

Agenda

Council Meeting

Monday, 14th December 2020

Commencing at 7.00pm

Council Chamber
1230 Nepean Highway, Cheltenham

kingston.vic.gov.au

Julie Reid
Chief Executive Officer
Kingston City Council

Notice is given that a Meeting of Kingston City Council will be held at 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham, on Monday, 14 December 2020.

1. Apologies

2. Confirmation of Minutes of Previous Meetings

Minutes of Council Meeting 30 November 2020

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

Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.

4. Petitions

Nil

5. Presentation of Awards

Nil

6. Reports from Delegates Appointed by Council to Various Organisations

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- 14.1 Confidential VCAT Matter
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Confidential Attachments

- 9.1 CON - 20/094 Aspendale Gardens Pavilion - Award of Contract
Appendix 1 Appendix A - Con 20/094 Tender Evaluation Matrix
- 9.1 CON - 20/094 Aspendale Gardens Pavilion - Award of Contract
Appendix 2 Appendix B - Project Expenditure Breakdown : Con 20/094

- 11.2 CON 20/050: Provision of Printing Services - Recommendation to Award Contract
 - Appendix 1 CON-20-050 Summary of Evaluation
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- 11.5 Australia Day Award Nominations 2021
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 - Appendix 2 Australia Day 2021 - Citizen of the Year Nomination (supporting documentation) - Phillip Spathopoulos
- 11.5 Australia Day Award Nominations 2021
 - Appendix 3 Australia Day 2021 - Community Group of the Year Nomination (supporting documentation) - Unified Filipino Elderly Association

8. Planning and Development Reports

Council Meeting

14 December 2020

Agenda Item No: 8.1

TOWN PLANNING APPLICATION DECISIONS NOVEMBER 2020

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

Town Planning Application Decisions – November 2020

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

Author: Jaclyn Murdoch – Manager, City Development

Attached for information is the report of Town Planning Decisions for the month of November, 2020.

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	62	76
Notice of Decision	9	11
Refusal to Grant a Permit	0	0
Other - Withdrawn (8) - Prohibited (0) - Permit not required (0) - Lapsed (3) - Failure to Determine (0)	11	13
Total	82	100

(NB: Percentage figures have been rounded)

OFFICER RECOMMENDATION

That the report be noted.

Appendices

Appendix 1 - Town Planning Application Decisions - November 2020 (Ref 20/280716)



Author/s:

Carly De Mamiel, Senior Customer Liaison and Administration Officer

**City of Kingston
Council Meeting**

Agenda

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

8.1

TOWN PLANNING APPLICATION DECISIONS NOVEMBER 2020

1	Town Planning Application Decisions - November 2020	11
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Planning Decisions November, 2020							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-2020/112	2 Le Page Street	MOORABBIN	27/02/2020	2/11/2020	The development of two (2) dwellings	Permit	No
KP-2020/279	2 Baker Street	MOORABBIN	21/05/2020	2/11/2020	The development of three (3) dwellings	Permit	No
KP-2007/941/B	1190-1212 Nepean Highway	CHELTENHAM	9/07/2020	2/11/2020	To erect two (2) pylon signs, in accordance with the endorsed plans and subject to the following conditions	Permit	No
KP-2020/428	2 8 Franklin Lane	CHELSEA	27/07/2020	2/11/2020	Construct an extension to a dwelling (first floor sunroom) on a lot less than 300m2	Notice of Decision	No
KP-2020/309	Unit 2 24 Elder Street	CLARINDA	4/06/2020	2/11/2020	creation of a carriageway easement (E-3) on Lot 2 PS537217E in accordance with the endorsed plans	Permit	No
KP-2012/490/A	711-712 Nepean Highway	CARRUM	27/07/2020	4/11/2020	Develop the Land for the Construction of a Pergola to common area.	Permit	No
KP-2019/458	8 Winsome Street	MENTONE	25/07/2019	4/11/2020	Develop three (3) dwellings	Permit	No
KP-2020/204	24 McKay Street	PARKDALE	17/04/2020	4/11/2020	Develop the land for the construction of two (2) double storey dwellings on land within a Special Building Overlay	Permit	No
KP-2020/263	Warehouse 10A 93 Wells Road	CHELSEA HEIGHTS	20/05/2020	4/11/2020	Change of use to a Restricted Recreation Facility	Permit	No
KP-2020/298	62 Main Road	CLAYTON SOUTH	1/06/2020	4/11/2020	Development of two (2) dwellings and associated works in accordance with the endorsed plans	Permit	No
KP-2020/306	260-280 Governor Road	BRAESIDE	3/06/2020	4/11/2020	To Subdivide the Land into Two (2) Lots (staged) in the Land Subject to Inundation Overlay, Public	Permit	No

					Acquisition Overlay Schedule 1, and adjacent to land in a Public Acquisition Overlay where the purpose of acquisition is for a Category 1 road; and the creation and removal of easements.		
KP-2014/855/A	35 Fowler Street	BONBEACH	9/08/2020	5/11/2020	Develop the Land for the Construction of a lot in the General Residential Zone Schedule 3 for two or more dwellings in accordance with the endorsed plans.	Withdrawn	No
KP-2018/311/A	4 Kiandra Close	ASPENDALE	22/06/2020	5/11/2020	Develop the land for the construction of two (2) dwellings	Permit	No
KP-2017/956	1054 Nepean Highway	HIGHETT	8/12/2017	5/11/2020	Develop a three (3) storey apartment comprising 32 dwellings in a Design and Development Overlay 12 and create access to a Road Zone Category 1	Permit	No
KP-2011/447/C	6-7 201-205 Thames Promenade	CHELSEA HEIGHTS	10/06/2020	5/11/2020	Reduction of the car parking requirements pursuant to Clause 52.06 of the Kingston Planning Scheme and display of business identification signs and one internally illuminated sign	Permit	No
KP-2007/247/A	9 Coorong Circle	WATERWAYS	23/09/2020	6/11/2020	SINGLE DWELLING	Withdrawn	No
KP-2020/545	40 Elder Street	CLARINDA	16/09/2020	6/11/2020	Subdivide the Land into Four (4) Lots	Permit	No
KP-2020/521	1448 Centre Road	CLAYTON SOUTH	7/09/2020	6/11/2020	Subdivide the Land into Three (3) Lots	Permit	No
KP-2020/238	512-540 Heatherton Road	CLAYTON SOUTH	8/05/2020	6/11/2020	Use and development of the land for an Arboricultural Business involving the Storage and Cultivation of Vegetation, associated Contractors Depot and associated works in accordance with the endorsed plans.	Permit	No

KP-2020/264	4 Gale Street	ASPENDALE	18/05/2020	6/11/2020	Develop the land for the construction of two (2) double storey dwellings	Permit	No
KP-2020/332	54 Fraser Avenue	EDITHVALE	16/06/2020	6/11/2020	Construct one double-storey dwelling behind the existing dwelling.	Lapsed	No
KP-2020/289	64 Eulinga Avenue	ASPENDALE	27/05/2020	6/11/2020	Develop the land for the construction of two (2) dwellings and a two (2) lot subdivision	Permit	No
KP-2020/417	36 Brownfield Street	MORDIALLOC	21/07/2020	9/11/2020	The development of two (2) dwellings and to subdivide the land into two (2) lots in a Special Building Overlay	Permit	No
KP-2020/584	328-331 Station Street	CHELSEA	1/10/2020	9/11/2020	The use and development of a telecommunications base station facility (monopole).	Withdrawn	No
KP-2019/805	25 Swansea Road	CHELSEA	17/12/2019	9/11/2020	Develop the land for the construction of One (1) Double Storey Dwelling	Withdrawn	No
KP-2020/631	222 Como Parade West	PARKDALE	27/10/2020	9/11/2020	External painting and display of signage within the Heritage Overlay	Permit	No
KP-2018/514/A	26 Newcombe Court	CLARINDA	11/06/2020	10/11/2020	The development of land for two (2) dwellings	Notice of Decision	No
KP-2020/570	30 Healey Street	MOORABBIN	28/09/2020	10/11/2020	Development of a rooming house and associated works generally in accordance with the submitted plans	Withdrawn	No
KP-2020/438	12 Graham Road	CARRUM	4/08/2020	11/11/2020	Subdivide the Land into Two (2) Lots	Permit	No
KP-2020/481	1 163 Balcombe Road	MENTONE	21/08/2020	11/11/2020	Develop the land for the construction of a verandah on a lot less than 300m2	Permit	No
KP-2020/598	62 Mills Road	BRAESIDE	6/10/2020	11/11/2020	Develop the land for the construction of buildings and works	Permit	No
KP-2007/1000/C	152 Balcombe Road	MENTONE	6/10/2020	12/11/2020	Develop the Land for the Construction of Twelve (12)	Permit	No

					Dwellings with a reduction in the car parking requirements.		
KP-2020/371	Warehouse 6 58 Tarnard Drive	BRAESIDE	30/06/2020	12/11/2020	The development of alterations and additions to an existing warehouse and a reduction of the required car parking spaces pursuant to clause 52.06	Permit	No
KP-2020/548	45 Keith Avenue	EDITHVALE	17/09/2020	13/11/2020	Subdivide the Land into Two (2) Lots	Permit	No
KP-2020/495	14 Station Road	CHELtenham	27/08/2020	13/11/2020	To use the land and adjoining footpath for the sale and consumption of liquor (Restaurant and Café Licence)	Permit	No
KP-2019/488/A	38 Melaleuca Drive	CLARINDA	16/09/2020	13/11/2020	Develop the land for two (2) dwellings	Permit	No
KP-2020/524	2 Sunset Close	WATERWAYS	7/09/2020	13/11/2020	The development of one (1) dwelling in the Design and Development Overlay - Schedule 6	Permit	No
KP-2020/170	3 439 Station Street	BONBEACH	6/04/2020	13/11/2020	The development of one (1) dwelling, to the rear of the existing dwelling.	Permit	No
KP-2020/344	553 Station Street	CARRUM	19/06/2020	15/11/2020	Develop the land for four (4) dwellings	Permit	No
KP-2018/157/A	573 Nepean Highway	BONBEACH	29/06/2020	15/11/2020	Develop the land for the construction of one (1) dwelling to the front of an existing dwelling and create access to a Road Zone Category 1	Permit	No
57A-2020/48	46 Farm Road	CHELtenham	13/11/2020	16/11/2020	ePathway	Withdrawn	No
KA-3/2019	217-221 Governor Road	BRAESIDE	16/08/2019	16/11/2020	Remove a Section 173 agreement (instrument number T433842J) that applies to the land	Permit	No
KP-2001/85/A	21 The Waterways Boulevard	WATERWAYS	21/09/2020	16/11/2020	To construct buildings and works on this site, in accordance with the attached endorsed plans	Permit	No

KP-2020/618	45-47 Tootal Road	DINGLEY VILLAGE	16/10/2020	16/11/2020	The construction of a shed associated with an existing dwelling.	Permit	No
KP-2020/286	4 Lennox Street	MOORABBIN	26/05/2020	17/11/2020	Use the land for motor vehicles sales	Notice of Decision	No
KP-2007/836/A	3 Moonrise Close	WATERWAYS	24/09/2020	17/11/2020	To construct buildings and works two-storey dwelling on the site, in accordance with plans to be submitted pursuant to Condition 1 hereof	Permit	No
KP-2011/19	90 Fairbank Road	CLAYTON SOUTH	13/01/2011	17/11/2020	MATERIALS RECYCLING	Secondary Consent Application Refused	No
KP-2020/642	75 Evesham Road	CHELTENHAM	2/11/2020	18/11/2020	Buildings and works (construction of a verandah) associated with a Section 2 land use (Education Centre).	Permit	No
KP-2018/317/A	1 Maude Street	CHELTENHAM	17/10/2020	18/11/2020	The construction of a four (4) storey building comprising of thirty-five (35) dwellings	Permit	No
KP-2020/403	8 Botany Court	CLARINDA	16/07/2020	18/11/2020	The development of one (1) double storey dwelling, to the rear of an existing dwelling.	Permit	No
KP-2020/660	120 Bernard Street	CHELTENHAM	11/11/2020	19/11/2020	Subdivide the Land into Two (2) Lots	Permit	No
KP-2015/966/A	Unit 5 3 Stanley Avenue	CHELTENHAM	20/10/2020	19/11/2020	Develop the land for the construction of nine (9) dwellings, 6 of which are three storey and 3 double storey	Withdrawn	No
KP-2020/466	47 Crawford Road	CLARINDA	17/08/2020	19/11/2020	The development of two (2) dwellings	Permit	No
KP-2017/703/B	1178-1180 Nepean Highway	CHELTENHAM	29/09/2020	19/11/2020	Use and develop the land for the construction of a car sales, and the display of internally illuminated business identification signage and pylon signs and alteration to access in a road zone category 1	Permit	No

KP-2018/904	123 Balcombe Road	MENTONE	8/11/2018	19/11/2020	The development of the land for eleven (11) dwellings and alter access to a road in a Road Zone, Category 1	Permit	Yes
KP-2019/754	69 Northcliffe Road	EDITHVALE	29/11/2019	19/11/2020	The development of four (4) dwelling	Permit	Yes
KP-2020/666	44 Bath Street	CHELSEA	16/11/2020	19/11/2020	Construct a front fence higher than 1.2m on a lot under 300 square metres in the General Residential Zone (Schedule 2)	Permit	No
KP-2020/544	1127 Nepean Highway	HIGHETT	15/09/2020	20/11/2020	Subdivide the Land into Six (6) Lots, creation of easements and common property adjacent to a Road Zone, Category 1 in a Design and Development Overlay.	Permit	No
KP-2016/1084/A	26 Gothic Road	ASPENDALE	2/06/2020	20/11/2020	Develop the land for the construction of eight (8) dwellings	Notice of Decision	No
KP-2020/148	1 Colenso Street	CARRUM	19/03/2020	20/11/2020	The development of two (2) dwellings and associated works in Special Building Overlay in accordance with the endorsed plans	Permit	No
KP-2020/653	150 Chute Street	MORDIALLOC	10/11/2020	23/11/2020	Develop the land for the construction of one (1) dwelling on land within a Special Building Overlay	Permit	No
KP-2020/488	16 Langrigg Avenue	EDITHVALE	25/08/2020	23/11/2020	Subdivide the land into Two (2) Lots within a Special Building Overlay	Permit	No
KP-2015/382/A	3 32 Jarrah Drive	BRAESIDE	25/08/2020	23/11/2020	Amendment to the planning permit that allowed a mortuary	Lapsed	No
KP-2020/171	40 Third Street	PARKDALE	6/04/2020	23/11/2020	Develop the land for the construction of two (2) dwellings on land within a Special Building Overlay	Notice of Decision	No
KP-2019/711	44 Broadway	BONBEACH	15/11/2019	23/11/2020	Develop the land for the construction of three (3) double storey dwellings	Notice of Decision	No

KP-2050/1/A	1230 Nepean Highway	CHELTENHAM	22/02/2019	24/11/2020	Test Only - Please Ignore	Notice of Decision	No
KP-2020/556	21 Vincent Street	EDITHVALE	21/09/2020	24/11/2020	Subdivide the Land into Four (4) Lots	Permit	No
KP-2020/580	32 Stewart Avenue	PARKDALE	1/10/2020	24/11/2020	Develop the land for the construction of a swimming pool and deck on land subject to a Special Building Overlay.	Permit	No
KP-2020/312	13 Swansea Road	CHELSEA	5/06/2020	24/11/2020	Develop the land for the construction of buildings and works (verandah over an existing balcony) associated iwth a dwelling on a lot less than 300sqm.	Permit	No
KP-2020/535	10A Lochiel Avenue	EDITHVALE	16/09/2020	24/11/2020	Buildings and works (the construction of a verandah) to a dwelling on a lot under 300sqm on land affected by a Heritage Overlay	Permit	No
KP-2019/622/A	11 Tenham Grove	CHELTENHAM	6/11/2020	24/11/2020	Develop the land for an extension to the existing dwelling on land within a Special Building Overlay	Permit	No
KP-2016/527/A	Shop 1 570 Main Street	MORDIALLOC	16/10/2020	25/11/2020	Use of the land and adjoining footpath for the sale and consumption of liquor (cafe/restaurant licence) in accordance with the endorsed plans.	Permit	No
KP-2020/276	2 Owen Street	MORDIALLOC	21/05/2020	25/11/2020	The development of two (2) dwellings, on Land affected by a Special Building Overlay	Permit	No
KP-2020/662	266 Nepean Highway	PARKDALE	12/11/2020	25/11/2020	Subdivide the Land into Two (2) Lots	Permit	No
KP-2020/664	15 Central Avenue	MOORABBIN	12/11/2020	25/11/2020	Construction of a front fence higher than 1.2 metres and associated with two or more dwellings in the Activity Centre Zone	Permit	No
KP-2020/655	14 Phoenix Court	BRAESIDE	12/11/2020	25/11/2020	Develop the land for an extension to the existing warehouse in the Industrial 1 Zone	Permit	No

KP-2019/623	3 Warrigal Road	MENTONE	1/10/2019	26/11/2020	The development of land for two (2) dwellings and to alter access to a road in a Road Zone, Category 1	Notice of Decision	No
KP-2020/131/A	2-4 Woodbine Grove	CHELSEA	13/11/2020	26/11/2020	Building and works in association with a Primary School	Permit	No
KP-2020/540	4 Kiandra Close	ASPENDALE	14/09/2020	26/11/2020	Subdivide the Land into Two (2) Lots	Permit	No
KP-2020/636	Unit 1 11 Williams Street	MENTONE	16/11/2020	27/11/2020	Construction of a front fence on a lot under 300 square metres and on land within a Special Building Overlay	Permit	No
KP-2015/831/A	8B Waratah Avenue	MORDIALLOC	16/05/2020	30/11/2020	Develop the land for the construction of two (2) dwellings in a Special Building Overlay	Lapsed	No
KP-2020/3	52 Whatley Street	CARRUM	6/01/2020	30/11/2020	Development of three (3) dwellings and associated works in accordance with the endorsed plans	Notice of Decision	No
KP-2015/820/B	58B Rowans Road	HIGHETT	11/11/2020	30/11/2020	Develop the land for the construction of two (2) dwellings	Withdrawn	No

Agenda Item No: 8.2

KP-2019/799 - 22 SYCAMORE AVENUE MENTONE

Contact Officer: Beau McKenzie, Senior Planner

Purpose of Report

This report is for Council to consider Planning Permit Application No. KP-2019/799 - 22 Sycamore Avenue Mentone.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That Council determine to support the proposal and issue a Notice of Decision for The development of three (3) dwellings at 22 Sycamore Avenue Mentone, subject to the conditions contained within this report.

This application requires a decision by Council, following a call in by former Councillor West.

EXECUTIVE SUMMARY			
Address	22 Sycamore Avenue, Mentone		
Legal Description	Lot 103 on Plan of Subdivision 044555		
Applicant	Bayside Town Planning Pty Ltd		
Planning Officer	Beau McKenzie		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zoning	Clause 32.08 – General Residential Zone (Schedule 3)		
Overlays	None		
Particular Provisions	Clause 55 – Two or more dwellings on a Lot and Residential Buildings Clause 52.06 – Car Parking Clause 53.18 – Stormwater Management in Urban Development		
Permit Trigger/s	Clause 32.08 – 6 – Construct two or more dwellings on a lot		
APPLICATION / PROCESS			
Proposal	The development of three (3) dwellings		
Reference No.	KP-2019/799	RFI Received	09/07/2020 (s57a) 23/03/2020 (original application)
App. Received	17 December 2020	App. Amended	12/05/2020 (s57a)
Site inspection	Yes	Advertising Completed	Original application – 20/04/2020 Amended application – 27/07/2020
S.52 Advertising	Original application – 02/04/2020 Amended application – 27/07/2020		
S.55 Referrals	None		
Internal referrals	Yes		
Objection(s)	20 (TRIM checked on 18/11/2020)		
Mandatory Garden area requirement	Complies	Mandatory Building Height requirement	Complies
LEGISLATIVE			
Covenant/other Restriction	No	Complies: N/A	
CHMP	YES – EXEMPT (more than 200m from coast and site area less than 0.11 hectares)		
Considered Plans	Plans prepared by 'BK World', drawing no. TP-00 to TP-12 inclusive, revision B dated 29/04/2020 (TP-00, TP-02, TP-08 to TP-12) & revision C dated 02/06/2020 (TP-04 to TP-07), no revisions for TP-01 and TP-03. Plans received by Council on 09/07/2020		

1.0 RELEVANT LAND HISTORY

1.1 There are no recent planning decisions relevant to the assessment of this application.

2.0 SITE PARTICULARS

Built form	A single storey brick dwelling with gable tile roof. There is a detached garage to the rear of the dwelling on the south-east corner. The dwelling has a minimum setback to the street of 8.42m.
Size (m²)	889m ² , 17.68m width and 50.29m depth
Topography	The land is generally flat.
Fencing	1m high picket fence along the property frontage. Timber paling fence ranging in height between 1.6m to 2.1m including lattice along side and rear property boundaries.
Vegetation	There are several trees on the property ranging in species in height from 3m to 8m. The largest tree, Bhutan Cypress is 8m and proposed to be retained at the rear of the property.
Easement(s)	A 1.83m wide drainage and sewerage easement along the south (rear) property boundary.
Footpath assets / access	One double-width crossover on the eastern side of the property frontage, shared with the adjoining property. The crossover provides access to the subject site and to the rear garage. There is a 12m high street tree on the front nature strip of the property (Prickly leaf Paperbark).
Covenant(s) / Restrictions	There are no restrictions listed on the certificate of title for the subject land.

3.0 SURROUNDING ENVIRONS

3.1 The following image and aerial map illustrate the subject site in its surrounding context.





Aerial image of site and surrounds (source: Nearmaps, 8 November 2020)

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

North	No. 21 Sycamore Avenue – Single storey brick dwelling with hip tile roof. The dwelling is setback 8.8m from the street frontage. No front fencing.
East	No. 24 Sycamore Avenue – two (2) single storey rendered brick dwellings with hip tile roofing in a tandem arrange (one behind the other). The dwellings were approved under planning permit KP-2001/253 on 13/09/2001. The front dwelling has a street setback of 8m and is fronted by a 1.8m rendered wall fence. The common driveway runs along the shared boundary with the subject site. The secluded private open space (SPOS) of the front dwelling is located in the front setback and behind the dwelling whereas the second dwelling has its SPOS behind the dwelling along its rear boundary.

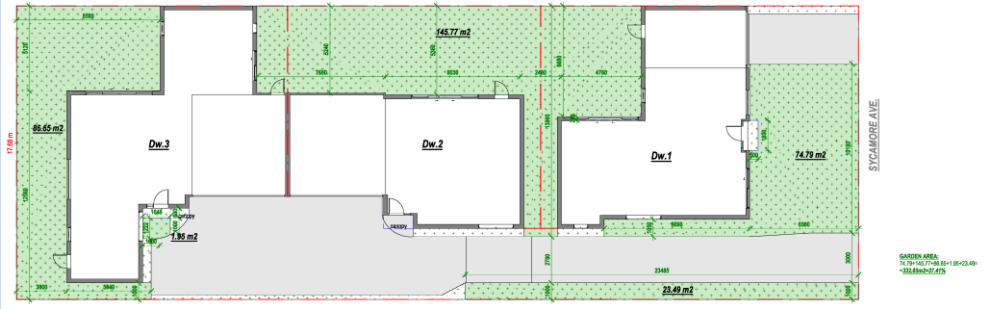
South	No. 21 Acacia Avenue – single storey brick dwelling with gable and hip tile roof. This dwelling has a different street frontage to Acacia Avenue. The SPOS of this dwelling is directly adjacent the subject site including a large brick garage and covered area on the north-east corner of no. 21 Acacia Avenue. There is some vegetation in close proximity to the shared boundary.
West	No. 20 Sycamore Avenue – two (2) double-storey dwellings constructed of brickwork, render and various cladding with hip tile roof. The dwellings are in a side by side layout with the dwelling at no. 20B Sycamore Avenue directly adjacent the subject site. This development was approved under planning permit KP-2008/533 on 29 September 2008. The dwellings have a street setback of 6.52m (from the porch) and 7m (from the front wall). The SPOS of each dwelling is located at the rear and directly adjacent the subject site for the closest dwelling which also includes a swimming pool. There is no significant vegetation in close proximity to the subject site on this property. There is a 0.9m high brick and horizontal timber fence along the property frontage.

- 3.3 The surrounding area generally comprises of single dwelling allotments and the occasional two (2) dwelling allotments including the development on the direct abutments of the subject site at no. 20 and 24 Sycamore Avenue. Whilst three (3) dwelling development is not commonplace particularly along Sycamore Avenue, there are examples in the surrounds including no. 2 Broome Avenue (approximately 160m from the subject site as the crow flies), no. 4 Delville Avenue (approximately 300m from the subject site) and 8 Coolabah Street (approximately 85m).
- 3.4 Built form is reflective of the above with most single dwelling allotments primary single storey however some single dwellings are of double storey construction as listed on the examples below. Medium density development generally comprises of double storey built form. Examples of double storey dwellings in proximity of the site along Sycamore Avenue include no. 1, 3, 13 and 20 and further abroad at no. 1, 2 8, 16, 17 (approved) and 19 Acacia Avenue and no. 8, 12, 17 and 22 Coolabah.
- 3.5 The materiality and architectural style of housing in the area is mostly traditional of hip/gable tile roofing, face brick and weatherboards. More contemporary architecture is emerging in parts which consist of rendered walls and assorted cladding. The development at no. 8 Coolabah Street incorporates these contemporary elements as well as skillion/flat roofing.

4.0 PROPOSAL

- 4.1 A summary of the proposal is provided in the table below.

Description	The development of land for three (3) dwellings.
Storeys	Double storey
Maximum building height	7.83m
Bedrooms (including study)	4 bedrooms per dwelling, 1 on ground floor and 3 on first floor

Car parking	6 spaces including single garage and tandem space to the front for Dwelling 1 and double garages for Dwelling 2 and 3		
Front setback	6.5m		
Private Open Space	<p>Dwelling 1</p> <p>40m² with 5m dimension as SPOS</p> <p>59.7m² with 3m dimension as POS in the front yard</p>	<p>Dwelling 2</p> <p>80m² with 5m dimension as SPOS</p>	<p>Dwelling 3</p> <p>43.8m² with 5m dimension as SPOS</p> <p>37.7m² with 3m dimension as SPOS</p>
Site Coverage	41.1%		
Permeability	38.6%		
Garden area	<p>37.48%</p> 		
Access	<p>Existing double-width crossover on eastern side of property frontage to be reconstructed as single crossovers providing access to common driveway and garages for Dwelling 2 and 3.</p> <p>Proposed new single-width crossover on western side of property frontage providing access to driveway and garage of Dwelling 1.</p>		
Vegetation removal/retention	No significant vegetation proposed to be removed. Street tree and largest tree on-site (Bhutan Cypress) to be retained and protected through conditions on any permit issued.		

Building
materials

MATERIALS & FINISHES SCHEDULES



- VERTICAL CLADDING COLOUR
BLACK OR SIMILAR



- BRICK FACE BORAL Hor
Nat Argyle OR SIMILAR



- ALUMINIUM WINDOWS COLOUR BLACK
OR SIMILAR



- COLOURBOND ROOF MONUMENT COLOR OR
SIMILAR. ALL GUTTER OR DOWN PIPES
MATCH TO ROOF/WALL COLOURS



- FRONT FENCE BRICK WITH
COLOURBOND PARTS



- FRONT METAL PICKET GATE



- ALL WEATHER COLOURED CONCRETE
SEALCOAT



5.0 PLANNING PERMIT PROVISIONS

Zone

- 5.1 General Residential Zone (Schedule 3): Pursuant to Clause 32.08-6 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 variations to a number of standards within Clause 55 including site coverage amount, private open space amount and front fence height.

Overlay

- 5.2 There are no overlays affecting the property.

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

1 visitor space for every 5 dwellings

This equates to a parking requirement of **6** spaces (2 to each dwelling) for the proposed development. No visitor parking spaces required as less than 5 dwellings proposed.

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.

Clause 52.06-9 (Design standards) - vehicle movements, access, splays, garaging dimensions and tandem space dimensions have been reviewed and are considered compliant subject to conditions (i.e. gradient for Dwelling 1 driveway and amended garden bed for swept path – see Traffic Engineer comments under section 10).

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

General Provisions

- 5.5 The Decision Guidelines of **Clause 65.01** of the Kingston Planning Scheme are relevant to this application and require consideration to be given to a variety of matters including planning scheme policies, the purpose of the zone, orderly planning and the impact on amenity.

6.0 RELEVANT POLICIES

6.1 Planning Policy Framework (PPF)

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

6.2 Local Planning Policy Framework (LPP)

- Clause 21.07 Housing
Clause 22.06 Residential Development Policy
Clause 22.11 Public Open Space Contributions

Clause 22.12 Stormwater Management

Clause 22.13 Environmentally Sustainable Development

Other

6.3 Neighbourhood Character Area Guidelines (Incorporated Document under **Clause 21.05** – Residential Land Use of the LPPF). The land is located within Area 16 of the Neighbourhood Character Guidelines.

6.4 Design Contextual Housing Guidelines (April 2003 – reference document within **Clause 22.06** – 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.

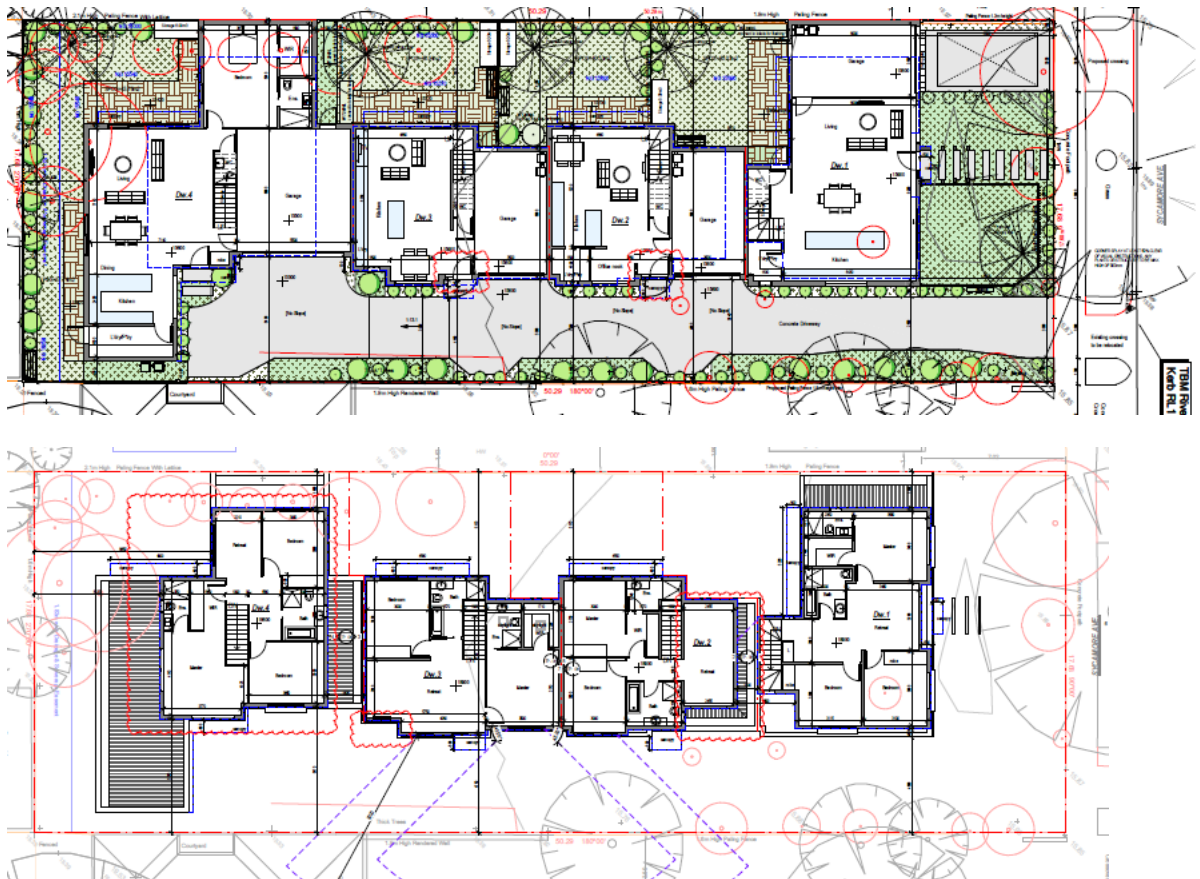
7.0 SECTION 57A – AMENDMENT TO PLANS

7.1 Following the first round of advertising, the Permit Applicant lodged amended plans on 12 May 2020 pursuant to Section 57A of the *Planning and Environment Act 1987*. The amended plans incorporated the following changes:

- A reduction from four dwellings to three dwellings.
- Consequential changes to built form.

7.2 It is these plans that form the basis of this recommendation and are described at section 4 of this report.

7.3 It is noted that the original proposal (now superseded), proposed the following layout and design as shown on the floor plan and elevation plan:





8.0 ADVERTISING

8.1 The proposal was advertised on two occasions by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days.

8.2 The first round of advertising related to the original application for four (4) dwellings. As a result of this advertising, a total of 20 objections were received. The grounds of objection raised were as follows:

- Overdevelopment;
- Visual bulk;
- Inconsistent with neighbourhood character;
- Privacy/overlooking;
- Overshadowing
- Setbacks;
- Stormwater management and other infrastructure concerns;
- Walls on boundary;
- Vegetation removal; and
- Car parking.

8.3 Following the Section 57A amendment to the application as described under section 7 above, the application was re-advertised and 8 objections were received. The 8 objections were from objectors of the original application and therefore a total of 20 objectors remain against the application. The grounds of objection for the second round of advertising were as follows:

- Overdevelopment;
- Inconsistent with neighbourhood character;

- Environmental sustainable design;
- Stormwater management;
- Overshadowing;
- Privacy/overlooking;
- Walls on boundary;
- Tree planting choices/location;
- Car parking; and
- Vegetation removal.

9.0 PLANNING CONSULTATION MEETING

- 9.1 A planning consultation meeting was held on 9 September 2020 with the relevant Planning Officer, Ward Councillor(s), the Permit Applicant and several objector(s) in attendance. The above-mentioned issues were discussed at length.
- 9.2 The above concerns were unable to be resolved at the meeting, and the objections still stand.

10.0 REFERRALS

- 10.1 The application was referred as set out in the tables below.

Internal Referrals

Department / Area	Comments
Council's Vegetation Management Officer	<p>No objection raised following exploratory investigations undertaken to ascertain the impact to the existing street tree from the proposed crossover. The following conditions have been recommended to be included on any permit issued:</p> <ul style="list-style-type: none"> • Provision of a landscape plan. • The retention of the <i>Cupressus torulosa</i> (Bhutan Cypress) located adjacent to the southern boundary of the property. • Excavations for the driveway within the structural root zone of the neighbouring tree <i>Robinia x fraseri</i>, Tree 13 in the advertised Blue Gum arborist report, are to be undertaken under the supervision of the project arborist, with no roots greater than 25mm in diameter to be severed. • A Tree Management and Protection Plan. • Tree protection fencing around the existing street tree. <p>The conditions verbatim are included in the draft conditions within the recommendation of this report.</p>
Council's Development Engineer	<p>No objection raised, subject to conditions included on any permit issued relating to stormwater management. It is noted that the referral comments were provided for the original application for 4 dwellings. However, the conditions and comments remain relevant for development on this site.</p>
Roads and Drains	<p>No objection raised, subject to conditions included on any permit issued relating to works within the Council road reserve. It is noted that the referral comments were provided for the original application for 4 dwellings. However the conditions and comments remain</p>

	relevant particularly as proposed access arrangements have not changed between the two proposals.
Traffic Engineer	No objection raised, subject to conditions included on any permit issued relating to swept paths and gradients.
Council's ESD Advisor	No objection and confirmation that the plans and Sustainable Design Assessment meets Council's expectations for the development of this scale in accordance with Clause 22.13 (ESD policy).

External Referrals

Department	Section 52/55	Determining / Recommending	Objection	Comments
None	N/A	N/A	N/A	N/A

11.0 PLANNING CONSIDERATIONS:

Planning Policy Framework

- 11.1 The Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage) and **Clause 16** (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by 'Plan Melbourne 2017-2050: Metropolitan Planning Strategy' (Department of Environment, Land, Water and Planning, 2017).
- 11.2 **Clause 11** seeks to ensure planning anticipates and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.
- 11.3 Planning is to prevent environmental and amenity problems created by siting incompatible land uses close together.
- 11.4 Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.
- 11.5 **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.
- 11.6 **Clause 15.01-1S** encourages development to achieve high quality architectural and urban design outcomes that contribute positively to neighbourhood character, minimises detrimental amenity impacts and achieves safety for future residents, and the community, through good design. The provisions of **Clause 15.02-1S** promote energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.
- 11.7 **Clause 15.03-2S (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 11.8 The Subject Land is identified in an area of Aboriginal Cultural Heritage Sensitivity; however, Council's Planning Officer has reviewed the *Aboriginal Heritage Regulations 2018* and established that the proposed activity is **exempt** from requiring a Cultural Heritage Management Plan in accordance with regulation 10 which states as follows:

10 3 or more dwellings on a small lot

The construction of 3 or more dwellings on a lot or allotment is an exempt activity if the lot or allotment is—

- (a) not within 200 metres of the coastal waters of Victoria, any sea within the limits of Victoria or the Murray River; and
- (b) less than 0.11 hectares.

- 11.9 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.
- 11.10 Housing objectives are further advanced at **Clause 16** which seek to encourage increased diversity in housing.
- 11.11 **Clause 16.01** (Residential Development) seeks to promote a housing market that meets community needs and is located in areas which offer good access to jobs, services and transport. **Clause 16.01-1R** specifically requires consideration of population growth in locations that are considered major and neighbourhood activity centres, especially those with good public transport connections.
- 11.12 It is submitted that the proposed development satisfies the aforementioned 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

- 11.13 The City of Kingston's MSS at **Clause 21.07 - Housing** 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.
- 11.14 Relevant objectives and strategies in **Clause 21.07-1 (Residential development)** include:
- To provide a range of housing types across the municipality taking account of the differential capacity of local areas to accommodate different types and rates of housing change.
This is to be achieved through strategies of 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 strategies of 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 strategies of promoting planning, design and construction of new development to accord with best practice environmental design guidelines for energy efficiency, waste and recycling and stormwater management and to encourage medium density housing development in close proximity to public transport facilities, particularly train stations.
 - *To ensure residential development does not exceed known physical infrastructure capacities.*
- 11.15 Council's Local Planning Policy at **Clause 21.07** essentially reinforces Planning Policy Framework relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases.
- 11.16 **Clause 22.06 - Residential Development Policy** extends upon the provision contained at **Clause 21.07 - Housing**, 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.
- 11.17 Relevant objectives in **Clause 22.06-2 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.*
- 11.18 Under this policy and **Clause 21.07**, the subject site is identified within an 'incremental change area' which is described as follows under **Clause 22.06-3**:
- In suburban locations which are not within convenient walking distance of public transport and activity centres, encourage lower density housing forms with a predominance of single dwelling and the equivalent of dual occupancy developments on average sized lots. These areas are identified for 'incremental housing change' on the Residential Framework Plan within the MSS.*
- 11.19 Further, Clause 22.06 includes policy for residential development with respect to site landscaping, built form, siting and scale of development, car parking and vehicle access and stormwater run-off mitigation and quality management. These are as follows:

Site landscaping

- Encourage the retention of existing semi-mature and mature canopy trees wherever possible.
- Unless significant existing vegetation is to be incorporated as part of a redevelopment, encourage the planting of semi-mature canopy trees with spreading crowns in front setbacks and open space areas, with at least one semi-mature tree with a spreading canopy provided in the front setback area.

Built form, siting and scale of development

- 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.

Car parking and vehicle access

- Ensure that adequate on-site car parking is provided to meet the needs of future residents and visitors and sited to reduce its impact on the streetscape.

Performance measures

- Locating garages or carports at the rear of dwellings fronting a street wherever possible.
- Ensuring that where garages are located in the street elevation, they are set back a greater distance than the front wall of the building.
- Ensuring that garages and carports are sited so that a tandem car parking space can be provided in front of the garage or carport.
- Incorporating garages and carports within the main roof line of the dwelling.

Stormwater run-off mitigation and quality management

- Ensure that new residential development limits the impact of increased stormwater run-off on drainage systems.

Performance measures

On-site infiltration should be maximised by:

- Wherever possible, using unpaved landscape areas or porous paving.
- Where appropriate, constructing on-site stormwater detention with delayed release into the stormwater drainage system.
- Designing to limit the impervious area.
- Incorporating on-site water re-cycling systems for stormwater run-off.
- Directing stormwater run-off into garden areas to reduce watering and the demand on drainage infrastructure.

- 11.20 **Clause 22.11 (Public Open Space Contributions)** forms the prevailing policy that guides Council to apply a land or cash public open space contribution, which is applicable to all subdivision applications. This policy identifies the important role that contributions play in funding new open space areas and facilitating capital improvements to existing public open space to meet the needs of the future population growth in Kingston.
- 11.21 Whilst the application at hand does not propose to subdivide the land, it is imperative to identify at this stage of the process whether a public open space contribution requirement is likely to be applied should the site be subdivided at a later date and, if so, whether the land is located in a 'cash' or 'land' preferred area. If in a land preferred area, the proposed design and layout must be considered as it will ultimately shape the subdivision configuration and whether any land is set aside for public open space purposes.
- 11.22 The subject site is located in area 4E (Mentone East) which is a Land Contribution Preferred Area on Map 1 of this clause.
- 11.23 Whilst the subject site is located in an area where the preferred approach would be to require a 'land' contribution over 'cash', this is not deemed a viable or appropriate option as the subject site is one of a 'standard' sized allotment. The ability to set land aside for public open space purposes generally results from larger/consolidated parcels of land, large opportunistic/strategic sites, land that adjoins existing open space areas or the like. Based on the application before Council, it is not feasible to achieve a 'land' contribution in this instance. It is therefore recommended that a 'cash' contribution be considered in lieu of land at the subdivision stage.
- 11.24 **Clause 22.12 – Stormwater Management** is applicable to the consideration of medium and large scale developments as specified within Table 1 of the policy. This clause seeks to improve the quality and reduce the impact of stormwater run-off, incorporate the use of WSUD principles in development and to ensure that developments are designed to meet best practice performance objectives.
- 11.25 Council's Development Approvals Engineer has considered the proposal in accordance with this Clause and Clause 53.18 and has raised no objection to the application subject to

stormwater management conditions. Therefore, the proposal is considered to achieve the objectives of this provision, subject to permit conditions.

- 11.26 **Clause 22.13 Environmentally Sustainable Development (ESD)** policy applies to the consideration of residential development of 3 or more dwellings (refer to Table 1 – ESD Application requirements). As required, the application for planning permit was accompanied by a Sustainable Design Assessment (BESS/STORM).
- 11.27 Council's ESD Advisor was referred to for an assessment of the proposal and accompanying documentation (including SDA report) against this provision. The Advisor has raised no objection to the proposal and report and therefore, the objectives of this provision are considered to have been met.

Zoning Provisions

- 11.28 Pursuant to **Clause 32.08-4**, a lot must provide for the minimum garden area as set out in the following table:

Lot Size	Minimum percentage of a lot set aside as garden area
400-500m ²	25%
501-650 m ²	30%
Above 650 m ²	35%

- 11.29 It is considered that the proposal in its current format complies with the mandatory garden area requirement. A minimum of 37.4% has been achieved for the development in accordance with the above.

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 table below provides a detailed discussion, where relevant, for any standards where concessions are sought. Overall, it is noted that the application achieves a high level of compliance with the ResCode provisions, with only minor variations sought, specifically three (3) of the thirty-three (33) ResCode standards.

12.3 CLAUSE 55: RESCODE TABLE ASSESSMENT

Two or more dwellings on a lot and residential buildings in a General Residential Zone – Schedule 3. *****MUST meet the objective, SHOULD meet the standard*****

OBJECTIVE	STANDARD	LEVEL OF COMPLIANCE AGAINST STANDARD
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<p>Clause 55.02-1</p> <p>Neighbourhood Character objectives</p> <ul style="list-style-type: none"> ▪ To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. ▪ To ensure that development responds to the features of the site and the surrounding area. 	<p>Standard B1</p> <ul style="list-style-type: none"> ▪ The design response must be appropriate to the neighbourhood and site. ▪ The proposed design must respect the existing or preferred neighbourhood character and respond to site features. 	<p>Complies with standard & meets objective</p>
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Assessment:

The subject site is in the GRZ3 which the Planning Scheme categorises as land where the preferred direction is incremental housing change. The surrounding area reflects this direction with a predominance of single dwelling allotments with traditional architectural styles (hip/gable tiled roofing, face brick and weatherboard walls) and medium density development generally comprising of two (2) dwellings.

The proposed development of three (3) dwellings does not replicate the predominant single and dual occupancy properties in the area, however the size of the land (889m²) is well in excess of an average lot size in Kingston which is generally between 600-700m² where two (2) dwellings are generally the limit in the GRZ3. The larger area of the land allows for a suitable design response which as detailed in this report, is highly compliant against planning policy and Clause 55 standards. Further, the proposed development would not introduce the first three (3) dwelling proposal in the area with nearby examples at no. 8 Coolabah Street (approximately 85m as the crow flies), no. 2 Broome Avenue (approximately 160m from the subject site) and no. 4 Delville Avenue (approximately 300m from the subject site). These are all on similar lot sizes, however to a lesser extent of no. 8 Coolabah (750m²) and greater extent for no. 4 Delville Avenue (1000m²).

With consideration of this, the development is considered to be an acceptable response to the site and surrounding context.

The double storey built form proposed is also reflective of the built form within the area and achieves an appropriate amenity outcome with respect to adjoining properties as outlined within the various standards of Clause 55.04 and response to Clause 22.06. Medium density development in the area including no. 8, 16, 17 (planning approval) and 19 Acacia, no. 4 and 22 Blackwood Avenue and no. 8 Coolabah Street all have similar or greater extents of upper level form with the side by side development having less breaks than what is proposed on this site.

Overall the proposal responds to the existing and emerging character of the area and will have a positive contribution to the streetscape and broader neighbourhood.

<p>Clause 55.02-2 Residential Policy objectives</p> <ul style="list-style-type: none"> • To ensure that residential development is provided in accordance with any policy for housing in the MPS and the PPF. • To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. 	<p>Standard B2</p> <ul style="list-style-type: none"> ▪ An application must be accompanied by a written statement that describes how the development is consistent with relevant housing policy in the PPF & MPS 	<p>Complies with standard & meets objective</p>
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Assessment:

The development offers an acceptable response to Council's Housing and Residential Development policy under Clause 21.07 (Housing) and 22.06 (Residential Development Policy).

The site is identified within an 'incremental change area' where modest amount of change is directed under the local housing policies. The surrounding area is typical of an incremental change area with the predominant housing stock consisting of single dwelling allotments and the occasional medium density development of dual occupancies. There are a number of examples of new development in close proximity to the subject site including three (3) dwelling development as outlined under standard B1 above. The proposal does introduce a more intensive development with three (3) dwellings along Sycamore Avenue however it is considered that the proposal warrants support in light of the broader contextual nature of the area and high level of compliance against Clause 55 and other aspects of the Planning Scheme.

In terms of built form outcomes, the upper levels of each dwelling have been designed to limit their visual impact to adjoining properties by providing reasonable side and rear setbacks, spacings of at least 3m between upper levels, well-articulated walls, varying materials/finishes and visually interesting architectural style.

The proposed development meets the ResCode objectives pertaining to side and rear setbacks, wall on boundaries (subject to condition), overlooking, overshadowing (subject to condition) and daylight to existing windows (among other things). The proposed development will adequately protect the amenity of adjoining properties without compromising the internal amenity of the proposed dwellings.

Landscaping will be provided throughout the site including meaningful gardens in the front setback and adjacent to the common driveway. Sufficient areas are provided for canopy tree plantings within the front setback and private open space of each dwellings, subject to conditions.

The Dwelling 1 garage has been sited behind the front walls of dwellings to reduce its dominance and visual impact to the street as required by Clause 22.06.

Stormwater will be appropriately managed through conditions on any Permit issued as recommended by Council's Development Engineer.

<p>Clause 55.02-3 Dwelling Diversity objective</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Standard B3</p> <p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> ▪ Dwellings with a different number of bedrooms. ▪ At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>N/A</p>
<p>Assessment:</p> <p>Less than ten (10) dwellings proposed.</p>		
<p>Clause 55.02-4 Infrastructure objectives</p> <ul style="list-style-type: none"> ▪ To ensure development is provided with appropriate utility services and infrastructure. ▪ To ensure development does not unreasonably overload the capacity of utility services and infrastructure. 	<p>Standard B4</p> <ul style="list-style-type: none"> ▪ Connection to reticulated services/sewerage, electricity, gas and drainage services ▪ Capacity of infrastructure and utility services should not be exceeded unreasonably ▪ Provision should be made for upgrading and mitigation of the impact of services or infrastructure where little or no spare capacity exists 	<p>Complies with standard & meets objective</p> <p>(subject to conditions on any permit issued)</p>
<p>Assessment:</p> <p>The site is in an established area that is well serviced by existing infrastructure. Additionally, it is recommended that suitable condition(s) be included in any permit issued to address infrastructure considerations.</p>		
<p>Clause 55.02-5 Integration with the street objective</p> <ul style="list-style-type: none"> ▪ To integrate the layout of development with the street. 	<p>Standard B5</p> <ul style="list-style-type: none"> ▪ Provides adequate vehicle and pedestrian links that maintain or enhance local accessibility. 	<p>Complies with standard & meets objective</p>
	<ul style="list-style-type: none"> ▪ Development oriented to front existing/proposed streets 	<p>Complies with standard & meets objective</p>
	<ul style="list-style-type: none"> ▪ High fencing in front of dwellings should be avoided if practicable. 	<p>Complies with standard & meets objective</p>
	<ul style="list-style-type: none"> ▪ Development next to existing public open space should be laid out to complement the open space. 	<p>N/A</p>
<p>Assessment:</p> <p>The proposal provides a highly integrated design with the street through low height front fencing and siting of habitable room windows and balconies to the street.</p>		

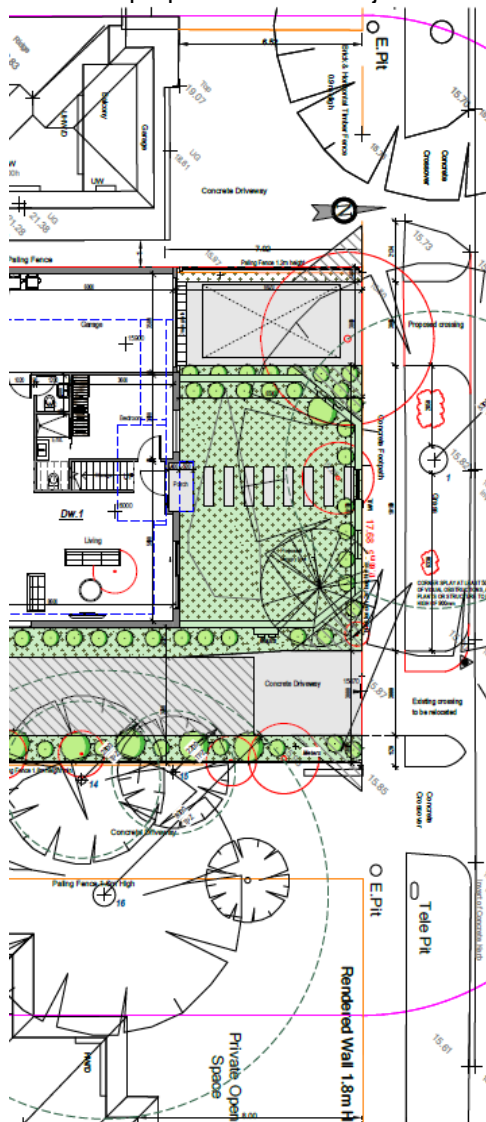
Clause	55.03-1	Street	Standard B6	Variation sought, objective met
setback objective			Required: 7.5m Proposed: 6.5m	
<ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. 				

Assessment:

The minimum required street setback for the development is 7.5 m based on the average setback of the two adjoining properties. The proposal will have a minimum setback to the street of 6.5 m for Dwelling 1. Therefore, a variation of 1 m is sought for the proposal.

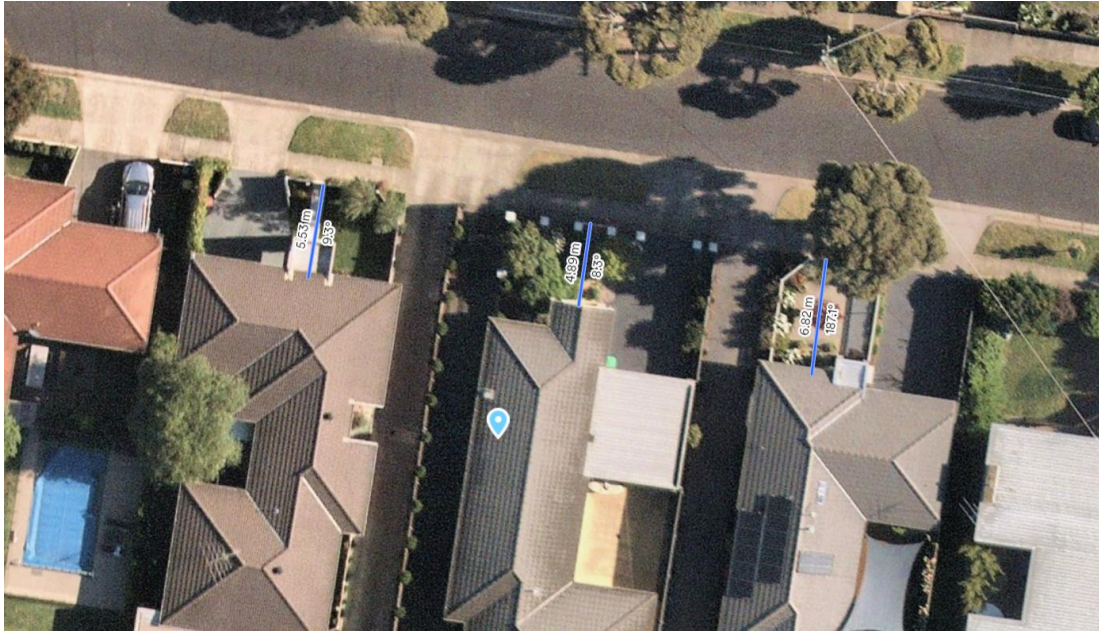
A variation is considered acceptable for the following reasons:

- The existing front setbacks between the two adjoining properties is not a substantial difference to what is proposed on the subject site as illustrated in the below plan.



- A reduced setback is not uncommon along Sycamore Avenue.

The aerial below identifies reduced setbacks at no. 2, 4 and 6 Sycamore Avenue where dual occupancy developments have been established. The setbacks range from 4.9m to 6.8m (approx.). Therefore, the reduced setback of 6.5 m is considered to be respectful with the existing character of the area, primarily where medium density development has been established and have informed a new street setback character for multi-dwelling sites.



- The proposed setback will allow a more efficient use of the land. A 6.5m setback and larger than average street frontage (17.68m) will allow for meaningful landscaping including canopy trees to soften the development from the street.

Clause 55.03-2 Building height objective

- To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Standard B7
Maximum: 9 metres (GRZ3)

Complies with standard and meets objective.

Assessment:

The maximum building height proposed is 7.83 m and double storey. As such, the proposal meets the height parameters specified in the General Residential Zone.

Clause 55.03-3 Site Coverage objective

- To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard B8
Maximum: GRZ3 – 50%

Complies with standard and meets objective.

Assessment:

The proposal achieves a site coverage statistic of 41.1%, which meets this Standard.

<p>Clause 55.03-4 Permeability & stormwater management objectives</p> <ul style="list-style-type: none"> ▪ To reduce the impact of increased stormwater run-off on the drainage system. ▪ To facilitate on-site stormwater infiltration. ▪ To encourage stormwater management that maximises the retention & reuse of stormwater 	<p>Standard B9</p> <p>At least: 20%</p>	<p>Complies with standard and meets objective.</p>
<p>Assessment:</p> <p>The permeability figure proposed (i.e. 38.6%) exceeds that specified in the Standard.</p>		
<p>Clause 55.03-5 Energy Efficiency objectives</p> <ul style="list-style-type: none"> ▪ To achieve and protect energy efficient dwellings and residential buildings. ▪ To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. 	<p>Standard B10</p> <p>Orientation, siting & design of buildings should make appropriate use of solar energy. Further, siting & design should ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Siting & design should also ensure that the performance of existing rooftop solar energy facilities on dwellings on adjoining lots in GRZ, NRZ or TZ are not unreasonably reduced. The existing rooftop solar energy facility must exist at the date the application is lodged. Living areas & private open space should be located on the north side of the development, if practicable. Solar access to north-facing windows is maximised.</p>	<p>Complies with standard and meets objective (subject to conditions)</p>
<p>Assessment:</p> <p>Overall, the proposal achieves an acceptable energy efficiency design within the limits of the site axis (north/south).</p> <p>As required by Council policy, a Sustainable Design Assessment was provided with the application which was referred to Council's ESD Advisor. Following updates to the SDA and plans, the Advisor provided support for the design.</p> <p>There are no existing solar energy facilities on adjoining properties that will be impacted by the proposed development.</p>		
<p>Clause 55.03-6 Open Space objective</p> <ul style="list-style-type: none"> ▪ To integrate the layout of development with any public and communal open space provided in or adjacent to the development. 	<p>Standard B11</p> <p>Public or communal open space should:</p> <ul style="list-style-type: none"> ▪ Be substantially fronted by dwellings ▪ Provide outlook for dwellings ▪ Be designed to protect natural features. ▪ Be accessible and useable. 	<p>N/A</p>
<p>Assessment:</p> <p>There is no open space adjacent to the land.</p>		

Clause 55.03-7 Safety objectives <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property. 	Standard B12 Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting should not create unsafe spaces along streets and accessways Good lighting, visibility and surveillance of car parks and internal accessways should be achieved. Private spaces should be protected from inappropriate use as public thoroughfares.	Complies with standard & meets objective
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Assessment:

The proposal provides an acceptable level of consideration for safety & security of residents by having highly visible entries and windows facing the street and common driveway and not creating internal spaces that may be inappropriately used.

Clause 55.03-8 Landscaping objectives <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. 	Standard B13 In summary, landscape layout & design should: <ul style="list-style-type: none"> Protect predominant landscape features of the neighbourhood. Take into account the soil type and drainage patterns of the site. Allow for intended vegetation growth and structural protection of buildings. Provide a safe, attractive and functional environment for residents. In summary, development should: <ul style="list-style-type: none"> Provide for the retention or planting of trees, where these are part of the character of the neighbourhood. Provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. Specify landscape themes, vegetation (location and species), paving and lighting. 	Complies with standard & meets objective (subject to conditions on any permit issued)
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Assessment:

Concerns were raised by Council's Vegetation Officer in relation to the original application proposing to unnecessarily remove the large tree adjacent to the rear boundary. Further to this, concerns were raised with the location of the new crossover within proximity to the structural root zone of the existing street tree. Accordingly, the applicant undertook a root sensitive investigation to determine whether the crossover location is suitable and will have no impact on the street tree. The outcomes of this investigation found no evidence of any significant tree roots in the proposed crossover location.

The Vegetation Officer subsequently provided support for the proposal to the following conditions:

- Provision of a landscape plan.
- The retention of the *Cupressus torulosa* (Bhutan Cypress) located adjacent to the southern boundary of the property.
- Excavations for the driveway within the structural root zone of the neighbouring tree *Robinia x fraseri*, Tree 13 in the advertised Blue Gum arborist report, are to be undertaken under the supervision of the project arborist, with no roots greater than 25mm in diameter to be severed.
- A Tree Management and Protection Plan.
- Tree protection fencing around the existing street tree.

There are no significant trees proposed to be removed as confirmed by Council's Vegetation Officer.

In light of the above, the proposal is considered to meet the standard and objectives of this provision subject to the conditions above.

Clause 55.03-9 Access objective <ul style="list-style-type: none"> To ensure the number and design of vehicle crossovers respects the neighbourhood character. 	Standard B14 The width of accessways or car spaces should not exceed: <ul style="list-style-type: none"> 33 per cent of the street frontage, or if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. 	Complies with standard & meets objective
	No more than one single-width crossover should be provided for each dwelling fronting a street.	Complies with standard & meets objective
	The location of crossovers should maximise the retention of on-street car parking spaces.	Complies with standard & meets objective
	The number of access points to a road in a Road Zone should be minimised.	N/A
	Access for service, emergency and delivery vehicles must be provided.	Complies with standard & meets objective

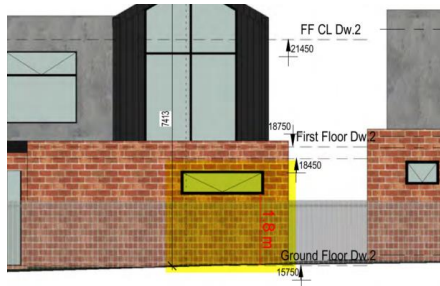
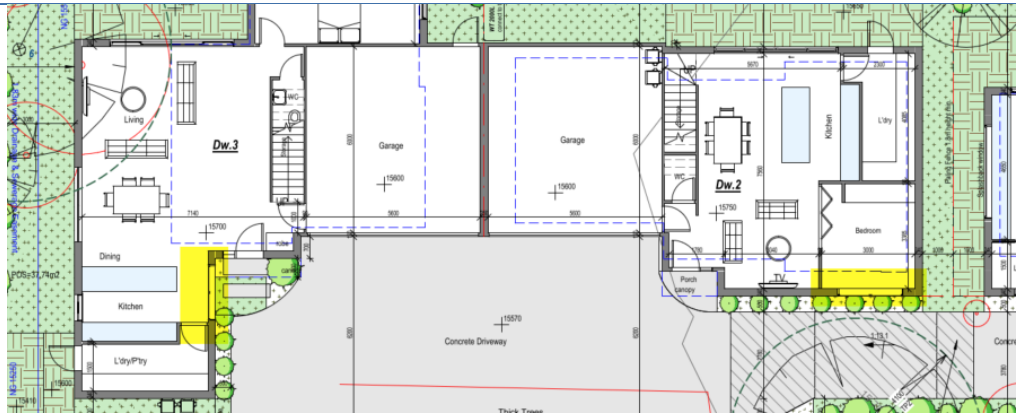
Assessment:

The proposed frontage width of the accessway will total 33.93% of the Station Street frontage, less than the maximum allowable of 40%. Therefore, on-street parking can be retained at the front of the property. The common driveway is designed to allow for service, emergency and delivery vehicles to access if required.

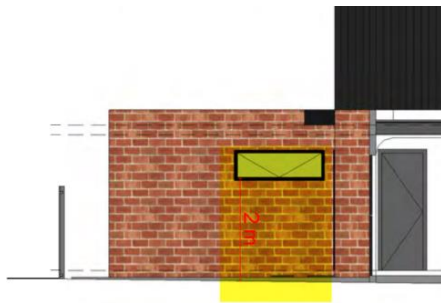
Clause 55.03-10 Parking location objectives <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments 	Standard B15 Car parking facilities should: <ul style="list-style-type: none"> Be reasonably close and convenient to dwellings and residential buildings. Be secure. Be well ventilated if enclosed. Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.	Variation sought, meets objective
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Assessment:

A variation is sought to the required setback of the Dwelling 2 bedroom window and Dwelling 3 kitchen window from the proposed common driveway as illustrated below (all less than 1m):



Dwelling 2 bedroom window



Dwelling 3 kitchen window

A variation is considered acceptable with respect to noise impacts as the amount of traffic using the access will be negligible and the windows are sited 2m above the driveway level, resulting in minimal impact.

All other requirements of this standard have been met with proposed car parking to be located conveniently to dwellings and be well secured and ventilated.

<p>Clause 55.04-1 Side and rear setbacks objective</p> <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Standard B17 A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. 	<p>Complies with standard and meets objective</p>
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Assessment:

The majority of side and rear setbacks are compliant with the minimum requirements of this standard including the Dwelling 3 upper level side setback to the western boundary of 2.2m where a minimum setback of 1.93m is required based on the respective wall height of 6.7m.

Ground floor setbacks are all well in excess of the minimum required 1.0m setback (other than walls on boundary which is managed through Standard B18 below.

However, it is unclear if the Dwelling 1 western master bedroom wall setback of 1.85m is compliant as the wall height has varied measurements of 6.2m and 6.5m. Therefore, it is recommended that a condition be included on any permit issued to ensure compliance is achieved through additional information on plans or an increase to the setback if necessary.

<p>Clause 55.04-2 Walls on boundaries objective</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. 	<p>Standard B18 A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> 10 m plus 25% of the remaining length of the boundary of an adjoining lot, or Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. 	<p>Complies with standard and meets objective (subject to conditions)</p>
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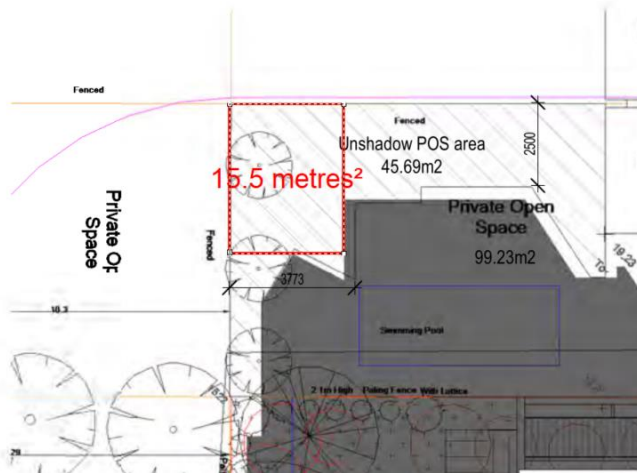
Assessment:

The proposed walls on the western (side) boundary will have a total length of 12.2m. The allowable wall length on the side boundary is 20.07m (from total boundary dimension of 50.29m). The proposal is therefore below the maximum wall on boundary length.

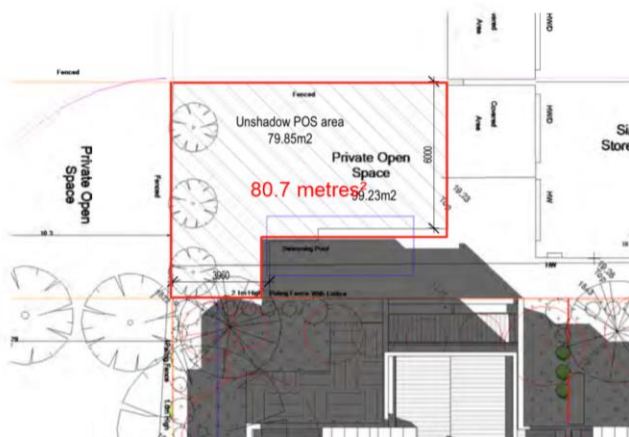
Whilst the proposed walls do not exceed 3.6m in overall height, the Dwelling 3 garage wall on boundary appears to exceed 3.2m in average height. The adjoining objector raised concerns with this wall and the potential removal of the existing boundary fence to accommodate the wall on boundary. In light of this concern and failure to achieve a 3.2m average wall height, it is recommended that the following conditions be included on any permit issued to minimise amenity impacts:

- The Dwelling 3 WIR and ensuite wall on boundary reduced in average height to no more than 3.2m; and
- The Dwelling 3 WIR and ensuite wall set off the boundary with the existing boundary fence maintained.

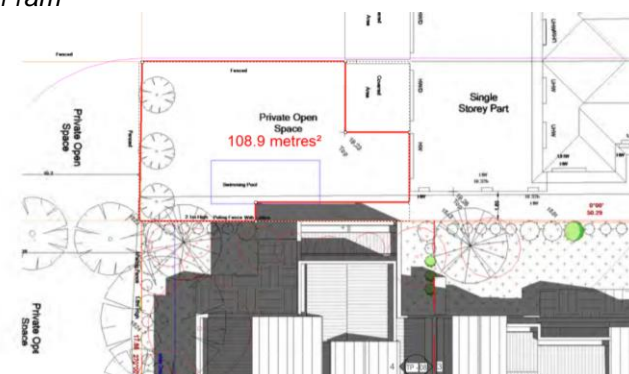
Clause 55.04-3 Daylight to existing windows objective	Standard B19	Complies with standard and meets objective
<ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows. 	Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3m ² and minimum dimension of 1m clear to the sky.	
	Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.	Complies with standard and meets objective
	Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.	
Assessment:		
The development is adequately setback from existing habitable room windows on adjoining properties including the windows setback 1.63m from the shared boundary at no. 20B Sycamore Avenue and the windows setback 3.89m from the shared boundary at no. 24 Sycamore Avenue.		
Clause 55.04-4 North facing windows objective	Standard B20	N/A
<ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows. 	Buildings should be setback 1m if an existing HRW is within 3m of the abutting lot boundary (add 0.6m to this setback for every metre of height over 3.6m & add 1m for every metre of height over 6.9m)	
Assessment:		
There are no north-facing windows adjacent to the site within 3 m of the common boundary.		
Clause 55.04-5 Overshadowing open space objective	Standard B21	Complies with standard and meets objective
<ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space 	Where sunlight to the SPOS of an existing dwelling is reduced, at least 75%, or 40m ² with min. 3m, whichever is the lesser area, of the SPOS should receive a min of 5hrs of sunlight btw 9am & 3pm on 22 September.	(subject to condition)
	If existing sunlight to the SPOS of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.	
Assessment:		
New shadowing from the proposal will mostly fall within the subject site and existing boundary fencing. However, there will be certain times of the day where new shadows will fall into adjoining private open space areas including no. 20B Sycamore Avenue (mornings) and no. 24A Sycamore Avenue (afternoon). A detailed assessment of each of these properties is provided below:		
<u>20B Sycamore Avenue</u>		
The total SPOS for this dwelling is approximately 117 m ² (excluding the pergola at the rear). As per the standard, the area required to be maintained with sunlight for at least 5 hours of the day is 40 m ² being the lesser area compared to 75% of the total 117 m ² . As per the below diagrams, the SPOS of this dwelling will be impacted by new shadows at 9am to 11am. No new shadows will occur from 11am until 3pm. As highlighted in the below diagrams, 40 m ² of SPOS (with 3m dimension) will be provided with sunlight from 10am until 3pm resulting in at least 5 hours in accordance with the standard. Therefore, the proposal is compliant with the standard for this property.		
<i>9am</i>		



10am



11am

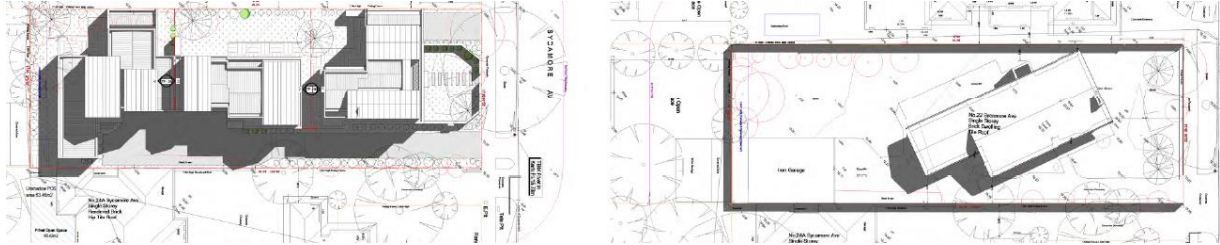


24A Sycamore Avenue

The total SPOS for this dwelling is approximately 65 m². As per the standard, the area required to be maintained with sunlight is 40m² for at least 5 hours of the day as this is the lesser area compared with 75% of the 65 m² (48.75 m²). As per the below diagrams, the SPOS of this dwelling will be impacted by new shadows from 2pm. No new shadows will occur from 9am to 2pm. Whilst not depicted on the below shadow diagrams, the SPOS of this property is shadowed significantly by the existing dwelling throughout the day and is unlikely to have existing compliance with the minimum 40m². Pursuant to the above standard requirements, no further shadows should occur into this already non-compliant SPOS. There will be some slight overlap of new shadows over the existing boundary fence shadows as indicated on the two corresponding diagrams below. Whilst very minor, there is scope to bring the shadow into

compliance by reducing the ground floor wall height of Dwelling 3 or increasing the boundary setback. It is therefore recommended that a condition of this nature be included on any permit issued to ensure compliance against this standard.

2pm

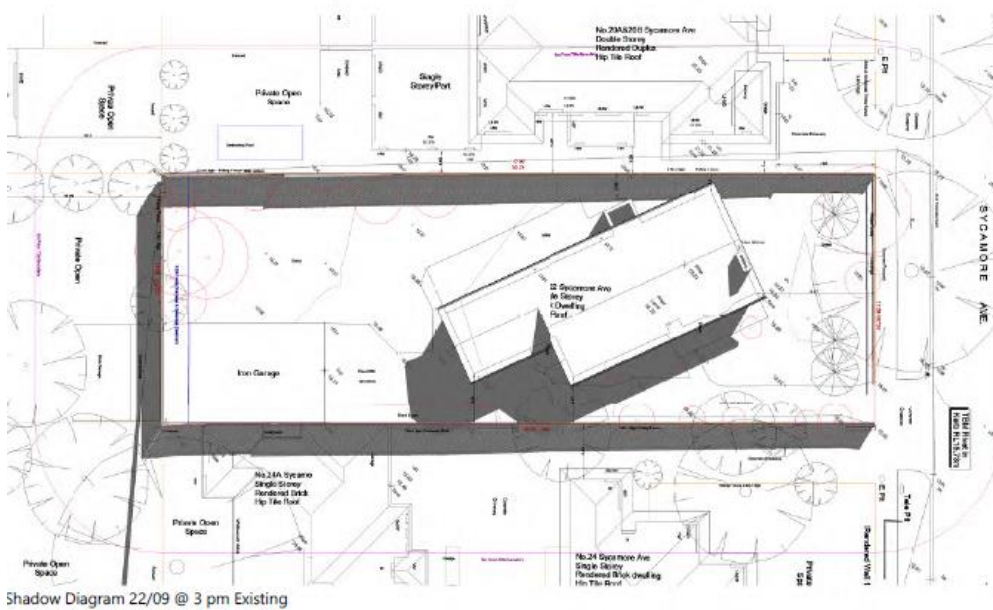


3pm

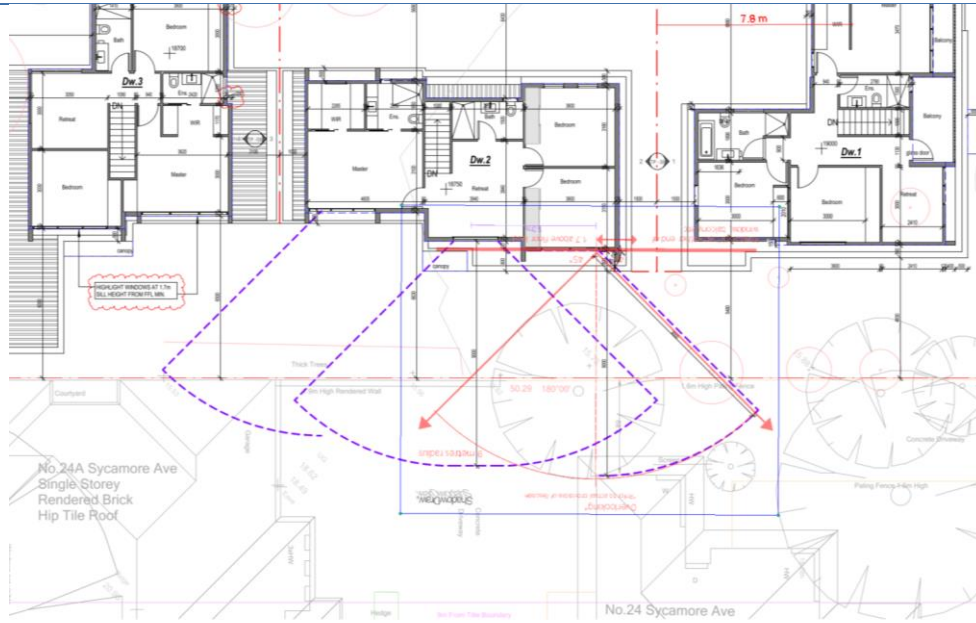


Shadow Diagram 22/09 @ 3 pm

1 : 200



Shadow Diagram 22/09 @ 3 pm Existing



Although finished floor levels are less than 0.8m from natural ground level, existing boundary fencing is less than 1.8m in part as required by the standard for a barrier to ground level overlooking. Therefore, it is recommended that a condition be included on any permit issued to ensure no ground floor overlooking impacts.

Clause 55.04-7 Internal views objective

- To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.

Standard B23

Windows and balconies should be designed to prevent overlooking of more than 50% of the SPOS of a lower-level dwelling or residential building directly below and within the same development.

Complies with standard & meets objective

Assessment:

No unreasonable internal overlooking will occur as a result of upper level and private open space positioning.

Clause 55.04-8 Noise impacts objectives

- To contain noise sources in developments that may affect existing dwellings.
- To protect residents from external noise.

Standard B24

Noise sources should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and SPOS of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

Complies with standard & meets objective (subject to condition)

Assessment:

There are no noise impacts or noise sources impacting proposed dwellings. Any noise associated with the dwellings will be domestic in nature and is as-of-right within the residential zone.

Any external heating/cooling units will be required as a condition on any Permit issued to be located so as to not be opposite any existing habitable room windows on adjoining properties.

Clause 55.05-1 Accessibility objective <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. 	Standard B25 The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.	Complies with standard & meets objective
Assessment: It is considered that the proposed layout and design of dwelling entries can accommodate for people of limited mobility. Site and building levels will not limit the ability of any persons accessing the dwellings. Bedrooms are also provided for each dwelling on ground level.		
Clause 55.05-2 Dwelling entry objective <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. 	Standard B26 Entries to dwellings and residential buildings should: <ul style="list-style-type: none"> Be visible and easily identifiable from streets and other public areas. Provide shelter, a sense of personal address and a transitional space around the entry. 	Complies with standard & meets objective
Assessment: The entries to each dwelling are designed and located to achieve high visibility from the street and common driveway as well as providing a sense of address and shelter for residents and visitors.		
Clause 55.05-3 Daylight to new windows objective <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. 	Standard B27 HRW should be located to face: <ul style="list-style-type: none"> Outdoor space clear to the sky or a light court with a minimum area of 3m² and min. dimension of 1m clear to the sky or Verandah provided it is open for at least 1/3 of its perimeter, or A carport provided it has 2 or more open sides and is open for at least 1/3 of its perimeter. 	Complies with standard & meets objective
Assessment: All proposed windows allow for adequate solar access and natural daylight into primary and secondary living areas.		
Clause 55.05-4 Private open space objective <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	Standard B28 A dwelling or residential building should have POS consisting of: <ul style="list-style-type: none"> An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room. If a dwelling has more than 2 bedrooms an additional ground level private open space area of 20 square metres with a minimum width of 3 metres is required to be provided for each additional bedroom, with a maximum of 80 square metres of private open space required for the dwelling 	Complies with standard and meets objective
Assessment:		

Dwelling 1 (4 bedrooms) – 40 m² of SPOS with a minimum dimension of 5 m and convenient access to living spaces. An additional 59.7 m² of POS is provided in the front yard.

Dwelling 2 (4 bedrooms) – 80 m² of SPOS with a minimum dimension of 5 m and convenient access to living spaces.

Dwelling 3 (4 bedrooms) – 43.8 m² of SPOS with a minimum dimension of 5 m and convenient access to living spaces. An additional 37.7 m² of SPOS is provided in the rear yard with a dimension of at least 3m.

Clause 55.05-5 Solar Access to Open Space To allow solar access into the secluded private open space of new dwellings and residential buildings.	Standard B29 The private open space should be located on the north side of the dwelling or residential building, if appropriate.	Variation required but meets objective
	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.	Variation required (subject to condition)

Assessment:

Due to the north-south axis of the site, the development is limited in providing north-facing SPOS.

The Dwelling 1 upper level wall where it sits adjacent to the dwelling's SPOS (i.e. master bedroom WIR wall) will have an impact on shadowing, requiring a setback of at least 7.85m to 8.84m from the wall to the southern boundary of the SPOS based on the varying walls height shown in the elevation below. A setback of 6m is proposed. Therefore, a variation is sought to the first and second part of the standard. The impact of shadowing into this SPOS will be significant throughout the day as illustrated on shadow diagrams, resulting in amenity impacts to future residents of this dwelling. As such, it is recommended that the extent of the master bedroom WIR wall be reduce by providing at least a 7.85m setback from the wall to the southern boundary of the SPOS. This will likely require the entirety of the WIR space to be removed but the passage maintained to allow access into the master bedroom. In addition, the deletion of this part of the dwelling will assist in breaking up the vertical massing of the dwelling when viewed from the adjoining property from the south as it currently has minimal recession from the lower floor.





8 Coolabah St



20 Sycamore Avenue (next door)

Fenestration, eaves, framing and other detailing of the dwellings provide a positive design outcome for the area, particularly contemporary housing forms.

Clause 55.06-2 Front fences objective	Standard B32 The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.	Complies with standard and objective
<ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. 	Schedule to GRZ2/3: A front fence within 3m of a street should not exceed 2m for streets in a RDZ1 or 1.2m for other streets	Complies with standard and objective

Assessment:

The application proposes a 1.2m high brick and metal colorbond fence along the property frontage. The design and height of the fence is appropriate for the street and fencing character of the area where low brick fencing is commonplace alongside more contemporary fencing.

Clause 55.06-3 Common property objectives	Standard B33 Developments should clearly delineate public, communal and private areas.	Complies with standard and meets objective
<ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. 	Common property, where provided, should be functional and capable of efficient management.	

Assessment:

The proposed common property has been designed to be functional and managed efficiently.		
Clause 55.06-4 Site services objectives <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. 	Standard B34 Dwelling layout and design should provide sufficient space and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.	Complies with standard & meets objective
Assessment: All services and facilities have been provided appropriately including clotheslines, bin storage, metering and mailboxes.		

13.0 RESPONSE TO GROUNDS OF OBJECTIONS

13.1 The objector concerns have largely been addressed in the body of this report.

Ground(s)	Response
Overdevelopment/Inconsistent with neighbourhood character	As discussed under standard B1 and B2 of section 12 above, the proposed development is considered to be an appropriate response to the site and surrounding context, noting the above average allotment size of 889 m ² and the high compliance against the policy and standard requirements of Clause 55. Further, three (3) dwelling developments are evident in the surrounding area not too far from the site (at least 85m).
Visual bulk	The proposed footprint of the development is acceptable due to generous side and rear setbacks, spacings between upper levels of at least 3m and visually interesting architecture including use of materiality and finishes to provide articulation.
Overlooking	The proposed development has been designed to address overlooking and privacy concerns with the use of highlight windows and obscured glazing to a minimum height of 1.7m above the finished floor level. Any ground level overlooking has been addressed through a condition on any permit issued. Refer to standard B22 above for further discussion.
Overshadowing	The proposed development will not result in any unreasonable level of overshadowing. A minor non-compliance has been identified to the adjoining property at no. 24A Sycamore Avenue, however it is recommended that this be addressed through a condition on any permit issued to ensure compliance. Refer to standard B21 for further discussion.
Setbacks	All side and rear setbacks comply with standard B17 as per proposed wall heights. However, it is unclear if the western boundary setback for the Dwelling 1 upper level wall is compliant. Therefore, it is recommended that a condition be included on any permit issued to ensure compliance is achieved on amended plans. Refer to standard B17 for further details.

Stormwater management and infrastructure concerns	The application was referred to Council's Development Approvals Engineer in relation to stormwater infrastructure and management. The Engineer responded with no objection subject to stormwater management conditions to be included on any permit issued. Refer to section 10 for further details.
Walls on boundary	The proposed dwelling 3 wall on boundary will exceed the average maximum wall height of 3.2m by 100mm. Therefore, it is recommended by way of a condition on any permit issued, the wall height be reduced to comply with standard B18. Further, as per objector request it is recommended through a condition that the wall be setback from the boundary to ensure the existing boundary fence be retained. The other wall on boundary for dwelling 1 complies with standard B18. Refer to standard B18 for further details.
Vegetation removal	No significant trees have been identified on-site for removal. The large 8m tree at the rear of the property will be retained and protected through conditions on any permit issued. Council's Vegetation Officer has raised no objection subject to these conditions and condition for replacement planting including a landscape plan. Refer to section 10 and conditions below for further details.
Car parking/traffic	In accordance with Clause 52.06, the proposed development generates a car parking requirement of 6 spaces based on each dwelling featuring four (4) bedrooms. No visitor parking requirements apply as the development is less than 5 dwellings. The proposal will accommodate 6 spaces including 2 spaces for each dwelling. The design and siting of crossovers on the site's property frontage will also allow for one car space to be maintained on the street. Traffic generation is not a consideration for the application however the net increase of two dwellings on this property is unlikely to create any unreasonable traffic impacts to the surrounding streets with the existing street network having enough capacity. Council's Traffic Engineer has not raised any concerns with traffic generation. Refer to section 5.3 and 10 for further details.
Environmentally sustainable design	Council's ESD Advisor has raised no objection with the proposal on ESD matters including Council's ESD policy under Clause 22.13.

14. 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 *Planning and Environment Act 1987* 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.

15. RECOMMENDATION

- 15.1 That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit for the development of land for three (3) dwellings at 22 Sycamore Avenue, Mentone, subject to the following conditions:
1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the re-advertised plans prepared by 'BK World', drawing no. TP-00 to TP-12 inclusive, revision B dated 29/04/2020 (TP-00, TP-02, TP-08 to TP-12) & revision C dated 02/06/2020 (TP-04 to TP-07), no revisions for TP-01 and TP-03. submitted to Council on 09/07/2020, but modified to show:
- a) A garden area of at least 35% maintained as a result of the changes under condition 1.
 - b) The development designed to address ground level overlooking to adjoining properties by increasing boundary fence height to at least 1.8m (where applicable) or other suitable measure in accordance with standard B22 of Clause 55.04-6.
 - c) Obscured glazing to upper level windows nominated as being permanently fixed.
 - d) The south-facing upper level bedroom window of Dwelling 1 (opposite Dwelling 2) increased to a full height clear glazed window.
 - e) The Dwelling 1 upper level walk-in-robe southern wall setback at least 7.85m from the southern boundary of the dwelling's secluded private open space in accordance with 29 of Clause 55.05-5.
 - f) The Dwelling 1 master bedroom wall setback to the western (side) property boundary increased or it be demonstrated on plans that the proposed setback complies in accordance with standard B17 of Clause 55.04-1.
 - g) The Dwelling 3 WIR and ensuite wall on boundary reduced in average height to no more than 3.2 metres in accordance with standard B18 of Clause 55.04-2.
 - h) The Dwelling 3 WIR and ensuite wall set off the boundary to allow for the existing boundary fence to be retained.
 - i) The Dwelling 3 ground floor wall reduced in height or boundary setback increased to ensure no new shadows over the existing boundary fence shadow onto the secluded private open space of no. 24A Sycamore in accordance with standard B21 of Clause 55.04-5.
 - j) Gradient for the tandem car space of Dwelling 1 must not exceed 1:20.
 - k) Provision of a longitudinal section of the reverse fall driveway with levels and grades to AHD, and designed in accordance with Clause 52.06 of the Kingston Planning Scheme.
 - l) The internal driveway setback at least 500 millimetres from the side boundary at the front property boundary.
 - m) The landscape bed adjacent to the common driveway along the eastern boundary of the site is to be tapered back for a length of 4.7m from the southern point of where the landscape bed starts to allow for satisfactory vehicle swept paths.
 - n) The vehicle crossings kept separate from the neighbours vehicle crossing to enable the creation of a pedestrian refuge of no less than 1 metre wide.
 - o) A distance of at least 5.4 metres achieve between the edge of each crossover on Sycamore Avenue.

- p) The surface material of all driveways / accessways and car parking spaces to be nominated in all-weather coloured concrete sealcoat or similar or permeable paving.
- q) The location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown and located in accordance with condition 20.
- r) The provision of a full colour palette, finishes and building materials schedule for all external elevations, front fencing and driveways of the development.
- s) All relevant commitments identified within the Sustainable Design Assessment, required under condition 11 of this permit, shown on plans.
- t) the provision of a landscape plan in accordance with the submitted development plan, 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 with a trunk circumference at ground level of 110cm 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 (e.g. plants 1 metre width at maturity planted 1 metre apart);
 - vi. The retention of the *Cupressus torulosa* (Bhutan Cypress) located adjacent to the southern boundary of the property;
 - vii. One (1) native canopy trees capable of growing to minimum mature dimensions of 15 metres in height and 8 metres in width to be planted in the front setback of the property;
 - viii. One (1) canopy tree capable of growing to a minimum mature height of 10 metres to be planted in the secluded private open space of Dwellings 1 and 2;
 - ix. 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;
 - x. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - xi. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- u) The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan.

Endorsed Plans

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

Tree Management and Protection

3. The *Cupressus torulosa* (Bhutan Cypress) located adjacent to the southern boundary of the property is to be retained.
4. Excavations for the driveway within the structural root zone of the neighbouring tree *Robinia x fraseri*, Tree 13 in the advertised Blue Gum arborist report, are to be undertaken under the supervision of the project arborist, with no roots greater than 25mm in diameter to be severed.
5. Concurrent with the endorsement of plans under condition 1, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a) A Tree Management Plan (written report) must provide details of:
 - i) Tree protection measures that will be utilized to ensure all trees to be retained remain viable post-construction.
 - ii) Stages of development at which inspections are required to ensure tree protection measures are adhered to, or to supervise works must be specified.
 - b) A Tree Protection Plan (scale drawing) must provide details of:
 - i) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighboring properties where any part of the Tree Protection Zone falls within the subject site.
 - ii) The location of tree protection measures to be utilized.
 - iii) A notation to refer to the Tree Management Plan.
6. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
7. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street tree

8. Tree Protection Fencing is to be established around the *Melaleuca styphelioides* (Prickly-leaved Paperbark) street trees 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.

Drainage and Water Sensitive Urban Design

9. 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 9 a), b) and c) above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
10. 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 8.2L/s.
 - c) All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

11. Concurrent with the endorsement of the plans required pursuant to Condition 1 of this permit, the provision of a Sustainable Design Assessment (SDA) substantially in accordance with the SDA prepared by 'Passive Energy' dated 14 August 2020 (Revision D) must be submitted to and approved by the Responsible Authority. The SDA must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, building materials, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.
12. All works must be undertaken in accordance with the endorsed Sustainable Design Assessment to the satisfaction of the responsible authority. No alterations to the SDA may occur without the written consent of the Responsible Authority.

Infrastructure and Road Works

13. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Sycamore Avenue and all internal driveways must align with the existing/proposed vehicle crossing.
14. 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.
15. Property boundary and footpath levels must not be altered without the prior written consent from the Responsible Authority.
16. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.

17. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
18. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

19. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
20. 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 not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
21. All piping, 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.

Completion of Works

22. Prior to the occupation of the dwellings 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.
23. Prior to the occupation of the dwellings 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, including that any dead, diseased or damaged plants are to be replaced.

Expiry

24. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
 - a. The development is not started within two (2) years of the issue date of this permit.
 - b. The development is not completed within four (4) years of the issue date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

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: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

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: Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.

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).


Note: The owner(s), occupiers and visitors of the development allowed by this permit may not be eligible for Council resident or visitor parking permits.

OR

In the event that Council wishes to refuse the application, it can do so on the following grounds:

1. 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 existing and preferred neighbourhood character.
2. The proposal does not satisfy the requirements of Clause 22.06 – 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, Clause 55.03-1 Street Setback Objective and Clause 55.05-5 Solar Access to Open Space Objective and Clause 55.06-1 Design Detail Objective.
4. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context. In particular, the proposal includes unacceptable continuous built form including at the rear of the site.
5. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area having regard to the incremental housing change expected.

Appendices

Appendix 1 - KP-2019/799 - 22 Sycamore Avenue Mentone - CONSIDERED PLANS
(Ref 20/264089) 

Author/s:

Beau McKenzie, Senior Planner

**City of Kingston
Council Meeting**

Agenda

14 December 2020

Reviewed and Approved By: Amy Lin, Team Leader Statutory Planning
Jaclyn Murdoch, Manager City Development

8.2

KP-2019/799 - 22 SYCAMORE AVENUE MENTONE

1	KP-2019/799 - 22 Sycamore Avenue Mentone - CONSIDERED PLANS	67
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MULTI DWELLING DEVELOPMENT
22 SYCAMORE AVE. MENTONE, VIC 3194

Sheet Number	Current Revision	Sheet Name
TP - 00	B	Cover Page / Neighbourhood Character
TP - 01	B	Site Description Plan
TP - 02	B	Design Response Plan
TP - 03	B	Planning Conditions - Demolition Plan
TP - 04	C	Proposed Site - Roof Plan
TP - 05	C	Ground Floor Plan
TP - 05a	C	Roof, Bath, Kitchen
TP - 06	C	First Floor Plan
TP - 07	C	Elevation
TP - 08	B	Sitevisions, street scape
TP - 09	B	Shadow Diagram
TP - 10	B	Shadow Diagram
TP - 11	B	Shadow Diagram
TP - 12	B	Shadow Diagram



LOCAL INTERESTS:

1. SHEPPS FORD MACHINERY
2. COOTUP INDUSTRIAL MACHINERY / SCORABROOK AIRPORT
3. MATHURAN RD RESERVE
4. KILGER HWY PRESCHOOL
5. PANDORA SECONDARY COLLEGE
6. PANDORA PRIMARY SCHOOL
7. PANDORA PRIMARY SCHOOL
8. PANDORA TOWN
9. MENTONE PARK CHURCH & PRESCHOOL
10. MENTONE PARK CHURCH
11. MENTONE PRIMARY SCHOOL
12. MENTONE PARK PRIMARY SCHOOL
13. BURNINGS MENTONE

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100 m
50 m
25 m
10 m
5 m
2 m
1 m
0.5 m
0.2 m
0.1 m
0.05 m
0.02 m
0.01 m



1. 22 Blackwood Ave.



2. 16 Blackwood Ave.



3. 1 Sycamore Ave.



4. 26 Sycamore Ave.



5. 24 Sycamore Ave.



6. 41-51 Sycamore Street



LEGEND:

- 1. SUBJECT SITE
- 2. LOCAL INTERESTS
- 3. SURROUNDING PROPERTIES

bkworld
35-37 Centre St
Mentone VIC 3194
0412 306 411

NOTES:
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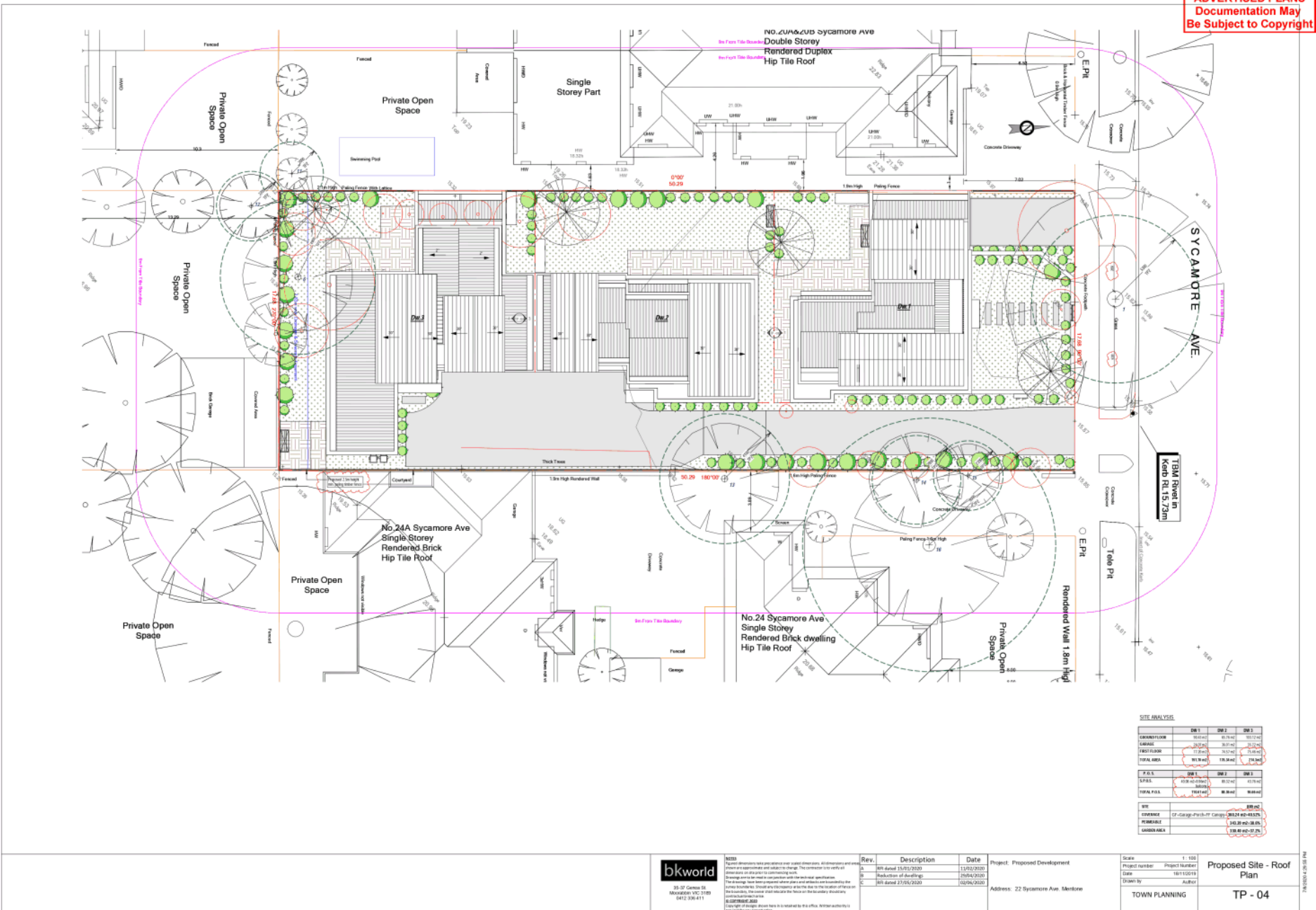
Rev.	Description	Date
01	Reduction of dwelling.	29/04/2020

Project: Proposed Development
Address: 22 Sycamore Ave. Mentone

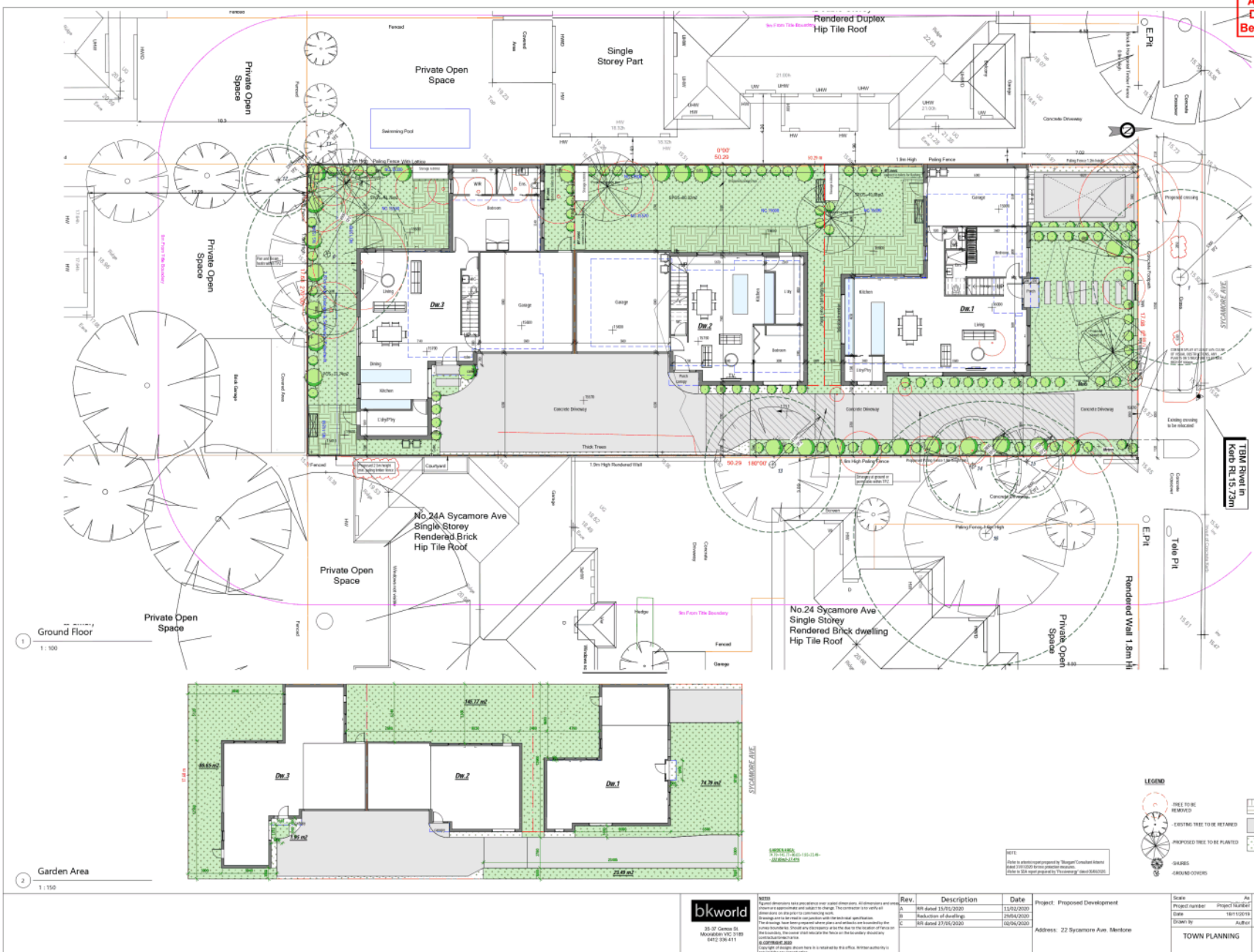
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Project number: 180100012
Drawn By: HRP

Cover Page / Neighbourhood Character
TP - 00

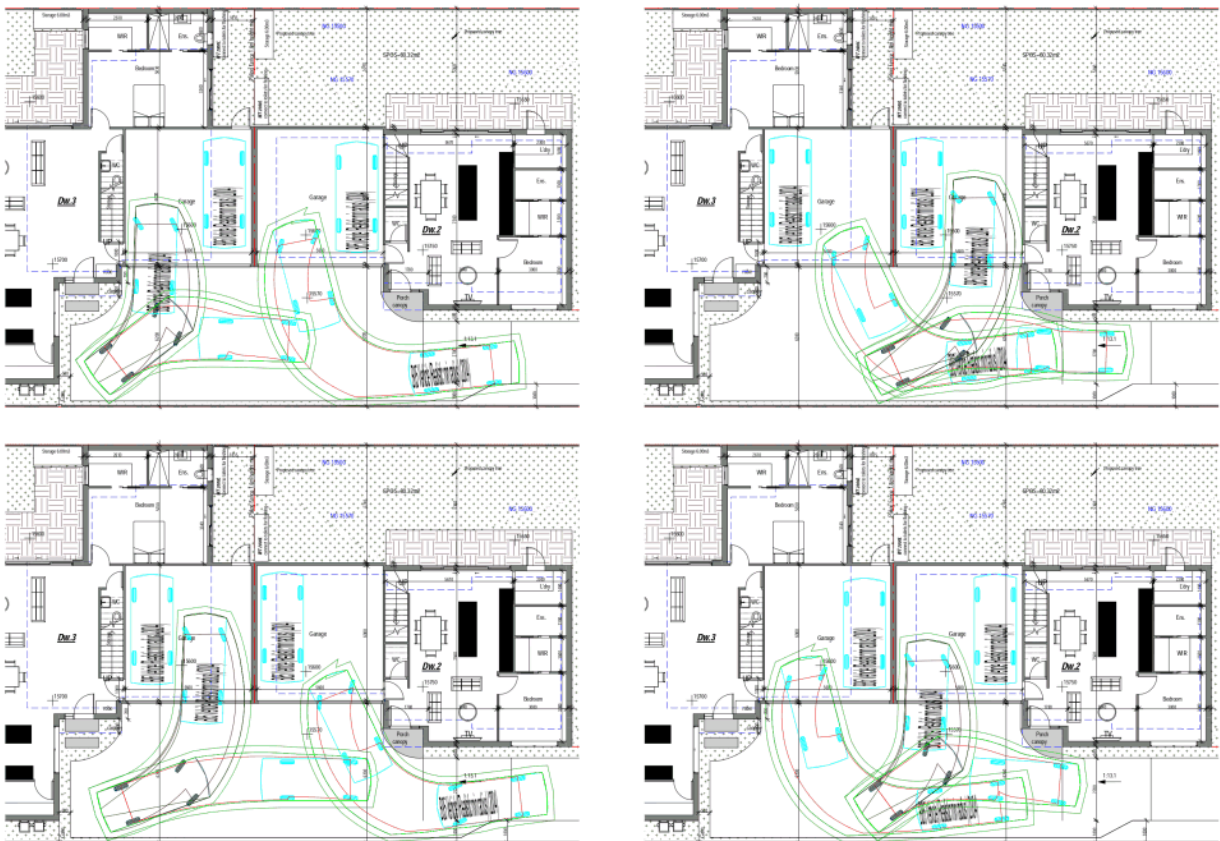
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Documentation May
Be Subject to Copyright



ADVERTISED PLANS
Documentation May
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Documentation May
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bkworl
35-37 Centre St
Mentone VIC 3190
0412 336 411

NOTES
1. All dimensions are given unless otherwise stated. All dimensions are given in millimetres unless otherwise stated.
2. The drawings are to be used in conjunction with the relevant specifications.
3. The drawings have been prepared under strict and strictest control and are to be used for the purpose of the drawings only.
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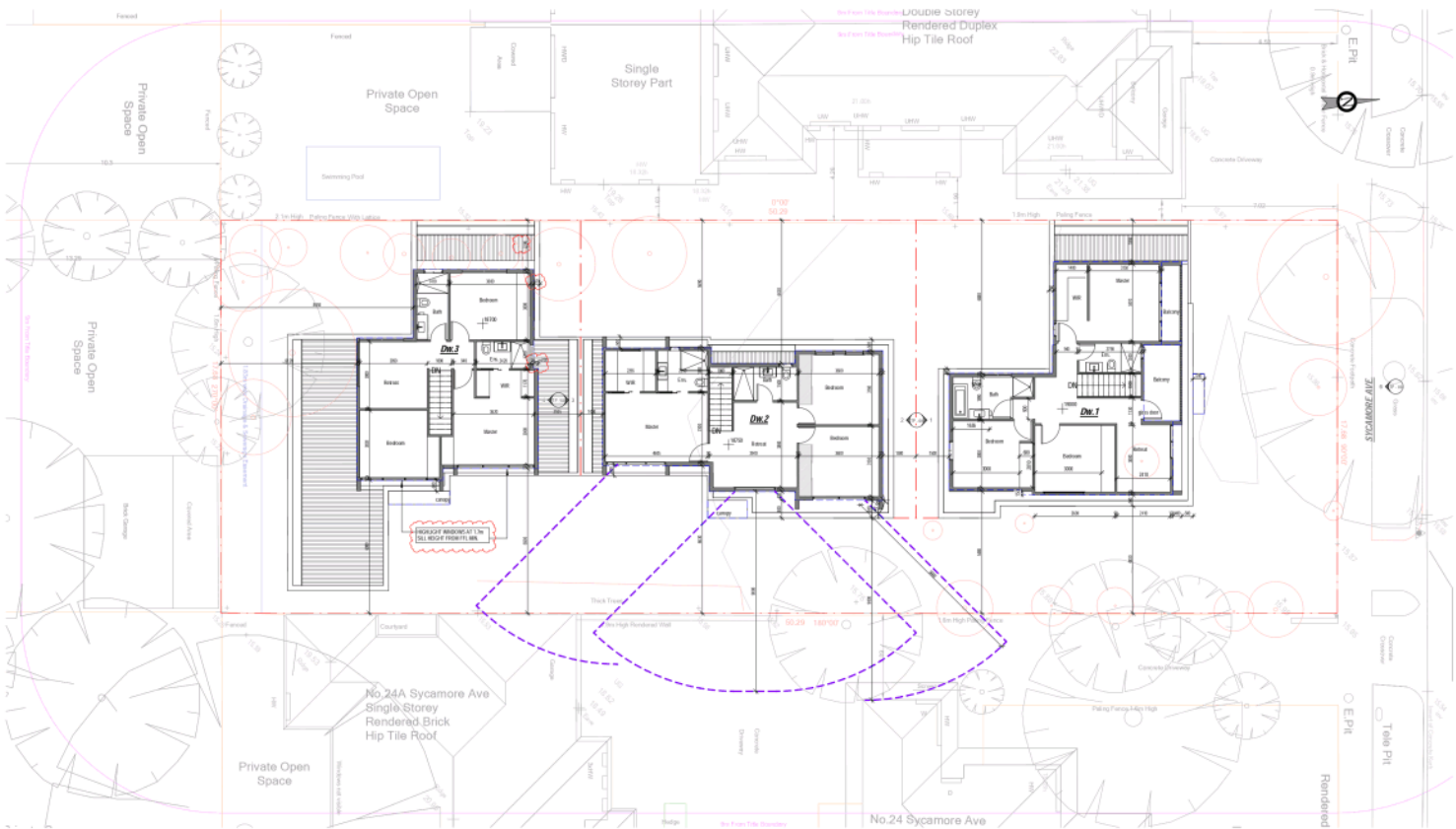
Rev.	Description	Date
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B	Reduction of dwelling	29/04/2020
C	1st issued	12/06/2020

Project: Proposed Development
Address: 22 Sycamore Ave. Mentone

Scale: 1:100
Project number: 18110019
Drawn by: Author
TOWN PLANNING

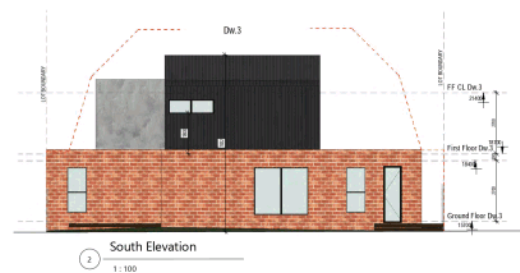
Swept Path diagram
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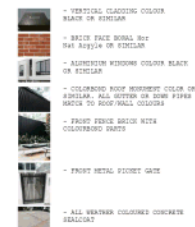


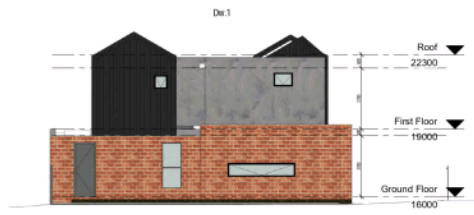
NOTE:
Refer to related report prepared by 'Bentley' Consulting Architects
dated 11/01/2020 for any potential matters.
Refer to 100% approved 'Engineering' report dated 11/01/2020.

 35-37 Centre St Mentone VIC 3193 0412 336 411	NOTES All plans developed under the current development scheme. The proposed development is shown in green and approved and subject to change. The condition is verified by the Council. The condition is verified
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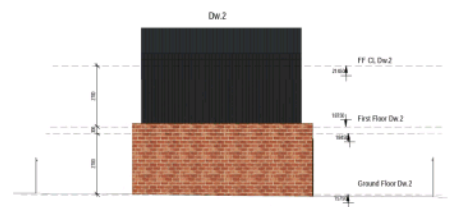


MATERIALS & FINISHES SCHEDULES

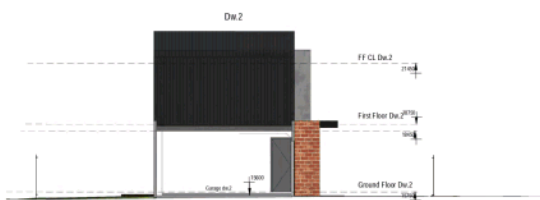
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2 North Elevation Dw.2
1 : 100



3 South Elevation Dw.2
1 : 100



4 North Elevation Dw.3
1 : 100



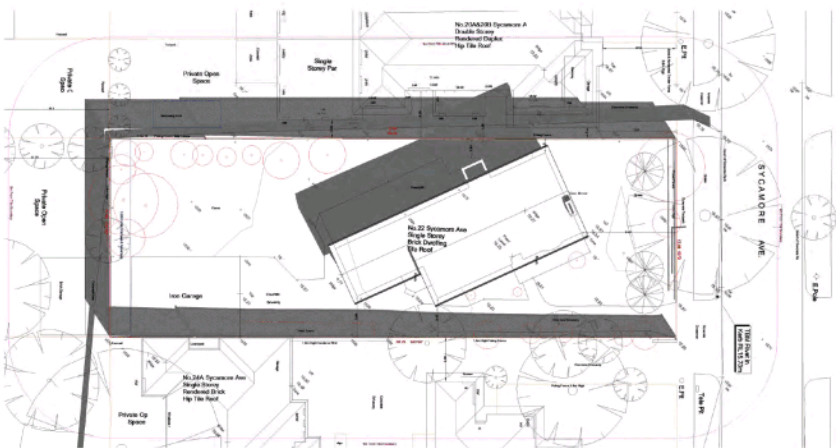
5 Proposed Streetscape
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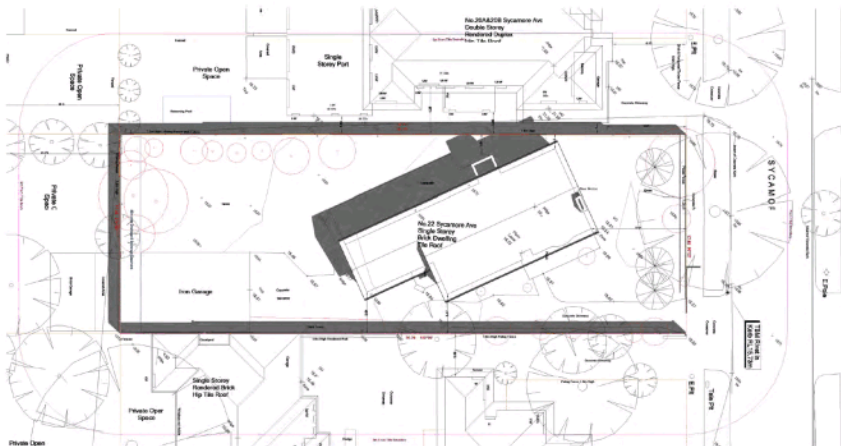
6 Front Fence Elevation
1 : 100

 35-37 Centre St Mentone VIC 3190 0412 306 411	NOTES 1. All dimensions are to be taken from the finished ground level unless otherwise stated. 2. The client is responsible for obtaining all necessary permits and approvals. 3. The client is responsible for ensuring that the proposed development complies with all applicable laws and regulations. 4. The client is responsible for ensuring that the proposed development is constructed in accordance with the approved plans. 5. The client is responsible for ensuring that the proposed development is maintained in accordance with the approved plans. 6. DISCLAIMER Copyright of design shown here is retained by its creator. No liability is accepted for any design errors.	<table><tr><th>Rev.</th><th>Description</th><th>Date</th></tr><tr><td>A</td><td>Initial design</td><td>11/01/2020</td></tr><tr><td>B</td><td>Revised design</td><td>25/04/2020</td></tr></table>	Rev.	Description	Date	A	Initial design	11/01/2020	B	Revised design	25/04/2020	Project: Proposed Development Address: 22 Sycamore Ave, Mentone	Scale: 1 : 100 Project number: 18110019 Drawn by: TOWN PLANNING Author: TP - 08	Elevations, street scene
		Rev.	Description	Date										
A	Initial design	11/01/2020												
B	Revised design	25/04/2020												

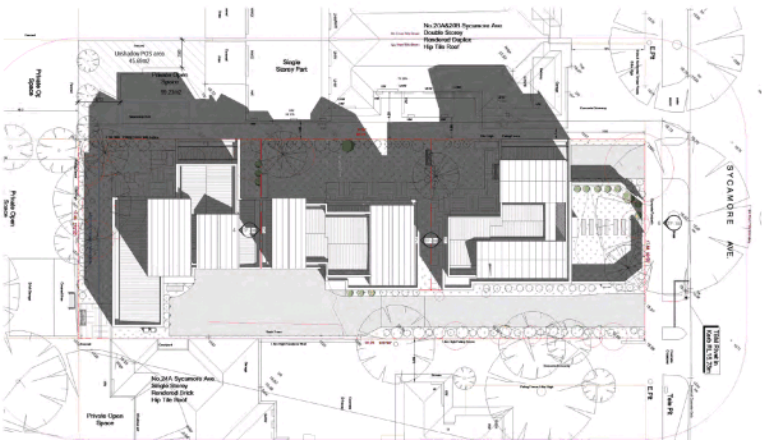
ADVERTISED PLANS
Documentation May
Be Subject to Copyright



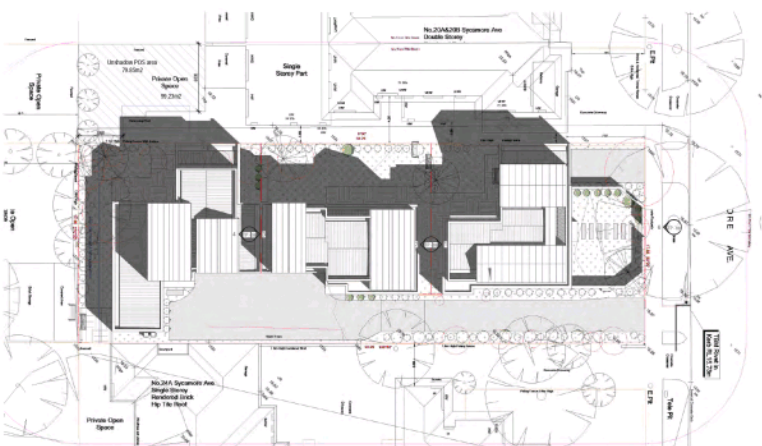
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1:200



Shadow Diagram 22/09 @ 10 am Existing
1:200



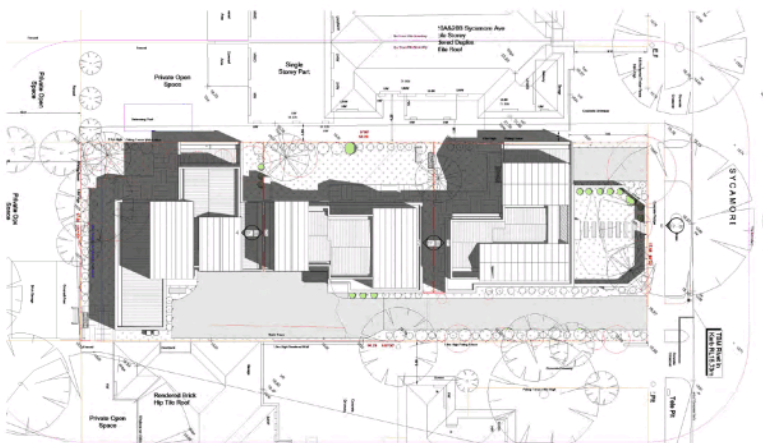
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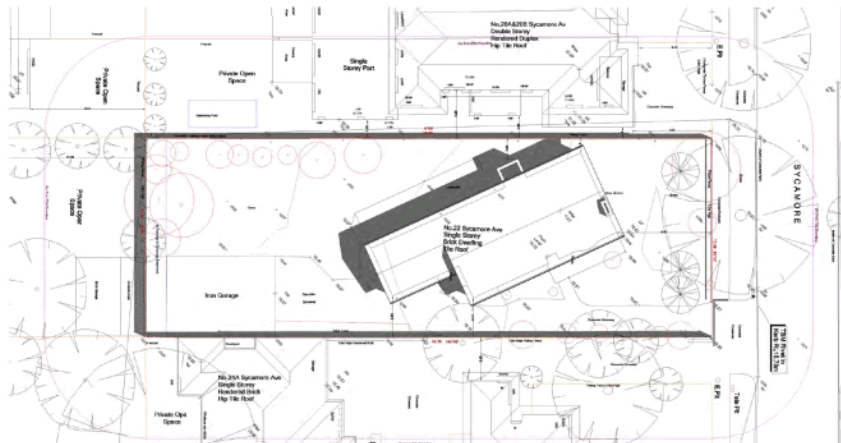
Shadow Diagram 22/09 @ 10 am
1:200

bkworld 35-07 George St Mentone VIC 3190 0412 336 411	Notes This document is for informational purposes only and does not constitute an offer of any financial product or service. It is intended to provide a general overview of the proposed development and is not intended to be used as a basis for any investment decision. The information contained herein is subject to change without notice. The developer is not responsible for any loss or damage arising from the use of this document. The developer is not responsible for any loss or damage arising from the use of this document. The developer is not responsible for any loss or damage arising from the use of this document.	Rev. A B	Description Initial design Reduction of dwellings	Date 11/02/2020 25/04/2020	Project: Proposed Development Address: 22 Sycamore Ave, Mentone	Scale: 1:200 Project number: 181710017 Drawn by: TOWN PLANNING Author: TP - 09
						Shadow Diagram

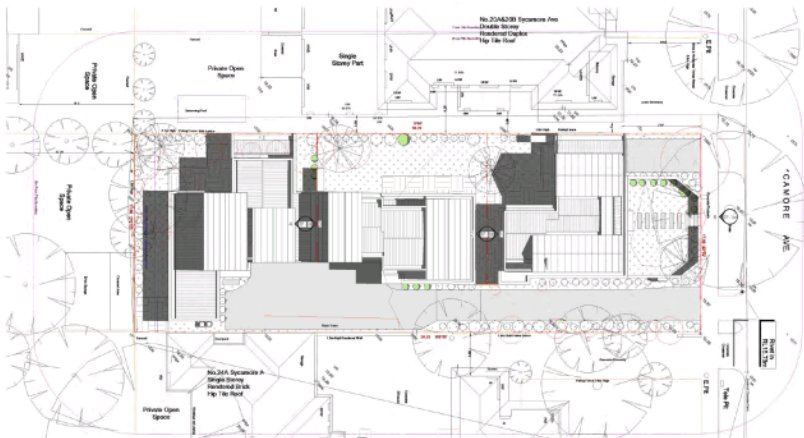
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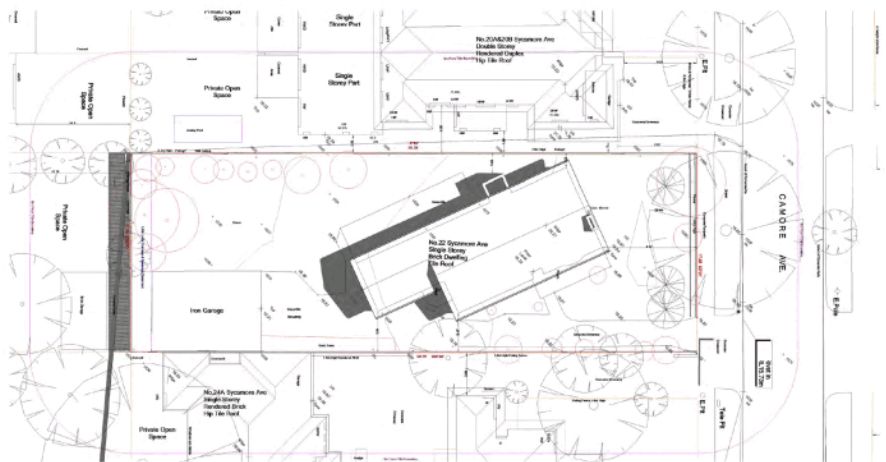
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Shadow Diagram 22/09 @ 12 pm
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Shadow Diagram 22/09 @ 12 pm Existing
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bkworld

35-37 Centre St
Mentone VIC 3190
0412 306 411

NOTES
1. All dimensions are to be confirmed with the relevant authorities.
2. The drawings are for information only and do not constitute a contract.
3. The drawings are for information only and do not constitute a contract.
4. The drawings are for information only and do not constitute a contract.
5. The drawings are for information only and do not constitute a contract.

Rev.	Description	Date
A	Initial design	11/01/2020
B	Reduction of dwelling	29/04/2020

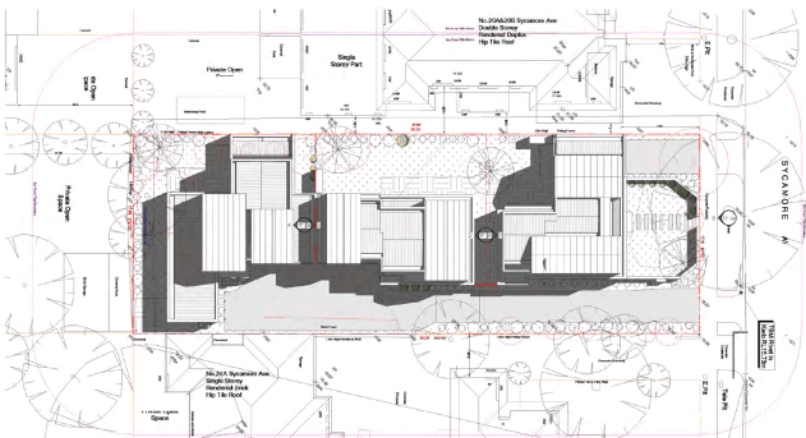
Project: Proposed Development
Address: 22 Sycamore Ave, Mentone

Scale: 1:200
Project number: 181100191
Drawn by: TOWN PLANNING
Author: TP - 10

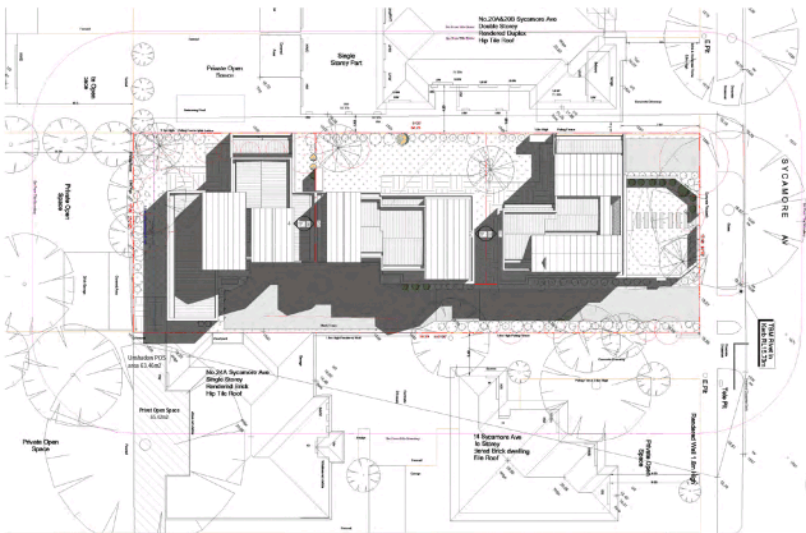
Shadow Diagram

TP - 10

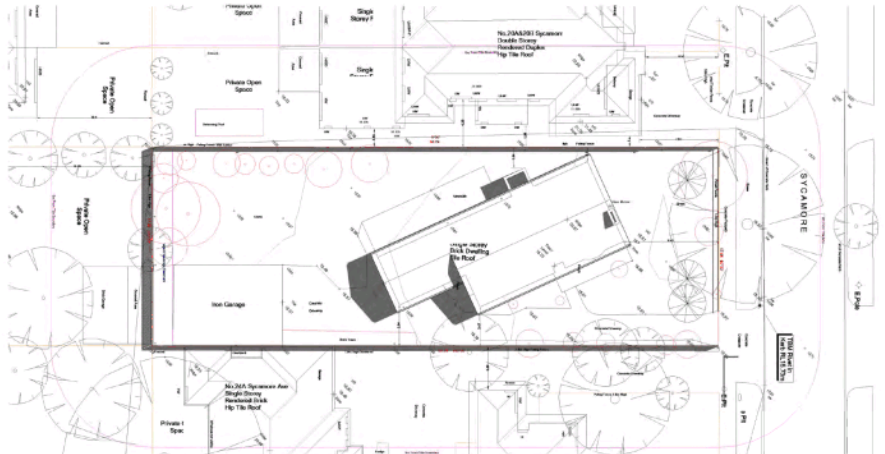
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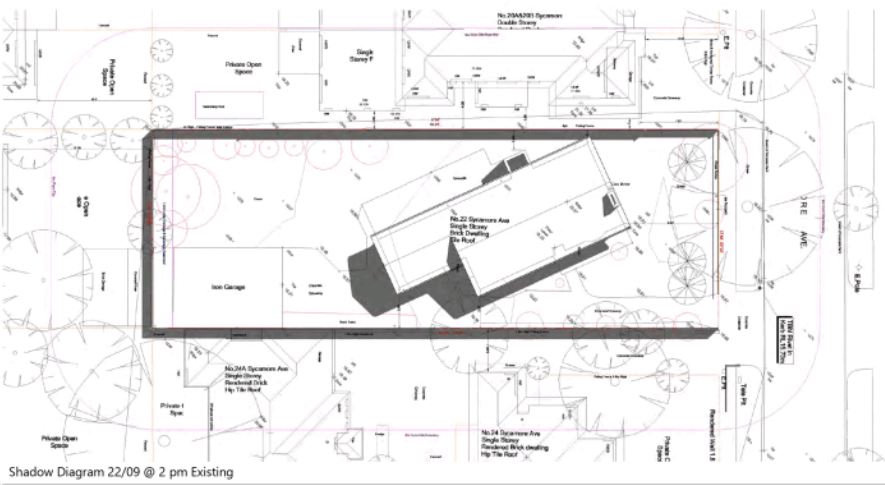
1 Shadow Diagram 22/09 @ 1 pm
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3 Shadow Diagram 22/09 @ 2 pm
1:200



2 Shadow Diagram 22/09 @ 1 pm Existing
1:200



4 Shadow Diagram 22/09 @ 2 pm Existing
1:200

bkworld
35-37 Centre St
Mentone VIC 3190
0412 306 411

NOTES
1. All drawings are to be read in conjunction with the project description, all dimensions and notes
2. All drawings are to be read in conjunction with the project description, all dimensions and notes
3. All drawings are to be read in conjunction with the project description, all dimensions and notes
4. All drawings are to be read in conjunction with the project description, all dimensions and notes
5. All drawings are to be read in conjunction with the project description, all dimensions and notes
6. All drawings are to be read in conjunction with the project description, all dimensions and notes
7. All drawings are to be read in conjunction with the project description, all dimensions and notes
8. All drawings are to be read in conjunction with the project description, all dimensions and notes
9. All drawings are to be read in conjunction with the project description, all dimensions and notes
10. All drawings are to be read in conjunction with the project description, all dimensions and notes

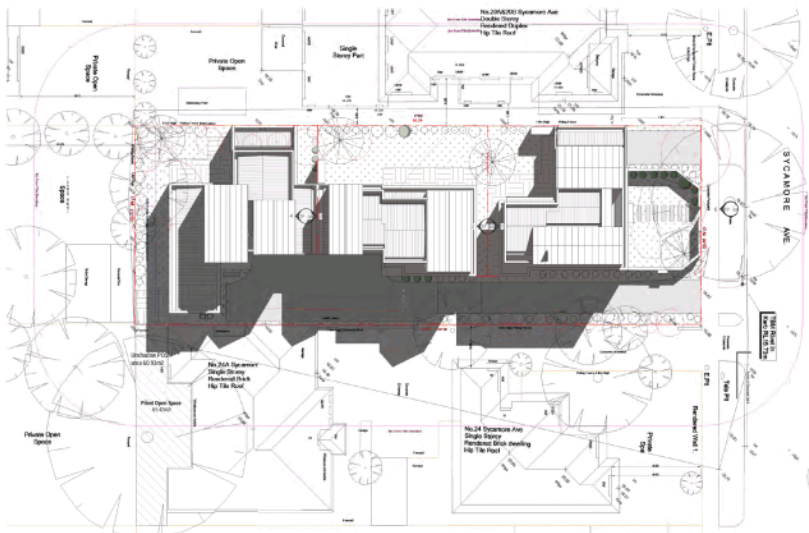
Rev.	Description	Date
A	Initial design	15/02/2020
B	Reduction of dwelling	25/04/2020

Project: Proposed Development
Address: 22 Sycamore Ave, Mentone

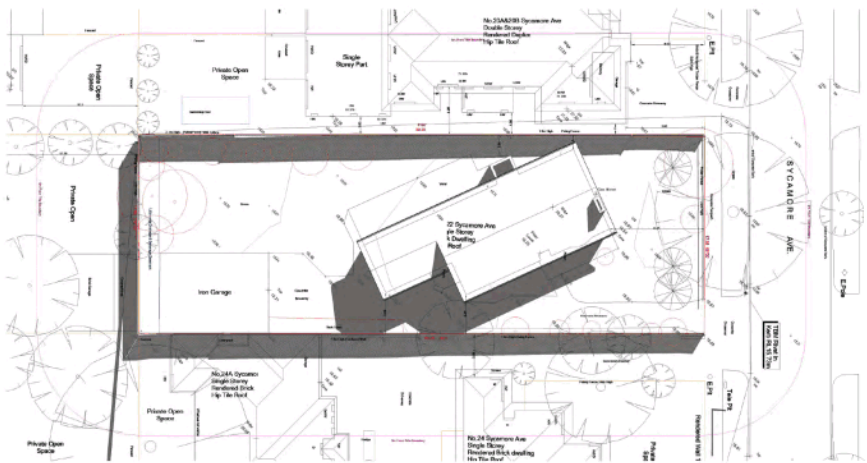
Scale: 1:200
Project number: 1817100191
Drawn by: TOWN PLANNING
Checked by: TP - 11

Shadow Diagram
TP - 11

ADVERTISED PLANS
Documentation May
Be Subject to Copyright



1 Shadow Diagram 22/09 @ 3 pm
1 : 200



2 Shadow Diagram 22/09 @ 3 pm Existing
1 : 200

bkworld
35-37 Centre St
Mentone VIC 3193
0412 336 411

NOTES
1. All dimensions are given in millimetres unless otherwise stated.
2. All dimensions are given in millimetres unless otherwise stated.
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9. All dimensions are given in millimetres unless otherwise stated.
10. All dimensions are given in millimetres unless otherwise stated.

Rev.	Description	Date
A	Initial design	11/01/2020
B	Reduction of dwelling	29/04/2020

Project: Proposed Development
Address: 22 Sycamore Ave, Mentone

Scale	1 : 200
Project number	Project number
Date	18/11/2019
Drawn by	Author
TOWN PLANNING	TP - 12

Council Meeting

14 December 2020

Agenda Item No: 8.3

KP-2020/515 - REAR 25 HESLOP STREET, PARKDALE

Contact Officer: Terence Dang, Statutory Planner

Purpose of Report

This report is for Council to consider planning permit application no.KP-2020/515 - Rear 25 Heslop Street, Parkdale.

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 for alterations and additions to existing building (deck and facade) at Rear 25 Heslop Street, Parkdale, subject to the conditions contained within this report.

EXECUTIVE SUMMARY			
Address	Rear 25 Heslop Street, Parkdale		
Legal Description	Lots 1 to 8 on Title Plan 853474F		
Applicant	Parkdale Bowls and Social Club		
Planning Officer	Terence Dang		
PLANNING REQUIREMENTS			
Planning Scheme	Kingston		
Zone(s)	Clause 34.01 – Commercial 1 Zone		
Overlay(s)	Clause 43.02 – Design and Development Overlay (Schedules 1 and 17)		
Particular and General	Clause 53.18 – Stormwater Management in Urban Development		
Provision(s)	Clause 65.01 – Approval of An Application or Plan		
Permit Trigger(s)	Clause 34.01 – 4 – Construct a building or construct or carry out works		
APPLICATION / PROCESS			
Proposal	Alterations and additions to an existing building (deck and façade)		
Reference No.	KP-2020/515	RFI Received	30 September 2020
App. Received	4 September 2020	App. Amended	Not applicable
Site inspection	No		
S.52 Advertising Commenced	8 October 2020	S.52 Advertising Completed	26 October 2020
S.55 Referrals	None		
Internal referrals	Yes		
Objection(s)	None (Checked on 22 November 2020)		
Vegetation removal	No	Trees over 8 metres in height	No
LEGISLATIVE			
Covenant/other Restriction	No	Complies	No
Aboriginal Cultural Sensitivity Area	Yes		
CHMP Considered	Exempt		
Plan(s)	Wheelhouse Architecture Pty Ltd, drawing nos.A000, A101, A201, and A701, 6 July 2020		

1.0 KEY ISSUES

1.1 The main issues arising from this proposal relate to:

- Amenity impacts (I.e. Overlooking and overshadowing); and
- Built form and design detail

2.0 SUBJECT LAND



Image 1: Frontage of subject site

Built form	The subject site (site) at the rear of no.25 Heslop Street, Parkdale contains a single storey building with a low pitched roof in grey corrugated iron, and weatherboard walls in white tones. The site also contains associated outbuildings for shading and storage.
Size (m²)	The site is rectangular in lot shape and has a maximum width of 55 metres and maximum length of 60.5 metres. The site has a total area of approximately 3,273 square metres.
Topography	The site is generally flat in topography.
Fencing	The site contains a high metal wire fence along the laneway on Alameda Place, and a high corrugated iron fence along the site's north west (rear) and south west (rear) title boundary.
Vegetation	The site contains no significant canopy trees or vegetation on the lot.
Easement(s)	The site contains no drainage or sewerage easements on the lot.
Footpath asset(s) / access	The site adjoins a public car parking area with one (1) double vehicle crossing on Heslop Street.

**Covenant(s) /
Restrictions**

The site contains no covenant(s) or section 173 agreement(s) listed on the Register Search Statement.

3.0 SURROUNDING LAND



Image 2: Aerial view of subject site

- 3.1. The site is predominantly in a residential area with a mix of one (1) dwelling, two (2) dwellings with a battle axe or side by side arrangement, and multiple dwellings connected to a shared driveway. The dwellings are generally single and double storey in scale.
- 3.2. The site shares a laneway on Alameda Place with commercial properties on Como Parade West, and adjoins an educational land use for Parkdale Pre School north west of the site.

4.0 PROPOSAL

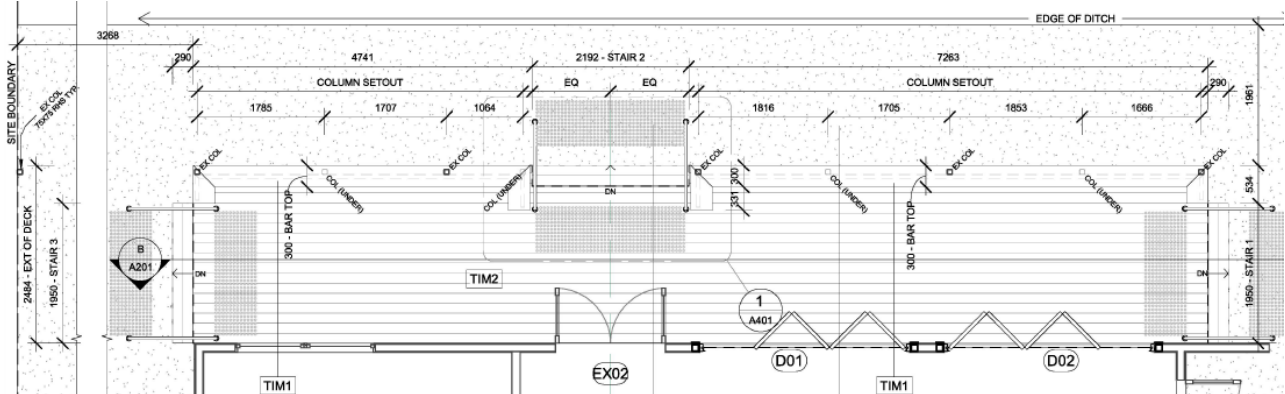


Figure 1: Site plan of proposal

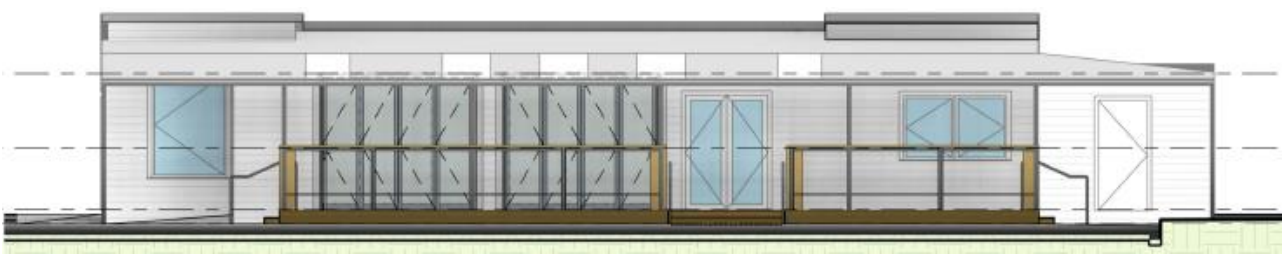


Figure 2: Elevations plan of proposal

- 4.1. The proposal seeks planning permission to construct a new deck and install new bi fold doors to the existing building. The deck is 35 square metres and is to be 260 millimetres above natural ground level.

5.0 PLANNING PERMIT PROVISIONS

Zoning provisions

- 5.1. The site is located in the Commercial 1 Zone (C1Z). The clause states that a planning permit is required to construct a building or construct or carry out works pursuant to clause 34.01-4 of the Planning Scheme. The schedule does not make a variation to the leasable floor area for the nominated land use.

Overlay provisions

- 5.2. The site is affected by schedules 1 and 17 of the Design and Development Overlay (DDO). The clause states a planning permit is required to construct a building, or construct or carry out works pursuant to clause 43.02-2 of the Kingston Planning Scheme unless the schedule specifically states that a permit is not required.
- 5.3. The following schedule (Urban Coastal Height Control Area) for the site states under clause 2.0 that a planning permit is not required to construct or carry out the following works:
- *A building which has an internal storey height (measured from floor to ceiling) of 3.5 metres or less. The internal storey height requirement does not include stairwells and lightwells which comply with the overall height requirements.*
 - *Works which do not exceed 6 metres in overall height.*
- 5.4. Further at clause 2.0, the following requirements must be met before a planning permit can be granted:
- *A single storey building (which may include a basement carpark with a maximum height of 1.2 metres above natural ground level) must not exceed 6 metres in overall height.*
 - *Works, which do not form part of a building, must not exceed 6 metres in overall height.*
 - *A building must not be greater than 2 storeys in height (which may include a basement carpark with a maximum height of 1.2 metres above natural ground level).*

Particular provisions

- 5.5. The policy in clause 53.18 (Stormwater Management in Urban Development) of the Kingston Planning Scheme states that any development and subdivision on the site is to maximise the retention and reuse of stormwater, and protect drainage infrastructure and receiving waters from sedimentation and contamination.

General provisions

- 5.6. The decision guidelines in clause 65.01 (Approval of An Application or Plan) of the Planning Scheme require consideration to be given to a variety of matters including Planning Scheme policies, the purpose of the C1Z, orderly planning, and the impact on amenity.

6.0 RELEVANT POLICIES

- 6.1. Planning Policy Framework

Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 17	Economic Development

- 6.2. Local Planning Policy Framework

Clause 21.06	Built Environment and Heritage
Clause 21.08	Economic Development

7.0 RELEVANT LAND HISTORY

- 7.1. Planning information request PE-2020/289 was submitted by the City of Kingston on 13 May 2020 for the development described in section 4 of this report. The planning officer, completing the request, established that a planning permit was required to construct a building or construct or carry out works.

8.0 ADVERTISING

- 8.1. The application was advertised by maintaining notice sign(s) on site for more than 14 days, and sending notices to affected property owners and occupiers in the area pursuant to section 52 of the *Planning and Environment Act 1987* (Act). The application received no representations for or against the proposal.

9.0 PLANNING CONSULTATION MEETING

- 9.1. A planning consultation meeting was not required as there were no objection(s) received for this application.

10.0 AMENDMENTS UNDER SECTION 50 / 54 / 57A OF THE ACT

- 10.1. The planning officer notes that no amendment(s) were made to the proposal under section 50 or 57A of the Act.

11.0 REFERRALS

11.1. The application was referred to the following internal department(s) as set out in the table below:

Department / Area	Comments
Property Services	Council's Property Services department did not raise any concerns with the proposal, and did not prescribe planning conditions on any permit issued.

12.0 PLANNING CONSIDERATIONS

Planning Policy Framework

12.1. The Planning Policy Framework sets out the relevant state wide policies for development at clause 11 (Settlement), clause 15 (Built Environment and Heritage) and clause 17 (Economic Development). 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).

12.2. Clause 11 (Settlement) seeks to ensure that planning is to:

- Anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation, and open space, commercial and community facilities, and infrastructure.
- Prevent environmental and amenity problems created by siting incompatible land uses close together.
- Facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community, and commercial infrastructure and services.

12.3. Clause 11.02-1S (Supply of Urban Land) 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 as consideration being had for environmental aspects, sustainable development, and the costs associated with providing infrastructure. The 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; and
- Service limitations and the costs of providing infrastructure.

- 12.4. Clause 15 (Built Environment and Heritage) requires that development respond appropriately to its surrounding landscape and character and minimise any impacts on the built and natural environment.
- 12.5. Clause 15.01-1S (Urban Design) promotes urban environments that are safe, healthy, functional and enjoyable, and that contribute to a sense of place and cultural identity. The clause emphasises that development provides landscaping to support the amenity and safety of the public realm.
- 12.6. Clause 15.01-2S (Building Design) encourages development to achieve high quality architectural and urban design outcomes that make a positive contribution to neighbourhood character, minimise detrimental amenity impacts, and create safety for future residents and the community.
- 12.7. Clause 15.03-2S (Aboriginal Cultural Heritage) seeks to ensure the protection and conservation of places with Aboriginal Cultural Heritage significance. The site is identified in an area of Aboriginal Cultural Heritage Sensitivity.

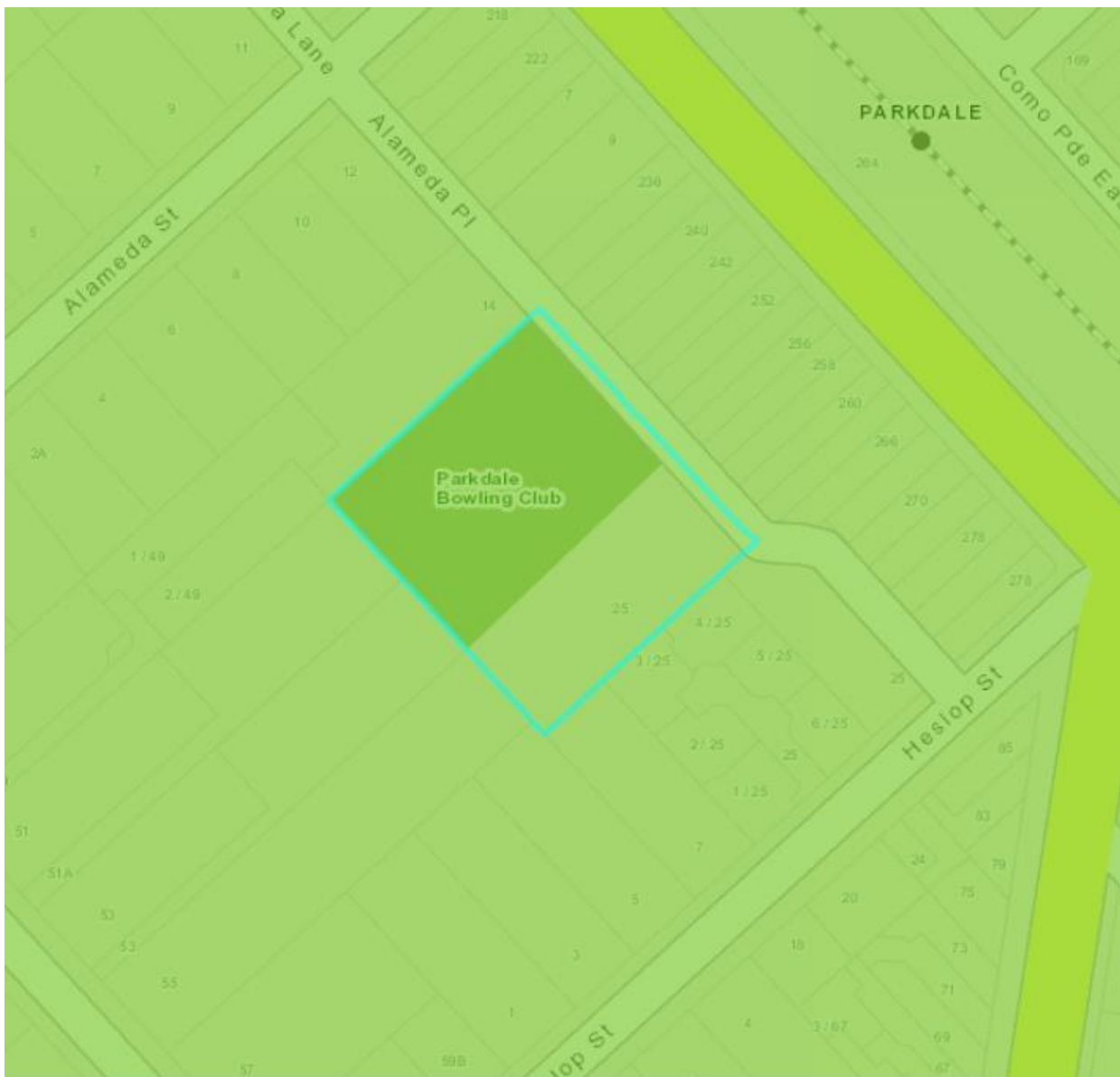


Image 3: Aboriginal Cultural Heritage Sensitivity map

12.8. Regulation 14 of the *Aboriginal Heritage Regulations 2018* states that the following is an exempt activity:

- a. the exterior alteration of a building; and
- b. the exterior decoration of a building.

A Cultural Heritage Management plan is not required as the proposal seeks to construct a new deck and install new bi fold doors to the existing building.

12.9. Clause 17 (Economic Development) aims for a strong and innovative economy by facilitating a range of sectors in existing and emerging employment areas.

12.10. Clause 17.02-1S (Business) encourages development that provides retail, entertainment, office, and other commercial services for the community. The clause promotes net community benefit in relation to viability, accessibility, and efficient use of infrastructure.

12.11. The proposal generally complies with the objectives and strategies in the PPF. The proposal is on a site that allows commercial and recreational uses, and improvements to the public realm.

Local Planning Policy Framework

12.12. The Local Planning Policy Framework comprises the Municipal Strategic Statement (MSS) and Local Planning Policies.

12.13. Clause 21.06 (Built Environment and Heritage) seeks to provide guidance on the urban environment, neighbourhood character, and sustainable development. The key objectives for this application pursuant to clause 21.06-1 of the Planning Scheme are as follows:

- To project a positive image of the City through a high standard of urban design; and
- To improve pedestrian safety, circulation and access.

12.14. Clause 21.08 (Economic Development) encourages the redevelopment of land without impacting on the amenity and safety of adjoining uses. The key objectives for this application pursuant to clause 21.08-1 of the Planning Scheme are as follows:

- To protect the retail role and function of activity centres.

12.15. The proposal generally complies with the aforementioned policies in the MSS, which aim to enhance the image of neighbourhood activity centre areas like Parkdale. The buildings and works would occupy land currently used to access the existing building. The planning officer is satisfied that there are no negative off site amenity impacts on the site and surrounding properties.

Zoning provisions

12.16. The primary purpose of the C1Z is to create vibrant mixed use commercial centres for retail, office, business, entertainment, and community uses.

12.17. Although a planning permit is required to construct buildings and works, the planning officer is satisfied that the proposal does not introduce a new use on the site.

12.18. The relevant decision guidelines for buildings and works in clause 34.01-8 of the Planning Scheme have been considered for the application, and include the following:

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- *The provision of car parking.*
- ***The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.***
- *The storage of rubbish and materials for recycling.*
- *Defining the responsibility for the maintenance of buildings, landscaping, and paved areas.*
- ***Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.***
- ***The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.***
- ***The availability of and connection to services.***
- ***The design of buildings to provide for solar access.***
- *The objectives, standards and decision guidelines of clause 54 and clause 55. This does not apply to an apartment development.*
- *For an apartment development, the objectives, standards and decision guidelines of clause 58.*

12.19. The proposal is generally in accordance with the applicable decision guidelines in bold. The proposal is in an established area with existing service infrastructure, and access to the arterial road network on Como Parade. The proposal is modest in built form and design detail, and improves the appearance of the existing building when viewed from neighbouring properties. The proposal is located more than 9 metres from dwellings with habitable room windows on The Corso, and does not overshadow any secluded private open space areas adjoining the site. The proposal is under the existing roof and verandah, and does not impact on daylight and solar access to adjoining properties.

12.20. Overall, the proposal is consistent with the purpose and decision guidelines found in the zoning provisions of the Planning Scheme.

Overlay provisions

- 12.21. The application has been assessed against the relevant DDO provisions. The proposal meets the requirements in schedule 1 as there is no increase with the floor to ceiling height of the existing building. The planning officer also notes that schedule 17 expired on 30 April 2013 and was deleted as part of amendment C183 in the Kingston Planning Scheme.

Particular provisions

- 12.22. The application has been assessed against the relevant particular provisions. The proposal is not required to meet the stormwater management objectives pursuant to clause 53.18-5 of the Planning Scheme as the buildings and works are not greater than 50 square metres in total area.

General provisions

- 12.23. The application has been assessed against the relevant general provisions. The proposal meets the requirements contained within clause 65.01 of the Kingston Planning Scheme.

13.0 CONCLUSION

- 13.1. Overall, the proposal is considered to comply with relevant planning policy and therefore should be supported.
- 13.2. 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.
- 13.3. The proposal is considered appropriate for the site, subject to conditions on any permit issued for this application.

14.0 RECOMMENDATION

- 14.1. That Council determine to support the proposal and issue a Planning Permit for alterations and additions to an existing building (deck and façade) at the rear of 25 Heslop Street, Parkdale, subject to the following conditions:

Endorsed plans

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

General conditions

2. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.

Completion of works

3. 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.

Expiry

4. This Permit as it relates to development will expire if one of the following circumstances applies:
- the development is not started within two (2) years from the date of this Permit.
 - the development is not completed within four (4) years from the date of this Permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Note: Prior to the commencement of works, the permit holder/land owner is required to obtain the necessary building permit.

Note: The permit holder/land owner must provide a copy of this Permit to any appointed building surveyor. It is the responsibility of the permit holder/land owner and building surveyor to ensure that all building development works approved by any building permit is consistent with this Permit.

Note: Environment Protection Authority Victoria set out the requirements pertaining to site construction hours and permissible noise levels.


Note: Before removing/pruning any vegetation from the site, the permit holder/land owner or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management department to verify if a local laws permit is required for the removal of such vegetation.

OR

In the event that Council wishes to refuse the application, it can do so on the following grounds:

- The proposal fails to satisfy the policy direction in clause 21.08 (Economic Development) of the Kingston Planning Scheme.
- The proposal fails to satisfy the decision guidelines in clause 34.01-8 (Commercial 1 Zone) of the Planning Scheme.

Appendices

Appendix 1 - KP-2020/515 - Rear 25 Heslop Street, PARKDALE VIC 3195 - Planning Applications - Development plans for consideration (Ref 20/262495) 

Author/s: Terence Dang, Statutory Planner

Reviewed and Approved By: Amy Lin, Team Leader Statutory Planning
Jaclyn Murdoch, Manager City Development

8.3

KP-2020/515 - REAR 25 HESLOP STREET, PARKDALE

- 1 KP-2020/515 - Rear 25 Heslop Street, PARKDALE VIC 3195 -
Planning Applications - Development plans for consideration. 93**

PARKDALE BOWLING CLUB

NEW DECK AND BIFOLD DOOR INSTALLATION

SHEET LIST		
NUMBER	NAME	ISSUED
A101	PLANS	04/07/2020
A201	ELEVATION / SECTIONS	04/07/2020
A701	PERSPECTIVES	04/07/2020
A401	DETAILS	04/07/2020
A102	FRAMING PLAN	04/07/2020
A000	COVER SHEET	04/07/2020

MATERIAL & FITTINGS SCHEDULE

	DESCRIPTION	SUPPLIER
HR1	ITEM: Stainless Steel Handrails CODE: SIZE/DIM: COL/FIN: Stainless Steel, grade 316 Note: Installation to AS1428 refer drawings for detail	Balustrade & Handrail technologies A: 36 Fonceca Street Mordialloc, VIC 3195 P: 03 9580 1856 W https://www.balustradetechnologies.com.au
TAC	ITEM: Tactile indicators CODE: SIZE/DIM: COL/FIN: Stainless steel NOTE: Deck Installation -Screw-In Stainless Steel Tactile Indicators Studs Concrete Installation - Stainless Steel Tactile Indicators with D&L Deformable Spigot	Advanced Group A: 248 Cheltenham Rd, Keysborough VIC 3173 P: 1300 665 499 W https://www.advancedgroup.com.au
TIM1	ITEM: RECYCLED TIMBER BAR TOP CODE: SIZE/DIM: nom 300 x 50 COL/FIN: Blackbutt / Grey Ironbark - natural oil finish NOTE: To match selected decking	Shiver Me Timbers Recycled timbers A: 51 Winton Rd, Clayton VIC 3168 P: 9544 4325 W http://shivermetimbers.com.au
TIM2	ITEM: Timber Decking Boards CODE: SIZE/DIM: 135 X 19 COL/FIN: Blackbutt - natural oil finish NOTE:	Nationwide Timbers A: Factory 4/43 Power Road, Bayswater, VIC 3153 P: 1300 333 455 W: www.nationwidetimber.com.au

DOOR SCHEDULE

TAG	WIDTH	HEIGHT	TYPE	MODEL NO.	MANUFACTURER	INSTALLATION REQUIREMENTS
D01	2940	2500	ViewMASTER™ Bi-Fold Door (top hung)	0B3-2400-Single Glazed-Anotec Natural	Architectural Window Systems Pty. Ltd.	Flow Through Drain to be used for rebated sill, refer to details from Architectural Window Systems Pty. Ltd.
D02	2940	2500	ViewMASTER™ Bi-Fold Door (top hung)	0B3-2400-Single Glazed-Anotec Natural	Architectural Window Systems Pty. Ltd.	Flow Through Drain to be used for rebated sill, refer to details from Architectural Window Systems Pty. Ltd.

**MIN 10.38mm TOUGHENED, GRADE A SAFETY GLASS REQUIRED TO DOORS - GLAZING TO AS1288




PRELIMINARY

Client
PARKDALE BOWLING CLUB

Project
NEW DECK & BI-FOLD DOOR
INSTALLATION

ALMEDA PLACE, PARKDALE 3195

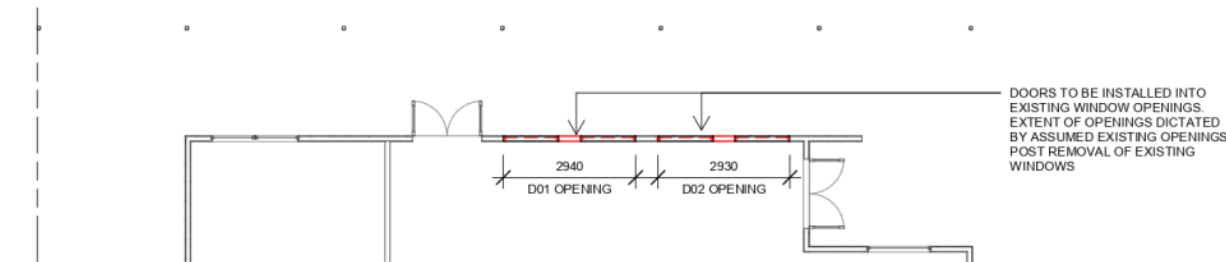
Drawing Title
COVER SHEET

File EWER-KP2020-515-000-000.dwg		
Coordinated	Author	Scale
Project Architect/Designer	Date	04/07/2020 14:00:00
Project Director/Checker	REV	
Drawing Number	North	
A000		

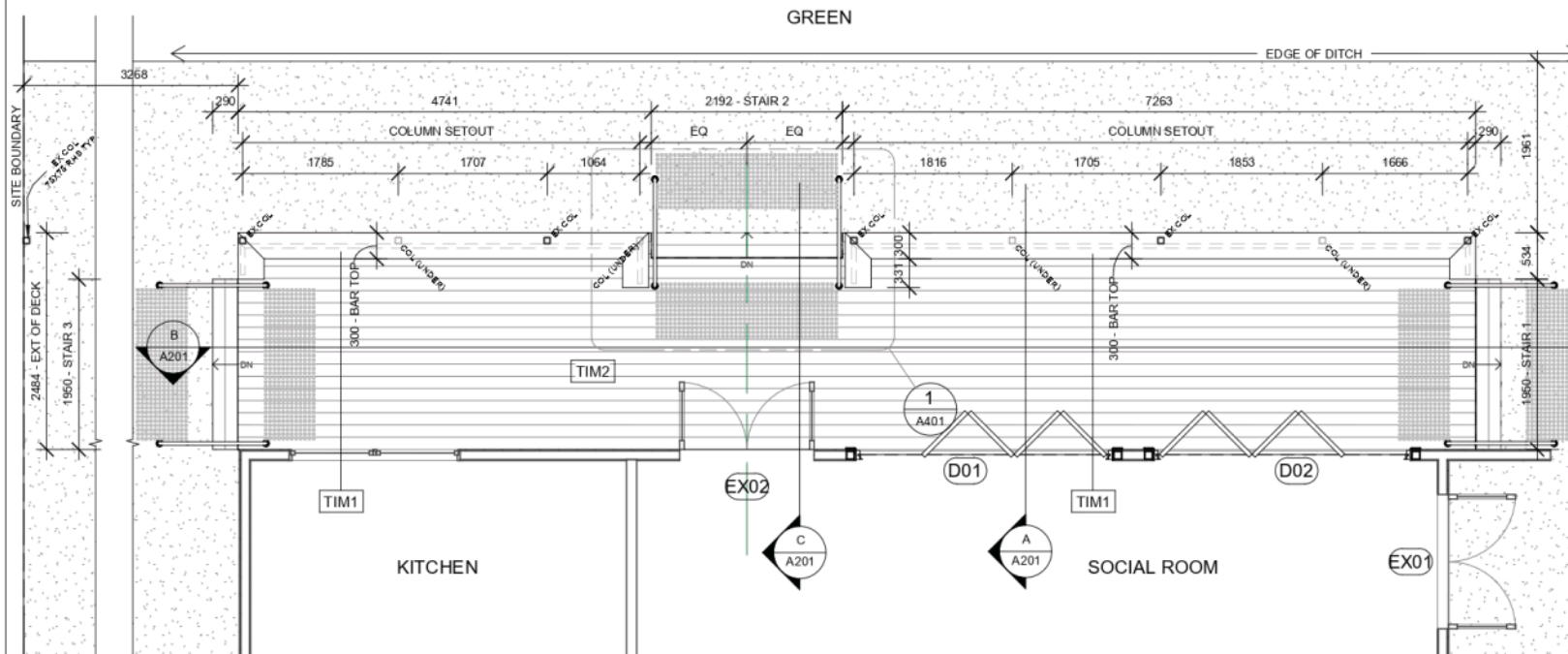
WHEELHOUSE
architecture
11 Leveke Street, Seaford, 3195 VIC Australia
Tel: 03 9594 6133
Email: henry.hall@gmail.com

GENERAL NOTES

1. EXISTING SITE INFORMATION AND OR DIMENSIONS SHALL BE REVIEWED PRIOR TO COMMENCEMENT OF THE WORKS
2. ALLOW FOR ALL ADHESIVES AND SUNDRY ITEMS AS PER PRODUCT SPECIFICATIONS
3. ALL FLOOR FINISHES FORMING PART OF NEW WORKS UNDER THE PROJECT SCOPE REQUIRED TO BE ACCESSIBLE AS PER AS1428
4. ALL EXPOSED STEELWORK TO BE HOT DIPPED GALVANISED TO PROVIDE APPROPRIATE CORROSION PROTECTION IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS
5. PROVIDE NATA ACCREDITED SLIP TESTING RESULTS FOR DECKING AFTER INSTALLATION TO ENSURE REQUIRED 'P' RATING IS MET
6. ALLOW TO PATCH AND PAINT SURROUNDS OF INSTALLED DOORS



1 GROUND FLOOR EXISTING / DEMO 1:100



2 GROUND FLOOR PROPOSED 1:50

PRELIMINARY	
Client PARKDALE BOWLING CLUB	
Project NEW DECK & BI-FOLD DOOR INSTALLATION	
ALMEDA PLACE PARKDALE 3195	
Drawing Title PLANS	
File E:\WP\N\2020\3195\3195_001.dwg	
Coordinated	Author
Project Architect/Designer	Date 4/10/2020 14:10:16 PM
Project Director/Checker	REV
Drawing Number	North
A101	
11 Lavika Street, Seaford, 3195 VIC Australia Tel: 08 4550 6463 Email: helen.hall@wheellhouse.com.au	





1 3D View 1



2 3D View 2

PRELIMINARY			
Client PARKDALE BOWLING CLUB			
Project NEW DECK & BI-FOLD DOOR INSTALLATION ALMEDA PLACE, PARKDALE, 3195			
Drawing Title PERSPECTIVES			
File EWBKP2020515_001.dwg			
Coordinated	Author	Scale	@A3
Project Architect/Designer	Date	REV	18/11/20
Project Director/Checker	REV	North	
Drawing Number A701			
 architecture 11 Leveke Street, Seaford, 3195 VIC Australia Tel: 081 450 04 613 Email: helen.hall@gmail.com			

14 December 2020

Agenda Item No: 8.4

KP-2020/420 - MENTONE LIFE SAVING CLUB CLUBHOUSE 66 BAY TRAIL MENTONE

Contact Officer: Beau McKenzie, Senior Planner

Purpose of Report

This report is for Council to consider Planning Permit Application No. KP-2020/420 - Mentone Life Saving Club Clubhouse 66 Bay Trail Mentone .

