



**GLEN EIRA CITY COUNCIL**  
**ORDINARY COUNCIL MEETING**  
**TUESDAY 27 FEBRUARY 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 Anne-Marie Cade  
Councillor Tony Athanasopoulos  
Councillor Margaret Esakoff  
Councillor Jane Karlake  
Councillor Jim Magee  
Councillor Sam Parasol  
Councillor Sue Pennicuik  
Councillor Li Zhang  
Councillor Simone Zmood

**Chief Executive Officer:** Rebecca McKenzie



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**1. ACKNOWLEDGEMENT**

Glen Eira City Council Acknowledges the peoples of the Kulin Nation as Traditional Owners and Custodians, and pay our respect to their Elders past, present and emerging. We Acknowledge and uphold their continuing relationship to land and waterways. Council extends its respect to all Aboriginal and Torres Strait Islander peoples.

**2. APOLOGIES****3. REMINDER TO DECLARE 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 60(3) 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 as stated in the governance rules;
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 Thursday 29 February 2024 at 7.30pm.

**4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING OR MEETINGS**

Copies of Minutes previously circulated.

**RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on 6 February 2024 be confirmed.

**5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS**

**6. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS**

**7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY**

**7.1 Advisory Committees**

Nil

## 7.2 Records of Assembly

### 7.2.1 RECORDS OF ASSEMBLIES

**Author:** *Patricia Clive, Coordinator Councillor Business*

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

**Trim No:** *24/127538*

**Attachments:** 1. *30 January 2024 Assembly* [↓](#)  
2. *6 February 2024 Pre-Meeting* [↓](#)

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### RECOMMENDATION

That Council notes the Records of Assemblies for:

1. 30 January 2024 Assembly; and
2. 6 February 2024 Pre-meeting.

## Assembly of Councillors 30 January 2024

<p><b>Councillors Present:</b>          Cr Anne-Marie Cade (Mayor)          Cr Athanasopoulos (<b>online</b>)          Cr Margaret Esakoff          Cr Jane Karlake          Cr Jim Magee          Cr Sam Parasol          Cr Li Zhang</p>	<p><b>Officers Present:</b>          Rebecca McKenzie (CEO)          Niall McDonagh          Kellie Vise          Matt Slavin          Jess Wingad          Robert Parker          Patricia Clive          Mark Dornau          Jarrod Knight          Michael O'Connor          Shlo Kuttner          Harley Moraitis          Sue Monagle</p>
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### Matters Considered:

#### Meeting open 6.47pm

1. Acknowledgement
2. Apologies – Cr Simone Zmood, Cr Sue Pennicuik
3. Canopy Tree Protection Local Law
4. Corporate Net Zero Emissions Update
5. Aged Care Reform update
6. General Business
  - a. Mid-Summer Pride March
  - b. Cricket pitch maintenance
  - c. Smart lighting
  - d. Strategic property opportunity
  - e. Queens Avenue Cycling Corridor

Cr Karlake declared a material conflict of interest due to their residence being in close proximity and relationships with residents impacted. She left the meeting at 8.39pm and returned at 9.06pm at the conclusion of the item.

7. Draft Ordinary Council Meeting Agenda Review
  - a. Advisory Committees Report
  - b. Financial Management Report
  - c. Housing Strategy Amendment
  - d. Provision of Sports Ground Lighting Policy Update
8. Councillor / Chief Executive Officer only time
  - a. Meeting debrief
  - b. Update on organisational restructuring

#### Meeting Close at 10.20pm



**Pre-meeting discussion  
6 February 2024**

<p><b>Councillors Present:</b>          Cr Anne-Marie Cade (Mayor)          Cr Athanasopoulos          Cr Margaret Esakoff          Cr Jane Karlake          Cr Jim Magee          Cr Sue Pennicuik (<b>online</b>)          Cr Sam Parasol (<b>online</b>)          Cr Simone Zmood (<b>online</b>)          Cr Li Zhang</p>	<p><b>Officers Present:</b>          Rebecca McKenzie (CEO)          Niall McDonagh          Kellie Vise          Matt Slavin          Jess Wingad          Patricia Clive          Alexandra Fry</p>
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**Matters Considered:**

**Meeting open 6.47pm**

1. Acknowledgement
2. Apologies – Nil
3. Conflict of Interest – Cr Karlake
4. Ordinary Council Meeting Agenda
  - a. Written Public Questions
  - b. Housing Strategy Amendment
  - c. Queens Avenue Cycling Corridor

Cr Karlake declared a material conflict of interest due to their residence being in close proximity and relationships with residents impacted. She left the meeting at 7.08pm and returned at 7.25pm at the conclusion of the item.

5. General business
  - a. Property matter

**Meeting Close at 7.27pm**

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## 8. OFFICER REPORTS (AS LISTED)

### 8.1 CANOPY TREE PROTECTION LOCAL LAW

**Author:** Jarrod Knight, Arboricultural Operations Coordinator

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

**Trim No:** 24/123969

**Attachments:** 1. [Classified Tree Amendment Local Law](#) [↓](#)  
2. [Classified Tree Local Law - tracked changes](#) [↓](#)  
3. [Community Impact Statement - Tree Protection Local Law](#) [↓](#)

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### EXECUTIVE SUMMARY

Protecting our urban forest canopy — the fragile, essential network of trees and shrubs that shade and cool our streets and footpaths throughout Glen Eira — has been a priority since we declared a climate emergency in 2020.

Following extensive engagement and feedback from residents, Council adopted the Classified Tree Local Law in 2020. It established protection for trees that were deemed to be of significance to the amenity, environmental benefit and character of Glen Eira.

The adoption of our Urban Forest Strategy followed in 2021, setting specific goals for growing the urban forest to 22 per cent by 2040, and outlining the numerous environmental, economic and social benefits. Protecting our tree canopy continues.

This report seeks endorsement by Council for the proposed new Canopy Tree Protection Local Law to commence community consultation. This proposal will amend the previous Classified Tree Local Law and extends protection to one of the most vulnerable parts of the urban forest — trees on private property.

As noted in our Urban Forest Strategy (UFS), our community has relatively low levels of tree canopy cover — at only 12.52 per cent — compared to other councils, and the decline in coverage for Glen Eira between 2000 and 2021 reached an alarming 50 per cent.

The UFS estimates about 3,000 trees are cut down on private land each year, which accounts for about 66 per cent of Glen Eira. Once trees are removed, they are very difficult to replace. As our population increases, it leaves even less room for large canopy trees to grow.

