

# Agenda

## Council Meeting

**Monday, 19th October 2020**

Commencing at 7.00pm

via the Zoom platform

[kingston.vic.gov.au](http://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 via the Zoom platform, on Monday, 19 October 2020.

**1. Apologies**

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

Minutes of Ordinary Council Meeting 21 September 2020

Minutes of Special Council Meeting 12 October 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**

**7. Question Time**

**8. Planning and Development Reports**

8.1 Town Planning Application Decisions - September 2020 ..... 5

**9. Community Sustainability Reports**

Nil

**10. City Assets and Environment Reports**

10.1 Continued Support of Community Sporting Clubs (Summer) During COVID-19 Restrictions ..... 19

**11. Corporate Services Reports**

11.1 Appointment and Authorisation of Officer under the Planning and Environment Act 1987 ..... 27

**12. Notices of Motion**

Nil

**13. Urgent Business**

14. **Confidential Items**  
Nil

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

## Council Meeting

19 October 2020

Agenda Item No: 8.1

### TOWN PLANNING APPLICATION DECISIONS - SEPTEMBER 2020

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

#### Town Planning Application Decisions – September, 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 September, 2020.

A summary of the decisions is as follows:

Type of Decision	Number of Decisions Made	Percentage (%)
Planning Permits	56	68
Notice of Decision	13	16
Refusal to Grant a Permit	2	3
Other - Withdrawn (10) - Prohibited (0) - Permit not required (1) - Lapsed (0) - Failure to Determine (0)	11	13
<b>Total</b>	<b>82</b>	<b>100</b>

(NB: Percentage figures have been rounded)

#### OFFICER RECOMMENDATION

That the report be noted.

#### Appendices

Appendix 1 - Town Planning Application Decisions September 2020 (Ref 20/224101) 



Author/s:

Carly De Mamiel, Senior Customer Liaison and Administration Officer

**City of Kingston  
Council Meeting**

**Agenda**

**19 October 2020**

---

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

# 8.1

## TOWN PLANNING APPLICATION DECISIONS - SEPTEMBER 2020

1	Town Planning Application Decisions September 2020 .....	9
---	--	---

<b>Planning Decisions September, 2020</b>							
<b>APPL. No.</b>	<b>PROPERTY ADDRESS</b>	<b>SUBURB</b>	<b>APPL. DATE</b>	<b>DATE DECIDED</b>	<b>PROPOSAL DESCRIPTION</b>	<b>DECISION</b>	<b>VCAT DECISION</b>
KP-2020/487	35 Old Dandenong Road	OAKLEIGH SOUTH	25/08/2020	1/09/2020	Subdivide the Land into Two (2) Lots	Permit	No
KP-2020/331	12-14 Kerr Crescent	ASPENDALE GARDENS	16/06/2020	1/09/2020	Develop the land for the construction of building & works on land subject to an inundation overlay	Permit	No
KP-2020/294	Unit 1 59 Langrigg Avenue	EDITHVALE	29/05/2020	2/09/2020	The development of the land for the construction of a verandah on a lot less than 300 square metres and on land affected by the Special Building Overlay	Permit	No
KP-2017/65	23 Emery Drive	DINGLEY VILLAGE	6/02/2017	2/09/2020	The construction of three two storey dwellings in accordance with the endorsed plans	Permit	No
KP-2020/400	3 Hearle Avenue	ASPENDALE	15/07/2020	2/09/2020	Subdivide the Land into Two (2) Lots	Permit	No
KP-2019/806	2 Southern Road	MENTONE	18/12/2019	4/09/2020	Develop the land for the construction of Two (2) Double Storey Dwellings	Withdrawn	No
KP-2017/420/C	36 Melrose Street	PARKDALE	17/03/2020	4/09/2020	Develop the land for the construction of Two (2) Double Storey Dwellings	Permit	No
KP-2020/303	68 Field Avenue	EDITHVALE	3/06/2020	4/09/2020	Develop two (2) dwellings	Permit	No
KP-2020/233	13 Emma Street	CARRUM	6/05/2020	4/09/2020	The development of land for the construction of one (1) dwelling to the rear of the existing dwelling and buildings and works to the existing dwelling	Permit	No
KP-2018/249/A	25 Patterson Street	BONBEACH	6/04/2020	4/09/2020	The development of four (4) dwellings	Permit	No