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That Council determine to support the proposal and issue a Notice of Decision to Use of the land for an innominate use (Life saving club) and place of assembly, reduce the car parking requirements of Clause 52.06 and removal of native vegetation pursuant to Clause 52.17 at Mentone Life Saving Club Clubhouse 66 Bay Trail Mentone , subject to the conditions contained within this report.

This application requires a decision by Council as the applicant is the City of Kingston and native vegetation is proposed to be removed.

PLANNING OFFICER REPORT	
APPLICANT	City of Kingston
ADDRESS OF LAND	Mentone Life Saving Club – 66 Bay Trail Mentone
PLAN OF SUBDIVISION REFERENCE	Crown Allotment No. 50J, Parish of Moorabbin
PROPOSAL	Use of the land for an innominate use (Lifesaving club) and place of assembly, reduce the car parking requirements of Clause 52.06 and removal of native vegetation pursuant to Clause 52.17
PLANNING OFFICER	Beau McKenzie
REFERENCE NO.	KP-2020/420
ZONE	Clause 36.02 – Public Park and Recreation Zone
OVERLAYS	Clause 43.02 – Design and Development Overlay (Schedule 1)
OBJECTIONS	Two (2)
CONSIDERED PLAN REFERENCES/DATE RECEIVED	Plans prepared by 'Hede Architects'; sheets TP0.01 to TP0.02, TP1.01 to TP1.06 and TP2.01 to TP2.03; revision TP7 dated 12 October 2020 (sheets TP0.01), revision TP1 dated 8 July 2020 (sheets TP0.02, TP1.01 to TP1.06, TP2.01 to TP2.03); received by Council on 19 August 2020
ABORIGINAL CULTURAL HERITAGE SENSITIVITY	Yes – CHMP (number 15870) prepared by Biosis Pty Ltd and approved by Aboriginal Victoria on 10 July 2020

1.0 KEY ISSUES

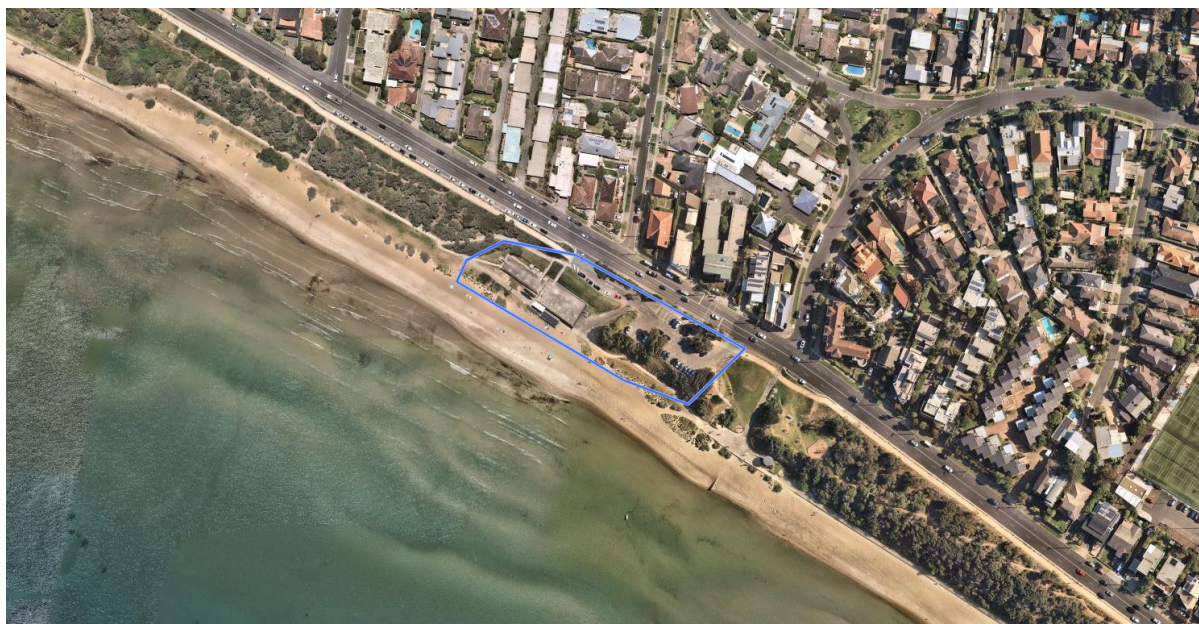
The main issues arising from this proposal relate to:

- Car Parking and Traffic considerations; and
- Native vegetation removal.

2.0 SITE & SURROUNDS

- 2.1. The subject site is located on the Mentone foreshore, on the south-western side of Beach Road, Mentone. The site is located on Crown land.
- 2.2. The site currently contains the Mentone Lifesaving Club within a double storey brick building with attached balcony along the foreshore side and publicly accessible rooftop terrace. From the Beach Road side, the building presents as a single storey form however due to the incline towards the beach, the building is a double storey form.
- 2.3. The Club was formed in 1920 and provides several services to the community including, Nippers program, education, club meetings and events, fitness training and beach patrol/safety.
- 2.4. Pedestrian access to the Club is via Mentone beach, Beach Road and Bay Trail. Vehicle access is provided off Beach Road into a public car park area on the south-eastern side of the building. The car park currently contains 36 spaces whereas prior to alterations in April 2020, the car park contained 43 spaces.
- 2.5. Patchy native and exotic shrubs are located along the edge of the beach. The vegetation becomes dense once it approaches the Bay Trail on the north-west side of the existing building. Additional vegetation also exists around the existing carpark. This vegetation is a mix

of the Ecological Vegetation Class (EVC) of Berm Grassy Shrubland, Coastal Dune Grassland, Coastal Headland Scrub and Coastal Headland Scrub (Exotic Canopy).



Aerial of site and immediate surrounds (source – Nearmaps, 8 November 2020)

- 2.6. The immediate surrounds are typical of the Port Philip foreshore in this part of Melbourne, with Beach Road forming the boundary between the residential area and public foreshore. The foreshore contains informal vegetation, the Bay Trail and other pedestrian pathways leading to the beach. The residential area on the north side of Beach Road generally consists of both single and double storey dwellings, rendered and face brick walls and a variety of roofing forms. There is a small commercial/retail strip opposite the car park on Beach Road which include food and drink premises and offices.
- 2.7. The land is approximately 700m (as the crown flies) to the edge of the Mentone Activity Centre to the north-east and 900m to the Mentone Railway Station. Other areas of interest nearby include Mentone Reserve (400m to the north) and Mentone Girls Grammar School (300m to the south-east).

3.0 TITLE DETAILS

- 3.1. The subject site is located on Crown land. There are no restrictions listed on the Crown land.

4.0 PROPOSAL

General

- 4.1. The application seeks to permission to use the site as an innominate use (lifesaving club) and place of assembly, reduce the car parking requirements and the removal of native vegetation.
- 4.2. The development of the site for the new building and upgraded car parking area is not considered as part of the application as it is an as-of-right development in the Zone.

Lifesaving club use

- 4.3. The existing lifesaving club is proposed to be demolished and replaced with a more contemporary two storey building with rooftop terrace. Specifically, the building will comprise of the following:

Ground floor

- Lifesaving club facilities including watercraft and board store, member amenities and

- change rooms, club store and foyer;
- Kiosk;
- Store;
- Public WC, showers and change room.

First floor

- Lifesaving club facilities (continued) including foyer, office, WC, gym, observation and club meeting room;
- Multi-purpose/training/social spaces;
- Kitchen/kiosk;
- Store
- Servery/cold room;
- Amenities;
- Services, plant and bin store; and
- Deck on south-east and western side overlooking Mentone beach.

Rooftop

- Roof terrace consisting of open to sky terrace and bench seating.

4.4. The facility will support core Life Saving Club operations which includes:

- Beach patrol
- Life Saving Victoria education programs.
- Nipper education programs for juniors and school surf education programs.
- Communication education such as first aid course for beginners and All-Terrain Vehicle training.
- Club meetings and events.

4.5. The proposal includes a multipurpose and training room where predominantly lifesaving club activities will be undertaken in support of the core lifesaving operation including aquatic safety, training programs and Club meetings.

4.6. Details of proposed hours of operation of the entirety of the facility (both place of assembly and lifesaving club use) are as follows:

- 5.00am – 10.30pm (Sunday – Thursday)
- 5.00am – 12.00am (Friday – Saturday)
- Any function to finish by 11:30pm with building vacated by 12.00am on Friday and Saturdays.
- The Mentone Lifesaving Club facility is also proposed to operate outside of the standard hours of operation where required to do so in order to support core Life Saving or Emergency Services.

4.7. Proposed capacity is a maximum of 250, including 50 patrons on the ground level and 200 patrons on the upper level.

Place of assembly use

4.8. Together with the lifesaving club operations is the use of the first floor multi-purpose space to be hired out to the general public as a community space for events. This is proposed to be a

place of assembly land use and is not considered ancillary to the lifesaving club use due to the extent of the floor area and separation of activities.

- 4.9. The operating hours and maximum capacity of the place of assembly are identified above under paragraph 4.6 and 4.7.

Car parking reduction

- 4.10. Due to the sought use of land for a place of assembly, a car parking reduction of 16 spaces is required based on the maximum capacity of 200 patrons and 44 spaces to be accommodated as part of the car parking upgrade. Whilst not a permit trigger, car parking for the lifesaving club use is also considered as part of this assessment.

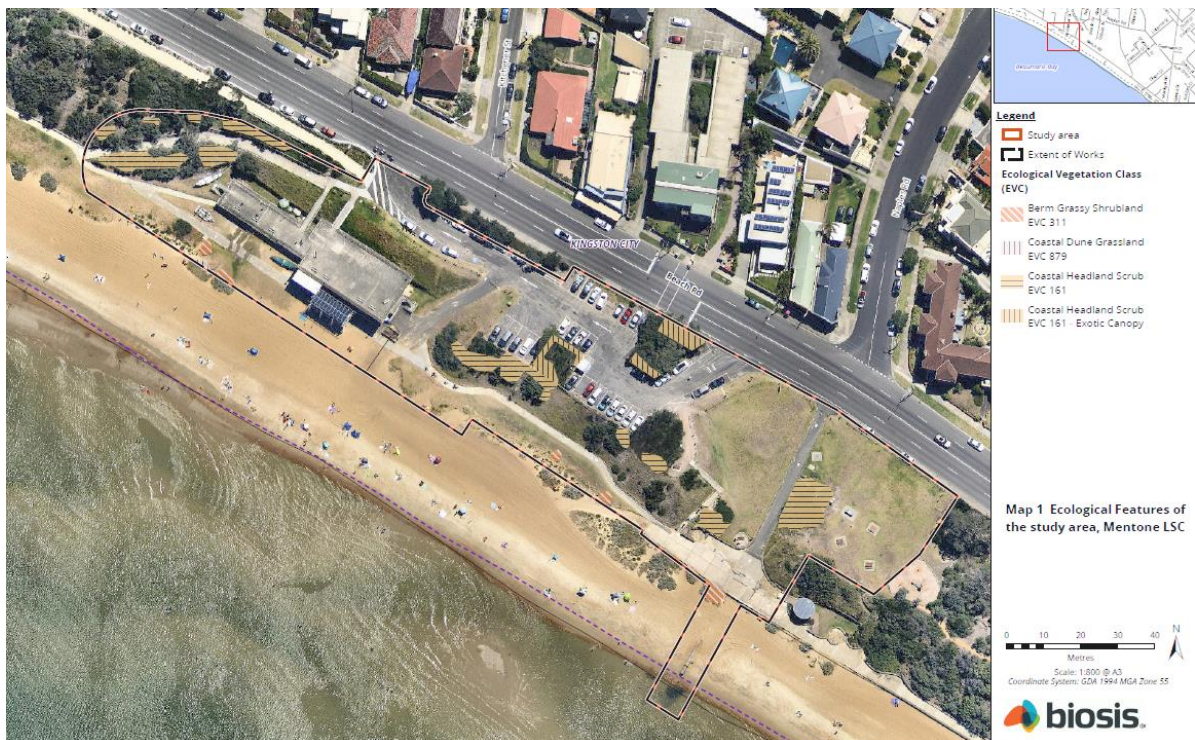
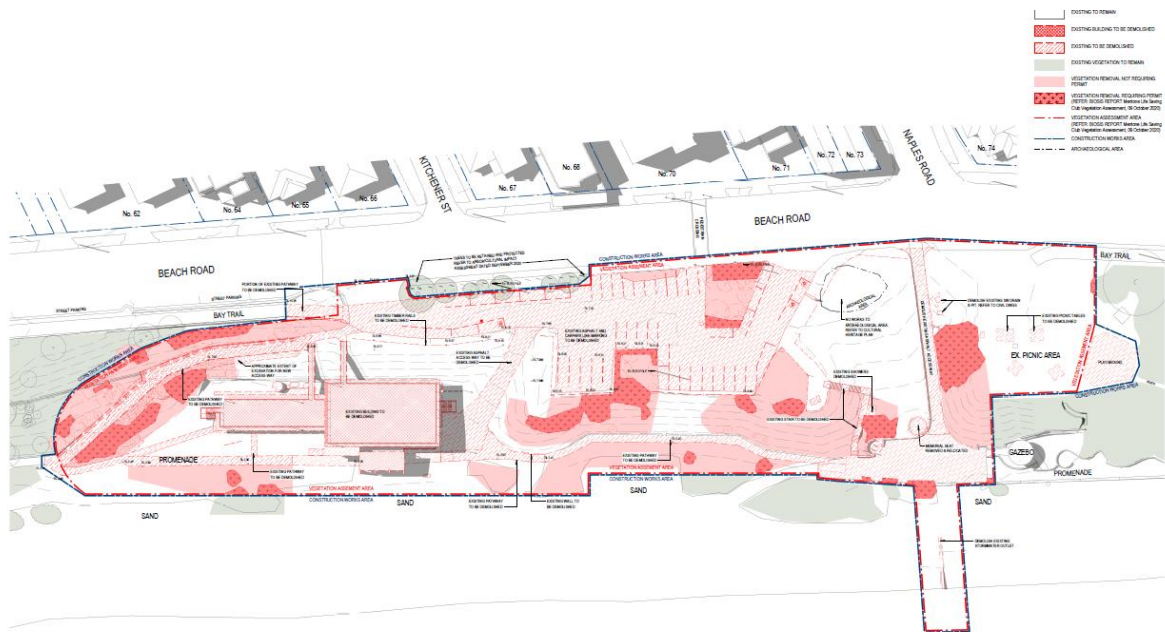
Native vegetation removal

- 4.11. The proposal seeks to remove 0.074ha of vegetation on the Mentone foreshore to accommodate the development of the new Lifesaving Club. The removed vegetation is made up of four Ecological Vegetation Classes: Coastal Headland Scrub, Coastal Headland Scrub (exotic canopy), Berm Grassy Shrubland, and Coastal Dune Grassland.

Table 1. Summary of native vegetation (requiring permit)

EVC	Area (ha)
Coastal Headland Scrub	0.055
Coastal Headland Scrub (exotic canopy)	0.011
Berm Grassy Shrubland	0.007
Coastal Dune Grassland	0.001
Total	0.074

- 4.12. A total of 16 indigenous and 46 introduced plant species was recorded within the submitted ecological report. The vegetation to be removed is located across the proposed project site including to the north-west and south-west of the existing building and around the existing car park (see maps below). The first map below illustrates the extent of native vegetation to be removed in the darker red. The light red is vegetation proposed to be removed that does not require a planning permit (planted and non-native vegetation).



- 4.13. A large portion of the vegetation located in the project area is planted and therefore does not require consideration for its removal under the application due to the exemption of Clause 52.17. Further to this, a range of vegetation located within the site has already been approved for removal under previous planning permit KP-2017/832.

Other

- 4.14. The proposal does not include permission sought for a liquor licence. The applicant has indicated in their submission that any future liquor licence and subsequent planning permit application will be made separately by the Life Saving Club.
- 4.15. Future signage for the facility relies on the planning permit exemptions of Clause 52.05-10 which state as follows:

"A sign identifying the functions or property of a government department, public authority or municipal council, but not a promotion sign displayed at the direction of any of these bodies."

5.0 PLANNING CONTROLS

- 5.1. The subject site is located within the Public Park and Recreation Zone (Clause 36.02).
- 5.2. The subject site is located within the Design and Development Overlay Schedule 1 (Clause 43.02).
- 5.3. Beach Road is identified as a Road Zone Category 1 (Clause 52.29).

Marine and Coastal Act

- 5.4. The land is within Crown Land and as such pursuant to section 68(3) of the *Marine and Coastal Act 2018* (MCA). The application is deemed to be an application for consent for the redevelopment of the lifesaving club and removal of 0.074ha of native vegetation on coastal Crown Land.
- 5.5. The Department of Environment, Land, Water and Planning (DELWP) have consented to the proposal subject to conditions pursuant to s. 70(1)(d) of the MCA. The MCA consent was dated 6 November 2020 and sent to Council on 9 November 2020.

6.0 PLANNING PERMIT REQUIREMENTS

Zone

- 6.1. Pursuant to Clause 36.02-1 – Public Park and Recreation Zone, a Planning Permit is required to use the land for a Lifesaving club (unspecified or innominate use) and Place of Assembly.
- 6.2. Pursuant to Clause 36.02-2, no Planning Permit is required for the buildings or works carried out by or on behalf of a public land manager under the *Local Government Act 1989* due to the construction is to be carried out by and funded by Council the exemption for buildings and works applies in this instance.

Overlay

- 6.3. Pursuant to Clause 43.02 – Design and Development Overlay Schedule 1, a planning permit is not required as the proposal meets all of the general requirements within this overlay. Specifically, the new building has floor to ceiling heights at or below the 3.5 metre height requirement and the building does not exceed 2 storeys in height.

Particular Provisions

- 6.4. Pursuant to Clause 52.06-3 – Car Parking, a Planning Permit is required to reduce the car parking requirements for a place of assembly.
- 6.5. Pursuant to Clause 52.06-6 – car parking must be provided to the satisfaction of the responsible authority for the lifesaving club use.
- 6.6. Pursuant to Clause 52.17 – Native Vegetation, a Planning Permit is required to remove, destroy or lop native vegetation, including dead native vegetation. An area of 0.074ha of native vegetation is proposed to be removed, no large trees are to be removed as part of this removal. A description of the removal of native vegetation can be found within the report submitted as part of the planning application, see Biosis Report, dated 6 October 2020 and the associated vegetation assessment on 9 October 2020. It is also noted that offset requirements are applicable under Clause 52.17-5.

7.0 RELEVANT HISTORY

- 7.1. Planning permit KP-2017/832 was issued for the site for the removal of native vegetation and alter access to a road in a Road Zone, Category 1. The native vegetation removal and

alteration of access was required to facilitate the Bay Trail extension.

8.0 AMENDMENT TO THE APPLICATION

8.1. The application was amended pursuant to Section 50 of the *Planning and Environment Act 1987* (before advertising) on 14 October 2020. The amended application sought the following changes:

- To include permission sought for the use of land for a place of assembly and reduction to the car parking requirements.

9.0 ADVERTISING

9.1. The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Two (2) objection(s) to the proposal were originally received with one (1) objection later withdrawn. The valid grounds of the outstanding objection raised are summarised as follows:

- Car parking concerns.

10.0 PLANNING CONSULTATION MEETING

10.1. The objectors were contacted by the planning officer on 16 November 2020 and 20 November 2020 to discuss their concerns, with this information then being relayed to the applicant.

10.1. In accordance with Council's Planning Consultation Meeting Policy, no meeting was required as two (2) objections to the application were received. However, as required by the Policy, Council's planning officer contacted the objector/s followed by further discussions with the applicant to ascertain if the concerns raised by the objector/s could be resolved. It should be noted that during the discussion with the objector/s no request was received by the planning officer for a planning consultation meeting to be held.

10.2. One of the objector's concerns/queries were resolved and consequently their objection was withdrawn. However, one (1) objection remains outstanding.

11.0 REFERRALS

11.1. The application was referred to the following referral authorities

Internal Referrals

Department / Area	Comments
Vegetation Management	Council's Vegetation Management Officer offered no objection to the application, subject to conditions requiring replacement planting for the loss of planted vegetation and protection of existing vegetation for the car parking upgrade. Replacement planting is to be facilitated through the provision of a landscape plan as a condition on any permit issued.
Traffic Department	Council's Traffic Engineer advised of no objection subject to conditions on any permit issued. The following assessment has been carried out: <ul style="list-style-type: none">- An assessment against the floor area of the existing building and proposed building has been undertaken. It has been determined that the floor area of the upstairs place of assembly space including balconies will increase by 49.51 m² or 18% from 270m² to 319.51m². The engineer has recommended that

	<p>due to this increase, the sought maximum capacity of the upstairs space for the purposes of the 'place of assembly' use (other than use by the lifesaving club) be reduced from 200 to 180 people based on the 18% increase to the floor area. This floor area increase would reflect the increase from the current capacity of 150 to 180 people. Accordingly, the car parking demand will increase by 10 spaces as per the 'place of assembly' car parking rate on this recommendation, a reduction to the sought 16 spaces for 200 patrons. A 10 space is deemed acceptable by the Engineer in light of the applicant's survey data. The increase of parking demand can be accommodated within the existing road network, and in addition the public carpark in the close proximity to the site will be rebuilt as the result of the Bay Trail project, resulting an increase of 8 parking spaces.</p> <ul style="list-style-type: none"> - The lifesaving club's main function as an emergency service is unlikely to be changed as a result of the expansion. The proposed addition/renewal of the ancillary facility will only enhance the service, and there will be no additional parking demand as the result of the work. - The public open space will be expanded as a result of the development both in the form of public roof terrace as well as green open space. The expansion of public open space forms part of the foreshore reserve and is unlikely to have noticeable impact to the parking demand. - Conditions have been recommended by the Traffic Engineer, in relation to the intersection design of the shared user path and beach access ramp, pedestrian ramp gradients and provision of corner splays at the property frontage.
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External Referrals

Department	Section 52/55	Determining / Recommending	Objection	Comments
Department of Environment Land Water and Planning (DELWP)	55	Determining	None	Advised of no objection subject to the inclusion of conditions on any planning permit issued.
Department of Transport	52	Recommending	None	Advised of no objection to the proposal and no recommended conditions.
External Ecological Consultant	Council's City Development Department also engaged an external ecological consultant to undertake a peer review of the submitted documents, maps and to undertake an independent assessment of the proposed clearing of native vegetation. The peer review has been undertaken, and reviewers are satisfied with the vegetation assessment and conclusions provided.			

12.0 RELEVANT POLICIES

12.1. Planning Policy Framework (PPF)

- Clause 11 – Settlement
- Clause 12 – Environmental and Landscape Values
- Clause 13 – Environmental Risks and Amenity
- Clause 15 – Built Environment and Heritage
- Clause 17 – Economic Development
- Clause 19 – Infrastructure

12.2. **Local Planning Policy Framework (LPPF)**

- Clause 21.02 – Settlement
- Clause 21.03 – Environment and Landscape Values
- Clause 21.08 – Economic Development
- Clause 21.10 – Infrastructure

12.3. **Zoning**

- Clause 36.02 – Public Park and Recreation Zone

12.4. **Overlays**

- Clause 43.02 – Design and Development Overlay Schedule 1 (DDO1)

12.5. **Particular Provisions**

- Clause 52.06 – Car Parking
- Clause 52.17 – Native Vegetation

12.6. **General Provisions**

- Clause 65 – Decision Guidelines

13.0 PLANNING CONSIDERATIONS:

13.1. **Planning Policy Framework**

Clause 11 (Settlement) seeks 'to prevent environmental and amenity problems created by siting incompatible land uses close together'. Specifically, Clause 11.04-4S (Coastal Settlement) sets out that the strategy to 'support the sustainable management of growth around coastal, estuary and marine assets to protect environmental values, and to achieve regional economic and community benefits.'

Clause 12 (Environmental and Landscape Values) notes that 'planning should help to protect the health of ecological systems' and 'conserve areas with identified environmental and landscape values.' Further, 'planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value'. It specifies at Clause 12.01-1S (Protection and Biodiversity) and Clause 12.01-2s (Native Vegetation Management) that planning should 'ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation'.

The above is balanced by the objectives of Clause 12.02-2S (Coastal Crown Land) which seek 'to achieve coastal crown land development that provides an environmental, social and economic balance'. This is elaborated on within Clause 21.08-3 (Economic Development – Tourism) which seeks 'to promote Beach Road as a foreshore tourist boulevard'.

A relevant policy document is the *Victorian Coastal Strategy* (Victorian Coastal Council, 2014). Clause 12.02-3S (Bays) sets out that we need to protect coastal environments whilst improving public access and recreation facilities around Port Phillip Bay. The Victorian Coastal Strategy at page 65 sets out a desired outcome 'Coastal Crown land is not used for structures unless they provide significant community benefit, and their functionality depends on them being near the water'. It is noted Lifesaving Clubs is mentioned as a facility that is usually located on coastal Crown land within the Victorian Coastal Strategy.

The Kingston Planning Scheme at Clause 12.05-1S (Environmentally sensitive areas) sets out the Port Phillip Bay and its foreshores are 'environmentally sensitive areas'.

Clause 13.01-1S (Natural Hazards and Climate Change) 'to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning' Specifically in relation to coastal inundation and erosion as a result of sea level rise, Clause 13.01-2S (Coastal inundation and erosion) seeks 'to plan for and manage the potential coastal impacts of climate change'.

As per Clause 15.03-2S (Aboriginal Cultural Heritage) and the Areas of Cultural Heritage Sensitivity as identified by the Aboriginal Heritage Regulations 2018. The land is within an area of Cultural Heritage Sensitivity. See section 14 of this report for further discussion.

Clause 17.04-2S (Coastal and maritime tourism and recreation) seeks 'to encourage suitably located and designed coastal, marine and maritime tourism and recreational opportunities.'

Clause 19.02-06S (Open Space) contained within Clause 19.02 (Community Infrastructure) seeks 'to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.'

13.2. **Local Planning Policy Framework**

This is furthered at Clause 21.02 (Settlement) where it sets out the need for 'open space areas need to be flexible and multi-functional so as to adapt to meet a variety of users' and that 'providing flexibility in the use of new recreation facilities... can assist in reducing development and operational costs of facilities'.

This is also reflected within the local planning policy at Clause 21.03 (Environment and Landscape Values), where objectives seek to 'maintain the diversity of flora and fauna habitats' balanced with 'to ensure sustainable social, economic and recreational use of the coast and foreshore' and 'to optimise community enjoyment of the foreshore'.

The local policy at Clause 21.10-2 (Infrastructure – Community Infrastructure) sets out that the 'renewal of community infrastructure is managed to optimise community benefit'. The proposed uses of the land demonstrate an optimisation of community benefit from renewed community infrastructure.

The application has been assessed against the Planning Policy Framework and it is considered that the proposal is consistent with relevant policies contained within this section of the Kingston Planning Scheme.

13.3. **Zoning Provisions**

The application has been assessed against the relevant zoning (Public Park and Recreation Zone) and it is considered that the proposed use for a life-saving club and place of assembly is consistent with the purpose of the zoning controls contained within the Kingston Planning

Scheme. It is reiterated that the development is as-of-right in this instance (pursuant to clause 36.02-2) as the development is being carried out 'by or on behalf of a public land manager'.

Lifesaving Club and Place of Assembly Use

The Public Park and Recreation Zone provides the following decision guidelines that a responsible authority must consider in relation to use applications:

- *The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.*
- *Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.*

The proposal is considered consistent with the purpose of the zone which seeks to recognise areas for public open space and protect areas of significance. The proposal will reinstate an existing use that complements the function of open space whilst promoting a greater community benefit with the use of the land for a place of assembly. The proposal also seeks to re-establish removed native vegetation with a required amount of offset under Clause 52.17 (Native Vegetation).

The Mentone Lifesaving Club building has been in operation in the same location since 1928. The proposal seeks to replace the building on the site with a maximum capacity of 250 patrons at any one time (50 lower level, 200 upper level). The building will be owned by Council and will be leased out to the Mentone Lifesaving Club. The new building will be upgraded with modernised facilities. The result of such will allow an efficient and safe operation of the club into the future, promoting safe swimming practices and education in water safety. The proposed use of the site is for LSC operations which will remain unchanged. The proposal also includes an expanded operation for a place of assembly which will be limited to events where the club will hire out the venue when not interrupting the operations and activities of the LSC.

Focusing on the LSC use, the hours of operation of this component of the multi-use facility is considered appropriate for the surrounding area and will unlikely result in any unreasonable off-site amenity impacts particularly as the existing hours reflect the proposed. Further, given the demands of modern day lifesaving and emergency services, the Club has requested to operate during these hours without restriction. Accordingly, it is not considered appropriate to regulate or restrict the LSC use through conditions relating to hours of operation, member numbers or its lifesaving / emergency functions. It is noted that Council has in the past supported lifesaving clubs operating without restriction, such as Aspendale Lifesaving Club (refer to KP-2019/715, Ordinary Meeting of Council 25 May 2020).

Summary of the Lifesaving Club use:

Hours of operation*: 5am to 10:30pm (Sunday to Thursday)
5am to 12am (Friday to Saturday)
Functions will finish by 11:30pm with building vacated by 12am

*above does not include emergency and lifesaving hours

The proposed capacity at the ground floor will be 50 and upper floor 200, resulting in an overall capacity of 250 for lifesaving club activities including associated functions/events.

Typical operations include; beach patrol, Life Saving Victoria education programs, Nipper education programs for juniors and school surf education programs, community education training such as first aid course for beginners and All-Terrain Vehicle training, club meetings and events.

The Place of Assembly use proposed often considered ancillary to a lifesaving club functions is considered to be a primary use in this instance due to the extent of the upper level space to be hired out externally and the segregated layout between this space and the lifesaving club facilities. Therefore, a planning permit is triggered in its own right for the of assembly use.

Summary of the Place of Assembly use:

Hours of operation*: 5am to 10:30pm (Sunday to Thursday)
5am to 12 midnight (Friday to Saturday)

**place of assembly use will only operate where it won't interrupt the operations of the lifesaving club and is restricted to the upstairs space only.*

The applicant has sought a capacity for the place of assembly space on the upper level of 200 people. The proposal has not specified what the place of assembly and community hire specifically relates to, but it does include functions, events, hiring for community purposes e.g. yoga classes and meetings for any organisations. The Place of Assembly use has the following definition set out in Clause 73.03 (Land Use Terms):

"Land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings" (see page 17 of Clause 73.03)

This use if unrestricted may pose off-site amenity impacts such as noise during night-time hours, traffic and car parking impacts. However, to minimise these potential off-site impacts, it is recommended to include the following conditions on any permit issued:

- A Third Party Hire Agreement to put in strategies for the management of patrons departing the premises, nominated contact details for each event and the planning permit being shared with any person hiring the facility.
- The observation deck / platform not to be used by any person hiring the facility.
- A Venue Management Plan to address management responsibilities, emergency management, patron management, identification of areas available for events, safety and security measures, noise control, incident recording and reporting, complaints reporting and recording, parking management and alcohol consumption permit requirements.
- A capacity of 180 people, reduced from the sought 200 people as recommended by Council's Traffic Engineer (discussed below in section 13.5 of report).

The above conditions to manage the proposed Place of Assembly use have been used for other lifesaving clubs where similar community hire is utilised (in ancillary instances). This permit will result in similar conditions to manage the place of assembly (community hire operation) and minimise off-site amenity impacts. Subject to these and other conditions the two proposed uses are considered to be appropriate in this location and as part of the renewed community facility. The uses are also consistent with the requirements and purpose of the zone.

13.4. Particular Provisions

The application has been assessed against the relevant particular provisions and it is considered that the proposed use meets the requirements contained within this section of the Kingston Planning Scheme.

13.5. Clause 52.06 – Car Parking

The purpose of Clause 52.06 is to:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*

Pursuant to Clause 52.06-2, where a use of land is not specified, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the Responsible Authority. This is the case for the LSC use. However, the Place of Assembly Use has a specified car parking requirement, as set out in Clause 52.06-5, '0.3 to each person permitted'. The maximum persons permitted for the Place of Assembly use is 200, a car parking requirement as a result is 60 car parking spaces.

An existing car park serves the Mentone Life Saving Club with access from Beach Road. The new facility will incorporate an upgrade to the car park (shown below) which has additional spaces (44 spaces) from the existing (43 space). It is noted that a revised beach ramp will provide access for trailers and larger vehicles to access the facility.



The car parking proposed does not meet the car parking space requirements for a Place of Assembly as per Clause 52.06 requirements with a reduction of 16 spaces sought.

In addition to the above, the applicant and Council's Infrastructure / Community Buildings departments have indicated DELWP is encouraging the removal of car parking on Crown coastal land and would be unlikely to support the provision for any additional constructed car parking facilities.

Whilst it is acknowledged that there is an increase in floor area which may increase the demand for car parking for the LSC, the use and operation of the existing and proposed facilities are consistent, albeit increase in facility size. Therefore, it is considered there is sufficient car parking on-site and in the nearby streets which are all residential streets and lightly used during the winter months.

Council's Traffic Department undertook an assessment of the floor area of the existing building and proposed building. The Engineer determined that the floor area of the upstairs place of assembly space including balconies will increase by 49.51 m² or 18% from 270m² to 319.51m². The Traffic Engineering department has recommended that due to this increase, the sought maximum capacity of the upstairs space for the purposes of the 'place of assembly'

use (other than use by the lifesaving club) be reduced from 200 to 180 people based on the 18% increase to the floor area. This floor area increase would reflect the increase from the current capacity of 150 to 180 people. Accordingly, the car parking demand will increase by 10 spaces as per the 'place of assembly' car parking rate on this recommendation, a reduction to the sought 16 spaces for 200 patrons. A 10 space is deemed acceptable by the Engineer considering the applicant's survey data. The increase of parking demand can be accommodated within the existing road network, and in addition the public carpark in the proximity to the site will be rebuilt as the result of the Bay Trail project, resulting an increase of 8 parking spaces.

Other comments from the Traffic Engineer raised include as follows:

- The lifesaving club's main function as an emergency service is unlikely to be changed as a result of the expansion. The proposed addition/renewal of the ancillary facility will only enhance the service, and there will be no additional parking demand as the result of the work.
- The public open space will be expanded as a result of the development both in the form of public roof terrace as well as green open space. The expansion of public open space forms part of the foreshore reserve and is unlikely to have noticeable impact to the parking demand.

13.6. **Clause 52.17 – Native Vegetation**

The purpose of Clause 52.17 is 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 (DELWP, 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.

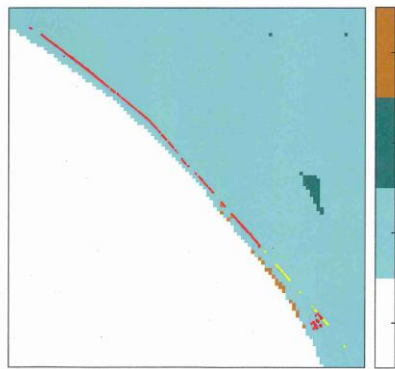
In accordance with Clause 52.17-1, a planning permit is required to remove native vegetation including dead vegetation. An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the *Guidelines*.

An application to remove native vegetation must comply with the application requirements outlined at Section 6.4 of the *Guidelines*.

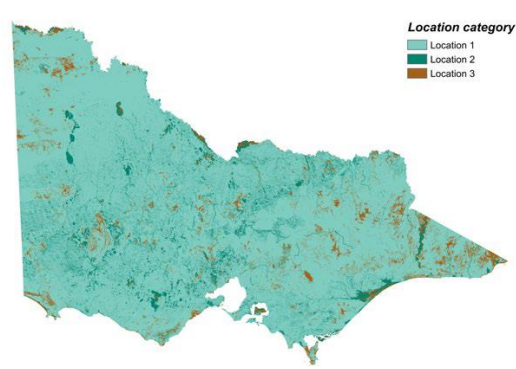
The submitted Biodiversity Assessment prepared by the permit applicant (and subsequently peer reviewed), is considered to address the relevant application requirements (see Biosis Report). The permit applicant outlines the type of native vegetation to be removed, the condition score of native vegetation and confirms the assessment pathway required by the Guidelines.

The subject site is located within Location 1:

1. Location map



[Source: DELWP]



[Source: DELWP]

The extent or overall area to be removed at part of this application is 0.074ha. This is less than 0.5ha and would normally require the application to be assessed under the basic assessment pathway specified below. However, due to past removal of native vegetation on-site with a total amount exceeding 0.5ha, a detailed assessment pathway has been undertaken by the applicant and Ecologist.

Table 3: Determining the assessment pathway

Extent of native vegetation	Location category		
	Location 1	Location 2	Location 3
Less than 0.5 hectares and not including any large trees	Basic	Intermediate	Detailed
Less than 0.5 hectares and including one or more large trees	Intermediate	Intermediate	Detailed
0.5 hectares or more	Detailed	Detailed	Detailed

¹¹ If the native vegetation to be removed does not meet the definition of a patch or a scattered tree outlined in section 3.1, the application is considered in the Basic Assessment Pathway.

[Source: DELWP]

The permit applicant submitted a detailed assessment pathway as required under the guidelines including the site-based data which generates a native vegetation removal report, an avoid and minimise statement and offset requirements under the Guidelines. It is noted offset requirements are applicable at Clause 52.17-5 and appropriate conditions will be recommended to ensure a compliant offset is secured before the native vegetation is removed, if a permit were to issue.

Clause 52.17-4 states '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'. The applicable decision guidelines together with the planning officer's assessment 'response' is provided below:

Number	Decision Guideline	Response
1	Efforts to avoid the removal of, and minimise the impacts on, native vegetation should be commensurate with the biodiversity and other values of the native vegetation and should focus on areas of native vegetation that have the most value. Taking this into account consider whether:	The location of the Mentone Life Saving Club has been designed and located generally within the same location as the existing club (albeit on a larger building footprint) to limit the removal of vegetation. Vehicle access to the north has been located in the same location as the existing access to minimize

	<ul style="list-style-type: none"> • the site has been subject to a regional or landscape scale strategic planning process that appropriately avoided and minimised impacts on native vegetation • the proposed use or development has been appropriately sited or designed to avoid and minimise impacts on native vegetation • feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal. 	<p>unnecessary impact on vegetation. The car parking area has also been designed to minimise vegetation removal, specifically the retention of the Coastal Banksia's in between the car park area and Beach Road. The DDA compliant pedestrian access ramp to the south is also located in an area with minimal vegetation.</p> <p>The applicant has advised that there are a number of factors that are considered when designing and siting the new building including Building and Disability regulations, traffic safety and specific operational needs of the club for emergency service provision.</p> <p>Based on the efforts to minimise the impact to vegetation on-site and with consideration to the factors listed above when designing and siting the building, the proposed extent of native vegetation removal is supported. When balanced with the objectives of applicable planning policies as discussed above the proposal is an acceptable outcome particularly as the new facility is considered to make positive social and economic benefits to the greater area.</p>
2	<p>The role of native vegetation to be removed in:</p> <ul style="list-style-type: none"> • Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway in a special water supply catchment area listed in the Catchment and Land Protection Act 1994. • Preventing land degradation, including soil erosion, salination, acidity, instability and water logging particularly: <ul style="list-style-type: none"> - where ground slopes are more than 20 per cent - on land which is subject to soil erosion or slippage - in harsh environments, such as coastal or alpine areas. • Preventing adverse effects on groundwater quality, particularly on land: <ul style="list-style-type: none"> - where groundwater recharge to saline water tables occurs - that is in proximity to a discharge area - that is a known recharge area. 	<p>The site is not considered within any special water supply catchment areas listed in the <i>Catchment and Land Protection Act 1994</i>.</p> <p>The proposal is not considered to have any significant impacts on soil erosion and groundwater quality as replacement planting will occur in support of the dune system. This has also been identified within the submitted Coastal Hazard and Vulnerability Assessment.</p>

3	The need to manage native vegetation to preserve identified landscape values	The amount of native vegetation to be removed is 0.074ha. This is considered to be an appropriate scale of removal to allow the new building and will still preserve the landscape value of the existing coastal environment. It is also noted that replacement planting will occur as part of the redevelopment.
4	Whether any part of the native vegetation to be removed, destroyed or lopped is protected under the Aboriginal Heritage Act 2006.	The site has an approved Cultural Heritage Management Plan. This plan does not identify any native vegetation with cultural heritage significance.
5	The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to other available bushfire risk mitigation measures.	Not applicable
6	Whether the native vegetation to be removed is in accordance with any Property Vegetation Plan that applies to the site.	Not applicable
7	Whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.	Evidence has been provided that the required offsets of 0.016 general habitat units with a minimum strategic biodiversity value score of 0.298 can be obtained. Conditions in relation to offset requirements are recommended to form conditions of any planning permit issued.

In accordance with Clause 66.02-2, the application was referred to the Department of Environment, Land, Water and Planning (DELWP) as a recommending referral authority as the native vegetation removal is required to be assessed under the detailed assessment pathway and removal is on Crown land.

DELWP responded to the referral with no objection subject to conditions to be included on any permit issued relating to native vegetation removal including offset requirements and management during removal including wildlife management and tree management for existing trees along Beach Road.

In addition to the vegetation removal above, a further 460 square metres of planted vegetation is proposed to be removed to facilitate the development of the replacement Surf Life Saving Club. Councils Vegetation Officer has mapped the following areas:



The vegetation mapped above is planted, therefore a planning permit is not required for its removal. The exemption within Clause 52.17 however 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.* In this case the planting was funded by the City of Chelsea, therefore written permission must be granted by the Kingston City Council prior to its removal.

Written permission has been granted for the removal of the planted vegetation in accordance with the above-mentioned exemption, however conditions for approval require replacement planting and revegetation of the site to the satisfaction of the Responsible Authority, and under the direct supervision of the City of Kingston's Foreshore Team. The landscape plan as recommended by Council's Vegetation Officer will incorporate replacement planting of the 460 m² of EVC161 (Coastal Headland Scrub) to satisfy this replacement and revegetation sought by the City of Kingston's Foreshore Team. Further to this, Council's Vegetation Officer has requested replacement planting of several Drooping She-oak trees as a condition on the landscape plan requirement. Other recommended conditions include tree management of existing trees adjacent to the upgraded car park.

The application has been assessed against the relevant particular provisions and it is considered that the proposed use meets the requirements contained within this section of the Kingston Planning Scheme.

13.7. **General Provisions**

The applicant has been assessed and considered to be in accordance with Clause 65 of the Kingston Planning Scheme. The proposal meets the purpose of the relevant planning controls and is responsive to policy set out in the Kingston Planning Scheme.

14.0 ABORIGINAL CULTURAL HERITAGE

The Subject Land is identified as an area of Aboriginal Cultural Heritage Sensitivity.

'The *Aboriginal Heritage Act 2006* (the Act) and *Aboriginal Heritage Regulations 2018* provides for the protection and management of Victoria's Aboriginal heritage with streamlined processes linked to the Victorian planning system. The Act also provides clear guidance to planners and developers about when, and how, Aboriginal cultural heritage needs to be considered, and in some situations, work cannot proceed until compliance is met. Large developments and other high impact activities in culturally sensitive landscapes can cause significant harm to Aboriginal cultural heritage'.

In this instance, the proposed activity is not exempt under the Regulations of the *Aboriginal Heritage Act 2018*, the Permit Applicant is required to prepare and submit a Cultural Heritage Management Plan (CHMP) to Council. Accordingly, CHMP 15870 prepared on 3 April 2020 has been prepared by a qualified Cultural Heritage Advisor and submitted to Council. The Plan was approved by the Director Heritage Services Aboriginal Victoria, acting under authority delegated by the Secretary, Department of Premier and Cabinet, and pursuant to Section 65(2) of the *Aboriginal Heritage Act 2006* on 10 July 2020.

The approved CHMP contains the results of an assessment of the potential impact of the proposed activity on Aboriginal cultural heritage. Further, it outlines measures to be taken before, during and after the activity in order to manage and protect Aboriginal cultural heritage in the activity area. Notes are recommended to form any planning permit issued to ensure the all works are carried out in accordance with the approved CHMP.

15.0 RESPONSE TO GROUNDS OF OBJECTIONS

15.1. The objector's concerns have largely been addressed within section 13 of this report.

16.0 CONCLUSION:

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

16.2. 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.

16.3. The proposed use is considered appropriate for the site as evidenced by:

- The design and siting of the proposed use to be compatible with the surrounding area;
- The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
- The proposal satisfies the requirements of the Kingston Planning Scheme, including the SPPF, MSS, Zoning / Overlay controls and Particular Provisions.

17.0 RECOMMENDATION

17.1 That Council determine to support the proposal and issue a Notice of Decision to grant a Planning Permit to Use of the land for an innominate use (Life saving club) and place of assembly, reduce the car parking requirements of Clause 52.06 and removal of native vegetation pursuant to Clause 52.17 at 66 Bay Trail, Mentone (Mentone Life Saving Club Clubhouse), subject to the following conditions:

1. Before any permitted clearing of native vegetation 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 form part of this permit. All works constructed or carried out must be in accordance with the endorsed

plan. The plans must be drawn to scale with dimensions and georeferenced that clearly show:

- a) the provision of a landscape plan in accordance with the submitted development plan, 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 on the site including Tree Protection Zones calculated in accordance with AS4970-2009;
 - iii. 460 square metres of plants from EVC 161 Coastal Headland Scrub with the percentage of each plant consistent with the *Department of Sustainability and Environment EVC/Bioregion Benchmark for Vegetation Quality Assessment, Gippsland Plain Bioregion*;
 - iv. A minimum of 20 *Allocasuarina verticillata* (Drooping She-oak), planted at a minimum 2 metres in height
 - v. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
 - vi. Tree protection measures accurately drawn to scale and labelled as per the endorsed Tree Management Plan.
- b) The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan.
- c) Any changes as required by condition 6.
- d) The intersection of the shared user path and beach access way ramp narrowed where possible to improve safety between pedestrians and vehicles to the satisfaction of the Responsible Authority.
- e) The provision of a corner visual splay for the beach access ramp with the shared user path in accordance with Clause 52.06-9 or other suitable arrangement to the satisfaction of the Responsible Authority.

Endorsed plans

- 2. The use and native vegetation removal as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. 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.

Cultural Heritage Management Plan

- 4. All works must be carried out in accordance with the Cultural Heritage Management Plan 15870 dated 29 June 2020 prepared by Biosis.

Trees to be retained

5. The retention of the *Banksia integrifolia* (Coast Banksia) identified as trees numbered 2, 3, 4, 5 and 6 in the Treescape Consulting report dated September 2020.

Tree Management and Protection Plan

6. Concurrent with the endorsement of plans in condition 1, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a. A Tree Management Plan (written report) must provide details of:
 - i. Any non-destructive root investigation undertaken to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - ii. Proposed construction methods for the carpark within the Tree Protection Zone nominated on the Tree Protection Plan.
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
 - b. A Tree Protection Plan (scale drawing) must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - iv. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - v. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
 - vii. A notation to refer to the Tree Management Plan.
7. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
8. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Department of Environment, Land, Water and Planning

9. The works are to be carried out generally in accordance with:
 - The application 'MENTONE LIFESAVING CLUB REDEVELOPMENT' received on 28/07/2020 and the further information received on 7 September 2020 and 12 October 2020; prepared by Kingston City Council.

- The plans titled Project H18021 Mentone LSC prepared by HEDE Architect version TP1 date 2020.07.08.
- 10. Any modification to the works proposed will require further approval by the Regional Director, Port Phillip Region, Department of Environment, Land, Water and Planning (DELWP).
- 11. Prior to works commencing, a construction environmental management plan must be prepared to the satisfaction of Kingston City Council.
- 12. Any required beach nourishment as recommended in the Coastal Hazard Vulnerability Assessment dated 04/09/2020 will be the responsibility of Kingston City Council.
- 13. Any required maintenance or upgrades to the bluestone seawall will be the responsibility of Kingston City Council.
- 14. All revegetation must utilise indigenous species.
- 15. Indigenous vegetation (other than approved by this consent) must not be damaged or removed as a result of the works.
- 16. Any clearing or construction activity associated with the works, should be carried out in accordance with the EPA Publication No. 275 *Construction Techniques for Sediment Pollution Control* (May 1991).
- 17. The construction site must be managed in accordance with EPA Publication No. 981 *Reducing Stormwater Pollution from Construction Sites* (May 2005).
- 18. Construction equipment, building materials, refuse and site run-off must be contained and controlled and not permitted to impact on the beach or enter Port Phillip Bay.
- 19. All works must be completed and maintained to the satisfaction of Kingston City Council.
- 20. This consent under the *Marine and Coastal Act 2018* will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Regional Director, Port Phillip Region, DELWP.

Native Vegetation Removal Conditions

- 21. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
- 22. The total area of native vegetation proposed to be removed totals 0.074 hectares comprising patches of Coastal Headland Scrub (EVC161) and Berm Grassy Shrubland (EVC311).
- 23. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.016 general habitat units:
 - a. located within the Port Phillip and Westernport Catchment Management boundary or Kingston municipal area.
 - b. with a minimum strategic biodiversity score of at least 0.298.

24. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
 - a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
25. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning, Port Phillip regional office.
26. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
27. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
28. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displayed wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.
29. Prior to the commencement of works a Tree Management Plan be prepared for the approval of the responsible authority, that includes measures to ensure the protection and retention of trees along Beach Road, as described in the Arboricultural Impact Assessment (Treescape Consulting, September 2020).
30. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted development, the following is prohibited:
 - a. Any vehicle or pedestrian access, trenching or soil excavation, and
 - b. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
 - c. Entry or exit pits for underground services, and
 - d. Any other actions or activities that may result in adverse impacts to retained native vegetation.
31. Prior to the commencement of the use, replacement planting and re-vegetation of the site must occur to the satisfaction of the Responsible Authority. All planting must occur under the direction and supervision of the City of Kingston's Foreshore Team.

Place of assembly use

32. A Third Party Hire Agreement must be prepared for any external hire of the building and submitted to the satisfaction of the responsible authority in accordance with Kingston City Council's *Lease and Licence Policy 2018* (or as amended time to time). The Agreement will then be endorsed and form part of the permit. This Agreement must include, but is not limited to the following information:

- a. The suggested strategies for the management of patrons departing the premises;
 - b. A section that provides for a nominated person and contact details for each event; and
 - c. A copy of the planning permit.
33. A register must be prepared which manages and records any complaints regarding the operation of the premises during events held by third parties. The register must be held on-site and available to inspect at any time by the responsible authority.
34. The place of assembly must only operate during the following hours unless with the written consent of the Responsible Authority:
- | | |
|-------------------|----------------------|
| Sunday – Thursday | 5.00am – 10.30 pm |
| Friday – Saturday | 5.00am – 12 midnight |
35. The place of assembly use must not exceed a maximum number of 180 patrons on the premises at any one time.
36. Functions held at the venue on a Friday or Saturday must not operate later than 11.30pm on the day of the function, with the building vacated by 12 midnight on these days.

Venue Management Plan

37. Prior to the commencement of the use, a Venue Management Plan must be submitted the satisfaction of the Responsible Authority. The Management Plan must address, but is not limited to the following:
- a) Management Responsibilities
 - b) Emergency Management
 - c) Patron Management
 - d) Identification of areas of the building available for events
 - e) Safety and Security Measures
 - f) Noise Control
 - g) Incident Recording / Reporting
 - h) Complaints Recording / Reporting
 - i) Parking Management
 - j) Alcohol Consumption Permit Requirements

General amenity conditions

38. The amenity of the area must not be detrimentally affected by the use, through the:
- a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam,
 - d) soot, ash, dust, waste water, waste products, grit or oil.
 - e) Presence of vermin.
 - f) Any other way.
39. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
40. The use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards A51055 and A52107 relating to the measurement of Environmental Noise and recommended sound levels.

Time Limits

41. 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 use and works are not started before two (2) years from date of this permit.
- The works are not completed before four (4) years from the date of permit issue.
- The use is discontinued for a period of two (2) years.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Prior to the commencement of the development you are required to obtain the necessary Building Permit.


Note: All buildings and works must be carried out in accordance with the approved Cultural Heritage Management Plan as required by the *Aboriginal Heritage Act 2006*. A copy of the approved CHMP must be held on site during the construction activity.

OR

In the event that Council wishes to refuse the application, it can do so on the following grounds:

1. The proposal fails to comply with the purpose of Clause 36.02 Public Park and Recreation Zone of the Kingston Planning Scheme;
2. The proposal fails to comply with the purpose of Clause 52.17 Native Vegetation Removal of the Kingston Planning Scheme; and
3. The proposal fails to satisfy all the requirements, relevant guidelines and objectives of Clause 52.06 Car Parking of the Kingston Planning Scheme.

Appendices

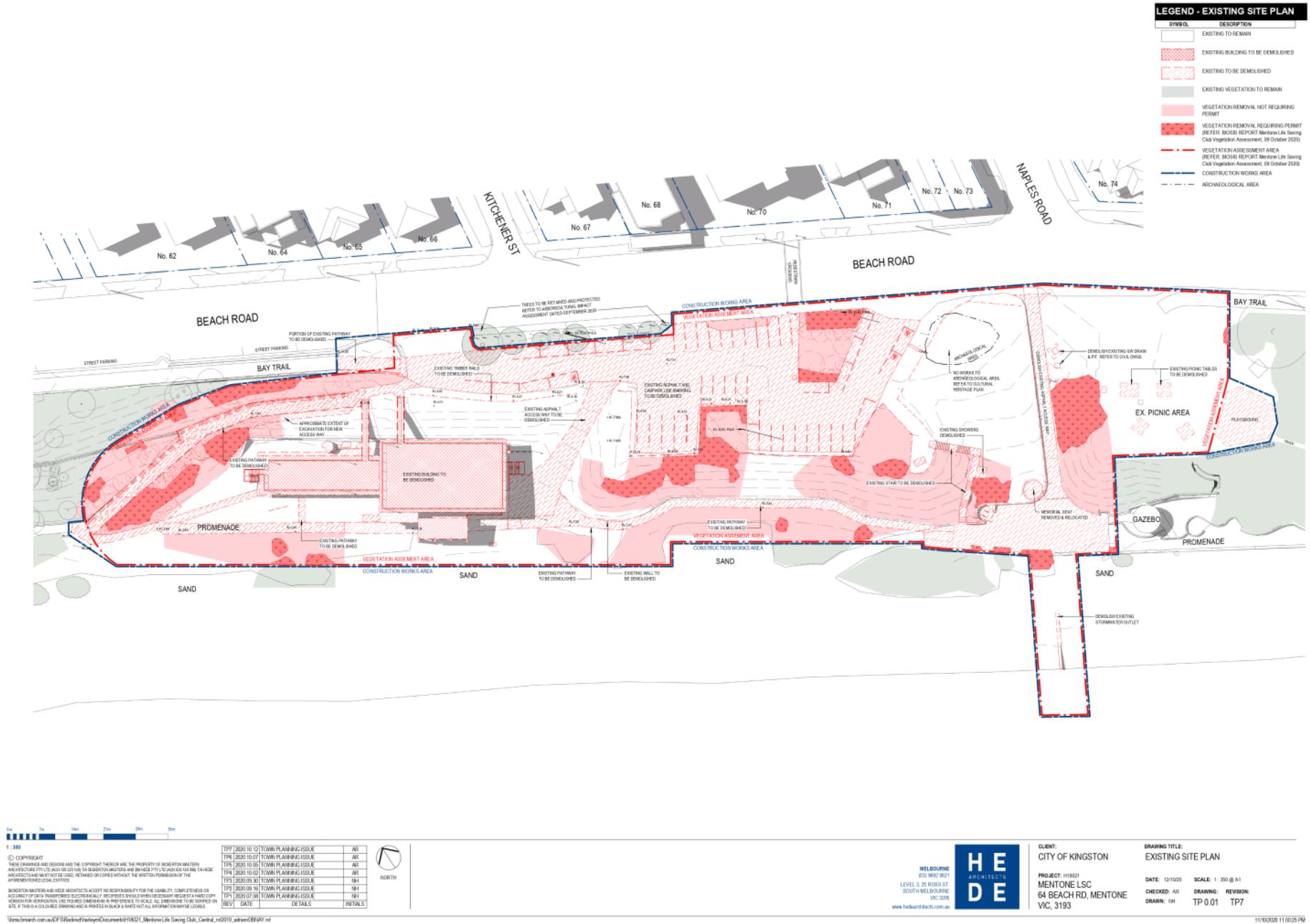
Appendix 1 - KP-2020/420 - Mentone Lifesaving Club, 66 Bay Trail Mentone -
CONSIDERED PLANS (Ref 20/268279) 

Author/s: Beau McKenzie, Senior Planner
Reviewed and Approved By: Amy Lin, Team Leader Statutory Planning
Jaclyn Murdoch, Manager City Development

8.4

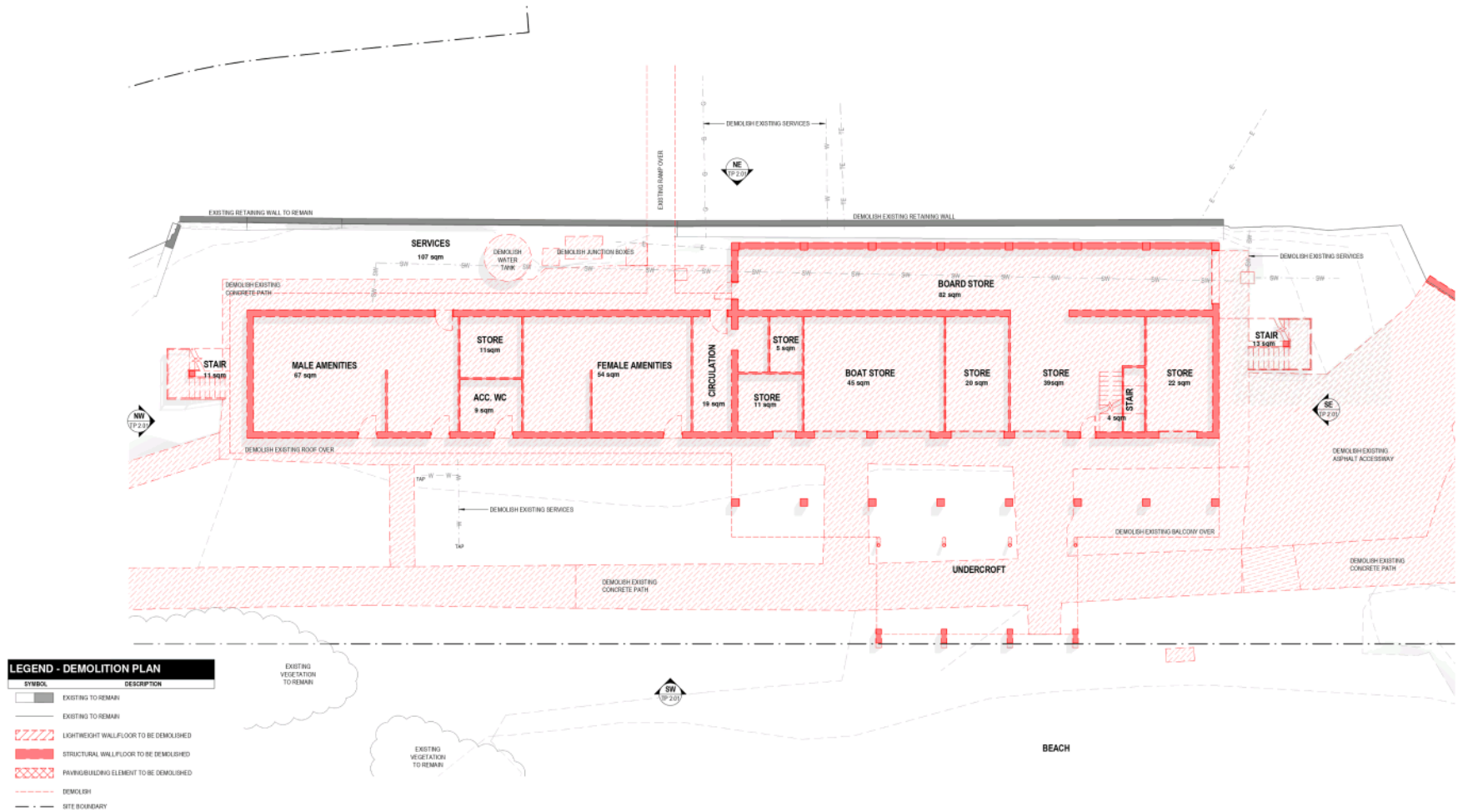
KP-2020/420 - MENTONE LIFE SAVING CLUB CLUBHOUSE 66 BAY TRAIL MENTONE

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- CONSIDERED PLANS 125









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REV	DATE	DETAILS	INITIALS



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CLIENT:
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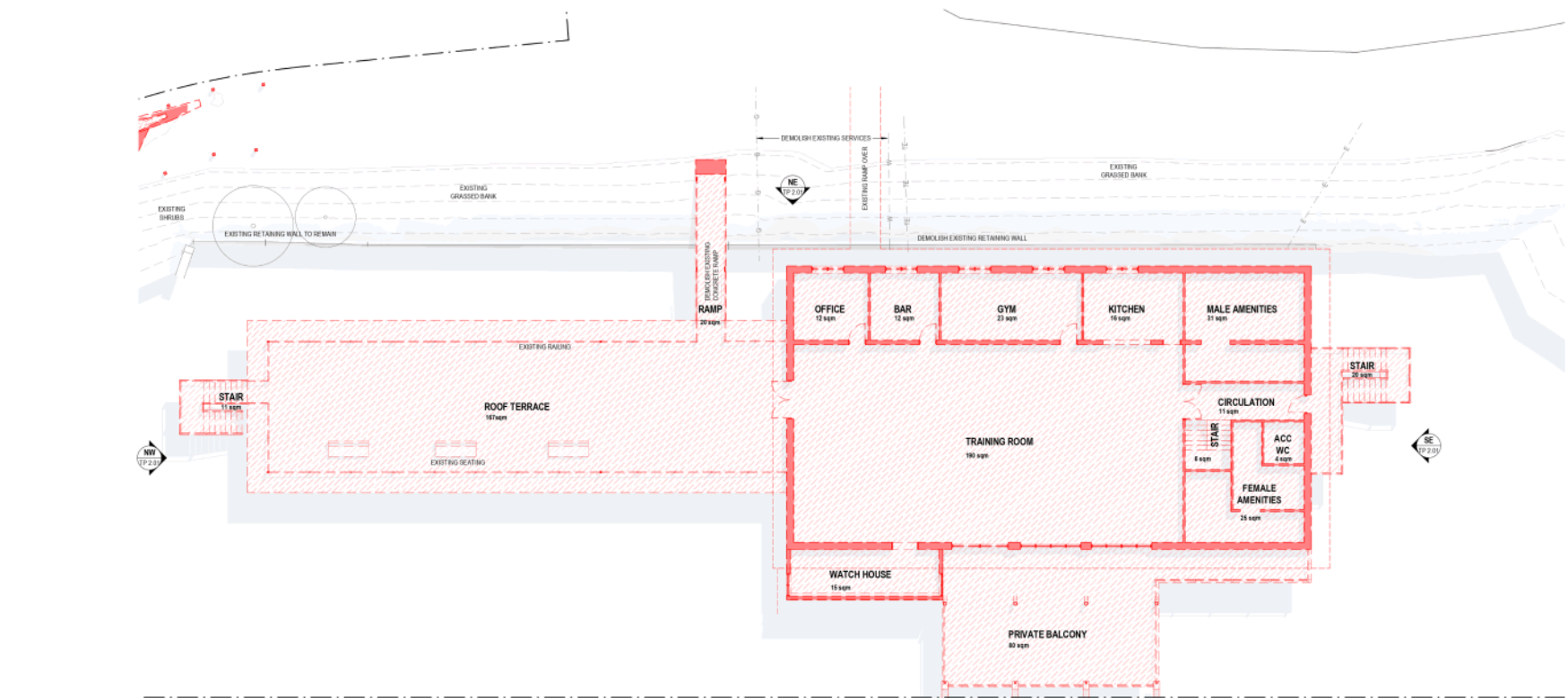
PROJECT: H18021
MENTONE LSC
64 BEACH RD, MENTONE
VIC, 3193

DRAWING TITLE:
DEMOLITION PLAN - LEVEL 1

DATE: 04/23/20
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DRAWING: REVISION:
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LEGEND - DEMOLITION PLAN	
SYMBOL	DESCRIPTION
	EXISTING TO REMAIN
	EXISTING TO REMAIN
	LIGHTWEIGHT WALL/FLOOR TO BE DEMOLISHED
	STRUCTURAL WALL/FLOOR TO BE DEMOLISHED
	PAVING/BUILDING ELEMENT TO BE DEMOLISHED
	DEMOLISH
	SITE BOUNDARY



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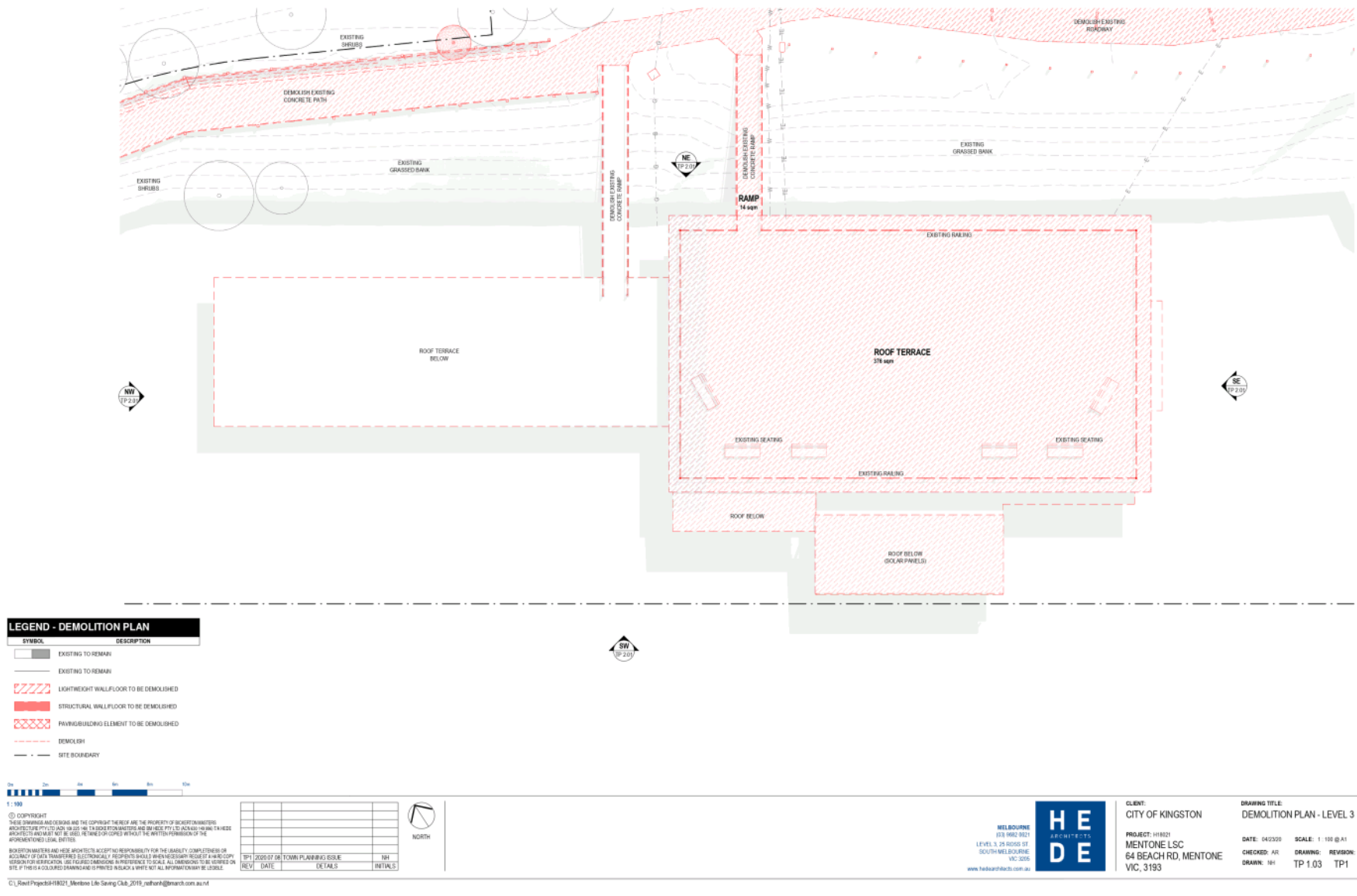


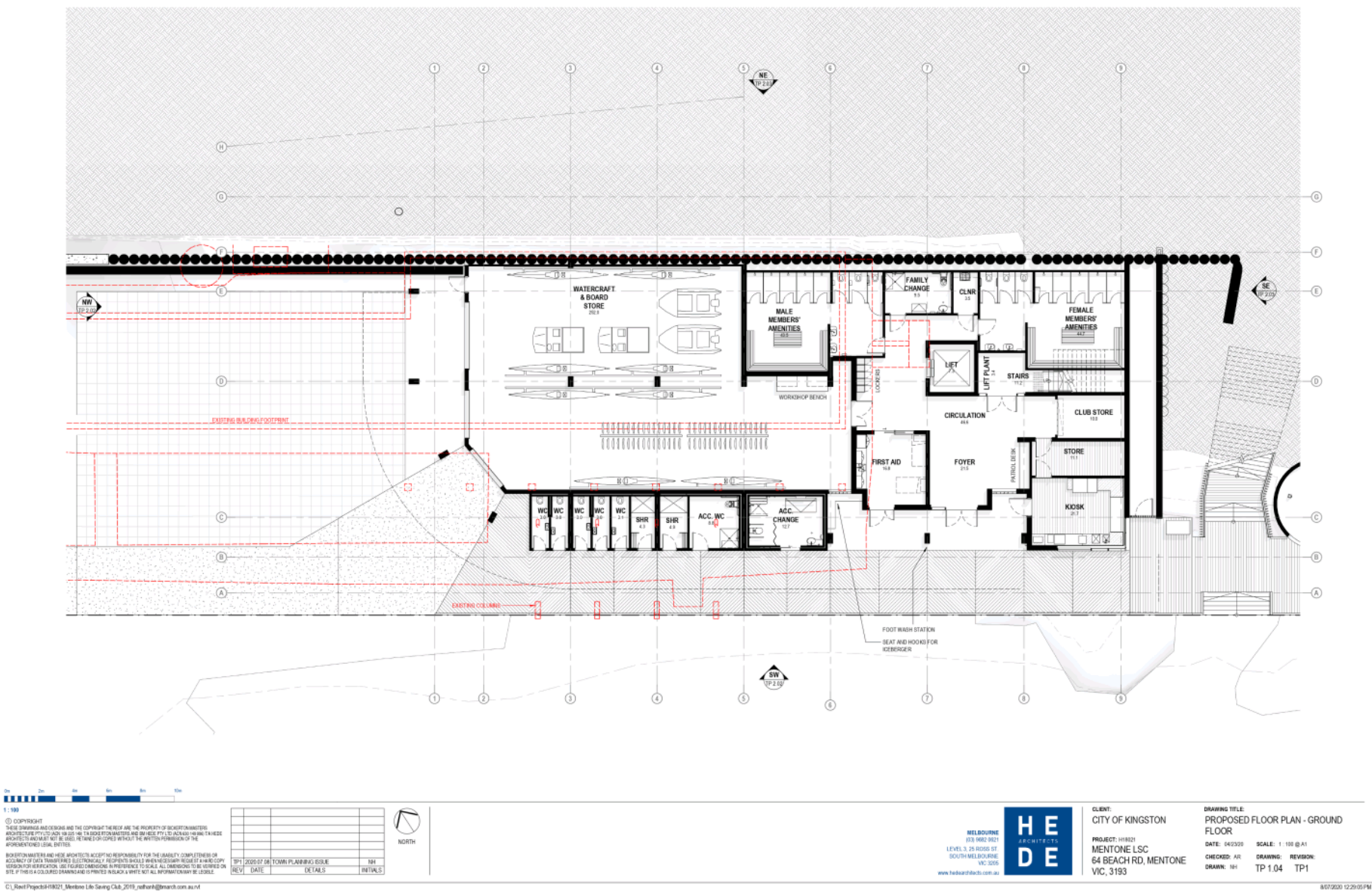
CLIENT:
CITY OF KINGSTON
PROJECT: H18021
MENTONE LSC
64 BEACH RD, MENTONE
VIC, 3193

DRAWING TITLE:
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DATE: 04/23/20 SCALE: 1 : 100 @ A1
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DRAWN: NH TP 1.02 TP1

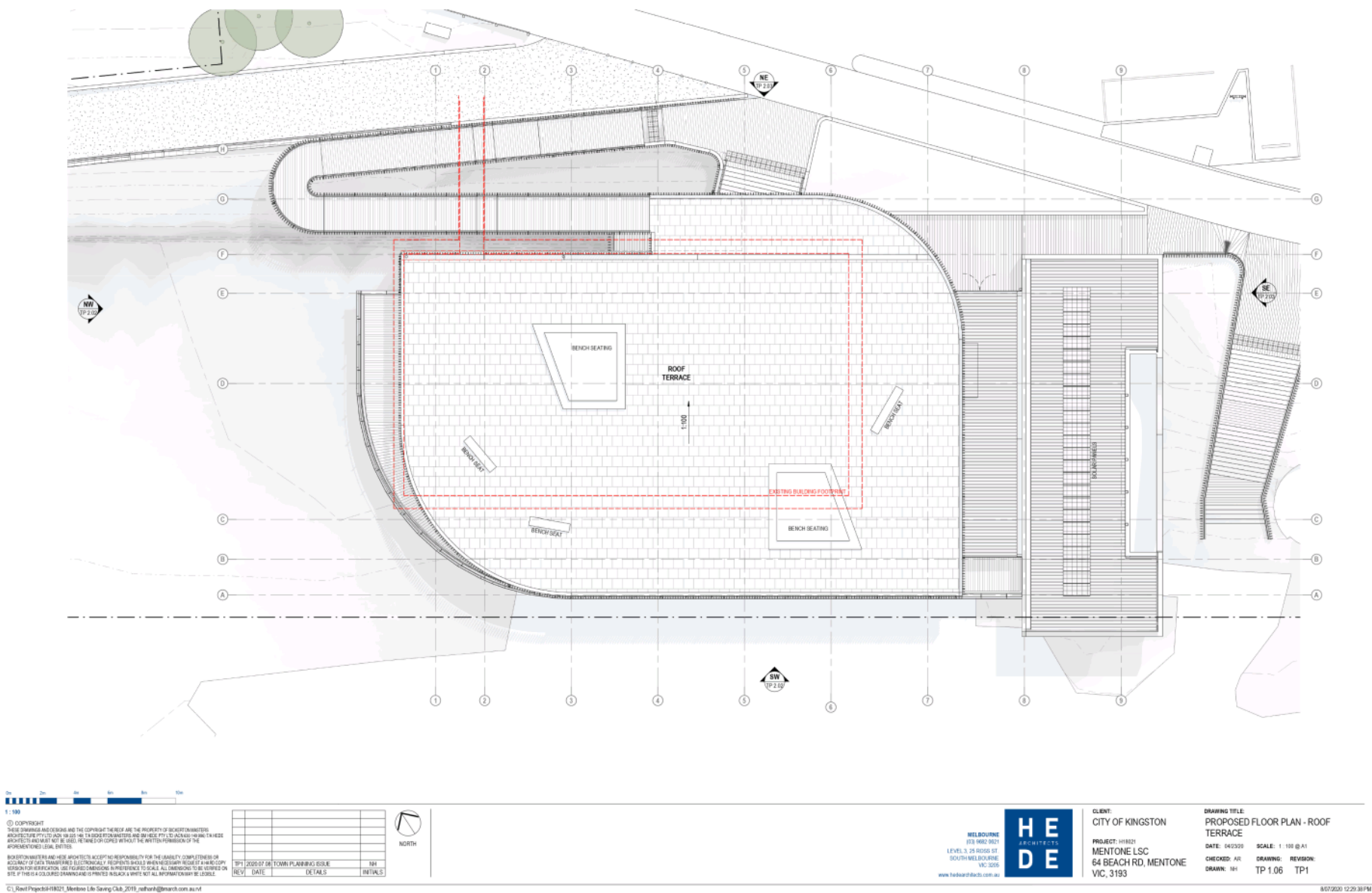
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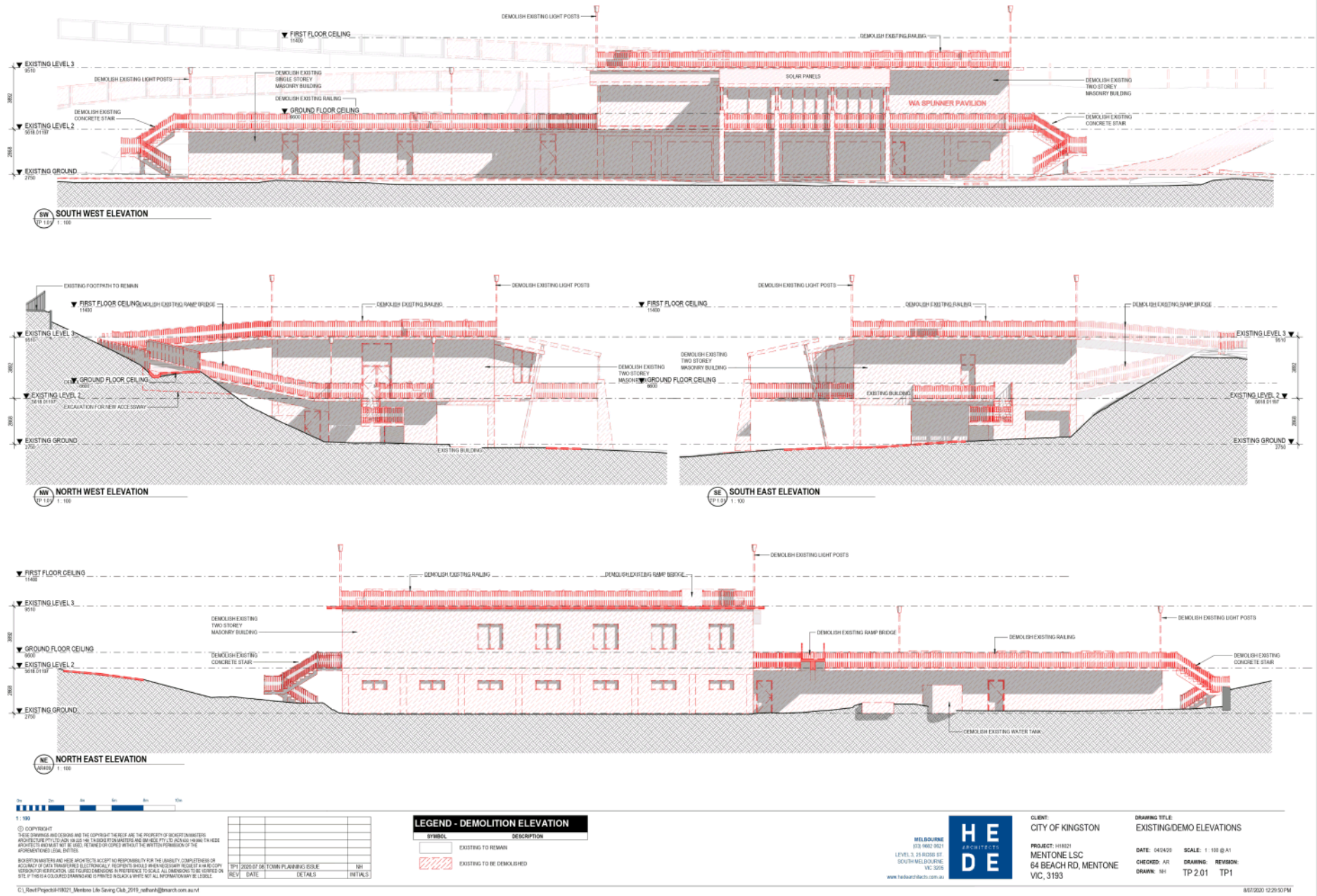
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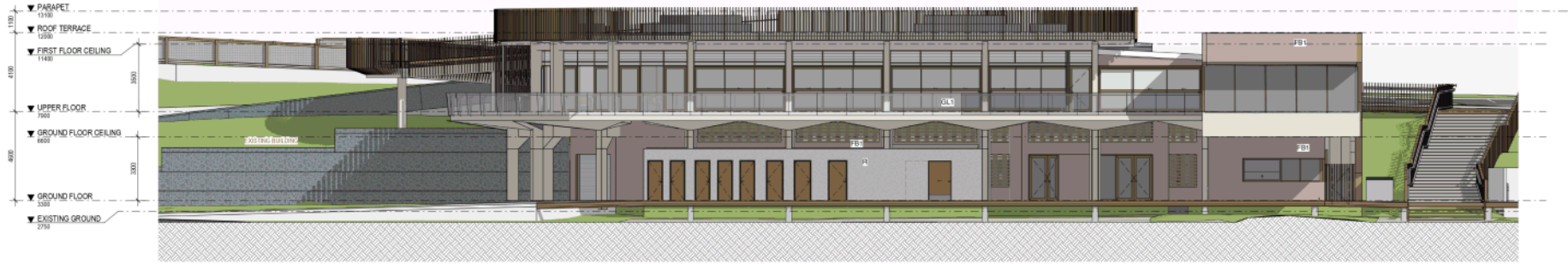












ELEVATION LEGEND		
SYMBOL	SAMPLE	DESCRIPTION
(PB)		BRICKWORK
(PB)		BRICKWORK
(CC)		OFF WHITE CONCRETE
(GL)		FRAMELESS GLASS BALUSTRADE
(TB)		TIMBER BATTEN BALUSTRADE
(R)		WHITE RENDER



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REV	DATE	DETAILS	INITIALS
TP1	2020-07-01	TOWN PLANNING ISSUE	NH
REV1			
REV2			
REV3			
REV4			
REV5			
REV6			
REV7			
REV8			
REV9			
REV10			

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PROJECT: H18021
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DRAWING TITLE:
PROPOSED ELEVATIONS - SHEET 1

DATE: 04/04/20
CHECKED: AR
DRAWN: NH
SCALE: 1 : 100 @ A1
DRAWING: TP 2.02
REVISION: TP1

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Council Meeting

14 December 2020

Agenda Item No: 8.5

KP-2020/472 - PETER SCULLIN RESERVE, 206-220 BAY TRAIL, MORDIALLOC

Contact Officer: James Leonard, Principal Planner

Purpose of Report

This report is for the Planning Committee to consider Planning Permit Application Number KP-2020/472 – Peter Scullin Reserve, 206-220 Bay Trail, Mordialloc for native vegetation removal to facilitate the construction of a changing places facility within the Peter Scullin Reserve.

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 for Native Vegetation Removal pursuant to Clause 52.17 (Native Vegetation) and removal of trees pursuant to Clause 43.01 (Heritage Overlay Schedule 108), in accordance with the submitted plans, within Peter Scullin Reserve, 206-220 Bay Trail, Mordialloc, subject to the conditions contained within this report.

This report is being put to Council given that the City of Kingston is the applicant.

1.

EXECUTIVE SUMMARY	
Address	Peter Scullin Reserve, 206-220 Bay Trail, MORDIALLOC VIC 3195
Legal Description	Crown Allotment 19A Section 24
Applicant	City of Kingston c/- Hansen Partnership Pty Ltd
PLANNING REQUIREMENTS SUMMARY	
Planning Scheme	Kingston Planning Scheme
Zoning	Clause 36.02 – Public Park and Recreation Zone (PPRZ)
Overlays	Clause 43.01 – Heritage Overlay Schedule 108 (HO108) Clause 43.02 – Design and Development Overlay Schedule 1 (DDO1)
Particular Provisions	Clause 52.17 – Native Vegetation
Permit Trigger/s	Clause 43.01-1 – A permit is required to remove, destroy or lop a tree if the schedule to the overlay specifies that tree controls apply. HO108 (Mordialloc Creek and Foreshore Precinct) notes that tree controls apply within the heritage precinct. Clause 52.17 - A permit is required to remove, destroy or lop native vegetation.
APPLICATION/PROCESS SUMMARY	
Advertising	Yes
Objections	One (TRIM Checked 23/11/2020)
Considered Plans	Planning Report, prepared by Hansen Partnership for City of Kingston, dated September 2020. 1. Peter Scullin Reserve Mordialloc Vegetation Assessment, prepared by Biosis, dated 30 June 2020. Native Vegetation Removal Report (Report ID: BIO_2020_053), dated 29/06/2020
Aboriginal Cultural Heritage Sensitivity	Not an exempt activity – approved CHMP lodged.

2. SITE HISTORY

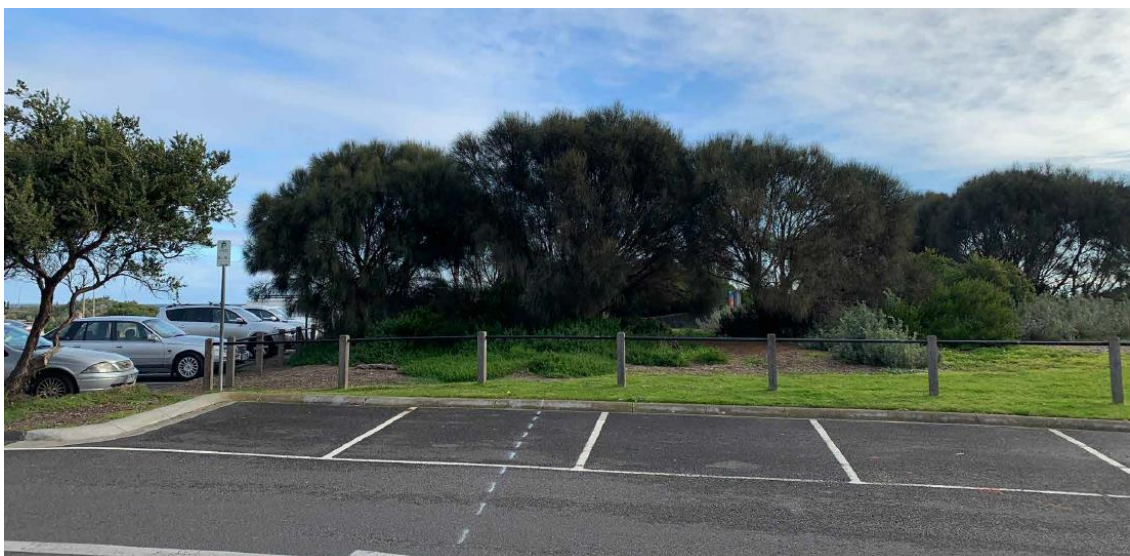
- 2.1 The subject site is located within the Peter Scullin Reserve, within the Mordialloc Foreshore Precinct, an activity node along the foreshore and part of the Mordialloc Major Activity Centre. The locality hosts a mix of recreation, public open space and commercial uses and is easily accessible by foot, vehicles, public transport and bicycles.
- 2.2 Several Planning Permits have been approved for buildings and works within the Mordialloc Foreshore and Peter Scullin Reserve; however, no approvals are relevant to the proposal.

3. SUBJECT LAND

- 3.1 The proposed vegetation removal is located within Crown Allotment 19A, adjacent to the Pier Road car park.
- 3.2 The Crown Folio Searches indicate that the Crown Allotment 19A is reserved for public purposes. Kinston City Council is the Public Land Administrator and Committee of Management for this parcel.
- 3.3 The Map identifies the location of the works within the Mordialloc Foreshore.



- 3.4 The photographs below illustrates the subject site from a streetscape perspective.



5. PLANNING CONTROLS

- 5.1 The subject site is located within a Public Park and Recreation Use Zone.
- 5.2 The subject site is subject to a Design and Development Overlay Schedule 1, and the Heritage Overlay Schedule 108.

Marine and Coastal Act

- 5.3 Pursuant to section 68(3) of the *Marine and Coastal Act 2018* (MCA), the application is deemed to be an application for consent for the construction of a changing places/public toilet facility and native vegetation removal within the Peter Scullin Reserve in Mordialloc. The proposed development is also subject to conditions.
- 5.4 The Department of Environment, Land, Water and Planning (DELWP) has recommended that conditions given under the MCA consent be included on any planning permit issued.
- 5.5 The MCA consent for use and development of coastal Crown land pursuant to s.70(1)(d) of the MCA was provided on 19 August 2020. The MCA consent will expire if the works are not completed within two years from the date of issue, unless an extension of time is applied for and granted by DELWP.

6. PLANNING PERMIT REQUIREMENTS

- 6.1 Pursuant to Clause 36.02-1 (Public Park and Recreation Zone), use and development of the land (including vegetation removal) is exempt where carried out 'by or on behalf of a public land manager' under the *Local Government Act 1989*. This requirement has been satisfied.
- 6.2 Pursuant to Clause 62.02, all buildings and works associated with Park Furniture (including Public Toilets) are exempt from requiring a planning permit, therefore the Public Toilets / Changing Places facility does not require a planning permit.
- 6.3 Pursuant to Clause Clause 43.02 (Design and Development Overlay 1), a planning permit is not required as the proposal meets all of the general requirements within this overlay.
- 6.4 Pursuant to Clause 43.01-1 (Heritage Overlay), a permit is required to remove, destroy or lop a tree if the schedule to the overlay specifies that tree controls apply. HO108 (Mordialloc Creek and Foreshore Precinct) notes that tree controls apply within the heritage precinct.
- 6.5 Pursuant to Clause 52.17-2 (Native Vegetation), a planning permit is required to remove, destroy or lop native vegetation, including dead native vegetation.
- 6.6 As defined by Clause 73.01, 'Native Vegetation' consists of 'plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses'.
- 6.7 Clause 52.17-7 (Native Vegetation – Table of Exemptions), states that a planning permit is not required for the removal for planted vegetation. Planted vegetation is defined 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

- 6.8 The submitted vegetation assessment has identified that majority of the vegetation proposed to be removed consists of trees and shrubs planted either by the former City of Mordialloc which was later incorporated into the City of Kingston or by the City of Kingston.
- 6.9 In accordance with the requirements of the Clause 52.17-7 exemption, a letter of written permission has been provided by Brad Lewis (Foreshore Coordinator, City of Kingston) on the 13 August 2020. The letter states that the vegetation was planted by the former City of Mordialloc and maintained by the City of Kingston, and planted by the City of Kingston, with public funding. As the City of Kingston's (Agency) representative, the vegetation (planted vegetation) is approved for removal in accordance with plans to provide for a new Changing Places and public toilet facility in accordance with the Council approved plans.
- 6.10 As the planted native vegetation does not require a planning permit for its removal, only the removal of natural vegetation (non-planted native vegetation and any progeny of planted vegetation) is subject to permit, pursuant to Clause 52.17.
- 6.11 The submitted vegetation assessment has identified the scrambler Seaberry Saltbush (*Rhagodia candolleana*) on the Kingston Foreshore Reserve is assumed to be natural. There is no knowledge of this species having been planted on the foreshore (Brad Lewis, Lee James, City of Kingston). This species and also common Bower Spinach (*Tetragonia implexicoma*) are bird-dispersed species that constantly colonise below trees.
- 6.12 As it cannot be established that this underlying vegetation has been planted, a planning permit is required for its removal.

7. ADVERTISING

- 7.1 The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining three (3) notices on the site for fourteen (14) days.
- 7.2 One (1) objection to the proposal was received. The grounds of objection raised are summarised as follows:
- Excessive native vegetation removal.
 - Poor Management of Bay Trail Vegetation Removal and re-planting.
- 7.3 In accordance with Council's Planning Consultation Meeting Policy, no meeting was required as one (1) objection to the application was received. However, as required by the Policy, Council's planning officer contacted the objector followed by further discussions with the applicant to ascertain if the concerns raised by the objector could be resolved. It should be noted that during the discussion with the objector no request was received by the planning officer for a planning consultation meeting to be held.
- 7.4 The objector's concerns were unable to be resolved, and the objections still stand.

8. RESPONSE TO GROUNDS OF OBJECTION

- 8.1 The concerns raised by the objection are generally not related to the application under assessment, with an assumption made that the vegetation removal was to facilitate additional sections of the Bay Trail pathway. Additional documents were provided to the objector to

assist in better understanding the application, the extent and reason for the vegetation removal.

8.2 A 'without prejudice' landscape plan was also provided to the objector for review, to understand the proposed re-planting around the public toilets / changing places facility, demonstrating the native vegetation removed to facilitate the construction was to be replanted, with appropriate species in appropriate locations.

8.3 It was also discussed that the management and any contractual third-party agreement for re-planting along the Bay Trail to the north of the subject site was not directly related to this application.

8.4 In response to the concerns that the vegetation removal is excessive, the following assessment has been made:

- The submitted Biodiversity Assessment prepared by the permit applicant (and subsequently peer reviewed), is considered to address the relevant application requirements. The permit applicant outlines the type of native vegetation to be removed, the condition score of native vegetation and confirms the assessment pathway required by the Guidelines
- The recommended location of the Changing Places facility was determined in consultation with a broad range of internal stakeholders, representatives from the Department of Environment Land, Water & Planning (DEWLP), Victoria Police (VicPol) and an initial external consultation with end-users and their representatives.

Of critical consideration is placement beyond the easement zone of the Esso Pipeline that runs through the centre of the reserve. Other considerations include ease of access and proximity to existing public toilets, car parks, picnic areas, the pier and the Mordialloc shopping and hospitality hub.

Internal stakeholders who have contributed to this process include representatives from Parks and Recreation, Social Development, Festivals and Events and Access Care.

External consultation has been undertaken with representatives from Victoria Police, DELWP and SCOPE (Disability Service Provider).

- Placement at this location has minimal impact on the existing vegetation and landscape, with the amount of native vegetation to be removed being 0.015ha. This is minimal and will preserve the landscape value of the existing coastal environment.
- Council's vegetation assessment has determined the proposed vegetation removal is not excessive.
- Appropriate conditions will be included on the planning permit requiring the site to be revegetated and suitable planting to occur prior to the commencement of the use.

9. REFERRALS

9.1 The application was referred to the following referral authorities

Internal Referrals

Department / Area	Comments
Vegetation	The following comments have been received by the assessing Vegetation officer:

Native Vegetation

- The Ecology & Heritage Partners peer review of the applicant's native vegetation removal report has identified two issues of concern,
 - The avoid minimise statement is lacking detail
 - The applicant has not demonstrated that the required offsets are available
- The avoid minimise statement should describe what has been done to avoid and minimise the impacts to native vegetation, or why there are no opportunities to do so.
There may be a valid reason why the proposal needs to be located precisely in the location of the native vegetation rather than in the open area of lawn beside it, but this needs to be detailed in the avoid minimise statement.
- As the offsets are to be purchased off a broker, a suitable offset statement is required to include evidence that the required offset is available to purchase from a third party.
- Due to the issues discussed above, the application is incomplete. For the application to be complete, an updated avoid minimise statement is required and evidence that the offsets required are available for purchase. This could be in the form of an email or letter from an accredited broker.

Heritage Overlay

- In addition to the requirements of 52.17 Native Vegetation, tree controls under clause 43.01 Heritage Overlay apply.
- A permit is required to –
Remove, destroy or lop a tree if the schedule to this overlay specifies the heritage place as one where tree controls apply.
This does not apply:
 - *To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the Electricity Safety Act 1998.*
 - *If the tree presents an immediate risk of personal injury or damage to property.*
- The heritage citation includes the below,
'a large grassed area on the sheltered side of the seawall was developed as a lawn beach. This was popular through the interwar period for sun bathing and sporting pursuits. The foreshore area was levelled, and the large parking area and playground graded in 1933. Provision was made for the extensive planting of trees and hedges.⁹ Since that time, the lawn has been replanted with traditional coastal vegetation.' (City of Kingston Heritage Precinct No P38)
- This would indicate that the replanted traditional coastal vegetation is a continuation of the original planting and therefore its removal should be subject to the permit requirement 'Remove, destroy or lop a tree'.
- The decision guidelines are potentially
 - *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

	<ul style="list-style-type: none"> - Whether the lopping or development will adversely affect the health, appearance or significance of the tree. • As the proposal includes landscaping around the structure the removal of the trees and their replacement will not substantially change the vegetation composition of the site in the long term. • The number of replacement trees illustrated on the landscape plan is not consistent with the number of trees to be removed. A minimum of three additional <i>Allocasuarina verticillata</i> (Drooping Sheoak) should be included on the landscape plan. • The application should include a document with a brief description of each of the trees to be removed. This could be limited to the tree's botanical and common name, location, an identifying number and the reason for removal. <p>Following receipt of the referral comments, the applicant provided additional information. The information responded to the concerns raised above relating to native vegetation.</p> <p>Council's vegetation officer is satisfied the vegetation removal has been thoroughly considered and the minimal extent of vegetation is to be removed, in a location that is suitable for the changing places facility within the foreshore reserve. The location of the ESSO pipeline significantly limits the opportunity for a minor relocation to avoid additional vegetation loss. For the reasons listed by the applicant (see assessment below), it is considered the avoid and minimise statement is suitably addressed.</p>
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External Referrals

Department	Section 52/55	Determining / Recommending	Objection	Comments
Department of Environment Land Water and Planning (DELWP)	55	Recommending	None	Advised of no objection subject to the inclusion of conditions on any planning permit issued.
ESSO	52	Recommending	No referral response as of 24/11/2020	<p>It is noted ESSO had previously provided comments and conditions to K20 Architecture regarding the changing places facility, on the 17 April 2020. The development will need to be in accordance with these conditions.</p> <p>No further referral response has been received regarding the</p>

				vegetation alone.	removal
External Ecological Consultant	<p>Council's City Development Department also engaged an external ecological consultant to undertake a peer review of the submitted documents, maps and to undertake an independent assessment of the permitted clearing of native vegetation.</p> <p>The following comments have been made:</p> <ul style="list-style-type: none"> <i>The vegetation assessment report for Peter Scullin Reserve prepared by Biosis Pty Ltd (Biosis 2020) is brief, and adequately addresses most of the Detailed Assessment Pathway application requirements under Clause 52.17 of the City of Kingston planning scheme</i> <p>The peer review raised the following concerns:</p> <p>Application Requirement #5 – Avoid and Minimise Statement</p> <ul style="list-style-type: none"> <i>All applicants must include an avoid and minimise statement that describes any efforts to avoid the removal of and minimises the impacts on the biodiversity and other values of native vegetation.</i> <i>Attachment 5 – Item 5 of Biosis (2020) only states that “no feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal”.</i> <i>The avoid and minimisation statement does not include any information relating to strategic level planning, any information regarding why the development has been sited and designed in a manner which requires the removal of all native vegetation, nor why there are no feasible opportunities to avoid or minimise impacts</i> <i>has been undertaken, and reviewers are satisfied with the vegetation assessment and conclusions provided.</i> <i>It is recommended that Council request further clarity and detail from Biosis so that an updated avoid and minimise statement can be prepared.</i> <p>Application Requirement #9 – Offset Statement</p>				

- *As part of this application requirement, the applicant must provide evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.*
- *Attachment 5 – Item 9 of Biosis (2020) provides a comment that an offset quote will be obtained from an offset broker, however, does not confirm that the offsets are available. Demonstration that the offsets are available and can be secured should be provided.*
- *Although it is understood that the offset obligations are available and can be secured, in accordance with the Guidelines (DELWP 2017), this is not considered to be appropriate evidence*

The applicant has provided additional information to address these above concerns. Council is satisfied the application has suitably addressed Application Requirements 5 and 9.

10. RELEVANT POLICIES

10.1 Planning Policy Framework (PPF)

- Clause 11 – Settlement
- Clause 12 – Environmental and Landscape Values
- Clause 15 – Built Environment and Heritage

10.2 Local Planning Policy Framework (LPPF)

- Clause 21.03 – Environment and Landscape Values

10.3 Overlays

- Clause 43.01 – Heritage Overlay Schedule 108

10.4 Particular Provisions

- Clause 52.17 – Native Vegetation

10.5 General Provisions

- Clause 65: Decision Guidelines

11. PLANNING CONSIDERATIONS

11.1 Clause 11 (Settlement) seeks 'to facilitate sustainable development that takes advantage of existing settlement patterns, through the provision of zoned and serviced land.'

11.2 Clause 11.03-4S (Coastal Settlement) encourages the redevelopment of existing community facilities in a sustainable manner. It also provides direction on sustainable coastal development by encouraging new development and facilities on existing sites in order to minimise impacts on the coast.

11.3 Clause 12.01-1S (Protection of biodiversity) and Clause 12.01-2S (Native Vegetation Management) seeks to protect biodiversity and conservation of sites by ensuring that

permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

- 11.4 Clause 12.02-1S (Protection of coastal areas) seeks 'to recognise the value of coastal areas to the community, conserve and enhance coastal areas and ensure sustainable use of natural coastal resources.' This is balanced by Clause 12.02-2S (Coastal Crown Land) which seeks 'to achieve coastal crown land development that provides an environmental, social and economic balance' The above is reflected within the local planning policy at Clause 21.03 (Environment and Landscape Values) which also seeks 'to retain the high value of Kingston's coastal environment' and 'to ensure sustainable social, economic and recreational use of the coast and foreshore'
- 11.5 Clause 15.03-2S (Aboriginal Cultural Heritage) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- 11.6 The Subject Land is identified as an area of Aboriginal Cultural Heritage Sensitivity.
- 11.7 'The *Aboriginal Heritage Act 2006* (the Act) and *Aboriginal Heritage Regulations 2018* provides for the protection and management of Victoria's Aboriginal heritage with streamlined processes linked to the Victorian planning system. The Act also provides clear guidance to planners and developers about when, and how, Aboriginal cultural heritage needs to be considered, and in some situations, work cannot proceed until compliance is met. Large developments and other high impact activities in culturally sensitive landscapes can cause significant harm to Aboriginal cultural heritage'.
- 11.8 In this instance, the proposed activity is not exempt under the Regulations of the *Aboriginal Heritage Act 2018*, the Permit Applicant is required to prepare and submit a Cultural Heritage Management Plan (CHMP) to Council. Accordingly, CHMP 17069, dated 22 May 2020 has been prepared by a qualified Cultural Heritage Advisor and submitted to Council. The Plan was approved by the Director Heritage Services Aboriginal Victoria, acting under authority delegated by the Secretary, Department of Premier and Cabinet on 10 June 2020.
- 11.9 The approved CHMP contains the results of an assessment of the potential impact of the proposed activity on Aboriginal cultural heritage. Further, it outlines measures to be taken before, during and after the activity in order to manage and protect Aboriginal cultural heritage in the activity area. Notes are recommended to form any planning permit issued to ensure the all works are carried out in accordance with the approved CHMP.
- 11.10 Policies consistent with the above are reflected within the local planning policy at Clause 21.03 (Environment and Landscape Values), and Clause 21.03-2 (Coastal Areas) where objectives seek to 'maintain the diversity of flora and fauna habitats' balanced with 'to ensure sustainable social, economic and recreational use of the coast and foreshore' and 'to optimise community enjoyment of the foreshore.'
- 11.11 Whilst not forming part of the consideration for the planning permit, the requirement for the vegetation removal is motivated by the suitability for the Changing Places facility. In response to these policies, the Changing Places facility will be located within a high activity area that will ensure its greatest accessibility to the community and visitors to the foreshore and surrounds.
- 11.12 The City of Kingston Public Toilet Strategy (June 2016) notes that the existing Pier Road public toilet is the most frequented public toilet facility across the municipality, particularly during busy summer periods. The strategy notes that it is in an aged condition and as such Pier Road is identified as the preferred location for a modern Changing Places facility,

therefore several options for placement had been thoroughly assessed prior to determining this is the most appropriate location.

- 11.13 It is considered the proposal has had appropriate regard to the environmental values of the location. The facility is considered to not have any significant impacts on the coastal environment as it is located within an existing park on the foreshore, avoiding more sensitive and significant locations with increased environmental sensitivity. It is considered that on balance the limited removal of native vegetation to allow for the provision of improved community facilities is reasonable and is in accordance with the abovementioned policies.

Clause 43.01 – Heritage Overlay Schedule 108

- 11.14 The purpose of the Heritage Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

- 11.15 Schedule 108 of the Heritage Overlay is a heritage precinct control relating to the heritage place 'Mordialloc Creek and Foreshore Precinct'. External paint and tree controls apply, however the heritage citation for the Mordialloc Creek and Foreshore Precinct also does not specify any particular trees to which the control applies.

- 11.16 Therefore, pursuant to Clause 43.01-1, a planning permit is required for the removal of trees if the schedule to the overlay specifies that tree controls apply within the heritage place.

- 11.17 The key considerations under HO108 are:

- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- *Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.*
- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*
- *Whether the lopping or development will adversely affect the health, appearance or significance of the tree.*

- 11.18 The Statement of Significant for the Mordialloc Creek and Foreshore Precinct is:

The Mordialloc Creek and Foreshore Precinct is of social, historical and architectural significance at a local level. It is socially significant as a focus of the local community. It is historically significant as a reasonably intact example of a late nineteenth and early twentieth century seaside resort and the precinct remains legible as an early recreational centre. The area is architectural significant for a number of unusual structures which

survive from the early development of place, most notably the pier but including less prominent structures such as the sea wall, band rotunda and toilet block.

- 11.19 The relevant History and Description in the citation indicates that:

The foreshore area was leveled and the large parking area and playground graded in 1933. Provision was made for the extensive planting of trees and hedges. Since that time, the lawn has been replanted with traditional coastal vegetation.

....

Other elements of interest in the precinct are concrete benches in front of the bandstand, which appear to date from the construction of the bandstand rotunda, a horse trough, a war memorial and a row of palm trees.

....

The pathway to the Pier was constructed in 1930 and the approach features lighting bollards similar to those found on the boulevard and palm trees which may date from the original construction of the path. The pathway and associated plantings has to some extent been subsumed into a relatively recent vehicular accessway to the pier.

....

The foreshore reserve is known today as the Peter Scullin Reserve after the Councillor (1971- 1975) and Mayor (1974). It area has been continuously refurbished to provide increased amenity largely in the form of increased parking and children's play areas. The more formal lawned and structured interwar character engendered by the beach lawn, ordered paths and formal plantings has to some extent been lost through recent works. Nonetheless the ongoing use of the place and the large number and highly intact state of much of the early building stock allow the precinct to remain legible as an early recreation area.

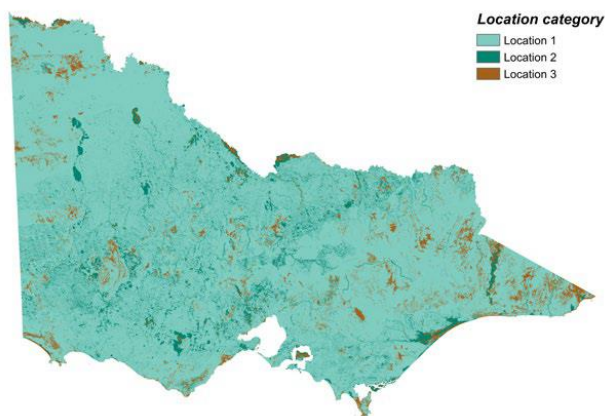
- 11.20 The Statement of Significance notes that the key significant and contributory features of the precinct relate to its history as a late nineteenth and early twentieth century seaside resort and its legibility as an early recreational centre. It highlights the architectural significance of several structures that survive from the early development of the place such as the pier, sea wall, band rotunda, and toilet block.
- 11.21 The removal of the vegetation is not considered to impact on these structures nor are any alterations or changes proposed to these structures.
- 11.22 The vegetation to be removed is not considered to have heritage significance as it is not specifically referenced within the heritage citation for the precinct. Coastal vegetation did not form a significant original element of the precinct with other extensively planted trees and hedges historically more prominent. A reference is made to a row of palm trees within the precinct like those found along Beach Road. It is highlighted that no palm trees are proposed for removal.
- 11.23 The majority of the vegetation to be removed is considered to be naturally occurring so has not been planted for reasons associated with the heritage significance of the precinct. The

removal of naturally occurring native vegetation is regulated by Clause 52.17 (Native Vegetation).

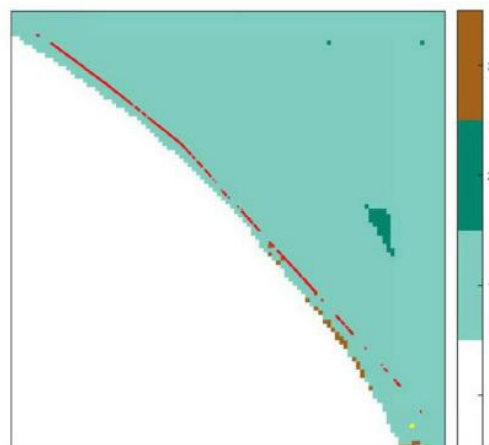
- 11.24 Replacement planting is proposed as part of the development of the Changing Places facility which will be consistent with the existing native palette within the precinct. A landscape plan will form part of the conditional requirements of any permit issued.
- 11.25 The minimal amount of vegetation does not form part of the main heritage narrative of the precinct with a significant range of vegetation retained within the precinct and immediate vicinity of the proposal. It is therefore considered that the removal of the vegetation will not have any impact on the heritage significance of the precinct.

Clause 52.17 – Native Vegetation

- 11.26 The application has been assessed against the relevant particular provisions and it is considered that the proposal meets the requirements contained within this section of the Kingston Planning Scheme.
- 11.27 The purpose of Clause 52.17 is 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 (DELWP, 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.
- 11.28 In accordance with Clause 52.17-1, a planning permit is required to remove native vegetation including dead vegetation. An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the *Guidelines*.
- 11.29 The submitted Biodiversity Assessment prepared by the permit applicant (and subsequently peer reviewed), is considered to address the relevant application requirements. The permit applicant outlines the type of native vegetation to be removed, the condition score of native vegetation and confirms the assessment pathway required by the Guidelines.
- 11.30 The subject site is located within Location 1.



[Source: DELWP]



[Source: DELWP]

- 11.31 The extent of past removal is 0.669ha, with the extent of proposed removal as part of this application being 0.015ha. As the cumulative removal (past and proposed) is more than 0.5ha, the application is required to be assessed under the Detailed Assessment Pathway specified below.

Table 3: Determining the assessment pathway

Extent of native vegetation	Location category		
	Location 1	Location 2	Location 3
Less than 0.5 hectares and not including any large trees	Basic	Intermediate	Detailed
Less than 0.5 hectares and including one or more large trees	Intermediate	Intermediate	Detailed
0.5 hectares or more	Detailed	Detailed	Detailed

¹¹ If the native vegetation to be removed does not meet the definition of a patch or a scattered tree outlined in section 3.1, the application is considered in the Basic Assessment Pathway.

[Source: DELWP]

- 11.32 The permit applicant submitted a Detailed Assessment Pathway as required under the guidelines, including the site-based data which generates a native vegetation removal report, an avoid and minimise statement and offset requirements under the Guidelines. It is noted offset requirements are applicable at Clause 52.17-5 and appropriate conditions will be recommended to ensure a compliant offset is secured before the native vegetation is removed, if a permit were to issue.
- 11.33 Clause 52.17-4 states '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.' The applicable decision guidelines together with the planning officer's assessment is provided below:

Number	Decision Guideline	Response
1	<p>Efforts to avoid the removal of, and minimise the impacts on, native vegetation should be commensurate with the biodiversity and other values of the native vegetation and should focus on areas of native vegetation that have the most value.</p> <p>Taking this into account consider whether:</p> <ul style="list-style-type: none"> the site has been subject to a regional or landscape scale strategic planning process that appropriately avoided and minimised impacts on native vegetation the proposed use or development has been appropriately sited or designed to avoid and minimise impacts on native vegetation feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal. 	<p>The chosen site is considered to be the most suitable location for the proposal from a biodiversity perspective as it avoids other areas with a higher biodiversity value. The location is not identified as a sensitive coastal location.</p> <p>The vegetation forms part of only one Ecological Vegetation Class (EVC160), which is not considered to be endangered, and does not include any 'large trees' as defined by the <i>Guidelines</i>.</p> <p>Efforts have been made through the design of the Changing Places Facility to minimise as much native vegetation removal as possible.</p> <p>The removal of the native vegetation is not considered to be of major detriment to the biodiversity of the surrounding area with an impact that can readily be made up for through offsets. The social benefits of the improved facility are also considered to outweigh any potential minimal negative biodiversity outcomes.</p>

		It is noted several alternate locations were considered within the Peter Scullin Reserve for the Changing Places facility, however due to the location of existing structures, the ESSO Pipeline and social and operational constraints, this location was adopted by Council as the most suitable.
2	<p>The role of native vegetation to be removed in:</p> <ul style="list-style-type: none"> • Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway in a special water supply catchment area listed in the Catchment and Land Protection Act 1994. • Preventing land degradation, including soil erosion, salination, acidity, instability and water logging particularly: <ul style="list-style-type: none"> ○ where ground slopes are more than 20 per cent ○ on land which is subject to soil erosion or slippage ○ in harsh environments, such as coastal or alpine areas. • Preventing adverse effects on groundwater quality, particularly on land: <ul style="list-style-type: none"> ○ where groundwater recharge to saline water tables occurs ○ that is in proximity to a discharge area ○ that is a known recharge area. 	<ol style="list-style-type: none"> 1. The site is not considered within any special water supply catchment areas listed in the <i>Catchment and Land Protection Act 1994</i>. 2. 3. The proposal is not considered to have any significant impacts on soil erosion and groundwater quality as replacement planting will occur in support of the foreshore system.
3	The need to manage native vegetation to preserve identified landscape values	<p>The amount of native vegetation to be removed is 0.015ha, which is minimal and will preserve the landscape value of the existing coastal environment.</p> <p>A considerable amount of existing vegetation will remain in the immediate and wider surrounds, the amount to be removed is minor compared to the extent of existing vegetation within Peter Scullin Reserve and along the foreshore.</p> <p>It is also noted that replacement planting will occur as part of the redevelopment.</p>
4	Whether any part of the native vegetation to be removed, destroyed or lopped is protected under the Aboriginal Heritage Act 2006.	The site has an approved Cultural Heritage Management Plan. This plan does not identify any native vegetation with cultural heritage significance.
5	The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to other available bushfire risk mitigation measures.	Not applicable

**City of Kingston
Council Meeting**

Agenda

14 December 2020

6	Whether the native vegetation to be removed is in accordance with any Property Vegetation Plan that applies to the site.	Not applicable
7	Whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.	<p>Evidence has been provided that the required offsets of 0.004 general habitat units with a minimum strategic biodiversity value score of 0.205 can be obtained.</p> <p>Conditions in relation to offset requirements are recommended to form conditions of any planning permit issued.</p>
8	<p>For Clause 52.16 applications, consider in relation to the native vegetation to be removed:</p> <ul style="list-style-type: none"> • The purpose and objectives of the Native Vegetation Precinct Plan. • The effect on any native vegetation identified for retention in the Native Vegetation Precinct Plan. • The potential for the effectiveness of the Native Vegetation Precinct Plan to be undermined. • The potential for the proposed development to lead to the loss or fragmentation of native vegetation identified for retention in the Native Vegetation Precinct Plan. • Offset requirements in the Native Vegetation Precinct Plan 	Not applicable
9	<p>For applications in both the Intermediate and Detailed Assessment Pathway only – consider the impacts on biodiversity based on the following values of the native vegetation to be removed:</p> <ul style="list-style-type: none"> • The extent. • The condition score. • The strategic biodiversity value score. • The number and circumference of any large trees. • Whether it includes an endangered Ecological Vegetation Class. • Whether it includes sensitive wetlands or coastal areas 	<p>The extent of vegetation to be removed does not include any large trees or relate to land within a sensitive wetland or coastal area.</p> <p>The strategic biodiversity value and condition score of the vegetation proposed for removal is within the lower range as outlined within the <i>Assessor's handbook: Applications to remove, destroy or lop native vegetation</i>.</p> <p>The removal does not include any endangered Ecological Vegetation Classes.</p>
10	<p>For applications in the Detailed Assessment Pathway only – consider the impacts on habitat for rare or threatened species. Where native vegetation to be removed is habitat for rare or threatened species according to the Habitat importance maps, consider the following:</p> <ul style="list-style-type: none"> • The total number of species' habitats. • The species habitat(s) that require a species offset(s). • The proportional impact of the native vegetation removal on the total habitat for each species, as calculated in section 5.3.1. 	The submitted documentation and Native Vegetation Assessment Report identifies there are no impacts on habitat for rare or threatened species.

	<ul style="list-style-type: none">• The conservation status of the species (per the Advisory Lists maintained by DELWP).• Whether the habitats are highly localised habitats, dispersed habitats, or important areas of habitat within a dispersed species habitat	
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12. CONCLUSION:

- 12.1 On balance, the proposal is considered to substantially comply with the relevant planning policy and therefore should be supported.
- 12.2 The vegetation removal will not have a detrimental impact to the heritage values or significance of the surrounding environment, nor will it result in a loss to the biodiversity values or natural habitat of the immediate area.
- 12.3 As outlined above, it has been determined that prior to deciding on this application all factors pursuant to section 12 and 60(1) of The Act have been considered. Further to this, the proposal does not give rise to any significant social and economic effects.

13. RECOMMENDATION

- 13.1 That Council determine to support the proposal and issue a Notice of Decision for the Native Vegetation Removal pursuant to Clause 52.17 (Native Vegetation) and removal of trees pursuant to Clause 43.01 (Heritage Overlay Schedule 108) at Peter Scullin Reserve, 206-220 Bay Trail, Mordialloc, subject to the following conditions:
1. Before any permitted clearing of native vegetation 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 form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan. The plans must be drawn to scale with dimensions and georeferenced that include:
 - a. The provision of a Landscape Plan, to the satisfaction of the Responsible Authority to include;
 - i. Six (6) *Allocasuarina verticillata* (Drooping She-oak);
 - ii. Two (2) *Banksia integrifolia* (Coast Banksia);
 - iii. Retention of the *Leptospermum laevigatum* (Coast Tea-tree) adjacent to the southeast corner of the development area.
 - iv. A variety of shrubs, ground covers, grasses and climbing vines, consisting of 100% native species, being either listed on the Kingston Indigenous Plant List or within the EVC160.
 - v. A schedule, 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;
 - vi. Tree protection measures accurately drawn to scale and labelled

Endorsed Plans

2. The vegetation removal as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. 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.

Vegetation Management

4. Two (2) *Banksia integrifolia* (Coast Banksia) and six (6) *Allocasuarina verticillata* (Drooping She-oak) to be planted at a minimum mature height of 2 metres in the landscaped area surrounding the change facility/toilet block as a replacement for the trees removed.
5. The retention of the *Leptospermum laevigatum* (Coast Tea-tree) adjacent to the south-east corner of the development.
6. Concurrent with the endorsement of plans, a Tree Protection Plan (scale drawing) prepared by a suitably qualified person in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a. The location of tree protection measures to be utilised for any vegetation within ten (10) metres of the perimeter of the area to be developed,
 - b. Specifications for the fencing to be used,
 - c. When the fencing will be erected and removed and who is responsible for ensuring the fencing remains in place,

- d. That access to within the fenced areas and relocation of the fences once they are established is prohibited unless with the consent of either Council's planning or parks arborist.

Cultural Heritage Management Plan

7. All works must be carried out in accordance with the Cultural Heritage Management Plan 17069 dated 22 May 2020 prepared by TerraCulture Heritage Consultants.

Department of Environment, Land, Water and Planning

8. The works are to be carried out generally in accordance with plans titled:
- 'PETER SCULLIN RESERVE PUBLIC TOILETS – "SEASHELL"' dated 02/07/2020 prepared by k20 Architecture.
9. Any modification to the works proposed will require further approval by the Regional Director, Port Phillip Region, Department of Environment, Land, Water and Planning (DELWP).
10. Prior to works commencing, a construction environmental management plan must be prepared to the satisfaction of Kingston City Council.
11. All planting of vegetation within the coastal Crown land must utilise indigenous species.
12. Indigenous vegetation (other than approved under this consent) must not be damaged or removed as a result of the works.
13. Any clearing or construction activity associated with the works, should be carried out in accordance with the with EPA Publication No. 275 *Construction Techniques for Sediment Pollution Control* (May 1991).
14. The construction site must be managed in accordance with EPA Publication No. 981 *Reducing Stormwater Pollution from Construction Sites* (May 2005).
15. Construction equipment, building materials, refuse and site run-off must be contained and controlled and not permitted to impact on the beach or enter Port Phillip Bay or Mordialloc Creek.
16. All works must be completed, the site reinstated, and the works maintained to the satisfaction of Kingston City Council.
17. All works, including sampling, monitoring, stock piling and disposal of materials, are to be carried out in accordance with *the Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulfate Soils 2010*.
18. This consent under the *Marine and Coastal Act 2018* will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Regional Director, Port Phillip Region, Port Phillip Region, DELWP.

Vegetation Removal Conditions

19. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
20. The total area of native vegetation proposed to be removed totals 0.015 hectares comprising one patch of Coastal Dune Scrub (EVC160).
21. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.004 general habitat units:
 - a. Located within the Port Phillip and Westernport Catchment Management boundary or Kingston municipal area
 - b. With a minimum strategic biodiversity score of at least 0.205
22. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
 - a. An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - b. Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
23. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
24. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
25. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
26. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.
27. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted development, the following is prohibited:
 - a. Any vehicle or pedestrian access, trenching or soil excavation, and
 - b. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
 - c. Entry or exit pits for underground services, and
 - d. Any other actions or activities that may result in adverse impacts to retained native vegetation.

Time Limits

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

- a. The works are not started before two (2) years from date of this permit.
- b. The works are not completed before four (4) years from the date of permit issue.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Prior to the commencement of the development you are required to obtain any other necessary permits.

Note: All buildings and works must be carried out in accordance with the approved Cultural Heritage Management Plan as required by the *Aboriginal Heritage Act 2006*. A copy of the approved CHMP must be held on site during the construction activity.

Note: Any conditions specified by ESSO for the vegetation removal or future development must be adhered to.

Note: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.


Note: A copy of any approved Construction Management Plans required for the construction of the Changing Places Facility must be submitted to Council and made available for public viewing.


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: Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.

In the event the Planning Committee wishes to refuse the application, it can do so on the following grounds that the proposal fails to comply with the purpose of Clause 43.01 Heritage Overlay Schedule 108 and Clause 52.17 Native Vegetation of the Kingston Planning Scheme.

Appendices

Appendix 1 - KP-2020/472 - Peter Scullin Reserve, 206-220 Bay Trail, MORDIALLOC VIC 3195 - Considered Plans (Ref 20/212739) 

Appendix 2 - KP-2020/472 - Peter Scullin Reserve, 206-220 Bay Trail, MORDIALLOC VIC 3195 - EH Partners - Peer Review (Ref 20/268907) 

Author/s: James Leonard, Principal Planner

Reviewed and Approved By: Jaclyn Murdoch, Manager City Development
Jennifer Roche, Team Leader Statutory Planning

8.5

KP-2020/472 - PETER SCULLIN RESERVE, 206-220 BAY TRAIL, MORDIALLOC

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- 2 KP-2020/472 - Peter Scullin Reserve, 206-220 Bay Trail,
MORDIALLOC VIC 3195 - EH Partners - Peer Review 361

20/180112

From: [Tim Norton](#)
To: [City of Kingston](#)
Cc: [Gary Wissenden](#); [Joel Schmetzer](#)
Subject: Peter Scullin Reserve, 206 - 220 Bay Trail, Mordialloc, 3195 - Planning Permit Application
Date: Thursday, 13 August 2020 5:10:57 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

For the attention of the Statutory Planning Department

Dear Sir / Madam,

Hansen Partnership acts on behalf of the City of Kingston Council to submit a town planning application for the removal of native vegetation associated with the development of a Changing Places Facility at Peter Scullin Reserve in Mordialloc.

Copies of the application documentation can be downloaded from hightail using this link:

<https://spaces.hightail.com/receive/sfC09upsfu>

Please note, the City of Kingston Council will be paying the application fee once the application has been lodged via internal transfer.

Should you have any questions, please don't hesitate to contact Joel Schmetzer on 9664 9826 or via email at jschmetzer@hansenpartnership.com.au.

Kind regards,

Tim Norton
Planner

Hansen Partnership Pty Ltd
Melbourne | Byron Bay | Vietnam
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urban planning | urban design | landscape architecture



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20/180112



13 August 2020

Our reference: 2019.398

Statutory Planning Department
City of Kingston Council
PO Box 1000
Mentone VIC 3194

Dear Sir/Madam,

Re: Planning Permit Application | Peter Scullin Reserve, Mordialloc

Hansen Partnership acts on behalf of the City of Kingston Council to submit a town planning application for the removal of native vegetation associated with the development of a Changing Places Facility at Peter Scullin Reserve.

Please find enclosed the following documents in relation to a Council own planning permit application:

- A completed Application for Planning Permit Form;
- Crown folio statement confirming City of Kingston as the Crown Land Administrator (Crown Allotment 19A Section 24 of Parish of Mordialloc);
- Architectural Plans prepared by K20 Architecture dated 30 September 2019, 22 November 2019, 7 February 2020 & 6 February 2020;
- Town Planning report prepared by Hansen Partnership Pty Ltd dated August 2020;
- Vegetation Assessment prepared by Biosis dated 30 June 2020;
- Cultural Heritage Management Plan prepared by TerraCulture Heritage Consultants dated 22 May 2020;
- Metropolitan Planning Levy Certificate Payment Receipt dated 12 August 2020; and
- Consent letter from Foreshore Coordinator dated 13 August 2020.

Please note, the City of Kingston Council will be paying the application fee once the application has been lodged via internal transfer.

Should you have any questions, please don't hesitate to contact Joel Schmetzer on 9664 9826 or via email at jschmetzer@hansenpartnership.com.au.

Yours faithfully,

Hansen Partnership Pty Ltd

Gary Wissenden | **Director**

20/180112



Planning Enquiries
 Phone: (03) 9581 4131
 Web: www.kingston.vic.gov.au
 Email: info@kingston.vic.gov.au

Office Use Only - Application No:

Date Lodged: / /

Application for Planning Permit

Privacy notice - any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of the planning process under the *Planning and Environment Act 1987*. If you have any concerns please contact Council's Planning Department on 9581 4131.

Need Help? - If you need help to complete this form, read: *How to complete the application for planning permit form* available at www.kingston.vic.gov.au/planning

Questions marked with an asterisk (*) are mandatory and must be completed

1. Pre-application meeting

Has there been a pre-application meeting with a council planning officer?

☒ No

If 'yes', with whom?

☐ Yes

Date:

dd/mm/yyyy

2. The Land *

Address of the land. Complete the street address and one of the formal land descriptions.

Street Address *

Unit No.:

St No.: 206 - 220

St Name: Bay Trail

Suburb: Mordialloc

Postcode: 3195

Formal Land Description *

Complete either A or B.

This information can be found on the certificate of title

A

Lot No.:

☐

Lodged Plan

☐

Title Plan

☐

Plan of Subdivision

No.:

OR

B

Crown Allotment No.: 19A

Section No.: 24

Parish/Township Name: Mordialloc

20/180112

3. Description of Land *

Describe how the land is used and development now

e.g. vacant, single dwelling, three dwellings, shop, factory, medical centre, with two practitioners, licensed restaurant with 80 seats.

Public reserve (Peter Scullin Reserve).

4. Plan of the Land *

Attach a plan of the existing conditions. Photos are also helpful.

5. The Proposal *

You must give full details of your proposal and attach the information required to assess the application. Lack of detail, insufficient or unclear information will delay your application.

For what use, development or other matter do you require a permit?

If you need help about the proposal, read: *How to complete the application for planning permit form.*

Native vegetation removal pursuant to Clause 52.17.

6. Additional Information

Attach additional information providing details of the proposal, including:



Any information required by the planning scheme, requested by Council or outlined in a council planning permit checklist.



Plans and elevations showing the layout and details of the proposal



If required, a description of the likely effect of the proposal (e.g. traffic, noise, environmental impacts).

**Note**

Contact council or refer to council planning permit checklists for more information about council's requirements

20/180112

7. Title Information *

Attach a full, current copy of title information, not older than 90 days, for each individual parcel of land, forming the subject site.

Encumbrances on title?

Encumbrances are identified on the certificate of title.

Is the land affected by an encumbrance such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

☐

No, go to Question 8.

☒

Yes, Attach a copy of the document (instrument) specifying the details of the encumbrance.



Does the proposal breach, in any way, the encumbrance on title?

☒

No, go to Question 8.

☐

Yes, contact council for advice on how to proceed before continuing with this application.

**Note**

Council must not grant a permit that authorises anything that would result in a breach of a registered restrictive covenant (sections 61 (4) and 62 of the *Planning and Environment Act 1987*). Contact Council and/or an appropriately qualified person for advice.

8. Costs of Buildings and Works/permit fee *

All applications require a fee to be paid. Where development is proposed, the value of the development affects the fee. Contact Council to determine the appropriate fee.

Estimate cost of development for which the permit is required? *

Cost \$ **NA**

Write 'Nil' if no development is proposed (eg. Change of use, subdivision, removal of covenant, liquor licence)

**Note**

You may be required to verify this estimate

Is a Metropolitan Planning Levy (MPL) certificate required? *

Is the estimated cost of the development greater than \$1 million?

☐

No, go to Question 9.

☒

Yes, Attach a valid copy of the MPL Certificate

**Note**

If a MPL is applicable, a planning application **must** be accompanied by the MPL certificate. This is a requirement of section 3 of the *Planning and Environment Act 1987*. For more information on the MPL visit www.sro.vic.gov.au

20/180112

9. Applicant and owner details *

Provide details of the applicant and owner of the land.

Applicant *

The person or organisation who wants the permit.

Name:		
Title:	First Name:	Surname:
Organisation (if applicable): City of Kingston		
Postal Address:		If it is a PO Box, enter the details here:
Unit No.:	St No.:	St Name: PO Box 1000
Suburb: Mentone	State: VIC	Postcode: 3194

Contact *

The person you want council to communicate with about the application.

If same as applicant go to 'contact information' <input type="checkbox"/>		
Name:		
Title:	First Name: Joel	Surname: Schmetzer
Organisation (if applicable): Hansen Partnership		
Postal Address:		If it is a PO Box, enter the details here:
Unit No.:	St No.: 136	St Name: Exhibition Street
Suburb: Melbourne	State: VIC	Postcode: 3000

Contact information *

Please provide at least one contact phone number and email address

Business Phone: 9664 9826	Mobile Phone:
Email: jschmetzer@hansenpartnership.com.au	

Owner *

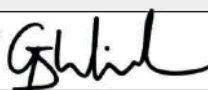
The person or organisation who owns the land.

Where the owner is different from the applicant or contact provide the name of the person or organisation who owns the land.

Same as Contact <input type="checkbox"/>		Same as applicant <input checked="" type="checkbox"/>
Name:		
Title:	First Name:	Surname:
Organisation:		
Postal Address:		If it is a PO Box, enter the details here:
Unit No.:	St No.:	St Name:
Suburb:	State:	Postcode:
Owner's Signature (optional):		Date:
		dd/mm/yyyy

10. Declaration ***This form must be signed by the applicant**

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

<input checked="" type="checkbox"/>	I declare that all the information in this application is true and correct and the owner (if not myself) has been advised of the permit application.
Signature: 	(Hansen Partnership on behalf of applicant)
	Date: 13/08/2020
	dd/mm/yyyy



ePathway Application to Amend Application S57A

Peter Scullin Reserve, 206-220 Bay Trail, MORDIALLOC

Application Number	57A-2020/35
Lodgement Date/Time	18/09/2020 12:31 PM
ePathway ID	HANSEN
ePathway User Name	
ePathway Transaction ID	AP-105930

The Applicant

Name	Hansen Partnership Pty Ltd
Address	Level 4 136 Exhibition St, MELBOURNE VIC 3000
Email Address	info@hansenpartnership.com.au
Mobile Phone	

The Contact

Name	Hansen Partnership Pty Ltd
Address	Level 4 136 Exhibition St, MELBOURNE VIC 3000
Email Address	info@hansenpartnership.com.au
Mobile Phone	

Pre-Application Meeting

The Land

Owner	
Does the proposed breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	Not applicable - no such encumbrance applies

Application Type

Application Type	ePathway Application to Amend Application S57A
Originating Application Type	
Class (VicSmart only)	

The Proposal

What is that application/permit number?	KP-2020/472
What is the amendment being applied for?	To include an additional permit trigger for the removal of trees pursuant to Clause 43.01-1 (Heritage Overlay).
Why is the amendment required?	To include the additional permit trigger in response to Council's request for further information.
Does the originating permit allow development?	No

Estimated Cost of Works	
-------------------------	--

Attachments

Attachment Description	Attachment File
Additional Information	\\\\pwap\\Attachments\\Online Attachments\\EAP_105930_groupfield_1_attachmentfile_01.

	Cover Letter.pdf
Additional Information	\\\\pwap\\Attachments\\Online Attachments\\EAP_105930_groupfield_2_attachmentfile_02. Town Planning Report.pdf

Fees and Payment Information

Fee Description	Fee Amount
Total:	\$0.00
Paid Total:	\$0.00
Balance:	0.00

11. Information checklist

Have you:

- ☒ Filled in the form completely?
- ☒ Included the application fee? (Contact council to determine the appropriate fee).
-  **Provided all necessary supporting information and documents?**
 - ☒ Provided a copy of full title, no older than 3 months, for each individual parcel of land forming the subject site?
 - ☒ Provided a plan of existing site conditions?
 - ☒ Included plans showing the layout and details of the proposal?
 - ☒ Provided all information required by the planning scheme, requested by Council or outlined in a council planning permit checklist?
 - ☒ Where required, provided a description of the likely effect of the proposal (e.g. traffic, noise, environmental impacts)?
 - ☒ If applicable, included a current MPL Certificate. Note: a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office. Once expired, the certificate becomes invalid and cannot be used. Failure to comply means the application is void.
 - ☒ Completed Kingston's relevant Council Planning Permit Checklist?
 - ☒ Signed the Declaration (section 10 of this form)?

12. Lodgement

Lodge the completed and signed form, the fee payment and all documents with:

By Post

City Development
Kingston City Council
PO Box 1000, Mentone, VIC 3194

In Person

Level 1, 1230 Nepean Highway, Cheltenham VIC 3194

Contact Information

T (03) 9581 4131
E info@kingston.vic.gov.au

20/180112



13 August 2020

Jennifer Roach
Team Leader, Statutory Planning
City of Kingston
Po Box 1000
MENTONE VIC 3194

Dear Jennifer

Re: Permission to remove planted native vegetation in association with the Changing Places Public Toilet Facility Construction – Peter Scullin Reserve

In accordance with Clause 52.17 of the Victorian Planning Provisions, this letter provides written permission for the removal of planted native vegetation, as applied for in the Planning Application for the Changing Places facility, Peter Scullin Reserve

The vegetation was planted by the former City of Mordialloc and maintained by the City of Kingston, and planted by the City of Kingston, with public funding. As the City of Kingston's (Agency) representative, the vegetation is approved for removal in accordance with plans to provide for a new Changing Places and public toilet facility in accordance with the Council approved plans.

Conditions for approval include the requirement for replacement planting to be undertaken at, or as close as possible to, the site under the direction and supervision of the City of Kingston's Horticulture Team.

Regards

A handwritten signature in black ink, appearing to read 'B. Lewis'.

Brad Lewis
FORESHORE COORDINATOR, CITY OF KINGSTON

community inspired leadership

PAGE 1

kingston.vic.gov.au

Cheltenham 1230 Nepean Highway Chelsea 1 Chelsea Road

1300 653 356 131 450 03 9581 4500 PO Box 1000, Mentone 3194 info@kingston.vic.gov.au [cityofkingston](https://www.facebook.com/cityofkingston) [kingstoncc](https://twitter.com/kingstoncc)

20/180112

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CROWN FOLIO STATEMENT

VOLUME 11758 FOLIO 763

No Coft exists

Security no : 124081688992V

Produced 17/02/2020 04:35 PM

CROWN FOLIO

LAND DESCRIPTION

Crown Allotment 19A Section 24 Parish of Mordialloc.

Created by instrument MI159858L 06/08/2016

CROWN LAND ADMINISTRATOR

KINGSTON CITY COUNCIL of 1230 NEPEAN HIGHWAY CHELTENHAM VIC 3192
MI159858L 06/08/2016

STATUS, ENCUMBRANCES AND NOTICES

RESERVATION MI159860A 06/08/2016

PERMANENT

PUBLIC PURPOSES

RESERVATION as to part MI159861X 06/08/2016

PERMANENT

PUBLIC PURPOSES

RESERVATION MI159862V 06/08/2016

PERMANENT

PUBLIC PARK

DIAGRAM LOCATION

SEE CD062857T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

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FEIGL & NEWELL
Title Searchers
GPO BOX 2343
Melb 3001

Ph. 9629 3011

20/180112

Historical Search

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HISTORICAL SEARCH STATEMENT Land Use Victoria

Produced 19/02/2020 01:41 PM

Volume 11758 Folio 763

Folio Creation: Created as crown land continued as computer folio

RECORD OF HISTORICAL DEALINGS

Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged	Dealing Type and Details
06/08/2016	06/08/2016	MI159859J	N	CROWN LAND STATUS REPORT

RECORD OF VOTS DEALINGS

Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged
15/09/2016	15/09/2016	AN105228A	N

RECTIFICATION MODIFY CROWN PERMANENT RESERVATION
RESERVATION MI159860A 06/08/2016
PERMANENT
PUBLIC PURPOSES

15/09/2016	15/09/2016	AN105236B	N
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RECTIFICATION MODIFY CROWN PERMANENT RESERVATION
RESERVATION MI159862V 06/08/2016
PERMANENT
PUBLIC PARK

12/01/2017	12/01/2017	AN448037S	N
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RECTIFICATION MODIFY CROWN PERMANENT RESERVATION
RESERVATION MI159862V 06/08/2016
PERMANENT
PUBLIC PARK

20/180112

STATEMENT END

HISTORICAL REPRINT(S)

Historical Crown Parcel Report

This is a report on the parcel from 1 October 2001. It is a statement of the historic legal status of the parcel. For historical research further documentation is available through Land Use Victoria.

Land Description

Allotment: 19A Section: 24
Township:
Parish: Mordialloc

Standard Parcel Identifier (SPI): 19A-24\PP3186

End Of Land Description Details

Status Details-

Number of Status: 3

Status: 1 of 3

Currency of Status: CURRENT

Parcel Status: Crown land (reserved)

Reserve Type: Permanent

Reserve Purpose: PUBLIC PARK

Park:

Administrator: Kingston City Council

Related instruments

Gazette	Year: 1891	Page: 1388	Number:
Act	Year:		Number:
Special Gazette	Date:	Page:	Number:
Order in Council Date: 24-MAR-1891			
Reference Plan:			
Title Reference:	Volume Folio:		
Status Remark:			

Status: 2 of 3

Currency of Status: CURRENT

Parcel Status: Crown land (reserved - as to part)

Reserve Type: Permanent

Reserve Purpose: PUBLIC PURPOSES

Park:

Administrator: Kingston City Council

20/180112

Related instruments

Gazette	Year: 1881	Page: 1389	Number:
Act	Year:		Number:
Special Gazette	Date:	Page:	Number:
Order in Council	Date: 23-MAY-1881		
Reference Plan:			
Title Reference:		Volume Folio:	
Status Remark:			

Status: 3 of 3

Currency of Status: CURRENT

Parcel Status: Crown land (reserved)

Reserve Type: Permanent

Reserve Purpose: PUBLIC PURPOSES

Park:

Administrator: Kingston City Council

Related instruments

Gazette	Year: 1873	Page: 1059	Number:
Act	Year:		Number:
Special Gazette	Date:	Page:	Number:
Order in Council	Date: 26-MAY-1873		
Reference Plan:			
Title Reference:		Volume Folio:	
Status Remark:			

Standard Parcel Identifiers (SPI) that contain land excised from the parcel:
None

End Of Status Details

End Of Report

20/180112

VOTS Snapshot

VOLUME 11758 FOLIO 763
124062413384T
Produced 15/09/2016 02:58 pm

** COFT SHOULD NOT BE PRODUCED **

CROWN FOLIO

LAND DESCRIPTION

Crown Allotment 19A Section 24 Parish of Mordialloc.
Created by instrument MI159858L 06/08/2016

CROWN LAND ADMINISTRATOR

KINGSTON CITY COUNCIL of 1230 NEPEAN HIGHWAY CHELTENHAM VIC 3192
MI159858L 06/08/2016

STATUS, ENCUMBRANCES AND NOTICES

RESERVATION as to part MI159860A 06/08/2016
PERMANENT
PUBLIC

RESERVATION as to part MI159861X 06/08/2016
PERMANENT
PUBLIC

RESERVATION as to part MI159862V 06/08/2016
PERMANENT
PUBLIC PARK

DIAGRAM LOCATION

SEE CD062857T FOR FURTHER DETAILS AND BOUNDARIES

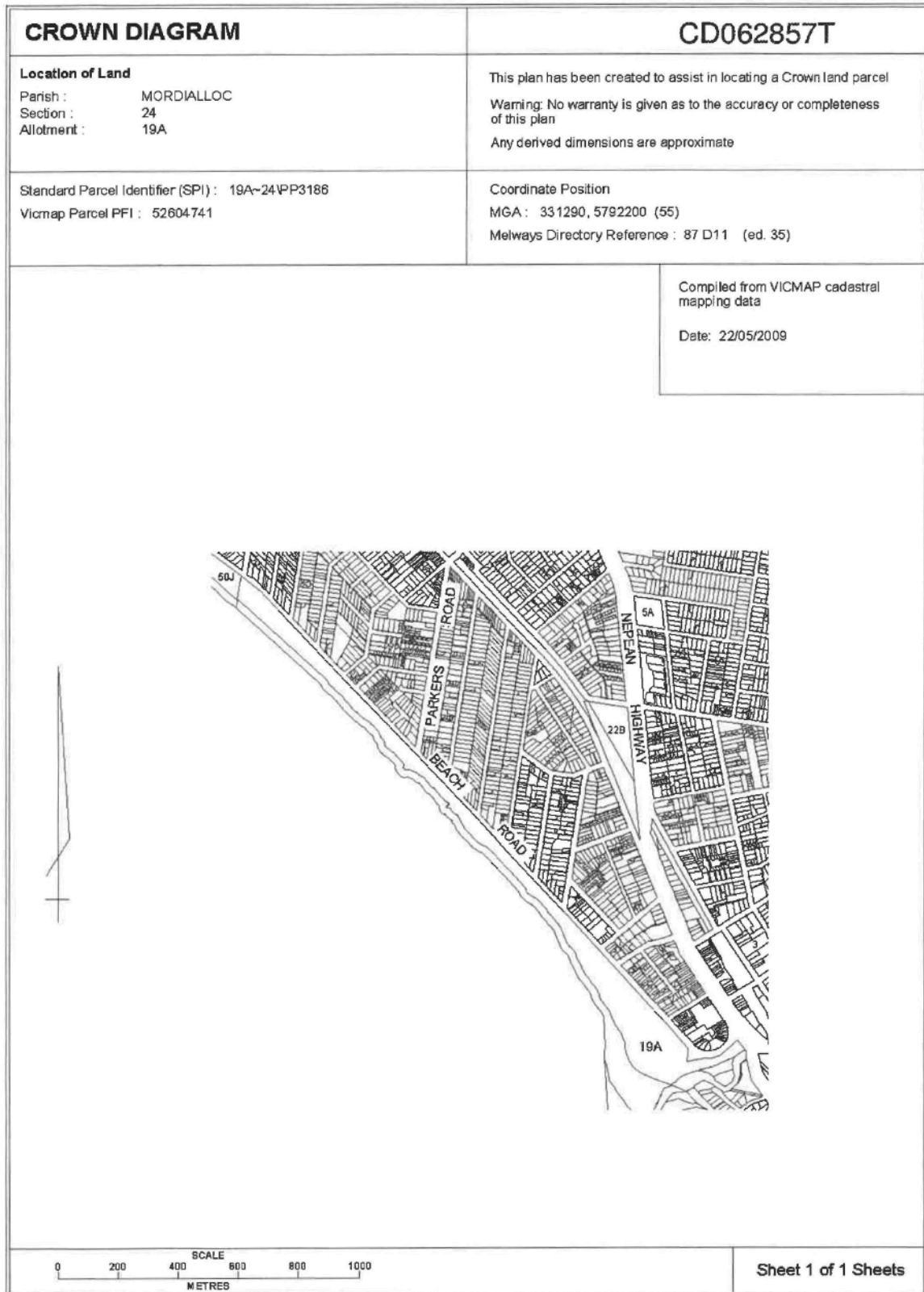
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20/180112

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20/180112

March 26, 1891.

1888.

WARRENHARST.—The temporary reservation, by Order of the 14th October, 1872, of six acres of land in the town of Warrenharrst, as a site for Police purposes is about to be revoked, viz.:—One road thirty-six perches; Commencing at the north-west angle of the Court House reserve; bounded thence by that reserve and a line bearing east two chains thirty-seven links and a half; thence by lines bearing respectively north two chains and west two chains thirty-seven links and a half; and thence by a street bearing south two chains to the point of commencement.—(W.283) (90.P.2591).

The following Notices were gazetted 1st on 18 March, pursuant to Orders of 10 March, 1891.

GLENBROWN.—The temporary reservation, by Order of the 13th August, 1877, of two acres thirty-seven perches of land in the township of Glenbrown, being allotment 4 of section 14, as a site for Public purposes (State school, application No. 1742) is about to be revoked.—(G.327) (91.E.13227).

TOOLAMBA.—The temporary reservation, by Order of the 10th July, 1876, of twenty-eight acres three roads five perches of land in the parish of Toolamba, being allotment 125, as a site for Public purposes is about to be revoked.—(T.204) (90.652/53).

A. McLEAN,

Commissioner of Crown Lands and Survey.

Lands and Survey Office,
Melbourne.

PROPOSED REVOCATION OF THE TEMPORARY RESERVATION OF LANDS.

IN pursuance of the provisions of the Land Act 1890 (54 Vict. No. 1106, § 10 and 13): Notice is hereby given that it is the intention of the Governor, with the advice of the Executive Council, to revoke the temporary reservations of the lands hereinafter referred to, viz.:—

The following Notices were gazetted 1st on 20 March, pursuant to Orders of 17 March, 1891.

ASHES.—The temporary reservation, by Order of the 8th May, 1876, of two hundred and fourteen acres three roads thirty-three perches of land in the parish of Ashes, being allotment 67, as a site for Public purposes is about to be revoked so far as regards the portion thereof hereinafter described, viz.:—One hundred and eighty-two acres three roads twenty-seven perches: Commencing at the south-west angle of the site; bounded thence by the road to St. Arnaud bearing N. 75° 2' twenty-two chains forty-three links and N. 59° 52' E. twenty-one chains fifty-seven links; thence by the road to Mitty bearing N. 59° 52' E. seven chains ninety-two links; thence by a line bearing N. 0° 8' W. thirty-one chains thirty-one links; thence by allotment 66 bearing S. 69° 51' W. forty-nine chains eighty links; and thence by a road bearing S. 6° 2' E. forty-one chains fifty links to the point of commencement.—(A.168) (90.4925/32).

NORTH CARLTON.—The temporary reservation, by Order of the 31st May, 1887, of thirty-seven perches and seven-tenths of land in the city of Melbourne, being allotments 1 and 2 of section 126 at North Carlton, as a site for a State School is about to be revoked.—(M.353) (91.E.1834).

F. T. SARGOOD,

For the Commissioner of Crown Lands and Survey.
Lands and Survey Office,
Melbourne.

REVOCATION OF THE TEMPORARY RESERVATION OF LANDS.

IN pursuance of the provisions of the Land Act 1890 (54 Vict. No. 1106, § 10 and 13), the Governor in Council has revoked the temporary reservation of the lands hereinafter referred to, viz.:—

Revised by Orders of 24 March, 1891.

DATEDALE.—Site for a Market (partly). See Gazette of 20 February, 1891.

GOZEK.—Site for Conservation of Water (partly). See Gazette of 20 February, 1891.

GOWAN.—Site for Camping and Watering purposes (partly). See Gazette of 27 February, 1891.

KOOT NALIN.—Site for the Supply of Gravel. See Gazette of 20 February, 1891.

MOTATOK.—Site for Watering purposes. See Gazette of 27 February, 1891.

PIMINIC.—Site for Conservation of Water (partly). See Gazette of 20 February, 1891.

A. McLEAN,

Commissioner of Crown Lands and Survey.
Lands and Survey Office,
Melbourne, 24th March, 1891.

LAND PROPOSED TO BE PERMANENTLY RESERVED FROM SALE.

IN pursuance of the provisions of the Land Act 1890 (54 Vict. No. 1106, § 10 and 12): Notice is hereby given that it is the intention of the Governor in Council to reserve from sale, permanently, the land hereinafter described, viz.:—

The following Notice was gazetted 1st on 20 March, pursuant to Order of 17 March, 1891.

GRANYA.—Site for an Athloneum and Free Library about to be permanently reserved to a depth of 50 feet from the surface.—Two roads, county of Benambra, parish of Bungil, at Granya: Commencing at a point bearing S. 1° 46' E. one chain from the south-west angle of the State school reserve; bounded thence by a road bearing N. 88° 14' E. two chains fifty links; thence by lines bearing respectively S. 1° 46' E. two chains and S. 88° 14' W. two chains fifty links; and thence by a road bearing N. 1° 46' W. two chains to the point of commencement.—(G.216) (90.A.19089).

F. T. SARGOOD,

For the Commissioner of Crown Lands and Survey.
Lands and Survey Office,
Melbourne.

LANDS PERMANENTLY RESERVED FROM SALE.

IN pursuance of the provisions of the Land Act 1890 (54 Vict. No. 1106, § 10 and 12), the Governor in Council has reserved from sale, permanently, the lands hereinafter referred to, viz.:—

Reserved by Order of 24 March, 1891.

KONTERA.—Endowment for State Agricultural Colleges and Experimental Farms. See Gazette of 27 February, 1891.

MOORABBY BEACH PARK EXHIBITION.—Site for a Public Park. See Gazette of 27 February, 1891.

MYSTA.—Site for Water Supply purposes. See Gazette of 27 February, 1891.

A. McLEAN,

Commissioner of Crown Lands and Survey.
Lands and Survey Office,
Melbourne, 24th March, 1891.

COMMONS DIMINISHED.

PROCLAMATION

By His Excellency the Right Honorable John Adrian Louis, Earl of Hopetoun, Viscount Athliss, and Baron Hope, in the Peerage of Scotland; Baron Hopetoun of Hopetoun, and Baron Niddry of Niddry Castle, in the Peerage of the United Kingdom; Knights Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

WHEREAS by the Land Act 1890 it is amongst other things enacted that the Governor in Council may from time to time increase, and, after one month's notice in the Government Gazette, diminish, alter, or abolish any common heretofore or hereafter to be proclaimed or re-proclaimed, and may from time to time re-proclaim the whole or any part of any such common for any of the purposes and subject to the provisions of Part I. of the said Act, and nothing therein contained shall prevent the exercise of the powers conferred by the said Part of the said Act with respect to the leasing or licensing of any land comprised in any common: Now therefore I, the Governor of Victoria, with the advice of the Executive Council, do hereby diminish the commons hereinafter mentioned, that is to say:—

THE MARYBOROUGH GOLD-FIELD COMMON.—proclaimed on the 6th April, 1888, increased by Proclamations of the 4th January, 1870, and the 3rd September, 1874, and diminished by Proclamation of the 4th October, 1888, is hereby further diminished by deducting therefrom eight acres, more or less, of land in the parish of Warrack, being allotments 67 and 69 of section 10.—(91.L.59432.)

THE NARRAWONG COMMON.—proclaimed on the 10th September, 1883, is hereby diminished by deducting therefrom forty-two acres, more or less, of land in the parish of Narrawong, being the portion lying between the south boundaries of allotments 43 and 44 and the shore of Portland Bay.—(91.L.59432.)

Given under my Hand and the Seal of the Colony, at Melbourne, this twenty-fourth day of March, in the year of our Lord One thousand eight hundred and ninety-one, and in the fifty-fourth year of Her Majesty's reign.

(L.S.) HOPETOUN.

By His Excellency's Command,

A. McLEAN,

Commissioner of Crown Lands and Survey.

GOD SAVE THE QUEEN!

TEMPORARY MANAGEMENT OF A WATER RESERVE.

PROCLAMATION

By His Excellency the Right Honorable John Adrian Louis, Earl of Hopetoun, Viscount Athliss, and Baron Hope, in the Peerage of Scotland; Baron Hopetoun of Hopetoun, and Baron Niddry of Niddry Castle, in the Peerage of the United Kingdom; Knights Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

WHEREAS by the Water Act 1890 it is amongst other things enacted that the Governor in Council may from time to time, by proclamation, place under the temporary management and control of, or may absolutely vest in, any Waterworks Trust any public water reserve or any waterworks, stream, or reservoir, either on any Crown lands, or on lands, or provided for by any moneys provided by Parliament before or after the passing of the said Act: Provided, however, that notice of intention to make such proclamation shall be advertised for a period of at least one month previously to the making thereof in the Government Gazette, and in some newspaper generally circulating in the neighbourhood of the property to be vested by such proclamation: And whereas it is expedient to place under the temporary management and control of the Lewan Shire Waterworks Trust the reserve hereinafter specified, notice of intention of which has been duly advertised: Now, therefore I, the Governor of Victoria, with the advice of the Executive Council, in exercise of the power conferred by the said Act, do hereby place under the temporary management and control of the Lewan Shire Waterworks Trust aforesaid the Water Reserve hereinafter specified, that is to say:—

WINLAW.—Eighty-six acres two roads thirty perches, county of Lewan, parish of Winlaw, being the land temporarily reserved by Order of the 20th January, 1891, as a site for Water Supply purposes, and described in the Government Gazette of the 23rd January, 1891, p. 417.—(98.G.25800.)

Given under my Hand and the Seal of the Colony, at Melbourne, this twenty-fourth day of March, in the year of our Lord One thousand eight hundred and ninety-one, and in the fifty-fourth year of Her Majesty's reign.

(L.S.) HOPETOUN.

By His Excellency's Command,

A. McLEAN,

Commissioner of Crown Lands and Survey.

GOD SAVE THE QUEEN!

20/180112

February 27, 1891.

1054

GOROKE.—The temporary reservation, by Order of the 7th August, 1882, of one hundred and forty acres twenty-four perches of land in the parish of Goroke, as a site for Conservation of Water, is about to be revoked so far as regards the portion thereof hereinafter described, viz.:—Twelve acres seventeen perches: Commencing at the south-west angle of the site; bounded thence by allotment 1 bearing north ten chains sixty-nine links; thence by lines bearing respectively east eleven chains thirty-three links and S. 9° 3' W. ten chains sixty-nine links; and thence by allotment 9 bearing west eleven chains thirty-two links to the point of commencement. (L.P. 38) (90.L.11099).

KORT NABIN.—The temporary reservation, by Order of the 7th July, 1879, of twenty acres two rods thirteen perches of land in the parish of Kort Nabin, being part of allotment 43, as a site for the Supply of Water, is about to be revoked. (K.122) (90.L.20025).

PIMPINO.—The temporary reservation, by Order of the 4th December, 1882, of ninety-two acres one rod twenty-four perches of land in the town of Pimpino, as a site for Conservation of Water, is about to be revoked so far as regards the portion thereof hereinafter described, viz.:—Fifteen acres: Commencing at a point bearing S. 81° 58' E. one chain fifty links from the east angle of the State School reserve; bounded thence by a road and a line bearing S. 55° 11' W. ten chains sixteen links; thence by a line bearing S. 0° 4' E. three chains sixty-five links; and thence by roads bearing respectively N. 80° 30' E. thirteen chains three links, N. 78° 7' E. one chain, and N. 31° 53' W. ten chains to the point of commencement. (L.P. 141) (92.V.32239).

The following Notices were gazetted on 27 February, pursuant to Orders of 24 February, 1891.

GOWAR.—The temporary reservation, by Order of the 10th September, 1877, of forty-four acres one rod thirteen perches of land in the parish of Gowar, as a site for Camping and Watering purposes, is about to be revoked so far as regards the portion thereof hereinafter described, viz.:—Fifteen acres, more or less, being the portion situate south of the road from St. August. (J.241) (90.208332).

MOYKTON.—The temporary reservation, by Order of the 8th February, 1880, of six acres of land in the parish of Moykton, being allotment 77A, as a site for Watering purposes, is about to be revoked. (L.P. 20241) (91.L.6.211).

A. McLEAN,

Commissioner of Crown Lands and Survey,
Lands and Survey Office,
Melbourne.

REVOCATION OF THE TEMPORARY RESERVATION OF LANDS.

IN pursuance of the provisions of the Land Act 1890 (54 Vict. No. 1106) 10 and 12, the Governor in Council has revoked the temporary reservation of the lands hereinafter referred to, viz.:—

Revoked by Orders of 24 February, 1891.

ALBERTON.—Site for Police purposes (partly). See Gazette of 30 January, 1891.

ALBERTON EAST.—Site for Public Recreation purposes. See Gazette of 30 January, 1891.

ALBERTON WEST.—Site for the growth and preservation of Timber (partly). See Gazette of 28 January, 1891.

BARNSDALE.—Site for a Pound. See Gazette of 30 January, 1891.

BATESVILLE AND MOORWUNGO.—Site for Camping (partly). See Gazette of 30 January, 1891.

BRIAROLONG.—Site for a Mechanics' Institute. See Gazette of 30 January, 1891.

GLENSIDE.—Site for affording access to Water. See Gazette of 30 January, 1891.

HEATHCOTE.—Site for the supply of Stone. See Gazette of 30 January, 1891.

NATHALIA.—Site for Agricultural Show Yards and for purposes of Public Recreation. See Gazette of 30 January, 1891.

PORT MELBOURNE.—Site for a Mechanics' Institute and Free Reading Room. See Gazette of 23 January, 1891.

WONONGA.—Site for a Temperance Hall. See Gazette of 23 January, 1891.

A. McLEAN,

Commissioner of Crown Lands and Survey,
Lands and Survey Office,
Melbourne, 24th February, 1891.

LANDS PROPOSED TO BE PERMANENTLY RESERVED FROM SALE.

IN pursuance of the provisions of the Land Act 1890 (54 Vict. No. 1106) 10 and 12, Notice is hereby that it is the intention of the Governor in Council to reserve from sale, permanently, the lands hereinafter described, viz.:—

The following Notices were gazetted on 13 February, pursuant to Orders of 10 February, 1891.

LAKESTON (KIVERTON).—Site for a Cemetery, about to be permanently reserved, being the site already temporarily reserved thence. (Twenty-four acres, county of Dalhousie, parish of Lauriston, being part of allotment 24: Commencing at the south-west angle of the allotment; bounded thence by a road bearing north twelve chains; thence by allotment 24A bearing east twenty chains; thence by allotment 24B and 24C bearing south twelve chains; and thence by allotment 23 bearing west twenty chains to the point of commencement. (L.P. 33) (90.C.00840)).

The following Notices were gazetted on 27 February, pursuant to Orders of 24 February, 1891.

KONKEPRA.—Land about to be permanently reserved as an endowment for State Agricultural Colleges and Experimental Farms.—One hundred and twenty-six acres one rod thirty-two perches, county of Loran, parish of Konkepra, being part of allotment 30: Commencing at the south-east angle of allotment 29a; bounded thence by that allotment bearing north fifteen chains eighteen links; thence by lines bearing respectively N. 63° 2' E. fifty-two chains eighty links and east two chains sixty-eight links; thence by a Water Supply reserve bearing S. 5° 11' W. five chains forty links and east eight chains; thence by the road to Harrow bearing S. 26° E. fifteen chains one link; and thence by the road to Edenhope bearing N. 61° 20' W. six chains twenty-two links; S. 78° W. six chains forty-one links; S. 44° 27' W. eighteen chains thirty-five links; R. 72° 2' W. eighteen chains forty links, and N. 75° 48' W. fourteen chains thirty-four links to the point of commencement. (K.122) (90.V.32937).

MOORABBIN BEACH PARK EXTENSION.—Site for a Public Park, about to be permanently reserved, in addition to and adjoining the site permanently reserved thence by Order of the 3rd September, 1888.—Two hundred acres, more or less, county of Bourke, parishes of Moorabbin and Mordialloc: Commencing at a point on high water mark in Port Phillip Bay where the south-east boundary of the existing site about thence; bounded thence by the existing site bearing N. 42° 11' E. three chains ten links; thence by the Beach road bearing south-easterly, north-westerly, and south-easterly to the Point Nepean Road; thence by the latter road bearing south-easterly to the Mordialloc Creek; and thence by that creek westerly, by high-water mark in Port Phillip Bay aforesaid north-westerly, south-westerly, and north-westerly to the point of commencement. (M.164) (90.V.16827) (91.M.32242).

MYRIA.—Site for Water Supply purposes, about to be permanently reserved, being part of the site temporarily reserved thence by Order of the 2nd December, 1878.—Twenty acres thirty perches, county of Gladstone, parish of Myria, being part of allotment 163: Commencing at the south-west angle of the allotment; bounded thence by a road bearing N. 0° 35' W. twenty chains eight links; thence by allotment 164 bearing N. 88° 50' E. ten chains; thence by a line bearing S. 1° 2' E. twenty chains twenty-two links and five-tenths; and thence by a road bearing S. 83° 48' W. ten chains four links to the point of commencement. (M.200) (90.V.14530).

A. McLEAN,

Commissioner of Crown Lands and Survey,
Lands and Survey Office,
Melbourne.

LANDS PERMANENTLY RESERVED FROM SALE.

IN pursuance of the provisions of the Land Act 1890 (54 Vict. No. 1106) 10 and 12, the Governor in Council has reserved from sale, permanently, the lands hereinafter referred to, viz.:—

Reserved by Orders of 24 February, 1891.

ALIXANDRIA.—Site for Hospital purposes. See Gazette of 16 January, 1891.

GEOFFREY.—Site for a Mechanics' Institute and Public Hall. See Gazette of 30 January, 1891.