The removal of canopy trees and vegetation from private land is an issue that has the potential to impact on targets that Glen Eira is working to achieve in the delivery of Council's Urban Forest and Climate Emergency Strategies. It is an issue that does not involve one simple solution but requires a multi-faceted approach that will not only see tree canopy protected and enhanced, it will ensure that Glen Eira remains a great place to live for current and future generations.

Currently, Council has in place a Classified Tree Local Law that protects private trees that have been endorsed as significant and subsequently listed on the Classified Tree Register as well as various planning overlays that afford protection to vegetation within a limited geographic area of the municipality. Although these instruments have resulted in some

private canopy trees and patches of remnant vegetation being protected, many trees are still being removed from private land.

The opportunity for Council to manage the retention of canopy trees on private land is available under the Planning and Environment Act, by way of vegetation controls within the Glen Eira Planning Scheme and the other is via the creation of a new/amended Local Law made under the Local Government Act.

Planning controls via planning scheme amendments can take a protracted period to gain approval and to require significant justification from a strategic perspective. In addition, approval of planning scheme amendments is a function of the Minister of Planning and so the ultimate decision regarding the vegetation protection within the scheme is not one that sits with Council. An amendment to an existing Local Law is a process that Council have final decision on the adoption.

Nevertheless, it is believed that a new local law that provides protection to canopy trees within Glen Eira would be complimented by strengthening planning controls and therefore it is important that Council continues to advocate to improve the outcomes for our urban forest and to help increase biodiversity across the city.

The purpose of this report is for Council to approve the commencement of community consultation for a proposed Draft Classified Tree Amendment Local Law (Attachment 1) under Division 3 of Part 3 of the Local Government Act 2020 and Council's Community Engagement Policy. This report outlines a proposal to increase protection for private canopy trees within the municipality as well as documenting further actions that Council could investigate to increase biodiversity outcomes.

The Local Law proposal is to introduce a permit system for removing or undertaking certain works to private canopy trees exceeding a specified circumference and size threshold. A permit system is an effective way to help Council achieve its strategic canopy cover targets by 2040, as documented within the Glen Eira Urban Forest Strategy.

The proposed Draft Local Law will amend Council's Classified Tree Local Law. If the proposed Local Law is adopted, then the Classified Tree Local Law will be renamed the Tree Protection Local Law (**amended Local Law**) as part of the proposed amendments.

## RECOMMENDATION

That Council:

1. Approve the commencement of community consultation for the proposed Draft Classified Tree Amendment Local Law (Attachment 1) under Division 3 of Part 3 of the Local Government Act 2020 and Council's Community Engagement Policy;
2. commences the statutory process for community consultation; and
3. notes that the submission period is six weeks from 1 March to 12 April 2024.

## BACKGROUND

On 9 August 2022, Council considered a report on the Measures for Encouraging the Retention of Trees and Vegetation on Private Land. Council noted the content of the report, and authorised officers to:

1. Continue to increase public awareness of the importance of all vegetation and Glen Eira's existing biodiversity through a comprehensive community engagement campaign.
2. Continue to advocate to the state / federal governments for greater statutory environmental protection mechanisms.
3. Develop a new Tree Protection & Vegetation Local Law to be presented to Council for endorsement that would offer protection to all private trees within the municipality that meet a minimum prescribed threshold.
4. Continue to investigate improvements to the Glen Eira planning scheme that could be implemented in the future to offer greater protection to existing vegetation and encourage the planting of new vegetation to help achieve our strategic objectives.

In response to item 3 of Council's resolution, Council officers have prepared the proposed Local Law to amend Council's Classified Tree Local Law, which will be renamed the Tree Protection Local Law.

Officers across several Directorates continue to explore opportunities to develop stronger education and advocacy roles to reinforce the importance of all private vegetation across the city, not just canopy and significant trees. We are also exploring other options such as planning strategies and processes that could be utilised to help encourage not only the retention of vegetation on private land, but also increased landscaping outcomes on new housing builds.

## ISSUES AND DISCUSSION

An estimated 66 percent of Victoria's native vegetation has been cleared as a result of the growth and economic development of the State. The Port Phillip and Westernport regions where Glen Eira is located covers some 12,785 square kilometres for which 71% of natural remnant vegetation has been cleared. This clearing has had a drastic impact on existing ecosystems, flora and fauna, as well as reducing the liveability of our cities by reducing the mitigation that these ecosystems provide to help reduce the impacts of climate change. Glen Eira has recognised this and has introduced various strategies such as the Glen Eira Urban Forest Strategy and Climate Emergency Strategy as well as plans such as our integrated water management plan and biodiversity plan that is currently being drafted. Together these strategic objectives will respond to our loss of ecosystems and help rebuild some of the natural systems that will help Glen Eira become a more resilient community and remain a great place to live into the future.

One of the most effective ways that we can have a positive impact is to protect trees on both Council and private land. As trees mature into canopy trees, they become some of the most effective and efficient ways for cities to reduce their negative environmental impacts and adapt to climate change. Trees provide shade and cooling, especially over roads and paved surfaces, which mitigate the Urban Heat Island effect. They improve air quality by removing particulate matter and pollution as well as absorbing CO<sub>2</sub>, help to reduce stormwater runoff volume and water pollution, reduce windspeeds along streets and in open spaces and form green corridors that create habitat and biodiversity links for a range of wildlife in the urban context.

As privately owned land accounts for 66 percent of the municipality, it is essential to have tree protection mechanisms in place to ensure Council achieves its aim of increasing our Urban Forest canopy coverage to 22 percent by 2040.

Approximately 3000 trees are estimated to be removed annually from Glen Eira's private land. This view is supported by data showing that approximately 60 percent of general customer enquiries received by Council's Team Leader Urban Forest Planning are related to information about the proposed removal of private trees.

There are currently minimal controls in place to prevent the removal of trees from private property within the municipality, and the absence of any broad controls to restrict these removals, combined with increasing urban densification, has led to the rapid reduction in canopy cover across Glen Eira.

Commitments to increase canopy coverage on Council managed land, mainly along streets and roads, will be insufficient to meet Council's target of 22 percent coverage by 2040.

Increasing urban densification also places pressure on the available planting space within our nature strips as formerly single dwelling lots become multi-residential developments requiring additional wider crossovers that ultimately take up more green space within the road reserve.

Officers also deal with increased competition from utility companies and requirements to ensure trees are clear of power lines and other utility assets. This reduces the available number of planting space, and the space that our trees require to develop full mature canopies. This competition means we must plant smaller trees within nature strips where other utilities, such as overhead power lines, are present.

Protecting established canopy trees on private land is vital as it may take decades to replace once removed.

### **Existing Tree Protection**

Currently, alongside our Planning Overlays, Glen Eira uses the Classified Tree Local Law to protect trees. Whilst the Classified Tree Local Law protects a small number of private trees, it cannot protect enough to reverse the decline in our Urban Forest canopy coverage, as it is specifically designed only to protect the best of the best trees.

