 members above, a maximum of six (6) representatives from service providers/ agencies or organisations who have expertise and experience in the provision of Access and Equity services in the City of Kingston; and,</u> • A maximum of three (3) community representatives with an interest in the provision of Access and Equity services in the City of Kingston • At least one representative from each of the sub-committees including; • The Aboriginal Committee • The Multicultural Committee • The Disability Committee • <u>The Positive Ageing Committee</u>
Executive Support:	<p>The Governance Department will:</p> <ul style="list-style-type: none"> • Provide terms of reference to new committee members. • Facilitate a review process for the committee and its terms of reference every two years. • Provide information and education on good governance issues such as; conflict of interest, confidentiality and register of interests. • Offer training for the chairperson if required. • Oversee the recruitment and selection process for committee membership. <p>The Community Engagement Department will:</p> <ul style="list-style-type: none"> • Compile and circulate agendas, attend meetings, compile and

ADVISORY COMMITTEE TERMS OF REFERENCE

	<p>distribute minutes.</p> <ul style="list-style-type: none"> • Compile the annual report of the committee on behalf of the Chairperson • Facilitate the annual Access and Equity grants process. <p>The General Manager of Community Sustainability and selected Council Officers will provide professional advice to the committee as required.</p>
Quorum and Voting:	<p>The Committee will operate with 'one third plus one' of the total membership.</p> <p>It is preferable that decisions of the Access and Equity 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>
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Meetings:	<p>Meetings of the Access and Equity Advisory Committee will be held quarterly or more often by arrangement with the committee members and Chairperson. The sub-committees will meet on the alternate month to the Access and Equity Committee</p> <p>A schedule of meetings will be developed and agreed to annually. Under</p>

ADVISORY COMMITTEE TERMS OF REFERENCE

	<p>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 member of the Access and Equity Advisory Committee will attend a minimum of four (4) meetings each year.</p> <p>The Access and Equity Advisory Committee may hold joint meetings to deal with issues that cover the reach of more than one Advisory Committee.</p> <p>Project working groups may be temporarily established to assist in achieving the Committee's objectives as required.</p>
Guiding Principles:	<ul style="list-style-type: none"> • We are inclusive, open minded and respectful of everyone's perspective • We put our personal agendas aside and provide advice for the greater good of the diverse City of Kingston community • Challenging and exploring are an integral part of what we do and how we operate • We represent and commit to the value of the committee • We actively participate and engage in the work of the committee • We are punctual, well prepared, timely with responses and we follow through • We are realistic about what we can achieve • We have a strong focus on outcomes
Reporting:	<ul style="list-style-type: none"> • A report of each Access and Equity Advisory Committee meeting is to be presented to a Councillor Information Session. • Minutes of each meeting will be provided to all Councillors of the City of Kingston. • A report of the Access and Equity Advisory Committee activities will be presented to the Council by 30 June annually.
Related Documents:	<p>Council Plan 2013 - 2017</p> <p>Living Kingston 2035</p> <p>Aboriginal Policy and Action Plan 2014 – 2019</p> <p>Kingston Positive Aging Plan 2014 – 2019</p> <p>Multicultural Action Plan 2013 – 2017</p> <p>Disability Action Plan 2015 – 2019</p>

Ordinary Meeting of Council

26 March 2018

Agenda Item No: 11.5

REVIEW OF WARD COUNCILLOR FORUM POLICY

Contact Officer: Joanne Creedon, Governance Officer

Purpose of Report

The purpose of this report is to present for feedback and discussion a revised Ward Councillor Meetings Policy.

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.

RECOMMENDATION

That Council adopt the Ward Forums Policy contained in Appendix 1.

1. Executive Summary

An important means by which elected representatives can engage with their constituents is via face to face forums. The Ward Councillor Meetings Policy (the current Policy) governs the holding of Council funded and supported meetings for Ward Councillors to engage directly with ward constituents. The Policy was last updated in May 2013 and the revised Policy is attached.

The revised Policy endeavours to provide a framework within which Ward Forums may be held by Ward Councillors either collectively; or individually. Specific amendments to the current Policy are set out in a track changes version of the Policy in Appendix 1.

2. Background

The existing Policy was adopted by Council on 24 May 2010 and was updated in May 2013.

3. Discussion

3.1 Council Plan Alignment

Goal 5 - Our well-governed and responsive organisation

Outcome 5.4 - A responsive and well managed organisation

The Policy provides a revised framework for Council funded and supported Ward Meetings to ensure Ward Councillors can interact with their constituents.

3.2 Consultation/Internal Review

There were limited Victorian Councils with corresponding policies that could be considered for benchmarking purposes. Of the thirteen Councils contacted, only the following three Victorian Councils had an equivalent to Kingston's Ward Councillor Meetings Policy:

- City of Casey (Councillor Ward Forums Policy);
- City of Greater Dandenong (Community Forums Guidelines); and
- City of Latrobe (Public Meetings Policy).

To extend the breadth of consultation, officers have also considered the policies of the following interstate Councils:

- City of Burnside, NSW (Ward Forums Policy); and
- City of Tea Tree Gully, SA (Ward Forums Policy).

The approaches of the Councils considered are varied. The proposed approach in the revised Policy for Kingston is not based on a specific model of another Council. It has instead been redrafted based on the experience of previous Kingston Ward Councillor Meetings. The redrafted Policy is comparatively more comprehensive than the other policies considered.

3.3 Operation and Strategic Issues

3.3.1 Types of Meetings

One issue that has emerged in application of the current Policy is that it only accommodates meetings held collectively by all Ward Councillors. Each Ward Councillor may have separate and distinct issues he/she wish to canvass with Ward constituents and it can be difficult to gain the consensus and agreement the current Policy requires.

Further, the current Policy is not definitive on whether a Ward Councillor Meeting can proceed where agreement of involved Ward Councillors cannot be reached. The current Policy only calls upon Councillors to consider whether the meeting being held is a Ward Councillor Meeting as defined. Therefore, there has been uncertainty in situations where agreement on the particulars of the Ward Councillor Meeting cannot be reached but all Ward Councillors still wish to hold a Ward Meeting.

The revised Policy seeks to address this by providing for four types of Ward Forums, specifically defined in the revised Policy, which can be utilised by Ward Councillors throughout the Council term. The revised Policy outlines the frequency, funding, officer support and promotion for each type of meeting. A summary table has been attached to the revised Policy to further clarify the distinctions between each type of meeting (see Appendix 1).

