



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**TUESDAY 17 DECEMBER 2024**

**AGENDA**

**Meeting to be held in the Council Chambers,  
Corner Hawthorn and Glen Eira Roads, Caulfield  
at 7.30pm**

*"The role of a Council is to provide good governance  
in its municipal district for the benefit and  
wellbeing of the municipal community."*

- S8(1) Local Government Act 2020

**Councillors:** The Mayor, Councillor Simone Zmood  
Councillor Arabella Daniel  
Councillor Margaret Esakoff  
Councillor Jane Karlake  
Councillor Sam Parasol  
Councillor Luca Ragni  
Councillor Kay Rimbardo  
Councillor Kimberley Young  
Councillor Li Zhang

**Chief Executive Officer:** Rebecca McKenzie



---

**INDEX**

<b>1.</b>	<b>ACKNOWLEDGEMENT OF TRADITIONAL OWNERS.....</b>	<b>5</b>
<b>2.</b>	<b>APOLOGIES.....</b>	<b>5</b>
<b>3.</b>	<b>REMINDER TO DISCLOSE ANY CONFLICTS OF INTEREST IN ANY ITEMS ON THE AGENDA .....</b>	<b>5</b>
<b>4.</b>	<b>PUBLIC PARTICIPATION .....</b>	<b>6</b>
<b>5.</b>	<b>WRITTEN PUBLIC QUESTIONS TO COUNCIL.....</b>	<b>6</b>
<b>6.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING OR MEETINGS.....</b>	<b>6</b>
<b>7.</b>	<b>RECEPTION AND READING OF PETITIONS AND JOINT LETTERS.....</b>	<b>6</b>
<b>8.</b>	<b>REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS.....</b>	<b>6</b>
<b>9.</b>	<b>REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY .....</b>	<b>6</b>
	<b>9.1 Advisory Committees .....</b>	<b>6</b>
	Nil	
	<b>9.2 Records of Assembly.....</b>	<b>7</b>
	9.2.1 Records of Assemblies.....	7
<b>10.</b>	<b>OFFICER REPORTS (AS LISTED).....</b>	<b>12</b>
	10.1 Carnegie Special Rate Scheme Variation to Include a Cap .....	12
	10.2 Community Grants .....	30
	10.3 Food Safety Management and Public Health Protection Policy .....	33
	10.4 GEL Customer Behaviour Policy .....	55
	10.5 Audit & Risk Committee Minutes .....	69
	10.6 Classified Tree Register Quarterly Report.....	80
<b>11.</b>	<b>URGENT BUSINESS.....</b>	<b>89</b>
<b>12.</b>	<b>ORDINARY BUSINESS .....</b>	<b>89</b>
	<b>12.1 Requests for reports from a member of Council staff.....</b>	<b>89</b>

12.2	Right of reply .....	89
12.3	Notice of Motion / Notice of Rescission .....	89
12.4	Councillor questions.....	89
13.	<b>CONFIDENTIAL ITEMS</b> .....	<b>90</b>
13.1	Rate Charge for Caulfield Racecourse Reserve Trust .....	90
14.	<b>CLOSURE OF MEETING</b> .....	<b>91</b>



**1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

Glen Eira City Council acknowledges the Boon Wurrung/Bunurong and Wurundjeri Woi Wurrung peoples of the Kulin Nation as Traditional Owners and Custodians, and pays respect to their Elders past and present. We acknowledge and uphold Traditional Owner's continuing relationship to the land and waterways. Council extends its respect to all Aboriginal and Torres Strait Islander peoples.

**2. APOLOGIES**

**3. REMINDER TO DISCLOSE ANY CONFLICTS OF INTEREST IN ANY ITEMS ON THE AGENDA**

Councillors are reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or which are considered at this meeting, in accordance with Section 130(2) of the *Local Government Act 2020* and Rule 85 of the Glen Eira City Council Governance Rules. Councillors are now invited to indicate any such conflict of interest.

**PROCEDURAL MOTION**

That Council:

1. where meetings are held in-person, can continue the meeting if the livestream of the meeting fails;
2. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem where a Councillor is participating virtually; and
3. where a Councillor is participating virtually and the meeting cannot be resumed within 30 minutes from the commencement of the technical problem, the meeting is to be reconvened on **Wednesday 14 December 2024 at 7.30pm**.

**4. PUBLIC PARTICIPATION****5. WRITTEN PUBLIC QUESTIONS TO COUNCIL****6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING OR MEETINGS**

Copies of Minutes previously circulated.

**RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on 3 December 2024 be confirmed.

**7. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS****8. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS****9. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY****9.1 Advisory Committees**

Nil

**9.2 Records of Assembly****9.2.1 RECORDS OF ASSEMBLIES**

**Author:** *Karling Colomiere, Coordinator Councillor Business*

**Director:** *Kellie Vise, Director Customer and Corporate Affairs*

**Trim No:** *24/1336228*

**Attachments:** 1. *26 November 2024 - Record of Assembly* [↓](#)  
2. *3 December 2024 - Pre-meeting* [↓](#)

---

**RECOMMENDATION**

That Council notes the Records of Assemblies for:

1. 26 November 2024 Assembly; and
2. 3 December 2024 Pre-meeting.

## Assembly of Councillors 26 November 2024

**Assembly commenced at 6.39pm**

<p><b>Councillors Present:</b> Councillor Arabella Daniel Councillor Margaret Esakoff Councillor Jane Karlake Councillor Luca Ragni Councillor Kay Rimbardo Councillor Kimberley Young Councillor Simone Zmood</p>	<p><b>Officers Present:</b> Rebecca McKenzie (CEO) Niall McDonagh Jane Price Kellie Vise Rosa Zouzoulas Diana Vaynrib Karling Colomiere Alexandra Fry</p>
--	---

**Matters discussed:**

1. Special Council Meeting running order

*6.52pm Assembly adjourned*

*8.02pm Assembly resumed*

2. Acknowledgement
3. Apologies – Cr Parasol and Cr Zhang
4. Conflicts of Interest - Nil
5. Overview of Road Discontinuances and Sales: (8.05pm)
6. General Business
  - Coordinator Councillor Business
    - o Initial personal interest returns
    - o Candidate donation forms
  - Director Customer and Corporate Affairs
    - o Citizenship ceremonies
  - Director Sustainability, Assets and Leisure
    - o Carnegie memorial swimming pool opening
  - Chief Financial Officer
    - o Councillor allowances



**7. Pre-OCM Check-in (3 December 2024):**

- **10.1** 139-141 Hawthorn Road Caulfield North
- **10.2** Discontinuance and sale of Road adjoining 252 to 258 Glen Eira Road and 1 to 5 Mulgrave Street, Elsternwick
- **10.4** Quarterly Service Performance Report (July - September 2024)
- **10.6** Appointment of Councillors to the Audit and Risk Committee, CEO Employment Matters Committee and External Committees
- **10.7** CEO Employment Matters Advisory Committee - Chair Recommendations - December 2024

*9.39pm Cr Esakoff declared a conflict of interest in this item and left the meeting prior to discussion on this item.*

- **13.1** Proposed discontinuance and transfer of road abutting 333-345 Hawthorn Road and 2 Briggs Street, Caulfield

*9.41pm Cr Esakoff returned to the Assembly following the conclusion of discussion on this item.*

**8. Councillor / CEO only time**

- Meeting procedures
- Meeting debrief

**Assembly concluded at 10.10pm**

**OCM Pre-Meeting  
Tuesday 3 December 2024**

**Pre-meeting commenced at 6.45pm**

<p><b>Councillors Present:</b>  Cr Simone Zmood (Mayor)  Cr Arabella Daniel  Cr Margaret Esakoff  Cr Jane Karlake  Cr Sam Parasol  Cr Luca Ragni  Cr Kay Rimbaldo  Cr Kimberley Young  Cr Li Zhang</p>	<p><b>Officers Present:</b>  Rebecca McKenzie (CEO)  Niall McDonagh  Jane Price  Kellie Vise  Rosa Zouzoulas  John Vastianos  Diana Vaynrib  Karling Colomiere  Alexandra Fry</p>
--	---

**Matters discussed:**

1. Acknowledgement
2. Apologies – Nil
3. Conflicts of Interest
  - Cr Margaret Esakoff:
    - Item Number Item 7.1 – Joint Letter: Large Vehicles on Victoria Street Elsternwick
    - Item Number Item 13.1 – Confidential Items - Proposed discontinuance and transfer of road abutting 333-345 Hawthorn Road and 2 Briggs Street, Caulfield
  - Cr Sam Parasol:
    - Item Number Item 10.1 – 139-141 Hawthorn Road, Caulfield North

*6.49pm Cr Young entered the Assembly*

**4. Pre-OCM Check-in (3 December 2024):**

*6.52pm Cr Parasol declared a conflict of interest and left the Assembly prior to discussion on Item 10.1 139-141 Hawthorn Road Caulfield North.*

- **10.1** 139-141 Hawthorn Road Caulfield North

*7.15pm Cr Ragni left the assembly*

*7.15pm Cr Parasol returned to the Assembly following the conclusion of discussion on this matter.*

- **10.6** Appointment of Councillors to the Audit and Risk Committee, CEO Employment Matters Committee and External Committees
- **10.4** Quarterly Service Performance Report (July - September 2024)

*7.18pm Cr Ragni returned to the pre-meeting*

5. General Business

- Coordinator Councillor Business – Olympian/Paralympian Reception
- Director Community Wellbeing – Maternal Child Health Centre
- Chief Executive Officer - Victorian Multicultural Honour Roll Induction of Cr Li Zhang

**End of Pre-Meeting 7.21pm**

**10. OFFICER REPORTS (AS LISTED)****10.1 CARNEGIE SPECIAL RATE SCHEME VARIATION TO INCLUDE A CAP**

**Author:** Tess Angarane, Coordinator City Economy

**Director:** Jane Price, Interim Director Community Wellbeing

**Trim No:** 24/1315951

**Attachments:** 1. Letter from the Carnegie Traders Association to the Council [↓](#)  
2. Draft Carnegie Special Rate Agreement 2024-2031 [↓](#)

---

**EXECUTIVE SUMMARY**

At the Ordinary Council meeting on 13 June 2024, Council formally resolved to declare a new special rate scheme (scheme) for the Carnegie Shopping Centre for 2024-2031. The scheme's value was set at \$240,000 for the first year, increasing by CPI for each year thereafter.

The Association nominated \$240,000 as the amount they would require to implement the marketing and promotion program each year. This figure was similar to the amount paid in the last year of the previous scheme.

When the Association initially requested that Council renew their scheme, the request for a cap was made, however Council did not consider it fair as a cap would either result in a shortfall of overall funds collected or to maintain the full scheme's value would result in other smaller scale property owners having an increase in their contribution. Therefore, a cap was not included.

On 20 October 2024 the Carnegie Mainstreet Association Inc. (Association) formally requested that Council reconsider imposing a cap of \$15,000 on the total amount that one property can be charged (Attachment 1).

This letter acknowledges that this will result in a reduction in the amount the Association will receive. This shortfall equates to approximately \$14,000 less (in the first year of the scheme). The Association has confirmed that this shortfall will not inhibit their ability to meet the deliverables associated with implementing the scheme.

Officers have reviewed this request and recommend that Council varies the special rate in accordance with this request.

**RECOMMENDATION**

That Council:

1. Receives and notes this Officer Report and the request from Carnegie Mainstreet Association Inc.
2. Varies the special rate declared on 13 June 2024 and imposed on identified properties in the Carnegie Shopping Centre in accordance with s 166(2)(b)(i) of the *Local Government Act 1989* by capping the amount of the special rate so that no person is liable to pay more than \$15,000 in respect of a single rateable property by way of the special rate in any particular financial year.
3. Authorises Council's Chief Executive Officer to carry out any and all administrative steps necessary to give effect to this Resolution and comply with the *Local Government Act 1989*.

4. Enters into an Agreement with Carnegie Main Street Inc (ABN 73 905 096 621) to assist it to administer the Carnegie Special Rate Scheme (Attachment 2).
5. Notes that the attached updated Agreement has been prepared in accordance with any obligations under the *Local Government Act 1989* and in line with the declared special rate; and
6. Seals the updated Carnegie Special Rate Funding Agreement in an appropriate manner by affixing of the Council Seal once signed by the Carnegie Traders Association.

## BACKGROUND

Special Rate Schemes exist in three shopping centres within the municipality (Carnegie, Elsternwick and Bentleigh).

The purpose of the schemes are to contribute to the costs of advertising, management, decoration, security, promotion and other incidental expenses associated with encouraging commerce in the Centres.

Council has administered a similar special rate for these Centres since 1994.

On 19 March 2024, Council formally resolved to give public notice of its intention to declare a new special rate for Carnegie Shopping Centre and seek any submissions or objections in accordance with sections 155(e), 163, 163A, 163B and 223 of the *Local Government Act 1989*.

Following the Council resolution in March, Council gave public notice on 22 March 2024 of the proposed declaration of the special rate and sent a copy of the public notice to each person liable to pay the special rate (240 properties), as required by the *Act*. The inclusion of a cap was not included in the public notice and declaration. Owners (and occupiers who would be liable to pay the rate pursuant to their lease) were provided with a 28-day period to make submissions and objections to the proposal following publication of the public notice. Five submissions were received.

On 21 May 2024 Council considered the five submissions and on 13 June 2024 Council declared a new special rate. On 3 September 2024 Council endorsed a Special Rate Agreement which is used to outline the responsibilities of the Association and Council.

## ISSUES AND DISCUSSION

On 20 October 2024 the Association formally requested that Council impose a cap of \$15,000 on the total amount that a property can be charged (Attachment 1).

Section 166 of the *Local Government Act 1989* makes provision for Council to vary a special rate that has been declared.

1. (b) may be varied in relation to—
  - (i) the amount to be paid; and
  - (ii) the persons on whom it is levied (except as is specifically provided under section 178 or 180); and
  - (iii) the land to which it applies.

There are currently two properties which would benefit from the cap. These two properties have been levied \$24,912.35 and \$19,397.90 for this financial year. It is possible that one other property will reach the \$15,000 threshold at some point throughout the life of the Scheme and therefore also receive a benefit through the application of the cap.

During the initial declaration process conducted in March 2024, Council considered the request to introduce a special rate cap of \$15,000 (per property), by apportioning the balance of the scheme's total value across all properties, in order to raise the total scheme value of \$240,000. It should be noted that the original total value of the scheme of \$240,000 is the anticipated amount to be collected from properties within the scheme area. This amount may vary during the life of the scheme, due to factors such as changes in property value and land use, which can influence the actual amount collected from properties liable to pay the rate.

At that time, this approach was not supported by Officers, as it was considered unfair for the other properties to contribute more to make up for the shortfall.

The Association has proposed the cap be introduced, without adjusting the amount of the special rate to be paid by all other properties, and therefore accepting a shortfall in the total scheme monies they will receive.

Taking this approach would result in the Association receiving approximately \$14,000 less than the original forecast to be levied in the first year of the scheme of \$240,000.

If this approach is taken, Council would be obligated to notify each person required to pay the special rate of the variation. Council would also need to amend the special rate agreement to acknowledge that it would provide the Association the amount raised, rather than the original forecast amount of \$240,000. This means the Association would receive less than \$240,000 (the declared amount) which would be the case for each year of the Scheme.

Council will not be impacted financially as a result of this change nor will other properties be required to pay more as a result of this approach.

The Association has confirmed the reduction in the total value of its scheme, as a result of introducing a cap, will not compromise the Association's ability to deliver its marketing and promotion program.

This is not the first time the Carnegie special rate scheme has included a cap. For the 2011-2017 scheme, a cap was set at \$13,600. In this instance, the shortfall was passed on to the other property owners. There was no cap in the most recent scheme (2017-2024).

### **What happens if the cap is not introduced?**

If Council decides not to introduce the cap, there will be no impact on the amount of the levy collected. The two properties that would have benefited from the introduction of the cap will continue to be charged the original figure calculated based on the Net Annual Value of their property. Officers would communicate the decision to the Association, however no further action would be required.

### **Special Rate Agreement update**

The Special Rate Agreement (Agreement) was endorsed at the Ordinary Council Meeting on 3 September 2024.

If the cap is introduced changes would be required to the Agreement to confirm that the Association will receive less than the initially declared \$240,000 and reduce any risk of Council being obliged to cover any shortfall of funds due to the cap's introduction.

### **Proposed changes to the Special Rate Agreement**

The proposed changes include:

- Amend Clause 3.3 to confirm that the quantum of the special rate proceeds received by the Council, and payable to the Association in a particular financial year, may be less than \$240,000.

- Introduce a new Clause 3.4 to confirm that, if the special rate proceeds are less than \$240,000 in a particular financial year, Council will not be required to pay the shortfall to the Association.