Most canopy trees on private lands do not meet the eligibility criteria for inclusion on the Classified Tree Register (Register). Additionally, the assessment processes required to include a tree onto the Register does take time, which further restricts the number of trees that can be timely included.

### **Local Law Protections in other Municipalities**

Councils across Melbourne, including those that border Glen Eira, maintain and protect private canopy tree cover via broadly applied local laws in addition to various controls through the use of Planning Overlays. These local laws protect trees located on private lands where those trees exceed a size threshold and make it an offence to remove or prune those trees without obtaining a permit. Further details on this can be viewed in the Community Impact Statement - Canopy Tree Protection Local Law (Attachment 3).

### **Proposed Canopy Tree Protection**

The proposed Tree Protection Local Law includes provisions to protect canopy trees located on private lands that will be applied across the municipality. The changes will allow trees

exceeding the specified trunk circumference threshold and size to be protected in addition to trees already protected by their inclusion in the Register.

Reflecting the expanded scope of protection, the name of the Classified Tree Local Law is proposed to be amended to the Tree Protection Local Law. The changes made by the proposed Local Law to the Classified Tree Local Law are detailed in a tracked changed format in Attachment 2 to this report.

The trigger for a tree to be protected will be based on a specific size measurement or threshold. This standard methodology is implemented by surrounding councils and forms the basis for all tree protection local laws within Australia. The rationale for applying a size trigger for canopy trees is that it will capture healthy trees established within their local environment that provide benefits that the urban forest provides to the current and future community.

As shown in Diagram 1 below, establishing a size threshold/trigger needs to consider at what point in a canopy tree’s life cycle it should be offered protection, as the tree’s height directly relates to the trunk circumference and age. As trees grow, their trunk diameter naturally increases proportionately to their height.

Diagram 1: Height of trees



**Measuring a Tree’s Height**

The definition of a canopy tree in terms of its height is a tree that is at or greater than 5 metres and 8 metres for a palm tree. Measuring a tree will be undertaken by the tree owner, or arborists engaged by the tree owner.

Although there are many ways in which a tree’s height can be measured, an estimate of height can be readily obtained by comparing the height of the tree to the surrounding house gutters. The height of a single storey gutter is approximately 3.3m and the height of the gutter on a two-storey house is approximately 5.7m.

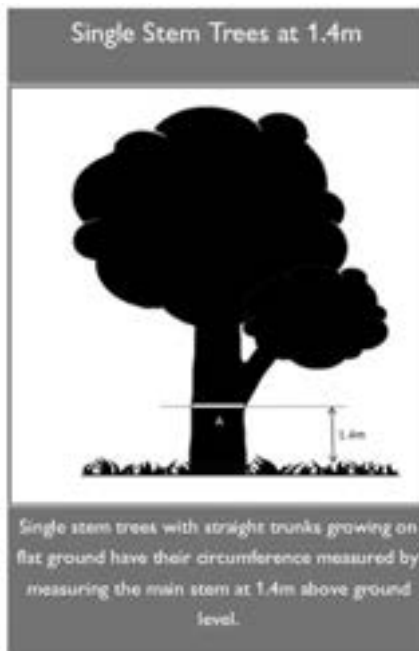
**Measuring a Trees Circumference**

The definition of a canopy tree in terms of its circumference is 140cm, measured at 1.4 metres above ground level.

Measuring the circumference of a tree’s trunk at a pre-defined height allows members of the public to determine if their tree is protected under the proposed Local Law.

Depending on the growth form of the tree, circumference can be measured in different ways, as demonstrated in diagram 2 below:

Diagram 2: Trees Circumference



**The Protection of Understorey Vegetation**

The formal protection of Classified and Canopy trees is very important to reach the target in the Urban Forest Strategy of 22 percent canopy cover by 2040.

The protection of all vegetation, trees, shrubs, groundcovers, and grasses' is equally as important, to ensure we are protecting and developing the public and private ecological and biodiversity assets across Glen Eira. Identifying private garden landscapes and their important contribution to protecting, changing and growing the Glen Eira ecosystems is an important part of Council's plans to help address the impacts of the continued urban densification and its impact on all living things and their interactions.

Although the proposed Tree Protection Local Law is focused on trees, Council has recently undertaken initiatives that incorporate vegetation assessment and protection. C220glen (Planning Scheme Update) for example, strengthens Council's policy directions regarding trees and vegetation. Clause 12.01-1L (Protection of biodiversity) seeks to, amongst other things, to retain and enhance the city's biodiversity and natural environments and improve the quantity and quality of biodiversity.

In addition, Plan Melbourne 2017-2050, the metropolitan planning strategy, outlines the Victorian Government's plan to cool and green Melbourne. The Cooling and Greening Melbourne project is investigating the role of the planning scheme in protecting and providing vegetation, along with measures to cool our urban environment through environmental and built form requirements. This project is being coordinated by the Department of Environment, Land, Water and Planning (DELWP) and includes developing new guidelines and regulations to support greening subdivisions and developments, as well as reviewing planning and building systems to support environmentally sustainable development outcomes.

Glen Eira has also been working with 31 other Victorian Councils under the banner of the Council Alliance for a Sustainable Built Environment (CASBE) with the aim to elevate Environmentally Sustainable Development (ESD) targets for new developments. This initiative is looking at ways to ensure new developments produce zero net emissions, better manage water and waste, increase greening and biodiversity, and are more resilient to our changing climate. This work aims to enable improved vegetation outcomes for new developments inclusive of tree canopy planting and establishment to support canopy protection measures.

One of the ESD outcomes relates to the usage of the Green Factor tool. This tool is a green infrastructure assessment tool designed by City of Melbourne and developed to help with designing and constructing new buildings that are environmentally friendly and include green infrastructure. It forms part of Council's work to respond to the climate and biodiversity emergency. Green Factor is a flexible alternative to traditional landscaping standards that allows applicants to meet an overall environmental services goal by choosing from a menu of options including tree retention, new planting, green roofs, green walls, and permeable pavement with tree retention applicable to private tree retention.

Officers are also in the process of drafting a landscape guideline that will seek to promote and guide developers and residents on how they can achieve better landscape outcomes for the community. This document will provide examples of what can be done with various landscape areas around newly constructed residences and provide guidance on species of plants and trees that can be utilised in these designs.

Furthermore, officers are also currently developing the Glen Eira Biodiversity Plan which aims to expand the work we are already doing to protect our native environment and increase our community's knowledge and efforts to protect and promote our biodiversity, now and into the future. As part of the consultation and engagement process for the



development of the Biodiversity Plan, officers have placed a greater emphasis on the education and marketing of the importance of vegetation to Glen Eira's overall biodiversity.