The types of Ward Forums are:

3.3.1.1 *Type One Ward Meeting (Three Councillors)*

The definition of a Collective Ward Meeting in the revised Policy is that it must involve all three (3) Ward Councillors. A Ward Meeting (Three Councillors) may be held twice per year and must be held cooperatively and with collective agreement on the particulars of the meeting.

A Type One Ward Meeting will be promoted by:

- Flyers – distributed to all properties in the relevant Ward or within Ward as agreed;
- Press Release;
- Local Newspaper Advertisements;

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- Advertisement in Kingston Your City – where deadlines accommodate;
- Advertisement on Kingston's Website; and
- Advertisement on Kingston's Social Media Platforms.

In addition the following will be funded in full:

- Venue hire (for a venue compliant with clause 9.3 of the Policy);
- Engagement of a facilitator (optional);
- Distribution of promotional material in accordance with the Policy;
- Design and printing of promotional material;
- Advertisements in local newspapers;
- Equipment Hire where required; and
- Light refreshments.

Relevant officers will be in attendance in an advisory and support capacity.

The estimated average cost of holding a Three Councillor Convened Ward Meeting is \$5,000.

The revised Policy provides that cooperation and collective agreement of all three (3) Ward Councillors is expected for this type of forum. Where this cannot be reached, Ward Councillors may utilise the Type Two Ward Meeting mechanism as defined in the Policy.

3.3.1.2 Type Two Ward Meeting (One or Two Councillors)

The revised Policy provides a mechanism for one or two Ward Councillor to hold Council funded and supported meetings with Ward constituents. A Type Two Ward Meeting may be held once per year by each Councillor and require no cooperation or consultation with remaining Ward Councillors.

A Type Two Ward Meeting will be promoted by:

- Handbills for Councillors to distribute (Max 500 per Councillor)
- Press Release;
- Local Newspaper Advertisements;
- Advertisement in Kingston Your City – where deadlines accommodate;
- Advertisement on Kingston's Website; and
- Advertisement on Kingston's Social Media Platforms.

In addition the following will be funded in full:

- Venue hire (for a venue compliant with clause 9.3 of the Policy);
- Distribution of promotional material in accordance with the Policy;
- Design and printing of promotional material;
- Advertisements in local newspapers;
- Equipment Hire where required; and
- Light refreshments.

Relevant officers will be in attendance in an advisory and support capacity.

The estimated average cost of holding an Individual Ward Meeting is \$1,000 to \$2,000.

3.3.1.3 Pop-Up Feedback Session

This type of meeting is intended to be an informal, drop-in style of engagement for Ward Councillors, held in a public place such as a shopping strip or park etc. within a particular Ward.

Ward Councillors may hold an unlimited number of sessions throughout the Council term.

This type of feedback session does not attract specific funding as costs would be nominal. However, Council will provide equipment required for the session. That is, banners; table; chair; booking of location if necessary.

Promotion of a pop-up Feedback Session would be limited to advertisements in local newspapers, Kingston Your City and Council's social media platforms. Note, no officer attendance at a pop-up is envisaged.

3.3.1.4 Virtual Forums

This type of forum is intended to be a scheduled and promoted online meeting of one or more Ward Councillors with constituents able to engage with Councillors online.

Ward Councillors may hold an unlimited number of Virtual Forums throughout the Council term.

Promotion of a Virtual Forum would be limited to advertisements on Kingston's website and Council's social media platforms. Again, no officer attendance at a virtual forum is envisaged.

Note that all forms of ward meetings are subject to clause 9.9 of the Policy, which restricts meetings from being held six months prior to a Federal, State or Local Government Election.

3.3.2 Agenda Items

The revised Policy seeks to reduce the ambiguity in the current Policy regarding agenda items. Clause 9.6 of the current Policy states that promotional material for a Ward Councillor Meeting will include specific agenda items while 'prohibiting personal Councillor opinion'. There was uncertainty as to the practical application of this clause. To address this uncertainty the revised Policy defines agenda items to mean 'a topic for discussion that is not phrased to promote a view either for or against a matter'.

4. Conclusion

4.1 Environmental Implications

Not applicable.

4.2 Social Implications

The revised Policy enables Ward Councillors to engage with Ward constituents in a number of different ways to ensure the community is properly represented in Council's decision making processes.

4.3 Resource Implications

The revised Policy accommodates for an additional level of Councillor engagement throughout each Council Term which will have financial implications if adopted.

4.4 Legal / Risk Implications

Not applicable.

Appendices

Appendix 1 - Ward Forums Policy - Marked Up Version - August 2016 (Ref 16/84090) [↓](#)

Appendix 2 - Ward Forums Policy - Clean Copy - March 2018 (Ref 16/84601) [↓](#)

Author/s: Joanne Creedon, Governance Officer

Reviewed and Approved By: Phil De Losa, Manager Governance

Paul Franklin, General Manager Corporate Services

11.5

REVIEW OF WARD COUNCILLOR FORUM POLICY

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Ward Councillor Forum Policy Councillor Meetings

Approval	Adopted by Council 24 May 2010
Version	Version 2 (adopted 27 May 2013)
	Version 3 (to be adopted)
Review	May 2016
Responsible Executive	General Manager Corporate Services
	Organisational Development & Governance
Contact Officer	Manager Program Leader Governance
Delegated Authority	Not applicable
Exemption	Not applicable



Contents

1. Purpose of the Policy
2. Scope
3. Definitions
4. Responsible Executive
5. Contact Officer
6. Related Documents
7. Delegation Authority
8. Policy Statement
9. Procedures
10. Decision Guidelines
11. Transition/Translation arrangements
12. Review

1. Purpose of the Policy

2.

3.1. The 'Ward Councillor Meeting Policy' (the Policy) provides an outline of the protocols and guidelines for Councillors to undertake meetings with ward constituents and the support mechanisms to be provided by Council.

The 'Ward Forums Policy' (the Policy) provides an outline of the protocols and guidelines for Councillors to undertake Council funded and/or supported forums with Ward constituents.

4.2. Scope

The Policy applies to all Councillors wishing to hold Council funded and supported forums with ward constituents.