A. McLEAN,

Commissioner of Crown Lands and Survey,
Lands and Survey Office,
Melbourne, 24th February, 1891.

Land Act 1890.

LANDS WITHHELD.

THE Governor, acting by and with the advice of the Executive Council, has made the following Orders under section 13 of the Land Act 1890.

Pursuant to Orders of 24 February, 1891.

GOROKE.—Land withheld from Leasing and Licensing.—Four hundred and twenty-nine acres eleven perches, county of Loran, parish of Goroke, being blocks C3 and D. (L.P. 38) (90.L.32625).

HAMILTON.—Land withheld from Sale, Leasing, and Licensing.—Two rods eight perches and six-tenths of a perch, county of Dundas, municipal district of Hamilton, being allotment 10 of section 74A. (H.46) (90.H.44578).

A. McLEAN,

Commissioner of Crown Land and Survey,
Lands and Survey Office,
Melbourne, 24th February, 1891.

PUBLIC HEARINGS BY PERSONS APPOINTED UNDER THE 128TH SECTION OF THE "LAND ACT 1890."

NOTICE is hereby given that, at the times and places mentioned in the Schedule hereunder, applications for licenses under Parts II. and III. of The Land Act 1890, applications for leases and licenses under Parts III., IV., and VIII. of The Land Act 1890, objections to such applications, objections to proposed proclamations, alterations, additions, diminutions, revocations, or unions of sections, and reasons against forfeiture of any leases or licenses under the Land Act 1890, or any of the Acts thereby repealed, decreed liable

May 27, 1881.

LANDS PERMANENTLY RESERVED FROM SALE

IN pursuance of the provisions of The Land Act 1869 (43 Vict. No. 360, § 6 and 8), the Governor in Council has reserved from sale, permanently, the lands hereinafter referred to viz. :—

Renewed by Orders of 23 May 1881.

Sites for Public Purposes, Nos. 1 to 20 inclusive. See Gazette of 11 February 1881.

Sites for Public Purposes, Nos. 21 to 44 inclusive. See Gazette of 25 February 1881.

Sites for Public Purposes, Nos. 45 to 62 inclusive. See *Gazette* of 4 March 1881.

Sites for Public purposes, Nos. 62c to 70b inclusive. See *Gazette* of 18 March 1881.

R. RICHARDSON,
Commissioner of Crown Lands and Survey.
Lands and Survey Office,
Melbourne.

LANDS OPEN FOR SELECTION

NOTICE is hereby given that the following portions of land will be open for application, under Parts II. and III., sections 19 and 49 of *The Land Act 1890*, on and after the 10th June 1881, at Nine o'clock a.m., subject to payment of the value of improvements, if any, upon the land.

B. RICHARDSON,
Commissioner of Crown Lands and Survey.
Department of Lands and Survey
Melbourne, 26th May 1881.

Under Part II., Section 19.

Melbourne district: parish of Nangana; area, 40 acres; previously held under section 19 by Charles Cook.—4800/19.¹

Melbourne district: parish of Goldie; area, 104a. 2r. 10p.; previously held under section 13 by James Ward.—3941/19.¹

Hamilton district: parish of Drik Drik; area, 122 acres; Matthew O'Bryan's forfeited 19th section holding.

Under Part III, Section 49

Hamilton district; parish of North Hamilton; area, 10 acres; allotment 23, section 27.

Ballarat district: parish of Yarrowee; area, 11a. 2r. 22p.; being portion of site formerly licensed to Joseph Smith, and adjoining the block recently recommended to John McManus, under section 49.—61/O.2225.

Geelong district: parish of Waddallah; area, 50a. 0r. 15p.; formerly reserved for Police purposes, township of Lethbridge.—Mc. 10044.

Geelong district: parish of Cressy; area, 4a. 0r 13p.; being the site formerly applied for by Richard Lewis for sale by auction. —L. 10856.

¹ Valuation for improvements to be paid by incoming selector.
² Subject to survey.

PUBLIC HEARINGS BY PERSONS APPOINTED
UNDER THE 100TH SECTION OF "THE LAND ACT
1862."

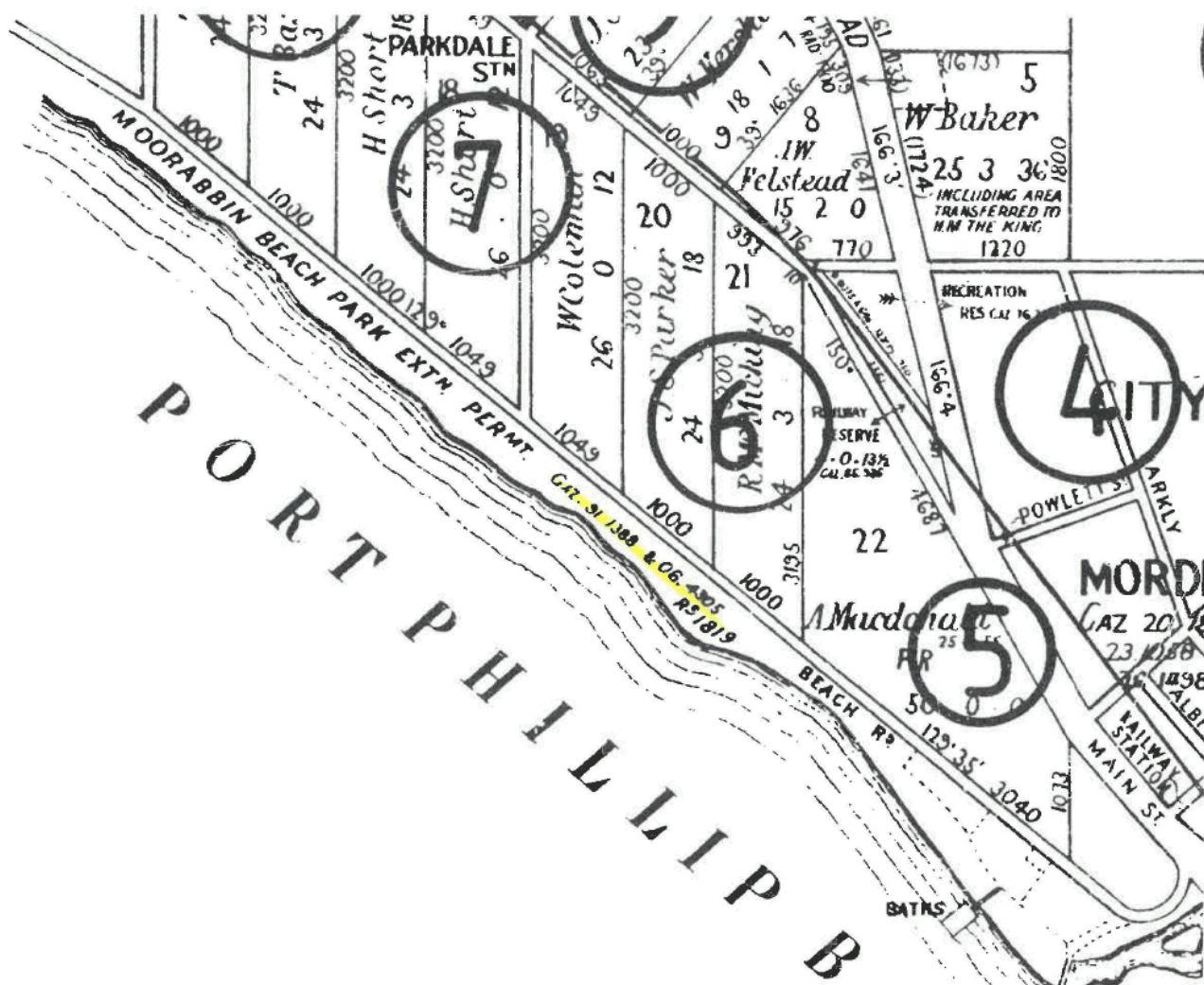
NOTICE is hereby given that, at the time and place mentioned in the schedule hereinafter, applications for licenses under Part II. of *The Land Act 1860*, objections to such applications, objections to proposed exemptions from the operation of Part II. of *The Land Act 1860* in specific portions of Crown land, objections to proposed exemptions from the operation of Part II. of *The Land Act 1860* in general, objections to proposed diminutions, revocations, or unions of commons, objections to any proposed diminution or increase of the rents of runs, and reasons against forfeiture of any leases or licenses under *The Land Act 1860*, shall be received by the Clerk of the Council, and shall be publicly heard by the person whose name is set opposite such place in such schedule, being the person appointed by me, the Governor, under the provisions of *The Land Act 1860*, to hear the same and report thereon in writing to me.

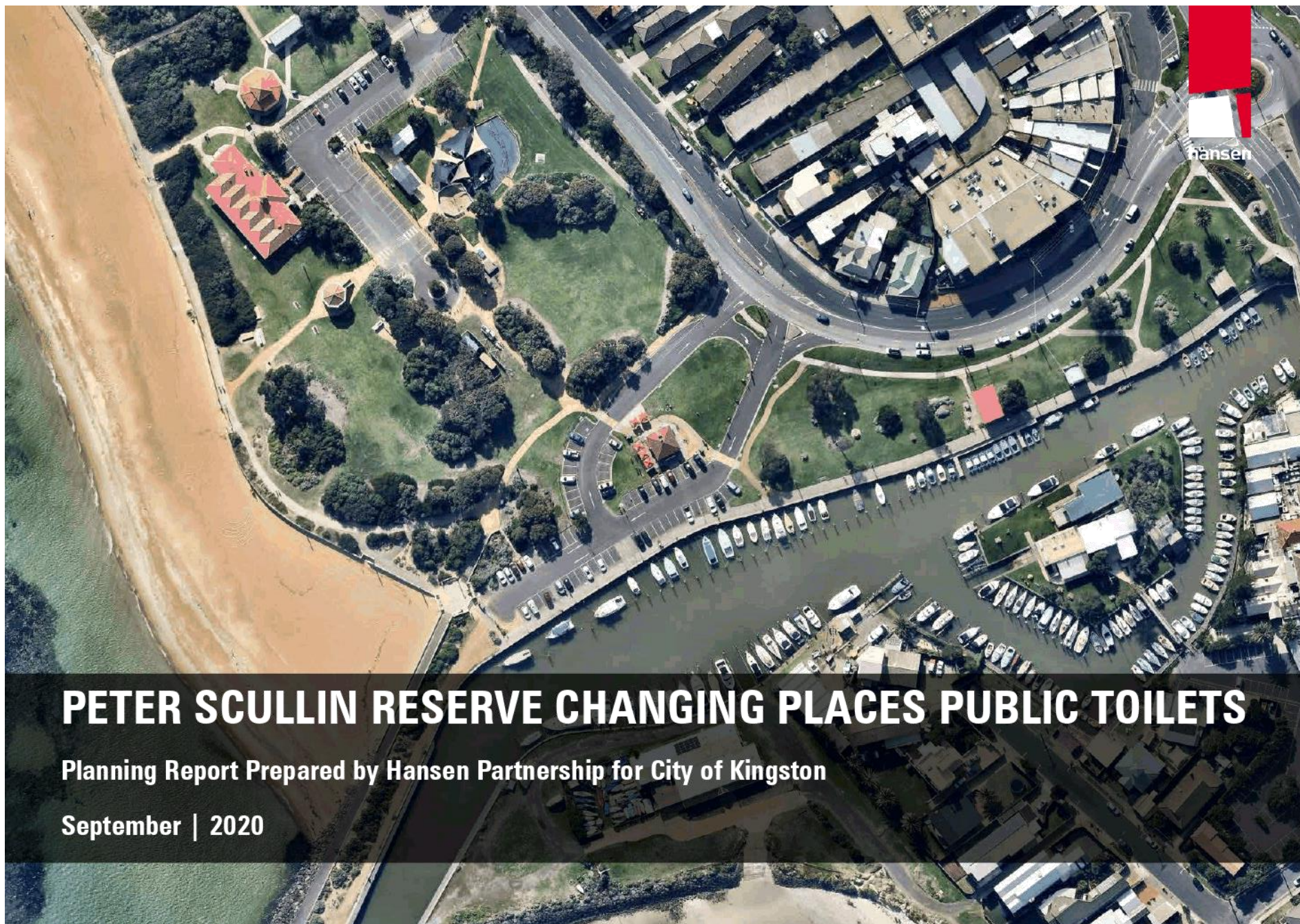
R. RICHARDSON,
Commissioner of Crown Lands and Survey, and
President of the Board of Land and Works,
Department of Lands and Survey (Occupation Branch),
Melbourne, 25th May 1881.

Place of Meeting of Local Land Board.	Time of Meeting.	Members of Local Land Board.
Melbourne ¹ ...	1881. Tuesday, 7th June, 10 a.m.	Land Officer

¹ In lieu of Board appointed in *Government Gazette* of the 18th May instant, page 1202, to be held at Melbourne on the 6th June proximo, which Board is hereby cancelled.

20/180112





PETER SCULLIN RESERVE CHANGING PLACES PUBLIC TOILETS

Planning Report Prepared by Hansen Partnership for City of Kingston

September | 2020

APPLICATION SUMMARY

Permit Triggers

The removal of native vegetation pursuant to Clause 52.17-1 (Native Vegetation) of the Kingston Planning Scheme.

The removal of trees pursuant to Clause 43.01-1 (Heritage Overlay) of the Kingston Planning Scheme.

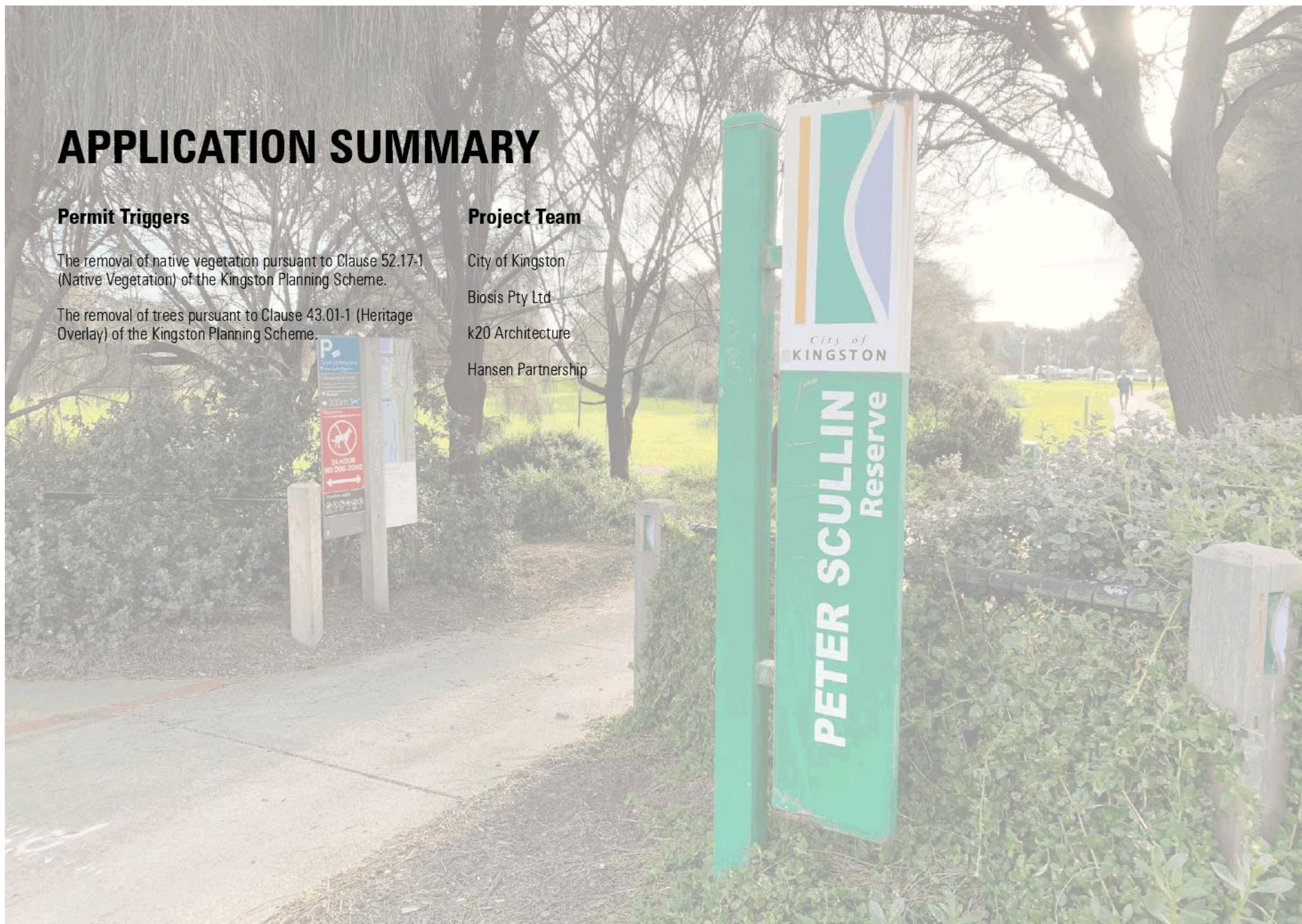
Project Team

City of Kingston

Biosis Pty Ltd

k20 Architecture

Hansen Partnership



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3 THE PROPOSAL	10
4 THE PLANNING CONTEXT	11
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Peter Scullin Reserve

1. INTRODUCTION

Hansen Partnership has been engaged by the City of Kingston to prepare a planning permit application for the development of Public Toilets / Changing Places facility at Peter Scullin Reserve, Mordialloc.

The Public Toilets / Changing Places facility has been carefully designed by k20 Architecture in consultation with the community. The well considered design is responsive to the coastal setting and is well located to service the community and visitors to the Mordialloc foreshore.

This report outlines relevant planning matters and the reasons why this application for the development of the Changing Places facility should be supported by Council and the broader community.

From a planning perspective, the site is located in the Public Park and Recreation Zone, Schedule (PPRZ) and is affected by the Design and Development Overlay, Schedule 1 'Urban Coastal Height Control Area' (DDO1) and Heritage Overlay (HO108).

Due to a number of relevant planning permit exemptions, in particular, Clause 62.02, which exempts all buildings and works associated with Park Furniture (including Public Toilets) from requiring a permit, the only permit triggers relevant to the application is for the removal of native vegetation under Clause 52.17 (Native Vegetation) and Clause 43.01-1 (Heritage Overlay) of the Kingston Planning Scheme.

This planning report provides details of the subject site, relevant planning controls and policies, and a discussion of relevant planning considerations for vegetation removal.

The proposed native vegetation removal is considered acceptable for the following reasons:

- It will allow for the provision of a new and improved community facility and ensure that Peter Scullin Reserve and the Mordialloc Foreshore has an appropriate Changing Places facility.
- It will be located in a highly accessible location that is frequently used by the community and visitors to the area.
- Only a limited amount of native vegetation is required to be removed to account for the proposed building footprint.
- The removal of a limited amount of vegetation will not result in any impacts to the heritage significance of the Mordialloc Creek and Foreshore Precinct (HO108).
- Council intends to secure the necessary compliant offset to the satisfaction of the responsible authority as required by the Detailed Assessment pathway requirements for the removal of native vegetation.

It is therefore considered that the removal of a small amount of native vegetation within Peter Scullin Reserve is appropriate and will allow for the development of a high quality and much needed community facility.



Proposed location for Public Toilets

2. SUBJECT SITE & SURROUNDS

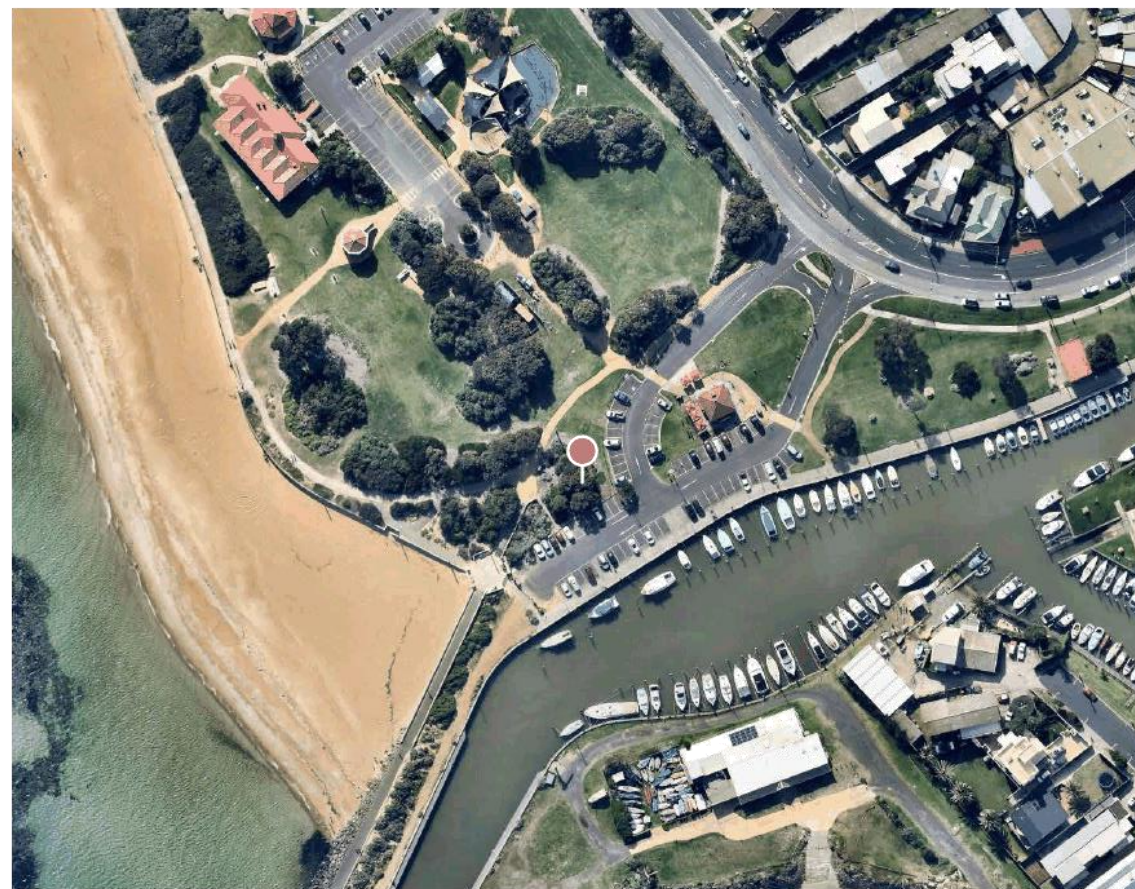
The subject site is located in Peter Scullin Reserve which abutts the foreshore within Mordialloc. Peter Scullin Reserve is approximately 3ha in size and forms part of Crown Allotment 19 Section 24 Parish of Mordialloc, which extends north along the foreshore to Warrigal Road, Mentone.

The reserve contains a range of community facilities including bandstand rotunda and public shelter, beach club, playground, picnic tables, and old public toilets. Car parking is located centrally and to the south of the reserve, at Pier Road, both accessed via Beach Road. A range of paths lead around the reserve and to the foreshore and Mordialloc Pier to the south.

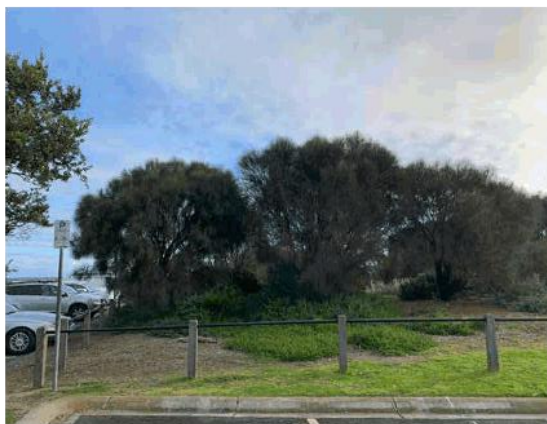
The vegetation within the reserve consists of a range of open grassed areas and coastal trees and shrubs. The native vegetation consists of both planted and naturally occurring varieties consisting of a number of indigenous and introduced species. Further details are provided within the Vegetation Assessment prepared by Biosis dated 30 June 2020.

The Changing Places / Public Toilet is proposed to be located on the southern boundary of the reserve, next to the Pier Road car park along Mordialloc Creek. It will be set back approximately 30m from the beach along an existing pathway.

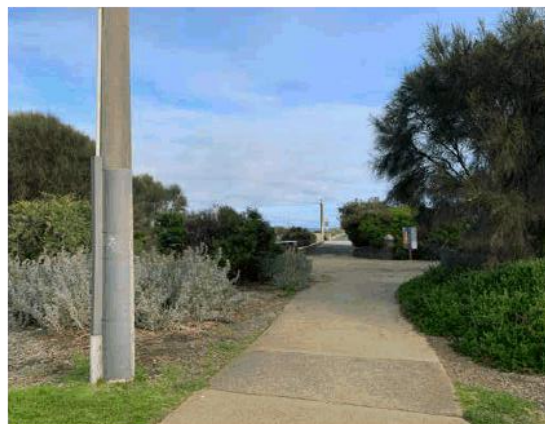
Maps and photos of the site follow this section.



Subject site aerial



Location of Changing Places Toilet



Path leading to pier



Rotunda at Peter Scullin Reserve



Location of Changing Places Toilet



Looking at site from path



Existing public toilets at Peter Scullin Reserve

The surrounding area is heavily characterised by the Mordialloc Creek and Foreshore Precinct. The precinct contains a range of community uses such as the Mordialloc Sailing Club, Yacht Club, and Mordialloc Pier. Further afield is the Mordialloc Activity Centre situated along Main Street / Nepean Highway.

Key features within the surrounding area are noted as follows:

- Mordialloc Activity Centre (200 metres northeast).
- Mordialloc Pier (500 metres southwest).
- Mordialloc Life Saving Club (260 metres northwest).



Mordialloc Pier



Beach Road



Mordialloc foreshore



Boats on Mordialloc Creek



Playground at Peter Scullin Reserve

3. THE PROPOSAL

It is proposed to remove 0.015ha of native vegetation within Peter Scullin Reserve to accommodate the Changing Places Toilet.

The native vegetation to be removed is located within a single patch consisting of one Ecological Vegetation Class: Coastal Dune Scrub (EVC160). The vegetation requiring a planning permit under Clause 52.17 consists of Seaberry Saltbush *Rhagodia candolleana* ground cover as shown in the figure opposite.

A range of other planted native vegetation is also proposed to be removed that is exempt from requiring a planning permit under Clause 52.17 such as a number of the Drooping Sheoak *Allocasuarina verticillata* shrubs, as shown in the figure opposite. The appropriate permission is being sought from Kingston City Council to remove this planted vegetation in accordance with the requirements of Clause 52.17.

A permit is therefore only triggered for the non-planted native vegetation and under Clause 52.17. However, and as outlined further on page 14 of this report, a permit is likely triggered for the removal of some of the planted vegetation under the Heritage Overlay (H0108).

Further details regarding the native vegetation can be found within the Vegetation Assessment prepared by Biosis dated 30 June 2020.

The Changing Places facility itself will include a number of publicly accessible toilets, changing table, shower, wall-mounted privacy screen and hoist.



Seaberry Saltbush ground cover requires a planning permit for removal under Clause 52.17. The planted Sheoaks in the background are exempt.



The architectural plans note the planted shrubs to be removed (in red). These do not trigger a permit under Clause 52.17 as they are planted.



Proposed Changing Places Facility

4. THE PLANNING CONTEXT

PLANNING POLICY FRAMEWORK (PPF)

Plan Melbourne 2017-2050 is the overarching planning strategy for Melbourne which informs strategic planning and decision making across the State.

Plan Melbourne 2017-2050 sets the context of the Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF).

The PPF of most relevance to this application include:

- Clause 11 (Settlement).
- Clause 12 (Environmental & Landscape Values).
- Clause 19.02 (Community Infrastructure).

LOCAL PLANNING POLICY FRAMEWORK (LPPF)

The Local Planning Policy Framework applies broad ambitions to a Kingston municipality specific context.

Some of the key planning policies found within the LPPF of relevance, are:

- Clause 21.01 (Vision & Strategic Framework).
- Clause 21.03 (Environment & Landscape Values).
- Clause 21.06 (Built Environment & Heritage).
- Clause 22.08 (Heritage Policy).

The main elements of state and local policies, as they relate to the proposal, are discussed in more detail within the planning considerations section of this report.

PARTICULAR & GENERAL PROVISIONS

The following particular and general provisions are relevant:

- Clause 52.17 (Native Vegetation) seeks to ensure no net loss to biodiversity as the result of development. A permit is required under this provision to remove, destroy or lop native vegetation.
- Clause 62.02 (Buildings and Works) outlines a number of buildings and works not requiring a permit. Of particular relevance is the exemption related to buildings and works associated with Park Furniture (including Public Toilets) pursuant which are exempt from requiring a permit.
- Clause 65 (Decision Guidelines) requires that the Responsible Authority must consider whether the proposal is consistent with the orderly planning of the area.

ZONE

Public Use & Recreation Zone, Schedule (PPRZ)

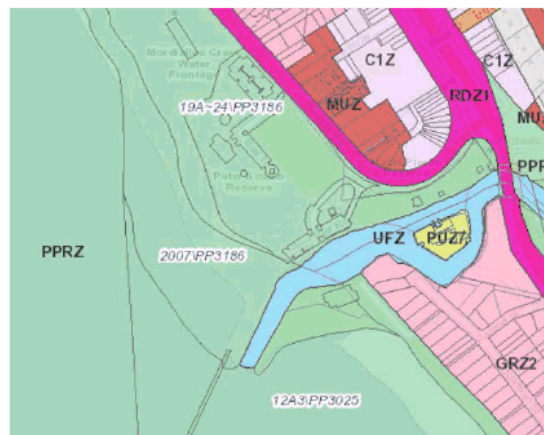
In addition to implementing the MPS and PPF, the purpose of PPRZ is:

- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

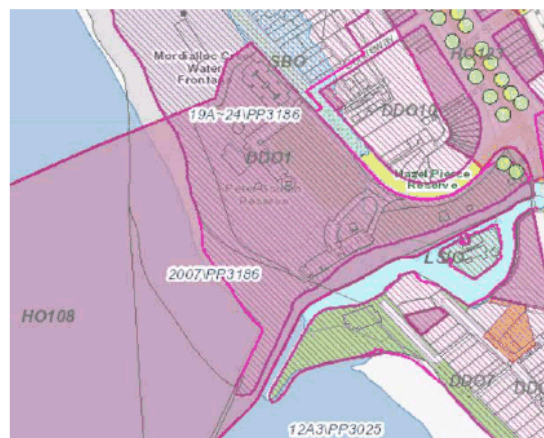
As set out at Clause 36.02-1 and 36.02-2, a permit is not required for use and development carried out by the public land manager, the City of Kingston. A zone map extract is provided opposite

OVERLAYS

The site is affected by the **Design and Development Overlay** – Schedule 1 'Urban Coastal Height Control Area' (DDO1). A permit is not required for buildings and works associated with Park Furniture (including Public Toilets) pursuant to Clause 62.02-1, unless specifically stated in the schedule.



Zoning map



Overlay map

The site is affected by the **Heritage Overlay (H0108)**. A permit is not required for buildings and works associated with Park Furniture (including Public Toilets) pursuant to Clause 62.02-1.

A permit is triggered under Clause 43.01-1 (Heritage Overlay) for the removal of trees if the schedule to the overlay specifies that tree controls apply within the heritage place. H0108 (Mordialloc Creek and Foreshore Precinct) notes that tree controls apply within the heritage precinct.

An overlay map is provided opposite.

ABORIGINAL CULTURAL HERITAGE SENSITIVITY

The site is located within an area of cultural heritage sensitivity. An approved Cultural Heritage Management Plan has been prepared.

OTHER

The **City of Kingston Public Toilet Strategy (June 2016)** sets out a ten year plan for priority public toilet provision in Kingston. The provision of 'Changing Places' facility at the end of Pier Road, Mordialloc is identified as a priority project.

5. KEY PLANNING CONSIDERATIONS

Based on the provisions of the Kingston Planning Scheme and the decision guidelines of Clause 65, the following are considered to be the planning issues relevant to the proposed development of the subject site.

- Is there strategic policy support for the proposal?
- Will the removal of vegetation impact on the heritage significance of the precinct?
- Will the removal of native vegetation impact the biodiversity and natural habitat of the foreshore and will adequate offsets be provided to permit the removal of native vegetation?

STRATEGIC JUSTIFICATION

Relevant policies highlight the need to ensure the provision of new community facilities, while also ensuring that such facilities are appropriately located with respect to coastal environments and natural features.

Clause 11.03-4S (Coastal Settlement) encourages the redevelopment of existing community facilities in a sustainable manner. It also provides direction on sustainable coastal development by encouraging new development and facilities on existing sites in order to minimise impacts on the coast.

The Municipal Strategic Statement expands on this sentiment. **Clause 21.03-2 (Coastal Areas)** highlights the need to provide facilities that will meet the changing needs of the community. Any development within open space areas are to respond appropriately to the environmental values of significant areas.

Clause 12.01S (Native Vegetation Management) seeks to ensure that the removal of any native vegetation protects the biodiversity in the region. Following on from this, **Clause 21.03-2 (Coastal areas)** highlights the importance of protecting natural assets and minimising any impacts on coastal environments. Native vegetation is to be maintained where possible and where vegetation is to be removed it is to be replaced with native vegetation.

In response to these policies, the Changing Places facility will be located within a high activity area that will ensure its greatest accessibility to the community and visitors to the foreshore and surrounds. The **City of Kingston Public Toilet Strategy (June 2016)** notes that the existing Pier Road public toilet is the most frequented public toilet facility across the municipality, particularly during busy summer periods. The strategy notes that it is in an aged condition and as such Pier Road is identified as the preferred location for a 'Changing Places' facility.

The new facility will better respond to the needs of the community. It will provide better access and be universally accessible, ensuring people of all abilities have access to such facilities while visiting the busy Peter Scullin Reserve and Mordialloc foreshore.

It is considered the proposal has had appropriate regard to the environmental values of the location. The well designed facility will not have any significant impacts on the coastal environment as it is located within an existing park on the foreshore, avoiding more sensitive and significant locations with increased environmental sensitivity. The native vegetation considerations will be addressed in the following section, however it is considered that on balance the removal of a minor amount of native vegetation to allow for the provision of improved community facilities is reasonable.

It is therefore considered that the proposal will help to ensure that an important community facility is developed, while also minimising unnecessary impacts on the surrounding environment and foreshore.

HERITAGE CONSIDERATIONS

A permit is triggered under Clause 43.01-1 (Heritage Overlay) for the removal of trees if the schedule to the overlay specifies that tree controls apply within the heritage place. HO108 (Mordialloc Creek and Foreshore Precinct) notes that tree controls apply within the heritage precinct.

While Clause 62.02-2 exempts buildings and works related to Park Furniture from requiring a permit, Clause 62.02-3 notes that this exemption does not relate to the removal of 'trees' or 'vegetation'.

It is noted that the trigger under HO108 relates to 'trees' rather than 'vegetation'. There is a lack of clear guidance within the Planning Scheme around what defines a 'tree' as opposed to 'vegetation'. The heritage citation for the Mordialloc Creek and Foreshore Precinct also does not specify any particular trees to which the control applies. The proposal is seeking to remove vegetation however it is uncertain as to whether any of this vegetation is defined as trees for the purposes of the control.

It is therefore not clear whether a permit is triggered. As such, and for the purposes of clarity, it has been assumed that a permit is triggered, and an assessment has been made against the relevant requirements and guidelines of the Heritage Overlay (HO108) and council heritage policy.

The removal of the vegetation under HO108 is considered acceptable for the following reasons:

- The Statement of Significance notes that the key significant and contributory features of the precinct relate to its history as a late nineteenth and early twentieth century seaside resort and its legibility as an early recreational centre. It highlights the architectural significance of a number of structures that survive from the early development of the place such as the pier, sea wall, band rotunda, and toilet block. The removal of the vegetation will not impact on these structures and no alterations or changes are proposed to these structures.
- The vegetation to be removed is not considered to have heritage significance as it is not referenced within the heritage citation for the precinct. Coastal vegetation did not form a significant original element of the precinct with other extensively planted trees and hedges historically more prominent. A reference is made to a row of palm trees within the precinct similar to those found along Beach Road. It is highlighted that no palm trees are proposed for removal.
- The majority of the vegetation to be removed is considered to be naturally occurring so has not been planted for reasons associated with the heritage significance of the precinct. The removal of naturally occurring native vegetation is regulated by Clause 52.17 (Native Vegetation).

- While not triggering a permit for the buildings and works, the building, which will be located in place of the removed vegetation, is sympathetic to the heritage features of the precinct.
- Replacement planting is proposed as part of the development of the Changing Places facility which will be consistent with the existing native palette within the precinct.
- The minimal amount of vegetation does not form part of the main heritage narrative of the precinct with a significant range of vegetation retained within the precinct and immediate vicinity of the proposal.
- Initial advice from a heritage advisor did not raise the removal of the vegetation as an issue from a heritage perspective.

It is therefore considered that the removal of the vegetation will not have any impact on the heritage significance of the precinct.

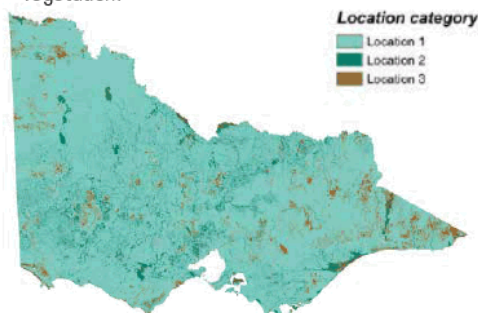
NATIVE VEGETATION REMOVAL

A permit is triggered under Clause 52.17-1 for the removal of native vegetation on the site.

The incorporated document, *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017), provides direction on the appropriate removal of native vegetation. The three step approach of avoid, minimise and offset underwrites the policy direction provided by the *Guidelines* to ensure that any biodiversity loss is compensated for through offsets.

The three steps relate to:

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 from the removal, destruction or lopping of native vegetation.



Location map for determining assessment pathway

Hansen Partnership

Any application to remove native vegetation must comply with the application requirements outlined at Section 6.4 of the *Guidelines*. The 'Vegetation Assessment' prepared by Biosis dated 30 June 2020 provides an outline of the type of native vegetation to be removed, the biodiversity score and confirmation of the assessment pathway, and an offset calculation as outlined within the attached 'Native vegetation removal report'.

While the native vegetation is located within Location 1, representing an area that does not contain an endangered Ecological Vegetation Class or sensitive coastal area, the proposed removal is to be assessed under the Detailed Assessment Pathway due to the extent of past removal exceeding 0.5ha within the foreshore.

In considering the application requirements for the Detailed Assessment Pathway and relevant decision guidelines as set out at Section 7 of the *Guidelines*, the proposed native vegetation removal is considered to be acceptable as outlined below.

Decision Guideline 1

The chosen site is considered to be the most suitable location for the proposal from a biodiversity perspective as it **avoids** other areas with a higher biodiversity value. The location is not identified as a sensitive coastal location. The vegetation forms part of only one Ecological Vegetation Class (EVC160), which is not considered to be endangered, and does not include any 'large trees' as defined by the *Guidelines*.

Efforts have been made through the design of the proposal to **minimise** as much native vegetation removal as possible.

The removal of the native vegetation is therefore not considered to be of major detriment to the biodiversity of the surrounding area with an impact that can readily be made up for through offsets. The social benefits of the improved facility are also considered to outweigh any potential minimal negative biodiversity outcomes.

Decision Guideline 2

The limited removal of native vegetation is not expected to have any significant impacts on soil erosion and groundwater quality. The site is not located within any special water supply catchment areas listed in the *Catchment and Land Protection Act 1994*.

Decision Guideline 3

The limited amount of vegetation to be removed will have a minimal impact on the landscape value of the coastal environment. A considerable amount of existing vegetation will remain in the immediate and wider surrounds, the amount to be removed is negligible compared to the extent of existing vegetation within Peter Scullin Reserve and along the foreshore.

Decision Guideline 4

A Cultural Heritage Management Plan has been prepared and has identified that there are no registered Aboriginal places or cultural heritage within the activity area.

Decision Guideline 5

The site is not located within an area of high bushfire risk.

Decision Guideline 6

A Property Vegetation Plan does not apply to the site.

Decision Guideline 7

The **offset** requirement is 0.004 general habitat units with a minimum strategic biodiversity value of 0.205. Offset planting is to be taken place in the Port Phillip and Western Port CMA biodiversity region. This will result in the planting of appropriate native vegetation in the wider region of the CMA to provide an improved biodiversity for the wider area.

Decision Guideline 8

Not applicable to application.

Decision Guideline 9

As noted previously, the limited extent of vegetation to be removed does not include any large trees or relate to land within a sensitive wetland or coastal area. The strategic biodiversity value and condition score of the vegetation proposed for removal is within the lower range as outlined within the *Assessor's handbook: Applications to remove, destroy or lop native vegetation*. The removal does not include any endangered Ecological Vegetation Classes.

It is therefore considered that the extent of native vegetation to be removed is minor and the impacts associated with the removal of the vegetation can be adequately offset.

6. CONCLUSION

It is submitted that the proposal is consistent with the matters set out in Clause 65 of the Kingston Planning Scheme as detailed throughout this report, including the relevant policies and provisions for the following reasons:

- The proposal provides an appropriate response to the relevant policies of the Planning Policy Framework.
- The proposal is located within a suitable location along the Mordialloc foreshore that will ensure the facility is easily accessible by the community and visitors.
- The new and improved facilities will allow for universally accessible facilities within Peter Scullin Reserve and the Mordialloc foreshore.
- The removal of a small amount of native vegetation is considered reasonable, will not have any impacts within the heritage precinct, and will be adequately offset to the satisfaction of the Responsible Authority.

In summary, the proposal is considered a positive outcome for the subject site, providing for a much needed community facility in an appropriate location within Peter Scullin Reserve.

20/180112



30 June 2020

Juli Stickler
City of Kingston
Email: juli.stickler@kingston.vic.gov.au

Dear Juli

Peter Scullin Reserve Mordialloc vegetation assessment

Our ref: Matter 30474

In response to Council's request for a vegetation assessment of the site affected by the Peter Scullin Reserve proposed Changing Places / Public Toilet block we can provide the following advice.
The site was assessed on 20 May and 14 June 2020.

Description

The assessment area is the construction footprint of the proposed development in Peter Scullin Reserve, Mordialloc. It supports a mixture of planted and non-planted native vegetation and non-native vegetation.

A total of 7 indigenous and 10 introduced plant species was recorded (Attachment 1).

The native vegetation consists of several planted Drooping Sheoaks *Allocasuarina verticillata* and several planted coastal shrubs, with a ground cover of natural Seaberry Saltbush *Rhagodia candolleana* below part of the sheoak canopy. Introduced lawn occurs in the north of the site.

'Native vegetation' consists of 'plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses' (Kingston planning scheme, Clause 73.01). A planning permit from the Responsible Authority (City of Kingston) is required to remove, destroy or lop native vegetation, subject to certain exemptions (Clause 52.17). Planted vegetation is exempt from permit requirement:

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.

Most of the vegetation is trees and shrubs planted either by the former City of Mordialloc which was later incorporated into the City of Kingston or by the City of Kingston. Assuming Kingston can provide itself with the required permission, only the removal of natural vegetation – non-planted native vegetation and any progeny of planted vegetation – is subject to permit. The plantings have produced progeny: one Coast Tea-tree seedling. A small White Correa under the sheoak canopy is assumed to be a stunted planting.

Biosis Pty Ltd
Melbourne Resource Group

38 Bertie Street
Port Melbourne VIC 3207

Phone: 03 8686 4800
Fax: 03 9646 9242

ACN 006 175 097
ABN 65 006 175 097

Email: melbourne@biosis.com.au

biosis.com.au

Natural vegetation

According to the Department of Environment, Land, Water and Planning (DELWP 2020b) the original (pre-1750) ecological vegetation class (EVC) was Coastal Dune Scrub.

The scrambler Seaberry Saltbush *Rhagodia candolleana* on the Kingston Foreshore Reserve is assumed to be natural. There is no knowledge of this species having been planted on the foreshore (Brad Lewis, Lee James, City of Kingston, pers. comm.). This species and also common Bower Spinach *Tetragonia implexicoma* are bird-dispersed species that constantly colonise below trees.

'Natural' vegetation occurs as a 'patch' of assumed natural Seaberry Saltbush as follows.

Table 1. Summary of native vegetation (requiring permit)

EVC	Area (ha)
Coastal Dune Scrub EVC 160	0.015

A photo of the vegetation is in Attachment 2 and a map of vegetation is in Attachment 3.

Conservation significance

Seaberry Saltbush is 'secure' in the City of Kingston (City of Kingston 2018).

Coastal Dune Scrub is 'vulnerable' in the City of Kingston (City of Kingston 2018) and 'depleted' in the Gippsland Plain bioregion (DELWP 2020a).

The development footprint occupies <1% of the extent of this ecological vegetation class on the Kingston coast (Biosis Research 2012a, b, c), so its reduction in area would not be significant.

Guidelines

Following the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), since the extent of past permitted (0.669 ha) plus proposed (0.015 ha) native vegetation removal within the last five years exceeds 0.5 hectares within Location 1 on the DELWP Location map, the planning permit application is assessed in the Detailed Assessment Pathway.

In the Detailed Assessment Pathway the procedure is to map and then determine the condition score of each patch/habitat zone, using default scores provided by the DELWP or site assessed scores using the habitat hectare method (DSE 2004). Site assessed condition scores of the habitat zone are in Table 2 and the Native Vegetation Removal Report obtained from DELWP is in Attachment 4.

Table 2. Condition score of natural vegetation

EVC		CDG	
		Max Score	Score
Site Condition	Large Trees	10	n/a
	Tree Canopy Cover	5	n/a
	Lack of Weeds	15	13
	Understorey	25	5
	Recruitment	10	0
	Organic Litter	5	3
	Logs	5	n/a
	Total		21
	Modifier		75/55
	Total Site Score		29
Landscape Value	Patch Size	10	1
	Neighbourhood	10	0
	Distance to Core	5	1
	Total Landscape Score		2
Habitat points		100	31
CONDITION SCORE		1	0.31

Permit requirements

A planning permit is required to 'remove, destroy or lop' plants 'native to Victoria' except where exempt (Kingston planning scheme, Clause 52.17). The permit application will be assessed in the Detailed Assessment Pathway. Kingston is the Responsible Authority and DELWP a Recommending Referral Authority (Clause 66.02). Information required in the Detailed Assessment Pathway is in Attachment 5.

As per the Native Vegetation Removal Report, provision of an offset will be a permit condition. The offset will comprise 0.004 general habitat units with a minimum strategic biodiversity value score of 0.205.

There is no requirement for a protected flora permit under the Flora and Fauna Guarantee Act as there are no natural (non-planted) protected flora species.

References

Biosis Research 2012a. Assessment of City of Kingston natural reserves (Stage 2): Kingston Heath Reserve, Caruana Reserve, Heights Park, Bonbeach Foreshore. Report to Kingston City Council, Author: Yugovic J, Biosis Pty Ltd, Melbourne, February 2012.

Biosis Research 2012b. Assessment of City of Kingston natural reserves (Stage 3): Kingston Foreshore Reserve (Mentone to Mordialloc Creek). Report to Kingston City Council, Author: Yugovic J, Biosis Research Pty Ltd, Melbourne, July 2012.

Biosis Research 2012c. Assessment of City of Kingston natural reserves (Stage 4): Kingston Foreshore Reserve (Mordialloc Creek to Bonbeach, Carrum). Report to Kingston City Council, Author: Yugovic J, Biosis Research Pty Ltd, Melbourne, December 2012.

City of Kingston 2018. Kingston Biodiversity Strategy technical report. City of Kingston.
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www.environment.vic.gov.au/_data/assets/pdf_file/0021/91146/Guidelines-for-the-removal,-destruction-or-lopping-of-native-vegetation,-2017.pdf

DELWP 2020a. Biodiversity: bioregions and EVC benchmarks. Department of Environment, Land, Water and Planning, Victoria. www.environment.vic.gov.au/biodiversity/bioregions-and-evc-benchmarks

DELWP 2020b. NatureKit. Department of Environment, Land, Water and Planning, Victoria.
maps.biodiversity.vic.gov.au/viewer/?viewer=NatureKit

DSE 2004. Native Vegetation: Sustaining a living landscape. Vegetation Quality Assessment Manual – Guidelines for applying the Habitat hectares scoring method. Version 1.3. Victorian Government Department of Sustainability & Environment, Melbourne.
www.environment.vic.gov.au/native-vegetation/biodiversity-information-tools

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Attachments

- 1 Flora
- 2 Photos of vegetation
- 3 Ecological features
- 4 Native Vegetation Removal Report
- 5 Application requirements in the Detailed Assessment Pathway

Please contact me if you have any enquiries.

Regards

A handwritten signature in black ink, reading "Jeff Yugovic", enclosed within a thin yellow rectangular border.

Jeff Yugovic
Senior Consultant

20/180112

Attachment 1. Flora

Scientific name	Common name
Indigenous species:	
<i>Allocasuarina verticillata</i>	Drooping Sheoak
<i>Alyxia buxifolia</i>	Sea Box
<i>Atriplex cinerea</i>	Coast Saltbush
<i>Clematis microphylla</i> s.l.	Small-leaved Clematis
<i>Correa alba</i>	White Correa
<i>Leptospermum laevigatum</i>	Coast Tea-tree
<i>Rhagodia candolleana</i>	Seaberry Saltbush
Introduced species:	
<i>Bromus catharticus</i>	Prairie Grass
<i>Carpobrotus</i> sp.	Pigface
<i>Cenchrus clandestinus</i>	Kikuyu
<i>Cotoneaster</i> sp.	Cotoneaster
<i>Ehrharta erecta</i>	Panic Veldt-grass
<i>Galenia pubescens</i>	Galenia
<i>Genista monspessulana</i>	Montpellier Broom
<i>Malva parviflora</i>	Small-flower Mallow
<i>Oxalis pes-caprae</i>	Soursob
<i>Sonchus oleraceus</i>	Common Sow-thistle

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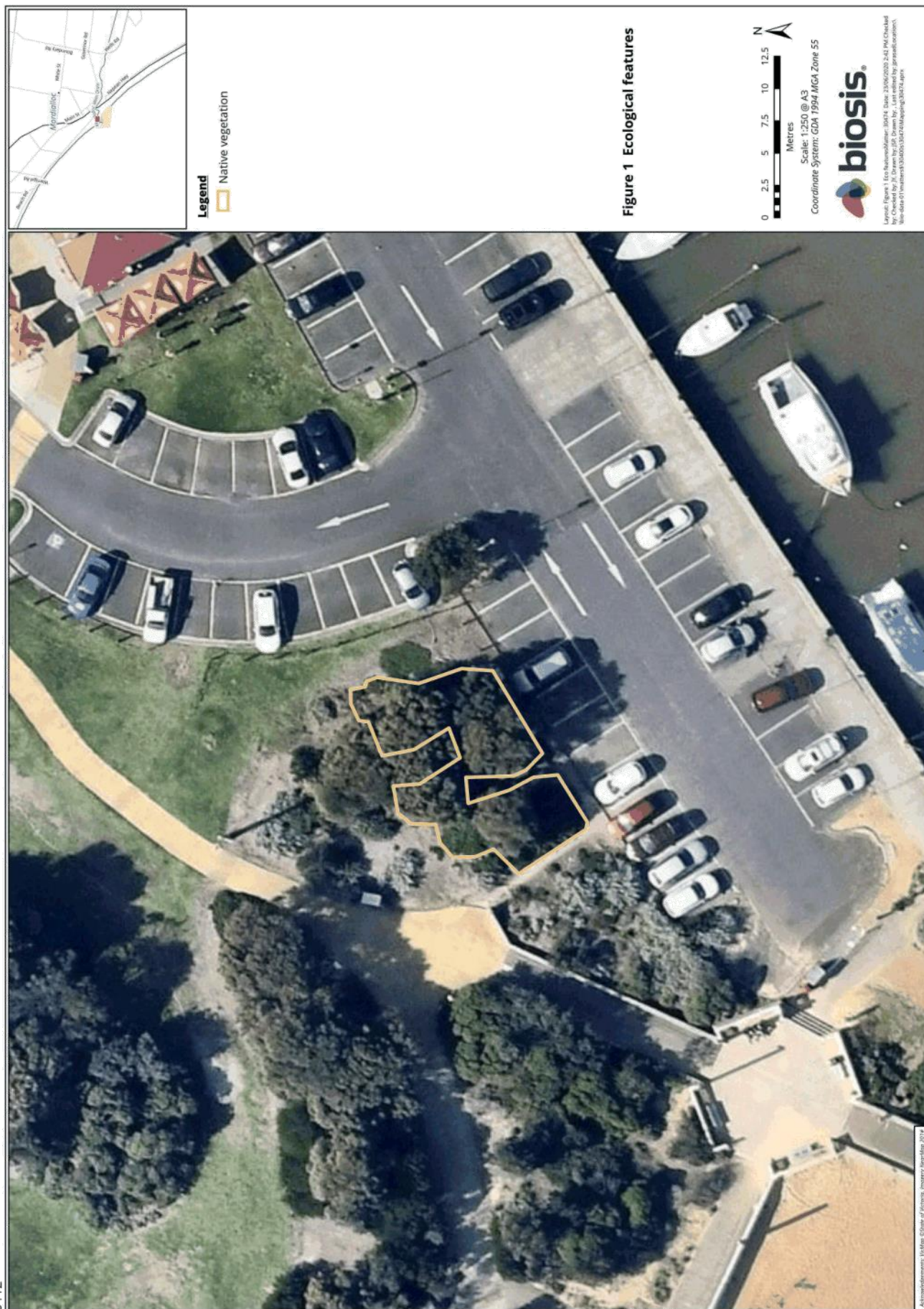
Attachment 2. Photo of vegetation



Coastal Dune Scrub (Seaberry Saltbush ground layer), Peter Scullin Reserve, Mordialloc, 14.6.20

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Attachment 3. Ecological features



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Attachment 4. Native Vegetation Removal Report

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Native vegetation removal report

This report provides information to support an application to remove, destroy or lop native vegetation in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation*. The report **is not an assessment by DELWP** of the proposed native vegetation removal. Native vegetation information and offset requirements have been determined using spatial data provided by the applicant or their consultant.

Date of issue: 29/06/2020
Time of issue: 12:21 pm

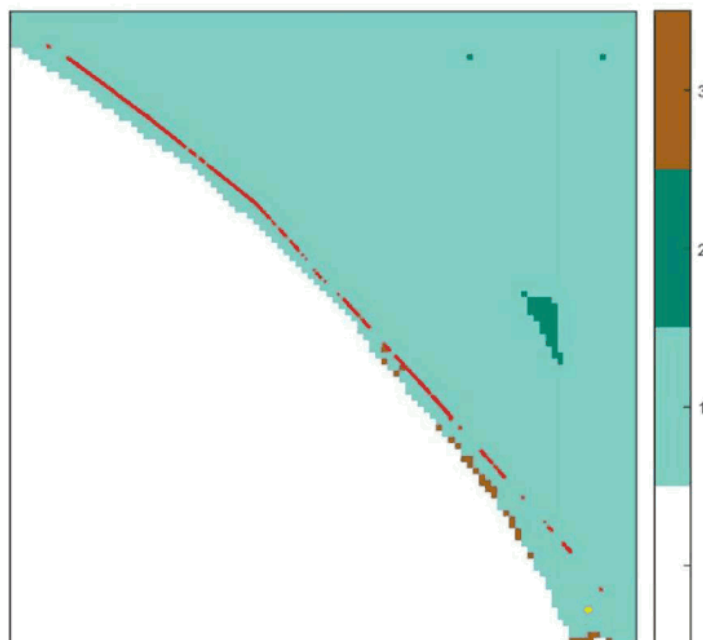
Report ID: BIO_2020_053

Project ID 30474_VegClearing

Assessment pathway

Assessment pathway	Detailed Assessment Pathway
Extent including past and proposed	0.684 ha
Extent of past removal	0.669 ha
Extent of proposed removal	0.015 ha
No. Large trees proposed to be removed	0
Location category of proposed removal	Location 1 The native vegetation is not in an area mapped as an endangered Ecological Vegetation Class (as per the statewide EVC map), sensitive wetland or coastal area. Removal of less than 0.5 hectares in this location will not have a significant impact on any habitat for a rare or threatened species

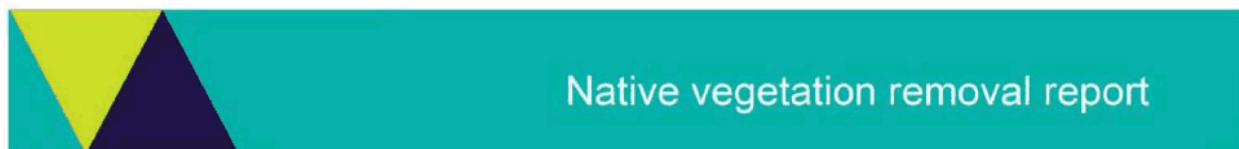
1. Location map



Environment,
Land, Water
and Planning

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Native vegetation removal report

Offset requirements if a permit is granted

Any approval granted will include a condition to obtain an offset that meets the following requirements:

General offset amount¹	0.004 general habitat units
Vicinity	Port Phillip and Westernport Catchment Management Authority (CMA) or Kingston City Council
Minimum strategic biodiversity value score ²	0.205
Large trees	0 large trees

NB: values within tables in this document may not add to the totals shown above due to rounding

Appendix 1 includes information about the native vegetation to be removed

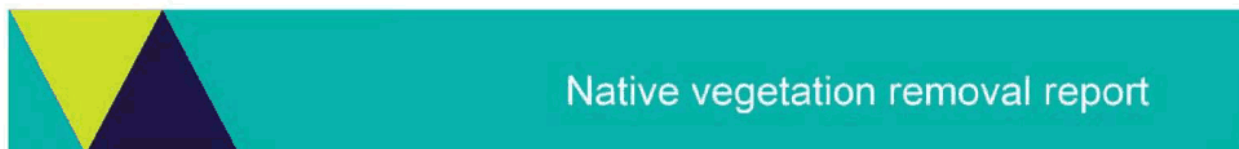
Appendix 2 includes information about the rare or threatened species mapped at the site.

Appendix 3 includes maps showing native vegetation to be removed and extracts of relevant species habitat importance maps

¹ The general offset amount required is the sum of all general habitat units in Appendix 1.

² Minimum strategic biodiversity score is 80 per cent of the weighted average score across habitat zones where a general offset is required

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Native vegetation removal report

Next steps

Any proposal to remove native vegetation must meet the application requirements of the Detailed Assessment Pathway and it will be assessed under the Detailed Assessment Pathway.

If you wish to remove the mapped native vegetation you are required to apply for a permit from your local council. Council will refer your application to DELWP for assessment, as required. **This report is not a referral assessment by DELWP.**

This *Native vegetation removal report* must be submitted with your application for a permit to remove, destroy or lop native vegetation.

Refer to the *Guidelines for the removal, destruction or lopping of native vegetation* (the Guidelines) for a full list of application requirements. This report provides information that meets the following application requirements:

- The assessment pathway and reason for the assessment pathway
- A description of the native vegetation to be removed (partly met)
- Maps showing the native vegetation and property (partly met)
- Information about the impacts on rare or threatened species.
- The offset requirements determined in accordance with section 5 of the Guidelines that apply if approval is granted to remove native vegetation.

Additional application requirements must be met including:

- Topographical and land information
- Recent dated photographs
- Details of past native vegetation removal
- An avoid and minimise statement
- A copy of any Property Vegetation Plan that applies
- A defensible space statement as applicable
- A statement about the Native Vegetation Precinct Plan as applicable
- A site assessment report including a habitat hectare assessment of any patches of native vegetation and details of trees
- An offset statement that explains that an offset has been identified and how it will be secured.

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Melbourne 2020

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Authorised by the Victorian Government, 8 Nicholson Street, East Melbourne.

For more information contact the DELWP Customer Service Centre 136 186

www.delwp.vic.gov.au

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This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Obtaining this publication does not guarantee that an application will meet the requirements of Clauses 52.16 or 52.17 of the Victoria Planning Provisions and Victorian planning schemes or that a permit to remove native vegetation will be granted.

Notwithstanding anything else contained in this publication, you must ensure that you comply with all relevant laws, legislation, awards or orders and that you obtain and comply with all permits, approvals and the like that affect, are applicable or are necessary to undertake any action to remove, lop or destroy or otherwise deal with any native vegetation or that apply to matters within the scope of Clauses 52.16 or 52.17 of the Victoria Planning Provisions and Victorian planning schemes.

Appendix 1: Description of native vegetation to be removed

The species-general offset test was applied to your proposal. This test determines if the proposed removal of native vegetation has a proportional impact on any rare or threatened species habitats above the species offset threshold. The threshold is set at 0.005 per cent of the mapped habitat value for a species. When the proportional impact is above the species offset threshold a species offset is required. This test is done for all species mapped at the site. Multiple species offsets will be required if the species offset threshold is exceeded for multiple species.

Where a zone requires species offset(s), the species habitat units for each species in that zone is calculated by the following equation in accordance with the Guidelines:

Species habitat units = extent x condition x species landscape factor x 2, where the species landscape factor = 0.5 + (habitat importance score/2)

The species offset amount(s) required is the sum of all species habitat units per zone

Where a zone does not require a species offset, the general habitat units in that zone is calculated by the following equation in accordance with the Guidelines:

General habitat units = extent x condition x general landscape factor x 1.5, where the general landscape factor = 0.5 + (strategic biodiversity value score/2)

The general offset amount required is the sum of all general habitat units per zone.

Native vegetation to be removed

Information provided by or on behalf of the applicant in a GIS file							Information calculated by EnSym					
Zone	Type	BioEVC	BioEVC conservation status	Large tree(s)	Partial removal	Condition score	Polygon Extent	Extent without overlap	SBV score	HI score	Habitat units	Offset type
1-A	Patch	gipp0160	Depleted	0	no	0.310	0.015	0.015	0.256		0.004	General

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Appendix 2: Information about impacts to rare or threatened species' habitats on site

This table lists all rare or threatened species' habitats mapped at the site.

Species common name	Species scientific name	Species number	Conservation status	Group	Habitat impacted	% habitat value affected
None						

Habitat group

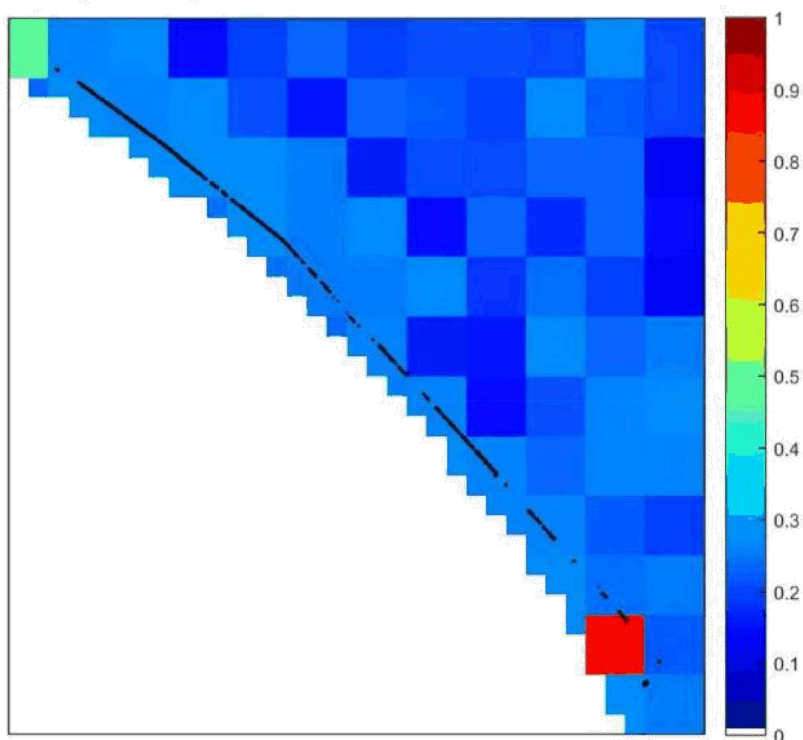
- Highly localised habitat means there is 2000 hectares or less mapped habitat for the species
- Dispersed habitat means there is more than 2000 hectares of mapped habitat for the species

Habitat impacted

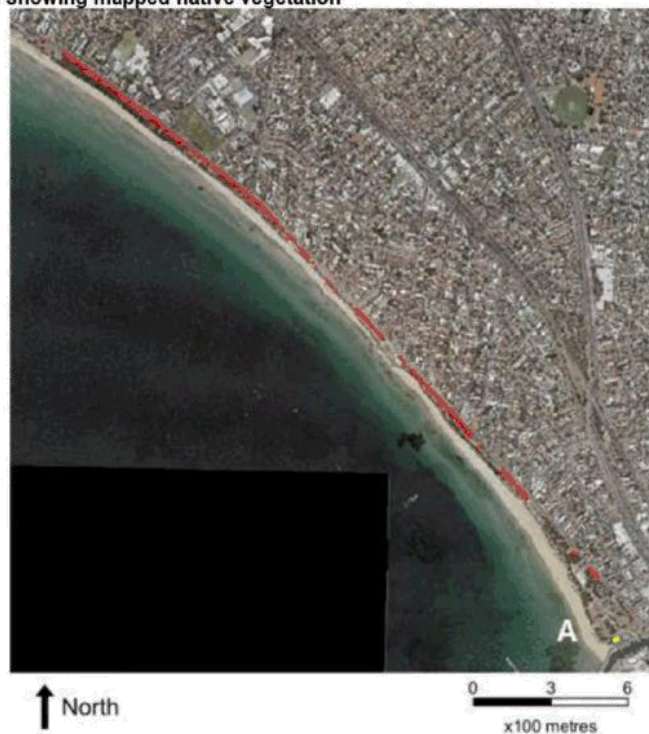
- Habitat importance maps are the maps defined in the Guidelines that include all the mapped habitat for a rare or threatened species
- Top ranking maps are the maps defined in the Guidelines that depict the important areas of a dispersed species habitat, developed from the highest habitat importance scores in dispersed species habitat maps and selected VBA records
- Selected VBA record is an area in Victoria that represents a large population, roosting or breeding site etc.

Appendix 3 – Images of mapped native vegetation

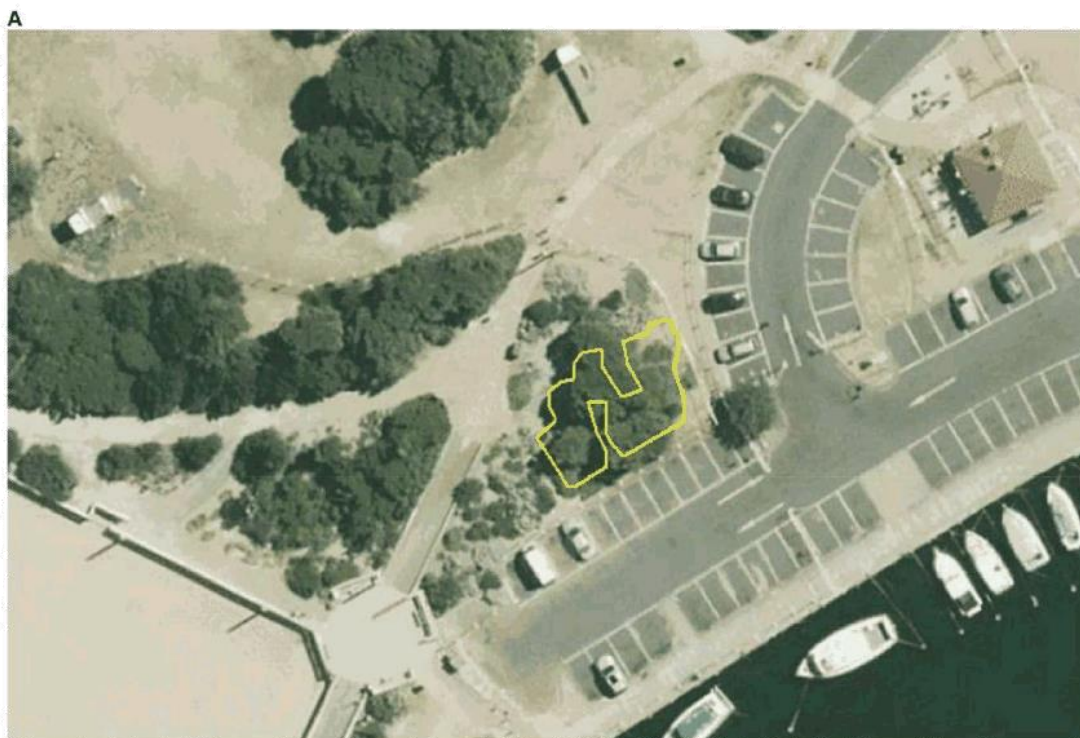
2. Strategic biodiversity values map



3. Aerial photograph showing mapped native vegetation



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4. Map of the property in context

Yellow boundaries denote areas of proposed native vegetation removal.

Red boundaries denote areas of past removal.

Attachment 5. Application requirements in the Detailed Assessment Pathway

Applications to remove native vegetation must include the following information (DELWP 2017), as appropriate.

Table A5.1: Application requirements for all applications for a permit to remove native vegetation

Number	Application requirement
1	<p>Information about the native vegetation to be removed, including:</p> <ul style="list-style-type: none"> • The assessment pathway and reason for the assessment pathway. This includes the location category of the native vegetation to be removed. Detailed Assessment Pathway, Location category: 1 • A description of the native vegetation to be removed that includes: <ul style="list-style-type: none"> – whether it is a patch or a scattered tree (or both) 1. patch – the extent (in hectares) 0.015 ha – the number and circumference (in centimetres measured at 1.3 metres above ground level) of any large trees within a patch Not applicable. No large trees in relevant benchmark. In any case, planted trees are not subject to permit requirement so are not assessed. – the number and circumference (in centimetres measured at 1.3 metres above ground level) of any scattered trees, and whether each tree is small or large Not applicable, as above – the strategic biodiversity value score 0.256 – the condition score 0.31 – if it includes endangered Ecological Vegetation Classes No – if it includes sensitive wetland or coastal areas. No • Maps showing the native vegetation and property in context and containing: <ul style="list-style-type: none"> – scale, north point and property boundaries – location of any patches of native vegetation and the number of large trees within the patch proposed to be removed – location of scattered trees proposed to be removed, including their size Attachment 3 • The offset requirement, determined in accordance with section 5 of the Guidelines, that will apply if the native vegetation is approved to be removed. 0.004 general habitat units

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Number	Application requirement																				
2	<p>Topographic and land information relating to the native vegetation to be removed, showing ridges, crests and hilltops, wetlands and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas, and areas of existing erosion, as appropriate. This may be represented in a map or plan.</p> <p>Topography is flat. There are no erosion problems.</p>																				
3	<p>Recent, dated photographs of the native vegetation to be removed.</p> <p>Attachment 2</p>																				
4	<p>Details of any other native vegetation approved to be removed, or that was removed without the required approvals, on the same property or on contiguous land in the same ownership as the applicant, in the five year period before the application for a permit is lodged.</p> <table><tr><th>Permit</th><th>Description</th><th>Date</th><th>EVC</th><th>Area</th></tr><tr><td>KP-2019/90</td><td>Bay Trail stage 3</td><td>15.10.19</td><td>161,160</td><td>0.098</td></tr><tr><td>KP-2017/832</td><td>Bay Trail stage 2</td><td>01.10.18</td><td>161</td><td>0.571</td></tr><tr><td colspan="4">Total</td><td>0.669</td></tr></table>	Permit	Description	Date	EVC	Area	KP-2019/90	Bay Trail stage 3	15.10.19	161,160	0.098	KP-2017/832	Bay Trail stage 2	01.10.18	161	0.571	Total				0.669
Permit	Description	Date	EVC	Area																	
KP-2019/90	Bay Trail stage 3	15.10.19	161,160	0.098																	
KP-2017/832	Bay Trail stage 2	01.10.18	161	0.571																	
Total				0.669																	
5	<p>An avoid and minimise statement. The statement describes any efforts to avoid the removal of, and minimise the impacts on the biodiversity and other values of native vegetation, and how these efforts focussed on areas of native vegetation that have the most value. The statement should include a description of the following:</p> <ul style="list-style-type: none">Strategic level planning – any regional or landscape scale strategic planning process that the site has been subject to that avoided and minimised impacts on native vegetation across a region or landscape <p>No</p> <ul style="list-style-type: none">Site level planning – how the proposed use or development has been sited or designed to avoid and minimise impacts on native vegetation <p>No feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.</p> <ul style="list-style-type: none">That no feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal. <p>As above</p>																				
6	<p>A copy of any Property Vegetation Plan contained within an agreement made pursuant to section 69 of the Conservation, Forests and Lands Act 1987 that applies to the native vegetation to be removed.</p> <p>Not applicable</p>																				
7	<p>Where the removal of native vegetation is to create defensible space, a written statement explaining why the removal of native vegetation is necessary. This statement must have regard to other available bushfire risk mitigation measures. This statement is not required when the creation of defensible space is in conjunction with an application under the Bushfire Management Overlay.</p> <p>Not applicable</p>																				

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Number	Application requirement
8	<p>If the application is under Clause 52.16, a statement that explains how the proposal responds to the Native Vegetation Precinct Plan considerations at decision guideline 8.</p> <p>Not applicable</p>
9	<p>An offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified, and can be secured in accordance with the Guidelines.</p> <p>A suitable statement includes evidence that the required offset:</p> <ul style="list-style-type: none"> • is available to purchase from a third party, or • will be established as a new offset and has the agreement of the proposed offset provider, or • can be met by a first party offset. <p>An offset quote from offset broker Vegetation Link will be obtained.</p> <p>The offset will be delivered within the bioregion.</p>

Table 5.2: Additional application requirements for applications in the Detailed Assessment Pathway

Number	Application requirement
10	<p>A site assessment report of the native vegetation to be removed, including:</p> <ul style="list-style-type: none"> • A habitat hectare assessment of any patches of native vegetation, including the condition, extent (in hectares), Ecological Vegetation Class and bioregional conservation status. • The location, number, circumference (in centimetres measured at 1.3 metres above ground level) and species of any large trees within patches. • The location, number, circumference (in centimetres measured at 1.3 metres above ground level) and species of any scattered trees, and whether each tree is small or large. <p>This report, see NVR report</p>
11	<p>Information about impacts on rare or threatened species habitat, including:</p> <ul style="list-style-type: none"> • The relevant section of the <i>Habitat importance map</i> for each rare or threatened species requiring a species offset. <p>No species requires a species offset, see NVR report</p> <ul style="list-style-type: none"> • For each rare or threatened species that the native vegetation to be removed is habitat for, according to the Habitat importance maps: <ul style="list-style-type: none"> – the species' conservation status Not applicable – the proportional impact of the removal of native vegetation on the total habitat for that species Not applicable – whether their habitats are highly localised habitats, dispersed habitats, or important areas of habitat within a dispersed species habitat. Not applicable <p><i>Note: A report from DELWP systems and tools contains information required to address this application requirement.</i></p>

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STATE REVENUE OFFICE
PLANNING AND ENVIRONMENT ACT 1987**Metropolitan Planning Levy (MPL)**
Certificate

Kingston City Council

Certificate Number: MPLCERT16518

PO BOX 1000 Mentone

Issue Date: 12 August 2020

Mentone

Expiry Date: 10 November 2020

AUSTRALIA

PART 1 - APPLICANT DETAILS**Details of person who applied for this Certificate:**

Name: Kingston City Council

Address: PO BOX 1000 Mentone
Mentone
AUSTRALIA

PART 2 - LEVIABLE LAND DETAILS**Address of land to which the Metropolitan Planning Levy applies:**

Street Address: 206-220 Bay Trail Trail
Mordialloc VIC 3195

Formal Land Description:

Vol/Folio: **Lot/Plan:** 19 / **Block/Subdivision:**

Crown Reference: Parish / Township: Mordialloc Portion: Section: Crown Allotment: 19/24

Other: Peter Scullin Reserve, Crown Allotment 19, Section 24, Parish of Mordialloc. Submitted Owner contact details not DELWP - refer to Kingston City Council contact, as land manager.

Municipality: Kingston City Council

Estimated Cost of Development: \$1,656,787

PART 3 - MPL PAYMENT DETAILS

MPL Application ID: MPL16518

MPL Paid: \$2,154.10

MPL Payment Date: 6 August 2020

PART 4 - CERTIFICATION

The Commissioner of State Revenue confirms that the whole of the amount of the MPL has been paid in respect of the estimated cost of development.

Paul Broderick
Commissioner of State Revenue

PART 5 – EXPLANATORY NOTES

General

- The Metropolitan Planning Levy (MPL) is imposed for the privilege of making a leviable planning permit application.
- A leviable planning permit application is an application made to a responsible authority or planning authority under sections 47 and 96A of the *Planning and Environment Act 1987* (PEA) for a permit required for the development of land in metropolitan Melbourne, where the estimated cost of the development for which the permit is required exceeds the threshold amount (see MPL threshold amount).
- As a statutory requirement of making a leviable planning permit application, the applicant must give the responsible authority or planning authority a current MPL Certificate. The estimated cost of development stated in the MPL Certificate must be equal to or greater than the estimated cost of the development stated in the leviable planning permit application. If an applicant fails to comply with this requirement, the application for the leviable planning permit is void.
- The applicant for the leviable planning permit application is liable for the MPL.
- The Commissioner of State Revenue (Commissioner) has the general administration of the MPL.

MPL threshold amount

- The threshold amount is \$1 million for the 2015-2016 financial year.
- For the financial year beginning on 1 July 2016 and each subsequent financial year, the Consumer Price Indexed (CPI) adjusted threshold amount will be calculated in accordance with section 96R of the PEA.
- On or before 31 May each year, the Commissioner must publish the CPI adjusted threshold amount for the following financial year on the SRO website.

How MPL is calculated

- The amount of MPL is \$1.30 for every \$1000 of the estimated cost of the development for which the leviable planning permit is required.
- If the estimated cost of the development for which the leviable planning permit is required is not a multiple of \$1000, the estimated cost is to be rounded up or down to the nearest \$1000 (and, if the amount by which it is to be rounded is \$500, it is to be rounded up).

Notification and Payment of MPL to the Commissioner

- Before making a leviable planning permit application, the applicant must submit a completed Application for Metropolitan Planning Levy (MPL) Certificate and pay the whole MPL amount to the Commissioner. This Application must state the estimated cost of the development and any other information required by the Commissioner.
- If, after the Commissioner has issued a MPL Certificate which has not expired (see MPL Certificate), and the estimated cost of the development increases before the leviable planning permit application is made, the applicant must submit an Application for Metropolitan Planning Levy (MPL) Certificate (*Revised*) and pay the whole additional MPL amount to the Commissioner. This revised Application must state the increased estimated cost of the development and any other information required by the Commissioner.

MPL Certificate

- The Commissioner must issue a MPL Certificate if he is satisfied that the whole amount of the MPL has been paid in respect of the estimated cost of the development.
- Subject to section 96U(3) of the PEA, a MPL Certificate expires 90 days after the day on which it is issued.

Revised MPL Certificate

- The Commissioner must issue a revised MPL Certificate if:
 - the Commissioner has issued a MPL Certificate, which has not expired;
 - the estimated cost of the development increases before the application for a leviable planning permit is made; and
 - he is satisfied that the whole amount of the MPL has been paid in respect of the increased estimated cost of the development.
- The Commissioner may also issue a revised MPL Certificate to:
 - Correct any error in the information listed in the MPL Certificate (except the estimated cost of development as explained below), or
 - the estimated cost of the development stated in the MPL Certificate is different from the estimated cost of the development stated in the Application for Metropolitan Planning Levy (MPL) Certificate lodged by the applicant.
- A revised MPL Certificate expires 90 days after the day on which it is issued.

Refund of MPL

- The only circumstance under which a person who has paid a MPL is entitled to a refund is where there has been a mathematical error in calculating the amount of the MPL by reference to the estimated cost of the development stated in the original or revised Application for Metropolitan Planning Levy (MPL) Certificate. Other than that, a person who has paid a MPL is not entitled to a refund of the whole or any part of the MPL.

Certificate number

- The Certificate number is on the top right corner on the front of this Certificate.
- Quoting this Certificate number will give you access to information about this Certificate and enable you to enquire about your application by phone.
- You should quote this number in any correspondence.

For more Metropolitan Planning Levy information please contact the State Revenue Office:

Mail State Revenue Office, GPO Box 4376, MELBOURNE VIC 3001 or DX260090 Melbourne	Internet www.sro.vic.gov.au Email mpl@sro.vic.gov.au Phone 13 21 61 (local call cost) Fax 03 9628 6856
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Peter Scullin Reserve, Mordialloc: Proposed Changing Places Facility

Cultural Heritage Management Plan Number: 17069



Sponsor: City of Kingston

Heritage Advisor: Emily Knowles (TerraCulture)

Author: Emily Knowles (TerraCulture)

Date: 22 May 2020

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Peter Scullin Reserve, Mordialloc:
Proposed Changing Places Facility
Cultural Heritage Management Plan Number: 17069

Front Cover: Looking across the activity area, facing south.

Activity Size: Small

Assessment: Desktop, Standard and Complex Assessment

Aboriginal Cultural Heritage: Not present within the activity area

Sponsor: City of Kingston

Heritage Advisor: Emily Knowles (TerraCulture)

Author: Emily Knowles (TerraCulture)

Date: 22 May 2020

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20/180112

Aboriginal Heritage Act 2006
Section 65

Cultural Heritage Management Plan– Notice of Approval

CHMP Name:	Peter Scullin Reserve, Mordialloc: Proposed Changing Places Facility		
CHMP Number:	17069		
Sponsor:	City of Kingston	ABN/ACN:	80 640 377 247
Heritage Advisor(s):	Emily Knowles		
Author(s):	Emily Knowles (TerraCulture Pty Ltd)		
Cover date:	22 May 2020	Pages:	I-VII, 1-117

TO BE COMPLETED BY THE SECRETARY (OR DELEGATE)	Yes	No
I have considered the Evaluation Report for this CHMP and:		
<i>I am satisfied that the CHMP has been prepared in accordance with the standards prescribed for the purposes of section 53 of the Aboriginal Heritage Act 2006.</i>	✓	
<i>I am satisfied that the CHMP adequately addresses the matters set out in section 61.</i>	✓	
<i>In considering this application, I consulted with and considered the views of Aboriginal persons or bodies I considered relevant to the application.</i>	✓	
<i>I have given proper consideration to any relevant human rights</i>	✓	
<p>I, Harry Webber, Director Heritage Services Aboriginal Victoria, acting under authority delegated to me by the Secretary, Department of Premier and Cabinet, and pursuant to section 65(2) of the <i>Aboriginal Heritage Act 2006</i> hereby <u>approve / refuse to approve</u> this cultural heritage management plan:</p> <p>Signed:  HARRY WEBBER</p> <p>Dated: 10 June 2020</p>		
<ul style="list-style-type: none"> This notice of approval should be inserted after the title page and bound with the body of the management plan. The recommendations in this management plan are now compliance requirements. Officers from the Department of Premier and Cabinet may attend the subject land to monitor compliance with the recommendations. 		

Executive Summary

Compliance requirements are set out in Part 1 of the Cultural Heritage Management Plan.

Nature and Extent of Proposed Works

The activity area is located within the southern end of Peter Scullin Reserve, west of Pier Rd in Mordialloc, in the municipal district of the City of Kingston. The activity area comprises Lot P360748 in the Parish of Mordialloc. Access is via Pier Road. The activity area is approximately 2363m², which makes it a small activity area according to Regulation 81 of the Aboriginal Heritage Regulations.

The proposed activity involves the construction of a changing places facility (approximately 150m²) and will include toilet facilities, rainwater storage area, battery storage area, and associated power and plumbing services. The approximate maximum depth of excavation for the construction of the facility is 1.4m, for the footings.

Results of the Cultural Heritage Assessment

The Desktop Assessment determined that there were no registered Aboriginal places within the activity area. There have been many studies and previous CHMPs in the geographic region, and over half have resulted in the identification of Aboriginal cultural heritage. Where Aboriginal cultural heritage has been recorded in the geographic region, it has been in the form of scarred trees, shell middens, stone artefact scatters, low density artefact distributions, and one Aboriginal historical place.

A pedestrian survey found that a large portion of the activity area was covered by an asphalt carpark and concrete footpath. The Standard Assessment did not result in the identification of any Aboriginal cultural heritage.

Subsurface testing confirmed theories that the area had been subjected to ground disturbance. No Aboriginal cultural heritage was identified in the area affected by the proposed activity during the subsurface testing program.

Details of Aboriginal Cultural Heritage in the Activity area

No Aboriginal cultural heritage was identified during the assessment.

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Part 1: Conditions

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Part 1: Cultural Heritage Management Conditions

Note: These conditions become compliance requirements once the Cultural Heritage Management Plan is approved. Failure to comply with a condition is an offence under Section 67A of the *Aboriginal Heritage Act 2006*.

The Cultural Heritage Management Plan must be readily accessible to the Sponsor and their employees and contractors when carrying out the activity.

1.0 Cultural Heritage Management Conditions

1.1 General Cultural Heritage Management Conditions

1.1.1 CHMP on site

A hard copy of the approved Cultural Heritage Management Plan (CHMP) must be kept on site during all stages of the activity. The CHMP Conditions and Contingencies must be referred to if any suspected Aboriginal Cultural Heritage is identified.

1.2 Specific Cultural Heritage Management Conditions

No Aboriginal cultural heritage was recorded, and no landforms of potential sensitivity were discovered in the activity area during the CHMP. Therefore, there are no specific cultural heritage management conditions. However, in the case of an unexpected discovery, the contingency plans in Section 2 will come into effect.

Part 1: Conditions

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2.0 Contingency Plans

A management plan must include contingency plans for the following:

1. The matters referred to in Section 61 of the *Aboriginal Heritage Act 2006*.
2. The resolution of any disputes between the sponsor and relevant RAPs or AAG in relation to the implementation of an approved management plan or the conduct of the activity (if a RAP is evaluating the management plan).
3. Reviewing compliance and mechanisms for remedying non-compliance.
4. The management of Aboriginal cultural heritage found during the activity.
5. The notification, in accordance with the Act, of the discovery of Aboriginal cultural heritage during the carrying out of the activity.

If the activity is a subdivision referred to in Regulation 49, a management plan must also include specific contingency plans [Clause 13(2) Schedule 2 of the Regulations] for:

1. How each lot is intended to be used or developed by the sponsor; or
2. If a lot is not intended to be used or developed by the sponsor; the use or development of the lot permitted under the relevant planning scheme.

2.1 Discovery of Aboriginal Human Remains during Works

If any suspected human remains are found during any activity, works must cease. The Victoria Police and the State Coroner's Office should be notified immediately. If there are reasonable grounds to believe the remains are Aboriginal, the Coronial Admissions and Enquiries hotline must be contacted immediately on 1300 888 544. This advice has been developed further and is described in the following 5-step contingency plan.

Any such discovery at the Activity area must follow these steps.

2.1.1 Stop Works

1. If suspected human remains are discovered, all activity in the vicinity must stop.
2. The remains must be left in place and protected from harm or damage.

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2.1.2 Notification of Relevant Parties of Discovery

1. If suspected human remains have been found, the State Coroner's Office and the Victoria Police must be notified immediately;
2. If there are reasonable grounds to believe the remains are Aboriginal Ancestral Remains, the Coronial Admissions and Enquiries hotline must be immediately notified on 1300 888 544;
3. All details of the location and nature of the human remains must be provided to the relevant authorities;
4. If it is confirmed by these authorities the discovered remains are Aboriginal Ancestral Remains, the person responsible for the activity must report the existence of them to the Victorian Aboriginal Heritage Council in accordance with section 17 of the *Aboriginal Heritage Act 2006*.

2.1.3 Impact Mitigation of Salvage

1. The Victorian Aboriginal Heritage Council, after taking reasonable steps to consult with any Aboriginal person or body with an interest in the Aboriginal Ancestral Remains, will determine the appropriate course of action as required by section 18(2)(b) of the *Aboriginal Heritage Act 2006*;
2. An appropriate impact mitigation or salvage strategy as determined by the Victorian Aboriginal Heritage Council must be implemented by the Sponsor.

2.1.4 Curation and Further Analysis

1. The treatment of salvaged Aboriginal Ancestral Remains must be in accordance with the direction of the Victorian Aboriginal Heritage Council.

2.1.5 Reburial

1. Any reburial site(s) must be fully documented by an experienced and qualified archaeologist, clearly marked, and all details provided to Aboriginal Victoria.
2. Appropriate management measures must be implemented to ensure that the remains are not disturbed in the future.

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2.2 Discovery of Aboriginal Cultural Heritage during Activity

The procedure outlined in this section applies in the event of the discovery of any unexpected Aboriginal Cultural Heritage, excluding Aboriginal human remains (which are covered in Section 2.1 of this plan), during the course of the Activity.

2.2.1 Discovery

1. If any person discovers Aboriginal Cultural Heritage or suspected Aboriginal Cultural Heritage during the activity, then works at the immediate location must then be suspended.
2. The person in charge of works must be immediately notified of the discovery or suspected discovery.
3. An exclusion zone of at least 10 metres around the site must be established using fencing, safety webbing or another suitable barrier with “no-go zone” signage attached and visible at all times, pending evaluation of the Aboriginal Cultural Heritage and the determination of an appropriate course of action. Works can recommence and continue outside the buffer zone in which the Aboriginal Cultural Heritage was uncovered and/or identified.

2.2.2 Notification

1. The Sponsor or its Contractor must immediately notify a Heritage Advisor of the discovery of Aboriginal Cultural Heritage and its location. Within two working days of notification, the Heritage Advisor will attend the site to assess the cultural heritage material.

2.2.3 Evaluation

1. The Heritage Advisor must take immediate steps to evaluate the nature and extent of the Aboriginal Cultural Heritage.
2. As part of this evaluation the Heritage Advisor must determine whether the identified Aboriginal cultural heritage is part of a previously identified Aboriginal Heritage Place or should be recorded and registered as a new place.
3. During the evaluation, the Heritage Advisor engaged under this section must register the details of any discovery by using appropriate site record cards and associated documentation in accordance with Aboriginal Victoria's Standards. The Heritage Advisor must ensure that all

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relevant information, including spatial data information is lodged with the Victorian Aboriginal Heritage Register.

4. The sponsor and the Heritage Advisor must ensure that any such evaluation is completed and lodged with the VAHR within 2 weeks.

2.2.4 Determination of Course of Action

Isolated or low-density artefact distributions of Aboriginal Cultural Heritage

For isolated or low-density artefact distributions (e.g. up to 10 stone artefacts within an area of approximately 10m x 10m, or 100m²) in a disturbed context no further management is required other than recording the material pursuant to Section 2.2.3.

Other Aboriginal cultural heritage

For other Aboriginal Cultural Heritage (e.g. artefact scatters (more than 10 stone artefacts within 10m x 10m, or 100m²), *in situ* artefact deposits (including *in situ* isolated artefacts) and other site types such as scarred trees, mounds and middens), the following steps must be taken:

1. A decision must be made by a Heritage Advisor in consultation with the RAP (or Traditional Owner Group(s) where a RAP has not been appointed) within a period not exceeding 3 working days from the completion of the evaluation of the Aboriginal cultural heritage, on the process to be followed to manage the discovered Aboriginal Cultural Heritage in a culturally appropriate manner, and how to proceed with the works.
2. Impacts to Aboriginal cultural heritage must be avoided where possible. Where it is not possible to avoid impacts, impacts should be minimised. Where it is not practicable to avoid or minimise harm to the discovered Aboriginal cultural heritage, then mitigation measures may be necessary such as an archaeological salvage excavation of part, or all, of the Aboriginal Place.
3. If a salvage excavation is deemed appropriate, it must be undertaken using archaeological best practice and supervised by a suitably qualified archaeologist. Representatives from the RAP (or Traditional Owner group(s) where a RAP has not been appointed) must be invited to participate and help develop a methodology and research design. The research design must include clear objectives for obtaining a better understanding of the cultural heritage present.
 - a. The salvage program must be appropriate for the site type(s) and the extent, nature and significance of the Aboriginal cultural heritage.

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- b. Any subsurface excavations must be excavated in stratigraphic layers or controlled arbitrary spits of 50mm or 100mm to a culturally sterile base.
 - c. All excavated deposits must be screened using archaeological sieves with a mesh size not exceeding 5mm.
 - d. Dating samples must be collected (e.g. Radiocarbon, TL, OSL) and processed from any suitable archaeological deposit that will add to the understanding of the cultural heritage.
 - e. The salvage excavation methodology must include controlled and detailed recording of the deposits present within the Place, including depth and distribution of artefacts and/or features.
4. At the completion of the salvage excavations, it is the responsibility of the Sponsor to ensure the following is completed:
- a. Catalogue any salvaged artefacts.
 - b. Analyse the results of the salvage and any catalogued artefacts.
 - c. Label and package any artefacts with reference to provenance.
 - d. Temporarily store any salvaged artefacts for a period not exceeding 12 months, until they can be returned to the RAP (if one exists for the area) or relevant Traditional Owner group(s) or custodian, as per the list in Section 2.2.6.
 - e. Consult with the RAP (if one exists for the area) or relevant Traditional Owner group(s) and the Sponsor regarding the potential to rebury any artefacts as close as practicable to the original location according to an agreed upon reburial practice. If the RAP or TO groups attend the reburial of the artefacts, they may wish to conduct a smoking ceremony. The location of the reburied artefacts must be recorded by a HA and the relevant VAHR Place record updated.
 - f. A salvage report detailing the results of the excavation and artefact analysis must be submitted to AV within 3 months depending on the size and complexity of the salvage.

The cost of the salvage excavation and associated requirements will be borne by the Sponsor.

2.2.5 Recommencement of Works

1. Works can recommence in the relevant area once all necessary recordings have occurred by a Heritage Advisor, and:

Part 1: ConditionsPeter Scullin Reserve, Mordialloc
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- a. Works can resume without risk to the discovered Aboriginal Cultural Heritage; or
 - b. The discovered Aboriginal Cultural Heritage has been removed from the relevant part of the works area (i.e. through salvage excavations); or
 - c. The actions agreed under Section 2.2.4 have been fully implemented.
2. It is the responsibility of the Sponsor to ensure all Aboriginal cultural heritage records are updated and approved by the VAHR.

2.2.6 Custody and Management of Aboriginal Heritage Identified during Works

1. Custody and management of any Aboriginal cultural heritage identified during works (other than Aboriginal human remains or sacred objects) should comply with the requirements established by the Act and be assigned according to the following order of priority:
 - a. any relevant RAP for the land from which the Aboriginal heritage is salvaged;
 - b. any relevant registered native title holder for the land from which the Aboriginal heritage is salvaged;
 - c. any relevant native title party (as defined in the Act) for the land from which the Aboriginal heritage is salvaged;
 - d. any relevant Traditional Owner or Owners of the land from which the Aboriginal heritage is salvaged;
 - e. any relevant Aboriginal body or organisation which has historical or contemporary interests in Aboriginal heritage relating to the land from which the Aboriginal heritage is salvaged;
 - f. the owner of the land from which the Aboriginal heritage is salvaged;
 - g. Museum Victoria.

2.3 Dispute Resolution

There is currently no RAP for the activity area; therefore, this contingency has no application.

2.4 Section 61 Matters

Section 61 of the Act refers to the following:

1. Whether the activity will be conducted in a way that avoids harm to Aboriginal cultural heritage;

Part 1: Conditions

Peter Scullin Reserve, Mordialloc
CHMP 17069

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2. If it does not appear possible to conduct the activity in a way that avoids harm to Aboriginal cultural heritage, whether the activity can be conducted in a way that minimises harm to Aboriginal cultural heritage;
3. Any specific measures required for the management of Aboriginal cultural heritage likely to be affected by the activity, both during and after the activity;
4. Any contingency plans required in relation to disputes, delays and other obstacles that may affect the conduct of the activity; and
5. Requirements relating to the custody and management of Aboriginal cultural heritage during the course of the activity.

The impact assessment of the activity in relation to Section 61 matters are discussed in Section 11.0 of this report. Section 61 matters related to undiscovered Aboriginal cultural heritage are discussed in Section 2.2 of this report.

2.5 Reviewing Compliance

Section 67A of the *Aboriginal Heritage Act* 2006 states that the sponsor must comply with an approved cultural heritage management plan.

(1) The sponsor of an approved cultural heritage management plan is guilty of an offence if:

- a. The sponsor by an act or omission fails to comply with the conditions of the approved cultural heritage management plan; and
- b. At the time of the act or omission the sponsor knew that the act or omission failed to comply with the conditions of the plan.

(2) A sponsor of an approved cultural heritage management plan who is guilty of an offence under subsection 1 is liable to a penalty not exceeding:

1. In the case of a natural person, 600 penalty units; or
2. In the case of a body corporate, 3000 penalty units.

(3) The sponsor of an approved cultural heritage management plan is guilty of an offence if:

1. The sponsor by act or omission fails to comply with the conditions of the approved cultural heritage management plan; and

Part 1: Conditions

Peter Scullin Reserve, Mordialloc
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2. At the time of the act or omission the sponsor was reckless as to whether the act or omission failed to comply with the conditions of the plan.

(4) A sponsor of an approved cultural heritage management plan who is guilty of an offence under subsection 3 is liable to a penalty not exceeding:

1. In the case of a natural person, 300 penalty units; or
2. In the case of a body corporate, 1500 penalty units.

(5) The sponsor of an approved cultural heritage management plan is guilty of an offence if:

1. The sponsor by act or omission fails to comply with the conditions of the approved cultural heritage management plan; and
2. At the time of the act or omission was negligent as to whether the act or omission failed to comply with the conditions of the plan.

(6) A sponsor of an approved cultural heritage management plan who is guilty of an offence under subsection 5 is liable to a penalty not exceeding:

1. In the case of a natural person, 60 penalty units; or
2. In the case of a body corporate, 300 penalty units.

To ensure that the work carried out complies with the conditions of the cultural heritage management plan, a copy of the approved CHMP including the compliance review checklist (Appendix B), must be present on site during the Activity and referred to as necessary.

20/180112

Part 2: Assessment

Peter Scullin Reserve, Mordialloc
CHMP 17069

TerraCulture Pty Ltd

Part 2: Assessment

3.0 Introduction

3.1 Reasons for Preparing the Management Plan

This CHMP has been prepared pursuant to s.47 of the *Aboriginal Heritage Act* 2006 (the 'Act'). The *Aboriginal Heritage Regulations* 2018 (the 'Regulations') specify the circumstances in which a CHMP is required for an activity or class of activity. Regulation 7 specifies that a CHMP is required if:

- All or part of the activity area is within an area of cultural heritage sensitivity; and
- All or part of the activity is a high impact activity.

Regulation 26 (1) defines land within 200 metres of a waterway as an area of cultural heritage sensitivity. Regulation 30 (1) defines coastal Crown land as an area of cultural heritage sensitivity. Regulation 31 (1) defines land within 200 metres of the high water mark of the coastal waters of Victoria or any sea within the limits of Victoria as an area of cultural heritage sensitivity. Regulation 40 (1) defines a dune or a source bordering dunes as an area of cultural heritage sensitivity. Therefore, the Activity area lies within an area of cultural heritage sensitivity. There are no registered Aboriginal Heritage Places within the activity area.

The activity falls under Regulation 46 (1) (a & b) (xv); the construction of a building for or associated with the use of land for the purpose of a minor sports and recreation facility which would result in significant ground disturbance. Therefore, the activity is a high impact activity within the *Aboriginal Heritage Regulations* 2018.

As a result, this is a *mandatory* CHMP under Section 46 (a) of the Act.

3.2 Notices Given

On February 7, 2020, under Section 54 of the *Act*, the Sponsor submitted a written *Notice of Intention to Prepare a Management Plan* (NOI) to Aboriginal Victoria. A copy of the NOI is included in this CHMP as Appendix A.

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3.3 Relevant Parties

3.3.1 Sponsor

The Sponsor for this Management Plan is the City of Kingston:

Juli Stickler

1230 Nepean Highway,

Cheltenham, VIC 3192

Ph: (03) 9581 4353

Mobile: 0409 470 961

Email: juli.stickler@kingston.vic.gov.au

ABN: 80 640 377 247

3.3.2 Heritage Advisors

The Heritage Advisor, supervising archaeologist and author for this CHMP is Emily Knowles. Emily holds a Master of Professional Archaeology (2019) from La Trobe University and a Bachelor of Arts (Global), from Monash University (2016). Emily is a qualified Heritage Advisor under the *Aboriginal Heritage Act* 2006. Emily has two years' experience working as an archaeologist within the cultural heritage management industry in Victoria.

3.3.3 Registered Aboriginal Parties (RAPs)

The *Aboriginal Heritage Act* 2006 requires consultation with any Registered Aboriginal Parties (RAPs) under the Act. At the commencement of the CHMP there is no RAP for the activity area. Therefore, this CHMP will be submitted to Aboriginal Victoria for evaluation. There are three Traditional Owner groups for the activity area and these groups will be consulted and invited to participate in any fieldwork.

The Aboriginal Traditional Owner groups are:

- Bunurong Land Council Aboriginal Corporation (BLCAC).
- Boon Wurrung Foundation (BWF).
- Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation.

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3.3.4 Owners and Occupiers of Relevant Land

The activity area is situated at the southern end of Peter Scullin Reserve in Mordialloc, on Crown Land currently managed by the City of Kingston. The entirety of the activity area is reserved for public use.

3.4 Location of the Activity area

The activity area is located within the southern end of Peter Scullin Reserve, west of Pier Rd in Mordialloc. Peter Scullin Reserve is surrounded by the Mordialloc Life Saving Club to the north-west, Beach Rd to the east, Pier Rd to the south, and the Port Phillip coast to the west. It is located within Mordialloc, in the municipal district of the City of Kingston. Mordialloc is located on the coast of Port Phillip Bay and approximately 26km south-east from the Melbourne CBD. The activity area comprises Lot P360748 in the Parish of Mordialloc. Access is via Pier Road.

The activity area is approximately 2363m², which makes it a small activity area according to Regulation 81 of the Aboriginal Heritage Regulations.

3.5 Acknowledgements

TerraCulture wishes to acknowledge the following people and organisations for their contribution to the preparation of this Management Plan:

- Juli Stickler (City of Kingston)
- Justin Cote (Boon Wurrung Foundation)



4.0 Activity Description

4.1 Proposed Activity

The activity area is approximately 2,363m², although the activity will only affect a relatively small portion of the area. The proposed activity involves the construction of a changing places facility (approximately 150m²) in the form of a single-storey masonry walled building and will include the following features:

- Male, Female, disabled and unisex amenities, including toilets.
- Battery storage area.
- Rainwater storage area.
- Miscellaneous and ATV storage area.
- Wall mounted bike racks.
- Associated power and plumbing services to the facility.

The current concrete walking path located to the north of the proposed facility will also be marginally realigned to accommodate the building.

Figure 1 shows the overall site plan for the activity and more detailed activity plans are provided in Appendix D.

4.2 Ground Disturbance

Ground disturbance will occur throughout the activity area to varying depths, however the areas by which the majority of the ground disturbance will occur are localised to the building itself, an area of approximately 150m². A geotechnical investigation was conducted by Statewide Geotechnical on April 3rd, 2020, to determine the maximum depth of ground disturbance required to support the footing system and founding depth for the grading slab that will support the changing places facility. Unfortunately, these investigations were unable to be conducted prior to the Standard and Complex Assessments, due to timing issues. The geotechnical investigation concluded that the structurally loaded internal beams should penetrate through fill material and at least 100mm into underlying natural silty sand. Therefore, the proposed maximum depth of ground disturbance will be 1.4m, for the footings.

Further information regarding the geotechnical investigation conducted at the site are provided in Section 7.9 and in Appendix F.



5.0 Extent of Activity Area

The activity area is located within Peter Scullin Reserve, situated off Pier Rd to the south, Beach Rd to the east, and the Port Phillip coast to the west, in Mordialloc, in the municipal district of the City of Kingston.

The activity area covers an area of approximately 2,363m² and comprises Lot P360748 in the Parish of Mordialloc. The activity area is owned and managed by the City of Kingston and incorporates a walking path network, asphalt carpark and mulched landscaped garden bed. The area within the southern section of the activity area will be primarily affected by the proposed activity. The extent of the activity area is shown in Map 1.

Address	Peter Scullin Reserve, Mordialloc VIC
Activity area Size	Approximately 2,363m ²
Cadastral Details	Lot P360748
Parish	Mordialloc
Local Government Area	City of Kingston
LGA Zoning	Public Park and Recreation Zone

Table 1: Cadastral details of the Activity area.

5.1 Existing Conditions

The activity area consists largely of open space grassed parkland with small patches of native shrubs and trees, including casuarina and bottle bush trees. The land both to the north and west of the activity area consists of low moulded dune sands. A concrete walking path runs north-south through the centre of the activity area, and outdoor lighting is located around the margins. An asphalt carpark is located to the east of the activity area, and a café is located on the eastern side of the carpark.

6.0 Documentation of Consultation

6.1 Consultation in Relation to the Assessment

The following table provides details of the consultation in relation to the assessment of the activity area for the purposes of the management plan.

Date	Participants	Consultation Type
07 Feb 2020	TerraCulture- Emily Knowles Aboriginal Victoria	Notice of Intent to prepare Cultural Heritage Management Plan submitted to AV and given the CHMP number 17069. As this is outside of a RAP area, the CHMP will be evaluated by AV.
05 Mar 2020	TerraCulture- Catherine Webb TerraCulture- Emily Knowles Boon Wurrung Foundation (BWF) Bunurong Land Council Aboriginal Corporation (BLCAC) Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC).	Fieldwork booking forms sent to three relevant Aboriginal groups. BWF were available to provide field representatives and fieldwork booking forms were sent to this group.
12 Mar 2020	Daniel Barker (TerraCulture) Emily Knowles (TerraCulture) Justin Cote (BWF)	Fieldwork involved a surface survey and subsurface excavation and the results were discussed with the Aboriginal community representative on site. The representative agreed with the assessment that the activity area has been subject to a high level of disturbance. Only a representative from BWF attended.

Table 2: Documentation of consultation in relation to the assessment.

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6.2 Participation in the Conduct of the Assessment

Table 3 records the personnel and organisations that participated in the conduct of the Desktop, Standard and Complex Assessments for this CHMP.

Dates	Name	Organisation	Role
12 Mar 2020	Justin Cote	BWF	TO representative, Standard and Complex Assessments
12 Mar 2020	Emily Knowles	TerraCulture	Supervising Archaeologist/ HA, Standard and Complex Assessments
12 Mar 2020	Daniel Barker	TerraCulture	Field Archaeologist, Standard and Complex Assessments

Table 3: List of participants and organisations involved in the assessment.

6.3 Summary of Outcomes of Consultation

At the time of the assessment, there was no designated Registered Aboriginal Party for the activity area. Three Aboriginal organisations are stakeholders in the activity area and were consulted and invited to participate in the conduct of the assessment: the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation (WWCHAC), the Bunurong Land Council Aboriginal Corporation (BLCAC) and the Boon Wurrung Foundation (BWF). The BWF participated in the fieldwork for this CHMP. Consultation resulted in the BWF representative being satisfied with the extent of surface and subsurface testing to adequately investigate the potential of the activity area to contain Aboriginal cultural heritage and to address any management concerns.

7.0 Desktop Assessment

7.1 Search of the Victorian Aboriginal Heritage Register (VAHR)

Aboriginal Victoria (AV) maintains the Victorian Aboriginal Heritage Register (VAHR). The VAHR is an online register of all recorded Aboriginal archaeological sites, Aboriginal Historic Places and a library of all published and unpublished reports describing investigations of Aboriginal Cultural Heritage Places in Victoria. The VAHR was first accessed by Emily Knowles on the 7th of February 2020.

Background research was also undertaken into the cultural heritage context and environmental history of the activity area. This involved reviewing existing information on the activity area including:

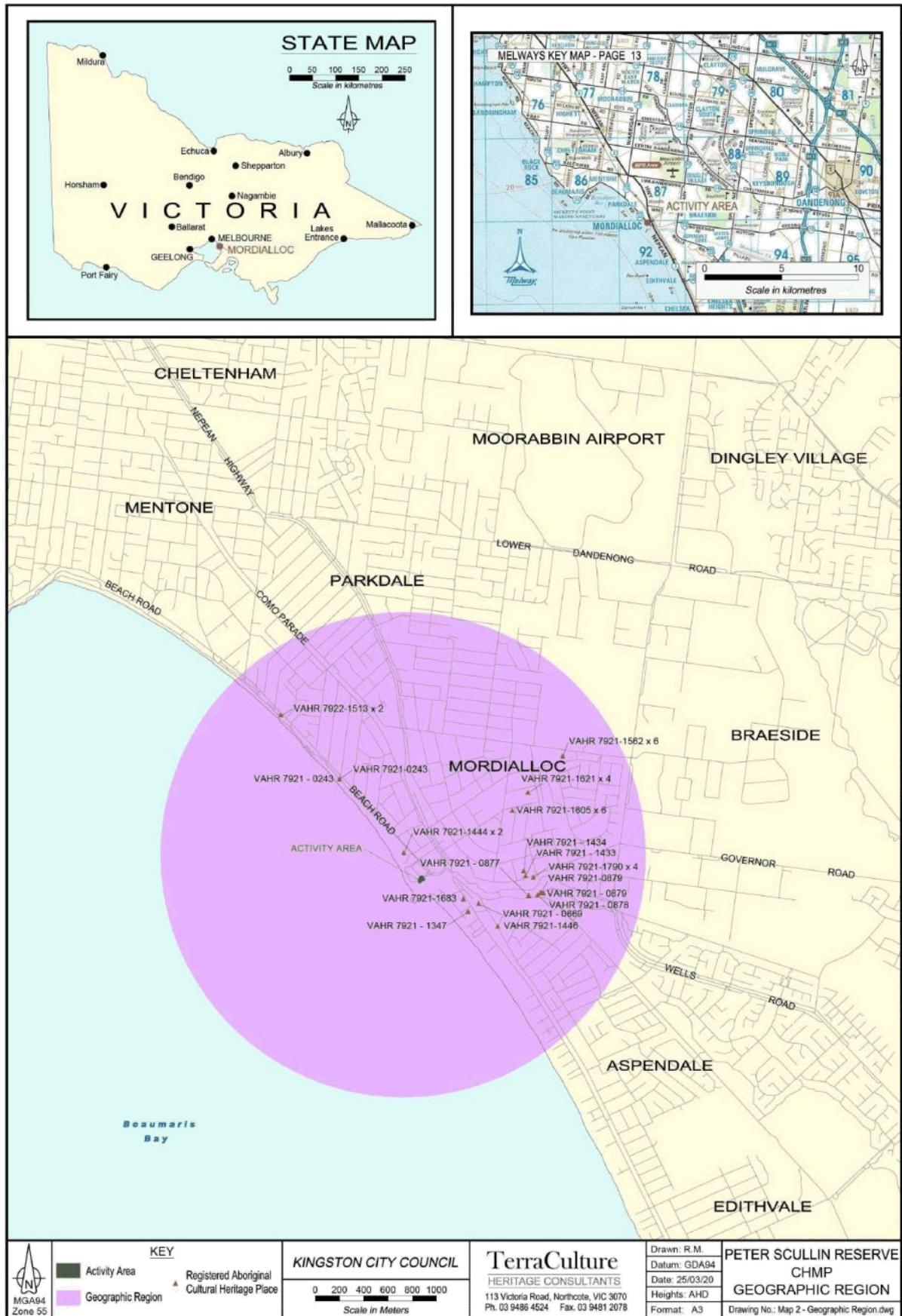
- Any reports from previous heritage surveys undertaken in or within the vicinity of the activity area or on any relevant cultural heritage matters;
- Any published works about cultural heritage in the relevant geographic region;
- Any historical and ethno-historical accounts of Aboriginal occupation of the relevant geographic region; and
- Any oral history relating to the activity area.

There were no limitations of obstacles in the conduct of the desktop assessment.

7.2 The Geographic Region

For the purposes of this CHMP the geographic region is within a 2km radius of the Activity area, providing a relevant sample of the landforms and geomorphological regions in the area. The region has been selected as it provides an important dataset for predicting the nature, extent and significance of any Aboriginal cultural heritage places in the activity area. The geographic region samples a variety of geological formations and environmental vegetation classes (EVCs) which likely influenced Aboriginal occupation of the area in and around the activity area through the availability of resources. The activity area is situated between the Port Phillip Coast and the geological formation identified as Unnamed Coastal Dune Deposits (QdI1), Holocene in age. It also falls within the geomorphic division of the South Victorian Coastal Plains (Gippsland Plain bioregion) and land system known as the Barrier Complexes, which are Quaternary in age. The Barrier Complexes lie along the coast, closely bordered by sand sheets (VRO; Land Systems of Victoria 2000: 41).

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7.3 VAHR Search Results

7.3.1 Aboriginal Cultural Places within the Activity Area

An examination of the data held at the VAHR showed no Registered Aboriginal Places within the activity area at the time of preparation.

7.3.2 Aboriginal Cultural Places in the Geographic Region

There are no registered Aboriginal Cultural Places within the activity area and the nearest is a Low-Density Artefact Distribution located approximately 226m to the north-west.

There are 17 registered Aboriginal Cultural Places forming a total of 37 individual components within the geographic region (Table 4). These consist of Low-Density Artefact Distributions, Artefact Scatters, Shell Middens, one Scarred Tree and one Aboriginal Historical Place.

Component Place Number	Aboriginal Place Name	Component Type	Distance from Activity area (m)
7921-0243-1	McINDOE PARADE 1	Shell Midden	1044
7921-0669-2	MORDIALLOC CREEK MIDDEN 1	Aboriginal Historical Place	529
7921-0669-1	MORDIALLOC CREEK MIDDEN 1	Shell Midden	529
7921-0877-1	MORDIALLOC CREEK MIDDEN 2	Shell Midden	907
7921-0878-1	MORDIALLOC CREEK MIDDEN 3	Shell Midden	981
7921-0879-1	MORDIALLOC CREEK SCARRED TREE	Scarred Tree	1001
7921-1347-1	14 Nepean Hwy Aspendale AS1	Artefact Scatter	474
7921-1433-1	21 Governor Road Mordialloc 2 IA	Artefact Scatter	864
7921-1434-1	21 Governor Road Mordialloc 1 IA	Artefact Scatter	860
7921-1444-1	Mordialloc Beach 1 IA	Low Density Artefact Distribution	236
7921-1444-2	Mordialloc Beach 1 IA	Low Density Artefact Distribution	236
7921-1446-1	Mordialloc Aboriginal Reserve	Aboriginal Historical Place	746
7921-1562-1	McDonald Street LDAD	Low Density Artefact Distribution	1545
7921-1562-2	McDonald Street LDAD	Low Density Artefact Distribution	1545
7921-1562-3	McDonald Street LDAD	Low Density Artefact Distribution	1545

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Component Place Number	Aboriginal Place Name	Component Type	Distance from Activity area (m)
7921-1562-4	McDonald Street LDAD	Low Density Artefact Distribution	1545
7921-1562-5	McDonald Street LDAD	Low Density Artefact Distribution	1545
7921-1562-6	McDonald Street LDAD	Low Density Artefact Distribution	1545
7921-1605-1	Bear Street Mordialloc LDAD 1	Low Density Artefact Distribution	943
7921-1605-2	Bear Street Mordialloc LDAD 1	Low Density Artefact Distribution	943
7921-1605-3	Bear Street Mordialloc LDAD 1	Low Density Artefact Distribution	943
7921-1605-4	Bear Street Mordialloc LDAD 1	Low Density Artefact Distribution	943
7921-1605-5	Bear Street Mordialloc LDAD 1	Low Density Artefact Distribution	943
7921-1605-6	Bear Street Mordialloc LDAD 1	Low Density Artefact Distribution	943
7921-1621-2	12 Woods Avenue Mordialloc LDAD	Low Density Artefact Distribution	1131
7921-1621-3	12 Woods Avenue Mordialloc LDAD	Low Density Artefact Distribution	1131
7921-1621-4	12 Woods Avenue Mordialloc LDAD	Low Density Artefact Distribution	1131
7921-1621-5	12 Woods Avenue Mordialloc LDAD	Low Density Artefact Distribution	1131
7921-1683-2	9 Nepean Highway LDAD	Low Density Artefact Distribution	400
7921-1782-1	Mordialloc Creek LDAD	Low Density Artefact Distribution	1027
7921-1782-2	Mordialloc Creek LDAD	Low Density Artefact Distribution	1027
7921-1790-1	George Woods Reserve	Low Density Artefact Distribution	935
7921-1790-2	George Woods Reserve	Low Density Artefact Distribution	935
7921-1790-3	George Woods Reserve	Low Density Artefact Distribution	935
7921-1790-4	George Woods Reserve	Low Density Artefact Distribution	935
7922-1513-2	Parkdale Yacht Club Shell Midden	Artefact Scatter	1752
7922-1513-1	Parkdale Yacht Club Shell Midden	Shell Midden	1752

Table 4: Showing the Aboriginal Cultural Heritage Places within the geographic region.

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Figure 2: Registered Aboriginal place types in the geographic region.

7.4 Previous Archaeological Work in the Geographic Region

There have been numerous previously approved Cultural Heritage Management Plans at the commencement of the current assessment and several other archaeological investigations and cultural heritage assessments undertaken previously within the geographic region. Several of these have resulted in the identification of the Aboriginal cultural heritage places presented in Table 4 above. Summaries of selected relevant reports are presented below.

7.4.1 Archaeological Work in the Geographic Region

Rhodes 2003

Rhodes (2003) undertook a review of Aboriginal Cultural Places along the Port Phillip Bay coastline as part of the channel deepening project. This study was conducted in order to assist with understanding the place types located around the bay, and to develop predictive models for Aboriginal Cultural Heritage material occurrence within the area. The study identified that the predominant place types located in the area were shell middens, with the only other site type recorded being Aboriginal Historical Places. The majority of places in this sample area were located immediately adjacent to the coastline or within 50m

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of it, with the highest concentration recorded right on the coast in cliffs or sandy beach landforms (Rhodes 2003: 35-40).

Marshall, B & Webb, C 2000

Marshall and Webb (2000) surveyed the Kingston Foreshore area as part of the Aboriginal Cultural Heritage study for the City of Kingston. No new Aboriginal Places were identified during the survey, which the authors attributed to the high levels of modification the area had undergone in the years since European settlement. They did, however, identify that several areas in the Kingston City Council boundaries on the foreshore do retain scientific potential for Aboriginal Cultural Heritage material, including the area of cliffs and sections along Mordialloc Creek.

Ellender & Weaver 1994

Ellender and Weaver (1994) conducted an extensive survey of Port Phillip Bay, selecting areas that had not previously been subject to archaeological survey. These areas included the east coast, west coast and west coast hinterland of Port Phillip Bay. The survey of the east coast (20m wide transect from the Yarra River to Frankston) included part of the geographic region for the current CHMP. A total of 38 Aboriginal places were recorded consisting of 28 middens, six rock-wells and four scarred trees. The Aboriginal places appeared to relate to specific landform types: the scarred trees were associated with estuarine/creek landforms; the rock-wells were associated with rocky shorelines; and the middens were associated with both rocky and sandy shorelines. The shell middens primarily consisted of *Mytilus planulatus* (Common Mussel) and were generally in a poor state of preservation. Ellender and Weaver (1994) argued that the coastal middens reflected single-use occupations and a more diverse array of activities took place further inland and closer to water sources such as creeks and swamps. This would explain the lack of stone artefacts associated with the middens.

Presland, G 1983

Presland (1983) undertook a regional study of the greater Melbourne Metropolitan Area, which includes the current activity area within its boundaries. Presland identified five different landscape units into which the study area was divided; the Activity area falls within his 'Landscape Unit 1' which covers the eastern metropolitan area of the City of Melbourne, and was noted to feature:

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'...widespread occurrence and extent of swamp and marshy areas...the largest of these was Carrum Swamp which stretched from Mordialloc Creek to Kananook Creek and, at its widest part, inland to near present-day Bangholme' (Presland 1983, 5).

Presland identified ten Aboriginal Cultural Heritage Places within this 'Landscape Unit 1' which included six scarred trees located near the former borders of the Carrum Swamp, and four stone artefact scatters associated with the Maribyrnong River- located west of the Melbourne city and a great distance from the swamp. Presland also noted that high levels of disturbance have occurred throughout the landscape through construction and infrastructure works. Despite this, Presland identified that the Landscape Unit retains the potential to contain Aboriginal Cultural Heritage places, primarily as stone artefact scatters and scarred trees.

7.4.2 Previous CHMPs in the Geographic Region

At the time of preparation, a total of nineteen CHMPs had been completed within the geographic region, with over half resulting in the identification of Aboriginal cultural heritage. These reports are summarised below to provide a background on the nature and extent of previous archaeological investigations in the region.

Barker, A & Light A 2019

Barker and Light (2019) completed CHMP 16002 for the proposed construction of a childcare centre at Station Street in Aspendale. The Desktop Assessment identified a previously registered Aboriginal Heritage Place (VAHR 7921-1446) associated with the former Mordialloc Aboriginal Reserve in the Activity area. No Aboriginal cultural material was recorded during the Standard or Complex Assessments.

Barker, D & Marshall, B 2018

Barker and Marshall completed CHMP 14939 for the proposed redevelopment of a Yacht Club at Parkdale. The Desktop Assessment determined that while no previously registered Aboriginal Heritage Places exist within the Activity area, archaeological deposits within the dunes along the Kingston foreshore are likely to date to the last 2000 years. The Standard Assessment resulted in the identification of Aboriginal Cultural Heritage in the form of a marine shell midden (VAHR 7922-1513) eroding out of the top of the embankment slope. The Complex Assessment investigated areas within the Activity area including the shell midden, resulting in the identification of one quartz scraper.

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Verduci, J & Lovell, C 2018

Verduci and Lovell (2018) completed CHMP 15160 for the removal of fifty level crossings across Melbourne. The Desktop Assessment indicated that one previously registered place was located within the activity area: Mordialloc Aboriginal Reserve (VAHR 7921-1446). No Aboriginal cultural heritage material was recorded during the Standard Assessment, as ground surface visibility was very poor. One flaked stone artefact was recovered during the Complex Assessment resulting in the registration of an Aboriginal cultural heritage place in the form of an LDAD (VAHR 7922-1520).

Burch, J 2017

Burch (2017) completed CHMP 15299 for the proposed construction of three dwellings off the Nepean Highway in Aspendale. The Desktop Assessment indicated that there were no previously recorded Aboriginal places within the Activity area. During the Standard Assessment, no Aboriginal places were identified, however four areas of Aboriginal archaeological sensitivity were identified. During the Complex Assessment, one new Aboriginal place was recorded in the form of an isolated artefact: LDAD (VAHR 7921-1683). The stone artefact was discovered at a depth of approximately 30-40cm in black, compact damp sand.

Myers, S, Barker, D and Mirams, S 2016

Myers, Barker and Mirams (2016) completed CHMP 14073 for the proposed construction of five townhouses. The Desktop assessment showed that sections of the activity area were significantly disturbed due to the construction of a house and associated features, but that the remainder was not visibly disturbed. The likelihood of the presence of Aboriginal cultural heritage could not be determined during the Standard Assessment due to the dense cover of grass. One new Aboriginal place was identified during the Complex Assessment, in the form of a low density artefact distribution (VAHR 7921-1605).

Dugay-Grist, L, Cowled, A and Maher, M 2012

Dugay-Grist, Cowled and Maher (2012) completed CHMP 12243 for the proposed development of four units. The Desktop Assessment found that the area is part of the Koo Wee Rup Plain and had been subject to significant disturbance in the form of previous construction. The Standard Assessment indicated that the front and rear yards were not visually disturbed and therefore may hold potential for Aboriginal cultural heritage. Two isolated artefacts were identified during the Complex Assessment (VAHR 7921-1434 and 7921-1433) in the form of a quartz debitage and a quartzite debitage piece.

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Dugay-Grist, L & Maher, M 2011

Dugay-Grist and Maher (2011) completed CHMP 11806 for the proposed construction of a multi-unit development. The Desktop Assessment determined that the Activity area held moderate potential for archaeological material, due to the close proximity of the Mordialloc Reserve and Burial Ground (Historic Places 7.1-12 and 9.2-10). Poor surface visibility during the Standard Assessment meant that accurate determination of past Aboriginal use or occupation could not be identified. A single, low density subsurface stone artefact scatter was identified during the Complex Assessment (VAHR 7921-1347). This was made up of two silcrete artefacts found at depths of approximately 70-80cm. Lowe concluded that the Activity area was likely used in a transitory fashion, leaving few cultural remains.

Nicholson, O and Ward, J 2008

Nicholson and Ward (2008) completed CHMP 10041 for the examination of three possible Aboriginal archaeological sites which were located by City of Kingston staff members while engaged in revegetation works. The Desktop Assessment indicated that the area has Aboriginal cultural sensitivity as it lies within 200m of a waterway and within 30m of a previously recorded Aboriginal archaeological site. Three new Aboriginal archaeological sites were recorded during the survey, Mordialloc Creek Midden 2 (VAHR 7921-0877), Mordialloc Creek Midden 3 (VAHR 7921-0878) and Mordialloc Creek Scarred Tree (VAHR 7921-0879).

7.5 Aboriginal History in the Geographic Region

7.5.1 Aboriginal Pre-Contact History

By at least 40,000 years BP, all parts of the Australian continent (Sahul) had been colonised by Aboriginal people, including the south-eastern corner of the continent in what is currently known as Victoria (see Frankel 1995:15). Late Pleistocene dated Aboriginal archaeological sites in Victoria are uncommon and in open contexts are usually associated with specific types of landforms such as lunettes, terraces and swamps.

Geomorphologically, it is generally accepted that due to the unique preservation qualities of these specific landforms, they have the potential to preserve archaeological evidence that is demonstrably a consequence of Late Pleistocene Aboriginal activity.

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The ways Aboriginal people adapted to climatic changes during the late Pleistocene and Holocene periods are difficult to determine without a detailed chronology and other palaeoenvironmental and archaeological evidence. Certainly, these changes would have affected the demography of Aboriginal groups and the timing, duration and reasons for occupying different parts of Victoria. Some aspects of the local landscape may have remained relatively constant, such as the local hydrology and by extension, the importance of major creeks as the principal source of water. Other features like vegetation would have evolved with changes in climate and sea levels.

In Victoria, there are few Aboriginal cultural heritage places with late Pleistocene dates south of the Great Dividing Range (Coutts 1978: 152). In contrast, there is significant evidence of Aboriginal occupation in the Late Holocene period across Victoria.

Climatic changes during the late Pleistocene and Holocene periods led to the occupation of the volcanic plains to the north of Port Phillip Bay. During the Holocene, Aboriginal people seasonally occupied both the coast and hinterland (Coutts 1981: 15). The small tool tradition of the last 4,000 years represents the most prevalent artefact types identified in this southern region of Victoria (Bird and Frankel 1991: 141).

7.5.2 Historical and Ethnohistorical Accounts in the Region

Melbourne was one of the major locations from where Europeans colonised much of Victoria and there is a wealth of written and illustrated text on the Aboriginal people of the area. Europeans made first written observations on the Aboriginal people of Port Phillip from 1802, when explorers began to chart the entrance to Port Phillip Bay. However, most of the text relates to 1835 onwards when there was a permanent European presence.

The primary sources of this ethnohistory have been collated by Clark (1990) in his reconstruction of traditional language boundaries in western Victoria. These sources include journal entries and government correspondence produced by explorers such as Matthew Flinders and Charles Grimes, as well as settlers and missionaries, particularly G.A. Robinson, the Chief Aboriginal Protector.

The following notes are restricted to information on linguistic and clan organisation for the group of Aboriginal people whose former territory possibly included the Activity area. The identification of the language group that occupied this area in the past is problematic, and it appears that the Activity area was at or near the boundary between two groups; the *Woi wurrung* and the *Bun wurrung*.

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It is problematic to reconstruct Aboriginal social and language structures from the accounts of European observers, who are subject to biases, prejudices and misunderstandings. European settlement was a period of intense social upheaval which resulted in the almost complete loss of traditional land and the suppression of culture. It is problematic to attribute the behaviour of Aboriginal people during this period with those of the many millennia previous. For that reason, the ethnohistory does not necessarily represent the views of Aboriginal people living at the time, nor their ancestors living today.

7.5.3 Linguistic and Social Organisation

The East Kulin Language area covered central Victoria from the east side of Port Phillip Bay, north to the Murray River and included several language groups such as the *Bun wurrung* and *Woi wurrung* (Clark 1990: 364). The *Bun wurrung* clans were bordered by the *Woi wurrung* people with whom they held close ties and shared a closely related language with. The *Bun wurrung* language formed a dialect continuum with the *Woi wurrung*, *Ngurai-illam wurrung* and *Duang wurrung* (Clark 1990: 376).

Europeans first made written observations on the Aboriginal people of Victoria (then called the Port Phillip District) from 1802, when explorers began to chart the entrance to Port Phillip Bay. While Melbourne was one of the locations from which most of southern Victoria was colonised, much of the written and illustrated text on the Aboriginal people of the area during the colonial period is limited to the remarks of a few observers.

The primary sources of this ethno-history have been collated by Clark (1990) in his reconstruction of traditional language boundaries in western and central Victoria. These sources include journal entries and government correspondence produced by explorers such as Matthew Flinders and Charles Grimes, as well as settlers and missionaries, particularly G.A. Robinson, the Chief Aboriginal Protector.

The *Bun wurrung* were divided into at least six clans and the *Woi wurrung* into four. Clark defines the clan as the 'land owning, land renewing and land-sustaining unit of Aboriginal society'. These clans were patrilineal and organized into moieties belonging to either the *Waa* (crow) or *Bunjil* (eaglehawk) moiety. Moieties were important for social organisation as marriage partners were required to belong to different moieties (Clark 1990:4). Similarly, Barwick defines the clan as a 'named localised patrilineal descent group... whose members had an historical, religious and genealogical identity' (Barwick 1984:106). She notes that 'clan territories were defined by ritual and economic responsibilities. Clan names were

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distinguished by the suffixes *-balluk* or *-balug* meaning a number of people and – *(w)illam...* meaning dwelling place' (Barwick 1984:106). Barwick continues her discussion on clan organisation noting that:

Clan lands were exploited by residential groups (now termed bands) whose membership changed over time as nuclear families formed, aged and were replaced, and over the course of each year because the families and individuals instilled to make use of a specific clan estate were sometimes together (and) sometimes dispersed (Barwick 1984: 106).

Whilst the composition of a clan was fluid during an individual's lifetime, 'clan membership was fixed at birth as these were inherited from a person's father and retained ... until death' (Barwick 1984: 106).

Of the six *Bun wurrung* clans identified by Clark (1990), the *Ngaruk willam* clan were associated with the coastal strip at Mordialloc. The *Ngaruk willam* were the clan whose estate (territory) most likely included the land that comprises the Activity area.

The territory of the *Mayune balug* clan was also located nearby and were associated with the area about Carrum Swamp, Ruffy's Tomaque/Mayune runs and their Cranbourne Inn, and coastal strip at head of Western Port Bay, also within the upper portion of Mornington Peninsula. Therefore, it is likely that the *Mayune balug* also occupied the area that comprises the Activity area at times.

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Table 17: Bun wurrung Clans

No. Clan name	Approximate location
1. Bun wurrung balug	Point Nepean and Cape Schank
2. Mayune balug	Carrum Swamp, 'Mayune' station
3. Ngaruk willam	Brighton, Mordialloc, Dandenong, & between Mts. Eliza & Martha
4. Yallock balug	Bass River, Tooradin
5. Yalukit willam	East of Werribee River, Williamstown, Sandridge & St. Kilda
6. Yowengarra	Tarwin River

Table 20: Woi wurrung Clans

No. Clan name	Approximate location
1. Gunung willam balug	Mt. Macedon
1a. Tallin willam	Toolern Creek
2. Kurung jang balug	Werribee River and Mt. Cottrell
3. Marin balug	Kororoit Creek
4. Wurrundjeri balug	Yarra River
4a. Wurrundjeri willam	Yarra River
4b. Bulug willam	Kooweerup Swamp

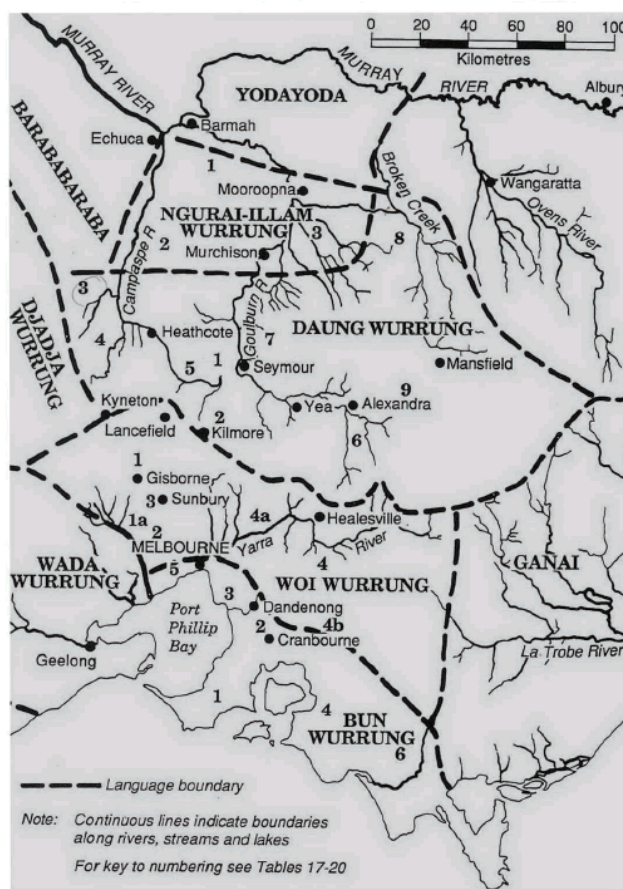


Figure 3: East Kulin Language Areas and keys to Bun Wurrung and Woi Wurrung Clans (Clark 1990: 364-365).

7.5.4 Daily Life and Subsistence Activities

The spread of European pastoralists in the district resulted in the rapid destruction of traditional life among the Aboriginal inhabitants and little was recorded of their way of life prior to their displacement from their traditional lands. Perhaps one of the few early observers to record at least part of this traditional way of life at the time, as distinct from recollections many years later, was the Rev. J. R. Orton in his report to the Wesleyan Missionary Society in August 1836. In describing the people who resided around the new settlement at Port Phillip he wrote:

They associate in tribes and are in constant habit of wandering, having no houses of any description nor fixed place of abode, though in their wandering they generally confine themselves to certain limits, beyond which they seldom stray.

The only means of screening themselves from the inclemency of the weather is by erecting a sort of breakwind of boughs of trees, under the lee of which they squat or lie down and sleep for the night, and they usually seek for fresh quarters for the ensuing night wherever they may happen to be in the course of their excursions.

The whole tribe seldom wander together but separate into families consisting from ten to twenty persons, to scatter themselves for the purpose of obtaining food. The men hunt and fish for their subsistence. The kangaroo and opossum are the principal objects of their hunting pursuits, which they practice in a singular and artful manner. They usually cover themselves completely with green boughs of trees so as to resemble a bush, then they move gently along so as to be unperceived by the unsuspecting object of their prey, until they are within reach by their spear, which they use with great dexterity and throw to considerable distance with amazing force and precision. Having struck the animal, they throw off their disguise, advance and secure their game.

The women, during the hunting excursions of the men, are generally employed gathering succulent roots which are their only substitute for bread and form a principal ingredient of their food.

Their clothing principally consists of a garment of kangaroo or opossum skins, sewn together with the fibrous parts of the animal, which they throw over their shoulders and which reaches down to the knees. Their hair is black, coarse and long, usually decorated with kangaroo teeth, claws of animals, bones of fish, pieces of earthenware and buttons obtained from Europeans, or anything of the kind.

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Many of them have their faces whimsically painted and have fish and other small bones pierced through the ears, and other small bones on the dividing cartilage of the nose, which are worn as ornamental appendages (in Cannon (ed.) 1982: 82-84).

This description of a way of life that was already vanishing, seen through the eyes and prejudices of an Englishman of the time, is one of the few contemporary accounts of traditional life in Victoria before the loss of their traditional land changed that life forever. By 1839 the Reverend Orton had recognized that European settlement had resulted in the loss of the traditional hunting grounds and their way of life (in Cannon 1982: 120).

Gaughwin and Sullivan (1984) gathered together the evidence of boundaries and movement of the *Woi wurrung* speakers, which included evidence of hunting and gathering techniques, on land which included large coastal resources. However, as Frankel (1995: 18) points out, there was, and is great diversity among Aboriginal society, economy and technology across the continent.

Melbourne's original grasslands, woodlands, swamps and creeks are likely to have supported a range of native fauna. As is the case with most of Aboriginal Victoria, which of these animals and plants were used by the *Bun wurrung* and *Woi wurrung* and in what ways is not well known. It is known that the *Bun wurrung* and *Woi wurrung* used spears to hunt and that hunters would hide behind vegetation or construct hides of stone. Nets were also used so that animals could be chased into them. According to several historical accounts, certain foods are common. These include the tuber daisy yam (*Microseris scapigera* or Murnong); bull-rush roots, which were collected from waterways and roasted; eels, which were a seasonal food caught in stone weirs and long fibre nets; kangaroos and other macropods; and birds and their eggs. The fur of Brushtail possums was used to manufacture cloaks, of which there are only two surviving examples.

Presland (1994) has presented a popular account of the *Woi wurrung* subsistence – a campsite on the Yarra River during autumn. Although speculative, his reconstruction considers the logistics of hunting and gathering including the getting of specific plants and animals and is worth noting:

At a number of places around the region there are traps set in rivers and streams at points where the flow of water is restricted. Funnel shaped fishing pots take the fish as they fish with the stream... The men catch fish at night. They stand in canoes in the river and hold lighted branches near the water's surface. The fish are attracted to the light and are more easily speared. Fish

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spears are often tipped with a bone point (Presland 1994: 72-88; see Frankel 1995 for a more detailed discussion on fish traps, their function and typology).

In contrast the collection and use of plant resources is recounted as women's work.

While the men have gone about their fishing and hunting, the women have set about collecting vegetable foods... Autumn is the time of year when the greatest numbers of perennials are available and there is a wide variety of plant foods. Around the swamps and marshes the young shoots and roots of bulrush can be collected and eaten. There are also the fruit and seeds of various aquatic plants and roots of water ribbons... The women can also collect rushes, which they make into items of jewellery... (Presland 1994: 72-88).

There are few historical details on traditional *Bun wurrung* subsistence. Gaughwin and Sullivan (1984) have, to a degree, been able to reconstruct the economy of the Aboriginal inhabitants from the extensive notes and diaries of Thomas who, as Assistant Protector, travelled with the *Bun wurrung* as they moved around their land from 1839 to 1843, along with other historical sources.

It can be assumed that they were mobile across their estate, utilising hunting and cultivating plants. It is likely that their patterns of settlement and movement were based on seasonal rounds following the changing availability of plant and animal resources. Thus, they occupied a specific range over which they moved according to subsistence requirements and trading and social obligations.

Indeed, Sullivan's (1981: 29-34) review of Thomas' papers showing the movement of *Bun wurrung* groups around the Mornington Peninsula indicates the *Bun wurrung* extensively exploited both coastal and inland areas on the peninsula. *Bun wurrung* people maintained a number of pathways, or travelling routes, by which they moved around their country on an annual basis.

Thomas's 1841 map of the Mornington Peninsula shows the settlers' huts and Aboriginal names for local natural features as well as the route of the 'Protector' (in MacFarlane 1983: 578). Some of the Aboriginal names appear to be the basis for many names which are still in use. For instance, Mordialloc Creek is identified as '*Moody Yallok*' and Kananook Creek as '*Kanigo*'.



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by *Bun wurrung* people. Examples of terrestrial, aquatic and marine resources traditionally exploited by the *Bun wurrung* people are presented in Table 5.

Resource	Uses
<i>Banksia spp</i>	Cones soaked in water to extract nectar and make a sweet drink
<i>Melaleuca spp</i>	Bark used for wrapping babies, timber used to make a variety of implements, flowers used for nectar
Yam daisy (<i>myrnong</i>)	Dietary staple throughout much of Victoria
New Zealand Spinach	Leaves eaten uncooked
Bracken Fern	Roots eaten after cooking and pounded into a paste
Pigface (<i>Carpobrotus spp</i>)	Fruit eaten, leaves can be sucked as a water source
Manna Gum	Manna eaten
Lilies (<i>Thysanotus sp.</i>)	Tubers eaten
Prickly currant bush	Fruit eaten
Orchids (<i>Diuris sp.</i>)	Bulbs eaten raw or cooked
Drooping She-oak	Foliage chewed as a source of moisture
Cherry ballart	Fruit eaten
<i>Acacia spp</i>	Wattle gum was tapped, collected, often stored and eaten
Coast Beard-heath	Fruit eaten
Kangaroo Apple	Fruit eaten
Water Ribbon	Tubers cooked and eaten
Cumbungi (<i>Typha spp</i>) Common Reed	Many uses – food source, fibre, spears, reed necklaces
Mammals	Most mammals hunted – Eastern Grey Kangaroo, Black Wallaby, Possum, Echidna particularly; used for food, skins, echidna quills used for necklaces
Birds	Many species of marine and terrestrial birds trapped and eaten. Their eggs were also gathered and eaten; brush bird traps were common
Shellfish	Marine shellfish, predominantly rock platform sp., were abundant and regularly exploited
Fish (freshwater and marine)	Fish were often speared or caught in nets set in stone or brush fishtraps on freshwater streams

Table 5: Traditional Resources that were available to *Bun wurrung* people in the geographic region. (Sullivan 1981, Zola & Gott 1992).

There was a gender bias in the collection of food, and probably in the consumption of the food gathered, with the men hunting land-based mammals such as the kangaroo and possums, while women and children gathered smaller mammals, reptiles, grubs, small birds and plant food in various forms. Eels and shellfish were also exploited as food sources.

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Gaughwin and Sullivan (1984: 91) argue that the historical records indicate an economy consisting principally of land-based resources, such as kangaroos and possums noting that Thomas believed the availability of kangaroos was a major factor in selecting the location and duration of camp sites.

What can be gathered is that the Aboriginal people moved around their country at regular intervals along known pathways, exploiting land mammals, plant food, eels, birds and shellfish as food sources. Some of this movement appears to have been in response to seasonal factors, the gathering of eels during the late summer, hunting of lyrebirds in the ranges during winter (though this may have been heavily influenced by the fact that tail feathers were being sold to Europeans) and the report that '...in former times' French Island had been accessed by canoe to gather eggs during the nesting season. The use of canoes for transport or fishing in Westernport Bay, and Port Phillip Bay, was not observed during the early years of European settlement, the use of canoes being restricted to use on rivers (Sullivan 1981: 24, 25).

Thomas (in Sullivan 1981) lists the following implements and weapons made from wood:

- Five spears – two of which were barbed
- Waddy
- Bludgeon
- Throwing stick – for fighting or for birds
- Boomerang
- Two shields – one for close and one for far combat
- Axe

Sullivan adds that wood was said to make women's digging sticks and '*a variety of drinking and water carrying vessels*' and that '*baskets were made from barb, a kind of flag grass, and nets from a cord made from the stringy-bark*' (Sullivan 1981: 26). Huts or *Miam* (*Mia Mia*) were made from bark and brush and, according to Thomas, were usually destroyed when a camp was abandoned (Sullivan 1981: 33).



Figure 5: Aboriginal women using digging sticks ('Native women, Indented Head, 1835' JH Wedge La Trobe Collection, State Library of Victoria).

7.5.5 Aboriginal Post-Contact History

The European colonisation of Victoria brought continuous and traumatic change to the Aboriginal population (Coutts 1981: 97). European sealers and explorers were visiting the coast of Victoria from the first years of the nineteenth century and came into contact with Aboriginal people. These encounters were sometimes violent, and the Aboriginal population in some areas, began to suffer the effects of the spread of European diseases long before continuous settlement (Smyth 1878).

The European settlement of Melbourne and adjacent land began in earnest with John Batman's 'treaty' with several *Woi wurrung Ngurungaeta* (spokespersons) in 1835. The signing of the treaty occurred on the 6th of June while Batman was with an exploration party. The treaty had several purposes including the purchase of some one million hectares of land from the *Woi wurrung* and adjacent Aboriginal peoples including the *Bun wurrung*, which eventually (April 1836) forced the British Government to approve the fledgling settlement. During the following decade there was a flood of immigrants from Sydney and, following in the footsteps of John Batman, John Pascoe Fawkner and other members of the Port Phillip Association, from Tasmania.

In 1839 William Thomas was appointed the Assistant Aboriginal Protector and he lived with the *Woi wurrung* and *Bun wurrung* peoples. Most of his observations refer to Aboriginal groups at locations outside of the Melbourne area. In 1840 and on the general location of Melbourne he recorded:

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By what I can learn, long ere the settlement was formed the spot where Melbourne stands and the flat on which we are now camped was the regular rendezvous for the tribes known as Waworangs, Boonurongs, Barrabools, Niluguons, Goulbourns twice a year or as often as circumstances and emergencies required to settle their grievances, revenge deaths etc.

The Aboriginal Protectorate of Port Phillip whose purpose was to protect the *Bun wurrung* and other Aboriginal groups was considered a failure and abolished after a decade in 1849.

Presland noted that 'by the late 1830s and increasingly in the following decades (Aboriginals) were seen as a nuisance and a disturbing influence in the streets of Melbourne. Thomas spent a great deal of time attempting to draw (them) away from the settlement to little effect. Alcoholism was common ...and in the absence of traditional food they resorted to begging. He continues...'in the twenty-seven years following the foundation of Melbourne, the number of *Woiwurrung* and *Bunurong* was reduced from 207 to 28'. As well as alcoholism and malnutrition, Presland lists the lack of immunity to disease such as dysentery and venereal disease and a 'drastic reduction in the birth rate' as the primary reasons for the demographic decline (Presland 1994: 99, 104).

Further, Sullivan (1981) notes that Thomas collected the first census data on the *Bun wurrung* in 1839 (see Table 6). Thomas has estimated that there were about 500 people in the *Bun wurrung* and *Woi wurrung* tribes prior to the settlement of Melbourne and the raids by the Gippsland tribes: *Kurnai*. These raids by the Gippsland tribes resulted in the death of many *Bun wurrung* and according to Sullivan (1981) 'It is likely that the severity of these attacks was the result of European contact, that sealers taking Aboriginal women from both groups, initiated raids to obtain women and subsequent retaliation' (Sullivan 1981: 21).

Gaughwin and Sullivan consider that Thomas's estimates are for the western area of *Bun wurrung* territory only and that the population density was probably in the order of 0.25 per square kilometre. However, as they note themselves, the use of such figures to establish population totals and densities is highly speculative (Gaughwin and Sullivan 1984: 88).

Age	Males	Females	Totals
Under 1 year	0	0	0
From 1-10 years	11	8	19
From 10 to 20 years	14	7	21
From 20-30 years	13	6	19

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From 30-50 years	9	10	19
From 50-70 years	2	2	4
From 70-80 years	0	1	1
Totals	49	34	83

Table 6: Census data collected by William Thomas in 1839 of the Bun wurrung population.

Gaughwin and Sullivan (1984) analysed the ethnohistoric records for the *Bun wurrung* for information on seasonal movements, tribal boundaries and subsistence. These records are primarily the contemporary observations of William Thomas (1839-1843). Thomas was the Assistant Protector of Aborigines who travelled with the *Bun wurrung* and established stations at Arthurs Seat (1839-1841) and Narre Warren (1841) (see Sullivan 1981; Gaughwin and Sullivan 1984: 84).

The Mordialloc Aboriginal Reserve

George Augustus Robinson was appointed in 1838 as Chief Protector of the Aboriginal Protectorate of Port Phillip, with the directive of establishing a series of Reserves to accommodate Aboriginal people adhering to the traditional (pre-European) way of life.

An Aboriginal Camping reserve was opened at Mordialloc in 1841 for the benefit of the Western Port and Coast Tribes, with Edward Thomas Newton appointed as honorary guardian (Caldere and Goff 1991: 7). Comprising an area of 822 acres, the reserve was a 'triangular block at Mordialloc Creek bounded on the North and East by boundaries of about 1 mile each and on the South West by the coast' (Felton 1881, in Caldere and Goff 1991: 7).

The reserve also featured a burial ground, the location of which has been described as the present-day site of the Mordialloc Court House (Caldere and Goff 1991: 7); however, this claim has never been confirmed. Through the 1850-60s, the headman of the *Boon wurrung* people, known as Derrimut (Derremart / Terrimoot) fought for the rights of his people to stay on their land at Mordialloc Reserve (Boucher and Russell 2015: 146). In 1868, following debate in the legislative assembly on the protection of the Aboriginal people in Victoria, *The Argus* published a report detailing the number of Aboriginal people at each of the reserves in Victoria; Mordialloc was reported as one of many reserves (stations) where only few Aboriginal people would 'assemble occasionally' by this time (*Argus* 1868, 21 August).

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The reserve was active until 1878, when the remaining Aboriginal people joined other clans such as the *Woi wurrung* at the Coranderrk Reserve at Healesville, while some still remained at Mordialloc to live out the rest of their lives on their land.

7.6 European Land-Use History

7.6.1 Early European Settlement of Victoria

The first attempt at European settlement in Port Phillip was made by David Collins, with groups of marines, convicts and free settlers, at Sorrento in 1803. However, a lack of fresh water and a fear of the *Bun wurrung* Aboriginal people meant that the settlement lasted only a few months (Brown-May & Swain 2005: 673). In the mid-1830s permanent European settlement of Victoria commenced with the arrival of the first squatters.

By 1838 squatters had moved into large areas of Victoria and usurped large tracts of land from the resident Aboriginal people for the purpose of grazing livestock. Spreadborough and Anderson (1983: ix) discuss the 'squattling expansion' between 1834 and 1860, noting that '*...it was the early squatters who were permitted to become 'free' selectors, choosing and learning about their land with a fair degree of independence from official control*'. The first decade of this expansion saw squatters taking up land across Victoria, particularly on the plains north of Melbourne and running westward to Geelong (Spreadborough & Anderson 1983).

7.6.2 Carrum Swamp

The Carrum Swamp along with the larger Koo Wee Rup Swamp made a formidable barrier to the earliest European settlers along the eastern side of Port Phillip Bay and Western Port Bay. The Carrum Swamp measured approximately 15 km from north to south and averaged about 5 km from east to west. High land was visible in the swamp at what was known as the Isles of Wannarkladdin, now Chelsea Heights. The swamp consisted of dense tea-tree and other vegetation around the margins and was covered for the most part with water from the Dandenong, Eumemmerring, and other smaller creeks with a total catchment area of approximately 430 square kilometres (McGuire 1977). The Wedge Brothers are reportedly the first squatters to permanently settle in the Carrum district. They acquired both the Ballymarang and Bangam Stations, which combined made them the largest pastoral run in the district covering forty-two square miles from Ruffy's Road to Frankston (see Figure 6). The area was cleared for livestock grazing, mostly cattle as 'this part of Western Port was too wet in the rainy season for sheep'

(Gunson 1974: 35). The area bayside of Carrum Swamp from Mordialloc to Frankston was known as Long Beach in the early colonial period. Squatter Joseph Stewart set up an eight-square mile pastoral station known as Long Beach Run. Long Beach Run was transferred to James McMahon in 1852 and then Matthew Hervey in 1864 (Spreadborough & Anderson 1983: 274).

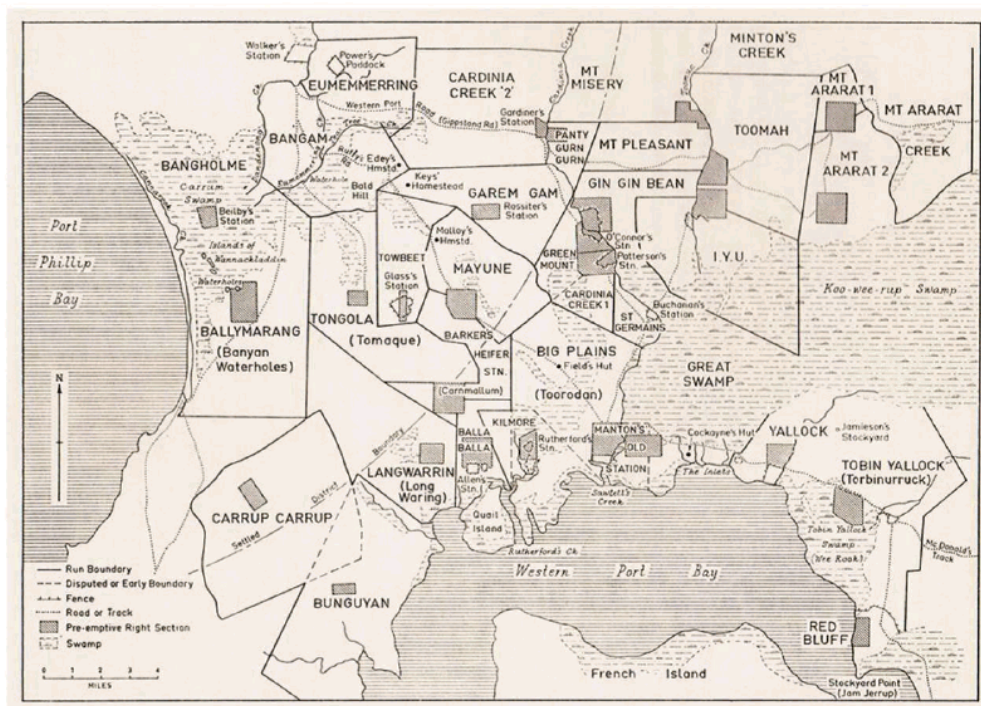


Figure 6: Pastoral runs in Western Port district (Gunson 1974).

The first survey of Carrum Swamp was made by T.E. Rawlinson in 1866. The survey of the land between the swamp and the sea resulted in the division of the land into eighteen allotments between the Mordialloc Creek and Seaford along the former Long Beach Run. The only land on the swamp side was bought by Hugh Brown who built his home 'Pine Vale' near the site of the present Mordialloc High School. When Brown started farming there were still wild cattle roaming the swamplands from the original squatting days of the later 1830s to the 1850s (McGuire 1977).

Further surveys were conducted in the late 1860s and estimates were prepared for the draining of the swamp indicating a cost of approximately £14,000 for the reclamation of 11,000 acres for agricultural land. In 1871, the conditions were considered too wet to commence drainage works and it was decided against the use of prison labour to carry out the works. The revised estimated expenditure of £21,000 was

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considered uneconomic and impractical. The new minister for lands thought it inadvisable to sell the land by auction and instead decided to throw open the land for selection. Several conditions were required to be met by people receiving grants and should all these conditions be met; the selector would receive the title to the land and was then in a position to sell the land as they saw fit. However, if the conditions were not met then the land would be confiscated without compensation for any investment made. These conditions included the fencing of the entirety of the property, making improvements to the value of at least £1 per acre, cultivating at least one in ten acres in the first two years and permanently residing on the selection (Whitehead n.d.). However, after a parliamentary committee investigated the claims of selectors and found that Carrum Swamp was an exceptional case and that selectors should not be expected to reside on their allotments provided they made other improvements. Consequently, no selectors lost their land, and many were able to eventually gain their desired titles (The Argus 1876: 6).

Patterson River was created in 1878 by cutting a channel through the sand ridge to allow excess water to escape Carrum Swamp into Port Phillip Bay. Bank erosion and silting were issues almost from the beginning and floods shortly after the outlet officially opened swept away a wooden bridge and caused considerable damage to the embankments (Whitehead 2016a). An emergency public meeting was called to determine what course of action was to occur to rectify the situation. It was decided that the Carrum outlet was to remain open and that measures would be taken that would prevent the sides of the cutting from being washed down and widened by the action of the sea and flooding (Whitehead 2011). Despite these works, it was reported that twenty years later in 1901, the outlet had the proportion of the Yarra River and was widening every winter. The main problem appeared to be the accumulation of sediment and silt forming sand bars in the mouth of the outlet which prevented water from readily exiting into the Bay. Regular dredging works occurred throughout the twentieth century and a secondary drain pumping station was built in 1999 to relieve pressure on the system (Whitehead 2016b).



Figure 7: Dredging Patterson River (Whitehead 2016b).



Figure 8: Sandbars at the mouth of Patterson River in 1962 (Whitehead 2016b).

7.6.3 Early History of Mordialloc

In 1841, an 852-acre Aboriginal Reserve was created in the district for the accommodation of the Boon Wurrung people (VPRS 6760/ P1, item 6). It was not a success, and the Aboriginal population was soon in decline. In 1877, the last Boon Wurrung people living within the reserve died, and land within the reserve was subsequently subdivided and sold. Parish plans dated from the 1850s shows that the reserve was mainly located at the north of Mordialloc Creek, which covered most of the area that was to become the Mordialloc Township (Figure 9).

White settlers arrived in the early 1840s. Some squatted in the district, and others went further south to Mornington Peninsula. In 1841, Alexander McDonald, a local squatter, built a small inn and hotel within Crown Allotment 22 of Section 24 in the parish. The inn mainly serviced travellers on the way to the Mornington Peninsula. Travellers at that time were constantly bogged down by the swampy ground near Mordialloc Creek. The condition remained unimproved until 1850, when a bridge across the Mordialloc Creek was finally built (Barnard 2008). McDonald's hotel remains till today. It had later become the Mordialloc Hotel. The premises became known as Kingston Sporting Club in 2011 (Whitehead, 2011).

Population in the area began to grow significantly during the Gold Rush, as many who sought their fortune in the gold mines were settled in the area. Some industries, such as fishing, began to prosper in the district. The fishing community in the district included many Scottish descendants and Chinese migrants. The latter earned their living by selling salt fishes to travellers on the way to the mines (Barnard, 2008).

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In the 1880s, Mordialloc was a centre for horse racing. The Epsom Racecourse was built in the district around 1885. It hosted horseracing until 1938, and remained a training course until the late 1990s. Other racecourses in the district, including Mentone Racecourse and the Aspendale racetrack, were also built around the same time (Barnard 2008). In 1881, the railway was extended to Mordialloc from Caulfield, further boosting the district's population, as holidaymakers began to come down for the seaside scenery (Barnard 2008).

Mordialloc was separated from the Shire of Moorabbin in 1920, and formed with Mentone the Borough of Mentone and Mordialloc (National Library of Australia 2018).

7.6.4 Recent Land-Use in the Activity area

The activity area is adjacent to Mordialloc Creek, which has undergone extensive modification through the draining of Carrum Swamp and the channelling of the creek itself. An article from the *Brighton Southern Cross* (1906, courtesy of National Library of Victoria 2018) detailed government works near the mouth of the creek, with the associated development of businesses and a proposed new bridge causing some concern for the reserve that stretches alongside the creek toward the current Activity area.

A review of historical maps and images of Mordialloc Creek show increasing environmental impacts over time at the mouth of the creek. A survey map from 1855 (Figure 9) shows the natural alignment of the creek and the original entrance with a spit extending from the north and the southern edge. A homestead is described as being located within the Activity area during this time, presumably owned by a Mr McDonald. In 1863 (Figure 10) the creek entrance hasn't changed, but McDonald's rural property appears to have been replaced by a residential subdivision northeast of what is now Beach Road. South of Beach Road including the Activity area is vacant. The mouth of the creek is depicted with two separate outlets; the main channel from Carrum Swamp and a second minor channel which runs north-south behind the foreshore. This second channel is likely to have occupied low-lying ground such as the swale behind a main dune ridge. This appears to have been filled in or otherwise removed by the early 20th Century.



Figure 9: Portions in the Parish of Mordialloc including the Mordialloc Reserve, 1855, showing approximate location of the Activity area.

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Figure 10: Township of Mordialloc, Parish of Mordialloc, County of Bourke (DLS 1863)

By 1926, there have been major changes to the creek mouth, comparable to its present state. The spit that extended from the northern bank has been cut, resulting in a small island. The pier has been built and seawalls and groynes along the southern entrance have resulted in the capture of more beach sand, so that the mouth is level on both sides. An initial layout of Pier Road has been constructed- it is difficult to determine whether this has impacted on the Activity area, but the road was likely to the south (Figure 11). An aerial photograph from the mid-twentieth century (Figure 12) shows Pier Road in its current state as a 1-way turn-around and there appear to be picnic tables and other shelters.

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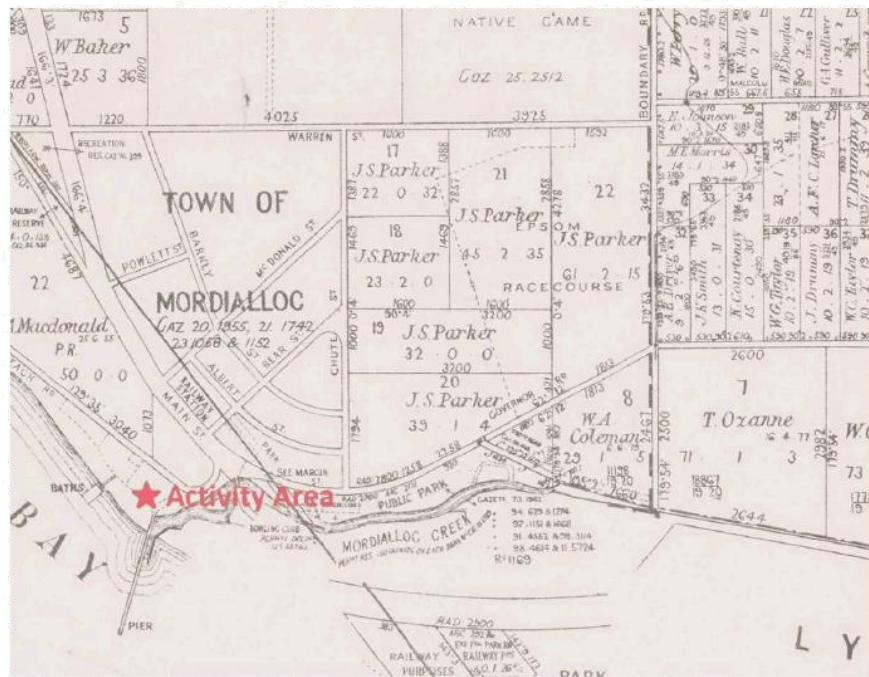


Figure 11: Parish Map of Mordialloc, County of Bourke (DLS, 1926)



Figure 12: View over northern side of Mordialloc Creek including the Activity area between 1950 and 1960, reproduced from Dalla-Vecchia & Morris (2018)

Peter Scullin Reserve has been host to multiple annual festivals from 1926 to the present day. Most recently, the Mordialloc Food, Wine and Music Festival has hosted crowds of over 40,000 people over one weekend and has included performances from musicians and artists across multiple stages.

The Activity area itself is likely to have undergone several landscaping changes since the early 20th Century, including the construction of a concrete pathway, carpark, and café within the area. Constructions such as these, along with any landscaping that may have occurred over the years to accommodate the various festivals at the site, are likely to have caused some ground disturbance to the area.

7.7 Landforms and Geomorphology of the Activity area

7.7.1 Geology and Geomorphology

According to the Department of Economic Development, Jobs, Transport and Resources, Victoria ('GeoVic' online database), the activity area is situated between the Port Phillip Coast and the geological formation identified as Unnamed Coastal Dune Deposits (Qdl1), Holocene in age. It also falls within the geomorphic division of the South Victorian Coastal Plains (Gippsland Plain bioregion) and land system known as the Barrier Complexes, which are Quaternary in age. The Barrier Complexes lie along the coast, closely bordered by sand sheets (VRO; Land Systems of Victoria 2000: 41). Mordialloc Creek marks the northern extent of the former Carrum Swamp, which it drained. The wide beach beside the breakwater is a result of south-drifting sand accumulation and in this sense is modern in age (Bird and Frankel 1991: 160, 166).