### **The Proposed Local Law**

The objectives of this Local Law are to –

- a) provide for the registration of Classified Trees within the Municipal District;
- b) create offences and other enforcement measures to protect Classified Trees, Canopy Trees and trees required to be planted to satisfy a condition of a Permit or a direction in a Notice to Comply on private land within the Municipal District;
- c) ensure that the established tree-lined character of the Municipal District is enhanced; and
- d) provide for the peace, order and good governance of the Municipal District.

The proposed Local Law requires a person to obtain a permit from Council in relation to the following:

- a) remove, damage, kill or destroy or direct, authorise, or allow to be removed, damaged, killed or destroyed a Canopy Tree or a tree planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply; or
- b) prune or direct, authorise or allow to be pruned a Canopy Tree or a tree planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply; or
- c) carry out, or direct, authorise or allow to be carried out any works within the Tree Protection Zone of a Canopy Tree or of a tree planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply.

The proposed permit system will operate in relation to private land and will not be subject to a fee, making the application process a free of charge service for the community. Council officers will undertake assessments of applications for a permit under the proposed Local Law. In summary, the proposed Local Law provides that Council must consider, to the extent appropriate, the following when determining whether to grant a permit:

- the condition of the tree;
- the appropriateness of the tree for its location on the property, having regard to the existing buildings and conditions on the property;
- whether the proposed action is to be undertaken for reasons of health or safety;
- whether the tree is causing any unreasonable property damage;
- whether the tree is causing any unreasonable public nuisance or creating any unreasonable nuisance to private landowners or occupiers;
- whether the tree is a recognised weed;
- any legislative requirements; and
- any other matter relevant to the circumstances associated with the application.

An internal review process for decisions made under the proposed Local Law is available to applicants for a permit. Council officers will engage an independent arboriculture consultant to undertake a review of the decision when requested by an applicant. Officers will then prepare a report for the Council to determine if a permit should be issued.

Exemptions for the need to obtain a permit will apply to:

- a) pruning, which is considered minor, where no more than 10% canopy volume is removed within 12 months, and branches no larger than 10cm circumference at the point of attachment are removed: or
- b) works required to make safe an immediate hazard such as damage from a storm event.

## **CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

### Glen Eira Climate Emergency Response Strategy 2021-2025

#### Goal Four: Council Supporting Community

- Objective 4.1: Support residents and businesses to insulate themselves against climate change impacts.
- Objective 4.2: Support everyone in our community to protect and increase vegetation on private and non-Council land.
- Action 4.2.1: Through implementation of the Urban Forest Strategy, ensure that Planning Policy helps protect established trees and significant vegetation, and encourages additional planting on private property.

### Glen Eira Urban Forest Strategy 2021

Strategic vision: “The City of Glen Eira’s urban forest will be green, resilient and healthy creating a liveable and sustainable City for current and future generations where trees and vegetation are a core element”.

To be achieved through Five Action areas:

1. Maintain and protect Glen Eira’s public and private land urban forest.
2. Grow the future urban forest through designed solutions for trees and innovative green infrastructure on public and private land.
3. Adapt to climate change and reduce urban heat impacts through embedding leading practice urban forest management into Council’s decision-making, investment, and processes.
4. Engage and collaborate across sectors with the community, developers, and other agencies.
5. Monitor and evaluate the progress of the urban forest, including progress towards targets.

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

It is believed that current staff resourcing within the Parks Services department will be sufficient to administer the proposed Local Law. However, adjustments within the department may be required, but no budget impact is anticipated at this stage.

Nevertheless, in the event that Council endorses a new Local Law, the requirements to manage and enforce the proposed Local Law would need be considered and monitored.

## **POLICY AND LEGISLATIVE IMPLICATIONS**

One of the legislative functions given to Council is the power to make and enforce local laws as an aid to achieving its legislative objectives. A Council may make local laws for or with respect to any act, matter or thing in respect of which it has a function or power under the Local Government Act 2020 or any other Act.

The Act outlines the process that must be followed in making local laws. A local law is made by passing a resolution of the Council. Before a Council can make a local law, it must comply with the procedure in the Act. Council must comply with the procedure for making a local law set out in Division 3 of Part 3 of the Act.

In addition, a Better Practice Local Laws Strategy (December 2008) and Guidelines for Local Laws Manual (2010), released by the Minister for Local Government, set out a model scheme for developing and making local laws.

The Guidelines recommend that a council produce a Community Impact Statement for all new local laws. A Community Impact Statement for the proposed Local Law has been prepared (Attachment 3 to this report).

**COMMUNICATION AND ENGAGEMENT**

Broad communication and engagement activities will be delivered as part of the proposed amendments to the Classified Local Law. Activities will focus on providing straightforward to read information to keep the community well informed of the parameters of the protections under the proposed Local Law. The engagement will increase community awareness of the issues surrounding the protection of Glen Eira tree canopy cover and seek direct feedback on the proposed Local Law.

Communication activities will be delivered through various media channels, including Glen Eira News, social media, the HaveYourSay engagement platform, newsletters, library displays, and various written correspondence.

Engagement activities will commence in March and run for six weeks. This will include a submission process, an online survey on our HaveYourSay platform, targeted engagement with key stakeholders and population groups and two information sessions. All submissions will be recorded and responded to in writing by officers. The engagement findings will provide data on the community’s sentiments and feedback on the proposed Local Law.

Date	Activity	Location	Target audience
01/03/2024 to 12/04/2024	The submission process opens on HaveYourSay.	Online and hard copies are available	Glen Eira community
01/03/2024 to 12/04/2024	HaveYourSay survey opens.	Online and hard copies are available	Glen Eira community
16 March 2024 (Saturday)	Public Information session (day)	Duncan McKinnon community space (or other available location)	Glen Eira community
20 March 2024 (Wednesday)	Public Information Session (evening)	Town Hall	Glen Eira community
March 2024	Promotion of engagement sent through a variety of correspondence	Various	Community groups, property developers, arborists, emergency service providers, etc

**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**

Consistent with the resolution of Council, a draft Classified Tree Amendment Local Law has been written for Council's consideration. The proposed Local Law will give Council the ability to control the indiscriminate damage and removal of canopy trees on private land.

The removal of canopy trees and vegetation from private land is an issue that has the potential to impact on targets that Glen Eira is working to achieve in the delivery of Council's Urban Forest and Climate Emergency Strategies. It is an issue that does not involve one simple solution but requires a multi-faceted approach that will not only see tree canopy protected and enhanced, but will ensure that Glen Eira remains a great place to live for current and future generations.