KP-2020/336	Unit 3 72 Station Street	ASPENDALE	16/06/2020	7/09/2020	Develop the land for buildings and works comprising an upper storey extension to a dwelling on a lot less than 300sqm	Permit	No
KP-2019/662	1 1 Rosella Road	PARKDALE	15/10/2019	8/09/2020	The development of an extension to the existing dwelling on a lot less than 300sqm	Notice of Decision	No
KP-2020/245	13 417-419 Warrigal Road	CHELTENHAM	13/05/2020	8/09/2020	Use of the land for an office and medical centre, reduction in the car parking requirements, display signage including a major promotional sign and alter access to a Road Zone Category 1	Notice of Decision	No
KP-2020/155	16 Cannes Avenue	BONBEACH	25/03/2020	8/09/2020	Development of three (3) dwellings and associated works in accordance with the endorsed plans	Permit	No
KP-2020/505	12 Kitson Road	CLAYTON SOUTH	31/08/2020	8/09/2020	Subdivide the Land into Two (2) Lots	Permit	No
KP-2020/239	91-97 Woodlands Drive	BRAESIDE	8/05/2020	9/09/2020	Buildings and works in association with the existing industry on this site with a reduction in car parking requirements pursuant to Clause 52.06 of the Kingston Planning Scheme	Permit	No
KP-2020/502	28 Dresden Drive	WATERWAYS	31/08/2020	9/09/2020	The development of alterations and additions to the existing dwelling (verandah over existing decking)	Withdrawn	No
KP-2017/604/A	11-13 Second Street	CLAYTON SOUTH	20/07/2020	9/09/2020	Develop the land for the construction of six (6) double storey dwellings	Permit	No
KP-2019/555	1408-1418 Centre Road	CLAYTON SOUTH	3/09/2019	9/09/2020	Subdivide the Land	Permit	No
KP-2020/395	4 Maltarra Street	CLAYTON SOUTH	14/07/2020	9/09/2020	Subdivide the Land into Three (3) Lots	Permit	No
KP-2014/710/C	21-23 Lanark Street	CLAYTON SOUTH	17/05/2020	9/09/2020	Develop the land for the construction of four (4) dwellings	Permit	No

					and associated fencing in the Special Building Overlay		
KP-2020/253	70 Barkly Street	MORDIALLOC	15/05/2020	9/09/2020	Develop the Land for two (2) dwellings	Permit	No
KP-2018/182/A	1 Natal Avenue	EDITHVALE	27/05/2020	9/09/2020	Develop the land for the construction of two (2) dwellings	Permit	No
KP-2020/277	29 Terrigal Drive	PATTERSON LAKES	21/05/2020	10/09/2020	Use of the land for a Food and Drink Premises (Cafe), Car Parking Variation (associated with the approved use of the land), Display of non-illuminated Business Identification Signage and associated works in accordance with the endorsed plans	Permit	No
KP-2020/480	630 Heatherton Road	CLAYTON SOUTH	20/08/2020	10/09/2020	Buildings and works in an Industrial Zone 1	Permit	No
KP-2016/1067/A	18 Station Street	HIGHETT	19/12/2019	10/09/2020	Develop the land for the construction of a four (4) storey apartment building in accordance with the endorsed plans	Notice of Decision	No
KP-2020/240	17 Breeze Street	BONBEACH	8/05/2020	11/09/2020	The development of two (2) dwellings and to subdivide the land into two (2) lots	Notice of Decision	No
KP-2020/504	118 Boundary Road	BRAESIDE	31/08/2020	11/09/2020	Develop the land for the construction of buildings and works comprising a canopy to the existing building in accordance with the endorsed plans.	Permit	No
KP-2020/470	65 Bevan Avenue	CLAYTON SOUTH	18/08/2020	11/09/2020	Subdivide the Land into Four (4) Lots	Permit	No
KP-2020/486	1 1252 Nepean Highway	CHELTENHAM	25/08/2020	11/09/2020	Develop the land for the construction of a shed in a Special Building Overlay	Permit	No
KP-2020/114	12 Hibberd Street	HIGHETT	2/03/2020	11/09/2020	The development of land for alterations and additions to an	Notice of Decision	No