The Policy applies to Council funded and supported forums held by Councillors individually and in concert with other Ward Councillors.

The Policy does not apply to is not intended to limit or constrain a informal Councillor from conducting or conducted meetings with ward constituents on specific ward or municipal issues that are not funded or supported by Council, or from impromptu or incidental meetings with ward constituents that may occur whilst a Councillor is performing their duties, including meetings that may be held with or without Council Officers in attendance.

5.3. Definitions

Agenda item: means a topic for discussion that is not phrased to promote a view either for or against a matter.

Election Period: means the period of time determined by the State Government immediately prior to a Local Government Election where the current Council have restricted decision making powers.

Pop-Up Feedback Session: means an informal feedback session held by (1) Ward Councillor with constituents of their Ward that is not specifically funded by Council but which Council provides necessary equipment for in accordance with the Policy.

Promotional material: means content published and distributed in accordance with the Policy that informs members of the public of the particulars of a TierType One Ward Councillor Meeting, TierType Two Ward Councillor Meeting or Pop-Up Feedback Session. Content will always include:

- Ward Councillor/s involved and contact details;
- Date, time and location of the meeting;
- Agenda items (this is optional for pop-up feedback sessions); and
- Council contact details for RSVP purposes.

TierType One Ward Meeting – A meeting of three Ward Councillors with constituents of their ward that is funded and supported by Council in accordance with the Policy

TierType Two Ward Meeting: means a meeting of one (1) or two (2) Ward Councillors with constituents of their Ward that is funded and supported by Council in accordance with the Policy.

Virtual Forum: means an online forum where one or more Ward Councillors can engage with Ward constituents electronically.

Ward: means — aAn electoral district, for administrative and representative purposes, as prescribed by the Victorian Electoral Commission

Ward Councillor: means a —A Councillor elected to a specific ward.

Ward constituents: means a —Ccommunity members associated with the ward of the Councillor through residential, business, recreational or other community affiliation.

6.4. Responsible Officer

Chief Executive Officer

7.5. Contact Officer

Manager Program Leader Governance

8.6. Related Documents

Councillor Support and Reimbursement of Expenses Policy – 15/159051~~currently under review~~
Media and External Communications Policy – 13/105311~~currently under review~~
Councillor Code of Conduct –12/134662 16/51319
Election Period Care Taker Policy –12/45627

9.7. Delegation Authority

Nil

10.8. Policy Statement

~~Council recognises the importance of meeting with and hearing from ward constituents on a regular basis about the issues that are important and of concern to them. In recognition of this, Council supports the practice of Ward Councillor Meetings.~~

~~Ward Councillor Meetings are for the purpose of:~~

- ~~▪ hearing feedback from the community;~~
- ~~▪ providing an opportunity to communicate project updates, upcoming events and consultation processes; and~~
- ~~▪ to consult on difficult or sensitive community issues.~~

~~Meetings are to be focused on listening and understanding issues, rather than resolving issues.~~

~~It is anticipated that wherever possible all ward Councillors will work together in holding Ward Councillor Meetings, without limiting other meetings as described in Clause 2.~~

Council recognises the importance of Ward Councillors directly engaging with Ward constituents throughout the Council term at forums funded and supported by Council. The Policy provides four different types of Ward Forums, which seek to accommodate for the collective and individual engagement by Ward Councillors with Ward constituents on matters concerning individual Wards and the municipality as a whole. Types of Ward Forums contained in the Policy are:

- ~~TierType One~~ Ward Meetings;
- ~~TierType Two~~ Ward Meetings;
- ~~Pop-Up Feedback Sessions;~~ and
- ~~Virtual Forums.~~

Forums provided for in the Policy are not decision making forums and instead serve as a consultation method for Ward Councillors with the community.

11. Procedures

12.9.

9.1 Frequency

Ward Councillor Meetings will be held up to two times per calendar year, without limiting the requirements described in the Timings Clause 9.8 on election periods.

The Policy seeks to encourage Ward Councillor cooperation and collective agreement when a Ward Councillor Meeting is being planned. In the event that agreement cannot be reached, Councillors should consider whether the meeting being considered is a Ward Councillor Meeting as defined in Clause 3.

9.2 Meeting costs

Ward Councillor Meetings are fully funded by Council, in recognition that they are an approved activity of Council.

The following costs **are** covered:

- venue hire;
- flier distribution to properties in the Ward;
- sandwich platter/s (or similar), fruit platter/s, tea, coffee and biscuits for attendees;
- equipment hire (ie PA, IT, or other equipment deemed necessary to run the meeting);
- printing of sufficient fliers to promote in the Ward;
- paid advertisement in the public notices section of the relevant local paper; and
- Officer attendance with applicable award overtime rate for non-senior officers.

The following costs **are not** covered:

- guest speakers;
- facilitators; or
- entertainment.

Ward Councillor Meeting arrangements and logistics will be undertaken by Governance.

9.3 Chairing

The meeting will be chaired by one Councillor through mutual agreement by all ward Councillors.

Council support officers are not to Chair the meeting unless there are exceptional circumstances.

9.4 Officer support

A senior Council Officer will attend in an advisory capacity.

A support Officer will attend to take notes of the meeting.

9.5 Agenda

The agenda should reflect the purpose of Ward Councillor Meetings as described in Clause 8 of this Policy.

12.6 Promotion

The following information will be included in all promotion material:

- Ward name
- All Ward Councillor names (regardless if they are attending or not)
- All Ward Councillor contact details
- Ward Councillor Meeting date, time and location
- Specific agenda items prohibiting personal Councillor opinion
- Council contact details

Flier distribution — A standardised A4 flier template for promoting Ward Councillor Meetings will be used and the flier will be distributed to all properties in the ward.

Newspaper advertisement — A newspaper advertisement in the public notices section will be submitted to run two (2) weeks before the Ward Councillor Meeting.

Kingston Your City (KYC) — An article will be published in KYC in the edition preceding the Ward Councillor Meeting.

Kingston Website — The promotional flier will be placed on the Kingston public website.

Ward Councillor Electronic Media — A Councillor may include the same information that is published publicly on their personal digital media platforms (websites, social media etc).