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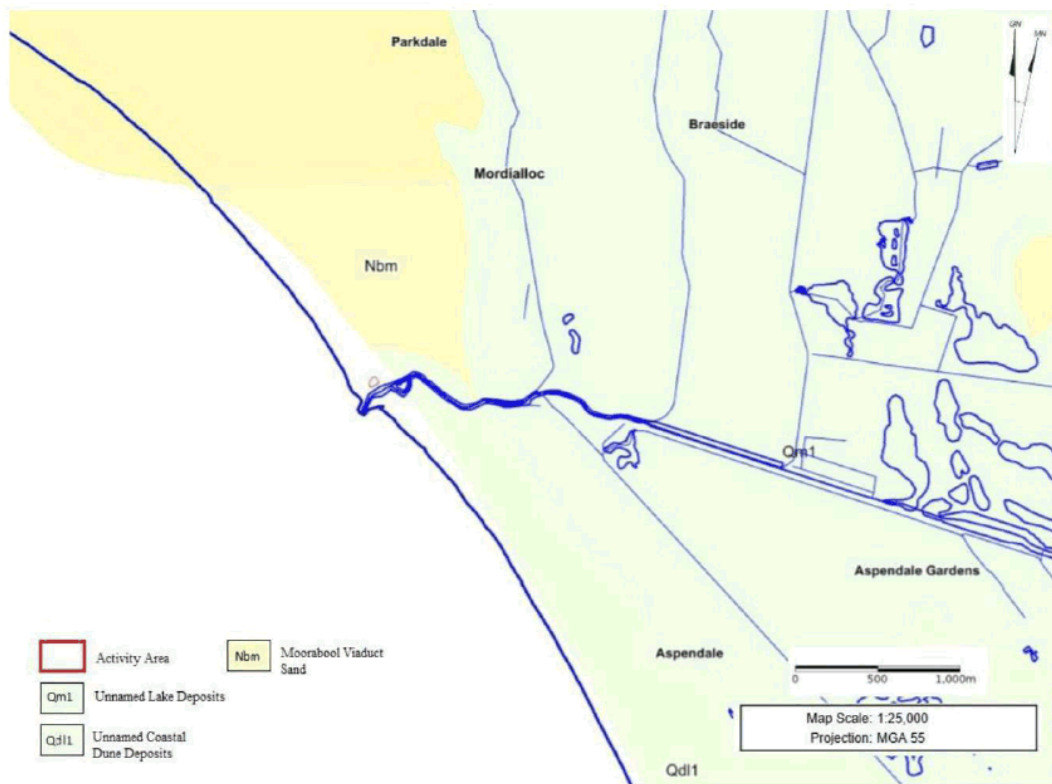


Figure 13: Showing the Geological formations in the region (sourced from GeoVic).

7.7.2 Climate

The climate at the activity area provided no constraints to either Aboriginal or European settlement of the area during the Holocene. However, at the time of the Last Glacial Maximum (LGM), between 21,000-15,000 years ago, the climate would have been significantly cooler and drier than today (Mulvaney & Kamminga 1999). Expanded polar caps and glaciers affected sea levels, resulting in a much larger landmass with the coast extending further south, joining Tasmania with the mainland. Lower rainfall would have affected the types of flora and fauna available in the region. Aboriginal settlement would have depended on the availability of food and freshwater resources.

Today, according to the Australian Bureau of Meteorology (2019), the climate of the region is temperate with cold to mild winters and hot summers. The hottest month is February where the mean maximum temperature is 26.1 degrees Celsius. The coldest month is July, where the mean minimum is 6.2 degrees

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Celsius and the mean maximum is 13.7 degrees Celsius. The mean annual rainfall for the area is 709.3mm with the highest mean rainfall in October (69.1mm) and the lowest in January and March (44.1mm).

7.7.3 Water Resources

The Activity area is adjacent to Port Phillip Bay to the west, and also to Mordialloc Creek to the south. Mordialloc Creek drains the former and current inland swamp systems into the bay. Furthermore, the former Carrum Swamp covered an approximate area of 52km² between Mordialloc and Frankston including the current Activity area. Drainage works were undertaken from the 1870s which transformed much of the former swamp into land suitable for agricultural and pastoral settlement.

Mordialloc Creek marks the northern extent of Carrum Swamp, which it drained. The Mordialloc Creek and associated wetlands including Carrum Swamp was likely a major source of fresh water for Aboriginal people living in the area prior to European settlement. It would have provided many resources for Aboriginal people including eels, shellfish, birds and eggs, as well as attracting larger animals such as kangaroos and emus. Carrum Swamp was likely a major focal point for the subsistence activities of the *Bun wurrung*.

7.7.4 Vegetation and Fauna

According to the Department of Jobs, Precincts and Regions, Victoria (Biodiversity Interactive Map), the pre-1750s Ecological Vegetation Class (EVC) map indicates that prior to European occupation, the Activity area consisted of Coastal Dune Scrub with Woodland and Grassy Wetland Plains occurring further inland. This EVC is characterised closed shrub such as White Correa (*Correa alba*) and Ruby Salt Bush (*Enchylaena tomentosa*) occurring on secondary dunes that occupy siliceous and calcareous sands (SPIFFA, 2019). The environment of this EVC is described as deep sand on coastal dunes that are subject to high levels of salt spray and an ongoing disturbance from onshore winds (DSE EVC Bioregion benchmark fact sheet 2007). Today, the coastal scrubs, grasslands and woodlands formerly characterising the region have been largely replaced and the 2005 EVCs mapping indicates that only small patches remain.

The Carrum Swamp and Mordialloc Creek would have sustained large numbers of birds prior to European settlement and the draining of the swamp. The current Edithvale-Seaford Wetlands Ramsar Site forms part of the Carrum Wetlands Important Bird Area which has up to an estimated 7000 individual birds at any one time (Melbourne Water 2017) including several rare or endangered species. The former Carrum

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Swamp would have supported abundant eels, fish, molluscs and gastropods. Marsupials would have been attracted to the peripheral margins of the swamp in search of fresh water creating a diverse habitat.

7.8 Oral History

No specific oral cultural history was provided by the Aboriginal groups involved in the assessment.

7.9 Limitations and Obstacles

There were no limitations or obstacles encountered during the preparation of the Desktop Assessment for this CHMP.

7.10 Conclusions from the Desktop Assessment

The Desktop Assessment determined that there were no registered Aboriginal places within the activity area. There have been many studies and previous CHMPs in the geographic region, and most have identified Aboriginal Cultural Heritage. Where Aboriginal Cultural Heritage has been recorded in the geographic region, it has been in the form of shell middens, stone artefact scatters, low density artefact distributions, Aboriginal historical places and one scarred tree associated with the margins of the former Carrum Swamp.

The activity area is located within Mordialloc which was formerly part of the northern extent of Carrum Swamp. It occurs mostly within the geological formation identified as Unnamed Coastal Dune Deposits, Holocene in age. Carrum Swamp originally overflowed into Port Phillip Bay via Mordialloc and Kananook Creeks until it was drained via an artificial channel since the late 1800s.

Of the six *Bun wurrung* clans identified by Clark (1990), the *Ngaruk willam* were associated with the area about Mordialloc. The *Ngaruk willam* were the clan whose estate (territory) most likely included the land that comprises the Activity area. The area around the margins of Carrum Swamp was likely a particularly important area for the Bun wurrung people as it provided fresh water and was home to large and diverse array of edible plant and animal life.

No registered Aboriginal cultural heritage Places currently exist within the activity area. The information gained from this assessment has determined that the activity area is likely to have undergone some ground disturbance since the early 20th Century. Several landscaping changes have occurred during this time, including the construction of a concrete pathway, carpark, and café within the area.

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While the area has been subjected to some ground disturbance, previously registered cultural heritage places in the geographic region suggest Aboriginal cultural heritage may still exist within the activity area. Furthermore, the margins of the former Carrum Swamp would have provided an excellent source of plants and animals for Aboriginal people to eat and fresh water to drink. Therefore, under Regulation 62, a Standard Assessment is required.

8.0 Standard Assessment

8.1 Standard Assessment Aims and Methods

The aims of the Standard Assessment were to investigate the presence or absence of Aboriginal cultural heritage within the activity area and to determine the likelihood for archaeological material to exist within the existing landforms. The Activity area is small (2,363m²) containing a concrete footpath, outdoor lighting and an asphalt carpark. The remaining area is covered by landscaped gardens and grassland. The Standard Assessment was carried out by three participants who surveyed the entire visible ground surface of the activity area (Map 3). Beginning by inspecting the exposed patches of ground around the garden beds and tree perimeters and then traversing across the activity area, the pedestrian survey was conducted to collect the following information:

- Information regarding surface exposure and ground surface visibility;
- Notes and photographs were taken in order to illustrate prior ground disturbance, as well as changes in aspect or landform; and
- In the case of Aboriginal Heritage Places being encountered, their contents, GPS location (in GDA94) and visible extent were to be recorded.

The following division has been used to assess ground surface visibility. The higher the number the less vegetation:

- Excellent visibility 90-100%
- Good 50-90%
- Poor 30-50%
- Very Poor 0-30%

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8.1.1 Participants

Date	Personnel	Organisation	Role
12/03/2020	Emily Knowles	TerraCulture	Supervising Archaeologist/ HA
	Daniel Barker	TerraCulture	Archaeologist
	Justin Cote	BWF	Field Representative

Table 7: Summary of field participants during the Standard Assessment.

8.1.2 Limitations and Obstacles

Dense grass covered most of the activity area which made ground surface visibility generally very poor (<5%). Landscaped garden beds in the south of the activity area, a concrete path running north-south through the centre of the area, and an asphalt carpark to the east of the area also inhibited abilities to survey the entire ground surface. However, this did not inhibit the assessment of the landform and its potential to contain Aboriginal cultural heritage.

8.2 Results of the Standard Assessment

The survey was conducted over the entire visible ground surface of the activity area. The ground surface of the activity area consisted of dense, maintained grassy areas with patches of native shrubs and trees, including casuarina and bottle bush trees. A mulched, landscaped garden bed is located in the southern section of the activity area. The land both to the north and west of the activity area consists of low mounded dune sands. A concrete walking path runs north-south through the centre of the activity area, and outdoor lighting is located around the margins. An asphalt carpark is located to the east of the activity area, and a café is located on the eastern side of the carpark. Drainage lines run east-west through the eastern area in front of the café. Wooden bollards and metal fencing separate the carpark from the activity area.

Ground surface exposure and visibility in the areas affected by the proposed activity was very poor (<5%). The ground surface moves to an artificial looking mound west from the carpark, confirming that the area has likely been subjected to disturbance from construction of the carpark, café, footpath and associated landscaping.

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All trees in the activity area were inspected for signs of the deliberate removal of bark by Aboriginal people but none showed any cultural scarring. There were no caves or rock shelters located in the activity area.

No Aboriginal cultural heritage was identified during the Standard Assessment.

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Photograph 1: Facing north over the Activity area.



Photograph 2: Showing the mulched garden bed- facing south.



Photograph 3: Showing exposed patches, footpath and light pole- facing north.



Photograph 4: Facing north showing the café.



Photograph 5: Drainage line at the eastern section of the activity area, facing north.



Photograph 6: Drainage line at the eastern section of the activity area, facing northwest.

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Photograph 7: Facing south across the carpark and Pier Road.



Photograph 8: Facing south, showing concrete footpath.



Photograph 9: Facing south across the activity area.



Photograph 10: Facing southwest showing dense grass and light pole.

8.3 Conclusions from the Standard Assessment

The survey confirmed that the Activity area has been subject to some ground disturbance from the construction of the existing carpark, café, light poles and associated infrastructure and landscaping. A large portion of the ground surface of the activity area is covered by the carpark, walking path and dense landscaped grass and only some areas of exposed ground surface were visible around the garden beds and tree perimeters. Despite the confirmed disturbances, it is likely that *in situ* Aboriginal cultural heritage exists within undisturbed subsurface layers beneath present developments. Therefore, under Regulation 64 (1) the assessment must proceed to a Complex Assessment.



MAP 3: Showing Area Surveyed during the Standard Assessment.

9.0 Complex Assessment

9.1 Complex Assessment Aims and Methods

The aim of the Complex Assessment was to investigate the presence or absence of Aboriginal cultural material and whether prior land-use activities have impacted on the integrity of the landform within the activity area. The location for subsurface testing was identified during the Standard Assessment, targeting the areas of impact of the proposed activity and areas where the land was determined to be least disturbed. In total, one 1m x 1m 'Test Pit' (TP1) was excavated during the Complex Assessment. The following methods were used during subsurface testing:

- The Test Pit was hand excavated by using spades, shovels, and trowels;
- The Test Pit was excavated stratigraphically, and soil information was recorded for each level including Munsell colour, pH levels, photographs and drawings;
- All excavated material was then screened using 4mm sieves and spoil piles were placed a reasonable distance from the testing area;
- If, in the event that archaeological material was identified in subsurface conditions, it was to be collected for analysis and further excavations would be undertaken in close proximity to determine the integrity of the Aboriginal Heritage Place and define the extent of the distribution.

9.1.1 Participants

Date	Personnel	Organisation	Role
12/03/2020	Emily Knowles	TerraCulture	HA/ Supervising Archaeologist
	Daniel Barker	TerraCulture	Archaeologist
	Justin Cote	BWF	Aboriginal Field Representative

Table 8: Summary of field participants during the Complex Assessment.

9.1.2 Limitations and Obstacles

Areas where the ground surface was covered by the asphalt carpark and concrete footpath could not be excavated. An ESSO pipeline is located in the northern section of the activity area, running east-west (Appendix E). After consultation and on-site meeting with an ESSO representative, it was determined that

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no excavations could take place within 10m of the pipeline. Outdoor lighting is also located around the perimeter of the activity area, with underground cables connecting them. It was therefore deemed unsafe to excavate within the western and eastern sections of the activity area. Finally, drainage lines running east-west through the area in front of the café also inhibited abilities to conduct subsurface testing in this area.

There were no other limitations or obstacles encountered during the completion of the Complex Assessment for this CHMP.

9.2 Results of the Complex Assessment

Pit No.	Coordinates GDA94/MGA Zone 55 (Easting/Northing)	Max. Depth (cm)	Description	Artefacts
TP1	331897/5791394	120	0-20cm: Introduced topsoil: Dark greyish brown sandy silt with gravel inclusions and disturbance such as glass and plastic (10YR4/2 pH7 ^{1/2}). 20-33cm: Yellow-brown beach sand (10YR5/3 pH7 ^{1/2}). 33-50cm: Dark greyish brown sandy silt fill with disturbance such as glass and metal (10YR4/2 pH7 ^{1/2}). 50-65cm: Mottled orange-red clay fill with disturbance such as glass (10YR4/6 pH7). 65-80cm: Very dark brown sandy silt fill with disturbance such as glass (10YR 3/2 pH7 ^{1/2}). 80-104cm: Yellowish-brown sandy clay fill with disturbance such as glass (10YR4/4 pH8). 104-109cm: Black sandy silt fill with disturbance such as glass (10YR2/1 pH8). 109-120cm: Yellow-brown soft beach sand, natural (10YR6/3 pH7 ^{1/2}).	No

Table 9: Summary results of subsurface testing in the activity area.

9.3 Subsurface Testing

9.3.1 Test Pit 1

Test Pit 1 (TP1) consisted of a 1m x 1m hand-excavated square in the southern section of the activity area at the location of the proposed changing places facility. TP1 was excavated stratigraphically to a maximum depth of 120 cm and information concerning each layer was recorded. The soil profile was defined by grass vegetation on the surface with a dark greyish brown introduced sandy silt containing glass, plastic, ceramic and gravel inclusions (0-20cm). Directly underlying this was a thin layer of natural yellow-brown beach sand (20-33cm). Underneath this layer lay dark greyish brown gravelly sandy silt fill containing early 20th century glass fragments and metal bottle caps (33-50cm). Beneath this lay a compact mottled orange-red clay fill layer including stone fruit seeds and early 20th century glass fragments (50-65cm). This overlaid a layer of very dark brown sandy silt fill with glass inclusions (65-80cm). Beneath this lay a very thin lens of yellowish-brown sandy clay with glass inclusions (80-104cm). This lay above a thin layer of black sandy silt fill (104-109). Finally, a natural layer of soft yellowish-brown beach sand was uncovered (109-120cm).

No Aboriginal cultural heritage was identified during the excavation of Test Pit 1.

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Photograph 11: TP1 end of spit 2, facing north.



Photograph 12: TP1 end of spit 4, facing north.



Photograph 13: TP1 end of spit 5, facing north.



Photograph 14: TP1 end of spit 8, facing north.



Photograph 15: TP1 end of spit 10, facing north.

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Photograph 16: TP1 end of excavation, facing north.



Photograph 17: TP1 end of excavation showing stratigraphy, facing north.

9.4 Geotechnical Information

Statewide Geotechnical were commissioned by the City of Kingston and K20 Architecture to conduct a geotechnical investigation within the activity area in April 2020 to determine the maximum depth of ground disturbance required to support the footing system and founding depth of the changing places facility. Unfortunately, due to timing issues, the geotechnical probes could not be conducted prior to the Standard and Complex Assessments. Detailed results of this investigation can be found in Appendix F.

Statewide Geotechnical investigated four points across the activity area, using a 4WD mounded Earthprobe auger drill rig to create the boreholes. From their investigation, Statewide Geotechnical found that all boreholes tested consisted of a fill layer including sand, silt and gravel to a depth of 0.8m-1.1m, overlaying a natural silty sand layer extending to 1.5m-1.9m. Below this layer, a natural sandy clay layer was uncovered to a maximum tested depth of 3m. The clay layer likely represents a sterile deposit and is unlikely to contain Aboriginal cultural heritage.

9.5 Conclusions from the Complex Assessment

A total of one 1m x 1m test pit was excavated within the activity area, at the location of the proposed changing places facility. The presence of an ESSO pipeline, underground cabling and drainage line meant that the space for subsurface testing was limited to one test pit, however the proposed changing places facility itself is relatively small in size (approximately 150m²) and the location of the test pit was able to be placed within its footprint.

The Test Pit was excavated manually using hand tools and all excavated material was screened using 4mm mesh sieves. The stratigraphy of TP1 consisted of multiple layers of introduced fill, with a natural layer of beach sand being uncovered at 110cm. The thin lens of natural beach sand uncovered at between 20-33cm likely indicates a period of inactivity in human disturbance of the area, allowing sand from the nearby shoreline to blow over and settle onto the ground surface. The layer of fill above this includes modern inclusions such as plastic, while the layer below includes early 20th century inclusions such as torpedo bottle glass, confirming that there are likely multiple layers of disturbance extending over a long period of time.

The stratigraphy of the test pit reflects the conclusions of the Desktop Assessment that the area has been subject to disturbance from the construction of present day developments such as the asphalt carpark,

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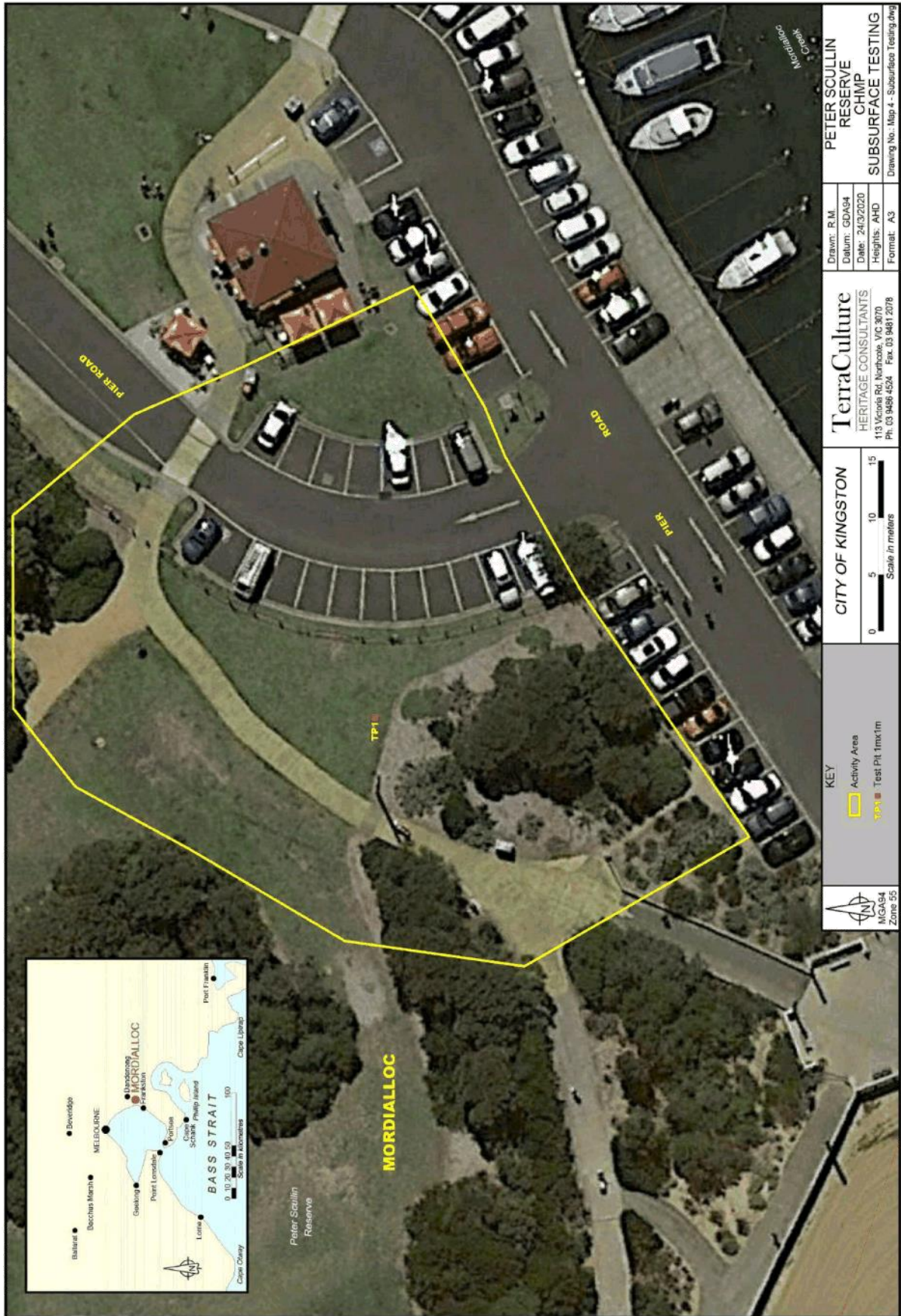
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footpath and associated amenities of the reserve, along with earlier disturbances from the early 20th century onwards.

Although there are some areas where disturbance will occur beneath the area tested, these areas are highly localised and relatively low impact in terms of area (restricted to the footings alone). Therefore, subsurface testing of these areas utilising machine excavation techniques would have caused a greater impact than the activity itself.

No Aboriginal cultural heritage was identified in the area affected by the proposed activity.



10.0 Details of Aboriginal Cultural Heritage in the Activity Area

No Aboriginal Cultural Heritage was recorded in the activity area during the conduct of this Cultural Heritage Management Plan.

11.0 Consideration of Section 61 Matters- Impact Assessment

In accordance with the *Aboriginal Heritage Act 2006* and the *Aboriginal Heritage Regulations 2018*, an assessment must be made concerning whether the proposed activity can be conducted in a way that avoids harm to Aboriginal cultural heritage, or in a way that minimises harm to Aboriginal cultural heritage.

11.1 Impact on Aboriginal Cultural Heritage in the Activity Area

No Aboriginal cultural heritage was recorded in the activity area during the CHMP. Therefore, it is unlikely that Aboriginal cultural heritage will be affected by the proposed activity.

11.2 What are the Cumulative Impacts of the Activity on Aboriginal Cultural Heritage in the Region?

No Aboriginal cultural heritage was recorded in the activity area during the CHMP. Therefore, there are no cumulative impacts of the activity on Aboriginal cultural heritage in the region.

11.3 What Contingency Plans might be Necessary?

Relevant contingency plans for this activity area are detailed in Part 1 Section 2.0 of this report. They include the following:

- Discovery of Aboriginal human remains during the activity (Section 2.1);
- Discovery of unexpected Aboriginal cultural heritage during the activity (Section 2.2);
- Reviewing compliance (Section 2.5).

11.4 What Custody & Management Arrangements might be needed?

For any Aboriginal cultural heritage recovered or salvaged from the activity area during the course of the activity, it is the responsibility of the Sponsor to ensure the following is arranged by a HA:

- Catalogue the Aboriginal cultural heritage;
- Label and package the Aboriginal cultural heritage with reference to provenance;

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- Arrange temporary storage of the Aboriginal cultural heritage in a secure location with copies of the catalogue and assessment documentation; and
- Update the VAHR with all relevant information.
- The sponsor will be responsible for the costs associated with the assessment, cataloguing, labelling and packaging of the Aboriginal cultural heritage material.

Custody and management of any Aboriginal cultural heritage identified during works (other than Aboriginal human remains or sacred objects) should comply with the requirements established by the Act and be assigned according to the following order of priority:

- a. any relevant RAP for the land from which the Aboriginal heritage is salvaged;
- b. any relevant registered native title holder for the land from which the Aboriginal heritage is salvaged;
- c. any relevant native title party (as defined in the Act) for the land from which the Aboriginal heritage is salvaged;
- d. any relevant Traditional Owner or Owners of the land from which the Aboriginal heritage is salvaged;
- e. any relevant Aboriginal body or organisation which has historical or contemporary interests in Aboriginal heritage relating to the land from which the Aboriginal heritage is salvaged;
- f. the owner of the land from which the Aboriginal heritage is salvaged;
- g. Museum Victoria.

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Part 3: Other Information

Peter Scullin Reserve, Mordialloc
CHMP 17069

TerraCulture Pty Ltd

Appendices

Part 3: Other Information

Peter Scullin Reserve, Mordialloc
CHMP 17069

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Appendix A: Notice of Intent to Prepare a Cultural Heritage Management Plan

20/180112

Premier
and Cabinet

Notice of Intent to prepare a Cultural Heritage Management Plan for the purposes of the *Aboriginal Heritage Act 2006*

This form can be used by the Sponsor of a Cultural Heritage Management Plan to complete the notification provisions pursuant to s.54 of the *Aboriginal Heritage Act 2006* (the "Act").

For clarification on any of the following please contact Victorian Aboriginal Heritage Register (VAHR) enquiries on 1800-726-003.

SECTION 1 - Sponsor information

Sponsor: Kingston City Council
 ABN/ACN: 80 640 377 247
 Contact Name: Juli Stickler
 Postal Address: 1230 Nepean Highway Cheltenham VIC 3192
 Business Number: 03 9581 4353 Mobile: _____
 Email Address: juli.stickler@kingston.vic.gov.au

Sponsor's agent (if relevant)

Company: _____
 Contact Name: _____
 Postal Address: _____
 Business Number: _____ Mobile: _____
 Email Address: _____

SECTION 2 - Description of proposed activity and location

Project Name: Peter Scullin Reserve, Mordialloc: Proposed Construction of a Changing Places Facility
 Municipal district: Kingston City Council

Clearly identify the proposed activity for which the cultural heritage management plan is to be prepared (ie. Mining, road construction, housing subdivision)

Minor sports and recreation facility

SECTION 3 - Cultural Heritage Advisor

Emily Knowles	Terraculture Pty Ltd	knowlesemily@hotmail.com
<i>Name</i>	<i>Company</i>	<i>Email address</i>

SECTION 4 - Expected start and finish date for the cultural heritage management plan

Start Date: 07-Feb-2020 Finish Date: 08-Feb-2021

Submitted on: 07 Feb 2020

Premier
and Cabinet

SECTION 5 - Why are you preparing this cultural heritage management plan?

- ☒ A cultural heritage management plan is required by the Aboriginal Heritage Regulations 2007
What is the high Impact Activity as it is listed in the regulations?
 Minor sports and recreation facility
 Is any part of the activity an area of cultural heritage sensitivity, as listed in the regulations? Yes
- ☐ Other Reasons (Voluntary)
- ☐ An Environment Effects Statement is required
- ☐ A Cultural Heritage Management Plan is required by the Minister for Aboriginal Affairs.
- ☐ An Impact Management Plan or Comprehensive Impact Statement is required for the activity

SECTION 6 - List the relevant registered Aboriginal parties (if any)

This section is to be completed where there are registered Aboriginal parties in relation to the management plan.

SECTION 7A - List the relevant Aboriginal groups or Aboriginal people with whom the Sponsor intends to consult (if any)

*This section is to be completed only if the proposed activity in the management plan is to be carried out in an area where there is **no Registered Aboriginal Party**.*

Boon Wurrung Foundation Limited
 Bunurong Land Council Aboriginal Corporation
 Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation

SECTION 7B - Describe the intended consultation process (if any)

*This section is to be completed only if the proposed activity in the management plan is to be carried out in an area where there is **no Registered Aboriginal Party**.*

Consultation with CHMP and fieldwork contribution

SECTION 8 – State who will be evaluating this plan (mandatory)

The plan is to be evaluated by:

- ☐ Joint - Registered Aboriginal Party AND The Secretary
- ☐ A Registered Aboriginal Party
- ☒ The Secretary
- ☐ Victorian Aboriginal Heritage Council

SECTION 9 – Preliminary Aboriginal Heritage Tests (PAHTs)

List the Reference Number(s) of any PAHTs conducted in relation to the proposed activity:

SECTION 10 - Notification checklist

Submitted on: 07 Feb 2020



Ensure that any relevant registered Aboriginal party/ies is also notified. A copy of this notice with a map attached may be used for this purpose.
(A registered Aboriginal party is allowed up to 14 days to provide a written response to a notification specifying whether or not it intends to evaluate the management plan.)

In addition to notifying the Deputy Director and any relevant registered Aboriginal party/ies, a Sponsor must also notify any owner and/or occupier of any land within the area to which the management plan relates. A copy of this notice with a map attached may be used for this purpose.

Ensure any municipal council, whose municipal district includes an area to which the cultural heritage management plan relates, is also notified. A copy of this notice, with a map attached, may also be used for this purpose.

Submitted on: 07 Feb 2020



MAP 1: Showing Activity Area.

Part 3: Other Information

Peter Scullin Reserve, Mordialloc
CHMP 17069

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Appendix B: Compliance Review Checklist

Task	Section within CHMP	Yes/No
Is a copy of approved CHMP 17069 containing this checklist kept onsite and referred to when necessary?	1.1.1	
If suspected human remains were discovered, was the following undertaken:		
<ul style="list-style-type: none"> Were the Victoria Police and State Coroner's Office immediately notified? If the remains are reasonably suspected to be Aboriginal, has the Coronial Admissions and Enquiries hotline been immediately contacted on 1300 888 544? 	2.1	
<ul style="list-style-type: none"> Has all activity in the vicinity stopped and the remains left in place? 	2.1.1	
<ul style="list-style-type: none"> Have all relevant parties been notified of the discovery? 	2.1.2	
<ul style="list-style-type: none"> Has an appropriate mitigation or salvage strategy as determined by the Victorian Aboriginal Heritage Council been implemented? 	2.1.3	
<ul style="list-style-type: none"> Has the treatment of salvaged Aboriginal Ancestral remains been in accordance with the direction of the Victorian Aboriginal Heritage Council? 	2.1.4	
<ul style="list-style-type: none"> Has the reburial site(s) been fully documented by an experienced and qualified archaeologist, clearly marked and all details provided to Aboriginal Victoria and appropriate management measures been implemented to ensure the remains are not disturbed in the future? 	2.1.5	

Part 3: Other Information

Peter Scullin Reserve, Mordialloc
CHMP 17069

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Task	Section within CHMP	Yes/No
If unexpected Aboriginal cultural heritage or that changes the previously understood nature and extent of the registered place was identified during the activity, was the following undertaken:		
▪ Have works in the immediate location of the Aboriginal cultural heritage or suspected Aboriginal cultural heritage been suspended and has a 10m exclusion zone been set up with an appropriate barrier and signage?	2.2.1	
▪ Has a Heritage Advisor been notified, and made an assessment within 48 hours of the discovery?	2.2.2	
▪ Has the Heritage Advisor taken all necessary steps to evaluate the nature and extent of the discovery and submitted all appropriate documentation with the VAHR within 2 weeks?	2.2.3	
▪ Has the appropriate course of action been determined and enacted according to the results of the evaluation of the discovery?	2.2.4	
▪ Have all conditions been met before recommending activity?	2.2.5	
▪ Have the custody and management arrangements determined in consultation with the RAP been completed?	2.2.6	

Appendix C: Glossary of Terms

Aboriginal Archaeological Place: A site, place or area of land or of water that is of Cultural Heritage Significance to the Aboriginal people of Victoria.

Aboriginal Archaeological Place Types: Aboriginal archaeological Places can be classified into generic types according to their context, fabric and probable function. Aboriginal Victoria currently recognises some 10 site types including stone artefact scatters, shell middens and scarred trees.

Aboriginal Artefact Scatter: A collection of Aboriginal artefacts usually distributed across the surface of the ground. Stone artefacts are a common component and can be found in association with organic remains, shell, ochre and charcoal. Artefact scatters are the material remains of past Aboriginal use of a location and are generally referable to technological and economic behaviour. They are also called surface scatters.

Aboriginal Burial: Aboriginal interment consisting of human skeletal remains. Aboriginal burials occur in a wide range of forms and physical contexts and may be found with grave goods.

Aboriginal Historic Place: Aboriginal historic places are the locations of events, places or place names that were recorded in historical documents or in oral tradition during the *post contact period*. Unlike Aboriginal archaeological sites, Aboriginal historic places do not necessarily retain any physical evidence of any former structures, activities or specific events.

Activity area: The area that is under investigation, also referred to as a study area.

Angular Fragment: Shatter or blocky pieces of stone produced during flaking processes.

Archaeology: Conventionally, the scientific study of the material remains of past human activity.

Artefact: Any object created or modified by humans.

Assemblage: Archaeological term used to describe a collection of artefacts associated by a particular place or time and assumed to have been generated by a single group of people. An assemblage can be made from different *artefact* types.

AV: Aboriginal Victoria, Department of Premier and Cabinet (Victoria).

Blade: A *flake* that is at least twice as long as it is wide.

Part 3: Other Information

Peter Scullin Reserve, Mordialloc
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BLCAC: Bunurong Land Council Aboriginal Corporation.**BWF:** Boon Wurrung Foundation.**CHMP:** Cultural Heritage Management Plan.**Complex Assessment:** The subsurface excavation component of the Cultural Heritage Management Plan.**Context:** Refers to the place of artefacts or archaeological features with regards to time and space.**Core:** A piece of stone from which other stone artefacts are made. In *freehand flaking* the *core* would be struck with a *hammerstone* removing *flakes* and other fragments of stone often referred to as *debitage*.**Core Tool:** A *core* displaying signs of use.**Cortex:** The weathered external surface of a stone. Cortex often identifies the origins and original form of flaked stone, e.g. river pebbles.**Debitage:** By-products produced during the flaking process.**Desktop Assessment:** The background research component of a Cultural Heritage Management Plan.**Excavation:** The systematic removal of archaeological deposits using archaeological techniques.**Flake:** A piece of stone detached by percussion or pressure from a *core*. The flake will usually display characteristic features such as a *platform* and *bulb of percussion*. The *core* will display a negative flake scar. These features assist in distinguishing between stone that has been altered through human agency and that which has been naturally shaped.**Ground Visibility:** A term used to describe the area of the ground's surface that is visible during archaeological field surveys. Effective ground visibility refers to the actual area of ground visible during a field survey calculated as the area of ground inspected multiplied by the percentage of ground visibility.**HA:** Heritage Advisor.**Hornfels:** Fine grained metamorphic stone, created by contact between sedimentary stones and intrusive igneous masses to produce a stone which is quite hard and durable.**Industry:** A single class of artefacts that are consistent in their form and that can be credited to a single group of people.

Part 3: Other Information

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In situ: In its original place.**Layer**: A recognisable band of material of varying thickness, also known as a *stratum*.**LDAD**: Low Density Artefact Distribution.**OSL**: Optically Stimulated Luminescence.**Platform**: Face of core that is struck by a *hammerstone*, leaving remnants on both the *core* and the resultant *flake*.**Pleistocene**: The geological period equivalent to the last ice age and preceding the *Holocene* from ca 2 million to 10,000 years ago. The late Pleistocene commonly refers to the last 40,000 years *BP*.**RAP**: Registered Aboriginal Party.**Quartz**: A hard mineral that varies from white to blue in colour and in transparency from opaque to clear.**Quartzite**: A metamorphic rock formed through the 're-crystallisation of quartz rich sandstone'.**Retouch**: Secondary modifications to stone artefacts such as trimming or resharpening. Retouch often indicates use of a stone *flake* and therefore its identification as a stone tool.**Salvage Excavation**: The systematic documentation and recovery of an archaeological site prior to its destruction, also known as rescue archaeology.**Scarred Trees, *Aboriginal***: Trees that were used as a source of bark to make canoes and other items. Bark was cut using a stone axe and then levered from the sapwood leaving a scar. The bark around the edge of this scar is called regrowth. Natural scarring is common on some trees and is often difficult to distinguish from scars made by Aborigines during the *pre-contact period*.**Scraper**: A stone tool made on a *flake* or *core* with *retouch* along one or more edges.**Silcrete**: A highly siliceous rock formed by the replacement of a parent rock (commonly sandstone) by silica in solution.**Spit**: Arbitrary quantity of excavated ground.**Standard Assessment**: The survey component of the Cultural Heritage Management Plan.

Part 3: Other Information

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Stratigraphy: A geological term used to describe the sequence of vertical *layers* and *deposits* that comprise an archaeological site.

Strata: The distinct layers of earth in an archaeological site.

Subsurface Testing: The testing for buried archaeological material through manual or mechanical excavation.

Survey, *Pedestrian*: The systematic examination of the ground surface for archaeological material, also known as a foot survey.

Test Pit: A small excavation unit dug to investigate the depth of stratum and the presence or absence of archaeological material.

VAHR: Victorian Aboriginal Heritage Register.

Wurundjeri: Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.

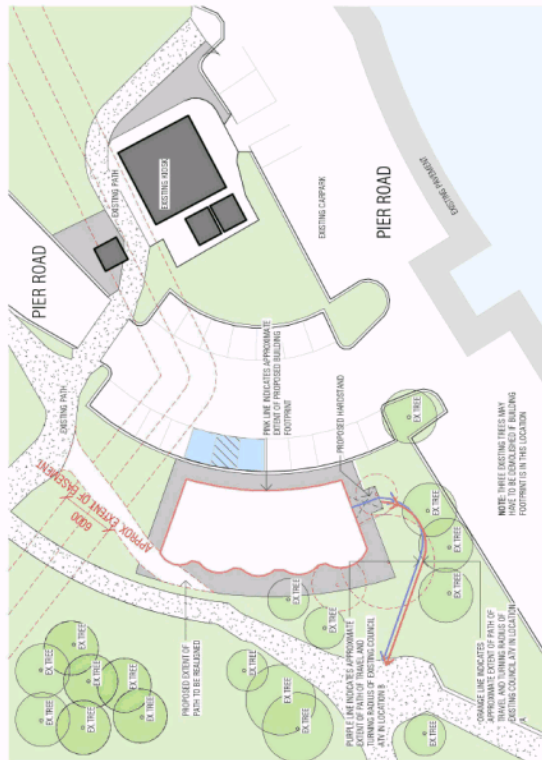
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Appendix D: Activity Plans



3 | PRELIMINARY SITE PLAN - PROPOSED LOCATION B

PROPOSED SCHEMATIC CONCEPT FLOORPLAN AND PRELIMINARY SITE PLAN LOCATIONS

SCALE @ 43

	DATE
	TIME

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Appendix E: ESSO Pipeline

20/180112



Job # 18985970
Seq # 94519106
Provider: Esso Australia Pty Ltd
Telephone: (03) 5143 4090



Legend

- DBYD Enquiry
- Ethane
- Gas
- LPG
- Crude Oil
- Redundant
- Buffer zone

This map is a representation of the information currently held by Esso Australia Pty Ltd. Basemap data is supplied by VICMAP. The Plan is provided in response to a Dial Before You Dig request. While all reasonable care has been taken to ensure the accuracy of the information on this plan, its purpose is to provide a general indication of the location of Esso Australia infrastructure. The information provided may contain errors or omissions and the accuracy may not suit all users. A site inspection and investigation is recommended before commencement of any project based on this data. Do not proceed if your work has potential to impact Esso pipelines.

In an emergency contact Esso Australia on (03) 5143 4090 or (03) 5143 4079
06/02/20 (valid for 30 days)

Scale 1:1,000

Plans generated by SmarterWX™ Automate

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Part 3: Other Information

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Appendix F: Geotechnical Information



Statewide Geotechnical
Geotechnical Engineers

GEOTECHNICAL SITE INVESTIGATION

PROPOSED NEW PUBLIC TOILET BLOCK

**PETER SCULLIN RESERVE
MORDIALLOC**

PROJECT NO: 25403-1

PREPARED FOR: K20 ARCHITECTURE

DATE: 15TH APRIL, 2020

Distribution: INDIA MITCHELL

STATEWIDE GEOTECHNICAL (AUST) PTY LTD

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APPENDIX 1	APPENDIX 2
Description of Soils	Borehole Logs
	Figure

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1.0 **INTRODUCTION**

1.1 **Commission**

In response to a request by K20 Architecture, Statewide Geotechnical (Aust) Pty Ltd undertook a Geotechnical Investigation at the site of a new public toilet block at Peter Scullin Reserve, Mordialloc.

1.2 **Proposed Development**

It is understood that the proposed development will comprises construction of a new public toilet block which will be a single storey masonry walled building supported by an on grade slab.

1.3 **Site Description**

The site is a large public reserve, access from the north-east via Beach Road and flanked by Mordialloc Creek to the south and the beach to the west. The proposed construction envelope is the located on the southern portion of the reserve, to the north-west of Pier Road and existing bitumen carpark. Surface gradient was measured using a hand held clinometer and approximately 2° sloping towards north-east. The proposed construction envelope is currently grass covered with some footpath in the area.

Some 7-9m high trees are located on the northern and north-western side of the proposed construction envelope, in the footprint of proposed construction envelope. Trees can be assumed to exert a drying effect over a radius 0.75X **the mature height** of the tree and 1.0X for a group or row of trees.

It is important that the designer satisfy themselves as to the mature heights of these trees and hence the extent of potential drying related influence on the proposed construction envelope.

Photographs taken during the investigation are shown on the following page. Key site details are summarised on attached Figure 1.

1.4 **Aims of Investigation**

Based on information received pertaining to the proposed development, in particular the likely scope of required earthworks and excavation, preferred and appropriate footing systems and interpretation of likely substrate and groundwater conditions, the aims of this investigation are as follows;

- Define substrate profiles beneath the site, together with soil moisture and groundwater conditions.
- Provide site specific advice in relation to;
 - Earthworks and Site Preparation
 - Recommended footing systems, bearing pressure
 - Hazard factor for earthquake load (per AS1170.4.2007)
 - Construction and site maintenance recommendations

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Photo 1: Look north across proposed construction envelope from bitumen carpark



Photo 2: Looking east across proposed construction envelope

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Photo 3: Drilling BH1 with the 4WD mounted Earthprobe auger drill rig

2.0 SCOPE OF INVESTIGATION

Fieldwork was carried out by engineering staff from this firm on the 3rd April, 2020. Four boreholes were drilled using a 4WD mounted Earthprobe auger drill rig. The subsurface profile was logged, sampled and appropriately strength / density tested.

Dynamic Cone Penetrometer (DCP) tests were conducted at two boreholes. The DCP values are shown in borehole logs.

Borehole and test locations are shown in Figure attached in Appendix 1. Geotechnical logs of the bore holes containing any sampling and in-situ test results are contained in Appendix 1.

3.0 RESULTS OF INVESTIGATION

3.1 Site Geology

The site is identified on the Geological Survey of Victoria **CRANBOURNE** Sheet (1:63,360) as being located within the Province of Quaternary 'Siliceous and Calcareous Sand'.

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3.2 Borehole Profile

Details of the subsurface conditions encountered during drilling are summarised as follows:

BH1-2

- FILL, admixed sand, silt, gravel, dark brown, medium dense, extending from surface to 0.8-1.1m, underlain by,
- Natural Silty SAND, light brown / light grey / brown / dark grey, medium dense to loose, extending to 1.5-1.9m, underlain by,
- Sandy CLAY, light grey / brown, medium plasticity, stiff, extending to 3.0m.

BH3-4

- FILL, admixed sand, silt, gravel, clay, light brown / dark brown / grey, medium dense, extending from surface to 1.1m, underlain by,
- Natural Silty SAND, light grey / brown / dark grey, medium dense to loose, extending to 2.0m.

3.3 Soil Moisture / Groundwater

The fill layer and natural soil profile is generally described as slightly moist to moist. Regional ground water was not intersected during borehole drilling.

During wet months or following significant rainfall events, development of “perched” groundwater may occur, resulting in localized wetting or saturation of fill materials or natural silt and sandy soils (if any) which overlie the clay interface.

3.4 Climatic Region

This site is classified as being within the Class 2 ‘Wet Temperate’ Climatic Region.

3.5 Site Classification

This site is classified as **Class P** in accordance with AS2870 – 2011:

Clause 2.5.3: Uncontrolled fill material was intersected to depths greater than 800mm for sand.

Clause 1.3.3c: Abnormal Soil Moisture Conditions likely – Presence of trees on the building site or adjacent site.

However, the proposed development appears to fall outside the scope of the AS2870 – 2011 and the design should be based on engineering principles.

Any SITE CUTTING or FILL PLACEMENT has the potential to alter areas of the site which may be affected by abnormal soil moisture conditions. It may also alter appropriate footing types.

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Where CUT or FILL works occur, this office must be supplied with accurate details to ensure that the SITE CLASSIFICATION and FOOTING ADVICE remain appropriate.

3.6 Earthquake Classification

Australian Standard AS 1170.4 – 2007, 'Structural Design Actions, Part 4: Earthquake Actions in Australia' outlines the methods for assessing the sites Sub-soil Class. According to the Borehole Logs, stratigraphy and Table 4.1 "Maximum Depth Limits for Sub-soil Class C" and figure 3.2 of AS 1170.4 – 2007, we recommend the following site factor and Hazard Factor are adopted:

- Sub-soil Class Class C_e – Shallow Soil site
- Hazard Factor (Z): 0.08

3.7 Field Test Results

Dynamic Cone Penetrometer (DCP) tests were conducted at two boreholes. The results are shown in borehole logs. A summary of DCP results are shown in Table 1.

Table 1: DCP Results

BH	Depth (m)	Description	DCP Penetration (mm/blow)	In Situ CBR (%)
1	0.0-0.8	FILL	12	16
2	0.0-0.8	FILL	22	8

In-situ Dynamic Penetrometer Test results vary according to the soil moisture content of the materials being tested. The above results were conducted in fill materials and natural soils which were described as slightly moist to moist. The same tests conducted after a period of extended rainfall would result in significantly lower values.

4.0 SITE PREPARATION RECOMMENDATIONS

4.1 General

Foundation zone conditions across this site, with the exception of fill materials, comprise natural silty sand and sandy clay. Groundwater will not be intersected.

Best performance of the footing system and prevention of differential settlements will be achieved by adopting a uniform footing system and founding depth. The new building will be supported by on grade slab.

In conjunction with any excavation to achieve required grade levels the site shall be prepared in accordance with Section 6 of AS2870 – 2011 (Residential Slabs & Footings). Particular attention should be given to the stripping of all vegetation and topsoil containing root zone material. In addition, any areas of soft, loose or wet material which will not respond to compactive measures should be selectively excavated to achieve a firm working base.

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5.0 FOOTING DESIGN RECOMMENDATIONS**5.1 Engineering Design Slab**

We recommend the use of an engineer designed, on-grade slab, with the design taking account of the following input;

- a) Anticipated maximum design surface movement (Y_s) = 20mm
- b) Slab edge and structurally loaded internal beams should penetrate through any fill material and be founded at least 100mm into the underlying natural silty SAND. Adopt minimum founding depths for these beams of not less than 500mm below finished surrounding surface level. .
- c) Maximum allowable bearing pressures beneath slab beams shall not exceed 125kPa.
- d) Slab panels are to be designed as 'self-supporting' between edge or internal stiffening beams.
- e) Total anticipated settlements which will be induced by maximum design bearing pressures: 15mm with differential settlements approximately half this figure.

5.2 General

It is essential that all foundation excavations be based in natural soil which is neither soft nor saturated. Should such conditions be encountered, then additional deepening to achieve a firm excavation base is required.

Where edge beams/footings are located adjacent to a backfilled service trench, we advise that, unless continuous rock is intersected at shallower depths, such footings should be deepened such that they are founded at or below the level of a plane of inclination (30°) extending outwards from the base of the trench.

6.0 CONSTRUCTION & SITE MAINTENANCE**6.1 Articulation of Masonry Walls**

All masonry walls should be adequately articulated in accordance with the recommendations outlined by the Cement and Concrete Association of Australia in Technical Note 61, "Articulated Walling".

Articulation spacing's should not exceed the spacing's given in Table 1 of Technical Note 61 unless structural design of the proposed structures is able to accommodate increased spacing's. Articulation joints should also be provided at the transition points where more than one footing type is being used. An adequate articulation joint may comprise of either a full height opening or a full height vertical joint in the brickwork, extending from the footing up to the eaves. A combination of the two is also considered to be adequate.

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6.2 General Site Drainage

It is essential that no water be allowed to pond against footings once they have been constructed. The ground adjacent to the footings should be graded as soon as footing construction has been completed so as to provide a grade of at least 1 in 20 over the first 2.0 metres. Alternatively, all water run-off should be collected and permanently channelled away from the proposed structures.

Water should not be permitted to pond in footing excavations for any length of time during construction.

6.3 Service Trenches and Easements

The presence of service trenches and easements is a common cause of unsatisfactory performance of foundations through either direct undermining or through the introduction of undesirable levels of soil moisture. For this reason, we recommend;

- Where footings/edge beams are located in close proximity or adjacent to the backfilled service trench or easement, the footing/edge beam must be deepened and founded 500mm below the level of plane of inclination of 45° above horizontal extending outwards from the base of the trench or filling (as illustrated by figure C6.4.1 AS2870-2011). Piles should be deepened so as to maintain their design bearing pressures. This includes service trenches which may be present on adjacent sites or on site prior to the current development (such as abandoned stormwater and sewer trenches).
- Significant additional deepening (greater than nominal depth of 1.50m) may necessitate the footing / edge beam to be suspended to an engineer design, and this office should be contacted for further advice.
- All service trenches should be sloped away from the building as per AS2870-2011 section 5.6.3 (b, c and d) and be backfilled with non-permeable material as per AS2870-2011 section 5.6.3 (b).
- Backfill material should ideally comprise weak mix concrete, mortar or (preferably) cement stabilized soil, or clean adequately tamped / compacted clay placed marginally wet of optimum. Permeable or granular material such as sand, gravel ¼ minus, or building rubble, should not be used to backfill service trenches in proximity to building foundations.

7.0 GENERAL ADVICE

All contractors must be well **briefed** as to the requirements and specifications in this report. To minimize the likelihood of misinterpretation, this report must not be reproduced unless in full and contractors given ready access to the complete report.

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This report is based on the assumptions that conditions revealed through selective sampling are indicative of the actual conditions throughout the site, i.e. correlation between boreholes. Variations between boreholes may exist due to previous land use or natural geologic processes. Additional deepening of the foundations, deeper than the minimum specified founding depths in this report, may be required. The actual subsurface conditions can be discerned only during earthworks when the subsurface profile can be directly observed.

Inspection of all foundation excavations, site works and compaction must be conducted by a suitably qualified, experienced engineer, engineering geologist, building surveyor or similar to ensure that the founding material and site works are in accordance with this report. Should there any doubt, this office should be immediately contacted.

If you require any explanation or further information regarding advice contained in this report, do not hesitate to contact the undersigned.

For and on behalf of

Statewide Geotechnical (Aust) Pty Ltd



David Alkemade B.Eng (Geo), MSc
Engineering Manager



Dr Derek Chan PhD (Geo)
Geotechnical Engineer

20/180112



Statewide Geotechnical
Geotechnical Engineers

APPENDIX 1

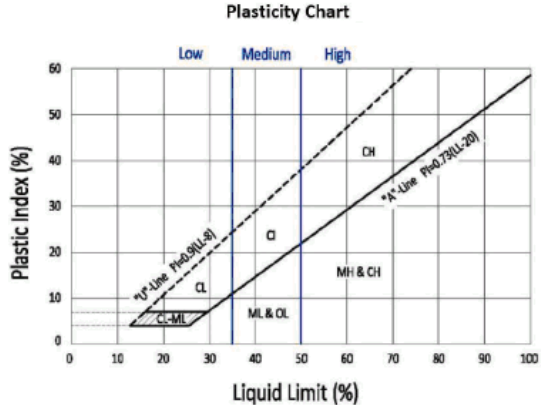
DESCRIPTION OF SOILS

Statewide Geotechnical (Aust) Pty Ltd

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ABN: 73 113 017 799 ACN: 113 017 799

20/180112

APPENDIX 1
Description of Soils: Refer AS1726-2017
Sheet 1 of 2

Major Divisions		Particle Size (mm)	USCS Group Symbol	Typical Names	Laboratory Classification			
COARSE GRAINED SOILS (More than half of material less than 63mm is larger than 0.075mm)	BOULDERS	200			% <0.075 mm	Plasticity of Fine Fraction	$C_u = \frac{D_{60}}{D_{10}}$	$C_c = \frac{(D_{30})^2}{(D_{10})(D_{60})}$
	COBBLES	63						
	GRAVELS (more than half of coarse fraction is larger than 2.36mm)	Coarse — 20	GW	Gravel & gravel-sand mixtures, little or no fines	0-5	-	>4	Between 1 & 3
		Medium — 6	GP	Gravel & gravel sand mixtures, little or no fines, uniform gravels	0-5	-	Fails to comply with above	
		Fine — 2.36	GM	Gravel-silt mixtures & gravel-sand-silt mixtures	12-50	Below 'A' line or $PI < 4$	-	-
			GC	Gravel-clay mixtures & gravel-sand-clay mixtures	12-50	Above 'A' line and $PI > 7$	-	-
	SANDS (more than half of coarse fraction is smaller than 2.36mm)	Coarse — 0.6	SW	Sand & gravel-sand mixtures, little or no fines	0-5	-	>6	Between 1 & 3
		Medium — 0.2	SP	Sand & gravel-sand mixtures, little or no fines	0-5	-	Fails to comply with above	
		Fine — 0.075	SM	Sand-silt mixtures	12-50	Below 'A' line or $PI < 4$	-	-
			SC	Sand-clay mixtures	12-50	Above 'A' line & $PI > 7$	-	-
FINE GRAINED SOILS (more than half of material less than 63mm is smaller than 0.075mm)	SILTS & CLAYS (Liquid Limit $\leq 50\%$)		ML	Inorganic silt & very fine sand, rock flour, silty or clayey fine sand or silt with low plasticity	<p>Plasticity Chart</p> 			
			CL	Inorganic clay of low to medium plasticity, gravelly clay, sandy clay				
			OL	Organic silt				
	SILTS & CLAYS (Liquid limit $> 50\%$)		MH	Inorganic silt				
			CH	Inorganic clay of high plasticity				
			OH	Organic clay of medium to high plasticity, organic silt				
	HIGHLY ORGANIC SOILS		Pt	Peat, highly organic soil				

Secondary & Minor Soil Components			
Term	% Fines For Coarse Grained Soils	% Coarse For Fine Grained Soils	Field Assessment
Trace	≤ 5	≤ 15	Presence just detectable by feel or eye. Properties little or no different to those of primary soil.
With	$> 5 \leq 12$	$> 15 \leq 30$	Presence easily detected by feel or eye. Properties little or no different to those of primary soil.
Prefix as silty / sandy, as applicable	> 12	> 30	Presence obvious by feel or eye. Properties of soil are altered from those of the primary soil.

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APPENDIX 1

Description of Soils: Refer AS1726-2017

Sheet 2 of 2

Soil Moisture Condition			Ground Water	
Term	Log Symbol	Description	Standing Water Level (dark) Inflow Outflow NOT OBSERVED Ground water observation not possible. NOT ENCOUNTERED Ground water may or may not be present Ground water was not evident during excavation or a short time after completion	
Dry	D	Cohesive soils; hard and friable or powdery, well dry of plastic limit. Granular soils; non-cohesive and free-running		
Moist	M	Soil feels cool, darkened in colour. Cohesive soils can be moulded. Granular soils tend to stick together.		
Wet	W	Soil feels cool, darkened in colour. Cohesive soils usually weakened and free water forms when handling. Granular soils tend to stick together and free water forms when handling.		
Sampling & Testing				
BS		Bulk Sample		
DS		Disturbed Sample		
U60		Thin walled tube sample. Number indicates nominal sample diameter in mm		
ES		Environmental Sample		
SPT		Standard Penetrometer Test		
PP=145kPa		Pocket Penetrometer Test. Result expressed in kPa		
DCP		Dynamic Cone Penetrometer Test		

Consistency – Essentially Cohesive Soils				
Term	Field Assessment	Log Symbol	Undrained Shear Strength S_u (kPa)	Unconfined Compressive Strength q_u (kPa)
Very soft	Sticks between fingers when squeezed in hand	Vs	< 12	< 25
Soft	Easily moulded with fingers	S	12-25	25-50
Firm	Can be moulded by strong pressure of fingers	F	25-50	50-100
Stiff	Not possible to mould with fingers	St	50-100	100-200
Very stiff		VSt	100-200	200-400
Hard	Can be indented with difficulty by thumb nail	H	> 200	> 400
Friable	Can be easily crumbled or broken into small pieces by hand	Fb	-	-

Consistency – Non-Cohesive Soils		
Term	Log Symbol	Density Index (%)
Very loose	VL	0-15
Loose	L	15-35
Medium dense	MD	35-65
Dense	D	65-85
Very dense	VD	85-100

Standard Penetration Test (SPT): Refer to AS1289.6.3.1-2004		
Log Symbol	Penetration Resistance (N)	Explanation / Comment
4, 7, 11	N=18	Full penetration; N is reported on engineering borehole log
4, 18, 30-15mm	N=R	30 blows causes less than 100mm penetration (3 rd interval) – test discontinued
30/80mm	N=R	30 blows causes less than 100mm penetration (1 st interval) – test discontinued
rw	N<1	Rod weight only causes full penetration
hw	N<1	Hammer and rod weight only causes full penetration
hb	N=R	Hammer bouncing for 5 consecutive blows with no measurable penetration – test discontinued

Field Assessment of Fill Compaction	
Log Symbol	Term
APC	Appears poorly compacted
AMC	Appears moderately compacted
AWC	Appears well compacted

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APPENDIX 2

SITE PLAN & BOREHOLE LOGS

Statewide Geotechnical (Aust) Pty Ltd

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20/180112

Statewide Geotechnical (Aust) Pty. Ltd. ABN 73 113 017 799					PROJECT NO: 25403		
BOREHOLE LOGS					Date Drilled: 03/04/2020 Supervisor: GK		
CLIENT: K20 ARCHITECTURE							
PROJECT: PETER SCULLIN RESERVE, PIER ROAD, MORDIALLOC							
BOREHOLE NO: 1 METHOD: A LOCATION: See attached figure							
DEPTH (m)	STRUCTURE	MATERIAL DESCRIPTION	COHESION or DENSITY	SOIL MOISTURE/ GROUNDWATER	IN SITU TESTING		SAMPLE
					DEPTH (m)	PP	DCP / SPT
1.1	FILL	Admixed sand, silt, gravels large, dark brown, bricks	MD	SM			FROM SURFACE 0.1 -5 0.2 -10 0.3 -14 0.4 -10 0.5 -8 0.6 -6 0.7 -6 0.8 -15
	SOIL PROFILE	Silty SAND, light brown	MD ↓ L	SM ↓ M			
1.9		1.4m Becoming light grey					
		Sandy CLAY, medium plasticity, light grey, brown	St	M	2.0	100	
					2.5	100	
3.0					3.0	100	
		3.0m FINISH					
BOREHOLE NO: 2 METHOD: A LOCATION: See attached figure							
0.8	FILL	Admixed sand, silt, large gravels, dark brown	MD	SM			
	SOIL PROFILE	Silty SAND, light grey, brown	MD ↓ L	SM ↓ M			
1.5		1.2m Becoming dark grey					
		Sandy CLAY, medium plasticity, light grey, brown	St	M	1.5	100	
					2.0	100	
					2.5	100	
3.0					3.0	100	
		3.0m FINISH					

Sample Type U – Undisturbed Sample D – Disturbed Sample SPT *SPT Sample U50 Tube Sample U63 Tube Sample	Moisture Condition D – Dry M – Moist SM – Slightly Moist VM – Very Moist W – Wet Seepage Entry Standing Water Level	Consistency VS – Very Soft S – Soft F – Firm St – Stiff VSt – Very Stiff H – Hard Fb – Friable	Relative Density VL – Very Loose L – Loose MD – Moderately Dense D – Dense VD – Very Dense	Testing PP – Pocket Penetrometer VSH – Vane Shear DCP – Dynamic Cone Penetrometer *SPT – Standard Penetrometer Test
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20/180112

Statewide Geotechnical (Aust) Pty. Ltd. ABN 73 113 017 799					PROJECT NO: 25403		
BOREHOLE LOGS					Date Drilled: 03/04/2020 Supervisor: GK		
CLIENT: K20 ARCHITECTURE							
PROJECT: PETER SCULLIN RESERVE, PIER ROAD, MORDIALLOC							
BOREHOLE NO: 3 METHOD: A LOCATION: See attached figure							
DEPTH (m)	STRUCTURE	MATERIAL DESCRIPTION	COHESION or DENSITY	SOIL MOISTURE/ GROUNDWATER	IN SITU TESTING		SAMPLE
					DEPTH (m)	PP	DCP / SPT
1.1	FILL	Admixed sand, silt, gravel, light brown	MD	SM			FROM SURFACE 0.1 -2 0.2 -5 0.3 -9 0.4 -6 0.5 -6 0.6 -5 0.7 -5 0.8 -5
	SOIL PROFILE	Silty SAND, light grey 1.3 Becoming dark grey, brown	MD ↓ L	SM ↓ M			
2.0							
		2.0m FINISH					
BOREHOLE NO: 4 METHOD: A LOCATION: See attached figure							
1.1	FILL	Admixed sand, silt, roots, gravel, clay, dark brown, grey	MD	SM			
	SOIL PROFILE	Silty SAND, light grey, brown 1.4m Becoming dark grey	MD ↓ L	SM			
2.0							
		2.0m FINISH					

Sample Type U - Undisturbed Sample D - Disturbed Sample SPT - SPT Sample U50 Tube Sample U63 Tube Sample	Moisture Condition D - Dry M - Moist SM - Slightly Moist VM - Very Moist W - Wet Seepage Entry Standing Water Level	Consistency VS - Very Soft S - Soft F - Firm St - Stiff VSt - Very Stiff H - Hard Fb - Friable	Relative Density VL - Very Loose L - Loose MD - Moderately Dense D - Dense VD - Very Dense	Testing PP - Pocket Penetrometer VSH - Vane Shear DCP - Dynamic Cone Penetrometer *SPT - Standard Penetrometer Test
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Geotechnical Engineers

APPENDIX 3

LABORATORY TEST RESULTS

Statewide Geotechnical (Aust) Pty Ltd

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Report No: 25403/BH1/2.5-3.0/ATT-1

ATTERBERG LIMITS TEST RESULTS

AS 1289 3.1.1:2009, AS 1289 3.2.1:2009, AS 1289 3.3.1:2009, AS 1289 3.4.1:2008

CLIENT:	STATEWIDE GEOTECHNICAL (AUST) PTY LTD	PROJECT / JOB NO:	25403
PRINCIPAL CLIENT:	K20 ARCHITECTURE	DATE RECEIVED:	3/04/2020
PROJECT LOCATION:	PIER ROAD MORDIALLOC	DATE TESTED:	6/04/2020
SAMPLE LOCATION:	Borehole(s) 1 Depth (m) 2.5-3.0	TESTED BY:	LH
SAMPLE TYPE:	Loose Grab Sample from Auger Drilling (Sampled by Client)		
MATERIAL DESCRIPTION:	Sandy CLAY		
SAMPLE PREPARATION:	Oven Dried and Dry Sieved		

Liquid Limit Determination

Test No.	1	2	3	4
Moisture Content:	37.8%	38.4%	38.9%	39.7%
Number of Blows, N:	40	32	26	17

Plastic Limit Determination

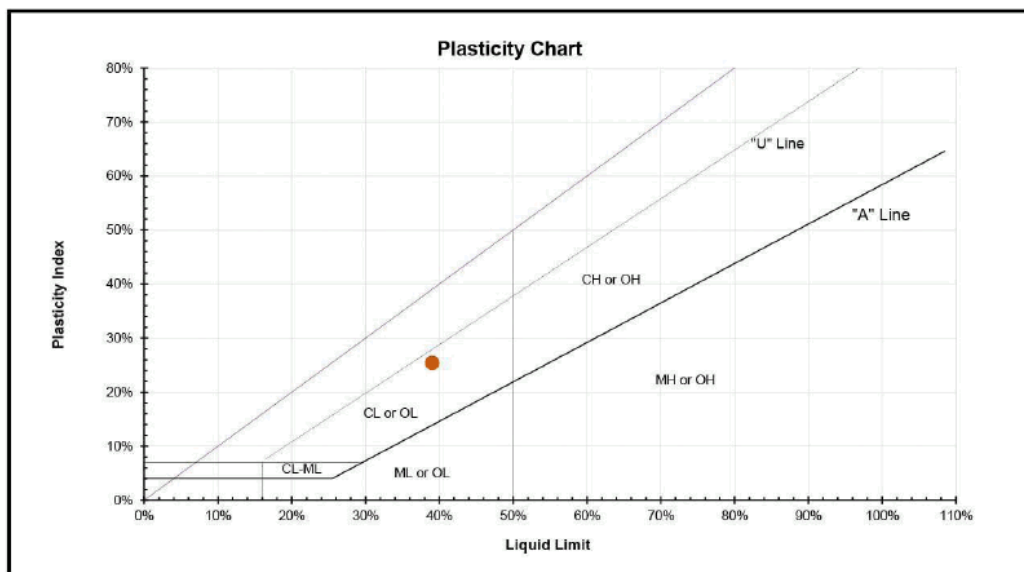
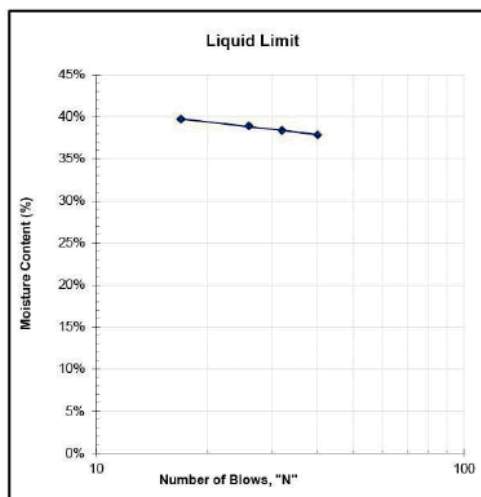
Test No.	1	2	3
Moisture Content	13.7%	13.2%	13.8%

Linear Shrinkage

Linear Shrinkage	4.0%
Cracking / Curling / Crumbling	CURLED

Summary

Liquid Limit @ 25 Blows	39%
Plastic Limit	14%
Plasticity Index, IP	25%
Linear Shrinkage	4.0%



Note: Results Only Relate to the Sample Tested

	NATA accreditation number: 20648	Approved Signatory Dr. D Weerasinghe Date: 9/04/2020
	Accredited for compliance with ISO/IEC 17025	

20/180112

Part 3: Other Information

Peter Scullin Reserve, Mordialloc
CHMP 17069

TerraCulture Pty Ltd

20/180112

Part 3: Other Information

Peter Scullin Reserve, Mordialloc
CHMP 17069

TerraCulture Pty Ltd

20/180112

Part 3: Other Information

Peter Scullin Reserve, Mordialloc
CHMP 17069

TerraCulture Pty Ltd

PETER SCULLIN RESERVE PUBLIC TOILETS - "SEASHELL"

PETER SCULLIN RESERVE 206-220 BAY TRAIL, MORDIALLOC
KINGSTON CITY COUNCIL



SK00	CONTENTS- SCHEMATIC DESIGN
SK01	SITE ANALYSIS
SK02	PRELIMINARY SITE PLAN
SK03	PROPOSED SCHEMATIC CONCEPT FLOOR PLAN
SK04	EXTERNAL ELEVATIONS 01
SK05	EXTERNAL ELEVATIONS 02
SK06	PRELIMINARY MATERIAL PALETTE
SK07	VIEW FROM CARPARK
SK08	VIEW FROM SHORE
SK09	VIEW FROM UNDER CANOPY

ESD INITIATIVES



EXISTING HERITAGE PUBLIC TOILETS

EXISTING ROTUNDA

EXISTING PLAYGROUND

EXISTING CAFE

EXISTING HERITAGE ROTUNDA

EXISTING KIOSK

SUBJECT SITE

EXISTING MORDIALLOC PIER



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OUR JOB REF: 0428PETE



SEASHELL seeks to create a sensory experience elevate a familiar typology of the public toilet block to create an experience that connects to context and goes beyond functionality.



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DWG NO
SK02

REV
P03



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PROJECT
PETER SCULLIN RESERVE PUBLIC TOILETS -
"SEASHELL"
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- passing + program
- 

Basic rectilinear form is introduced - program is arrayed linearly for ease of access

-
- A 3D perspective diagram of a beam element of length Δx . The beam is light blue. At the left end, there is a shear force V pointing upwards and a bending moment M represented by a curved arrow. At the right end, there is a shear force $V + \Delta V$ pointing upwards and a bending moment $M + \Delta M$ represented by a curved arrow. The beam is divided into three segments by two vertical dashed lines. Blue double-headed arrows above the beam indicate the lengths of the segments.

Shells washed onto the shore inspires the pulling apart of mass creates increased visibility and engagement of facilities from existing carpark and adjacent path

-

Spaces between masses allow natural light, provision of thermal chimneys and ventilation to permeate mass

-

The design is inspired by relationship between site, existing adjacent art deco, heritage building and marine context



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PROPOSED SCHEMATIC CONCEPT FLOOR PLAN

SCALE @ A3	AUTHOR	DATE	PROJECT NO	DWG NO	REV
As indicated	RM	02/07/20	0426PETE	SK03	P0

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Bremen, 20.09.2009, 10:17:24 updated

1 NORTH EXTERNAL ELEVATION
1:100



2 | SOUTH EXTERNAL ELEVATION
1 : 100

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EXTERNAL ELEVATIONS 01



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SCALE @ A3	AUTHOR	DATE	PROJECT NO	DWG NO	REV
1 : 100	RM	02/06/20	0428PTE	SK04	P02

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4100

24465

BRICK FACADE

1 EAST EXTERNAL ELEVATION
1:100

METAL SHROUD

HIT AND MISS BRICK FACADE

24525

4700

TRANSPARENT LIGHTWEIGHT 'JOINTS'

INDIGENOUS PLANTING (SPECIES TBC)

2 WEST EXTERNAL ELEVATION

1:100

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EXTERNAL ELEVATIONS 02

SCALE @ 43	AUTHOR	DATE	PROJECT NO	DWG NO	REV
1 : 100	RM	02/07/20	0428PETE	SK05	P02

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PROJECT
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KINGSTON CITY COUNCIL





Ecological Implications Peer Review of Changing Place Facility at Peter Scullin Reserve, Mordialloc

Date: 16 November 2020

Author: Shannon LeBel (Associate Ecologist) / Claire Ranyard (Senior Botanist)

Ref: 14481

1 Introduction

Ecology and Heritage Partners Pty Ltd was commissioned by the City of Kingston to conduct a peer review of the ecological information used to inform planning application KP-2020/472 for the proposed development of a changing places facility at the Peter Scullin Reserve, located at 206-220 Bay Trail, Mordialloc, Victoria (the study area).

2 Scope

Specifically, the peer review comprises a review of the native vegetation implications as contained within the planning application KP-2020/472 to identify and confirm any legislative implications under Clause 52.17 of the City of Kingston planning scheme, with a particular focus on whether the avoid and minimise principles have been appropriately considered. These documents specifically include:

- Peter Scullin Reserve Mordialloc Vegetation Assessment (Biosis 2020); and,
- Peter Scullin Reserve Changing Places Public Toilets - Planning Report (Hansen Partnership 2020).

It should be noted that as of the date of this letter, a review of the Council Officer's report and associated permit conditions/grounds of refusal had not been undertaken as these documents are yet to be provided. Further, no site assessment was included as part of the scope of this peer review, and as such, no on-ground assessment of the type, quality and extent of native vegetation was undertaken.

3 Peer Review

3.1 Overview

The vegetation assessment report for Peter Scullin Reserve prepared by Biosis Pty Ltd (Biosis 2020) is brief, and adequately addresses most of the Detailed Assessment Pathway application requirements under Clause 52.17 of the City of Kingston planning scheme (Table 1).

ADELAIDE	22 Greenhill Rd Wayville SA 5034	BRISBANE	Lvl 22/27 Creek St Brisbane Qld 4000	CANBERRA	PO Box 6067 O'Connor ACT 2602	GEELONG	230 Latrobe Tce Geelong West Vic 3218	MELBOURNE	252 Mt Alexander Rd Ascot Vale Vic 3032	SYDNEY	Lvl 5/616 Harris St Ultimo NSW 2007
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www.ehpartners.com.au

ABN : 65 685 233 760

Table 1. Application requirements for a permit to remove native vegetation (*Victoria Planning Provisions Clause 52.17-3; DELWP 2017a*)

No.	Application Requirement	Peer Review Response
Application requirements under the Detailed Assessment Pathway		
1	Information about the native vegetation to be removed, including: <ul style="list-style-type: none"> The assessment pathway and reason for the assessment pathway. A description of the native vegetation to be removed: Maps showing the native vegetation and property in context: The offset requirement that will apply if the native vegetation is approved to be removed. 	Details provided in Biosis (2020) Pages 1-3 and NVR Report in Attachment 4.
2	Topographic and land information relating to the native vegetation to be removed, showing ridges, crests and hilltops, wetlands and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas, and areas of existing erosion, as appropriate.	Brief summary provided in Attachment 5 and study area shown in Attachment 3 of Biosis report (2020).
3	Recent, dated photographs of the native vegetation to be removed.	Provided in Attachment 2 of Biosis (2020)
4	Details of any other native vegetation approved to be removed, or that was removed without the required approvals, on the same property or on contiguous land in the same ownership as the applicant, in the five year period before the application for a permit is lodged.	Addressed on Page 3, the NVR report in Attachment 4 and the application requirements in Attachment 5 of the Biosis report (2020)
5	An avoid and minimise statement. The statement describes any efforts to avoid the removal of, and minimise the impacts on the biodiversity and other values of native vegetation, and how these efforts focussed on areas of native vegetation that have the most value.	Not adequately addressed. See Section 3.2.1 below
6	A copy of any Property Vegetation Plan contained within an agreement made pursuant to section 69 of the <i>Conservation, Forests and Lands Act 1987</i> that applies to the native vegetation to be removed.	Not applicable.
7	Where the removal of native vegetation is to create defensible space, a written statement explaining why the removal of native vegetation is necessary. This statement must have regard to other available bushfire risk mitigation measures. This statement is not required when the creation of defensible space is in conjunction with an application under the Bushfire Management Overlay.	Not applicable
8	If the application is under Clause 52.16, a statement that explains how the proposal responds to the Native Vegetation Precinct Plan considerations at decision guideline 8.	Not applicable.
9	An offset statement providing evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified, and can be secured in accordance with the Guidelines.	Not adequately addressed. See Section 3.2.2 below
10	A site assessment of the native vegetation to be removed	Addressed on Page 1 and 2, and Attachment 1-3 of the Biosis report (2020)
11	Information about impacts or rare or threatened species habitat.	Details provided in the NVR report in Attachment 4 of the Biosis (2020).

3.2 Application Requirements – The Guidelines

3.2.1 Application Requirement #5 – Avoid and Minimise Statement

All applicants must include an avoid and minimise statement that describes any efforts to avoid the removal of and minimises the impacts on the biodiversity and other values of native vegetation.

Attachment 5 – Item 5 of Biosis (2020) only states that “no feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal”.

As detailed in Section 3.5 of the Assessor’s Handbook (DELWP 2018), the avoid and minimise statement should describe:

- Any strategic level planning over the site;
- What site level planning has been done; and,
- That no additional, feasible opportunities exist to further avoid and minimise impacts.

Specifically, the avoid and minimise statement should refer to all three dot points above (DELWP 2018).

The avoid and minimisation statement does not include any information relating to strategic level planning, any information regarding why the development has been sited and designed in a manner which requires the removal of all native vegetation, nor why there are no feasible opportunities to avoid or minimise impacts.

This statement could also include information relating to the assumed loss but proposed practical retention of native vegetation within the construction footprint.

It is recommended that Council request further clarity and detail from Biosis so that an updated avoid and minimise statement can be prepared.

3.2.2 Application requirement #9 – Offset Statement

As part of this application requirement, the applicant must provide evidence that an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.

Attachment 5 – Item 9 of Biosis (2020) provides a comment that an offset quote will be obtained from an offset broker, however does not confirm that the offsets are available. Demonstration that the offsets are available and can be secured should be provided.

Although it is understood that the offset obligations are available and can be secured, in accordance with the Guidelines (DELWP 2017), this is not considered to be appropriate evidence. It is recommended that either:

- A quote for a third party ‘Over the Counter’ offset be sought and included in the report that meets the offset criteria indicated in Attachment 4 (NVR report) of the native vegetation report (Biosis 2020); or,
- An offset search statement is downloaded from the Native Vegetation Credit Register website and appended to the report providing evidence that the credits are available.

3.3 Planning Report (Hansen Partnership 2020)

On review, I broadly agree with the responses provided against the decision guidelines of Clause 52.17 of the Kingston Planning Scheme.

3.4 Legislative Implications

3.4.1 *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*

Although not addressed in the Vegetation Assessment report, based on our understanding of the ecological values present along the Peter Scullin Reserve and surrounds, the proposed action is highly unlikely to have a significant impact on any matter of National Environmental Significance (NES), and as such, a referral to the Commonwealth Environment Minister is not required regarding matters listed under the EPBC Act.

3.4.2 *Flora and Fauna Guarantee Act 1988 (Victoria)*

A permit under the FFG Act is typically required for areas located on public land. However, no flora species listed as protected or threatened under the FFG Act were recorded within the proposed development area.

3.4.3 *Clause 52.17 of the City of Kingston planning scheme*

As indicated in the Vegetation Assessment report and Town Planning Report, a permit to remove native vegetation is triggered under Clause 52.17 of the City of Kingston planning scheme.

This accounts for a 0.015 hectare patch of native vegetation mapped within the development footprint, with the remaining vegetation either planted or exotic.

Biosis (2020) relies on the planted vegetation exemption included in Clause 52.17-7 to exclude areas of planted native vegetation subject to a permit for removal. Ecology and Heritage Partners' understands that the majority of revegetation along the foreshore/foredune has been undertaken by the City of Kingston (or its predecessor), and as the City of Kingston is also the current applicant, the removal of this vegetation would fit within the parameters of the exemption.

DELWP will be a mandatory referral authority in accordance with Clause 66.02-2 as the application will be assessed under the Detailed Assessment Pathway, and the study area is located on Crown Land managed by the Responsible Authority.

3.5 Suggested Permit Conditions

Should the application ultimately be approved by the City of Kingston, we consider the following standard permit conditions to be suitable in this instance as per Appendix 9 of the Assessors Handbook (DELWP 2018):

3.5.1 *Construction management*

Before any permitted clearing of native vegetation starts, [amended] plans to the satisfaction of the responsible authority must be submitted to and approved by the [insert]. When approved, the plans will be endorsed and will form part of this permit. The plans must include [Delete or amend the following as required]:

- A detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance.

These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the [insert], including the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 *Protection of Trees on Development Sites*, to the satisfaction of the [insert].

- An amended site plan, drawn to scale with dimensions and georeferences (such as VicGrid94 co-ordinates), that clearly shows:
 - i. the location and identification of the land affected by this permit, including standard parcel identifiers for freehold land;
 - ii. the location and area of all native vegetation present, including scattered trees, that are permitted to be removed under this permit;
 - iii. [any other information required to ensure provision of an endorsable plan]

3.5.2 Protection of vegetation to be retained

Select one of the following conditions based on the site condition and proposed works:

Protection of vegetation to be retained

Before works start, a plan to the satisfaction of the [insert] identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.

or

Protection of remnant vegetation to be retained

Before works start, a native vegetation protection fence must be erected around all remnant patches of native vegetation to be retained on site. This fence must be erected around the remnant patch at a distance of [number] metres from retained native vegetation. The protection fence must be constructed of [star pickets/chain mesh/or similar] to the satisfaction of the [insert]. The protection fence must remain in place until all works are completed to the satisfaction of the [insert].

Except with the written consent of the [insert], within the area of native vegetation to be retained and any associated tree protection zone, the following are prohibited:

- a) vehicular or pedestrian access
- b) trenching or soil excavation
- c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
- d) entry and exit pits for underground services
- e) any other actions or activities that may result in adverse impacts to retained native vegetation.

3.5.3 Native vegetation offsets

To offset the removal of [number] hectares of native vegetation, the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017a) as specified below:

General offset

- A general offset of [XXX] general biodiversity equivalence units with the following attributes:
 - be located within the Port Phillip and Westernport Catchment Management Authority boundary or City of Kingston municipal district; and,
 - have a strategic biodiversity value of at least [insert amount from NVR report].

3.5.4 Offset evidence and timing

The Guidelines require that a compliant offset be secured, to the satisfaction of the responsible or referral authority, before the native vegetation is removed. This can be a security agreement for an offset site that includes an onsite management plan OR evidence of a third party offset. Security agreement requirements are specified in the Native vegetation gain scoring manual version 2 (DELWP 2017). It may be agreed for some projects that offsets are secured in stages to enable offset reconciliation – this can be provided for in this condition:

[Before any native vegetation is removed/ Prior to the issue of the Statement of Compliance], evidence that the required offset for the project has been secured must be provided to the satisfaction of [insert].

The offset evidence can be:

- a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or;
- an allocated credit extract from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

4 Conclusion

On review of the relevant documentation relating to native vegetation implications associated with the development of the Peter Scullin Reserve Changing Places/Public Toilets, it is recommended that the below matters be considered further:

- Updated avoid and minimise statement to appropriately address application requirement #5; and,
- Inclusion of an appropriate offset strategy to address application requirement #9 (if not already provided separately).



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I trust the foregoing is of assistance. Please do not hesitate to contact me if you have any questions, or would like to discuss in further detail.

Kind Regards

A handwritten signature in black ink, appearing to read "Shannon LeBel".

Shannon LeBel

Associate Ecologist -Ecology and Heritage Partners Pty Ltd

DRAFT



References

- Biosis 2020. Peter Scullin Reserve Mordialloc vegetation assessment. Report prepared by Biosis Pty Ltd. June 2020.
- DELWP 2017. Guidelines for the removal, destruction or lopping of native vegetation. The State of Victoria Department of Environment, Land, Water and Planning. Melbourne, December 2017.
- DELWP 2018. Assessor's handbook. Applications to remove, destroy or lop native vegetation. The State of Victoria Department of Environment, Land, Water and Planning. Melbourne. Version 1.1. October 2018.
- DELWP 2020. Native Vegetation Information Management Tool [www Document]. URL: <https://nvm.delwp.vic.gov.au>. Victorian Department of Environment, Land, Water and Planning, Melbourne, Victoria.
- Hansen Partnership 2020. Peter Scullin Reserve Changing Places Public Toilets. Planning Report prepared by Hansen Partnership for City of Kingston. September 2020.

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Council Meeting

14 December 2020

Agenda Item No: 8.6

KP-2020/529 - CARRUM ROY DORE RESERVE 24-40 GRAHAM ROAD, CARRUM

Contact Officer: Todd Cracknell, Statutory Planner

Purpose of Report

This report is for Council to consider Planning Permit Application No. KP-2020/529 - Carrum Roy Dore Reserve, 24-40 Graham Road, Carrum.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That Council determine to support the proposal and issue a Notice of Decision to Use the new Carrum Sports Club to sell and consume liquor at Carrum Roy Dore Reserve, 24-40 Graham Road, Carrum, subject to the conditions contained within this report.

This application requires a decision by Council as the application relates to Council owned land.

EXECUTIVE SUMMARY

Address	Carrum Roy Dore Reserve, 24-40 Graham Road, Carrum
Legal Description	Reserve 1 on PS 304956 Land in Plan of Consolidation 156977 Lot 1 on TP 954295 Lot 120 on PS 006614 Lot 1 and 2 on PS 122296 Reserve 1 on PS 204134
Applicant	Carrum Patterson Lakes Sports Club
Planning Officer	Todd Cracknell

PLANNING REQUIREMENTS SUMMARY

Planning Scheme	Kingston
Zoning	Clause 36.02 – Public Park and Recreation Zone
Overlays	N/A
Particular Provisions	Clause 52.27 – Licensed Premises
Permit Trigger/s	Clause 32.08 – 3 – To subdivide land (GRZ2)

APPLICATION / PROCESS SUMMARY

Proposal	Use the new Carrum Sports Club to sell and consume liquor
Reference No.	KP-2020/529
S.52 Advertising	YES
S.55 Referrals	N/A
Internal referrals	Yes
Objection(s)	One (1) objection (last checked TRIM 19/11/2020)
Aboriginal Cultural Heritage Sensitivity	Exempt – Not a High Impact Activity (liquor license)

1.0 KEY ISSUES

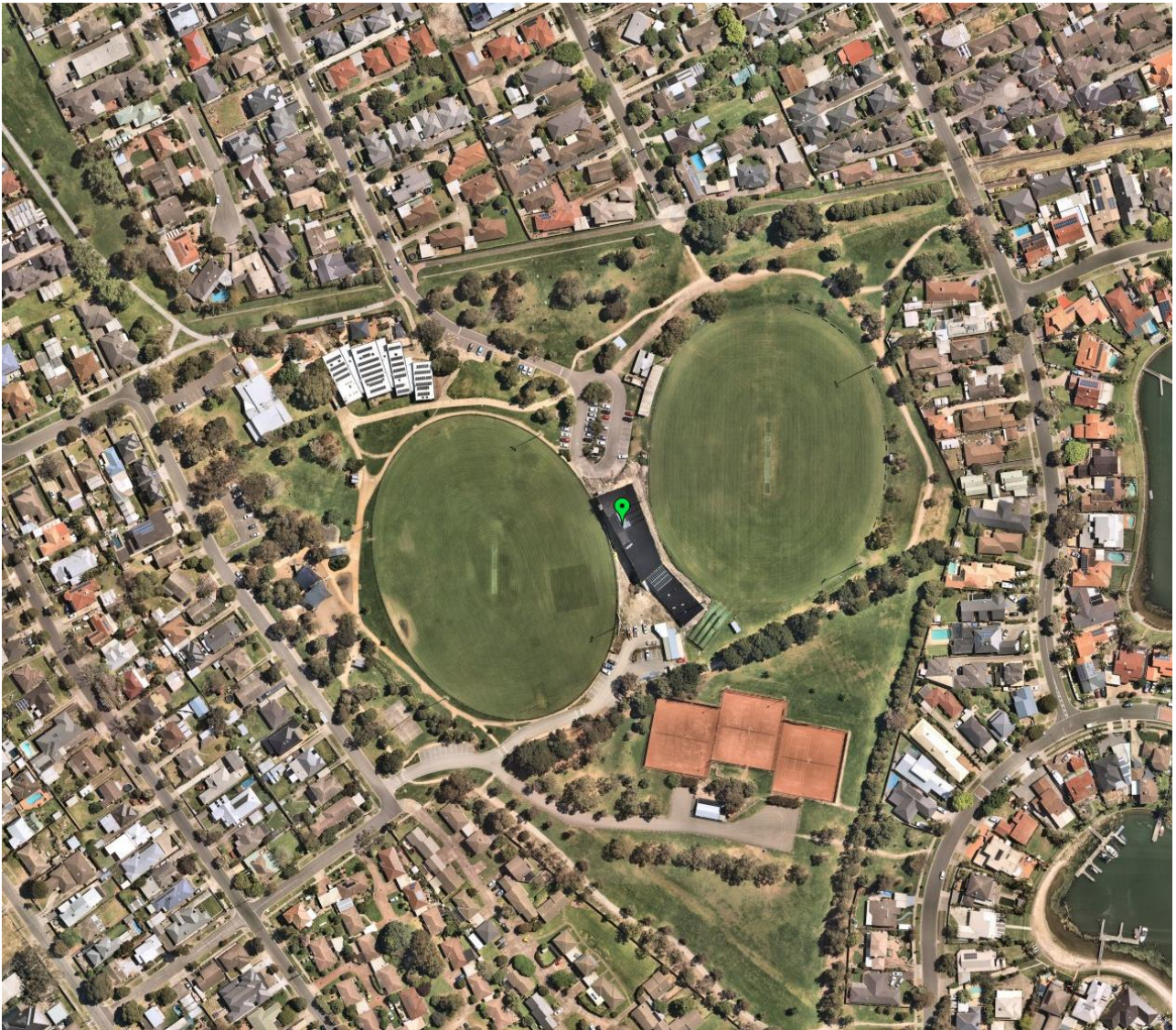
The main issues arising from this proposal relate to:

- Noise
- Hours of operation
- Responsible function management

2.0 SITE & SURROUNDS

Carrum's Roy Dore Reserve is located off McLeod Road in the south eastern region of Kingston Council (Banksia Ward). The reserve is home to two (2) ovals used throughout the year for recreation sporting activities. The grounds and surrounds are also used for large public events. Carrum Family and Children's Centre and the Paw Behaviour Dog Training sit within the reserve, with access from Walkers Road and Graham Road. Graham Road running north to south connects vehicle traffic from McLeod Road to the internal public car park, which primarily serves the Carrum Sports Club (The Club) and through to Dyson Road. The Longbeach Tennis Club and associated car parking is further south of the ovals and has vehicle access from Dyson Road. The Carrum Sports Club is currently under redevelopment with construction expected to be finalised early to mid 2021.

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



Source: Nearmap 2020, image taken on 8 November 2020

The reserve is surrounded by residential zoned land with dwellings and residential streets abutting the land. To the east, south and north dwellings directly abut the reserve, whereas to the west Dyson Rd abuts the land and dwellings sit opposite to the reserve.

Whilst hard to distinguish, the small orange dots shown on the map below indicate where nearby active liquor licenses exist - noting the dot on the subject site relates to the limited and full club license active on land, but requires an amendment in light of the redevelopment of the new pavilion, hence this application before Council (The Patterson River Country Golf

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5.0 PLANNING CONTROLS

The subject site is located within the Public Park and Recreation Zone (Clause 36.02). It is noted the site is not within the Carrum Activity Centre.

6.0 PLANNING PERMIT REQUIREMENTS

Pursuant to Clause 36.02 – Public Park and Recreation Zone, a Planning Permit is **not required** for the proposal to use the land to sell and consume liquor (zone considerations are not relevant). It is noted that the proposed use of the land for an Open Sports Ground is a Section 1 Use (as of right) as the use is being conducted by or on behalf of the public land manager (in this case Kingston City Council). Similarly, the buildings and works associated with the construction of the new pavilion and associated works do not require a planning permit as they are being conducted by or on behalf of the public land manager (Kingston City Council).

It is also noted that Clause 52.06 – Car Parking requirements do not apply as the car parking is to the satisfaction of the responsible authority. As the use does not require a planning permit for the reason outlined above, the car parking considerations within Clause 52.06 are not relevant to the considerations of a liquor license application for permit.

Pursuant to Clause 52.27 – Licensed Premises, a Planning Permit **is required** for a liquor license. As the number of patrons, the area allowed under a license is to be increased, a liquor license is required.

7.0 RELEVANT HISTORY

Council records indicate the following Planning Permit has been issued for the site which includes:

- Planning Permit No. KP-1999/967 issued on 20 December 1999 for the construction of a veranda extension to the existing clubrooms.

8.0 AMENDMENT TO THE APPLICATION BEFORE NOTIFICATION

No amendments made.

9.0 ADVERTISING

The proposal was advertised by sending notices to property owners and occupiers and by maintaining a notice on site for twenty (20) days. One (1) objection to the proposal was received. The valid grounds of objection raised are summarised as follows:

- Frequency of events causing noise and disturbance
- Management of non-member events

The following concern was not related to the proposal itself, but rather a decision-making related concern:

- Decision made by the newly appointed Council
It is noted that the above concern has been addressed as the decision has been vested within the powers of the newly elected Councillors rather than decided upon delegation.

10.0 PLANNING CONSULTATION MEETING

The objector was contacted by the planning officer on 18 and 19 November 2020 over email, as no phone number was provided to contact the objector.

In accordance with Council's Planning Consultation Meeting Policy, no meeting was required as one (1) objection to the application was received. However, as required by the Policy, Council's planning officer contacted the objector followed by further discussions with the applicant to ascertain if the concerns raised by the objector could be resolved. It should be noted that no request was received by the planning officer for a planning consultation meeting to be held.

The objector concerns were unable to be resolved, and the objection still stand.

11.0 REFERRALS

No external referrals were required in respect of this application. It is noted that at Clause 66.05 (Notice of Permit Applications under State Standard Provisions), the application did not require notice to the Chief Commissioner of Victoria Police as the building was not being used for a bar, hotel or nightclub and was not proposed to be operated after 1am.

The application was referred to the following internal department within Council:

- Council's Social Planning Department who advised of no objection

12.0 RELEVANT POLICIES

Planning Policy Framework (PPF)

- Clause 11 – Settlement
- Clause 13 – Environmental Risks and Amenities
- Clause 15 – Built Environment and Heritage (Aboriginal Cultural Heritage)
- Clause 17 – Economic Development

Local Planning Policy Framework (LPPF)

- Clause 21.01 – Vision and Strategic Framework
- Clause 21.02 – Settlement

Zones

The site is located in the following Zone:

- Clause 36.02 – Public Park and Recreation Zone (PPRZ)

Particular Provisions

The following Clauses are applicable to this application:

- Clause 52.27 – Licensed Premises

General Provisions

- Clause 65 – Decision Guidelines

13.0 PLANNING CONSIDERATIONS:

Planning Policy Framework (PPF)

The application has been assessed against the Planning Policy Framework (PPF) and it is considered that the proposed liquor license is consistent with relevant policies contained within this section of the Kingston Planning Scheme.

The proposed liquor license for The Club supports Clause 11 (Settlement) which sets out that 'planning is to recognise the need for, and as far as practicable contribute towards...diversity of choice...economic viability'. This is balanced by the need for planning to 'prevent environmental and amenity problems'.

At Clause 13.05-1S (Noise Abatement) sets out that planning is 'to assist the control of noise effects on sensitive land uses'. A policy document referenced by this policy is the *State Environment Protection Policy (Control of Noise from Public Premises) No. N-2* (SEPP-N2). It is noted that this State Environment Protection Policies (SEPPs) is subordinate legislation made under the provisions of the *Environment Protection Act 1970 (EPA)*. The SEPP-N2 sets out relevant noise requirements to ensure the enjoyment of the existing amenity in an area whilst allowing for noise to occur at reasonable levels. The new pavilion will be designed to be a modern facility and it is not considered that the pavilion structure poses any unreasonable amenity issues in regard to how the design may amplify noise to surrounding properties. The balcony and terrace, however, will also be restricted to the noise requirements set out in SEPP-N2, which will minimise noise to adjoining properties. Hence, no conditions have been considered appropriate for any physical structures and the like to be installed to limit noise.

The proposed liquor license will include events both member only and non-member that occur to night time hours, which may affect the existing amenity enjoyed by the surrounding residents. Hence, it is deemed appropriate to set a condition limiting noise in compliance to the SEPP-N2 noise requirements. As per SEPP-N2 'noise limits for indoor venues are:

- (a) For the day/evening period, $L_{A90} + 5 \text{ dB(A)}$...
- (b) For the night period, $L_{OCT90} + 8 \text{ dB}$ '

The above is from the SEPP-N2 and this policy is deemed to be consistent with the recommendations in this report to limit noise and prevent amenity problems.

The land is identified within an area of Aboriginal Cultural Heritage Sensitivity. Pursuant to Clause 15.03-2S (Aboriginal Cultural Heritage) an objective of the Kingston Planning Scheme is 'to ensure the protection and conservation of places of Aboriginal Cultural Heritage Significance'. The *Aboriginal Heritage Regulations 2018* sets out that the proposed license for liquor **is not** a high impact activity and, therefore, no Cultural Heritage Management Plan is required.

Pursuant to Clause 17 (Economic Development) 'planning is to provide for a strong and innovative economy', with these policies closely aligned with the objectives and policy outcomes sought by the Metropolitan Strategy – 'Plan Melbourne 2017-2050: Metropolitan Planning Strategy' (Department of Environment, Land, Water and Planning, 2017). The liquor license will contribute to the Carrum area achieving its economic potential, subject to conditions limiting amenity impacts.

Local Planning Policy Framework (LPPF)

The application has been assessed against the Local Planning Policy Framework (LPPF) and it is considered that the proposed development is consistent with relevant policies contained within this section of the Kingston Planning Scheme.

The strategic framework plan at Clause 21.01 (Vision and Strategic Framework) identifies the vision for Council as 'a diverse, dynamic community where we all share a sustainable, safe, attractive environment and a thriving economy'. This is furthered at Clause 21.02 (Settlement) where it sets out the need for 'open space areas need to be flexible and multi-functional so as to adapt to meet a variety of users' and that 'providing flexibility in the use of new recreation facilities... can assist in reducing development and operational costs of facilities'. The proposed liquor license is to improve the flexibility in how the new pavilion can be used and reduce the operational costs for The Club in delivering its community activities.

Zone Provisions

The application is not assessed against Clause 36.02 (Public Park and Recreation Zone) as no planning permit is required under the zone to use the land to sell or consume liquor.

Particular Provisions

The application has been assessed against the relevant particular provisions and it is considered that the proposal to use the land to sell or consume liquor meets the requirements contained within this section of the Kingston Planning Scheme.

Clause 52.27 (Licensed Premises) is the provision which requires a planning permit when using the land to sell or consume liquor. The purpose of this provision is shown below:

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Further, the decision guidelines of Clause 52.27 apply, see below:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

Summary of existing liquor licenses

It is important to note that the old pavilion had two existing liquor licenses. One was a full club license with the following restrictions (license no. 32122913):

Trading hours:

Monday to Saturday	12 noon to 11:30pm
Sunday and public holiday	12 noon to 11:00pm

SEPP-N2 noise restrictions also applied.

This full club license allowed consumption on and off premises, but liquor was sold on site.

Another liquor license on the land was a limited license (license no. 36065579):

Trading hours:

For supply on club premises

Sunday 12 noon to 12 midnight

Any other day 12 noon to 1am the following morning

For supply from point of sale during a sporting event (sales must cease 30mins after the event)

Thursday 4:30pm to 8:30pm

Friday 5pm to 9:30pm

Saturday and Sunday 12 noon and 5pm

For functions The Club was required to register pre-booked functions, detailing the date, time, area and name of the function organiser. A sign also needed to be displayed to identify the room/area to be used for the pre-booked function.

For liquor sold from a point of sale during a sporting event, restrictions on the number of drinks to each patron, see below:

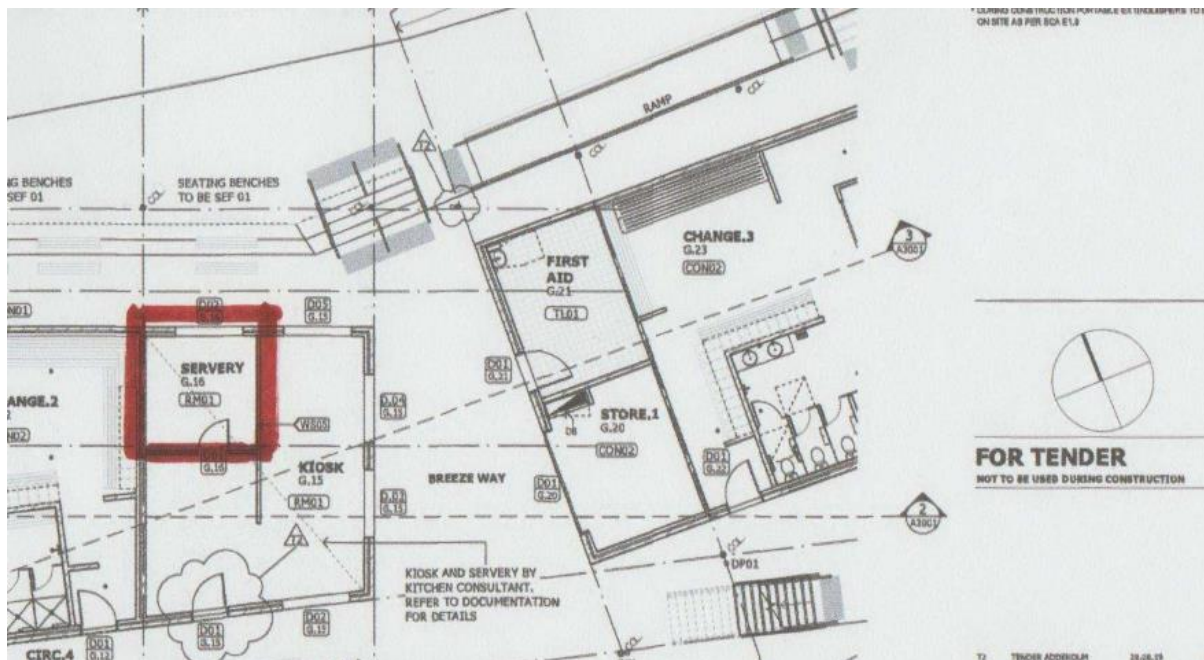
- Four cans or cups of beer per person opened at the point of sale
- Two cans or cups of spirit based drinks per person opened at the point of sale

It is noted that the existing liquor licenses have not been subject to complaint, receiving 0 demerit points as of 20 November 2020. Reflecting The Clubs current and successful management of its license and ongoing commitment to the safe and proper service of alcohol.

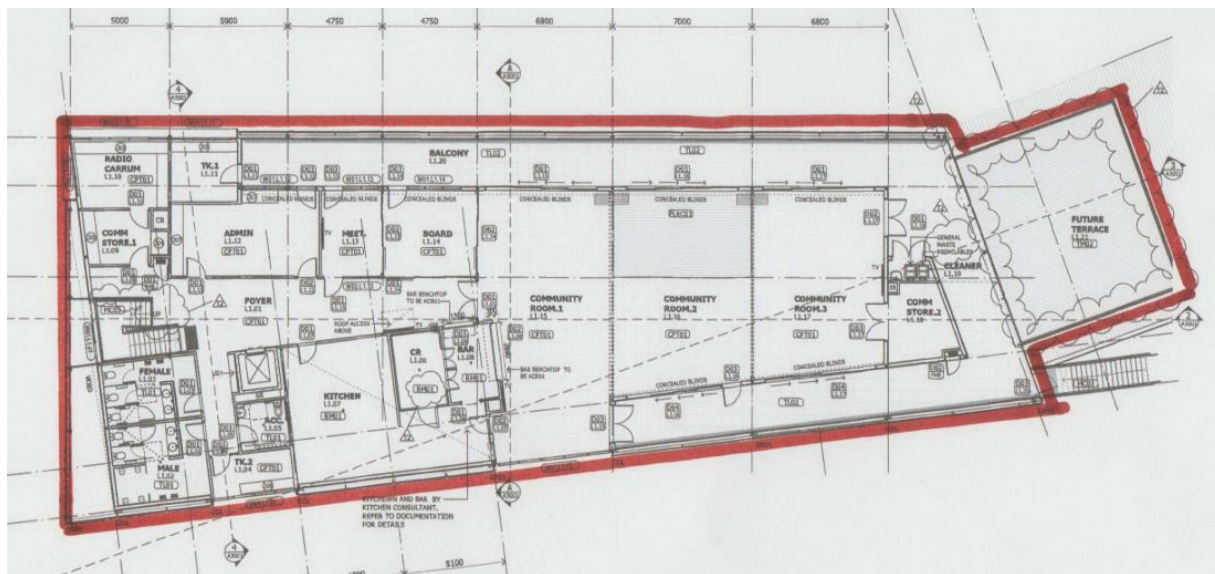
Summary of proposed liquor sale and consumption

The Club is applying to have the same restrictions and times applied to the new pavilion. It is noted that the capacity of the existing club was 120 patrons, whereas the new pavilion has a higher capacity, for indoor events up to 400. However, that number is more likely to be 250, as the first-floor area is the only area that can be foreseeably used for indoor events (note this number also includes committee rooms etc). As was the case for the existing pavilion, The Club wishes to have member and non-member events where liquor will be sold and consumed.

It is considered that the proposed location is appropriate for a liquor license and that both member and non-member events where liquor is to be served is a reasonable use for the new pavilion. Primarily, The Club will be selling liquor from the pavilion from the servery for sporting event days, see indicated within the red line plan submitted:



The first floor of the new facility is proposed to be used for the selling and consumption of liquor as indicated by the red line plan. This floor will be restricted and not be open and used as a bar or pub and as such the member and non-member events are considered to be a much lesser of an impact than a bar or pub on local amenity. See the first floor plan indicating the area of liquor service:



Cumulative impact

Cumulative impact is a consideration derived from the decision guidelines of the aforementioned particular provision. The Practice Note 61 (Licensed Premises: Assessing Cumulative Impact) prepared by the Department of Planning and Community Development (now Department of Environment, Land, Water and Planning) assists in the assessment of cumulative impact associated with licenced premises. The Practice Note states that the following five (5) areas should be considered when assessing cumulative impact:

1. *Planning policy context.*

2. *Surrounding land use mix and amenity.*
3. *The mix of licensed premises.*
4. *Transport and dispersal.*
5. *Impact mitigation.*

Looking at each of these points in turn, the following assessment is provided:

Planning policy context

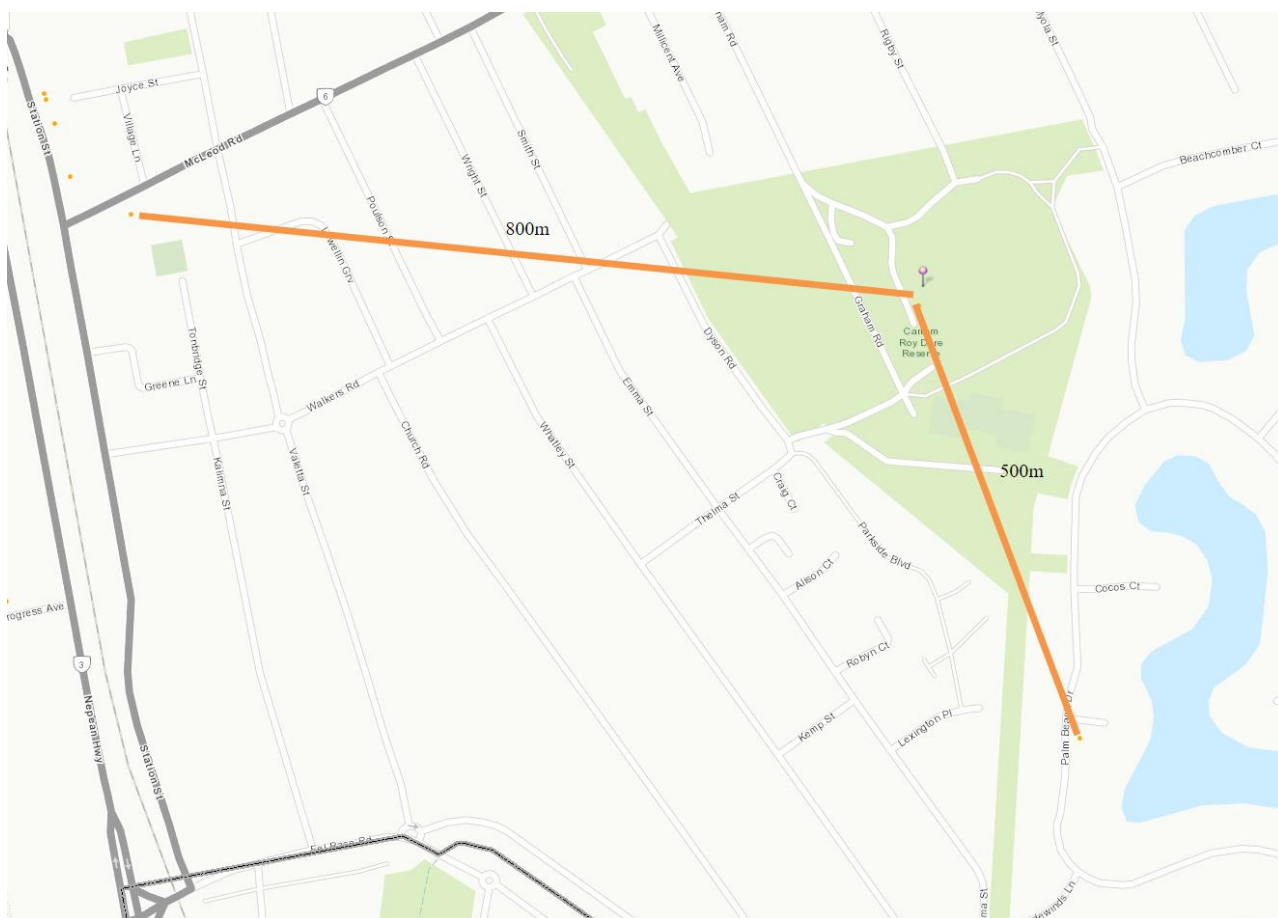
1. A review of the proposal against the planning policy context is found above, with the proposal found to be consistent with relevant policies contained within the Kingston Planning Scheme.

Surrounding land use mix and amenity

The surrounding area has been described in detail within section 2 of this report.

The mix of licensed premises

2. In the absence of any benchmarks within the Kingston Planning Scheme to measure cumulative impact, the Planning Department relies on the assessment methodology for cumulative impact in the VCAT decision *Swancom Pty Ltd v Yarra CC* (Red Dot) [2009] VCAT 923 as an appropriate methodology for the assessment of this proposal.
- 3.
4. The assessment methodology has three (3) key considerations:
5.
 - *What is the density of licensed premises in the area?*
 - *What is the mix and type of licensed premises in the area?*
 - *What are the existing amenity levels of the area?*



Existing licences identified by yellow dot within 800m radius of subject site (source – VCGLR 2020: <https://geomaps.vcglr.vic.gov.au/Liquor/>)

It is noted that there are no liquor licenses within 200m of the subject site and as such there is no cluster within the immediate area. This is based upon the assessment criteria provided by both the DELWP and the VCAT decision noted above. An area to reach 'saturation point', that is to become a cluster of licenses that presents issues such as safety issues is for more than 15 licenses within 500m, there is only one within 500m for this proposal.

Transport and dispersal

Public car parking is available directly north and south of the new pavilion. The dispersal of patrons to this car park for drop off and pick up is considered appropriate given its distance from the residential interface. Bus services along McLeod Road and railway services at Carrum Railway Station provides public transport options for patrons. Carrum Railway Station is approximately 10-15 minutes walk from the pavilion and it is considered that only a minority of patrons will walk and cause disturbances to neighbouring properties. Further, the McLeod Road bus stop servicing routes 708, 833 and 857 is approximately 5-10 minutes walk from the pavilion. This route from the pavilion to the bus stop is considered to be also used by a minority of patrons and thus unlikely to cause unreasonable disturbances to neighbouring properties. It should be noted that ridesharing and taxi services are able to drop off and pick up within the existing car parks.

Impact mitigation

The proposed member and non-member events are consistent with the typical use of Open Sports Grounds. The use itself does not require a planning permit, the only permit requirement

is the liquor component. Importantly, the lease agreement yet to be finalised sets out the use of the pavilion and the requirements of the owner and occupier, particularly in regards to reasonable activities and hours permitted for events and general use of the pavilion. This permit only seeks to mitigate the impact of liquor consumption (not for all events/activities) on the amenity of surrounding properties.

The impact of the hours proposed is considered to be inconsistent with expectations of amenity in the area if the full capacity of the pavilion is utilised. Notably, the hours beyond midnight on any day are not reflective of the primary use of the land, that is for 'organised games of sport' (see definition of Open Sports Ground in Clause 73.03 Land Use Terms). The need for The Club to operate past midnight should be only in relation to non-liquor based activities. The Club is surrounded by open space and this buffers much of the amenity impacts expected from the consumption and selling of liquor. However, most nights of the week residents will be sleeping from 11:00pm, and disturbances past this time should be restricted, particularly on weekdays. The current liquor licenses reflect this, however, to respond to increased number of patrons and increase therefore of likely amenity impacts.

To mitigate the impact of night time impacts of consumption and selling of liquor and balance the needs of The Club to be financially sustainable and deliver upon its community services, the following hours for liquor consumption and sales are considered to be appropriate:

Within the pavilion:

Sunday to Thursday 12 noon to 11:00pm

Friday and Saturday 12 noon to 12 midnight

Point of sale from servery:

Thursday 4:30pm to 8:30pm

Friday 5pm to 9:30pm

Saturday and Sunday 12 noon to 5pm

Further, to reflect the need for some events to proceed to later hours and for The Clubs future capacity to have member events at a later time, it is considered appropriate that the number of patrons be restricted to 120 for the following permissible hours:

Within the pavilion:

Sunday to Thursday 12 noon to 11:00pm

Friday and Saturday 12 noon to 1am, the following morning

To also respond to the larger number of events likely to commence at the new pavilion and the increased capacity, a Third Party Hire agreement is considered to be an appropriate requirement for when The Club has no role other than hiring out of the pavilion to a third party to use for an event. The Third Party Hire agreement is between The Club and the third party, Council is not involved other than within the enforcement that this does occur. Further, a Venue Management Plan is another layer that is typically applied to a new community facility that seeks to have events that may pose amenity impacts to neighbouring properties. This plan includes requirements for management responsibilities, patron management, noise control, complaints recording / reporting and other relevant issues. This plan is submitted to Council prior to the first event occurring on the land and is in place for future events and must be updated when the plan changes such as how car parking management changes at the pavilion.

It is noted that broad concerns regarding the social and individual harm of alcohol consumption, particularly excess consumption cannot be assessed on merit as part of a planning permit application. These considerations are made upon the liquor licenses issued

under the *Liquor Control Reform Act 1988 [VIC]*, administered by the Victorian Commission for Gambling and Liquor Regulation.

14.0 DISCUSSION WITH COUNCIL'S PROPERTY DEPARTMENT

Over the consideration of the application, there has been multiple liaisons with Council's Property Department. The nature of the communication has been around the proposed hours of operation of the liquor licence. In particular, the hours proposed by the Club which would ultimately end up on the planning permit and those contained in any future lease between the Council and the Club.

It should be noted that it was the position of Council's Property Department that consent to lodge the application and its support of the proposal be submitted with the application (usually required pursuant to the requirements of Clause 36.02-3), however given this application is only seeking permission under Clause 52.27 (liquor licence) there are no obligations to gain Council's consent under the zoning provisions of the land. There is an obligation under s.48 of the P&E Act where the applicant is not the owner of the land must be signed by the owner of the land or include a declaration by the applicant that the applicant has notified the owner about the application. The declaration on the application form for a permit has been ticked therefore satisfying these provisions under the Act.

The Club currently has relevant liquor licences to 1am and the current proposal is consistent with this. However, the discussions with Council's Property Department indicate that they may not be supportive of these hours and the likely hours contained in any lease would be to 11.30pm (cease service and consumption of alcohol) with a 12.00am departure. These proposed hours as suggested by the Property Department were discussed with the Club on a without prejudice basis.

There was an attempt to have the hours align with one another, so Council's consents were consistent. Potential concessions were discussed with the Club and shared with Council's Property Department, however, given the permissions sought and assessment of this application the Planning Department, it is recommended that the proposed hours of operation proposed in the application are appropriate for its location and consideration of the purpose and decision guidelines of Clause 52.27, albeit they may end up differing to that of any proposed lease.

15.0 RESPONSE TO GROUNDS OF OBJECTIONS

The objector's concerns have been addressed within section 13 of this report.

16.0 CONCLUSION:

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

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.

The proposal is considered appropriate for the site, subject to conditions, outlined in section 16.

16.0 RECOMMENDATION

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to use the land for the sale and consumption of liquor at Carrum Roy Dore Reserve, 24-40 Graham Road, subject to the following conditions:

1. The licensed premises as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Sale and consumption of liquor

2. No liquor is to be taken outside the licensed area at any time.
3. The selling and consumption of liquor is restricted to the following times and patron numbers:

Within the pavilion:

Sunday to Thursday	12 noon to 11:00pm
Friday and Saturday	12 noon to 12 midnight

Point of sale from servery:

Thursday	4:30pm to 8:30pm
Friday	5:00pm to 9:30pm
Saturday and Sunday	12 noon to 5:00pm

Within the pavilion (when a pre-booked event has less than 120 patrons):

Sunday to Thursday	12 noon to 11:00pm
Friday and Saturday	12 noon to 1am, the following morning

Or otherwise as approved by the Responsible Authority in writing.

Venue Management Plan

4. Prior to the commencement of the use, a Venue Management Plan must be submitted to the satisfaction of the Responsible Authority. The Management Plan must address, but is not limited to the following:
 - a) Management Responsibilities
 - b) Emergency Management
 - c) Patron Management
 - d) Identification of areas of the building available for events
 - e) Safety and Security Measures
 - f) Noise Control
 - g) Incident Recording / Reporting
 - h) Complaints Recording / Reporting
 - i) Parking Management
 - j) Alcohol Consumption Permit Requirements

Third Party Hire Agreement

5. A Third Party Hire Agreement must be prepared for any external hire of the building and submitted to the satisfaction of the responsible authority in accordance with Kingston City Council's *Lease and Licence Policy 2018* (or as amended time to time). The Agreement will then be endorsed and form part of the permit. This Agreement must include, but is not limited to the following information:
 - a) The suggested strategies for the management of patrons departing the premises
 - b) A section that provides for a nominated person and contact details for each event; and
 - c) A copy of the planning permit.
6. A register must be prepared that manages and records any complaints regarding the operation of the premises during events held by third parties. The register must be held on-site and available to inspect at any time by the responsible authority.

General amenity conditions

7. Associated noise from the selling and consumption of liquor on site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Environment Protection Act 1970 (EPA), State Environment Protection Policy (Control of Music Noise from Public Premises (SEPP-N2) (or equivalent superseding policy from the EPA) relating to the control of noise and recommended sound levels for varying scenarios to the satisfaction of the responsible authority.
8. No liquor goods or packaging materials shall be stored or left exposed outside any building so as to be visible to the public from a road or other public place.

Expiry

9. In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
 - a) A liquor license in accordance with this permit is not issued within two (2) years from date of this permit.
 - b) The liquor license is not acted upon for a period of two (2) years.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Any future occupant of the pavilion should be provided a copy of this permit.

Note: It is recommended prior to any large function or event occurring on the land that neighbouring properties are provided notice.

Note: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to permissible noise levels.

Note: Before the provision and / or consumption of liquor hereby permitted starts, a Liquor License must be obtained from Liquor Licensing Victoria pursuant to the Liquor Control Reform Act 1988, as amended.

Or

In the event Council wishes to refuse the application, it can do so on the following grounds:

1. The proposed licensed premises is not suitable at this location.
2. The proposed licensed premises will unreasonably impact the amenity of the surrounding area.
3. The scale and intensity of the licensed premises is inconsistent with the use of the land for an Open Sports Ground.

Author/s: Todd Cracknell, Statutory Planner

Reviewed and Approved By: Jennifer Pippo, Team Leader Statutory Planning
Jaclyn Murdoch, Manager City Development

Agenda Item No: 8.7

DELWP 'PLANNING FOR MELBOURNE'S GREEN WEDGES AND AGRICULTURAL LAND' - SUBMISSION

Contact Officer: Bianca Coughlan, Principal Strategic Planner

Purpose of Report

The purpose of this report is to advise Council that the DELWP "Planning for Melbourne's Green Wedges and Agricultural Land" has now been publicly released and to provide Council with the final submission for endorsement.

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 endorse the final submission at Appendix 2 as Council's response to the Department of Environment, Land, Water and Planning's "Planning for Melbourne's Green Wedges and Agricultural Land – Consultation Paper".

1. Executive Summary

At the Ordinary Council meeting on 24 August 2020 Council received a report seeking endorsement of a draft submission to the Department of Environment, Land, Water and Planning's (DELWP) "Planning for Melbourne's Green Wedges and Agricultural Land – Consultation Paper". At this meeting Council resolved to:

1. *Endorse the submission at Appendix 2 as Council's interim response to the Department of Environment, Land, Water and Planning's "Planning for Melbourne's Green Wedges and Agricultural Land – Consultation Paper".*
2. *Send the interim submission to DELWP and draw their attention to the factual errors concerning Kingston in the Planning for Melbourne's Green Wedges and Agricultural Land options paper identified and request that they be corrected before the options paper is released for public consultation.*
3. *Receive an update to the response when the Consultation paper is released publicly.*
4. *Determine, pursuant to Section 125 of the Local Government Act 2020, that the Council interim response on the "Planning for Melbourne's Green Wedges and Agricultural Land – Consultation Paper" be made publicly available upon the commencement of the community consultation stage.*

In accordance with item 2 of the above resolution Council officers lodged the submission as an interim submission with DELWP in August 2020. The cover letter drew attention to factual errors concerning Kingston in the Consultation Paper and requested that they be corrected before the options paper is released for public consultation. DELWP responded to Council officers via email on 9 November 2020 advising that the mapping error highlighted within the interim submission had been corrected and has now been addressed in the consultation documentation.

The Consultation Paper (Appendix 1), which was previously released to Local Government and key stakeholders on 3 June 2020, was publicly launched on the 26 November 2020, with all submissions due on the 5 February 2021.

Council officers have further refined the draft submission presented to Council at its Ordinary meeting on 24 August 2020 including the removal of references to matters now resolved by DELWP. In accordance with the resolution of Council at its 24 August 2020 Ordinary Council Meeting, it is proposed that Council now endorse the final version of the submission at Appendix 2 for lodgement with DELWP.

2. Background

Planning for Melbourne's Green Wedges and Agricultural Land" Consultation Paper

The Department of Environment, Land, Water and Planning (DELWP) has released the "Planning for Melbourne's Green Wedges and Agricultural Land" consultation paper Appendix 1). The consultation paper is broken up into four key sections:

- *Strengthening the legislative and policy framework*
- *Supporting agricultural land uses*
- *Managing use of green wedge and peri-urban land*
- *Improving the design of development in green wedges*

Each section has a number of subsections, each of which includes potential options moving forward. It is also noted that the paper has a number of 'negotiable' and 'non-negotiable' components that can be considered via submission.

Key negotiable components include:

- *How we can best manage growth pressures and interface conflicts in the green wedges and peri-urban areas*
- *Changes to state and regional policy in relation to green wedges and agricultural land*
- *Changes to legislation, planning schemes and supporting guidelines*

Key non-negotiable components include:

- *This project does not propose changes to the Urban Growth Boundary*
- *Minimum lot sizes will not be reduced*
- *The planning system will be strengthened to protect Melbourne's green wedges and peri-urban areas for agriculture, recreation, environmental conservation and natural resource.*

3. Discussion

3.1 Council Plan Alignment

Goal 2 - Our sustainable green environment with accessible open spaces
Direction 2.1 - Environmental resilience and sustainability

Council's submission highlights the importance of the Kingston Green Wedge having regard to both the agricultural land uses, as well as the Chain of Parks.

3.2 Consultation/Internal Review

Strategic Planning has prepared this submission. Internal comments have been sought from Environmental Planning and Statutory Planning.

3.3 Operation and Strategic Issues

3.3.1 Ordinary Council Meeting - 24 August 2020

At the Ordinary Council meeting on 24 August 2020 Council received a report that sought to endorse a draft submission as Council's response to the DELWP "Planning for Melbourne's Green Wedges and Agricultural Land – Consultation Paper". At this meeting Council resolved to:

1. *Endorse the submission at Appendix 2 as Council's interim response to the Department of Environment, Land, Water and Planning's "Planning for Melbourne's Green Wedges and Agricultural Land – Consultation Paper".*
2. *Send the interim submission to DELWP and draw their attention to the factual errors concerning Kingston in the Planning for Melbourne's Green Wedges and Agricultural Land options paper identified and request that they be corrected before the options paper is released for public consultation.*
3. ***Receive an update to the response when the Consultation paper is released publicly.***
4. *Determine, pursuant to Section 125 of the Local Government Act 2020, that the Council interim response on the "Planning for Melbourne's Green Wedges and Agricultural Land – Consultation Paper" be made publicly available upon the commencement of the community consultation stage.*

In accordance with item 2 of this resolution Council officers lodged the submission on 3 September 2020 as an interim submission with DELWP. The cover letter drew attention to the factual errors concerning Kingston in the Consultation Paper, some of which have been corrected in the final DELWP consultation materials.

It is noted that the key differences between the interim submission and the attached final submission relate to the removal of reference to the incorrect Map 7 in the DELWP Consultation Paper noting this has been corrected as well as general updates made by officers including increasing the prominence of the Chain of Parks through highlighting its regional role and further reinforcement of the Council's key priorities for the Green Wedge.

This report responds to item 3 of the resolution which required officers to provide a final draft of the submission for Council endorsement once the DELWP Consultation Paper was publicly released.

3.3.2 Kingston Green Wedge Management Plan Review and Agricultural Preservation and Strengthening Strategy

The Consultation Paper has implications for two current projects, the Kingston Green Wedge Management Plan Review and Agricultural Preservation and Strengthening Strategy. Significant to these projects, the Paper includes a number of options relating to discretionary uses, future infrastructure and energy needs and building design requirements.

The consultants undertaking the Kingston Green Wedge Management Plan Review and Agricultural Preservation and Strengthening Strategy (Ethos Urban and RMCG) were asked to prepare a response to the DELWP consultation paper. This work was presented to CIS on 7 September 2020 and can be summarised as follows:

RMCG – Agricultural Preservation and Strengthening Strategy

- The options outlined within the DELWP consultation paper generally supported the strategies outlined within the draft APSS
- The policy objectives outlined in Section 3.1.2 of the Consultation Paper align with the intent of the APSS by seeking to protect all agricultural land surrounding Melbourne and encouraging sustainable use, diversification and value-adding, and infrastructure provision for that land.

Ethos Urban – Kingston Green Wedge Management Plan Review


- The legislative and policy framework measures will provide greater clarity of the policy context and support for green wedges and agricultural use within them.
- Some amendments to the draft KGWMP may be appropriate to ensure consistency between the two documents.


The feedback received from RMCG and Ethos Urban has informed the scope and content of comments provided in the submission at Appendix 2.

4. Conclusion

Noting that the interim submission was previously endorsed by Council at its meeting on 24 August 2020, it is recommended that Council now endorse the attached final submission and formally submit it to DELWP.

Appendices

Appendix 1 - DELWP - Planning for Melbourne's Green Wedges and Agricultural Land consultation paper (Ref 20/274288)  [Download](#)

Appendix 2 - Final Council Submission (Ref 20/278359)  [Download](#)

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Reviewed and Approved By: Rita Astill, Team Leader Strategic Planning
Paul Marsden, Manager City Strategy
Jonathan Guttmann, General Manager Planning and Development

8.7

DELWP 'PLANNING FOR MELBOURNE'S GREEN WEDGES AND AGRICULTURAL LAND' - SUBMISSION

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Planning for Melbourne's Green Wedges and Agricultural Land

Consultation Paper

Department of Environment,
Land, Water and Planning
May 2020



Environment,
Land, Water
and Planning

Accessibility

If you would like to receive this publication in an alternative format, please telephone the DELWP Customer Service Centre on 136186, email customer.service@delwp.vic.gov.au or via the National Relay Service on 133 677 www.relay.vic.gov.au. This document is also available on the internet at www.delwp.vic.gov.au.

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Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Aboriginal Acknowledgement

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.

Department of Environment,
Land, Water and Planning

Message from the Minister



Melbourne's green wedges and the agricultural land beyond them have always been important to our city, which is one of the world's most liveable cities.

That's because our green wedges and agricultural areas are where our food and water come from. They literally feed and water us, while giving our city the room it needs to function.

Our green wedges and agricultural areas provide us with so much more than green space and fresh produce.

They are where we extract raw materials to build our houses, roads and train lines. They are home to our airports. In 2018, agriculture, fisheries and forestry sectors generated \$5.79 billion in economic activity and directly employed 16,500 people. These areas are also where we treat our sewage, and where we send our garbage for recycling.

And, yes, our green wedges also include some of the world's best parks, wetlands and nature reserves. Some attractions within our green wedges include Healesville Sanctuary and Puffing Billy. In addition to producing food, our agricultural land within 100km of Melbourne is also critical to our economic prosperity with thousands of jobs in agriculture, conservation, and tourism. These areas are also home to our best food and wine destinations on the Bellarine and Mornington Peninsulas, and in the Yarra Valley.

To fully understand the importance of Melbourne's green wedges to our city's future, though, you have to know their history – because our green wedges are as old as our suburbs.

They were created in the 1860s and 1870s when the first spokes of Melbourne's suburban rail network were laid. As Melbourne's industry and housing developed along those rail lines, the spaces in between were used for everything from agriculture to quarries to garbage. In the 1960s, with Melbourne in the midst of its second population boom, former Premier Sir Rupert Hamer formalised Melbourne's green wedges – expanding the city's planning area to a radius of 50 kilometres and protecting the spaces between those rail and road arteries for non-urban uses.

At the time, Melbourne realised it needed to protect its green wedges – together with other planning policies such as revitalising the inner city – so that the city remained liveable as its population grew to 5 million.

But, now that Melbourne has the liveable city of 5 million first envisaged in 1967, this generation needs to take the next step. We need to ensure our green wedges and our agricultural areas, are used in ways that keep Melbourne liveable over the next 30 years as its population grows to 8 million.

Since 2017, the Government has – as part of the implementation of *Plan Melbourne* – investigated how the city is using its green wedges and its agricultural areas.

We've conducted public consultation on the strategic importance of Melbourne's agricultural land. We've studied non-urban land uses within a 100-kilometre radius of the central business district. We've developed a deep knowledge of the different ways different parts of the green wedges and agricultural areas are used – from the rich farming soil of Koo Wee Rup, to the water catchment areas for our reservoirs, to the strawberries of the Yarra Valley, to the gateway of Melbourne Airport, to the market gardens and water treatment plants of Werribee.

And we've identified the challenges and opportunities our green wedges and agricultural areas face. Challenges like the need to guard against the gentrification of vital farmlands – and protect farming activities close to our urban centres.

The harder we've looked at the issue the more certain we've become of the fact that our green wedges and agricultural areas are the reason why Melbourne is the best part of the best place in the world.

In other words, our green wedges and agricultural areas make Melbourne work.

That's why we will do whatever it takes to keep Melbourne's green wedges and agricultural areas working.

Richard Wynne
Minister for Planning

**Planning for Melbourne's Green
Wedges and Agricultural Land**

Abbreviations

BMO	Bushfire Management Overlay
BMP	Bushfire Management Plan
DELWP	Department of Environment, Land, Water and Planning
DTPLI	Department of Transport, Planning and Local Infrastructure
EIIA	Extractive Industry Interest Areas
EPA	Environment Protection Authority
GWMP	Green Wedge Management Plan
LPP	Local Planning Policy
LPPF	Local Planning Policy Framework
LPS	Localised Planning Statement
LUFP	Land Use Framework Plan
MSS	Municipal Strategic Statement
PPF	Planning Policy Framework
RGP	Regional Growth Plan
SERA	Strategic Extractive Resource Area
SPPF	State Planning Policy Framework
SWRRIP	Statewide Waste and Resource Recovery Infrastructure Plan
UGB	Urban Growth Boundary
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions
WID	Werribee Irrigation District

Executive summary

The green wedge and peri-urban areas (the study area) surrounding Melbourne provide a range of different and important services, capabilities and values that have regional and state significance. This area, the subject of this consultation paper, is within a 100km radius from central Melbourne. It comprises 12 green wedge areas across 17 municipalities as well as a broader peri-urban area that crosses 16 additional municipalities.

Major infrastructure such as airports and water treatment plants are located in these areas, as are sites of unique cultural heritage and biodiversity values. The natural features and open spaces in some of these areas also support a thriving tourist economy. Last but not least, these areas hold some of Victoria's most productive agricultural land.

While these areas have been largely protected from urban encroachment, existing policy and planning measures are no longer effective as we see:

- increasing land speculation and pressure to convert farmland to other uses
- increasing appetite for rural lifestyles and use of these areas for a range of urban activities
- incremental and irreversible loss of land that is agriculturally productive or has important non-urban uses
- more land use conflicts, particularly where urban areas adjoin rural areas.

Further, the changing needs of metropolitan Melbourne and of Victoria, as well as the challenges of a future posed by climate change, call for action today to ensure that our planning and policy strategies remain responsive to community and stakeholder needs and aspirations for these critically important areas.

The Victorian Government's commitment to protecting Melbourne's green wedge and peri-urban areas is outlined in Actions 17, 72 and 73 of *Plan Melbourne 2017–2050*. To deliver on this commitment, in 2018 the Department undertook a technical assessment of the study area's agricultural

capability, followed by consultations that involved more than 800 people. Local government, water authorities, government agencies and industry bodies were also consulted. More information on this process can be found at <https://engage.vic.gov.au/gwal>

Extensive feedback, from multiple workshops and more than 400 submissions, overwhelmingly highlighted stakeholder concerns and a wish that the planning system:

- protects and supports all of Melbourne's agricultural land
- minimises land use conflicts and protects the right to farm
- recognises the importance of access to water to support agriculture
- factors in long-term changes to safeguard the productive capability of land.

This consultation paper is informed by our work to date, including key stakeholder concerns conveyed to us in our consultations. Based on this work, we have refined our approach and outline in this paper a number of reform options that aim to deliver lasting protection of agricultural land and guide decision-making on our green wedge areas. In addition to ensuring that farmers can continue to grow, adapt and innovate in our green wedge and peri-urban areas, these options seek to:

- anticipate challenges to agricultural productivity under climate change
- realise the unique and strategic opportunities afforded by the study area's unique natural attributes, proximity to Melbourne and infrastructure capabilities
- protect the special qualities and significant features of the environmental, economic, cultural and health values of the study area for our communities
- achieve greater certainty and consistency of planning and decision-making across the study area to realise a sustainable future for our growing city and state.

This consultation paper, the technical assessment and findings of our previous consultations, are available at <https://engage.vic.gov.au/gwal>.

Planning for Melbourne's Green Wedges and Agricultural Land

Key options for planning reform

The options proposed in this paper address four key aspects of land use and development in Melbourne's green wedge and peri-urban areas. The section detailing the reforms proposed for each aspect is detailed below. Specific options relating to the actions for each of the four aspects are detailed in Appendix 1 of this consultation paper.

Next steps

Your views and ideas are important and will help shape a planning system that appropriately reflects community aspirations for Melbourne's green wedge and peri-urban areas, and adequately equips these areas for future challenges.

You are encouraged to make a submission and respond to the options raised.

Aspects addressed by reform options	Actions proposed	Section in this consultation paper
Strengthen legislative and policy frameworks to provide clear strategic direction	<ul style="list-style-type: none"> strengthen legislative and policy framework for Melbourne's green wedges strengthen legislative and policy framework for Melbourne's agricultural land 	Section 3.1
Support agricultural land use by strengthening rural zones and overlays	<ul style="list-style-type: none"> manage subdivision and dwelling development in agricultural areas improve decision-making on agricultural land future-proof Melbourne's food bowl strengthen referral and notice requirements support agricultural diversification, value-adding and innovation 	Section 3.2
Manage green wedge and peri-urban land through more consistent and coherent land use decision-making	<ul style="list-style-type: none"> manage the urban-rural interface manage discretionary and other uses of land 	Section 3.3
Improving design and development in green wedges to respond to the surrounding landscape	<ul style="list-style-type: none"> implement design and development guidelines introduce design requirements 	Section 4



Planning for Melbourne's Green Wedges and Agricultural Land

01

Purpose

The Department of Environment, Land, Water and Planning (DELWP or the Department) is seeking input and views from individuals, organisations and local communities on the planning of Melbourne's green wedges and agricultural land.

This paper provides background information and rationale for our proposed planning options to protect these areas. It outlines:

- a background and context to the issues
- the policy context of Melbourne's green wedges and peri-urban areas
- challenges and proposed options for public consideration and feedback.

1.1 Melbourne's green wedges and agricultural land

Melburnians are fortunate to have productive land of high natural amenity within close proximity to the city. The non-urban areas surrounding Melbourne are diverse and productive. This important hinterland surrounds the metropolitan area and is fundamental to food production, water supply, natural habitat and an environmentally sustainable and liveable city. They are also locations of important cultural heritage, tourism, recreation, open space, and mineral and stone resources.

The area that is the subject of this consultation paper consists of 12 designated green wedge areas across 17 municipalities surrounding the built-up urban area of Melbourne, as well as a broader peri-urban area that extends beyond the green wedges to a 100km radius from central Melbourne. There are a further 16 municipalities located all or partially in this peri-urban area. Map 1 shows the extent of Melbourne's green wedges and peri-urban areas (the study area).

The green wedge and peri-urban areas that we know and appreciate today are a legacy of the vision and planning decisions of the past. We need to continue to secure these valuable places in the face of increasing pressure from a growing population, a transitioning economy and changing climate.

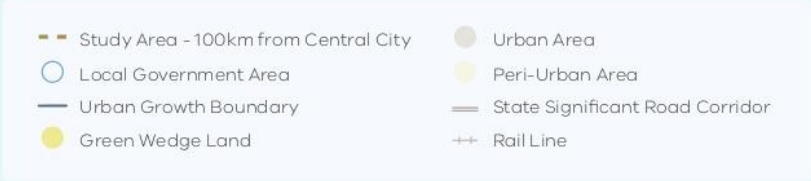
Strategic planning for Melbourne's green wedges and peri-urban areas should ensure that their valued features, assets and industries are prioritised over other land uses. At the same time, it is important that the planning system balances economic, social and environmental considerations appropriately to secure a sustainable future for the city and the state.

The Victorian Government is committed to protecting and enhancing the range of natural values, productive uses and essential services provided by Melbourne's green wedges and peri-urban areas. This consultation paper outlines the challenges and opportunities for the green wedges and agricultural land that surround Melbourne and presents a range of planning options to ensure that the benefits and values we enjoy now will continue for the future generations of all Victorians.

The green wedges and peri-urban areas covered by the study area are immensely important to the state's economy, community and environment, and support diverse non-urban land uses and activities.

Almost 30 per cent of the study area is public and Commonwealth land, including national parks, reserves and closed water catchments. This study area supplies clean drinking water and important ecosystem services, contributes significantly to the open space network and provides opportunities for people to connect with the natural environment. The green wedge and peri-urban areas support thriving visitor economies attracted to natural and rural landscapes, food and wine experiences, recreation and tourism opportunities.

Map 1
The study area — Melbourne's green wedge and peri-urban areas



Planning for Melbourne's Green Wedges and Agricultural Land

Some of Victoria's most productive agricultural land is within the study area. A range of types, sizes and intensities of agriculture are undertaken, from commercial to hobby farming. Agricultural land on the city's fringe is an important source of fresh food for Melbourne's growing population, as well as a range of non-food agricultural products, such as nurseries, flower and turf production. The study area is relatively small in size but produces around 10 per cent of Victoria's gross value of agricultural production.

The study area also supplies sand and soil for Melbourne's infrastructure, housing and development needs. It contains important transport corridors, infrastructure and businesses that need to be buffered from residential and other incompatible land uses, including airports, ports, waste and resource recovery facilities and water treatment plants.

1.2 Why is this review needed?

Establishment of the green wedges and Melbourne's urban growth boundary (UGB) have helped to protect farmland and the natural environment from residential and other urban uses.

However, the changing needs of the city and state and the diversity of non-urban land uses mean that planning and management objectives of the study area will need to be reviewed to ensure its ongoing productivity and avoid irreversible changes to land use. It is also likely that current policies and planning controls are inadequate to meet the challenges of the future.

Planning controls for Melbourne's green wedges and agricultural land need to be strengthened to:

- adequately respond to land speculation and continued pressure to convert farmland to other uses
- respond to the high demand for rural living and the desire to use green wedges and agricultural land for a range of urban activities, including 'spillover' land uses (traditionally located in urban areas) to service the growing population (Melbourne's population is projected to reach 9 million by 2056)

- retain land for agriculture and other important non-urban uses, and prevent the incremental loss of this asset – an increasingly rare and finite resource around Melbourne
- prevent land use conflict (for example, conflict arising due to sensitive uses such as dwellings being located too close to agriculture)
- ensure that the planning system continues to support our farmers to grow, adapt and innovate
- reflect the rising importance of, and need to protect, agricultural production near Melbourne as temperatures increase and rainfall decreases, particularly in the north of Victoria
- protect the significant features and assets of the study area to improve environmental, economic, cultural and health and wellbeing outcomes for our communities
- provide greater certainty and consistency across the study area and support local government decision-making, robust planning controls and strategies to realise a sustainable growing city and state.

The Victorian Government has already introduced planning reforms for animal industries. New land use definitions and associated planning controls for animal industries came into effect in September 2018.

Importantly, the government has also committed to a comprehensive review of outer suburban and peri-urban land to identify areas of conservation and open space for permanent protection. This commitment builds on priorities in *Plan Melbourne 2017–2050* (Plan Melbourne) to develop a Metropolitan Open Space Strategy.

We have identified opportunities to align a number of our proposals relating to green wedges and agricultural land – outlined in this consultation paper – with the development of a robust and integrated framework that clearly and consistently defines appropriate land use across the diverse landscapes and communities of Melbourne's hinterland. The options in this consultation paper seek to improve the Victorian planning system by supporting agricultural land use more broadly and guiding decision-making on our green wedges.

1.3 Background to the consultation

In November 2018, the Victorian Government reconfirmed its commitment to permanently protect Melbourne's green wedges from 'overdevelopment' by strengthening statutory planning controls. The commitment consisted of clarifying the definition of 'permitted land use', determining the appropriate size and scale of uses in non-urban settings, and establishing permanent planning controls and legislation to protect and support agricultural land surrounding Melbourne.

Melbourne's metropolitan planning strategy, Plan Melbourne, outlines the Victorian Government's blueprint to support jobs, housing and transport while building on the city's legacy of distinctiveness, liveability and sustainability. The strategy delineates the importance of productive use of land and resources in Melbourne's non-urban areas, and the need to strengthen protection and management of these areas. Plan Melbourne's desired planning outcomes articulate a vision for these important regions and is an important reference for policy formulation and decision-making in relation to the study area (see Appendix 3).

The accompanying *Plan Melbourne Five-Year Implementation Plan* (Plan Melbourne Implementation Plan) outlines three priority government actions to achieve the plan's vision for green wedge and peri-urban areas:

Action 17 Support strategic planning for agriculture

Action 72 Review green wedge planning provisions

Action 73 Green Wedge Management Plans

To implement the government's commitment, the Department has started work to better understand the study area, including stakeholder aspirations and concerns. This work is occurring over a number of phases (see Figure 1). Phase 1 was undertaken to understand how green wedge planning controls are performing and better understand the natural attributes of land surrounding Melbourne. This phase comprised a land capability assessment, land suitability modelling and targeted consultation with councils whose municipality includes green wedge land. Phase 1 was completed in 2018.

Phase 2 was undertaken during 2019 and focused on engaging with farmers, community members, industry, local government and stakeholders to test criteria for identifying strategic agricultural land around Melbourne. This phase was also undertaken to understand community aspirations for the planning of these areas. An independent report on the consultation findings, summarising what we heard, was released in September 2019.

In Phase 3 we used the consultation findings in Phase 2 to refine our approach and develop planning options for further community consultation. We considered the views and concerns articulated during the 2019 stakeholder consultation and identified key priorities as being critical to long-term and sustainable agriculture.

Planning for Melbourne’s Green Wedges and Agricultural Land

Key messages from Phase 2 consultation

1. Support all types and scales of agriculture for the long term.
2. Safeguard agricultural land serviced by irrigation infrastructure.
3. Make the best use of productive soils for soil-based agriculture.
4. Strengthen the ‘right to farm’.
5. Recognise the economic contribution of highly productive locations.
6. Maintain flexibility to respond to future recycled water or stormwater access opportunities.
7. Manage the interface between agriculture and non-farming neighbours, and minimise the risk of land use conflict.
8. Ensure consistent decision-making that prioritises agricultural use, its supporting industries and complementary land uses.
9. Build on local knowledge and strategic work around agricultural land use planning.
10. Support farmers to diversify, value-add and adjust to changing conditions.

A full summary of consultation findings is available at <https://www.planning.vic.gov.au/policy-and-strategy/green-wedges-and-agricultural-land#documents>.

We are currently in Phase 4 (see Figure 1). This public consultation paper incorporates the priorities identified in Phase 3 and proposes planning options to deliver lasting protection of agricultural land and to guide decision-making in our green wedge areas. As a result of previous consultation our proposed planning options seek to strengthen legislation, policy and agricultural zones to protect and support all agricultural land, not just ‘strategic’ areas. We have also proposed additional policies to achieve the best use of soil and water resources, and better align agricultural land use planning with water management policy and infrastructure provision. We now seek input and views from individuals, organisations and local communities on the proposed options.

Following consideration of public feedback on these planning options, the Victorian Government will commence implementation of the preferred options (Phase 5).

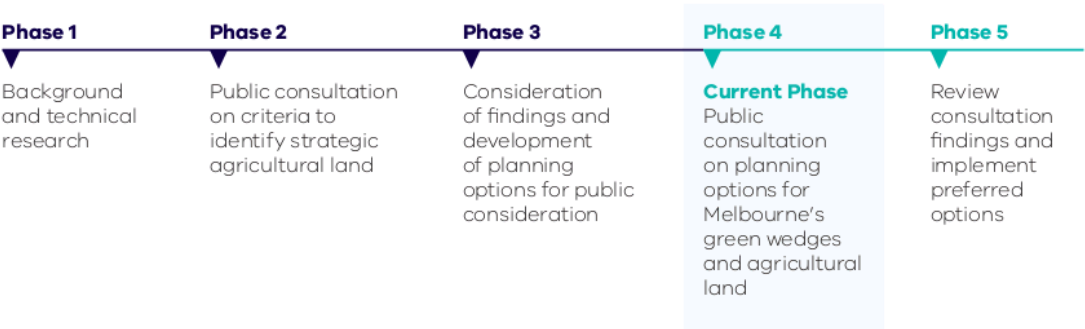


Figure 1 Project timeline

1.4 Vision and guiding principles

The planning options outlined in this consultation paper are intended to help realise the Victorian Government's draft vision for Melbourne's green wedges and areas of agricultural land, outlined as follows.

In 2050, Melbourne's urban footprint has been contained. A stable and consistently applied UGB has sent a clear message to all stakeholders and underscored our commitment to protecting the values of non-urban land and to retaining opportunities for productive agriculture. Consequently, land use speculation has reduced and farmers can invest in their farms with confidence.

The natural assets, open spaces and rural activities in our green wedge and peri-urban areas are protected, ensuring the ongoing provision of water, food and other natural resources to support the population. The use and development of land respect and resonate with the identified values of the green wedge and peri-urban areas in which they are located. These values include landscape and environmental values, non-urban amenity and contribution to a sustainable rural economy. Likewise, state and regionally significant infrastructure that could not be located within Melbourne's UGB provides significant ongoing benefits to communities while respecting the non-

urban activities and values of the broader green wedge and peri-urban areas.

Farming on the urban fringes continues to produce fresh healthy food for our growing population and contributes to the region's economic prosperity. Opportunities to exploit and broaden re-use of urban wastewater (recycled water and stormwater) have been realised, and long-term certainty has facilitated new investment in recycled water infrastructure. Similarly, farmers have innovated and adapted to climate change, implemented sustainable farming techniques and responded to market demands to ensure that the land remains healthy and productive, even under intensive use patterns. Agricultural land in Melbourne's food bowl has been protected in some of the state's most drought-resilient areas, and farmers have access to a secure supply of fit-for-purpose water.

Much of the natural biodiversity and unique landscapes of Melbourne in 2020 have been retained in 2050, as have the environmental values that have enabled the city's vital ecosystem services. The city and its surrounding areas continue to be enjoyed by residents and visitors alike. The social and economic values of Melbourne's local farms and agritourism are recognised, and leisure and recreational activities have strengthened local economies while supporting the diversification and viability of farming businesses.

The following principles underpin our approach to the challenges and proposed options in this consultation paper:

Principle 1	Principle 2	Principle 3	Principle 4
The proposed options should be consistent with the desired planning outcomes for Melbourne's green wedges and agricultural land as outlined in Plan Melbourne.	The proposed options should recognise and strengthen agriculture as one of the primary land uses in Melbourne's green wedge and peri-urban areas.	The proposed options should respond to pressure from urban and incompatible land uses that threaten green wedge values and productivity of Melbourne's agricultural land.	The proposed options should ensure that applications to develop or change the use of land addresses public and natural interests and respects the roles and values of green wedge and peri-urban areas.



02

Policies on Melbourne's green
wedges and agricultural land

2.1 Past policy settings

Environmental, social and economic consequences of urban expansion across landscapes have prompted successive governments worldwide to contain urban development and protect the assets of, and access to, rural areas. The policy expression of non-urban or 'green wedge' areas of metropolitan Melbourne first appeared in the Melbourne and Metropolitan Board of Works' 1954 planning policy, Melbourne Metropolitan Planning Scheme 1954. In the seven decades that followed, policy on green wedge and peri-urban areas of Melbourne has evolved to focus on land specifically reserved for non-urban use and development.

With recognition of the strategic importance of agricultural production close to metropolitan markets, land use planning controls were introduced through the Victoria Planning Provisions (VPPs) and a UGB established to delineate the outward limit of urban development. The UGB continues to direct urban growth to areas with appropriate infrastructure and services and protect valuable green wedge and agricultural land from development pressures.

Appendix 2 contains a list of policy directions relating to the study area over the last 50 years.

2.2 Current policy framework

The Victorian planning system uses a range of instruments to govern the use and development of land. These instruments include regulation, Ministerial Directions, VPPs and planning schemes. Planning schemes are prepared by each municipal council in Victoria. All planning schemes must contain the VPPs, but each council can also set rules specific to local context. Figure 2 outlines the structure of planning schemes.

Planning schemes contain both policies and planning provisions (e.g. zones and overlays), guide the implementation of long-term strategies such as Plan Melbourne, and provide a framework for day-to-day decision-making on land use and development.

Policy Settings	► Purpose and vision, Municipal Planning Strategy, Planning Policy Framework
Decision Rules	► Zones, Overlays, Particular provisions, General provisions
Operation	► Operational provisions

Figure 2 Structure of Victorian planning schemes

Planning authorities use these instruments to achieve the desired outcomes that planning strategies and policies seek to realise. They are designed to guide land use practices and manage land use conflict for the benefit of the wider community.

Victoria's state-strategic land use policy is outlined in the Planning Policy Framework (PPF), which is a part of every planning scheme. The PPF identifies issues of state importance and establishes:

- the general principles for land use and development in Victoria
- the specific policies dealing with settlement, environment, housing, economic development, infrastructure, and particular uses and development.

Appendix 2 provides more detail on the planning framework for green wedges and peri-urban areas.

Planning for Melbourne's Green Wedges and Agricultural Land

There are additional existing and emerging government policies, strategies and plans that are relevant to social, economic and environmental issues affecting the study area, including:

- Water for Victoria — 2016
- Biodiversity 2037 — 2017
- Agriculture Victoria Strategy — 2017
- Victoria's Climate Change Framework — 2018
- Distinctive Areas and Landscapes Legislation — 2018
- Helping Victoria Grow: Extractive Resources Strategy — 2018
- Statewide Waste and Resource Recovery Infrastructure Plan — 2018
- Planning Reforms for Animal Industries — 2018
- Integrated Water Management Forums Strategic Directions Statements — 2018
- Regional Tourism Review — 2019
- Land Use Framework Plans for Melbourne's metropolitan regions (under development).

Appendix 4 details the above-listed initiatives.

2.3 The suite of rural zones in the study area

All rural zones in the study area provide for the use of land for agriculture (see list below). The primary use of land for farming is implicit in the Farming Zone, Rural Activity Zone, Green Wedge Zone, Green Wedge A Zone and Schedule 1 to the Special Use Zone (Horticultural Preservation – Cardinia Shire). However, in the Rural Conservation Zone and Rural Living Zone, farming is subordinate to other land uses or to the environmental values of the land.

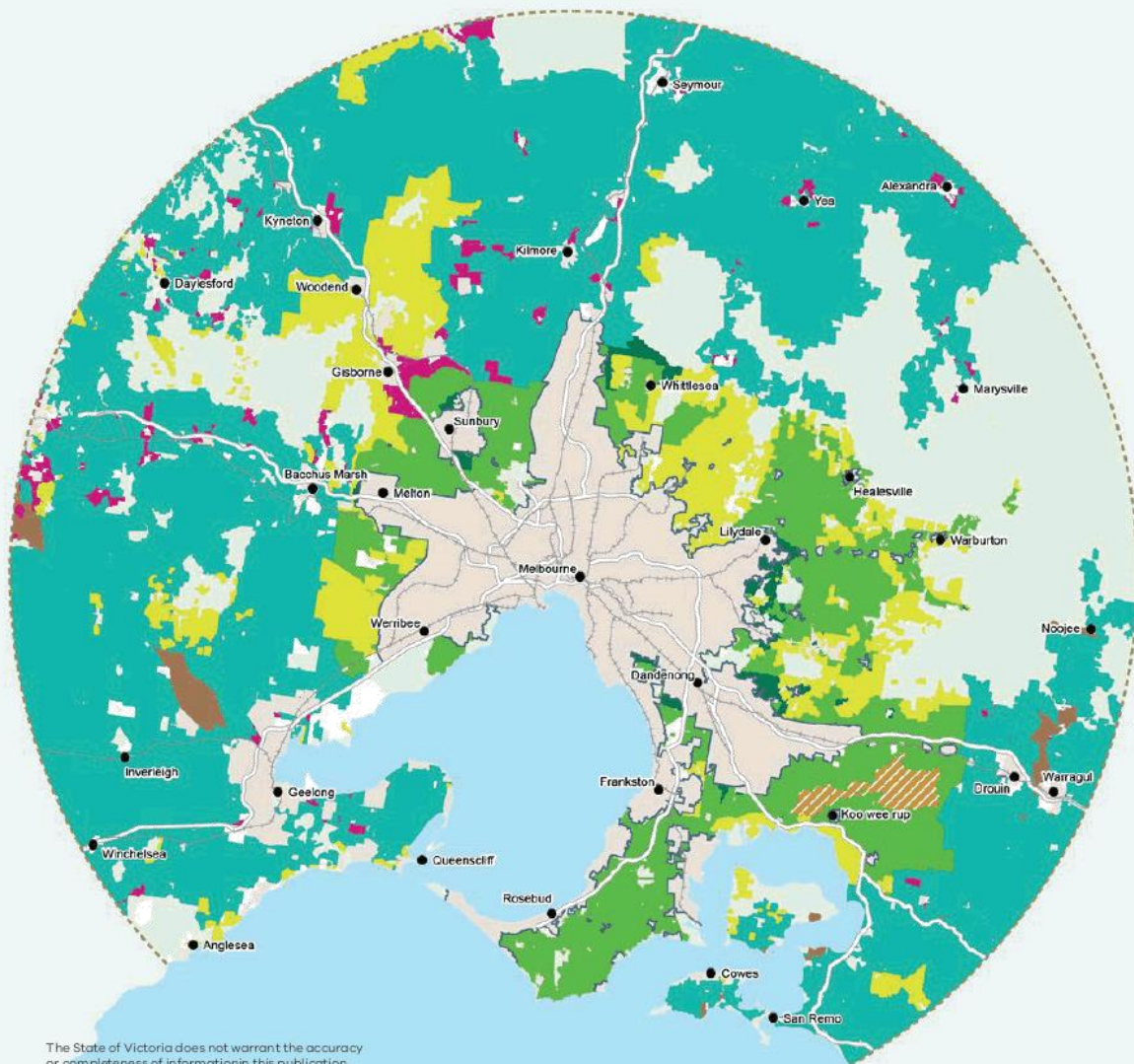
Map 2 illustrates the distribution of these zones across the study area; Appendix 5 provides a full summary of the zones and their purposes.

Farming Zone	a zone that is strongly focused on protecting and promoting farming and agriculture
Rural Activity Zone	a mixed use rural zone that caters for farming and other compatible land uses
Rural Conservation Zone	a conservation zone that caters for rural areas with special environmental characteristics
Green Wedge Zone	a zone that provides for all agricultural uses and limits non-rural uses to those that either support agriculture or tourism, or that are essential for urban development but cannot be located in urban areas for amenity or other reasons
Green Wedge A Zone	a zone that provides for all agricultural uses and limits non-rural uses to those that support agriculture, tourism, schools, major infrastructure and rural living
Rural Living Zone	a zone that caters for residential use in a rural setting
Special Use Zone Schedule 1 (Horticultural Preservation – Cardinia Shire)	a special purpose zone designed to preserve land of high agricultural quality for horticulture and other farming activities

Local councils apply zones to land based on the strategic objectives of the planning scheme and the purpose and provisions of each zone.

Map 2
Rural Planning Zones

- | | |
|---|---|
| ● FZ — Farming Zone | --- Study Area - 100km from Central City |
| ● GWZ — Green Wedge Zone | — Urban Growth Boundary |
| ● GWAZ — Green Wedge A Zone | ● Urban Area |
| ● RAZ — Rural Activity Zone | ● Public and Commonwealth Land |
| ● RCZ — Rural Conservation Zone | ++ Rail Line |
| ● RLZ — Rural Living Zone | = State Significant Road Corridor |
| ▨ SUZ1 Cardinia only
— Special Use Zone 1
Cardinia Horticulture | |
| ○ Other Zones | |

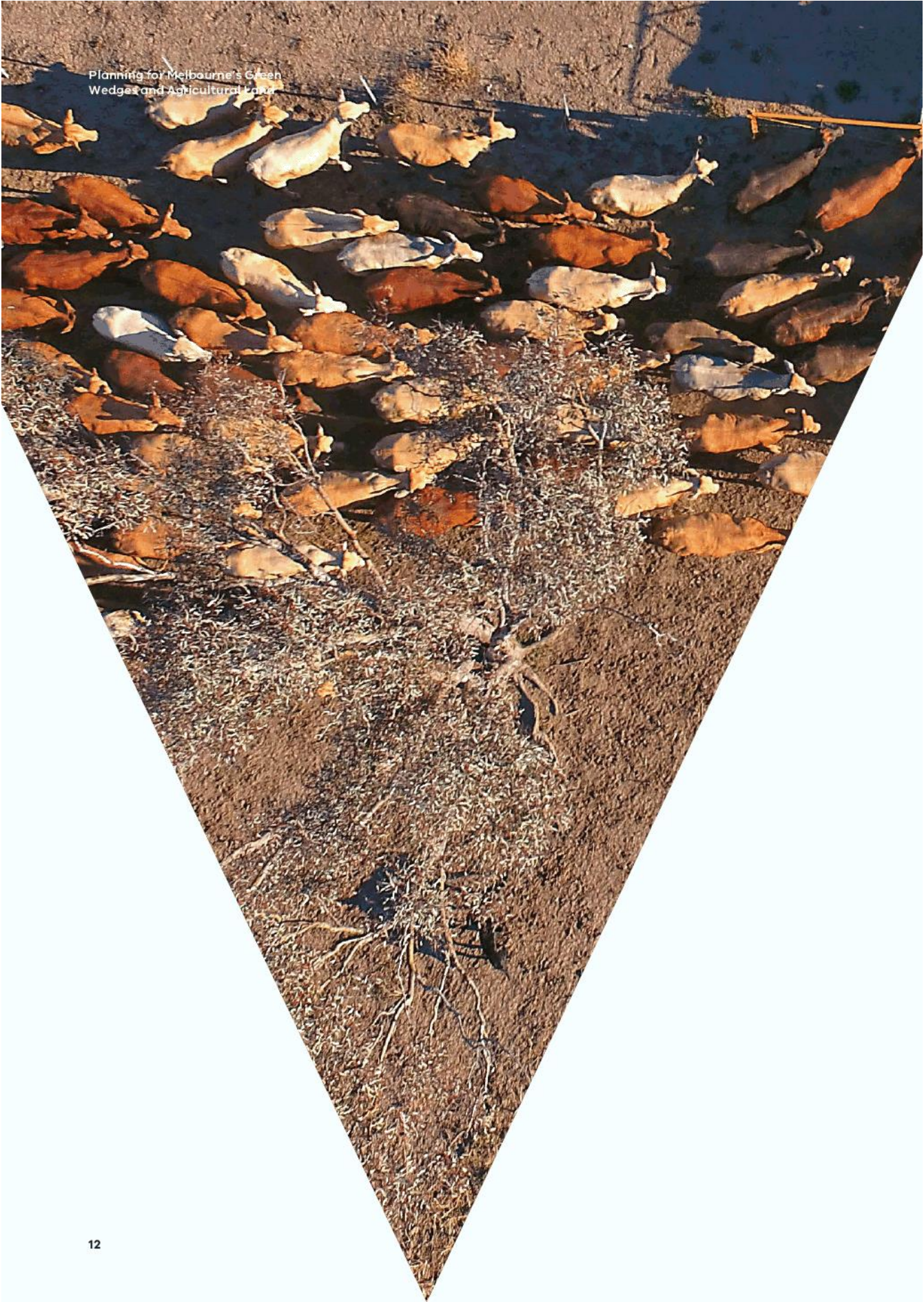


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03

Challenges and proposed options

A planning system that effectively provides for the non-urban and agricultural roles of these areas will clarify priorities, enable better decisions about land use and development, and will help to balance competing policy objectives.

In this and the next chapter, we discuss and outline options that aim to improve coherence across the planning system in a way that provides practical guidance for planning authorities and balances different land interests for an equitable and sustainable future. These options address four key aspects of land use and development in green wedge and peri-urban areas of Melbourne:

- strengthen legislative and policy frameworks to provide clear strategic direction
- support agricultural land use by strengthening rural zones and overlays
- manage the study area through more consistent and coherent land use decision-making
- promote design and development in green wedges that are responsive to the surrounding landscape.

3.1 Strengthening the legislative and policy framework

3.1.1 Legislative and policy framework for Melbourne's green wedges

Two significant challenges for decision-making about land use and development proposals in Melbourne's green wedges are:

- the varied functions of green wedges in agriculture, natural resources and open space
- the differing qualities of green wedge areas.

Existing policies and green wedge zones generally provide for a broad range of uses that may be appropriate in different contexts across the green wedges. However, some uses and their development outcomes can be inappropriate in some green wedge locations. That is, while state policy provides general guidance on the variety of roles and functions of Melbourne's green wedges, there is opportunity to strengthen and amplify policy directions that:

- give non-urban rural uses primacy, provide a non-urban break between urban uses of land and green wedges, and protect land in green wedge areas from inappropriate use and development
- provide greater recognition of the diversity of, and differences between, green wedges by consistently identifying their regional assets and features in regional planning policy.

The options outlined in this section seek to implement Plan Melbourne policy. Importantly, they will provide councils, responsible authorities and landowners with a coherent framework for all green wedges that is also responsive to the unique regional assets and features of a green wedge when considering planning scheme amendments and permit applications.

Strengthening legislative protection of green wedges

Reforms to better protect green wedge land were introduced in 2002 with the release of the metropolitan planning strategy, Melbourne 2030 (Department of Infrastructure 2002). These reforms included a legislative amendment to the *Planning and Environment Act 1987* (the Act) to define 'green wedge' land and tighten approval requirements for any movement of the UGB or subdivision of green wedge land. Part 3AA of the Act (Metropolitan Green Wedge Protection) requires that any planning scheme amendment that amends or inserts a UGB or that has the effect of altering or removing any controls over the subdivision of any green wedge

Planning for Melbourne's Green Wedges and Agricultural Land

land to allow subdivision of that land into more lots or into smaller lots than allowed in the planning scheme, must be approved by the Minister and ratified by both Houses of Parliament.