					existing dwelling on a lot less than 300 square metres		
KP-2020/292	1 17 Kayden Street	CHELTENHAM	28/05/2020	14/09/2020	Develop the land for the construction of buildings and works comprising a dwelling extension on a lot less than 300m2	Permit	No
KP-2006/892/A	59 The Corso	PARKDALE	16/07/2020	14/09/2020	Develop the land for partial demolition, a fence visible from the street and the construction of alterations and additions to the existing church in the Heritage Overlay (Schedule 121) and the Design and Development Overlay (Schedule 1)	Permit	No
KP-2020/221	12 Barkly Street	MORDIALLOC	29/04/2020	16/09/2020	The development of two (2) dwellings	Notice of Decision	No
KP-2020/513	74 Village Drive	DINGLEY VILLAGE	4/09/2020	16/09/2020	Develop the land for an extension to the existing dwelling on land within a Special Building Overlay	Permit	No
KP-2019/620	90 Kinross Avenue	EDITHVALE	29/09/2019	16/09/2020	Develop the land for five (5) double storey dwellings on land affected by a Special Building Overlay	Permit	No
KP-2020/457	117 Bondi Road	BONBEACH	13/08/2020	16/09/2020	Subdivide the Land into Three (3) Lots	Permit	No
KP-2018/595/A	8 Sheppard Street	MOORABBIN	2/06/2020	16/09/2020	The development of two (2) double storey dwellings (side by side)	Permit	No
KP-2019/273	6 Deanswood Court	CHELTENHAM	9/05/2019	17/09/2020	The development of two (2) double storey dwellings within a Special Building Overlay	Permit	No
KP-2020/229	2 Plunkett Street	CHELTENHAM	5/05/2020	17/09/2020	The development of two (2) dwellings	Permit	No
KP-2019/323/B	5 Turakina Avenue	EDITHVALE	24/08/2020	17/09/2020	The development of two (2) Dwellings and associated works in accordance with the endorsed plans	Withdrawn	No
KP-2020/418	598-618 Main Street	MORDIALLOC	22/07/2020	18/09/2020	Display of an Internally illuminated business identification sign	Permit	No