The commencement of the community engagement process for the proposed Tree Protection Local Law will allow the Council to receive feedback on this approach to strengthen Council's ability to protect Glen Eira's tree canopy.



GLEN EIRA  
CITY COUNCIL

BENTLEIGH  
BENTLEIGH EAST  
BRIGHTON EAST  
CARNEGIE  
CAULFIELD  
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ST KILDA EAST

# GLEN EIRA CITY COUNCIL PROPOSED CLASSIFIED TREE AMENDMENT LOCAL LAW



**Classified Tree Amendment Local Law**

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## Classified Tree Amendment Local Law

## Part 1—Preliminary

**Part 1—Preliminary****1 Title**

This Local Law is the Classified Tree Amendment Local Law.

**2 Objectives**

The objectives of this Local Law are to:

- (1) amend the Classified Tree Local Law to create offences and other enforcement measures to protect Canopy Trees and trees required to be planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply on private land within the City; and
- (2) ensure that the established tree lined character of the City is enhanced; and
- (3) make other minor amendments to the Classified Tree Local Law; and
- (4) rename the Classified Tree Local Law as the Canopy Tree Protection Local Law; and
- (5) provide for the peace, order and good government of the City.

**3 Authorising Provision**

This Local Law is made under section 71 of the **Local Government Act 2020**.

**4 Commencement Date**

This Local Law commences on the date of publication of the notice of the making of this Local Law in the **Government Gazette**.



## Classified Tree Amendment Local Law

## Part 1—Preliminary

**5 Sunset (Revocation) of this Local Law**

Unless this Local Law is revoked sooner, its operation will cease on the day on which the Classified Tree Local Law (to become the Canopy Tree Protection Local Law) ceases to operate.

**6 To what part of the Municipal District does this Local Law apply?**

This Local Law operates throughout the whole of the Municipal District.

**7 Definition of words used in this Local Law**

- (1) Unless the contrary intention appears in this Local Law –
  - (a) words defined in section 3(1) of the **Local Government Act 2020** have the same meaning in this Local Law; and
  - (b) words defined in the Principal Tree Local Law have the same meaning in this Local Law; and
  - (c) words defined below have the respective meanings assigned in this Local Law.

**Principal Tree Local Law**, means the Classified Tree Local Law made by Council on 1 September 2020, which local law is, by virtue of clause 8(1) of this Local Law, renamed the Canopy Tree Protection Local Law.

- (2) Headings above each clause, introductions to parts and notes do not form part of this Local Law.

## Classified Tree Amendment Local Law

## Part 2 – Amendments

**Part 2 – Amendments**

**Introduction** – This Part amends the Principal Local Law.

**8 Amendment to Clause 1**

In clause 1 of the Principal Local Law, delete "Classified Tree" and substitute "Canopy Tree Protection".

**9 Amendment to Clause 2**

Delete clause 2 of the Principal Local Law and substitute "The objectives of this Local Law are to: (a) provide for the registration of Classified Trees within the Municipal District; and (b) create offences and other enforcement measures to protect Classified Trees, Canopy Trees and trees required to be planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply on private land within the Municipal District; and (c) ensure that the established tree lined character of the Municipal District is enhanced; and (d) provide for the peace, order and good government of the Municipal District."

**10 Amendment to Clause 3**

In clause 3 of the Principal Local Law at the end of "This Local Law is made under section 111(1) of the Local Government Act 1989" insert "and amended under section 71 of the Local Government Act 2020".

**11 Amendment to Clause 4**

In clause 4 of the Principal Local Law at the end of " This Local Law comes into operation on 3 September 2020" insert " and was amended on <insert date>".

## Classified Tree Amendment Local Law

## Part 2 – Amendments

**12 Amendment to Clause 5**

Delete clause 5 of the Principal Local Law and substitute “Unless revoked earlier, this Local Law ceases to operate on 3 September 2030.”.

**13 Amendment to Clause 8**

(1) In clause 8 of the Principal Local Law:

- (a) Delete "Damage, means to interfere with a tree’s natural growth including, but not limited to—(a) ringbarking; or (b) topping; or (c) cutting down; or (d) lopping; or (e) poisoning (including by contamination); or (f) undertaking Works within the Tree Protection Zone such that the tree is no longer viable, whether in terms of health, structure or stability; or" and substitute "Damage, means to interfere with a tree’s natural growth including, but not limited to—(a) ringbarking; or (b) topping; or (c) cutting down; or (d) lopping; or (e) poisoning (including by contamination); or (f) undertaking Works within the Tree Protection Zone such that the tree is no longer viable, whether in terms of health, structure or stability; or (g) uprooting or displacing; or (h) burning, scorching, singeing, or damaging by radiant heat; or (i) spilling oil, petroleum, paint, cement, mortar, or other deleterious substances onto the Tree Protection Zone."
- (b) Delete "Prune, means the removal all or any part of the branches, stems and stubs for maintenance that is carried out in accordance with Standards Australia, Pruning of Amenity Trees (AS 4373-2007)." and substitute "prune, means the removal of all or any part of the branches, stems and stubs of a tree."

## Classified Tree Amendment Local Law

## Part 2 – Amendments

- (c) Delete "Top, means reducing the height of a tree through the practice of lopping." and substitute "top, means reducing the height of a tree through the practice of lopping."
- (d) Delete "tree, includes—(a) any perennial plant having one or more permanent, woody, self-supporting trunks and with branches forming a crown, and includes all parts of the plant whether above or below ground; and (b) any unbranched evergreen plant commonly known as a palm tree, which has a crown of feathered or fan-shaped leaves;" and substitute "tree, includes—(a) any perennial plant having one or more permanent, woody, self-supporting trunks and with branches forming a crown, and includes all parts of the plant whether above or below ground; and (b) any unbranched evergreen plant commonly known as a palm tree, which has a crown of feathered or fan-shaped leaves; and (c) includes all parts of the plant, whether above or below ground, including its trunk, branches, canopy and root system."
- (e) Delete "ground level, means, in relation to a Tree Protection Zone, the highest point where a tree meets the soil." and substitute "ground level, means the highest point where a tree meets the soil."
- (f) Delete "Lop, means cutting branches or stems between branch unions or internodes." and substitute "lop, means cutting branches or stems between branch unions or internodes."