Additional minor amendments are proposed throughout the Agreement to enhance the clarity and consistency of the document in relation to this change and are documented in Attachment 2.

Officers will work closely with the Association to ensure ongoing communication and engagement with businesses within the Centre throughout the life of the scheme, and ensure the key deliverables are met.

### **CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

The scheme aligns with *Goal 4 Our community is protected from the worst impacts of climate change* in particular *Action 4.1.3 Engage and educate residents and business owners about how they can best adapt to and protect themselves and their community against climate impacts*.

Traders Associations/Committees with a scheme have a high level of engagement with the businesses in their centres, and with the support of a Marketing Coordinator, regularly provide information and advice which can include climate change-related opportunities for businesses.

### **FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

There are no financial implications for Council should a cap be introduced. The resulting shortfall will be borne by the Association which will receive a reduced scheme amount. The Association has confirmed that this will not affect their ability to meet their deliverables.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

Section 166 of the *Local Government Act 1989* (LGA 1989) makes provision for Council to vary a special rate that has been declared.

It provides:

- (1) A special rate or special charge—
  - (a) remains in force for the period specified in the declaration of it without any further declaration in any subsequent year; and
  - (b) may be varied in relation to—
    - (i) the amount to be paid; and
    - (ii) the persons on whom it is levied (except as is specifically provided under section 178 or 180); and
    - (iii) the land to which it applies.
- (2) A Council must ensure that those persons who are liable to pay a special rate or special charge which is varied are notified if it is varied.

### **COMMUNICATION AND ENGAGEMENT**

If the cap is implemented, Council will notify all persons who are liable to pay the special rate, by issuing a letter advising of the variation.

### **LINK TO COUNCIL PLAN**

Strategic Direction 2: Well designed and maintained open spaces and places

Our public open spaces and places support a healthy and connected community and contribute to a more sustainable and vibrant city

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

**CONCLUSION**

It is recommended that Council introduce a cap to the Carnegie Special Rate Scheme of \$15,000, in line with the approach outlined in this Report.





Carnegie  
Traders  
ASSOCIATION

Rebecca McKenzie  
Chief Executive Officer  
City of Glen Eira

20<sup>th</sup> October 2024

Dear Rebecca

Many thank for your ongoing help and support of the Carnegie Traders Association and assisting us in maintaining a vibrant and safe shopping precinct.

With regards to our levy, as discussed, we requested when renewing the levy that it be capped at \$15,000 for any one trader.

We know that this will reduce the overall amount the levy generates for the association, however this will not impact on our proposed deliverables for the participants in the scheme.

Could you please arrange this cap to be formalised by council on their resumption after the election process has been completed.

We look forward to continuing to work with yourself and council for the betterment of Koornang Road for our Traders, Residents and Customers.

Many thanks



Graeme Callen

Chairperson, Carnegie Traders Association

[graemec@garypeer.com.au](mailto:graemec@garypeer.com.au)

0412 651 528

OFFICIAL



**Maddocks**

Lawyers  
Collins Square, Tower Two  
Level 25, 727 Collins Street  
Melbourne VIC 3008  
Australia

Telephone 61 3 9258 3555  
Facsimile 61 3 9258 3666

info@maddocks.com.au  
www.maddocks.com.au

DX 259 Melbourne

Date / /2024

## Special Rate Funding Agreement

Glen Eira City Council  
and

Carnegie Main Street Inc.

2024-2031

Interstate offices  
Canberra Sydney

[9561489:44738267\_1]  
[9695081:46028445\_1]

OFFICIAL

---

**Table of Contents**

1. INTERPRETATION ..... 1

2. TERM AND RELATIONSHIP OF COUNCIL AND TRADERS’ ASSOCIATION ..... 2

3. COUNCIL OBLIGATIONS ..... 2

4. TRADERS ASSOCIATION OBLIGATIONS ..... 2

5. REPORTING, ACCOUNTABILITY AND OTHER REQUIREMENTS ..... 5

6. TERMINATION AND SUSPENSION ..... 7

7. MUTUAL ASSISTANCE ..... 8

8. ARBITRATION CLAUSE ..... 8

9. NOTICES..... 8

    9.1 Service of Notice ..... 8

    9.2 Particulars for Service ..... 9

    9.3 Time of Service ..... 9

10. INTERPRETATION ..... 9

[9561489:44738267\_1]  
[9695081:46028448\_1]

## OFFICIAL

---

## Agreement

Dated

---

## Parties

Council	<b>Glen Eira City Council</b>
Address	Corner of Glen Eira and Hawthorn Roads, Caulfield, Victoria 3162
Facsimile	03 9523 0339
Email	mail@gleneira.vic.gov.au
Contact	Coordinator City Economy and Place Making
Short name	<b>Council</b>

Traders Association	<b>Carnegie Main Street Inc.</b>
Address	PO Box 487, Carnegie, Victoria 3163
Facsimile	03 9435 1962
Email	info@carnegiemainstreet.com.au
Contact	Graeme Callen
Short name	<b>the Traders Association</b>

---

## Background

- A. On 13 June 2024, Council declared a special rate in the terms detailed in the Resolution annexed to this Agreement (**the Declaration**). On 17 December 2024 Council varied the Special Rate by introducing a cap so that no person is liable to pay more than \$15,000 by way of the Special Rate in respect of a single property (**the Special Rate Cap**).
- B. The Declaration was made for the purpose of providing money to pay expenses in relation to advertising, promotion and events, centre marketing, business development and other incidental expenses associated with the encouragement of commerce in the Carnegie Shopping Centre (**the Centre**).
- C. Following the declaration of the special rate, Council has agreed that the Traders Association will administer the expenditure of the monies raised by the special rate in accordance with this Agreement.
- D. The parties have agreed that, subject to the terms of this Agreement, Council will provide the monies due to be raised by the special rate to the Traders Association to expend, to further the purpose described in B above.

### OPERATIVE PROVISIONS:

---

#### 1. INTERPRETATION

In this Agreement, unless the context or subject matter indicates otherwise, the following words and phrases are defined to mean:

<sup>[9561489;44738267;1]</sup>  
<sup>[9695081;46028448;1]</sup>

## OFFICIAL

4

**Annual Budget** means the annual budget described in Clause 5.1.

**Annual Business Plan** means the annual business plan described in Clause 5.1.

**Business Day** means a day that is not a Saturday, Sunday or public holiday in Council's municipal district.

**Director Community Wellbeing** means the member of Council staff holding, acting in or performing the duties of Director Community Wellbeing.

**Financial Year** has the same meaning as in section 3(1) of the *Local Government Act 1989*.

**Special Rate** means the special rate described in the Declaration and varied by the Special Rate Cap.

**Special Rate Cap** means the cap on the Special Rate introduced by Council on 17 December 2024.

**Significantly Deviate** means, in relation to the Annual Budget, a variation of 10% or more of the total budget.

---

## 2. TERM AND RELATIONSHIP OF COUNCIL AND TRADERS' ASSOCIATION

- 2.1 This Agreement commences on the day on which it is executed (or if executed by the parties on different dates, on the later date on which it was executed by one of the parties) and, unless terminated sooner, ends on 30 June 2031.
- 2.2 Nothing in this Agreement will be construed or deemed to constitute a partnership, joint venture or employee, employer or representative relationship between Council and the Traders Association.

---

## 3. COUNCIL OBLIGATIONS

- 3.1 Subject to the *Local Government Act 1989*, Council will, in each year during which the special rate is in force, levy the special rate on those persons who are liable to pay it.
- 3.2 In the event that that Council conducts supplementary valuations that result in additional amounts being collected as Special Rate Proceeds, Council and the Traders Association agree that the additional amounts will be carried forward by Council and provided to the Traders Association in the following Financial Year, except in the final 12 months of the special rate, where all additional amounts will be forwarded to the Traders Association and expended by 30 June 2031.
- 3.3 If the Director Community Wellbeing approves the Annual Budget and Annual Business Plan submitted by the Traders Association in accordance with this Agreement, Council will pay to the Traders Association in quarterly instalments the sum which Council has collected by levying the Special Rate on the persons who are liable to pay it (**Special Rate Proceeds**), noting that the quantum of the instalments paid to the Traders Association may be less than the sums forecast by the Declaration due to Council's subsequent introduction of the Special Rate Cap.
- 3.4 For the avoidance of doubt, in the event that the Special Rate Proceeds collected in a particular financial year are less than the sum forecast by the Declaration, Council will not be required to pay the shortfall between the Special Rate Proceeds and that sum to the Traders Association.
- 3.5 Council may, each year that the special rate is in operation, offer to provide to the members of the Committee of Management of the Traders Association a governance or like training session. The Traders Association must ensure that a minimum of two of its representatives attend any such governance or like training session offered by Council.

OFFICIAL  
5

---

#### 4. TRADERS ASSOCIATION OBLIGATIONS

- 4.1 The Traders Association agrees that Special Rate Proceeds will be used to further the vision and objectives in the Glen Eira Economic Development Action Plan, and will be expended solely in connection with:
- 4.1.1 promotional and marketing events;
  - 4.1.2 promotional advertising, marketing and public relations material;
  - 4.1.3 Centre management, including employment of a Centre Marketing Coordinator;
  - 4.1.4 business training and development;
  - 4.1.5 Centre décor and displays; and
  - 4.1.6 works to enhance the appearance and amenity of the Centre in addition to those provided generally by Council.
- 4.2 The Traders Association agrees that it will not expend any Special Rate Proceeds, or any part of them, for any unauthorised purposes, including without limitation, the making of political donations.
- 4.3 The Traders Association must obtain the prior written consent of Council before entering into any agreement with a third party or sub-contractor, whether written or oral, requiring any ongoing payments of the Special Rate Proceeds. Council's approval given under this Clause may be subject to such conditions as Council in its discretion considers appropriate.
- No contracts funded from the Special Rate Proceeds can be entered into by the Traders Association if the expiry date of those contracts is after 30 June 2031.
- 4.4 It is expected that, in committing expenditure, the Traders Association will practice fair and transparent procurement processes that support local suppliers in the first instance and obtain competitive quotations for expenses greater than \$5,000. The Traders Association may be required to provide Council with evidence that this procurement process is being followed.
- 4.5 The Traders Association agrees that in performing (or attempting to perform) the acts described in Clause 4.1:
- 4.5.1 it will act in a manner consistent with its Statement of Purposes and Rules;
  - 4.5.2 it will not Significantly Deviate from the Annual Budget and Annual Business Plan approved by Council unless Council has given its written consent to such deviation;
  - 4.5.3 notwithstanding anything contained in Clause 4.5.1, it will assist only those persons who own or occupy rateable land included in the Declaration;
  - 4.5.4 notwithstanding anything contained in Clause 4.5.1, it will not discriminate between persons who are and are not members of it;
  - 4.5.5 it is not entitled to receive any remuneration for performing (or attempting to perform) such acts, which includes, without limitation, any of its members who perform (or attempt to perform) such acts except where approval in writing has been given by the Director Community Wellbeing;
  - 4.5.6 it will act in accordance with any other agreement reached between it and Council;
  - 4.5.7 it will, when purchasing any goods or engaging any services, including the engaging of contracted support, undertake the procurement process in a competitive and transparent manner, and with a preference for using local businesses; and

## OFFICIAL

6

- 4.5.8 it will work collaboratively with Council to support traders to improve the environmental sustainability of their operations, and ensure they are resilient to the impacts of climate change.
- 4.6 Unless otherwise agreed by Council, the Traders Association will appoint a Centre Marketing Coordinator for the Centre on terms and conditions agreed by Council.  
To this end:
- 4.6.1 a Council Officer must be on the panel for the appointment of the Centre Marketing Coordinator, and the duties of the role and performance of the person appointed will be reviewed annually; and
- 4.6.2 the Centre Marketing Coordinator:
- (a) must not hold office or a voting membership of the Committee of Management of the Traders Association and must not vote at meetings of the Traders Association; and
- (b) must not undertake any function properly required of or discharged by a member of the Committee of Management in connection with the running of meetings.
- 4.7 In performing its obligations under this Agreement, the Traders Association must at all times be, and maintain its legal status as, an association registered under the *Associations Incorporation Reform Act 2012*.
- 4.8 The Traders Association agrees to provide to Council on request evidence of its incorporation pursuant to the *Associations Incorporation Reform Act 2012*. This Agreement is conditional upon the Traders Association's compliance with this obligation, which is a continuing obligation.
- 4.9 In each Financial Year during which the Special Rate remains in force, the Traders Association must use reasonable efforts to expend the majority of the Special Rate Proceeds. Spending should be spread appropriately across the year and in accordance with the Annual Budget and Business Plan.
- 4.10 Despite Clause 4.9, Council may, in special circumstances, allow the Traders Association to withhold the expenditure of a part or parts of the Special Rate Proceeds for proposed expenditure in the following Financial Year, in which case the next Traders Association Annual Budget must incorporate such expenditure as an item carried forward.
- 4.11 The Traders Association must hold a minimum of four centre-wide events/celebrations in each year during which the Special Rate is in force unless otherwise agreed in writing by Council.
- The Traders Association must use all reasonable efforts to engage and involve the majority of traders in these events.
- 4.12 The Traders Association must identify business training and development needs of the traders it represents and provide one training and development session each year.
- 4.13 The Traders Association must undertake an annual satisfaction survey to assess traders' support of how the Special Rate Proceeds have been spent and provide the results of that survey to Council within 28 days of the survey completion.
- 4.14 The Traders Association's Committee members must be volunteers and must not receive any remuneration or payment for their appointment or ongoing involvement with the Committee.
- 4.15 Committee members who require reimbursement of expenses incurred as a result of an activity in line with the special rate purpose may be reimbursed as long as the expense is approved by the full Committee and minuted and as long as a tax invoice is supplied to the Traders Association. Copies of the invoice and receipts must be presented to Council at the time of reporting.

## OFFICIAL

7

- 4.16 A Committee member must declare (and it must be minuted) if they are in any way connected, related to or have a financial interest in the appointment of a supplier or contractor utilised by the Traders Association. The Committee member may not be involved in the selection of said supplier and may not review, appoint or negotiate terms or price with the supplier/contractor. The supplier/contractor must be appointed by a quorum of the Committee and this must be minuted.

---

**5. REPORTING, ACCOUNTABILITY AND OTHER REQUIREMENTS**

- 5.1 The Traders Association must submit to Council in a timely manner and using a format provided by or approved by Council, the following:
- 5.1.1 An approved Annual Budget and Annual Business Plan for the next Financial Year which has been shared with traders for input before being submitted to Council for approval. This must be submitted by 30 June or a date approved in writing by Council and include:
- (a) current trends and issues facing the centre;
  - (b) a description of projects and events planned for the coming Financial Year;
  - (c) a detailed budget, including specific details about projects and events and a timeline of when Special Rate Proceeds will be spent; and
  - (d) measures for each of the projects and events detailed in the Business Plan which will be considered Key Performance Indicators (KPI's).
- 5.1.2 A detailed quarterly report in a format which is consistent with the approved Annual Budget and Annual Business Plan. This should include:
- (a) details of how the Special Rate Proceeds were expended during or in respect of the period since the last report provided;
  - (b) a breakdown of income and expenditure during or in respect of the period since the last report, as well as the period from the commencement of the relevant Financial Year to the present, including without limitation a comparison of this income and expenditure against the approved Annual Budget;
  - (c) cash flow analysis projecting future income and expenditure for the following quarter;
  - (d) financial figures of the amount of all debtors and creditors, and the balance of any bank account and a balance sheet;
  - (e) copies of all invoices and other documentary evidence in respect of all payments made by the Traders Association;
  - (f) an update on projects and events and KPI's completed to date;
  - (g) an update on vacancy rates, including details of new businesses and businesses which have closed or left the Centre; and
  - (h) feedback regarding any issues or concerns with the cleanliness and amenity of the Centre.