KP-2020/425	24 Melaleuca Drive	CARRUM	23/07/2020	18/09/2020	Develop four (4) dwellings and subdivide into four (4) lots in a Special Building Overlay	Refused	No
KP-2019/721	25 Centre Dandenong Road	CHELTENHAM	11/11/2019	18/09/2020	The display of Promotion Signs and a Business Identification Sign	Permit	No
KP-2020/262	Unit 1 11 Lawrence Avenue	ASPENDALE	19/05/2020	18/09/2020	The subdivision of land into three (3) lots	Permit	No
KP-2020/533	3 Boundary Road	MORDIALLOC	11/09/2020	18/09/2020	To build a proposed carport to an industrial site, carport to existing structure . Lot size is under 417m2 Open sided carport Cost of structure is \$15,290.00. No 173 agreement. Lot 1 on Plan of Subdivision 011063. VOLUME 09245 FOLIO 869	Withdrawn	No
KP-2020/380	631 Nepean Highway	CARRUM	3/07/2020	21/09/2020	To construct and put up for display seven (7) business identification signage and two (2) internally illuminated business identification signage.	Permit	No
KP-2020/225	78 Devon Street	CHELTENHAM	1/05/2020	21/09/2020	The development of a second dwelling (to the rear of an existing dwelling) and alterations to the existing dwelling	Permit	No
KP-2020/87	44 Field Avenue	EDITHVALE	18/02/2020	21/09/2020	The development of land for two (2) dwellings	Notice of Decision	No
KP-2019/69/A	1-3 McGuire Street	CHELTENHAM	12/05/2020	21/09/2020	Use the land for Materials Recycling (Car Dismantling Facility) and a reduction of the required car parking spaces	Permit	No
KP-2019/712	66 Kingston Road	HEATHERTON	8/11/2019	21/09/2020	The construction of a Safety Screen (12m H x 75m L)	Permit	No
KP-2020/271	7 60 Nepean Highway	ASPENDALE	20/05/2020	21/09/2020	Extension to dwelling on a lot under 300m2	Notice of Decision	No

KP-2017/761/B	1322 Nepean Highway	CHELTENHAM	26/03/2020	21/09/2020	Amend Planning Permit KP-2017/761, by seeking approval of constructed front fence and amend conditions	Permit	No
KP-2020/508	21 The Waterways Boulevard	WATERWAYS	31/08/2020	22/09/2020	The development of alterations and additions to the existing dwelling	Withdrawn	No
KP-2020/538	20 Southern Road	MENTONE	14/09/2020	22/09/2020	Subdivide the land into Two (2) Lots	Permit	No
KP-2020/558	40 Silver Street	CHELTENHAM	21/09/2020	22/09/2020	Subdivide the Land into Two (2) Lots	Permit	No
KP-2018/790	115 McLeod Road	PATTERSON LAKES	27/09/2018	22/09/2020	Develop the land for the Construction of Signage on corner of McLeod Road and Pier one Drive	Withdrawn	No
KP-2020/359	4 Tarago Crescent	CLAYTON SOUTH	25/06/2020	22/09/2020	Develop the land for the construction of two (2) dwellings	Permit	No
KP-2019/807	68-78 Rosebank Avenue	CLAYTON SOUTH	18/12/2019	22/09/2020	Use and development of warehouses and a reduction of the car parking requirements	Notice of Decision	No
KP-2019/826	55 Wilson Street	CHELTENHAM	20/12/2019	22/09/2020	Develop the land for the construction of nine (9) double storey dwellings with basement car parking	Notice of Decision	No
KP-2019/834	SHOP 216 Charman Road	CHELTENHAM	23/12/2019	23/09/2020	Develop the land for a four (4) storey building comprising thirty-two (32) dwellings, one (1) food and drink premises and two (2) retail premises; use of the land for a retail premises and dwellings (ground floor accommodation); reduce the car parking requirement associated with the use of the land	Refused	No
KP-2020/497	9 Coorong Circle	WATERWAYS	27/08/2020	23/09/2020	The development of alterations and additions to the existing dwelling (verandah)	Withdrawn	No
KP-2018/565	53 Crawford Road	CLARINDA	12/07/2018	23/09/2020	Develop the land for the construction of one (1) double	Permit	No