(2) In clause 8 of the Principal Local Law, in the appropriate alphabetical positions, insert the following definitions:

**Canopy Tree**, does not include

## Classified Tree Amendment Local Law

## Part 2 – Amendments

- (a) a Classified Tree;
- but otherwise means
- (b) a palm tree taller than 8 metres measured from ground level; or
- (c) a tree with a stump circumference of 140 cm or more measured at ground level; or
- (d) a tree taller than 5 metres measured from ground level; and
- (i) a trunk circumference of 140cm or more measured at a point 140cm along the trunk's length from ground level; or
- (ii) a combined trunk circumference of 140 cm or more measured at a point 140cm along the trunks' lengths from ground level.

**combined trunk circumference**, means the aggregate circumference of two or more trunks of a tree;

**trunk**, means the main structural member of a tree that is supported by and directly attached to the roots, and which, in turn, supports the branches;

**working day**, means a day that is not a Saturday, Sunday or a day that is a public holiday in the Municipal District.

#### 14 Amendment to Clause 17

In clause 17 of the Principal Local Law, delete "A relevant landholder may apply in writing to delist a Classified Tree from the Register." and substitute "A relevant landholder may apply in

## Classified Tree Amendment Local Law

## Part 2 – Amendments

writing to delist a Classified Tree from the Register."

**15 Amendment to Clause 22(3)**

In clause 22(3) of the Principal Local Law, delete "Council must publish notice in the Victorian Government Gazette of a decision under subclause (1)(a)." and substitute "Council must publish a notice in the Victorian Government Gazette of the inclusion of the tree in the Register under subclause (1)(a)."

**16 Amendments to Part 5**

Delete Part 5 of the Principal Local Law and substitute

“Part 5 - Protection of Classified Trees and Canopy Trees

**Introduction**— Council recognises the important contribution that Classified and Canopy Trees make to the character of our suburban environment. Trees are some of the most effective and efficient ways for cities to reduce their negative environmental impacts and adapt to climate change. Trees provide shade and cooling, especially over roads and paved surfaces, which mitigate the urban heat island effect. They improve air quality by removing particulate matter and pollution as well as absorbing CO<sub>2</sub>, help to reduce stormwater runoff volume and water pollution, reduce windspeeds along streets and in open spaces and form green corridors that create habitat and biodiversity links for a range of wildlife in the urban context. Indiscriminate damage to and destruction of Classified and Canopy Trees results in a degradation of this established character. This Part gives Council the necessary controls to effectively caretake the city’s Classified and Canopy Trees.

23. Protection of Classified Trees and Canopy Trees

(1) Subclause (2) applies to any—

## Classified Tree Amendment Local Law

## Part 2 – Amendments

- (a) Classified Tree; and
  - (b) Canopy Trees; and
  - (c) tree planted in satisfaction of a condition of a Permit; and
  - (d) tree planted in satisfaction of a direction in a Notice to Comply— which is situated on any Private Land, whether or not the—
  - (e) Classified Tree; or
  - (f) Canopy Trees; or
  - (g) tree planted in satisfaction of a condition of a Permit; or
  - (h) tree planted in satisfaction of a direction in a Notice to Comply— extends beyond the boundary of that Private Land.
- (2) Subject to subclauses (3), (4), (5), (6), (7), (8) and (9), a person must not, without a Permit—
- (a) remove, Damage, kill or destroy or direct, authorise or allow to be removed, Damaged, killed or destroyed a Classified Tree or a Canopy Tree; or
  - (b) prune or direct, authorise or allow to be pruned a Classified Tree or a Canopy Tree; or

## Classified Tree Amendment Local Law

## Part 2 – Amendments

- (c) carry out, or direct, authorise or allow to be carried out any Works within the Tree Protection Zone of a Classified Tree or a Canopy Tree; or
- (d) remove, Damage, kill or destroy or direct, authorise or allow to be removed, Damaged, killed or destroyed a tree planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply; or
- (e) prune or direct, authorise or allow to be pruned a tree planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply; or
- (f) carry out, or direct, authorise or allow to be carried out any Works within the Tree Protection Zone of a tree planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply.

**Penalty— 20 Penalty Units**

- (3) Subclause (2) does not apply to—
  - (a) a person whose actions are required by any other legislation or by any other statutory authority; or
  - (b) a person acting in accordance with an instruction or direction from an Authorised Officer; or
  - (c) a tree that is a noxious weed; or
  - (d) such as part of a tree that is above or below Public Land.
- (4) Subclause (2)(b) does not apply—



## Classified Tree Amendment Local Law

## Part 2 – Amendments

- (a) to pruning carried out to control an immediate danger to life or property arising from a Classified Tree or a Canopy Tree (including without limitation an immediate danger as a result of damage to the Classified Tree or a Canopy Tree caused by a storm, lightning, earthquake, flood or other act of nature); and
- (b) if Council is notified within five (5) working days of the commencement of the pruning.

**Note:** Notification enables Council to conduct an onsite inspection of the Classified Tree or Canopy Tree.

- (5) Subclause (2)(e) does not apply—

- (a) to pruning carried out to control an immediate danger to life or property arising from a tree planted in satisfaction of a condition of a Permit or from a tree planted in satisfaction of a direction in a Notice to Comply (including without limitation an immediate danger as a result of damage to the tree caused by a storm, lightning, earthquake, flood or other act of nature); and
- (b) if Council is notified within five (5) working days of the commencement of the pruning.

**Note:** Notification is to enable Council to carry out an onsite inspection of the tree.

- (6) Subclause (2)(a) does not apply—

- (a) to topping or lopping carried out to control an immediate danger to life or property arising from a Classified Tree or a Canopy Tree (including without limitation an immediate danger as a result of damage to the Classified Tree or a Canopy Tree caused by a storm, lightning, earthquake, flood or other act of nature); and

## Classified Tree Amendment Local Law

## Part 2 – Amendments

- (b) if Council is notified within five (5) working days of the commencement of the topping or lopping.

**Note:** Notification enables Council to conduct an onsite inspection of the Classified Tree or a Canopy Tree.

- (7) Subclause (2)(d) does not apply—

- (a) to topping or lopping carried out to control an immediate danger to life or property arising from a tree planted in satisfaction of a condition of a Permit or from a tree planted in satisfaction of a direction in a Notice to Comply (including without limitation an immediate danger as a result of damage to the tree caused by a storm, lightning, earthquake, flood or other act of nature); and

- (b) if Council is notified within five (5) working days of the commencement of the topping or lopping.

**Note:** Notification is to enable Council to carry out an onsite inspection of the tree.

- (8) Subclause (2)(b) does not apply to pruning, which is carried out to the following specifications—

- (a) up to a maximum of 10% of the Classified Tree's or Canopy Tree's total volume within 12 calendar months; and
- (b) in accordance with Standards Australia AS4373 – 2007; and
- (c) only branches of the Classified Tree or a Canopy Tree that have a circumference of less than 100 millimetres at the point of contact with the larger branches or the trunk.