9.1 **TierType One Ward Meetings**

TierType One Ward Meetings must involve three Ward Councillors and can only be called in the Ward in which Councillors have been elected. Given the nature of a **TierType One Ward Meeting** it is expected that all involved **Ward Councillors** will work cooperatively and reach collective agreement on the particulars of the **TierType One Ward Meeting** as specified in this clause. Where cooperation and collective agreement cannot be reached, Councillors should instead utilise the **TierType Two Ward Meetings** mechanism in accordance with the Policy.

(a) **Frequency**

A maximum of two (2) **TierType One Ward Meetings** may be held per Ward per calendar year.

(b) **Chairperson**

A Councillor may chair the **TierType One Ward Meeting** by mutual agreement of all three Ward Councillors. A Councillor may not chair two consecutive **TierType One Ward Meetings**.

Alternatively, **Ward Councillors** may request that an external facilitator be engaged to chair the **TierType One Ward Meeting**. Where such a request is made, the Governance department will be responsible for the engagement of the facilitator.

Council officers must not chair **TierType One Ward Meetings**.

(c) **Agenda**

Agenda items must be determined for a **TierType One Ward Meeting** to assist the Chief Executive Officer in identifying the relevant senior officer to attend the meeting in an advisory capacity as per clause 9.4 of the Policy. All three **Ward Councillors** involved in the **TierType One Ward Meeting** may have input into the agenda. Where there is disagreement concerning **agenda items** to the extent that Councillors are unable to work together at a **TierType One Ward Meeting**, Councillors should instead utilise the **TierType Two Ward Meeting** mechanism outlined in clause 9.2 to address these matters.

(d) **Promotional Material**

The following **promotional material** will be used to promote a **TierType One Ward Meeting**:

- **Fliers** – distributed to all properties in the relevant Ward
- **Press Release**
- **Local Newspaper Advertisements**
- **Advertisement in Kingston Your City** – where deadlines accommodate
- **Advertisement on Kingston's Website**

- [Advertisement on Kingston's Social Media Platforms](#)

9.2 **TierType Two Ward Councillor Meetings**

TierType Two Ward Meetings involve one (1) or two (2) Ward Councillors and consultation with other Ward Councillor/s is not required. *TierType Two Ward Meetings* must only be called in the ward the Councillor was elected.

(a) **Frequency**

A maximum of one (1) *IndividualTierType Two -Ward Meeting* may be held per Councillor per calendar year.

(b) **Chairperson**

The Councillor who has called the *TierType Two Ward Meeting* must chair the meeting.

An external facilitator cannot be engaged for a *TierType Two Ward Meeting*.

Council officers must not chair *TierType Two Ward Meetings*.

(a)(c) **Agenda**

Agenda items must be determined for a *TierType Two Ward Meeting* to assist the Chief Executive Officer in identifying the relevant senior officer to attend the meeting in an advisory capacity as per clause 9.4 of the Policy. The Councillor who has called the *TierType Two Ward Meeting* is responsible for determining *agenda items*.

(d) **Promotional Material**

The following *promotional material* will be used to promote a *TierType Two Ward Meeting*:

- Printed handbills for Councillors to distribute (Max 500 per Councillor)
- Press Release
- Local Newspaper Advertisements
- Advertisement in Kingston Your City – where deadlines accommodate
- Advertisement on Kingston's Website
- Advertisement on Kingston's Social Media Platforms

9.3 **Venue**

Ward Councillor/s involved in a *TierType One Ward Meeting* or a *TierType Two Ward Meeting* may determine the venue for the meeting. A meeting venue must be within the Ward boundaries in a Council owned/supported venue. Ward Councillor/s may consult with Council officers for advice on an appropriate venue for a *TierType One Ward Meeting* or a *TierType Two Ward Councillor Meeting*. When determining a venue for a *CollectiveTierType One Ward Meeting* or a *TierType Two Ward Councillor Meeting*, accessibility and venue size should be taken into consideration to ensure a large number of attendees can be accommodated for.

9.4 **Officer Support**

A senior Council officer will attend *TierType One Ward Meetings* and *TierType Two Ward Meetings* in an advisory capacity. The Chief Executive Officer will determine the senior Council officer to attend the relevant meeting.

A support Council officer will attend *TierType One Ward Meetings* and *TierType Two Ward Meetings* to take notes. The Chief Executive Officer will determine the support Council officer to attend the meeting. The support Council officer will be remunerated for the overtime worked in accordance with relevant Council policies.

It is at the discretion of the Chief Executive Officer to determine whether further officer attendance is required at a *TierType One Ward Meeting* or an *TierType Two Ward Meeting*.

9.5 Meeting Costs

The following costs will be met by Council in full for *TierType One Ward Meetings* and *TierType Two Ward Meetings* in accordance with the Policy:

- Venue hire (for a venue compliant with clause 9.3 of the Policy);
- Engagement of a facilitator (only for a *TierType One Ward Meeting*);
- Distribution of *promotional material* in accordance with the Policy;
- Design and printing of *promotional material*;
- Advertisements in local newspapers;
- Equipment hire where required; and
- Light refreshments.

9.6 Attendance

Council Officers will take RSVPs from community members wishing to attend *TierType One Ward Meetings* and *TierType Two Ward Meetings* for venue and catering purposes.

Councillors from other Wards may attend a *Collective TierType One Ward Meeting* or an *TierType Two Ward Meeting* as observers but not as participants.

9.7 Outcomes of Meetings

Actions requiring officer follow up at *TierType One Ward Meetings* and *TierType Two Ward Meetings* will be recorded in the notes taken by the Council Support Officer.

These actions will be entered into Pathway by officers and actioned in accordance with existing customer request processes.

9.8 Pop-Up Feedback Sessions

Any individual Ward Councillor may hold a *Pop-Up Feedback Sessions* in a location within the Ward the Councillor was elected in, such as a shopping centre, shopping strip or park etc..

(a) Frequency

Councillors may hold an unlimited number of *Pop-Up Feedback Sessions* each year subject to clause 9.10, which places limits on meeting timings.

(b) Funding

Given the nominal costs associated with holding such sessions, Council will not provide funding. However, Council will provide equipment including a table, chair, laptop or iPad and Council banner for sessions held.

(c) Agenda

It is at the discretion of a Ward Councillor whether to determine agenda items prior to a Pop-Up Feedback Session.