These legislative provisions have been successful in securing a UGB and restricting subdivision of green wedge land. However, there is scope for stronger articulation and protection of the significant values and attributes of green wedges in these legislative provisions.

A recent example of legislative protection of sensitive land in Victoria relates to its distinctive areas and landscapes. Part 3AAB of the Act (Distinctive Areas and Landscapes) was introduced to strengthen recognition, at a state level, of the importance of distinctive areas and landscapes and protect their unique characteristics. The legislative amendment enables the protection of valued assets in the peri-urban region of Victoria's major regional cities and other areas for the future. It is a detailed articulation of the objectives for identified distinctive areas and landscapes and outlines the requirement to prepare a Statement of Planning Policy in relation to each declared area to ensure coordinated decision-making by public entities.

The sections below discuss options to improve state and regional policy through amendments to Part 3AA of the Act to enshrine legislative protection of green wedge land. These options include:

- inserting an 'Objects' clause in the Act to articulate the State's vision and objectives for Melbourne's green wedges
- recognising the regional importance of green wedges and enshrining regional policy objectives for their protection in legislation (see further discussion on regional green wedge policy below)
- introduce legislative requirements to prepare and implement strategic plans for each green wedge (related to proposed reforms to the Green Wedge Management Plan process, discussed below)
- requiring ministerial approval for the adoption and implementation of strategic plans for green wedge areas prepared by local government authorities.

These options have the potential to:

- more clearly express in legislation the Victorian Government's vision and objectives for the green wedges
- enshrine regional green wedge policy in legislation
- introduce legislative requirements to prepare and implement strategic plans for green wedge areas
- facilitate greater integration of planning policy objectives and controls in statutory planning frameworks (i.e. planning schemes)
- reduce uncertainty and ambiguity that can arise in planning matters, such as permit decision-making and interpretation of requirements by decision makers
- deliver on Action 73 of the Plan Melbourne Implementation Plan, which commits to amending Part 3AA of the Act (Metropolitan Green Wedge Protection), by introducing a requirement that local governments prepare and review Green Wedge Management Plans.

Options

Amend Part 3AA (Metropolitan Green Wedge Protection) of the *Planning and Environment Act 1987* to:

- clearly express the Victorian Government's vision and objectives for green wedges
- enshrine regional policy for each green wedge in legislation
- introduce legislative requirements to prepare and implement strategic planning frameworks for each green wedge
- require ministerial approval for the adoption and implementation of strategic plans for green wedges prepared by local government authorities.

Clarifying state policy objective for green wedges

There is a single objective relating to green wedges contained in the Victorian PPF: 'to protect the green wedges from inappropriate development' (Clause 11.01-1R). As the first principle and expression of state policy on green wedges, the current policy objective could be strengthened to more effectively implement Plan Melbourne by asserting a preference for non-urban rural land use and development and clarifying expectations to maintain natural systems and rural landscapes.

Options

Update state planning policy to clearly articulate the preferred outcomes for Melbourne's green wedges. The objectives of Clause 11.01 of the VPP (Green Wedges: Metropolitan Melbourne) can be potentially revised to include:

- 'To maintain the important non-urban purpose of the green wedges and avoid use and development that would adversely affect their future productive use or environmental significance'
- 'To support preferred land uses and encourage uses that contribute to the non-urban landscape and character'.

Reviewing Green Wedge Management Plans

GWMPs were introduced following *Melbourne 2030* (Department of Infrastructure 2002) to implement the strategic policy vision for, and objectives of, land use and development for each green wedge (for more detail on GWMPs, see Appendix 2). When GWMPs were introduced, the Victorian Government envisioned they would support coherent planning and management of development in areas of metropolitan Melbourne.

Today, councils employ GWMPs to set strategic policy and objectives for land use and development on green wedge land in their municipality. Such an approach is consistent with broad state policy directions and recognises local variation in land conditions across diverse green wedge areas. The advantages of this approach include:

- opportunities to engage with local communities and understand their issues, expectations and needs
- ability to address local differences within and between green wedges
- expression of high-level aspirational objectives and outcomes that can be used to guide planning policy at a local level.

The original intent of GWMPs was to have councils collaborate in the preparation of strategic policy, a vision and objectives for those areas where a green wedge straddles municipal boundaries. However, this has generally not eventuated.

In practice, GWMPs are developed by local councils to function as strategic policy frameworks for green wedge areas within their administrative boundaries, with little appreciation of, or links with, the strategic role and purpose that each green wedge or collection of green wedges play in a regional or metropolitan context.

Further, not all green wedge areas have a GWMP. Map 3 illustrates the status of completion of GWMPs across the study area.

Map 3
Status of Green Wedge Management Plans



In addition, there is confusion as to whether GWMPs are land use strategies or land management plans, and perceptions differ on the statutory weight of these plans when considering planning permit applications for green wedge land.

PPN31 (Preparing a Green Wedge Management Plan, see Appendix 2) defines a GWMP as being:

a council-adopted strategy that identifies a vision, objectives and actions for the sustainable use and development of each green wedge. The plan will identify the values and features of each green wedge, the preferred future land use, environmental and resources that should be protected, and the needs of local communities (p. 1)

and provides that

To ensure the sustainable management of green wedges, a GWMP should include a broad range of implementation tools that include regulatory and non-regulatory measures. (p. 1)

Notably, PPN31 advances measures that sit within and outside the planning scheme framework, including education and incentive programs that encourage landowners to adopt sustainable land management practices:

Achievement of sustainable land use and land management practices are a critical element in the development of GWMPs. (p. 1)

Therefore, GWMPs were intended to achieve two important purposes:

- set the strategic planning direction on use and development of land in each green wedge with a view that these directions would be translated into local policy, zones and other planning provisions
- act as a framework for land management, action and practice.

In some planning schemes, there is an explicit link between the GWMP, local policy and its implementation through appropriate zoning. This link often takes the form of a local policy directly addressing or referring to the green wedge. In other cases, the developed and adopted GWMPs are not referenced in the planning scheme.

Where GWMPs are not adopted, local policies may exist on topics such as the environment, landscapes, tourism and agriculture.

Clearly, there is an opportunity to clarify and strengthen the role of GWMPs so that they can consistently inform, and be informed by, planning policy and controls.

A key area for reform is to review the general form and structure that GWMPs should take, and improve their requirements for detailed environmental, landscape and land use inventory mapping. Improving their form, structure and requirements would inform development of GWMPs that more closely reflect the varying landscapes in a green wedge, provide appropriate strategic direction and enable planning controls to respond to local variation. Identification of the varying local conditions across rural landscapes is an important capability and component for implementing state, regional and local planning policy, and responding appropriately with land use and development controls.

Option

Review and update Planning Practice Note 31 'Preparing a Green Wedge Management Plan' to improve the structure, form and content of Green Wedge Management Plans.

Planning for Melbourne's Green Wedges and Agricultural Land

Introducing state-backed regional policy for green wedges

While broad strategic policy on Melbourne's green wedges is articulated in documents such as Plan Melbourne and the PPF, strategic direction for each of the green wedges has primarily been developed and implemented at the local government level through Green Wedge Management Plans (GWMPs). For various reasons, the efficacy of the current system of local GWMPs in realising preferred policy outcomes has been mixed. There is a need to better align state and local planning through regional recognition of land use opportunities and challenges relating to our green wedges.

Consultation with a range of stakeholders has also confirmed public desire for greater certainty in policy, zones and planning provisions on the use and development of land in the green wedges. This will in part be addressed by the Plan Melbourne Implementation Plan, which aims to progress regional planning by developing Land Use Framework Plans for each of Melbourne's six metropolitan regions (Action 1).

To enhance coherent and consistent strategic planning on use and development of land in each green wedge, regional policy could be introduced in the PPF through state-led Land Use Framework Plans (LUFs). Such an approach would recognise the regional characteristics and significance associated with each green wedge.

Regional policy for each green wedge can cross local government boundaries, complement local policy and assist council decision-making. Such a policy would be consistent with policy directions in Plan Melbourne, state government policy to 'promote and encourage the key features and related values of each green wedge area' (Clause 11.01-1R, PPF) and existing regional policy directions for peri-urban areas that are informed by Regional Growth Plans (Clause 11.01-1R, PPF; see Appendix 2).

In addition to these identified policies, a state-backed regional policy on green wedges can provide much needed guidance that is additional to that provided in state planning policy.

The form and structure of such regional policy could:

- identify the regional role and purpose of each green wedge

- articulate the distinctive attributes and the key regional features and assets of each green wedge that contribute to its state significance
- articulate the significance and role of Traditional Owners and identify the important sites of cultural heritage to be protected
- contain a map identifying those assets and features of state and/or regional significance, such as:
 - biodiversity and environmental values
 - state-significant waterways and features
 - state-significant infrastructure
 - landscape features
 - areas of important agricultural production
 - tourism assets of state and regional significance.

The intention is not that state and regional policy replace the important role of GWMPs. Rather, these policies are intended to:

- provide regional framework and guidance to guide council planning, management and decision-making on green wedges within their municipality
- enhance coherent policy implementation across metropolitan and rural regions of Melbourne.

Local government is a vital partner in delivering and realising desired outcomes for green wedge areas. Councils have access to detailed and unique local knowledge of the land and the issues that require clear planning and management strategies. They also have close relationships with private landowners who are responsible for delivering land management and conservation outcomes in the area.

The expectation is for councils to continue to prepare and regularly update GWMPs that identify the local values and features of the green wedge land within their municipality, including its preferred land uses, the environmental and natural resources to be protected, and the needs of the local community. The important role of this strategic land use planning and management tool was reinforced in Plan Melbourne.

Option

Develop and introduce regional policy directions in the PPF for Melbourne's green wedges in Clause 11.01-1R (VPP) and through Land Use Framework Plans.

To catalyse public discussion on the proposal to have a regional policy for Melbourne's green wedges in the VPPs, we have drawn from currently existing GWMPs and identified the following regional features of Melbourne's green wedges. We are interested in your views and feedback on the proposal to have a regional policy for Melbourne's green wedges.

Planning for Melbourne's Green Wedges and Agricultural Land

Regional features of the study area – West

The western study area is an important non-urban break between Melbourne and Geelong (Map 4).

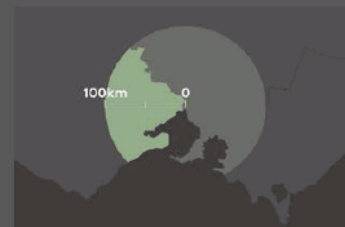
This region features a mix of coastal grassy plains and volcanic plains, with some areas having more pronounced topography such as hills, ranges and woodlands.

The significant agricultural activity in this region is primarily serviced by recycled water and high-quality soil, and consists of market gardens and horticulture, broadacre cropping, grazing, intensive agriculture and hobby farms.

The region features significant reserves with conservation, heritage and cultural values, including drystone walls, internationally significant and biologically diverse wetlands and marine sanctuaries, Aboriginal middens and burial sites, and tourism assets such as Werribee Mansion and Werribee Open Range Zoo.

Transport gateways and infrastructure in the region support other important economic sectors, such as quarries and water treatment plants.

Study Area – 100km from Central City



* Principal agricultural zones are rural zones that include agriculture as one of the primary zone purposes. Includes the Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone.



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Map 4
Key features West



Planning for Melbourne's Green Wedges and Agricultural Land

Regional features of the study area – North

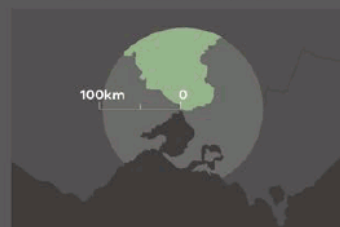
The northern study area is characterised by strongly dissected slopes, gorges and valleys (including the south-western slopes of the Great Dividing Range and Plenty Gorge), cleared rural and agricultural land, scenic hills, rocky and volcanic plains and grasslands, and forested areas (Map 5).

It holds significant environmental and biodiversity conservation values as well as open space features. The range of parks, reserves, cultural heritage, local food and network of trails throughout the northern green wedges support the region's visitor economy.

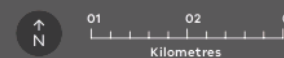
The region contains important water storage catchment areas for Melbourne, wetlands and waterways. Cropping, orcharding, grazing, dairying, viticulture, equine uses and animal husbandry occur throughout the Northern Region's green wedges.

Significant transport gateways, infrastructure and landfills in the region support other important economic sectors, such as freight and logistics, manufacturing, waste management and resource extraction.

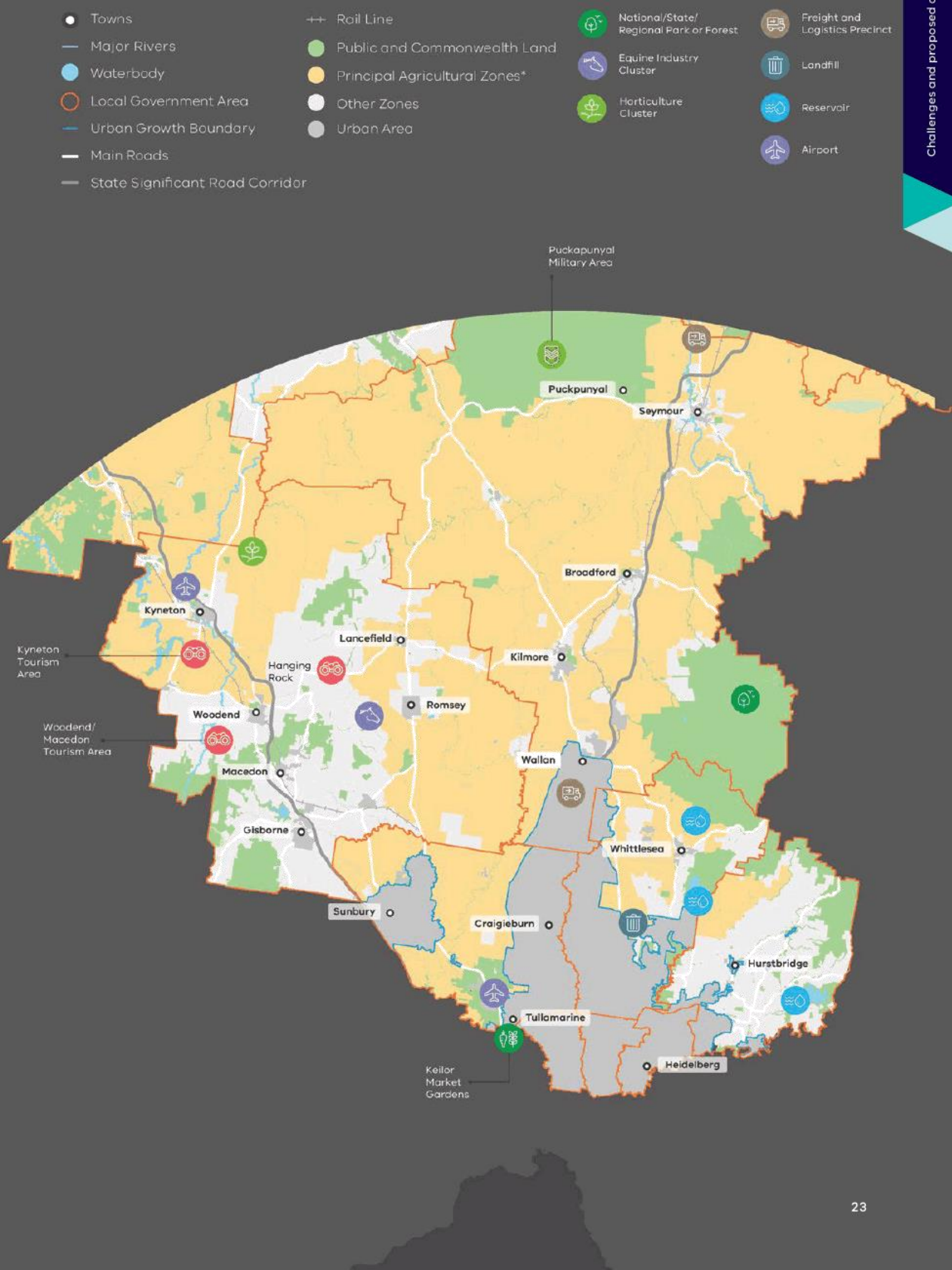
Study Area – 100km from Central City



* Principal agricultural zones are rural zones that include agriculture as one of the primary zone purposes. Includes the Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone.



Map 5
Key features North



Challenges and proposed options

Planning for Melbourne's Green Wedges and Agricultural Land

Regional features of the study area – East

The landscapes of the eastern study area include mountain ranges, valleys, waterway networks and forests with significant biodiversity and conservation value (Map 6).

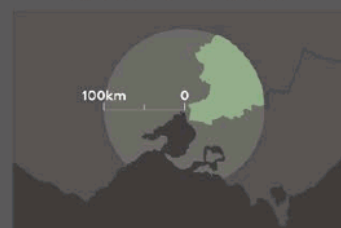
Its environmental assets are embodied in Kinglake, Dandenong Ranges and Yarra Ranges national parks, Pauls Range and Yarra state forests, Lysterfield Park, and Kurth Kiln Regional Park. The region contains areas of modified rural landscapes, such as cultivated croplands and rolling pastures.

The region contains significant waterways, water catchments and storage areas, including the Yarra River, Mulum Mulum Creek and the Upper Yarra, Silvan, Maroondah and O'Shannassy reservoirs. The water catchments and storage facilities in this region are regionally significant assets and critical for potable water supply to greater Melbourne.

Agricultural produce from the region comprises flowers and nursery plants, berries and orchard fruits, wine grapes, beef and grain.

The region holds a range of cultural values, with a visitor economy that is based on its local wine and food, farmers and makers markets, bed and breakfast accommodation, environmental walks, parklands and river corridors, cycling and horseriding trails, and attractions such as Healesville Sanctuary and Puffing Billy.

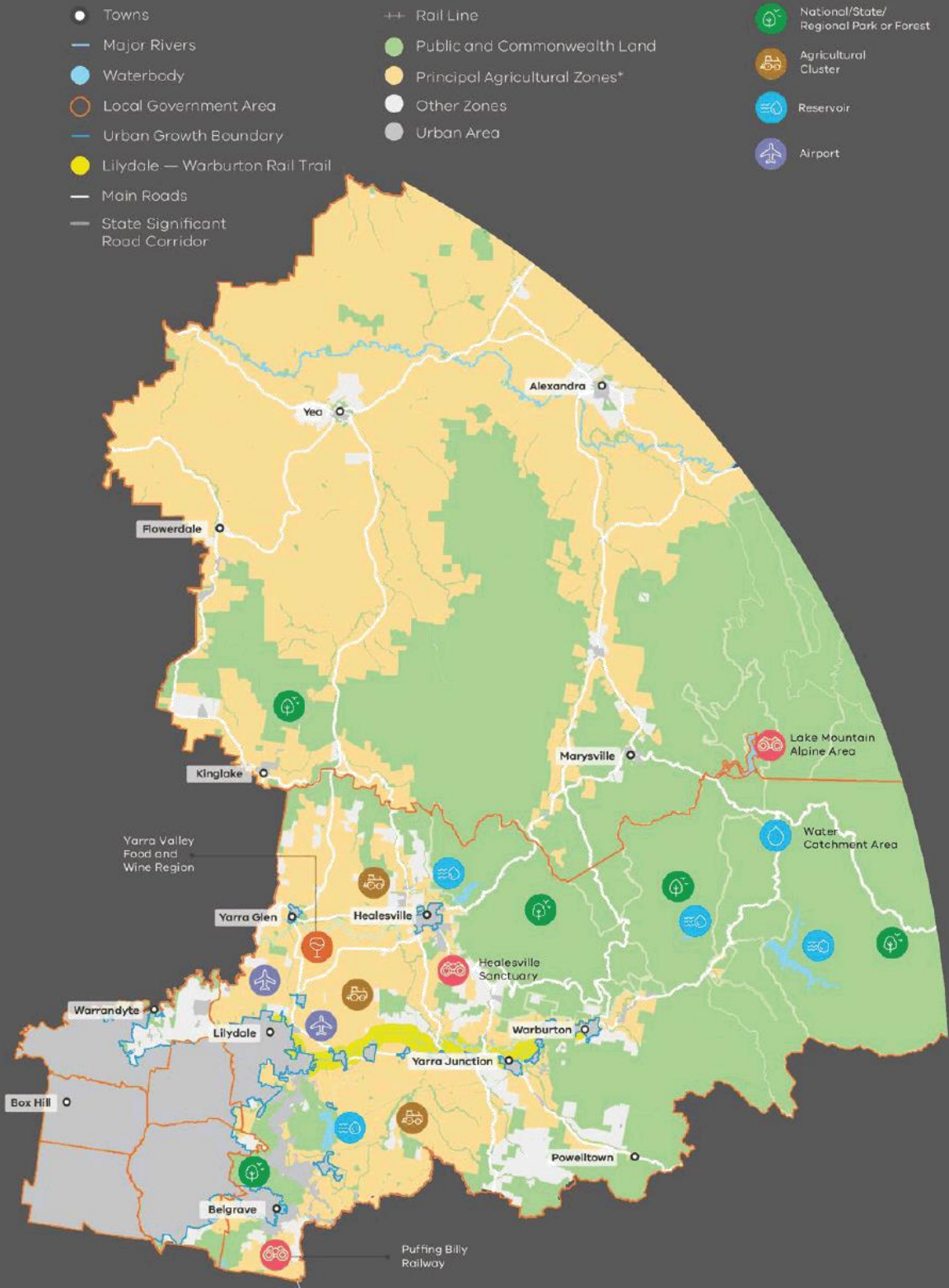
Study Area – 100km from Central City



* Principal agricultural zones are rural zones that include agriculture as one of the primary zone purposes. Includes the Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone.



Map 6
Key features East



Challenges and proposed options

Planning for Melbourne's Green Wedges and Agricultural Land

Regional features of the study area – South

The southern study area has distinctive rural landscapes and vistas, such as the Casey Foothills and Dandenong Ranges, as well as bushland and coastal landscapes (Map 7).

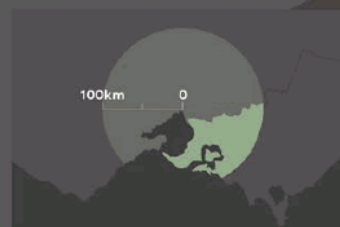
This region holds areas of significant environmental, biodiversity and conservation value, including Churchill, Point Nepean and Mornington Peninsula national parks; Dandenong Police Paddocks; Lysterfield and Braeside parks, Kurth Kiln Regional Park, Bunyip and Arthurs Seat state parks, Greens Bush and Devilbend Natural Features Reserve. It also contains numerous watercourses, the UNESCO Mornington Peninsula and Western Port Biosphere Reserve, and the Westernport and Edithvale–Seaford Ramsar wetlands.

The region — particularly in Koo Wee Rup — holds some of Victoria's most productive soils, and supports grazing, agistment, nurseries and cut flowers, poultry farming, viticulture, market gardens and horticulture. It also supports extractive industries.

The region's environmental and landscape assets provide important recreation opportunities and support the region's tourism industry, which is centred around natural features, recreation, farm gate sales, local food and wine. The region also contains sites of Aboriginal and post-contact cultural heritage, including scarred trees, scattered Aboriginal artefacts, heritage homesteads and farmhouses.

There is state-significant infrastructure in the region, consisting of transport corridors, the Eastern Treatment Plant, Cardinia Reservoir and Moorabbin Airport. The feasibility of a south-east airport in the region is also under current investigation.

Study Area – 100km from Central City



* Principal agricultural zones are rural zones that include agriculture as one of the primary zone purposes. Includes the Farming Zone, Rural Activity Zone, Green Wedge Zone, Green Wedge A Zone and Special Use Zone Schedule 1 (Cardinia – Horticultural Preservation).



Map 7
Key features South

- Towns

Major Rivers

Waterbody

Local Government Area

Urban Growth Boundary

Main Roads

State Significant Road Corridor

Rail Line

Public and Commonwealth Land

Principal Agricultural Zones*

Other Zones

Urban Area

Ramsar Site

National/State/Regional Park or Forest

Dairy Cluster

Reservoir

Airport

Port

Horticulture Cluster

Challenges and proposed options



Planning for Melbourne's Green Wedges and Agricultural Land

3.1.2 Legislative and policy framework for Melbourne's agricultural land

At the top of the Victorian planning system hierarchy is the *Planning and Environment Act 1987* which outlines the planning objectives and establishes the statutory framework for the Victorian planning system.

Currently, Victoria does not have separate legislation that specifically protects farming activities. The PPF within the VPP sets out the state and regional planning policies that guide use and development of agricultural land surrounding Melbourne. The key relevant clauses are as follows:

Clause 14.01-1S

Protection of agricultural land

Objective: To protect the state's agricultural base by preserving productive farmland.

Clause 14.01-1R

Protection of agricultural land – Metropolitan Melbourne

Objective: To protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.

Clause 14.01-2S

Sustainable agricultural land use

Objective: To encourage sustainable agricultural land use.

Clause 11.03-3S

Peri-urban areas

Objective: To manage growth in peri-urban areas to protect and enhance their identified valued attributes.

Clause 14.02-3S

Protection of declared irrigation districts

Objective: To plan and manage for sustainable change within irrigation districts declared under Part 6A of the *Water Act 1989*.

Clause 19.03-3S

Integrated water management

Objective: To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

The strategies identified for these clauses highlight the need to:

- identify and protect productive farmland, including productive farmland that is of strategic significance in the local or regional context
- prevent unplanned loss of productive farmlands from permanent changes in land use, dispersed urban activities, incompatible uses, new housing and further subdivision
- ensure that the economic importance of production, agricultural productivity, compatibility with surrounding land use, and land capability are considered in decision-making
- encourage sustainable use and management, innovation, climate change adaptation, diversification and value-adding, flexibility and adjustment, investment and infrastructure provision
- ensure appropriate management of animal industries
- avoid urban sprawl, provide for non-urban breaks and contain development to established settlements
- protect agricultural land serviced by irrigation infrastructure to secure the future viability of irrigation districts, and encourage land uses that complement existing and future agricultural production
- protect areas with potential to use recycled water for forestry, agriculture or for other uses for which treated effluent of an appropriate quality can be used.

While being relatively sound, these policy objectives and their associated strategies have not prevented the loss of productive agricultural land to urban uses over time. Proposals to establish dwellings and other incompatible land uses in agricultural areas have been considered in a piecemeal and ad hoc manner, and are often decided in favour of individual outcomes over regional and/or community benefits.

Protecting all agricultural land surrounding Melbourne

References to 'productive farmland' and 'farmland of strategic significance' in state policies suggest that the protection of agricultural land should prioritise land considered to have higher agricultural quality. In the same vein, Action 17 of Plan Melbourne seeks to identify areas of 'strategic agricultural land'.

During DELWP's initial consultation in 2019, we presented a list of criteria that could be used to identify those agricultural areas with strategic significance for agriculture. The draft criteria (included in full in Appendix 6) included:

- land capability – naturally fertile land with minimal constraints and highly capable for intensive, soil-based agriculture
- water access – farmland with access to a secure water supply
- resilience and adaptability – land that is resilient to the potential impacts of climate change
- existing land use and integration with industry – land that is currently used for intensive agricultural purposes or supports the viability of an agricultural area
- other considerations (constraints) – factors that may prevent land from being classified as strategic agricultural land.

While a broad range of views were communicated during the 2019 consultations, feedback overwhelmingly highlighted the importance of protecting all agricultural land, not just land deemed to be strategically significant. The key reasons given by stakeholders were twofold:

- protecting all agricultural land would mitigate further pressure on 'non-strategic' agricultural land
- protecting all agricultural land would ensure enough land is safeguarded for agriculture to ensure that Melbourne retains sufficient flexibility and resilience for future challenges to the city's food production.

Planning for Melbourne's Green Wedges and Agricultural Land

In response to this feedback, this paper proposes options that recognise the value of all agricultural land in the planning system and that maintain an adequate amount of available agricultural land for the agricultural sector to continue to adapt to market pressures, respond to industry trends and opportunities, and prepare for climate change.

Option

Update the PPF to ensure that all agricultural land is protected.

Protecting the natural resources that underpin agricultural land use

Agriculture is a diverse land use that takes many forms. Some types of agriculture are highly dependent on natural factors such as climate, soil and access to water; others do not rely on high-quality soil or rainfall for production (e.g. hydroponics in glasshouses or poultry farms). The location of non-soil-based industries is often driven by other factors such as distance to markets, access to infrastructure, topography and social factors.

While the protection of all agricultural land is proposed in this paper, it is equally important to recognise that high-quality soils and water are scarce and finite resources. Climate change is increasing pressure on the availability of natural resources that underpin food production. The current PPF provides no guidance on the best use of natural resources to support agricultural production and build resilience to climate change.

Option

Update the PPF to encourage land uses that have limited or negligible reliance on soil as the basis of production, to be located in areas where soil-based agriculture is likely to be constrained.

(Note: options to strengthen policy on secure water access for agricultural production are discussed in Section 3.2.3 of this paper.)

Improving regional policy protection of Melbourne's agricultural land

Compared to statewide policy, current regional policy on the protection of agricultural land is very limited in scope. It consists of one singular policy statement, which is to 'protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations'.

However, agriculture surrounding Melbourne is highly significant to the state in terms of its value of production for what is a relatively small area of agricultural land. It holds unique opportunities thanks to its proximity to city markets and infrastructure, as well as urban waste streams that could be a source of water and nutrients for farming. It is proposed to strengthen regional agricultural policy to encourage sustainable agricultural production that builds on Melbourne's competitive advantages.

Options

Update the PPF to include new regional policy for Melbourne's agricultural land. The new policy should:

- support greater resilience of Melbourne's food bowl by encouraging re-use of valuable city waste streams, including recycled water, stormwater, nutrients and biogas
- encourage opportunities for growth and diversification of other activities complementary to agriculture that leverage the advantages of proximity to the city of Melbourne and its local markets
- support the establishment and expansion of infrastructure that benefits agriculture
- recognise the economic and employment contributions of Melbourne's agricultural land to local communities, the region and the State of Victoria.

(Note: other proposed options to change state and regional policy on water for agriculture are discussed in Section 3.2.3.)

Legislating the right to farm

Land use conflicts that result from inappropriate use and development of farming areas were consistently highlighted as a key concern by stakeholders throughout our Phase 2 consultations. Stakeholders expressed strong support for protecting the 'right to farm', including:

- minimising land use conflicts that could constrain the ability to farm
- ensuring appropriate buffers separate agricultural land from sensitive land uses, such as residential development or other land uses, that would be potentially sensitive to emissions (dust, odour, noise, light) from agricultural activities
- ensuring planning regulations do not hinder farming activities.

In Australia, right-to-farm legislation has been implemented by Tasmania (the *Primary Industries Activities Protection Act 1995*) and was recently enacted by New South Wales (NSW) in November 2019 with the *Right to Farm Act 2019*.

A common feature in both the Tasmanian and NSW legislation is the protection of farmers against common law nuisance claims. NSW legislation also imposes penalties on trespassers found guilty of illegally entering farms, letting stock out or tampering with cattle grids.

To protect Melbourne's remaining agricultural land, a proposed option is to introduce new legislation that strengthens the right to farm. Such legislation would ensure that farming activities are protected from encroachment by sensitive uses and delineate that primary responsibility for mitigating impacts of lawful agricultural operations (e.g. dust, noise and odour) rests with the 'agent of change' – the person or organisation who introduces a new use or development into an existing environment. In practice this means that an agent of a new sensitive use or development, such as residential development, that is established close to an existing farm will be responsible for adapting to the existing farming environment. Conversely, new or existing farms that seek to establish or expand, respectively, will be responsible for attenuating any effects caused by that change on nearby sensitive uses.

However, an agricultural activity that is supported within the zone as an as-of-right (Section 1) use would not be considered an 'agent-of-change'.

While legislation has an important role to play, arguably the best way to protect the right to farm is to prevent incompatible uses and development from establishing in agricultural areas in the first place. To achieve this, other complementary measures, such as changes to policy, zones, overlays and planning guidelines, are also proposed as part of the package of changes presented in this paper.

Options

- Establish new right to farm legislation for Melbourne's agricultural land that ensures primary production carried out on a farm does not constitute a nuisance, provided that it is conducted lawfully and the zoning of the land supports agricultural use as a primary purpose of the zone.
- Introduce the 'agent of change' principle into legislation to assign responsibility for mitigating impacts of lawful agricultural operations (e.g. dust, noise and odour) to the 'agent of change' – the person or organisation who introduces a new use or development in an existing environment.
- In conjunction with legislative changes above, update the PPF to encourage appropriate siting, design and scale of sensitive uses and developments within rural areas to avoid conflicts with agricultural uses and to maintain capability to intensify agricultural production.

Planning for Melbourne's Green Wedges and Agricultural Land

What is the 'right to farm'?

Complaints often arise when land uses in proximity to each other are incompatible and create conflict. In the case of farming, the use of land can generate dust, odour and noise through such activities as the application of chemicals and the running of farm machinery on roads.

The 'right to farm' refers to the concept that farmers should be able to conduct lawful agricultural activities without being hindered by complaints from neighbours or other land users. Generally, right-to-farm issues are more prevalent on the urban fringe, where urban and rural uses of land occur side by side as people move into a green wedge and peri-urban area in search of amenity of a rural setting.

The right to farm does not mean that farming activities are exempt from other

environmental regulations that safeguard risks to environment and community amenity (e.g. regulations that control chemical use, air pollution, noise and management of odours). The Environment Protection Authority Victoria (EPA Victoria) oversees environmental and amenity issues in accordance with the *Environment Protection Act 1970*. It regulates high-risk industries through works approvals and has compliance and enforcement powers to ensure all industries, including farming, comply with legislated environmental standards.

3.2 Supporting agricultural land use

Melbourne's food bowl has significant competitive advantages, including proximity to markets, access to labour force and transport infrastructure, areas of high-quality soils, proximity to sources of recycled water and stormwater, and a concentration of supporting businesses.

However, there are challenges for farm businesses in Melbourne's green wedge and peri-urban areas, such as high operational costs, limits to farm expansion and high levels of land use conflict.

A range of drivers also influence the agricultural sector as a whole, including climate change, changing markets and consumer preferences, advances in technology and innovation, declining terms of trade and government policy and investment decisions. As a result, agricultural practices are continually evolving and adapting, resulting in closer integration of the agrifood chain, increased efficiencies and innovation, more intensive production systems and, for some commodities, a trend towards larger farm sizes to achieve economies of scale (Figure 3). These factors have flow-on effects on land use trends.

Given these macro trends and the specific challenges for agricultural business in Melbourne's green wedge and peri-urban areas, the industry will need to continue to adapt if risks are to be managed and opportunities realised.

All stakeholders have a role to play, and effective planning is vital if we are to prevent further loss of agricultural land around Melbourne, appropriately balance different competing land uses and ensure sectoral resilience to achieve long-term and sustainable agriculture to service the needs of our city.

The study area makes a significant contribution to the Victorian economy through the agriculture, forestry and fishing sector. In 2018, its total economic output was \$5.79 billion:

- Study area – North: \$1,009.08 million
- Study area – East: \$1,069.28 million
- Study area – South: \$2,245.28 million
- Study area – West: \$1,473.24 million.



Land use trends

- fewer and larger farms
- increased concentration of farm output
- more intensive farming techniques
- closer integration of agrifood chain
- competing land uses
- high levels of land use conflict
- increased land speculation
- high land prices
- limits to farm expansion

Figure 3 Key drivers and trends affecting the agricultural sector

Planning for Melbourne's Green Wedges and Agricultural Land

There are regions within the study area that are important locations for particular crops:



The unique rich peaty soils of the Casey Cardinia region produce almost 90 per cent of Australia's asparagus.



The Werribee Irrigation District (representing 0.02 per cent of the state's land) produces 10 per cent of Victoria's vegetables, including 85 per cent, 53 per cent and 34 per cent of Victoria's cauliflower, broccoli and lettuce, respectively.



Gippsland produces 32 per cent of Victoria's milk (or 19 per cent of Australia's milk).



The Yarra Valley produces approximately 78 per cent of Victoria's strawberries.



The Bacchus Marsh Irrigation District, rich with the alluvial soils of the Lerderderg River and Werribee River flats, grows high-value commodities such as fruit orchards.

The study area also generates significant employment in the agriculture, forestry and fishing sector, calculated in 2018 to be nearly 16,500 direct jobs.

Significant employment is also generated by associated processing, manufacturing, logistics, retail trade and accommodation and food services.

The study area has been identified as strategically important for agricultural production and covers declared irrigation districts and other areas with potential future access to recycled water infrastructure. It provides an important agricultural function for the regions and needs to be protected to ensure future productive capacity.

There are significant forward production linkages between the agriculture, forestry and fishing sector and the manufacturing sector – specifically meat product, dairy, fruit and vegetable processing and other factory-based manufacturing. These productive supply chain relationships and value added processing activities are particularly evident in areas close to market where production, processing and distribution can occur locally. For every \$1 of output generated by the agriculture, forestry and fishing sector in the northern area of Melbourne, \$0.43 is sold into manufacturing.

This section explores a range of planning options to support and protect agricultural use of land through:

- managing the subdivision of, and development of dwellings on, agricultural land
- improving decision-making in areas zoned for agricultural purposes
- anticipating the effects of climate change and water needs for agriculture
- strengthening referral and notice requirements
- supporting agricultural diversification.

In itself, a planning response is insufficient to ensure a sustainable food bowl for the long term. Non-regulatory measures must also be employed to encourage agricultural use. While this paper is focused on getting the planning framework for agriculture right, a range of response options beyond planning have been identified during Phase 2 consultation and could be further explored by local and state government. These options include providing education and extension programs for farmers, research and development, incentivising land stewardship activities and applying differential rates for farmland that is actively farmed.

Map 8
Economic output and jobs — agricultural, forestry and fishing sector (2018)



Planning for Melbourne's Green Wedges and Agricultural Land

3.2.1 Managing subdivision and dwelling development in agricultural areas

High levels of land speculation and pressure to accommodate urban development and non-agricultural uses are principal sources of pressure on agricultural land. If not managed, these pressures can lead to the permanent loss of agricultural land, inflated land prices that are disproportionate to the income the land can generate from farming, higher operational costs (e.g. council rates), limits on agricultural uses and increases in land use conflicts.

Over past decades, Melbourne's green wedge and peri-urban areas have accommodated high levels of residential development. Although state policy seeks to limit new 'lifestyle' housing developments in rural areas, in practice many new dwellings constructed in rural areas do not have a farming purpose. Those areas with high levels of amenity, proximity to urban infrastructure and accessibility via major transport routes are popular locations for those seeking a 'tree change' or a 'rural lifestyle'.

A study of eight Victorian peri-urban councils found that a minimum lot size of 40 hectares for a dwelling would reduce rural development capacity on vacant rural lots from 48,261 to 5911 dwellings, the greatest reduction of 86% occurring in the farming zone.

— Carey & Buxton 2014

The number and spatial distribution of new housing in rural areas also influences the cost of infrastructure and service delivery, future land use potential and increases the number of people exposed to the threat of bushfire and natural hazards.

Following the Royal Commission into the Black Saturday bushfires, planning reforms introduced a requirement that development of land must prioritise the protection of human life and the safety of Victorian communities above all other considerations. In areas of high bushfire risk, the requirements of the Bushfire Management Overlay will mean that subdivision and dwelling applications may not be approved.

Previous subdivisions of rural land have created many small vacant lots across the study area.

Many councils have raised concerns that existing undeveloped lots — already below the minimum lot size — will be developed for housing and will lead to the unplanned and incremental conversion of agricultural to residential use.

Subdivision of rural landscapes

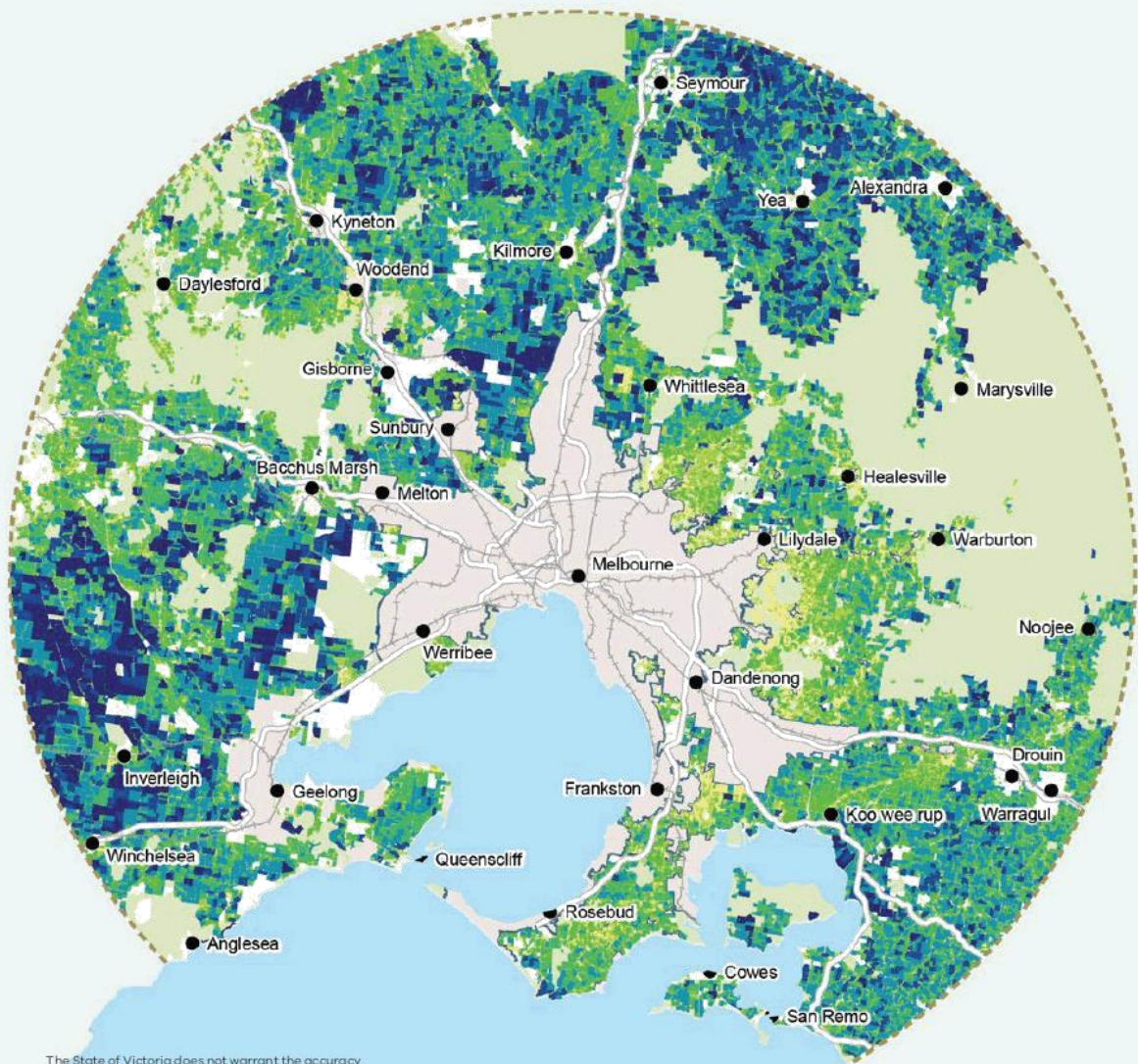
Map 9 shows the current extent of subdivision across the study area. A high degree of land fragmentation from subdivision is evident in areas with high amenity, while larger lots are generally clustered to the north and west of the study area.

Lots that are smaller do not necessarily prevent productive use or remove land permanently from production, particularly where the soil or production techniques enable intensive use. For example, the Werribee Irrigation District consists of small lots but is highly productive. However, as landholders commonly expect an entitlement to construct a dwelling on a rural lot, there is a perceived nexus between subdivision and housing. Therefore, larger lots are less likely to result in progressive loss of agricultural land, and more likely to retain versatility for current and future agricultural use.

Tenement controls have historically been used to limit development and rectify a legacy of inappropriate subdivisions. A tenement is a landholding (a group of contiguous lots, parcels of land or Crown Allotments) held in single ownership. Tenement controls work by restricting development to one dwelling per tenement (or specified land size within a tenement). Tenement controls have been used successfully in areas such as the Yarra Ranges Shire. However, as noted in the Panel report for Amendment C148 of the Yarra Ranges Planning Scheme (Lester & Victoria Planning Panels 2018), their administration can be complex, difficult to manage and lack transparency in the planning system.

Another technique historically used to prevent ongoing subdivisions from eroding the viability of farmland is the mandatory requirement on all subdivision permit applications to include a Section 173 Agreement between a council and a landowner. The Section 173 Agreement would encumber the land title and prevent future subdivision into smaller lots for a dwelling. This requirement was introduced in the VPPs in 1997 but subsequently removed in 2013 as part of reforms to rural zones: it was seen as too onerous and blunt. The Advisory Committee that was appointed to review and report on these rural zone reforms supported the removal of Section 173.

Map 9
Distribution of lot sizes across the study area



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Agreements, but recommended a variation to the subdivision provisions in the Farming Zone and Rural Activity Zone to prohibit the creation of smaller lots for an existing dwelling. This recommendation was not supported by the Victorian Government as the proposed change had not been consulted on as part of the planning zones reform process.

Consequently, there are currently no planning controls in the Farming Zone and Rural Activity Zone that prevent the subdivision of agricultural land into smaller lots for an existing dwelling. The options proposed in this paper would bring the subdivision provisions in the Farming Zone and Rural Activity Zone in line with those in the green wedge zones and prevent small lot excisions in peri-urban areas.

Options

- Reduce the subdivision potential of Melbourne's agricultural land by requiring parliamentary ratification of proposals to subdivide land into more lots or smaller lots than currently provided for in the planning scheme in the Farming Zone and Rural Activity Zone within 100 km of Melbourne.

Currently, any amendment that increases the subdivision potential of green wedge land requires the approval of the Minister for Planning and ratification of both Houses of Parliament. This option extends the current requirement to agricultural land in peri-urban areas.

- Amend the subdivision provisions of the Farming Zone and Rural Activity Zone to prohibit the creation of a lot for an existing dwelling that is smaller than the minimum lot size. This only applies within 100 km of Melbourne.

Dwellings in rural areas

In the Farming Zone, a dwelling is an 'as of right' use if the land meets the minimum lot size requirement of 40 ha and the dwelling is the only dwelling on the lot. If these conditions are not met, it becomes a discretionary use (i.e. permit is required). In the green wedge zones, a dwelling is a discretionary use.

Stakeholder feedback during our Phase 2 consultations indicated that decisions by councils – at times against the professional advice of their officers – have often favoured the approval of dwellings in rural areas and further confirm an assumed nexus between subdivision and housing. For example, during 2011 and 2018, approximately 81 per cent of all dwelling applications that were lodged were approved, with almost 4,500 permits approved for dwellings in rural zones within the study area (Map 10).

Between 2011 and 2018, an average of 560 dwellings per year were approved in rural zones within the study area. Most of these approvals were for dwellings in the Farming Zone (31.4 per cent) and the Green Wedge Zone (30.6 per cent), followed by the Rural Conservation Zone (24.3 per cent).

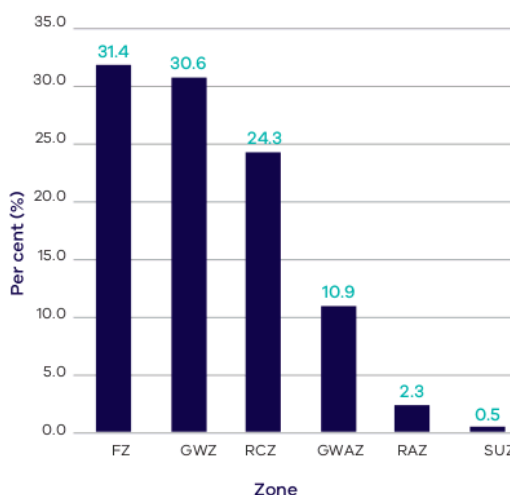
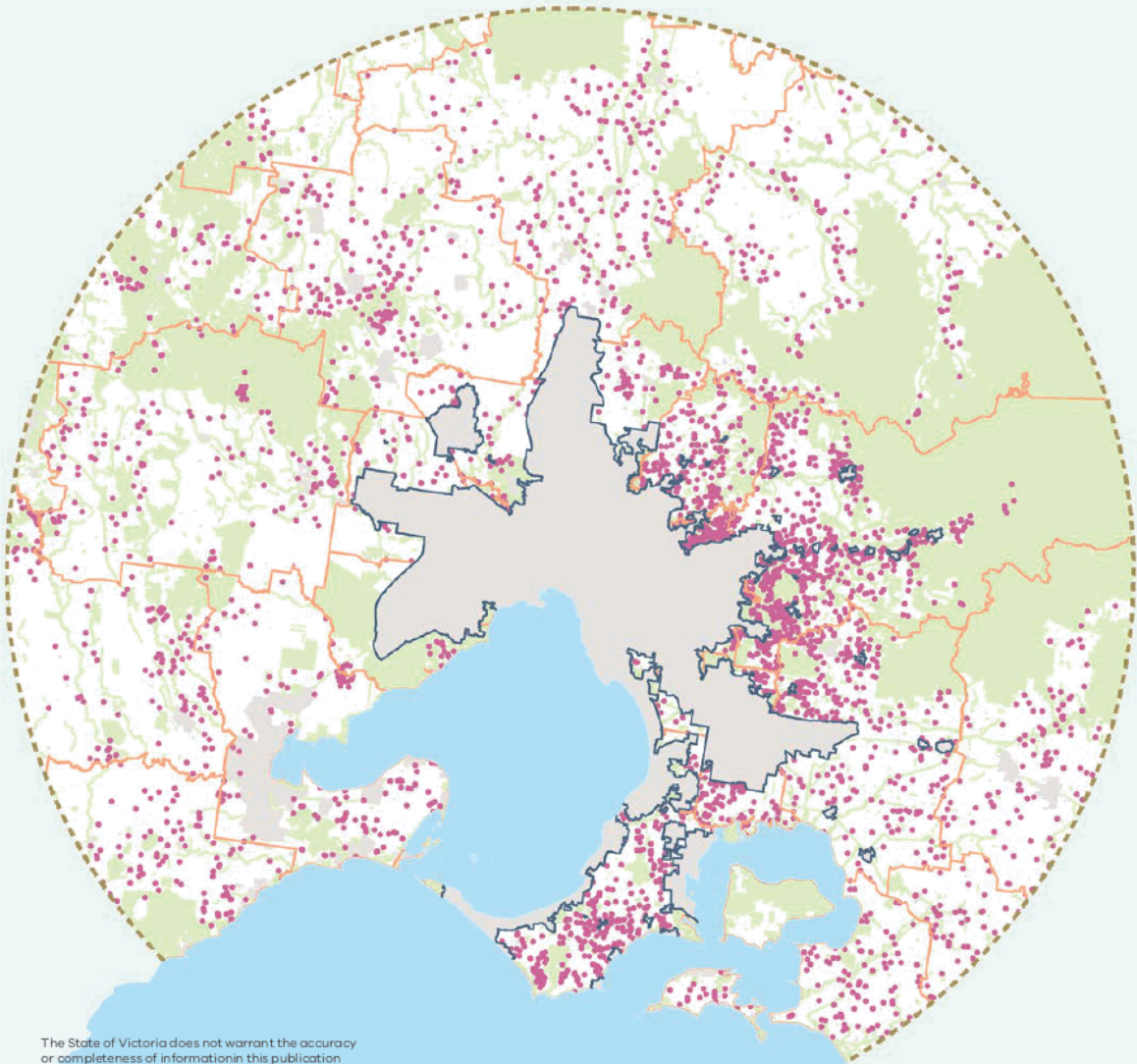


Figure 4 Percent of dwelling approvals by type of zone during 2011–2018

Map 10
Dwelling approvals during 2011–2018

- Approved Dwellings 2011 — 2018
- Study Area — 100km from Central City
- Urban Growth Boundary
- Local Government Area
- Public and Commonwealth Land
- Urban Area



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The risks and impacts that result from land fragmentation and proliferation of rural lifestyle living on agricultural land can be reduced if further subdivision and dwelling developments are more tightly controlled, and consolidation of small lots is encouraged. To achieve this, a number of options are proposed below.

In the first instance, these proposed options only apply to land within the study area (100 km from Melbourne's CBD). However, extending the proposed controls to land beyond the study area could be the subject of further consideration and planning processes.

Options

Better control dwellings in Melbourne's agricultural areas by:

- adding the following condition to the use of land for an as-of-right dwelling in the Farming Zone
 - must not be within 100 km of Melbourne.

This change would remove Dwelling as an as-of-right use in the Farming Zone within 100 km of Melbourne.

- Introducing decision guidelines for 'Dwelling Issues' into the Green Wedge Zone and Green Wedge A Zone. The decision guidelines would mirror the guidelines provided in the Farming Zone, which require the responsible authority to consider, as appropriate:
 - Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
 - Whether the dwelling will be adversely affected by agricultural activities on

adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture and natural systems.

- Introducing application requirements for dwellings into the Green Wedge Zone and Green Wedge A Zone that require applications for dwellings to be accompanied by a written statement that explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

This change allows dwellings to be considered but ensures the use does not compromise the long term productivity of surrounding farmland or limit the operation and expansion of agricultural uses.

3.2.2 Improving decision-making on agricultural land

Under the current regime of rural zones, councils (in their role as responsible authority) have discretion to issue permits for a range of uses that are considered secondary to the primary purpose of a zone.

In assessing the merits of an application, councils must examine how well the proposed use or development meets the planning scheme objectives set out by state, regional and local policies, and the zone or overlays applicable to the land. The zone includes decision guidelines by which the council assesses an application. For example, a general decision guideline in the current Farming Zone, Green Wedge Zone, Green Wedge A Zone and Rural Activity Zone requires councils to consider, among other matters, 'Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.'

However, no planning practice note exists to guide discretionary decision-making on agricultural land. The combination of wide discretion and performance-based provisions that have a degree of flexibility as to how planning scheme objectives are achieved, can lead to uncertainty and inconsistent decisions. Local governments would benefit from access to advice and clear guidelines to help them assess permit applications for their agricultural areas. Clearer guidelines that assist planning authorities to make appropriate discretionary decisions can also increase community confidence in the system.

An expert advisory service could be established to support decision-makers and facilitate compliance with the planning scheme. Such a service could be shared and accessed by green wedge and peri-urban councils on request. Advisers could assist local government by providing expert advice on development applications and input in localised strategic planning for agricultural land.

Options

Develop a practice note to guide council decision-making on planning permits in agricultural areas. The practice note would support the interpretation of the planning scheme and guide discretionary decision-making, and may outline:

- how to interpret the decision guidelines for zones relating to agriculture
- how to determine whether a discretionary use will lead to loss of agriculture as the primary use of land
- how to apply the 'in conjunction with' agriculture test
- how to assess and minimise potential land use conflicts in development proposals, including proposals adjacent to agricultural land.

Establish an agricultural referral or expert advisory service to support decision-makers and facilitate compliance with the planning scheme.

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3.2.3 Future-proofing Melbourne's food bowl

Any plans to protect agricultural land must take into account the impacts of climate change on agriculture – a sector highly dependent on natural systems. These impacts include lower rainfalls and reduced reliability of water resources, more frequent and intense flooding events and higher mean temperatures.

Climate change impacts are unlikely to be uniform, with the most severe impacts projected to occur in the north of the state. Compared with other regions, Melbourne's agricultural land is projected to be less severely affected by climate change (Johnson, Sposito & Faggian 2018) – making the protection of its green wedge and peri-urban areas ever more important as reliance on its productivity is likely to increase as suitability for agriculture declines in other parts of the state.

The region's relative resilience to climate change is enhanced by its proximity to large volumes of recycled water and urban stormwater. As Melbourne's population grows, so too does its

volume of urban wastewater and urban stormwater run-off. These alternative water sources are opportunities to secure water supply for agriculture, create new irrigation precincts, support economic growth and development opportunities in the agricultural sector, and increase the resilience and adaptability of the city's food bowl.

Feedback from water authorities indicates that the relatively high costs of supplying recycled water (due to high infrastructure costs) have impeded use of this resource. Other challenges of recycled water include water storage during winter when demand for recycled water for agricultural purposes is likely to be low.

Alternative water supplies need to be fit for purpose, which means that it is of suitable quality for its intended use. Some farmers, notably those in the Werribee Irrigation District, have found inappropriately high levels of salt content in their recycled water, which can affect the quality of produce and lead to soil salinity issues. Investigating reducing recycled water salinity from the Western Treatment Plant has been identified as a key action in the Werribee Catchment Integrated Water Management Forum Strategic Directions Statement.



Case Study

Werribee Irrigation District

As recognition of the importance of recycled water increases (e.g. the Melbourne Sewerage Strategy), so too does experience with its use. These experiences have highlighted the issue of salinity in recycled water, which has implications for its affordability and viability.

The Werribee Irrigation District (WID), located south-west of Melbourne and occupying over 3,000 ha of land, is one of the largest market garden areas of Victoria. The WID relies on water from both natural river systems and recycled water from the Western Treatment Plant, and is a major producer of lettuce, broccoli and cauliflower. The WID's recycled water scheme was introduced in 2004 following a period of prolonged drought and has become a vital supplier of water to the WID (approx. 40 per cent of its irrigation water is recycled water) due to ongoing shortage of river and ground water.

Reducing the salt content of recycled water in the WID is an ongoing challenge. The salt in recycled water from the Western Treatment Plant is higher than that of many other treatment plants, primarily from development of industrial uses west of Melbourne and associated ongoing saline-rich trade waste discharges. The plant's sewerage system is also affected by intrusion of saline groundwater from Port Phillip Bay.

The Western Treatment Plant currently does not specifically treat its recycled water for salt – the typical salinity of its recycled water is 900 to 1,100 mg/L total dissolved solids (or 1,600 to 2,000 electrical conductivity [EC]). By comparison, the most appropriate and sustainable uses of recycled water require a salinity level of 550 milligrams per litre total dissolved solids (or 1,000 EC) (Department of Sustainability and Environment 2009).

A desalination plant was proposed to reduce salinity in the water supplied to WID irrigators. However, in 2007, Melbourne Water decided not to proceed with the plant. Its analysis found that to cover the cost of building and running the desalination plant, the price of desalinated water would need to be approximately \$3,000 per megalitre – well above the commercial capacity of irrigators. In the meantime, reductions in salinity are achieved by mixing recycled water with river water to form a 'shandy' before supplying to irrigators. From time to time, river water is also affected by high salinity, pathogens and algal outbreaks, which also compromise the quality of water supplied to irrigators and is a cause of frustration for growers.

The future viability of the WID for agriculture hinges on availability of water that is of suitable quality and at a cost that is sustainable for vegetable growing. Melbourne Water is continuing to investigate options to reduce the salinity of recycled water from the Western Treatment Plant, with a combination of source control, diversion, blending with less saline water and salt-reduction treatment likely to be the most viable approach.

All options come with considerable costs. In any justification to fund shortfalls, the broader value of agricultural enterprise for our common future, the costs and benefits of water management in a region, as well as the sale value of recycled water, need to be considered.

During our Phase 2 consultations, many farmers in Werribee South indicated that in the absence of a reliable supply of fit-for-purpose water, they would seek to convert use of their land to housing, believing it will enable them to sell their land at 'residential value' and fund investment elsewhere or alternatively, move out of farming.

Planning for Melbourne's Green Wedges and Agricultural Land

Safeguarding agricultural land with potential access to alternative water

Access to fit-for-purpose water underpins productive agriculture and, in our Phase 2 consultation, was identified by farmers and other key stakeholders as the most important criterion for defining important agricultural land.

Melbourne has two main treatment plants in the east and west, as well as many smaller treatment plants located around Melbourne (see Map 11). Based on consultation with water authorities, we estimate that on average, approximately 700ML /day of recycled water is currently available but not utilised or committed, and this is forecast to grow as Melbourne's population grows.

There are opportunities to expand irrigation infrastructure that delivers reliable water supply to farmers in Melbourne's green wedge and peri-urban areas. Safeguarding these opportunities and ensuring their future viability will require the effective alignment and integration of land use planning, water management policy and infrastructure provision.

A way of achieving such integration is to recognise areas with potential for water infrastructure and include this future potential as a factor for consideration in land use decision-making today. Such an approach enables protection of land from encroachment in the short term while signalling its potential for water investment and access opportunities in the longer term.

Recent development on this front has been positive, such as the decision by Western Water to undertake a detailed planning phase for a new Western Irrigation Network. Once established, the Western Irrigation Network will support recycled water use that will not only protect the environment but will also add to the local economy and improve agricultural productivity in the west. It is important that our land use planning system effectively responds to current needs – and anticipates potential future investments in water infrastructure.

The options in this paper have the objective of anticipating, in our land use planning, those opportunities to expand use of recycled water and stormwater in the future. Only by building in or safeguarding such opportunities can we meet

the dual challenges of ever-increasing volumes of urban wastewater and realise the value and opportunities of this waste stream for a resilient food system in Melbourne.

The feasibility of opportunities for alternative water is continually being reviewed and assessed by water authorities. Indicative recycled water supply areas are shown on Map 11. These areas were identified from consultation with water authorities as locations that have potential access to alternative water in the future. In addition, areas in close proximity (1 km) to existing water infrastructure (e.g. existing wastewater treatment plants, recycled water pipe networks) are also considered to have potential access to alternative water in the future.

Making the best use of all water sources, including recycled water and stormwater, to minimise our call on rivers and to protect our environment, is an integral part of the Victorian Government's *Water for Victoria* plan and further echoed in Plan Melbourne, which includes a policy to 'Reduce pressure on water supplies by making the best use of all water sources' (Policy 6.3.1).

Options
















Develop a new regional policy, Clause 14.02-3R of the PPF (Preserving opportunities for irrigated agriculture around Melbourne), with the following objective:

- safeguard land with potential for future growth in irrigated agriculture, based on alternative water use.

The new policy would:

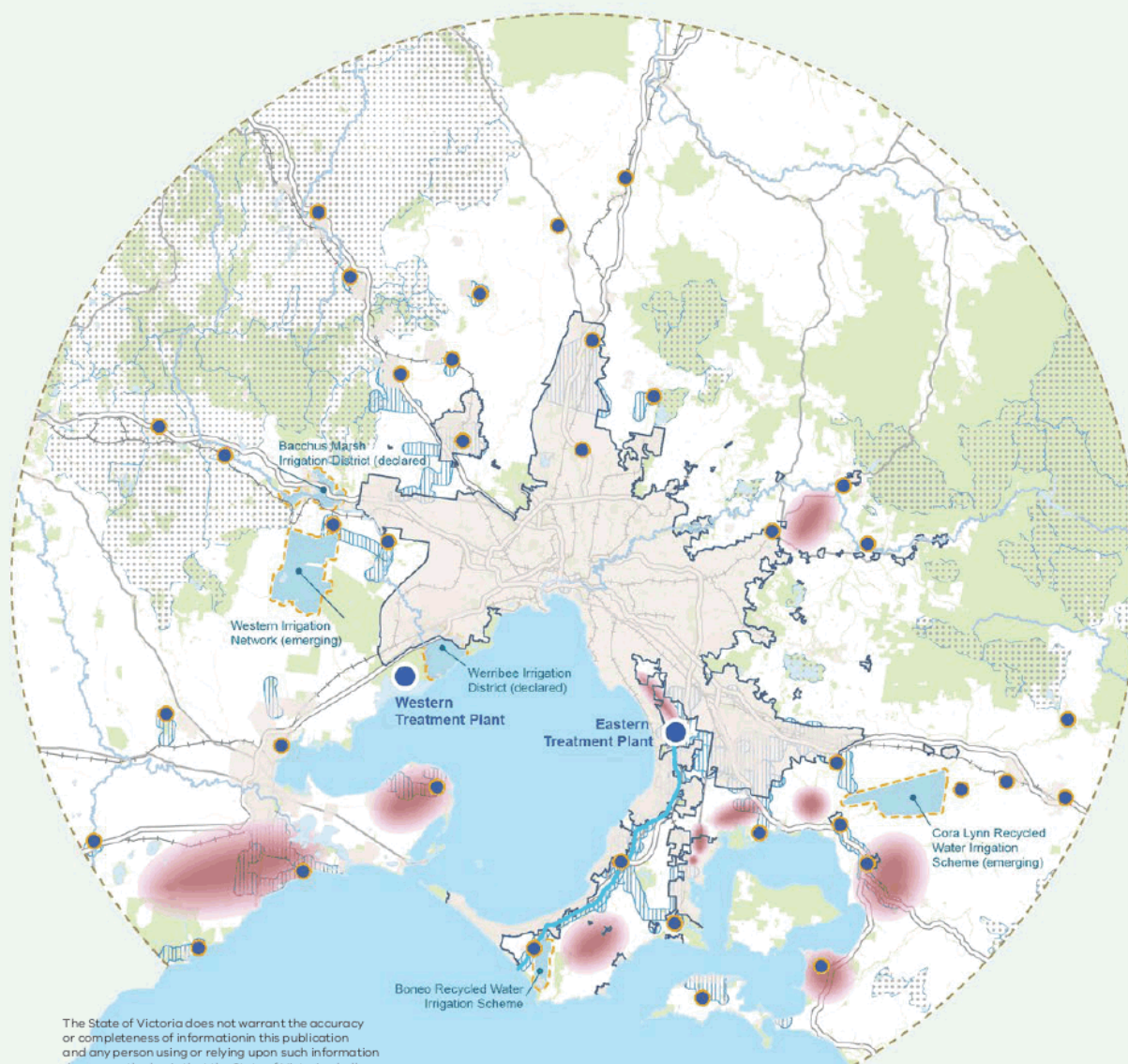
- delineate areas with potential for future growth in irrigated agriculture
- ensure changes to land use in these areas do not limit potential opportunities for development and expansion of irrigation agricultural precincts
- maximise the beneficial re-use of treated wastewater and stormwater for agricultural purposes.

Map 11**Water for agriculture — existing infrastructure and future opportunities**

-  Irrigation District
-  Buffer (500m) Around Irrigation Districts*
-  Recycled Water and Outfall Pipes 1km Buffer
-  Indicative Recycled Water Supply Areas
-  Declared Special Water Supply Catchment Areas
-  Local Wastewater Treatment Plant (With 1km Buffer)
-  Major Wastewater Treatment Plant
-  South East Outfall
-  Major Rivers
-  Waterbody
-  Study Area — 100km from Central Melbourne
-  Urban Growth Boundary
-  Urban Area
-  Public and Commonwealth Land
-  Rail Line
-  State Significant Road Corridor

* Buffer could only be applied where there is still capacity to do so – i.e. to areas that are not already built up.

Note: This map does not depict the bulk water supply systems that can be used under some circumstances to support agriculture.



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Kilometres

Planning for Melbourne's Green Wedges and Agricultural Land

Supporting agricultural land use in Melbourne's irrigated districts

In September 2019, the Victorian Government introduced a new state planning policy – Clause 14.02-3S of the PPF (Protection of declared irrigation districts) – that outlines the objectives and strategies for managing and protecting irrigation districts declared under Part 6A of the *Water Act 1989*. The policy protects agricultural land currently serviced by irrigation infrastructure, by ensuring that non-agricultural use of land does not undermine the integrity of irrigation infrastructure and complements existing and future agricultural production. By aligning agricultural use of land to available water infrastructure, this policy is key to protecting current access of agricultural land to water.

Around Melbourne, there are currently two existing declared irrigation districts: the Werribee Irrigation District and Bacchus Marsh Irrigation District. In addition, there is the Boneo Recycled Water Irrigation Scheme and two emerging irrigation districts, the Western Irrigation Network and the Cora Lynn Recycled Water Irrigation Scheme. These irrigation districts are shown on Map 11.

There are also a number of smaller recycled water schemes that operate throughout the study area, ranging from one-off opportunistic operations located proximate to water recycling plants, to larger schemes involving many properties (e.g. areas on the Bellarine Peninsula and Surf Coast). Properties connected to smaller recycled water schemes are often dispersed throughout an area. Unlike the established and emerging irrigation districts, smaller recycled water irrigation schemes do not have defined precinct boundaries.

Surface water and groundwater resources are also important to agricultural use of land surrounding Melbourne. However, as Victoria becomes warmer and drier, there will be less run-off entering rivers, streams and dams, and reduced groundwater recharge. This decrease in rainfall and reduction in water availability will have consequences for agriculture. Protecting agricultural land that has secure supplies of water and existing infrastructure

will become increasingly important to mitigate the risks of reduced water availability.

This paper proposes to develop a new planning overlay applicable to food-producing areas with access to secure water supplies and irrigation infrastructure. The proposed new overlay would be designed to align with and support the policy intent of Clause 14.02-3S (Protection of declared irrigation districts).

The purpose of the overlay would be to:

- identify and protect areas with secure water resources for agricultural uses
- provide certainty that these areas will continue as key agricultural areas into the future
- protect areas of significant water infrastructure investment
- limit non-farming and incompatible uses that would restrict ongoing productive use of the land for agricultural purposes
- protect buffers of identified areas from encroaching sensitive uses such as dwellings to ensure agricultural activities continue without restrictions
- facilitate agricultural uses in areas covered by the overlay by reducing permit requirements for buildings and works associated with agriculture and by providing exemptions from notice and review requirements.

In the first instance, the new overlay could apply to irrigation districts with defined boundaries, including Werribee and Bacchus Marsh irrigation districts, the Boneo Recycled Water Irrigation Scheme, the Western Irrigation Network and the Cora Lynn Recycled Water Irrigation Scheme. A process to guide application of the overlay to other areas could also be developed. Such an overlay would ensure all agricultural areas currently serviced by recycled water can be properly protected in the planning scheme. As new irrigation districts are established and alternative water use for food production is expanded, the overlay could be extended to these additional areas as they emerge over time.

Options

Introduce a new overlay designed to protect food-producing areas with access to secure water supply and irrigation infrastructure. The purpose of the overlay would be to:

- identify and protect areas with secure water resources for agricultural uses
- provide certainty that these areas will continue as key agricultural areas into the future
- protect areas of significant water infrastructure investment
- limit non-farming and incompatible uses that would restrict ongoing productive use of land for agricultural purposes
- protect buffers of identified areas from encroaching sensitive uses such as dwellings to ensure agricultural activities continue without restrictions
- facilitate agricultural uses in areas covered by the overlay by reducing permit requirements for buildings and works associated with agriculture and by providing exemptions from notice and review requirements.

In conjunction with the development of a new overlay, establish a process to determine where the new overlay should be applied. In the first instance, it is proposed to apply the overlay to irrigation districts with defined boundaries, including the Werribee and Bacchus Marsh irrigation districts, the Boneo Recycled Water Irrigation Scheme, the Western Irrigation Network and the Cora Lynn Recycled Water Irrigation Scheme. There is potential to cover further areas once a clear process and criteria for its application are confirmed.

3.2.4 Strengthening referral and notice requirements

For the majority of planning permit applications, council has discretion to refer or notify the application to other agencies or third parties, depending on the relevant planning officer's assessment of its potential for material detriment (i.e. potential to adversely affect a person's use or enjoyment of their land). When an application is assessed as having, or likely to have, potential impacts on surrounding land uses, it is important that relevant agencies and third parties are consulted.

The key purpose of the referral process is to give a person or body whose interests may be affected by a permit application, the opportunity to advise the responsible authority whether a permit should be granted.

The *Planning and Environment Act 1987* provides for three potential types of third parties in applications for planning permits:

- 'determining referral authorities' who have veto power and to whom council must send a copy of the permit application
- 'recommending referral authorities' who can provide recommendations only but must also be sent a copy of the application
- 'affected persons' who are sent a notice about the application — these persons are typically neighbours but can also be agencies or other entities specified in the planning scheme for certain applications.

Planning for Melbourne's Green Wedges and Agricultural Land

Some of the key referral authorities specified in Clause 66 (VPP) who are consulted for a permit application, are:

- water supply authorities and catchment management authorities are determining referral authorities for applications in Special Water Supply Catchment Areas
- EPA Victoria is a determining referral authority for anything requiring a works approval, licence or licence amendment under the Environment Protection Act 1970
- the Minister for Agriculture is a determining referral authority for any application to use or develop land for a cattle feedlot
- the Secretary to the Department administering the *Water Act 1989* is a recommending referral authority for renewable energy facilities located within a declared irrigation district.

Given the elevated risk of land use conflict between farming and non-farming neighbours, strengthening referral and notice requirements for areas with intensive agricultural activity could be considered for applications relating to:

- uses that require a planning permit in protected irrigation districts and their associated buffers

- land identified as having potential for access to alternative water in the future.

Expert advice from water authorities and catchment management authorities on these applications will assist councils to consider:

- the compatibility of the proposed use or development with existing or potential access to water resources and
- whether the proposed use or development will adversely affect future development or expansion of recycled water infrastructure.

Option

Ensure water authorities have a clear role in the decision-making process for applications to use or develop land in protected irrigation districts or in non-urban areas identified as having potential for access to alternative water in the future.



3.2.5 Supporting agricultural diversification, value-adding and innovation

Land uses underpinned by an agricultural activity can provide opportunities for income diversification and value-adding. This is recognised by the PPF, which 'encourages diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing' (Clause 14.01-2S, VPP).

Such uses have proliferated in high amenity locations such as the Yarra Valley and Mornington Peninsula, where wine production has been combined with restaurants, tourist accommodation and other visitor experiences.

However, the success of such value-adding in these areas also poses significant risks to the ongoing agricultural use of land. Demand for a rural lifestyle, shops and tourist accommodation may drive change in land use in these areas, potentially inflate land values above its productive value and could hinder commercial agriculture. There is a risk that only the agricultural activity that maintains the area's amenity and rural 'brand' is maintained, while commercial agriculture is displaced. A balance is required to ensure that on-farm diversification does not exceed a level beyond which agriculture becomes a subordinate use of the land.

Farm gate sales

The sale of primary produce through farm gates is one of the most traditional ways farmers sell their produce. Farm gate sales give farm businesses a direct link to their customer base and a viable direct route to market for their produce. Research into Australian food purchasing consumer trends indicates there is increased public interest in buying local artisan products, supporting local communities and industries, making healthy food choices and reducing environmental and carbon footprints (Woodburn 2014).

Findings from our Phase 2 consultations, as well as direct feedback from farmers to both state and local government, suggest there is scope to reform current planning provisions on farm gate sales.

Farm gate sales – referred to in the planning scheme as 'Primary produce sales' – is currently restricted to primary produce grown on the land or adjacent land, and may include the sale of processed goods made substantially from the primary produce.

In the Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone, no permit is required for 'Primary produce sales' providing:

- the use is not within 100m of a dwelling in separate ownership and
- the area used for the display and sale of primary produce does not exceed 50m².

These conditions are designed to ensure that the as-of-right use is not too large in building footprint, is not poorly sited and minimises potential for adverse amenity impacts. If the use does not meet these conditions, the requirement for a permit is triggered in these zones.

Planning changes to broaden and promote primary produce sales may assist farming activity and remove unnecessary red tape. However, care must be taken to ensure the right balance is struck and to avoid farm gate sales from becoming de-facto retail shop operations, which are not appropriate uses of rural land.

Options

Update the definition of 'Primary produce sales' to:

- allow sale of ancillary goods (such as crackers and bottled drinks) to be consumed with the primary produce (e.g. cheese or strawberries)
- allow sale of produce from land held in one ownership to support farms comprising divided holdings in the same ownership
- allow a percentage of produce sold to be sourced from local producers within 5 km of the use.

Planning for Melbourne's Green Wedges and Agricultural Land

Host farms

A 'Host farm' is defined as 'an agricultural property used to provide accommodation for persons, away from their normal place of residence, to experience living on land used for agricultural purposes' (Clause 73.03, VPP). The purpose of host farms is to accommodate people for education, tourism or a visitor experience, such as students who visit to learn about agricultural production.

There are two major issues with the current definition of 'Host farm':

- it is unclear on the extent to which this use must be linked to agricultural use of land
- the definition is silent as to what is an appropriate scale of a host farm (e.g. the number of bedrooms within a host farm).

A balance between preserving environmental values while supporting value-added tourism activities is needed, and a lack of guidance on this could detrimentally affect agricultural areas.

Concerns have been raised that proponents can seek development permits for this land use with limited justification and limited evidence of productive agricultural enterprise. Previous consultation undertaken with local government during Phase 1 has highlighted that the current definition of 'host farm' enables proponents to justify development of commercial accommodation in green wedge and peri-urban areas.

It is proposed to clarify the definition of 'host farm' to emphasise its close connection to ongoing productive agricultural use of the land.

To further support host farms as a means to value-add to existing productive farms, this land use could be changed to an as-of-right use on the condition that the scale of the development is restricted to accommodate 10 people at any one time. A similar threshold currently applies to bed and breakfast accommodation, which is an as-of-right use when limited to 10 people. If this condition for a host farm is not met, the use will require a permit.

Options

- Amend the definition of the land use term 'Host farm' to require a direct link to an 'operating agricultural property'.
- Move 'Host farm' to a Section 1 (as-of-right) use in the Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone, providing it is undertaken in conjunction with agriculture and accommodates no more than 10 people away from their normal place of residence at any one time. If these conditions are not met, the use will require a permit.
- If the Host farm is within 100 km of Melbourne, the use must be in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.



3.3 Managing use of green wedge and peri-urban land

As Melbourne continues to grow, pressure to accommodate urban uses of green wedge and peri-urban areas will increase. Urban uses of these areas can be problematic for various reasons:

- their use, scale and form may be inconsistent with the preferred non-urban roles and values of these areas
- these uses may be more suited to urban areas where existing infrastructure and services are accessible
- some urban uses are more suited to mixed use or residential environments where choice of transport, such as walking, cycling and using public transport, is available
- there are risks due to natural hazards, such as bushfire, and a clear responsibility for planning to limit the potential loss of life due to inappropriately located development.

The green wedge and peri-urban region extends across vast and diverse landscapes. Proposed land uses and associated development outcomes that are considered appropriate in one area may be inappropriate for another. For this reason, identifying the roles and values of these different areas across the region is vital.

A decision about what is appropriate use or development in a given area can be improved by considering the context and location of the relevant site. The inclusion of these factors for consideration would also promote integrated management of these important areas.

Section 3.1 of this paper discussed the value of developing regional policies for key regional features and assets of the green wedges to enhance alignment of state and local government planning policies.

This section focuses on the following three key areas:

- the urban–rural interface
- current and future infrastructure needs of the population
- discretionary uses of land in green wedge and peri-urban areas.

3.3.1 Managing the urban–rural interface

Land at the interface of urban areas and rural land tends to be highly contested and is most pressed to accommodate land uses to service an urban population. Conflicts often arise because land parcels are larger in size and more affordable relative to urban land, and there is ever-increasing market pressure to convert rural to urban uses.

Pressure for urban expansion has contributed to the degradation of some green wedge and peri-urban locations adjoining the UGB, where land is often not properly managed in the hope of possible future urban expansion. Speculative land banking has also occurred, in which otherwise useful or productive rural land has been left idle, resulting in a range of negative outcomes (e.g. invasive weed species, domestic animal problems, rubbish dumping). In some cases, such banking has had deleterious effects on surrounding land and habitats that are still being used for agricultural and rural activities.

The planning and design of urban areas and rural land have historically been undertaken as discrete tasks without adequate attention to how urban development abutting rural land should interact (and vice versa). Local government planning authorities have struggled to resolve tensions at this interface, particularly as the primary pressures are the result of regional or metropolitan forces. In the Westernport GWMP, Casey City Council attempted to manage this tension by examining how the permanent edge of its metropolitan area may be more recognisable and attractive through better definition and design, rather than just be a 'temporary, line-on-a-map' boundary.

An integrated region- and/or metropolitan-level response that acknowledges and plans for these interfaces can assist councils and improve consistency of management and decision-making across the green wedges. In proposing a region-based strategic planning model for green wedges (see Section 3.1 of this paper), a policy response to manage the urban–rural interface should be included in the process to develop regional LUFPS (Action 1, Plan Melbourne).

The development of clear and strategic policy guidance on land use and development in these interface areas will support the Victorian Government's commitment to maintain the integrity of the UGB, promote policy certainty for decision-makers and reduce expectations that green wedge and peri-urban land is 'urban land in waiting'.

Planning for Melbourne's Green Wedges and Agricultural Land



Figure 5 Example of a 'hard' edge between urban and green wedge land (Hillside, north-west Melbourne)

Options

- Provide planning practice guidance for local authorities on how to consider and direct planning for urban–rural interface areas.
- Provide guidance on preferred transitional land uses for land at the urban–rural interface and provide urban design guidance that supports a permanent edge and buffer to the urban area through region-level strategic policies (see proposed regional policy for green wedges, Section 3.1).
- Introduce conditions in land use zones for particular uses, such as public open space or uses serving urban populations (e.g. schools, places of worship and infrastructure), to be located in transitional locations only.
- To improve transition between rural and urban land use, introduce the ability to apply other rural zones more suited to the roles and land conditions of particular locations (e.g. Rural Living Zone, Farming Zone), provided the minimum green wedge subdivision provisions are retained.

3.3.2 Planning for future infrastructure and energy needs

State policy recognises the importance of green wedges and some peri-urban areas in the provision of significant state and regional infrastructure, such as airports, quarries, waste and resource recovery centres, water treatments, energy and utilities. These facilities provide important services for the population and are vital to the ongoing functioning of the city and state.

The core planning challenges of such infrastructure relate to where these facilities are to be located and how planning controls can be applied to ensure their safe and ongoing operation. These challenges will require work across different areas of government to provide integrated and coherent responses that anticipate future needs. It is also possible that land with potential for infrastructure competes with land use for agriculture. Therefore, while this paper does not propose any options for the planning of these uses, they are important to discuss in the context of planning for the green wedge and peri-urban areas.

This section outlines the planning challenges posed by the following potential infrastructure in our green wedges and peri-urban areas:

- waste and waste recovery facilities
- extractive industries
- renewable energy generation and facilities.

Waste and resource recovery

The green wedge and peri-urban areas of Melbourne have historically accommodated many of Victoria's waste and resource recovery facilities. Landfills and recycling infrastructure often require land with appropriate buffers to separate activities from other sensitive land uses, such as residential use. These sites represent significant investments in ensuring Victoria has the capacity to live sustainably, repurpose recyclable material and avoid unnecessary extraction of virgin resources elsewhere.

The recently released *Recycling Victoria* policy and action plan sets a range of ambitious goals and targets to improve recycling outcomes in Victoria. This includes diverting over 80 per cent of Victoria's growing waste from landfill by 2030 and working with the Australian and other state governments to ban the export of waste materials.

Meeting our recycling targets and transitioning away from exporting our waste material means that we must process more recycled materials locally, which will require more appropriately located recycling and material processing infrastructure.

The *Victorian Recycling Infrastructure Plan* (VRIP), formally the *Statewide Waste and Resource Recovery Infrastructure Plan*, provides a roadmap for the waste and recycling infrastructure Victoria needs to safely manage our growing waste streams and to increase the amount of this waste we recycle. It also identifies hubs of State significance, which provide critical recycling services to the Victorian community.

Provision of these services needs to be balanced with the protection of natural assets to ensure sustainable and reliable waste and resource recovery infrastructure that minimises further development within natural areas.

Appropriate locations for waste and recovery infrastructure need to be identified and safeguarded, including those which are already in operation where they make a significant contribution to our resource recovery capacity. Options to re-purpose suitable land, such as former extractive sites, in green wedge and peri-urban land should be explored, so this important infrastructure can continue to be accommodated.

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Extractive industries

Green wedge and peri-urban areas contain a number of existing quarries as well as areas of extractive resources with potential for future development.

Extractive industries are integral to the growth and liveability of Melbourne and the State of Victoria. Relative to 2015, Melbourne's demand for mineral and stone resources is expected to more than double by 2050 to over 100 million tonnes (Department of Economic Development, Jobs, Transport and Resources, 2018). Demand for these resources is driven by sustained growth in residential construction and major infrastructure projects, such as Fishermans Bend and the Metro Tunnel. To minimise the cost of infrastructure projects, it is important that these resources are located close to where they are needed. Failure to ensure a sufficient supply of extractive resources proximate to our growth areas and infrastructure projects – particularly in Melbourne – will likely increase project costs.

The importance of protecting and carefully planning for these vital resources is recognised in Plan Melbourne and in Clause 14.03-1S (PPF). The protection of these resources must also be balanced with the potential impacts of extractive operations on local amenity and other important land uses.

Extractive Industry Interest Areas (EIAs), which were established in the 1990s by the Geological Survey of Victoria, are used to define areas of extractive resource potential. However, the identification of EIAs has not protected these areas from competing land use pressure.

The Victorian Government's 'Helping Victoria Grow: Extractive Resources Strategy' (2018) has identified the need to refresh EIAs. In addition, work is underway to identify and secure Strategic Extractive Resource Areas (SERAs) which contain extractive resources of strategic significance for Victoria's future needs.

Planning for SERAs aims to secure strategically important resources as well as protect existing operations by preventing encroachment of incompatible uses. Similar to some agricultural activities, quarries can conflict with surrounding sensitive land uses. Planning controls designed to minimise potentially incompatible land uses in SERAs would complement the use of land for agricultural purposes. Within quarry buffer areas, many

agricultural uses are considered complementary activities and are encouraged.

Renewable energy generation facilities

To meet the challenges of climate change, the Victorian Government is committed to accelerating the development of well-sited and well-designed renewable energy generation facilities in Victoria. This will help reduce emissions, create jobs, and put downward pressure on energy prices, while meeting legislated generation targets.

The government recently amended all of the state's planning schemes to introduce new requirements for renewable energy facilities. It also released the Solar energy facilities design and development guidelines (DELWP 2019) to guide development of, and granting of a permit for, large-scale commercial solar farms. Renewable energy generation facilities currently require a planning permit in the green wedges (with the exception of wind energy facilities). While these facilities could potentially lead to land use conflicts and concerns that they run counter to desired planning outcomes for green wedge and peri-urban areas, the guidelines balance these concerns with opportunities to realise economic and environmental benefits.

Renewable energy generation facilities offer opportunities for using land for future infrastructure services while remaining compatible with green wedge and peri-urban values. Site selection and local context is key in this regard. There may also be opportunities to re-use sites where amenity has been adversely affected (e.g. redundant landfills) for renewable energy generation.

3.3.3 Managing discretionary uses

The zones applicable to land across the green wedge and peri-urban areas of Melbourne categorise land uses into three types:

- Section 1 uses, which are 'as of right'
- Section 2 (discretionary) uses, which require proponents to seek a planning permit
- Section 3 uses, which are prohibited.

As-of-right uses are preferred primary land uses, while discretionary uses are considered appropriate when the proposal is considered to have satisfied the conditions prescribed in policies and planning controls of the planning scheme.

There are a considerable number of discretionary uses that are permitted on rural zoned land in green wedge and peri-urban areas, subject to approval. Most of these uses are relevant and appropriate complementary uses that support the policy objectives and intent of agricultural, tourism, recreational, infrastructure, resource extraction and rural industry pursuits. However, regular review of the appropriateness of the conditions under which these uses are allowed is necessary to achieve the broader objective of protecting and enhancing green wedge and peri-urban values.

Currently, state and local policy directions and planning controls seek to manage the location of discretionary land uses through evaluation of various – at times competing – considerations in state and local policy.

The key measures for managing discretionary use and development in rural zones applying to green wedge and peri-urban land include:

- decision guidelines and conditions for specific uses
- managing the scale of development or linking it to preferred primary land uses through the 'in conjunction with' test
- managing ancillary use
- requiring a minimum lot size for a use to be considered for permit approval
- considering any identified separation distances ('buffers') to protect the ongoing operation of significant agricultural use.

These measures are intended to uphold the primary objectives and strategies of the relevant zone for the land.

It is generally agreed that land with extensive open space requirements that is used for outdoor recreation, such as golf courses and sports training facilities, can be appropriately situated in some green wedge locations rather than occupy scarce land close to transport and services within the UGB. However, population growth and pressure for more intensive use of urban land brings with it a demand for a greater range of urban uses of green wedge land that would arguably be more appropriate in an urban environment.

Proximity to Melbourne and well-developed tourism and visitation assets in select areas make them attractive and convenient destinations and have contributed to increased visitation and demand. This trend is further driven by population growth and state policy to encourage Victoria's visitor economy. Demand for tourism and visitation is most prominent in the green wedges of the Mornington Peninsula, Yarra Valley and Dandenong Ranges and more specific locations elsewhere.

Options that support tourism businesses and promote new tourism products are vital for the state's economy as well as for local communities of many green wedge and peri-urban communities. However, a balance must be struck between servicing a visitor economy, ensuring productive land uses such as agriculture and rural industries, and protecting amenity, biodiversity and environmental values.

In its review for this consultation paper, the Department considered the broad classes of use across the study area. Some land uses have been identified as not requiring current reform, as they are deemed to satisfactorily realise state policy objectives – these include agricultural uses, rural industry, leisure and recreation and food and drink premises.

This section discusses some of the more contentious discretionary uses of Melbourne's green wedge land and peri-urban areas, and the challenges of determining their 'appropriateness' in these areas. These discretionary uses include:

- educational facilities
- places of assembly – a land use where people congregate for religious, spiritual or cultural activities, entertainment or meetings. This paper specifically considers 'Places of worship', 'Halls' and 'Exhibition centres'.
- certain accommodation uses
- food and drink premises
- use of land for data centres.

While the options presented below primarily aim to increase protection of Melbourne's green wedges, there is opportunity to further expand the controls to the peri-urban area.

Planning for Melbourne's Green Wedges and Agricultural Land

Educational facilities

Following a 2013 amendment to rural zones (VC103), primary and secondary schools became discretionary uses of land in rural zones applicable to green wedge and peri-urban land. Since this amendment, there have been 39 permit applications for new schools on rural green wedge land – 35 per cent of these applications have been appealed to the VCAT.

These uses often require large areas of open space for sports and recreation facilities. Buildings and grounds for primary and secondary schools need to be of sufficient scale to be commercially viable and to accommodate students and staff. Their scale often introduces significant built-form outcomes in the rural landscape that has potential to be inappropriately large and obtrusive.

State planning policy on education facilities (Clause 19.02, PPF) seeks to ensure that these facilities are located to maximise access by public transport and safe walking and cycling routes. When these facilities are located in green wedge and peri-urban areas, they can be remote from public transport, sustainable active transport options (e.g. walkable catchments) and from necessary infrastructure and services. Furthermore, these uses promote a significant amount of traffic and people movement, including children reliant on private vehicle travel.

Primary and secondary schools are also sensitive uses that:

- can conflict with many productive rural uses of land
- require significant modification of the natural environment
- can potentially introduce a significant number of people to incompatible land uses and natural hazards – particularly in areas of agricultural production, environmental significance or bushfire risk.

Options

- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use requiring that primary and secondary schools must be located adjacent to the UGB and adjoin, or have access to, a road in a Road Zone.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit schools in high bushfire risk areas (i.e. areas subject to the Bushfire Management Overlay).

Places of worship

Prior to the 2013 amendments to rural zones (VC103), places of worship were a prohibited use in green wedge zones. Following the amendments, these places became discretionary uses without conditions to manage location, relationship with rural land use, and the size and scale of the use and development.

More recently, a range of faiths and cultures have sought to establish community facilities in relatively remote locations where land is relatively affordable and can accommodate large gatherings without causing nuisance. Since 2014, there have been 34 applications for new places of worship on rural land across the green wedges.

Applications for places of worship in Melbourne's green wedges have caused a degree of concern – nearly 40 per cent of all permit applications for new places of worship in the green wedges have been appealed to VCAT. Some stakeholders consider the introduction of these uses, and the number of proposals and projects since its introduction, to have:

- eroded green wedge and peri-urban values, character and landscapes
- resulted in loss of productive agricultural land
- created conflict between urban and non-urban uses of land.

Recent experience with a number of proposals for places of worship in the green wedges have presented the government with an opportunity to consider how conditions that manage the size, scale and location of such use and development can be introduced.

Places of worship are also sensitive uses that can conflict with many productive rural uses, involve significant modification of the natural environment and potentially introduce a significant number of people to natural hazards if situated in areas of agricultural production, environmental significance or bushfire risk.

These uses also promote a significant amount of traffic and people movement that can strain infrastructure and risk negative effects on the rural amenity of areas.

Options

- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use requiring that places of worship must be located adjacent to the UGB and adjoin, or have access to, a road in a Road Zone.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit places of worship in high bushfire risk areas (i.e. areas subject to the BMO).

Halls

A 'Hall' is classified as a place of assembly and is generally considered a community space. This multipurpose space often has a range of diverse ancillary public uses.

While halls in green wedges do not attract land use conditions or development design standards – unlike function centres, which must satisfy the 'in conjunction with' test, minimum lot size requirements and maximum patron capacity – these spaces have potential significant impact on green wedge and peri-urban values. Yet, as Melbourne's population continues to grow, demand for such facilities will increase, as will the likelihood that green wedges are considered the ideal location for them.

In 2018, a number of submissions to the Land Use Terms Advisory Committee called for clarity in the definition and role of halls, given that they often serve the same purpose as a function centre and yet are treated differently in Green Wedge and Green Wedge A Zones.

The committee concluded there may be merit in further clarifying the definition of 'Hall' and introducing conditions of use to manage its location and scale. Simply mirroring the conditions that apply to Function centres with regard to minimum lot size requirements and maximum patron capacity offers the simplest approach (i.e. a maximum number of patrons specified in the schedule to the zone, or 150 patrons, whichever is the lesser).

Options

- Develop and implement a land use definition of 'Hall' in Clause 73.03 (Land use terms; VPP). One option is to define 'community hall' to differentiate those uses that provide community support services and activities for a local area from those activities that are purely commercial.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use for halls that mirror the minimum lot size and maximum number of patron requirements applicable to 'Function centre' in the Green Wedge Zone.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit halls in high bushfire risk areas (i.e. areas subject to the BMO).

Exhibition centres

The planning scheme defines an exhibition centre as 'land used to display works of art, artefacts, or historical, cultural, or other like works or artefacts' (Clause 73.03, VPP). Exhibition centres are a discretionary use in the Green Wedge Zone and Green Wedge A Zone, while remaining a prohibited use in the Rural Conservation Zone.

When appropriately sited and developed, exhibition centres can significantly benefit cultural experiences of the rural environment. The main challenge for such use of land is its potential for overdevelopment, as it introduces a significant number of patrons into a rural environment with the attendant issues of a considerable influx of visitors. As with issues affecting places of worship and halls (discussed

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previously), there is a risk that exhibition centres can strain local infrastructure and detract from the area's rural amenity.

In addition, these uses are often proposed in conjunction with other ancillary uses (e.g. a café or restaurant) to complement the operations of the exhibition centre, potentially increasing the number of visitors.

To improve consistency of approach to other similar uses involving a congregation of people, an option is to apply conditions of use in the green wedge zones to manage the scale of use of land for exhibition centres.

Options

- Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to insert conditions of use for exhibition centres that restrict the number of patrons to a maximum total of 150 at any one time.
- Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit exhibition centres in areas of high bushfire risk (i.e. areas subject to the BMO).

Certain accommodation uses

Tourism, visitor economy and certain residential building land uses, such as bed and breakfasts, hotels, group accommodation, host farms and camping and caravan parks, contribute to the productive functions and enjoyment of green wedge and peri-urban areas. Such uses often complement primary land uses and are a fundamental component of identified roles and values of green wedge and peri-urban areas.

As has been highlighted throughout this consultation paper, Melbourne's green wedge and peri-urban areas serve multiple purposes and policy objectives. The protection of agricultural land and maintenance of natural systems must be balanced with accommodation uses that serve the tourism and visitor economy.

Currently, there are conditions on a number of accommodation uses that link them to preferred primary land uses, such as Agriculture, Natural systems

or Winery via the 'in conjunction with' test. However, there are other accommodation uses – such as 'Group accommodation' and 'Residential hotels' that currently do not have this condition applied to them.

In addition to conditions on its location, conditions for accommodation use in green wedge zones seek to manage the size and scale of some accommodation uses by limiting the total number of people who can be accommodated at any one time. For example, a 'Residential hotel' in a Green Wedge Zone is limited to 80 bedrooms, or a number specified in a schedule to the zone, whichever is the lesser. However, similar limits on the number of accommodated people or number of bedrooms are not applied to the same uses in the Rural Conservation Zone.

There is an opportunity to improve the consistency of conditions of use to control the scale of accommodation use in green wedge and peri-urban areas to reduce confusion and provide greater certainty. The 'in conjunction with' test has proven effective: proponents and decision-makers understand that while accommodation uses can be a necessary and integral part of the fabric of green wedges and peri-urban areas, their indiscriminate use without a genuine, close and continuing functional relationship with preferred primary land uses is inappropriate in productive rural areas.

Options

Amend the Rural Conservation Zone to insert conditions of use for 'Group accommodation' and 'Residential hotels' to be consistent with Green Wedge Zone and Green Wedge A Zone (i.e. minimum lot size requirements, maximum number of bedrooms/dwellings, 'in conjunction with' test).

Camping and caravan parks

Camping and caravan parks have operated in green wedge and peri-urban areas of Melbourne for many decades. These uses provide a relatively cost-effective option for visitors to experience these regions and connect with the natural values of the area.

While the benefits of these uses are well understood, it has become apparent that disbenefits can and have resulted from the way certain camping and caravan parks have been allowed to establish and function within green wedges. There is concern that such land uses have introduced long-term residential settlement that is inconsistent with the original intent of short-term visitor accommodation. This 'de facto' residential settlement is also contrary to state and local policy intent to limit the extent of residential settlement in non-urban green wedges.

It is notable that while many other uses nested under 'Accommodation' (e.g. 'Motel' and 'Residential hotel') in the planning scheme refer to land used to provide accommodation for persons away from their normal place of residence, 'Camping and caravan park' is not subject to such a requirement.

Recently, DELWP's Building Policy Division held a public consultation on reforms to the registration requirements for caravan parks under the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010, which are made under Part 14 of the Residential Tenancies Act 1997. A discussion paper released in May 2019 sought comment on the proposed introduction of registration categories for caravan parks that reflect the diversity of types of parks and, specifically, on the following categories of registration:

- **bush/primitive** – short-term camping and caravan sites with basic or no facilities
- **tourist** – traditional commercial caravan parks with no residents
- **mixed use** – both short-term (under 60 days) holiday sites or cabins and long-term (60 days or more) residents
- **residential** – resident sites only, all with self-contained dwellings.

Once the Building Policy Division has finalised classification of camping and caravan parks, planning authorities will have greater opportunity to articulate the types of camping and caravan parks that are appropriate in Melbourne's green wedge and peri-urban areas and set appropriate conditions in the planning scheme.

Options

- Amend Clause 73.03 (Land use terms, VPP) to reflect new categories of camping and caravan parks in line with changes to the registration categories under the *Residential Tenancies Act 1997*.
- Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to establish conditions of use that permit 'Camping and Caravan Parks' only when such use falls within 'bush/primitive' or 'tourist' categories.

Food and drink premises

Local and international food and wine tourism is a significant element of tourism in green wedge and peri-urban areas, and substantially contribute to the ongoing success and enjoyment of Melbourne's hinterland. Supporting these uses delivers on economic development objectives and offers opportunities for businesses and landowners to add value and capture the benefits of a well-developed visitor economy.

However, to ensure their sustainability, it is vital to ensure the development outcomes of these types of use continue to respect and contribute to the amenity and character of green wedges.

The provisions relating to food-and-drink-focused uses of land (e.g. restaurants) that are applicable to green wedge areas (Clause 51.02 [VPP], Green Wedge Zone and Green Wedge A Zone), limit their scale by requiring that the number of patrons permitted in such a premise does not exceed 150, or a number specified in a schedule to the zone, whichever is the lesser.

While some stakeholders consider this an unfair imposition of what appears to be an arbitrary threshold that limits the viability of some proposals, the mandatory requirements in the provisions strike the right balance between facilitating use of land for tourism and visitation while appropriately managing the effects of such use and development on the landscape and on preferred primary land uses. The question to be asked is whether such thresholds – employed currently in a few zones – should be extended to other rural zones in green wedge and

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peri-urban areas, such as the Rural Conservation and Farming zoned land within 100 km of Melbourne.

By judiciously applying conditions that tie food and drink premises to the preferred primary land uses through the 'in conjunction with' test and conditions limiting their size and scale (e.g. maximum patron capacity and minimum lot size requirements), the potential threat posed by these land uses to irreversible loss of rural land can be managed.

Soil and earth storage ('clean fill')

Increased levels of private and public investment have generated a significant volume of excavated earth that needs to be stored, reused or disposed. This is a state-wide issue that is compounded in green wedge and peri-urban areas due to proximity to metropolitan Melbourne.

The *Recycle Victoria* policy seeks to recycle and re-use waste and divert it away from landfill. Repurposing soil materials can also be used to create a range of products such as engineering fill, sub-base, sands, gravel and landscape material. This repurposing should be encouraged where possible.

'Clean fill' soil disposal in some situations can also improve amenity outcomes if done properly, such as refilling extractive sites, levelling land.

However, the filling of land can have damaging effects on environmental and landscape values. If not appropriately managed, disposal of fill material has the potential to pollute waterways, contaminate groundwater, give rise to geotechnical issues and erosion management problems, compromise native vegetation and cultural heritage values and result in visual impacts upon the landscape values. The filling of land can result in loss of otherwise productive agricultural farmland.

Except for the City of Hume's Green Wedge and Green Wedge A Zones, no permit is required for proposals to move and deposit soil on a site as a primary land use, unless the proposal has specific environmental impacts (e.g. changing the rate of flow of water). In some areas, overlays can provide limited control, however the issue of filling is secondary to the key requirements of the overlays.

While existing planning and environmental legislation can be employed to address some of these issues, resolving the broader issue of soil and earth storage in our planning system will require a state-wide approach (in conjunction with the EPA Victoria). This work is beyond the scope of this paper and the EPA Victoria will provide further guidance closer to commencement of the new *Environment Protection Amendment Act 2018* (due to commence on 1 July 2021).

Data centres

In August 2019, the Minister for Planning approved amendment VC159 to introduce a new land use term, 'Data centres'. A data centre is a physical facility in which computing and networking equipment is concentrated for the purpose of collecting, storing, processing, distributing or allowing access to large amounts of data. The introduction of this land use term was a response to emerging land uses that include facilities such as server farms for cloud computing and/or data storage and power services.

This land use is nested under 'Utility installation' (Clause 73.04, VPP) and is therefore a discretionary use in all green wedge zones. These kinds of facilities have the potential to occupy a large area of land. In addition, their appropriateness in, and effects on the values and priorities of, green wedge and peri-urban areas are also in question.

It is worth considering whether the planning system should be clearer about the appropriateness of these land uses on green wedge and peri-urban land. If it is determined that they are appropriate, given their potentially large built forms and development outcomes, the question may then be whether particular conditions should be introduced to ensure that they are appropriately sited and managed.

Options

- Amend the Green Wedge Zone, Green Wedge A Zone and Rural Conservation Zone to prohibit data centres or, alternatively,
- Amend the Green Wedge Zone, Green Wedge A Zone and Rural Conservation Zone to introduce a condition that requires data centres to be located adjacent to residential, commercial or industrial zoned land.



Challenges and proposed options

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04

Improving the design of development in green wedges

The quality of the public and natural realm is vital to the character and role of green wedges. Valued landscape characteristics and features can be threatened by obtrusive development that is insensitive or mismatched to the characteristics of its surroundings. The way buildings and development are sited and designed affects the appearance, image and character of a place. In addition, it can substantially compromise safety and impact on the environment, as well as the viability of adjacent agricultural land uses.

The planning system controls the design of developments through a range of measures:

- local plans and policies that seek to further clarify the desired outcomes of built form through policy objectives, guidelines or specific standards of development (e.g. Design and Development Overlays and Significant Landscape Overlays that outline specific design guidelines in locations where councils have sought to set clear objectives and outcomes)
- thresholds within zones that require conditions of use to be met before a permit is issued, such as seating capacity, minimum lot sizes and the maximum number of rooms for accommodation uses
- decision guidelines for zones that ensure the design and siting of a proposed development are aligned with identified landscape values, public realm characteristics or policy objectives relevant to the proposal.

Pressure for urban uses of land has resulted in large – in some cases, tall and bulky – buildings that have no or little association with agriculture, rural industry or other rural uses, seemingly in random locations and/or spread over the landscape in a manner that detracts from a non-urban area. The impacts of such development often include vegetation removal and extensive hard-surfaced parking areas built to either facilitate development or to meet natural hazard requirements (e.g. bushfire planning provisions).

A need for stronger and clearer guidance and certainty through state planning policy on the appropriate size, scale, siting and design of land use and development in Melbourne's green wedge areas has been identified. Such guidance can enhance consistency in the planning and management of development in these areas, and improve clarity and confidence in the planning system for planning authorities and landowners.

Requirements for effective and sensitive design are an opportunity to implement the 'agent of change' principle where the agent proposing the development must also be responsible, through its design, for minimising impacts of a proposal on existing agricultural use of land.

This chapter discusses the design elements that can inform appropriate development and presents options for implementing design standards. How these guidelines are applied may vary from instance to instance, but it is intended that design requirements are applied to development associated with discretionary uses such as residential development in the first instance, as opposed to primary and preferred land uses, such as agriculture.

4.1 Implementing design and development guidelines

Based on stakeholder consultation and technical work, DELWP has prepared preliminary design guidelines to assist decision-makers and clarify what is appropriate development in Melbourne's green wedge areas. These preliminary guidelines propose design requirements for development associated with discretionary uses and include fundamental design standards that can be implemented through core planning provisions (zones and particular provisions). It is proposed that the design guidelines and any changes to the VPPs would only apply to land within green wedges areas.

The design standards do not include specific requirements, such as numeric standards, but rather offer guidelines on what is appropriate development design in green wedge areas. It is anticipated that a range of mechanisms could be used to implement the design standards and enable specific design requirements, such as setbacks and site coverage, to be implemented at a local level having regard to landscape characteristics of a particular area. The following options relate to the implementation of the design guidelines.

Options

- Introduction of a new planning practice note to assist responsible authorities assess development proposals on green wedge land.
- Adjust the decision guidelines (General Issues and Design and Siting) and introduce application requirements for development applications in Green Wedge zones.
- Update the form and structure of Green Wedge Management Plans (GWMPs) to require new or updated GWMPs to identify landscape typologies and detailed design guidelines. This would enable matters such as setbacks, siting and site coverage to be determined at a local level and could be used to inform changes to planning requirements.
- Introduce a new particular provision in the VPPs that contains design guidelines and standards for development in green wedge areas. The provision could outline relevant considerations, objectives and standards similar to existing provisions in Clauses 54, 55, 56 and 58 of the VPPs.
- Amend the schedule to Green Wedge zones to allow for matters such as site coverage, setbacks and building heights to be mandated for developments associated with discretionary uses.

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4.2 Design requirements

We have identified 12 design elements with corresponding requirements and standards. The identified design elements, requirements and standards seek to ensure that development of land is informed by the site's context and location, the type of landscape within which it is set and any other preferred design outcomes applicable to the land.

There are a range of landscape types across the green wedges, including flat open plains, rolling hills, forested ranges, coastal environments, land constrained by urban development and land significantly modified from its natural condition by activities (e.g. resource extraction or landfill).

Having regard to landscape typology will ultimately inform the appropriate design of any proposed development. For example, identified high-level landscape typologies could be used to inform and improve design outcomes (see Appendix 7 for examples).

The government recognises that some councils have undertaken strategic work for their green wedge and peri-urban areas by identifying the particular landscape typologies in their rural areas and developing guidelines on appropriate design

outcomes for development in those areas (e.g. see Shire of Yarra Ranges' Vision 2020 by design). Further to this, many councils have implemented design and development controls for particular areas or precincts, using overlays such as Design and Development Overlays and Significant Landscape Overlays.

There is scope to require landscape typology to be identified as part of the preparation of GWMPs. This will ensure that landscape typology can be developed at a local level and potentially be the basis of planning scheme amendments to specify side and rear setbacks, site coverage and building heights.

It is intended that the design requirements strengthen and complement existing local policy and enable greater consistency of decision-making across green wedge areas.

Some design requirements will apply generally across all land in green wedge areas, while others will be applied selectively depending on the landscape within which a proposed development is located. The following elements of design are used to determine the appropriateness of a development's built form, design, siting and its impact on amenity and landscape.

Element 1 – Green wedge character**What is the issue?**

It is important to ensure that a proposal to use and/or develop land is appropriate in the landscape and aligned with the identified role and character of the area. Some developments in green wedge areas do not respond to their distinctive landscape setting and are inappropriate.

The setting of each landscape is different. The siting and design of building(s) need to respond to and protect and enhance the distinctive features and characteristics of the surrounding landscape.

Design response

The design response seeks to ensure the development responds to the applicable landscape typology of the area.

Objectives

- Protect and enhance the landscape character and values of a green wedge area.
- Respond to the features of the applicable landscape typology.

Design requirement

Development should respond to the surrounding landscape typology. All development proposals associated with discretionary uses in green wedge areas should demonstrate that landscape typology has been considered in the design of the development.

Element 2 – Site layout**What is the issue?**

The setback of buildings from public vantage points can detract from sense of place and character of a rural environment. Buildings and structures that are sited too close to roads, boundaries, shared paths, parks and areas of public open space can have a detrimental impact on how a rural environment is experienced from the public realm. Inappropriate siting, combined with minimal landscaping, can result in development that is unresponsive to the character of the landscape.

Often a building or structure is sited without considering its impact on the visual amenity of the public realm and whether setbacks are consistent with those of neighbouring properties.

Design response

The design response seeks to ensure buildings and other structures do not dominate road frontage in their landscape setting by requiring that setbacks respond to the surrounding landscape typology. The retention or planting of vegetation is also emphasised, subject to it being responsive to the unique features of the applicable landscape typology.

Objectives

- Ensure that the setback of buildings and other structures from a road respects the existing landscape character of the green wedge area.
- Ensure buildings and other structures do not visually dominate the road frontage in their landscape setting.
- Minimise the visual impact of buildings and other structures on views from roads and key public vantage points.
- Ensure development is integrated with its landscape typology and setting.

Design requirement

The setbacks of development from roads and the public realm, and siting within the landscape should be informed by the identified landscape typology and setting, as well as the existing pattern of development in the area. The setbacks of development on adjoining and nearby properties should be used to assess the proposed siting of a development.

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Element 3 – Site coverage

What is the issue?

The amount of land converted from agricultural or natural systems to accommodate buildings and associated infrastructure can negatively affect a rural environment. Some developments in green wedge areas have extensive site coverage that does not respond to the existing context and location and require excessive clearing of vegetation. The result is that the development becomes a dominant feature of the landscape.

The cumulative effects of multiple structures or hardstanding areas scattered across a site can exacerbate the effects of site coverage. The overall development, including existing development, must be taken into account when considering the appropriate extent of site coverage.

Design response

The design response seeks to manage site coverage by requiring consideration of the landscape character, site features and extent of the site covered by development. Preferred site coverage will vary subject to landscape typology and the potential impact of the built form on the character of the landscape.

Objective

- Ensure site coverage of buildings and impermeable areas respects the existing character of the green wedge area, minimises loss of vegetation and responds to the landscape features of the site and surroundings.

Design requirement

The design requirements for site coverage should be informed by the applicable landscape typology and setting. Development should demonstrate that the area of the site covered by the building and impermeable area(s) will not adversely affect the landscape values of the area and respects the existing or preferred landscape character.

Element 4 – Building height

What is the issue?

Melbourne's green wedge area is characterised by a rural low rise environment. Across the landscape, hills and ridge lines can also have important cultural values that should be considered and impacts on these features should be reduced.

Occasionally, the height of buildings or structures – particularly on open and flat landscapes of green wedges – become unintended landmarks rather than blend with the landscape. This effect can be compounded by locating the building on prominent locations, such as ridge lines, skylines or prominent landforms.

Design response

The design response seeks to ensure the height of the building(s) responds to the surrounding landscape character and integrates with the site's topographical features and limitations.

Objectives

- Ensure that the height of building(s) responds to the existing character of the applicable green wedge.
- Integrate the development with the surrounding landscape and avoid its prominence in the skyline.
- Minimise the visual impacts of building(s) and their siting, design, height and bulk on the natural environment, major roads, vistas and water features.

Design requirement

The height of building(s) should respond to the character of its surrounding landscape and integrate with the site's topographical features, with taller forms located away from visually prominent locations.

Element 5 – Side and rear setbacks**What is the issue?**

The siting of a development can adversely affect the amenity of neighbouring properties if it is located too close to the side or rear boundaries. Sensitive uses such as residential settlement, or accommodation sited close to farming activities, can be a source of conflict and adversely affect amenity for residents and visitors.

There is also concern that buildings and works too close to waterways and identified environmental features can be detrimental to cultural and natural values of important natural assets.

Development should always seek to prevent or mitigate potential amenity impacts on and from adjoining uses and properties, by retaining or planting boundary vegetation.

Design response

Issues relating to side and rear setbacks can arise largely from a lack of guidance in the VPPs. To bridge this gap, this guideline proposes minimum side and rear setbacks. Such requirements will both minimise potential amenity impacts on and from adjoining sites and enable the retention or creation of boundary planting.

Objective

- Ensure the siting of buildings is sensitive to neighbouring use and development.

Design requirement

The walls of the development(s) associated with discretionary uses should be set back at a sufficient distance from side and rear boundaries to minimise potential for amenity impacts and allow for retention and creation of boundary planting. The development(s), including supporting infrastructure, should be set back a sufficient distance from natural features such as waterways to minimise potential for environmental impacts.

Element 6 – Landscaping**What is the issue?**

Landscaping that accompanies development in green wedge areas is vital to the character of the landscape. In many instances, it can harm an area's appearance and sense of place. For example, overplanting or planting of thick vegetation can progressively privatise views of highly scenic areas. In other instances, landscaping can soften and integrate the appearance of buildings and structures in the landscape.

Landscaping should respond to the typological and topographical features of a green wedge area. In significantly modified or cleared landscapes, it may be more appropriate to consider how a development can be an opportunity to remediate or improve landscape and environmental values.

Design response

The design response seeks to protect the predominant features and landscape typology of green wedges. It prescribes individual landscaping requirements – where appropriate – for each landscape typology.

Objectives

- Encourage development that respects the landscape character of an applicable green wedge.
- Encourage landscaping that resonates with the landscape typology of the applicable green wedge.
- Ensure that the dominant contribution to the character of the area is from vegetation and landscaping, not from buildings and structures.
- Protect existing vegetation.

Design requirement

The layout and design of landscaping should protect predominant features in the applicable landscape, consider soil type and drainage patterns of the site, allow adequate space for vegetation growth, maintain existing habitat and provide for new habitat for plants and animals.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the submission of the application.

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Element 7 – Detailed design

What is the issue?

The architectural style, choice of materials and finishes, and the size and scale of development are important to ensuring that built form responds to, and fits within, the existing character of the environment.

Insensitive choices on the form, style, colours, materials and other design details, such as urban style boundary treatments, can be inappropriate and detract from the appearance and character of rural landscapes.

Building design that amplifies light pollution and spill can also negatively affect wildlife and the character and amenity of rural areas. Conversely, buildings that are well positioned, respond to local topography, are of an appropriate scale with complementary materials and screening, can be welcome additions that contribute meaningfully to the landscape.

The design of buildings must be sympathetic and of a suitable architectural standard, with materials that are responsive to the surrounding character and environment. Where developments complement the overall character or sense of place, innovative designs are encouraged.

Design response

The design response aims to encourage architectural styles, built forms and choice of materials and finishes that respond to the existing character of the green wedge. To achieve this, development with sympathetic and/or innovative design and finishes in muted, earthy colours are encouraged. Secondary development, such as outbuildings, should be clustered near the primary development and designed to respond to the existing character of the surroundings.

Objectives

- Encourage architectural styles, built form and choice of materials and finishes that respond to the existing character of the applicable green wedge.
- Encourage boundary treatments that respect the existing character of the green wedge landscape.
- Limit light spill not directly associated with safety or community activity, so that impacts on nocturnal animals and on the night-time amenity of the landscape are minimised.

Design requirement

Developments should be sympathetic and/or innovative in design and finished in muted, earthy colours. Where fencing is proposed, this should complement the non-urban setting of the landscape and boundary treatments in the surrounding area.

Secondary development, such as outbuildings, should be clustered near the primary development and designed to respond to the existing character of the surroundings.

Element 8 – Sustainable transport**What is the issue?**

Some land uses necessarily entail a high frequency of trips to and out of a location, and may be inappropriate in green wedge areas which are typically poorly serviced by public transport. A particular example is schools, which should be located where sustainable transport options are available.

The location of use and development that generates a high frequency of trips in a green wedge area should be informed by existing and planned public transport services, which are typically more accessible and frequent at the urban edge.

The Victorian Government is committed to reducing reliance on fossil fuels, reducing carbon emissions and maximising the use of existing public and sustainable transport. In line with this commitment, policy on the use and development of land should promote the creation of 20-minute neighbourhoods where residents can walk and access existing or planned public transport. This policy direction should also be extended to support decision-making about development in green wedge areas.

Design response

Issues of sustainable transport predominantly relate to the location of development and accessibility of public transport services. The design response seeks to address these issues by requiring that development likely to generate need for, or reliance on, public transport should be located near existing or planned transport services and adjoin, or have access to, a road in a Road Zone.

Objectives

- Minimise reliance on fossil fuels.
- Encourage sustainable modes of transport.

Design requirement

Development associated with uses likely to generate significant demand for public or sustainable modes of transport should be located in an area that is accessible to existing or planned public transport infrastructure and adjoin, or have access to, a road in a Road Zone.

Element 9 – Access**What is the issue?**

New development in green wedge areas can require new or additional access points to the property.

Frequent and wide vehicle crossovers that require vegetation removal can be visually disruptive and detract from the public realm and character of green wedge environments. To maintain the character of these areas and ensure the safe operation of the local road network, the following should be minimised:

- the amount of vegetation that is removed to facilitate an access point
- the number of access points to a property
- the total width of crossovers and access points.

Design response

The design response seeks to ensure crossovers have minimal impact on the character of the green wedge area.

Objective

- Ensure the siting of vehicle access and crossovers respects the character and safe operation of the local road network.

Design requirement

The total width of crossovers and access points should be minimised. The creation and location of crossovers and driveways should maximise retention of existing vegetation and be informed by traffic engineering advice.

The number of access points to a road should be minimised.

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Element 10 – Vehicle parking facilities

What is the issue?

A range of land uses permitted in green wedge areas can require a significant amount of space to accommodate visitors. Large expanses of car parks located next to roads with minimal vegetation and landscape setbacks can have a detrimental impact on the character of the rural environment.

The provision of parking facilities can also require significant vegetation removal and irreversible loss of agricultural or natural land through the creation of large hardstanding areas that retain heat and increase water run-off – often contaminated by vehicle excretions – into waterways and the natural environment.

Design response

To preserve the public realm and character of rural environments, the development should aim to:

- mitigate the disproportional effects of parking facilities on the public realm and character of rural environments
- minimise areas of extensive hardstanding.

The design response is to ensure that both the location and size of parking facilities are appropriate for the area, by limiting the visual impact of the facility when viewed from the surrounding public realm. Vegetation screening of the parking areas will be required, along with locating these areas to the rear of the site.

In addition, the guideline requires that the scale of the parking facility be minimised and, where extensive vehicle parking areas are proposed, these should be broken up into separate areas.

Objectives

- Limit the visual impact of vehicle parking areas when viewed from the surrounding public realm.
- Minimise the impact of vehicle parking areas on the character of the green wedge.

Design requirement

Parking facilities should be screened from public view with vegetation. They should be located towards the rear of the site, away from public roads and view.

The extent of vehicle parking areas should be minimised and, where extensive areas of vehicle parking are required, these should be either divided into separate parking areas or incorporate softening and screening elements (e.g. vegetation) within the area dedicated to vehicle parking.

Where the scale of the parking areas is considerable or extensive, it should use buildings and vegetation to screen these areas from public view.

The use of large expanses of hard paving for vehicle parking areas should be minimised. Instead, these areas should incorporate vegetation and permeable surfaces and provide for capturing of run-off and sediment from hard surfaces.

Element 11 – Safety**What is the issue?**

Significant portions of green wedge areas are at risk of bushfire, and increased residential settlement and visitation to such areas endanger community members and can conflict with state policy objectives under Clause 13.02 (Bushfire planning, VPP), which seeks to:

- prioritise protection of human life over all other policy considerations
- direct population growth and development to low risk locations
- reduce bushfire vulnerability of communities by considering bushfire risk in decision-making at all stages of the planning process.

Provisions of the BMO require a Bushfire Management Plan (BMP) to be prepared, which includes requirements for defensible space around sensitive uses, such as a dwelling. The requirement to remove vegetation under these provisions can conflict with protection of natural habitats and character values of the environment.

As a result of a changing climate, both the threat and severity of bushfires have escalated. Use and development of land likely to expose greater numbers of residents or visitors to significant risk must be reduced through clear planning controls. While the removal of vegetation may satisfy requirements for human safety, it can often endanger native flora and fauna habitats that are valued in green wedge areas.

Design response

A design response that balances the need to minimise bushfire risk and protect vegetation should ensure that the design and siting of a new building/development avoid/minimise the removal of established vegetation in a way that also addresses bushfire management controls of the BMO.

Objectives

- Ensure the development of land prioritises the protection of human life and property.
- Encourage development of land that does not require vegetation removal.

Design requirement

Set clear public expectations that development of land that exposes people to increased risk of natural hazards (such as bushfire) should be discouraged or prohibited.

Element 12 – Infrastructure**What is the issue?**

The provision of infrastructure such as roads, sewerage and utilities is an important consideration in all land use and development proposals.

Green wedge areas contain roads that vary in degree of development, from unpaved rural tracks to arterial roads to multilane freeways. Some roads have limited capacity for the number of vehicles and/or volume of traffic that may be generated by a development. Where there is insufficient water, power and waste capacity to accommodate the demand generated from a development, it may be more appropriate to modify the proposal so that reticulated services can be accessed. Providing for such infrastructure services in areas that currently are without them, can impose significant financial burden on authorities or proponents.

Design response

Infrastructure issues relate predominantly to the appropriateness of a proposal and its location in the green wedge. The likelihood that a proposal will generate traffic can be a factor to consider whether a use is appropriate in less accessible parts of a green wedge. The design response seeks to address this issue by requiring that development does not exceed existing or planned capacity of utility services and infrastructure, including reticulated services and roads, in the location.

This response also seeks to ensure that development likely to generate significant volumes of traffic are located on properties that adjoin, or have access to a road in a Road Zone.

Objectives

- Optimise the use of utility infrastructure proximate to the green wedge.
- Ensure the development does not exceed existing or planned infrastructure capacity.

Design requirement

Development should not exceed existing or planned capacity of utility services and infrastructure, including reticulated services and roads.

Uses that are likely to generate significant volumes of traffic should be located on properties that adjoin, or have access to, a road in a Road Zone.

Development should connect to and optimise proximate reticulated services.





05

Next steps

This consultation paper has been released for public comment and feedback as part of the government's commitment to implement Plan Melbourne and deliver on its election commitment to protect Melbourne's green wedges and areas of agricultural land for the future.

The proposed options seek to remove ambiguity, provide certainty and clarify the policy and statutory framework for achieving identified planning outcomes for our green wedge and agricultural land, in a way that balances our aspirations for agricultural productivity and sustainability. They also seek to promote a more proactive integrated approach to planning for these areas to better guide our local planning officers and achieve better 'on-the-ground' outcomes.

Process

You are invited to consider the issues and options raised in this paper and provide feedback in a submission.

While you are free to structure your submission and address topics openly, to ensure your views effectively inform the review, you are encouraged to prepare your response based on the structure of the paper.

Submissions can be made online at:

<https://engage.vic.gov.au/gwal>

For any questions or assistance please contact
planning.implementation@delwp.vic.gov.au

Planning for Melbourne's Green Wedges and Agricultural Land

Glossary of terms

Agent of change

The person or organisation responsible for a land use change (and responsible for managing the impact of the change).

Agriculture

Land used to:

- propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables;
- keep, breed, board, or train animals, including livestock, and birds; or
- propagate, cultivate, rear, or harvest living resources of the sea or inland waters.

Clean fill

Clean fill material is:

- any soils (including clay, silt, and/ or sand) from which any industrial waste has been removed as far as is practicable
- any soils that have chemical contamination levels below the fill material criteria specified in Soil hazard categorisation and management (EPA publication IWRG621 in IWRG section 6).

Commercial farm

Farming businesses where agricultural production is undertaken for profit.

Discretionary land use

Land uses that are Section 2 (permit required) uses within a zone.

Farm gate sales

See primary produce sales

Fit-for-purpose water

Water of suitable quality for its intended use.

Green wedge land

Green wedge land is defined in Section 46AC of the *Planning and Environment Act 1987* as 'land that is described in a metropolitan fringe planning scheme as being outside an urban growth boundary.' Map 1 shows where Melbourne's green wedge land is located.

Hobby farm

Farms where the main intention of undertaking agricultural production is not to generate a profit, and where agricultural production is usually undertaken for enjoyment, on an ad hoc basis, and on a small scale.

Land fragmentation

In the context of agriculture, land fragmentation occurs when farmland is broken up by other uses over time. In areas affected by land fragmentation, farmers sometimes undertake agricultural production across multiple, non-contiguous properties, which can be a barrier to efficiency and productivity.

Maximum patron capacity

The number of patrons present at a facility at any one time that must not be exceeded.

Natural systems

Land in substantially its natural state which is used to maintain ecological systems, or to preserve an area of historic, scientific, aesthetic, or cultural significance.

Non-urban breaks

Non-urban land which separates and/or surrounds towns, settlements and metropolitan land.

Peri-urban land

Land beyond the green wedges but within 100 km of central Melbourne. These areas are predominantly rural with small townships. Map 1 shows where Melbourne's peri-urban land is located.

Preferred primary land use

Land uses that are Section 1 (permit not required) uses within a zone.

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.

Sensitive use

Land uses that are likely to be potentially sensitive to emissions (dust, odour, noise, light) from agricultural activities.

Site coverage

The proportion of a site covered by buildings.

Spillover land use

Land uses that are typically located in urban areas that, due to various pressures, 'spill over' into non-urban areas. This can result in inappropriate use and development.

Transitional locations

Locations which act as a transition/change point between dominant land uses e.g. urban areas and farming areas.

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Appendices

Appendix 1 Summary of proposed options

3.1 Strengthening the legislative and policy framework

3.1.1 Legislative and policy framework for Melbourne's green wedges

- Amend Part 3AA (Metropolitan Green Wedge Protection) of the *Planning and Environment Act 1987* to:
 - clearly express the Victorian Government's vision and objectives for green wedges
 - enshrine regional policy for each green wedge in legislation
 - introduce legislative requirements to prepare and implement strategic planning frameworks for each green wedge
 - require ministerial approval for the adoption and implementation of strategic plans for green wedges prepared by local government authorities.
- Update state planning policy to clearly articulate the preferred outcomes for Melbourne's green wedges. The objectives of Clause 11.01 of the VPP (Green Wedges: Metropolitan Melbourne) can be potentially revised to include:
 - 'To maintain the important non-urban purpose of the green wedges and avoid use and development that would adversely affect their future productive use or environmental significance'
 - 'To support preferred land uses and encourage uses that contribute to the non-urban landscape and character'.
- Review and update Planning Practice Note 31 'Preparing a Green Wedge Management Plan' to improve the structure, form and content of Green Wedge Management Plans.
- Develop and introduce regional policy directions in the PPF for Melbourne's green wedges in Clause 11.01-1R (VPP) and through Land Use Framework Plans.

3.1.2 Legislative and policy framework for Melbourne's agricultural land

- Update the PPF to ensure that all agricultural land is protected.
- Update the PPF to encourage land uses that have limited or negligible reliance on soil as the basis of production, to be located in areas where soil-based agriculture is likely to be constrained.
- Update the PPF to include new regional policy for Melbourne's agricultural land. The new policy should:
 - support greater resilience of Melbourne's food bowl by encouraging re-use of valuable city waste streams, including recycled water, stormwater, nutrients and biogas
 - encourage opportunities for growth and diversification of other activities complementary to agriculture that leverage the advantages of proximity to the city of Melbourne and its local markets
 - support the establishment and expansion of infrastructure that benefits agriculture
 - recognise the economic and employment contributions of Melbourne's agricultural land to local communities, the region and the State of Victoria.
- Establish new right to farm legislation for Melbourne's agricultural land that ensures primary production carried out on a farm does not constitute a nuisance, provided that it is conducted lawfully and the zoning of the land supports agricultural use as a primary purpose of the zone.
- Introduce the 'agent of change' principle into legislation to assign responsibility for mitigating impacts of lawful agricultural operations (e.g. dust, noise and odour) to the 'agent of change' – the person or organisation who introduces a new use or development in an existing environment.
- In conjunction with legislative changes above, update the PPF to encourage appropriate siting, design and scale of sensitive uses and developments within rural areas to avoid conflicts with agricultural uses and to maintain capability to intensify agricultural production.

Planning for Melbourne's Green Wedges and Agricultural Land

3.2 Supporting agricultural land use

3.2.1 Managing subdivision and dwelling development in agricultural areas

- Reduce the subdivision potential of Melbourne's agricultural land by requiring parliamentary ratification of proposals to subdivide land into more lots or smaller lots than currently provided for in the planning scheme in the Farming Zone and Rural Activity Zone within 100 km of Melbourne.

Currently, any amendment that increases the subdivision potential of green wedge land requires the approval of the Minister for Planning and ratification of both Houses of Parliament. This option extends the current requirement to agricultural land in peri-urban areas.

- Amend the subdivision provisions of the Farming Zone and Rural Activity Zone to prohibit the creation of a lot for an existing dwelling that is smaller than the minimum lot size. This only applies within 100 km of Melbourne.
- Better control dwellings in Melbourne's agricultural areas by:
 - adding the following condition to the use of land for an as-of-right dwelling in the Farming Zone
 - › must not be within 100 km of Melbourne.

This change would remove Dwelling as an as-of-right use in the Farming Zone within 100 km of Melbourne.

- Introducing decision guidelines for 'Dwelling Issues' into the Green Wedge Zone and Green Wedge A Zone. The decision guidelines would mirror the guidelines provided in the Farming Zone, which require the responsible authority to consider, as appropriate:
 - › Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
 - › Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

- › Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.

- › The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture and natural systems.

- Introducing application requirements for dwellings into the Green Wedge Zone and Green Wedge A Zone that require applications for dwellings to be accompanied by a written statement that explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

This change allows dwellings to be considered but ensures the use does not compromise the long term productivity of surrounding farmland or limit the operation and expansion of agricultural uses.

3.2.2 Improving decision-making on agricultural land

- Develop a practice note to guide council decision-making on planning permits in agricultural areas. The practice note would support the interpretation of the planning scheme and guide discretionary decision-making, and may outline:
 - how to interpret the decision guidelines for zones relating to agriculture
 - how to determine whether a discretionary use will lead to loss of agriculture as the primary use of land
 - how to apply the 'in conjunction with' agriculture test
 - how to assess and minimise potential land use conflicts in development proposals, including proposals adjacent to agricultural land.
- Establish an agricultural referral or expert advisory service to support decision-makers and facilitate compliance with the planning scheme.

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3.2.3 Future-proofing Melbourne's food bowl

- Develop a new regional policy, Clause 14.02-3R of the PPF (Preserving opportunities for irrigated agriculture around Melbourne), with the following objective:
 - safeguard land with potential for future growth in irrigated agriculture, based on alternative water use.

The new policy would:

 - › delineate areas with potential for future growth in irrigated agriculture
 - › ensure changes to land use in these areas do not limit potential opportunities for development and expansion of irrigation agricultural precincts
 - › maximise the beneficial re-use of treated wastewater for agricultural purposes.
- Introduce a new overlay designed to protect food-producing areas with access to secure water supply and irrigation infrastructure. The purpose of the overlay would be to:
 - identify and protect areas with secure water resources for agricultural uses
 - provide certainty that these areas will continue as key agricultural areas into the future
 - protect areas of significant water infrastructure investment
 - limit non-farming and incompatible uses that would restrict ongoing productive use of land for agricultural purposes
 - protect buffers of identified areas from encroaching sensitive uses such as dwellings to ensure agricultural activities continue without restrictions
 - facilitate agricultural uses in areas covered by the overlay by reducing permit requirements for buildings and works associated with agriculture and by providing exemptions from notice and review requirements.
- In conjunction with the development of a new overlay, establish a process to determine where the new overlay should be applied. In the first instance, it is proposed to apply the overlay to irrigation districts with defined boundaries, including the Werribee and Bacchus Marsh irrigation districts, the Boneo Recycled Water Irrigation Scheme, the Western Irrigation Network and the Cora Lynn Recycled Water Irrigation Scheme. There is potential to cover further areas once a clear process and criteria for its application are confirmed.

3.2.4 Strengthening referral and notice requirements

- Ensure water authorities have a clear role in the decision-making process for applications to use or develop land in protected irrigation districts or in non-urban areas identified as having potential for access to alternative water in the future.

3.2.5 Supporting agricultural diversification, value-adding and innovation

- Update the definition of 'Primary produce sales' to:
 - allow sale of ancillary goods (such as crackers and bottled drinks) to be consumed with the primary produce (e.g. cheese or strawberries)
 - allow sale of produce from land held in one ownership to support farms comprising divided holdings in the same ownership
 - allow a percentage of produce sold to be sourced from local producers within 5 km of the use.
- Amend the definition of the land use term 'Host farm' to require a direct link to an 'operating agricultural property'.
- Move 'Host farm' to a Section 1 (as-of-right) use in the Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone, providing it is undertaken in conjunction with agriculture and accommodates no more than 10 people away from their normal place of residence at any one time. If these conditions are not met, the use will require a permit.
- If the Host farm is within 100 km of Melbourne, the use must be in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.

Planning for Melbourne's Green Wedges and Agricultural Land

3.3 Managing use of green wedge and peri-urban land

3.3.1 Managing the urban–rural interface

- Provide planning practice guidance for local authorities on how to consider and direct planning for urban–rural interface areas.
- Provide guidance on preferred transitional land uses for land at the urban–rural interface and provide urban design guidance that supports a permanent edge and buffer to the urban area through region-level strategic policies (see proposed regional policy for green wedges, Section 3.1).
- Introduce conditions in land use zones for particular uses, such as public open space or uses serving urban populations (e.g. schools, places of worship and infrastructure), to be located in transitional locations only.
- To improve transition between rural and urban land use, introduce the ability to apply other rural zones more suited to the roles and land conditions of particular locations (e.g. Rural Living Zone, Farming Zone), provided the minimum green wedge subdivision provisions are retained.

3.3.2 Planning for future infrastructure and energy needs

No options proposed.

3.3.3 Managing discretionary uses

Education facilities

- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use requiring that primary and secondary schools must be located adjacent to the UGB and adjoin, or have access to, a road in a Road Zone.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit schools in high bushfire risk areas (i.e. areas subject to the Bushfire Management Overlay).

Places of worship

- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use requiring that places of worship must be located adjacent to the UGB and adjoin, or have access to, a road in a Road Zone.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit places of worship in high bushfire risk areas (i.e. areas subject to the BMO).

Halls

- Develop and implement a land use definition of 'Hall' in Clause 73.03 (Land use terms; VPP). One option is to define 'community hall' to differentiate those uses that provide community support services and activities for a local area from those activities that are purely commercial.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use for halls that mirror the minimum lot size and maximum number of patron requirements applicable to 'Function centre' in the Green Wedge Zone.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit halls in high bushfire risk areas (i.e. areas subject to the BMO).

Exhibition centres

- Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to insert conditions of use for exhibition centres that restrict the number of patrons to a maximum total of 150 at any one time.
- Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit exhibition centres in areas of high bushfire risk (i.e. areas subject to the BMO).

Certain accommodation uses

- Amend the Rural Conservation Zone to insert conditions of use for 'Group accommodation' and 'Residential hotels' to be consistent with Green Wedge Zone and Green Wedge A Zone (i.e. minimum lot size requirements, maximum number of bedrooms/dwellings, 'in conjunction with' test).

Camping and caravan parks

- Amend Clause 73.03 (Land use terms, VPP) to reflect new categories of camping and caravan parks in line with changes to the registration categories under the *Residential Tenancies Act 1997*.
- Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to establish conditions of use that permit 'Camping and Caravan Parks' only when such use falls within 'bush/primitive' or 'tourist' categories.

Data centres

- Amend the Green Wedge Zone, Green Wedge A Zone and Rural Conservation Zone to prohibit data centres or, alternatively,
- Amend the Green Wedge Zone, Green Wedge A Zone and Rural Conservation Zone to introduce a condition that requires data centres to be located adjacent to residential, commercial or industrial zoned land.

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4. Improving the design of development in green wedges

4.1 Implementing design and development guidelines

- Introduction of a new planning practice note to assist responsible authorities assess development proposals on green wedge land.
- Adjust the decision guidelines (General Issues and Design and Siting) and introduce application requirements for development applications in Green Wedge zones.
- Update the form and structure of Green Wedge Management Plans (GWMPs) to require new or updated GWMPs to identify landscape typologies and detailed design guidelines. This would enable matters such as setbacks, siting and site coverage to be determined at a local level and could be used to inform changes to planning requirements.

- Introduce a new particular provision in the VPPs that contains design guidelines and standards for development in green wedge areas. The provision could outline relevant considerations, objectives and standards similar to existing provisions in Clauses 54, 55, 56 and 58 of the VPPs.

- Amend the schedule to Green Wedge zones to allow for matters such as site coverage, setbacks and building heights to be mandated for developments associated with discretionary uses.

4.2 Design requirements

- Proposed options for implementation at 4.1 Implementing design and development guidelines.

Appendix 2 Planning policy framework for green wedge and peri-urban areas

Policy background

The following key documents contain policy directions on the study area over the last 50 years:

- *Melbourne Metropolitan Planning Scheme — 1954*
- *Planning Policies for the Melbourne Metropolitan Region — 1971*
- *Shaping Melbourne's Future — 1987*
- *Living Suburbs — 1995*
- *Melbourne 2030: Planning for Sustainable Growth — 2002 (Melbourne 2030)*
- *Localised Planning Statements — 2011**
- *Regional Growth Plans — 2014**
- *Plan Melbourne — 2014**
- *Plan Melbourne 2017–2050 — 2017.**

* You can read more about these below.

Current policy

Plan Melbourne 2017–2050

Plan Melbourne 2017–2050 ('Plan Melbourne') is the city's current metropolitan strategy for supporting jobs, housing and transport, while

building on its legacy of distinctiveness, liveability and sustainability. This document notes that population growth is a key challenge for Melbourne and that its green wedges and peri-urban areas must be properly managed so that valued features and attributes are protected. A balance must be maintained between the needs of the community, the economy and the environment.

Plan Melbourne articulates the state government's future vision and desired planning outcomes for Melbourne's green wedges and peri-urban areas. These planning outcomes were drawn from a range of state and local council policy statements and objectives, and are the basis for policy formulation and decision-making.

Plan Melbourne contains directions, policies and actions that aim to protect and manage the city's agricultural land and green wedges:

Direction 1.4

Support the productive use of land and resources in Melbourne's non-urban areas

Policy 1.4.1

Protect agricultural land and support agricultural production

Direction 4.5

Plan for Melbourne's green wedges and peri-urban areas

Policy 4.5.1

Strengthen protection and management of green wedge land

Planning for Melbourne's Green Wedges and Agricultural Land

Regional Growth Plans

Regional Growth Plans (RGPs) provide broad direction for land use and development across the eight regional areas of Victoria. They apply to Melbourne's peri-urban areas but do not apply to the green wedges. Map 12 indicates where each RGP applies within the peri-urban areas.

The RGPs that about metropolitan Melbourne are:

- G21 Geelong Regional Alliance
- Central Highlands
- Loddon Mallee South
- Hume
- Gippsland.

The RGPs address the peri-urban areas within their region to differing degrees. The Central Highlands, Loddon Mallee South, Hume and Gippsland RGPs all contain a section on Melbourne's peri-urban areas, its context, opportunities and constraints. These four RGPs highlight the need to protect and enhance state-significant assets in their peri-urban areas relating to extractive resources, forestry, productive agriculture, water catchments, transport, utilities, biodiversity, landscapes, parks and reserves, waterways, heritage and tourism.

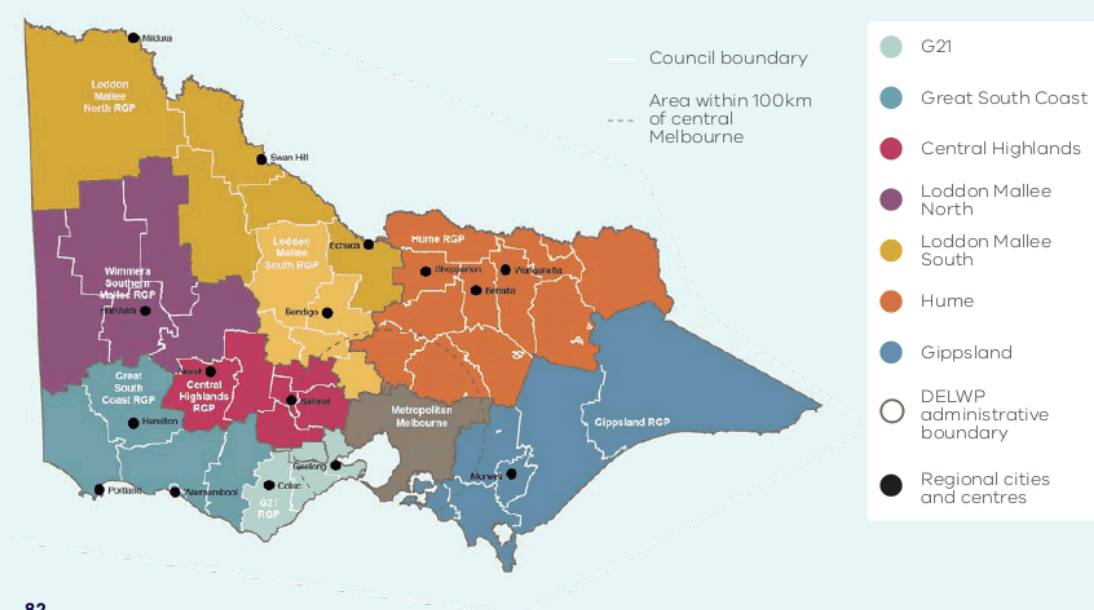
Localised Planning Statements

Ministerial Direction 17 ensures that planning scheme amendments affecting certain peri-urban areas have regard to the relevant adopted Localised Planning Statement (LPS) for the area. Each LPS identifies key valued attributes and provides strategic direction to protect and enhance these attributes. LPSs are in place for the Bellarine Peninsula, the Mornington Peninsula, and the Yarra Valley and Dandenong ranges. The LPS for the Bellarine Peninsula (in development) will be updated and transitioned to a Statement of Planning Policy, following the declaration of the area as a distinctive area and landscape under the *Planning and Environment Act 1987*.

Core Planning Provisions

Clause 51.02 (Metropolitan Green Wedge Land) of the Particular Provisions in the planning schemes for the Melbourne metropolitan area seeks to protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values. Other key purposes of the clause are to protect productive agricultural land from incompatible uses and development, encourage the location of urban activities in urban areas and ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.

Map 12
Regional Growth Plan Regions



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Planning Policy Framework

Clause 11.01-1R (Green wedges – Metropolitan Melbourne, VPP) seeks to protect the green wedges of Metropolitan Melbourne from inappropriate development, safeguard key features and values, and support development that provides for environmental, economic and social benefits. Productive agricultural areas such as Werribee South, the Maribyrnong River flats, the Yarra Valley, Westernport and the Mornington Peninsula are highlighted for protection. Clause 11.01-1R provides guidance on residential development, major state infrastructure and resource assets, agribusiness, forestry, food production, tourism, renewable energy generation, extractive industries, and areas of environmental, landscape and scenic value.

Clause 11.03-3S (Peri-urban areas; VPP) seeks to manage growth in peri-urban areas to protect and enhance attributes that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, cultural heritage, infrastructure, extractive and other natural resources. It provides for development in established settlements and promotes growth boundaries to avoid urban sprawl and protect agricultural land and environmental assets. Clause 11.03-3S seeks to protect the character and amenity of peri-urban towns, ensure non-urban breaks are provided between urban areas, improve transport connections and ensure development is supported by physical and social infrastructure.

Zones

Land use in Melbourne's green wedges and peri-urban areas is controlled by six rural zones:

- **Farming Zone (FZ)** – a zone that is strongly focused on protecting and promoting farming and agriculture
- **Rural Activity Zone (RAZ)** – a mixed use rural zone that caters for farming and other compatible land uses
- **Rural Conservation Zone (RCZ)** – a conservation zone that caters for rural areas with special environmental characteristics
- **Green Wedge Zone (GWZ)** – a zone that provides for all agricultural uses and limits non-rural uses to those that either support agriculture or tourism, or that are essential for urban development but cannot locate in urban areas for amenity or other reasons
- **Green Wedge A Zone (GWAZ)** – a zone that provides for all agricultural uses and limits non-rural uses to those that support agriculture, tourism, schools, major infrastructure and rural living
- **Rural Living Zone (RLZ)** – a zone that caters for residential use in a rural setting.

Further information on rural zones can be found in Appendix 5.

Urban Growth Boundary

The metropolitan strategy released in 2002, known as Melbourne 2030, established an urban growth boundary (UGB) around Melbourne to better manage outward expansion in a coordinated manner. The purpose of the UGB is to direct urban growth to areas equipped or capable of being equipped with appropriate infrastructure and services, and protect valuable green wedge and peri-urban land (and environmental features) from development pressures. The legislative framework outlined in the *Planning and Environment Act 1987* (see 2.3.2.1) sets out additional protection of the UGB perimeter by requiring that any proposed alteration of its location be ratified by both Houses of the Parliament of Victoria.

Green Wedge Management Plans

GWMPs are council-adopted strategies that identify a vision, objectives and actions for the sustainable use and development of each green wedge. GWMPs also identify the values and features of each green wedge, the preferred future land use, and environmental and natural resources that should be protected based on the needs of the local community. They also articulate the type, scale and form of preferred change in the green wedge and how those changes will be managed and facilitated. A GWMP should be created and adopted by council whose municipality include green wedge land. Where relevant, aspects of the plan can be included or referenced in the Local Planning Policy Framework and will provide the strategic basis for reviewing planning provisions for a green wedge.

Preparing a Green Wedge Management Plan

Planning Practice Note | 31

JUNE 2015

This practice note provides a guide for the preparation of Green Wedge Management Plans and sets out the general requirements that should be met. The practice note covers the policy context and basis for the plans, their content and status.

There are 12 green wedge areas in the municipal districts of 17 councils. There is substantial variation in the land management conditions and circumstances in each green wedge. The preparation of each Green Wedge Management Plan (GWMP) will need to recognise those variations including the area involved, the level of information available, the resources available, the range of land uses, the condition of the natural resource base and the needs of the local community.

What is a Green Wedge Management Plan?

A Green Wedge Management Plan is a council adopted strategy that identifies a vision, objectives and actions for the sustainable use and development of each green wedge. The plan will identify the values and features of each green wedge, the preferred future land use, environmental and natural resources that should be protected, and the needs of the local community. Green wedges, like any other place are dynamic and constantly evolving. Changes identified through the preparation of GWMPs may embrace new productive land uses, investments and developments consistent with state policies for green wedges, environmental enhancement and sustainable resource management initiatives.

To ensure the sustainable management of green wedges, a GWMP should include a broad range of implementation tools that include regulatory and non-regulatory measures. For example, regulatory actions may encompass changes to existing local planning schemes to encourage and facilitate land uses and developments that protect and enhance each green wedge. A GWMP should also provide non-regulatory actions focusing on education and incentive programs aimed at encouraging landowners to adopt sustainable practices. Achievement of sustainable land uses and land management practices are the critical elements in the development of GWMPs.

Why prepare a Green Wedge Management Plan?

Green wedges will experience change over time. In many cases the condition of their environment and natural resource base needs considerable improvement. A GWMP provides a framework managing change and the actions that will facilitate it. The preferred direction for future change and improvements and how this will be managed is an essential element of the planning for the future of Melbourne's green wedges.

A GWMP provides the opportunity to clearly articulate the kinds of development or activities that are likely to be supported in the green wedge. It will provide clarity and greater certainty for all stakeholders, including landowners.

What is expected for green wedges?

The green wedges accommodate agricultural and recreational uses, as well as a variety of important functions that support Melbourne. These include major assets such as airports, sewage treatment plants, extractive industry and landfill sites – uses that support urban activity but which cannot be located amongst normal urban development. The green wedges include areas that have strong environmental, landscape, built and Koori heritage value for Victorians – many of which are of state, national or international significance. They provide important resources for recreation and tourism. Each green wedge has unique features and will require a management approach that promotes and encourages its diversity.

Collectively, green wedges have a broad range of purposes. This means that each GWMP will need an individual, tailored approach to establish the clear role, purpose, objectives and related actions for each area. To ensure a metropolitan and regional approach, a GWMP can be prepared either by an individual council or by a group of councils where appropriate.

A series of actions have been undertaken to establish and protect green wedges that includes:

- application of the Urban Growth Boundary around Melbourne and townships within the green wedges (this has been implemented)
- new planning measures including new green wedge zoning and the Core Planning Provisions at Clause 57 (this has been implemented).
- new legislation that ensures protection of green wedges (this has been implemented)
- development of individual action plans for each green wedge – the Green Wedge Management Plan (this is being implemented)
- management of residential development in green wedges (this is being implemented and will be further enhanced through the preparation of GWMPs)
- management of the outward growth of Melbourne
- identification of key features and related values for each green wedge (The GWMP will provide an opportunity to further identify and refine key features and related values).

Opportunities in the green wedge include:

- agricultural uses, such as market gardening, viticulture and broad acre farming, as well as forestry and land-based aquaculture
- assisting the preservation of rural and scenic landscapes
- ensuring the conservation of important environmental assets close to where people live
- managing renewable and non-renewable resources and natural areas (such as water supply catchments)
- providing and safeguarding infrastructure sites that support urban areas (for example, sewage treatment plants)
- allowing industries such as sand and stone extraction to operate close to major markets
- providing opportunities for tourism and recreation
- recognising and conserving heritage features.

What are the aims of the Green Wedge Management Planning process?

The key task of a GWMP is to articulate the type, scale and form of change in the green wedge and how those changes will be managed and facilitated. Many councils have already undertaken strategic planning, policy and resource management studies, projects and action in their green wedges. This work will provide a relevant basis for the finalisation of the plan.

In summary, a GWMP should:

1. Develop a vision, role and purpose for the green wedge. This should be determined through community consultation and research.
2. Identify the values and features within the green wedge that are to be protected and enhanced. This should be based on a detailed environmental and land use inventory and community consultation.
3. Establish a strategic direction for land use and development within the green wedge that is consistent with government policies and strategies that will protect and enhance the values and features identified within the green wedge. This should be based on identification of key opportunities and constraints identified through research.

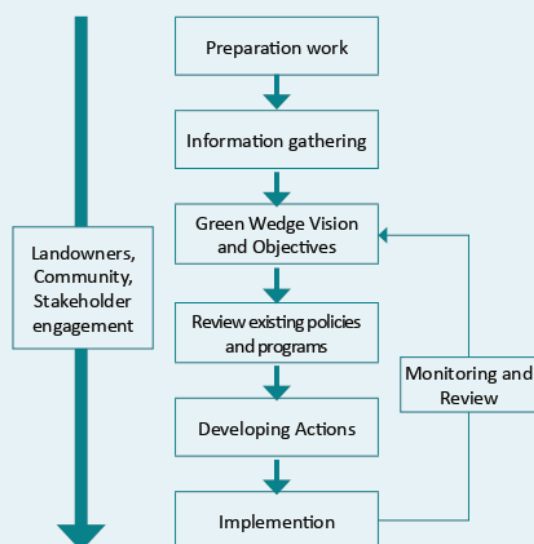
4. Articulate the strategic direction for the green wedge through the relevant planning scheme. This should involve:
 - ensuring the vision, role and purpose of the green wedge is identified in the Municipal Strategic Statement
 - confirmation of the green wedge zoning and the schedules to these zones
 - ensuring identified values, environmental assets and resources are appropriately identified and protected by the planning scheme by such tools as planning scheme overlays and local planning policies
 - consideration of the need to provide further guidance in relation to discretionary uses and developments within the green wedge through the Local Planning Policy Framework.
5. Establish a framework to encourage sustainable land management practices and appropriate resource management. This should involve:
 - reviewing the adequacy of resources and programs
 - assessing the effectiveness of existing incentive and education programs
 - developing new initiatives aimed at encouraging sustainable land management practices
 - identifying and supporting sustainable land use options
 - consideration of relevant plans and strategies related to natural resource management including fire management plans, catchment management plans and stream flow management plans.
6. Identify the needs of green wedge landowners and the wider community. Issues that should be examined include demographic considerations, economic sustainability, employment opportunities, sustainable land use options, community facilities and other required levels of infrastructure.
7. Establish a clear monitoring and review process to ensure the plan remains relevant and its performance can be measured. This should involve determining appropriate indicators and a commitment to review the plan in five years.

Broadly, the plan should focus on the following:

- support or incorporate existing plans, strategies and activities that align with green wedge policies, such as Regional Catchment Strategies, Regional Management Plans and Natural Resource Plans
- reflect Government policies and strategies
- examine opportunities for agricultural and alternative land use options
- involve key stakeholders and landowners in developing the plans, to reflect a range of expertise and knowledge
- promote community participation and ownership of the values and actions for the green wedge
- promote environmentally sustainable development and land management
- integrate resource development and management with fire management and protection plans
- have a monitoring process for actions built into the management process
- develop and expand land management programs and support mechanisms for landholders in achieving improved land stewardship
- develop new, and expand upon current, environmental enhancement initiatives
- identify and set priorities for investment in land use and development consistent with government policies and strategies.

What is the process for preparing a Green Wedge Management Plan?

Each green wedge is different. The nature of land uses and developments are diverse, the number of landowners and stakeholders varies. The level of knowledge about the quality of the natural resource base and the resource levels of each council also varies. These differences will influence the scope and detail of the process to be used in the preparation of each GWMP. The following diagram provides a typical model for preparing a GWMP.



Preparation work

Determine the key stakeholders, project teams, consultation methods, scope of tasks and resources.

Information gathering

Explore existing information, the policy context, identify gaps, undertake research and identify community views and issues.

Green Wedge Vision and Objectives

Develop a vision that outlines the preferred future direction for the green wedge. Determine objectives that will achieve the vision. Explore key indicators that will be able to measure whether the objectives are being achieved.

Review existing policies and programs

Review the existing policies and programs that apply or influence the green wedge. Will they deliver the vision and objectives? Do they need to be changed, enhanced and/or better resourced?

Developing Actions

Develop a series of actions that are designed to achieve the vision and objectives. Various options may need to be explored and tested with key stakeholders before arriving at the preferred actions.

Implementation

This process will identify responsibilities, priorities and time lines and required resources. It should identify whether additional work is required such as future planning scheme amendments.

Monitoring and Review

This process should be twofold. Firstly it should establish a mechanism to measure the progress of implementation. This may involve establishing an annual reporting process to council. Secondly, it should establish a process to review the GWMP to ensure the plan remains relevant and to measure the success of the plan in achieving the agreed vision and objectives.

Principles that should underpin preparation of a GWMP

Five principles have been developed that should underpin the preparation of a GWMP. These principles will ensure that a GWMP is consistent with government policy and it has been prepared using a collaborative and inclusive approach.

Consistency with Victorian State Government policies and strategies

- A GWMP should be consistent with relevant state government policies and strategies.

A common basis for the preparation of plans

- A GWMP should be prepared in partnership with government and councils, in their role as the funding agencies implementing government policies, and with landowners and the community, in their role as the custodians of the area who have a duty of care for the resource base.

A well informed, inclusive plan preparation process

- A GWMP should reflect the regional and local circumstances and needs of each green wedge, as well as the circumstances and needs that are shared with other relevant green wedge areas. It should provide a clear purpose that council is able and willing to implement and defend.
- Preparation of a GWMP should take into account the varying levels of knowledge about each green wedge area shared between the relevant councils, government departments and agencies, community groups and organisations, landowners and the general public.
- Previous relevant work that is consistent with the strategic and policy intent of state government policies and strategies can be included in the process and can provide a useful basis for the preparation of the plan.

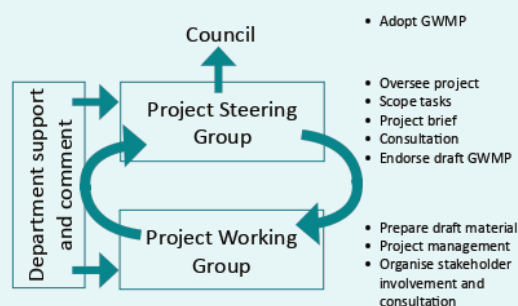
- Information held by government sources can be made available to assist the preparation of the plan. A range of external information sources, such as Regional Catchment Strategies, Regional Management Plans, and ABS data can inform development of the plan.
- The process for the preparation of a GWMP should involve a process of active engagement with the full range of stakeholders to assist commitment to long term resourcing and implementation of the plan. This may include groups of councils where values and attributes are shared.
- The processes used in the preparation of a GWMP should demonstrate transparency, inclusiveness and consultation and seek to build partnerships and shared ownership.

A common approach to the preparation of GWMPs

While the circumstances of each green wedge area will vary, the points below set out the core components expected to be used in the process. This is summarised in the figure below.

- Council should establish a project steering group (chaired by the council), with representatives from key stakeholders to oversee the preparation of the plan. The project steering group should provide support guidance and oversight of progress and would have the following roles:
 - provide input into the preparation of a project plan
 - endorse key milestones of the GWMP
 - oversee publicity and promotion about the preparation of the GWMP and the process to be used
 - oversee project briefs for tasks to be undertaken to assist in the preparation of the GWMP
 - ensure relevant and practicable levels of engagement and consultation to assist in research and preparation of the GWMP
 - oversee a publicised program of public display of draft plans and formal input to the development of the GWMP.
- Council should establish a working group to assist the project steering group in preparing the GWMP.

- Council should identify the required actions to implement the GWMP, such as partnership agreements with organisations, agencies or community groups and any other necessary mechanisms.
- Council should formally adopt the GWMP.
- Council should identify appropriate mechanisms to oversee, monitor and evaluate the implementation and effectiveness of the GWMP.



Involvement of stakeholders and landowners

The development of the plan is not intended to re-open debates regarding existing government policies and strategies. While there are divergent views regarding green wedges, an important element in preparing a GWMP is to ensure that representatives of all relevant stakeholders including landowners have been identified and effectively engaged. There is great diversity in green wedge areas in the number and range of landowners and the groups and organisations with direct and indirect interests in the ongoing management and future direction of particular areas and attributes. It is essential that these groups are informed and that realistic and meaningful measures have been implemented to engage them in the process. Any previous relevant consultation should be reflected in the final plan.

How will Green Wedge Management Plans be implemented?

Each GWMP will set out a series of actions and measures that need to be undertaken, and identify resource requirements, roles and responsibilities, time lines, outcomes and evaluation. This implementation program will include council, government departments and agencies, relevant organisations, landowners and the community. A range of partnership agreements, memorandum of understanding and implementation tools may be utilised.

Status of Green Wedge Management Plans

A GWMP should be adopted by Council. Where relevant, it is anticipated that aspects of the plan will be included or referenced in the Local Planning Policy Framework and will provide the strategic basis for reviewing existing planning provisions of the green wedge. Any proposed changes to a planning scheme will require a planning scheme amendment which involves separate consultation processes and other requirements specified under the *Planning and Environment Act 1987*. Similarly, any proposed changes to a council's municipal laws will also require statutory processes required under the *Local Government Act 1989*.

Preparation of a GWMP consistent with the practice note will enable government departments and agencies to recognise and reference it in their ongoing programs. As GWMPs are also likely to be recognised and referenced in other relevant land and resource management plans, such as Regional Catchment Strategies.

Role of the department

Department officers are available to assist councils in the preparation of a GWMP. The department will provide support and assistance to councils by:

- participating in the project steering and working groups as needed
- liaising with councils and groups of councils
- contributing to partnership arrangements or funding programs where possible.

It is anticipated that the department will be involved in the development of each GWMP and be provided with an opportunity to comment on the draft GWMP prior to it being adopted by Council.

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Appendix 3
Plan Melbourne 2017–2050 Desired
planning outcomes for green
wedge and peri-urban areas

DESIRED PLANNING OUTCOMES FOR GREEN WEDGES AND PERI-URBAN AREAS

Environmental and biodiversity assets

Protect and enhance environmental and biodiversity assets, such as coastal areas, wetlands, rivers and creeks, forests and grasslands. Key features of international and national significance include Ramsar-listed wetlands (Westernport, Edithvale–Seaford wetlands, Port Phillip Bay [Western Shoreline] and Bellarine Peninsula), the Western Grassland Reserve, the UNESCO Mornington Peninsula and Westernport Biosphere Reserve, and a range of national and state parks. Maintain and enhance the diversity of indigenous flora and fauna habitats and species and achieve a net gain in the quantity and quality of native vegetation.

Landscape and open space

Protect significant views, maintain non-urban breaks between urban areas, and conserve the cultural significance, tourism appeal and character of scenic rural landscapes. Recognised high-value landscape features include open farmed landscapes, sites of geological significance, ranges, hills and ridges and open coastal spaces. Iconic landscapes, such as the Great Ocean Road, Bellarine Peninsula, Macedon Ranges, Western Port, Phillip Island, Mornington Peninsula, the Yarra Valley and the Dandenong Ranges, attract high numbers of local and overseas visitors each year.

Water supply catchments

Manage and protect catchments (including Special Water Supply Catchments), groundwater, water infrastructure and storages, and waterways to improve water quality, protect the environment and provide a reliable and secure water supply. Minimise any negative impacts from sedimentation or water pollution on the Port Phillip and Western Port coastal ecosystems.

Natural hazards

Avoid development in areas that are subject to high risk from bushfire or flooding and inundation so as to minimise potential risk to life, property and the environment. Recognise, understand and prepare for the projected impacts of climate change and rising sea levels.

Avoid significant land disturbance, reduce the occurrence and impact of soil erosion and salinity and manage potentially contaminated land.

Agricultural land

Protect agricultural land from incompatible uses, maintain farm size, promote the continuation of farming and provide a secure long-term future for productive and sustainable agriculture. Key agricultural areas include the Mornington Peninsula, the Yarra Valley and Dandenong Ranges, Werribee South, Keilor, Western Port and the Macedon Ranges.

Recreation

Provide land for a range of open space functions to meet community needs for active and passive recreation and for protection of the environment. State and metropolitan parks provide a focus for a range of recreation opportunities and include the Yarra River, Warrandyte, Lysterfield and Dandenong Police Paddocks Reserve, and Churchill and Bunyip national parks.

Tourism

Facilitate sustainable year-round tourism, and new tourism development (including diverse attractions, accommodation and eating establishments) that maintains the integrity of the natural environment, provides social benefits for communities and visitors and contributes to local economies.

Cultural heritage

Provide for the protection and management of sites of Aboriginal and post-European settlement cultural heritage to ensure that links with the past are preserved for present and future generations to appreciate. A wide range of cultural-heritage assets are found in buildings, structures, scattered relics, trees and gardens, landscapes and geological formations, archaeological and fossil sites and areas associated with historical events.

State-significant infrastructure

Protect regionally significant assets such as metropolitan landfills (for example, Clayton South and Wollert), wastewater management facilities (for example, Eastern and Western Treatment Plants), industrial areas and related odour and safety buffers (for example, Dandenong South), airports and flightpaths (Melbourne, Avalon and Moorabbin), and ports (Port of Hastings). Provide opportunities for renewable energy generation.