- (9) Subclause (2)(e) does not apply to pruning which is

## Classified Tree Amendment Local Law

## Part 2 – Amendments

carried out to the following specifications—

- (a) up to a maximum of 10% of the tree's total volume within 12 calendar months; and
- (b) in accordance with Standards Australia AS4373 – 2007; and
- (c) only branches of the tree with a circumference of less than 100 millimetres at the point of contact with the larger branches or the trunk."

**17 Amendment to Clause 27(3)**

In clause 27(3) of the Principal Local Law, delete "Council must publish notice in the Victorian Government Gazette of the cancellation of an interim protection order under subclause (1)." and substitute "Council must publish a notice in the Victorian Government Gazette of the cancellation of an interim protection order under subclause (1)."

**18 Amendment to Clause 28(2)**

In clause 28(2) of the Principal Local Law, delete "A tree which is no longer subject to the interim protection order under subclauses 1(b) or (1)(c) is delisted from the Register." and substitute "A tree that is no longer subject to the interim protection order under subclauses 1(b) or (1)(c) is delisted from the Register."

**19 Amendment to Clause 29(2)**

In clause 29(2) of the Principal Local Law, delete "A tree which that is no longer subject to the interim protection order under subclause (1) is delisted from the Register." and substitute "A tree

## Classified Tree Amendment Local Law

## Part 2 – Amendments

that is no longer subject to the interim protection order under subclauses 1(b) or (1)(c) is delisted from the Register."

**20 Amendment to Clause 31(1)**

In clause 31(1) of the Principal Local Law, delete "Where any provision in this Local Law requires that a person obtain a Permit before engaging in a particular activity, that person commits an Offence if that person engages in that activity or cause or permits any other person to engage in that activity without a Permit authorising that activity." and substitute "Where any provision in this Local Law requires that a person obtain a Permit before engaging in a particular activity, that person commits an Offence if that person engages in that activity or causes or permits any other person to engage in that activity without a Permit authorising that activity."

**21 Amendment to Clause 31(2)(c)**

In clause 31(2)(c) of the Principal Local Law, delete "fails to notify Council of any material change in circumstances which is relevant to an application for a Permit; or" and substitute "fails to notify Council of any material change in circumstances that are relevant to an application for a Permit; or"

**22 Amendment to Clause 36**

Delete clause 36 of the Principal Local Law and substitute "In determining whether to issue a Permit, Council must consider the following, to the extent it considers appropriate—(a) the condition of the tree (such as, for example, its health, appearance and structural integrity); and (b) the appropriateness of the tree for its location on the Property having regard to the existing

## Classified Tree Amendment Local Law

## Part 2 – Amendments

buildings on the Property; and (c) whether the proposed action is to be undertaken for reasons of health or safety; and (d) whether the tree has caused property damage, and the extent of the damage and cost of repair of the damage caused; and (e) whether the tree is causing any public nuisance or creating any other nuisance to relevant landholders; and (f) whether the tree is an environmental weed; and (g) any legislative requirements; and (h) any other matter relevant to the circumstances associated with the application. (2) If the applicant for a Permit is not the owner of the tree, the consent of all of the owners of the tree must be provided to Council with the application under clause 32."

**23 Amendment to Clause 38(1)(e)**

In clause 38(1)(e) of the Principal Local Law, delete "where the applicant is not the owner of the Classified Tree, the consent of the owner; and" and substitute "where the applicant is not the owner of the tree, the consent of the owner; and"

**24 Amendment to Clause 44(1)**

Delete clause 44(1) of the Principal Local Law and substitute "Under section 78 of the Local Government Act 2020, Council hereby delegates to the Chief Executive Officer and Authorised Officers all the powers, discretions, authorities and considerations of Council under this Local Law to do any act, matter or thing necessary or incidental to the exercise of any function or power by Council under this Local Law."

**25 Amendment to Clause 46(1) and (2)**

Delete clauses 46(1) and 46(2) of the Principal Local Law and substitute "(1) Council may, by written notice, exempt any person or class of persons from the need to get a Permit, and such

## Classified Tree Amendment Local Law

## Part 2 – Amendments

exemption may be conditional, altered, and cancelled. (2) Council may, by written notice, exempt any person or class of person from the need to pay any Permit fee."

**26 Amendment to Clause 49**

Delete clause 49 of the Principal Local Law and substitute "(1) The amount of penalty indicated on the Infringement Notice will be the greater of — (a) 25% of the maximum penalty stated under a provision in this Local Law for the offence to which the Infringement Notice relates; and (b) \$50.00. (2) Notwithstanding subclause (1), the amount of penalty for an Infringement Notice for an Offence in relation to a Classified Tree under subclauses 23(2)(a), 23(2)(c), 23(2)(d) and 23(2)(f) is twenty (20) penalty units. (3) Notwithstanding subclause (1), the amount of penalty for an Infringement Notice for an Offence in relation to a Canopy Tree under subclause 23(2)(a) is twenty (20) penalty units. (4) Notwithstanding subclause (1), the amount of penalty for an Infringement Notice for an Offence in relation to a Canopy Tree under subclauses 23(2)(c), 23(2)(d) and 23(2)(f) is ten (10) penalty units."

**27 Amendment to Clause 51(3)(b)**

In clause 51(3)(b) of the Principal Local Law, delete "direct the person to stop the conduct which constitutes the breach of this Local Law; or" and substitute "direct the person to stop the conduct that constitutes a breach of this Local Law; or"