(d) Promotional Material

The following promotional material will be used to promote Pop-Up Feedback Sessions:

- Advertisement in Kingston Your City – where deadlines accommodate
- Advertisement on Kingston's Website
- Advertisement on Kingston's Social Media Platforms

(e) Officer Support

Officer support will not be provided for a Pop-Up Feedback Session.

9.9 Virtual Forums

Virtual Forums may involve one or more Ward Councillors and are conducted online. Virtual Forums expand the accessibility to Ward Councillors for the community by providing an opportunity to engage without attending a meeting in person.

(a) Frequency

Councillors may hold an unlimited number of Virtual Forums each year subject to clause 9.10, which places limits on meeting timings.

(b) Funding

Given the nominal costs associated with holding a Virtual Forum, Council will not provide funding. However, Council will undertake all arrangements required to hold a Virtual Forum.

(c) Agenda

It is at the discretion of involved Ward Councillors whether to determine agenda items prior to the Virtual Forum.

(d) Promotional Material

The following promotional material will be used to promote a Virtual Forum:

- Advertisement on Kingston's website; and
- Advertisement on Kingston's Social Media Platforms.

(e) Officer Support

Officer support will be provided in the arrangement and setting up of a Virtual Forum for Ward Councillors. Technical support will also be provided if required.

9.7 Location

A Ward Councillor Meeting should take place within the ward boundaries, in a Council owned/supported venue.

In determining a venue for a Ward Councillor Meeting, Councillors should take into account the accessibility of the facility being chosen to support and encourage the broadest possible attendance.

Ward Councillors can only call a Ward Councillor Meeting in the Ward in which they have been elected.

Councillors from another Ward may attend a Ward Councillor Meeting in another Ward as observers, but not as participants.

9.109- Meeting timings

A TierType One Ward Councillor Meeting, TierType Two Ward Councillor Meeting, Pop-Up Feedback Session or Virtual Forum meeting with ward constituents should not be called where it will clash with an:

- Ordinary Council Meeting;
-
- Special Council Meeting;
-
- Planning Committee Meeting;
-
- Councillor Information Session; or
-
- Advisory Committee Meetings, Village Committee Meeting.

■ This Policy does not limit Ward Councillors from inviting Village Committee members to a Ward Councillor Meeting or from holding a Ward Councillor Meeting in place of a Village Committee Meeting following consultation with the relevant Village Committee.

A TierType One Ward Meetings, TierType Two Ward Meeting, Pop-Up Feedback Session or Virtual Forum To avoid any conflict with the agreed purpose of Ward Councillor Meetings, the following should be observed: Sessions must not be held:

- No Ward Councillor Meetings will be held wWithin 6 months before a Local Government Election.
-
- No Ward Councillor Meetings will be held Within 6 months before a State Election.
-
- No Ward Councillor Meetings will be scheduled Within 6 months before a Federal Election or the latest potential date for Federal Election. Where a Federal Election is called early, the Ward Councillor Collective TierType One Ward Meeting, TierType Two Ward Councillor Meeting and Pop-Up Feedback Session will be cancelled where there is the ability to provide at least two (2) weeks' notice to the community.

13.10. Decision Guidelines

Support is available from the Chief Executive Officer, General Manager Corporate Services Organisational Development & Governance or Manager Program Leader Governance in relation to the content of this Policy.

14.11. Transition/Translation arrangements

This Policy shall come into effect when adopted by a resolution of Council.

15.12. Review

This Policy should be reviewed in the next Council term.

13. Attachment/s

[Appendix 1 Summary of Meetings Table](#)

Appendix 1. Summary of Meetings Table

Forum Type	Number of Councillors	Frequency	What is funded?	Promotional Material	Officer Support (Y/N)
TierType One Ward Meeting	Involves all three Ward Councillors.	Twice per year per ward.	<ul style="list-style-type: none"> Venue hire (for a venue compliant with clause 9.3 of the Policy); Engagement of a facilitator (optional); Distribution of promotional material in accordance with the Policy; Design and printing of promotional material; Advertisements in local newspapers; Equipment Hire where required; and Light refreshments. 	<ul style="list-style-type: none"> Flyers – distributed to all properties in the relevant Ward Press Release Local Newspaper Advertisements Advertisement in Kingston Your City – where deadlines accommodate Advertisement on Kingston's Website Advertisement on Kingston's Social Media Platforms 	Y
TierType Two Ward Meeting	Involves one (1) or two (2) Ward Councillors.	Once per year by each Councillor.	<ul style="list-style-type: none"> Venue hire (for a venue compliant with clause 9.3 of the Policy); Distribution of promotional material in accordance with the Policy; Design and printing of promotional material; Advertisements in local newspapers; Equipment Hire where required; and Light refreshments. 	<ul style="list-style-type: none"> Printed handbills for Councillors to distribute (Max 500 per Councillor) Press Release Local Newspaper Advertisements Advertisement in Kingston Your City – where deadlines accommodate Advertisement on Kingston's Website Advertisement on Kingston's Social Media Platforms 	Y
Pop-Up Feedback Session	Involves one (1) Ward Councillor.	Unlimited subject to clause 9.10	<ul style="list-style-type: none"> No funding. Council equipment provided including a table, chair, laptop or iPad and Council banner for sessions held. 	<ul style="list-style-type: none"> Press Release Advertisement in Kingston Your City – where deadlines accommodate Advertisement on Kingston's Website Advertisement on Kingston's Social Media Platforms 	N

<i>Virtual Forum</i>	Involves one (1) or more Ward Councillors	Unlimited subject to clause 9.10	<ul style="list-style-type: none">• No funding.• Council will make all arrangements for the holding of a Virtual Forum.	<ul style="list-style-type: none">• Advertisement on Kingston's Website• Advertisement on Kingston's Social Media Platforms	Y
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Ward Forums Policy

Approval	Adopted by Council 24 May 2010
Version	Version 2 (adopted 27 May 2013) Version 3 (to be adopted)
Review	May 2016
Responsible Executive	General Manager Corporate Services
Contact Officer	Manager Governance
Delegated Authority	Not applicable
Exemption	Not applicable



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12. Review

1. Purpose of the Policy

The 'Ward Forums Policy' (the Policy) provides an outline of the protocols and guidelines for Councillors to undertake Council funded and/or supported forums with Ward constituents.

2. Scope

The Policy applies to all Councillors wishing to hold Council funded and supported forums with ward constituents.