Mineral, stone and sand resources

Protect designated mineral resource areas such as the coal reserves in central and western Gippsland. Protect sand and stone resources for future extraction to ensure a continuous supply of construction material.

Economy

Maintain a strong, dynamic economy and employment base by building on the comparative advantages in agriculture, timber, transport, tourism, education, manufacturing, the service industry and commerce.

Population, settlements and local infrastructure

Plan and manage sustainable urban growth that is concentrated in and around major towns within Melbourne's peri-urban area so as to provide employment, infrastructure, services and community facilities to new and established urban areas in an equitable manner.

Manage the growth and sustainable development of green wedge townships and settlements, having regard for their distinct character and environmental and servicing constraints.

Create socially sustainable communities and support an active community working towards reducing greenhouse gases and responding to climate change.

Protect and enhance the existing character, presentation and form of towns, including their main road entrances.

Rural living

Manage rural living to prevent negative impacts on agriculture, biodiversity and landscape values.

Transport and accessibility

Provide a high-quality road and rail transport network with a range of sustainable, efficient, accessible and affordable transport options that readily connect neighbourhoods, workplaces, community facilities, services and enable people to participate in community life.

Facilitate improvements to transport networks and facilities that support tourism, such as airports.

Planning and governance

Facilitate integrated and balanced forward planning, involving all agencies, and having regard to the needs and aspirations of current and future generations.

Source: Green Wedge Management Plans, Localised Planning Statements and Council Municipal Planning Statements

Planning for Melbourne's Green Wedges and Agricultural Land

Appendix 4 Related government policies, strategies and plans

Water for Victoria – 2016

The Victorian Government's current water plan, Water for Victoria, recognises agriculture as the sector consuming the most water in the state. It notes that Victoria's agricultural production will continue to grow despite water scarcity, and that the Government will continue to work with rural and regional communities to support agricultural development and change.

Water for Victoria acknowledges that water services must remain affordable for all customers, and seeks to reduce barriers to agricultural development and adapt irrigation district infrastructure so that it remains affordable and attractive to new business.

The document outlines a 'water for agriculture' objective:

Victoria's water management arrangements will enable farmers to maximise the value of agricultural production with the available water, while supporting farming communities to adjust to change in a warmer and drier future.

Water for Victoria is a government commitment to investigate mechanisms that increase the uptake of recycled water in agricultural areas.

Biodiversity 2037 – 2017

The Biodiversity 2037 Implementation Framework (April 2018) outlines as priority to 'Help to create more liveable and climate-adapted communities' (Priority 7). Implementation Action 7.4 under this priority is:

Through the implementation of Plan Melbourne 2017–2050 support local government to complete and implement green wedge management plans to protect and enhance the agricultural, biodiversity, environmental, natural resource, tourism, landscape and other values of each of Melbourne's green wedges.

Agriculture Victoria Strategy – 2017

Agriculture Victoria released its ten year Agriculture Victoria Strategy in May 2017. This is a reform framework, articulating Agriculture Victoria's priorities to enhance Victorian agriculture's global competitiveness, innovation and resilience.

The strategy recognises the sector's vital contribution to economic growth and its potential for enhancing social and economic wellbeing across Victoria. The plan provides direction and guidance for Agriculture Victoria's activities, aligned with the Victorian Government's aspirations for the agriculture sector and regional communities.

Victoria's Climate Change Framework – 2018

Victoria's Climate Change Framework outlines a 2050 vision for Victoria and an approach to transition key sectors to zero net emissions and a climate-resilient economy. The framework describes a vision for Victoria's agriculture sector in 2050:

Victoria's agriculture sector will be constantly adapting to climate change. The design of farm systems will feature both carbon sequestration and emission reduction approaches, supporting strong participation in markets. Victoria will have resilient regional communities, viable farming enterprises and growing international markets. Regionally relevant world-class research and development will underpin adaptation and emissions reduction.

Initiatives to achieve this vision include investment in research and development, improvements to farm and regional infrastructure, support for capacity building and adaptation planning, and partnerships with industry to progress emissions reduction and offset opportunities.

Department of Environment,
Land, Water and Planning

Statewide Waste and Resource Recovery Infrastructure Plan – 2018

The Statewide Waste and Resource Recovery Infrastructure Plan (SWRRIP) is prepared by Sustainability Victoria on behalf of the Victorian Government. It is a central component of Victoria's Waste and Resource Recovery Infrastructure Planning Framework and Victoria's integrated approach to waste and recycling.

The vision of the Statewide Waste and Resource Recovery Infrastructure Plan is to develop an integrated statewide waste and resource recovery system that continues to provide an essential community service.

Planning Reforms for Animal Industries – 2018

The Victorian Government introduced planning reforms for animal industries in September 2018. The reforms deliver on key actions to clarify and simplify the planning framework to support the growth of animal industries, while protecting the environment and community amenity. Amendment VC150 introduced the changes to the Victoria Planning Provisions and all planning schemes.

Integrated Water Management Forums Strategic Directions Statements – 2018

The Integrated Water Management Forums have been established across the state to identify, prioritise and oversee the implementation of collaborative water opportunities. The Forums bring together all organisations with an interest in water cycle, recognising that each has an important role to play in the management of our most vital resource.

Victoria's Integrated Water Management Forums have produced a Strategic Directions Statement that captures the regional context, shared vision and water-related outcomes for each of the Forum areas across metropolitan Melbourne and regional Victoria.

Each Strategic Directions Statement includes a list of integrated water management opportunities collaboratively developed by the Forum to bring local community views, values and priorities into practice through integrated water management.

Emerging policies

Distinctive areas and landscapes – 2018

Policy 4.5.2 of Plan Melbourne protects and enhances Melbourne's valued attributes of distinctive areas and landscapes. Statements of Planning Policy are being prepared and finalised to protect distinctive areas and landscapes around Melbourne, some of which are located in part in Melbourne's green wedges and peri-urban areas, including Macedon Ranges, Bellarine Peninsula, Surf Coast and Bass Coast.

Extractive resources – 2018

Policy 1.4.2 of Plan Melbourne identifies and protects extractive resources (such as stone and sand) important for Melbourne's future needs. Work to effect Plan Melbourne's Action 18 (Management of extractive industry) is underway to better protect extractive industries and future extractive resources from incompatible land uses through the planning system.

Regional Tourism Review – 2019

The state government is conducting a review of regional tourism to explore and identify new ways of growing tourism and supporting regional Victoria. Regional tourism has a vital role in creating more jobs for more Victorians, supporting thriving regions and strengthening inclusive communities. From a land use planning perspective, the government is interested in understanding options that support tourism businesses and create new tourism products that support communities and the economy while balancing the needs of the local community, other productive land uses and the environment.

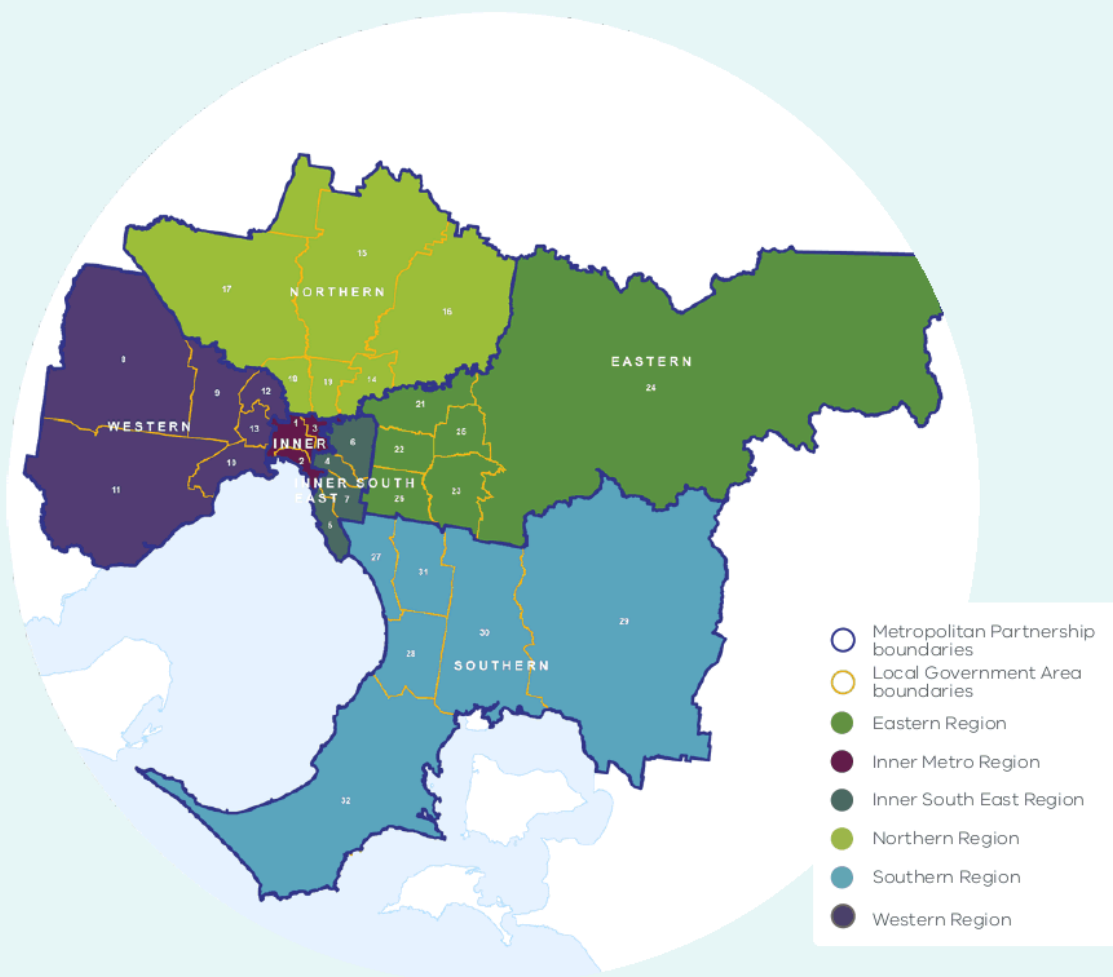
Planning for Melbourne's Green Wedges and Agricultural Land

Land Use Framework Plans (in development)

Land Use Framework Plans (LUFs) for the six metropolitan regions are being developed to deliver Action 1 of Plan Melbourne. The purpose of LUFs is to improve alignment of state and local policy, and will include strategies for population growth, jobs, housing, infrastructure, major transport improvements, open space and urban forests.

While the LUFs focus on Melbourne's metropolitan regions, four of the six metropolitan regions (Western, Northern, Eastern and Southern) contain green wedge and agricultural land. These corresponding LUFs will outline regional strategies and directions that will have bearing on green wedge and agricultural issues.

Map 13
Metropolitan Melbourne Regions



Applying the Rural Zones

Appendix 5
Planning Practice
Note 42:
Applying the Rural Zones

Planning Practice Note | 42

JUNE 2015

The purpose of this practice note is to provide guidance to planning authorities about:

- the strategic work required to apply the Farming Zone, Rural Activity Zone, Rural Conservation Zone, Green Wedge Zone, Green Wedge A Zone and Rural Living Zone
- the purposes and features of each zone and where they may be applied.

The practice note seeks to ensure that the most appropriate rural zones are used to achieve a planning authority's rural strategic planning objectives.

The suite of rural zones for Victoria

The rural areas of Victoria accommodate a range of farming, residential and commercial uses and contain many of the state's significant natural resources, such as native vegetation, minerals and water. They also provide important resources for recreation, tourism and timber production.

The suite of rural zones for Victoria:

- recognise the state, regional and local importance of farming as an industry and provide greater protection for productive agricultural land
- provide a wide choice of zones with clear purposes and controls to match
- discourage ad hoc and incompatible use and development
- recognise the changing nature of farming and reduce the potential for conflict between farming and other land uses
- recognise that rural areas are places where people live and work
- recognise and protect rural areas that are environmentally sensitive.

The changing nature of farming

The nature of farming in Victoria is changing in ways that require careful consideration. It is:

- **Becoming more diverse.** Farming in Victoria is constantly changing and expanding in response to changing world and domestic consumption patterns and the need to remain profitable and sustainable.
- **Becoming more industrialised.** Modern farming practices may involve the use of heavy machinery and large scale irrigation and plant equipment, all-hours operation, and the application of chemicals and fertilizers.
- **Intensifying.** Intensive farming enterprises, such as aquaculture, poultry farms and horticulture are growing in numbers and in their contribution to the economy.

- **Aggregating.** In western Victoria particularly, farms are becoming bigger to achieve the economies of scale for farm investment and to maintain productivity.
- **Undergoing social change.** More farmers are taking on off-farm work, the economic value of off-farm work is increasing, and there is a shift from full-time to part-time farming in some rural areas.

More changes in farming structures and practices are expected due to drier climatic conditions and growing community pressure for more efficient water use by all industries.

At the same time, more people are seeking to live in rural areas for a range of social, environmental and economic reasons. As a result, in some rural areas:

- there is more competition for rural land, which is affecting rural land prices and the capacity of farmers to expand their businesses and maintain productivity
- there is renewed interest in part-time small-scale farming
- more people are living in rural areas for lifestyle reasons not related to farming increasing the potential for land use conflicts because people pursuing a rural lifestyle often have amenity expectations that conflict with modern farming practices
- local rural economies are diversifying, as rural land is used for more diverse purposes (such as tourism or recreation).

Victoria's changing rural landscape requires planning authorities to think strategically about their farming areas and rural settlement patterns, so that sustainable farming is promoted and potential conflicts between farming and other land uses are avoided.

Strategic planning for rural areas

Sound strategic planning for rural areas is essential to ensuring that land use and development achieves the planning authority's vision, objectives and desired outcomes for an area. It can help ensure that:

- use and development in rural areas fits into the overall strategic planning of the municipality
- farmland and farming industries of state, regional or local significance are protected

- housing development in rural areas is consistent with the housing needs and settlement strategy of an area
- future use of existing natural resources, including productive agricultural land, water, and mineral and energy resources, is sustainable
- scarce resources, such as water, are protected
- social networks and infrastructure essential to rural communities are maintained
- existing visual and environmental qualities of rural areas are protected
- conflicts between farming and other land uses are avoided
- the most appropriate planning scheme tools (for example, the right rural zone) are used to achieve strategic planning objectives.

Applying a new rural zone or making adjustments to a schedule to an existing rural zone should be underpinned by clearly expressed planning policies in the planning scheme. If a proposed change is at odds with the existing policy framework, either a different planning tool or approach should be used or the policy framework itself might need re-assessment.

The existing State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) in the planning scheme should be the starting point for deciding whether the council's strategic objectives are still valid and sound, or whether new strategic work is required. Many councils have already undertaken strategic planning, policies and resource management studies for their rural areas and used this work to articulate rural strategic objectives in their Municipal Strategic Statements (MSS).

New strategic work may not be required if the existing MSS addresses the key rural land use issues and adequately reflects the planning outcomes that the council wants to achieve. The scheme may already contain a sufficient strategic basis for applying a different rural zone or making adjustments to an existing rural zone.

However, if the MSS objectives are no longer relevant, they do not provide clear guidance for decision-making, or there are strategic gaps, new strategic work for a part or parts of the municipality may be required.

Before commencing new strategic work, the council should review the policy components of its planning scheme, past and present council strategic work, relevant studies prepared by government departments and agencies, relevant recommendations of planning panels and past planning scheme review recommendations. This will help to establish whether new strategic work is required, the scope of the strategic work and the main issues to be focussed on.

There is no prescribed content or format for a rural strategy or study, however it should:

- develop a vision, role and purpose for the rural area
- identify the values and features within the rural area
- identify the key opportunities and constraints
- establish a strategic direction for land use and development within the rural area
- articulate how the strategic vision for the rural area is to be implemented through the planning scheme.

The information used to develop the strategy should be tailored to suit the area. In general it should include an assessment of:

- the state, regional and local strategic planning policies and objectives for the area, including relevant regional growth plans or strategies
- the housing needs of the municipality and likely future trends which is particularly relevant if one of the aims of the strategy is to provide for rural living development
- the physical attributes of the land and its capacity to support productive agricultural uses including soil type, climate, vegetation cover, access to water, slope and drainage
- agricultural trends in the area, including agricultural productivity, changes in farming practices and processes, and farm investment patterns
- the natural resources and environmental features in the area and their importance including flora and fauna, significant habitats, wetlands, scenic landscapes and sites of archaeological or cultural significance
- environmental hazards that could affect how the land is used and developed, such as erosion, salinity, flooding and wildfire risk

- the existing lot size and land use patterns
- infrastructure available for agriculture and other relevant land uses
- settlement patterns in the area.

Implementing rural strategic objectives

A planning authority may need to use a number of VPP tools to successfully implement its rural strategic objectives. There are circumstances where a zone and one or more overlays may be needed to deliver the desired outcome. Councils should think laterally about the mix of policies and controls required to achieve their objectives and be prepared to consider using a range of tools to achieve the desired strategic outcomes.

In deciding which rural zone should apply, the following principles should be considered:

- The zone should support and give effect to the SPPF.
- The zone should broadly support all relevant policy areas in the MSS (for example, economic, housing, environment and infrastructure policy).
- The rationale for applying the zone should be clearly discernible in the LPPF.
- Implement the recommendations or actions of any relevant rural strategy or study.
- The zone should be applied in a way that is consistent with its purpose.
- The requirements of any applicable Minister's Direction must be met.

The existing size or pattern of lots in an area should not be the sole basis for deciding to apply a particular zone. For example, it is not appropriate to decide that the Rural Living Zone should be applied to an area simply because it comprises small lots. Traditionally, farms have comprised multiple lots, sometimes contiguous, sometimes in different locations. The fact that an area may comprise many lots does not mean that it cannot be used productively or should not be included in a zone that supports and protects farming. Many factors will determine the suitability of an area for farming, rural living, rural industry, rural conservation or green wedge land.

Local planning policy

Wide discretion is available in the rural zones, particularly the Farming Zone, Rural Activity Zone and Rural Living Zone. To guide the exercise of this discretion and fully implement their strategic objectives, the planning authority should consider whether a Local Planning Policy (LPP) is necessary. An LPP can help to establish realistic expectations about how land in an area may be used and developed, and provide the responsible authority with a sound basis for making consistent, strategic decisions. Refer to *Planning Practice Note 8: Writing a Local Planning Policy* for more guidance on using local planning policies.

The zones in detail

The six zones are summarised as follows:

- **Farming Zone** – a zone that is strongly focussed on protecting and promoting farming and agriculture
- **Rural Activity Zone** – a mixed use rural zone that caters for farming and other compatible land uses
- **Rural Conservation Zone** – a conservation zone that caters for rural areas with special environmental characteristics
- **Green Wedge Zone** – a zone that provides for all agricultural uses and limits non-rural uses to those that either support agriculture or tourism, or that are essential for urban development but cannot locate in urban areas for amenity or other reasons
- **Green Wedge A Zone** – a zone that provides for all agricultural uses and limits non-rural uses to those that support agriculture, tourism, schools, major infrastructure and rural living
- **Rural Living Zone** – a zone that caters for residential use in a rural setting.

The zone purposes

All of the zones provide for the use of land for agriculture; however while it is implicit in the purpose of the Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone that farming will be a primary land use activity, in the Rural Conservation Zone and Rural Living Zone, farming is subordinate to other land uses or the environmental values of the land.

Farming Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Rural Activity Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To provide for the use of land for agriculture.
- To provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area.
- To ensure that use and development does not adversely affect surrounding land uses.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.
- To protect and enhance natural resources and the biodiversity of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Green Wedge Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To provide for the use of land for agriculture.
- To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.

- To encourage use and development that is consistent with sustainable land management practices.
- To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.
- To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.
- To protect and enhance the biodiversity of the area.

Green Wedge A Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To provide for the use of land for agriculture.
- To protect, conserve and enhance the biodiversity, natural resources, scenic landscapes and heritage values of the area.
- To ensure that use and development promotes sustainable land management practices and infrastructure provision.
- To protect, conserve and enhance the cultural heritage significance and the character of rural and scenic non-urban landscapes.
- To recognise and protect the amenity of existing rural living areas.

Rural Conservation Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To conserve the values specified in a schedule to the zone.
- To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.
- To protect and enhance natural resources and the biodiversity of the area.
- To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.
- To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.

- To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.

Rural Living Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To provide for residential use in a rural environment.
- To provide for agricultural uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

What are the main features of each zone?

Farming Zone

The Farming Zone is primarily concerned with keeping land in agricultural production and avoiding land uses that could limit future farming or constrain agricultural activities. In this zone:

- farming is the dominant land use and all other land uses are subordinate to farming
- farming uses are encouraged to establish and expand with as little restriction as possible, subject to proper safeguards for the environment
- non-farm dwellings and land uses not related to farming may be considered but should not limit the operation and expansion of agricultural uses
- farm-related tourism and retailing uses may be considered
- uses that could lead to the loss or fragmentation of productive agricultural land, or which could be adversely affected by farming activities, are prohibited
- land subdivision that could take farmland out of production or limit future farming productivity is discouraged
- the minimum lot size for subdivision may be tailored to suit the farming practices and productivity of the land.

This zone provides a minimum lot size of 40 hectares unless an alternative is specified in a schedule to the zone. The creation of smaller lots is prohibited unless the subdivision is for an existing dwelling, is the re-subdivision of existing lots or the creation of a small lot for a utility installation.

Productive agricultural land

Productive agricultural land generally has one or more of the following characteristics:

- suitable soil type
- suitable climatic conditions
- suitable agricultural infrastructure, in particular irrigation and drainage systems
- a present pattern of subdivision favourable for sustainable agricultural production.

The basic physical characteristics of the land, such as soil type and climate, access to water, and infrastructure are critical to determining the agricultural use of land and whether agricultural productivity can be sustained in the future. However, productivity is also affected by many other factors, including market demand, access to suitable storage and transport facilities, access to efficient processing and value adding capability, availability of technology, the skills of the farmer, research and development, access to capital, marketing, effective industry support, availability of land for expansion and farm labour costs.

Productive agricultural land is a finite resource that makes a significant contribution to the economy of the state and individual municipalities. Its significance is recognised in the SPPF.

Productive agricultural land should be clearly identified and protected in the planning scheme. If the protection and retention of this land for agricultural production is of primary strategic importance, then it should be included in the Farming Zone.

The Farming Zone is designed to encourage diverse farming practices, some of which can have significant off-site impacts. For this reason, the level of amenity that can be expected in this zone will usually not be compatible with sensitive uses, particularly housing.

Decision guidelines

In reaching a decision on a proposal in this zone, the responsible authority must give significant weight to the farming productivity of the land and the relevance of the proposal to farming. There is an

expectation that decisions will be made in favour of protecting and supporting farming. In relation to agricultural issues, the responsible authority must consider:

- whether the use or development will support and enhance agricultural production
- whether the use or development will permanently remove land from agricultural production
- the potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses
- the capacity of the site to sustain the agricultural use
- the agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure
- any integrated land management plan prepared for the site.

In relation to dwellings, the responsible authority must also consider:

- whether the dwelling will result in the loss or fragmentation of productive agricultural land
- whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation
- whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses
- the potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

The zone's focus on farming does not mean that there should be little or no consideration of the impact of farming on the environment. The zone encourages farming based on comprehensive and sustainable land management practices and a planning permit is required to establish or expand certain farming enterprises. However, in these cases, the focus of the responsible authority's decision will usually be on whether off-site impacts that may result from the proposal are reasonable for a farming area.

Rural Activity Zone

The main feature of the Rural Activity Zone is the flexibility that it provides for farming and other land uses to co-exist. In this zone:

- the purpose and provisions support the continuation and growth of farming but provide the opportunity for non-farming uses to be considered in appropriate locations
- a wide range of tourism, commercial and retail uses are supported
- farming uses are encouraged to establish and expand, subject to proper safeguards for the environment and amenity considerations
- a planning permit is always required to use land for a dwelling.

Because the mix of uses that is supported in the Rural Activity Zone is wide-ranging, the planning scheme should be clear about:

- what the planning authority wants to achieve in the area where the zone is to be applied
- how discretion in the zone will be exercised.

This can be done by:

- setting out clear objectives for the zone and explaining how discretion in the zone will be exercised in the LPPF, or
- including a purpose statement in the schedule to the zone. If this option is chosen, the statement should be inserted above the table setting out minimum and maximum areas, it should not repeat or contradict the SPPF and LPPF, and it should be more specific than the zone purpose.

If the planning scheme is clear about what is to be achieved in the zone, this will enable the responsible authority to make decisions on a consistent, strategic basis and avoid land use conflicts in the future.

A purpose statement in the schedule to the zone may describe:

- desired or preferred mix of land uses
- desired or preferred locations for particular land uses
- preferred approaches for managing off-site land use impacts
- a specific need that a proposal should meet.

A good purpose statement should reference local conditions, be grounded in reality, and help the responsible authority to make planning decisions, for example:

To achieve a mix of nature-based recreation facilities and tourist accommodation that complements the wilderness values of Gumnut National Park and is compatible with organic food production activities in the area.

The mix of uses that a planning authority may want to encourage in the zone could include:

- farming, rural industry and associated agribusiness
- farming and tourist facilities
- intensive animal husbandry and associated rural processing industries
- nature-based tourism and recreation facilities
- agricultural and environmental education and research facilities.

The application of the Rural Activity Zone does not mean that protecting or maintaining farming activities will be of low importance. The zone caters for a wide range of farming activities, including intensive animal husbandry, rural processing industries and timber production, and a planning authority may want to apply the zone to encourage a particular mix of farming and non-farming activities. However, the needs of farmers will need to be balanced with the council's other planning objectives for the area.

The mix of uses that is encouraged in the zone should complement the environmental and landscape values of the land, and support the council's overall urban and rural settlement strategies. It would be inappropriate to apply the zone to encourage a rural mixed use area if the land is required for urban development in the future, or if the particular uses would be better located in an existing town, where there is access to a wider range of urban services and infrastructure.

The zone should not be mistaken for a quasi rural residential zone. Housing is only one of a number of uses that may be considered in the zone, and, in some circumstances, it may be incompatible with the particular mix of uses that the planning authority is seeking to achieve.

Tourism

Rural Victoria is home to many trails, transport routes and nature-based attractions that have strong tourist appeal and create demand for recreation and tourism facilities and services. Tourism can promote and facilitate economic activity that supports aspects of regional and rural life. For example, farm stays, cellar door sales and the sales of local produce support agriculture.

A range of farming-related tourism uses may be considered in the Farming Zone (such as farm stays, group accommodation, market, residential hotel, restaurants, and primary produce sales). However, if a planning authority is keen to facilitate the establishment of larger scale tourism uses or a more diverse mix of tourism and recreation uses, the Rural Activity Zone may be a more appropriate zone to apply as hotel and tavern are permit required uses.

In deciding to apply the Rural Activity Zone to facilitate tourism in an area, matters to be considered include:

- the need to protect the agricultural, environmental and cultural values of the area
- the scale and mix of tourism and recreation uses to be encouraged
- whether there are opportunities to build alliances between tourism business operators, farmers, food and wine producers and trail network managers
- the product and infrastructure needs of tourists and the local community
- requirements for the siting, planning and design of tourism facilities.

In reaching a decision on proposals in the Rural Activity Zone, the responsible authority must consider whether the use or development will support and enhance agricultural production and other matters relating to protecting and enhancing farming. However, the weight that is given to these considerations will need to be balanced with other social, environmental or economic objectives and policies identified for the land in the scheme.

The schedule to the Rural Activity Zone requires the planning authority to nominate an appropriate minimum lot size and subdivision of land must be at least the area specified in the schedule to the zone (subject to certain exceptions). This will vary depending on the physical attributes of the land, the type of agricultural activities being encouraged and the mix of non-farming land uses being sought.

The minimum lot size should promote effective land management practices and infrastructure provision and could be large or small.

Rural Conservation Zone

The Rural Conservation Zone is primarily concerned with protecting and conserving rural land for its environmental features or attributes. The conservation values of the land must be identified in the schedule to the zone and could be historic, archaeological, landscape, ecological, cultural or scientific values. In this zone:

- all uses are subordinate to the environmental values of the land
- farming is allowed provided that it is consistent with the environmental values of the area
- the minimum lot size for subdivision is tailored to suit the environmental features and values of the land.

Land use and development is controlled in the zone to safeguard the natural environment and conserve the identified environmental qualities of the land. Most agricultural uses require a planning permit. In general, there is an expectation that a proposal will only be permitted if it conserves the values identified for the land, the site is environmentally capable of sustaining the proposal, and it is compatible with surrounding land uses.

The zone provides a minimum lot size of 40 hectares unless an alternative is specified in a schedule to the zone. The creation of smaller lots is prohibited unless the subdivision is the re-subdivision of existing lots or the creation of a smaller lot for a utility installation.

A permit is required to lease or license a portion of a lot for a period of more than 10 years for the purpose of Accommodation and must be on land of at least 40 hectares in area or as specified in a schedule to the zone.

Industrial uses other than Rural industry, Warehouse uses other than Rural store, most types of Retail premises, and Intensive animal husbandry are prohibited in the zone.

Green Wedge Zone

The Green Wedge Zone is primarily concerned with protecting and conserving non-urban land outside of the Urban Growth Boundary (UGB) for its agricultural, environmental, historic, landscape, or recreational values, or mineral and stone resource attributes.

The zone provides opportunity for all agricultural uses and most farming uses and limits non-rural uses to those that either support agriculture or tourism, or that are essential for urban development but cannot locate in urban areas for amenity and other reasons (such as airports, schools, waste treatment plants, land fills and reservoirs). A dwelling requires a permit and is restricted to one dwelling per lot.

The zone provides a minimum lot size of 40 hectares unless an alternative is specified in a schedule to the zone. The creation of smaller lots is prohibited unless the subdivision is the re-subdivision of existing lots or the creation of a small lot for a utility installation.

A permit is required to lease or license a portion of land for a period of more than 10 years for the purpose of Accommodation and must be on land of at least 40 hectares in area or as specified in a schedule to the zone.

Industrial uses other than Rural industry, Warehouse uses (except Rural store), and most types of Retail premises are prohibited in the zone.

Green Wedge A Zone

The Green Wedge A Zone is primarily concerned with protecting and conserving non-urban land outside of the Urban Growth Boundary (UGB) for its agricultural, environmental, historic, landscape, infrastructure, natural resource or rural living attributes.

The zone provides opportunity for all agricultural uses and limits non-rural uses to those that either support agriculture or tourism, schools, major infrastructure and rural living. A dwelling requires a permit and is restricted to one dwelling per lot.

The zone provides a minimum lot size of eight hectares unless an alternative is specified in a schedule to the zone. The creation of smaller lots is prohibited unless the subdivision is the re-subdivision of existing lots or the creation of a small lot for a utility installation.

A permit is required to lease or license a portion of a lot for a period of more than 10 years for the purpose of accommodation and must be on land of at least 8 hectares in area or as specified in a schedule to the zone.

Industrial uses other than Rural industry (except for Abattoir and Sawmill), Warehouse uses (except Rural store), most types of Retail premises, and Intensive animal husbandry are prohibited in the zone.

Rural Living Zone

This zone provides for residential use in a rural environment. It is designed to cater for lots in a rural setting that are large enough to accommodate a dwelling and a farming use. The farming use is likely to be carried on for reasons other than the need to provide a significant source of household income.

In this zone:

- it is not essential that a dwelling be genuinely associated with a farming use of the land
- some farming may take place on the land, however this will not always be the case
- residents have a reasonable expectation that their amenity will be protected
- a wider range of tourism, commercial and retail uses may be considered in the zone.

Although the Rural Living Zone is catering primarily for residential use, the allotment size and subdivision layout should provide the opportunity for farming activities to occur, without adversely affecting the natural environment or the amenity of surrounding land uses. This means that the minimum lot size could be quite large.

The zone provides a minimum lot size of 2 hectares unless an alternative is specified in a schedule to the zone. The creation of smaller lots is prohibited unless the subdivision is the re-subdivision of existing lots, creating lot sizes consistent with the schedule or the creation of a smaller lot for a utility installation.

If the planning authority's objective is to encourage rural residential development at densities that are defacto large residential lots or which would preclude farming activities, then it should consider applying the Low Density Residential Zone.

Because of the zone's primarily residential function, a planning authority must be able to show that using the Rural Living Zone is part of its strategy to provide appropriate housing diversity and choice to meet housing needs.

In the Rural Living Zone, development must be provided with certain community infrastructure and services normally expected for residential areas. This is why land uses that are normally located in urban areas may be considered in the zone. These uses need to be considered carefully, to ensure that the zone does not become an unplanned urban area and farming on adjacent land is not compromised.

For more information about the key strategic and land capability requirements that a proposed Rural Living rezoning must meet refer to *Planning Practice Note 37: Rural Residential Development*

Potable water supply catchment areas

A potable water supply catchment provides water resources to a reservoir used primarily for domestic water supply purposes. Special water supply catchment areas are listed in Schedule 5 of the *Catchment and Land Protection Act 1994*.

There are two types of potable water supply catchments. An 'open' catchment is where part or all of the catchment area is in private ownership and access to the catchment is unrestricted. A 'closed' catchment means that the whole of the catchment area is publicly owned and public access is prohibited.

Water authorities do not have direct control over land use and development in open, potable water supply catchments. However because of the risks to public health, all use and development should be sited and managed to protect the quality of water collected from the catchment. Residential development and agriculture particularly have the potential to impact adversely on water quality through the discharge of contaminated runoff and wastes, nutrient contributions or sediment to waterways.

To protect water quality in open, potable water supply catchments, the preferred approach is to apply the Rural Conservation Zone. However, in deciding to apply this zone to these areas, a planning authority should carefully consider the type and extent of development expected in the area, the potential sources of pollutants, and the conditions or standards that new use and development would be required to meet to maintain an acceptable water quality. For further information about potable water supply catchments, refer to the *Guidelines for Planning Permits in Open, Potable Water Supply Catchment Areas*.

Where should the zones be applied?

Each zone's purpose and provisions determine where the zone should be applied. Examples of candidate areas for each zone are provided below, however these are indicative only. The decision about which zone is applied should be driven by the strategic objectives in the scheme.

The **Farming Zone** is designed to be applied to rural areas where:

- farmers require certainty about undertaking normal farming practices and need the flexibility to change farming practices in the future
- farming is the principal activity in the area and the protection of productive farmland is of primary strategic importance
- the farmland is of state, regional or local significance in terms of agricultural production or employment
- the farmland has physical attributes that are scarce or essential to sustaining particular agricultural activities
- pressures to use and develop land for non-farming purposes pose a significant threat to the supply and productivity of farmland in the area
- the scale, nature and intensity of farming uses in the area have the potential to significantly impact upon sensitive land uses, such as housing
- the efficient and effective use of agricultural infrastructure will be maximised.

Possible Farming Zone areas include:

- horticulture areas
- intensive animal husbandry areas
- irrigated areas
- dairying areas
- forestry plantation areas
- other broad hectare cropping areas
- areas where the consolidation, intensification or aggregation of farming activities is encouraged
- areas where non-farming uses and development need to be strictly controlled so that potential land use conflicts can be avoided.

The **Rural Activity Zone** is designed to be applied to rural areas where:

- farming is an important activity in the area but the planning objectives identified for the land support the establishment of other land uses
- a mixed-use function would support farming activities in the area, assist in preventing the unplanned loss of productive agricultural land elsewhere, or allow for the logical and efficient provision of infrastructure
- the use of land in the area for non-farming purposes would not compromise the long term productivity of surrounding farmland
- appropriate buffers can be provided between different land uses so that land use conflicts are avoided
- the planning authority has developed a clear policy about how discretion in the zone will be exercised.

Possible Rural Activity Zone areas include:

- an existing mixed use rural area where the mix of uses complements the agricultural, environmental and landscape values of the area and supports the council's urban settlement objectives
- rural areas where commercial, tourism or recreational development will complement and benefit the particular agricultural pursuits, landscape features or natural attractions of the area
- farming areas where complementary rural industry, intensive animal husbandry, agribusiness uses, and rural research facilities are encouraged.

The **Rural Conservation Zone** is designed to be applied to rural areas where:

- the protection of the environmental features of the land is of primary strategic importance including, for example, native vegetation, flora and fauna, significant habitats, or they could relate to the visual qualities of the land
- the environmental features of the land are scarce and strict controls are required to prevent the further loss or decline of those features
- land use and development could directly or indirectly threaten the environmental values of the land and strict controls are required to manage this.

If the environmental or landscape features cover a large rural area, the Rural Conservation Zone is likely to be suitable. However, if the features are widely dispersed or fragmented and the surrounding land has been substantially altered (for example, broadacre farming areas with wildlife corridors), the other rural zones may be more appropriate supplemented with overlays.

Possible Rural Conservation Zone areas include:

- relatively intact natural areas where land use and development could result in the loss of important environmental features or values
- areas of biodiversity or ecological significance
- rural areas that contain threatened species habitat, such as wetlands, water catchments and grasslands
- rural areas of high scenic or landscape value
- environmentally degraded areas where a cautious approach to land use and development is required to avoid further environmental damage
- rural areas that are unstable or prone to erosion or salinity
- open, potable water supply catchment areas.

The **Green Wedge Zone** is designed to be applied to green wedge land where:

- agriculture and farming is an important activity in the area, complemented by other land uses
- a mixed-use function would support farming activities in the area, assist in preventing the unplanned loss of productive agricultural land elsewhere, or allow for the logical and efficient provision of infrastructure to service urban areas
- the use of land in the area for non-farming purposes, such as tourism uses, would support the long term productivity of surrounding farmland
- the protection of the environmental features of the land is important including, for example, native vegetation, flora and fauna, cultural heritage, significant habitats, or they could relate to the landscape and visual qualities of the land
- significant mineral and stone resources are located in the area.

Possible Green Wedge Zone areas include:

- rural land defined as green wedge land
- areas of agricultural and farming land
- relatively intact natural areas where land use and development could result in the loss of important environmental features or values
- areas of biodiversity significance
- rural areas more remote from townships and township areas supporting a variety of land uses and lot sizes of around 40 hectares or greater
- rural areas of high scenic or landscape value
- areas for infrastructure provision or stone and mineral resources.

The **Green Wedge A Zone** is designed to be applied to green wedge land where:

- agriculture and farming is an important activity in the area but the planning objectives identified for the land support the establishment of other land uses
- a mixed-use function would support farming and tourism activities in the area, assist in preventing the unplanned loss of productive agricultural land elsewhere, or allow for the logical and efficient provision of infrastructure to service urban areas
- the use of land in the area for non-farming purposes, such as tourism uses, would support the long term productivity of surrounding farmland
- the protection of the environmental features of the land is important including, for example, native vegetation, flora and fauna, cultural heritage, significant habitats, or they could relate to the landscape and visual qualities of the land
- significant natural resources are located in the area
- rural living areas with lot sizes of around eight hectares or greater located on the periphery of, or between, townships.

Possible Green Wedge A Zone areas include:

- rural land defined as green wedge land
- relatively intact natural areas where land use and development could result in the loss of important environmental features or values

- areas of biodiversity significance
- rural areas surrounding townships supporting a variety of land uses with lot sizes of around eight hectares or greater
- rural areas of high scenic or landscape value
- areas with significant natural resources.

The **Rural Living Zone** is designed to be applied to areas where:

- the rural land has a mainly residential function
- farming may take place on the land but this is subordinate to the residential use
- residents require certainty about the residential amenity of the area and are protected from potentially incompatible land uses
- farming is of a nature or scale that will not conflict with housing
- residents will have access to most of the normal services and infrastructure provided in urban areas.

Possible Rural Living Zone areas include:

- rural areas that have been substantially subdivided and developed for dwellings in proximity to an urban area or township with a range of urban services and infrastructure.

Further information

More information is available on the department's website at www.delwp.vic.gov.au/planning

Other planning practice notes:

- *PPN62: Green Wedge Planning Provisions*
- *PPN31: Preparing a Green Wedge Management Plan*
- *PPN37: Rural Residential Development*
- *PPN55: Planning in Open Drinking Water Catchments*

Appendix 6

Draft criteria for identifying Strategic Agricultural Land, public consultation 2019

Natural fertile land with minimal constraints and highly capable of intensive, soil-based agriculture	<p>Land identified as highly capable for intensive soil-based agriculture, taking into account the following characteristics:</p> <ul style="list-style-type: none"> • High-quality soil: soils that are high value due to their year-round and multipurpose properties. • Niche soil: soils that are particularly good for certain crops and support niche industries. • Suitable terrain and landscapes: land with minimal slope, rock outcrop and no presence of coastal acid sulfate soils, salinity or other noxious components. • Reliable rainfall: areas with reliable long-term natural rainfall that provides adequate water supply for agricultural production. • Low risk of land degradation: Land with very low risk of land degradation, such as flooding risk, inundation, landslips and erosion hazard.
Farmland with access to a secure water supply	<p>Access to irrigation infrastructure: access to existing irrigation infrastructure that provides a reliable water source for agricultural regions. Green wedge and peri-urban irrigated areas include Werribee and Bacchus March irrigation districts.</p> <p>High potential for access to alternative water sources:</p> <p>Areas identified as having potential access to alternative water, or areas in proximity to major wastewater pipelines and key sewerage treatment plants with potential capability to supply recycled water.</p> <p>Access to good quality groundwater: access to a verified source of good quality groundwater in Groundwater Management Areas and Water Supply Protection Areas.</p>
Land that is resilient to the potential impacts of climate change.	<p>Climate resilience:</p> <p>Highly versatile agricultural areas suitable for a greater range of cropping, horticulture and pasture purposes both currently and under forecast climate scenarios for 2030, 2050 and 2070.</p>
Land that is currently used for intensive agricultural purposes or supports the viability of an agricultural area	<p>Existing intensive higher-value agricultural land use: Areas that currently support intensive soil-based agricultural industries, including dairy, horticulture, viticulture and general cropping.</p> <p>Post-farmgate processing and value-adding: areas that support industries with critical links including processing plants and major packing houses.</p> <p>Industry clusters: areas where industries have successfully clustered to achieve significant efficiencies.</p>
Factors that may prevent land from being classified as Strategic Agricultural Land	<p>Limited size and extent of area: the size and extent of the area identified as potential Strategic Agricultural Land is a scale and size that is unlikely to support sustainable agricultural production.</p> <p>Poor access: locations that are too remote to existing markets, labour and transport, including airports and logistics facilities.</p> <p>Land set aside for other purposes or land use values: land already allocated for another defined use in planning schemes or set aside for conservation purposes. Only zones with an agricultural purpose are eligible for inclusion in SAL (i.e. Farming Zone, Rural Activity Zone, Green Wedge Zone, some Special Use Zones (Cardinia) and Rural Conservation Zone).</p>

Planning for Melbourne's Green Wedges and Agricultural Land

Appendix 7 Typologies of green wedge and peri-urban landscapes

The seven major landscape typologies of Melbourne's green wedge and peri-urban areas that have been preliminarily identified by the Victorian Government are grassy plains, woodland plains, hinterland, forested ranges, coastal landscapes, constrained/remnant landscapes and modified landscapes.

Each typology is described in more detail below.

Grassy plains

This landscape is generally found in the western area but also common in south-eastern Melbourne. The grassy plains typology comprises the following key attributes:

- open
- cropped or grazing agriculture
- often flat
- spacious
- longer distance with panoramic views
- minimal or scattered vegetation
- open fencing
- some shelter belts.

Woodland plains

Woodland plains are commonly found in locations across the green wedge and peri-urban areas where the land is flat and significant vegetation has been generally undisturbed, which is mostly in eastern and northern areas. The woodland plain typology comprises the following key attributes:

- vegetated canopy
- shorter distance with screened views
- scattered clustering of vegetation and woods
- buildings partially or completely screened
- green links and habitat corridors
- buildings generally not prominent in the landscape.

Hinterland

The hinterland typology covers areas with undulating topography that have historically seen vegetation removal for agricultural activity. The hinterland is common in the northern, eastern, parts of south-eastern and southern green wedge and peri-urban areas. The hinterland typology comprises the following key attributes:

- undulating/sloping topography
- scenic rolling landscape
- openness/spaciousness
- long range views towards rolling hills
- clustered and scattered vegetation with shelter belts, particularly along agricultural property boundaries and roadsides
- large areas of cleared agricultural landscape with pockets of remnant vegetation.

Forested ranges

Forested ranges are generally found to the east of Melbourne, particularly in the Yarra and Southern ranges' green wedge areas. The forested ranges typology comprises the following key attributes:

- undulating
- steep and shallow hill forms
- densely vegetated
- views screened or blocked by vegetation on slopes
- discrete vantage points and view lines
- buildings set amid and screened by vegetation
- capacity to hide new development.

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Coastal landscapes

Coastal landscapes are found primarily in the green wedge areas of Mornington Peninsula and Westernport, as well as in peri-urban areas west of Melbourne down to the Bellarine Peninsula. The coastal landscape typology comprises the following key attributes:

- beaches, foreshores and headlands
- cliffs and escarpments
- exposed landforms
- feeling of openness/spaciousness
- long distance and panoramic views
- areas of high scenic quality
- highly sensitive landscapes
- wetlands, mangroves, swamps and mudflats
- remnant coastal vegetation
- pockets of heavily vegetated areas
- modified landscape
- piers, promenades and paths
- lighthouses.

Constrained or remnant landscapes

Constrained/remnant landscapes are common in areas where urban development has encroached and has restricted the expansive sense of an extended rural landscape. This landscape is common in areas of green wedge land in Melbourne's south-east. The constrained/remnant typology comprises the following key attributes:

- remnant green areas that are largely encompassed by urban development and tend to be unconnected to an extended landscape
- areas with limited environmental attributes or agricultural purpose
- disrupted green wedge views to urban areas.

Modified landscapes

The modified landscapes typology is found in various locations across green wedge and peri-urban areas. The modified landscape typology comprises the following key attributes:

- wide-ranging changes to the character and appearance of original landforms
- may have been subject to extensive extraction and/or filling
- may not reflect the original topography of the area
- vegetation established in patterns that reflect the extent of works.

Planning for Melbourne's Green
Wedges and Agricultural Land



Image credit: © Visit Victoria



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<insert date>



Asok Rao
 Manager Planning Projects
 Department of Environmental, Land, Water and Planning
 8 Nicholson Street
 East Melbourne VIC 3001

submitted via email

Dear Asok

Re: Planning for Melbourne's Green Wedges and Agricultural Land

Thank you for the opportunity to provide this submission to the State Government's paper "Planning for Melbourne's Green Wedges and Agricultural Land". Council wishes to express its support for the general intent of this paper, which seeks to protect the green wedge and peri-urban areas within Melbourne, placing a greater emphasis on the protection of all agricultural land.

Council officers met with your team in February 2020 to brief DELWP on the work currently being undertaken in relation to the Kingston Green Wedge Management Plan Review (KGWMPR) and the Agricultural Preservation and Strengthening Strategy (APSS). We note the importance of these projects and the work that is being progressed by Council to now include consideration of their alignment with the direction presented within the DELWP consultation paper.

We note that you have already received Council's interim submission and that this submission expands on the issues raised within the interim submission.

Council's submission to the consultation paper is broken up to align with the four key themes within the report and contains a response to options considered most relevant to the Kingston context. Council would be pleased to meet with your team to further discuss its submission as presented below:

3.1 Strengthening the legislative and policy framework

• *Strengthen legislative and policy framework for Melbourne's green wedges*

Council supports the general principles within this section, noting the intent is to further protect the significant values and attributes of green wedges within legislative provisions. While Council is generally supportive of all the options outlined within this sub-theme, it is suggested that the option to '*develop and introduce regional policy directions*' requires further consideration and clarity in relation to the role of affected Council's. Whilst the development of regional policy has merit, Council considers that any such policy must have regard to the unique characteristics and location of the Kingston Green Wedge (KGW) and the specific objectives Kingston City Council has prioritised around immediate implementation (eg. Chain of Parks).

Council also seeks further clarity around the option to '*...require ministerial approval for the adoption and implementation of strategic plans for green wedges prepared by local government authorities*' and how this would work in practice. It is considered that the decision to adopt a GWMP appropriately rests with Council, with any subsequent statutory implementation then requiring the approval of DELWP and the Minister for Planning. Requiring Ministerial approval of both the strategic work and subsequent statutory implementation process creates an unnecessary additional level of delay and administrative oversight.

community inspired leadership

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It is also considered that the KGW has some regional features that could be further highlighted within this section.

Map 8 also designates the economic output of the KGW as being less than \$7 million. Our draft Agricultural and Preservation Strengthening Strategy has identified that the economic output of the KGW is approximately \$16 million.

- *Strengthen legislative and policy framework for Melbourne's agricultural land*

Council supports the general principles within this section, which notes the importance of all agricultural land and considers updates to the Planning Policy Framework to ensure that all agricultural land is protected. The move to identify all agricultural land as strategically important is a significant change and reflects feedback provided by Council in our submission to DELWP's 2019 "Protecting Melbourne's Strategic Agricultural Land Report".

Council also supports options relating to "right to farm" and "agent of change" as they appropriately prioritise the role of agriculture in a Green Wedge context, will reduce land use conflicts with sensitive uses and help to ensure that agricultural uses can continue to operate.

Council notes that table 3.1.2 appears to omit clauses relevant to the Kingston Green Wedge, namely those around native vegetation and tree protection and this should be a relevant consideration.

3.2 Supporting agricultural land use

- *Manage subdivision and dwelling development in agricultural areas*

This component of the report discusses a number of agricultural areas within Melbourne however, it is noted that the KGW is not included. Agriculture in the Kingston Green Wedge has an economic output in excess of \$16 million annually, the significance of which should be acknowledged in the report.

Council generally supports the options within this section, specifically the proposed policy changes to further control dwellings within agricultural areas through the introduction of new decision guidelines and application requirements.

- *Improve decision-making on agricultural land*

Council supports the option to develop a practice note to guide discretionary decision making. Such an outcome would assist both applicants and Councils in reducing uncertainty and ambiguity through the Planning Permit approval process.

Council has some concerns in relation the proposed establishment of an '*agricultural referral or expert advisory service to support decision-makers and facilitate compliance with the planning scheme*'. Council's support for such a measure would be conditional upon the manner and scope of authority of any such body. While Council would be pleased to receive and consider expert advice as needed, Council would not support the establishment of an advisory service if it has determining statutory weight or authority, as the final decision on planning permit applications in the Green Wedge appropriately rests with Council.

- *Future-proof Melbourne's food bowl*

Council has been working with South East Water and the Department of Environment, Land, Water and Planning to progress a recycled water project (purple pipe) to run from the Eastern Treatment Plant into Kingston for some time and is pleased to see the KGW in an "indicative recycled water supply area" on Map 11. Potential users of this water include uses within the green wedge including agricultural uses, golf courses and open space.

- *Support agricultural diversification, value-adding and innovation*

The challenge facing primary produce sales is noted, and while Council acknowledges the rationale provided for farm gate sales to include additional ancillary goods, care must be taken to ensure that these farm gate sales do not become de facto retail outlets by stealth and at the detriment to surrounding agricultural activities.

Council notes options in the report which seek to:

- *Allow sale of ancillary goods (such as crackers and bottled drinks).*
- *Allow a percentage of produce sold to be sourced from local producers within 5km of the use.*

Whilst Council acknowledges the important role that farm gate sales can play in supplementing farm incomes, Council does not support the above options in the absence of absolute clarity in relation what is permissible. It is considered that the presence of any ambiguity would likely lead to an inappropriate expansion of farm gate sales with an associated inability for Council to easily enforce the requirements.

In this regard, Council seeks further clarity as to how the options relating to 'primary produce sales' could effectively be enforced and monitored given such work would require an appreciation of both the geographic origin of all produce and verification of the percentage of produce being sold on site that has been sourced from within a 5km catchment.

3.3 Managing use of green wedge and peri-urban land

- *Managing the urban–rural interface*

While Council supports increased guidance in managing the urban interface with the KGW, concern is raised regarding the concept of transitional locations and zones. Council notes the option to '*...introduce conditions in land use zones for particular uses, such as public open space or uses serving urban populations (e.g. schools, places of worship and infrastructure), to be located in transitional locations only*'.

Such an outcome is considered potentially problematic for a number of reasons as follows:

- The designation of transitional zones to which uses such as schools or places of worship can appropriately locate sends a signal to the market that would likely result in a proliferation of uses 'serving urban populations' within nominated transitional areas.
- The presence of a defined and absolute urban boundary is fundamental to the protection of Green Wedge areas and the encouragement of uses 'serving urban populations' adjacent the boundary is considered contrary to this fundamental objective of green wedge planning.

Council is strongly opposed to any option which encourages or requires public open space to be located in transitional locations only. This would directly contradict with the State Government endorsed Chain of Parks concept which provides a network of open spaces and trails through the KGW. The State Government has committed \$25 million to the Sandbelt Chain of Parks project, which will provide a pathway, linking parks through the Green Wedge from Karkarook Park to Braeside Park and will include a number of open spaces. The validity of this important open space outcome is not dependent on its proximity to the UGB or existing residential areas. It is also noted that the Chain of Parks benefits residents from surrounding municipalities, including Monash, Glen Eira and Greater Dandenong.

- *Planning for future infrastructure and energy needs*

While there are no specific options within this subsection, Council wishes to express the strongest possible objection to the suggestion in relation to waste and resource recovery that:

'Appropriate locations for waste and recovery infrastructure need to be identified and safeguarded, including those which are already in operation where they make a significant contribution to our resource recovery capacity. Options to repurpose suitable land, such as former extractive sites, in green wedge and peri-urban land should be explored.'

The KGW has, for many years, been transitioning out waste and resource recovery as the Chain of Parks project is realised and notes that waste and resource recovery is not a suitable outcome for the Kingston Green Wedge. This position was reinforced by the Minister's approval of Planning Scheme Amendment C143, which prohibited the continuation and establishment of these uses within the northern part of the KGW, now included in the GWAZ. The adopted Kingston Green Wedge Management Plan (2012) seeks to further explore this outcome for the balance of land zoned GWZ.

Council does not support the establishment or continuation of waste and resource recovery industries within the KGW as these uses are located more appropriately within industrial areas. This outcome would run directly contrary to the State Government's financial and policy support of the Chain of Parks Project and would like to enliven limited life permissions or lead to new permissions being sought in areas directly identified to transition into the Chain of Parks.

In this regard Council notes that page 55 of the Consultation Paper states that (emphasis added):

*There are a considerable number of discretionary uses that are permitted on rural zoned land in green wedge and peri-urban areas, subject to approval. **Most of these uses are relevant and appropriate complementary uses that support the policy objectives and intent of agricultural, tourism, recreational, infrastructure, resource extraction and rural industry pursuits.** However, regular review of the appropriateness of the conditions under which these uses are allowed is necessary to achieve the broader objective of protecting and enhancing green wedge and peri-urban values.*

Council submits that any use that is not a '*...relevant and appropriate complementary use that support(s) the policy objectives and intent of agricultural, tourism, recreational, infrastructure, resource extraction and rural industry pursuits*' should be strongly discouraged in the Green Wedges, especially where such uses conflict with the listed Green Wedge purposes.

Council also strongly contends that this approach of contemplating Industrial nested uses pursuant to Clause 73.04-5 (particularly Materials Recycling) into Green Wedges directly contradicts the resolved position of the Victorian State Government with respect to the Melbourne Industrial and Commercial Land Use Plan (MICLUP), regarding the role intended for Industrial zoned land. As a municipality with a very significant amount of Industrial zoned land it is evident that a large number of materials recycling businesses have appropriately established in locations they are encouraged by the Planning Scheme. This policy approach is consistent with that taken throughout many cities in the world, that are often more substantially space constrained than Melbourne, where critical resource recovery activities adapt and operate in Industrial Areas without encroaching into non-urban areas. Allowing these uses in Green Wedge Areas distorts the level playing field intended to be created through the planning system of dictating where Industrial uses should and should not be located.

It is further noted that page 91 of the consultation paper refers to a metropolitan landfill within Clayton South. This reference is incorrect as there are no remaining landfills within Clayton South.

- *Manage discretionary and other uses of land*

As noted above Council supports further clarity and guidelines regarding discretionary uses, however, has concerns in relation to policy options which seek to encourage their location adjacent to the UGB, adjoining a Road Zone.

Council reiterates its concerns in relation to the extent to which such policy changes may lead to a potential proliferation and surge in market interest for the establishment of schools and places of worship adjacent to the

UGB. Such an outcome would, over time, lead to a blurring of the UGB as opposed to the desired separation between 'Green Wedge' uses and uses which are required to service the 'urban population'. It is also noted that Council has received a significant number of planning applications for schools and places in the green wedge in the past.

Further analysis is required as to the potentially unintended consequences of this approach.

Council notes the statement on page 54 that *"As of right uses are preferred primary land uses, while discretionary uses are considered appropriate when the proposal is considered to have satisfied the conditions prescribed in policies and planning controls of the planning scheme"* Council agrees with this statement and further submits that the main purposes and priorities for green wedges should be clearly identified as:

- *Agriculture (horticulture and grazing)*
- *Biodiversity/environmental conservation*
- *Parkland*
- *Rural open landscapes*

These uses are as of right in the green wedge and should be protected.

It is noted that page 55 of the consultation paper discusses golf courses and notes that *"It is generally agreed that land with extensive open space requirements that is used for outdoor recreation, such as golf courses and sports training facilities, can be appropriately situated in some green wedge locations rather than occupy scarce land close to transport and services within the UGB"* Council considers that this option should specify that these uses should not generally be able to establish on viable farmland or environmentally significant land.

Improving design and development in green wedges to respond to the surrounding landscape

- *implement design and development guidelines*
- *introduce design requirements*

Council considers that design and development guidelines should be able to be mandated within the scheme by a particular provision or overlay, such as a Design and Development Overlay with schedules allowed to tailor them having regard to the KGW. Council's GWMP contains a number of typologies that are regularly applied to statutory planning applications and these have been challenged at VCAT on a number of occasions. Council's GWMP speaks to the need for specific design and development typologies to be mandated within the planning scheme and Council supports this option.

Subject to the inclusion of further ESD objectives, Council supports the design elements drafted by DELWP, noting that they would need to be considered within the context of the KGW and the existing typologies contained within the existing KGWMP. Council would be pleased to test these elements on current applications within the KGW if that would assist DELWP in refining these elements.

Council looks forward to working with DELWP as the outcomes of the Consultation Paper are refined and implemented and would welcome the opportunity to provide further input to this process.

Please contact Paul Marsden, Manager City Strategy on 9581 4789 or via email paul.marsden@kingston.vic.gov.au should you have any queries on the content of this submission.

Regards

Cr Steve Staikos
MAYOR, CITY OF KINGSTON

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14 December 2020

Agenda Item No: 8.8

PLANNING COMPLIANCE IN THE GREEN WEDGE - UPDATE DECEMBER 2020

Contact Officer: Guillermo Henning, Team Leader Planning Appeals and Compliance

Purpose of Report

The purpose of this report is to provide Council with a summary of enforcement activity in the Kingston Green Wedge that has occurred in the previous quarter.

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 receive the report.

1. Background

This report is in response to Notice of Motion No. 50/2016 relating to Enforcement Activity in the Kingston Green Wedge. This report summarises major activity that has occurred in the previous quarter.


2. Discussion

The following represents a summary of the most recent enforcement action being taken within the Kingston Green Wedge.

1. Council have been liaising with the owners of a site in Clayton South which is being used as a contractors depot. New tenants have now lodged new application for planning permit which is currently being assessed.
2. Planning application refused (Council decision upheld at VCAT) for site in Clayton South. Official Warning sent January 2020 for clean-up of the land and Council officers continue to liaise with owners of the site regarding completion of these works.
3. A Dingley Village property has been cleared from storage bins. However, this is ongoing, and Council are working with land owners to remove vehicles.
4. Recently an industrial use in Clayton South expired. A planning application has been lodged to seek the extension of the permit. Further follow up by planning compliance officers will be required.

5. Council initiated enforcement proceedings in late 2019 against an operator of a site in Heatherton. The enforcement proceeding went to a final hearing in March 2020 and Council has received an order from the Tribunal deciding to support the grant of an enforcement order. The enforcement order requires restoration of the land by June 2025. Recently Council has received a Supreme Court appeal from the operator against the VCAT order. The Supreme Court proceeding is listed for August 2021.

Appendices

Appendix 1 - Green Wedge Spreadsheet for Council - update December 2020 (Ref 20/277054) 

Author/s: Guillermo Henning, Team Leader Planning Appeals and Compliance

Reviewed and Approved By: Jaclyn Murdoch, Manager City Development

8.8

PLANNING COMPLIANCE IN THE GREEN WEDGE - UPDATE DECEMBER 2020

1	Green Wedge Spreadsheet for Council - update December 2020	521
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Address	Suburb	Use Details	Initiated Action and/or additional direction	Update April
1 Tully Rd	Clarinda	Unauthorised landfill / clean fill	Fill has been dumped on the land	Owner has been removing the fill and has been updating Council on progress Cleanup is nearly complete.
468-508 Heatherton Road	Clayton South	Vehicle storage	Permit application refused for use and development of a vehicle store in the Green Wedge Zone and in a Public Acquisition Overlay, create/alter access to a Road Zone Category 1, and reduce the car parking requirement (KP-2018/296) Site details sent to the EPA (Jan 2019) to follow up possible land contamination	Correspondence sent to owner for cleanup of the land / apply for permit for use Use continues to operate at reduced activity and vehicles. Further enforcement action to follow up to cease and completely remove vehicles.
512-540 Heatherton Road	Clayton South	Store	Defenders of the Green Wedge contacted Council reporting contractor's depot.	May 2020 - planning application lodged for use of the site for an arboricultural business including depot and tree planting. Currently under assessment.
150-170 Old Dandenong Road	Heatherton	Sand Extraction and Remediation	Notice of entry to be served on the owner of the land to investigate possible stockpiling on the site. Further aerial surveying may also be required.	VCAT action pending 12-13 March determination pending
220-222 Old Dandenong Road	Heatherton	Vehicle Store	Official warning notice issued (15/5/2020) - land being used as a store without relevant permissions	Trucks and skip bins being stored on the property without planning permission. Warning sent May 2020. Use continues to operate at reduced activity and vehicles. Further enforcement action to follow up to cease and remove.

27-29 Tootal Road	Dingley Village	Store - trucks/vehicles	OWN sent to owner of the land - January 2020 permit required for 'store' / request clean up of the land	Empty bins have been cleared from the site. Trucks still being stored on the land. Further correspondence sent to owner regarding use of the land.
92 Tootal Road	Dingley Village	Contractors Depot	Planning permit KP-1120/2008 for <i>the use of the land as a contractors depot in accordance with the endorsed plans provided for in the following conditions which are to be the conditions in relations to this permit</i>	Extension of time for permit lodged, currently being assessed by Council planner
638-687 Clayton Road	Clayton South	Concrete processing/batching	Planning permit KP-277/02 for the purpose of a concrete batching plant, in accordance with the endorsed plans and subject to the following conditions.	Operator advised that all operation must cease and Council advised in writing by 4 August 2020 that use has ceased. Application seeking the extension of time by amending conditions on the permit has been lodged and is currently underassessment. Further site inspection required after this application is determined.
572-574 Heatherton Road	Clayton South	Transfer station/materials Recycling	KP-2018/256 - REFUSAL, VCAT - 2/10/20	Written advice - 21/10/20 outlining refusal and request to cease by 13/11/20. 30/11/20 -Spoke with Scott (owner) looking for further site and hoping to be completely gone from the site within four weeks.

14 December 2020

Agenda Item No: 8.9

TREE REMOVAL APPLICATION AT NO.179-217 CENTRE DANDENONG ROAD DINGLEY VILLAGE -PT-2020/193; PT-2020/308; PT-200/462; PT2020/590 AND PT-2020/591

**Contact Officer: Corey Smith, Senior Vegetation Management Officer
Guillermo Henning, Team Leader Planning Appeals and Compliance**

Purpose of Report

The purpose of this report is to brief Council on five (5) applications which in total seek approval for the removal of more than 10 trees under the Community Local Law.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That Council:

1. Support grant of Local Law Permits for those trees outlined in Section 2 of this report where the Recommendation is to remove pursuant to the assessment criteria contained within Clause 42 of the Community Local Law and provide for replacement planting at a ratio of up to 3:1 for each tree proposed to be removed.
2. Request the owner of the subject land inform adjacent residents prior to undertaking the tree pruning or removal works.

1. Executive Summary

At Council's Special Meeting on 14 October 2019 Council resolved, among other things, the following:

11. *The instrument of delegation be amended to escalate any planning or local laws application for 10 or more tree removals for Council decision.*

In following the abovementioned Council resolution, Officers are bringing this report to Council for a decision.

This report provides an assessment of five (5) applications under Clause 42 of the Community Local Law at 179-217 Centre Dandenong Road, Dingley Village. The applications seek to remove and prune some of the trees located within the property.

Whilst individually each application does not exceed ten (10) trees, the proposal meets the threshold specified by the Notice of Motion given that cumulative a total of 16 trees are proposed to be assessed.

The trees are proposed to be removed and pruned due to health-related issues, safety and risk of property damage associated with adjoining properties.

Officers have undertaken an assessment of the trees proposed to be removed and are supportive of the proposal subject to conditions requiring replacement planting of up to a ratio of 3:1 for each tree proposed to be removed.

2. Public Notice

At Council's Meeting on 24 August 2020 Council resolved, among other things, the following:

3. Defer the consideration of the remaining tree removal applications 1-13, 22 and 24-30 and request Officers to undertake public notice of the proposed tree removal prior to bringing back a report to the next available Council meeting for a decision

As a result of Council elections and the caretaker period, public notice for this application was delayed and commenced on the 16 November 2020 for a period of two weeks. By the closing date on 30 November 2020, a total of 325 online submissions from the community have been received via the website with two (2) submissions via email.

A letter was sent to 1042 properties and feedback from the community was sought via online submissions at 'YourKingstonYourSay' website.

A summary of the community response is provided below:

Do you support the application to remove 16 trees at the former Kingswood Golf Course site?	
I support removal of all 16 trees	15
I oppose removal of the 16 trees	283
I would support removal of some of the trees, but not all of them	29

Which tree removals do you support? (as listed in the assessments document on the project page)	
Tree number 6 - Monterey Cypress	22
Tree number 9 - Monterey Cypress	20
Tree number 73 - Blue Gum	2
Tree number 134 - Monterey Cypress	23
Tree number 401 - Sugar Gum	1
Tree number 420 - Sugar Gum	3

Tree number 695 - Monterey Cypress	19
Tree number 764 - Monterey Cypress	19
Tree number 957 - Sugar Gum	3
Tree number 982 - Sugar Gum	4
Tree number 985 - Sugar Gum	4
Tree number 1056 - Blue Gum	2
Tree number 1059 - Blue Gum	2
Tree number 1100 - Brittle Gum	1
Tree number 1275 - Monterey Cypress	23

3. Discussion

Council's Senior Vegetation Management Officer, Corey Smith, undertook a detailed assessment of the vegetation proposed to be removed including multiple site inspections.

In their assessment, Council officers have provided an assessment of risk which quantifies the risk of significant harm from tree failure in a way that enables the balance between safety, tree values and likely target and operate to predetermined limits of tolerable or acceptable risk as per the table below.

Threshold	Description
1/1 to 1/000	Unacceptable Risk is not ordinarily tolerated
1/1000 to 1/100,000	Unacceptable when imposed to others Risk is not ordinarily tolerated
1/100,000 to 1/1,000,000	Tolerable when imposed to others Risk are tolerable if as low as reasonably practical
Greater than 1/1,000,000	Broadly acceptable Risk is as low as reasonably practical

The officer's individual tree assessment is provided on the table below.

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Tree no.	Tree ID Home wood Report	Botanical Name	Common Name	Origin	Height (m)	Assessment	Summary of risk assessment	Recommendation
1.	6	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	Exotic	10	Good health, poor structure, significant decay in structural roots on tension side of tree.	Leans towards neighbouring property. Risk = 1/3,000 Unacceptable when imposed to others	Approved for removal
2.	9	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	Exotic	17	Fair health, poor structure, recently failed stem, decay at base	Poor union of large stems. Previous failure. Adjacent to neighbouring property. Risk = 1/30,000 Unacceptable when imposed to others	Approved for removal
3.	64	<i>Eucalyptus globulus</i>	Blue Gum	Native	15	Fair health, poor structure. Low risk, hollows and decay through tree. High biodiversity values, leans towards fairway.	Centrally located, low target frequency. High biodiversity retention value Risk = 1/1,000,000 Tolerable when imposed to others	Refused for removal
4.	73	<i>Eucalyptus globulus</i>	Blue Gum	Native	10	Poor health and structure.	Occupancy rate is low. There is no benefit in retaining the tree. Risk = 1/400,000 Tolerable when imposed to others	Approved for removal
5.	134	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	Exotic	10	Good health, poor structure Six of seven trees previously maintained as a hedgerow which has re-grown resulting in poor attachment of regrowth to trunks. The target for the two 10m tall trees is a tennis court in the neighbouring property, the four 6m tall trees have already fallen apart. The entire row of trees should be removed at the same time.	Previous failure Adjacent to neighbouring property Risk = 1/30,000 Unacceptable when imposed to others	Approved for removal

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6.	401	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native	24	<p>2. Poor health, poor structure</p> <p>3. Decay in trunk is so extensive can see through tree.</p>	<p>Failure imminent. There is no benefit in retaining the tree.</p> <p>Risk =1/100,000 Unacceptable when imposed to others</p>	Approved for removal
7.	420	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native	22	<p>Fair-poor health, poor structure. Large tree with multiple previous failures.</p>	<p>Multiple previous failures. There is no benefit in its retention.</p> <p>Risk =1/100,000 Unacceptable when imposed to others</p>	Approved for removal
8.	695	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	Exotic	18	<p>Poor health, poor structure. One stem already failed; remainder likely to soon.</p>	<p>Poor union of large stems. Previous failure. Adjacent to neighbouring property.</p> <p>Risk=1/30,000 Unacceptable when imposed to others</p>	Approved for removal
9.	764	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	Exotic	14	<p>Dead tree</p>	<p>Not adjacent to properties, however tree is dead and there is no benefit in its retention.</p> <p>Risk=1/1,000,000 Tolerable when imposed to others</p>	Approved for removal
10.	957	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native	15	<p>Tree has failed halfway up trunk causing damage to the boundary fence and property of neighbours</p>	<p>Remaining extended branches are at increased risk of failure. Adjacent to property.</p> <p>Risk = 1/3,000 Unacceptable when imposed to others</p>	Approved for removal
11.	982	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native	12	<p>Large scaffold branches poorly attached to trunk.</p>	<p>Target zone includes Council playground and residential property.</p> <p>Risk = 1/30,000 Unacceptable when imposed to others</p>	Approved for removal.

City of Kingston Council Meeting

Agenda

14 December 2020

12.	985	<i>Eucalyptus cladocalyx</i>	Sugar Gum	Native (planted)	14	Good health, poor structure. Tree consists of multiple large epicormic stems which have re-grown from an old stump and have poor attachment points with the stump.	Poor attachment of regrowth to stump increasing risk of failure at this point. Adjacent to a residential property. Risk = 1/3,000 Unacceptable when imposed to others	Approved for removal
13.	1056	<i>Eucalyptus globulus</i>	Blue Gum	Native	14	Poor health and structure. Tree has significant decay and multiple fruiting bodies on lower half of trunk.	Very poor structure. Not adjacent to properties, however tree is dead and there is no benefit in its retention. Risk=1/400,000 Tolerable when imposed to others	Approved for removal
14.	1059	<i>Eucalyptus globulus</i>	Blue Gum	Native	12	Poor health and structure. Tree is close to death with significant decay throughout.	Not adjacent to properties, however tree is likely to fail within 12 months. There is no benefit in retaining the tree. Risk=1/400,000 Tolerable when imposed to others	Approved for removal
15.	1100	<i>Eucalyptus mannifera</i>	Brittle Gum	Native	10	Poor health and structure. Tree has co-dominant stems with multiple fruiting bodies at the union. No target if tree fails and is providing habitat value.	Not adjacent to properties. The tree provides habitat. Risk =1/1,000,000 Tolerable when imposed to others	Refused for removal
16.	1275	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	Exotic	14	Fair health, poor structure. Multi-stemmed tree adjacent to boundary and neighbouring house. Recent failure of one stem, continued stem failure likely in the short term.	Multiple previous failures. Adjacent to neighbouring residence Risk = 1/30,000 Unacceptable when imposed to others	Approved for removal

Whilst some of the trees proposed to be removed are native to Victoria, both Council officers and external ecologist consultants agree that the vegetation was planted for amenity reasons by the golf course and are therefore exempt from the planning permit requirements of Clause 52.17 (Native Vegetation) of the Kingston Planning Scheme.

In summary Officers recommend the following:

- The removal of 14 trees, due to health related issues and risk of property damage.
- The retention of 2 trees as the vegetation provides high biodiversity and habitat value.

4.

5. In determining whether to grant a *permit* under clause 42 of the Community Local Law, *Council* must take the following into consideration:

6.

7. 42B.1 *the effect of the removal of the protected tree on the aesthetics of the neighbouring area; and*

8. 42B.2 *whether the protected tree is dead or there are health and safety reasons justifying removal of the protected tree; and*

9. 42B.3 *whether it is likely that the protected tree gives rise to a risk of damage to property or to the safety of the public; and*

10. 42B.4 *whether the protected tree is causing a public nuisance or creating an undue nuisance to adjoining landowners; and*

42B.5 *any other matter which Council considers relevant to the circumstances associated with the application.*

4. Conclusion


Officers consider that pursuant to Clause 42.B2 and 42B.3 of the Community Local Law a permit should be granted given the following:


- There are health and safety reasons justifying the removal of the protected trees.
- The protected tree give rise to risk of damage to property within the vicinity of the golf club

It is recommended that the approval of the removal of these trees should be subject to conditions requiring replacement planting.

Appendices

Appendix 1 - Individual Tree Assessments by permit applicant (Ref 20/278677)  [↓](#)

Appendix 2 - MAP Tree Removal Application Kingswood December 2020 (Ref 20/278676)  [↓](#)

Appendix 3 - Council Officer Assessment (Photos) Kingswood (Ref 20/278828)  [↓](#)

Author/s: Corey Smith, Senior Vegetation Management Officer
Guillermo Henning, Team Leader Planning Appeals and Compliance

Reviewed and Approved By: Jaclyn Murdoch, Manager City Development

8.9

TREE REMOVAL APPLICATION AT NO.179-217 CENTRE DANDENONG ROAD DINGLEY VILLAGE -PT- 2020/193; PT-2020/308; PT-200/462; PT2020/590 AND PT-2020/591

1	Individual Tree Assessments by permit applicant	533
2	MAP Tree Removal Application Kingswood December 2020 ..	549
3	Council Officer Assessment (Photos) Kingswood	551

Tree Inspection

AS Residential Property No.1 Pty Ltd
Kingswood Golf Course



Asset ID: 6
Botanical Name: *Hesperocyparis macrocarpa*
Common Name: Monterey Cypress
Origin: Exotic
Age: Mature
Height & Width (m): 10 x 8
DBH (cm): 53
Health: Good
Structure: Poor
ULE: 0 years

Works: Removal

Comments: Row of 3 - remove western-most tree, Other 2 Cypress along this fenceline in decline (low priority removal)

Failure Potential: 3. Moderate
Failure Size: 1. Greater than 450mm
Target Rating: 3. Property, \$2400 to \$24K
Risk of Harm: 1 in 30000
Risk Category: Moderate



Tree Inspection

AS Residential Property No.1 Pty Ltd
Kingswood Golf Course



Asset ID: 9
Botanical Name: *Hesperocyparis macrocarpa*
Common Name: Monterey Cypress
Origin: Exotic
Age: Mature
Height & Width (m): 17 x 10
DBH (cm): 104
Health: Fair
Structure: Poor
ULE: 0 years

Works: Removal

Comments: Recent failure of large stem, Tree in decline,
Other 3 trees removed

Failure Potential: 2. High
Failure Size: 1. Greater than 450mm
Target Rating: 4. Property, \$240 to \$2400
Risk of Harm: 1 in 30000
Risk Category: Moderate



Tree Inspection

AS Residential Property No.1 Pty Ltd
Kingswood Golf Course



Asset ID: 64
Botanical Name: *Eucalyptus globulus*
Common Name: Blue Gum
Origin: Native
Age: Mature
Height & Width (m): 15 x 10
DBH (cm): 81
Health: Fair
Structure: Poor
ULE: Less than 5 years

Works: Exclude targets

Comments: Good habitat, Cavity in trunk at approx. 8m

Failure Potential: 2. High
Failure Size: 3. 101-250mm
Target Rating: 4. Pedestrians, 3/day to 1/hr
Risk of Harm: 1 in 500000
Risk Category: Moderate



Tree Inspection

AS Residential Property No.1 Pty Ltd
Kingswood Golf Course

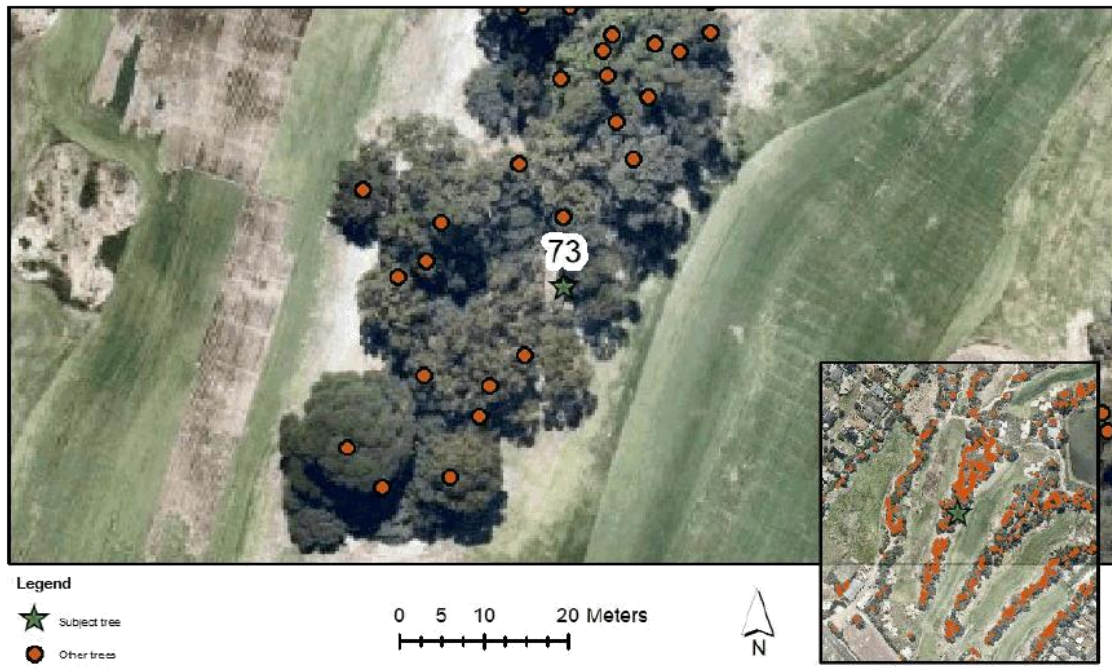


Asset ID: 73
Botanical Name: *Eucalyptus globulus*
Common Name: Blue Gum
Origin: Native
Age: Mature
Height & Width (m): 12 x 9
DBH (cm): 74
Health: Fair
Structure: Very poor
ULE: 0 years

Works: Exclude targets

Comments: Lost main stem

Failure Potential: 2. High
Failure Size: 3. 101-250mm
Target Rating: 4. Pedestrians, 3/day to 1/hr
Risk of Harm: 1 in 500000
Risk Category: Moderate



Tree Inspection

AS Residential Property No.1 Pty Ltd
Kingswood Golf Course



Asset ID: 134

Botanical Name: *Hesperocyparis macrocarpa*

Common Name: Monterey Cypress

Origin: Exotic

Age: Mature

Height & Width (m): 10 x 4

DBH (cm): 68

Health: Poor

Structure: Poor

ULE: 0 years

Works: Removal

Comments: Row of 7 trees generally in poor condition / dead, Remove 1 x western and 2 x easternmost trees

Failure Potential: 2. High

Failure Size: 2. 251-450mm

Target Rating: 4. Property, \$240 to \$2400

Risk of Harm: 1 in 30000

Risk Category: Moderate



Individual Tree Assessment Kingswood Golf Course

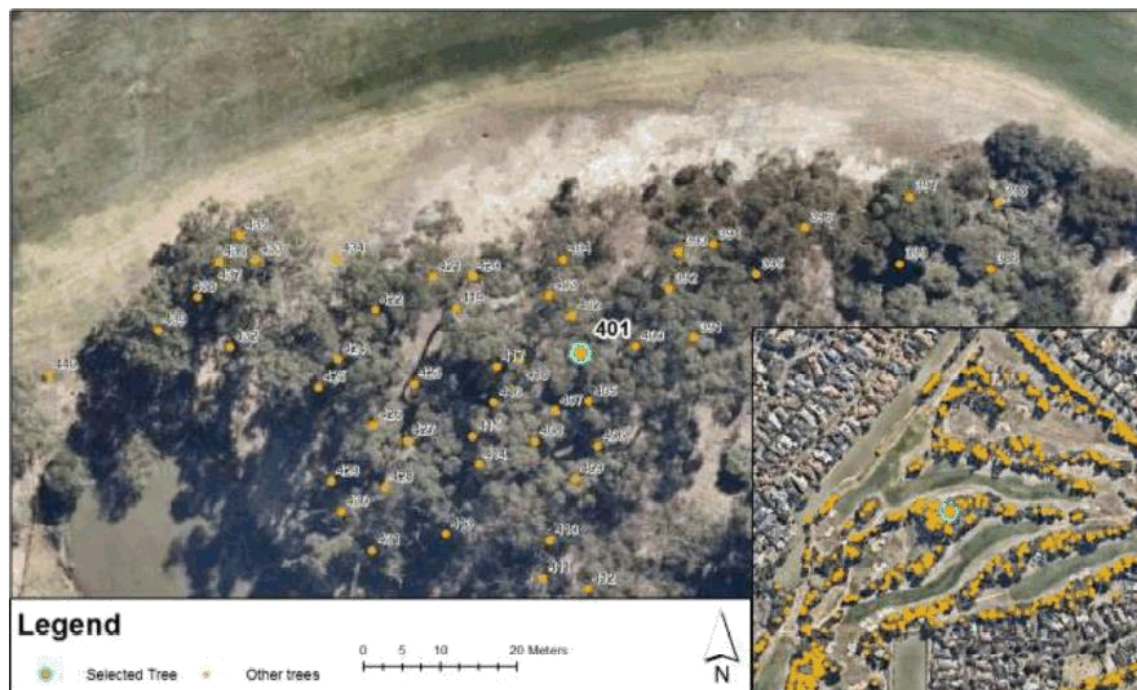


Asset ID:	401
Botanical Name:	<i>Eucalyptus cladocalyx</i>
Common Name:	Sugar Gum
Origin:	Native
Age:	Mature
Height & Width (m):	24 x 8
DBH (cm):	60
Health:	Fair
Structure:	Very Poor
ULE:	Less than 5 years

Works Removal

Priority High

Comments: Major trunk wound at main union



Tree Inspection

AS Residential Property No.1 Pty Ltd
Kingswood Golf Course



Asset ID: 420

Botanical Name: *Eucalyptus cladocalyx*

Common Name: Sugar Gum

Origin: Native

Age: Mature

Height & Width (m): 22 x 7

DBH (cm): 83

Health: Fair

Structure: Very poor

ULE: 0 years

Works: Exclude targets

Comments: Trunk decayed right through - entry / exit hole, Permit for removal previously declined

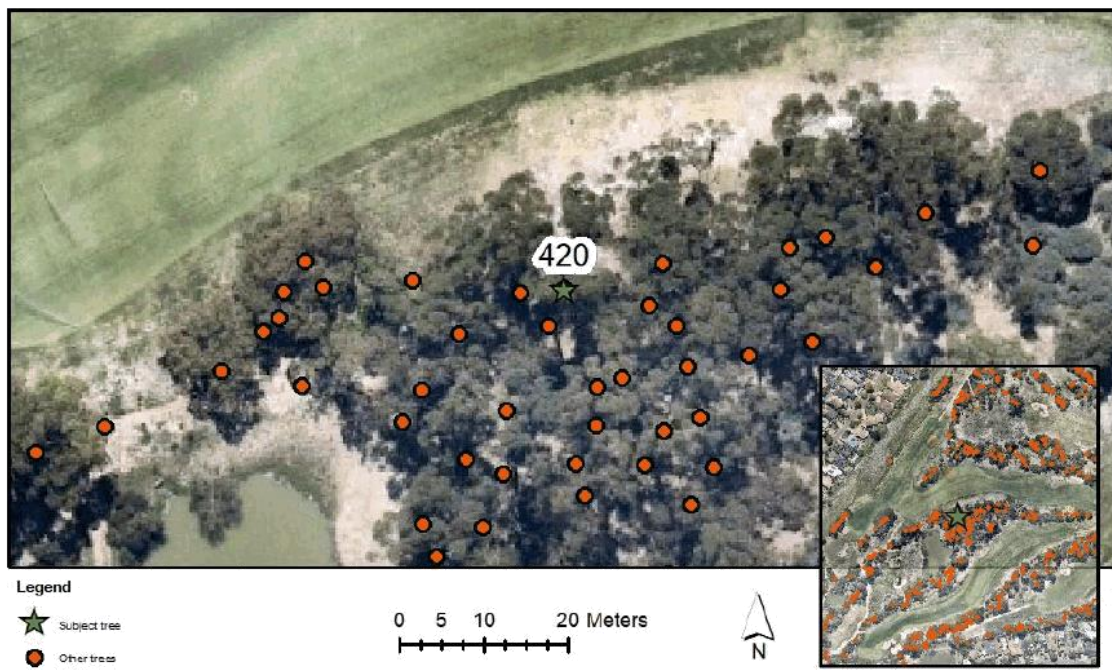
Failure Potential: 2. High

Failure Size: 1. Greater than 450mm

Target Rating: 4. Pedestrians, 3/day to 1/hr

Risk of Harm: 1 in 40000

Risk Category: Moderate



Tree Inspection

AS Residential Property No.1 Pty Ltd
Kingswood Golf Course

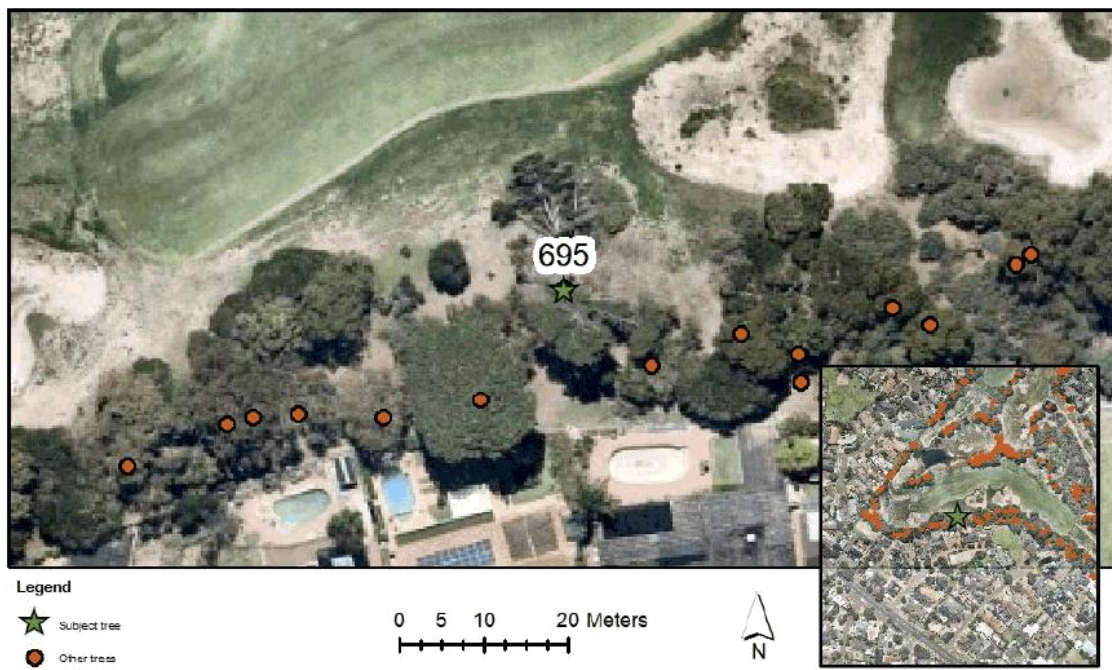


Asset ID: 695
Botanical Name: *Hesperocyparis macrocarpa*
Common Name: Monterey Cypress
Origin: Exotic
Age: Mature
Height & Width (m): 18 x 16
DBH (cm): 113
Health: Fair
Structure: Very poor
ULE: 0 years

Works: Removal

Comments: DAB estimated due access issues, Large stem recently failed, In decline

Failure Potential: 2. High
Failure Size: 1. Greater than 450mm
Target Rating: 4. Pedestrians, 3/day to 1/hr
Risk of Harm: 1 in 40000
Risk Category: Moderate



Tree Inspection

AS Residential Property No.1 Pty Ltd
Kingswood Golf Course



Asset ID: 764

Botanical Name: *Hesperocyparis macrocarpa*

Common Name: Monterey Cypress

Origin: Exotic

Age: Mature

Height & Width (m): 14 x 11

DBH (cm): 95

Health: Very Poor

Structure: Poor

ULE: 0 years

Works: Removal

Comments: Near path and toilet, Some degradation of root flare

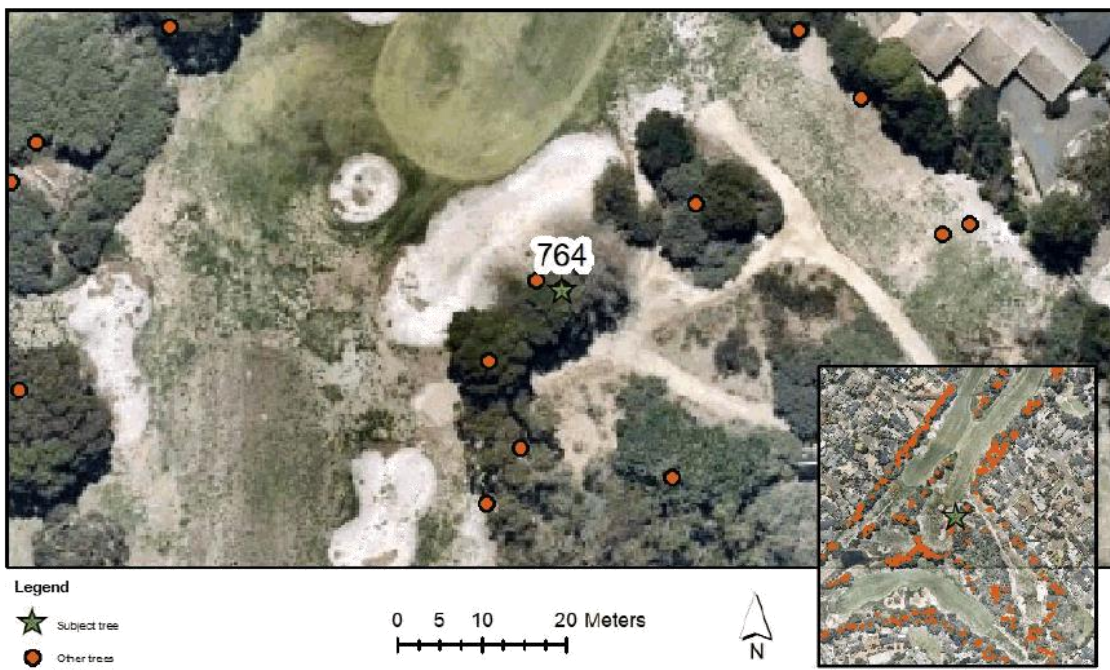
Failure Potential: 2. High

Failure Size: 3. 101-250mm

Target Rating: 4. Pedestrians, 3/day to 1/hr

Risk of Harm: 1 in 500000

Risk Category: Moderate



Tree Inspection

AS Residential Property No.1 Pty Ltd
Kingswood Golf Course

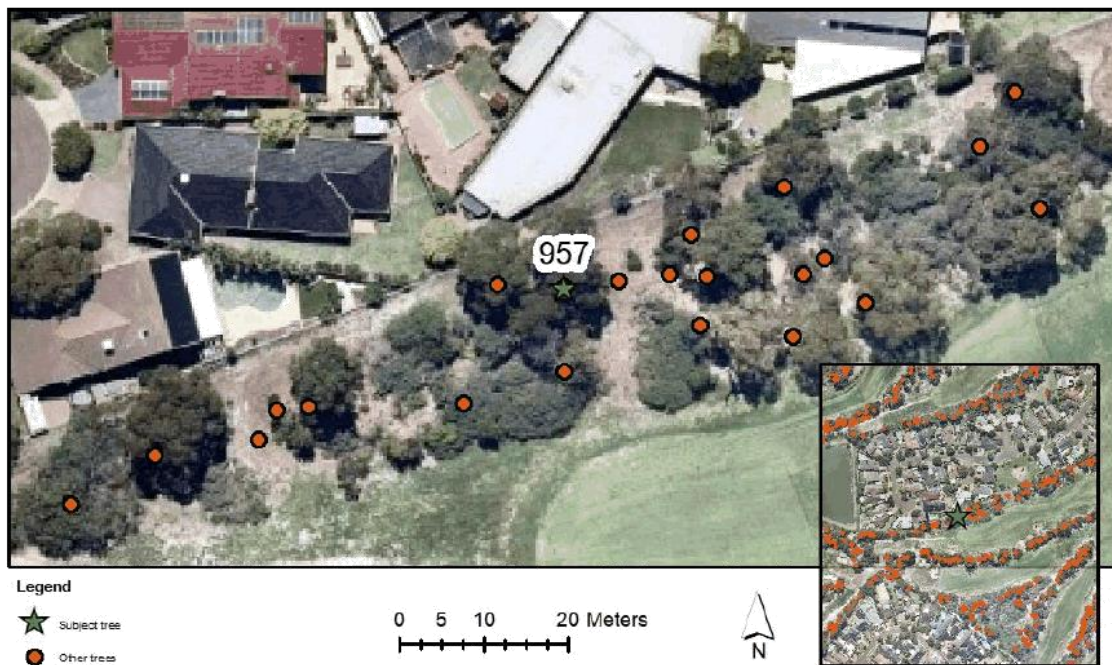


Asset ID: 957
Botanical Name: *Eucalyptus cladocalyx*
Common Name: Sugar Gum
Origin: Native
Age: Mature
Height & Width (m): 15 x 15
DBH (cm): 80
Health: Fair
Structure: Poor
ULE: Less than 5 years

Works: Removal

Comments: Lost main stem, Mostly epicormic,
Alternatively consider habitat prune

Failure Potential: 2. High
Failure Size: 3. 101-250mm
Target Rating: 4. Property, \$240 to \$2400
Risk of Harm: 1 in 30000
Risk Category: Moderate



Tree Inspection

AS Residential Property No.1 Pty Ltd
Kingswood Golf Course

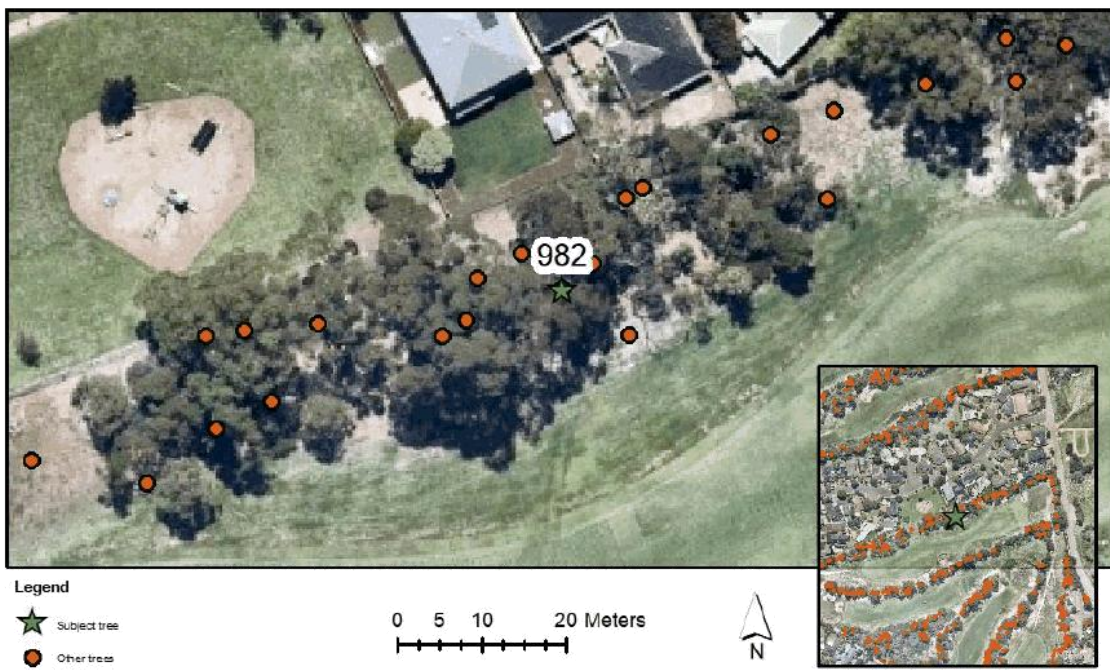


Asset ID: 982
Botanical Name: *Eucalyptus cladocalyx*
Common Name: Sugar Gum
Origin: Native
Age: Mature
Height & Width (m): 12 x 12
DBH (cm): 87
Health: Poor
Structure: Very poor
ULE: 0 years

Works: Removal

Comments: Pprevious large failures and heavy decay,
Extended branch over neighbouring property

Failure Potential: 2. High
Failure Size: 3. 101-250mm
Target Rating: 4. Pedestrians, 3/day to 1/hr
Risk of Harm: 1 in 500000
Risk Category: Moderate



Tree Inspection

AS Residential Property No.1 Pty Ltd
Kingswood Golf Course



Asset ID: 985
Botanical Name: *Eucalyptus cladocalyx*
Common Name: Sugar Gum
Origin: Native
Age: Mature
Height & Width (m): 14 x 9
DBH (cm): 49
Health: Fair
Structure: Poor
ULE: Less than 5 years

Works: Removal

Comments: Error in previous data (was recorded as *E.botrioides*)

Failure Potential: 3. Moderate
Failure Size: 3. 101-250mm
Target Rating: 3. Property, \$2400 to \$24K
Risk of Harm: 1 in 30000
Risk Category: Moderate



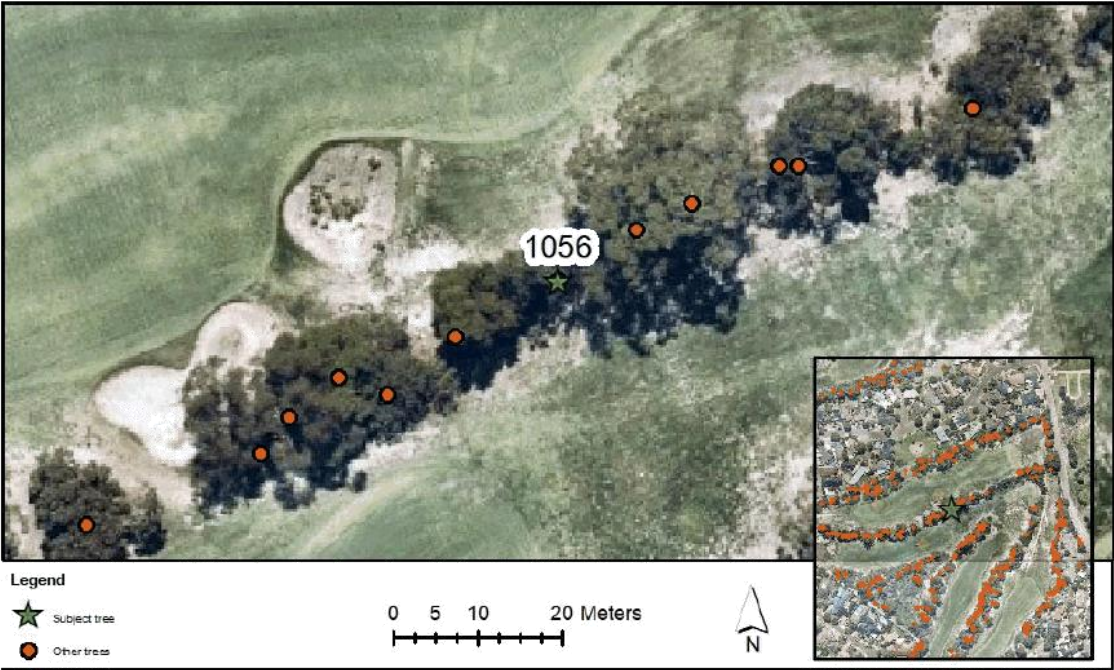
Tree Inspection
AS Residential Property No.1 Pty Ltd
Kingswood Golf Course



Asset ID: 1056
Botanical Name: *Eucalyptus globulus*
Common Name: Blue Gum
Origin: Native
Age: Mature
Height & Width (m): 14 x 9
DBH (cm): 86
Health: Poor
Structure: Very poor
ULE: Less than 5 years

Works: Exclude targets
Comments:

Failure Potential: 2. High
Failure Size: 3. 101-250mm
Target Rating: 4. Pedestrians, 3/day to 1/hr
Risk of Harm: 1 in 500000
Risk Category: Moderate



Tree Inspection

AS Residential Property No.1 Pty Ltd
Kingswood Golf Course

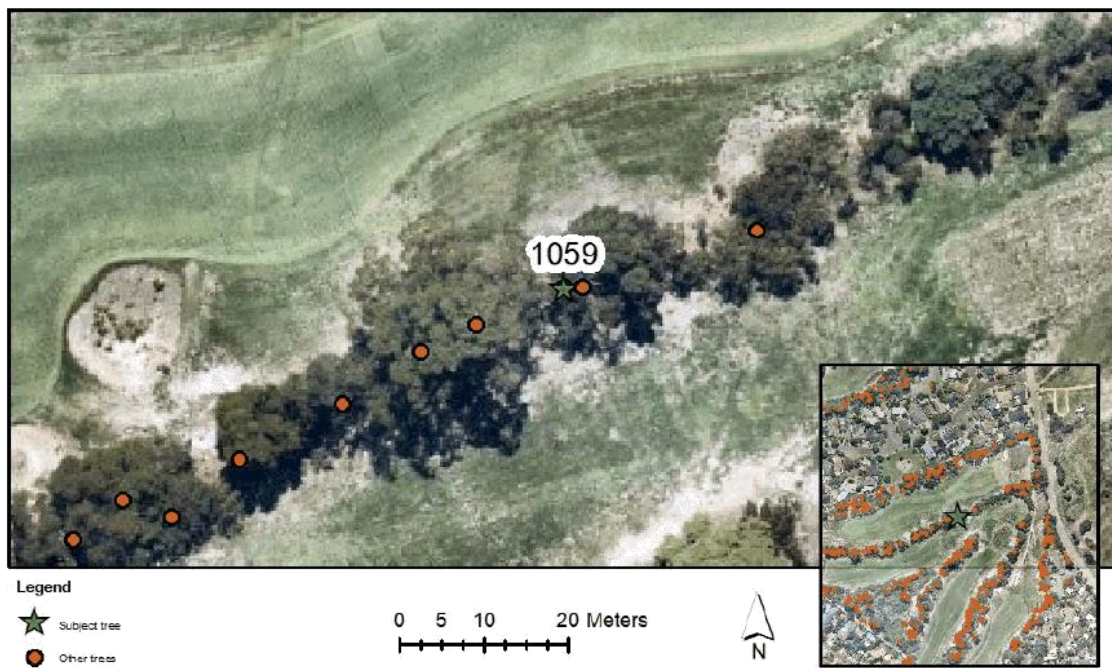


Asset ID: 1059
Botanical Name: *Eucalyptus globulus*
Common Name: Blue Gum
Origin: Native
Age: Mature
Height & Width (m): 12 x 8
DBH (cm): 72
Health: Fair
Structure: Very poor
ULE: Less than 5 years

Works: Exclude targets

Comments: Heavy decay in main union

Failure Potential: 2. High
Failure Size: 1. Greater than 450mm
Target Rating: 4. Pedestrians, 3/day to 1/hr
Risk of Harm: 1 in 40000
Risk Category: Moderate



Tree Inspection

AS Residential Property No.1 Pty Ltd
Kingswood Golf Course

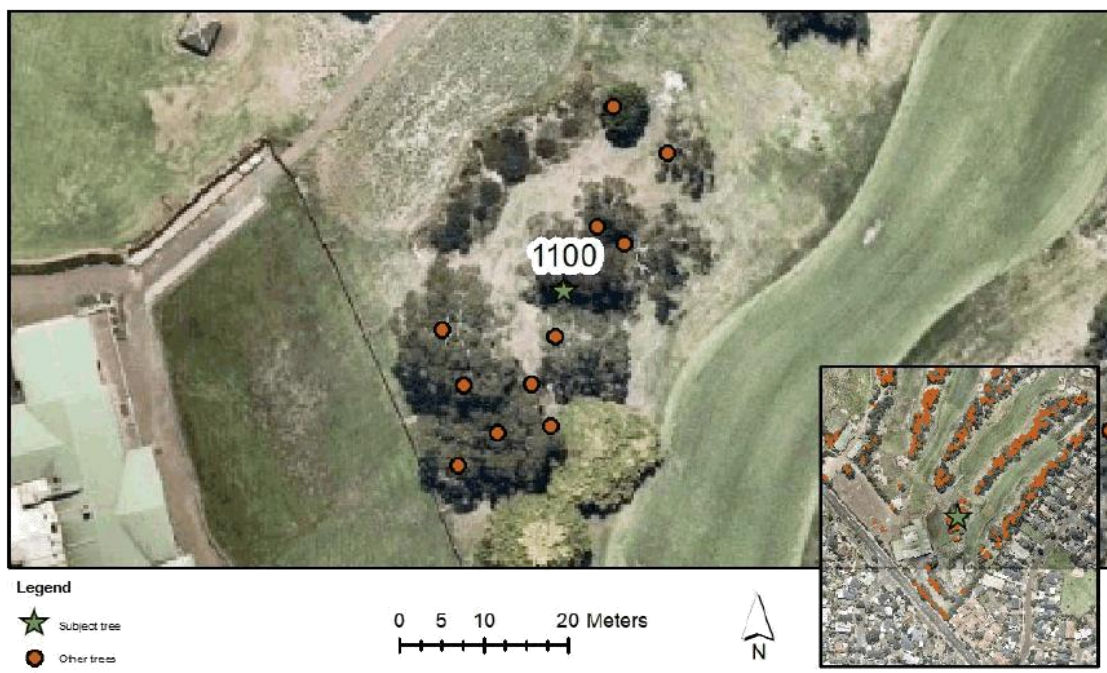


Asset ID: 1100
Botanical Name: *Eucalyptus mannifera*
Common Name: Brittle Gum
Origin: Native
Age: Mature
Height & Width (m): 13 x 10
DBH (cm): 79
Health: Fair
Structure: Poor
ULE: 10 to 20 years

Works: Exclude targets

Comments: Bracket fungi in codominant union

Failure Potential: 2. High
Failure Size: 2. 251-450mm
Target Rating: 4. Pedestrians, 3/day to 1/hr
Risk of Harm: 1 in 100000
Risk Category: Moderate



Tree Inspection
AS Residential Property No.1 Pty Ltd
Kingswood Golf Course



Asset ID:	1275
Botanical Name:	<i>Hesperocyparis macrocarpa</i>
Common Name:	Monterey Cypress
Origin:	Exotic
Age:	Mature
Height & Width (m):	14 x 8
DBH (cm):	69
Health:	Poor
Structure:	Poor
ULE:	Less than 5 years

Works: Removal
Comments: Declining from top and starting to fall apart

Failure Potential:	2. High
Failure Size:	3. 101-250mm
Target Rating:	4. Property, \$240 to \$2400
Risk of Harm:	1 in 30000
Risk Category:	Moderate

















Assessment of trees at Kingswood Golf Course, Dingley Village






Base Information Supplied By:
NearMap 2020
Date: 14/04/2020
Plotted: CB
Projection: GDA 94 Zone 55














10/350 Settlement Road
Thomastown
1300 404 558

Tree number and species	Photos from Council officer's site inspections	
Tree 6 <i>Hesperocyparis macrocarpa</i> Monterey Cypress		
Tree 9 <i>Hesperocyparis macrocarpa</i> Monterey Cypress		
Tree 64 <i>Eucalyptus globulus</i> Blue Gum		

Tree 73 <i>Eucalyptus globulus</i> Blue Gum		
Tree 134 <i>Hesperocyparis macrocarpa</i> Monterey Cypress		
Tree 401 <i>Eucalyptus cladocalyx</i> Sugar Gum		

<p>Tree 420 <i>Eucalyptus cladocalyx</i> Sugar Gum</p>		
<p>Tree 695 <i>Hesperocyparis macrocarpa</i> Monterey Cypress</p>		
<p>Tree 764 <i>Hesperocyparis macrocarpa</i> Monterey Cypress</p>		

<p>Tree 957 <i>Eucalyptus cladocalyx</i> Sugar Gum</p>		
<p>Tree 982 <i>Eucalyptus cladocalyx</i> Sugar Gum</p>		
<p>Tree 985 <i>Eucalyptus cladocalyx</i> Sugar Gum</p>		

<p>Tree 1056 <i>Eucalyptus globulus</i> Blue Gum</p>		
<p>Tree 1059 <i>Eucalyptus globulus</i> Blue Gum</p>		
<p>Tree 1100 <i>Eucalyptus mannifera</i> Brittle Gum</p>		

<p>Tree 1275 <i>Hesperocyparis macrocarpa</i> Monterey Cypress</p>		
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9. Community Sustainability Reports

14 December 2020

Agenda Item No: 9.1

CON - 20/094 ASPENDALE GARDENS PAVILION - AWARD OF CONTRACT

Contact Officer: Fiona Baxter, Team Leader Capital Projects
Steve Lewis, Manager Community Buildings

Purpose of Report

The purpose of this report is to seek Council approval to award Contract CON-20/094 Aspendale Gardens Pavilion Construction project to the recommended tenderer from the tender submissions received.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That Council:

1. Receive the information and note the outcome of the tender assessment process for Contract 20/094 Aspendale Gardens Pavilion construction, as set out in the confidential Appendix A of this report.
2. Delegate authority to the CEO to award Contract 20/094 – Aspendale Gardens Pavilion construction for the final adjusted fixed lump sum price of \$3,658,808.00 (excl. of GST) to KL Modular Systems (AUST) P/L.
3. Approve the allocation of a separate contingency allocation, as set out in the attached confidential Appendix B and delegate authority to the CEO, or her nominee, to expend this allowance to ensure the successful completion of the project.

1. Executive Summary

Tenders have been sought for the redevelopment of the Aspendale Gardens Pavilion via open tender procedure. This report is seeking Council's approval to award Contract 20/094 Aspendale Gardens Pavilion construction project to KL Modular Systems (AUST) P/L for an adjusted lump sum price of \$3,658,808.00 (ex GST), in order to develop the pavilion which is needed to support a range of sporting activities at Aspendale Gardens Reserve. The report outlines the tenders received and the outcome of the tender evaluation process followed to arrive at the recommendations proposed in the report.

2. Background

In accordance with previous resolutions of Council, officers have now completed detailed design and consultation for the redevelopment of the Aspendale Gardens Pavilion and tenders have been sought via an open tender procedure for the construction of the proposed new facility.

Accordingly, tenders have been received and evaluated and officers are now seeking approval to award Con 20/094 to the contractor considered by the Tender Evaluation Panel to offer best value to Council. Contractors who have submitted tenders have undergone a series of assessments in relation to insurances, experience, organisational capacity, financial status, OHS systems compliance & referee checks.

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 construction of the new Aspendale Gardens Pavilion is in direct response to the recent activation of the redeveloped playing fields at this site future needs of local clubs who do not currently have access to a pavilion facility to support training and social activities.

3.2 Consultation/Internal Review

Consultation has been undertaken with a wide range of internal and external stakeholders, who have all contributed towards the design of the proposed new facility.

Following direct engagement with 121 community members there is strong support, considering input from sports clubs and neighbouring residents, for Council to proceed with the pavilion development

Subject to approval by Council, officers will provide further information to the public on the project and its implementation programme.

3.3 Operation and Strategic Issues

3.3.1 Tender evaluation

Tenders closed at 2.00pm on 16 November 2020, at which point six (6) tender submissions were received from the following contractors:

<i>Tenders Submission Received at Close of Tender Period (in alphabetical order)</i>
Alchemy Construct P/L
iBuild Building Solutions P/L
Insight Construction Group P/L
KL Modular Systems (AUST) P/L
Marathon Modular P/L
McCorkel Constructions P/L

***Tender Offers Received at Close of Tender Period
(excl. GST)***

<i>(in lowest to highest order)</i>	
	\$3,501,000.00
	\$3,658,808.00
	\$4,059,558.51
	\$4,239, 200.00
	\$4,428,983.43
	\$5,587,745.00

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

- Steve Lewis – Manager, Community Buildings
- Fiona Baxter –Team Leader, Capital Projects
- Walid Ahmed – Project Manager, Community Buildings
- Mark Stockton – Acting Manager, Active Kingston
- India Mitchell - Architect (Technical advisor)

The evaluation criteria used to evaluate all tenders under Con 20/094 (listed in order of importance) were as follows:

(i) PASS/FAIL Criteria

- Compliance with OHS, Environmental and Insurance requirements
- Financial Capacity

(ii) Weighted Scored Criteria

- Previous relevant experience in projects of similar scale and scope
- Price / Financial Benefit to Council
- Ability to meet time constraints
- Methodology
- Resources

Following close of tenders, and based on the application of the above criteria, the TEP undertook interviews with two shortlisted tenderers to identify any errors and/or omissions made within their initial tender submissions and to clarify any issues.

As a result of the above assessment and review process, the following final adjusted lump prices for the short-listed contractors is outlined below:

<i>Final Adjusted Tender Lump Sum – inclusive of all corrections of any stated errors/omissions by tenderers (excl. GST)</i>	
	\$3,492,700.00
	\$3,658,808.00

3.1.1 Programme of Works

Subject to Council approval, the redevelopment of the Aspendale Gardens Pavilion is expected to commence (off site, noting modular construction process) during January 2020 and is anticipated to be completed by quarter 3 2021.

Following the above process, the Tender Evaluation Panel have completed their evaluation of submitted tender submissions and recommend that Council agree to award Contract 20/094 – Aspendale Gardens Pavilion construction for the final adjusted fixed lump sum price of \$3,658,808.00 (excl. of GST) to KL Modular Systems (AUST) P/L. This is set out within the attached confidential appendix to this report (Appendix A).

4. Conclusion

4.1 Environmental Implications

Relevant due diligence /site investigations including soil assessment have been undertaken at the outset of the design process for this project.

In addition, the design of the proposed new building has been developed in accordance with Council's adopted Environmental Sustainable Design Policy 2018, which guides the environmental design standards for such Council buildings.

4.2 Social Implications

The new sporting pavilion will provide much needed accommodation for the clubs operating from the site who currently do not have a facility to support their training and social requirements.

4.3 Resource Implications

The project is able to be delivered within the available budget, as set out in within the attached confidential Appendix B.

Subject to Council agreeing to award Contract 20/094 to the recommended tenderer, all anticipated project expenditure can be met from within the above approved resources.

4.4 Legal / Risk Implications

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

Appendices

Appendix 1 - Appendix A - Con 20/094 Tender Evaluation Matrix (Ref 20/273611) - Confidential

Appendix 2 - Appendix B - Project Expenditure Breakdown : Con 20/094 (Ref 20/274703) - Confidential

Author/s: Fiona Baxter, Team Leader Capital Projects
Steve Lewis, Manager Community Buildings
Reviewed and Approved By: Steve Lewis, Manager Community Buildings
Mauro Bolin, General Manager Community Sustainability

10. City Assets and Environment Reports

14 December 2020

Agenda Item No: 10.1

CONTINUED SUPPORT OF COMMUNITY SPORTING CLUBS (SUMMER) DURING COVID-19 RESTRICTIONS

Contact Officer: Mark Stockton, Acting Manager Active Kingston

Purpose of Report

This report proposes for Council endorsement the granting of further fee relief for summer sports clubs (seasonal allocations) through the remainder of the 2020/21 summer season due to the impact of COVID-19 restrictions.

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. Extend the current fee waiver for seasonal pavilion fees from 1 January 2021 to 31 March 2021; and
2. Charge all outdoor sporting clubs seasonal fees for sports fields usage for the remainder of the summer season, from 1 January 2021 to 31 March 2021.

1. Executive Summary

Following consideration of the continued impact of COVID-19, this report seeks Council's consideration and decision to extend its support of community sporting clubs through a further waiver of seasonal sporting clubs fees for the remainder of the 2020/21 summer season, from 1 January to 31 March 2021.

2. Background

At its Ordinary Meeting on 19 October 2020, Council considered a report on the Continued Support of Community Sporting Clubs (Summer) During COVID-19 and resolved:

That Council:

1. *Having consideration of the State Government's "Roadmap to Recovery" Program, extends its fee relief to the 2020/2021 summer season sports ground allocations until the December 2020 Council Meeting; and*
2. *Receive a report at the December 2020 Council Meeting to consider further fee relief for the 2020/2021 summer season sports ground allocations.*

As part its consideration of this matter on the 19 October 2020, Council indicated that further fee relief due to COVID-19 restrictions should be considered by the new Council, following the conclusion of the 2020 Local Government elections.

Council has been very supportive of the community and provided considerable financial supports due to COVID-19 impacts. Specifically related to sport, and in addition to the waiving of summer seasonal ground fees, Council resolved on the 30 March 2020 to waiver community and sporting clubs' rents for 12 months and winter club seasonal sports fields and pavilion fees (the 2020 winter season, April to September 2020, was abandoned due to COVID -19). Many summer tenants continue to be supported through Council's waiver of sporting clubs' rent (pavilion lease rentals until the 30 March 2021, the end of the summer season).

3. Discussion

3.1 Council Plan Alignment

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

Direction 3.2 - Provide equitable access to services and facilities for all community members, irrespective of background and ability

Our organisation will focus on governing Kingston in a way that is well-informed, responsive, accountable, transparent, and efficient. We will also provide responsible stewardship of the community's resources and ensure our community facilities are well-managed to promote liveability.

3.2 Consultation/Internal Review

This matter has been canvassed with Council's Business Recovery Team, which supports its consideration at a future Council Meeting.

3.3 Operation and Strategic Issues

3.3.1 State Government Roadmap

The State Government's "Roadmap to Recovery" released on 6 September 2020 predicated certain COVID-19 infection targets being met within timeframes. The Roadmap has been updated on several occasions, with the latest update on Sunday 6 December 2020. A further update is not expected from the State Government until towards the end of summer 2021.

With the easing of restrictions, community sport has returned with the commencement of summer sport. However due to social distancing requirements, the use of club facilities such as pavilions is restricted. This limits the opportunities for clubs to generate revenue through direct sales and sponsorships. As COVID-19 restrictions continue to ease, greater use and increased occupancy levels with Council's pavilion facilities is expected to occur. However, due to social distancing requirements, club use of pavilions is likely to be remain reduced throughout the 2020/21 summer season.

3.3.2 2020/21 Summer Sporting Activity

Both junior and senior summer sports activities commenced in late November 2020. Whilst clubs have significant access to sporting field facilities, the use of pavilion facilities remains limited (due to COVID-19 restrictions). Key sporting associations such as Cricket Victoria 'Return to Play' regulations encourage the 'sparing' use of indoor facilities such as pavilions e.g. prioritising access for storage and toilets. The use of pavilions for large social gatherings, as permitted in prior years, is not currently permitted.

Sporting clubs' use of pavilion facilities is approved by Council through a lease (exclusive occupancy of 12 months) or seasonal tenancy (6 months).

For the 2020/21 season, sports field fees for summer clubs range from \$83 (junior) to \$620 (senior) per team.

3.3.3 Other Local Government Authorities

The approach taken by neighbouring Councils with the fees (summer 2020/21) for sporting clubs is listed below:

- Bayside: 100% waiver of fees for summer season allocations
- Greater Dandenong: 50% waiver of fees for summer season allocations
- Glen Eira: 100% waiver of fees for summer season allocations
- Frankston: Grants program currently offered to support sporting clubs/community groups experiencing financial hardship. Community sport club relief (summer) is expected to be considered at the December council meeting

3.3.4 Council Sports Club fee waivers (Summer 2020/2021)

The number of sports clubs directly benefiting from the proposed extended fee waivers during the 2020/21 summer season are detailed below:

- Cricket Clubs 25
- Baseball Clubs 4
- Athletics Clubs 3
- Other sports Clubs 2

Total Sports Clubs 34

3.4 Options

Due to the impact of COVID-19, options to support summer sports clubs (seasonal allocations) include:

3.4.1 Option 1 - Extend Fee Waiver for Sport Clubs

Extend Council's current sports club fee waivers for the remainder of the 2020/21 summer sports ground allocations, from 1 January 2021 until the end of the season, 31 March 2021.

This option is somewhat consistent with the approach proposed to be undertaken by Bayside and Glen Eira Councils. A point of difference is that Kingston has many more sporting clubs that lease pavilion facilities, which currently received a fee waiver until the 31 March 2021 (the majority of sports club have seasonal access to sporting facilities at Bayside and Glen Eira Councils).

This approach recognises that whilst summer clubs are currently operating, their ability to generate revenue is reduced and individual club members may be facing financing challenges.

3.4.2 Option 2 - Charge all seasonal fees from the 1 January 2021

Implement fees for the remainder of the summer season 2020/21. Fees will be charged from 1 January 2021 until the end of the summer season (31 March 2021) which is 50% of the calculated charge.

This option is consistent with the approach taken by the City of Dandenong.

3.4.3 Option 3 – **Recommended** - Charge sports field seasonal fees and waive seasonal pavilion fees from the 1 January 2021 to 31 March 2021.

This approach recognises that clubs have full use of sports fields and limited access and use of pavilion facilities. It also provides a level of alignment with both seasonal and lease pavilion fees waived until the 31 March 2021.

This is the recommended option.

4. Conclusion

4.1 Environmental Implications

Not applicable.

4.2 Social Implications

A reduction in fees for community sporting clubs will assist them to deliver programs and services during uncertain times and current financial hardships.

4.3 Resource Implications

The budget impact of the three options is shown below:

<i>Options</i>	<i>Description</i>	<i>Financial impact upon Council – <u>Reduced</u> revenue from the Council Revised 2020/21 Budget (approx.)</i>
1	Extend Fee Waiver for Sport Clubs (100%) waiver	\$90,000
2	Charge all seasonal fees from the 1 January 2021– 31 March 2021, half season (50%) waiver	\$45,000
3	Charge sports field seasonal fees and waiver seasonal pavilion fees from the 1 January 2021	\$50,000

Council's Revised 2020/21 Budget includes fees for seasonal summer use of both sports fields and pavilions. Any further fee waivers will need to be included as part of a future review of Council's Revised 2020/21 Budget.

Council will maintain a 5% discount on the seasonal fees that are paid within 30 days from the date of invoice. Clubs that are unable pay seasonal fees will be eligible to enter a repayment plan.

4.4 Legal / Risk Implications

Not applicable to this report.

Author/s: Mark Stockton, Acting Manager Active Kingston

Reviewed and Approved By: Samantha Krull, General Manager City Assets & Environment

14 December 2020

Agenda Item No: 10.2

EMERGENCY MANAGEMENT PLANNING REFORM – CHANGES TO MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE

Contact Officer: Sally Difford, Emergency Management Coordinator
Charles Turner, Manager, Infrastructure

Purpose of Report

The purpose of this report is to advise Council of Emergency Management planning reforms as outlined in the *Emergency Management Legislation Amendment Act 2018* and implemented by Emergency Management Victoria (EMV), and to seek endorsement to establish a reformed Municipal Emergency Management Planning 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. Authorise the disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s21(3)-(5) of the *Emergency Management Act 1986*, in recognition that on 1 December 2020 these provisions are repealed by s82(2) of the *Emergency Management Legislation Amendment Act 2018* and replaced by the provisions of s68 of the *Emergency Management Legislation Amendment Act (EMLA) 2018*;
2. Authorise the CEO to facilitate the establishment of the MEMPC in accordance with the provisions of s68 of the *Emergency Management Legislation Amendment Act 2018* (which inserts a new 'Part 6-Municipal Emergency Management Planning Committees' into the *Emergency Management Act 2013* on 1 December 2020);
3. Note that under the MEMPC Terms of Reference provided and the *Emergency Management Legislation Amendment Act 2018* (which inserts s59 and 59F into the *Emergency Management Act 2013* on 1 December 2020) Council's role is to establish the committee;
4. Note that once established, the committee exists separately to Council and is not a committee of Council; and
5. Revoke the appointment of Cr Cochrane to the MEMPC as resolved at the Council Meeting on 18 November 2020 due to elected Councillors not forming part of the MEMPC membership under the *Emergency Management Legislation Amendment Act 2018*.

1. Executive Summary

Changes to the existing Municipal Emergency Management Planning Committee (MEMPC) are part of an extensive Emergency Management Reform which includes the creation of a State Emergency Management Plan (SEMP) and at the regional tier level a (Southern Metro) Regional Emergency Management Plan (REMP). The reform involves changes to the function and responsibilities of MEMPC's and the way Councils engage in Emergency Management Planning.

As part of this reform, Council is required to disestablish the existing Municipal Emergency Management Planning Committee (MEMPC) and establish a new reformed MEMPC.

2. Background

The *Emergency Management Legislation Amendment Act 2018* (EMLA Act) amended the *Emergency Management Act 2013* (EM Act 2013) and various other acts to establish a new integrated and coordinated framework for emergency management planning at state, region and municipal levels.

At the municipal level, the EM Act 2013 as amended creates an obligation for a reformed Municipal Emergency Management Planning Committee (MEMPC) to be established in each of Victoria's municipal districts. Each MEMPC is a multi-agency collaboration group whose members bring organisation, industry or personal expertise to the task of developing a comprehensive Municipal Emergency Management Plan (MEMP) for the municipality.

The MEMP covers arrangements for mitigation, response and recovery, and identifies the roles and responsibilities of agencies in relation to emergency management.

On 10 September 2020, the State Crisis and Resilience Council (SCRC) approved the State Emergency Management Plan (SEMP) which came into effect on 30 September 2020. Concurrently, a reformed Regional Emergency Management Planning Committee (REMPC) has been meeting since June 2020 with a focus on preparing its first Regional Emergency Management Planning (REMP) under the new framework. Changes to the municipal tier of emergency management planning came into effect on 1 December 2020.

From 1 December, the main changes in the way Council engages in emergency management planning will be that:

- The Municipal Emergency Resource Officer (MERO) will no longer have legislative backing. Instead each Council will be required to appoint one or more Municipal Emergency Management Officers (MEMOs). The MEMO is responsible for liaising with agencies in relation to emergency management activities for the municipal district and assisting in the coordination of emergency management activities for the municipal Council.
- The role of Municipal Recovery Manager (MRM) will also be formalised in legislation and each Council must appoint one or more MRMs who are responsible for coordinating, in consultation with agencies, the resources of the Council and the community for the purposes of recovery, liaising with any MEMO in relation to the use of Council's resources for the purposes of recovery, and assisting any MEMOs with planning and preparing for recovery.
- Additionally, responsibility for municipal emergency management planning transfers from Council to the multi-agency MEMPC. This shift highlights the intent of the reform which supports emergency management planning as an integrated, multi-agency and collaborative effort. By extension, other key agencies, not just councils, will be required to participate and contribute their expertise to this process and the Municipal Emergency Management Plan (MEMP) will be "owned" by the MEMPC and not the Council.

- The EMLA Act will insert section 59F into the Emergency Management Act 2013 outlining the following three functions that ensure Council retain a lead role in facilitating emergency management planning at the municipal level and which recognises their local knowledge and experience in coordinating across agencies. Council is therefore required to:
 - (a) Facilitate emergency management planning by establishing the MEMPC.

In line with section 59(1) of the Local Government Act 2020. Council is able to acquit this responsibility through a Council resolution that ensures a MEMPC is established in accordance with the legislation, including recognising that the MEMPC promotes shared responsibility for planning by requiring relevant agencies to participate in the planning process, and that the MEMPC reports directly to the Regional Emergency Management Planning Committee, not to Council. Membership of the MEMPC does not include elected Councillors.
 - (b) In collaboration with other agencies and by the establishment of the MEMPC, enable community participation in emergency preparedness, including response and recovery activities. Community participation will form part of the ongoing work of the MEMPC and does not require immediate action.
 - (c) Nominate the chairperson for the MEMPC. (This has been completed with the appointment of the Manager Infrastructure, by the Chief Executive Officer under delegated authority)

3. Discussion

3.1 Council Plan Alignment

Goal 5 - Our well-governed and responsive organisation

Direction 5.4 - A responsive and well managed organisation

Passing this resolution enables Council to proceed with the Emergency Management Reforms as set out by Emergency Management Victoria.

3.2 Consultation/Internal Review

The MEMPC Chairperson and Council's Emergency Management Coordinator have both been involved in numerous written communications concerning the reforms, including attendance at government committees and groups to discuss all matters pertaining to this resolution. No issues have been found in association with this resolution.

3.3 Operation and Strategic Issues

Setting up of the reformed Municipal Emergency Management Planning Committee

Invitations for representatives have been sent to some of the agencies and organisations which will make up the reformed MEMPC, but this process has yet to be completed.

4. Conclusion

4.1 Environmental Implications

There are no environmental implications.

4.2 Social Implications

There are no social implications.

4.3 Resource Implications

There are no immediate financial implications concerning resourcing.

4.4 Legal / Risk Implications

There are no legal/risk implications if the resolution is passed but these may present if the resolution is not passed.

Author/s: Sally Difford, Emergency Management Coordinator
Charles Turner, Manager, Infrastructure
Reviewed and Approved By: Charles Turner, Manager, Infrastructure
Samantha Krull, General Manager City Assets & Environment

14 December 2020

Agenda Item No: 10.3

SALE OF LAND - 2 TROY STREET, BONBEACH

Contact Officer: Michelle Hawker, Senior Administration Officer

Purpose of Report

The purpose of this report is to seek authorisation to sell Council owned land (a drainage reserve) to the adjoining property at the side of 2 Troy Street, Bonbeach.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That Council:

1. Authorise the Chief Executive Officer or her delegate to apply for a Planning Permit to remove the drainage reserve reservation from reserve Lot 1 on Title Plan 946305N and create remaining lots;
2. Following removal of the reservation, authorise the Chief Executive Officer or her delegate to publish a public notice in accordance with section 189 of the Local Government Act 1989 (Act) stating Council's intention to sell Lot 1 PS842141K shown in this report, and invite submissions that will be considered in accordance with section 223 of the Act;
3. Authorise the Chief Executive officer or her delegate to carry out the necessary administration procedures to allow Council to carry out its functions under section 223 of the Act;
4. Authorise the Chief Executive officer or her delegate to convene if required, on 2 February 2021 at 5pm at 1230 Nepean Highway Cheltenham a section 223 committee of Council to include the Longbeach Ward Councillor, General Manager City Assets and Environment, Manager Property and Arts, and Team Leader Property Services to hear presentations from parties who wish to be heard in support of their written submission, and then report back to Council; and
5. In the event no submissions are received, authorise the Chief Executive Officer or her delegate to proceed to sell the land for \$13,728 plus GST and costs associated with the sale.

1. Executive Summary

Council has received a request from the owners of 2 Troy Street in Bonbeach to purchase the section of land which is enclosed within their fenced boundary. The section of land is known as Lot 1 PS842141K is highlighted yellow on the below plan.

The proposal will require Council to remove the drainage reserve status via a Planning Permit and create new lots for the land owned by Council known as Lot 1 on Title Plan 946305N and

with the intention to sell lot 1 on PS842141K to the adjoining property at 2 Troy Street, Bonbeach.

This parcel will still have an easement in favour of South East Water.



Council's Discontinuance and Sale of Roads Rights of Way and Drainage Reserves Policy allows for a 50% discount for land as a once only incentive. After applying the discount, the sale price will be \$13,728 plus GST. The policy also makes provisions for the recovery of all costs associated with the sale of the land which will be recovered from the purchaser as part of the sale.

The remaining lots will remain in Council's name.

2. Background

In 2010 Council removed the reservation from part of the drainage reserve which adjoins Alleyne Ave and sold a portion to the property at 27 Crown Road Bonbeach. The balance of the drainage reserve was transferred into Council's name known as Lot 1 on Title Plan 946305N.

3. Discussion

3.1 Council Plan Alignment

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

3.2 Consultation/Internal Review

External

Officers referred the proposal to South East Water who have no objection subject to an easement being created in favour of South East Water.

Adjoining owners have been advised of the proposal and formally be notified through the statutory processes for the Planning Permit and proposed subsequent sale.

Internal

The proposal was referred to Council's Roads and Drains team. Council does not have any assets in the reserve and the Roads and Drains team have no objection to the removal of reserve status and subsequent proposed sale of land.

3.3 Operation and Strategic Issues

3.3.1 Compliance

Compliance with the Discontinuance and Sale of Roads Rights of Way and Drainage Reserve Policy (Policy) The reserve status is proposed to be removed via a Planning Permit.

3.3.2 Sale Process

It is intended that land resulting from the removal of the reserve being Lot 1 TP842141K be sold to the adjoining property owner at 2 Troy Street, Bonbeach by private treaty for \$13,728 plus GST and associated costs.

3.3.3 Statutory Process

In accordance with section 189 of the Local Government Act, Council is required to give public notice of its intention to sell land. Any person may make a submission which must be considered under section 223 of the Local Government Act 1989. If submissions are received, they will be considered by a Committee of Council comprising of the Longbeach Ward Councillor, General Manager City Assets and Environment, Manager Property and Arts and Team Leader Property Services.

3.4 Options

3.4.1 Option 1-Recommended

That Council authorises the Chief Executive Officer or her delegate to seek to remove the reserve status of reserve Lot 1 on Title Plan 946305N and create remaining lots by applying for a Planning Permit. A public notice will be published in accordance with section 189 of the Local Government Act (Act) stating Council's intention to sell Lot 1 TP842141K.

The Chief Executive officer or her delegate be authorised to carry out the necessary administration procedures to allow Council to carry out its functions under section 223 of the Act. If required, a section 223 committee of Council is convened to hear presentations from parties who wish to be heard in support of their written submission. A report will then be provided back to Council. In the event no submissions are received, the CEO be authorised by Council to proceed to sell the land.

3.4.2 Option 2-Not recommended

Council does not proceed with the sale.

4. Conclusion

4.1 Environmental Implications

Nil

4.2 Social Implications

Nil

4.3 Resource Implications

All costs associated with the sale will be borne by the purchaser.

4.4 Legal / Risk Implications

The removal of the reserve requires a Planning Permit and any sale of the land would subsequently require a section 189 and section 223 process under the Local Government Act 1989 to proceed.

Author/s:	Michelle Hawker, Senior Administration Officer
Reviewed and Approved By:	Peter Gillieron, Team Leader Property Services Julian Harvey, Manager Property and Arts Samantha Krull, General Manager City Assets & Environment

14 December 2020

Agenda Item No: 10.4

ELDER STREET SOUTH RESERVE

Contact Officer: Chris Chambers, Green Wedge Project Coordinator

Purpose of Report

This report seeks approval by Council to release the Elder Street Master Plan for community consultation in February 2021.

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 release of the Elder Street Master Plan for community consultation in February 2021.

1. Executive Summary

Elder Street Reserve (a former landfill) forms a key link in the Chain of Parks. Since Council took operational control of the site in 2017, a number of changes have been made to ensure safe public access, with the space due to be open early 2021. The Master Plan incorporates aspects of the Green Wedge Management Plan and Chain of Parks Plan.

The attached Master Plan outlines a vision for a natural landscape, with areas ranging from active sport, passive recreation, dense plantings and open grasslands. This Master Plan is ambitious in its use of indigenous species, not traditionally associated with public parks on former landfills.

Community consultation is planned to occur in February and early March 2021, with a report on the community feedback and endorsement of the Master Plan to be presented to Council in April/May 2021, depending on the feedback and changes required. Once the Master Plan is endorsed by Council, detailed drawings will be developed, with the tender process commencing in mid-2021. Completion of the park in line with the Master Plan is planned over 12-18 months, subject to Council budget processes.

2. Background

Elder Street Reserve forms a key link within the Chain of Parks and has received significant community interest. Without Elder Street Reserve there can be no continual Chain of Parks between Karkarook Reserve and Braeside Park, a key long-term goal of both Council and the State Government.

Since 2017 Kingston Council has been undertaking site works with the intent to open the reserve to the public. Works to date have included earthworks, capping and drainage works to provide safe and accessible path networks and open lawns. The reserve is due to be opened in early 2021.

Consultation was undertaken in early 2020 to determine the aspirations of the community for the Elder Street Reserve. This consultation included 28 responses to Your Kingston, Your Say and 17 people attended a drop-in session at Clarinda library. The local primary school was also consulted. Results from this consultation have been used to inform the development of this Master Plan.

The Master Plan aligns with outcomes in the Green Wedge Management Plan and incorporated Chain of Parks Plan. This includes increasing biodiversity values, providing active and passive recreation spaces, and ensuring a shared user path eventually linking Karkarook Park to Braeside Park.

The Master Plan includes active recreation areas including basketball, netball and tennis facilities; natural woodland play space; BBQ areas; small seating nooks and public toilets. The inclusion of a natural play area aligns with the Victorian Government's Biodiversity 2037, which has a key goal of connecting people with nature. This play space will be made up of natural features and suitably sympathetic play structures for children's imaginative play within a non-structured environment. Areas of the reserve will also be set aside for open lawns; indigenous tree species; areas of native grassland; and areas of recreated bushland. Overall, the reserve will have a very natural feel with significant indigenous tree cover (once mature), creating good habitat for wildlife.

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

This Master Plan and park development will increase the usable open space within Kingston and form a key section of the Chain of Parks.

3.2 Consultation/Internal Review

Community consultation was undertaken in early 2020 to gather input and ideas for the park and these were considered in the Master Plan development. This consultation closes the loop back to community members who have previously provided input, and also presents an opportunity for the broader community to provide further comment and feedback. The Master Plan community consultation is proposed to occur in February 2021.

Following consultation, a report summarising the feedback will be presented, together with any amendments to the Master Plan for endorsement by Council in April / May 2021.

3.3 Operation and Strategic Issues

Despite a number of delays experienced since 2017, the site works completed to date provide a good foundation for delivering a high-quality reserve consistent with the Master Plan.

3.4 Options

3.4.1 Not release the Master Plan for community consultation

Council could choose not to release the Master Plan for community consultation in February 2021. This would not align with community expectations.

This option is not recommended

3.4.2 Release the Master Plan

Council releases the Master Plan for community consultation in February 2021. A report on the feedback and revised plans to be presented to Council for consideration and endorsement.

This is the recommended option

4. Conclusion

4.1 Environmental Implications

Approval of this Master Plan and subsequent construction will vastly improve the biodiversity values of the reserve and surrounding area. Currently the reserve has pasture grass with few trees. The Master Plan introduces many indigenous plant species, benefitting the genetic diversity of the local flora and providing habitat for local fauna.

4.2 Social Implications

The Master Plan allows for both active and passive recreation within a natural space that will reconnect people with nature. This will provide mental and physical health benefits, and other reserve features such as BBQs and seating will provide opportunities for social interaction.

4.3 Resource Implications

Community consultation will be delivered through the existing budget and staff. The development of the detailed designs and construction costs will be funded from the Green Wedge Reserve.

4.4 Legal / Risk Implications

Nil

Appendices

Appendix 1 - Elder Street Master Plan December 2020 Draft - 1 (Ref 20/285782)  [Download](#)

Appendix 2 - Elder Street Master Plan December 2020 Draft - 2 (Ref 20/285785)  [Download](#)

Appendix 3 - Elder Street Master Plan December 2020 Draft - 3 (Ref 20/285787)  [Download](#)

Author/s: Chris Chambers, Green Wedge Project Coordinator
Reviewed and Approved By: Emily Boucher, Acting Manager Parks & Open Space
Samantha Krull, General Manager City Assets & Environment

10.4

ELDER STREET SOUTH RESERVE

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3	Elder Street Master Plan December 2020 Draft - 3.....	589







11. Corporate Services Reports

14 December 2020

Agenda Item No: 11.1

RESPONSE TO NOTICE OF MOTION NO.45/2020 - CR OXLEY - RECORDING OF COUNCIL MEETINGS POLICY

Contact Officer: Patrick O'Gorman, Governance Officer

Purpose of Report

The purpose of this report is to respond to a resolution of Council relating to Notice of Motion No.45/2020 – Recording of Council 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.

OFFICER RECOMMENDATION

That Council adopt / not adopt a change to the Recording of Council Meetings Policy to allow for the recording and retention of matters relating to the Chief Executive Officer (CEO) as outlined in Attachment 1.

1. Executive Summary

This report addresses the Council resolution seeking an amendment to the Recording of Council Meetings Policy that allows for the recording and retention of matters relating to the CEO. The relevant clause in the policy has been updated to reflect the new confidentiality provision of 'personal information' under section 3(1)(f) of the Local Government Act 2020 (the Act), to preserve the previous policy position exempting personnel matters and the personal hardship of a ratepayer being recorded.

Consideration has also been given to the Freedom of Information (FOI) implications regarding recorded matters in the confidential part of a Council meeting.

2. Background

At the 30 November 2020 Council Meeting, it was resolved:

That Council receive a report to the December meeting into amending the Recording of Public Council Meetings Policy to allow for the recording and retention of the recordings in relation to matters relating to the CEO.

3. Discussion

3.1 Council Plan Alignment

Goal 5 - Our well-governed and responsive organisation
Direction 5.4 - A responsive and well managed organisation

3.2 Consultation/Internal Review

Consultation with Maddocks lawyers has been undertaken to allow for the resolution to be implemented within the policy that allows for it to operate within the scope of the Act.

3.3 Operation and Strategic Issues

3.3.1 Change of definition of confidential information under the Local Government Act 2020

To allow for the inclusion of wording to meet the intent of the resolution, section 4.1.4 of the policy would need to be amended to give effect to the new confidentiality provisions of the Act to apply the relevant definition.

The relevant clause currently reads as follows:

Items designated confidential under section 89(2)(a) personnel matters and section 89(2)(b) the personal hardship of any resident or ratepayer will not be recorded to respect the personal privacy of staff, residents and ratepayers.

To give effect to the intent of the resolution and to reflect the changes in the Act, the above clause has been amended to read as follows:

Items that are confidential under section (3)(1)(f) of the Act that is personal information, being information which if released would result in the unreasonable disclosure of information or their personal affairs, will not be recorded if that information relates to personnel matters (except for matters relating to the CEO), or the personal hardship of any resident or ratepayer to respect the personal privacy of residents and ratepayers.

3.3.2 Amendments to reflect legislative changes

Minor amendments have been made to reflect the updated provisions of the Local Government Act 2020.

3.3.3 Freedom of Information (FOI) considerations

In addressing the potential FOI implications of this proposal, Council's attention is drawn to the following matters:

- the provision to exempt information that has been considered in a confidential part of a Council meeting has been removed;
- under the FOI Act (s.38), the relevant consideration is now Councils must generally disclose a document upon request unless it is exempt due to a secrecy provision in force in another Act.

The relevant secrecy provision under the Local Government Act is section 125, which reads as follows:

125 Confidential Information

(1) Unless subsection (2) or (3) applies, a person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff,

must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.
Penalty: 120 penalty units.

(2) Subsection (1) does not apply if the information that is disclosed is information that the Council has determined should be publicly available.

“Confidential information” is defined in section 3 of the LG Act.

Should an FOI application request a recording of matters relating to the CEO, an assessment will need to be made in accordance with the FOI Act to determine the confidentiality of that document.

The application of the secrecy provision would in most cases exempt the release of recordings of the confidential part of the meeting.

3.3.4 Transparency

An issue raised by Councillors at the 30 November Council Meeting was one of transparency. Potentially this has some merit if integrity agencies requested the information that was recorded during the meeting. However, it still remains that Council can only determine if something is to be made publicly available under section 125(2) of the Act.

3.3.5 Personnel considerations

Making provision for a CEO matter to be recorded in the confidential part of Council Meetings differentiates this from other personnel matters.

4. Conclusion

4.1 Environmental Implications

Not applicable

4.2 Social Implications

Not applicable

4.3 Resource Implications


Not applicable

4.4 Legal / Risk Implications

The recordings of matters relating to the CEO can still be subject to an FOI application, however assessment will be made in accordance with the requirements of the FOI Act.

Potentially these matters may be requested by an integrity agency.

Appendices

Appendix 1 - Recording of Council Meetings Policy (Ref 20/285198)  

Author/s: Patrick O'Gorman, Governance Officer
Reviewed and Approved By: Phil DeLosa, Manager Governance
Paul Franklin, General Manager Corporate Services

11.1

RESPONSE TO NOTICE OF MOTION NO.45/2020 - CR OXLEY - RECORDING OF COUNCIL MEETINGS POLICY

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Recording of Council Meetings Policy

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1 Document Control

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

RESPONSIBLE GENERAL MANAGER	General Manager Corporate Services
POLICY OWNER	Manager Governance
ADOPTED BY	Council on 24 September 2018
REVIEW DATE	30/09/2020
CM REF AND VERSION	13/75208 [v3]
VERSION HISTORY	This Policy Replaces Version Version 1- April 2014 Version 2 28 November 2016

2 Purpose

The *Recording of Council Meetings Policy* (the Policy) provides information and procedures in relation to:

- the recording and live streaming of public meetings of Kingston City Council; and
- the recording of the public gallery via Closed Circuit Television (CCTV) cameras.

3 Scope

The Policy applies to all *meetings* of Kingston City Council.

4 Policy Details

Council has resolved to record, live stream and archive *meetings* on the internet that are open to the public, noting that *meetings* that are closed to the public in accordance with section 89(2) 66(1) of the Act for circumstances specified in section 66(2)(a) will be recorded and kept confidential. Part 1 of this Policy reflects Councils commitment to transparent and accessible decision-making processes.

Council is also committed to the safety of members of the public in attendance at meetings and for this reason, CCTV systems will also be in operation to record the public gallery for the purpose of public safety. Part 2 of this Policy governs the use of CCTV systems at meetings.

Part 1. Recording and Live Streaming of Meetings

4.1.1 Scope

The recording and live streaming of meetings reinforces Councils commitment to transparency and accessibility in Councils decision making processes. This section outlines who will be recorded, when meetings will and will not be recorded and how recordings can be accessed.

4.1.2 Councillors and Officers

All Councillors and Officers will be recorded when in attendance at public *meetings* of Council.

The default camera position will ensure that all Councillors present are in view throughout the *meeting*.

4.1.3 Meetings open to the public

All public *meetings* of Kingston City Council will be recorded and live streamed on the internet unless Council resolves otherwise.

4.1.4 Meetings closed to the public

- a. Where Council resolves to close the *meeting* to the public in accordance with section 89(2) 66(1) of the Act for the purposes of considering confidential information under section 66(2)(a), recording will continue but the *meeting* will cease to be live streamed on the internet.
- b. Officers will ensure that the appropriate recording devices are utilised when the *meeting* is closed to the public to ensure that the recording is not streamed on the internet.
- c. All *meetings* closed to the public will be recorded unless Council resolves otherwise.
- d. ~~Items designated confidential under section 89(2)(a) personnel matters and section 89(2)(b) the personal hardship of any resident or ratepayer will not be recorded to respect the personal privacy of staff, residents and ratepayers.~~

- d. Items that are confidential under section (3)(1)(f) of the Act that is personal information, being information which if released would result in the unreasonable disclosure of information or their personal affairs, will not be recorded if that information relates to personnel matters (except for matters relating to the CEO), or the personal hardship of any resident or ratepayer to respect the personal privacy of residents and ratepayers.

4.1.5 Public Gallery

- a. It is not intended that visitors in the public gallery be recorded and signage to this effect is to be visibly displayed in the foyer of the Council Chamber, which reads:

For the purposes of transparency, this public meeting is being recorded and streamed live on the internet. The recording will be archived and available on Councils website www.kingston.vic.gov.au. However, for the purpose of public safety, this public meeting is also being recorded via CCTV. All care is taken to maintain your privacy; however as a visitor in the public gallery, your presence may be recorded.

- b. The Chairperson will read out the statement contained in clause 4.1.5(a) at the commencement of each meeting.

4.1.6 Question Time

- a. It is practice for visitors at an ~~Ordinary Meeting of Council~~ Council Meeting to have the opportunity to submit a question during Question Time. The visitor should be present in the gallery when the question is read out and responded to.

Questioners will not be recorded in the public gallery subject to Part 2 of this Policy however their full name and where they are from will be read out and recorded during Question Time.

- b. If a visitor who asks a question does not wish for their full name to be read out this must be indicated in the appropriate section of the Question Form and only the visitors first name will be read out.

The visitors full name and where they are from will continue to be recorded in the public minutes of the meeting.

4.1.7 Members of the public addressing Council

- a. Members of the public who address Council or the Planning Committee either in support or objection of a Planning Application will be recorded. The following wording will appear in correspondence inviting applicants and objectors to address Council:

This public meeting is being recorded and streamed live on the internet. The recording will be archived and available on Councils 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.

- b. By participating in a public Council meeting, members of the public agree to being recorded. In the event of exceptional circumstances rendering an individual unable to be recorded, it is at the Chairpersons absolute discretion to call for a motion to cease recording in accordance with clause 4.3 of this Policy.

4.1.8 Archived Recordings

- a. All public meetings that are streamed live on the internet will later be archived on Councils website www.kingston.vic.gov.au. Due to the instantaneous nature of live streaming, there will be no editing of the contents of the recorded public meeting. Bookmarks advising of the agenda items considered during the meeting will be added to the archived version of the recorded meeting to provide ease of navigation for viewers.

- b. Members of the public can access all recorded public meetings free of charge on Councils website www.kingston.vic.gov.au.
- c. Meetings closed to the public that have been recorded will be archived securely by the Governance Department to maintain the confidentiality of the information and will not be accessible to the public.
- d. Councillors wishing to access an archived recording of a meeting closed to the public can do so via the Governance Department.

Part 2. CCTV Recording of Meetings

4.2.1 Scope

Visitors in the public gallery *at meetings* will be subject to CCTV recording for the purpose of public safety. This practice is separate and distinct from the recording and live streaming of meetings. CCTV recording and any data obtained will be handled in accordance with the Information Privacy Principles contained in Schedule 1 of the Privacy and Data Protection Act 2014. At all times, Council will endeavor to balance the need for public safety with an individuals right to privacy.

4.2.2 Notification and Signage

In accordance with IPP 1, visitors in the public gallery will be made aware of CCTV recording via signage visibly displayed in the Council Chamber.

Signage will include the following information:

- That CCTV surveillance is underway for the purpose of public safety;
- Identify Council as the owner of the CCTV system; and □
Reference to Councils website for further information.

The Chairperson will also read the Statement contained in Clause 4.1.5(a) at the commencement of each meeting.

4.2.3 Use and Disclosure

In accordance with IPP 2, Council will only disclose CCTV records/footage to a third party in accordance with the primary purpose of collection and will only disclose footage for a secondary purpose where an exemption listed in IPP 2 applies, such as where required by a law enforcement agency.

4.2.4 Data Quality

In accordance with IPP 3, Council will take reasonable steps to ensure that the CCTV recording that it collects, uses or discloses is accurate, complete and up to date.

4.2.5 Data Security

- a. In accordance with IPP 4, Council will take reasonable steps to protect information gathered through the CCTV recording of visitors at meetings from misuse and inappropriate disclosure.
- b. CCTV footage will be retained for 30 days after each meeting. Where footage has been provided to a third party (e.g. Victoria Police) it will be the third partys responsibility to retain the records/footage in accordance with the disposal authority that covers their agencies functional responsibilities.
- c. Council will ensure its record keeping practices comply with the Public Records Office Standards for the management of public records, Public Records Office Specifications and the

Public Records Act 1973 (Vic). In general, surveillance camera footage is temporary and only retained for 30 days after the meeting.

4.2.6 Access and Correction

- a. In accordance with IPP 6, Council will provide access to the recording to individuals whose personal information is collected via CCTV recording upon request and within the 30 day retention period.
- b. Individuals seeking access to CCTV footage they appear in must make such applications in writing addressed to the Manager Governance. The application should include the following information:
 - The meeting the footage is requested for;
 - The applicants contact details; and
 - A copy of photographic identification (for the purposes of identifying the applicant and to ensure the privacy of other attendees is protected)
- c. Footage will be provided to individuals provided it is within the 30 day retention period as per clause 4.2.5(b).
- d. To protect the privacy of other individuals captured in the recording, Council will de-identify images and sounds attributable to individuals other than the applicant. This will not occur where footage is requested from law enforcement agencies.

5 Human Rights Charter

This policy has been reviewed against and complies with the Charter of Human Rights and Responsibilities Act 2006.

6 Related Documents and Resources

Legislation / External Document

- *The Local Government Act 1989* 2020
- *The Privacy and Data Protection Act 2014*

7 Definitions

Word/Term	Definition
CCTV	means Closed Circuit Television
Council	means the City of Kingston Council
Meetings	means Ordinary and Special Meetings of Council and Planning Committee Meetings means Council Meetings and Planning Committee Meetings
Meetings closed to the public	means meetings closed to the public on specified grounds circumstances by Council in accordance with section 89(2) 66(2) of the Act
Public meetings	means Ordinary and Special Meetings of Council Council Meetings and Planning Committee Meetings which have not been closed to the public in accordance with section 89(2) 66(1) of the Act

14 December 2020

Agenda Item No: 11.2

CON 20/050: PROVISION OF PRINTING SERVICES - RECOMMENDATION TO AWARD CONTRACT

Contact Officer: Freya Carlson, Program Leader - Digital, Design & Events

Purpose of Report

This report seeks Council approval to award contract CON-20/050 Provision of Printing Services for a period of three (3) years, with one possible extension period of a further two (2) years. All estimates in this report are ex-GST.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That Council:

1. Award CON 20/050 Provision of Printing Services to the suppliers listed below for the initial three (3) year period commencing on 1 January 2021 at an estimated combined cost of \$313,389 annually, with a total estimated combined contract value of \$940,167 over 3 years or \$1,566,946 over 5 years:
 - A. High Profile Printing (panel):
 - Doran Printing
 - Southern Impact
 - Kosdown
 - Complete Colour
 - B. Newsletter Printing (sole provider):
 - Complete Colour
2. Delegate to the Chief Executive Officer the authority to exercise the Council's option to extend the contract for two (2) years at the completion of the initial contract period, subject to the contractors' satisfactory performance.

1. Executive Summary

This report presents the recommendation to appoint the following four suppliers as the successful tenderers for the Provision of Printing Services:

- Doran Printing – Printing Panel
- Southern Impact – Printing Panel
- Kosdown – Printing Panel
- Complete Colour – Printing Panel, and Newsletter Printing

The contract terms are for an initial period of three (3) years commencing on 1 January 2021 with a possible two (2) year extension period, to be exercised at Council's sole discretion. The estimated combined contract value is \$313,389 annually, with a total estimated combined contract value of \$940,167 over 3 years or \$1,566,946 over 5 years.

2. Background

Due to the large amount of printed materials generated by the organisation, a panel of printers is a solution that provides consistency, price efficiency and quality while reducing associated admin.

The current contract for Printing Services is due to expire on 30 December 2020. Under this contract, a panel of printers were engaged to provide all digital and offset printing requirements (e.g. stationery, flyers, posters, Council agendas etc) for the organisation. The panel is also responsible for printing our seasonal newsletter, Kingston Your City (KYC).

3. Discussion

3.1 Council Plan Alignment

Goal 5 - Our well-governed and responsive organisation

Direction 5.2 - Responsible and sustainable financial management

The establishment of a panel of preferred printing suppliers ensures consistency in quality for our key promotional printed materials. The nature of the panel provides set pricing and bulk efficiencies which reduces the administration associated with sourcing multiple quotes (depending on the value).

3.2 Public Tender

The tender was advertised in The Age on Saturday 15 August 2020, closing Thursday 10 September 2020. Given the economic environment at the time (due to COVID-19), assistance was received from the Business Directions team and a targeted email was sent to local printers advising them that the tender was open.

Council went to market with the tender documentation stating that tenderers could submit for the provision of either (or both) of the following services:

- High-profile printing (e.g. stationery, flyers, posters, Council agendas etc)
- Newsletter printing (KYC)

At the closing date, 20 tenders were received.

3.3 Evaluation

The submissions were evaluated by:

1. Serena Gillott – Environmental Planning Officer
2. Stuart Fisher – Senior Graphic Designer
3. Gina Donovan – Graphic Designer
4. Freya Carlson – Program Leader – Digital, Design & Events (Evaluation Chair)

3.4 Assessment Criteria

Each submission was assessed in accordance with the evaluation criteria set out in the RFT Specification documents:

- | | |
|-----|------------|
| 30% | Price |
| 20% | Experience |

20%	Capacity
15%	Demonstrated quality of work
15%	Local Benefit & Environment

Qualitative scoring was carried out individually by the evaluation panel to achieve an average score, and a 'basket of goods' was established to calculate the price component. The qualitative score was then combined with the 'basket of goods' to generate the final pre-interview ranking of the 20 submissions. Five suppliers were shortlisted for interview.

For ease of review, a tabulated summary of the full Evaluation Matrix is outlined at Appendix 1 – CON-20/050 Summary of Evaluation.

3.5 Shortlist interviews

Shortlisted candidates were provided an opportunity to meet the evaluation panel.

The shortlisted interviews for High Profile Printing were with:

1. Doran Printing
2. Kosdown Printing
3. Southern Impact
4. Complete Colour
5. Blue Star / IVE

The shortlisted interviews for Newsletter Printing were with:

1. Complete Colour
2. Blue Star / IVE

The evaluation panel met after the interviews to review existing scores; scores were not adjusted after the interviews.

A summary of each of the shortlisted candidates is included at Appendix 2 – CON-20/050 Evaluation Shortlist Summary.

Non-conforming tender

A non-conforming submission was received from Blue Star Pty Ltd who listed multiple contract clauses they would not agree to. In consultation with the Procurement team, clarification was sought from the tenderer relating specifically to their areas of non-conformance, but their refusal to move on some items meant that their submission was not considered further.

4. Conclusion

4.1 Environmental and Social

As part of the evaluation, close attention was paid to the environmental accreditations of the candidates as well as their supply chain. All preferred suppliers are 140001 Accredited and exceed multiple other 'green' credentials to support their selection.

The evaluation panel also considered favourably submissions from organisations operating in or with close ties to the municipality of Kingston. High regard was given to suppliers with facilities within our municipal boundary.

4.2 Resource Implications

For the term of the Contract, it is anticipated High Profile Printing requirements for the organisation will be split equitably between the four panel printers, at the discretion of the Design and Communications teams. As the contract relates to ad-hoc printing supply, historic 3-year expenditure for similar work has been used to assume the estimated contract value of \$254,641 per annum, with a total estimated contract value of \$763,923 over 3 years and \$1,273,206 over 5 years. An overall push to digital channels for some communications campaigns (instead of traditional print media) could represent a saving for the organisation.

Newsletter Printing will be awarded to a single candidate (Complete Colour) and will have a separate own contract value of \$58,748 annually, based on the pricing provided in the tender response for 4 editions per year at 16 pages per edition, with a total contract value of \$176,244 over 3 years and \$293,740 if executed to 5 years.

4.3 Legal / Risk Implications

Consultation with the Procurement team confirmed that, in the event of a contractor ceasing operation, we would be able to use an alternative with little disruption due to the 'supply' nature of the contract.

Appendices

Appendix 1 - CON-20-050 Summary of Evaluation (Ref 20/270217) - Confidential

Appendix 2 - CON-20-050 Shortlist Evaluation Summary (Ref 20/270222) - Confidential

Appendix 3 - CON-20-050 Certificates of Currency (Ref 20/270921) - Confidential

Author/s:	Freya Carlson, Program Leader - Digital, Design & Events
Reviewed and Approved By:	Megan O'Halloran, Manager Communications and Community Relations
	Paul Franklin, General Manager Corporate Services

14 December 2020

Agenda Item No: 11.3

ANNUAL REPORT 2019/20

Contact Officer: Megan O'Halloran, Manager Communications and Community Relations

Purpose of Report

The purpose of this report is for Council to receive the City of Kingston's 2019/20 Annual Report.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That Council, having considered the 2019/20 Annual Report, determine that it be adopted in accordance with the *Local Government Act 1989* and Regulation 22 of the *Local Government (Planning and Reporting) Regulations 2014*.

1. Executive Summary

The 2019/20 Annual Report provides an overview of Council's achievements against the five Council goals and Council's financial results. The Annual Report also presents the unqualified Victorian Auditor-General's Office certified financial and performance statements for 2019/20.

2. Background

Early this year, the Minister for Local Government approved an extension for the submission of Annual Reports for financial year 2019-20 from 30 September 2020 to 30 November 2020.

In accordance with Council's obligations under the *Local Government Act 1989* (the Act) Council's 2019/20 Annual Report was submitted to the Minister for Local Government on Friday 27 November 2020.

The *Local Government (Planning and Reporting) Regulations 2014* requires that the Annual Report must be considered by Council within one month after submitting the Annual Report to the Minister.

Important to note that the Annual Report adhered to the 1989 Local Government Act as the provision related to the Annual Report in the 2020 Local Government Act did not come into force until 24 October 2020.

3. Discussion

3.1 Council Plan Alignment

Planned Outcome 5 - Our well-governed and responsive organisation
Strategy 5.1 - Support decision making to provide an efficient and effective council which embodies the principles of democracy

The Annual Report directly demonstrates the City of Kingston's accountability by delivering open and transparent Council and organisational decision making and reporting processes.

3.2 Consultation/Internal Review

Council has complied with the Act requirements to place the Annual Report on public exhibition for 14 days prior to this Ordinary Council Meeting.

The Annual Report has been available from Customer Service Centres, Libraries and on the City of Kingston's website. As required, a public notice was placed in *The Age* on Monday 30 November 2020.

3.3 Operation and Strategic Issues

In accordance with the Act the Annual Report contains:

- report of operations of the Council;
- an audited performance statement;
- audited financial statements;
- a copy of the auditor's report on the performance statement;
- a copy of the auditor's report on the financial statements under Part 3 of the Audit Act 1994; and
- any other matters prescribed by the regulations.

4. Conclusion

4.1 Environmental Implications

People will be encouraged to view the online version will be available via the City of Kingston's website for the community to view as required. There will only be a small print run of hard copies.

4.2 Social Implications

The Annual Report is an important document in the ongoing process of communicating with the Kingston community. A highlights summary is expected to be available to increase the use and distribution of the information contained in the Annual Report.

4.3 Resource Implications

The costs associated with the production of the 2019/20 Annual Report are within budget.

4.4 Legal / Risk Implications

Not applicable

Appendices

Appendix 1 - Kingston Annual Report 2019/20 (Ref 20/261171)  [Download](#)

**City of Kingston
Council Meeting**

Agenda

14 December 2020

Author/s: Megan O'Halloran, Manager Communications and Community Relations

Reviewed and Approved By: Paul Franklin, General Manager Corporate Services

11.3

ANNUAL REPORT 2019/20

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City of
KINGSTON

2019-20

ANNUAL REPORT



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WELCOME

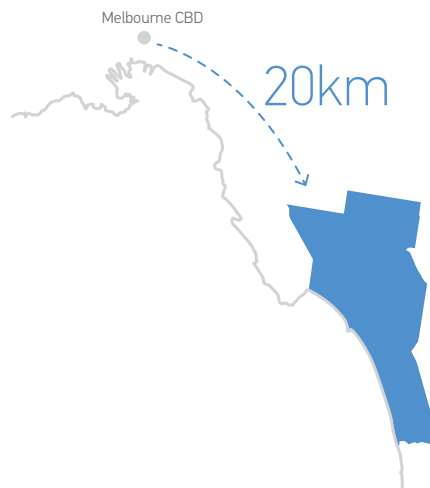
The City of Kingston is proud to present the 2019/20 Annual Report to our community. The report describes Council's operations, accomplishments and challenges over the past financial year.