					storey dwelling to the rear of an existing dwelling		
KP-2020/296	97 Rae Avenue	EDITHVALE	1/06/2020	23/09/2020	Construct a carport	Permit	No
KP-2020/503	3 Moonrise Close	WATERWAYS	31/08/2020	24/09/2020	The Development of alterations and additions to the existing dwelling (Verandah)	Withdrawn	No
KP-2012/384/A	70 Embankment Grove	CHELSEA	25/06/2020	24/09/2020	Develop the Land for the Construction of One (1) Dwelling to the Rear of an Existing Dwelling	Permit	No
KP-2020/446	1 41-43 Fourth Street	PARKDALE	8/08/2020	24/09/2020	Replace current front fence with a new one closer to the footpath	Permit Not Required	No
KP-2020/483	6 Shoalwater Drive	WATERWAYS	24/08/2020	25/09/2020	The Development of additions (a Verandah) to the existing dwelling	Withdrawn	No
KP-2018/686/B	2 49 The Corso	PARKDALE	27/07/2020	25/09/2020	The development of two (2) dwellings and associated works in accordance with the endorsed plans	Permit	No
KP-2020/62/A	141 Westall Road	CLAYTON SOUTH	15/07/2020	25/09/2020	Display Business identification signage in the Commercial 1 Zone	Withdrawn	No
KP-2020/112	2 Le Page Street	MOORABBIN	27/02/2020	28/09/2020	The development of two (2) dwellings	Notice of Decision	No
KP-2020/269	22 Barbara Street	MOORABBIN	20/05/2020	28/09/2020	The development of two (2) dwellings	Permit	No
KP-2020/509	40 Nancy Street	CHELTENHAM	1/09/2020	28/09/2020	Subdivide land within a Special Building Overlay into Two (2) Lots	Permit	No
KP-2020/364	16 Benkel Avenue	CHELTENHAM	26/06/2020	29/09/2020	The development of two (2) dwellings	Notice of Decision	No
KP-2020/560	28 Merlyn Avenue	CLAYTON SOUTH	22/09/2020	29/09/2020	Subdivide the Land into Two (2) Lots	Permit	No
KP-2018/311/A	4 Kiandra Close	ASPENDALE	22/06/2020	30/09/2020	Develop the land for the construction of two (2) dwellings	Notice of Decision	No
KP-2020/304	624 Warrigal Road	OAKLEIGH SOUTH	3/06/2020	30/09/2020	The development of two (2) dwellings and create/alter access to a road in a Road Zone, Category 1	Permit	No

KP-2020/471	SHOP 53 Keys Road	MOORABBIN	14/08/2020	30/09/2020	The construction of three (3) warehouses and a reduction in the car parking requirement	Permit	No
KP-2020/215	18 Glen Street	ASPENDALE	21/04/2020	30/09/2020	Development of two (2) dwellings	Permit	No
KP-2017/670/A	1 Bay Street	PARKDALE	17/07/2020	30/09/2020	Buildings and Works on Land subject to a Special Building Overlay and Design and Development Overlay (Schedule 1)	Permit	No
KP-2020/507	15 MacBeth Street	BRAESIDE	8/09/2020	30/09/2020	The development of an extension to the existing warehouse and a reduction in the car parking requirement	Permit	No
KP-2013/510/A	6 Keamy Avenue	CHELTENHAM	25/05/2020	30/09/2020	Develop the Land for the Construction of Two (2) Dwellings	Permit	No

## **10. City Assets and Environment Reports**



19 October 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**

The purpose of this report is for Council to consider granting fee relief for summer sports ground allocations through the 2020/21 season, due to the current COVID-19 restrictions that apply to sport.

### **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. 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.

### **1. Executive Summary**

Following consideration of the continued impact of COVID-19, this report seeks Council to extend its support of community sporting clubs through a partial waiver of sporting clubs fees and charges for the 2020/2021 summer season sports ground allocations, until the December 2020 Council Meeting, where a further report will be presented to Council for consideration.