The Policy applies to Council funded and supported forums held by Councillors individually and in concert with other Ward Councillors.

The Policy does not apply to informal Councillor conducted meetings with ward constituents on specific ward or municipal issues that are not funded or supported by Council.

3. Definitions

Agenda item: means a topic for discussion that is not phrased to promote a view either for or against a matter.

Election Period: means the period of time determined by the State Government immediately prior to a Local Government Election where the current Council have restricted decision making powers.

Pop-Up Feedback Session: means an informal feedback session held by (1) Ward Councillor with constituents of their Ward that is not specifically funded by Council but which Council provides necessary equipment for in accordance with the Policy.

Promotional material: means content published and distributed in accordance with the Policy that informs members of the public of the particulars of a *Type One Ward Councillor Meeting*, *Type Two Ward Councillor Meeting* or *Pop-Up Feedback Session*. Content will always include:

- Ward Councillor/s involved and contact details;
- Date, time and location of the meeting;
- *Agenda items* (this is optional for pop-up feedback sessions); and
- Council contact details for RSVP purposes.

Type One Ward Meeting – A meeting of three Ward Councillors with constituents of their ward that is funded and supported by Council in accordance with the Policy

Type Two Ward Meeting: means a meeting of one (1) or two (2) Ward Councillors with constituents of their Ward that is funded and supported by Council in accordance with the Policy.

Virtual Forum: means an online forum where one or more Ward Councillors can engage with Ward constituents electronically.

Ward: means an electoral district, for administrative and representative purposes, as prescribed by the Victorian Electoral Commission

Ward Councillor: means a Councillor elected to a specific ward.

Ward constituents: means a community members associated with the ward of the Councillor through residential, business, recreational or other community affiliation.

4. Responsible Officer

Chief Executive Officer

5. Contact Officer

Manager Governance

6. Related Documents

Councillor Support and Reimbursement of Expenses Policy – 15/159051

Media and External Communications Policy – 13/105311

Councillor Code of Conduct – 16/51319

Election Period Policy – 12/45627

7. Delegation Authority

Nil

8. Policy Statement

Council recognises the importance of Ward Councillors directly engaging with Ward constituents throughout the Council term at forums funded and supported by Council. The Policy provides four different types of Ward Forums, which seek to accommodate for the collective and individual engagement by Ward Councillors with Ward constituents on matters concerning individual Wards and the municipality as a whole. Types of Ward Forums contained in the Policy are:

- Type One Ward Meetings;
- Type Two Ward Meetings;
- Pop-Up Feedback Sessions; and
- Virtual Forums.

Forums provided for in the Policy are not decision making forums and instead serve as a consultation method for Ward Councillors with the community.

9. Procedures**9.1 Type One Ward Meetings**

Type One Ward Meetings must involve three Ward Councillors and can only be called in the Ward in which Councillors have been elected. Given the nature of a *Type One Ward Meeting* it is expected that all involved *Ward Councillors* will work cooperatively and reach collective agreement on the particulars of the *Type One Ward Meeting* as specified in this clause. Where cooperation and collective agreement cannot be reached, Councillors should instead utilise the *Type Two Ward Meetings* mechanism in accordance with the Policy.

(a) Frequency

A maximum of two (2) *Type One Ward Meetings* may be held per Ward per calendar year.

(b) Chairperson

A Councillor may chair the *Type One Ward Meeting* by mutual agreement of all three Ward Councillors. A Councillor may not chair two consecutive *Type One Ward Meetings*.

Alternatively, *Ward Councillors* may request that an external facilitator be engaged to chair the *Type One Ward Meeting*. Where such a request is made, the Governance department will be responsible for the engagement of the facilitator.

Council officers must not chair *Type One Ward Meetings*.

(c) Agenda

Agenda items must be determined for a *Type One Ward Meeting* to assist the Chief Executive Officer in identifying the relevant senior officer to attend the meeting in an advisory capacity as per clause 9.4 of the Policy. All three *Ward Councillors* involved in the *Type One Ward Meeting* may have input into the agenda. Where there is disagreement concerning *agenda items* to the extent that Councillors are unable to work together at a *Type One Ward Meeting*, Councillors should instead utilise the *Type Two Ward Meeting* mechanism outlined in clause 9.2 to address these matters.

(d) Promotional Material

The following *promotional material* will be used to promote a *Type One Ward Meeting*:

- Flyers – distributed to all properties in the relevant Ward
- Press Release
- Local Newspaper Advertisements
- Advertisement in Kingston Your City – where deadlines accommodate
- Advertisement on Kingston's Website
- Advertisement on Kingston's Social Media Platforms

9.2 Type Two Ward Councillor Meetings

Type Two Ward Meetings involve one (1) or two (2) *Ward Councillors* and consultation with other *Ward Councillor/s* is not required. *Type Two Ward Meetings* must only be called in the ward the Councillor was elected.

(a) Frequency

A maximum of one (1) *Type Two Ward Meeting* may be held per Councillor per calendar year.

(b) Chairperson

The Councillor who has called the *Type Two Ward Meeting* must chair the meeting.

An external facilitator cannot be engaged for a *Type Two Ward Meeting*.

Council officers must not chair *Type Two Ward Meetings*.

(c) Agenda

Agenda items must be determined for a *Type Two Ward Meeting* to assist the Chief Executive Officer in identifying the relevant senior officer to attend the meeting in an advisory capacity as per clause 9.4 of the Policy. The Councillor who has called the *Type Two Ward Meeting* is responsible for determining *agenda items*.

(d) Promotional Material

The following *promotional material* will be used to promote a *Type Two Ward Meeting*:

- Printed handbills for Councillors to distribute (Max 500 per Councillor)
- Press Release
- Local Newspaper Advertisements

- Advertisement in Kingston Your City – where deadlines accommodate
- Advertisement on Kingston's Website
- Advertisement on Kingston's Social Media Platforms

9.3 Venue

Ward Councillor/s involved in a *Type One Ward Meeting* or a *Type Two Ward Meeting* may determine the venue for the meeting. A meeting venue must be within the Ward boundaries in a Council owned/supported venue. Ward Councillor/s may consult with Council officers for advice on an appropriate venue for a *Type One Ward Meeting* or a *Type Two Ward Councillor Meeting*. When determining a venue for a *Type One Ward Meeting* or a *Type Two Ward Councillor Meeting*, accessibility and venue size should be taken into consideration to ensure a large number of attendees can be accommodated for.