Council measures its performance in compliance with the *Local Government Act 1989* and *Local Government (Planning and Reporting) Regulations 2014* (the Regulations).

The Annual Report benchmarks our performance against strategic objectives set out in the *Council Plan 2017-21* and our long-term financial plan.

For further information and to provide your feedback, contact Customer Care on 1300 653 356.

Kingston at a glance



91km²
Total municipal area



Industrial areas



Moorabbin Airport



World-class golf courses



Edithvale wetlands



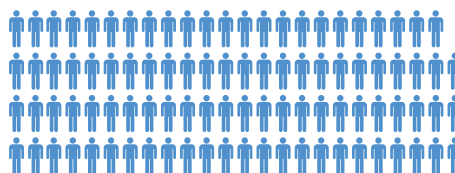
Green wedge



13km of coastline



17,000 businesses



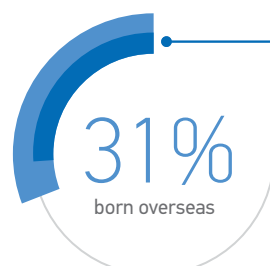
95,000 employees

35%
residents work locally

165,982
population

↑198,340
by 2041

78,155
dwellings occupied



26% non-English speaking background

A MESSAGE FROM THE MAYOR

On behalf of my fellow Councillors, I am pleased to present the City of Kingston's 2019/20 Annual Report. As Mayor, I have had the honour of serving the Kingston community for the second year running.

2019/20 was not without challenges. The impact of COVID-19 on the local community has been widespread and I was proud that Council was able to move swiftly to provide support to local residents, businesses and community groups through our economic support package.

While Council is not immune to these challenges, continuing to deliver high quality services and infrastructure remained a priority to meet the needs and aspirations of the Kingston community now and into the future.

We have continued our significant investment in sport in Kingston, with a particular focus on women's sport and female-friendly facilities, including new netball courts at Regents Park, amenity upgrades at Southern Road Pavilion and construction commencing on a new pavilion at Dales Park netball centre. We are also delivering new fit-for-purpose pavilions and facilities at Roy Dore Reserve in Carrum, Jack Grut Reserve in Mordialloc, Aspendale Gardens Sports Ground and Chadwick Reserve in Dingley Village.

I was thrilled to see the new Edithvale Life Saving Club facility completed and ready for use, the community enjoying the new Disc Golf course at Bald Hill Park, new lighting at the popular Chelsea skate park and a decision to roll-out free dog-litter bags at a number of dog parks and reserves across Kingston.

We continued to invest in high-quality early learning centres and children's and youth services, to provide our youngest community members with the best possible start – delivering a new Acacia Avenue Preschool facility and a new Youth Services hub at the former Mordialloc Masonic Lodge.

It was great to see the huge community response to our first ever 'free native tree' voucher distributed with rates notices to encourage people to plant more native trees across Kingston. We made the important decision to cease using Glyphosate weed killer to make local parks and reserves safer for all. And another big win for our environment was the launch of food waste recycling, I thank our community for getting on board to help divert more waste from landfill.

Council has been working very hard in the advocacy space during the past 12 months, lobbying state and federal governments on behalf of the Kingston community. In particular Council has called on the Victorian Government to make urgent reforms to reduce the devastating impact of poker machines in Kingston. We have also worked closely with the state government and invested significantly in Level Crossing Removals Projects to deliver the best outcomes for our community and make the most of this once-in-a-generation infrastructure project.

I would like to thank my fellow Councillors and Council staff for the work they do for the City of Kingston, and look forward to continuing to work with them to deliver important projects, facilities and services for our great city.

Thank you.



Cr Georgina Oxley
Mayor



A MESSAGE FROM THE CEO



The 2019/20 financial year has been a turbulent one. However, despite the uncertainty, I am proud to lead an organisation that responded quickly to change by providing assistance to those who needed it, embracing new ways to deliver services without face-to-face contact, and continuing the delivery of our essential services and important major projects.

The City of Kingston acted quickly to adapt services and adopt digital technologies to support our community and ensure our city and essential services continued to operate during the COVID-19 pandemic.

A highlight of the 2019/20 reporting year has been the delivery of community projects that you told us are important to you.

With an \$81 million capital works program in 2019/20, we invested in maintaining and building:

- ▶ high-quality public infrastructure, including road reconstruction and resurfacing, and flood mitigation programs
- ▶ strategic capital works including the new Edithvale Life Saving Club redevelopment
- ▶ improvement works that encourage female participation in sport, including the Mentone Reserve Soppet Pavilion redevelopment, Jack Grut Pavilion, Dales Park Pavilion, Southern Road Pavilion and netball courts at Regent's Park
- ▶ upgrades to existing sportsgrounds and lighting.

We launched new initiatives, including our food waste recycling service, which has seen positive uptake from the community and is reducing the amount of waste sent to landfill in Kingston – a major win for the environment. Our Gardens for Wildlife program has been incredibly popular and will see Kingston backyards become havens for native animals. We have embraced sustainable innovation, choosing to use 100% recycled stormwater pipes and recycled bitumen products for several infrastructure programs, and we signed up for a power purchasing agreement that will see 100% of electricity for street lighting and large sites come from renewable energy sources.

Kingston remains a leader in providing learning and childcare services. We continue to invest in these important community assets, renovating the Farm Road Pre-school, investing in the Dingley Village Neighbourhood House and Library improvements, and creating a new purpose-built space for Youth Services at the former Mordialloc Masonic Hall.

In 2019/20, Council achieved a net operating surplus of \$25.3 million, which helped us to move quickly and provide vital financial assistance to our community when they needed it.

Council will continue to work closely with State and Federal Governments to secure funding to jointly deliver projects where possible. Now, more than ever, we will leverage technology to find innovative ways to improve customer service, engage with the community and drive efficiency improvements to contain and reduce costs without impacting service levels.

I thank our Councillors and applaud our committed staff for their exceptional work during a challenging year. We look forward to continuing to deliver for our community.

Thank you.

A handwritten signature in black ink, appearing to read 'Julie Reid'.

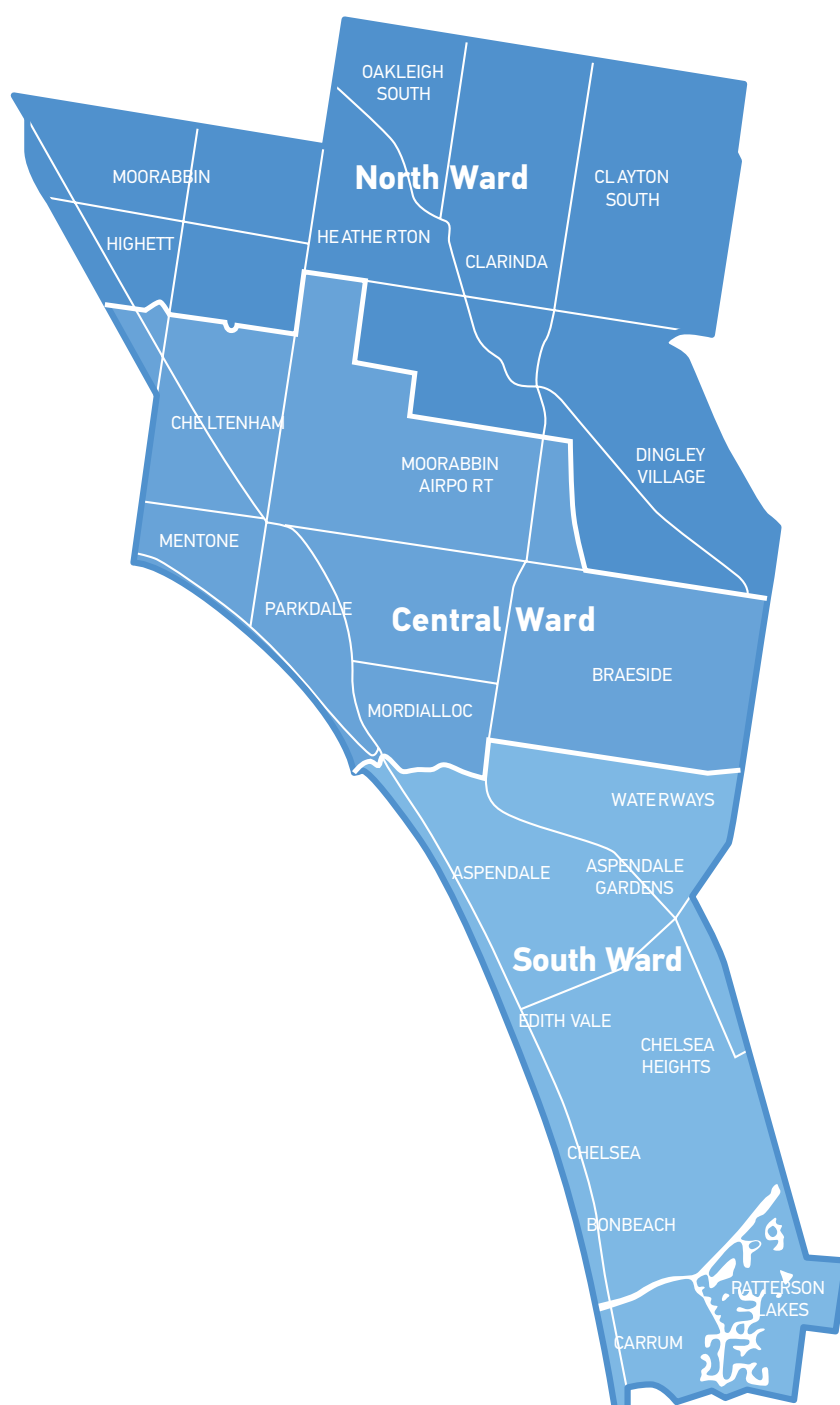
Julie Reid
CEO

COUNCIL WARDS

The City of Kingston is divided into three wards, with each of the wards represented by three Councillors. The nine elected Councillors make up Kingston City Council, and it is this group which represents the interests of residents and ratepayers.

Our current Council was elected in October 2016 and the current Mayor is Cr Georgina Oxley who was elected at the Special (Statutory) Meeting of Council held on 13 November 2019. Elected Councillors work together with the community and CEO Julie Reid, to set our city's strategic direction.

The Victorian Government has announced that, from the 2020 October Local Government elections, the City of Kingston will have a new ward system. The City of Kingston will have 11 wards, each with a single Councillor representative.



KINGSTON COUNCILLORS



Cr Georgina Oxley, Mayor
South ward

Cr Oxley was elected to Council in October 2016. She was elected as Mayor in 2018 and re-elected to lead the Kingston community for another 12 months in 2019. Cr Oxley is a local Chelsea resident, and runs a local Kingston business working in finance, marketing and web design. She enjoys playing basketball and walking her dog Banjo on the beach.



Cr Tamsin Bearsley
South ward

Cr Bearsley was elected to Council in October 2012 and lives in Aspendale Gardens with her husband and two children. She was motivated to join Council to improve community consultation. As a primary school teacher, she has a particular interest in supporting community groups and residents' associations, improving local amenities and strengthening budget controls.



Cr David Eden
South ward

Cr Eden was elected to Council in 2012 following years of community involvement at many different levels, including participating on committees, fundraising and coordinating initiatives such as Clean Up Australia. He is passionate about protecting the environment and open spaces, keeping rates down and regularly assessing the many services offered by Council to ensure they remain responsive to community needs.



Cr Ron Brownlees OAM
Central ward

Cr Brownlees OAM has been a Kingston Councillor from 1997 to 2003 and 2008 to the present. He is married with three adult children and has been a Cheltenham resident for over 40 years. Cr Brownlees OAM is active in Rotary and was awarded the Centenary Medal by the Australian Government in 2001 and Order of Australia Medal in 2012.

KINGSTON COUNCILLORS

CONTINUED



Cr Geoff Gledhill
Central ward

Cr Gledhill was first elected to Council in October 2012, is a resident of Central Ward and is heavily involved in the local community. He is a volunteer lifesaver at Mordialloc and an active Rotarian, supporting projects such as the Sandringham Hospital expansion.



Cr Rosemary West OAM
Central ward

Cr West OAM has served on Council since March 2003. Prior to joining Council, Cr West was a noted journalist, working for *The Age* for 15 years, and has received the Order of Australia Medal for services to disadvantaged groups in the community and to journalism.



Cr Tamara Barth
North ward

Cr Barth was elected to Council in October 2012. She lives in Kingston with her young family and has worked for many years in the higher education sector and is committed to ensuring residents – particularly children, youth and seniors – have access to the health, wellbeing and educational support and services they need.



Cr George Hua
North ward

Cr Hua was elected to Council in October 2016. Through his experience in starting a financial technology business and running a local cafe, George is passionate about supporting small, family-owned businesses.



Cr Steve Staikos
North ward

Cr Staikos was elected to Council in 2008. Cr Staikos is passionate about social participation, multiculturalism, the environment and the arts. His priority policy areas on Council include the Green Wedge, Sandbelt Open Space – Chain of Parks project and the delivery of more social housing.

Junior Mayor

Council's Junior Mayor Program has run for over 50 years. Each Kingston primary school is invited to participate in the Junior Mayor election. The 2019/20 Junior Mayor is Jack O'Connor, a student from Patterson Lakes Primary School, who assisted the Mayor at a range of official Council events.

FINANCIAL PERFORMANCE

Long-term financial sustainability is a key objective of Council's financial plan. With careful planning, the community can be assured that Council has the financial resources to achieve the Council Plan objectives in all areas, including community wellbeing and prosperity, environmental sustainability, asset management, advocacy, and quality leadership and governance.

2019/20 Financial Performance Summary

Council had an operating surplus of \$25.3 million, \$2.7 million unfavourable to the budgeted surplus of \$28.0 million (compared to \$41.5 million surplus in 2018/19). This result was influenced by:

COVID-19 impact

For the 2019/20 financial year, Council's COVID-19 Community and Business Support Package saw a number of initiatives implemented which reduced Council's budgeted income in the following areas:

- ▶ Health and Food premises registrations for eligible businesses were refunded (\$0.6 million);
- ▶ Footpath Trading permits for eligible businesses were also refunded (\$50k);
- ▶ Family Day Care parent administration fees were waived (\$142k);
- ▶ Unpaid interest on rates was waived (\$0.3 million);
- ▶ Council buildings commercial rent relief (\$.4 million);
- ▶ Sports clubs winter season fees were waived (\$130k).

Additionally, many of Council's services were impacted resulting in loss of revenue:

- ▶ Arts & Cultural Services loss of event income (\$0.4 million);
- ▶ Family, Youth and Children Services experienced lower attendance levels and the Government's free childcare support package resulted in a \$0.6 million unfavourable result for this activity, including Family Day Care parent administration levies which were waived (\$142k);
- ▶ Leisure Centre User Fees were \$1.9 million unfavourable following the temporary closure of the Waves Leisure Centre during lockdown combined with Council's decision to close the Don Tatnell Leisure Centre in February due to structural issues.
- ▶ Parking monitoring and enforcement was reduced (\$0.5 million);
- ▶ Employee costs were \$2.9 million unfavourable to budget predominantly due to less leave able to be taken during the COVID-19 pandemic.

Rates and charges

Rates and charges comprised \$145.2 million (62%) of the total operating income of \$232.6 million compared to \$142.0 million (62%) of \$228.9 million in 2018/19).

Grants

- ▶ Operating grants are \$5.5 million favourable to budget predominately due to the unbudgeted early receipt of half of the 2020/21 Victorian Grants Commission funding in May 2020 (\$2.3 million).
- ▶ An adjustment has also been made for unspent grants as at 1 July 2019 for \$3.4 million as required under the new income standard AASB 15.

FINANCIAL PERFORMANCE

CONTINUED

Planning and development

- ▶ Statutory Planning Fees were \$0.4 million unfavourable due to lower than budgeted applications received.
- ▶ Cash Contributions of \$5.1 million were received from developers, to be held in reserve for use on future open space and storm water projects.

Materials and Services

- ▶ Materials and Services are \$2.9 million unfavourable to budget due to an additional \$3 million of project expenditure expensed to the income statement. This was budgeted for in the capital budget and did not meet the thresholds of our accounting policies to be capitalised.

For more detailed information on the financial operating variances to budget, please refer to Note 1 in the Financial Statements – Performance to Budget.

Capital works

Council's total capital works expenditure was \$65.7 million (compared to \$60.1 million in 2018/19).

Cash flow

Cash holdings (including financial assets) decreased by \$14.3 million to \$129.8 million (compared to \$144.1 million in 2018/19).

Balance sheet

Council's net assets were \$2.6 billion. This included total land (\$1,480.1 million), infrastructure (\$727.0 million) and buildings (\$276.9 million).

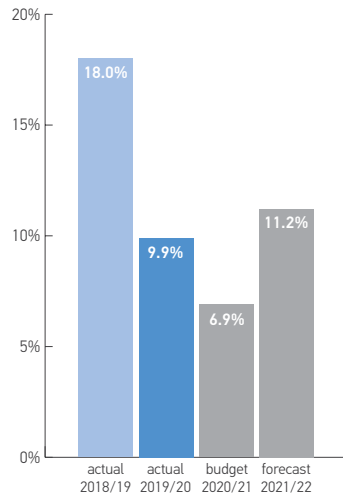
Future financial sustainability

The Victorian Auditor General reports to Parliament each year on the financial performance of Victoria's Councils. The below indicators are used in Auditor-General's report to reflect short and long-term sustainability:

- ▶ Net Operating Result
- ▶ Liquidity
- ▶ Indebtedness
- ▶ Internal Financing
- ▶ Renewal Gap

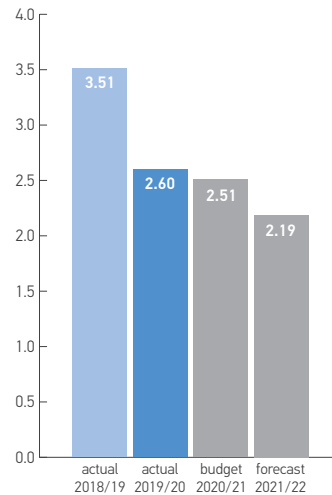
Kingston's performance in relation to these indicators are based on the last two years of actual results along with the forecast for the next two years. The results highlight the trend of Kingston's financial sustainability as assessed by the Auditor-General – they show Kingston's overall financial risk is rated as low.

NET OPERATING RESULT



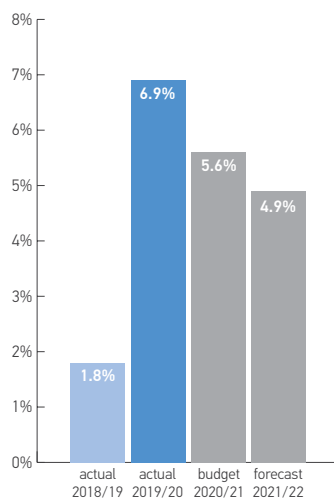
- The net operating result reflects whether Council can generate enough revenue to cover operating costs (including the cost of replacing assets reflected in its depreciation expense). The result is calculated through dividing the underlying result by the underlying revenue for the year. The underlying revenue is Council's total revenue, less any non-monetary items. The 2019/20 result of 9.9% represents a decrease from the 2018/19 result but is still a strong result. Sustaining a positive net operating result is a critical financial strategy that provides capacity to renew the \$2.6 billion of community assets under Council's control.

LIQUIDITY



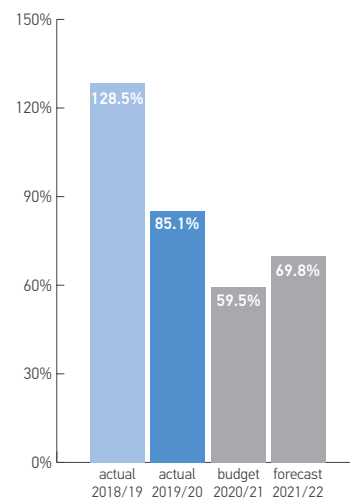
- Liquidity ensures that Council has sufficient working capital to meet short-term commitments. It is calculated through dividing the total current assets by total current liabilities. The liquidity result for 2019/20 was 2.60 which is an indicator of an excellent financial position and exceeds the target of 2.04.

INDEBTEDNESS



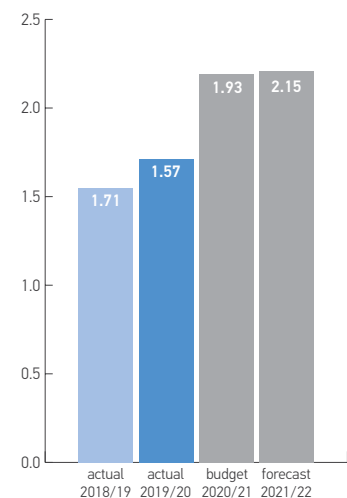
- Indebtedness measures how reliant on debt Council is to fund its capital programs. It is calculated by dividing total non-current liabilities by Council's own source revenue. Own source revenue is the revenue Council is able to generate from its own sources, which essentially excludes grant income. The 2018/19 result of 1.8% is very low which reflected the additional debt payment in 2018/19. The actual result for 2019-20 is higher due to the addition of \$9.6 million in non-current lease liabilities to the balance sheet in 2020 as per the requirements of the new accounting standard AASB 16 (Leases). Council is still in a very stable position and not reliant on debt and the expected trend is downwards as debt and leases are repaid.

INTERNAL FINANCING



- Internal financing measures the ability of Council to finance capital works from generated cash flow. The higher the percentage, the greater the ability for an entity to finance capital works from their own funds. It is calculated by dividing the net inflow of operating activity cash by actual cash outflows for capital works. The 2019/20 result of 85.1% is a decrease compared to 2018/19 but still indicates Council is in a strong position to finance capital works.

RENEWAL GAP




- Council's renewal gap represents the renewal and upgrade of existing assets at a consistent rate. It is calculated by adding the renewal and upgrade expenditure together, and then dividing that by Council's depreciation expense. A score of more than 1 indicates a low risk of insufficient spending on our asset base. Council has a score of 1.57 for 2019/20 which indicates assets are being well maintained.

OPERATIONAL PERFORMANCE

The 2019/20 Annual Report measures Council's performance against what we said we would do in our *Council Plan 2017-21*. The following table summarises Council's achievements and results in 2019/20 against our five goals. A more detailed report of the goals can be found from page 11.




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




\$6.46 million

spent on renewing local roads




8.00 km

of footpaths renewed




965

planning application decisions made



13,000 km

of streets swept



836 km

of storm water drains maintained

-  Progressed works to shape the future of two key areas of Moorabbin (East and West precincts)
-  Completed the annual drainage program for flood mitigation
-  Delivered the annual roads infrastructure renewal and resurfacing programs
-  Received over 1,600 submissions for the Kingston Housing and Neighbourhood Character Study



2 A sustainable green environment with accessible open spaces



81,000

street and park trees maintained by Council



2,442

street and park trees planted



13 km

of foreshore, 50 ha of foreshore vegetation, and 120 public beach access points maintained



32,574

tonnes of green waste and recyclables processed and diverted from landfill



708.59

tonnes of beach litter collected

-  Rolled out the new food recycling service to residents with 48,500 kitchen caddies delivered
-  Completed redevelopment of a new Edithvale Life Saving Club
-  Developed multiuse sports field facilities at Aspendale Gardens Sports Ground
-  Built more female-friendly fit outs in local sports clubs to increase female participation in sport
-  Joined hundreds of councils around the world in declaring a climate and ecological emergency
-  Reduced the use of glyphosate in Council's parks and gardens



3 A connected, inclusive, healthy and learning community

 **168,474**
hours of community care delivered to people who are older or have a disability


 **710,586**
library loans

 **12,099**
immunisations delivered


 **649,767**
visits to Kingston's leisure centres


 **7,544**
children enrolled in the Maternal and Child Health service


 **1,993**
home modifications completed

 Developed a funding package to support bushfire victims

 Distributed \$1.6 million in community grants to support local communities

 Progressed the restoration of the former Masonic Hall to create a hub for Youth Services

 Committed to preventing gender-based violence

 Advocated to reduce the harm caused by poker machines in our community




4 A free-moving safe, prosperous and dynamic city


 **21,907**
animals registered

 **1,026**
food safety assessments of food premises


 **14,230**
attendances at Kingston-run arts events


 **77**
school crossings supervised

 Partnered with the LXP to drive maximum community benefit out of the level crossing removals

 Completed the Bay Trail shared path (Mentone to Rennison Street)

 Supported local businesses to improve their business planning and marketing skills

 Provided COVID-19 support to businesses including refunding current Health and Food Premises registrations and Footpath Trading fees

 Created an "Open for Business" directory and #keepitinKingston campaign to support local businesses during COVID-19



5 A well-governed and responsive organisation

 **19,334**
questions answered by Kingston's Chatbot


 **123,145**
calls to Customer Care


 **3,490**
live chat sessions on Council's website


 **75,030**
property rates assessments


 **161,559**
correspondence items received

 **100+**
community consultations held

 Activated Kingston's Pandemic Plan and Business Continuity Plan in March in response to the COVID-19 pandemic

 Launched a \$12 million COVID-19 Community Support Package

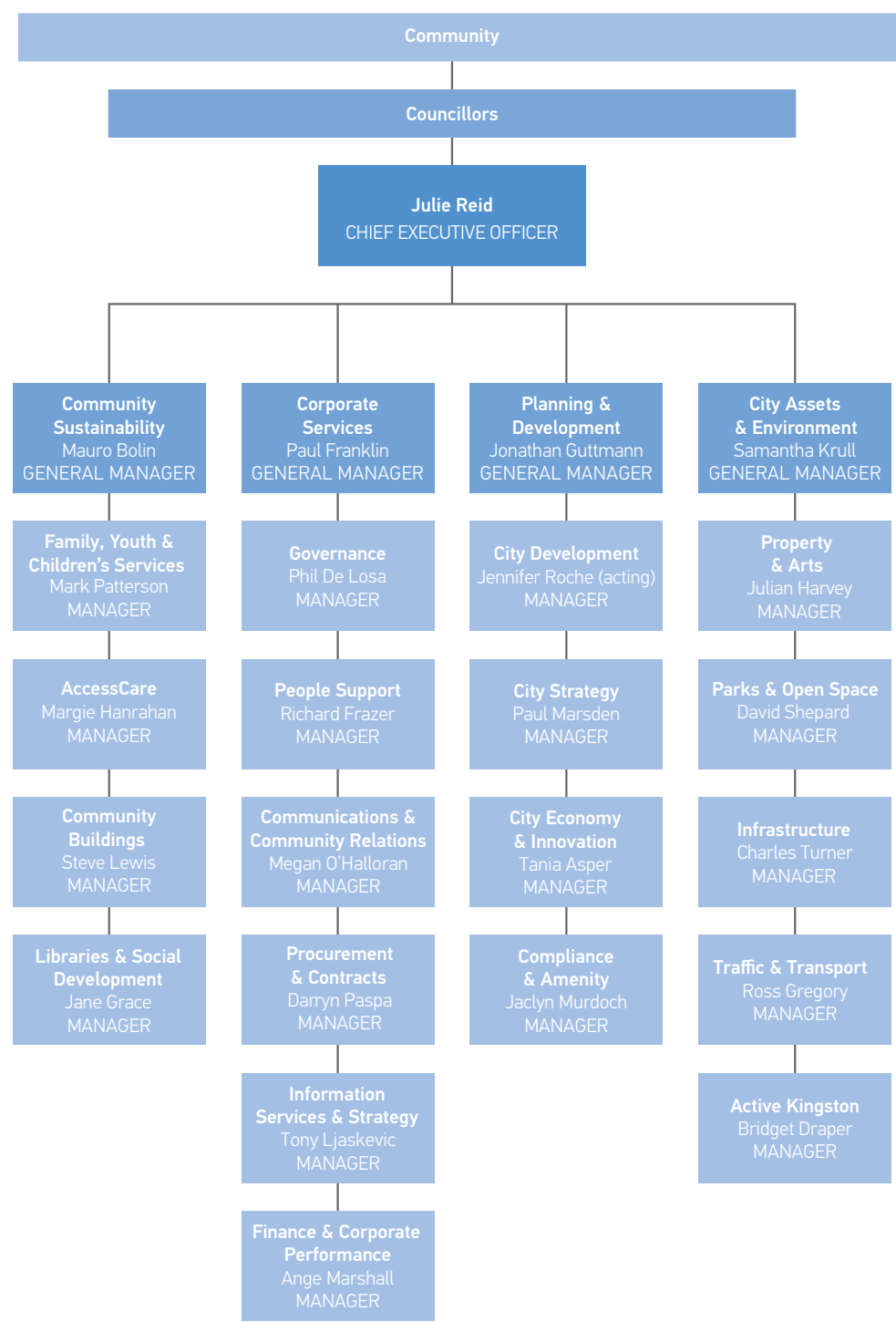
 Relocated and consolidated Council's depots into one location

 Completed programmed building works to maintain Council's buildings in good condition

OUR ORGANISATION

The City of Kingston’s organisational structure is made up of four divisions: Planning and Development, City Assets and Environment, Community Sustainability, and Corporate Services.

Each division is led by a General Manager who reports to the Chief Executive Officer (CEO). The CEO is directly accountable to the Mayor and Councillors, who are elected by Kingston residents.



OUR PEOPLE

Our organisational culture

Our organisation is guided by six values – accountable, community centric, dynamic, future orientated, expert and celebrate. These values underpin the work we do and guide us in our day-to-day activities.

This year, the organisation started on a journey Towards Exceptional – a plan designed to build on our strong foundation but find ways to innovate and adapt to ensure we can provide exceptional service to our community now and in the future.

The Towards Exceptional Plan centres on six key pillars of focus for the future:

- ▶ good governance
- ▶ exceptional customer experience
- ▶ speaking out for our community
- ▶ community engagement and connection
- ▶ caring for the needs of our place
- ▶ being a diverse, dynamic and contemporary organisation.

To support employees in living the values and moving Towards Exceptional, we have an internal learning program to build on the ongoing professional development of our people. We also offer our employees a range of training on business systems, health and wellbeing, and compliance programs.

One of the continued areas of focus is our Leadership Development Program that encourages self-reflection, growth and accountability. Through the development of our leaders, we aim to build a constructive culture that can respond to the challenges of our city.

As an organisation, we are committed to creating a workplace that represents the diversity of our community. A stronger and more overt focus on diversity and inclusion is an important priority of a contemporary organisation. We aim to achieve this by:

- ▶ fostering talent, skills and growing employees' experiences
- ▶ creating an inquisitive culture where innovation by collaboration is fostered
- ▶ creating a safe and respectful workplace culture where all staff are 'able to be their true self'.

We also have a vibrant Diversity and Inclusion Group (DIG) which is made up of a collection of employees from across the organisation all committed to fostering a workplace culture that celebrates individual difference.

Building our culture and capacity

Each quarter, we measure the engagement of the organisation in a pulse survey which assists in tracking pain points in the culture across the board through trend data. Over that past year, the organisational culture has demonstrated its change capability through the COVID-19 pandemic, the pulse survey data indicated that staff reported feeling more supported and engaged throughout this period.

Our people profile

As at 30 June 2020, Kingston employed 1,390 people in a diverse range of positions, including community and aged services, engineering, customer service, maternal child health, finance, youth and children's services, sport and recreation, parks and gardens, planning and arts.

Table 1 and 2 (Appendix 1) provide more detail around Kingston's Full Time Equivalent (FTE) staff numbers. Approximately 67 per cent of our workforce is female and 33 per cent male.

Our OHS performance

A summary of Council's occupational health and safety performance can be found in Appendix 2.

STRATEGIC PLANNING & REPORTING FRAMEWORK

Every Council is required to prepare and adopt a Council Plan by 30 June in the year following a general election.

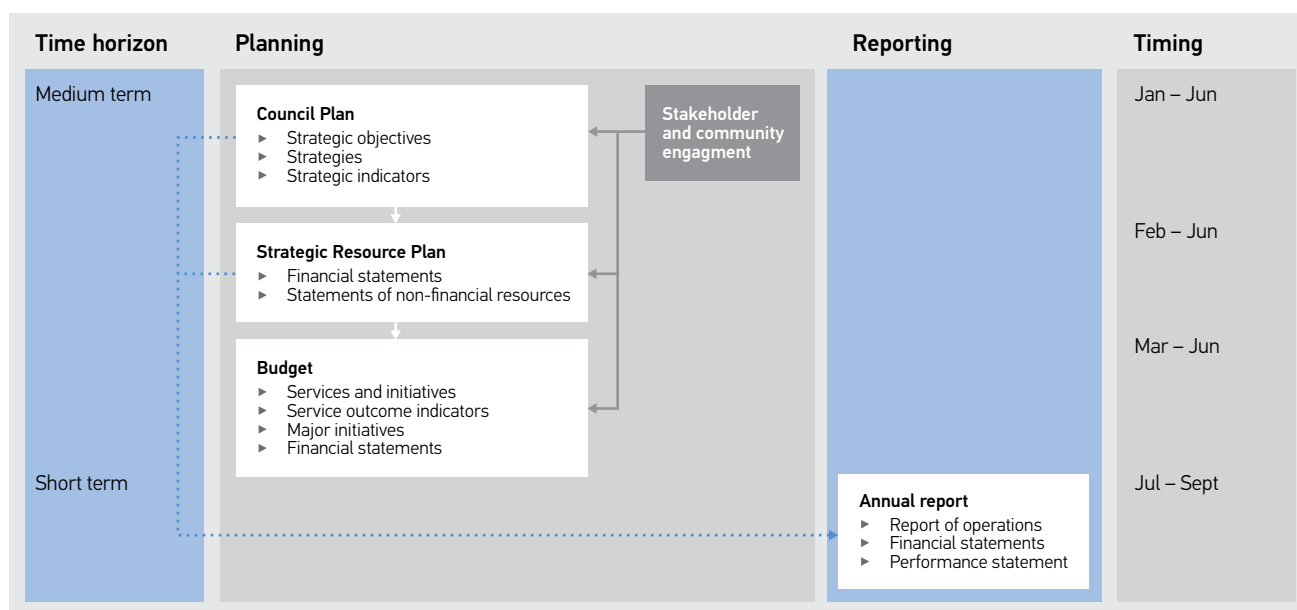
Kingston's *Council Plan 2017-2021* sets out Council's goals for the community over its four-year term. It was prepared with reference to the Living Kingston 2035¹ community plan and Council's rolling ten-year Long-Term Financial Strategy and Asset Management Strategy.

The Strategic Resource Plan is a rolling four-year plan that outlines the financial and non-financial resources that Council requires to achieve the goals of the *Council Plan 2017-2021*.

The Annual Budget sets out the services, major initiatives and commitments that will be undertaken by Council in a specific year to achieve the goals of the *Council Plan 2017-2021*.

Kingston's progress against the *Council Plan 2017-2021* is measured in quarterly performance reports and the Annual Report, which are publicly available at kingston.vic.gov.au. Council is also accountable through the Financial Statements which are published in the Annual Report and audited by the Victorian Auditor-General.

The diagram below shows the planning and accountability framework that applies to all local governments in Victoria.



Source: Department of Environment, Land, Water and Planning

About this report

This Annual Report describes Council's operations for the financial year from 1 July 2019 to 30 June 2020.

We present our services, achievements and indicators of success under the five goals in the *Council Plan 2017-2021*. We also describe our major initiatives and capital works projects and report on Council's financial operations during the year in relation to the 2019/20 Budget.

The report includes the Know Your Council service performance indicators and other information required by legislation.

Know Your Council

Know Your Council is a mandatory system of performance reporting based on the Local Government Performance Reporting Framework. It was introduced by the Victorian Government to ensure that all councils consistently measure and report on their performance. It comprises a set of performance measures and a governance and management checklist.

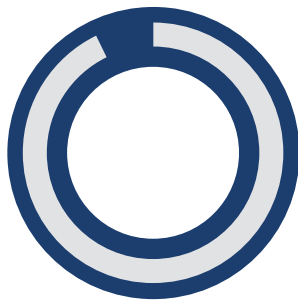
For more information and to compare Kingston to other Victorian councils, visit knowyourcouncil.vic.gov.au.

¹ Living Kingston 2035 – developed through extensive community engagement and launched in 2013. For more information, visit kingston.vic.gov.au/Livingkingston2035.

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



Council will ensure that careful planning is in place to prepare for, and respond to, an increasing population, to make sure land use is balanced sustainably. We'll also invest in building and maintaining high-quality assets and infrastructure to help our community function effectively.











Budget \$34.5M
Expenditure \$37.1M

Achievements and capital works highlights

- ▶ The annual road resurfacing program was completed earlier than usual in 2019/20, with 4.6 km resurfaced so part of the 2020/21 program was brought forward with an extra 2.7 km resurfaced in June 2020.
- ▶ Delivered the annual roads infrastructure renewal program.
- ▶ Completed the annual drainage program for flood mitigation.
- ▶ Completed the annual footpath renewal program.
- ▶ Improved our systems to achieve an easy to access, online planning and building approvals service.
- ▶ Consulted widely for the draft Kingston Housing and Neighbourhood Character Study and the draft Affordable Housing Implementation Plan.

Our services

Council provides services to ensure Kingston's facilities and assets are well-used and effectively managed to benefit the municipal population. They include:

-  building consents and compliance
-  city assets and infrastructure maintenance
-  maintaining Council's buildings
-  managing Council's property portfolio
-  planning, design and development of Council's buildings
-  planning decisions
-  strategic asset management and capital works planning
-  land use policy and planning.

Our challenges

- ▶ Meeting the demands of a growing population by providing high-quality services and sustainable infrastructure.
- ▶ Accommodating more people without losing the much-loved character of our neighbourhoods.
- ▶ The closure of Don Tatnell Aquatic Centre due to a structural building issue, highlighting the ongoing pressure to renew ageing assets.
- ▶ Collaborating with State Government to deliver significant infrastructure projects, such as level crossing removals and the Mordialloc Freeway.

GOAL 1

CONTINUED

Performance measures

Council's achievement for Goal 1 of the *Council Plan 2017–2021* (year three) is detailed below:

Kilometres of footpath renewed

Target: 8.0 km

2016/17	2017/18	2018/19	2019/20
9.07	6.41	5.46	8.00

All planned projects were completed.

Source: CAMMS Strategy

Community satisfaction: Council's general town planning policy

Target: Maintain or improve resident perception of performance

YEAR	2017	2018	2019	2020	Average
Kingston performance	56	50	53	53	53
Kingston importance	73	74	73	71	73
Metro performance	53	53	56	55	54
State-wide	53	54	55	54	54

To address local housing needs, location and design, we worked with the Department of Environment, Water, Land and Planning on developing Kingston's Housing Strategy and Neighbourhood Character Study. Council also developed a draft Affordable Housing Strategy and Policy.

Source: Local Government Community Satisfaction Survey 2020

Community satisfaction: Council's planning for population growth

Target: Maintain or improve resident perception of performance

YEAR	2017	2018	2019	2020	Average
Kingston performance	54	50	51	50	51
Kingston importance	77	77	77	74	76
Metro performance	51	50	52	52	51
State-wide performance	52	52	52	51	52

Community satisfaction with Council's planning for population growth remains in line with the state and metropolitan results. When adopted, Kingston's new Housing Strategy and Neighbourhood Character Study will reinforce the community goal of preserving the character of suburban areas while facilitating housing diversity. Kingston's draft Affordable Housing Strategy and Policy aims to ensure that living in Kingston remains attainable.

Source: Local Government Community Satisfaction Survey 2020

Local Government Performance Reporting Framework

The Victorian Government's compulsory service measures for all Victorian councils relevant to Goal 1 are shown below:

Service Performance Indicators	Results 2017	Results 2018	Results 2019	Results 2020	Comments
Service/indicator/measure					
Roads					
Satisfaction of use					
<i>Sealed local road requests</i> [Number of sealed local road requests / Kilometres of sealed local roads] x 100	35.52	44.38	40.39	46.62	The number of sealed local road requests increased slightly this year, largely due to the flooding caused by very wet weather in summer and autumn. In addition, the heavy vehicles used during the development of the Mordialloc freeway and the level crossing removal project (LXRP) affected the road surface.
Condition					
<i>Sealed local roads maintained to condition standards</i> [Number of kilometres of sealed local roads below the renewal intervention level set by Council / Kilometres of sealed local roads] x 100	98.92%	96.18%	96.48%	97.05%	Work undertaken in 2019/20 has ensured that 97.05% of our road network is in good condition and above renewal intervention levels.
Service cost					
<i>Cost of sealed local road reconstruction</i> [Direct cost of sealed local road reconstruction / Square metres of sealed local roads reconstructed]	\$87.84	\$90.70	\$107.27	\$99.25	The cost of sealed local road reconstruction is in line with expectations. Road reconstruction contracts are awarded following a tender process to ensure best value. The cost per square metre is slightly reduced in 2019/20 due to competitive rates.
Service cost					
<i>Cost of sealed local road resealing</i> [Direct cost of sealed local road resealing / Square metres of sealed local roads resealed]	\$19.55	\$27.32	\$24.20	\$27.73	The cost of sealed local roads resealing is in line with expectations. The cost of resealing varies annually depending on the proportion of residential to industrial roads resealed. This is because industrial areas require specific treatments, whereas residential resurfacing is less costly.
Satisfaction					
<i>Satisfaction with sealed local roads</i> [Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]	67.00	69.00	69.00	65.00	This rating is sourced from the annual Local Government Community Satisfaction Survey, conducted by an independent research company. Kingston's result is in line with other metropolitan councils.

GOAL 1

CONTINUED

Local Government Performance Reporting Framework (continued)

Service Performance Indicators	Results 2017	Results 2018	Results 2019	Results 2020	Comments
Service/indicator/measure					
Statutory Planning					
Timeliness					
<i>Time taken to decide planning applications</i> [The median number of days between receipt of a planning application and a decision on the application]	101.00	105.00	90.00	77.00	Process improvements have reduced the time taken to assess planning applications and resulted in a significant improvement in the median time taken to decide planning applications.
Service standard					
<i>Planning applications decided within required time frames</i> [(Number of regular planning application decisions made within 60 days) + (Number of VicSmart planning application decisions made within 10 days) / Number of planning application decisions made] x 100	56.77%	45.26%	58.63%	68.29%	Continuous improvement initiatives including updated online services and the roll out of paperless planning applications, have resulted in a significant improvement in the number of planning applications decided within the required timeframes.
Service cost					
<i>Cost of statutory planning service</i> [Direct cost of the statutory planning service / Number of planning applications received]	\$2,706.31	\$2,885.90	\$2,450.47	\$2,412.83	The cost of the statutory planning service reduced in 2019/20. This is due to a significant drop in the number of new applications received, following the slow down in the property market and the COVID-19 pandemic. This indicator now includes amended, combined and new planning applications.
Decision making					
<i>Council planning decisions upheld at VCAT</i> [Number of VCAT decisions that did not set aside Council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x 100	35.71%	30.00%	41.18%	44.44%	VCAT stopped all hearings from March to May due to the COVID-19 pandemic, so fewer matters were referred to VCAT compared to last year. Only a small percentage (2.8%) of Council's planning decisions were referred to VCAT in 2019/20. A number of these were resolved at VCAT through consent or at mediation. Although these are still reflected as decisions 'not upheld', Council considers this a good outcome as agreement was reached by all parties through mediation.

For more information, visit the Know Your Council website at knowyourcouncil.vic.gov.au.

Major initiatives

The following statement reviews Council's progress in relation to major initiatives identified in the 2019/20 Budget. These initiatives are also some of Council's significant capital works projects.

Major Initiatives	Budget (\$)	Actual (\$)	Progress	Comment
Road infrastructure – renewal and reconstruction program	\$6.4M	\$6.5M	100%	<p>During the year, 32,285m² of local roads were reconstructed.</p> <p>Grants: \$818,000 from VicRoads Roads to Recovery Program and contributions from Bayside Council of \$143,000 for asphalt resurfacing of Charman Rd.</p> <p>Duration: Annual rolling program.</p>
Flood mitigation – drainage program	\$3.0M	\$2.2M	100%	<p>Drainage improvement projects have been completed at Ti-Tree Grove in Parkdale, French Avenue in Edithvale and Aisha Crescent Reserve in Dingley Village.</p> <p>In March, Council confirmed the carryover of \$800,000 to 2020/21 as two projects, at Peace St, Clayton South and Chadwick Reserve drainage, were still awaiting the Cultural Heritage Management Plans from the Victorian Government.</p> <p>Grants: None in 2019/20.</p> <p>Duration: Annual rolling program.</p>
Footpath renewal program	\$0.7M	\$0.7M	100%	<p>All planned footpath renewal or repair works in 2019/20 were completed.</p> <p>Grants: None in 2019/20.</p> <p>Duration: Annual rolling program.</p>
Install a bridge and signalling at Canterbury Road, Braeside	\$0.7M	\$0.0M	0%	<p>This project did not proceed due to the decision to first determine the effect of the Mordialloc Freeway on traffic flows. Once construction of the Mordialloc Freeway is completed, traffic flows will be assessed to determine the future requirements.</p> <p>Grants: None in 2019/20.</p> <p>Duration: None.</p>

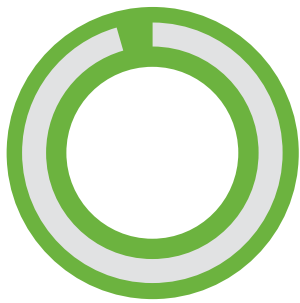
Other initiatives and actions

For a complete list of the initiatives and actions funded in the 2019/20 Budget and reported in the quarterly Kingston Performance Report, please visit kingston.vic.gov.au.

2 Our sustainable green environment with accessible open spaces



We will provide quality public open spaces and sports fields while protecting and enhancing our natural environment including our green wedge and foreshore. We will be responsible environmental managers and custodians for future generations.



Budget \$71.4M







Expenditure \$74.6M

Achievements and capital works highlights

- ▶ Rolled out the new food recycling service, with 48,500 kitchen caddies delivered to residents.
- ▶ Redeveloped the Edithvale Life Saving Club.
- ▶ Completed the new Corboy Pavilion at Mentone Reserve.
- ▶ Installed the final boardwalk over the Monica Avenue drain in Bonbeach as part of the Boardwalk Program.
- ▶ Opened the redeveloped Dingley Village Library to residents in June.
- ▶ Audited Kingston's 20 Gross Pollutant Traps which help keep our waterways, including Mordialloc Creek, clean.
- ▶ Significantly reduced the use of glyphosate on Council parks and gardens.
- ▶ Developed multi-use sports field facilities at Aspendale Gardens Sports Ground with Stage 1 works completed.
- ▶ Completed Stage 1 of the Chadwick Reserve multipurpose sporting facility in April with sporting fields now available for community use.
- ▶ Updated the Southern Road Reserve Pavilion, Mentone, to include female-friendly change facilities, and improved disabled access, spectator standing and kitchen.
- ▶ Completed construction of playgrounds at Ben Kavanagh Reserve, Lochiel Reserve, Palm Grove, Winners Circle and Dingley Village.

Our services

A sustainable natural and built environment benefits the whole community. To meet this goal, Council provides a range of services to the municipal population, including:

-  foreshore management and maintenance
-  maintaining open space
-  planning and improving open space
-  sports and recreation coordination and facilities
-  environment management and education
-  bin collection and waste services.

Our challenges

- ▶ Providing enough open space to meet the needs of a diverse and growing community that is increasingly living in medium-density housing.
- ▶ Finding a sustainable and affordable means of processing the city's recyclables in light of the ongoing recycling crisis experienced throughout Melbourne.
- ▶ Managing the impact of climate change on Kingston and reducing carbon emissions.

Performance measures

Council's achievement for Goal 2 of the *Council Plan 2017-2021* (year three) is detailed below:

Beach foreshore and open space is monitored for cleanliness, safety and usability²

Target: 90%

2016/17	2017/18	2018/19	2019/20
94.40%	95.89%	95.92%	88.44%

The beach foreshore cleansing service was delivered to a high standard for 11 months of the year (no audits were conducted in December due to the availability of the contractor) with services provided according to the scheduled program and meeting OHS and asset condition audits.

Source: Camms Strategy (average)

Missed bins – domestic garbage, recycling and green waste

Target: 4,200 per year

2016/17	2017/18	2018/19	2019/20
3,715	4,836	6,220	5,375

The number of missed bins declined in 2019/20 due to Kingston working closely with the new waste contractor to steadily improve performance. The reduction would have been higher; however, the COVID-19 pandemic increased the number of missed bins due to a greater number of cars parked on the streets as residents worked remotely. Every missed bin is collected within one business day of being reported.

Source: Camms Strategy

Standard of park presentation³

Target: 90% average

2016/17	2017/18	2018/19	2019/20
93.48%	95.44%	95.64%	93.56%

The presentation of parks remains high despite challenges with increased weed cover and access issues due to above average rainfall during the year. The addition of redeployed staff and extra contractor resources continues to ensure public spaces are well maintained.

Source: Camms Strategy (average)

Community satisfaction: environmental sustainability

Target: 65 (index score)

YEAR	2017	2018	2019	2020	Average
Kingston performance	62	63	60	61	62
Kingston importance	74	74	76	73	74
Metro performance	64	64	64	62	64
State-wide performance	64	63	62	60	62

The rollout of the new food recycling service to residents was completed in June, with 48,500 kitchen caddies delivered. This service enhancement will reduce the amount of food waste going to landfill.

Other highlights included launching the Gardens for Wildlife program and reducing the use of glyphosate.

Eleven community workshops/film nights/webinars on sustainable living were enjoyed by residents. Council's waste education officer also facilitated three workshops on composting, worm farming, and recycling.

We reduced carbon emissions by almost 30% through installing more than 800kW of solar panels on community facilities and other efficiencies. Kingston has signed a new electricity purchase agreement that will see at least 80% of Council's electricity needs powered by renewable energy.

In January 2020, Kingston joined hundreds of councils around the world in declaring a Climate and Ecological Emergency.

Source: Local Government Community Satisfaction Survey 2020

² Formerly called 'Beach foreshore cleansing contract compliance'

³ Formerly called 'Open space mowing contract compliance'

GOAL 2

CONTINUED

Performance measures (continued)

Community satisfaction: recreational facilities

Target: 76 (index score)

YEAR	2017	2018	2019	2020	Average
Kingston performance	76	73	74	76	75
Kingston importance	74	72	75	71	73
Metro performance	73	74	75	74	74
State-wide	70	69	70	70	70

Significant improvements made to Kingston's popular recreational facilities during the year included redevelopment of the Edithvale Lifesaving Club, pavilion development at Mentone Reserve and an update of facilities at the Southern Road Reserve Pavilion, Mentone, including female-friendly change facilities.

New multi-use sports field facilities were completed at Aspendale Gardens Sports Ground and Chadwick Reserve as part of developing multi-purpose sporting facilities to meet community needs.

During the COVID-19 lockdown, Waves Leisure Centre continued to offer online fitness classes to keep members and the community fit and healthy.

Source: Local Government Community Satisfaction Survey 2020

Community satisfaction: the appearance of public areas

Target: Maintain or improve resident perception of performance

YEAR	2017	2018	2019	2020	Average
Kingston performance	75	72	76	71	74
Kingston importance	75	72	72	71	73
Metro performance	72	73	74	73	73
State-wide performance	71	71	72	72	72

Completion of the Mentone Piazza and Mentone Parade works improved the amenity and useability of the Mentone shopping precinct. We continued to keep Kingston's parks and streets green, with 2,442 street and park trees planted in Kingston as part of the annual tree planting program.

Council continued to prioritise removing graffiti on Council buildings and assets.

Source: Local Government Community Satisfaction Survey 2020

Annual street and park trees planted⁴

Target: 2,400 trees

2016/17	2017/18	2018/19	2019/20
2,643	2,149	2,100	2,442

Kingston's success rate for newly planted trees is high, with 99% surviving the two-year establishment period, which includes periodic watering. Of the 2,442 trees planted in 2019/20, 77 trees were vandalised or stolen. Overall, the City of Kingston manages around 81,000 street and park trees.

Source: Camms Strategy

⁴ Formerly called 'Street and park trees planted for the financial year'

Local Government Performance Reporting Framework

The Victorian Government's compulsory service measures for all Victorian councils relevant to Goal 2 are shown below:

Service Performance Indicators	Results 2017	Results 2018	Results 2019	Results 2020	Comments
Service/indicator/measure					
Waste Collection					
Satisfaction					
<i>Kerbside bin collection requests</i> [Number of kerbside garbage and recycling bin collection requests / Number of kerbside bin collection households] x 1,000	130.48	139.34	158.06	168.77	Kerbside bin collection requests include any request from the public relating to Council's formal kerbside garbage and recycling collection service. While the number of missed bins has dropped overall, there has been an increase in the number of requests being recorded through Kingston's social media channels and website as they provide more options to customers contacting Council.
Service standard					
<i>Kerbside collection bins missed</i> [Number of kerbside garbage and recycling collection bins missed / Number of scheduled kerbside garbage and recycling collection bin lifts] x 10,000	6.10	7.97	9.29	7.79	Kingston has worked closely with the new kerbside waste collection contractor to steadily reduce the number of bins missed during the year. The service standard is now stable, with the number of missed bins consistent. All missed bins are collected within one working day of being reported.
Service cost					
<i>Cost of kerbside garbage bin collection service</i> [Direct cost of the kerbside garbage bin collection service / Number of kerbside garbage collection bins]	\$99.34	\$96.42	\$103.60	\$104.47	The cost of providing the kerbside garbage service has remained relatively stable due to the minimal increases in diesel fuel prices and landfill gate fees.
Service cost					
<i>Cost of kerbside recyclables collection service</i> [Direct cost of the kerbside recyclables bin collection service / Number of kerbside recyclables collection bins]	\$14.16	\$19.05	\$43.29	\$68.41	The cost of providing a kerbside recycling service increased significantly in 2019/20 due to the closure of Council's recycling processing contractor in July 2019. This resulted in large price increases with alternate suppliers. The recycling processing market is also very small, meaning that there is a lack of competitive options available.
Waste diversion					
<i>Kerbside collection waste diverted from landfill</i> [Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x 100	50.09%	50.85%	49.53%	52.83%	There was an increase in the weight of the organic material collected through the last quarter of the year. This has increased the overall diversion away from landfill.

For more information, visit the Know Your Council website at knowyourcouncil.vic.gov.au.

GOAL 2

CONTINUED

Major initiatives

The following table reviews Council's progress in relation to major initiatives identified in the 2019/20 Budget. Some major initiatives are also Council's major capital works projects.

Major Initiatives	Budget (\$)	Actual (\$)	Progress	Comment
Redevelop the Edithvale Life Saving Club	\$3.2M	\$3.0M	100%	<p>Practical completion of the new building (a \$4.95M project, in total) was achieved in December 2019 and the club returned to the new building in January 2020.</p> <p>Planning and design for the project began in 2016/17, and construction started in 2018/19.</p> <p>Grants: \$750,000 received from Lifesaving Victoria in 2019/20.</p> <p>Duration: 2016/17 to 2019/20.</p>
Redevelop the Corboy and Soppet Pavilions at Mentone Reserve	\$5.2M	\$4.6M	90%	<p>The multi-use sports pavilion works were completed, with clubs provided access in April 2020.</p> <p>The historic Soppet Pavilion redevelopment was due to be completed in 2019/20 but was delayed by the COVID-19 pandemic restrictions. It will now be completed in September 2020.</p> <p>Planning for the multi-use sports pavilion project began in 2017/18, and construction started in 2018/19.</p> <p>Grants: \$1.0M from the Victorian government (DELWP) but paid in advance in 2018/19.</p> <p>Duration: 2017/18 to 2020/21.</p>
Design development of additional multiuse sports field facilities at Aspendale Gardens Sports Ground	\$3.5M	\$3.9M	100%	<p>The sports fields, sports lighting and car park (Stage 1) were completed in June and are available for community use, subject to COVID-19 restrictions.</p> <p>Stage 2 will occur in 2020/21.</p> <p>Grants: \$1.8M received from the Victorian government – Sport and Recreation Victoria.</p> <p>Duration: 2019/20.</p>

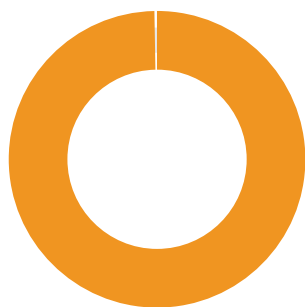
Other initiatives and actions

For a complete list of the initiatives and actions funded in the 2019/20 Budget and reported in the quarterly Kingston Performance Report, please visit kingston.vic.gov.au.

3 Our connected, inclusive, healthy and learning community



Kingston is home to a number of different communities across all ages and backgrounds. Our focus is to bring people together to strengthen our sense of community, celebrate diversity and build quality of life. Education and continual learning is a key focus.



Budget \$65.4M

Expenditure \$65.3M

Achievements and capital works highlights

- ▶ Developed the Dingley Village Neighbourhood House Precinct, including the redeveloped Dingley library.
- ▶ Administered over 12,000 immunisations during the financial year.
- ▶ Adopted the *Youth Strategy 2019-2022*.
- ▶ Investigated the establishment of a Farm Museum to hold the farm machinery bequeathed to the City of Kingston by the estate of Fred LeBon.
- ▶ Bestowed the second Kingston Woman of the Year Award to June Rea, a tireless advocate for vulnerable people in the community.
- ▶ Focused on the prevention of family violence including the 16 Days of Activism campaign against gender-based violence.

Our services

To support healthy, strong and connected communities, Council provides a range of services to the municipal population, including:

-  children's services partnerships
-  community centres
-  social development and planning
-  community grants
-  family and children's centres
-  family day care
-  homelessness support
-  in-home support for the elderly, frail and people with a disability
-  leisure and aquatic centres
-  libraries
-  maternal and child health and immunisation
-  outside school hours programs
-  social support
-  youth and family services.

Our challenges

- ▶ Working to prevent family violence in our community, especially during the COVID-19 pandemic, which has seen an escalation in demand for support services.
- ▶ Providing social support to the community throughout the COVID-19 pandemic.

GOAL 3 CONTINUED

Performance measures

Council's achievement for Goal 3 of the *Council Plan 2017-2021* (year three) is detailed below:

Buildings compliant with Disability Standards 2010

Target: Increase the number of compliant buildings

2016/17	2017/18	2018/19	2019/20
21	27	43	50

Due to Council's commitment to accessibility, the number of Council buildings that meet the Disability (Access to Premises – Buildings) Standards 2010 under the *Disability Discrimination Act* continues to increase year on year.

Source: Camms Strategy

Council's childcare centres utilisation rate (excluding sessional kinder)

Target: 93.20%

2016/17	2017/18	2018/19	2019/20
94.37%	97.79%	99.13%	96.12%

Childcare centres were initially impacted significantly by the COVID-19 pandemic in March, with some families choosing to withdraw from the service.

However, the introduction of 'no gap' payments for users in April saw most families re-establish their booking patterns.

Source: Camms Strategy (average)

Community satisfaction: disadvantaged support services

Target: Maintain or improve resident perception of performance

YEAR	2017	2018	2019	2020	Average
Kingston performance	64	62	62	64	63
Kingston importance	73	75	74	71	73
Metro performance	62	61	63	62	62
State-wide	61	61	62	60	61

During the COVID-19 pandemic, Kingston staff phoned isolated residents to check on their welfare. When supermarket shelves were bare due to panic buying, vulnerable residents found it hard to get essential items. By approaching suppliers directly, Council was able to deliver care parcels to vulnerable residents with essential items such as bread, milk, soap and toilet paper.

During the year, Kingston Libraries held 178 one on one digital literacy classes targeted to disadvantaged people and six Tea and Technology support sessions.

Kingston's Community Connections Program continued to support people who were homeless or at risk of homelessness. Demand for this service lessened during the COVID-19 pandemic as those experiencing homelessness were housed by the Victorian government.

Source: Local Government Community Satisfaction Survey 2020

Target: Maintain or improve resident perception of performance

Community satisfaction: elderly support services

YEAR	2017	2018	2019	2020	Average
Kingston performance	68	67	67	66	67
Kingston importance	79	80	79	77	79
Metro performance	67	67	67	67	67
State-wide	68	68	68	68	68

In 2019/20, we delivered over 114,000 hours of home, personal and respite care to Kingston residents who are older and/or have a disability.

In addition, there were 5,000 community bus trips for shopping and community outings. To make life easier and safer for residents, 1,993 home modifications were completed, including ramps and handrails.

Source: Local Government Community Satisfaction Survey 2020

Target: Maintain or improve resident perception of performance

Community satisfaction: family support services

YEAR	2017	2018	2019	2020	Average
Kingston performance	70	68	69	69	69
Kingston importance	74	74	75	73	74
Metro performance	68	68	69	69	69
State-wide performance	67	66	67	66	67

Family support includes services such as maternal and child health, childcare, immunisation, family day care and outside school hours programs. Kingston's family and community hubs also provide a welcoming place for the community.

Residents in the North Ward were most satisfied, closely followed by residents aged 35-49 and women.

During the COVID-19 pandemic, there has been an increased need to support families in lockdown.

This is a time of increased stress which has placed higher demands on families. Many families do not have extended family to support them, or their support networks may be unavailable.

With the COVID-19 related lockdowns, there has been an escalation in family violence and maternal and child health nurses have provided support and referrals.

Source: Local Government Community Satisfaction Survey 2020

GOAL 3

CONTINUED

Local Government Performance Reporting Framework

The Victorian Government's compulsory service measures for all Victorian councils relevant to Goal 3 are shown below:

Service Performance Indicators	Results 2017	Results 2018	Results 2019	Results 2020	Comments
Service/indicator/measure					
Aquatic Facilities					
Service standard					
Health inspections of aquatic facilities [Number of authorised officer inspections of Council aquatic facilities / Number of Council aquatic facilities]	2.50	0.00	2.00	1.00	One inspection was conducted at each of Council's two aquatic facilities during the first half of 2019/20. No further inspections were conducted as Don Tatnell Leisure Centre was permanently closed in February 2020 due to a structural building issue, and Waves Leisure Centre was closed from 18 March to 2 June 2020 due to COVID-19 restrictions.
Utilisation					
Utilisation of aquatic facilities [Number of visits to aquatic facilities / Municipal population]	4.55	5.49	5.47	3.92	Kingston saw a significant reduction in utilisation of its aquatic leisure centres during 2019/20. This was due to the permanent closure of the Don Tatnell Leisure Centre in January, due to a structural building issue, as well as the temporary closure of the Waves Leisure Centre in March, due to the Victorian Government's COVID-19 restrictions. Waves Leisure Centre reopened on 2 June at a significantly reduced capacity, in line with the COVID-19 restrictions.
Service cost					
Cost of aquatic facilities [Direct cost of aquatic facilities less income received / Number of visits to aquatic facilities]	New in 2020	New in 2020	New in 2020	\$1.96	There was a reduction in attendance, following the permanent closure of the Don Tatnell Leisure Centre in late January due to a structural building issue. The closure of Waves Leisure Centre from 18 March to 2 June, due to the COVID-19 restrictions, also affected attendance. Waves Leisure Centre reopened on 2 June at a significantly reduced capacity, in line with the COVID-19 restrictions. <i>Note: From 2020, this measure replaced two previous measures: 'Cost of indoor aquatic facilities' and 'Cost of outdoor aquatic facilities', see retired measures.</i>
Libraries					
Utilisation					
Physical library collection usage [Number of physical library collection item loans / Number of physical library collection items]	4.20	4.03	4.71	3.75	Usage of the collection was impacted by the COVID-19 pandemic and the resulting closure of the libraries. <i>Note: From 2019-20, this indicator measures the performance of physical library items as a subset of the wider library collection.</i>

Service Performance Indicators	Results 2017	Results 2018	Results 2019	Results 2020	Comments
Service/indicator/measure					
Libraries (continued)					
Resource standard					
Recently purchased library collection [Number of library collection items purchased in the last 5 years / Number of library collection items] x 100	58.83%	60.51%	73.94%	84.14%	The libraries' collections are continually assessed and refreshed to meet the needs of library customers.
Participation					
Active library borrowers in municipality [Number of active library borrowers in the last three years / The sum of the population for the last three years] x 100	16.88%	17.16%	16.61%	16.05%	The COVID-19 pandemic closures slightly affected the number of customers borrowing from the libraries' collections. Modified library services including home delivery and Click & Collect, and greater access to on-line resources, reduced the effect of library closures on the community.
Service cost					
Cost of library service per population [Direct cost of the library service / Population]	\$29.79	\$30.56	\$30.27	\$31.56	Council continues to invest in the libraries to provide a cost effective service, in line with the Library Strategy and the Council Plan. <i>Note: This measure is replacing the previous 'Cost of library service' indicator which measured based on number of visits, see retired measures.</i>
Maternal and Child Health (MCH)					
Service standard					
Infant enrolments in the MCH service [Number of infants enrolled in the MCH service (from birth notifications received) / Number of birth notifications received] x 100	100.00%	100.00%	100.55%	100.82%	Enrolments in Kingston's Maternal and Child Health service remain consistently high.
Service cost					
Cost of the MCH service [Cost of the MCH service / Hours worked by MCH nurses]	\$84.99	\$87.88	\$97.90	\$96.53	The cost of the MCH service has remained consistent over the last two years.
Participation					
Participation in the MCH service [Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x 100	78.12%	77.56%	73.97%	76.74%	Due to COVID-19, services concentrated on vulnerable babies and children. Although there were fewer reminder follow ups sent for over the phone appointments for older children, participation remained high.

GOAL 3

CONTINUED

Local Government Performance Reporting Framework (continued)

Service Performance Indicators	Results 2017	Results 2018	Results 2019	Results 2020	Comments
Service/indicator/measure					
Maternal and Child Health (MCH) (continued)					
Participation					
<i>Participation in the MCH service by Aboriginal children</i> [Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x 100	71.21%	64.52%	63.72%	77.67%	Among Kingston families, there is a high level of engagement with the Maternal and Child Health service.
Satisfaction					
<i>Participation in 4-week Key Age and Stage visit</i> [Number of 4-week key age and stage visits / Number of birth notifications received] x 100	New in 2020	New in 2020	New in 2020	97.59%	Among Kingston families, there is a high level of engagement with the Maternal and Child Health service.
Retired measures					
Service/indicator/measure	Results 2017	Results 2018	Results 2019	Results 2020	Comments
Aquatic Facilities					
Service cost					
<i>Cost of indoor aquatic facilities</i> [Direct cost of indoor aquatic facilities less income received / Number of visits to indoor aquatic facilities]	\$1.22	\$1.04	\$0.75	Retired in 2020	This measure was replaced by <i>Cost of aquatic facilities</i> from 1 July 2019.
<i>Cost of outdoor aquatic facilities</i> [Direct cost of outdoor aquatic facilities less income received / Number of visits to outdoor aquatic facilities]	\$0.00	\$0.00	\$0.00	Retired in 2020	This measure was replaced by <i>Cost of aquatic facilities</i> from 1 July 2019. Kingston has no outdoor aquatic facilities.
Libraries					
Service cost					
<i>Cost of library service</i> [Direct cost of the library service / Number of visits]	\$8.54	\$7.52	\$8.34	Retired in 2020	This measure was replaced by <i>Cost of library service per population</i> from 1 July 2019.
Maternal and Child Health (MCH)					
Satisfaction					
<i>Participation in first MCH home visit</i> [Number of first MCH home visits / Number of birth notifications received] x 100	103.03%	102.56%	99.39%	Retired in 2020	This measure was replaced by <i>Participation in 4-week Key Age and Stage visit</i> from 1 July 2019.

For more information, visit the Know Your Council website at knowyourcouncil.vic.gov.au.

Major initiatives

The following table reviews Council's progress in relation to major initiatives identified in the 2019/20 Budget. These initiatives are also some of Council's significant capital works projects.

Major Initiatives	Budget (\$)	Actual (\$)	Progress	Comment
Develop the Dingley Village Neighbourhood House Precinct – Stage 1	\$3.4M	\$3.3M	100%	<p>The new facility (\$4.03M cost in total) opened in March 2020 with very positive user feedback. Planning for the project began in 2016/17, and construction started in 2018/19.</p> <p>Grants: None in 2019/20.</p> <p>Duration: 2016/17 – 2019/20.</p>
Restore and 'fit out' the Masonic Hall in Mordialloc	\$1.5M	\$2.0M	100%	<p>Construction of the new facility was completed, with a tender awarded for provision of furniture and fittings. The extra expenditure in 2019/20 was the result of funds being carried over from 2018/19 – as a result of the time incurred in complying with Heritage Victoria requirements in that year.</p> <p>Grants: None in 2019/20.</p> <p>Duration: 2018/19 – 2019/20.</p>
Enhance the library resources and facilities	\$1.4M	\$1.3M	100%	<p>New books, furniture, shelving and other equipment were purchased to support the community's literacy requirements and enhance the love of reading for recreational and lifelong learning.</p> <p>Grants: Public Libraries Funding Program grant of \$1.0M.</p> <p>Duration: Rolling program.</p>
Provide all-abilities change/toilet facilities at Peter Scullin Reserve	\$0.2M	\$0.1M	80%	<p>The design work planned for this year was not completed because of the effect of the COVID-19 pandemic on the community consultation process. The design was adjusted in response to community input and gained Council endorsement in June 2020.</p> <p>When completed, this project will provide an accessible 'changing place' facility that complies with Disability Discrimination Act standards.</p> <p>Grants: None in 2019/20.</p> <p>Duration: 2019/20 – 2020/21.</p>

Other initiatives and actions

For a complete list of the initiatives and actions funded in the 2019/20 Budget and reported in the quarterly Kingston Performance Report, please visit kingston.vic.gov.au.

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



We will ensure Kingston remains a smart, creative and progressive city with well-planned, functional and attractive urban centres and hubs. Council will continue to foster a strong local economy by supporting our local business community which provides valuable jobs for residents. We will also provide traffic management and parking solutions, and accessible and alternative means of transport including cycle routes.



Budget \$23.9M
Expenditure \$27.3M

Achievements and capital works highlights

- ▶ Completed the Mentone Piazza and Mentone Parade works in September 2019.
- ▶ Held the new North Ward Festival in October, receiving great feedback from the local community.
- ▶ Supported local businesses during COVID-19 to improve their business planning and marketing skills.
- ▶ Provided COVID-19 support to businesses including refunding current Health and Food Premises registrations and Footpath Trading fees.
- ▶ Completed the Bay Trail Stage 2 (Mentone to Rennison Street) in May, a month ahead of schedule.
- ▶ Successfully negotiated with the LXP for no net loss of car parking at the Bonbeach, Chelsea and Edithvale level crossing removals.

Our services

A prosperous and dynamic city that provides benefit to the whole community is achieved through the delivery of a range of Council services to the municipal population, including:

- arts and cultural services
- animal management and local laws
- community transport
- local jobs growth and retention
- festivals and events
- food safety regulation and health
- parking enforcement
- road safety
- street lighting maintenance
- transport planning and traffic engineering
- urban area transformation.

Our challenges

- ▶ Advocating for improved public transport and encouraging active transport such as walking and cycling.
- ▶ Addressing parking considerations with new building developments.
- ▶ Advocating to the Victorian Government for high-quality public infrastructure outcomes, such as open space and streetscape improvements as part of the railway level crossing removals.
- ▶ Supporting local businesses during the Victorian Government works to remove railway level crossings.
- ▶ Supporting local businesses through the COVID-19 pandemic.

Performance measures

Council's achievement for Goal 4 of the *Council Plan 2017-2021* (year three) is detailed below:

Attendances at Kingston Arts events

Target: Increase in attendances

2016/17	2017/18	2018/19	2019/20
N/A*	14,726	23,213	14,230

There were 11,470 attendances for the year from July to March. From April, when attendance was significantly affected by the shutdown of arts centres during the COVID-19 pandemic, Kingston's arts centres transitioned to providing programs online.

Activities held online included the Trash Puppets' Easter special craft activity for children and their parents. In addition, Kingston commissioned a series of nine mindful drawing videos from Fox Box Studios that were shared fortnightly on social media.

Exhibitions also went online, with a time lapse video of artist Deb McNaughton painting her mural on the front window of the Shirley Burke Theatre.

Other online workshops included a series of ceramic and sustainable art workshops. Online workshops and storytelling also featured as part of the 'Bukjeh' multicultural project, held during Refugee Week.

**No data available for this year.*

Source: Camms Strategy

Community satisfaction rating for community and cultural events⁵

Target: 80%

2016/17	2017/18	2018/19	2019/20
61.5%	81.7%	82%	86.67%

Kingston events such as Carols, the new Spring Fair and Mordi Fest continued to be popular. No events were held between April to June 2020.

Source: Camms Strategy (average)

Satisfaction of participants at business education initiatives

Target: 95%

2016/17	2017/18	2018/19	2019/20
98.75%	96.25%	95.59%	97.11%

Kingston's support for local businesses included 26 education workshops on topics including starting a business, marketing and digital skills, and business planning. In partnership with Business Victoria, six workshops were held online in June.

An 'Open for Business' directory was added to the Kingston Business website to support the arts, entertainment, hospitality and entrepreneurs in our community.

Council's Business Directions team also adapted its communication channels to keep businesses informed of the support and financial assistance available during the COVID-19 pandemic trading restrictions. A social media #keepitinkingston campaign is encouraging the community to support local creatives and entrepreneurs.

Source: Camms Strategy (average)

⁵ Formerly called 'Community Satisfaction with Kingston-delivered major festivals'

GOAL 4

CONTINUED

Performance measures (continued)

Community satisfaction: Enforcement of local laws

Target: Maintain or improve resident perception of performance

YEAR	2017	2018	2019	2020	Average
Kingston performance	65	65	65	65	65
Kingston importance	74	71	72	70	72
Metro performance	64	64	64	65	64
State-wide performance	64	64	64	63	64

Council continued to educate our community about the local laws and enforced them when necessary.

During the COVID-19 pandemic restrictions, enforcement focussed primarily on safety breaches including statutory prohibitions and disabled parking bays, and some timed areas in shopping centres and around LXP works.

Officers continued to respond to animal complaints and dog attacks; collect found dogs; and patrol reserves, streets and the foreshore, promoting responsible pet ownership. 57 dogs were returned to their owners as part of Council's 'on-road' reunion protocol which avoids unnecessary impoundments.

Source: Local Government Community Satisfaction Survey 2020

Community satisfaction: Performance in parking facilities

Target: Maintain or improve resident perception of performance

YEAR	2017	2018	2019	2020	Average
Kingston performance	57	55	53	55	55
Kingston importance	72	74	75	71	73
Metro performance	53	55	55	56	55
State-wide performance	55	56	56	55	56

Provision of parking facilities remained a challenge in our developing community, especially with the pressure experienced with level crossing removals.

Following negotiation by Kingston during the year, LXP has committed to no net loss of car parking at the Bonbeach, Chelsea and Edithvale level crossing removals.

Source: Local Government Community Satisfaction Survey 2020

Community satisfaction: Performance in traffic management

Target: Maintain or improve resident perception of performance

YEAR	2017	2018	2019	2020	Average
Kingston performance	56	58	59	55	57
Kingston importance	78	75	75	73	75
Metro performance	56	57	58	59	58
State-wide performance	59	57	58	58	58

Over the year, Kingston completed several raised pavement and pedestrian crossing works to improve traffic and pedestrian safety. These improvements were undertaken in Como Parade East and West, Parkdale; Edithvale Primary School; Perry St, Moorabbin; and Gladesville Boulevard, Patterson Lakes.

To encourage children to walk to school, 'safe routes to school' projects were developed for Dingley Village.

In addition, works to reduce hooning activities were completed in several locations in the Braeside industrial area.

Source: Local Government Community Satisfaction Survey 2020

Local Government Performance Reporting Framework

The Victorian Government's compulsory service measures for all Victorian councils relevant to Goal 4 are shown below:

Service Performance Indicators	Results 2017	Results 2018	Results 2019	Results 2020	Comments
Service/indicator/measure					
Animal Management					
Timeliness					
<i>Time taken to action animal management requests</i> [Number of days between receipt and first response action for all animal management requests / Number of animal management requests]	1.66	1.73	1.68	1.88	Officers responded to requests in a timely manner and ensured all risks were managed appropriately. Due to the COVID-19 pandemic, there was a reduction in the number of animal management requests and a slight increase in the time taken to action them.
Service standard					
<i>Animals reclaimed</i> [Number of animals reclaimed / Number of animals collected] x 100	55.93%	60.98%	65.46%	75.84%	Of the 361 animals reclaimed, 57 were returned to their owners as part of Council's 'on-road' reunion protocol which avoids unnecessary impoundments. The increase in the percentage of animals reclaimed is due to the exclusion of feral animals (usually cats) from this measure from 2019/20 onwards. Due to more residents working from home during the COVID-19 restrictions, there were fewer animals at large compared to last year.
<i>Animals rehomed</i> [Number of animals rehomed / Number of animals collected] x 100	New in 2020	New in 2020	New in 2020	8.19%	Thirty nine animals were adopted and found a new, permanent home after their original owner couldn't be found. <i>Note: New measure for 2019-20 financial year.</i>
Service cost					
<i>Cost of animal management service per population</i> [Direct cost of the animal management service / Population]	\$6.08	\$5.82	\$5.21	\$5.83	The cost of the animal management service is within expectations. <i>Note: This measure is replacing previous 'Cost of animal management service' which was based on cost per number of registered animals, see retired measures.</i>
Health and safety					
<i>Animal management prosecutions</i> [Number of successful animal management prosecutions / Number of animal management prosecutions] x 100	New in 2020	New in 2020	New in 2020	100.00%	Council officers continue to proactively resolve animal-related issues directly with those involved. There were no cases presented at court between March and June as a result of the COVID-19 pandemic. <i>Note: This measure is replacing previous 'Animal management prosecutions' which was a measure of number, not proportion, see retired measures.</i>
Food Safety					
Timeliness					
<i>Time taken to action food complaints</i> [Number of days between receipt and first response action for all food complaints / Number of food complaints]	1.61	1.73	1.87	1.87	The time taken to respond to food-related complaints is consistent with previous years and includes weekends and public holidays. Council officers continue to action complaints as a priority to ensure risks are managed appropriately.

GOAL 4

CONTINUED

Local Government Performance Reporting Framework (continued)

Service Performance Indicators	Results 2017	Results 2018	Results 2019	Results 2020	Comments
Service/indicator/measure					
Food Safety (continued)					
Service standard					
<i>Food safety assessments</i> [Number of registered class 1 food premises and class 2 food premises that receive an annual food safety assessment in accordance with the <i>Food Act 1984</i> / Number of registered class 1 food premises and class 2 food premises that require an annual food safety assessment in accordance with the <i>Food Act 1984</i>] x 100	99.90%	99.90%	100.00%	100.00%	All 1,026 operating Class 1 and Class 2 premises received an assessment during the year. The number of premises increased by 34 compared to the previous year.
Service cost					
<i>Cost of food safety service</i> [Direct cost of the food safety service / Number of food premises registered or notified in accordance with the <i>Food Act 1984</i>]	\$269.19	\$270.14	\$240.18	\$259.92	While the number of registered or notified Streatrader and food premises has increased, the cost of the service remains consistent with previous years.
Health and safety					
<i>Critical and major non-compliance outcome notifications</i> [Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x 100	100.00%	98.96%	100.00%	98.60%	All major and critical non-compliances continue to be treated as a priority. Environmental Health Officers ensure that any high risk issues identified during an assessment are attended to immediately and action taken to remove or reduce the risk. 100% of outcome notifications were followed up shortly after the reporting period closed.
Retired measures					
Service/indicator/measure	Results 2017	Results 2018	Results 2019	Results 2020	Comments
Animal Management					
Service cost					
<i>Cost of animal management service</i> [Direct cost of the animal management service / Number of registered animals]	\$46.22	\$44.21	\$40.23	Retired in 2020	This measure was replaced by <i>Cost of animal management service per population</i> from 1 July 2019.
Health and safety					
<i>Animal management prosecutions</i> [Number of successful animal management prosecutions]	11.00	13.00	7.00	Retired in 2020	This measure was replaced by new measure <i>Animal management prosecutions</i> from 1 July 2019.

For more information, visit the Know Your Council website at knowyourcouncil.vic.gov.au.

Major initiatives

The following table reviews Council's progress in relation to major initiatives identified in the 2019/20 Budget. These initiatives are also some of Council's significant capital works projects.

Major Initiatives	Budget (\$)	Actual (\$)	Progress	Comment
Implement the Bay Trail shared path	\$4.4M	\$5.5M	100%	<p>Stage 2 works (Mentone to Rennison Street) were completed in May, a month ahead of schedule.</p> <p>A delayed start in 2018/19, due to objections heard at VCAT, meant that \$2.5M of unused funds (which included a \$1.6M allowance for Stage 3) was carried over to 2019/20. This \$1.6M has now been carried over to 2020/21 for Stage 3 works.</p> <p>Grants: \$700,000 from the Department of Transport.</p> <p>Duration: 2017/18 – 2019/20 for Stage 2.</p>
Construct a trail as part of the Chain of Parks between Karkarook Park to Clayton Road	\$0.7M	\$0.3M	50%	<p>The section along Old Dandenong Road, to the north of Henry St, was completed.</p> <p>Further progress was delayed due to the time needed for land acquisitions to enable the trail to be constructed on Council land and provide safe road crossings.</p> <p>This project is fully funded from the Green Wedge fund and the unspent funds remain in the reserve.</p> <p>Grants: None in 2019/20.</p> <p>Duration: 2012 – 2025.</p>
Enhance Parkdale Local Shopping Centre	\$0.4M	\$0.1M	90%	<p>Design and planning for this project was scheduled for 2019/20.</p> <p>After reviewing the scope, concept plans were created. The detailed design phase will occur in 2020/21, though there may be delays due to COVID-19.</p> <p>The remaining funds were carried over to 2020/21.</p> <p>Council is applying for grants from the Victorian government to boost the budget for this project.</p> <p>Grants: None in 2019/20.</p> <p>Duration: 2019/20 – 2020/21.</p>
Construct a park at Elder Street South, Clarinda as part of the Chain of Parks	\$1.1M	\$0.3M	80%	<p>This project was delayed due to wet weather and will be resumed in Spring 2020, once the ground dries out.</p> <p>Grants: None in 2019/20.</p> <p>Duration: 2019/20 – 2020/21.</p>

Other initiatives and actions

For a complete list of the initiatives and actions funded in the 2019/20 Budget and reported in the quarterly Kingston Performance Report, please visit kingston.vic.gov.au.

5 Our well-governed and responsive organisation



Our organisation will focus on governing Kingston in a way that is well-informed, responsive, accountable, transparent and efficient. We will also provide responsible stewardship of the community's resources and ensure our community facilities are well-managed to promote liveability.



Budget \$77.8M







Expenditure \$69.9M

Achievements and capital works highlights

- ▶ Activated Kingston's Pandemic Plan and Business Continuity Plan in March to guide Council's effective initial response to the COVID-19 pandemic and guide Council's COVID-19 recovery efforts.
- ▶ Kingston's information services ensured that Kingston could continue essential services to our community during the COVID-19 restrictions.
- ▶ Rates deferrals and a rates discount were provided to ratepayers to assist them financially during the COVID-19 pandemic.
- ▶ Adopted the Good Governance Framework in May, with an education and compliance program to be delivered in 2020/21.
- ▶ Registered users for electronic and emailed notices reached 13,006 (around 17% of ratepayers) following a campaign to increase uptake. Residents can also now manage their properties and rates information online.

Our services

To be an effective voice on behalf of our community and a well-governed organisation, Council provides a range of services including:

-  communications and community relations
-  council governance and administration
-  customer service
-  executive services
-  financial management
-  health, safety and wellbeing
-  human resources management
-  municipal emergency management
-  property rating and collection services
-  provision of information technology services
-  procurement, fleet, insurance and contracts.

Our challenges

- ▶ Continuing to administer local democracy, via a virtual medium, during the COVID-19 restrictions.
- ▶ Establishing "work from home" systems and processes for over 400 staff during the COVID-19 lockdown periods.

Performance measures

Council's achievement for Goal 5 of the *Council Plan 2017-2021* (year three) is detailed below:

First point of call contact resolution

Target: 80%

2016/17	2017/18	2018/19	2019/20
85%	85%	84%	93%

Kingston's Customer Care service received over 123,000 phone calls from the community in 2019/20. Most requests (93%) were answered in one call, without needing to be transferred to other parts of the organisation. This provided a more seamless and consistent experience to Kingston's customers.

Source: Camms Strategy

Lost time injury frequency rate

Target: 30 per 1 million hours per year

2016/17	2017/18	2018/19	2019/20
N/A*	20.56	29.64	32.53

The minor increase in lost time injuries is due to the enhancement of the Council's safety reporting system, which now provides greater visibility of lost time injuries.

Employees continue to be supported by having access to early intervention programs that facilitate more effective injury rehabilitation and return to work.

Source: Council data

Community satisfaction: Lobbying on behalf of the community

Target: Maintain or improve resident perception of performance

YEAR	2017	2018	2019	2020	Average
Kingston performance	59	53	55	57	56
Kingston importance	70	67	66	64	67
Metro performance	56	56	57	57	57
State-wide performance	54	54	54	53	54

Council has successfully advocated to achieve positive outcomes on a range of projects, including enhancing Level Crossing Removals Projects, securing millions in state funding to improve local facilities, and progressing the long-held community vision for the Chain of Parks project.

Source: Local Government Community Satisfaction Survey 2020

GOAL 5

CONTINUED

Local Government Performance Reporting Framework

The Victorian Government's compulsory service measures for all Victorian councils relevant to Goal 5, are shown below.

Service Performance Indicators	Results 2017	Results 2018	Results 2019	Results 2020	Comments
Service/indicator/measure					
Governance					
Transparency					
<i>Council decisions made at meetings closed to the public</i> [Number of Council resolutions made at ordinary or special meetings of Council, or at meetings of a special committee consisting only of Councillors, closed to the public / Number of Council resolutions made at ordinary or special meetings of Council or at meetings of a special committee consisting only of Councillors] x 100	5.99%	4.51%	8.93%	12.67%	The City of Kingston is committed to open and transparent decision-making processes. In 2019/20, Council considered an increased number of personnel matters, property-related matters, and issues involving other authorities, such as LXP, that were deemed confidential. Council endeavours to make confidential resolutions or parts of resolutions public at a later date, where possible.
Consultation and engagement					
<i>Satisfaction with community consultation and engagement</i> [Community satisfaction rating out of 100 with how Council has performed on community consultation and engagement]	59.00	54.00	53.00	56.00	This rating is sourced from the annual Local Government Community Satisfaction Survey, conducted by an independent research company. Kingston is committed to continuing to explore ways to improve consultation with the broader community.
Attendance					
<i>Councillor attendance at Council meetings</i> [The sum of the number of Councillors who attended each ordinary and special Council meeting / (Number of ordinary and special Council meetings) x (Number of Councillors elected at the last Council general election)] x 100	93.43%	95.45%	87.30%	89.71%	Councillor attendance has remained consistent with previous years.
Service cost					
<i>Cost of elected representation</i> [Direct cost of the governance service / Number of Councillors elected at the last Council general election]	\$50,700.44	\$52,442.56	\$58,490.33	\$58,239.33	The direct cost of delivering Council's governance service was in line with expectations and consistent with the previous financial year.
Satisfaction					
<i>Satisfaction with Council decisions</i> [Community satisfaction rating out of 100 with how Council has performed in making decisions in the interest of the community]	60.00	53.00	56.00	55.00	This rating is sourced from the annual Local Government Community Satisfaction Survey, conducted by an independent research company. With an average score of 56 over the past four years, Council continues to explore ways to improve community consultation and assist the community to understand the reasons for decisions.

For more information, visit the Know Your Council website at knowyourcouncil.vic.gov.au.

Major initiatives

The following table reviews Council's progress in relation to major initiatives identified in the 2019/20 Budget. These initiatives are also some of Council's significant capital works projects.

Major Initiatives	Budget (\$)	Actual (\$)	Progress	Comment
Invest in capability and security enhancements in information and communication technology (hardware and cloud transition)	\$1.0M	\$0.2M	60%	<p>Following an initial delay due to resolving technical issues, the contract has been awarded and work has commenced. It is due for completion by November 2020. \$445,000 has been declared as savings on the project and \$200,000 carried over to 2020/21.</p> <p>Grants: None in 2019/20.</p> <p>Duration: 2019/20 – 2020/21.</p>
Upgrade the Garden Boulevard depot to accommodate the consolidated depot requirements	\$3.7M	\$3.5M	100%	<p>Staff from the former depot sites in Braeside and Bonbeach moved into the new depot on schedule and commenced operating from the site in February 2020. Vacant possession was delivered to the owner of the Braeside site in early March. The Bonbeach site was cleared and made available for lease in early July 2020, on schedule.</p> <p>Grants: None in 2019/20.</p> <p>Duration: 2019/20.</p>

Other initiatives and actions

For a complete list of the initiatives and actions funded in the 2019/20 Budget and reported in the quarterly Kingston Performance Report, please visit kingston.vic.gov.au.

GOVERNANCE

Local government is the level of government closest to the community. It consists of democratically elected councils having the functions and powers that the Victorian Parliament considers are necessary to ensure the peace, order and good government of each municipality.

The City of Kingston operates in accordance with the *Local Government Act 1989* (Vic) and *Local Government Act 2020* (Vic) which specify that the role of the council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

Note: The *Local Government Act 1989* (Vic) is currently still applicable in some sections. The implementation of the *Local Government Act 2020* (Vic) is segmented over 2020 and 2021.

Our governance system

The City of Kingston is committed to excellence in governance in its effort to exemplify the organisation's Towards Exceptional plan. Our good governance system ensures the performance and accountability of the organisation. The Good Governance Framework adopted by Kingston is based on four cornerstones being Transparency (Show it), Accountability (Own it), Leadership and Direction (Drive it) and Integrity (Live it). Good governance involves both:

- democratic governance (the elected Council and the authority to make decisions for its community)
- organisational governance (the way in which the Council is run and the framework in which its systems and processes operate).

Democratic governance

Delegation of powers

Several duties, functions and powers are conferred on Council through legislation, including the *Local Government Act 1989* (Vic) and the *Local Government Act 2020* and other Acts. Council delegates the authority and powers necessary to comply with legislation and implement Council-approved strategies to the Chief Executive Officer. The Chief Executive Officer further delegates powers to Council officers who carry out the functions of the Council daily. The powers, duties and functions delegated to officers must be exercised in line with previously established guidance or direction from the Council. Powers that Council cannot delegate include adopting the Council Plan and Council Budget. Council's Instruments of Delegation are reviewed annually. The Register of Delegations is available at kingston.vic.gov.au/contact-us/documents-available.

Council and committee meetings

Kingston's Council Meetings are held on the fourth Monday of each month and Planning Committee Meetings are usually held on the third Wednesday of each month at 1230 Nepean Highway, Cheltenham, commencing at 7pm, unless otherwise advertised. Due to the coronavirus pandemic and social distancing requirements, some Council meetings were held at the Moorabbin Town Hall. Council Meetings are open to the public and agendas are available from Council's website from the preceding Friday at kingston.vic.gov.au/about-us/council-meetings.

Residents have an opportunity to submit written questions to Council on the night of an Ordinary Meeting of Council. Questions may be responded to either verbally at the meeting or later in writing. The question form is available at kingston.vic.gov.au/about-us/council-meetings/public-question-time.

Decisions are made through the formal Council Meeting or the formal delegation of powers to officers and delegated committees. Council is empowered to make decisions through resolution of the Council. Outside of the Council Meeting, individual Councillors have no decision-making authority.

Council is sometimes required to discuss and consider confidential matters. Section 66(2) of the *Local Government Act 2020* (Vic) stipulates that councils can close meetings to the public to discuss confidential information. Under section 3(1) of the *Local Government Act 2020* (Vic) confidential matters include (but not limited to):

- Council business information
- land use planning
- legal privileged information
- private commercial information
- personal information.

If confidential reports are to be discussed by Council, the public is asked to leave the meeting during these discussions. 12.67% of decisions made by Council were during closed meetings.

In 2019/20, there were 12 Council Meetings and 7 Planning Committee Meetings.

Special Meetings of Council

Special Meetings of Council are called when an urgent item requires a Council resolution that cannot wait until the next Ordinary Meeting of Council. The dates for these meetings are advertised in *The Age* newspaper and on Council's website. In 2019/20 there were 14 Special Meetings of Council.

Councillor information sessions

In addition to regular Council Meetings, information sessions are held to inform Councillors about important issues. These sessions provide Councillors and Council officers with an opportunity to discuss issues in detail, seek further information and to address questions and concerns. Information sessions are not a decision-making forum. They allow Councillors to explore options and better understand the matter in question. Council decisions can only be made during Council Meetings.

Live streaming and recording of Council Meetings

All Ordinary, Special and Planning Committee Meetings are streamed live on Council's website. This allows residents to watch proceedings and decisions as they happen and provides access to Council Meetings for those who may be unable to physically attend.

The live stream and archives of previous streams can be found at kingston.vic.gov.au/about-us/council-meetings/live-council-meetings.

The Recording of Public Council Meetings Policy is available on Council's website at kingston.vic.gov.au/about-us/plans-policies-publications/policies.

Table: Councillor Attendance at Council Meetings

Councillor	Council Meetings attended	Special Meetings of Council attended	Planning Committee Meetings attended
Current Councillors			
Cr Tamara Barth	10/12	14/14	7/7
Cr Tamsin Bearsley	11/12	14/14	7/7
Cr Ron Brownlees OAM	12/12	13/14	7/7
Cr David Eden	11/12	13/14	4/7
Cr Geoff Gledhill	12/12	11/14	6/7
Cr Georgina Oxley	11/12	14/14	6/7
Cr George Hua	10/12	11/14	6/7
Cr Steve Staikos	12/12	13/14	6/7
Cr Rosemary West OAM	12/12	14/14	7/7

Minutes of meetings

Council records the resolutions of each Ordinary, Special and Planning Committee meeting. Minutes can be viewed at kingston.vic.gov.au/about-us/council-meetings.

Conflict of interest

At the start of a Council or assembly meeting, Councillors must disclose any direct or indirect conflict of interest. If a direct or indirect interest is disclosed, the Councillor must leave the meeting prior to the issue being discussed, debated or voted on. After the vote, the Councillor can return to the meeting.

Mayor's role

At the annual Statutory Meeting of Council (which is a Special Meeting), Councillors elect a Mayor for a 12-month term. Council may resolve to elect a Mayor for a maximum term of two years, although the mayoral term at Kingston is usually one year. The Mayor is the leader of the Council and has several roles which are legislative and functional. The legislative requirements are prescribed in the *Local Government Act 1989*.

The Mayor must chair all Council Meetings at which they are present. The Mayor's role also includes providing leadership, promoting positive relationships and modelling good governance. Cr Oxley was re-elected on 13 November 2019.

GOVERNANCE

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Cr Steve Staikos was elected as Kingston's Deputy Mayor on 13 November 2019. The predominant role of the Deputy Mayor is to assist the Mayor as required during their mayoral term. The Deputy Mayor role supports duties or functions carried out by the Mayor and must be in accordance with Deputy Mayor Position Policy, which is available at kingston.vic.gov.au/About-Us/Plans-Policies-and-Publications/Policies.

Junior Mayor

The Junior Mayor program gives primary schools within the City of Kingston the opportunity to showcase the talents and attributes of young people. The Junior Mayor election is coordinated by Kingston Youth and Family Services. The Junior Mayor program has been running for over 50 years and is sponsored by the Chelsea Rotary Club. It aims to help educate and engage young people about how government works and how they can get involved, while also providing support and experience to our budding future leaders. The 2019/20 elected Junior Mayor is Jack O'Connor from Patterson Lakes Primary School.

Councillor representation on committees

Councillors are appointed as Council representatives on a range of special committees and networks as per the tables below.

Legislative committees

Legislative committees are established under the *Local Government Act 1989* (Vic). The Planning Committee is a Council decision-making forum with extensive delegated authority, while the Audit Committee, established under section 139 of the Act, has an advisory role.

Legislative Committees	2019/20 Appointee/s
Planning Committee	All
Audit Committee	Mayor Cr Oxley, Cr Gledhill
Municipal Emergency Planning Committee	Cr Gledhill
Advisory Committees	2019/20 Appointee
Access and Equity	Cr Barth
Arts and Culture	Cr Bearsley, Cr Staikos (alternate)
Business and Economic Development	Cr Hua, Cr Gledhill
Community Safety	Cr Brownlees
Public Spaces and Environment	Cr West
Sport and Recreation	Cr Gledhill, Cr Brownlees
Youth	Cr Eden, Mayor Cr Oxley
Consultative Committees	2019/20 Appointee
LF Payne Hall Usage Committee	Cr Eden, Cr Bearsley, Mayor Cr Oxley
Kingston Charitable Fund (KCF) Community Grants Panel	Mayor Cr Oxley, Cr Brownlees
Kingston Interfaith Network	Cr Bearsley
Kingston Historic Network	Cr Gledhill, Cr West (alternate)
External Committees/Organisations	2019/20 Appointee
Association of Bayside Municipalities	Cr West, Cr Gledhill (alternate)
Friends of Manatuto Committee	Cr Gledhill
Inter Council Aboriginal Consultative Committee	Cr West, Cr Barth (alternate)
Local Government Waste Management Forum	Cr Staikos, Cr Barth (alternate)
Metropolitan South Eastern Region MAV Representatives and Mayors	Mayor Cr Oxley
Metropolitan Transport Forum	Cr West, Cr Gledhill (alternate)
Moorabbin Airport Consultative Committee	Cr Brownlees, Cr West, Cr Staikos (alternate), Cr Gledhill (alternate)
Municipal Association of Victoria	Mayor Cr Oxley
Municipal Association of Victoria Environment Committee	Cr West
Municipal Association of Victoria Planning Committee	Cr West
SEM City Deal	Cr Staikos
South East Councils Climate Change Alliance (SECCA)	Cr West
Victorian Local Governance Association	Cr Staikos

Councillor remuneration

Councillors and Mayors are entitled to receive remuneration in the form of a Councillor allowance, with the upper and lower limits set by the Victorian Government. The Minister for Local Government approved an annual adjustment of 2%, which took effect on 1 December 2019. The annual allowance for the Mayor is \$94,282.96 and for Councillors is \$31,427.65 plus an amount equivalent to the superannuation guarantee contribution (9.5%). In addition to their allowances, Councillors can elect to receive a mobile phone, iPad, laptop computer and a phone/fax for Council use. They can also claim expenses incurred while performing their duty as Councillors and use office administration and support. The Mayor receives a dedicated office and support from an Executive Assistant.

Reimbursement of expenses of Councillors

Council is required to reimburse a Councillor for expenses incurred in the performance of his/her duties (Section 75 of the *Local Government Act 1989* (Vic)). Council is also required to adopt and maintain a policy in relation to the reimbursement of expenses for Councillors. Council adopted the Councillor Support and Reimbursement of Expenses Policy (the Policy) on 14 December 2015, which is available at kingston.vic.gov.au/about-us/plans-policies-publications/policies.

The Policy requires the payment of Councillor expenses (whether paid directly by Council or reimbursed to the Councillor) to be published in the Annual Report and quarterly on the Council's website under the following categories:

- ▶ Councillor and Mayoral allowance
- ▶ carer expenses
- ▶ communication expenses
- ▶ training and education expenses
- ▶ intrastate travel expenses
- ▶ interstate and overseas travel expenses
- ▶ other expenses.

Councillor allowances and expenses for 2019/20

All allowances and expenses are related to Councillors' roles as representatives and/or delegates of Council and have been incurred in the course of their duties as a Councillor.

	Councillor Allowances	Communications Expenses	Travel Intrastate	Travel Interstate	Travel Overseas	Training, Conferences & Education	Other Expenditure
Cr Tamara Barth	\$31,427.65	\$756.00					
Cr Tamsin Bearsley	\$31,427.65	\$1,032.00					
Cr Ron Brownlees OAM	\$31,427.65	\$732.00					
Cr David Eden	\$31,427.65	\$1,032.00	\$100.00				
Cr Geoff Gledhill	\$31,427.65	\$1,032.00					
Cr George Hua	\$31,427.65	\$852.00	\$182.00			\$70.00	
Cr Georgina Oxley (Mayor from 13/11/18)	\$94,282.96	\$1,356.00	\$147.00				
Cr Steve Staikos (Deputy Mayor from 13/11/18)	\$31,427.65	\$1,032.00	\$314.00			\$455.00	
Cr Rosemary West OAM	\$31,427.65	\$1,032.00					

GOVERNANCE

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Governance and Management Checklist

The following are the results in the prescribed form of Council's assessment against the prescribed governance and management checklist.

Governance and Management Items	Assessment	
1 Community engagement policy (policy outlining Council's commitment to engaging with the community on matters of public interest)	Policy Current policy in operation: 28/10/2019	✓
2 Community engagement guidelines (guidelines to assist staff to determine when and how to engage with the community)	Guidelines Date of operation: 12/10/2017 Council guidelines are formed by multiple documents referenced from the policy.	✓
3 Strategic Resource Plan (plan under section 126 of the Act outlining the financial and non-financial resources required for at least the next four financial years)	Plan Adopted in accordance with section 126 of the Act Date of adoption: 24/6/2019	✓
4 Annual budget (plan under section 130 of the Act setting out the services to be provided and initiatives to be undertaken over the next 12 months and the funding and other resources required)	Adopted in accordance with section 130 of the Act. Date of adoption: 24/6/2019	✓
5 Asset management plans (plans that set out the asset maintenance and renewal needs for key infrastructure asset classes for at least the next 10 years)	Plans Current plans in operation: Asset Management Policy and Strategy adopted by Council 26/2/2018 Asset Management Plans: Drainage 01/03/2008 Transport 01/03/2008 Community Facilities 01/03/2008 Recreational Spaces 01/03/2008 Capital Works Forward Plan 25/6/2018.	✓
6 Rating strategy (strategy setting out the rating structure of Council to levy rates and charges)	Strategy The Rating Strategy is Section 8 of the Annual Budget 2019/20. Current strategy in operation: 24/6/2019	✓
7 Risk policy (policy outlining Council's commitment and approach to minimising the risks to Council's operations)	Policy Current policy in operation: 10/4/2019	✓
8 Fraud policy (policy outlining Council's commitment and approach to minimising the risk of fraud)	Policy Current policy in operation: 8/7/2019	✓
9 Municipal emergency management plan (plan under section 20 of the <i>Emergency Management Act 1986</i> for emergency prevention, response and recovery)	Plan Prepared and maintained in accordance with section 20 of the <i>Emergency Management Act 1986</i> Plan currently in operation: 19/02/2014	✓
10 Procurement policy (policy under section 186A of the <i>Local Government Act 1989</i> , outlining the matters, practices and procedures that will apply to all purchases of goods, services and works)	Policy Prepared and approved in accordance with section 186A of the <i>Local Government Act 1989</i> : Current policy in operation: 22/6/2020	✓
11 Business continuity plan (plan setting out the actions that will be taken to ensure that key services continue to operate in the event of a disaster)	Plan Current plan in operation: 19/6/2018	✓
12 Disaster recovery plan (plan setting out the actions that will be undertaken to recover and restore business capability in the event of a disaster)	Plan Current plan in operation: 12/1/2020	✓

Governance and Management Items	Assessment
13 Risk management framework (framework outlining Council's approach to managing risks to the Council's operations)	Framework ✓ Current framework in operation: 10/4/2019
14 Audit Committee (advisory committee of Council under section 139 of the Act whose role is to oversee the integrity of a Council's financial reporting, processes to manage risks to the Council's operations and for compliance with applicable legal, ethical, and regulatory requirements)	Kingston's Audit Committee was established in 1997, prior to the legislative requirement that made Audit Committees mandatory. The current Audit Committee Charter was approved by Council on 23/04/2018. Committee established in accordance with section 139 of the Act: 1997 ✓
15 Internal audit (independent accounting professionals engaged by the Council to provide analyses and recommendations aimed at improving Council's governance, risk and management controls)	Engaged ✓ Current Internal auditor engaged: 1/07/2013 Current auditor expiry: 30/6/2022
16 Performance reporting framework (a set of indicators measuring financial and non-financial performance, including the performance indicators referred to in section 131 of the Act)	Framework ✓ Current framework in operation: 26/2/2020
17 Council Plan reporting (report reviewing the performance of the Council against the Council Plan, including the results in relation to the strategic indicators, for the first six months of the financial year)	Report ✓ Kingston Performance Report: Q1 2019/20 – 28/10/2019 Q2 2019/20 – 24/2/2020 Q3 2019/20 – 25/5/2020 LGPRF Half Year Update 2019/20: 10/3/2020 2019/20 Annual Report: Estimated 30/11/2020
18 Financial reporting (quarterly statements to Council under section 138 of the Act comparing budgeted revenue and expenditure with actual revenue and expenditure)	Quarterly statements presented to Council in accordance with section 138(1) of the Act: ✓ Quarterly Financial Statements: September 2019 – 28/10/2019 December 2019 – 24/2/2020 March 2020 – 25/5/2020 2019/20 Annual Financial Statements: 21/09/2020
19 Risk reporting (six-monthly reports of strategic risks to Council's operations, their likelihood and consequences of occurring and risk minimisation strategies)	Reports ✓ Prepared and presented: Strategic & Operational Risk Updates: 22/6/2020 – 6 monthly Strategic Risk Reporting September 2019 Strategic Risk Reporting October 2019 Strategic Risk Reporting February 2020 Strategic Risk Reporting June 2020
20 Performance reporting (six-monthly reports of indicators measuring the results against financial and non-financial performance, including performance indicators referred to in section 131 of the Act)	Reports ✓ Prepared and presented: LGPRF Half Year Update 2019/20: 10/3/2020 Kingston Performance Report: September 2019 – 28/10/2019 December 2019 – 24/2/2020 March 2020 – 25/5/2020 LGPRF Half-Year Update – 10/3/2020 2019/20 Annual Report – Estimated 30/11/2020

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Governance and Management Checklist (continued)

Governance and Management Items	Assessment
21 Annual report (annual report under sections 131, 132 and 133 of the Act to the community containing a report of operations and audited financial performance statements)	Report ✓ 2019/20 Annual report considered at a meeting of Council in accordance with section 134 of the Act Date of consideration: 28/10/2019
22 Councillor Code of Conduct (Code under section 76C of the Act setting out the conduct principles and the dispute resolution processes to be followed by Councillors)	Reviewed in accordance with section 76C of the Act ✓ Date of Review: 26/6/2017 – 26/6/2021 Amended Code of Conduct adopted 26/6/2017.
23 Delegations (a document setting out the powers, duties and functions of Council and the Chief Executive Officer that have been delegated to members of staff)	Reviewed in accordance with section 98(6) of the Act: ✓ Review date of Instrument of Delegation by Council to CEO: 23/4/2019. Review date of Instrument of Delegation by Council to Staff: 25/5/2020 Review date of Instrument of Sub Delegation by CEO to Staff: 15/3/2019
24 Meeting procedures (a local law governing the conduct of meetings of Council and special committees)	Procedure ✓ Meeting procedures local law made in accordance with section 91(1) of the Act. Date Local Law was made: 24/9/2018

I certify that this information presents fairly the status of Council's governance and management arrangements.



Julie Reid
Chief Executive Officer

Dated: 22 September 2020



Cr Georgina Oxley
Mayor

Dated: 22 September 2020

Organisational governance

Chief Executive Officer (CEO) and delegations

City of Kingston CEO, Julie Reid, is the only member of staff directly appointed by and responsible to Council. The CEO implements Council decisions, ensures Council achieves its Council Plan objectives, and manages the day-to-day operations of the organisation. The CEO's delegated powers include awarding contracts up to \$750,000. The CEO was appointed on 26 August 2019 for a term of four years.

Senior Officers

A Senior Officer is the CEO or an officer of Council who has management responsibilities and reports directly to the CEO or any other member of Council staff whose total annual remuneration exceeds \$147,900.

Statutory information

The following information is provided in accordance with legislative and other requirements applying to Council.

Documents available for public inspection

In accordance with the *Local Government (General) Regulations 2015*, the following is a list of the prescribed documents that are available for inspection. Copies of the documents can be obtained for the purposes of section 222 of the *Local Government Act 1989* (Vic) at the municipal offices at 1230 Nepean Highway, Cheltenham during normal office hours. Inspection of these documents can be arranged by contacting the Governance Department on 1300 653 356.

Note: For the purposes of this report, the below list prescribes the documents that Council were obliged to release before section 222 of the *Local Government Act 1989* (Vic) and the *Local Government (General) Regulations 2015* were repealed during the later stages of the 2019/2020 financial year. The way the below documents will be released in the future will be outlined in Council's Public Transparency Policy to be adopted by 1 September 2020.

The documents include:

- ▶ agendas and minutes for Ordinary and Special Meetings held in the previous 12 months kept under section 93 of the *Local Government Act 1989* (Vic), except where such minutes relate to parts of meetings which have been closed to members of the public under section 89 of the *Local Government Act 1989* (Vic). These documents are available at **kingston.vic.gov.au/about-us/council-meetings/agendas-and-minutes**.
- ▶ register of delegations kept under sections 87 and 98 of the *Local Government Act 1989* (Vic). This register is available at **kingston.vic.gov.au/contact-us/documents-available**.
- ▶ details of all leases involving land entered by Council as lessor, including the lessee and the terms and the value of the lease.
- ▶ register of authorised officers appointed under section 224(1A) of the *Local Government Act 1989* (Vic).
- ▶ list of donations and grants made by Council in the previous 12 months, including the names of persons or bodies which have received a donation or grant and the amount of each donation or grant.

Best value

The *Local Government Act 1989* (Vic) requires councils to comply with six Best Value principles and to report to the community at least once a year on how they have achieved compliance. These principles are based on:

- ▶ quality and cost standards
- ▶ responsiveness to community needs
- ▶ accessibility
- ▶ continuous improvement
- ▶ community consultation
- ▶ reporting to the community.

Kingston has adopted a 'whole of organisation' approach to embedding the Best Value principles into Council operations. These principles are also linked strongly to our Community Inspired Leadership approach and strategic planning process.

In 2019/20, Council's response to the Best Value Principles included:

- ▶ Demonstrating and reporting quality and cost standards in Council's internal financial reporting and the Annual Report and Budget. Council's rigorous approach to tendering for major services and works provides the community with the best value for money.
- ▶ Reporting on Council's performance in quarterly reports and the Annual Report providing information on local issues through the website and print media. Using the annual Local Government Community Satisfaction Survey to guide continuous improvement and determine community needs.
- ▶ Continuing to support the Access and Equity Advisory Committee, which includes a focus on four strategic areas within the City of Kingston: Indigenous people, people with disabilities, people from multicultural backgrounds and local seniors. Each year, we increase the number of Council buildings that have achieved Premises Standards (DDA) compliance. Accessibility is also implemented through a range of social strategies and plans and the expansion of public online access to planning and building functions.
- ▶ Maintaining a strong focus on community engagement and customer service with the Customer First initiative and regular consultations with the community throughout the year. Avenues for regular community engagement include online opportunities through *Your Kingston Your Say*, ward committees, ward meetings and advisory committees.
- ▶ Adopting an independent 'Job Keeper' program in response to the coronavirus pandemic, Kingston redeployed current staff whose roles were impacted.

Charter of Human Rights

The *Victorian Charter of Human Rights and Responsibilities Act 2006* ('Charter') sets out important human rights Council must consider when making a decision and must act in a manner that is compatible with human rights. In 2019/20 there was one complaint, which was later withdrawn.

GOVERNANCE

CONTINUED

Legislative Reporting

Carers Recognition Act 2012

In accordance with the *Carers Recognition Act 2012*, Council is required to report in its Annual Report on how it met its obligations. In 2019/20, Kingston met its obligations in various ways, including:

- ▶ identifying carer needs during AccessCare (a group respite program for people who are older and/or have a disability and their carers) service assessments and reviewing with appropriate services offered, including respite and, if necessary, referral for residential respite
- ▶ Kingston's Social Inclusion Officers engaging with older residents and people with a disability. Their carers improve their access to socialisation activities and access to the community
- ▶ social inclusion officers offering AccessCare and a range of community bus day trips
- ▶ accepting the use of the Companion Card at the Kingston Arts centre for the Community Bus service and Leisure Centres
- ▶ AccessCare engaging with a number of networks including local governments peak bodies and local providers.

Disability Act 2006

Kingston's *Disability Action Plan 2015–19* was endorsed by Council in November 2014. The implementation of this plan is guided by Council's Access and Equity Advisory Committee. The Action Plan has four key priority areas:

1. Access to goods, services and facilities
2. Employment opportunities
3. Encourage inclusive attitudes and practices
4. Promote inclusion and participation.

Work to develop an updated Disability Action Plan is underway. Council continues to operate under the *Disability Action Plan 2015-19* until the new plan is endorsed by Council.

Council continues to deliver outcomes for people with disabilities in Kingston in line with the requirements of the *Disability Act 2006*, by:

- ▶ liaising with and seeking advice from people with a disability and disability service providers and the Access and Equity Advisory Committee
- ▶ continuing to meet Australian Standards for accessibility when delivering new and renovated facilities, which is an ongoing statutory commitment under the Premises Standards. As of 30 June 2020, Council has 50 buildings that are compliant, which equates to 20% of Council's community buildings
- ▶ issuing building permits in accordance with the Building Code of Australia which requires Disability Discrimination Act compliance which is an ongoing statutory commitment under the Premises Standards
- ▶ using interpreters at the Carols by Kingston event
- ▶ providing grants to several disability support organisations and carers' organisations through Council's Community Grants Program
- ▶ continuing to address pedestrian and road access, as issues are identified to ensure access for all
- ▶ continuing to distribute Disabled Parking Permits through Council
- ▶ providing advice on accessible parking
- ▶ continuing to facilitate 'Big Break', an arts and cultural program which invites members of the community living with a disability to participate in a series of skills development workshops and events run by professional artists
- ▶ providing disability awareness training to staff to ensure better service provision to people with disabilities
- ▶ maintaining Lifesaving Victoria Platinum Pool Accreditation for the 7th year running with near perfect scores highlighting an emphasis on the health and safety of the community
- ▶ employment of officer on the Autism spectrum
- ▶ providing volunteering opportunities for people with disability
- ▶ establishing a Diversity and Inclusion Group focussing on disability
- ▶ continuing to work with the NDIA on improving employment opportunities in local government
- ▶ continuing to audit and improve pedestrian and road access for all
- ▶ continuing to prioritise venues that are accessible to support events like Refugee Week Movie Night; Centenarian Luncheon; and Seniors Festival Events
- ▶ continuing to provide information about the accessibility of events in the Seniors Festival Booklet specifying hearing loop, wheelchair and scooter access
- ▶ continuing to review and update information on disability access and inclusion on Council's webpage
- ▶ hosting two events to celebrate the International Day of People with Disabilities.

Domestic Animal Management Plan

Council continues the *Domestic Animal Management Plan 2016-2021*. This plan aims to facilitate co-existence of pets, pet owners and the general population whilst addressing the welfare and legislative issues relating to animal management in urban areas. The *Domestic Animal Management Plan 2016-2021* is available on Council's website at kingston.vic.gov.au/Community/Pets/Domestic-Animal-Management-Plan.

Actions for 2019/20 were completed during the year, including domestic animal business compliance inspections and dangerous/menacing/restricted breed compliance inspections.

Food Act 1984

In 2019/20, Council received no written direction from the Minister of Health in relation to any matter concerning the administration of the *Food Act 1984*.

Road Management Act 2004

In 2019/20, Council received no direction from the Minister of Roads pursuant to section 22 of the *Road Management Act 2004* in relation to a function or exercise a power of the road authority under this Act.

Information Management

Information Privacy

Council's Information Privacy Policy is based on principles outlined in the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*, and governs Council's approach to managing personal information. Enquiries about access to personal information can be made to Council's Privacy Officer by phoning 1300 653 356 or post to: Privacy Officer, City of Kingston, PO Box 1000, Mentone VIC 3194. Further information is available at kingston.vic.gov.au/contact-us/privacy.

Freedom of Information

In accordance with section 7 of the *Freedom of Information Act 1982* (the FOI Act), this Annual Report sets out Council's organisation and functions, including a description of Council's decision-making powers and processes, which are described under *Our governance system* and *Democratic governance*. Council consults with the community on major projects, strategies and policies. To find out about current consultations visit *Your Kingston Your Say* online at yourkingstonyoursay.com.au.

For enquiries about access to documents or for assistance in making a valid request under the FOI Act contact Council's Freedom of Information Officer by telephone on 1300 653 356 or via email at info@kingston.vic.gov.au. Further information, along with online and downloadable application forms, is available online at kingston.vic.gov.au/Contact-Us/Freedom-of-Information.

Council has two Customer Care Centres, where trained Customer Care officers provide information to members of the public about Council and the services it provides. The Cheltenham Customer Care Centre is located at the municipal offices at 1230 Nepean Highway, Cheltenham and is open Monday to Friday from 9am until 5pm. The Cheltenham Centre has two meeting rooms that are available to the public on request and may be used as reading rooms. The Chelsea Customer Care Centre is co-located with the Chelsea Library at 1 Chelsea Road, Chelsea and is open Monday to Friday from 10am until 2pm.

Public Interest Disclosure

Kingston's Public Interest Disclosure establishes a system to facilitate the making of disclosures of improper conduct or detrimental action by Kingston or its employees. Such conduct can be reported to our Public Interest Disclosure Coordinator on 1300 653 356 or by emailing pid@kingston.vic.gov.au. Further details of the procedures are available at kingston.vic.gov.au/governance.

One Public Interest Disclosure was made in 2019/20.

Risk management

Council further embedded the management of strategic risk across the organisation with regular reviews by the Corporate Leadership Group. Enhanced governance reporting has been implemented in accordance with the Risk Management Policy detailing program performance on key indicators with presentation to the Executive and the Audit Committee. Council has achieved all internal targets and those in the Local Government Performance Reporting Framework. The leadership team continues its ongoing activities in reviewing the operational risk profile of all functional and service areas of Council.

Non-compliance of the Local Government Act 1989

In 2019/20 there were two instances of non-compliance with s186(1) (restriction on power to enter into contracts) of the *Local Government Act 1989*. They are as follows:

Services Threshold – \$150,000 inc GST: Temporary Staff Engagement through Rec People Pty Ltd for \$158,735.44 including GST
Works Threshold – \$200,000 inc GST: Emergency Works at Don Tatnell Leisure Centre through Cornerstone Construction Pty Ltd for \$200,256.95 including GST

GOVERNANCE

CONTINUED

Audit Program

Audit Committee

The Audit Committee's role is to facilitate:

- ▶ the enhancement of the credibility and objectivity of internal and external financial reporting
- ▶ effective management of Council's strategic risks and the protection of Council assets
- ▶ monitoring of Council's business continuity plans and processes
- ▶ the efficiency and effectiveness of significant Council programs
- ▶ compliance with laws and regulations, as well as use of best-practice guidelines
- ▶ monitoring, reviewing and advising the Council on the standard of financial control, risk management and organisational governance
- ▶ the effectiveness of the audit functions.

The Audit Committee comprises three external independent members (Mr Hugh Parkes (Chair), Mr Bruce Potgieter and Ms Claire Filson), the current Mayor and one other Councillor nominated by Council. Independent members are appointed for a three-year term and are eligible for reappointment by Council on the recommendation by the Chief Executive Officer.

The Audit Committee meets five terms per year. Internal Audit representatives, the Chief Executive Officer and the General Manager Corporate Services attend all Audit Committee meetings. During 2019/20, each of Council's General Managers attended in turn to brief the Committee on the current activities of their respective division within Council.

Further information, including a copy of the Audit Committee Charter is available on Council's website at kingston.vic.gov.au/about-us/audit-committee.

Internal audit

Council's current Internal Auditor, Pitcher Partners, commenced its contract in July 2013 for an initial three-year period. Following a review of their performance by the Audit Committee, the Committee recommended that Council exercise the option of a further three-year term of appointment for Pitcher Partners. The Internal Audit Strategic Plan, which is reviewed by Internal Audit and management, is adopted annually by the Audit Committee. The Internal Audit program that the Audit Committee oversees is in place to help Council and management achieve sound control over all Council activities.

The Audit Committee formally reviews the performance of the Internal Auditor each year.

Before accepting each report submitted by the Internal Auditor, the Committee examines the recommendations made in each report and management's comments. These reviews give the Audit Committee and Council a level of assurance on the systems, processes and procedures employed by Council in the governance and control of its daily operations. To enable the Committee to closely monitor the implementation of management's agreed actions to address the recommendations contained in the Internal Auditor's reports, a progress report from management is provided at (or before) each meeting.

During 2019/20, the following reviews were reported on:

- ▶ Parking Infringement Refunds
- ▶ Cyber Security Governance
- ▶ Project Management
- ▶ Food Safety (Environmental Health)
- ▶ Waste Management
- ▶ Rates Revenue Management
- ▶ Emergency Management
- ▶ Data Analysis
- ▶ IA Plan Refresh.

External audit

Council's current External Auditor is the Victorian Auditor-General. The Auditor-General elected to contract this activity for 2019/20 to Crowe Australasia, who are responsible for providing a recommendation to the Auditor-General that the Annual Financial Statements of Council present fairly and in accordance with applicable Accounting Standards. It is normal practice for the External Auditor to review the Internal Audit program to better understand the internal control framework that exists at Council.

National Competition Policy Compliance

A key objective of National Competition Policy (NCP) is the promotion of more efficient public resource allocation decisions by all levels of government. There were no issues raised by the community related to NCP in 2019/20.

Local Laws

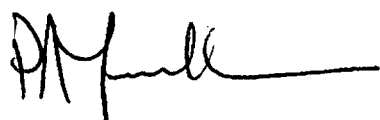
Council has two Local Laws – the Community Local Law and the Meeting Procedures Local Law – and both Local Laws can be viewed at kingston.vic.gov.au/about-us/local-laws-and-health/local-laws.

PERFORMANCE STATEMENT

for the Year Ended 30 June 2020

Certification of the Performance Statement

In my opinion, the accompanying performance statement has been prepared in accordance with the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.



Principal Accounting Officer
P.A. Franklin

Dated: 22 September 2020

In our opinion, the accompanying performance statement of the Kingston City Council for the year ended 30 June 2020 presents fairly the results of Council's performance in accordance with the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

The performance statement contains the relevant performance indicators, measures and results in relation to service performance, financial performance and sustainable capacity.

At the date of signing, we are not aware of any circumstances that would render any particulars in the performance statement to be misleading or inaccurate.

We have been authorised by the Council and by the *Local Government (Planning and Reporting) Regulations 2014* to certify this performance statement in its final form.



Mayor
Cr G. Oxley

Dated: 22 September 2020



Councillor
Cr G. Gledhill

Dated: 22 September 2020



J. Reid
Chief Executive Officer

Dated: 22 September 2020

INDEPENDENT AUDITOR'S REPORT



Victorian Auditor-General's Office

Independent Auditor's Report

To the Councillors of Kingston City Council

Opinion	<p>I have audited the accompanying performance statement of Kingston City Council (the council) which comprises the:</p> <ul style="list-style-type: none">• description of municipality for the year ended 30 June 2020• sustainable capacity indicators for the year ended 30 June 2020• service performance indicators for the year ended 30 June 2020• financial performance indicators for the year ended 30 June 2020• other information and• the certification of the performance statement. <p>In my opinion, the performance statement presents fairly, in all material respects, the performance of the council for the year ended 30 June 2020 in accordance with the performance reporting requirements of Part 6 of the <i>Local Government Act 1989</i>.</p>
Basis for Opinion	<p>I have conducted my audit in accordance with the <i>Audit Act 1994</i> which incorporates the Australian Standards on Assurance Engagements. I further describe my responsibilities under that Act and those standards in the <i>Auditor's Responsibilities for the Audit of the performance statement</i> section of my report.</p> <p>My independence is established by the <i>Constitution Act 1975</i>. I and my staff are independent of the council in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 <i>Code of Ethics for Professional Accountants</i> (the Code) that are relevant to my audit of the performance statement in Victoria and have also fulfilled our other ethical responsibilities in accordance with the Code.</p> <p>I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.</p>
Councillors' responsibilities for the performance statement	<p>The Councillors are responsible for the preparation and fair presentation of the performance statement in accordance with the performance reporting requirements of the <i>Local Government Act 1989</i> and for such internal control as the Councillors determines is necessary to enable the preparation and fair presentation of the statement of performance that is free from material misstatement, whether due to fraud or error.</p>
Auditor's responsibilities for the audit of the performance statement	<p>As required by the <i>Audit Act 1994</i>, my responsibility is to express an opinion on the performance statement based on the audit. My objectives for the audit are to obtain reasonable assurance about whether the performance statement as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion.</p> <p>Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Standards on Assurance Engagements will always detect a material misstatement when it exists.</p>

Level 31 / 35 Collins Street, Melbourne Vic 3000
T 03 8601 7000 enquiries@audit.vic.gov.au www.audit.vic.gov.au

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the decisions of users taken on the basis of this performance statement.

As part of an audit in accordance with the Australian Standards on Assurance Engagements, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the performance statement, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the council's internal control
- evaluate the overall presentation, structure and content of the performance statement, including the disclosures, and whether performance statement represents the underlying events and results in a manner that achieves fair presentation.

I communicate with the Councillors regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

MELBOURNE
5 October 2020



Sanchu Chummar

as delegate for the Auditor-General of Victoria

PERFORMANCE STATEMENT CONTINUED

for the Year Ended 30 June 2020

The *Local Government Performance Reporting Framework* (LGPRF) was introduced in 2014/15. The primary objective of the LGPRF is to provide comprehensive performance information that meets the needs of stakeholders. This is an objective that seeks to balance the needs and expectations of a number of audiences. In meeting this objective:

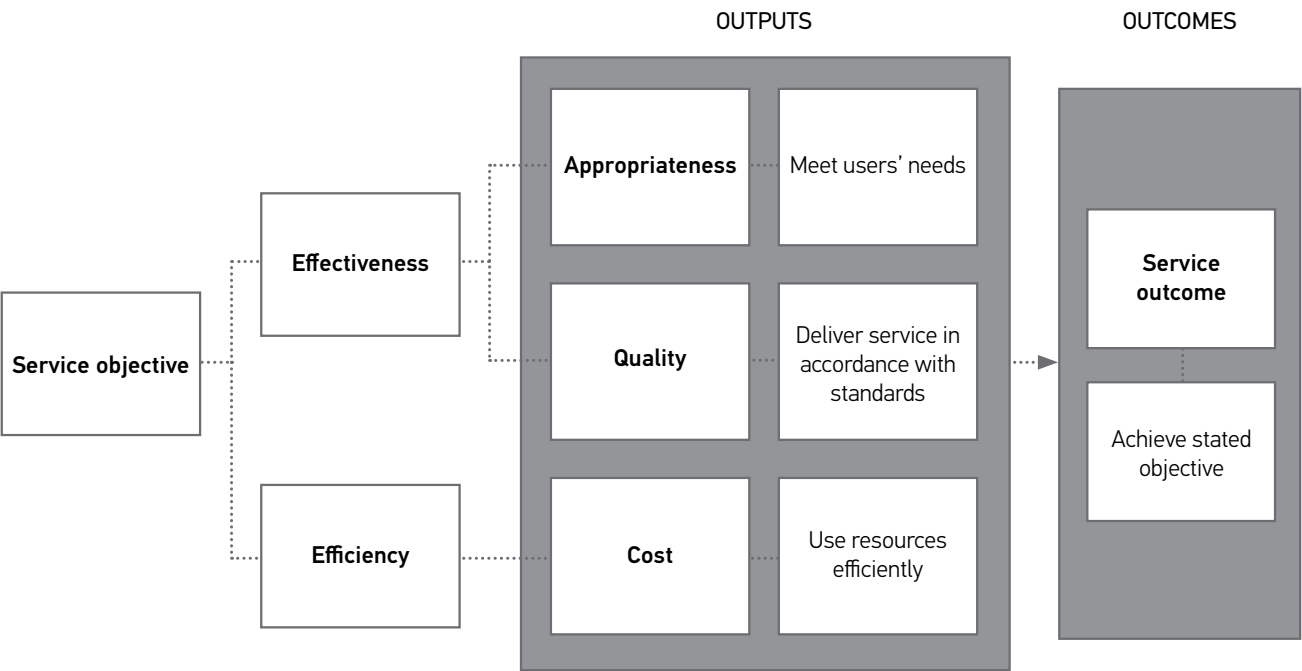
- ▶ Councils will have information to support strategic decision-making and continuous improvement;
- ▶ Communities will have information about council performance and productivity;
- ▶ Regulators will have information to monitor compliance with relevant reporting requirements; and
- ▶ State and Commonwealth Governments will be better informed to make decisions that ensure an effective, efficient and sustainable system of local government.

To provide a comprehensive picture of council performance, four indicator sets covering service performance, financial performance, sustainable capacity and governance and management have been developed across three thematic areas: service performance, financial performance and sustainability.

The indicators will cover the Council service areas of:

- ▶ Aquatic Facilities;
- ▶ Animal Management;
- ▶ Food Safety;
- ▶ Governance;
- ▶ Libraries;
- ▶ Maternal and Child Health;
- ▶ Roads;
- ▶ Statutory Planning; and
- ▶ Waste Collection.

Service Performance Framework



Dimensions of the Service Performance Indicator Framework

Dimension	Definition	Indicators/Measures
Appropriateness	Output indicators that measure the extent to which services <i>meet users' needs</i>	Participation rate Response time
Quality	Output indicators that measure the extent to which a service is delivered <i>in accordance with defined standards</i>	Resource standard Service standard
Cost	Output indicators that measure how <i>efficiently services use their resources</i> (inputs) to produce outputs	Average cost per unit (unit cost)
Service Outcome	Outcome indicators that measure how well <i>the outcomes of the service have achieved the stated objective</i>	Community satisfaction Health and safety

Other measures included in the framework have been developed to examine:

- ▶ Overall Financial Performance;
- ▶ Sustainable Capacity; and
- ▶ Governance and Management.

Other Information

for the year ended 30 June 2020

Basis of preparation

Council is required to prepare and include a Performance Statement within its annual report. The Performance Statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results. This statement has been prepared to meet the requirements of the *Local Government Act 1989* and *Local Government (Planning and Reporting) Regulations 2014*.

Where applicable the results in the Performance Statement have been prepared on an accounting basis consistent with those reported in the Financial Statements. The other results are based on information drawn from Council Information systems or from third parties (e.g. Australian Bureau of Statistics and the Community Satisfaction Survey).

The Performance Statement presents the actual results for the current year and for the prescribed financial performance indicators, the forecast results as adopted in Council's Strategic Resource Plan which forms part of the Council Plan. The *Local Government (Planning and Reporting) Regulations 2014* requires explanation of any material variations in the results contained in the Performance Statement. The Strategic Resource Plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term. Detailed information on the actual financial results is contained in the General Purpose Financial Statements. Council has adopted materiality thresholds relevant to each indicator and measure and explanations have not been provided for variations below the materiality thresholds unless the variance is considered to be material because of its nature.

Our City

The City of Kingston is located in the middle southern suburbs of Melbourne, approximately 20km south of the Melbourne CBD and covers an area of 91 square kilometres. Every suburb in Kingston offers something different, from diverse businesses, housing, shops and restaurants, to beaches, bushland, parks and playgrounds. Kingston is also home to over 115 parks and playgrounds; including the magnificent award-winning Bicentennial Park in Chelsea, Kingston Heath in Cheltenham and the UFO Park at Grange Reserve in Clayton South.

Kingston is one of the state's main employment centres, having one of the largest and most concentrated industrial sectors in Victoria. There are over 17,000 businesses with over 95,000 people employed throughout the City of Kingston. Our significant industrial sector generates an annual economic output of about \$22.4 billion per annum.

Community and business networks play an important role in linking and supporting local businesses. Almost 30% of the community work locally and are able to enjoy shorter travel times and an improved work-life balance.

Kingston's shopping amenities range from local neighbourhood shops and friendly village strips, to Southland Shopping Centre, DFO Moorabbin and major activity centres in Moorabbin, Cheltenham, Mentone, Mordialloc and Chelsea.

Other Information (continued)

for the year ended 30 June 2020

Our suburbs

Kingston's suburbs include Aspendale, Aspendale Gardens, Bonbeach, Braeside, Carrum, Chelsea, Chelsea Heights, Cheltenham, Clarinda, Clayton South, Dingley Village, Edithvale, Heatherton, Highett, Mentone, Moorabbin, Moorabbin Airport, Mordialloc, Oakleigh South, Parkdale, Patterson Lakes and Waterways.

Population

Kingston is a diverse community with a current estimated resident population in excess of 165,000, spanning a wide range of ages, household types and cultures. Our community is constantly growing; by 2036 Kingston's population is expected to reach 186,967, making up an anticipated 78,156 dwellings.

Consistent with national trends, Kingston's oldest residents comprise the fastest growing population group in the municipality. Future planning will explore how services will cope with the greater demand caused by this increase.

Kingston is a culturally diverse city with residents from over 153 countries who speak over 132 languages. About 37% of Kingston's population was born overseas, with 26% from non-English speaking backgrounds including Vietnamese, Indian, Sri Lankan, Greek, Italian and Chinese societies.

For the purpose of this report we are using a population of 165,782 as at 30 June 2020.

COVID-19 Pandemic

In March 2020, a State of Emergency was declared due to the Coronavirus pandemic, and restrictions were introduced. For Council, this meant the closure of its libraries and swimming pools, in addition to other Council services.

This had an impact on Council's revenue, through loss of fees and charges, as well as through the introduction of Council's community and business support package which offered waiving of unpaid rates interest, and refunding of health registrations and footpath trading fees. Rents for sporting clubs and community groups were also waived.

It also impacted Council's expenditure, through additional cleaning and personal protective equipment costs, in addition to Kingston's JobKeeper initiative for Council staff.

Council's significant community and business support package will continue on into 2020/21 with a \$118 waste rebate for residents with a primary waste service, and JobKeeper/JobSeeker rate rebates for residents and businesses on those benefits. There will also be no interest charged on overdue rates until 1 July 2021, and rates can be deferred until 30 June 2021 upon application under Council's hardship policy.

A copy of the Council Plan including the Strategic Resource Plan can be obtained from kingston.vic.gov.au.

Sustainable Capacity Indicators

for the year ended 30 June 2020

Indicator/measure	Results 2017	Results 2018	Results 2019	Results 2020	Material Variations and Comments
Population					
<i>Expenses per head of municipal population</i> [Total expenses / Municipal population]	\$1,087.86	\$1,132.57	\$1,146.86	\$1,250.51	The result is consistent with budget expectations and the additional \$3M of expenditure that was budgeted as capital but was expensed.
<i>Infrastructure per head of municipal population</i> [Value of infrastructure / Municipal population]	\$5,250.27	\$4,961.23	\$5,567.22	\$6,170.08	The result is consistent with budget expectations and has risen from 2018/19 due to Council's increased investment in its strong capital works program and the effect of the revaluation of infrastructure assets.
<i>Population density per length of road</i> [Municipal population / Kilometres of local roads]	254.71	261.75	264.72	268.53	The result demonstrates a gradual increase in population density as Kingston's population increases when compared to an already established road network.

Sustainable Capacity Indicators (continued)

for the year ended 30 June 2020

Indicator/measure	Results 2017	Results 2018	Results 2019	Results 2020	Material Variations and Comments
Own-source revenue					
<i>Own-source revenue per head of municipal population</i> [Own-source revenue / Municipal population]	\$1,059.19	\$1,062.00	\$1,080.61	\$1,066.44	The result has decreased slightly due to Council's reduction in revenue this year because of the COVID-19 pandemic impacting on services as well as Council contributing towards significant community and business support initiatives in response to the pandemic.
Recurrent grants					
<i>Recurrent grants per head of municipal population</i> [Recurrent grants / Municipal population]	\$234.07	\$209.65	\$230.91	\$234.67	The result is in line with expectations and reflects a continued strong level of operating grants being received by Council.
Disadvantage					
<i>Relative Socio-Economic Disadvantage</i> [Index of Relative Socio-Economic Disadvantage by decile]	9	9	9	9	The result reflects a relatively low level of socio-economic disadvantage within Kingston's diverse communities and is consistent with prior year results.
Workforce turnover					
<i>Percentage of staff turnover</i> [Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x 100	13.0%	13.6%	13.7%	9.7%	The result is better than prior years which is a positive result.

Note that definitions are at the end of this document.

Service Performance Indicators

for the year ended 30 June 2020

Indicator/measure	Results 2017	Results 2018	Results 2019	Results 2020	Material Variations and Comments
Aquatic Facilities					
Utilisation					
<i>Utilisation of aquatic facilities</i> [Number of visits to aquatic facilities / Municipal population]	4.55	5.49	5.47	3.92	Kingston saw a significant reduction in utilisation of its aquatic leisure centres during 2019/20. This was due to the permanent closure of the Don Tatnell Leisure Centre in January, due to a structural building issue, as well as the temporary closure of the Waves Leisure Centre in March, due to the Victorian Government's COVID-19 restrictions. Waves Leisure Centre reopened on 2 June at a significantly reduced capacity, in line with the COVID-19 restrictions.

Service Performance Indicators (continued)

for the year ended 30 June 2020

Indicator/measure	Results 2017	Results 2018	Results 2019	Results 2020	Material Variations and Comments
Animal Management					
Health and safety					
<i>Animal management prosecutions</i> [Number of successful animal management prosecutions / Total number of animal management prosecutions] x 100	New in 2020	New in 2020	New in 2020	100.00%	Council officers continue to proactively resolve animal-related issues directly with those involved. There were no cases presented at court between March and June as a result of the COVID-19 pandemic.
Food Safety					
Health and safety					
<i>Critical and major non-compliance outcome notifications</i> [Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x 100	100.00%	98.96%	100.00%	98.60%	All major and critical non-compliances continue to be treated as a priority. Environmental Health Officers ensure that any high risk issues identified during an assessment are attended to immediately and action taken to remove or reduce the risk. 100% of outcome notifications were followed up shortly after the reporting period closed.
Governance					
Satisfaction					
<i>Satisfaction with Council decisions</i> [Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]	60.00	53.00	56.00	55.00	This rating is sourced from the annual Local Government Community Satisfaction Survey, conducted by an independent research company. With an average score of 56 over the past four years, Council continues to explore ways to improve community consultation and assist the community to understand the reasons for decisions.
Libraries					
Participation					
<i>Active library members in municipality</i> [Number of active library borrowers in the last three years / The sum of the population for the last three years] x 100	16.88%	17.16%	16.61%	16.05%	The COVID-19 pandemic closures slightly affected the number of customers borrowing from the libraries' collections. Modified library services including home delivery and Click & Collect, and greater access to on-line resources, reduced the effect of library closures on the community.
Maternal and Child Health (MCH)					
Participation					
<i>Participation in the MCH service</i> [Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x 100	78.12%	77.56%	73.97%	76.74%	Due to COVID-19, services concentrated on vulnerable babies and children. Although there were fewer reminder follow ups sent for over the phone appointments for older children, participation remained high.

Service Performance Indicators (continued)

for the year ended 30 June 2020

Indicator/measure	Results 2017	Results 2018	Results 2019	Results 2020	Material Variations and Comments
Maternal and Child Health (MCH) (continued)					
Participation					
<i>Participation in the MCH service by Aboriginal children</i> [Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x 100	71.21%	64.52%	63.72%	77.67%	Among Kingston families, there is a high level of engagement with the Maternal and Child Health service.
Roads					
Satisfaction					
<i>Satisfaction with sealed local roads</i> [Community satisfaction rating out of 100 with how Council has performed on the condition of sealed local roads]	67.00	69.00	69.00	65.00	This rating is sourced from the annual Local Government Community Satisfaction Survey, conducted by an independent research company. Kingston's result is in line with other metropolitan councils.
Statutory Planning					
Decision making					
<i>Council planning decisions upheld at VCAT</i> [Number of VCAT decisions that did not set aside Council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x 100	35.71%	30.00%	41.18%	44.44%	VCAT stopped all hearings from March to May due to the COVID-19 pandemic, so fewer matters were referred to VCAT compared to last year. Only a small percentage (2.8%) of Council's planning decisions were referred to VCAT in 2019/20. A number of these were resolved at VCAT through consent or at mediation. Although these are still reflected as decisions 'not upheld', Council considers this a good outcome as agreement was reached by all parties through mediation.
Waste Collection					
Waste diversion					
<i>Kerbside collection waste diverted from landfill</i> [Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x 100	50.09%	50.85%	49.53%	52.83%	There was an increase in the weight of the organic material collected through the last quarter of the year. This has increased the overall diversion away from landfill.

Note that definitions are at the end of this document.

Financial Performance Indicators

for the year ended 30 June 2020

Forecasts are based on the Strategic Resource Plan adopted by Council in July 2020

Dimension/ indicator/ measure	Results 2017	Results 2018	Results 2019	Results 2020	Forecasts				Material Variations and Comments
					2021	2022	2023	2024	
Efficiency									
Expenditure level									
Expenses per property assessment [Total expenses / Number of property assessments]	\$2,343.03	\$2,470.70	\$2,496.74	\$2,764.16	\$2,736.56	\$2,771.81	\$2,836.39	\$2,907.83	The indicator is higher than expected due to a significant increase in depreciation of \$3.75M, attributable to Kingston's strong capital works program, and an unbudgeted net loss on disposal of assets of \$2.9M – predominantly buildings being either demolished or rebuilt by Council. The forecast trend going forward is that expenses will remain around this level, with a small increase each year.
Revenue level									
Average rate per property assessment [General rates and Municipal charges / Number of property assessments]	New in 2020	New in 2020	New in 2020	\$1,741.24	\$1,763.71	\$1,794.30	\$1,829.94	\$1,866.34	This is a new indicator this year, and the indicator is consistent with the adopted budget. The forecast trend going forward is that the indicator will remain around this level, with a small increase each year.
Liquidity									
Working capital									
Current assets compared to current liabilities [Current assets / Current liabilities] x 100	349.37%	361.25%	351.16%	260.46%	251.08%	218.76%	214.68%	222.48%	The indicator is consistent with the adopted budget and has decreased due to Council utilising its cash reserves to deliver another strong capital works program, in addition to current liabilities increasing as a result of accounting standard changes in relation to leases and revenue. The forecast trend, while still a strong result, is expected to continue to decline as Kingston utilises its cash to deliver its capital works program as well as the ongoing impact of the accounting standard changes.

Financial Performance Indicators (continued)

for the year ended 30 June 2020

Dimension/ indicator/ measure	Results 2017	Results 2018	Results 2019	Results 2020	Forecasts				Material Variations and Comments
					2021	2022	2023	2024	
Liquidity (continued)									
Unrestricted cash									
Unrestricted cash compared to current liabilities [Unrestricted cash / Current liabilities] x 100	321.73%	332.51%	326.63%	224.43%	167.92%	114.79%	90.18%	77.34%	The indicator is consistent with the adopted budget and has decreased due to Council utilising its cash reserves to deliver another strong capital works program, in addition to current liabilities increasing as a result of accounting standard changes in relation to leases and revenue. The forecast trend is expected to continue to decline as Kingston utilises its cash to deliver its capital works program as well as the ongoing impact of the accounting standard changes.
Obligations									
Loans and borrowings									
Loans and borrowings compared to rates [Interest bearing loans and borrowings / Rate revenue] x 100	14.50%	9.75%	3.61%	1.43%	0.00%	0.00%	0.00%	0.00%	The indicator is in line with budget expectations as Kingston has focused on reducing debt, with Council expecting to be debt free by July 2021.
Loans and borrowings repayments compared to rates [Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x 100	3.60%	4.64%	5.76%	2.17%	1.08%	0.00%	0.00%	0.00%	The indicator is in line with budget expectations as Kingston has focused on reducing debt, with Council budgeting to be debt free by July 2021.

Financial Performance Indicators (continued)

for the year ended 30 June 2020

Dimension/ indicator/ measure	Results 2017	Results 2018	Results 2019	Results 2020	Forecasts				Material Variations and Comments
					2021	2022	2023	2024	
Obligations (continued)									
Indebtedness									
Non-current liabilities compared to own source revenue [Non-current liabilities / Own source revenue] x 100	9.65%	6.00%	1.78%	6.77%	5.56%	4.91%	4.53%	4.22%	The indicator has increased due to the introduction of the Leases Accounting Standard. The forecast trend is for this to decrease as the leases recognised are amortised each year.
Asset renewal and upgrade									
Asset renewal and upgrade expense compared to depreciation [Asset renewal expense / Asset depreciation] x 100	New in 2020	New in 2020	New in 2020	158.49%	193.03%	215.05%	172.54%	159.14%	This is a new indicator this year, and the indicator is favourably higher than the 150% threshold used by the Victorian Auditor-General in their 2018/19 report of the Results of 2018/19 Audits: Local Government as an indicator of the sustainable level of capital expenditure. The forecast trend going forward is that the indicator will increase over the next couple of years due to Council's strong capital works investment, and will then begin to decline, whilst still remaining above the current threshold of 150%.
Operating position									
Adjusted underlying result									
Adjusted underlying surplus (or deficit) [Adjusted underlying surplus (deficit)/ Adjusted underlying revenue] x 100	18.16%	15.52%	16.44%	6.78%	3.24%	7.06%	6.61%	5.71%	The result has decreased in 2019/20 due to a decreased surplus result because of the COVID-19 pandemic impacting on revenue for some services, in addition to Council's community and business support initiatives which also reduced revenue. Increases in depreciation, and higher than expected loss on disposal of assets have also contributed to a lower result. The forecast trend going forward is that the surplus position will still be a positive result; however, it will begin to decline over the coming years as the capital grant revenue declines.

Financial Performance Indicators (continued)

for the year ended 30 June 2020

Dimension/ indicator/ measure	Results 2017	Results 2018	Results 2019	Results 2020	Forecasts				Material Variations and Comments
					2021	2022	2023	2024	
Stability									
Rates concentration									
<i>Rates compared to adjusted underlying revenue</i> [Rate revenue / Adjusted underlying revenue] x 100	62.45%	62.16%	63.23%	65.25%	66.70%	68.26%	68.58%	68.84%	The indicator is consistent with the previous year. The forecast trend is for this indicator to gradually increase.
Rates effort									
<i>Rates compared to property values</i> [Rate revenue / Capital improved value of rateable properties in the municipality] x 100	0.25%	0.25%	0.21%	0.23%	0.22%	0.24%	0.25%	0.25%	The indicator is consistent with the previous year. The forecast trend is for this indicator to marginally increase each year.

Note that definitions are at the end of this document.

Retired Indicators

for the year ended 30 June 2020

Service/indicator/measure	Results 2017	Results 2018	Results 2019	Results 2020	Material Variations and Comments
Animal Management					
Health and safety					
<i>Animal management prosecutions</i> [Number of successful animal management prosecutions]	11	13	7	Retired in 2020	This measure was replaced by AM7 Animal management prosecutions from 1 July 2019.
Efficiency					
Revenue level					
<i>Average residential rate per property assessment</i> [Residential rate revenue / Number of residential property assessments]	\$1,716.68	\$1,743.52	\$1,840.48	Retired in 2020	This measure was replaced by E4 Average rate per property assessment from 1 July 2019.
Obligations					
Asset renewal					
<i>Asset renewal compared to depreciation</i> [Asset renewal expense / Asset depreciation] x 100	109.29%	108.19%	117.11%	Retired in 2020	This measure was replaced by O5 Asset renewal and upgrade expense compared to depreciation from 1 July 2019.

Definitions

Aboriginal child	means a child who is an Aboriginal person
Aboriginal person	has the same meaning as in the <i>Aboriginal Heritage Act 2006</i>
active library member	means a member of a library who has borrowed a book from the library
adjusted underlying revenue	means total income other than: (a) non-recurrent grants used to fund capital expenditure; and (b) non-monetary asset contributions; and (c) contributions to fund capital expenditure from sources other than those referred to above
adjusted underlying surplus (or deficit)	means adjusted underlying revenue less total expenditure
annual report	means an annual report prepared by a council under sections 131, 132 and 133 of the Act
asset renewal expenditure	means expenditure on an existing asset or on replacing an existing asset that returns the service capability of the asset to its original capability
Australian Accounting Standards (AAS)	means the accounting standards published by the Australian Accounting Standards Board
class 1 food premises	means food premises, within the meaning of the <i>Food Act 1984</i> , that have been declared as class 1 food premises under section 19C of that Act
class 2 food premises	means food premises, within the meaning of the <i>Food Act 1984</i> , that have been declared as class 2 food premises under section 19C of that Act
critical non-compliance outcome notification	means a notification received by council under section 19N(3) or (4) of the <i>Food Act 1984</i> , or advice given to council by an authorized officer under that Act, of a deficiency that poses an immediate serious threat to public health
current assets	has the same meaning as in the AAS
current liabilities	has the same meaning as in the AAS
food premises	has the same meaning as in the <i>Food Act 1984</i>
infrastructure	means non-current property, plant and equipment excluding land
local road	means a sealed or unsealed road for which the council is the responsible road authority under the <i>Road Management Act 2004</i>
major non-compliance outcome notification	means a notification received by a council under section 19N(3) or (4) of the <i>Food Act 1984</i> , or advice given to council by an authorized officer under that Act, of a deficiency that does not pose an immediate serious threat to public health but may do so if no remedial action is taken
MCH	means the Maternal and Child Health Service provided by a council to support the health and development of children within the municipality from birth until school age
non-current assets	means all assets other than current assets
non-current liabilities	means all liabilities other than current liabilities
non-recurrent grant	means a grant obtained on the condition that it be expended in a specified manner and is not expected to be received again during the period covered by a council's Strategic Resource Plan
own-source revenue	means adjusted underlying revenue other than revenue that is not under the control of council (including government grants)
population	means the resident population estimated by council
rate revenue	means revenue from general rates, municipal charges, service rates and service charges
recurrent grant	means a grant other than a non-recurrent grant

Definitions (continued)

relative socio-economic disadvantage	in relation to a municipality, means the relative socio-economic disadvantage, expressed as a decile for the relevant financial year, of the area in which the municipality is located according to the Index of Relative Socio-Economic Disadvantage (Catalogue Number 2033.0.55.001) of SEIFA
residential rates	means revenue from general rates, municipal charges, service rates and service charges levied on residential properties
restricted cash	means cash and cash equivalents, within the meaning of the AAS, that are not available for use other than for a purpose for which it is restricted, and includes cash to be used to fund capital works expenditure from the previous financial year
SEIFA	means the Socio-Economic Indexes for Areas published from time to time by the Australian Bureau of Statistics on its Internet website
unrestricted cash	means all cash and cash equivalents other than restricted cash
WorkSafe reportable aquatic facility safety incident	means an incident relating to a council aquatic facility that is required to be notified to the Victorian WorkCover Authority under Part 5 of the <i>Occupational Health and Safety Act 2004</i>

ANNUAL FINANCIAL REPORT

for the Year Ended 30 June 2020

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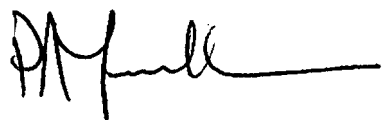
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ANNUAL FINANCIAL REPORT CONTINUED

for the Year Ended 30 June 2020

Certification of the Financial Statements

In my opinion the accompanying financial statements have been prepared in accordance with the *Local Government Act 1989*, the *Local Government (Planning and Reporting) Regulations 2014*, Australian Accounting Standards and other mandatory professional reporting requirements.



P.A. Franklin
Principal Accounting Officer

Dated: 22 September 2020
Location: Cheltenham

In our opinion, the accompanying financial report presents fairly the financial transactions of Kingston City Council for the year ended 30 June 2020 and the financial position of the Council as of that date.

As at the date of signing, we are not aware of any circumstances that would render any particulars in the financial report to be misleading or inaccurate. We have been authorised by the Council and by the *Local Government (Planning and Reporting) Regulations 2014* to certify the financial statements in their final form.



Cr G. Oxley
Mayor

Dated: 22 September 2020
Location: Cheltenham



Cr G. Gledhill
Councillor

Dated: 22 September 2020
Location: Cheltenham



Julie Reid
Chief Executive Officer

Dated: 22 September 2020
Location: Cheltenham

VICTORIAN AUDITOR-GENERAL'S REPORT



Victorian Auditor-General's Office

Independent Auditor's Report

To the Councillors of Kingston City Council

Opinion	<p>I have audited the financial report of Kingston City Council (the council) which comprises the:</p> <ul style="list-style-type: none">• balance sheet as at 30 June 2020• comprehensive income statement for the year then ended• statement of changes in equity for the year then ended• statement of cash flows for the year then ended• statement of capital works for the year then ended• notes to the financial statements, including significant accounting policies• certification of the financial statements. <p>In my opinion the financial report presents fairly, in all material respects, the financial position of the council as at 30 June 2020 and their financial performance and cash flows for the year then ended in accordance with the financial reporting requirements of Part 6 of the <i>Local Government Act 1989</i> and applicable Australian Accounting Standards.</p>
Basis for Opinion	<p>I have conducted my audit in accordance with the <i>Audit Act 1994</i> which incorporates the Australian Auditing Standards. I further describe my responsibilities under that Act and those standards in the <i>Auditor's Responsibilities for the Audit of the Financial Report</i> section of my report.</p> <p>My independence is established by the <i>Constitution Act 1975</i>. My staff and I are independent of the council in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 <i>Code of Ethics for Professional Accountants</i> (the Code) that are relevant to my audit of the financial report in Victoria. My staff and I have also fulfilled our other ethical responsibilities in accordance with the Code.</p> <p>I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.</p>
Councillors' responsibilities for the financial report	<p>The Councillors of the council are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and the <i>Local Government Act 1989</i>, and for such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.</p> <p>In preparing the financial report, the Councillors are responsible for assessing the council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless it is inappropriate to do so.</p>

VICTORIAN AUDITOR-GENERAL'S REPORT CONTINUED

Auditor's responsibilities for the audit of the financial report

As required by the *Audit Act 1994*, my responsibility is to express an opinion on the financial report based on the audit. My objectives for the audit are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the council's internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Councillors
- conclude on the appropriateness of the Councillors' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the council's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the council to cease to continue as a going concern.
- evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Councillors regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

MELBOURNE
5 October 2020



Sarachu Chummar

as delegate for the Auditor-General of Victoria

Comprehensive Income Statement

for the Year Ended 30 June 2020

	Note	2020 \$'000	2019 \$'000
Income			
Rates and charges	3.1	145,219	141,953
Statutory fees and fines	3.2	7,889	9,895
User fees	3.3	17,134	20,446
Grants – operating	3.4	38,086	37,157
Grants – capital	3.4	8,614	4,841
Contributions – monetary	3.5	6,678	10,084
Contributions – non-monetary	3.5	2,403	199
Net gain on disposal of property, infrastructure, plant and equipment	3.6	-	49
Other income	3.7	6,555	4,263
Total income		232,578	228,887
Expenses			
Employee costs	4.1	86,262	80,016
Materials and services	4.2	86,056	81,149
Depreciation	4.3	28,861	25,105
Amortisation – Intangible assets	4.4	303	287
Amortisation – Right of use assets	4.5	1,526	-
Bad and doubtful debts	4.6	78	43
Borrowing costs	4.7	97	210
Finance costs – leases	4.8	501	-
Other expenses	4.9	673	623
Net loss on disposal of property, infrastructure, plant and equipment	3.6	2,955	-
Total expenses		207,312	187,433
Surplus for the year		25,266	41,454
Other comprehensive income			
Items that will not be reclassified to surplus or deficit in future periods:			
Net asset revaluation increment/(decrement)	6.1, 9.1(a)	96,316	(80,315)
Total comprehensive result		121,582	(38,861)

The above comprehensive income statement should be read in conjunction with the accompanying notes.

Balance Sheet

As at 30 June 2020

	Note	2020 \$'000	2019 \$'000
Assets			
Current assets			
Cash and cash equivalents	5.1	23,346	8,067
Trade and other receivables	5.1	13,780	9,170
Other financial assets	5.1	106,514	136,046
Other assets	5.2	1,532	1,652
Total current assets		145,172	154,935
Non-current assets			
Property, infrastructure, plant and equipment	6.1	2,502,965	2,366,620
Right-of-use assets	5.8	10,571	-
Investment property	6.2	3,750	4,473
Intangible assets	5.2	999	882
Total non-current assets		2,518,285	2,371,975
Total assets		2,663,457	2,526,910
Liabilities			
Current liabilities			
Trade and other payables	5.3	18,590	15,370
Trust funds and deposits	5.3	4,772	6,310
Unearned income	5.3	8,442	-
Provisions	5.5	21,362	19,389
Interest bearing loans and borrowings	5.4	1,385	3,052
Lease liabilities	5.8	1,186	-
Total current liabilities		55,737	44,121
Non-current liabilities			
Provisions	5.5	1,707	1,070
Interest bearing loans and borrowings	5.4	687	2,073
Lease liabilities	5.8	9,570	-
Total non-current liabilities		11,964	3,143
Total liabilities		67,701	47,264
Net assets		2,595,756	2,479,646
Equity			
Accumulated surplus		1,441,379	1,418,060
Asset revaluation reserve	9.1	1,121,316	1,025,000
Other reserves	9.1	33,061	36,586
Total equity		2,595,756	2,479,646

The above balance sheet should be read in conjunction with the accompanying notes.

Statement of Changes in Equity

for the Year Ended 30 June 2020

2020	Note	Total \$'000	Accumulated Surplus \$'000	Asset Revaluation Reserve \$'000	Other Reserves \$'000
Balance as at 1 July 2019		2,479,646	1,418,060	1,025,000	36,586
Impact of change in accounting policy – AASB 15 <i>Revenue from Contracts with Customers</i>	10	(4,500)	(4,500)	-	-
Impact of change in accounting policy – AASB 1058 <i>Income of Non-for-Profit Entities</i>	10	(972)	(972)	-	-
Adjusted balance as at 1 July 2019		2,474,174	1,412,588	1,025,000	36,586
Surplus for the year	6.1	25,266	25,266	-	-
Net asset revaluation increment	9.1	96,316	-	96,316	-
Transfers to other reserves	9.1	-	(8,473)	-	8,473
Transfer from other reserves	9.1	-	11,998	-	(11,998)
Balance as at 30 June 2020		2,595,756	1,441,379	1,121,316	33,061

2019	Note	Total \$'000	Accumulated Surplus \$'000	Asset Revaluation Reserve \$'000	Other Reserves \$'000
Balance as at 1 July 2018		2,518,507	1,377,984	1,105,315	35,208
Surplus for the year	6.1	41,454	41,454	-	-
Net asset revaluation decrement	9.1	(80,315)	-	(80,315)	-
Transfers to other reserves	9.1	-	(13,568)	-	13,568
Transfer from other reserves	9.1	-	12,190	-	(12,190)
Balance as at 30 June 2019		2,479,646	1,418,060	1,025,000	36,586

The above statement of changes in equity should be read in conjunction with the accompanying notes.

Statement of Cash Flows

for the Year Ended 30 June 2020

	Note	2020 Inflows/ (Outflows) \$'000	2019 Inflows/ (Outflows) \$'000
Cash flows from operating activities			
Rates and charges		140,998	141,574
Grants – operating		39,577	34,628
Grants – capital		7,614	4,841
Contributions – monetary		6,678	10,084
Statutory fees and fines		7,889	9,895
User fees		17,245	22,794
Interest received		2,509	3,417
Other receipts		819	845
Trust funds and deposits taken		2,237	4,826
Short-term, low value and variable lease payments		(322)	-
Repayment of trust funds and deposits		(1,775)	(4,268)
Employee costs		(82,246)	(78,338)
Materials and services		(89,920)	(80,251)
Net cash provided by operating activities		51,303	70,047
Cash flows from investing activities			
Payments for property, infrastructure, plant and equipment		(60,303)	(54,492)
Payments for intangibles	5.2(b)	(420)	-
Proceeds from sale of property, infrastructure, plant and equipment	3.6	159	98
Payments for investments		(117,414)	(151,150)
Proceeds from sale of investments		146,946	135,130
Net cash used in investing activities		(31,032)	(70,414)
Cash flows from financing activities			
Finance costs		(97)	(210)
Repayment of borrowings		(3,053)	(7,957)
Repayment of lease liabilities		(1,842)	-
Net cash provided by financing activities		(4,992)	(8,167)
Net increase/(decrease) in cash and cash equivalents		15,279	(8,534)
Cash and cash equivalents at the beginning of the financial year		8,067	16,601
Cash and cash equivalents at the end of the financial year	5.1	23,346	8,067
Financing arrangements	5.6	5,119	5,123
Restrictions on cash assets	5.1	4,772	6,310

The above statement of cash flows should be read in conjunction with the accompanying notes.

Statement of Capital Works

For the Year Ended 30 June 2020

	2020 \$'000	2019 \$'000
Property		
Land	9,546	8,061
Land improvements	9,215	1,060
Total land	18,761	9,121
Buildings	25,549	24,688
Total buildings	25,549	24,688
Total property	44,310	33,809
Plant and equipment		
Plant, machinery and equipment	279	90
Fixtures, fittings and furniture	1,424	27
Computers and telecommunications	259	2,845
Library books	1,046	1,053
Total plant and equipment	3,008	4,015
Infrastructure		
Roads	9,247	6,187
Footpaths and cycleways	7,133	1,811
Drainage	1,928	4,421
Recreational, leisure and community facilities	-	4,213
Parks, open space and streetscapes	-	5,436
Off street car parks	-	60
Other infrastructure	24	189
Total infrastructure	18,332	22,317
Total capital works expenditure	65,650	60,141
Represented by:		
New asset expenditure	15,180	11,012
Asset renewal expenditure	29,032	29,401
Asset expansion expenditure	4,727	5,705
Asset upgrade expenditure	16,711	14,023
Total capital works expenditure	65,650	60,141

The above statement of capital works should be read in conjunction with the accompanying notes.

Notes to the Financial Report

for the year ended 30 June 2020

Overview

Kingston City Council was established by an Order of the Governor in Council on 15th December 1994 and is a body corporate. The Council's main office is located at 1230 Nepean Highway, Cheltenham Victoria.

Statement of compliance

These financial statements are a general purpose financial report that consists of a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and Notes accompanying these financial statements. The general purpose financial report complies with the Australian Accounting Standards (AAS), other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 1989*, and the *Local Government (Planning and Reporting) Regulations 2014*.

Significant accounting policies

Basis of accounting

The accrual basis of accounting has been used in the preparation of these financial statements, whereby assets, liabilities, equity, income and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

Judgements, estimates and assumptions are required to be made about the carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated judgements are based on professional judgement derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

Judgements and estimates about the impact of the COVID-19 pandemic on Council's financial results have also been made.

Revisions to accounting estimates are recognised in the period in which the estimate is revised and also in future periods that are affected by the revision. Judgements and assumptions made by management in the application of Australian Accounting Standards that have significant effects on the financial statements and estimates relate to:

- ▶ the fair value of land, buildings, infrastructure, plant and equipment (refer to Note 6.1)
- ▶ the determination of depreciation for buildings, infrastructure, plant and equipment (refer to Note 6.1)
- ▶ the determination of employee provisions (refer to Note 5.5)
- ▶ the determination of landfill provisions (refer to Note 5.5)
- ▶ the determination of whether performance obligations are sufficiently specific so as to determine whether an arrangement is within the scope of AASB 15 *Revenue from Contracts with Customers* or AASB 1058 *Income of Not-for-Profit Entities* (refer to Note 3)
- ▶ the determination, in accordance with AASB 16 *Leases*, of the lease term, the estimation of the discount rate when not implicit in the lease and whether an arrangement is in substance short-term or low value (refer to Note 5.8).

Unless otherwise stated, all accounting policies are consistent with those applied in the prior year. Where appropriate, comparative figures have been amended to accord with current presentation (except where transitional requirements of AASB 15 *Revenue from Contracts with Customers*, AASB 16 *Leases* and AASB 1058 *Income of Not-for-Profit Entities* do not require restatement of comparatives under the modified retrospective approach adopted by the Council), and disclosure has been made of any material changes to comparatives.