## OFFICIAL

8

- 5.1.3 A Financial Statement which details how the Special Rate Proceeds were expended during the financial Year to which the Financial Statement relates. This should be submitted as soon as is reasonably practicable after the end of Financial Year and be audited by a person who is:
- (a) registered as a Company Auditor, or
  - (b) a holder of a practising certificate issued by the Australian Society of Certified Practising Accountants in Australia.
- 5.1.4 An annual report of the Traders Association, as soon as is reasonable practicable after each Financial Year.
- 5.1.5 Additional information in connection with expenditure of the Special Rate Proceeds as Council reasonably requests from time to time, within such reasonable timeframe as the Council requests.
- 5.2 The Traders Association must keep and maintain for at least seven (7) years, and to the satisfaction of Council, proper accounting records as to the manner in which it expends the Special Rate Proceeds.
- 5.3 The Traders Association must provide to Council its procedure for:
- 5.3.1 authorisation of all expenditure;
  - 5.3.2 recording of expenditure;
  - 5.3.3 payment of expenses;
  - 5.3.4 reimbursement of sundry expenses; and
  - 5.3.5 management of petty cash.
- 5.4 The Traders Association must hold an Annual General Meeting in accordance with the *Associations Incorporation Reform Act 2012* and give at least 14 days' notice in writing to every person liable to pay the special rate of the date, time, place and agenda of the Annual General Meeting, and admit any person liable to pay the special rate to the Annual General Meeting.
- 5.5 The Traders Association agrees that Council may at any time appoint a member of its staff or another person to investigate or audit:
- 5.5.1 the manner in which the Special Rate Proceeds are being or have been expended;
  - 5.5.2 the activities of the Traders Association; or
  - 5.5.3 the financial state of the Traders Association.
- 5.6 If Council appoints a member of its staff or another person to investigate or audit the matters listed in Clause 5.5, and the member of staff or other person so appointed requests access to any premises, books of account, documents or other material in the possession of the Traders Association (or in the case of books of account, documents or other material in the care, custody or control of the Traders Association) the Traders Association must forthwith provide the access to the member of staff or person so appointed and provide all reasonable co-operation and assistance to the person so appointed, in order that he or she may conduct the investigation or audit.
- 5.7 The Traders Association must, during the term of this Agreement, maintain a public liability policy of insurance with an insurer approved by Council for a minimum amount of \$20 million dollars concerning one single event.

## OFFICIAL

9

- 5.8 The Traders Association must provide Council with a copy of the certificate of currency on or before 31 July in each year during which the special rate remains in force.
- 5.9 The Traders Association agrees to indemnify Council and keep Council indemnified from and against all and any damage, loss, cost or liability incurred or suffered by Council in connection with the payment to the Traders Association of the Special Rate Proceeds, except to the extent that the loss or damage is caused or contributed by the negligent or unlawful act or omission or default of Council.

---

**6. TERMINATION AND SUSPENSION**

- 6.1 If the Traders Association is in breach of any of the provisions of this Agreement and that breach is not remedied within 28 days of receipt of a notice from Council:
- 6.1.1 specifying the breach;
- 6.1.2 requiring the breach to be remedied; and
- 6.1.3 advising that unless the breach is remedied within 28 days of receipt of the notice, Council will terminate this Agreement,
- Council may, without prejudice to any other rights or remedies available to it, terminate this Agreement, or suspend payment of the special rate until such time as the breach has been remedied to Council's satisfaction.
- 6.2 If any steps are taken to wind up, or cancel or transfer the incorporation of, the Traders Association, or:
- 6.2.1 in the reasonable opinion of Council, the Traders Association becomes insolvent; or
- 6.2.2 the Traders Association breaches its Rules,
- Council may, without prejudice to any other rights or remedies available to it, terminate this Agreement or suspend payment of the special rate.
- 6.3 If Council terminates this Agreement in accordance with Clause 6.1 or Clause 6.2:
- 6.3.1 no further Special Rate Proceeds must be paid to the Traders Association under Clause 3.3;
- 6.3.2 the Traders Association must immediately repay to Council the balance then remaining of the Special Rate Proceeds paid to it; and
- 6.3.3 Council must use any further sum which it collects by levying the Special Rate for the purposes for which the Declaration was made.
- 6.4 If any person issues any proceeding in a Court or Tribunal in which the relief sought would, if granted, have the effect of:
- 6.4.1 quashing the Declaration;
- 6.4.2 declaring the Declaration to be invalid or of no effect;
- 6.4.3 setting aside the Special Rate; or
- 6.4.4 make it impracticable for Council to continue to levy the Special Rate

**OFFICIAL**  
10

then Council may, pending the resolution or final determination of the proceeding and notwithstanding anything contained in this Agreement, suspend the further payment of the Special Rate Proceeds to the Traders Association.

- 6.5 If any person issues any proceeding of the kind referred to in Clause 6.4 Council must provide the Traders Association with regular updates as to the status of the proceeding and inform the Traders Association of the outcome of any resolution or determination of the proceeding.
- 6.6 If a Court or Tribunal:
- 6.6.1 quashes the Declaration;
  - 6.6.2 declares that the Declaration is invalid or of no effect;
  - 6.6.3 sets aside the Special Rate; or
  - 6.6.4 grants any other relief which makes it impracticable for Council to continue to levy the Special Rate
- then this Agreement will terminate and any unspent Special Rate Proceeds must be repaid to Council.
- 6.7 The parties agree that Clauses 6.3 and 6.6 survive the termination of this Agreement.

---

**7. MUTUAL ASSISTANCE**

Council and the Traders Association must, at regular intervals, monitor the operation of this Agreement and the discharge of the parties' obligations under it, and, to this end, appoint or nominate persons to liaise and consult, and facilitate implementation of this Agreement.

---

**8. ARBITRATION CLAUSE**

Should any dispute regarding the interpretation of any part of this agreement arise either party may exercise its right to refer the matter to an independent arbitrator appointed by Resolution Institute.

---

**9. NOTICES**

**9.1 Service of Notice**

A notice or other communication required or permitted, under this Agreement must be in writing and may be served:

- 9.1.1 personally on the person;
- 9.1.2 by leaving it at the person's current address for service;
- 9.1.3 by posting it by prepaid post addressed to that person at the person's current address for service; or
- 9.1.4 by email to the person's current email address for service.

**OFFICIAL**  
11

**9.2 Particulars for Service**

- 9.2.1 The particulars for service of Council are:  
address: PO Box 42, Caulfield South, 3162  
email: mail@gleneira.vic.gov.au
- 9.2.2 The particulars for service of the Traders Association are:  
address: PO Box 487, Carnegie, Victoria 3163  
email: info@carnegiemainstreet.com.au
- 9.2.3 Any party may change the physical or email address for service by giving notice to the other parties.

**9.3 Time of Service**

A notice or other communication is deemed served:

- 9.3.1 if served personally or left at the person's address, upon service;
- 9.3.2 if posted within Australia to an Australian address, five Business Days after posting;
- 9.3.3 if sent by email, immediately unless it was received after 5.00pm in the place of receipt or on a day which was not a Business Day, in which case it is deemed served at 9.00am on the next Business Day.

---

**10. INTERPRETATION**

Unless expressed or implied to the contrary in this Agreement:

- 10.1 this Agreement is governed by and is to be construed in accordance with the laws of Victoria;
- 10.2 headings and sub-headings are inserted for ease of reference only and do not affect the interpretation of this Agreement;
- 10.3 any provision in this Agreement that is held to be illegal, invalid, void, voidable or unenforceable must be read down to the extent necessary to ensure that it is not illegal, invalid, void, voidable or unenforceable and if it is not possible to read down the provision, that provision is severable without affecting the validity or enforceability of the remaining part of that provision or the other provisions in this Agreement;
- 10.4 this Agreement contains the entire understanding between the parties as to the subject matter contained in it and all previous agreements, representations, warranties, explanations and commitments, expressed or implied, affecting this subject matter are superseded by this Agreement and have no effect;
- 10.5 if a payment or other act is required to be made or done on a day which is not a business day, the payment or act must be made or done on the next following business day;
- 10.6 a reference in this Agreement to:
- 10.6.1 a statute includes regulations under it and consolidations, amendments, re-enactments or replacements of any of them;

OFFICIAL  
12

- 10.6.2 a person includes a firm, partnership, joint venture, association, corporation or other corporate body;
- 10.6.3 any body which no longer exists or has been reconstituted, renamed, replaced or whose powers or functions have been removed or transferred to another body or agency, is a reference to the body which most closely serves the purposes or objects of the first-mentioned body;
- 10.6.4 a clause, schedule or appendix is a reference to a clause, schedule or appendix in or to this Agreement;
- 10.6.5 this or other document includes the document as varied or replaced regardless of any change in the identity of the parties; and
- 10.6.6 the singular includes the plural and vice versa.

**EXECUTED** by the parties

**THE SEAL** of **GLEN EIRA CITY COUNCIL** )  
was hereunto affixed in the presence of: )

..... Councillor

..... Chief Executive Officer

**THE COMMON SEAL** of **CARNEGIE MAIN** )  
**STREET INCORPORATED** was affixed by )  
authority of the Committee in the presence of: )  
)

..... Committee Member

..... Committee Member / Public Officer of the  
Association

[9561489:44738267\_1]  
[9695081:46028448\_1]

## 10.2 COMMUNITY GRANTS

**Author:** Erica Marks, Acting Community Strengthening Officer

**Director:** Jane Price, Interim Director Community Wellbeing

**Trim No:** 24/1316526

**Attachments:** 1. Community Grants and Awards Recommendations November 2024  
(CONFIDENTIAL)

---

### EXECUTIVE SUMMARY

Seeking endorsement of the recommendations for Small Grants, Facility Hire Grants and Youth Excellence Awards listed in Attachment 1.

Applications were assessed in accordance with Council's *Community Grants Policy 2023* and the endorsed Guidelines for the programs.

### RECOMMENDATION

That Council:

1. Approves a Small Grant for:
  - a) Sephardi Association of Victoria \$1,000
  
2. Approves Facility Hire Grants for:
  - a) Glen Eira Cheltenham Art Group \$500
  - b) Ormond Netball Club \$311.25
  - c) Pathways Melbourne \$1,501.21
  - d) Heartfulness Institute \$2,888
  - e) Glen Eira Junior Soccer Club \$1,440
  - f) Refocus Club Melbourne \$1,199.66
  - g) Maccabi Victoria \$1,304.39
  - h) Melbourne Accueil \$239
  
3. Approves Youth Excellence Awards for:
  - a) Ho Ching \$600
  - b) Zara \$1,200
  - c) Cindy \$1,200
  - d). Braden \$600

### BACKGROUND

Recommendations to Council for the Community Grants and Youth Excellence Awards Programs are made in relation to:

1. The suitability and distribution of community grant funding.
2. Youth Excellence Awards to acknowledge young people aged between 10 and 25 years who have achieved excellence in their chosen field.

Council offers a range of community grants and an awards program. The Small Grants, Facility Hire Grants and the Youth Excellence Awards programs are open year-round. The Small Grants program offers funding up to \$1,000 to resource urgent or unexpected needs of groups or provide matching funding and support new ideas and activities. The Facility Hire Grants program offers grants of up to \$7,500 to cover the hire cost of Council facilities for

community organisations, community groups and schools for projects and activities. Applicants must meet a range of eligibility criteria including being a not-for-profit, being incorporated with an ABN and holding public liability insurance with a minimum sum of \$20 million. A total of \$98,000 is available for the 2024-2025 financial year across these programs. The Youth Excellence Awards program recognises young people aged between 10-25 years for excellence in the fields of creative and performing arts, education, leadership and sport, offering grants of \$360 (local), \$600 (national) and \$1,200 (international).

Council offers an Annual Community Grants program featuring two streams - Community Strengthening (up to \$3,000) and Partnership and Events (up to \$10,000). The program supports not-for-profit community groups and organisations to deliver projects and activities that benefit the Glen Eira community, provide meaningful social impact and respond to community needs. The budget of \$391,000 for the 2024-2025 financial year was allocated at the Ordinary Council Meeting held on 3 September 2024.

Council also offers annual Senior Citizens Centres Tenancy Grants. These grants offer funding to seniors' community groups to cover the hire costs of community facilities, and to support program and activity delivery.

## ISSUES AND DISCUSSION

Officers considered the following applications:

- Small Grants:
  - Sephardi Association of Victoria to hold a cultural event commemorating the expulsion of Jews from Arab Lands.

Facility Hire Grants:

- Glen Eira Cheltenham Art Group to hold the Annual Art Exhibition *Beyond the Frame*.
  - Ormond Netball Club to hold its Annual General Meeting and Club Presentation event.
  - Pathways Melbourne to host the Protecting Vulnerable Jewish Youth Symposium
  - Heartfulness Institute to deliver Sunday Yoga and Heartfulness Meditation sessions.
  - Glen Eira Junior Soccer Club to deliver the Summer Football Program.
  - Refocus Club Melbourne to hold the Refocus Bat Mitzvah Gala.
  - Maccabi Victoria to hold an Annual General Meeting.
  - Melbourne Accueil to hold an end-of-year BBQ.
- Youth Excellence Awards:
    - Ho Ching to assist with his participation in the Silver Duke of Edinburgh Hiking Expedition in Moss Vale, New South Wales.
    - Zara to assist with her participation in Braemar Highland Gathering in Braemar, Scotland.
    - Cindy to assist with her participation in World Classic and Equipped Sub-Junior and Junior Powerlifting Championships 2024 in Malta.

- Braden to assist with his participation in 2024 Australian Volleyball Schools Cup in Carrara, Queensland

### **CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

There are no climate emergency response strategy implications of this report.

### **FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

The funds are allocated as per the existing operational budgets for these grants.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

All grant applications are assessed in accordance with Council's *Community Grants Policy 2023* and the endorsed Guidelines for the programs.

The conflict of interest and confidentiality provisions in the *Local Government Act 2020* and the Councillors' Code of Conduct apply.

### **COMMUNICATION AND ENGAGEMENT**

The Community Grants and Youth Excellence Awards programs are promoted on Council's website throughout the year.

The Small Grants and Facility Hire programs are also promoted in Council's *'Our Community Working Together'* e-Newsletter, which is distributed on a regular basis to local organisations and community groups throughout Glen Eira.

The Youth Excellence Awards, including showcase stories about recipients, are promoted in Glen Eira News, on the Council and Youth Services' websites and on social media.

Officers will advise all community grant and award applicants of the outcome of their applications.

### **LINK TO COUNCIL PLAN**

Strategic Direction 1: Well informed, transparent decisions and highly valued services  
We build trust through engaging with our community, delivering quality services and making evidence-based decisions

#### Community Wellbeing

The *Community Wellbeing Action Plan 2024-2025* includes promoting and delivering a Community Grants Program to support community organisations that respond to emerging vulnerabilities and promote active participation in community life.

The Community Grants Program encourages input from community organisations to support all actions in the *Community Wellbeing Action Plan 2024-2025*.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

### **CONCLUSION**

That Council supports the Officer recommendations of the Community Grants and Awards.



---

### 10.3 FOOD SAFETY MANAGEMENT AND PUBLIC HEALTH PROTECTION POLICY

**Author:** Brooke Ranken, Manager Community Safety and Compliance

**Director:** Rosa Zouzoulas, Director Planning and Place

**Trim No:** 24/1324272

**Attachments:**

1. ATTACHMENT 1: DRAFT Food Safety Management and Public Health Protection Policy [↓](#)
2. ATTACHMENT 2: Closure of a Food Premises Policy [↓](#)
3. ATTACHMENT 3: Food Safety - Revocation or Suspension of Registration Policy [↓](#)

---

#### EXECUTIVE SUMMARY

Community Safety and Compliance have reviewed two policies, the Closure of a Food Premises Policy (**Attachment 2**) and the Food Safety – Revocation or Suspension of Registration Policy (**Attachment 3**).

It is proposed that the two policies are amalgamated into a single policy known as the Food Safety Management and Public Health Protection Policy (**Attachment 1**) that focuses on Council’s approach to its legislative responsibilities pursuant to the *Food Act 1984* and the *Public Health and Wellbeing Act 2008* to protect the health of the community.

The policies intended for revocation and the proposed new policy are attached for consideration by Council.

The objective of the draft new Policy is for Council:

- to protect the health of the community and specifically those that are recognised as being vulnerable to illness transmitted through food and water, including allergens, blood-borne and other diseases transmitted through commercial, personal health and related services, and sub-standard accommodation services.
- to educate and support registerable businesses to improve compliance with relevant laws with the aim of building their risk management capacity and culture.
- to provide a framework for which the decisions and actions of Council’s Environmental Health Officers, in performing monitoring and compliance responsibilities, are based on evidence, and applied in a way that is fair, impartial, and transparent.
- to provide a risk management model based on national and international principles and methodology to achieve consistency with the outcome and prevention-based approach and the objectives of the legislation.
- to prioritise and target activity toward businesses that pose a higher risk to public health.
- to apply a risk-based, graduated, and proportionate approach to assessed risk to determine the appropriate action or enforcement. Meaning Environmental Health Officers will apply their delegated powers consistently, make decisions based on evidence, and provide more meaningful information to businesses that will improve food safety outcomes, this approach aligns with national and state regulation.

## RECOMMENDATION

That Council:

1. Revokes the Closure of a Food Premises Policy (**Attachment 2**);
2. Revokes the Food Safety – Revocation or Suspension of Registration Policy (**Attachment 3**); and
3. Adopts the Food Safety Management and Public Health Protection Policy (**Attachment 1**).

## BACKGROUND

The *Food Act 1984* and *Public Health and Wellbeing Act 2008* are two legislative schemes that empower local government to regulate and monitor food safety and public health.