9.4 Officer Support

A senior Council officer will attend *Type One Ward Meetings* and *Type Two Ward Meetings* in an advisory capacity. The Chief Executive Officer will determine the senior Council officer to attend the relevant meeting.

A support Council officer will attend *Type One Ward Meetings* and *Type Two Ward Meetings* to take notes. The Chief Executive Officer will determine the support Council officer to attend the meeting. The support Council officer will be remunerated for the overtime worked in accordance with relevant Council policies.

It is at the discretion of the Chief Executive Officer to determine whether further officer attendance is required at a *Type One Ward Meeting* or an *Type Two Ward Meeting*.

9.5 Meeting Costs

The following costs will be met by Council in full for *Type One Ward Meetings* and *Type Two Ward Meetings* in accordance with the Policy:

- Venue hire (for a venue compliant with clause 9.3 of the Policy);
- Engagement of a facilitator (only for a *Type One Ward Meeting*);
- Distribution of *promotional material* in accordance with the Policy;
- Design and printing of *promotional material*;
- Advertisements in local newspapers;
- Equipment hire where required; and
- Light refreshments.

9.6 Attendance

Council Officers will take RSVPs from community members wishing to attend *Type One Ward Meetings* and *Type Two Ward Meetings* for venue and catering purposes.

Councillors from other Wards may attend a *Type One Ward Meeting* or an *Type Two Ward Meeting* as observers but not as participants.

9.7 Outcomes of Meetings

Actions requiring officer follow up at *Type One Ward Meetings* and *Type Two Ward Meetings* will be recorded in the notes taken by the Council Support Officer.

These actions will be entered into Pathway by officers and actioned in accordance with existing customer request processes.

9.8 Pop-Up Feedback Sessions

Any individual Ward Councillor may hold a *Pop-Up Feedback Sessions* in a location within the Ward the Councillor was elected in, such as a shopping centre, shopping strip or park etc..

(a) Frequency

Councillors may hold an unlimited number of *Pop-Up Feedback Sessions* each year subject to clause 9.10, which places limits on meeting timings.

(b) Funding

Given the nominal costs associated with holding such sessions, Council will not provide funding. However, Council will provide equipment including a table, chair, laptop or iPad and Council banner for sessions held.

(c) Agenda

It is at the discretion of a *Ward Councillor* whether to determine *agenda items* prior to a *Pop-Up Feedback Session*.

(d) Promotional Material

The following *promotional material* will be used to promote *Pop-Up Feedback Sessions*:

- Advertisement in Kingston Your City – where deadlines accommodate
- Advertisement on Kingston's Website
- Advertisement on Kingston's Social Media Platforms

(e) Officer Support

Officer support will not be provided for a *Pop-Up Feedback Session*.

9.9 Virtual Forums

Virtual Forums may involve one or more Ward Councillors and are conducted online. *Virtual Forums* expand the accessibility to Ward Councillors for the community by providing an opportunity to engage without attending a meeting in person.

(a) Frequency

Councillors may hold an unlimited number of *Virtual Forums* each year subject to clause 9.10, which places limits on meeting timings.

(b) Funding

Given the nominal costs associated with holding a *Virtual Forum*, Council will not provide funding. However, Council will undertake all arrangements required to hold a *Virtual Forum*.

(c) Agenda

It is at the discretion of involved Ward Councillors whether to determine *agenda items* prior to the *Virtual Forum*.

(d) Promotional Material

The following *promotional material* will be used to promote a Virtual Forum:

- Advertisement on Kingston's website; and
- Advertisement on Kingston's Social Media Platforms.

(e) Officer Support

Officer support will be provided in the arrangement and setting up of a *Virtual Forum* for *Ward Councillors*. Technical support will also be provided if required.

9.10- Meeting timings

A *Type One Ward Councillor Meeting, Type Two Ward Councillor Meeting, Pop-Up Feedback Session or Virtual Forum* should not be called where it will clash with an:

- Ordinary Council Meeting;
- Special Council Meeting;
- Planning Committee Meeting;
- Councillor Information Session; or
- Advisory Committee Meetings.

A *Type One Ward Meetings, Type Two Ward Meeting, Pop-Up Feedback Session or Virtual Forum* must not be held:

- Within 6 months before a Local Government Election.
- Within 6 months before a State Election.
- Within 6 months before a Federal Election or the latest potential date for Federal Election. Where a Federal Election is called early, the *Type One Ward Meeting, Type Two Ward Councillor Meeting and Pop-Up Feedback Session* will be cancelled where there is the ability to provide at least two (2) weeks' notice to the community.

10. Decision Guidelines

Support is available from the Chief Executive Officer, General Manager Corporate Services or Manager Governance in relation to the content of this Policy.

11. Transition/Translation arrangements

This Policy shall come into effect when adopted by a resolution of Council.

12. Review

This Policy should be reviewed in the next Council term.

13. Attachment/s

Appendix 1 Summary of Meetings Table

Appendix 1. Summary of Meetings Table

Forum Type	Number of Councillors	Frequency	What is funded?	Promotional Material	Officer Support (Y/N)
<i>Type One Ward Meeting</i>	Involves all three Ward Councillors.	Twice per year per ward.	<ul style="list-style-type: none"> Venue hire (for a venue compliant with clause 9.3 of the Policy); Engagement of a facilitator (optional); Distribution of promotional material in accordance with the Policy; Design and printing of promotional material; Advertisements in local newspapers; Equipment Hire where required; and Light refreshments. 	<ul style="list-style-type: none"> Flyers – distributed to all properties in the relevant Ward Press Release Local Newspaper Advertisements Advertisement in Kingston Your City – where deadlines accommodate Advertisement on Kingston's Website Advertisement on Kingston's Social Media Platforms 	Y
<i>Type Two Ward Meeting</i>	Involves one (1) or two (2) Ward Councillors.	Once per year by each Councillor.	<ul style="list-style-type: none"> Venue hire (for a venue compliant with clause 9.3 of the Policy); Distribution of promotional material in accordance with the Policy; Design and printing of promotional material; Advertisements in local newspapers; Equipment Hire where required; and Light refreshments. 	<ul style="list-style-type: none"> Printed handbills for Councillors to distribute (Max 500 per Councillor) Press Release Local Newspaper Advertisements Advertisement in Kingston Your City – where deadlines accommodate Advertisement on Kingston's Website Advertisement on Kingston's Social Media Platforms 	Y
<i>Pop-Up Feedback Session</i>	Involves one (1) Ward Councillor.	Unlimited subject to clause 9.10	<ul style="list-style-type: none"> No funding. Council equipment provided including a table, chair, laptop or iPad and Council banner for sessions held. 	<ul style="list-style-type: none"> Press Release Advertisement in Kingston Your City – where deadlines accommodate Advertisement on Kingston's Website Advertisement on Kingston's Social Media Platforms 	N