### **2. Background**

At its Ordinary Meeting on 30 March 2020, Council considered a report on the impact of the COVID-19 pandemic on the Kingston community, local businesses, and sports clubs, and resolved:

*"That Council:*

1. *Recognise that the Coronavirus State of Emergency will have considerable impact on our community; businesses and recipients of Council services;*
2. *In responding to the current State of Emergency, affirms that Council and Officers will continue to apply the principles of:*
  - *providing leadership to and within the community in assisting to minimise the impact of the Coronavirus in the community; and*
  - *prioritising the health, safety and well-being of our residents, business community*

*and service recipients.*

3. *Approve a community and business support package that includes:*
  - *Extension of Animal Registration payment date to 30 June 2020;*
  - *Waiver of Community and Sporting Club rents for 12 months;*
  - *Waiver of Sporting Clubs Winter Season rents;*
  - *Waiver of unpaid interest on overdue rates raised in 2019/20 and that no further interest on overdue rates be raised until after 30 June 2021;*
  - *Deferral of rate payments on rates to 30 June 2021 on application and in accordance with Council's Hardship Policy;*
  - *Waiver of parent portion of childcare fees where necessitous circumstances apply;*
  - *Commercial rents (as outlined in this report) be waived from 1 April 2020 for 3 months with an extension up to 6 months if State of emergency declaration remains in place;*
  - *Refund of current year Health and Food Premises registrations;*
  - *Refund of current year Footpath Trading (Tables & Chairs and Display of Goods) permit fees;*
  - *Waiver of Family Day Care Educators Administrative fee for 3 months with an extension up to 6 months if State of emergency declaration remains in place;*
4. *Approve the waiver of 3 months' rent with a further review after 60 days for APT's tenancy at 1230 Nepean Highway commencing on 1 April 2020.*
5. *Advocate to the Federal and State Governments to enhance and expand its Coronavirus testing and that Council can provide venues to allow this to occur.*
6. *Advocate to the State Government to expand eligibility for the Rates Concession to Health and other social benefit cardholders for the duration of the State of Emergency.*
7. *Write to the Chief Executive Officer of Westfield Shopping Centres on behalf of tenants to seek rent relief during the State of Emergency.*
8. *Write to the Chief Executives Officers of Woolworths and Coles to take such action that is necessary to maintain the social distancing rules, including consideration of:*
  - *One-way food aisles; and*
  - *Advising the community of the hours of least patronage.*
9. *Encourage SEMMA to work with local and regional manufacturers to ascertain their capability to transfer production to equipment needed during the current State of Emergency such as: testing kits; ventilators; masks; thermometers etc*
10. *Receive a further report on Council's ability to extend the life of existing business-related permits issued by Council.*
11. *Acknowledge that all our staff are also affected by the Coronavirus State of Emergency and that the Chief Executive Officer is committed to providing meaningful work (within its widest meaning) to as many staff as possible to fulfil Council's obligation to support the health and well-being of the community, including the establishment of an internal "jobs listing" and the redeployment of staff to other duties. Further that Council recognises that the Chief Executive Officer will continue to support staff with conditions of employment: including all types of leave; flexible working arrangements where possible as the default working arrangement; and compensation for*

*the use of employees' personal resources that are in accordance with the current Enterprise Agreement and at least consistent with those arrangements being provided to other employment sectors.*

12. Officers provide a report on:

- *Whether it would be appropriate to provide temporary rate rebates for people who have lost their jobs as a result of the COVID19 pandemic or who are experiencing similar disadvantage as acknowledged by their receipt of a Health Care Card or Social Security Benefits other than the aged pension; and*
- *Council also receive a report considering rate reductions as a once-off measure".*

The above resolution has provided the following support for Community sports:

- Community / sporting club rents: 12 months' rent free.  
Budget impact – approximately \$150,000
- Sporting Clubs Winter Seasonal Allocations: winter season allocation rental fees waived.  
Budget impact - approximately \$90,000

Due to COVID-19 restrictions the return of seasonal sport activity remains unknown. However, with the current reduction of COVID-19 infections, there is optimism that a 2020/21 season may occur at some time, likely for a shortened period.

### **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

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 discussed with internal stakeholders, including the Business Recovery Team.

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

##### **3.3.1 State of Emergency**

The State Government's State of Emergency Declarations, including extensions, were made on the following dates:

- 16 March 2020,
- 19 July 2020,
- 16 August 2020,
- 13 September 2020,
- 13 September 2020 onwards for a term of 6 months.