The *Food Act 1984* ensures that food sold is safe and suitable for consumption and sets out the requirements for food safety practices, food handling and food premises. Council enforces this Act by registering and inspecting food premises to ensure compliance with national food safety standards.

The *Public Health and Wellbeing Act 2008* provides a framework for the promotion and protection of public health and wellbeing. Council applies this Act to address public health concerns. Council enforces regulations that promote community health and safety by registering and inspecting businesses, including:

- Beauty therapy
- Colonic irrigation
- Skin penetration
- Tattooing
- Hairdressing
- Applying cosmetics
- Prescribed accommodation
- Category 1 aquatic facility

The Closure of a Food Premises Policy (**Attachment 2**) outlines the circumstances for closing a food premises in the case where a food business is posing an immediate and substantial risk to public health.

The Food Safety – Revocation or Suspension of Registration Policy (**Attachment 3**) specifies the conditions under which a food premises registration can be revoked or suspended due to repeated or serious food safety breaches of the *Food Act 1984*.

Both policies are legislative responses available to Council to enforce non-compliance. Council is not limited to closing a food premises or revoking or suspending registration. There are several enforcement tools that may be exercised where there is non-compliance or serious risk identified and they can be used individually or in combination to achieve compliance.

By combining these policies into an overall Food Safety Management and Public Health Protection Policy, (**Attachment 1**) Council can establish clear guidelines and protocols to prevent, detect and respond to food safety and public health issues effectively in accordance with the above-mentioned legislative requirements.

## **ISSUES AND DISCUSSION**

Council applies a risk management approach to food safety management and public health protection which is in keeping with national food safety regulation and the public health and wellbeing legislation outcome-based methodology.

Council's approach is based on international best practice standards using Hazard Analysis Critical Control Point (HACCP) and risk management principles to conduct assessments according to a priority rating based on the risk involved. The outcomes of assessments inform Council's priorities to target activity toward businesses that pose a higher risk to public health.

Where non-compliance or serious risk is identified, consideration will be given to the most suitable enforcement tool using a graduated and proportionate approach to the assessed risk, with the central element ensuring that public health is protected.

This Policy builds on Council's long-established history of supporting and educating businesses to improve food safety and public health conditions within the municipality.

## **CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

There are no direct implications or actions specific to Council's Climate Emergency Response Strategy 2021-25. However, the impacts of climate change on the health of the community are recognised in the Strategy specifically the effects on mental health and changes in disease occurrence.

This Policy will help to identify and manage emerging issues that may be attributed to climate change within food and public health businesses using scientific understanding and reliable evidence to determine risk and impact and seek action within the scope of food safety and public health legislation.

## **FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

The financial resources required for the implementation of this Policy are within Council's current allocated budget.

## **POLICY AND LEGISLATIVE IMPLICATIONS**

### Local Government Act 2020

Public transparency principles in the Act state:

- A. Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
- B. Council information must be publicly available unless—
  - (i) the information is confidential by virtue of this Act or any other Act; or
  - (ii) public availability of the information would be contrary to the public interest;
- C. Council information must be understandable and accessible to members of the municipal community;
- D. Public awareness of the availability of Council information must be facilitated.

Public Transparency Policy (Adopted 11 August 2020)

The objectives of this policy are to:

- A. Embed a culture of public transparency as part of business as usual in Council;
- B. Increase transparency in Council's decision-making processes;
- C. Raise public awareness of the availability of Council information by promoting access to information that is current, easily accessible and disseminated in a timely manner; and
- D. Give effect to the public transparency principles set out in the *Local Government Act 2020* (Vic).

Food Act 1984

The objective of the Food Act 1984 includes the following—

- (a) to ensure food for sale is both safe and suitable for human consumption;
- (b) to prevent misleading conduct in connection with the sale of food;
- (c) to provide for the application in Victoria of the Food Standards Code.

The role of Council under this Act is to—

- carry out the powers and functions vested in it under this Act in accordance with the requirements of this Act;
- promote the objectives of this Act;
- cooperate with other councils and the Department in relation to the administration of this Act;
- ensure that the administration of this Act by the council is consistent with the administration of this Act through Victoria by other councils;
- participate in the state-wide system for the single notification or registration of temporary food premises, mobile food premises or food vending machines.

Public Health and Wellbeing Act 2008

The purpose of this Act is to enact a new legislative scheme which promotes and protects public health and wellbeing in Victoria.

The objective of this Act is to achieve the highest attainable standard of public health and wellbeing by—

- (a) protecting public health and preventing disease, illness, injury, disability or premature death;
- (b) promoting conditions in which persons can be healthy;
- (c) reducing inequalities in the state of public health and wellbeing

In seeking to achieve the objective of this Act, regard should be given to the guiding principles:

- Principle of evidence-based decision-making
- Precautionary principle
- Principle of primacy of prevention
- Principle of accountability
- Principle of proportionality

- Principle of collaboration

### **COMMUNICATION AND ENGAGEMENT**

Internal engagement on the draft Policy was completed with Corporate Counsel, Media and Communications in 2023 and endorsed at the Governance, Risk and Planning Committee of 6 November 2024.

Should the draft Policy be adopted, the community will be informed through the following processes:

- information on Council's website;
- posts via social media (Council's Facebook and Instagram pages);
- email correspondence to all Glen Eira based Traders Associations; and
- email correspondence to all registered public health and food premises which operate within the municipality.

### **LINK TO COUNCIL PLAN**

Strategic Direction 1: Well informed, transparent decisions and highly valued services  
We build trust through engaging with our community, delivering quality services and making evidence-based decisions

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

### **CONCLUSION**

It is recommended that Council adopts the draft Food Safety Management and Public Health Protection Policy (**Attachment 1**).

OFFICIAL

## Food Safety Management and Public Health Protection Policy

<b>Date first adopted:</b>	
<b>Dates amended:</b>	
<b>Next review date:</b>	
<b>Position title of responsible business unit Manager:</b>	Manager Community Safety and Compliance
<b>Approved by:</b>	Council

OFFICIAL

CONTENTS

1. TITLE..... 3

2. OBJECTIVE..... 3

3. DEFINITIONS AND ABBREVIATIONS..... 3

4. BACKGROUND..... 5

5. POLICY ..... 5

6. HUMAN RIGHTS CHARTER COMPATIBILITY ..... 7

7. ASSOCIATED INTERNAL DOCUMENTS..... 8

8. EXTERNAL REFERENCES/RESOURCES..... 8

DRAFT

## OFFICIAL

**1. TITLE**

Food Safety Management and Public Health Protection Policy

**2. OBJECTIVE**

The objective of this policy is for Council:

- to protect the health of the community and specifically those that are recognised as being vulnerable to illness transmitted through food and water, including allergens, blood-borne and other diseases transmitted through commercial, personal health and related services, and sub-standard accommodation services.
- to educate and support registerable businesses to improve compliance with relevant laws with the aim of building their risk management capacity and culture. This approach identifies to proprietors what risks exist and how those risks should be managed.
- to provide a framework for which the decisions and actions of Council's Environmental Health Officers, in performing monitoring and compliance responsibilities, are based on evidence, and applied in a way that is fair, impartial, and transparent.
- to provide a risk management model based on national and international principles and methodology to achieve consistency with the outcome and prevention-based approach and the objectives of the legislation.
- to prioritise and target activity toward businesses that pose a higher risk to public health.
- to apply a risk-based, graduated, and proportionate approach to assessed risk to determine the appropriate action or enforcement. Meaning Environmental Health Officers will apply their delegated powers consistently, make decisions based on evidence, and provide more meaningful information to businesses that will improve food safety outcomes, this approach aligns with national and state regulation.

**3. DEFINITIONS AND ABBREVIATIONS**

Term	Meaning
Council	means Glen Eira City Council
Authorised officer	means a person appointed by Council to be an authorized officer under Section 20 of the <i>Food Act 1984</i> and/or means a person appointed by Council to be an environmental health officer under section 29 of the <i>Public Health and Wellbeing Act 2008</i> .
Risk management standard	means ISO 31000:2018 – risk management principles and guidelines
HACCP	means Hazard Analysis Critical Control Point
Food business	means a business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves- (a) the handling of food intended for sale; or



## OFFICIAL

	(b) the sale of food, regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only
Food premises	means any premise at, on or from which food is sold, or handled with the intention that it be sold, but does not include- (a) any premises used solely for the purpose of a primary food production business, enterprise or activity or (b) any premises or other place declared by an Order made under section 5(3) not to be a food premises
Premises	in relation to the <i>Public Health and Wellbeing Act 2008</i> includes – (a) land (whether or not vacant); (b) the whole or any part of a building, tent, stall or other structure (whether of a permanent or temporary nature); (c) a pontoon; (d) a vehicle; (e) a caravan or camper-trailer
Business	in relation to the <i>Public Health and Wellbeing Act 2008</i> includes trade, manufacture, process or occupation.
Prescribed accommodation	means any of the following which is prescribed, or is of a class which is prescribed to be prescribed accommodation in accordance with the <i>Public Health and Wellbeing Act 2008</i> — (a) any area of land which a person or persons are frequently, intermittently or seasonally permitted to use for camping on payment of consideration and any facilities provided on the land for the use of that person or those persons; (b) any premises used as a place of abode, whether temporary or permanent, fixed or mobile, where a person or persons can be accommodated on payment of consideration; (c) any accommodation provided to an employee in accordance with a term of an award governing the employment of the employee, or a term of the employee's contract of service, for use by the employee during that employment or service; (d) any accommodation provided to a worker under, or in connection with, a labour hire arrangement with that worker, whether or not that worker pays for the accommodation.
Category 1 aquatic facility	means a swimming pool, spa pool or interactive water feature that in accordance with the <i>Public Health and Wellbeing Regulations 2019</i> — (a) is used by members of the public, whether free of charge or on payment of a fee; or (b) is used in association with a class or program that is offered free of charge or on payment of a fee; or (c) is located at the premises of an early childhood service, school or other educational institution; or (d) is located at premises at which residential aged care services are provided; or (e) is located at any of the following premises— (i) a public hospital; (ii) a multi purpose service; (iii) a denominational hospital; (iv) a private hospital;

## OFFICIAL

---

(v) a privately-operated hospital within the meaning of section 3(1) of the Health Services Act 1988.

---

#### 4. BACKGROUND

##### 4.1 Registration of businesses

All food businesses that sell food or handle food for sale or that is intended for sale from food premises within Glen Eira City must be registered under the *Food Act 1984* unless an exemption applies under section 38 of the Act, or the food business is licensed under the *Dairy Act 2000*, *Meat Industry Act 1993*, or *Seafood Act 2006*.

The *Food Act 1984* sets out the framework for a system of classifying food premises that allows different requirements to apply depending on the level of risk associated with each class of food premises. The current system is set out in declarations made by the Secretary, not the *Food Act 1984*. The classification system works together with the registration of food premises. In the application of the *Food Act 1984*, Environmental Health Officers will apply the declarations that are in force at the time.

All businesses that conduct any of the following activities from a premises operating within Glen Eira City must be registered under the *Public Health and Wellbeing Act 2008* unless an exemption applies:

- Beauty therapy
- Colonic irrigation
- Skin penetration
- Tattooing
- Hairdressing
- Applying cosmetics
- Prescribed accommodation
- Category 1 aquatic facility

#### 5. POLICY

##### 5.1 Monitoring business compliance with legislation

In keeping with the outcome-based approach adopted by National food safety regulation and that of the public health and wellbeing legislative scheme, Council applies a risk-based approach to food safety management and public health protection to achieve a more consistent and accurate application of food safety and public health regulation.

Council's risk management approach is based on the Risk Management Standard and HACCP methodology to identify food safety or public health risk within a business, determine the effectiveness of control measures implemented by the business and assess legislative compliance. The assessment of the risk to public health is conducted by Environmental Health Officers using standardised processes and procedures and is a documented risk assessment and analysis process that uses scientific understanding and reliable evidence to determine the likelihood of the risk occurring and the consequences. This includes the collection of evidence by the Environmental Health Officer through observation, demonstration, scientific analysis or questioning of relevant persons in the business. The combination of likelihood and consequence results in a risk rating.

## OFFICIAL

Following the assessment or inspection the business will be provided a report. The report details the activities that have been assessed and written advice about possible treatments to eliminate, control or effectively manage the risks and advice on ways to continually improve a business's risk management practices.

Conducting assessments and inspections using standardised processes and procedures will ensure that:

- Business owners understand the assessment and can actively participate;
- The assessment processes and procedures and result are transparent to businesses; and
- There is consistency in assessments to allow comparable risk assessments to be made between businesses.

Council's risk assessment approach consists of four sequential stages:

- assess and monitor;
- inform and educate;
- support to comply; and
- enforce.

The aim of this approach is to implement a range of strategies with each stage to achieve:

- safe and suitable food for the community;
- personal health services and similar facilities safely provided, and the risk of disease transmission minimised; and
- accommodation sanitary standards are provided and maintained by owners.

Council's monitoring of compliance includes both proactive and reactive activities, including assessments, inspections, education, sampling, and complaint investigations. The outcomes inform Council's priorities to target resources to the removal of risk according to the risk rating to ensure the public is protected. Businesses are re-inspected based on their risk rating result, ensuring that poor-performing businesses are subject to more inspections than those that are effectively managing risks.

Council is committed to transparency in its decision-making and will clearly communicate monitoring and performance outcomes with businesses, the evidence the decisions are based on, the adequacy of preventative measures implemented by the business and any required corrective actions according to the assessed risk. Businesses will not be made to observe requirements not authorised by the legislation. Reports provided to businesses will:

- provide clear guidance on risks that exist within the business operations and if they are effectively managed and controlled;
- identify risks that are inadequately controlled by the business and the level of risk they pose to public health;
- permit the business to effectively allocate resources to control risks in order of priority;
- educate staff about critical risk areas that require continual monitoring and review; and
- provide a means for the business to measure improvement in risk management.

Council will work with businesses through these monitoring activities to help build knowledge within the business with the overall aim of building management capacity and a risk and compliance culture. Council encourages higher performance and provides incentives to support businesses to promote improved food safety and public health outcomes, and best

**OFFICIAL**

practice standards.

**5.2 Response to non-compliance**

The use of sanctions provided under legislation is a serious matter for both Council and business operators.

The *Food Act 1984* and the *Public Health and Wellbeing Act 2008* both have provisions covering serious risk to health. For the *Food Act 1984*, the most serious offences are those which relate to food and have the highest level of risk of harm. Similarly, the *Public Health and Wellbeing Act 2008* defines serious risk to public health to be significant in consideration of factors such as the number of persons likely to be affected, the seriousness of the threat to the persons health, the nature and effects of harm and the availability of any measures to minimise the risk.

Contained in both *Acts* are various enforcement tools that may be exercised where there is non-compliance or serious risk identified. These tools include orders, notices, the cancellation, revocation or suspension of registration, prosecution, infringement notices and official warnings, undertakings and directions concerning food safety.

In selecting the most suitable enforcement tool, Council will apply a risk based, graduated and proportionate approach to the assessed risk and will consider the attitude, compliance history and actions of the business owner.

Council will also consider other factors in determining the most appropriate response to non-compliance, including the public interest, the degree of deterrence, the sufficiency of evidence supporting the offence, consistency of approach and whether the non-compliance can be effectively dealt with in another way.

In any case, protecting the public's health is the central element in choosing an enforcement response, with consideration also given to the impact imposed on the business.

Council may use the below enforcement tools individually or in combination to achieve compliance, and continued non-compliance may result in escalating enforcement action. Any sanctions applied will be proportional to the risk and culpability.

- Lower-level enforcement tools available to Council include advice or warning (verbal or written) and Official warnings under the *Infringements Act 2006*.
- Mid-level enforcement tools include Orders, Notice of deficiencies, Direction, the imposing of conditions on registration, and Infringement notices under the *Infringements Act 2006*.
- Higher-level enforcement tools include food and/or equipment seizure, temporary closure of a food premises, restriction of food premises operations, the cancellation, suspension, revocation or refusal of registration and prosecution.

Council will provide clear written communication to the proprietor about a decision to enforce corrective action, including the actions required of the proprietor, the timeframe to remedy non-compliance and the avenues available to seek a review or appeal of Council's decision.