<i>Virtual Forum</i>	Involves one (1) or more Ward Councillors	Unlimited subject to clause 9.10	<ul style="list-style-type: none"> No funding. Council will make all arrangements for the holding of a Virtual Forum. 	<ul style="list-style-type: none"> Advertisement on Kingston's Website Advertisement on Kingston's Social Media Platforms 	Y
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Ordinary Meeting of Council

26 March 2018

Agenda Item No: 11.6

RE-APPOINTMENT OF EXTERNAL MEMBERS TO THE AUDIT COMMITTEE - CLAIRE FILSON AND HUGH PARKES

Contact Officer: Paul Franklin, General Manager Corporate Services

Purpose of Report

The purpose of this report is to seek Council's endorsement to re-appointment Ms Claire Filson as an external member of the Audit Committee and Mr Hugh Parkes as an external member and Chair of the Audit 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 Council:

1. Re-appoint Ms Claire Filson as an external member of the Audit Committee for a term to expire on 30 June 2021 and;
2. Reappoint Mr Hugh Parkes as an external member and Chair of the Audit Committee for a term to expire on 30 June 2021.

1. Executive Summary

In accordance with the Audit Committee Charter, members are eligible for re-appointment by Council on the recommendation of the Chief Executive Officer.

It is recommended that Ms Claire Filson be appointed to the Committee for a term to expire on 30 June 2021. The confidential Appendix 1 contains a copy of Ms Filson's curriculum vitae.

It is further recommended that Mr Hugh Parkes be appointed to the Committee as Chair for a term to expire on 30 June 2021. The confidential Appendix 2 contains a copy of Mr Parkes' curriculum vitae.

Appendices

Appendix 1 - Claire Filson CV - Kingston March 2018 (Ref 18/39017) - Confidential

Appendix 2 - Hugh Parkes Curriculum Vitae - March 2018 (Ref 18/39015) - Confidential

Author/s: Paul Franklin, General Manager Corporate Services

Reviewed and Approved By: Paul Franklin, General Manager Corporate Services

12. Notices of Motion

Ordinary Meeting of Council

26 March 2018

Agenda Item No: 12.1

NOTICE OF MOTION NO. 6/2018 - CR WEST - SIGNS FOR PARKS

I move :

That Council provides information signs near the entrance of all multi-use parks and reserves providing details of the various club and other facilities and attractions on the reserve.

Cr Rosemary West

Officer Comment

Given the number of Council multi-use parks and reserves the cost of implementing this proposal would very likely exceed \$25,000. Therefore under Council's Meeting Procedure Local Law a report to Council is required on the above Motion prior to formal determination.

Ordinary Meeting of Council

26 March 2018

Agenda Item No: 12.2

NOTICE OF MOTION NO. 10/2018 - CR WEST - HERITAGE ACT

I move that Council

1. Write to the Minister for Planning Richard Wynne requesting that he review and reform the Heritage Act to give more weight to cultural heritage matters including the use of heritage-listed facilities in keeping with community expectations of groups that are objecting to this application and have objected to development that have impacted adversely on other similar facilities with highly valued social and cultural heritage aspects including the Palace Theatre, the Beaumaris Hotel and the Khyatts Hotel in Brighton.
2. Seek the support of the National Trust in this matter.

Cr Rosemary West

14. Confidential Items

14 Confidential Items

The following items were deemed by the Chief Executive Officer 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 2016/17 CEO Performance Review

Agenda item *14.1 2016/17 CEO Performance Review* is designated confidential as it relates to personnel matters (s89 2a)

14.2 Notice of Motion No. 7/2018 - Cr West - Mentone Hotel

Agenda item *14.2 Notice of Motion No. 7/2018 - Cr West - Mentone Hotel* 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 Notice of Motion No. 9/2018 - Cr West - Mentone Hotel

Agenda item *14.3 Notice of Motion No. 9/2018 - Cr West - Mentone Hotel* 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)

14.4 Notice of Motion No. 8/2018 - Cr West - Mentone Hotel

Agenda item *14.4 Notice of Motion No. 8/2018 - Cr West - Mentone Hotel* 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)

Confidential Appendices

11.3 Confidentiality Status of Legal Proceedings Matter

Appendix 1, Confidential Resolution - Special Meeting of Council - 22 November 2017 is designated confidential as it relates to (s89 2h)

11.6 Re-appointment of External Members to the Audit Committee - Claire Filson and Hugh Parkes

Appendix 1, Claire Filson CV - Kingston March 2018 is designated confidential as it relates to (s89 2a)

11.6 Re-appointment of External Members to the Audit Committee - Claire Filson and Hugh Parkes

Appendix 2, Hugh Parkes Curriculum Vitae - March 2018 is designated confidential as it relates to (s89 2a)

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 2016/17 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)

14.2 Notice of Motion No. 7/2018 - Cr West - Mentone Hotel

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 Notice of Motion No. 9/2018 - Cr West - Mentone Hotel

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)

14.4 Notice of Motion No. 8/2018 - Cr West - Mentone Hotel

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)

Confidential Appendices

11.3 Confidentiality Status of Legal Proceedings Matter

Appendix 1, Confidential Resolution - Special Meeting of Council - 22 November 2017

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2h)

11.6 Re-appointment of External Members to the Audit Committee - Claire Filson and Hugh Parkes

Appendix 1, Claire Filson CV - Kingston March 2018

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2a)

11.6 Re-appointment of External Members to the Audit Committee - Claire Filson and Hugh Parkes

Appendix 2, Hugh Parkes Curriculum Vitae - March 2018

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2a)