##### **3.3.2**

State Government's Roadmap

The State Government's "Roadmap to Recovery" released on 6 September 2020 is predicated on COVID-19 infection targets being met. The Roadmap was updated on Sunday 27 September 2020.

On the current modelling, sports clubs will not be able to commence training until 19 October 2020 at the very earliest, pending State Government announcements on 18 October 2020. Due to social distancing requirements, it is likely that use of club facilities such as pavilions will be restricted, which will limit opportunities for clubs to generate revenue through direct sales and sponsorships.

Consistent with the State Government's roadmap for community sport, Regional and Country Victoria have implemented 'Small Group Training and Gameplay'. This allows for the resumption of sport, with many modifications in place e.g. capping of training, competition and spectator numbers, social distancing requirements and limitations applying to pavilion usage.

As dates regarding resuming sport are yet to be confirmed by the State Government, Council officers have yet to finalise ground allocations for the 2020/21 season.

3.3.3 Other Local Government Authorities

Officers understand that surrounding councils have indicated that they have yet to consider financial support for 2020/21 seasonal (summer) clubs.

3.3.4 Council Sports Club fees waivers (winter 2020)

In response to Council's resolutions and the State of Emergency Declarations, officers advised sports clubs of the fees and rent waivers for the winter season 2020.

Clubs were also advised that the lease rent waivers would be for 12 months, with sports ground allocation fee waivers to continue for the 2020 winter season.

Whilst there was some level of sports activity in winter 2020, it was mainly for training purposes with sporting competition cancelled.

The proposed partial waiver does not apply to out of season sporting activity or rental of the Kingston Heath Regional Soccer Complex.

3.3.5 Council's Sports Club fees waivers (summer 2020/21)

The number of sports clubs directly affected from the proposed extended fee waivers during the 2020/21 summer season are shown below:

- Cricket Clubs – 25
- Baseball Clubs – 4
- Athletics Clubs – 3
- Other sports Clubs – 2

**Total Sports Clubs – 34**

**3.4 Recommendation**

**3.4.1 Extend Support for Sports Clubs**

Consistent with the approach taken to support the 2020 winter season sporting clubs, it is recommended that Council provides a partial waiver of sporting club fees and charges for the 2020/2021 summer season sports ground allocations, until the December 2020 Council Meeting, where a further report will be presented to Council for consideration.

**4. Conclusion**

**4.1 Environmental Implications**

Not applicable.

**4.2 Social Implications**

The proposed waiver will assist community sporting clubs to deliver programs and services during uncertain times and current financial hardships.

**4.3 Resource Implications**

The budget impact for the period of October to December 2020 is expected to be approximately \$45,000 (50% of the expected budget revenue of \$90,000). Council's budget income will be revised to reflect this adjustment.

**4.4 Legal / Risk Implications**

This matter has been reviewed by the Governance Department who confirmed a decision on this matter does not significantly affect the municipality or unreasonably bind the incoming Council. It is not considered a prohibited decision, as specified in section 69(2) of the Act – decisions which Council consider should not be made during the election period.

The new Council will receive a report at its December 2020 Council Meeting to consider and determine the continuation of the partial waiver with sporting club fees and charges for the 2020/2021 summer season.

Author/s: Mark Stockton, Acting Manager Active Kingston

Reviewed and Approved By: Samantha Krull, General Manager City Assets & Environment

# **11. Corporate Services Reports**

19 October 2020

Agenda Item No: 11.1

## APPOINTMENT AND AUTHORISATION OF OFFICER UNDER THE PLANNING AND ENVIRONMENT ACT 1987

Contact Officer: Sasha Pearson, Governance and FOI Officer

### Purpose of Report

The purpose of this report is to seek a Council resolution to appoint and authorise an officer for the purposes of the *Planning and Environment Act 1987* (the Act) and the regulations made under that Act.