**6. HUMAN RIGHTS CHARTER COMPATIBILITY**

This Policy has been assessed as being compatible with the *Charter of Human Rights and*

## OFFICIAL

*Responsibilities Act 2006.*

**7. ASSOCIATED INTERNAL DOCUMENTS**

- Glen Eira City Council Risk Management Framework and Policy
- Public Transparency Policy
- Prosecution Policy

**8. EXTERNAL REFERENCES/RESOURCES**

- *Food Act 1984*
- *Public Health and Wellbeing Act 2008*
- *Public Health and Wellbeing (Prescribed Accommodation) Regulations 2020*
- *Public Health and Wellbeing Regulations 2019*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*
- *Privacy and Data Protection Act 2014*
- *Local Government Act 2020*
- Australia New Zealand Food Standards Code
- Department of Health Guide to the *Food Act 1984* Edition 1
- Department of Health Food Safety Assessment: A Guide for Council Authorised Officers [2018]
- Department of Health Enforcement guidelines: A guide for councils in selecting enforcement tools under the *Victorian Food Act 1984*
- Municipal Association of Victoria *Public Health and Wellbeing Act 2008* Guidance Manual for Local Government Authorised Officers March 2010

1.

## Closure of a Food Premises

<b>Date first adopted:</b> 29 June 2010  <b>Amended and adopted:</b> 18 March 2014	<b>Version: 2</b>  <b>Next review date:</b> June 2018	<b>Status: Reviewed June 2016</b>
<b>Position Title of Responsible Business Unit Manager:</b>	Manager Public Health	

### CONTENTS

Closure of a Food Premises

Page 1 of 4

Glen Eira City Council

1. TITLE ..... 3  
2. OBJECTIVE ..... 3  
3. BACKGROUND ..... 3  
4. DEFINITIONS AND ABBREVIATIONS ..... 3  
5. POLICY ..... 3  
6. HUMAN RIGHTS CHARTER COMPATIBILITY ..... 4  
7. ASSOCIATED DOCUMENTS ..... 4  
8. REFERENCES/RESOURCES ..... 4

UNDER REVIEW

**1. TITLE**

Closure of a Food Premises

**2. OBJECTIVE**

To ensure that premises posing an immediate and substantial risk to public health are closed until the risk is removed and it is safe for the public to consume food from the premises.

**3. BACKGROUND**

The Food Act 1984 ('Act') provides Council (as a 'relevant authority' pursuant to the Act) with powers to close and other powers in relation to food premises. The Act provides that Council may order that a:

- (1) food premises must not be kept or used for the sale or handling of any food;
- (2) food premises must not be kept or used for the preparation of food; and
- (3) food premises must not be used for a specified purpose or for the use of specified equipment or a specified process.

**4. DEFINITIONS AND ABBREVIATIONS**

Term	Meaning
N/a	

**5. POLICY****5.1 Closure of a Food Premises**

The CEO may close a food premises in circumstances where the criteria listed below are satisfied:

- (a) there is a clear and serious breach of the Act; and
- (b) there is a material likelihood (which may include unsatisfactory sampling results), that the breach may result in physical, chemical or microbiological contamination of food; and
- (c) the consequence of the breach is such that there is a high probability of contaminant ingestion or a high probability that there will be serious (widespread) illness; and
- (d) the breach is verified by an authorised Environmental Health Officer and an authorised Senior Environmental Health Officer of Council; and
- (e) the opinion of the authorised Senior Environmental Health Officer is that a closure of the premises is the only effective means for removing the risks to

Closure of a Food Premises

Page 3 of 4

Glen Eira City Council



public health; and

- (f) the proprietor has been provided with an opportunity to remove the source of the food safety risk, but has not done so; and
- (g) Council intends that legal proceedings will be instituted against the proprietor of the premises.

## 6. HUMAN RIGHTS CHARTER COMPATIBILITY

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

## 7. ASSOCIATED DOCUMENTS

Food Safety – Revocation or Suspension of Registration Policy  
Inspection and Registration Fees Policy  
Mobile and Temporary Food Premises Policy  
Penalty Infringement Notices – Food Act 1984 Policy  
Seizure, Written Orders and Prosecutions Policy

## 8. REFERENCES/RESOURCES

Australian and New Zealand Food Standards Code  
*Charter of Human Rights and Responsibilities Act 2006*  
*Food Act 1984*

## Food Safety - Revocation or Suspension of Registration

<b>Date first adopted:</b> 29 June 2010  <b>Amended and adopted:</b> 18 March 2014	<b>Version: 2</b>  <b>Next review date:</b> June 2018	<b>Status: Reviewed June 2016</b>
<b>Position Title of Responsible Business Unit Manager:</b>	Manager Public Health	

Food Safety - Revocation or Suspension of Registration

Page 1 of 5

Glen Eira City Council

**CONTENTS**

1. TITLE..... 3  
2. OBJECTIVE ..... 3  
3. BACKGROUND ..... 3  
4. DEFINITIONS AND ABBREVIATIONS ..... 4  
5. POLICY ..... 4  
6. HUMAN RIGHTS CHARTER COMPATIBILITY ..... 5  
7. ASSOCIATED DOCUMENTS..... 5  
8. REFERENCES/RESOURCES..... 5

UNDER REVIEW

---

Food Safety - Revocation or Suspension of Registration

Page 2 of 5

Glen Eira City Council

**1. TITLE**

Food Safety - Revocation or Suspension of Registration

**2. OBJECTIVE**

To ensure consistent exercise of the discretion to suspend or revoke the registration of a food premises.

**3. BACKGROUND**

- 3.1 Pursuant to the Food Act 1984 ('Act'), Council has the power to revoke or suspend the registration of a food business. The decision to revoke or suspend food business registration does not need to be ratified by resolution of Council. The power to revoke or suspend registration is delegated to the CEO. However, refusal by a Public Health officer to grant, renew or transfer the registration of a food premises has no effect until it is ratified by the CEO.
- 3.2 A food business that sells food without registration is in breach of the Act and can be prosecuted for operating an unregistered premises.
- 3.3 Section 40D of the Act provides that Council may suspend or revoke the registration of a food premises in any of the following circumstances:
- (a) A person is convicted of a second or subsequent offence in breach of the Act committed at the same food premises.
  - (b) The premises have been granted registration by Council with a condition that a defect be rectified and the defect has not been rectified within the time period specified by Council.
  - (c) The premises fail to maintain minimum food safety records as are specified by the Secretary of the Department of Health and Human Services.
  - (d) The premises fail to have a Food Safety Program that meets the requirements of the Act.
  - (e) The premises fail to comply with its Food Safety Program.
  - (f) The premises fail to review its Food Safety Program and, if necessary, revise the Program so that the premises meet the requirements of the Act.
  - (g) The premises fail to have a food safety supervisor as is specified by the Act.
  - (h) The premises fail to comply with a written notice from Council.
  - (i) The premises use a standard Food Safety Program that is not suitable for the

Food Safety - Revocation or Suspension of Registration

Page 3 of 5

Glen Eira City Council

class or category of the premises.

- (j) The premises fail to have its Food Safety Program audited by a food safety auditor as is required by the Act.
- (k) The premises fails to provide Council with a copy of its Food Safety Audit Report.
- (l) Council receives a notice from a food safety auditor that there are practices that may lead to food being sold that is unsafe or unsuitable.

**4. DEFINITIONS AND ABBREVIATIONS**

Term	Meaning
N/a	

**5. POLICY**

**5.1 Revocation and Suspension of the Registration of a Food Business**

Council may suspend or revoke the registration of a food business when:

- (a) there has been a breach of the Act and the breach is verified by an authorised Environmental Health Officer and an authorised Senior Environmental Health Officer; and
- (b) the proprietor has been provided with the opportunity to rectify the breach or remove the source of the risk to food safety and public health, but has not done so effectively; and
- (c) the use of Council powers to issue written orders, seize food or issue penalty infringement notices have failed to rectify the breach or remove the risk to food safety and public health; and
- (d) legal proceedings will be instituted against the proprietor.

**Or:**

- (e) the proprietor of a food business is convicted of a second or subsequent offence in breach of the Act at the same food premises.

**5.2 Notice of Order to Revoke or Suspend Registration**

5.2.1 Council will provide written notice of an order to revoke or suspend registration, specifying the duration of the revocation or suspension pursuant to the Act.

5.2.2 The order will take affect when notice of the order is given to, or served upon,

---

Food Safety - Revocation or Suspension of Registration

Page 4 of 5

Glen Eira City Council

the registered proprietor of the food premises.

### **5.3 Reinstatement of Registration**

- 5.3.1 Council will not reinstate a registration that has been revoked or suspended until the relevant requirements of the Act have been complied with.
- 5.3.2 Council will provide written notice of the revocation of an order to suspend or revoke registration in the same manner in which notice of the order was given.

## **6. HUMAN RIGHTS CHARTER COMPATIBILITY**

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

## **7. ASSOCIATED DOCUMENTS**

Closure of a Food Premises Policy  
Penalty Infringement Notices – *Food Act 1984* Policy  
Mobile and Temporary Premises Policy  
Seizure, Written Orders and Prosecution Policy  
Inspection and Registration Fees Policy

## **8. REFERENCES/RESOURCES**

Australia and New Zealand Food Standards Code  
*Charter of Human Rights and Responsibilities Act 2006*  
*Food Act 1984*

## 10.4 GEL CUSTOMER BEHAVIOUR POLICY

**Author:** Peter Tillotson, Acting Manager - Glen Eira Leisure

**Director:** Niall McDonagh, Director Sustainability, Assets and Leisure

**Trim No:** 24/1318412

**Attachments:** 1. [GEL Customer Behaviour Policy](#)   
2. [GEL Customer Behaviour Procedure](#) 

---

### EXECUTIVE SUMMARY

This report outlines the Glen Eira Leisure (GEL) Customer Behaviour Policy (Policy), shown in Attachment 1, which establishes a structured approach to managing and addressing customer conduct within GEL facilities and programs.

This Policy ensures Council is committed to creating an environment where customer behaviour is aligned with the organisation's standards.

The Policy defines both misconduct and serious misconduct, providing a framework for handling each type of behaviour. Its aim is to ensure fair, transparent, and consistent management of customer issues while maintaining a safe, respectful, and inclusive environment for all patrons and staff.

To support the implementation of the Policy a GEL Customer Behaviour Procedure (Procedure) has been developed (Attachment 2).

### RECOMMENDATION

That Council adopt the Glen Eira Leisure Customer Behaviour Policy as shown in Attachment 1 to this report.

### BACKGROUND

The Glen Eira Leisure (GEL) facilities provide a range of programs and services to the community. As part of its commitment to maintaining a safe, welcoming, and respectful environment, GEL has developed a policy to address customer behaviour that does not meet its standards. This includes instances of misconduct or serious misconduct that may disrupt the operations of the facilities or pose a risk to other customers and staff. The GEL Customer Behaviour Policy aims to outline the steps involved in addressing customer conduct in a consistent and fair manner, aligned with best practice in customer service and safety.

### ISSUES AND DISCUSSION

The GEL Customer Behaviour Policy ensures that all customer conduct concerns are addressed promptly and effectively. The key issues covered in the policy include:

**Misconduct and Serious Misconduct:** The policy distinguishes between "misconduct" (unsatisfactory behaviour not causing serious harm) and "serious misconduct" (behaviour that risks health or safety).

Serious misconduct includes actions such as assault, theft, damage to property, and discriminatory remarks.

**Procedural Fairness and Confidentiality:** The Policy outlines clear steps for investigating misconduct, including gathering evidence, conducting interviews, and offering customers the opportunity to respond to allegations.

A strong emphasis is placed on confidentiality throughout the process, ensuring that all parties respect the privacy of individuals involved.

**Outcomes and Proportionality:** Depending on the severity of the behaviour, outcomes range from discussions and warnings to suspension or withdrawal of membership.

Proportionality is a key consideration to ensure outcomes are appropriate to the seriousness of the misconduct.

**Customer Rights and Dispute Resolution:** The policy offers customers the right to escalate complaints regarding the process under the Glen Eira City Council's Complaints Handling Policy.

### **CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

There are no implications in regard to the Climate Emergency Response Strategy.

### **FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

There are no direct financial implications anticipated by the implementation of this Policy, although there may be indirect costs associated with the administrative processes involved in investigating and managing customer misconduct, however it is expected these can be absorbed into general operations.

The Policy helps mitigate risks related to customer safety and wellbeing by ensuring there are procedures in place for addressing misconduct. This proactive approach reduces the likelihood of serious incidents occurring within GEL facilities.

The Policy includes provisions to address misuse or damage to GEL property, providing clear steps for investigating and managing these situations.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

The Glen Eira Leisure Customer Behaviour Policy complies with various legislative frameworks, including:

**Charter of Human Rights and Responsibilities Act 2006 (Vic):** The Policy has been assessed for compatibility with the Charter, ensuring that all customer rights are respected in line with the legislation.

**Gender Equality Act 2020 (Vic):** Although not directly requiring a Gender Impact Assessment for this policy, it aligns with the principles of fairness and equality.

**Privacy and Data Protection Laws:** The confidentiality provisions in the Policy ensure that any personal data involved in complaints or investigations is handled in accordance with relevant privacy regulations and Councils Privacy Policy.

The draft GEL Customer Behaviour Policy has been endorsed by the Governance, Risk and Planning Committee.

### **COMMUNICATION AND ENGAGEMENT**

The GEL Customer Behaviour Policy will be communicated to all GEL customers and staff through:



**GEL Website:** The Policy will be available to view on the GEL website, ensuring customers have access to the information at all times.

**Staff Training and Development:** Council officers will receive training to ensure they are familiar with the Policy and its application, ensuring consistency in implementation. A supporting Procedure has been developed to assist the Policy implementation.

### **LINK TO COUNCIL PLAN**

Strategic Direction 5: A healthy, inclusive and resilient community. We support our residents to be healthy, strong and resilient and will embrace and celebrate our diverse community.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

### **CONCLUSION**

The Glen Eira Leisure Customer Behaviour Policy provides a clear, fair, and transparent process for managing customer conduct that aligns with best practices for safety, respect, and accountability. It aims to foster a safe, enjoyable environment for all customers and staff, while also ensuring that allegations of misconduct are addressed in a timely and proportionate manner.

The Policy reflects a strong commitment to customer wellbeing and operational integrity, balancing fairness, confidentiality, and the importance of maintaining a positive community space. Council's endorsement of this Policy will support GEL's ongoing commitment to upholding the standards of conduct expected from all customers and ensuring appropriate action is taken when necessary.

## GEL Customer Behaviour Policy

Date first adopted:	xxx
Dates amended:	
Next review date:	xxx
Position title of responsible business unit Manager:	General Manager Glen Eira Leisure
Approved by:	Council

**CONTENTS**

1. **TITLE** ..... 1

2. **OBJECTIVE** ..... 1

3. **SCOPE**..... 1

4. **DEFINITIONS**..... 1

5. **POLICY** ..... 2

5.1 Misconduct..... **Error! Bookmark not defined.**

5.2 Serious Misconduct..... 2

5.3 Outcome ..... 2

5.4 Confidentiality ..... 3

5.5 Meeting Protocol ..... 3

5.6 Disputes..... 3

6. **PROCEDURE** ..... 3

7. **ROLES AND RESPONSIBILITIES**..... 4

8. **HUMAN RIGHTS CHARTER COMPATIBILITY** ..... 4

9. **ASSOCIATED DOCUMENTS**..... 4

**1. TITLE**

GEL Customer Behaviour Policy

**2. OBJECTIVE**

Glen Eira Leisure (GEL) is committed to providing a fair and transparent process for staff to follow when dealing with member and customer conduct. The purpose of this Policy is to provide a framework for the consistent application and management of issues concerning misconduct and serious misconduct by a member or customer.

**3. SCOPE**

This Policy applies to all customers of GEL programs and services.

**4. DEFINITIONS**

<b>Term</b>	<b>Meaning</b>
Balance of Probabilities	Standard of proof where, based on the evidence / information available, the conduct alleged is more probable than not to have occurred.
Council Officers	The relevant Glen Eira Leisure team members.
Customer	Includes a member, guest, casual visitor.
Misconduct	<p>Conduct that is not serious misconduct but is nonetheless unsatisfactory and inconsistent with the Relevant Standards. Misconduct may result in suspension or withdrawal of membership or limitation on access to GEL facilities.</p> <p>Examples of misconduct include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ breaches of Relevant Standards;</li> <li>▪ failure to follow staff instructions or other reasonable instruction; and</li> <li>▪ inappropriate use of Glen Eira Leisure property or facilities.</li> </ul>
Relevant Standards	Glen Eira Leisure Centre Rules, Hirer/ Membership Terms and Conditions, Conditions of Entry and Use, GESAC Futsal Competition Rules, GESAC Netball Competition Rules, Council's Privacy Policy, Photography and Filming Guidelines.
Serious Misconduct	<p>Conduct that causes a serious and imminent risk to the health and safety of another person. Serious misconduct may result in suspension or withdrawal of membership or limitation on access to GEL facilities.</p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>▪ assault;</li> <li>▪ making racist, homophobic, transphobic or sexist comments;</li> <li>▪ threats of violence or intimidation;</li> <li>▪ wilfully damaging or misusing GEL property;</li> <li>▪ theft;</li> <li>▪ vandalism or tampering with property; and</li> <li>▪ unauthorised photography, video recording or streaming.</li> </ul>

## 5. POLICY

Glen Eira Leisure expects the conduct of all customers to adhere to the Relevant Standards.