NOTE 1: Performance against budget

The performance against budget notes compare Council's financial plan, expressed through its annual budget, with actual performance. The *Local Government (Planning and Reporting) Regulations 2014* requires explanation of any material variances. Council has adopted a materiality threshold of 10 percent and/or over \$2 million where further explanation is warranted. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

These notes are prepared to meet the requirements of the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

1.1 Income and Expenditure

	Budget 2020 \$'000	Actual 2020 \$'000	Variance 2020 \$'000	Variance 2020 %	F/U	Ref
Income						
Rates and charges	144,924	145,219	295	0.2%	F	
Statutory fees and fines	10,364	7,889	(2,475)	(23.9%)	U	1
User fees	19,750	17,134	(2,616)	(13.3%)	U	2
Grants – Operating	32,559	38,086	5,527	17.0%	F	3
Grants – Capital	10,115	8,614	(1,501)	(14.8%)	U	4
Contributions – monetary	309	6,678	6,369	2,061.2%	F	5
Contributions – non-monetary	-	2,403	2,403	100%	F	6
Other income	2,554	6,555	4,001	156.7%	F	7
Total income	220,575	232,578	12,003	5.4%	F	
Expenses						
Employee costs	83,328	86,262	(2,934)	(3.5%)	U	8
Materials and services	83,106	86,056	(2,950)	(3.6%)	U	9
Bad and doubtful debts	50	78	(28)	(56.0%)	U	10
Depreciation	26,000	28,861	(2,861)	(11.0%)	U	11
Amortisation – Intangible assets	-	303	(303)	(100%)	U	
Amortisation – Right of use assets	-	1,526	(1,526)	(100%)	U	12
Borrowing costs	99	97	2	2.0%	F	
Finance costs – Leases	-	501	(501)	(100%)	U	12
Other expenses	-	673	(673)	(100%)	U	13
Net Loss on disposal of property, infrastructure, plant and equipment	-	2,955	(2,955)	(100%)	U	14
Total expenses	192,583	207,312	(14,729)	(7.6%)	U	
Surplus (deficit) for the year	27,992	25,266	(2,726)	(9.7%)	U	

* F = Favourable, U = Unfavourable

NOTE 1: Performance against budget (continued)

1.1 Income and Expenditure (continued)

(i) Explanation of material variances

Ref	Item	Explanation
1	Statutory fees and fines	Statutory fees and fines are \$2.5 million unfavourable to budget. Parking fine income was \$1.1 million unfavourable due to an optimistic budget estimate and the reduced level of parking monitoring and enforcement during the COVID-19 lockdown periods. Statutory Planning Fees were \$0.4 million unfavourable due to lower than budgeted applications received. Health Services were \$0.6 million unfavourable due to the Environmental Health refunds as part of Council's COVID-19 Business Support Package. In addition, Family Day Care waived the parent administration levy resulting in being \$142k unfavourable to budget, also as part of Council's COVID-19 community support package.
2	User fees and charges	User fees and charges are \$2.6 million unfavourable to budget. Leisure Centre User Fees were \$1.9M unfavourable following the closure of the Waves Leisure Centre as a consequence of the pandemic temporary closure and the Council decision to close the Don Tatnell Leisure Centre in February due to building structural issues. Arts & Cultural Services are \$0.4 million unfavourable to budget due to loss of event income from the COVID-19 shutdown. Family, Youth and Children Services have reported a \$0.6 million unfavourable result also due to the pandemic.
3	Grants – Operating	Operating grants are \$5.5 million favourable to budgeted which is predominately due to the unbudgeted early receipt of half of the 2020/21 Victorian Grants Commission funding in May 2020 (\$2.3 million). There was also an adjustment to grants for unspent grants as at 1 July 2019 for \$3.4 million as required under the new income standard AASB 15.
4	Grants – Capital	Capital grants are \$1.5 million unfavourable to budget. \$4 million in grants were budgeted to be received in 2019/20 for Aspendale and Bonbeach Life Saving Club. This funding is no longer to be received upfront and will be received as milestones in the projects are reached. A total of \$0.8 million was invoiced for these projects in 2019/20. This is offset by the receipt of an extra \$0.4 million for Roads to Recovery funding and an extra \$0.2 million of unbudgeted grants for a number of smaller capital projects. There was also an adjustment (increase) to grants for unspent grants as at 1 July 2019 for \$1.1 million as required under the new income standard AASB 15.
5	Contributions – monetary	Monetary contributions are favourable to budget by \$6.4 million which is predominately due to the unbudgeted receipt of \$5.1 million in stormwater cash and open space cash contributions from developers. These contributions are transferred to a reserve for use on future open space and stormwater projects. In addition, a total of \$0.7 million was received for capital project contributions and \$0.4 million unbudgeted recycling rebate from the State Government.
6	Contributions – non-monetary	Non-monetary contributions are favourable to budget by \$2.4 million as we recorded \$2.4 million in non-monetary contributions which was not budgeted. This is represented by donated land (\$2.3 million) and buildings (\$0.1 million). The land includes two reserves at Clayton South and a small parcel of land in Carrum which are now to be maintained by Council.
7	Other Income	Other income is \$4.0 million favourable to budget. Other income includes \$3.2 million in 'found' drainage assets and represents 1.6% of the total value of drainage assets. These are not newly constructed or purchased assets for the year, they represent asset additions due to improved accuracy of data since moving to the new asset management system. Other income also includes unbudgeted \$0.3 million for workcover insurance reimbursements and \$0.1 million for the sale of right of way parcels of land within disused laneways.
8	Employee Costs	Employee costs are \$2.9 million unfavourable to budget predominately due to the unbudgeted oncost adjustments to top up the annual and long service leave provisions (\$2.4 million adjustment). This adjustment was due to an increase in leave balances during the year following significantly less leave being taken during the COVID-19 pandemic.
9	Materials & Services	Materials and services are \$2.9 million unfavourable to budget due to an additional \$3.0 million project expenditure expensed to the income statement than was budgeted. This was originally budgeted in the capital budget and did not meet the thresholds of our accounting policies to be capitalised.
10	Bad and doubtful debts	Bad and doubtful debts are \$28k unfavourable to budget represented by a write off of low value old debts which are now considered unrecoverable due to a variety of reasons.
11	Depreciation	Depreciation is \$2.8 million unfavourable to budget in part reflecting Council's largest capital works program to date resulting in additions of \$65.7 million to property, infrastructure, plant and equipment in 2019/20.
12	Amortisation – right of use assets & finance costs – leases	Amortisation of right of use assets and finance costs for leases are recorded for the first time in 2020 due to the implementation of the new lease standard AASB16. This standard now requires almost all leases to be recognised in the balance sheet as a 'right-of-use' asset and a lease liability. This recognition results in an amortisation and lease interest expense in the income statement (\$1.8 million total). These items were unbudgeted as the values were unknown at the time of adopting the 2019/20 budget.
13	Other expenditure	Other expenditure is \$0.7 million unfavourable and includes \$0.3 million of audit fees and \$0.4 million in Councillor remuneration which were budgeted under materials and services.
14	Net loss on disposal of property, infrastructure, plant and equipment	Net loss on sale of property, infrastructure, plant and equipment is predominately due to the demolition of 13 buildings which have been rebuilt or are currently being re-built by Council. Total written down value of these demolished buildings was \$3.1 million.

NOTE 1: Performance against budget (continued)

1.2 Capital Works

	Budget 2020 \$'000	Actual 2020 \$'000	Variance 2020 \$'000	Variance 2020 %	F/U	Ref
Property						
Land	2,000	9,546	(7,546)	(377.3)	U	1
Land improvements	1,710	9,215	(7,505)	(438.9)	U	2
Total land	3,710	18,761	(15,051)	(405.7)	U	
Buildings	350	-	350	100	F	
Building improvements	34,850	25,549	9,301	26.7	F	3
Total buildings	35,200	25,549	9,651	27.4	F	
Total property	38,910	44,310	(5,400)	(13.9)	U	
Plant and equipment						
Plant, machinery and equipment	300	279	21	7.0	F	
Fixtures, fittings and furniture	1,810	1,424	386	21.3	F	4
Computers and telecommunications	2,477	259	2,218	89.5	F	5
Library books	1,077	1,046	31	2.9	F	
Total plant and equipment	5,664	3,008	2,656	46.9	F	
Infrastructure						
Roads	6,409	9,247	(2,838)	(44.3)	U	6
Footpaths and cycleways	7,093	7,133	(40)	(0.6)	U	
Drainage	4,255	1,928	2,327	54.7	F	7
Recreational, leisure and community facilities	10,140	-	10,140	100.0	F	8
Parks, open space and streetscapes	7,050	-	7,050	100.0	F	9
Off street car parks	1,125	-	1,125	100.0	F	10
Other infrastructure	1,010	24	986	97.6	F	11
Total infrastructure	37,082	18,332	18,750	50.6	F	
Total capital works expenditure	81,656	65,650	16,006	19.6	F	
Represented by:						
New asset expenditure	17,571	15,180	2,391	13.6	F	
Asset renewal expenditure	36,110	29,032	7,078	19.6	F	
Asset expansion expenditure	5,879	4,727	1,152	19.6	F	
Asset upgrade expenditure	20,786	16,711	4,075	19.6	F	
Non Asset	1,310	-	1,310	100.0	F	
Total capital works expenditure	81,656	65,650	16,006	19.6	F	

* F = Favourable, U = Unfavourable

NOTE 1: Performance against budget (continued)

1.2 Capital Works (continued)

(i) Explanation of material variances

Ref	Item	Explanation
1	Land	Land purchases are \$7.5 million unfavourable to budget and includes the unbudgeted purchase of 62 Mills Road Braeside (\$5.4 million) and 19 Tarella Rd Chelsea (\$4.9 million) which is being funded from Council's Open Space Reserve. This is partially offset by the budgeted purchase of land in Mentone Precinct for open space which is now expected to occur in 2020/21 (\$2.0 million).
2	Land improvements	Land improvements are \$7.5 million unfavourable to budget. The budget includes \$1.7 million for landfill remediation which doesn't meet the criteria for capitalisation and is therefore expensed to the income statement. Actual land improvements of \$9.2 million includes \$3.5 million for Kerr St Soccer field redevelopment, Aspendale Gardens and \$1.1 million for Dingley sports ground, which are budgeted under recreational, leisure and community facilities, plus \$2.7 million for new playgrounds and park improvements and \$1.0 million for Elder Street Reserve Clarinda development which are budgeted for under parks, open space and streetscapes.
3	Building Improvements	Building Improvements are \$9.3 million favourable to the budget. The budget includes \$2.0 million for Parkdale Yacht Club, \$1.3 million for Aspendale Life Saving Club, \$4.4 million for Roy Dore Sports Precinct and \$2.5 million for Dales Park Pavilion. These are all projects still not complete as at 30 June 2020 due to a slow down in construction due to the COVID pandemic and planning matters.
4	Fixtures, fittings and furniture	Fixtures, fittings and furniture are \$0.4 million favourable to budget predominately due to the delay with renovations and fit-out for the ground floor 1230 Nepean Hwy.
5	Computers and telecommunications	Computer and telecommunications expenditure is \$2.2 million favourable to budget. The budget includes \$1.0 million for Council's hardware and cloud transition which is still underway as at 30th June. The budget also includes expenditure on the mobile work order solution (\$0.3 million), IS Strategy implementation (\$0.2 million) and corporate systems (\$0.4 million) which did not meet the capitalisation threshold criteria and hence were expensed to the income statement.
6	Roads	Road expenditure is \$2.8 million unfavourable to budget predominately due to \$3.2 million in streetscape works which are budgeted under parks, open space and streetscapes.
7	Drainage	Drainage spend is \$2.3 million favourable to budget. The budget includes \$3.0 million for flood mitigation strategy projects. These projects did not meet the capitalisation threshold and were expensed to the income statement. Major capital expenditure completed on drainage in 2019/20 includes McDonald Street Mordialloc, Sherwood Avenue Chelsea and Kangaroo Road Chelsea.
8	Recreational, leisure and community facilities	Recreational, leisure and community facility actual expenditure is categorised as either land improvements (sports ground improvements) or building improvements.
9	Parks, open space and streetscapes	Capital expenditure on parks, open space and streetscapes was \$7.0 million favourable to budget. The budget includes \$1.0 million for Elder Street reserve Clarinda development and \$2.7 million for new playgrounds which are also recorded under land improvements. In addition, the budget includes \$3.2 million for streetscape works which are recorded under road expenditure.
10	Off street car parks	The budget of \$1.1 million for off street car parks is not yet spent. This includes \$0.75 million for Parkdale Yacht Club car park and \$0.2 million for foreshore ticket parking machine replacements.
11	Other infrastructure	The budget of \$1.0 million for other infrastructure includes \$0.25 million for street light LED conversion, \$0.3 million for smart city initiatives and other minor projects which either remain unspent as at 30 June or do not meet the capitalisation threshold and were expensed.

NOTE 2: Analysis of Council results by program

Planning and Development Division

Planning and Development comprises 4 departments. The City Strategy Department is responsible for developing, managing and guiding Council's strategic land use planning and policy functions across a broad range of social, economic and environmental issues. The City Development Department is responsible for providing an integrated development service to meet the needs of residents, ratepayers, the development industry and internal clients including the decisions in relation to subdivisions. City Economy and Innovation is responsible for supporting and assisting Kingston's 10,000+ strong business community including manufacturers, retailers, business and personal service providers and home-based businesses. The Compliance and Amenity Department works with the community to provide a safer and more liveable municipality through compliance and awareness. Responsibilities include the education and enforcement of local laws; parking, animal management for over 22,000 registered animals, providing 75 schools with crossing supervisors and reducing pollution and fire risks.

City Assets and Environment Division

The City Assets and Environment division comprises 5 departments. The Property and Arts Department manages Council's property portfolio and arts facilities. Property functions include commercial and community leases, acquisitions, disposals, title management, lease register, the provision of valuations for open spaces, pre-sale and purchase activities, land and buildings asset insurance and management of the Arts Program.

The Parks Department manages, maintains and develops Council's Public Places, including the 13 kilometres of Kingston's foreshore, parks, reserves and gardens, sports grounds, shopping centres and streetscapes. The Infrastructure Department is responsible for all civil infrastructures. This includes the asset management, condition assessment and planning for the upgrading and renewal of road, footpath, drainage, bridges and other infrastructure. The Traffic and Transport Department has a strong focus on the strategic response to major transport infrastructure projects including grade separations, activity centre planning and active transport provision. The Active Kingston Department encourages community participation in sport and leisure activities to increase physical and mental health and wellbeing including the operation of Council's leisure centre.

Community Sustainability Division

Community Sustainability comprises 4 areas of responsibility. Libraries and Social Development are responsible for the provision of library and information services and Council community hubs to the Kingston community. The Social Development team works directly with the community to foster strong community networks by supporting the work of a diverse range of community organisations to identify and address the needs of vulnerable community members.

The AccessCare department's purpose is to encourage and support a connected community with enhanced health, wellbeing and independence of individuals, groups and communities. Family, Youth and Children's Services is responsible for the planning and delivery of community-based support services within the municipality including Long Day Care, Maternal Child Health and immunisation programs. The purpose of the Community Buildings service is to facilitate the provision of 'fit for purpose' community buildings and facilities, that support the delivery of services to the Kingston community.

Corporate Services Division

Corporate Services comprises 6 departments. The Finance and Corporate Performance team is responsible for the reporting and management of Council's finance and corporate performance and ensuring Council's compliance with statutory financial and reporting obligations, accounts receivable, accounts payable, payroll and banking functions as well as the management and maintenance of Council's property and rating database along with the overseeing of the general revaluation. The role of Information Services and Strategy is to provide information systems and services that ensure the quality, security and accessibility of data and information to Council. The objective of the Procurement and Contracts Department is to drive excellence in procurement and contracting. The department is responsible for providing information and specialist advice to the organisation on procurement and contracts, overseeing tendering and contract compliance, reporting organisational activity and driving best value outcomes from procurement. People Support is responsible for all employment related issues, including policy development and provision of advice and support on workplace relations issues; training and professional development; performance management; risk management; occupational health and safety and injury management and rehabilitation for the organisation. The role of the Governance Department is to support the function of democratic local government through the Council and Councillors by promoting and assisting effective decision making and the implementation of those decisions. The Communications and Community Relations Department provides the Kingston community with timely, relevant and accurate information and service through creative communication, multiple contact and service channels, engagement opportunities as well as delivery of family-friendly festivals and events.

Central Executive Services

Central Executive Services division includes Council's Executive Services and Central departments. Council's Central department includes expenditure of depreciation, non-capital expenditure from the capital works program plus all income for Council's rates, asset contributions and cash developer contributions.

NOTE 2: Analysis of Council results by program (continued)

2020	Income \$'000	Expenses \$'000	Surplus/ (Deficit) \$'000	Grants included in income \$'000	Total assets \$'000
Planning and Development	8,329	16,800	(8,471)	512	290
City Assets and Environment	11,650	55,808	(44,158)	32,404	1,349,088
Community Sustainability	39,297	62,232	(22,935)	8	1,158,377
Corporate Services	675	22,897	(22,222)	670	155,702
Central Executive Services	172,627	49,575	123,052	13,106	-
	232,578	207,312	25,266	46,700	2,663,457

2019	Income \$'000	Expenses \$'000	Surplus/ (Deficit) \$'000	Grants included in income \$'000	Total assets \$'000
Planning and Development	10,383	17,991	(7,608)	548	590
City Assets and Environment	13,671	52,406	(38,735)	659	1,176,945
Community Sustainability	38,913	58,793	(19,880)	31,331	1,194,149
Corporate Services	846	20,933	(20,087)	-	155,226
Central Executive Services	165,074	37,310	127,764	9,460	-
	228,887	187,433	41,454	41,998	2,526,910

NOTE 3: Funding for the delivery of our services

3.1 Rates and charges

Council uses the Capital Improved Value (CIV) as the basis of valuation of all properties within the municipal district. CIV approximates the market value of land and improvements.

The valuation base used to calculate general rates for 2019/20 was \$62.0 billion (2018/19 \$65.4 billion). The 2019/20 declared rate in the dollar was \$0.0019763 (2018/19 \$0.0018018).

A Municipal charge is levied at the rate of \$100 (2018/19 \$100) per rateable property and a waste service fee (choices A to F) is levied at the rate of \$110 to \$261 (2018/19 \$125 to \$255) per rateable property.

	2020 \$'000	2019 \$'000
General rates	120,988	118,095
Municipal charge	7,468	7,359
Waste service fee	14,294	13,846
Special rates and charges	120	118
Supplementary rates	2,137	2,073
Interest on rates and charges	212	462
Total rates and charges	145,219	141,953

The date of the latest general revaluation of land for rating purposes within the municipal district was 1 January 2019 and the valuation was first applied in the rating year commencing 1 July 2019.

Annual rates and charges are recognised as revenue when Council issues annual rates notices. Supplementary rates are recognised when a valuation and reassessment is completed and a supplementary rate notice issued.

3.2 Statutory fees and fines

	2020 \$'000	2019 \$'000
Infringements and costs	1,307	1,480
Parking infringements	2,462	3,418
Permits	728	460
Town planning fees	2,606	3,644
Family day care and school age care	428	539
Land Information Certificates	157	143
Other	201	211
Total statutory fees and fines	7,889	9,895

Statutory fees and fines (including parking fees and fines) are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

NOTE 3: Funding for the delivery of our services (continued)

3.3 User fees

	2020 \$'000	2019 \$'000
Aged and health services	2,239	2,021
Building services	1,059	989
Family and children	3,983	4,689
Leisure centre and recreation	5,470	7,600
Registration and other permits	684	864
Waste management services	209	170
Rental income	3,166	3,630
Other	324	483
Total user fees	17,134	20,446

User fees by timing of revenue recognition		
User fees recognised over time	8,858	10,836
User fees recognised at a point in time	8,276	9,610
Total user fees	17,134	20,446

User fees are recognised as revenue at a point in time, or over time, when (or as) the performance obligation is satisfied. Recognition is based on the underlying contractual terms.

NOTE 3: Funding for the delivery of our services (continued)

3.4 Funding from other levels of government

Grants were received in respect of the following:

	2020 \$'000	2019 \$'000
Summary of grants		
Commonwealth funded grants	31,790	29,874
State funded grants	14,910	12,124
Total grants received	46,700	41,998
a) Operating grants		
Recurrent – Commonwealth Government		
Financial Assistance Grants ⁽ⁱ⁾	4,422	4,618
AccessCare Southern	11,957	8,884
Home and Community Care	6,317	7,410
Family and Children	8,072	7,800
Other	205	582
Recurrent – State Government		
AccessCare Southern	2,238	3,667
Family and Children	2,771	2,066
Libraries and Education	1,404	1,451
Beach cleaning	190	272
Community Safety and Education	-	214
Level crossing income	295	-
Other	215	193
Total recurrent grants	38,086	37,157
Total operating grants	38,086	37,157
<i>(i) Victorian Grants Commission funding for includes \$2.3 million received in advance, being 50% of the 2020/21 payment. This also occurred in 2018/19 in that the first two instalments for 2019/20 were received in June 2019.</i>		
b) Capital grants		
Recurrent – Commonwealth Government		
Roads to Recovery	818	581
Total Recurrent grants	818	581
Non-recurrent – State Government		
Sporting facilities	4,871	2,018
Lifesaving clubs	1,150	-
Children's facilities	397	-
Foreshore Environment	-	12
Civil Infrastructure	121	383
Community Facilities	1,138	1,847
Other	119	-
Total non-recurrent grants	7,796	4,260
Total capital grants	8,614	4,841
Total Grants	46,700	41,998

There were no non-recurrent operating grants in 2018/19 or 2019/20.

NOTE 3: Funding for the delivery of our services (continued)

3.4 Funding from other levels of government (continued)

	2020 \$'000	2019 \$'000
c) Unspent grants received on condition that they be spent in a specific manner		
Operating		
Balance at start of year	-	-
Received during the financial year and remained unspent at balance date	6,852	-
Received in prior years and spent during the financial year	-	-
Balance at year end ⁽ⁱ⁾	6,852	-
Capital		
Balance at start of year	1,138	788
Received during the financial year and remained unspent at balance date	888	1,138
Received in prior years and spent during the financial year	(1,138)	(788)
Balance at year end ⁽ⁱ⁾	888	1,138

Grant income is recognised at the point in time when the council satisfies its performance obligations as specified in the underlying agreement.

(i) Unspent grants are reported as unearned income in note 5.3c.

3.5 Contributions

	2020 \$'000	2019 \$'000
Monetary	6,678	10,084
Non-monetary	2,403	199
Total contributions	9,081	10,283

Contributions of non-monetary assets were received in relation to the following asset classes:

Land under roads	-	199
Buildings	83	-
Land	2,320	-
Total non-monetary contributions	2,403	199

Monetary and non-monetary contributions are recognised as revenue when Council obtains control over the contributed asset.

Contributions for non-monetary assets includes property now vested in Council from other organisations which are now the responsibility of Council to maintain.

NOTE 3: Funding for the delivery of our services (continued)

3.6 Net gain/(loss) on disposal of property, infrastructure, plant and equipment

	2020 \$'000	2019 \$'000
Proceeds from sale	159	98
Written down value of assets disposed	(42)	(49)
Written down value of assets demolished	(3,072)	-
Total net gain/(loss) on disposal of property, infrastructure, plant and equipment	(2,955)	49

The profit or loss on sale of an asset is determined when control of the asset has passed to the buyer.

Proceeds from sale includes the sale of 5 items of machinery and various items of computer equipment as well as equipment from Don Tatnell Leisure Centre following its closure in February 2020.

The loss on disposal is predominately due to the demolition of 13 buildings.

3.7 Other income

	2020 \$'000	2019 \$'000
Interest Income		
Interest on cash and investments	2,509	3,418
	2,509	3,418
Other Income		
Found assets ⁽ⁱ⁾	3,227	-
Other	819	845
	4,046	845
Total other income	6,555	4,263

(i) Found assets in 2020 includes \$3.2 million of drainage assets. These are not newly constructed or purchased assets for the year, they represent asset additions due to improved accuracy of data since moving to the new asset management system.

Interest is recognised as it is earned. Other income is measured at the fair value of the consideration received or receivable and is recognised when Council gains control over the right to receive the income.

NOTE 4: The cost of delivering services

4.1 Employee costs

	2020 \$'000	2019 \$'000
(a) Employee costs		
Wages and salaries	65,222	60,475
Casual staff	8,194	8,494
Fringe benefits tax and WorkCover	1,371	1,396
Superannuation	6,579	6,115
Annual Leave and Long Service Leave	4,896	3,536
Total employee costs	86,262	80,016
(b) Superannuation		
Council made cash contributions to the following funds:		
Defined Benefit fund		
Employer contributions to Local Authorities Superannuation Fund (Vision Super)	403	448
	403	448
Accumulation funds		
Employer contributions to Local Authorities Superannuation Fund (Vision Super)	4,893	4,605
Employer contributions – other funds	1,930	1,776
Total contributions	6,823	6,381
Employer contributions payable at reporting date:	643	630

Refer to Note 9.3 for further information relating to Council's superannuation obligations.

NOTE 4: The cost of delivering services (continued)

4.2 Materials and services

	2020 \$'000	2019 \$'000
Road infrastructure maintenance	16,388	14,889
Building maintenance	4,190	4,344
Waste and cleansing	17,680	14,844
Aged services	10,117	8,821
Parks, gardens and reserves	11,099	10,055
Leisure and culture	5,185	5,447
Accommodation expense	933	1,183
Information systems and telecommunications	4,024	3,885
Family services	3,406	3,311
Community engagement	1,902	1,964
Parking, monitoring and enforcement	3,038	4,999
Procurement and fleet management	1,771	1,723
Council business	585	580
People and culture	580	601
Finance and legal	2,526	2,268
Planning and building	1,379	1,182
Other	1,253	1,053
Total materials and services	86,056	81,149

4.3 Depreciation

	2020 \$'000	2019 \$'000
Property	9,614	8,844
Infrastructure	15,411	13,215
Plant and equipment	3,836	3,046
Total depreciation	28,861	25,105

Refer to Note 6.1 for a more detailed breakdown of depreciation charges and accounting policy.

4.4 Amortisation – Intangible assets

	2020 \$'000	2019 \$'000
Software	303	287
Total Amortisation – Intangible assets	303	287

Refer to Note 5.2(b) for a more detailed breakdown of intangible amortisation charges and accounting policy.

NOTE 4: The cost of delivering services (continued)

4.5 Amortisation – Right of use assets

	2020 \$'000	2019 \$'000
Property	222	-
Vehicles	559	-
Waste	665	-
Equipment	80	-
Total Amortisation – Right of use assets	1,526	-

Refer to Note 5.8 for a more detailed breakdown of lease amortisation charges and accounting policy.

4.6 Bad and doubtful debts

	2020 \$'000	2019 \$'000
Other debtors	78	43
Total bad and doubtful debts	78	43

Movement in provisions for doubtful debts

Balance at the beginning of the year	154	130
New provisions recognised during the year	5	24
Amounts already provided for and written off as uncollectable	-	-
Amounts provided for but recovered during the year	-	-
Balance at end of year	159	154

Provision for doubtful debt is recognised based on an expected credit loss model. This model considers both historic and forward looking information in determining the level of impairment.

4.7 Borrowing costs

	2020 \$'000	2019 \$'000
Interest – borrowings	97	210
Total borrowing costs	97	210

Borrowing costs are recognised as an expense in the period in which they are incurred, except where they are capitalised as part of a qualifying asset constructed by Council.

4.8 Finance Costs – Leases

	2020 \$'000	2019 \$'000
Interest – Lease Liabilities	501	-
Total borrowing costs	501	-

4.9 Other expenses

	2020 \$'000	2019 \$'000
Auditors' remuneration (VAGO) – audit of the financial statements, performance statement and grant acquittals	62	62
Auditors' remuneration – internal	219	182
Councillor Allowances	392	379
Total other expenses	673	623

NOTE 5: Our financial position

5.1 Financial assets

	2020 \$'000	2019 \$'000
a) Cash and cash equivalents		
Cash on hand	11	13
Cash at bank	23,335	8,054
Total cash and cash equivalents	23,346	8,067

Council's cash and cash equivalents are subject to external restrictions that limit amounts available for discretionary use. These include:

Trust fund and deposits (Note 5.3b)	4,772	6,310
Total restricted funds	4,772	6,310

Total unrestricted cash and cash equivalents	18,574	1,757
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b) Other financial assets		
Term deposits – current	106,514	136,046
Term deposits – non-current	-	-
Total other financial assets	106,514	136,046

Total financial assets	106,514	136,046
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Intended allocations

Although not externally restricted, the following amounts have been allocated for specific future purposes by Council. Refer to note 9.1 for a description of individual reserve amounts.

Asset development reserve	15,327	18,026
Green wedge and foreshore reserves	9,294	9,158
Aged care reserve	5,542	6,625
Asset replacement reserve	368	511
Defined benefit call reserve	1,000	1,000
Other reserves	1,530	1,266
Total funds subject to intended allocations	33,061	36,586

Cash and cash equivalents include cash on hand, deposits at call, and other highly liquid investments with original maturities of 90 days or less, net of outstanding bank overdrafts.

Other financial assets are valued at fair value at balance date. Term deposits are measured at original cost. Any unrealised gains and losses on holdings at balance date are recognised as either a revenue or expense.

NOTE 5: Our financial position (continued)

5.1 Financial assets (continued)

	2020 \$'000	2019 \$'000
c) Trade and other receivables		
Current		
<i>Statutory receivables</i>		
Rate debtors	8,990	4,769
Net GST receivable	1,674	1,800
Infringement debtors	7,003	6,267
Provision for doubtful debts – infringements	(6,711)	(5,677)
	10,956	7,159
<i>Non statutory receivables</i>		
Other debtors	2,982	2,165
Provision for doubtful debts – other debtors	(158)	(154)
	2,824	2,011
Total current trade and other receivables	13,780	9,170
Total trade and other receivables	13,780	9,170

Short term receivables are carried at invoice amount. A provision for doubtful debts is recognised when there is objective evidence that an impairment has occurred. Long term receivables are carried at amortised cost using the effective interest rate method.

	2020 \$'000	2019 \$'000
(i) Ageing of receivables		
The ageing of Council's trade and other receivables (excluding statutory receivables) that are not impaired was:		
Current (not yet due)	860	797
Past due by up to 30 days	1,016	654
Past due between 31 and 180 days	474	280
Past due between 181 and 365 days	379	224
Past due by more than 1 year	95	56
Total trade and other receivables	2,824	2,011
(ii) Ageing of individually impaired receivables		
At balance date, other debtors representing financial assets with a nominal value of \$159k (2019: \$154k) were impaired. The amount of the provision raised against these debtors was \$159k (2019: \$154k). They individually have been impaired as a result of their doubtful collection. Many of the long outstanding past due amounts have been lodged with Council's debt collectors or are on payment arrangements. The ageing of receivables that have been individually determined as impaired at reporting date was:		
Current (not yet due)	-	-
Past due by up to 30 days	-	-
Past due between 31 and 180 days	-	-
Past due between 181 and 365 days	-	-
Past due by more than 1 year	159	154
Total trade and other receivables	159	154

NOTE 5: Our financial position (continued)

5.2 Non-financial assets

	2020 \$'000	2019 \$'000
a) Other assets		
Prepayments	715	614
Accrued income	817	1,038
Total other assets	1,532	1,652
b) Intangible assets		
Software	777	882
Software – Work in progress ⁽ⁱ⁾	222	-
Total intangible assets	999	882

(i) Work in progress includes design and progress expenditure for Council's cloud transition.

	Software \$'000	Software – work in progress \$'000	Total \$'000
b) Intangible assets (continued)			
Movement in gross carrying amount			
Gross carrying amount			
Balance at 1 July 2019	5,945	-	5,945
Additions from internal developments	198	-	198
Additions still in work in progress	-	222	222
Balance at 30 June 2020	6,143	222	6,365
Accumulated amortisation and impairment			
Balance at 1 July 2019	5,063	-	5,063
Amortisation expense	303	-	303
Balance at 30 June 2020	5,366	-	5,366
Net book value at 30 June 2019	882	-	882
Net book value at 30 June 2020	777	222	999

Intangible assets with finite lives are amortised as an expense on a systematic basis over the asset's useful life. Amortisation is generally calculated on a straight line basis, at a rate that allocates the asset value, less any estimated residual value over its estimated useful life. Estimates of the remaining useful lives and amortisation method are reviewed at least annually, and adjustments made where appropriate.

Software

Purchased software is recognised as an intangible asset if it meets the recognition threshold of \$50,000. Purchased software is measured at cost less accumulated amortisation and impairment costs over a finite life not exceeding five years. The purchase price and any directly attributable costs of preparing the software for operation are included in the cost of the intangible asset. All expenditure below the threshold and ongoing maintenance and fees related to the software is expensed when incurred. Operating software integral to the operation of a personal computer is recorded as Property, Plant and Equipment.

NOTE 5: Our financial position (continued)

5.3 Payables

	2020 \$'000	2019 \$'000
a) Trade and other payables		
<i>Unsecured</i>		
Trade payables	5,107	10,709
Salary accruals	1,856	1,234
Other accruals	11,627	3,427
Total trade and other payables	18,590	15,370
b) Trust funds and deposits		
Refundable deposits	62	53
Fire services levy	783	534
Retention amounts ⁽ⁱ⁾	3,927	5,723
Total trust funds and deposits	4,772	6,310

(i) 2019 retention amount includes \$2.0 million for Home Care Package unspent funds. This is now recorded under unearned income (note 5.3 c) as per the new income standard AASB 15.

Amounts received as deposits and retention amounts controlled by Council are recognised as trust funds until they are returned, transferred in accordance with the purpose of the receipt, or forfeited. Trust funds that are forfeited, resulting in council gaining control of the funds, are to be recognised as revenue at the time of forfeit.

Purpose and nature of items

Refundable deposits – Deposits are taken by council as a form of surety in a number of circumstances, including in relation to building works, tender deposits, contract deposits and the use of civic facilities.

Fire Service Levy – Council is the collection agent for fire services levy on behalf of the State Government. Council remits amounts received on a quarterly basis. Amounts disclosed here will be remitted to the state government in line with that process.

Retention amounts – Council has a contractual right to retain certain amounts until a contractor has met certain requirements or a related warrant or defect period has elapsed. Subject to the satisfactory completion of the contractual obligations, or the elapsing of time, these amounts will be paid to the relevant contractor in line with Council's contractual obligations.

	2020 \$'000	2019 \$'000
c) Unearned Income		
Grants received in advance – operating	6,852	-
Grants received in advance – capital	888	-
User fees received in advance	702	-
Total unearned income	8,442	-

NOTE 5: Our financial position (continued)

5.4 Interest-bearing liabilities

	2020 \$'000	2019 \$'000
Current		
Borrowings – secured	1,385	3,052
	1,385	3,052
Non-current		
Borrowings – secured	687	2,073
	687	2,073
Total interest bearing liabilities	2,072	5,125

Loans/borrowings are secured over the general rates of Kingston City Council.

(a) The maturity profile for Council's loans is:		
Not later than one year	1,385	3,052
Later than one year and not later than five years	687	2,073
Later than five years	-	-
	2,072	5,125

Borrowings are initially measured at fair value, being the cost of the interest bearing liabilities, net of transaction costs. The measurement basis subsequent to initial recognition depends on whether the Council has categorised its interest-bearing liabilities as either financial liabilities designated at fair value through the profit and loss, or financial liabilities at amortised cost.

The classification depends on the nature and purpose of the interest bearing liabilities. The Council determines the classification of its interest bearing liabilities at initial recognition.

NOTE 5: Our financial position (continued)

5.5 Provisions

	Employee Leave \$'000	Landfill restoration \$'000	Parking Refunds \$'000	Personal Leave Bank ⁽ⁱ⁾ \$'000	Total \$'000
2020					
Balance at the beginning of the financial year	17,548	1,192	1,719	-	20,459
Additional Provisions	6,939	-	-	154	7,093
Amounts Used	(4,443)	(259)	(525)	(66)	(5,293)
Change in the discounted amount arising because of the time and the effect of any change in the discount rate	810	-	-	-	810
Balance at the end of the financial year	20,854	933	1,194	88	23,069

2019					
Balance at the beginning of the financial year	15,870	1,332	-	-	17,202
Additional Provisions	5,322	-	2,048	-	7,370
Amounts Used	(4,704)	(140)	(329)	-	(5,173)
Change in the discounted amount arising because of the time and the effect of any change in the discount rate	1,060	-	-	-	1,060
Balance at the end of the financial year	17,548	1,192	1,719	-	20,459

(i) A new provision was created following a Council decision in 2020 to assist employees who have unforeseen extreme personal circumstances including serious personal health issues and serious health issues for dependents where they are the primary carer.

	2020 \$'000	2019 \$'000
(a) Employee leave provisions		
Current provisions expected to be wholly settled within 12 months		
Annual leave	5,694	4,002
Long service leave	964	845
	6,658	4,847
Current provisions expected to be wholly settled after 12 months		
Annual leave	1,317	1,786
Long service leave	11,172	9,845
	12,489	11,631
Total current employee leave provisions	19,147	16,478
Other provisions		
Current provisions expected to be wholly settled within 12 months		
Landfill restoration	933	1,192
Personal leave bank	88	-
Parking Refunds	1,194	1,719
	2,215	2,911
Total current provisions	21,362	19,389

NOTE 5: Our financial position (continued)

5.5 Provisions (continued)

	2020 \$'000	2019 \$'000
Non-current employee provisions		
Long Service Leave	1,707	1,070
Total non-current provisions	1,707	1,070
Aggregate carrying amount of provisions:		
Current	21,362	19,389
Non-current	1,707	1,070
Total aggregate carrying amount of provisions	23,069	20,459

The calculation of employee costs and benefits includes all relevant on costs and are calculated as follows at reporting date:

Wages and salaries and annual leave

Liabilities for wages and salaries, including non-monetary benefits, annual leave and accumulated personal leave expected to be wholly settled within 12 months of the reporting date are recognised in the provision for employee benefits in respect of employee services up to the reporting date, classified as current liabilities and measured at their nominal values.

Liabilities that are not expected to be wholly settled within 12 months of the reporting date are recognised in the provision for employee benefits as non-current liabilities, measured at present value of the amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

Long service leave

Liability for Long Service Leave (LSL) is recognised in the provision for employee benefits.

LSL is measured at present value. Unconditional LSL is disclosed as a current liability. Conditional LSL that has been accrued, where an employee is yet to reach a qualifying term of employment (7 years of service), is disclosed as a non-current liability. Our key assumptions use discount rates issued by the Department of Treasury and Finance for Long Service Leave.

Key Assumptions:

	2020	2019
- Discount rate	0.872%	1.324%
- Index rate	2.3%	2.3%

Landfill restoration

Council is obligated to restore landfill sites to a particular standard. The forecast life of the site is based on current estimates of remaining capacity and the forecast rate of infill.

Key Assumptions:

The provision for landfill restoration has been calculated based on the undiscounted amount of the expected cost of works to be undertaken.

The expected cost of works has been estimated based on the current understanding of work required to reinstate the site to a suitable standard. Accordingly, the estimation of the provision required is dependent on the accuracy of the forecast timing of the work, work required and related costs.

Parking refunds

Council has raised a provision to correct the consequences of an administrative process error that has occurred between 2006 and 2016 in processing of parking infringement reviews under the *Infringements Act 2006*. This provision will fund a reimbursement scheme for individuals who sought an internal review of a parking infringement issued under the *Infringements Act 2006* and were unsuccessful in having it overturned generally between 1 July 2006 and 26th December 2016. Analysis has identified that 21,851 infringements were impacted and the total value of the infringements issued that fall within this category was \$2 million. As at 30 June 2020, a total of \$1.2 million remains unclaimed.

Personal leave bank

Council has raised a new provision in 2020 to assist employees who have unforeseen extreme personal circumstances including serious personal health issues and serious health issues for dependents where they are the primary carer. Employees in these circumstances (at the discretion of the CEO) can apply to access leave when their personal circumstances have resulted in them having no leave available. The provision is to be maintained at 2000 hours at the Band 6B rate of pay.

NOTE 5: Our financial position (continued)

5.6 Financing arrangements

	2020 \$'000	2019 \$'000
Bank overdraft	5,000	5,000
Credit card facilities	150	150
Loans	2,072	5,125
Total facilities	7,222	10,275
Used facilities – credit cards	31	27
Used facilities – loans	2,072	5,125
Total used facilities	2,103	5,152
Total unused facilities	5,119	5,123

The municipality has an arrangement for offset of overdraft against bank balances including on-call accounts. As at balance date the overdraft facility was unused. Bank Overdraft and Credit Card facilities are held with the Commonwealth Bank with security mortgage over rates revenue. Loans are held with the CBA and NAB.

5.7 Commitments

Council has entered into the following commitments. Commitments are not recognised in the Balance Sheet. Commitments are disclosed at their nominal value and presented inclusive of the GST payable.

	Not later than 1 year \$'000	Later than 1 year and not later than 2 years \$'000	Later than 2 years and not later than 5 years \$'000	Later than 5 years \$'000	Total \$'000
2020					
Operating					
- Infrastructure works	3,473	333	373	-	4,179
- Parks, gardens, reserves	5,422	1,703	139	-	7,264
- Waste and cleansing	10,755	6,073	18,219	19,737	54,784
- Community sustainability	3,584	768	473	-	4,825
- Corporate services	3,469	3,083	4,445	-	10,997
	26,703	11,960	23,649	19,737	82,049
Capital					
- Buildings ⁽ⁱ⁾	11,415	-	-	-	11,415
- Transport ⁽ⁱ⁾	6,699	-	-	-	6,699
	18,114	-	-	-	18,114
Total	44,817	11,960	23,649	19,737	100,163

(i) Major capital expenditure commitments as at 30 June 2020 include: Roy Dore Pavilion (\$4.5 million); Dales Park Pavilion (\$1.6 million); Parkdale Yacht Club (\$1.5 million); a new road at Chelsea Road Chelsea (\$2.4 million) and Bay Trail Stage 3 (\$1.4 million).

NOTE 5: Our financial position (continued)

5.7 Commitments (continued)

	Not later than 1 year \$'000	Later than 1 year and not later than 2 years \$'000	Later than 2 years and not later than 5 years \$'000	Later than 5 years \$'000	Total \$'000
2019					
Operating					
- Infrastructure works	2,674	403	-	-	3,077
- Parks, gardens, reserves	3,949	3,208	1,036	-	8,193
- Waste and cleansing	7,155	6,232	16,948	22,113	52,448
- Community sustainability	1,296	1,117	-	-	2,413
- Corporate services	560	322	-	-	882
	15,634	11,282	17,984	22,113	67,013
Capital					
- Buildings	13,763	-	-	-	13,763
- Transport	8,817	-	-	-	8,817
	22,580	-	-	-	22,580
Total	38,214	11,282	17,984	22,113	89,593

5.8 Leases

Policy applicable before 1 July 2019

As a lessee, Council classifies leases as operating or finance leases based on its assessment of whether the lease transferred significantly all of the risks and rewards incidental to ownership of the underlying asset to Council.

Operating lease payments, including any contingent rentals, were recognised as an expense in the comprehensive income statement. In addition, minimum operating lease payments were recognised as an expense on a straight-line-basis over the lease term, except where another systematic basis was more representative of the time pattern of the benefits derived from the use of the leased asset. The leased asset was not recognised in the balance sheet.

All incentives for the agreement of a new or renewed operating lease were recognised as an integral part of the net consideration agreed for the use of the leased asset, irrespective of the incentive's nature or form or the timing of payments.

In the event that lease incentives were received to enter into operating leases, the aggregate cost of incentives were recognised as a reduction of rental expense over the lease term on a straight-line basis, unless another systematic basis was more representative of the time pattern in which economic benefits from the leased asset were consumed.

Policy applicable after 1 July 2019

Council has applied AASB16 *Leases* using a modified retrospective approach with the cumulative effect of initial application recognised at date of initial application (1 July 2019). The right-of-use asset is initially recognised at the present value of the lease liability adjusted by the value of any accrued or prepaid lease payments. Comparative information in the entity's financial statements is not restated and there is nil impact on retained earnings. Council applied the approach consistently to all leases in which it is a lessee.

On transition to AASB16 *Leases*, Council elected to apply the practical expedient to 'grandfather' the assessment of which transactions are leases. Council has applied this practical expedient to all of its contracts and therefore applied AASB16 *Leases* only to contracts that were previously identified as leases.

At inception of a contract, all entities would assess whether a contract is, or contains, a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. To identify whether a contract conveys the right to control the use of an identified asset, it is necessary to assess whether:

- ▶ The contract involves the use of an identified asset;
- ▶ The customer has the right to obtain substantially all of the economic benefits from use of the asset throughout the period of use; and
- ▶ The customer has the right to direct the use of the asset.

NOTE 5: Our financial position (continued)

5.8 Leases (continued)

Policy applicable after 1 July 2019 (continued)

This policy is applied to contracts entered into, or changed, on or after 1 July 2019.

As a lessee, Council recognises a right-of-use asset and a lease liability at the lease commencement date. The right-of-use asset is initially measured at cost which comprises the initial amount of the lease liability adjusted for:

- ▶ any lease payments made at or before the commencement date less any lease incentives received; plus
- ▶ any initial direct costs incurred; and
- ▶ an estimate of costs to dismantle and remove the underlying asset or to restore the underlying asset or the site on which it is located.

The right-of-use asset is subsequently depreciated using the straight-line method from the commencement date to the earlier of the end of the useful life of the right-of-use asset or the end of the lease term. The estimated useful lives of right-of-use assets are determined on the same basis as those of property, plant and equipment. In addition, the right-of-use asset is periodically reduced by impairment losses, if any, and adjusted for certain re-measurements of the lease liability.

The lease liability is initially measured at the present value of the lease payments that are not paid at the commencement date, discounted using the interest rate implicit in the lease or, if that rate cannot be readily determined, an appropriate incremental borrowing rate.

Lease payments included in the measurement of the lease liability comprise the following:

- ▶ Fixed payments
- ▶ Variable lease payments that depend on an index or a rate, initially measured using the index or rate as at the commencement date;
- ▶ Amounts expected to be payable under a residual value guarantee; and
- ▶ The exercise price under a purchase option that Council is reasonably certain to exercise, lease payments in an optional renewal period if Council is reasonably certain to exercise an extension option, and penalties for early termination of a lease unless Council is reasonably certain not to terminate early.

When the lease liability is remeasured in this way, a corresponding adjustment is made to the carrying amount of the right-of-use asset, or is recorded in profit or loss if the carrying amount of the right-of-use asset has been reduced to zero.

Right-of-Use Assets	Property \$'000	Vehicles \$'000	Waste \$'000	Equipment \$'000	Total \$'000
Balance as at 1 July 2019	1,102	1,146	9,092	161	11,501
Additions	112	484	-	-	596
Amortisation charge	(222)	(559)	(665)	(80)	(1,526)
Balance as at 30 June 2020	992	1,071	8,427	81	10,571

Lease Liabilities	2020 \$'000
Maturity analysis – contractual undiscounted cash flows	
Less than one year	1,645
One to five years	3,751
More than five years	10,020
Total undiscounted lease liabilities as at 30 June	15,416
Lease liabilities included in the Balance Sheet at 30 June:	
Current	1,186
Non-current	9,570
Total lease liabilities	10,756

NOTE 5: Our financial position (continued)

5.8 Leases (continued)

Short-term and low value leases

Council has elected not to recognise right-of-use assets and lease liabilities for short-term leases of machinery that have a lease term of 12 months or less and leases of low-value assets (individual assets worth less than existing capitalisation thresholds for a like asset up to a maximum of AUD\$10,000), including IT equipment. Council recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

	2020 \$'000
Expenses relating to:	
Short-term leases	-
Leases of low value assets	293
Total	293
Variable lease payments (not included in measurement of lease liabilities)	293
Non-cancellable lease commitments – Short-term and low-value leases	
Commitments for minimum lease payments for short-term and low-value leases are payable as follows: Payable:	
Within one year	322
Later than one year but not later than five years	-
Total lease commitments	322

i. Leases classified as operating leases under AASB 117 Leases

At transition, lease liabilities were measured at the present value of the remaining lease payments, discounted at Council's incremental borrowing rate as at 1 July 2019. Right-of-use assets are measured at an amount equal to the lease liability, adjusted by the amount of any prepaid or accrued lease payments. Council applied this approach to all applicable leases.

Council used the following practical expedients when applying AASB 16 *Leases* to leases previously classified as operating leases under AASB 117 *Leases*.

- ▶ Applied a single discount rate to a portfolio of leases with similar characteristics.
- ▶ Adjusted the right-of-use assets by the amount of any AASB 137 *Provisions, Contingent Liabilities and Contingent Assets* onerous contract provision immediately before the date of initial application, as an alternative to an impairment review.
- ▶ Applied the exemption not to recognise right-of-use assets and liabilities for leases with less than 12 months of lease term.
- ▶ Used hindsight when determining the lease term if the contract contains options to extend or terminate the lease.

ii. Leases previously classified as finance leases

For leases that were classified as finance leases under AASB 117 *Leases*, the carrying amount of the right-of-use asset and the lease liability at 1 July 2019 are determined at the carrying amount of the lease asset and lease liability under AASB 117 *Leases* immediately before that date.

Council is not required to make any adjustments on transition to AASB 16 *Leases* for leases in which it acts as a lessor, except for a sub-lease. Council accounted for its leases in accordance with AASB 16 *Leases* from the date of initial application.

NOTE 5: Our financial position (continued)

5.8 Leases (continued)

Impact on financial statements

On transition to AASB 16 *Leases*, Council recognised an additional \$11.5 million of right-of-use assets and \$11.5 million of lease liabilities.

When measuring lease liabilities, Council discounted lease payments using its incremental borrowing rate or the inherent rate in the lease at 1 July 2019. The weighted-average rate applied is 4.67%.

	2019 \$'000
Operating lease commitment at 30 June 2019 as disclosed in Council's financial statements	4,859
Waste and Streetsweeper embedded leases not included in 30 June 2019 operating lease commitment	9,092
Discounted using the incremental borrowing rate 1 July 2019	(2,128)
Finance lease liability recognised as at 30 June 2019	11,823
- Recognition exemption for:	
Short-term leases	-
Leases of low-value assets	(322)
- Lease liabilities recognised as at 1 July 2019	11,501

NOTE 6: Assets we manage

6.1 Property, infrastructure, plant and equipment

(a) Summary of property, infrastructure, plant and equipment

	At Fair Value 30 June 2019 \$'000	Acquisitions \$'000	Contributions & Found Assets \$'000	Revaluation \$'000	Depreciation \$'000	Disposal \$'000	Transfers \$'000	At Fair Value 30 June 2020 \$'000
Property	1,720,508	36,882	2,403	(711)	(9,614)	(3,082)	10,576	1,756,962
Plant and equipment	12,339	3,008	-	14	(3,836)	(32)	90	11,583
Infrastructure	623,383	17,217	3,228	97,013	(15,411)	-	447	725,877
Works in progress	10,390	8,543	-	-	-	-	(10,390)	8,543
	2,366,620	65,650	5,631	96,316	(28,861)	(3,114)	723	2,502,965

Summary of works in progress

	Opening WIP \$'000	Additions \$'000	Transfers \$'000	Write Offs \$'000	Closing WIP \$'000
Buildings	9,853	7,428	(9,853)	-	7,428
Plant and Equipment	90	-	(90)	-	-
Infrastructure	447	1,115	(447)	-	1,115
	10,390	8,543	(10,390)	-	8,543

NOTE 6: Assets we manage (continued)

6.1 Property, infrastructure, plant and equipment (continued)

a) Property												
	Land under roads \$'000	Land – specialised \$'000	Land – non specialised \$'000	Land improvements \$'000	Total Land & improvements \$'000	Heritage buildings \$'000	Buildings – specialised \$'000	Building improvements \$'000	Leasehold improvements \$'000	Total buildings \$'000	Works in progress \$'000	Total property \$'000
At fair value 1 July 2019	608,655	559,350	245,635	52,051	1,465,691	38,417	454,497	12,435	1,867	507,216	9,853	1,982,760
Accumulated depreciation at 1 July 2019	-	-	-	(8,925)	(8,925)	(25,066)	(214,995)	(1,999)	(1,414)	(243,474)	-	(252,399)
	608,655	559,350	245,635	43,126	1,456,766	13,351	239,502	10,436	453	263,742	9,853	1,730,361
Movements in fair value												
Acquisition of assets at fair value	-	-	9546	9,215	18,761	-	18,121	-	-	18,121	7,428	44,310
Contributed Assets	-	2,320	-	-	2,320	-	83	-	-	83	-	2,403
Revaluation increments/decrements	-	8,553	(4,424)	-	4,129	(1,152)	735	-	-	(417)	-	3,712
Fair value of assets disposed	-	(10)	-	-	(10)	(1,061)	(12,209)	-	-	(13,270)	-	(13,280)
Transfers	-	-	-	-	-	-	10,576	-	-	10,576	(9,853)	723
	-	10,863	5,122	9,215	25,200	(2,213)	17,306	-	-	15,093	(2,425)	37,868
Movements in accumulated depreciation												
Depreciation and amortisation	-	-	-	(1,889)	(1,889)	(375)	(6,688)	(546)	(116)	(7725)	-	(9,614)
Revaluation increments/decrements	-	-	-	-	-	283	(4,706)	-	-	(4,423)	-	(4,423)
Accumulated depreciation of disposals	-	-	-	-	-	1,061	9,137	-	-	10,198	-	10,198
	-	-	-	(1,889)	(1,889)	969	(2,257)	(546)	(116)	(1,950)	-	(3,839)
At fair value 30 June 2020	608,655	570,213	250,757	61,266	1,490,891	36,204	471,803	12,435	1,867	522,309	7,428	2,020,628
Accumulated depreciation at 30 June 2020	-	-	-	(10,814)	(10,814)	(24,097)	(217,252)	(2,545)	(1,530)	(245,424)	-	(256,238)
	608,655	570,213	250,757	50,452	1,480,077	12,107	254,551	9,890	337	276,885	7,428	1,764,390

NOTE 6: Assets we manage (continued)

6.1 Property, infrastructure, plant and equipment (continued)

	Heritage plant and equipment \$'000	Plant machinery and equip \$'000	Library books \$'000	Work in progress \$'000	Total plant and equipment \$'000
b) Plant and Equipment					
At fair value 1 July 2019	1,821	31,336	19,080	90	52,327
Accumulated depreciation at 1 July 2019	(540)	(22,889)	(16,469)	-	(39,898)
	1,281	8,447	2,611	90	12,429
Movements in fair value					
Acquisition of assets at fair value	-	1,962	1,046	-	3,008
Revaluation increments	15	-	-	-	15
Fair Value of assets disposed	-	(2,956)	-	-	(2,956)
Transfers	-	90	-	(90)	-
	15	(904)	1,046	(90)	67
Movements in accumulated depreciation					
Depreciation and amortisation	(17)	(2,803)	(1,016)	-	(3,836)
Revaluation increments/decrements	(1)	-	-	-	(1)
Accumulated depreciation of disposals	-	2,924	-	-	2,924
	(18)	121	(1,016)	-	(913)
At fair value 30 June 2020	1,836	30,432	20,126	-	52,394
Accumulated depreciation at 30 June 2020	(558)	(22,768)	(17,485)	-	(40,811)
	1,278	7,664	2,641	-	11,583

NOTE 6: Assets we manage (continued)

6.1 Property, infrastructure, plant and equipment (continued)

	Roads \$'000	Bridges \$'000	Footpaths and cycleways \$'000	Drainage \$'000	Other infrastructure \$'000	Work in progress \$'000	Total infrastructure \$'000
c) Infrastructure							
At fair value 1 July 2019	640,024	10,569	115,665	353,795	13,468	447	1,133,968
Accumulated depreciation at 1 July 2019	(223,549)	(8,536)	(80,612)	(183,973)	(13,468)	-	(510,138)
	416,475	2,033	35,053	169,822	-	447	623,830
Movements in fair value							
Acquisition of assets at fair value	8,905	24	6,858	1,430	-	1,115	18,332
Found assets	-	-	5	6,720	-	-	6,725
Revaluation increments/ decrements	103,084	-	3,156	51,378	-	-	157,618
Fair value of assets disposed	-	-	-	-	-	-	-
Transfers	447	-	-	-	-	(447)	-
	112,436	24	10,019	59,528	-	668	182,675
Movements in accumulated depreciation							
Depreciation and amortisation	(9,708)	(106)	(1,985)	(3,612)	-	-	(15,411)
Revaluation increments/ decrements	(34,088)	-	(2,127)	(24,390)	-	-	(60,605)
Found assets	-	-	(3)	(3,494)	-	-	(3,497)
	(43,796)	(106)	(4,115)	(31,496)	-	-	(79,513)
At fair value 30 June 2020	752,460	10,593	125,684	413,323	13,468	1,115	1,316,643
Accumulated depreciation at 30 June 2020	(267,345)	(8,642)	(84,727)	(215,469)	(13,468)	-	(589,651)
	485,115	1,951	40,957	197,854	-	1,115	726,992

Acquisition

The purchase method of accounting is used for all acquisitions of assets, being the fair value of assets provided as consideration at the date of acquisition plus any incidental costs attributable to the acquisition. Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date.

Where assets are constructed by Council, cost includes all materials used in construction, direct labour, borrowing costs incurred during construction, and an appropriate share of directly attributable variable and fixed overheads.

In accordance with Council's policy, the threshold limits detailed previously in this note have applied when recognising assets within an applicable asset class and unless otherwise stated are consistent with the prior year.

NOTE 6: Assets we manage (continued)

6.1 Property, infrastructure, plant and equipment (continued)

Asset recognition thresholds and depreciation periods:

	Depreciation Period Years	Purchase/ Construction \$'000	Asset Improvement \$'000
Property			
Land	N/A	-	N/A
Land under roads	N/A	10	N/A
Land improvements	10-50	N/A	20
Buildings	20-150	-	20
Leasehold improvements	10	-	20
Plant and equipment			
Plant, machinery and equipment	3-10	5	N/A
Library books	5	-	N/A
Other plant and equipment			
Heritage plant and equipment	10-20	5	N/A
Fixtures, fittings and furniture	3-10	2	N/A
Computers and telecommunications	3-5	2	N/A
Infrastructure			
Roads	25-100	-	50
Bridges	100	-	50
Footpaths and cycleways	60	-	50
Drainage	100	-	25
Other Infrastructure			
Recreational, leisure and community facilities	20-150	-	20
Parks, open space and streetscapes	10-50	N/A	20
Off street car parks	25-100	-	50
Other	25-100	-	50

Land under roads

Council recognises land under roads it controls at fair value.

Depreciation and amortisation

Buildings, land improvements, plant and equipment, infrastructure and other assets having limited useful lives are systematically depreciated over their useful lives to Council in a manner which reflects consumption of the service potential embodied in those assets. Estimates of remaining useful lives and residual values are made on a regular basis with major asset classes reassessed annually. Depreciation rates and methods are reviewed annually.

Where assets have separate identifiable components that are subject to regular replacement, these components are assigned distinct useful lives and residual values and a separate depreciation rate is determined for each component.

Road earthworks are not depreciated on the basis that they are assessed as not having a limited useful life.

Straight line depreciation is charged based on the residual useful life as determined each year. Depreciation periods used are listed below and are consistent with the prior year unless otherwise stated.

Repairs and maintenance

Routine maintenance, repair costs, and minor renewal costs are expensed as incurred. Where the repair relates to the replacement of a component of an asset and the cost exceeds the capitalisation threshold the cost is capitalised and depreciated. The carrying value of the replaced asset is expensed.

NOTE 6: Assets we manage (continued)

6.1 Property, infrastructure, plant and equipment (continued)

Leasehold improvements

Leasehold improvements are recognised at cost and are amortised over the unexpired period of the lease or the estimated useful life of the improvement, whichever is the shorter.

Valuation of land and buildings

Valuation of land and buildings was undertaken by a qualified independent valuer Opteon Solutions. The valuation of land and buildings is at fair value, being market value based on highest and best use permitted by relevant land planning provisions. Where land use is restricted through existing planning provisions the valuation is reduced to reflect this limitation. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Specialised land (land under roads) was also valued by Opteon Solutions and is valued at fair value using site values adjusted for englobo (undeveloped and/or unserviced) characteristics, access rights and private interest of other parties and entitlements of infrastructure assets and services. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Any significant movements in the unobservable inputs for land and land under roads will have a significant impact on the fair value of these assets.

The most recent valuation of land and buildings was 30 June 2020.

Details of the Council's land and buildings and information about the fair value hierarchy as at 30 June 2020 are as follows. Refer to note 8.4 – Fair value measurement, for a description of the fair value hierarchy levels.

	Level 1 \$'000	Level 2 \$'000	Level 3 \$'000	Date of Valuation
Land under roads	-	-	608,655	June 2020
Land – specialised	-	-	570,213	June 2020
Land – non-specialised	9,850	240,907	-	June 2020
Land improvements	-	-	50,452	June 2020
Heritage buildings	-	-	12,107	June 2020
Buildings – specialised	-	-	254,551	June 2020
Building improvements	-	-	9,890	June 2020
Leasehold improvements	-	-	337	June 2020
Total	9,850	240,907	1,506,205	

Valuation of infrastructure

Valuation of infrastructure assets was performed by qualified engineers at Council.

The date of the current valuation is detailed in the following table. The valuation is at fair value based on replacement cost less accumulated depreciation as at the date of valuation.

Details of the Council's infrastructure and information about the fair value hierarchy as at 30 June 2020 are as follows:

	Level 1 \$'000	Level 2 \$'000	Level 3 \$'000	Date of Valuation
Roads	-	-	485,115	June 2020
Bridges	-	-	1,951	June 2020
Footpaths and cycleways	-	-	40,957	June 2020
Drainage	-	-	197,854	June 2020
Total	-	-	725,877	

NOTE 6: Assets we manage (continued)

6.1 Property, infrastructure, plant and equipment (continued)

Description of significant unobservable inputs into level 3 valuations

Specialised land and land under roads is valued using a market based direct comparison technique. Significant unobservable inputs include the extent and impact of restriction of use and the market cost of land per square metre. The extent and impact of restrictions on use varies and results in a reduction to surrounding land values between 5% and 90%. The market value of land varies significantly depending on the location of the land and the current market conditions. Current land values range from \$6 to \$5,880 per square metre.

Specialised buildings are valued using a depreciated replacement cost technique. Significant unobservable inputs include the current replacement cost and remaining useful lives of buildings. Current replacement costs are calculated on a square metre basis ranging from \$260 to \$36,300. The remaining useful lives of buildings are determined on the basis of the current condition of buildings and vary from 20 years to 150 years. Replacement cost is sensitive to changes in market conditions with any increase or decrease in cost flowing through to the valuation. Useful lives of buildings are sensitive to changes in expectations or requirements that could either shorten or extend the useful lives of buildings.

Infrastructure assets are valued based on the depreciated replacement cost. Significant unobservable inputs include the current replacement cost and remaining useful lives of infrastructure. The remaining useful lives of infrastructure assets are determined on the basis of the current condition of the asset and vary from 10 years to 100 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of infrastructure are sensitive to changes in use, expectations or requirements that could either shorten or extend the useful lives of infrastructure assets.

	2020 \$'000	2019 \$'000
Reconciliation of specialised land		
Land under roads	608,655	608,655
Parks and reserves	570,213	563,275
Total specialised land	1,178,868	1,171,930

6.2 Investment property

	2020 \$'000	2019 \$'000
Balance at beginning of financial year	4,473	4,473
Transfers to property, infrastructure, plant and equipment	(723)	-
Balance at the end of financial year	3,750	4,473

Investment property is held to generate long-term rental yields. Investment property is measured initially at cost, including transaction costs. Costs incurred subsequent to initial acquisition are capitalised when it is probable that future economic benefit in excess of the originally assessed performance of the asset will flow to the Council. Subsequent to initial recognition at cost, investment property is carried at fair value, determined annually by independent valuers. Changes to fair value are recorded in the comprehensive income statement in the period that they arise.

Investment Property consists of a building at Peter Scullin Reserve, Mordialloc that is leased by a third party to operate a commercial restaurant. Property at 42 Florence Street Mentone is no longer leased to a third party and therefore this property has been transferred from investment property to property, infrastructure, plant and equipment.

Valuation of investment property

Valuation of investment property has been determined in accordance with an independent valuation by Opteon Solutions who has recent experience in the location and category of the property being valued. The valuation is at fair value, based on the current market value for the property. The latest valuation of investment property is at 30 June 2020.

NOTE 7: People and relationships

7.1 Council and key management remuneration

(a) Related Parties

Kingston Council is a stand-alone entity.

(b) Key Management Personnel

Details of persons holding the position of Councillor or other members of key management personnel at any time during the year are:

Councillors	Councillor G Oxley	(Mayor)
	Councillor T Barth	
	Councillor T Bearsley	
	Councillor R Brownlees OAM	
	Councillor D Eden	
	Councillor G Gledhill	
	Councillor G Hua	
	Councillor S Staikos	
	Councillor R A West OAM	
CEO	Mr John Nevins	(01 July 2019 – 08 August 2019)
	Ms Julie Reid	(26 August 2019 – 30 June 2020)
General Managers	Mr Paul Franklin	(General Manager Corporate Services)
	Mr Mauro Bolin	(General Manager Community Sustainability)
	Mr Daniel Freer	(General Manager City Assets and Environment: 1st July 2019 – 5th November 2019)
	Ms Bridget Draper	(Acting General Manager City Assets and Environment 6th November 2019 – 1st June 2020)
	Ms S Krull	(General Manager City Assets and Environment 1st June 2020 – 30th June 2020)
	Mr Jonathan Guttman	(General Manager Planning and Development)

	2020 No.	2019 No.
Total Number of Councillors	9	9
Chief Executive Officer and other Key Management Personnel	8	5
Total Key Management Personnel	17	14

NOTE 7: People and relationships (continued)

7.1 Council and key management remuneration (continued)

(c) Key Management Personnel

Total remuneration of key management personnel was as follows:

	2020 \$'000	2019 \$'000
Short-term benefits	1,714	1,722
Post employment benefits (incl super)	150	146
Termination benefits	219	-
Total	2,083	1,868

Total remuneration includes total salary package and superannuation but excludes accrued leave.

The numbers of Key Management Personnel whose total remuneration from Council and any related entities, fall within the following bands:

	2020 No.	2019 No.
\$20,000 – \$29,999	1	-
\$30,000 – \$39,999	8	7
\$40,000 – \$49,999	-	-
\$50,000 – \$59,999	-	-
\$60,000 – \$69,999	-	1
\$80,000 – \$89,999	-	1
\$90,000 – \$99,999	1	-
\$110,000 – \$119,999	1	-
\$150,000 – \$159,999	1	-
\$260,000 – \$269,999	1	1
\$270,000 – \$279,999	1	1
\$280,000 – \$289,999	2	2
\$310,000 – \$319,999	1	-
\$380,000 – \$389,999	-	-
\$390,000 – \$399,999	-	1
	17	14

NOTE 7: People and relationships (continued)

7.1 Council and key management remuneration (continued)

(d) Senior officer remuneration

A Senior Officer is an officer of Council, other than Key Management Personnel, who:

- (a) has management responsibilities and reports directly to the Chief Executive Officer; or
- (b) whose total annual remuneration exceeds \$151,000.

The number of Senior Officers are shown below in the relevant income bands.

	2020 No.	2019 No.
\$151,000 – \$159,999	1	1
\$160,000 – \$169,999	3	5
\$170,000 – \$179,999	5	4
\$180,000 – \$189,999	6	7
\$190,000 – \$199,999	4	1
\$200,000 – \$209,999	1	-
	20	18

	\$'000	\$'000
Total Remuneration for the reporting year of Senior Officers included above amounted to:	3,589	3,172

7.2 Related party disclosure

(a) Transactions with related parties

During the period Council entered into no transactions with related parties.

(b) Outstanding balances with related parties

No balances are outstanding at the end of the reporting period in relation to transactions with related parties.

(c) Loans to/from related parties

No loans were made to/from related parties of Council during the financial year.

(d) Commitments to/from related parties

No commitments were made to/from related parties of Council during the financial year.

NOTE 8: Managing uncertainties

8.1 Contingent assets and liabilities

Contingent assets and contingent liabilities are not recognised in the Balance Sheet, but are disclosed and if quantifiable, are measured at nominal value. Contingent assets and liabilities are presented inclusive of GST receivable or payable, respectively.

(a) Contingent assets

Operating lease receivables

The Council has entered into commercial property leases. These properties held under operating leases have remaining non-cancellable lease terms of between 1 and 50 years. All leases include a CPI based revision of the rental charge annually.

Future minimum rentals under non-cancellable operating leases are as follows:

	2020 \$'000	2019 \$'000
Not later than one year	2,509	2,159
Later than one year and not later than five years	6,193	6,926
Later than five years	3,541	3,104
	12,243	12,189

(b) Contingent liabilities

Superannuation

Council has obligations under a defined benefit superannuation scheme that may result in the need to make additional contributions to the scheme; matters relating to this potential obligation are outlined below and in Note 9.3. As a result of the volatility in financial markets, the likelihood of making such contributions in future periods exists.

Future superannuation contributions

In addition to the disclosed contributions, Council has not paid any unfunded liability payments to Vision Super. There were no contributions outstanding and no loans issued from or to the above schemes as at 30 June 2020. The expected contributions to be paid to the Defined Benefit category of Vision Super for the year ending 30 June 2021 are \$0.4 million. At this point in time it is not known if additional contributions will be required, their timing or potential amount. 24 Council staff (2019: 28) are members of Vision Super's multi-employer defined benefits fund. Council established a Defined Benefit Call Reserve in 2014 to help provide for possible future calls on any unfunded liability of the fund. This reserve currently has a balance of \$1 million (2019: \$1 million).

Contingent liabilities arising from public liability

As a local authority with ownership of numerous parks, reserves, roads and other land holdings, Council is regularly met with claims and demands allegedly arising from incidents which occur on land belonging to Council. There are a number of outstanding claims against Council in this regard. Council carries \$120 million of public liability insurance and the maximum liability of the Council in any single claim is the extent of its excess. The primary insurer was AXA Corporate Solutions. There are no claims, which Council is aware of which would fall outside the terms of the Council's policy.

Contingent liability arising from professional indemnity

As a local authority with statutory regulatory responsibilities, including the responsibility of issuing permits and approvals, Council is met with claims and demands for damages allegedly arising from the actions of Council or its officers. Council carries \$50 million of professional indemnity insurance and the maximum liability of Council in any single claim is the extent of its excess. The primary insurer was AXA Corporate Solutions. There are no instances or claims, which Council is aware of which would fall outside the terms of the Council's policy.

NOTE 8: Managing uncertainties (continued)

8.1 Contingent assets and liabilities (continued)

(b) Contingent liabilities (continued)

Other contingent liabilities

Council is presently involved in several confidential legal matters which are being conducted through Council's solicitors. As these matters are yet to be finalised and the financial outcomes are unable to be reliably estimated, no allowance for these contingencies has been made in the financial statements.

Insurance claims

Council has no major insurance claims that could have a material impact on future operations. Maximum liability per claim is \$20,000 excess. Public Liability coverage of \$120 million is maintained. Various under excess claims are also under consideration, for which an annual budgetary provision is approved.

Legal matters

Council has no major legal matters that could have a material impact on future operations.

Building cladding

Council has no potential contingent liabilities in relation to rectification works or other matters associated with building cladding that may have the potential to adversely impact on Council. However, rate relief has been provided to ratepayers adversely impacted by cladding issues.

Liability Mutual Insurance

Council was a participant of the MAV Liability Mutual Insurance (LMI) Scheme up until 2014. The LMI scheme provides public liability and professional indemnity insurance cover. The LMI scheme states that each participant will remain liable to make further contributions to the scheme in respect of any insurance year in which it was a participant to the extent of its participant's share of any shortfall in the provision set aside in respect of that insurance year, and such liability will continue whether or not the participant remains a participant in future insurance years.

(c) Guarantees for loans to other entities

Financial guarantee contracts are not recognised as a liability in the balance sheet unless the lender has exercised their right to call on the guarantee or Council has other reasons to believe that it is probable that the right will be exercised. There are no financial guarantees that have been granted by Council.

NOTE 8: Managing uncertainties (continued)

8.2 Change in accounting standards

The following new Australian Accounting Standards (AAS's) have been issued that are not mandatory for the 30 June 2020 reporting period. Council has assessed these pending standards and has identified the following potential impacts will flow from the application of these standards in future reporting periods.

AASB 1059 Service Concession Arrangements: Grantors (AASB 1059) (applies 2020/21 for LG Sector)

AASB 1059 addresses the accounting for a service concession arrangement by a grantor that is a public sector entity by prescribing for the arrangement from the grantor's perspective.

Based on Council's current assessment, there is expected to be no impact on the transactions and balances recognised in the financial statements as Council is not a grantor in a service concession arrangement.

AASB 2018-7 Amendments to Australian Accounting Standards – Definition of Material (applies 2020/21 for LG Sector)

The Standard principally amends AASB 101 *Presentation of Financial Statements* and AASB 108 *Accounting Policies, Changes in Accounting Estimates and Errors*. The amendments refine the definition of material in AASB 101. The amendments clarify the definition of material and its application by improving the wording and aligning the definition across AASB Standards and other publications. The impacts on the local government sector are expected to be minimal.

AASB 2019-1 Amendments to Australian Accounting Standards – References to the Conceptual Framework (applies 2020/21 for LG Sector)

This Standard sets out amendments to Australian Accounting Standards, Interpretations and other pronouncements to reflect the issuance of the Conceptual Framework for Financial Reporting (Conceptual Framework) by the AASB. The impacts on the local government sector are expected to be minimal.

NOTE 8: Managing uncertainties (continued)

8.3 Financial instruments

(a) Objectives and policies

Council's principal financial instruments comprise cash assets, term deposits, receivables (excluding statutory receivables), payables (excluding statutory payables) and bank borrowings. Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis of measurement and the basis on which income and expenses are recognised, in respect of each class of financial asset, financial liability and equity instrument is disclosed in the notes of the financial statements. Risk management is carried out by senior management under policies approved by the Council. These policies include identification and analysis of the risk exposure to Council and appropriate procedures, controls and risk minimisation.

(b) Market risk

Market risk is the risk that the fair value or future cash flows of Council's financial instruments will fluctuate because of changes in market prices. Council's exposure to market risk is primarily through interest rate risk with only insignificant exposure to other price risks and no exposure to foreign currency risk.

Interest rate risk

Interest rate risk refers to the risk that the value of a financial instrument or cash flows associated with the instrument will fluctuate due to changes in market interest rates. Council's interest rate liability risk arises primarily from long term loans and borrowings at fixed rates which exposes council to fair value interest rate risk. Council does not hold any interest bearing financial instruments that are measured at fair value, and therefore has no exposure to fair value interest rate risk. Cash flow interest rate risk is the risk that the future cash flows of a financial instrument will fluctuate because of changes in market interest rates. Council has minimal exposure to cash flow interest rate risk through its cash and deposits that are at floating rates.

Investment of surplus funds is made with approved financial institutions under the *Local Government Act 1989*. Council manages interest rate risk by adopting an investment policy that ensures:

- ▶ diversification of investment product;
- ▶ monitoring of return on investment; and
- ▶ benchmarking of returns and comparison with budget.

There has been no significant change in Council's exposure, or its objectives, policies and processes for managing interest rate risk or the methods used to measure this risk from the previous reporting period.

Interest rate movements have not been sufficiently significant during the year to have an impact on Council's year end result.

(c) Credit risk

Credit risk is the risk that a contracting entity will not complete its obligations under a financial instrument and cause Council to make a financial loss. Council has exposure to credit risk on some financial assets included in the balance sheet. Particularly significant areas of credit risk exist in relation to outstanding fees and fines as well as receivables from sporting clubs and associations. To help manage this risk:

- ▶ Council have a policy for establishing credit limits for the entities Council deal with;
- ▶ Council may require collateral where appropriate; and
- ▶ Council only invest surplus funds with financial institutions which have a recognised credit rating specified in Council's investment policy.

Receivables consist of a large number of customers, spread across the ratepayer, business and government sectors. Credit risk associated with Council's financial assets is minimal because the main debtor is secured by a charge over the rateable property.

There are no material financial assets which are individually determined to be impaired.

Council may also be subject to credit risk for transactions which are not included in the balance sheet, such as when Council provides a guarantee for another party. Council has no guarantees to other parties. Details of our contingent liabilities are disclosed in note 8.1 (b).

The maximum exposure to credit risk at the reporting date to recognised financial assets is the carrying amount, net of any provisions for impairment of those assets, as disclosed in the balance sheet and notes to the financial statements. Council does not hold any collateral.

NOTE 8: Managing uncertainties (continued)

8.3 Financial instruments (continued)

(d) Liquidity risk

Liquidity risk includes the risk that, as a result of Council's operational liquidity requirements, it will not have sufficient funds to settle a transaction when required or will be forced to sell a financial asset at below value or may be unable to settle or recover a financial asset.

To help reduce these risks Council:

- ▶ has a liquidity policy which targets a minimum and average level of cash and cash equivalents to be maintained;
- ▶ has readily accessible standby facilities and other funding arrangements in place;
- ▶ has a liquidity portfolio structure that requires surplus funds to be invested within various bands of liquid instruments;
- ▶ monitors budget to actual performance on a regular basis; and
- ▶ sets limits on borrowings relating to the percentage of loans to rate revenue and percentage of loan principal repayments to rate revenue.

Council's maximum exposure to liquidity risk is the carrying amounts of financial liabilities as disclosed on the face of the balance sheet and any amounts related to financial guarantees disclosed in Note 8.1 (c), and is deemed insignificant based on prior periods' data and current assessment of risk.

There has been no significant change in Council's exposure, or its objectives, policies and processes for managing liquidity risk or the methods used to measure this risk from the previous reporting period.

With the exception of borrowings, all financial liabilities are expected to be settled within normal terms of trade. Details of the maturity profile for borrowings are disclosed at Note 5.4.

Unless otherwise stated, the carrying amounts of financial instruments reflect their fair value.

(e) Sensitivity disclosure analysis

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets (and particularly the impact of COVID-19), Council believes there will be minimal movement over the next 12 months from the already low base cash rate of 0.25% (Base rates are sourced from Reserve Bank of Australia)

Thus there will be minimal impact on the valuation of Council's financial assets and liabilities, and no material impact on the results of Council's operations.

8.4 Fair value measurement

Fair value hierarchy

Council's financial assets and liabilities are not valued in accordance with the fair value hierarchy, Council's financial assets and liabilities are measured at amortised cost.

Council measures certain assets and liabilities at fair value where required or permitted by Australian Accounting Standards. AASB 13 Fair value measurement, aims to improve consistency and reduce complexity by providing a definition of fair value and a single source of fair value measurement and disclosure requirements for use across Australian Accounting Standards.

All assets and liabilities for which fair value is measured or disclosed in the financial statements are categorised within a fair value hierarchy, described as follows, based on the lowest level input that is significant to the fair value measurement as a whole:

Level 1 – Quoted (unadjusted) market prices in active markets for identical assets or liabilities

Level 2 – Valuation techniques for which the lowest level input that is significant to the fair value measurement is directly or indirectly observable; and

Level 3 – Valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

For the purpose of fair value disclosures, Council has determined classes of assets and liabilities on the basis of the nature, characteristics and risks of the asset or liability and the level of the fair value hierarchy as explained above.

In addition, Council determines whether transfers have occurred between levels in the hierarchy by re-assessing categorisation (based on the lowest level input that is significant to the fair value measurement as a whole) at the end of each reporting period.

NOTE 8: Managing uncertainties (continued)

8.4 Fair value measurement (continued)

Revaluation

Subsequent to the initial recognition of assets, non-current physical assets, other than plant and equipment, are measured at their fair value, being the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. At balance date, the Council reviewed the carrying value of the individual classes of assets measured at fair value to ensure that each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date, the class of asset was revalued.

Fair value valuations are determined in accordance with a valuation hierarchy. Changes to the valuation hierarchy will only occur if an external change in the restrictions or limitations of use of an asset result in changes to the permissible or practical highest and best use of the asset. Further details regarding the fair value hierarchy are disclosed at Note 6.1 Property, Infrastructure, Plant and Equipment. In addition, Council usually undertakes a formal valuation of land, buildings and infrastructure assets on a regular basis ranging from 1 to 2 years. The valuation is performed either by experienced council officers or independent experts.

Where the assets are revalued, the revaluation increments are credited directly to the asset revaluation reserve except to the extent that an increment reverses a prior year decrement for that class of asset that had been recognised as an expense in which case the increment is recognised as revenue up to the amount of the expense. Revaluation decrements are recognised as an expense except where prior increments are included in the asset revaluation reserve for that class of asset in which case the decrement is taken to the reserve to the extent of the remaining increments. Within the same class of assets, revaluation increments and decrements within the year are offset.

Impairment of assets

At each reporting date, the Council reviews the carrying value of its assets to determine whether there is any indication that these assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the assets carrying value. Any excess of the assets carrying value over its recoverable amount is expensed to the comprehensive income statement unless the asset is carried at the revalued amount in which case, the impairment loss is recognised directly against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that same class of asset.

8.5 Events occurring after balance date

Since balance date, the COVID-19 pandemic continues to impact Council and some of its operations. The enforcement of Stage 4 restrictions from 2nd August to 27th September 2020 has had further impact to the community and restricted Council's operations. These restrictions are, however, not expected to have an impact on the going concern assumption upon which the financial statements are prepared.

There are no other matters that have occurred after balance date which require disclosure in the financial report.

NOTE 9: Other matters

9.1 Reserves

(a) Asset revaluation reserve

	Balance at beginning of reporting period \$'000	Increment (decrement) \$'000	Balance at end of reporting period \$'000
2020			
Property ⁽ⁱ⁾:			
- Land	208,849	4,129	212,978
- Land under roads	207,525	-	207,525
- Buildings	108,308	(4,840)	103,468
	524,682	(711)	523,971
Infrastructure ⁽ⁱⁱ⁾:			
- Transport	352,446	70,025	422,471
- Drainage	142,601	26,988	169,589
	495,047	97,013	592,060
Other:			
- Heritage and culture	1,305	14	1,319
- Other	3,966	-	3,966
	5,271	14	5,285
Total asset revaluation reserve	1,025,000	96,316	1,121,316
2019			
Property:			
- Land	310,549	(101,700)	208,849
- Land under roads	278,512	(70,987)	207,525
- Buildings	107,209	1,099	108,308
	696,270	(171,588)	524,682
Infrastructure:			
- Transport	292,087	60,359	352,446
- Drainage	111,687	30,914	142,601
	403,774	91,273	495,047
Other:			
- Heritage and culture	1,305	-	1,305
- Other	3,966	-	3,966
	5,271	-	5,271
Total asset revaluation reserve	1,105,315	(80,315)	1,025,000

The Asset revaluation reserve is used to record the increased (net) value of Council's assets over time.

(i) Valuation of property was performed by qualified independent valuers. Land and buildings and land under roads were valued by Opteon Solutions.

(ii) Valuation of Infrastructure assets was performed by qualified engineers at Council. The valuation is at fair value based on replacement cost less accumulated depreciation as at the date of valuation. Valuation levels can fluctuate depending on contract rates incurred by Council during each year.

NOTE 9: Other matters (continued)

9.1 Reserves (continued)

(b) Other reserves

	Balance at beginning of reporting period \$'000	Transfer from Accumulated Surplus \$'000	Transfer to Accumulated Surplus \$'000	Balance at end of reporting period \$'000
2020				
Asset replacement reserve	511	-	(143)	368
Asset development reserve	18,026	4,757	(7,456)	15,327
Drainage contributions	88	-	-	88
Special rates	129	-	-	129
Aged care	6,625	909	(1,992)	5,542
Foreshore	2,310	1,400	(1,530)	2,180
Green wedge	6,848	1,069	(803)	7,114
Defined benefit call	1,000	-	-	1,000
Stormwater quality reserve	856	334	(8)	1,182
Other	193	4	(66)	131
Total other reserves	36,586	8,473	(11,998)	33,061
2019				
Asset replacement reserve	1,483	-	(972)	511
Asset development reserve	16,688	8,852	(7,514)	18,026
Drainage contributions	88	-	-	88
Special rates	128	1	-	129
Aged care	4,842	1,783	-	6,625
Foreshore	1,488	1,366	(544)	2,310
Green wedge	8,753	1,043	(2,948)	6,848
Defined benefit call	1,000	-	-	1,000
Stormwater quality reserve	470	506	(120)	856
Other	268	17	(92)	193
Total other reserves	35,208	13,568	(12,190)	36,586

The asset replacement reserve is an appropriation to partially fund future costs associated with Council's buildings.

The asset development reserve recognises the cash contributions made by developers, pursuant to the requirements of the *Subdivision of Land Act*. Total open space cash contributions of \$4.7 million were received in 2019/20 (2018/19: \$8.8m). Council has elected to utilise these contributions for open space purchase and development.

Drainage contributions relate to contributions from developers for drainage related levies to be used for wider drainage projects.

Special rates reserve includes special charges for traders in Mordialloc and Chelsea to be used for specific purposes.

Aged care reserves include funds for home care clients that have not fully spent their Linkages packages.

The foreshore and green wedge reserves were reserves created in 2011 via a Council resolution which are used to accelerate the renewal and improvement to Council's foreshore and non-urban green wedge area.

The defined benefit call reserve was established in 2014 to provide for possible future calls on any unfunded liability of the defined benefit superannuation fund. Council ceased making contributions into this reserve in 2014/15.

The stormwater quality reserve was first established in 2017/18 to help fund various stormwater improvement projects throughout Council.

Other reserves represent appropriations provided by the community to be used for specific purposes.

Other reserves include reserves created in 2012 for Sundowner Neighbourhood House and Chelsea Senior Citizens Centre due to Council taking over the operation of these facilities.

NOTE 9: Other matters (continued)

9.2 Reconciliation of cash flows from operating activities to surplus

	2020 \$'000	2019 \$'000
Results from ordinary activities	25,266	41,454
Depreciation/amortisation	29,164	25,392
Amortisation – Finance leases	1,526	-
Loss/(gain) on sale of property, infrastructure, plant & equipment	2,955	(49)
Found assets / other (note 3.7)	(3,227)	-
Finance costs – leases	501	-
Borrowing costs (included in profit but not operating cash flow)	97	210
Developer Asset Contributions	(2,403)	(199)
Changes in assets and liabilities:		
(Increase)/decrease in receivables	(4,610)	156
(Increase)/decrease in accrued income	222	(967)
(Increase)/decrease in prepayments	(101)	-
(Decrease)/Increase in payables	(2,130)	235
Increase/(decrease) in unearned income, including 1 July 2019 adjustment to accumulated surplus)	2,971	-
Increase/(decrease) in trust funds and deposits	(1,538)	558
Increase/(decrease) in other liabilities	(784)	1,579
Increase/(decrease) in employee benefits	3,394	1,678
Net cash provided by / (used in) operating activities	51,303	70,047

9.3 Superannuation

Council makes the majority of its employer superannuation contributions in respect of its employees to the Local Authorities Superannuation Fund (the Fund). This Fund has two categories of membership, accumulation and defined benefits, each of which is funded differently. Obligations for contributions to the Fund are recognised as an expense in the Comprehensive Income Statement when they are made or due.

Accumulation

The Fund's accumulation categories, Vision MySuper/ Vision Super Saver, receive both employer and employee contributions on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings (for the year ending 30 June 2020, this was 9.5% as required under Superannuation Guarantee legislation).

Defined Benefit

Council does not use defined benefit accounting for its defined benefit obligations under the Fund's Defined Benefit category. This is because the Fund's Defined Benefit category is a pooled multi-employer sponsored plan. There is no proportional split of the defined benefit liabilities, assets or costs between the participating employers as the defined benefit obligation is a floating obligation between the participating employers and the only time that the aggregate obligation is allocated to specific employers is when a call is made. As a result, the level of participation of Council in the Fund cannot be measured as a percentage compared with other participating employers. Therefore, the Fund Actuary is unable to allocate benefit liabilities, assets and costs between employers for the purposes of AASB 119.

NOTE 9: Other matters (continued)

9.3 Superannuation (continued)

Funding arrangements

Council makes employer contributions to the Defined Benefit category of the Fund at rates determined by the Trustee on the advice of the Fund's Actuary.

A triennial actuarial review is currently underway for the Defined Benefit category as at 30 June 2020 and is expected to be completed by 31 December 2020.

As at 30 June 2019, an interim actuarial investigation was held as the Fund provides lifetime pensions in the Defined Benefit category. The vested benefit index (VBI) of the Defined Benefit category of which Council is a contributing employer was 107.1% as at 30 June 2019 (30 June 2018: 106.0%). The financial assumptions used to calculate the VBIs were:

	30 June 2019	30 June 2018
Net investment returns	6.0% p.a	6.0% p.a
Salary information	3.5% p.a	3.5% p.a
Price inflation (CPI)	2.0% p.a	2.0% p.a

Vision Super has advised that the estimated VBI at 30 June 2020 is 104.6%.

The VBI is used as the primary funding indicator. Because the VBI was above 100%, the 30 June 2019 actuarial investigation determined the Defined Benefit category was in a satisfactory financial position and that no change was necessary to the Defined Benefit category's funding arrangements from prior years.

Employer contributions

Regular contributions

On the basis of the results of the 2017 full actuarial investigation conducted by the Fund Actuary, Council makes employer contributions to the Fund's Defined Benefit category at rates determined by the Fund's Trustee. For the year ended 30 June 2020, this rate was 9.5% of members' salaries (9.5% in 2018/19). This rate will increase in line with any increases in the SG contribution rate and reviewed as part of the 30 June 2020 triennial valuation.

In addition, Council reimburses the Fund to cover the excess of the benefits paid as a consequence of retrenchment above the funded resignation or retirement benefit.

Funding calls

If the Defined Benefit category is in an unsatisfactory financial position at an actuarial investigation or the Defined Benefit category's VBI is below its shortfall limit at any time other than the date of the actuarial investigation, the Defined Benefit category has a shortfall for the purposes of SPS 160 and the Fund is required to put a plan in place so that the shortfall is fully funded within three years of the shortfall occurring. The Fund monitors its VBI on a quarterly basis and the Fund has set its shortfall limit at 97%.

In the event that the Fund Actuary determines that there is a shortfall based on the above requirement, the Fund's participating employers (including Council) are required to make an employer contribution to cover the shortfall.

Using the agreed methodology, the shortfall amount is apportioned between the participating employers based on the pre-1 July 1993 and post-30 June 1993 service liabilities of the Fund's Defined Benefit category, together with the employer's payroll at 30 June 1993 and at the date the shortfall has been calculated.

Due to the nature of the contractual obligations between the participating employers and the Fund, and that the Fund includes lifetime pensioners and their reversionary beneficiaries, it is unlikely that the Fund will be wound up.

If there is a surplus in the Fund, the surplus cannot be returned to the participating employers.

In the event that a participating employer is wound-up, the defined benefit obligations of that employer will be transferred to that employer's successor.

NOTE 9: Other matters (continued)

9.3 Superannuation (continued)

The 2019 interim actuarial investigation surplus amounts

An actuarial investigation is conducted annually for the Defined Benefit category of which Council is a contributing employer. Generally, a full actuarial investigation conducted every three years and interim actuarial investigations are conducted for each intervening year. An interim investigation was conducted as at 30 June 2019 and the last full actuarial investigation was conducted as at 30 June 2017.

The Fund's actuarial investigations in their 2019 interim investigation identified the following for the Defined Benefit category of which Council is a contributing employer:

- A VBI surplus of \$151.3 million (2017 \$69.8 million);
- A total service liability surplus of \$233.4 million (2017 \$193.5 million); and
- A discounted accrued benefits surplus of \$256.7 million (2017 \$228.8 million).

The VBI surplus means that the market value of the fund's assets supporting the defined benefit obligations exceed the vested benefits that the defined benefit members would have been entitled to if they had all exited on 30 June 2019.

The total service liability surplus means that the current value of the assets in the Fund's Defined Benefit category plus expected future contributions exceeds the value of expected future benefits and expenses as at 30 June 2019.

The discounted accrued benefit surplus means that the current value of the assets in the Fund's Defined Benefit category exceeds the value of benefits payable in the future but accrued in respect of service to 30 June 2019.

Council was notified of the 30 June 2019 VBI during August 2019 (2018: August 2018).

The 2020 triennial actuarial investigation

A triennial actuarial investigation is being conducted for the Fund's position as at 30 June 2020. It is anticipated that this actuarial investigation will be completed by 31 December 2020. The financial assumptions for the purposes of this investigation are:

	2020 Triennial investigation	2017 Triennial investigation
Net investment return	5.6% pa	6.5% pa
Salary inflation	2.5% pa for the first two years and 2.75% pa thereafter	3.5% pa
Price inflation	2.0% pa	2.5% pa

NOTE 10: Change in accounting policy

Council has adopted AASB 15 *Revenue from Contracts with Customers*, AASB 16 *Leases* and AASB 1058 *Income of Not-for-Profit Entities*, from 1 July 2019. This has resulted in changes in accounting policies and adjustments to the amounts recognised in the financial statements.

Due to the transition methods chosen by Council in applying these standards, comparative information throughout these financial statements has not been restated to reflect the requirements of the new standards except in relation to contracts that were not complete at 1 July 2019.

a) AASB 15 *Revenue from Contracts with Customers* – Impact of Adoption

AASB 15 *Revenue from Contracts with Customers* applies to revenue transactions where Council provides services or goods under contractual arrangements.

Council adopted AASB 15 *Revenue from Contracts with Customers* using the modified (cumulative catch up) method. Revenue for 2019 as reported under AASB 118 *Revenue* is not adjusted, because the new standard is only applied from the date of initial application.

AASB 15 *Revenue from Contracts with Customers* requires revenue from contracts with customers to be recognised as Council satisfies the performance obligations under the contract.

b) AASB 16 *Leases*

AASB 16 *Leases* requires right of use assets and related liabilities for all lease agreements to be recognised on the balance sheet. The Statement of Comprehensive Income is to separately recognise the amortisation of the right of use asset, and the finance costs relating to the lease. Council has elected to adopt the modified (cumulative catch up) method under the standard and as such has not adjusted 2019 disclosures. The transition impact of these are detailed below.

c) AASB 1058 *Income of Not-for-Profit Entities*

AASB 1058 *Income of Not-for-Profit Entities* applies to income received where no contract is in place. This includes statutory charges (such as rates) as well as most grant agreements.

Council adopted AASB 1058 *Income of Not-for-Profit Entities* using the modified (cumulative catch up) method. Income for 2019 is not adjusted, because the new standard is only applied from the date of initial application.

AASB 1058 *Income of Not-for-Profit Entities* requires income to be recognised as Council satisfies the performance obligations under the contract.

d) Transition impacts

The following table summarises the impact of transition to the new standards on accumulated surplus at 1 July 2019.

	2019 \$'000
Accumulated surplus at 30 June 2019	1,418,060
Revenue adjustment – impact of AASB 15 <i>Revenue from Contracts with Customers</i>	(4,500)
Income adjustment – impact of AASB 1058 <i>Income of Not-for-Profit Entities</i>	(972)
Other revenue adjustments	(5,472)
Adjusted accumulated surplus at 1 July 2019	1,412,588

Council adopted the practical expedient of deeming the lease asset to be equal in value to the lease liability at 1 July 2019. As such there was no impact on accumulated surplus on the adoption of AASB 16 *Leases*.

NOTE 10: Change in accounting policy (continued)

d) Transition impacts (continued)

The following table summarises the impacts of transition to the new standards on Council's balance sheet for the year ending 30 June 2019.

	As reported 30 June 2019 \$'000	Adjustments \$'000	Post adoption \$'000
Assets			
Right of use assets	-	11,501	11,501
Grants receivable	-	-	-
	-	11,501	11,501
Liabilities			
Unearned income – operating grants	-	(3,362)	(3,362)
Unearned income – capital grants	-	(1,138)	(1,138)
Unearned income – user fees	-	(972)	(972)
Lease liability – current	-	(1,278)	(1,278)
Lease liability – non-current	-	(10,223)	(10,223)
	-	(16,973)	(16,973)

APPENDICES

Appendix 1 – HR tables

TABLE 1 – CITY OF KINGSTON PEOPLE PROFILE

Employment Type/Gender	Central / Executive Services FTE	Planning & Development FTE	City Assets & Environment FTE	Community Sustainability FTE	Corporate Services FTE	Total FTE
Permanent full time – female	3.80	35.72	24.36	134.66	43.44	241.98
Permanent full time – male	6.00	31.00	88.00	47.94	28.00	200.94
Permanent part time – female	0.67	22.06	19.45	165.34	17.84	225.36
Permanent part time – male	0.00	11.85	3.12	9.77	3.09	27.83
Casual Council staff – female	0.00	11.25	8.89	10.87	7.65	38.66
Casual Council staff – male	0.00	5.34	10.62	1.60	5.03	22.59
Total FTE	10.47	117.22	154.44	370.18	105.05	757.36

TABLE 2 – CITY OF KINGSTON EMPLOYMENT CLASSIFICATIONS

Employment Classification	Female FTE	Male FTE	Total FTE
Band 1	10.85	10.70	21.55
Band 2	70.60	13.81	84.41
Band 3	48.53	42.69	91.22
Band 4	118.28	28.05	146.33
Band 5	86.10	41.19	127.29
Band 6	95.97	54.03	150.00
Band 7	35.10	33.80	68.90
Band 8	12.61	8.00	20.61
All other (Senior Officers/SEO; band not applicable: MCH & leisure centre sessional staff)	27.96	19.09	47.05
Total FTE	506.00	251.36	757.36

APPENDICES (CONTINUED)


Appendix 2 – OH&S Performance

- ▶ Number of Workcover claims accepted – 10
- ▶ Number of notifiable incidents (employee) – 8
- ▶ Number of notifiable incidents (non-employee) – 11
- ▶ There was an average of 3.58 Lost Time Injuries (LTIs) per month in 2019/20.
- ▶ Medically Treated Injuries had an average of 2.58 workers per month.
- ▶ First Aid Injuries increased by 2.42 in 2019/20 to an average of 6.17 workers receiving first aid treatment per month, compared to 3.75 in 2018/19.

While the goal is zero for each category, these numbers are at an acceptable level for the types of activities being undertaken within Kingston.



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14 December 2020

Agenda Item No: 11.4

COMMERCIAL USE OF LAND APPLICATION - MORDIALLOC SUMMER CARNIVAL

Contact Officer: Morgan Henley, Festivals and Events Coordinator

Purpose of Report

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

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

1. That Council endorse the proposal for the Mordialloc Summer Carnival to be held at Peter Scullin Reserve, Mordialloc from 26 December 2020 - 17 January 2021, subject to the applicant satisfying a range of conditions including; State Government approval for a Public Event, COVID safety measures, event management measures, obtaining a Place of Public Entertainment permit and agreement to a commercial use of land fee.
2. That Council approve the:
 - a) reduced Commercial Use of Land Fee to be charged; and
 - b) the applicant accessing Council infrastructure for the provision of electricity.

1. Executive Summary

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

The Mordialloc Carnival has been successfully delivered at Peter Scullin Reserve for the past five years. The operators throughout this period, Smart Amusements, have again applied to operate the Carnival for three weeks commencing 26 December 2020 through to 17 January 2021.

Under the State Government Last Step Restrictions announced on 22 November, Temporary Amusement Parks are now an allowed activity with capacity and group limits applicable along with a density quotient. In addition, under the COVID-19 Public Events Framework released by the State Government on 24 November, the proposed event is classified Tier 2 and requires State Government approval to proceed.

The application has been canvassed with internal stakeholders for their assessment. The consensus among officers is to support the application with any minor concerns raised being mitigated by the inclusion of special licence conditions, should the proposal be endorsed by Council.

2. Background

The operators of the Mordialloc Carnival, have been delivering an annual Summer Carnival at Peter Scullin Reserve, Mordialloc for the past five years. Initially this arrangement was made through individual Commercial Use of Council Land applications, before the introduction of an Expression of Interest process for three years commencing Summer 17/18. The 2019/20 Carnival was the final event under this three-year arrangement.

At the conclusion of the contract term, the operators expressed interest in continuing the Carnival and were advised of Council's intention to facilitate a new Expression of Interest process commencing this Summer. However, the introduction of COVID-19 restrictions and uncertainty of directions on events meant the Expression of Interest process could not be entered into in 2020.

If the proposal is approved by Council, the operators will be issued a licence agreement for the 2020/21 event only. This agreement will include standard conditions along with specialised requirements set but the relevant internal departments including Parks, Property Services and Events.

The Carnival would also subject to a Place of Public Entertainment Permit issued by the City Development department. This represents a new requirement for the operators at this location, resulting from amendments to their operations to meet COVIDSafe requirements, predominantly the introduction of a fence surrounding the Carnival area.

An Expression of Interest process will then be undertaken for future years when reasonably practicable with consideration to State Government restrictions and directions for public events.

3. Discussion

3.1 Council Plan Alignment

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

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

This proposed event represents an opportunity for the Council to directly achieve Action 3.4.1.1 To support community run events in Kingston to promote community connection.

The facilitation of events is considered a key component to support community recovery and reconnection following lockdown restrictions.

3.2 Consultation/Internal Review

High level internal consultation has been undertaken with all relevant Council departments. The success of the Carnival at the location in the past, provided confidence among reviewing officers to support the proposal.

3.3 Operation and Strategic Issues

3.3.1 The Proposal

Mordialloc Summer Carnival - Peter Scullin Reserve

26 December 2020 - 17 January 2021 (three weeks)

These dates have been selected to coincide with the Summer School Holidays while also allowing for the four-week lead time required to obtain approval from the State Government.

The coordinators propose the Carnival layout similar to 2019/20:

- eight amusement rides
- amusement games and showbags
- a limited selection of food.

Unlike previous years, the operators do not propose including a New Year's Eve fireworks display as part of the activity.

The operators have prepared the site map attached in Appendix 1, to demonstrate the area of Peter Scullin Reserve to be occupied by the Carnival and the positioning of rides to effectively manage COVID-Safe directions for distancing and density.

The map also illustrates the inclusion of a fence around the perimeter of the area to assist with crowd management. Historically, the Carnival area has not been fenced in full to enable other Reserve users to walk through the Carnival area. However, to meet COVID requirements the operators must fence the area to effectively limit capacity and abide by density quotients.

Initially the operators proposed increasing the area occupied by the Carnival to support the implementation of distancing and capacity measures. However, after taking on board officer concerns that the proposed area represented too great a proportion of the Reserve occupied by one activity to balance with public access to open space, the operators have reduced the area to that demonstrated on the map. The amended area is in keeping with the size and area occupied by the Carnival in previous years. The operators have also advised the area proposed represents the minimum area, they can occupy to effectively facilitate the Carnival in accordance with COVID-Safe directions.

The operating times proposed by the coordinators are:

- Bump-in and bump out:
 - 21 – 24 December 2020, 8am – 8pm
 - 18 – 20 January 2021, 8am – 8pm
- Event trading times:
 - Sunday – Thursday, 1pm – 9.30pm
 - Friday and Saturday, 1pm – 10pm

To ensure the Carnival operates in accordance with COVID-Safe requirements, the operators propose facilitating three separate timed sessions per day for up to 300 attendees per session. The session times proposed are:

- 1pm – 3.30pm
- 4pm – 6.30pm
- 7pm – 9.30pm

To facilitate an event of this size, four days of construction would be required prior to the event commencing; 21 – 24 December. At the end of the event an additional three days would be required to dismantle the site; 18 – 20 January.

3.3.2 Internal approval process

Applications to use Council owned or managed land are subject to a review process managed by the Events Team. This process works to ensure the safety of event patrons and appropriate use of the space.

The Events Team has confirmed the operator's understanding of the State Government directions for the activity and requirements under the COVID-Safe Public Events Framework. In accordance with these directions, the operator has prepared a COVID-Safe Event Plan and submitted the Plan to the Victorian Government for approval.

The proposal and requirements have also been discussed with various internal department for their feedback – as detailed below.

Parks

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

Property Services

Due to the commercial nature of the application, it is proposed a Commercial Use of Land Fee will be applied to the Carnival. The current fee for a Primary Site such as Peter Scullin Reserve is \$1030 per event day + \$515 per bump in / bump out day + \$266.50 licence preparation fee.

In support of the operators as a local business and understanding that the activity represents an opportunity for community recovery and reconnection following lockdown restrictions, it is recommended that the Commercial Use of Land Fee will be charged at the reduced Secondary Site rates of \$565 per event day + \$282.50 per bump in / bump out day + \$266.50 licence preparation fee.

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

City Development

Due to the addition of a perimeter fence, the Carnival will also require a Place of Public Entertainment (POPE) permit for the first time at this location – as is a requirement under section 49 of the *Building Act 1993*. This permit will determine specific site requirements including the number of facilities e.g. emergency exits, toilets and drinking water.

The POPE process will commence if the proposal is endorsed by Council. The applicant has advised they are aware of this process and have obtained POPE permits in various other locations.

3.3.3 Other occupation of Peter Scullin Reserve

Throughout the review of the application officers have been aware of and given consideration to the SunnyBoy Beach Club occupying a portion of Peter Scullin Reserve for an Outdoor Dining Area. At the Council Meeting on 25 November, Council endorsed the SunnyBoy Beach Club occupancy through to 30 June 2021, subsequently covering the period of the Carnival proposal. The map attached in Appendix 2 shows the area of Peter Scullin Reserve to be occupied, if the proposal is approved.

Officer comments and discussions with the applicant have been guided by a desire to balance community access to open space while also supporting the recovery of local businesses following the lockdown restrictions.

3.3.4 Access to onsite electrical supply

The applicant is aware of Council infrastructure in the area of proposed occupation, providing potential access to electricity. In an effort to reduce the negative environmental impact of using diesel generators for the provision of power, the applicant has requested access to Council's power, to operate a portion of the Carnival infrastructure. The remaining portion of infrastructure will be powered with the use of generators. If approved, this use of Council's power will be subject to relevant licence conditions.

3.4 Options

3.4.1 Option 1 – Endorse

Council can support the proposal for full duration of the application.

Officers would then proceed with the lease process and Place of Public Entertainment Permits.

3.4.2 Option 2 – Reject

Council can reject the proposal – or modify at their discretion.

4. Conclusion

Council Officers are seeking approval from Councillors to issue a licence agreement for the Mordialloc Summer Carnival to take place at Peter Scullin Reserve, Mordialloc from 26 December 2020 - 17 January 2021. This agreement would be granted on condition of the applicant obtaining both State Government approval to facilitate a Public Event and a Place of Public Entertainment permit.

In addition, Officers are seeking the direction of Councillors on the Commercial Use of Land Fee to be charged for the occupation and the applicants request to accessing Council infrastructure for the provision of electricity.

4.1 Environmental Implications

Not applicable

4.2 Social Implications

Officer comments and discussions with the applicant have been guided by a desire to balance community access to open space while also supporting the recovery of local businesses following the lockdown restrictions.

4.3 Resource Implications

Not applicable

4.4 Legal / Risk Implications

Not applicable

Appendices

Appendix 1 - Map of Commercial Occupation at Peter Scullin Reserve (Ref 20/278356)



Appendix 2 - Event Notification Form - Commercial - Mordialloc Christmas Summer
Carnival - Peter Scullin Reserve - Site Map V3 (Ref 20/279291)



Author/s:	Morgan Henley, Festivals and Events Coordinator
Reviewed and Approved By:	Megan O'Halloran, Manager Communications and Community Relations
	Paul Franklin, General Manager Corporate Services

11.4

COMMERCIAL USE OF LAND APPLICATION - MORDIALLOC SUMMER CARNIVAL

- 1 Map of Commercial Occupation at Peter Scullin Reserve 755**
- 2 Event Notification Form - Commercial - Mordialloc Christmas
Summer Carnival - Peter Scullin Reserve - Site Map V3 757**





Rides

- 1 – Sound wave
- 2 – Dodgems
- 3 – Slide
- 4 – Bungee Tramps
- 5 – Expo Wheel
- 6 – Dumbo Elephants
- 7 – Fun Factory
- 8 – Kids Carousel

- Games/ Showbags

- Fun Food (fairy floss, drinks, sno cones)

- Physical distancing queue areas

- Emergency assembly points

- Emergency Exits

14 December 2020

Agenda Item No: 11.5

AUSTRALIA DAY AWARD NOMINATIONS 2021

Contact Officer: Morgan Henley, Festivals and Events Coordinator

Purpose of Report

The purpose of this report is to provide details of nominations received for the 2021 Australia Day Awards, for the Councillors consideration and selection of a recipient in each category.

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:

1. Council determine this matter in the part of the meeting closed to members of the public due to the discussion involving personal information of the applicants.
2. The Mayor advise the recipients ahead of Australia Day on 26 January 2021

1. Executive Summary

Traditionally, Kingston's Australia Day celebrations provide Council with an opportunity to acknowledge the volunteer efforts of community members across the municipality. Following the presentation to Councillors at the Information Session on Monday 21 November, officers are working towards determining what Kingston's Australia Day 2021 Celebrations will look like in the COVID-19 environment.

Irrespective of the format of celebrations, the Australia Day Awards will continue to be presented in two categories at the discretion of Council. The two categories are Citizen of the Year and Community Group of the Year. Council may also exercise the option to present an Outstanding Citizen Award to a runner-up nominee for Citizen of the Year.

A public call for nominations was made until 9 November, and a total of 11 nominations were received in the two categories (6 citizens and 5 groups).

2. Background

Australia Day Awards are presented annually at a local, state and national level. To be eligible for Kingston's Australia Day Awards, nominees must be Australian Citizens who either lives, works or studies in the City of Kingston.

Nominees should have made a noteworthy contribution during the current year and/or given outstanding service to the local community over a number of years.

Individuals cannot self-nominate and can only be nominated in one category for the same contribution. Community groups must be not-for-profit organisations operating within the City of Kingston and must consist of four members or more. Previous award winners are ineligible to win an award in the same category again.

The nominees for Citizen of the Year are:

- Yvonne Hong
- Milenka Kupresak
- Daniel Maitland
- Phillip Spathopoulos
- Joey Santos
- Robert Wilson

The nominees for Community Group of the Year are:

- Bayside Community Information & Support Service
- Legends of the Skies
- Pantry 5000
- Pets of the Homeless
- Unified Filipino Elderly Association

In selecting the recipients of the Kingston Australia Day Awards, nominees are to be assessed with regard to:

- Significant impact of contributions made within the Kingston community
- Demonstrated level of commitment to the betterment of the Kingston community
- Degree of difficulty in achievement and sacrifices made
- Nature or length of activity or service
- Future goals and likely impact on the Kingston community;
- Previous awards and recognitions received
- Demonstrated excellence in their field
- Personal attributes of the nominees such as being an inspirational/positive role model for their peers, demonstrating vision, leadership, innovation and creativity
- Personal, academic and professional achievements
- Individuals must demonstrate that his or her contributions were in the course of employment, voluntary or both within the City of Kingston
- Groups must demonstrate that their group meets a community need or priority

This year, for the first-time nominators were required to provide the details of two independent referees to support the nomination. Nominees were contacted to verify the details on the nomination and add additional comments. While multiple attempts were made, not all referees could be reached for comment.

Please see the confidential Appendix One for a Summary of the Australia Day 2021 Awards Nominations and referee comments.

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

The recognition of both award recipients and award nominees promotes community cohesiveness and connectedness while also instilling a sense of civic pride in the community.

3.2 Publicity and Communications

The promotion of the Australia Day Awards program was heavily impacted by Stage 4 restrictions and subsequent community facility closures during the nomination period. To overcome these difficulties, new methods of advertising including billboards and signage in local parks we utilised for the first time.

Traditional channels of communication were also engaged including a media release, KYC, Council's website, social media, e-newsletters to local sporting clubs, the My Community Life database, local politicians and Council candidates, previous Australia Day event invitees and key community representatives.

Hard copy nomination forms were also distributed in the Kingston Seniors Festival program.

4. Conclusion

The confidential attachment to this report outlines the 12 nominations received for the Australia Day 2021 Awards for review. Council is required to consider all nominations in accordance with the selection criteria; and is only required to present Awards in the categories where it deems the nomination worthy.

Council is not obligated to present an award in either category.

4.1 Environmental Implications

NA

4.2 Social Implications

The Australia Day Awards recognise the contributions made to improving the quality of life in the municipality by individuals and groups.

With the COVID-19 environment heavily impacting capacity of and demand for community service throughout 2020, the Australia Day 2021 Awards are an important aid to encourages the nominees to continue their good work and inspire and motivate other members of the community to do the same and support community recovery.

4.3 Resource Implications

The costs associated with the Australia Day Awards are delivered within existing resources.

4.4 Legal / Risk Implications

NA

Appendices

Appendix 1 - Australia Day Awards 2021 - Summary of Nominations and Referee checks (Ref 20/263391) - Confidential

Appendix 2 - Australia Day 2021 - Citizen of the Year Nomination (supporting documentation) - Phillip Spathopoulos (Ref 20/263398) - Confidential

Appendix 3 - Australia Day 2021 - Community Group of the Year Nomination (supporting documentation) - Unified Filipino Elderly Association (Ref 20/263399) - Confidential

Author/s: Morgan Henley, Festivals and Events Coordinator

Reviewed and Approved By: Megan O'Halloran, Manager Communications and Community Relations

Paul Franklin, General Manager Corporate Services

14 December 2020

Agenda Item No: 11.6

MEDIA AND EXTERNAL COMMUNICATIONS POLICY REVIEW

Contact Officer: Megan O'Halloran, Manager Communications and Community Relations
Tracey Cheeseman, Program Leader Strategic Communications and Engagement

Purpose of Report

The purpose of this report to present the revised Media & External Communications Policy for the consideration of Council.

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 adopt the revised Media and External Communications Policy.

1. Executive Summary

The Media and External Communications Policy has a significant impact on the day to day workings of the organisation's media function and provides clarity on how both Officers and Councillors interact with the media.

This Policy has not been reviewed, in its entirety, since 2014. The revised policy (see Attachment one) contains much of the same content as the 2014 version and seeks to continue Kingston's approach to dealing with the media.

Minor changes have been made to the policy wording to clarify Council spokespersons and media protocols. In addition, several new sections have been added on areas including branding and logo use.

The Kingston Your City (KYC) protocols that form part of this policy were recently reviewed and re-endorsed by Council - and as such no changes have been made to them in this revised policy.

2. Background

The Media and External Communications Policy has a significant impact on the day to day workings of the organisation's media function and provides clarity on how both Officers and Councillors interact with the media.

The last time this policy was reviewed was during 2013 and 2014. Earlier this year the KYC protocols in the policy were re-considered and re-endorsed by Councillors.

3. Discussion

3.1 Council Plan Alignment

Goal 5 - Our well-governed and responsive organisation

Direction 5.1 - Support decision making to provide an efficient and effective council which embodies the principles of democracy

The Media and External Communications Policy provides guidance for the appropriate use of communications tools, including verbal, printed, electronic and online to enhance and protect the good reputation of Council, and facilitate its effective voice within, and on behalf of, the community.

3.2 Consultation/Internal Review

Internal review has been undertaken by the Communications and Community Relations Department (CCR) and CLG.

3.3 Operation and Strategic Issues

3.3.1 Policy overview

The purpose of this policy is to provide understanding and guidance for the appropriate use of communications tools to enhance and protect the good reputation of Council, and facilitate its effective voice within, and on behalf of, the community.

Importantly, the policy guides Council Officers and Councillors on a range of protocols including:

- Media and spokesperson
- Media relations
- Publications, including KYC
- Speeches at events
- Advertising and branding
- Website and social media channels, including individual councillor website and social media protocols

3.3.2 Minor revisions

Minor changes to the existing policy include:

- updates to team names and definitions
- grammatical changes
- the addition of some of Council's new social channels and the internal process to establish new websites or social media channels (section 9.6.3 and 9.6.4).
- the removal of Councillor letterhead.

No changes have been made to the following sections of the policy:

- Purpose
- Scope
- Publications including KYC and newsletters
- Speeches at events
- Individual Councillor websites and social media
- Radio Hour
- Attachment 1 – KYC Protocols

3.3.3 Key revisions

All changes in the policy are highlighted in yellow. Key revisions to the policy include:

- Section 8.1 Spokespeople: a new table to clearly define roles and responsibilities of spokespersons is now included. Please note this policy allows for the Manager, Communications and Community Relations to Act as spokesperson on minor operational matters – in the interest of expediency.

This section also now incorporates part of the media protocol, previously contained in attachment one, that Councillors can speak to the media in their capacity as individual Councillors but that they advise the CCR department when this occurs.

- Section 9.1 Media Relations: this section now clarifies that all media enquiries need to come through the CCR department.

This section also clarifies that media comments/releases must receive final approval by the nominated spokesperson.

Section 9.1 also includes much of the content previously included in the media protocol attachment, including that Councillors can participate in official media relations activities and any factual inaccuracies will be rectified by the CEO.

- Sections 9.5 and 9.6: these sections cover branding, logo use, signage and e-mail signature banners are new additions to the policy.
- Attachment one Media Protocols: this attachment has been incorporated into section 8.1 and 9.1 except for the below:

Councillors can participate in official media relations activities including by attending the weekly media briefing with the Mayor and CEO (prior notification is requested to enable extra copies of media releases to be available).

This sentence has been removed because the weekly media briefings no longer occur. The media contact the Mayor and Council any day of the week for comment and there is no set time for media briefings – this change has been driven by journalists.

4. Conclusion

This report presents a revised Media and External Communications Policy for Council's consideration, with only minor changes to clarify current protocols.

4.1 Environmental Implications

NA

4.2 Social Implications


NA

4.3 Resource Implications

NA

4.4 Legal / Risk Implications
NA

Appendices

Appendix 1 - Media and Communications Policy update 2020 (Ref 20/278694)  [Download](#)

Author/s: Megan O'Halloran, Manager Communications and Community Relations
Tracey Cheeseman, Program Leader Strategic Communications and Engagement

Reviewed and Approved By: Paul Franklin, General Manager Corporate Services

11.6

MEDIA AND EXTERNAL COMMUNICATIONS POLICY REVIEW

1	Media and Communications Policy update 2020.....	769
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Media and External Communications Policy

Approval	TBC 2020
Revision	Version 3
Review	At the commencement of every new Council term
Responsible Executive	General Manager, Corporate Service
Contact officer	Manager, Communications and Community Relations
Delegated Authority	Not applicable
Exemption	Not applicable
TRIM Ref:	20/117198

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1. Purpose

The *purpose* of this policy is to provide understanding and guidance for the appropriate use of communications tools, including verbal, printed, electronic and online, to enhance and protect the good reputation of Council, and facilitate its effective voice within, and on behalf of, the community.

The *intent* of this policy is that all official Council communication will be a positive reflection of Council's commitment to informing the community in a manner that is clear, concise, accurate, non-political and consistent with Council decisions and policies.

2. Scope

This policy applies to Councillors, all Kingston employees, Contractors and Volunteers and relates to verbal, printed, electronic and online communications. It is aligned with the Councillor Code of Conduct, Employee Code of Conduct and Employee Social Media Policy.

During a Council election it should be read in conjunction with the Kingston City Council Caretaker Policy.

3. Responsible Officer

Chief Executive Officer

4. Contact Officer

Manager, Communications and Community Relations

5. Related Documents

- Councillor Code of Conduct
- Local Government Act 1989
- Councillor Support & Reimbursement of Expenses Policy
- Information Privacy Act 2000
- Public Records Act 1973
- Employee Code of Conduct
- Employee Social Media Policy
- Aboriginal Policy
- Multicultural Action Plan
- Kingston Caretaker Policy

6. Delegation Authority

Nil

7. Policy Statement

Kingston City Council will use a variety of communication channels to inform, educate, engage and consult with the community on Council decisions, initiatives, policies, programs, activities and events.

Communication should reinforce the reputation and values of Council and its organisation, and be accurate, timely, impartial and consistent with legislation and policies. All communications will be produced and distributed in an accessible manner. Council will maximise the use of electronic and online communication to reduce printed

material where practicable and appropriate.

8. Spokespersons

In all communications, the Mayor and/or Chief Executive Officer (or their delegates) are Council's official spokespersons on behalf of Kingston City Council and its organisation.

The Mayor is the official spokesperson on decisions of the Council. If the Mayor is unavailable, the Deputy Mayor/s or relevant Councillor may act as Council's official spokesperson.

While it is recognised that Councillors can speak to the media in their capacity as individual Councillors, it is also recommended that they advise the Communications Department of any media interactions so that a Council-wide perspective can be obtained, and the Mayor may be informed.

Individual Councillors wishing to initiate their own communication, through any channel, must make it clear that they are expressing their 'individual' view and not the 'official' view of Council. Councillors are responsible for ensuring that information they are commenting on or providing is accurate and consistent with legislation and policies.

The roles and responsibilities for each spokesperson are outlined in the following table:

Authorised Officer	Roles and Responsibilities
Mayor	Official spokesperson on all policy matters and decisions of the Council.
Deputy Mayor	Acts as the Mayor's delegated spokesperson if the Mayor is not available.
Councillors	Able to speak to the media in their capacity as individual Councillors.
CEO	Official spokesperson on high-level operational matters.
General Managers	Official spokesperson as delegated by the CEO.
Managers	Delegated spokesperson on day-to-day operational or technical enquiries.
Manager Communications and Community Relations	Able to delegate enquiries to employees outside of these roles where necessary and if required act as spokesperson on minor operational matters.

Authorised Officer	Roles and Responsibilities
Communications and Community Relations Department	Responsible for coordinating responses and providing information to the media on behalf of Council.
Staff	<p>No media role unless requested to provide information or comment in the formulation of a media enquiry.</p> <p>From time to time staff may be chosen by the Communications Department to feature in communications material as the subject matter expert.</p>

8.1. Promoting Council business

The Communications and Community Relations Department (CCR Department) is responsible for developing, approving and implementing Council's media and external communications strategies with the relevant Senior Officer authorisation.

Council media and external communication strategies and resources will be used only to promote and disseminate the decisions, intentions, activities and actions of Council, and will not be used to promote individual Councillor or Officer views or agendas that are inconsistent with or contrary to those of Council.

State or Federal politicians will only be represented through Council's media and external communication strategies where necessary to reasonably inform the community of important news.

8.2. Councillors as candidates

Council's Media and External communications are not to be used for political advantage by Councillors who candidates in a Local, State or Federal Government election are.

9. Procedures

9.1. Media Relations

The CCR Department handles all media enquiries. Council staff are not permitted to be interviewed or provide a response to the media and must direct any enquiries to the CCR Department.

Council will maintain good working relationships with all media organisations including metropolitan and local print, radio, television and digital media. It will achieve this by providing clear, consistent and reliable information to the media in a timely manner;

- issuing regular media releases and holding media briefings with the Mayor and CEO;
- responding promptly to media questions and meeting mutually agreed deadlines;
- initiating, developing and implementing positive media strategies that inform

the community about Council activities and services and enhance the reputation and image of the City of Kingston.

Councillors can participate in official media relations activities by suggesting ideas for stories and/or photo opportunities about Council achievements, innovations, programs, services or events to the CCR department.

All media responses will be prepared by the CCR department in collaboration with the relevant Officers and approved by the relevant spokesperson e.g. General Manager, CEO and/or Mayor.

Responses are to be in the best interest of the Council organisation and not for the personal advantage of any Individual Councillor, or Officer.

No part of an official Council media release/response can be altered or removed without the permission of the spokesperson who approved the release/response.

If there are factual inaccuracies the CEO, in consultation with the relevant Officer/Councillor will rectify the inaccuracy.

Regular summaries of media coverage will be provided to Councillors and staff, including transcripts and videos as required

9.2. Publications

All publications and promotional material (print and online) regarding Council initiatives, policies, programs, facilities, activities and events should adhere with Council's branding guidelines.

All publications and promotional material should be accurate, informative and written, produced and distributed in an accessible manner.

All major documents, fact sheets and brochures should, at a minimum, include information about where people can access further information in a language other than English and how people can access a large print version. The content should be reflective of Kingston's diverse and inclusive community.

All official Council endorsed strategy documents, policies and strategic planning documents must include an introductory message from the Mayor. This message should be checked by the CCR Department and approved by the CEO and Mayor.

9.2.1. Kingston Your City

Kingston City Council will produce and distribute a regular newsletter, currently *Kingston Your City* (KYC), to provide proactive and direct information to the community about Council decisions, policies, initiatives, activities, services and events.

KYC will also provide some space for community news items initiated by Kingston- based groups. With the exception of community news, KYC will be used to promote only the business of Council, including the following features:

- Council news, information and consultations;
- Councillor ward columns; and
- Calendar of events.

KYC is an independent publication of the organisation and will seek to provide equal representation to all Councillors through photographs and articles. It will not be used for political purposes, to promote individual agendas, or criticise Councillors, Council decisions, community members, members of the Government or opposition, or Council Officers.

The CEO, as Editor in Chief, is ultimately responsible for KYC. At all times a conservative approach will be taken to ensure the independence of KYC is preserved.

9.2.2. Newsletters and e-newsletters

Distribution of newsletters, either electronic or hard copy, should comply with Council's Privacy Policy, particularly:

- The contact details provided remain confidential at all times;
- The newsletter and database are not used to promote anything outside the original purpose to which recipients agreed, unless they consent; and
- Recipients are provided with a mechanism to opt out at any time.

Consideration should be given to the appropriate frequency of newsletters and e-newsletters.

9.3. Speeches at Events

The Mayor and/or Chief Executive Officer (or their delegates) are the official spokespersons for Council at events. Council resources will support the preparation of speeches for the official spokesperson/s only.

Speeches will include the Statement of Acknowledgment in accordance with Council's Aboriginal Policy.

All speeches must be approved by the CCR Department.

9.4. Advertising

All advertisements should adhere with Council's branding guidelines. Where the purpose or activity of an advertisement focuses on a particular part of the municipality and correlates with the circulation of a particular newspaper, the advertisement should be placed in that respective newspaper.

All print and social media advertisements must be approved by the CCR Department except for:

- Public notices
- Tenders
- Recruitment advertising

Any broadcast advertisements, radio or television, must be approved by the CCR Department.

9.5. Email Signature Banners

Email signature banners may be used to promote Council initiatives, events and/or advocacy priorities.

The use of email signature banners is at the discretion of the CCR Department and will be determined in line with the associated guidelines. All banners must be professionally designed in accordance with the City of Kingston Branding Guidelines.

9.6. Branding Requirements

The CCR Department is the custodian of the City of Kingston brand and all representations of the brand must be approved by the CCR Department prior to being distributed.

Third parties wishing to use the City of Kingston branding in any form of promotional or advertising material must seek the relevant approvals from the CCR Department prior to printing.

9.6.1. Logo Usage

City of Kingston logos are to appear on all Council communications including correspondence, publications, forms, advertisements, displays, signage, employee uniforms, fleet vehicles and other plant, electronic communications and any other relevant communication medium.

Where appropriate and in-line with contractual obligations, Council contractors are to display the City of Kingston logo on their vehicles/plant/publications, with the approval of the CCR Department.

All City of Kingston logos are to be used in line with the respective Branding Guidelines. Approval must be sought by the CCR Department prior to using a logo. Failure to use a Council logo without permission is in breach of Council's copyright and intellectual property.

Council's logos include (but are not limited to):

- City of Kingston
- Kingston Active
- Kingston Libraries
- Kingston Arts

9.6.2. Signage

All City of Kingston signs (including digital signs) are to adhere to the standards outlined in the respective Branding Guidelines and must be approved by the CCR Department.

9.7. Letters

Kingston City Council letterhead should only be used for the official business of Council and not to promote individual Councillor or Officer views or agendas that are inconsistent with or contrary to those of Council.

9.8. Websites and Social Media

Council's websites are a key communication tool. Whilst hosting a range of content specific to the services, events and programs offered by the City of Kingston, they also provide an avenue to distribute information to the community.

Council will maintain and periodically upgrade its websites to ensure compliance with accessibility standards, and to ensure the website offers a user-friendly experience.

Council's online communication will seek to utilise dynamic content, in multiple formats (video, audio, pictorial) to enhance the accessibility of information and improve the understanding of important and complex information in the community.

9.8.1 Council's corporate website

Council's corporate website, required under the Local Government Act, is www.kingston.vic.gov.au. Council may also maintain additional websites that focus on particular community information need, such as Kingston Active or Kingston Arts.

All content for Council's corporate website must be approved by the CCR Department, through a work-flow process prior to it being published online.

The development of sub-sites, including social media accounts, pages or groups must be approved by the Manager CCR, in accordance with the Social Media Policy.

Councillors will each have a profile on Council's corporate website that features their contact information, a photograph, Council committee memberships and a short biography.

9.8.2 Council's corporate social media

Council will maintain a corporate social media presence, currently but not limited to:

- Facebook – facebook.com/CityofKingston
- Instagram - Instagram.com/kingstoncouncil
- Twitter – twitter.com/kingstoncc
- YouTube – youtube.com/kingstoncitycouncil.

Council may also maintain additional social media platforms that focus on particular community information need, such as Economic Development, Maternal and Child Health, Kingston Active and Kingston Arts.

All Council social media channels should be used in accordance with Council's Employee Social Media Policy.

9.8.3 Individual Councillor websites and social media

Councillors are encouraged to utilise online channels and social media to engage with the community. To provide clarity for the public between 'individual' views and the 'official' view of Council, the following disclaimer should be displayed on any channel where a Councillor represents

themselves as a Councillor:

“These are my individual comments and opinions” (or similar).

Individual Councillors can have online and social media channels included in their Councillor contact details (on Council’s corporate website, Kingston Your City and individual Councillor stationery) if these channels are used only in their role as a Councillor and not for private or business purposes. On that basis Council’s logo may be used with the above disclaimer displayed prominently.

Use of online and social media channels in the role of a Councillor should be consistent with the Code of Conduct and other relevant legislation and Council Policy. Development, hosting, maintenance and monitoring is the responsibility of the individual Councillor; however, Officers can provide guidance and advice.

9.9. Radio Hour

Council will host a regular radio segment on community radio station 88.3 Southern FM. The segment will be used to inform the community about Council decisions, policies, initiatives, activities, services and events and will be coordinated by the CCR Department.

10. Transition/Translation arrangements

The Policy will commence from **TBC**.

11. Review

The Policy will be reviewed within the first 12 months of each new term of Council or earlier as required.

12. Attachments

Attachment 1 – Kingston Your City Protocols

13. Definitions

Caretaker period: (defined in the Local Government Act 1989 as ‘Election Period’): the period that:

- a. starts on the last day on which nominations for that election can be received; and
- b. ends at 6pm on election day.

Council: means Kingston City Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989.

Councillor: individuals holding the office of a member of Kingston City Council

Council Officer: means the Chief Executive Officer and employees of Council appointed by the Chief Executive Officer.

Electronic communication – Any communication channel that is transmitted electronically, for example emails and e-newsletters

Hashtag: A hashtag is a tag used on social networks such as Twitter, as a way to

annotate a message. A hashtag is a word or phrase preceded by a #. Example: #yourhashtag.

Online communication – Any communication channel that uses the internet, for example social media and websites.

Posts: Words, videos, pictures and/or audio items on a website, forum or social networking site – e.g. posting content on Facebook.

Social Media: tools and platforms people use to publish, converse and share content online, includes; blogs, wikis, podcasts, and sites e.g. Facebook, Twitter, Instagram...

Attachment 1 – Kingston Your City Protocols

This document seeks to provide guidance to Councillors and Officers as to the application of the Media and External Communications Policy 2013 and should be read in conjunction with the Policy.

1. Protocols

The CEO, as Editor in Chief, has delegated management of Kingston Your City (KYC) to the Manager Communications and Public Affairs; however, if a dispute arises about the application of this Policy the final decision rests with the CEO.

1.1. Content

Content for KYC will be selected and prioritised on the following basis:

- Critical information needs of the community (i.e. legislative requirements, health and safety matters, major works affecting the community, changes to services, important time-specific information);
- Explanation of major advocacy campaigns, significant community issues and Council decisions;
- Information about Council policies, strategies, services, facilities and consultations;
- Information about Council events, projects and programs (ie leisure, arts and library programs); and
- Community news items (initiated by groups in Kingston).

In satisfying the above, officers will endeavor to achieve a balance of content relating to each ward over multiple editions.

Councillors can suggest story and photo ideas for KYC by contacting the Manager Communications and Public Affairs.

Any individual State or Federal politician should not appear more than once per edition (this includes a photograph and/or written mention) unless deemed necessary by the Editor in Chief to reasonably inform the community of important news, such as:

- Multiple funding announcements of significance;
- Premier, Prime Minister and Ministerial visits;
- Events of Local, State or National significance;
- To achieve equitable representation of Councillors in KYC (ie, where the photo features a Councillor/s and no other photos of them are available); or
- Large group shots (in excess of 15 people).

Officers will endeavor to provide equitable representation of Councillors in KYC across multiple editions. As a general rule, a Councillor will not appear in more than one general photo or article per issue, with the exception of:

- A significant advocacy campaign or community issue in which all Councillors have been invited to attend the photograph;

- A regular feature in KYC in which all Councillors will have an equitable opportunity to be featured over a defined period of time; and/or
- Photos taken at official Council events and launches which Councillors have attended in their role as Councillor.

This will be at the discretion of the Manager Communications and Public Affairs (taking into consideration the balance of photos in any given publication). The exception is the Mayor who can appear in more than one general photo due to the nature of his/her role as Mayor.

1.2. Feedback

Councillors will receive a draft copy of KYC a minimum of four days (which can include the weekend) prior to publication which is to serve as advanced notice of what is to be published.

Councillors can comment on the stories and photos that they appear in, as well as their own draft ward column. All comments on the draft are to be directed to the Manager Communications and Public Affairs prior to the deadline.

Corrections of a factual nature will be rectified. Suggested 'style' changes based on a Councillors' personal preference will be considered on merit; however, will not be changed if inconsistent with Council's official position or the style of the publication.

1.3. Councillor Ward News feature

Each edition of KYC will feature a Councillor Ward News section. Each Councillor is featured with a photograph (headshot), contact details and a story of maximum 250 words.

Councillors are encouraged to write their own columns although assistance can be provided if the Councillor provides guidance on the topics to cover in advance of the ward column deadline. Councillors can choose not to have a column.

The aim of the Ward News columns is to provide Councillors with an opportunity to promote Council activities, events, initiatives, policies, projects, and consultation occurring within their own ward or the City, as well as discuss other community issues or invite feedback on such matters.

All content must be relevant and newsworthy to Council. The columns are not to be used for political purposes or to criticise a Council decision, another Councillor, Council Officers, external parties or the general community. Content must be accurate in that it is factually correct.

Councillor ward columns must be submitted by the ward column deadline in order to be distributed to all Councillors in the draft version of KYC. Any ward column not received by the ward column deadline will not feature in that edition and the space will be filled with 'whats-on' ward-based content. No ward column will be left blank.

A fair and equitable interpretation of these protocols will be applied to all Councillor Ward Column submissions. KYC production deadlines cannot be altered or deferred to wait for any dispute resolution arising from the application of the protocols.

Council Meeting

14 December 2020

Agenda Item No: 11.7

COUNCILLOR APPOINTMENTS TO COMMITTEES AND ORGANISATIONS 2020/21

Contact Officer: Gabby Pattenden, Governance Officer

Purpose of Report

The purpose of this report is to appoint Councillors to the various committees and organisations requiring Councillor representation for 2020/21.

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 make the following appointments to committees and organisations for 2020/21:

Legislative Committees	2020/21 Appointee/s
Planning Committee	Previously resolved at the Council (Statutory) Meeting on 18 November 2020
Audit and Risk Committee	Previously resolved at the Council (Statutory) Meeting on 18 November 2020
Municipal Emergency Planning Committee	Previously resolved at the Council (Statutory) Meeting on 18 November 2020
Internal Committees	2020/21 Appointee/s
CEO Employment Committee	Mayor Cr _____ Cr _____
Advisory Committees	2020/21 Appointee/s
Access and Equity	Cr Davey-Burns Cr Oxley
Arts and Culture	Cr Bearsley Cr Howe Cr Davey-Burns (alternate)
Business and Economic Development	Cr Hua Cr Oxley
Community Safety	Cr Cochrane
Public Spaces and Environment	Cr Saab
Active Kingston	Cr Davies Cr Hill
Youth (12-17 years old)	Cr Eden Cr Oxley
Youth (18-25 years old)	Cr Oxley

	Cr Eden
Consultative Committees	2020/21 Appointee/s
Bay Watch	Cr Bearsley Cr Eden Cr Oxley
Kingston Charitable Fund (KCF) Community Grants Panel	Mayor and Cr Oxley
Kingston Historic Network	Cr Bearsley Cr Staikos (alternate)
Kingston Interfaith Network	Cr Bearsley Cr Saab
LF Payne Hall Usage Committee	Cr Oxley
External Committees/Organisations	2020/21 Appointee/s
Association of Bayside Municipalities	Cr Davey-Burns
Friends of Manatuto Committee	Cr Staikos
Inter Council Aboriginal Consultative Committee	Cr Davey-Burns
Local Government Waste Management Forum	Cr Staikos Cr Oxley (alternate) Cr Saab (alternate)
Metropolitan South Eastern Region MAV Representatives and Mayors	Mayor
Metropolitan Transport Forum	Cr Oxley (alternate) Cr Saab
Moorabbin Airport Consultative Committee	Dr Davies Cr Hua Cr Staikos (alternate)
Municipal Association of Victoria	Previously resolved at the Council (Statutory) Meeting on 18 November 2020
Municipal Association of Victoria Environment Committee	Cr Saab
Municipal Association of Victoria Planning Committee	Cr Hill Cr Oxley
SEM City Deal	Mayor Cr Oxley (alternate) Cr Saab (alternate)
South East Councils Climate Change Alliance (SECCCA)	Cr Hill Cr Saab (alternate)
Victorian Local Governance Association	Mayor

1. Executive Summary

Council annually appoints Councillors to various committees and organisations as representatives. These appointments are important as they provide a consultative link between Council and the committees and organisations.

The committees and organisations comprise:

- Legislative Committees;
- Advisory Committees;

- Consultative committees that include Council officers and/or community representatives; and
- External committees/organisations that require Councillor representation.

2. Current Memberships

The current members of each of the committees, networks and external organisations are detailed in Appendix 1.

3. Discussion

3.1 Council Plan Alignment


Goal 5 - Our well-governed and responsive organisation

Direction 5.1 - Support decision making to provide an efficient and effective council which embodies the principles of democracy

4. Conclusion

All committees will be notified of the Councillors' appointments.

Appendices

Appendix 1 - Appointment of Councillors to Committees and Organisations 2020 (Ref 20/255607)  [Download](#)

Author/s: Gabby Pattenden, Governance Officer

Reviewed and Approved By: Phil DeLosa, Manager Governance
Paul Franklin, General Manager Corporate Services

11.7

COUNCILLOR APPOINTMENTS TO COMMITTEES AND ORGANISATIONS 2020/21

1	Appointment of Councillors to Committees and Organisations 2020	789
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Legislative Committees	2019/20 Appointee/s
Planning Committee	All
Audit Committee	Mayor Cr Gledhill
Municipal Emergency Planning Committee	Cr Gledhill

Advisory Committees	2019/20 Appointee/s
Access and Equity	Cr Barth
Arts and Culture	Cr Bearsley Cr Staikos (alternate)
Business and Economic Development	Cr Hua Cr Gledhill
Community Safety	Cr Brownlees
Public Spaces and Environment	Cr West
Sport and Recreation	Cr Gledhill Cr Brownlees
Youth	Cr Eden Cr Oxley

Consultative Committees	2019/20 Appointee/s
LF Payne Hall Usage Committee	Cr Eden Cr Bearsley Cr Oxley
Kingston Charitable Fund (KCF) Community Grants Panel	Mayor Cr Brownlees
Kingston Interfaith Network	Cr Bearsley
Kingston Historic Network	Cr Gledhill Cr West (alternate)

External Committees/Organisations	2019/20 Appointee/s
Association of Bayside Municipalities	Cr West Cr Gledhill (alternate)
Friends of Manatuto Committee	Cr Gledhill
Inter Council Aboriginal Consultative Committee	Cr West Cr Barth (alternate)
Local Government Waste Management Forum	Cr Staikos Cr Barth (alternate)
Metropolitan South Eastern Region MAV Representatives and Mayors	Mayor
Metropolitan Transport Forum	Cr West Cr Gledhill (alternate)
Moorabbin Airport Consultative Committee	Cr Brownlees Cr West Cr Staikos (alternate) Cr Gledhill (alternate)
Municipal Association of Victoria	Mayor
Municipal Association of Victoria Environment Committee	Cr West
Municipal Association of Victoria Planning Committee	Cr West
SEM City Deal	Cr Staikos
South East Councils Climate Change Alliance (SECCCA)	Cr West
Victorian Local Governance Association	Cr Staikos

14 December 2020

Agenda Item No: 11.8

QUICK RESPONSE GRANTS

Contact Officer: Gabby Pattenden, Governance Officer

Purpose of Report

To seek Council's consideration of Quick Response Grant applications received.

Disclosure of Officer / Contractor Direct or Indirect Interest

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

OFFICER RECOMMENDATION

That Council:

1. Approve the following grant applications:
 - Dingley Tennis Club - \$1500.00
 - Parkdale Cricket Club - \$1500.00
 - Patterson Lakes Combined Probus Club - \$480.00
 - Clarinda Lions Club - \$1200.00
 - Aspendale Stingrays Soccer Club - \$1500.00
 - Mordialloc Motor Yacht Club - \$1500.00
 - Moorabbin Bowling Club Inc - \$1500.00
 - Mordialloc Redbacks Junior Football Club - \$1500.00
2. Not approve the following grant applications:
 - Heatherton Cricket Club

1. Executive Summary

The Quick Response Grants Program gives individuals and community groups the opportunity to apply for small grants required at short notice to help them achieve their goals and ambitions.

This Program responds to the community's need for a form of grant that is flexible and efficient in terms of the time between application and approval and applies to smaller amounts of funding to a maximum of \$1,500.00.

Quick Response Grants are a category under Council's Community Grants Program.

2. Background

In April 2019 Council revised the Quick Response Grants Guidelines. Grant applications are checked for eligibility in line with a set of criteria outlined in the Guidelines. An application must be submitted to Council and considered for approval at an Ordinary Meeting of Council.

Any not-for-profit group, school or community organisation providing services within the City of Kingston may apply.

Individuals must be a resident of the City of Kingston and participating in an activity in an unpaid capacity and not as a requirement of any formal course of study or of their employment. Individuals can apply for a grant to assist them to participate in a sporting, educational, recreational or cultural activity; other pursuit of a personal development nature; which will have a clear benefit to the community.

Community groups can apply for a grant to assist with the provision of a service, program or activity used by or of benefit to Kingston residents.

3. Discussion

3.1 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:

- Are funds needed at short notice or can they wait for the Annual Grants program?
- Does the proposed activity/event/project benefit the City of Kingston residents?
- Has the applicant demonstrated a clear need for funds?
- Has the applicant received any other funding from Council?
- That the organisation is a not-for-profit and has a bank account in the name of organisation.
- Can the project be funded under any other Council grant program?

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4. Applications

Name:	Dingley Tennis Club	
Amount requested:	\$1500.00	
Description of Project/Event:	Dingley Tennis Club - Open Day. In 2021 the DTC will again host a community open day. A fun day for our whole community, members and non members, where we will demonstrate all the activities our club has to offer. Hot Shots, Open court, Cardio tennis being a few. We will also have lots of free activities such as, jumping castles, face painting, coaching and tennis games, door prizes, DJ and a free BBQ. Our open day is always well attended and often by people not participating in any other sporting activities, and by a vast array of people from many nationalities	
How the funds will be used:	<ul style="list-style-type: none"> • Entertainment including, jumping castle, face painting & DJ • Gift bags for those attending • Food for the BBQs • Advertising 	
Assessment Criteria:	<ul style="list-style-type: none"> • The applicant meets the eligibility criteria • Funds are needed at short notice • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant has not received any other funding from Council • The applicant is an individual or not for profit organisation • The project cannot be funded under any other Council Grant program 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ ✓
Grants received in current or last financial year		
Quick Response Grant - \$2000.00 – August 2018		
Officer Comment:		
This application is recommended for approval for an amount of \$1500.00.		

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Name:	Parkdale Cricket Club	
Amount requested:	\$1500.00	
Description of Project/Event:	Frogbox - Automated Sports Video will allow the club to capture live video for matches at Gerry Green Reserve, and broadcast the matches for families, supporters and community to watch online. The benefit to the community will be allowing spectators to engage with community sport without needing to attend the ground, reducing risk of unnecessary contact. With the current coronavirus restrictions, the club sees real benefit in providing an online alternative to attending the ground.	
How the funds will be used:	The funds will be used to purchase the Frogbox system hardware: <ul style="list-style-type: none"> • Great quality Panasonic camcorder • 4.5m mast for elevated capture • Remote pan & tilt head • Automated video encoder with 4G • 7 inch viewer • Rechargeable battery for up to 20hrs capture • Secure carry case, cables, mast bags etc 	
Assessment Criteria:		
• The applicant meets the eligibility criteria		✓
• Funds are needed at short notice		✓
• The activity/event/project benefits the City of Kingston residents		✓
• The applicant has demonstrated a clear need for funds		✓
• The applicant has not received any other funding from Council		✓
• The applicant is an individual or not for profit organisation		✓
• The project cannot be funded under any other Council Grant program		✓
Grants received in current or last financial year		
Nil		
Officer Comment:		
This application is recommended for approval for an amount of \$1500.00.		

Name:	Patterson Lakes Combined Probus Club	
Amount requested:	\$480.00	
Description of Project/Event:	To purchase a portable gazebo to give shade/shelter to Club members whilst having outdoor activities, particularly during Covid restrictions	
How the funds will be used:	To purchase a quality fold-up pergola so members can socialise when appropriate this summer	
Assessment Criteria:		
• The applicant meets the eligibility criteria		✓
• Funds are needed at short notice		✓
• The activity/event/project benefits the City of Kingston residents		✓
• The applicant has demonstrated a clear need for funds		✓
• The applicant has not received any other funding from Council		✓
• The applicant is an individual or not for profit organisation		✓
• The project cannot be funded under any other Council Grant program		✓
Grants received in current or last financial year		
Annual Community Grant - \$1200.00 – August 2019		
Festival Grant - \$400.00 – May 2020		
Officer Comment:		
This application is recommended for approval for an amount of \$480.00.		

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Name:	Clarinda Lions Club	
Amount requested:	\$1200.00	
Description of Project/Event:	Our club provides BBQs to the public at Bunnings, National Tree Day at Karkarook Park, any event held by KCC where a BBQ is required and profits go to the local area, for those in need. Under-cover storage of our trailer BBQ is important .	
How the funds will be used:	Under-cover storage of our BBQ trailer.	
Assessment Criteria:		
• The applicant meets the eligibility criteria		✓
• Funds are needed at short notice		✓
• The activity/event/project benefits the City of Kingston residents		✓
• The applicant has demonstrated a clear need for funds		✓
• The applicant has not received any other funding from Council		✓
• The applicant is an individual or not for profit organisation		✓
• The project cannot be funded under any other Council Grant program		✓
Grants received in current or last financial year		
Annual Community Grant - \$1800.00 – September 2019		
Officer Comment:		
This application is recommended for approval for an amount of \$1200.00.		

Name:	Aspendale Stringrays Soccer Club	
Amount requested:	\$1500.00	
Description of Project/Event:	The project aims to help the mental health of the community across all demographics and increase awareness that Kingston (Mordialloc) is a location that supports each other. The TAKT commitment from business in the attached document will enable frontline workers in Mordialloc's high street to be aware of people in the community needing support. The awareness is aimed to heighten the sense of community and through social media provide sign posts to schemes such as Kingston B-Well as well as more formal support in Beyond Blue etc. The project is being lead by two members of Aspendale Stingrays Soccer club with the support of the Committee	
How the funds will be used:	To produce printed material to promote the campaign through visual branding in cafes, shops and main street locations in Mordialloc. To develop a logo and branding for the awareness by a local designer and then use local printers etc.	
Assessment Criteria: <ul style="list-style-type: none">• The applicant meets the eligibility criteria• Funds are needed at short notice• The activity/event/project benefits the City of Kingston residents• The applicant has demonstrated a clear need for funds• The applicant has not received any other funding from Council• The applicant is an individual or not for profit organisation• The project cannot be funded under any other Council Grant program		<div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div>
Grants received in current or last financial year Nil		
Officer Comment: This application is recommended for approval for an amount of \$1500.00.		

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Name:	Heatherton Cricket Club	
Amount requested:	\$1500.00	
Description of Project/Event:	Implementation of COVID Safe Plan for the upcoming season	
How the funds will be used:	Costs associated with implementing the Club's COVID Safe Plan	
Assessment Criteria:	<ul style="list-style-type: none">• The applicant meets the eligibility criteria• Funds are needed at short notice• The activity/event/project benefits the City of Kingston residents• The applicant has demonstrated a clear need for funds• The applicant has not received any other funding from Council• The applicant is an individual or not for profit organisation• The project cannot be funded under any other Council Grant program	<div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div> <div>✓</div>
Grants received in current or last financial year		
Quick Response Grant – \$1500.00 – September 2020		
Officer Comment:		
This applicant has already received a Quick Response Grant of \$1500.00 in the current financial year. Under the Quick Response Grant guidelines, the maximum amount that can be awarded to one applicant within one financial year is \$1,500.00.		

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Name:	Mordialloc Motor Yacht Club
Amount requested:	\$1500.00
Description of Project/Event:	Mordialloc Motor Yacht Club is in the process of becoming a recognised accredited training establishment run under the auspices of Australian Sailing's Discover Sailing programs. These courses will be available to introduce schools and community groups within the City of Kingston, and beyond, to the rewarding and exciting world of sailing. The sport instils self awareness, team work and self confidence as part of the process of learning to sail. In preparation for the formal start of the Discover Sailing centre the club is engaged in the identification and purchase of two training sailing vessels plus an ancillary support/rescue Rigid Inflatable boat. In addition we will be purchasing lifejackets, showerproof jackets and sailing helmets for the use of course participants, 12 of each initially.
How the funds will be used:	These funds will be used to offset the purchase of lifejackets, showerproof jackets and sailing helmets. All three items are required to meet operational OH&S requirements. Attached is the Australian Sailing Discover Sailing Operating Standards and Guidelines document. Section 10 refers to the equipment that must be available to course participants and the maintenance of such equipment. Lifejackets and weatherproof clothing is specifically covered. The need for on water helmets is seen as a safety feature for the young who are not as spatially aware as adults and may be at risk from hitting their heads when the boom of the boat swings from side to side during normal manoeuvres.
Assessment Criteria:	
• The applicant meets the eligibility criteria	✓
• Funds are needed at short notice	✓
• The activity/event/project benefits the City of Kingston residents	✓
• The applicant has demonstrated a clear need for funds	✓
• The applicant has not received any other funding from Council	✓
• The applicant is an individual or not for profit organisation	✓
• The project cannot be funded under any other Council Grant program	✓
Grants received in current or last financial year	
Annual Community Grant - \$5200.00 – September 2020	
Officer Comment:	
This application is recommended for approval for an amount of \$1500.00.	

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Name:	Moorabbin Bowling Club	
Amount requested:	\$1500.00	
Description of Project/Event:	With the return to lawn bowls, post COVID-19, our guiding body Bowls Victoria has put in place sensible rules and recommendations to keep participants safe. These rules include sanitising equipment, players hands and restricting the touching of each other bowls. We have already invested in sanitising stations and equipment and this has been installed and is in use. Now that we have commenced practice matches, one area of remaining concern is the gathering together of the bowls at the conclusion of each "end". There are 21 "ends" in a match. We would like to provide bowls scoops to be used on each rink, these scoops allow for the fast and safe gathering of bowls. We have 16 rinks to cater for and would need to have at a minimum 16 scoops.	
How the funds will be used:	To improve the COVID safe disposition of lawn bowls and also make the sport more accessible to older players and players with a physical disability	
Assessment Criteria:	<ul style="list-style-type: none"> • The applicant meets the eligibility criteria • Funds are needed at short notice • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant has not received any other funding from Council • The applicant is an individual or not for profit organisation • The project cannot be funded under any other Council Grant program 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ ✓
Grants received in current or last financial year	Nil	
Officer Comment:	This application is recommended for approval for an amount of \$1500.00.	

Name:	Mordialloc Redbacks Junior Football Club	
Amount requested:	\$1500.00	
Description of Project/Event:	The project involves creating a new Under 19 team to serve as a pathway from junior football to senior football and subsidising their uniforms for 2021 to minimise fees for the players, who have been financially impacted by COVID19. We have a lot of junior players aged 17-18 who have dropped out of the sport as they are not yet developed enough to vie for senior positions but too old to play in our current junior teams. This age group has historically been difficult to engage. Due to COVID19 and the cancellation of the season in 2020, we expect it to be even more challenging to engage them as many are apprentices and entry-level workers who lost their jobs due to the pandemic and will be financially incapable to cover all costs for participation.	
How the funds will be used:	The funds will be used to purchase the necessary playing uniforms for our 2021 Under 19 team. These are longlasting investments for the club as they will remain our property and will be used by future team members in succeeding seasons.	
Assessment Criteria:	<ul style="list-style-type: none"> • The applicant meets the eligibility criteria • Funds are needed at short notice • The activity/event/project benefits the City of Kingston residents • The applicant has demonstrated a clear need for funds • The applicant has not received any other funding from Council • The applicant is an individual or not for profit organisation • The project cannot be funded under any other Council Grant program 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ ✓
Grants received in current or last financial year		
Nil		
Officer Comment:		
This application is recommended for approval for an amount of \$1500.00.		

5. Conclusion

The grant applications in this report have been assessed according to the assessment criteria approved by Council in the Quick Response Guidelines.

5.1 Environmental Implications

Not applicable to this report.

5.2 Social Implications

The allocation of Quick Response Grants allows for Council to provide funds on a small scale to groups and individuals or towards projects or events that are consistent with Council's strategic directions and of benefit to Kingston's residents and community.

5.3 Resource Implications

Funds for Quick Response Grants are allocated by Council through its annual budget process.

5.4 Legal / Risk Implications

Not applicable to this report.

**City of Kingston
Council Meeting**

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14 December 2020

Author/s: Gabby Pattenden, Governance Officer
Reviewed and Approved By: Phil DeLosa, Manager Governance
Paul Franklin, General Manager Corporate Services

12. Notices of Motion

14 December 2020

Agenda Item No: 12.1

NOTICE OF MOTION NO. 47/2020 - CR HOWE - BANKSIA WARD TRADERS' ASSOCIATION

That:

- Kingston City Council helps facilitate the formation of two traders' associations for Banksia ward, broken down to Patterson Lakes in addition to Carrum and Bonbeach.
- By January 30, Kingston have contacted traders and landlords about this opportunity, with a date for an inaugural meeting managed by Kingston to record details of all interested parties.
- As part of the process, Kingston run further meetings as necessary to formalise the associations, and ensure that the appointed office bearers have Council contacts for support.

Cr Cameron Howe

Background:

Traders since 2017 have expressed an interest in joining a traders' association to lift their bottom line, and considering the commercial impacts of the pandemic now would be an appropriate time to assist.

Patterson Lakes has a total of four privately-owned shopping centres, including Lakeview with a body corporate and over 20 owners in addition to Harbour Plaza, The Glade and Gladesville.

Carrum is characterised by strip shops on either side of the railway, while Bonbeach has a few shops on the Nepean Highway.

14 December 2020

Agenda Item No: 12.2

NOTICE OF MOTION NO. 48/2020 - CR HOWE - BANKSIA WARD MAINTENANCE

1. That Council, within the Graffiti Management Plan framework's scope, remove or advocate to the appropriate owner for the safe removal of all graffiti on various assets, signs, boxes, bridges and properties abutting to McLeod, Thompson and Eel Race roads within Banksia ward as soon as practicably possible.
2. That the above approach be applied to graffiti on or below the Carrum bridge, including on vandalised pylons in Patterson River.
3. That Council work with the owners and occupiers of the Station St, Carrum shops to arrange for the removal of all graffiti from this site, and to undertake ongoing monitoring of these properties to ensure early removal, should it re-occur in the future.

Cr Cameron Howe

Background

- Kingston has been working with private property owners to remove graffiti, and this is a continuation of this work to rid the network of graffiti.
- The strip light installed by Kingston along the Carrum bridge no longer functions and should be restored.
- Unlike other parts of Kingston we have no Christmas decorations and It would be nice to have these.
- The Bonbeach access point to Patterson River at 68 Mascot Ave was overgrown with weeds until Council treated them.

Council Meeting

14 December 2020

Agenda Item No: 12.3

NOTICE OF MOTION NO. 49/2020 - CRS HOWE & SAAB - MENTAL HEALTH WORKSHOPS

That a report be received by the March Council meeting, addressing the feasibility of establishing a series of community-based mental health workshops, which would be implemented as part of a trial and form a part of Kingston's COVID recovery. The report should consider creating a grant application process, enabling sporting clubs and registered community organisations to access funding for workshops, which would be provided strictly by qualified mental health professionals at suitable venues.

Cr Cameron Howe

Cr Hadi Saab

Council Meeting

14 December 2020

Agenda Item No: 12.4

NOTICE OF MOTION NO. 50/2020 - CR DAVIES - CEO EXPENSES

That Council receive a report to the February 2021 meeting that considers the following:

1. Council amends Item 8.5.2 of the Chief Executive Officer (CEO) contract (related to expense claims approval) that will provide for the provision for the CEO to spend up to \$500 on any individual matter related to professional associations, professional development, conferences and incidental expenses to allow for the CEO's day to day performance of the position as required under the employment conditions as listed in 8.5.1 of the contract, without having to gain prior approval from Council for that expenditure.
2. Claims for reimbursement are to be made and dealt with by the General Manager Corporate Services in accordance with adopted and approved practices and procedures.
3. A limit of \$2500 in any three month period would apply and a report would be submitted to Council at the end of each quarter.

Further that any changes to the CEO contract would need the consent and agreement of the Chief Executive officer.

Cr Tracey Davies

Council Meeting

14 December 2020

Agenda Item No: 12.5

NOTICE OF MOTION NO. 51/2020 - CR OXLEY - WAIVER OF RATES

That Council, having had regard to the current status of the properties located at 67, 69, 71 and 73 Scarborough Drive, Patterson Lakes resolves, pursuant to section 171(1)(b) of the Local Government Act 1989 on the grounds of financial hardship, to grant a 50% full waiver of municipal rates and charges applicable to the 2020/21 financial year (estimated cost \$4250).

Cr Georgina Oxley

Council Meeting

14 December 2020

Agenda Item No: 12.6

NOTICE OF MOTION NO. 52/2020 - CRS EDEN & OXLEY - TRADER AND COMMUNITY WORKING GROUP

That Council establish a trader & community working group for the revitalisation and economic development of Chelsea, Edithvale and Chelsea Heights Shopping Strips.

That the group focus on (but not limited to) events for economic development as well as streetscape improvements, accessibility improvements, traffic and parking and trader assistance and support.

Cr David Eden

Cr Georgina Oxley

14. Confidential Items

14 Confidential Items

This information is confidential information under section 3(1) of the *Local Government Act 2020* and therefore suitable for consideration in closed session. In accordance with the *Local Government Act 2020*, Council may resolve to consider these items in open or closed session.

14.1 Confidential VCAT Matter

Agenda item 14.1 *CEO Employment Matters - Quarterly Review* is designated confidential because it is:

- legal privileged information, being information to which legal professional privilege or client legal privilege applies (section 3(1)(e)).
- The explanation as to why the specified ground/s applies is that the report summarises and relies upon legal advice obtained.

14.2 CEO Employment Matters - Quarterly Review

Agenda item 14.1 *CEO Employment Matters - Quarterly Review* is designated confidential because it is:

- personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)), and
- The explanation as to why the specified ground/s applies is that it relates to a staffing matter.

14.3 CEO Employment Matters

Agenda item 14.2 *CEO Employment Matters* is designated confidential because it is:

- legal privileged information, being information to which legal professional privilege or client legal privilege applies, and personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(e) and (f)), and
- The explanation as to why the specified ground/s applies is that it deals with personal information and legal advice.

Confidential Appendices

9.1 CON - 20/094 Aspendale Gardens Pavilion - Award of Contract

Appendix 1, Appendix A - Con 20/094 Tender Evaluation Matrix is designated confidential as it relates to (s3(1)(g))

9.1 CON - 20/094 Aspendale Gardens Pavilion - Award of Contract

Appendix 2, Appendix B - Project Expenditure Breakdown : Con 20/094 is designated confidential as it relates to (s3(1)(g))

- 11.2 CON 20/050: Provision of Printing Services - Recommendation to Award Contract**
Appendix 1, CON-20-050 Summary of Evaluation is designated confidential as it relates to (s3(1)(a))
- 11.2 CON 20/050: Provision of Printing Services - Recommendation to Award Contract**
Appendix 2, CON-20-050 Shortlist Evaluation Summary is designated confidential as it relates to (s3(1)(a))
- 11.2 CON 20/050: Provision of Printing Services - Recommendation to Award Contract**
Appendix 3, CON-20-050 Certificates of Currency is designated confidential as it relates to (s3(1)(a))
- 11.5 Australia Day Award Nominations 2021**
Appendix 1, Australia Day Awards 2021 - Summary of Nominations and Referee checks is designated confidential as it relates to (s3(1)(f))
- 11.5 Australia Day Award Nominations 2021**
Appendix 2, Australia Day 2021 - Citizen of the Year Nomination (supporting documentation) - Phillip Spathopoulos is designated confidential as it relates to (s3(1)(f))
- 11.5 Australia Day Award Nominations 2021**
Appendix 3, Australia Day 2021 - Community Group of the Year Nomination (supporting documentation) - Unified Filipino Elderly Association is designated confidential as it relates to (s3(1)(f))

RECOMMENDATION

That in accordance with section 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for the consideration of the following confidential items:

- 14.1 Confidential VCAT Matter**
This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because it is:
- legal privileged information, being information to which legal professional privilege or client legal privilege applies (section 3(1)(e)).
 - The explanation as to why the specified ground/s applies is that the report summarises and relies upon legal advice obtained.
- 14.2 CEO Employment Matters - Quarterly Review**
This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because it is:

- *personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)), and*
- *The explanation as to why the specified ground/s applies is that it relates to a staffing matter.*

14.3 CEO Employment Matters

This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because it is:

- *legal privileged information, being information to which legal professional privilege or client legal privilege applies, and personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(e) and (f)), and*
- *The explanation as to why the specified ground/s applies is that it deals with personal information and legal advice.*

Confidential Appendices

- 9.1 CON - 20/094 Aspendale Gardens Pavilion - Award of Contract
Appendix 1, Appendix A - Con 20/094 Tender Evaluation Matrix**
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g).
- 9.1 CON - 20/094 Aspendale Gardens Pavilion - Award of Contract
Appendix 2, Appendix B - Project Expenditure Breakdown : Con 20/094**
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g).
- 11.2 CON 20/050: Provision of Printing Services - Recommendation to Award Contract
Appendix 1, CON-20-050 Summary of Evaluation**
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(a).
- 11.2 CON 20/050: Provision of Printing Services - Recommendation to Award Contract
Appendix 2, CON-20-050 Shortlist Evaluation Summary**
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(a).
- 11.2 CON 20/050: Provision of Printing Services - Recommendation to Award Contract
Appendix 3, CON-20-050 Certificates of Currency**
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(a).
- 11.5 Australia Day Award Nominations 2021
Appendix 1, Australia Day Awards 2021 - Summary of Nominations and Referee checks**
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(f).

- 11.5 Australia Day Award Nominations 2021**
Appendix 2, Australia Day 2021 - Citizen of the Year Nomination
(supporting documentation) - Phillip Spathopoulos
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(f)).
- 11.5 Australia Day Award Nominations 2021**
Appendix 3, Australia Day 2021 - Community Group of the Year
Nomination (supporting documentation) - Unified Filipino Elderly
Association
This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(f)).