### 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, in the exercise of the powers conferred by s 224 of the Local Government Act 1989 and by s147(4) of the Planning and Environment Act 1987, resolve that Samuel Jameson be appointed and authorised as set out in the attached Instrument of Appointment and Authorisation.
2. That the Instrument comes into force immediately on resolution and remains in force until such time as the officer is no longer employed, contracted or otherwise engaged to undertake the duties on behalf of Kingston City Council, unless Council determines to vary or revoke it earlier.

## 1. Executive Summary

A resolution of Council is sought to appoint and authorise a Vegetation Management Officer under the *Planning and Environment Act 1987* (the Act). Instruments of Appointment and Authorisation under the Act must be approved by resolution of Council.

## 2. Background

Council is the authority for appointing authorised officers under the *Planning and Environment Act 1987*. The authorisation of officers under other Acts, including the *Local Government Act 1989* and Council's Local Laws is delegated to the Chief Executive Officer.

The Team Leader Vegetation and Compliance requests the authorisation of Samuel Jameson, Vegetation Management Officer (as per Appendix 1).

The officer is authorised by the CEO under the *Local Government Act 1989* to enforce the *Local Government Act 1989*, the *Local Government Act 2020* and the local laws made under those Acts. However, Vegetation Management Officers also require authorisation under the *Planning and Environment Act 1987* to perform enforcement functions related to section 126 of the Act, such as serving planning infringement notices under section 130 and to enter land under section 133.

### 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

#### 3.2 Consultation/Internal Review

The administration for appointing Authorised Officers is undertaken by the Governance Department. Governance maintains the Register of Authorised Officers, produces the draft Instruments for approval by the relevant authority and, upon approval, organises the issuing of authorised officer identity cards. The appointment has been requested by the Team Leader Vegetation and Compliance. The Manager City Development and the General Manager Planning and Development has been informed.

#### 3.3 Operation and Strategic Issues

The proper appointment and authorisation of officers is an essential governance requirement for Council enforcement functions. New authorisations are required when new staff join Council or existing staff are appointed to roles requiring authorisation. Reviews will continue to be undertaken regularly to ensure all Officers have the appropriate authorisations to carry out their roles effectively.


### 4. Conclusion

Authorisation under the *Planning and Environment Act 1987* is essential to empower the Officer to carry out their role on behalf of Council. It is recommended that Council resolve at the Ordinary Meeting on 19 October 2020 to appoint and authorise the officer as per the attached Instrument.

#### 4.1 Legal / Risk Implications

The proper appointment and authorisation of officers is important as the Instruments may be used in Court to demonstrate that a person purporting to be an authorised officer was duly authorised to take the action or make the decision they made. If the appointment and authorisation are not properly made the officer's actions or decisions could be found to be invalid.

### Appendices

Appendix 1 - DRAFT Instrument of Appointment and Authorisation - Planning and Environment Act 1987 - Vegetation Management Officer - Samuel Jameson (Ref 20/215471) 

Author/s: Sasha Pearson, Governance and FOI Officer

Reviewed and Approved By: Phil DeLosa, Manager Governance

Ange Marshall, A/General Manager Corporate Services



# 11.1

## APPOINTMENT AND AUTHORISATION OF OFFICER UNDER THE PLANNING AND ENVIRONMENT ACT 1987

- 1 DRAFT Instrument of Appointment and Authorisation -  
Planning and Environment Act 1987 - Vegetation  
Management Officer - Samuel Jameson..... 31



## **Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)**

In this instrument "**officer**" means -

**Samuel Jameson**

**By this instrument of appointment and authorisation Kingston City Council -**

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- (a) comes into force immediately upon resolution of Council;
- (b) remains in force until such time as the officer is no longer employed, contracted or otherwise engaged to undertake the duties on behalf of Kingston City Council, unless varied or revoked earlier.

This instrument is authorised by a resolution of the Kingston City Council on 19 October 2020.