### 5.1 Misconduct

- 5.1.1 If council officers are satisfied on the balance of probabilities that a customer has committed an act of misconduct, then:
- (a) an initial discussion with the customer will occur about the standards of conduct expected of them as a customer, and
  - (b) they will be advised that their conduct will be monitored over a specified period of time.
- 5.1.2 If:
- (a) no reasonable improvement is shown by the customer during that period; or
  - (b) if further and credible allegations of a similar nature are made involving the customer; then
- the process in clause 5.1.3 of this policy will be undertaken.
- 5.1.3 The concerns about conduct will be provided to the customer in writing, and the customer will be given the opportunity to respond to the concerns within a reasonable timeframe.

### 5.2 Serious Misconduct

- 5.2.1 If a customer is alleged to have acted in a way that constitutes serious misconduct, and a preliminary assessment determines a formal process is required, an investigation will be undertaken.
- 5.2.2 Depending on the seriousness and circumstances of the allegation, council officers may impose a temporary restriction on the customer accessing some or all GEL facilities while an investigation is undertaken.
- 5.2.3 The substance of any serious misconduct allegation will be provided to the customer, and the customer will be given the opportunity to respond to the allegation.
- 5.2.4 The investigation must determine whether, on the balance of probabilities, the allegation of serious misconduct has been substantiated.

### 5.3 Outcome

- 5.3.1 An investigation (in the case of serious misconduct) or consideration of what has occurred since an initial discussion has occurred (in the case of misconduct) may result in an outcome determined by council officers. The outcome must be proportionate to the seriousness of the conduct that has been proven.
- 5.3.2 Any outcome will be determined after assessing all the information council has before it, including the response of the customer.
- 5.3.3 Where misconduct or serious misconduct is found to have occurred by a customer, the outcomes include, but are not limited to:

- (a) a discussion;
- (b) issuing a verbal warning;
- (c) issuing a written warning;
- (d) imposition of a restriction on accessing some or all GEL facilities;
- (e) suspension or withdrawal of membership.

5.3.4 Unless the serious misconduct is extreme in its character or impact, outcomes in clauses 5.3.3 (d) or 5.3.3 (e) of this Policy will be for a definite period.

5.3.5 At the end of each period under clause 5.3.4 of this Policy, a review will be carried out to determine whether a further period should be imposed.

#### **5.4 Confidentiality**

5.4.1 All matters are confidential, and all parties involved must not disclose any information concerning a matter to any party, unless it is reasonably necessary. This means, generally, that any complaints or information obtained during this process must not be raised or discussed with any other customer or staff member.

5.4.2 Any disclosure must be reasonably necessary, for the purposes of further investigation or action.

#### **5.5 Meeting Protocol**

5.5.1 Where formal meetings are conducted under this Policy, the Council Officers will take all reasonable steps to:

- (a) outline the reason for the meeting;
- (b) communicate GEL's concerns regarding the customer's conduct or behaviour;
- (c) explain the standard of conduct that is required by the customer;
- (d) give the customer the opportunity to respond to the matters raised;
- (e) ensure that notes are taken of the meeting; and
- (f) inform the customer of the outcome of the meeting within a reasonable time frame.

#### **5.6 Disputes**

5.6.1 If a customer has a concern in relation to the process (not the outcome or final decision to take action), they may escalate the matter in accordance with Glen Eira City Council's Complaints Handling Policy.

### **6. PROCEDURE**

The Procedure is detailed in the GEL Customer Behaviour Procedure.

## 7. ROLES AND RESPONSIBILITIES

Customers:

- participate fully in the process; and
- maintain confidentiality as per the requirements of this Policy.

Council Officers:

- gather information about the incident/s or behaviour or conduct concerns;
- work with Risk and Governance to ensure the process is conducted appropriately;
- lead the process and any discussions relating to the issue;
- maintains appropriate levels of confidentiality; and
- inform/discuss with their Director.

Risk and Governance:

- assist Council Officers to conduct the process fairly and transparently in a timely manner;
- support Council Officers to make fair and reasonable decisions based on the information presented by the case and relevant policies; and
- review any related letters or documentation as required.

## 8. LEGISLATIVE COMPLIANCE

This Policy has been assessed as being compatible with the Charter of Human Rights and Responsibilities Act 2006 (Vic).

In line with the Gender Equality Act 2020 (Vic), a Gender Impact Assessment is not required for this policy.

## 9. ASSOCIATED DOCUMENTS

- Child Safeguarding Policy
- Conditions of Entry and Use
- GEL Customer Behaviour Procedure
- GESAC Futsal Competition Rules
- GESAC Netball Competition Rules
- Glen Eira Leisure Centre Rules
- Glen Eira Leisure Hirer's Conditions of Use
- Photography and Filming Guidelines
- Privacy Policy
- Terms and Conditions

OFFICIAL

**GEL Customer Behaviour Procedure****Purpose**

To give council officers a clear procedure for handling alleged breaches of the GEL Customer Behaviour Policy.

**Scope**

This procedure applies to council Officers who are tasked with assessing customer conduct issues.

**Definitions**

Term	Meaning
Balance of Probabilities	Standard of proof where, based on the evidence / information available, the conduct alleged is more probable than not to have occurred.
Ban	Suspension or withdrawal of membership.
Council Officers	The relevant Glen Eira Leisure team members.
Customer	Includes a member, guest, casual visitor.
Director	Director of Sustainability, Assets, and Leisure.
General Manager	General Manager Glen Eira Leisure.
Misconduct	<p>Conduct that is not serious misconduct but is nonetheless unsatisfactory and inconsistent with the Relevant Standards.</p> <p>Misconduct may result in suspension or withdrawal of membership or limitation on access to GEL facilities.</p> <p>Examples of misconduct include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ breaches of Relevant Standards;</li> <li>▪ failure to follow staff instructions or other reasonable instruction; and</li> <li>▪ inappropriate use of Glen Eira Leisure property or facilities.</li> </ul>
Serious Misconduct	<p>Conduct that causes a serious and imminent risk to the health and safety of another person.</p> <p>Serious misconduct may result in suspension or withdrawal of membership or limitation on access to GEL facilities.</p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>▪ assault;</li> <li>▪ making racist, homophobic, transphobic or sexist comments;</li> <li>▪ threats of violence or intimidation;</li> <li>▪ wilfully damaging or misusing GEL property;</li> <li>▪ theft;</li> <li>▪ vandalism or tampering with property; and</li> <li>▪ unauthorised photography, video recording or streaming.</li> </ul>



OFFICIAL

## GEL Customer Behaviour Procedure



### Procedure Instructions

#### Preliminary Assessment-Alleged Misconduct or Serious Misconduct

The council Officer, within the Risk and Compliance team at Glen Eira Leisure (GEL), will assess available information to determine on the balance of probabilities that a customer has potentially committed an act of misconduct or serious misconduct. This process is to be completed within 2 days of the alleged offence or report.

### Misconduct (Clause 5.1)

#### Step 1: Initial Discussion and Monitoring (Clause 5.1.1)

##### 1. Identification of Misconduct

If a council officer is satisfied on the balance of probabilities that a customer has committed an act of misconduct, the following steps will be initiated.

##### 2. Initial Discussion

- A meeting or discussion will be scheduled between the council officer and the customer to:
  - Clearly communicate the expected standards of conduct.
  - Outline the nature of the alleged misconduct.
  - Emphasise the importance of maintaining appropriate conduct.

##### 3. Monitoring Period

- The customer will be advised that their conduct will be monitored for a specified period (e.g., 30, 60, or 90 days).
- The customer will be informed that any further misconduct during this period may result in further action.

---

#### Step 2: Review of Conduct (Clause 5.1.2)

##### 1. Evaluation of Improvement

At the end of the monitoring period, council officers will assess the customer's conduct to determine if:

- There has been a **reasonable improvement** in the customer's behaviour, or
- There have been **further allegations** of a similar nature involving the customer.

##### 2. If No Improvement or New Allegations

If no improvement is shown, or if new and credible allegations arise, the council will proceed with the next steps outlined in **Step 3** of this procedure.

---

#### Step 3: Formal Response to Misconduct (Clause 5.1.3)

##### 1. Written Notification

- If further action is warranted, the council officer will provide the customer with a written notification, which will include:
  - A clear outline of the concerns regarding the customer's alleged misconduct.
  - Specific details of the allegations or instances of misconduct.
  - A request for the customer's response within a reasonable timeframe (Minimum 10 days).

##### 2. Opportunity to Respond

OFFICIAL

## GEL Customer Behaviour Procedure



- The customer will be given the opportunity to respond in writing, explaining their alleged behaviour or providing mitigating circumstances.
- 3. **Assessment and Next Steps**
  - After reviewing the customer's response, the council officer will determine the next course of action, which may include:
    - Further monitoring.
    - A formal warning or restriction (as outlined in **Section 5.3** of this policy).
    - Any other actions deemed appropriate based on the severity of the misconduct.

### Serious Misconduct (Clause 5.2)

#### Step 1: Preliminary Assessment and Investigation (Clause 5.2.1 - 5.2.4)

1. **Initial Allegation Review**
  - When serious misconduct is alleged, a preliminary assessment will be conducted by the relevant council officers to determine whether a formal investigation is warranted.
2. **Investigation Process**
  - If the allegation involves serious misconduct, an investigation will be initiated. This may include:
    - Gathering evidence related to the incident.
    - Interviewing the alleged perpetrator.
    - Interviewing witnesses or other individuals involved.
    - Checking CCTV in line with council CCTV Policy.
3. **Temporary Restrictions**
  - Depending on the nature of the allegation, the council may impose a **temporary restriction** on the customer's access to GEL facilities while the investigation is ongoing. Manager and Director approval is required for this step.
4. **Customer Notification**
  - The substance of the serious misconduct allegation will be communicated to the customer in writing as a show cause process. Manager approval is required to proceed with this step.
  - The customer will be given the opportunity to respond to the allegation within a reasonable timeframe (Minimum 10 days).
5. **Investigation Outcome**
  - The investigation will determine, on the balance of probabilities, whether the serious misconduct has occurred.
  - The findings will be communicated to the customer, and appropriate actions will be taken based on the investigation outcome.

### Outcome Determination (Clause 5.3)

#### Step 1: Consideration of Evidence and Customer Response

1. **Review of Information**

Council officers will review all available information, including the investigation findings (for serious misconduct) or the monitoring period results (for misconduct), as well as the customer's response to any allegations.
2. **Proportional Outcome**

The outcome will be determined in a proportionate manner, considering:

  - The seriousness of the misconduct or serious misconduct.
  - The customer's response to the allegations.

OFFICIAL

## GEL Customer Behaviour Procedure



- Any mitigating circumstances or corrective actions taken by the customer.

### Step 2: Possible Outcomes for Misconduct or Serious Misconduct

#### 1. Possible Actions for Misconduct (Clause 5.3.3)

The council may choose one or more of the following outcomes:

- A **discussion** with the customer regarding their conduct.
  - Issuing a **verbal warning**.
  - Issuing a **written warning**.
  - **Imposing a restriction** on access to GEL facilities (e.g., restricted hours or specific areas). Manager and Director approval is required for this step. Risk and Governance will be consulted prior to finalising this outcome.
  - **Suspension or withdrawal of membership**. Manager and Director approval is required for this step. Risk and Governance will be consulted prior to finalising this outcome.
- #### 2. Temporary Restrictions for Serious Misconduct (Clause 5.2.2)
- If serious misconduct is found, the outcome may involve a temporary restriction on accessing some or all GEL facilities. This is not the facilitation of a ban, but a tool to mitigate the risk or further incident prior to the completion of the investigation.
  - If the outcome involves a suspension or restriction, the period will be **time-limited** (minimum time required to complete the investigation process).
- #### 3. Review of Restrictions (Clause 5.3.5)
- At the end of the imposed period, a **review** will be conducted to assess whether the customer's conduct has improved, and whether the restriction should be extended or lifted.

---

#### 4. Confidentiality (Clause 5.4)

- All matters related to misconduct and serious misconduct will be treated with strict confidentiality.
- Information should not be shared with any parties unless necessary for further investigation or action.
- Any disclosure of information must be necessary for purposes such as further investigation or legal compliance.

---

#### 5. Meeting Protocol (Clause 5.5)

##### 1. Conduct of Formal Meetings

In cases where formal meetings are required, council officers will ensure that:

- The reason for the meeting is clearly communicated.
- The concerns regarding the customer's conduct are explained.
- The customer is given an opportunity to respond.
- Notes are taken to document the proceedings.
- The customer is informed of the outcome in a timely manner.

---

#### 6. Dispute Resolution (Clause 5.6)

OFFICIAL

## GEL Customer Behaviour Procedure



### 1. Escalating Concerns

If a customer disagrees with the process (not the outcome or decision), they may escalate the matter in accordance with Glen Eira City Council's Complaints Handling Policy.

### Documentation and Record-Keeping

- All communications, meetings, and actions taken during the procedure should be carefully documented.
- Records should be kept of the initial discussion, monitoring period, written notification, customer responses, and any follow-up actions.
- These records should be stored securely in TRIM.

## 10.5 AUDIT & RISK COMMITTEE MINUTES

**Author:** John Vastianos, Chief Financial Officer

**Director:** Rebecca McKenzie, Chief Executive Officer

**Trim No:** 24/1333546

**Attachments:** 1. *Audit Risk Committee Minutes (9 Dec 2024)* [↓](#)

---

### EXECUTIVE SUMMARY

Council is required under the *Local Government Act 2020* and the Audit and Risk Committee Charter, that minutes will be provided to Council at the first available opportunity after clearance by the Committee Chairperson.

The purpose of this report is to present to Council for approval the Audit and Risk Committee minutes from the meeting held on 9 December 2024.

At the meeting held on 9 December 2024, the key topics considered included:

- Planning and Place Directorate Risk Review
- Planning and Building Services Business Unit Risk Review
- Chief Information Officer's update on Cyber Security, Information Management and Technology and Digital Strategy
- Corporate Governance Report
- Review of Councillor Expenses
- Audit Recommendations from internal reviews conducted on Fraud and Corruption and Local Laws (animal and food management)
- Update on Council's Finance System
- Sector updates from Council's Internal and External Auditors
- Evaluation of the results of the annual performance review of the Audit and Risk Committee and Internal Audit service provider
- Annual review of the Committee's Charter.

### RECOMMENDATION

That Council adopts the minutes of the Audit and Risk Committee meeting held on 9 December 2024 as shown in Attachment 1 to the report.

### BACKGROUND

The City of Glen Eira has established an Audit and Risk Committee (the Committee) pursuant to Section 53 of the *Local Government Act 2020* to support Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and control, Council's performance with regard to compliance with its policies and legislative and regulatory requirements, maintenance of a sound internal control environment, and assurance activities including internal and external audit. It acts in this capacity by monitoring, reviewing, endorsing, and advising on the above matters as set out in its Charter.

The Committee has no executive authority and no delegated financial responsibilities and is therefore independent of management.

The Committee is not a delegated committee but is directly responsible to Council for discharging its responsibilities as set out in the Charter. The Committee has no delegated

authority from Council unless specifically provided by Council from time to time and any such authority shall be temporary and may only relate to specific matters as directed by Council.

### **ISSUES AND DISCUSSION**

In accordance with the Committee's Charter (section 4.6) and sections 53 and 54 of the *Local Government Act 2020*, minutes will be prepared for all meetings and provided to Council at the first available opportunity after clearance by the Committee Chairperson. The draft minutes will be formally tabled and confirmed by the Committee at the following Committee meeting.

### **CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

Not applicable.

### **FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

The Committee meets five times per year.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

1. Local Government Act 2020:
  - Division 8—Audit and Risk Committee
    - Section 53: Council must establish an Audit and Risk Committee
    - Section 54: Audit and Risk Committee Charter
2. Glen Eira City Council Audit & Risk Committee Charter (endorsed 11 August 2020).

### **COMMUNICATION AND ENGAGEMENT**

Not applicable.

### **LINK TO COUNCIL PLAN**

Strategic Direction 1: Well informed, transparent decisions and highly valued services.  
We build trust through engaging with our community, delivering quality services and making evidence-based decisions.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

### **CONCLUSION**

The Audit and Risk Committee is an important part of Council's commitment to good governance and probity. The actions outlined in this report ensure that Council's approach remains consistent with legislation and leading practice.



GLEN EIRA  
CITY COUNCIL

# GLEN EIRA CITY COUNCIL AUDIT AND RISK COMMITTEE

**Minutes of Monday, 9 December 2024**

**Yarra Yarra Room: 8am In-camera Session, 8:30am for Officers**

## **Committee Attendees:**

### **Committee Members**

#### **Independent Members**

- Lisa Tripodi, Independent Member
- Craig Geddes, Chairperson
- Menchi Schneier, Independent Member

#### **Councillors**

- Cr Simone Zmood
- Cr Luca Ragni
- Cr Kay Rimbardo

#### **Internal Auditors (HLB Mann Judd Advisory & Accounting)**

- Kapil Kukreja, Partner Risk Assurance and Consulting

#### **Council Officers**

- Ange Marshall, Senior Finance Program Manager
- Brooke Ranken, Manager Community Safety & Compliance
- Claire Wynn, Coordinator Risk Management
- Diana Vaynrib, Manager Risk & Governance
- John Vastianos, Chief Financial Officer
- Kellie Vise, Director Customer and Corporate Affairs
- Lauren Richardson, Manager Planning & Building Services
- Paul Barrett, Chief Information Officer
- Rebecca McKenzie, Chief Executive Officer
- Rosa Zouzoulas, Director Planning & Place

#### **Apologies**

- Mark Holloway, Partner, Audit & Assurance
- Travis Derricott, Sector Director, Financial Audit
- Jung Yau, Manager Financial Audit

#### **Minutes**

- Alon Milstein, Financial Accountant

*The Committee met at 8am in-camera in discussion of broad issues facing Council and the risk elements thereof.*

## AUDIT AND RISK COMMITTEE MEETING MINUTES

9 DECEMBER 2024

---

**OFFICIAL****AUDIT AND RISK COMMITTEE**  
**Monday, 9 December 2024**  
**8am (Yarra Yarra Room)**  
**MINUTES**

---

**1. ACKNOWLEDGEMENT OF COUNTRY, WELCOME AND APOLOGIES**

At 8:30am, the Chairperson opened the meeting with an Acknowledgement of Country. The Chairperson welcomed Cr Zmood, Cr Ragni and Cr Rimbardo to their first meeting. The Chairperson also noted that both Cr Parasol and Cr Rimbardo were appointed as substitute members. Apologies were noted from Mr Holloway, Mr Derricott and Mr Yau.

**2. DISCLOSURE OF INTERESTS, CONFLICTS, BREACHES OF ANY ACT**

The Chairperson asked if there were any further updates to the register to be declared and whether any person present was aware of any breaches of any *Local Government Act 2020*, or any other irregularity or matters which should be brought before the Committee.

No breaches, irregularities or matters were reported.

The Committee noted the Register of Interests of independent members, and that the table will be updated in future to address any specific *Local Government Act 2020* guidance.

**3. CONFIRMATION OF AGENDA**

The Committee noted the following agenda items be taken as read and recommendations accepted as recorded:

- 7.1 – Financial Performance
- 8.1.1 – Directorate and Business Unit Risk Reporting Schedule
- 10.2 – Performance Audit and Other Integrity Agencies (VAGO)
- 11.1 – Sector Report (Internal Audit)
- 12.1 – Review of IT Data Security (Draft Scope)
- 12.2 – Review of Post Implementation on Telephony Project (Draft Scope)
- 12.3 – Review of Immunisation Practices (Draft Scope)
- 12.6 – Status of Internal Audit Actions
- 12.7 – Internal Audit Activity Report
- 13.1 – Status of External Audit Actions
- 14.1 – 2024 Committee Work Plan
- 14.5 – 2025 Committee Meeting Dates
- 15.1 – OH&S Internal Audit Recommendations

**4. MINUTES OF PREVIOUS MEETING 20 SEPTEMBER 2024**

The minutes of the previous Audit and Risk Committee meeting held on 20 September 2024 were confirmed.



---

**AUDIT AND RISK COMMITTEE MEETING MINUTES****9 DECEMBER 2024**

---

**OFFICIAL****5. PROBITY DECLARATION****5.1 PROBITY DECLARATION REPORT**

The Committee noted the Probity Declaration Report.

**6. ACTION ITEMS ARISING FROM MINUTES****6.1 ACTION ITEMS ARISING FROM MINUTES**

The Committee approved items that have been actioned to be removed from the list and any outstanding issues carried over to the Committee meeting.

**7. FINANCIAL AND PERFORMANCE REPORTING****7.1 FINANCIAL PERFORMANCE \***

The Committee noted Council's current financial performance as at 31 October 2024.

**8. RISK MANAGEMENT****8.1. ORGANISATIONAL RISKS****8.1.1 DIRECTORATE AND BUSINESS UNIT RISK REPORTING SCHEDULE \***

The Committee noted the Directorate and Business Unit Risk Reporting Program.

**8.1.2 DIRECTORATE RISK REPORT - PLANNING & PLACE**

The Chairperson welcomed Ms Zouzoulas, Ms Richardson, Ms Vaynrib and Ms Wynn to the meeting at 8:40am.

Ms Zouzoulas presented a directorate level summary of the current strategic and operational risks for the Planning and Place Directorate.

Council's role, through the Planning and Place Directorate, in planning for future growth, is divided into three branches of strategic, statutory, and compliance. The Directorate provides leadership, direction and support to three business units:

- City Futures
- Planning and Building Services
- Community Safety and Compliance

The Planning and Place Directorate does not have any organisational strategic risks. Operationally, the Planning and Place Directorate has 39 current operational risks. Ms Zouzoulas explained that the risks continue to be managed well by each respective team with current controls ensuring that the forecasted risk rating remain stable.

The Committee noted the Directorate Risk Report for the Planning and Place Directorate.

## AUDIT AND RISK COMMITTEE MEETING MINUTES

9 DECEMBER 2024

**OFFICIAL****8.1.3 RISK REPORT - PLANNING AND BUILDING SERVICES**

Ms Richardson presented an overview of the Planning and Building Services business unit which is responsible for ensuring that building and planning applications meet regulation and legislative requirements. The main areas of risk discussed included:

- Failure to assess a building with flammable cladding.
- Failure to enforce relevant building legislation.
- Breach of building legislation.
- Failure to comply with swimming pool and spa legislation.
- Error in processing Building Permits.
- Failure to declare a conflict of interest as required by Section 130 of the *Local Government Act 2020*.
- Inappropriate interactions with public, including abusive calls, threats onsite or in the office.
- Incorrect planning and/or building advice provided to a customer.
- Failure to comply with Council's various instruments of delegation.
- Failure to process subdivision matters in accordance with legislative obligations under the *Subdivision Act 1988*.
- Failure to enforce planning matters in accordance with legislative obligations under the *Planning and Environment Act 1987* and Planning and Environment Regulations 2018.
- Failure to manage and update statutory forms, notices and registers and other data as required by the *Planning and Environment Act 1987* and Planning and Environment Regulations 2018.

The Committee noted the Risk Report for the Planning and Building Services business unit.

Ms Richardson left the meeting at 9:30am.

**8.2. KEY STRATEGIC RISK FOCUS AREAS****8.2.1 CHIEF INFORMATION OFFICER'S REPORT**

The Chairperson welcomed Mr Barrett and Ms Vise to the meeting at 10am.

Mr Barrett provided an update to the Committee on key focus areas including:

- Governance and Accountability
- Cybersecurity and Information Management
- Risk Management
- Data Governance and insights
- Emerging technology trends

The Committee noted the quarterly report from the Chief Information Officer and provided feedback on the format and focus areas.

The Chairperson suggested that the CIO consider beyond the four-year Digital and Technology Strategy timeline in terms of future planning.

---

**AUDIT AND RISK COMMITTEE MEETING MINUTES****9 DECEMBER 2024**

---

**OFFICIAL****8.2.2 FINANCE SYSTEM**

The Chairperson welcomed Ms Marshall to the meeting at 10:30am.

The CFO and Ms Marshall provided an update on the status of the Finance System Project. Ms Marshall explained that the Executive Team, via the Project Control Group (PCG), had requested Oracle to perform a Health Check / Situation Analysis of the work completed by vendor. The report was due from Oracle on 9 December 2024 at which point the PCG would review and provide a recommendation to the Executive for consideration.

The Committee noted the Finance System Project update.

Ms Marshall, Mr Barrett and Ms Vise left the meeting at 10:40am.

**9. FRAUD PREVENTION SYSTEMS AND CONTROLS**

Nil

**The Committee took a 5 minute break from 9:35am to 9:40am.**

**10. COMPLIANCE MANAGEMENT****10.1 CORPORATE GOVERNANCE REPORT**

Ms Vaynrib provided an update on Council's Corporate Governance highlighting the key metrics for the period 1 July to 30 September 2024.

The Committee noted the Corporate Governance Report for the period 1 July to 30 September 2024 which included items such as: Council's gift register, personal interest returns, conflicts of interest, privacy complaints and policies.

**10.2 PERFORMANCE AUDIT & OTHER INTEGRITY AGENCIES (VAGO) \***

The Committee noted updates from the Victorian Auditor-General's Office relating to performance audits and other integrity agencies.

**10.3 COUNCILLOR EXPENSES**

The CFO provided an overview of Councillor expenses and discussed key processes associated with Councillor expenses. The CFO also stated that Councillor Expenses will be published on Council's website in accordance with the *Councillor Civic Support and Expenses Policy*.

The Committee noted the compliance and governance arrangements, key controls, and processes regarding the management of councillor expenses.

**11. INTERNAL CONTROL ENVIRONMENT****11.1 SECTOR REPORT (INTERNAL AUDITOR) \***

The Committee noted the sector report prepared by the Internal Auditor.

---

**AUDIT AND RISK COMMITTEE MEETING MINUTES****9 DECEMBER 2024**

---

**OFFICIAL****12. INTERNAL AUDIT****12.1 REVIEW OF IT DATA SECURITY (DRAFT SCOPE) \***

The Committee reviewed and recommended the proposed scope for the review of Cyber Security (including key aspects of National Institute of Standards and Technology, Cyber Awareness Survey and Essential Eight Follow Up) of IT Data Security, including staff awareness.

**12.2 REVIEW OF POST IMPLEMENTATION ON TELEPHONY PROJECT (DRAFT SCOPE) \***

The Committee reviewed and recommended the proposed scope of the post implementation review of the Telephony Project.

**12.3 REVIEW OF IMMUNISATION PRACTICES (DRAFT SCOPE) \***

The Committee reviewed and recommended the proposed scope for the review of Immunisation Practices.

**12.4 INTERNAL AUDIT REVIEW - FRAUD & CORRUPTION**

Mr Kukreja presented the Review of Fraud and Corruption Control Framework (AS8001-2021) (incl. awareness survey).

The objective of the review was to assess the adequacy and effectiveness of internal controls embedded in the fraud corruption and control processes at the Council, and to identify potential opportunities to improve related practices.

Mr Kukreja stated that Council had implemented fraud and corruption control framework as per requirements of the Australian Standard 8001-2021. However, the review identified improvement opportunities pertaining to formulating a plan for the implementation of the Fraud and Corruption Control System, updating relevant policies and position descriptions, enhancing training, and reinforcing among staff the need to comply with certain policies and procedures.

The Committee noted the review of Fraud and Corruption Control Framework, including awareness survey.

Mr Schneier recommended that in terms of the finding relating to the absence of a documented plan for the implementation of the Fraud and Corruption Control System, that based on management's response, Management note that pressure testing and analytical work is currently being performed but not necessarily formally documented. The Committee recommended that Management consider implementing data analytic capabilities / reporting as part of the finance system implementation.

Ms Vaynrib and Ms Wynn left the meeting at 10am.

---

**AUDIT AND RISK COMMITTEE MEETING MINUTES****9 DECEMBER 2024**

---

**OFFICIAL****12.5 INTERNAL AUDIT REVIEW - LOCAL LAWS (ANIMAL & FOOD MANAGEMENT)**

The Chairperson welcomed Ms Ranken to the meeting at 9:30am.

Mr Kukreja presented the Review of Compliance (Focus on Animal and Food Safety).

The objective of the review was to evaluate the internal controls and processes relating to management of compliance function pertaining to animal and food safety, and to identify any potential risks and/or opportunities to improve related practices.

Mr Kukreja stated that Council had established systems, processes and controls in place for effective management of compliances with respect to Animal and Food Safety. However, the relevant compliance practices required enhancement. Several opportunities for improvement were identified including, reviewing and updating policies and procedures, improving timeframes for addressing customer complaints, monitoring dashboard reports more effectively, enhancing the operational risk register, conducting internal testing to assess the effectiveness of controls and documenting a formal process for monitoring the performance of Public Health and Civic Compliance Officers.

The Committee noted the review of local laws, focussing on animal and food management.

Ms Ranken and Ms Zouzoulas left the meeting at 9:35am.

**12.6 STATUS OF INTERNAL AUDIT ACTIONS \***

The Committee noted the progress and status of internal audit action items from the internal audit program.

**12.7 INTERNAL AUDIT ACTIVITY REPORT \***

The Committee noted the progress and status of the Internal Audit Report in accordance with the 2024-25 Internal Audit Plan.

**12.8 INTERNAL AUDIT (ANNUAL REVIEW)**

Mr Kukreja provided an overview of key observations that were noted by internal audit for the period 1 July 2023 to 30 June 2024 as well as a trend analysis identifying any patterns based on the findings noted in the internal audit reports.

The Chairperson recommended the CFO share the findings and insights of the Internal Audit Annual Review to the Senior Leadership Group for Management awareness, as the report highlights Council's identified internal controls and potential weaknesses.

The Committee noted the Internal Auditors Annual Review of the internal audit program.

**13. EXTERNAL AUDIT****13.1 STATUS OF EXTERNAL AUDIT ACTIONS \***

The Committee noted the progress and status of external audit actions from the VAGO.

---

**AUDIT AND RISK COMMITTEE MEETING MINUTES****9 DECEMBER 2024**

---

**OFFICIAL****14. AUDIT AND RISK COMMITTEE ITEMS****14.1 2024 COMMITTEE WORK PLAN \***

The Committee noted the Committee's Work Plan for the 2024 calendar year subject to any amendments.

**14.2 COMMITTEE PERFORMANCE EVALUATION**

The Committee reviewed the responses to the Committee's annual self-assessment and noted the Committee's Performance Evaluation in the next biannual report to Council.

**14.3 COMMITTEE ANNUAL CHARTER REVIEW**

The Committee reviewed the Audit and Risk Committee Charter and Ms Tripodi suggested some additional wording be included around Member insurance indemnification. These changes will be reflected in the next iteration of the Committee's Charter.

**14.4 2025 COMMITTEE WORK PLAN**

The Committee noted the Committee's Work Plan for the 2025 calendar year subject to any amendments.

**14.5 2025 COMMITTEE MEETING DATES \***

The Committee confirmed the meeting dates for the 2025 calendar year.

**15. INFORMATION & UPDATE ON ITEMS (INFORMATION ONLY, NOT ACTION)****15.1 OH&S INTERNAL AUDIT RECOMMENDATIONS \***

The Committee noted the progress of the implementation of the audit recommendations relating to OH&S.

**16. GENERAL BUSINESS****16.1 GENERAL BUSINESS**

The Committee noted and discussed any general business agenda items and noted the next meeting was scheduled for Friday, 21 February 2025.

The Committee thanked the new Councillors and wished everyone a safe holiday season and a Merry Christmas.

**AUDIT AND RISK COMMITTEE MEETING MINUTES****9 DECEMBER 2024****OFFICIAL****17. AUDIT AND RISK COMMITTEE (MEMBERS ONLY)****17.1 INTERNAL AUDIT PERFORMANCE**

The Committee noted the results of the performance evaluation of the internal auditors, and the CFO agreed to provide feedback to the internal auditors following the Committee meeting.

**18. CLOSURE OF MEETING**

The meeting concluded at 11am.

## 10.6 CLASSIFIED TREE REGISTER QUARTERLY REPORT

**Author:** Christian Renaud, Team Leader Urban Forest - Planning

**Director:** Niall McDonagh, Director Sustainability, Assets and Leisure

**Trim No:** 24/1321195

- Attachments:**
1. Council Tree Report for CTR Inclusion Tree 1 River Red Gum - Boyd Park, Murrumbeena 195CTR2021 [↓](#)
  2. Council Tree Report for CTR Inclusion Tree 2 River Red Gum - Boyd Park, Murrumbeena 195CTR2021 [↓](#)
  3. Council Tree Report for CTR Inclusion Lemon Scented Gum - Heath Drive, Glen Huntly 522CTR2023 [↓](#)
  4. Council Tree Report for CTR Inclusion Tree 1 River Red Gum - King George IV Reserve, Bentleigh East 578CTR2024 [↓](#)
  5. Council Tree Report for CTR Inclusion Tree 2 Blue Gum - King George IV Reserve, Bentleigh East 578CTR2024 [↓](#)

---

### EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the inclusion of 5 trees onto the Glen Eira Classified Tree Register (the Register). With the inclusion of these additional 5 trees the total number of trees on the Register is 280.

The number of new nominations for the Classified Tree Register has decreased significantly with 18 nominations received in 2024.

This compares to:

- 45 nominations received in 2023; and
- 350 nominations through 21/22 after the Register was endorsed.

Details of all the trees referenced within this report are provided in the attached documents.

### RECOMMENDATION

That Council

1. Authorises a notice to be published in the Victorian Government Gazette of the decision to include 5 further trees on the Classified Tree Register as listed below:
  - a) River Red Gum 1 of 2 (*Eucalyptus camaldulensis*) located at Boyd Park, Murrumbeena – 195/CTR/2021;
  - b) River Red Gum 2 of 2 (*Eucalyptus camaldulensis*) located at Boyd Park, Murrumbeena – 195/CTR/2021;
  - c) Lemon Scented Gum (*Corymbia citriodora*) located at Heath Drive, Glen Huntly – 522/CTR/2023;
  - d) River Red Gum (*Eucalyptus camaldulensis*) located at King George IV Reserve, Bentleigh East – 578/CTR/2024; and
  - e) Blue Gum (*Eucalyptus globulus*) located at King George IV Reserve, Bentleigh East – 578/CTR/2024.



## BACKGROUND

In line with Council's Canopy Tree Protection Local Law Policy (the Policy), the 5 individual trees that were nominated for inclusion on the Register were assessed as eligible by an Authorised Council Officer and added to the Register within the last three months. Four trees are located on Council land, with one tree located on private land. No objections were received for any of these trees from impacted landholders.

Several nominations have been received over the years for trees within Boyd Park with some people applying for every tree within the reserve listed within the Register. Several trees within the park are still under assessment, while the two significant trees which don't impact private property have been included in this report.

## ISSUES AND DISCUSSION

The inspection and assessment of all the trees listed in the Recommendation was undertaken in accordance with Council's Canopy Tree Protection Local Law (the Local Law) and the Policy.

The assessments were conducted to determine if the relevant trees satisfied one or more of the Categories of Significance contained within the Policy. The assessment therefore considered the following:

- Horticultural value;
- uniqueness;
- rarity;
- age;
- size;
- aesthetic value;
- growth habit;
- history;
- Aboriginal culture; and
- habitat value.

Each tree was also assessed against the Canopy Tree Local Law Guidelines (the Guidelines) section 5, *Guidelines for Criteria for Granting a Permit*.

All the trees listed in this report have already been included in the Register by Council's Authorised Officers. These trees can be included as no objections to their eligibility were received from any relevant landholders.

There is one tree located on private land at the end of a Body Corporate managed road, of a large estate in Glen Huntly, directly alongside a shopping centre carpark. The other four trees are located within two Council parks.

The number of new nominations for the Register has decreased significantly with only 18 nominations received in 2024. This compares to:

- 45 nominations received in 2023; and
- 350 nominations through 21/2022 after the Register was endorsed.

This is to be expected as the intention of the Register was to ensure protection and documentation of the most significant trees across Glen Eira. Having a strict selection criteria and detailed guidelines in place to direct the assessment process ensured that this

would be the case. As such it was estimated that the completed Register would only ever list 300 to 400 trees in total.

With the adoption of the Canopy Tree Local Law on 15 August 2024 the protections afforded to many of our larger, significant trees under the Canopy Tree Local Law are almost identical to those afforded to Classified Trees. As such these trees are still protected by Council and offer the benefits that large canopy trees provide to the community. Nevertheless, the Register provides an important engagement pathway for the community and highlights the value of these significant trees above and beyond canopy trees.

### **CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

The protection of significant trees across the municipality aligns with Glen Eira City Council's adopted 'Our Climate Emergency Response Strategy 2021-25'. Specifically, regarding Principle 4 and Action 3.2, which both seek to maximise and diversify our green and natural spaces.

The Classified Tree Register fits in with Council's Urban Forest Strategy (UFS) in recognising the benefit mature trees provide the community and assist in combating the impacts of climate change. By retaining mature trees within the urban environment, the canopy coverage offered by these trees helps to mitigate the negative environmental impacts of city living.

### **FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS**

The cost of including all five trees in the Classified Tree Register, conducting inspections and engaging any additional resources will be accommodated within the existing operating budget of Parks Services.

### **COMMUNICATION AND ENGAGEMENT**

The assessment of the trees nominated for inclusion in the Classified Tree Register was managed and conducted in accordance with Council's Classified Tree Policy and Classified Tree Local Law.

All relevant landholders were advised of the outcome of the Council Arborist's preliminary assessment between 25 May 2024 and 25 October 2024.

Relevant landholders were informed that inclusion of a tree in the Classified Tree Register may result in future management, financial and development constraints because of the tree being in the Classified Tree Register.

All relevant landholders and nominators will be notified of the decision regarding each tree.

### **LINK TO COUNCIL PLAN**

Strategic Direction 4: A green and sustainable community. Our actions and priorities aim to protect our community from the worst impacts of climate change.

### **OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

### **CONCLUSION**

The inclusion of these five trees listed within the Recommendation of this report onto the Glen Eira Classified Tree Register recognises that they are some of our most significant trees within the municipality, regardless of their location.

The protection and retention of our established, healthy canopy trees is essential as we seek to increase and enhance our Urban Forest within Glen Eira. In doing so we will help to mitigate the impacts of climate change and increase urban densification as we work to ensure the municipality remains a healthy and attractive place to live and work.



GLEN EIRA  
CITY COUNCIL

# Glen Eira Classified Tree Register

## TREE REPORT

**Tree number:** 195/CTR/2021

**Date of Assessment:** 25/10/2024

**Assessing Officer:** Christian Renaud

**Tree Owner:** Council Tree

**Address:** Boyd Park, Murrumbena

**Location:** Public Open Space

**Record type:** Single Specimen Tree

**Number of trees:** 01

**Botanical name:** *Eucalyptus camaldulensis*

**Common name:** River Red Gum

**Structural Root Zone (SRZ):** 3.8m

**Approximate age:** 200+ years

**Diameter at breast height:** 135cm

**Tree Protection Zone (TPZ):** 15m

**Tree height:** 20m

**Tree canopy width:** 15m

**Easting:** 330701.9

**Northing:** 5804445.8

**Glen Eira Asset ID:** TP110860



### Statement of significance:

This tree fulfils the criteria of:

- Horticultural or genetic value
- Particularly old specimen
- Aesthetic value
- Outstanding example of the species
- Outstanding habitat and biodiversity value

This large River Red Gum located in the southern part of Boyd Park is a remnant specimen and as such may be an important source of future propagating stock.

It is estimated to be over 200 years old and makes a major contribution to the local landscape and neighbourhood character. It provides significant amenity to the entire community, with visibility across 3 street frontages.

As a healthy indigenous specimen, it is considered outstanding for the entire municipality and in conjunction with several other remnant Red Gums located on public and private lands in the area, it provides outstanding habitat and biodiversity value.



GLEN EIRA  
CITY COUNCIL

# Glen Eira Classified Tree Register TREE REPORT

**Tree number:** 195/CTR/2021

**Date of Assessment:** 25/10/2024

**Assessing Officer:** Christian Renaud

**Tree Owner:** Council Tree

**Address:** Boyd Park, Murrumbena

**Location:** Public Open Space

**Record type:** Single Specimen Tree

**Number of trees:** 02 of 02

**Botanical name:** *Eucalyptus camaldulensis*

**Common name:** River Red Gum

**Structural Root Zone (SRZ):** 3.9m

**Approximate age:** 100 years

**Diameter at breast height:** 110cm

**Tree Protection Zone (TPZ):** 13.2m

**Tree height:** 22m

**Tree canopy width:** 14m

**Easting:** 330675.0

**Northing:** 5804589.3

**Glen Eira Asset ID:** TP106518



## Statement of significance:

This tree fulfils the criteria of:

- Aesthetic value
- Outstanding example of the species
- Outstanding habitat and biodiversity value

This large River Red Gum located in the northern part of Boyd Park, close to the Neerim Rd frontage is a large example of an indigenous species that provides substantial amenity to park users and the wider community and contributes to the neighbourhood character. Although not a remnant example, it is still a large and healthy specimen and is an outstanding example of the species.

In conjunction with several other large established Red Gums located on public and private lands in the area, it provides outstanding habitat and biodiversity value.



GLEN EIRA  
CITY COUNCIL

# Glen Eira Classified Tree Register TREE REPORT

**Tree number:** 523/CTR/2023

**Date of Assessment:** 22/05/2024

**Assessing Officer:** Christian Renaud

**Tree Owner:** Private Tree

**Address:** Heath Drive, Glen Huntly

**Location:** Private Open Space

**Record type:** Single Specimen Tree

**Number of trees:** 01

**Botanical name:** *Corymbia citriodora*

**Common name:** Lemon Scented Gum

**Structural Root Zone (SRZ):** 3.3m

**Approximate age:** 50+ years

**Diameter at breast height:** 82cm

**Tree Protection Zone (TPZ):** 9.8m

**Tree height:** 23m

**Tree canopy width:** 16m

**Easting:** 327773.6

**Northing:** 5804775.9

**Glen Eira Asset ID:** N/A



## Statement of significance:

This tree fulfils the criteria of:

- Outstanding size (girth height spread)
- Aesthetic value

This Lemon Scented Gum is an impressive feature specimen due to its outstanding height and location in an area lacking other significant canopy trees.

The tree is located at the end of a private road, along the boundary with a shopping centre car park, making it all the more impressive as a large healthy tree in the middle of a very barren environment.

It has a high degree of visual presence from the public realm and is striking in its location, providing amenity to the community and contributing to the neighbourhood character by softening an otherwise hard landscape.





GLEN EIRA  
CITY COUNCIL

# Glen Eira Classified Tree Register TREE REPORT

**Tree number:** 578/CTR/2024

**Date of Assessment:** 25/10/2024

**Assessing Officer:** Christian Renaud

**Tree Owner:** Council Tree

**Address:** King George IV Reserve, Bentleigh East

**Location:** Public Open Space

**Record type:** Single Specimen Tree

**Number of trees:** 01 of 02

**Botanical name:** *Eucalyptus camaldulensis*

**Common name:** River Red Gum

**Structural Root Zone (SRZ):** 3.5m

**Approximate age:** 100 years

**Diameter at breast height:** 99cm

**Tree Protection Zone (TPZ):** 11.9m

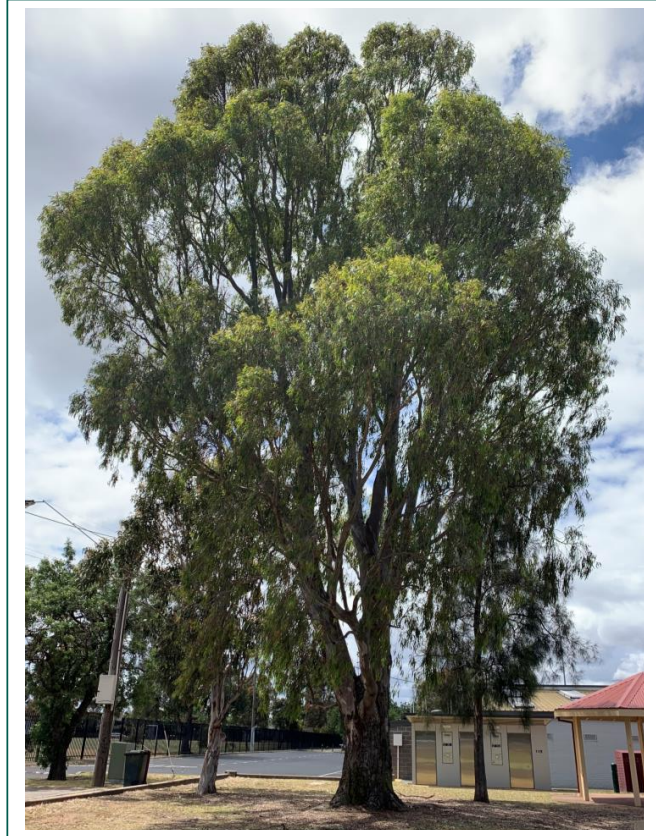
**Tree height:** 21m

**Tree canopy width:** 12m

**Easting:** 329606.9

**Northing:** 5800295.0

**Glen Eira Asset ID:** TP100579



## Statement of significance:

This tree fulfils the criteria of:

- Aesthetic value
- Outstanding example of the species
- Outstanding habitat and biodiversity value

While not a remnant specimen, this large, mature River Red Gum is a particularly healthy and well-formed example of the species that is striking within the landscape. Located alongside the main pavilion and access road into King George Reserve, the tree makes a major contribution within its setting, providing substantial amenity to park users and the wider community.

The tree is still estimated to be approximately 100 years old and given its condition, it is an outstanding example of the species in an area which was largely cleared for farmland. As an indigenous flowering specimen, it is a vital food resource for native wildlife.



GLEN EIRA  
CITY COUNCIL

# Glen Eira Classified Tree Register

## TREE REPORT

**Tree number:** 578/CTR/2024

**Date of Assessment:** 25/10/2024

**Assessing Officer:** Christian Renaud

**Tree Owner:** Council Tree

**Address:** King George IV Reserve, Bentleigh East

**Location:** Public Open Space

**Record type:** Single Specimen Tree

**Number of trees:** 02 of 02

**Botanical name:** *Eucalyptus globulus*

**Common name:** Blue Gum

**Structural Root Zone (SRZ):** 3.6m

**Approximate age:** 50+ years

**Diameter at breast height:** 101cm

**Tree Protection Zone (TPZ):** 12.1m

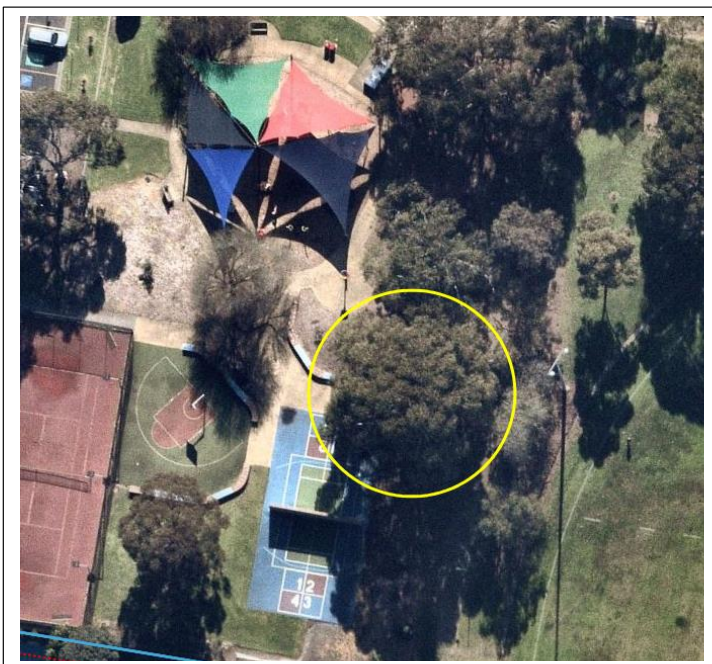
**Tree height:** 18m

**Tree canopy width:** 19m

**Easting:** 329509.0

**Northing:** 5800266.6

**Glen Eira Asset ID:** TP100554



### Statement of significance:

This tree fulfils the criteria of:

- Aesthetic value
- Outstanding example of the species

This large mature Blue Gum is one of 3 in a row alongside the playground of King George IV Reserve. It is the healthiest and largest of the 3 trees, setting itself apart as suitable for inclusion in the Register.

The tree is a striking feature and makes a major contribution to the landscape while provides substantial amenity to a well-used area of the park.

As a large and healthy specimen, it is considered to be an outstanding example of the species at the local level.



**11. URGENT BUSINESS**

**12. ORDINARY BUSINESS**

**12.1 Requests for reports from a member of Council staff**

**12.2 Right of reply**

**12.3 Notice of Motion / Notice of Rescission**

**12.4 Councillor questions**

**13. CONFIDENTIAL ITEMS****RECOMMENDATION**

That pursuant to Section 66(1) and 66(2)(a) of the Local Government Act 2020, the Council resolves that so much of this meeting be closed to members of the public, as is required for Council to consider the following matters that are confidential in accordance with Section 3(1) of the Act:

**13.1 Rate Charge for Caulfield Racecourse Reserve Trust**

This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020:

- because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and
- because the matter to be discussed at this meeting is an ongoing commercial negotiation in relation to Section 4(1) of the Cultural & Recreational Lands Act 1963 (Vic)

**14. CLOSURE OF MEETING**