**28 Amendment to Clause 53(1)(a)**

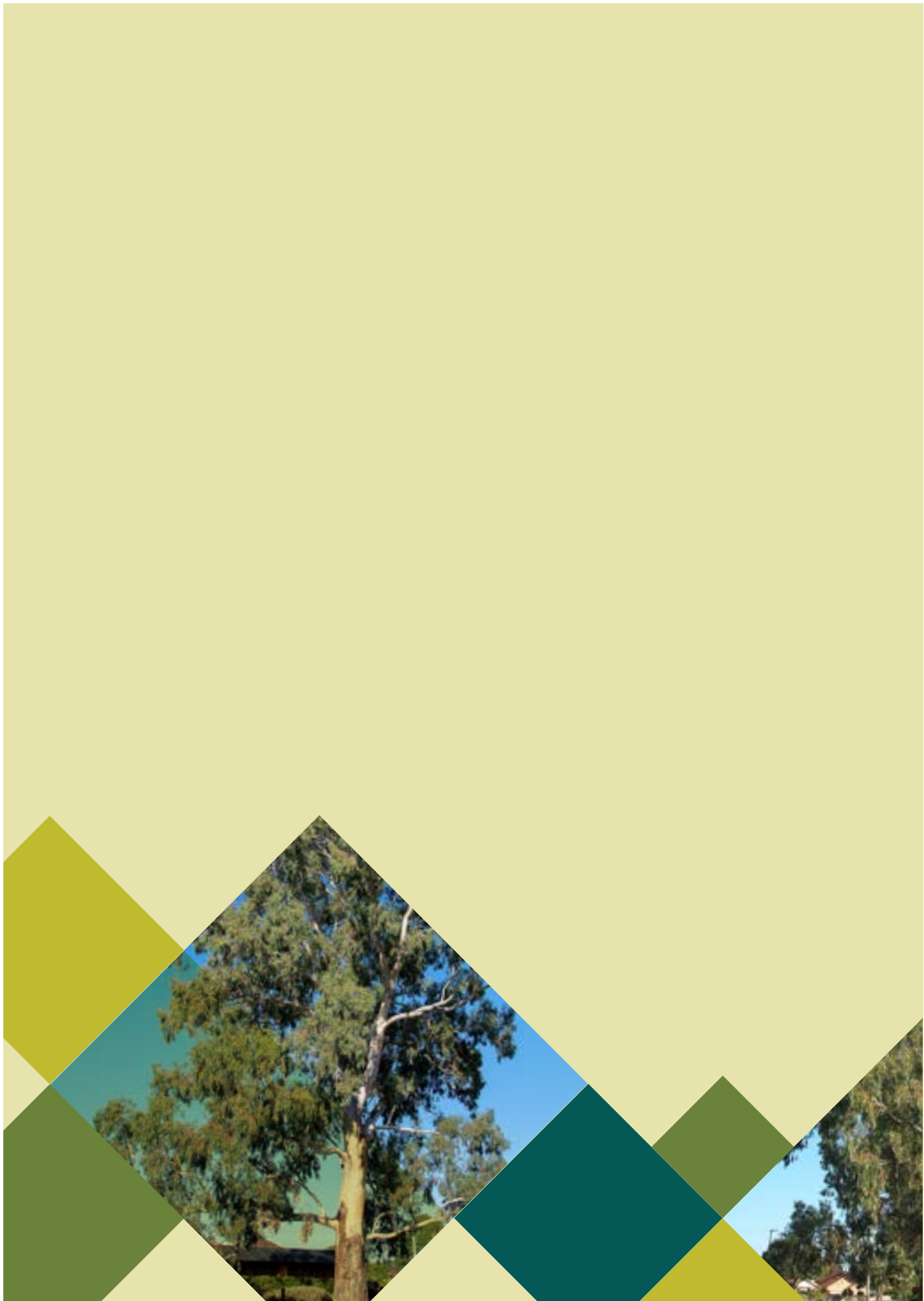
In clause 53(1)(a) of the Principal Local Law, delete "section 225 of the Local Government Act 1989 does not apply; and" and substitute "section 117 of the Local Government Act 2020 does not apply; and"

## Classified Tree Amendment Local Law

## Part 2 – Amendments

**29 Amendment to Clause 54**

Delete clause 54 of the Principal Local Law and substitute "(1) An Authorised Officer may enter any Private Land to inspect any tree where the Authorised Officer has reasonable grounds for believing that a breach of this Local Law has been committed, is being committed or is likely to be committed. (2) An Authorised Officer may enter any Private Land to inspect any tree which is the subject of an application for a Permit. (3) The Authorised Officer must undertake an inspection mentioned in subclauses (1) and (2) at a reasonable time. (4) The Authorised Officer may undertake an inspection mentioned in subclauses (1) and (2) with the assistance of another Authorised Officer."







GLEN EIRA  
CITY COUNCIL

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BENTLEIGH EAST  
BRIGHTON EAST  
CARNEGIE  
CAULFIELD  
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GLEN HUNTLY  
MCKINNON  
MURRUMBEENA  
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ST KILDA EAST

# GLEN EIRA CITY COUNCIL CLASSIFIED TREE LOCAL LAW

(INCORPORATING CHANGES FROM  
THE PROPOSED CLASSIFIED TREE  
AMENDMENT LOCAL LAW)



Classified Tree Local Law (incorporating changes from the proposed Classified Tree Amendment Local Law)

### Part 1 - Preliminary

#### 1. Title

This Local Law is the Glen Eira City Council Classified Tree Canopy Tree Protection Local Law and is referred to as the “Local Law”.

#### 2. Objective

The objectives of this Local Law are to:

- (a) provide for the registration of Classified Trees within the Municipal District; and
- (b) ~~create offences and other enforcement measures to protect Classified Trees, Canopy Trees and trees required to be planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply on private land within the Municipal District; and~~
- (c) ~~and trees required to be planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply on private land within the Municipal District, ensure that the established tree lined character of the Municipal District is enhanced; and~~
- ~~(b)(d)~~ provide for the peace, order and good government of the Municipal District.

#### 3. Authorising Provision

This Local Law is made under section 111(1) of the **Local Government Act 1989** and amended under section 71 of the **Local Government Act 2020**.

#### 4. Commencement

This Local Law comes into operation on 3 September 2020 and was amended on <insert date>.-

#### 5. Revocation

~~This Local Law ceases to operate on 3 September 2030, unless revoked earlier~~ Unless revoked earlier, this Local Law ceases to operate on 3 September 2030.

#### 6. To what parts of the Municipal District does this Local Law apply?

This Local Law applies to all land throughout the whole of the Municipal District.

#### 7. Scope of this Local Law

The provisions of this Local Law apply to the extent that they are not inconsistent with any legislation applicable to Council or its Municipal District.

#### 8. Definition of words used in this Local Law

(1) Unless the contrary intention appears in this Local Law—

- (a) words defined in section 3(1) of the **Local Government Act 2020** have the same meaning in this Local Law; and
- (b) words defined below have that meaning in this Local Law.

**Authorised Officer**, means a person appointed by Council to be an Authorised Officer under section 224 of the **Local Government Act 1989**.

Classified Tree Local Law (incorporating changes from the proposed Classified Tree Amendment Local Law)

Canopy Tree, does not include

(a) a Classified Tree;

but otherwise means

(b) a palm tree taller than 8 metres measured from ground level; or

(c) a tree with a stump circumference of 140 cm or more measured at ground level; or

(d) a tree taller than 5 metres measured from ground level; and

(i) a trunk circumference of 140cm or more measured at a point 140cm along the trunk's length from ground level; or

(ii) a combined trunk circumference of 140 cm or more measured at a point 140cm along the trunks' lengths from ground level.

Classified Tree, means any—

(a) tree; or

(b) tree within a stand of trees—

that is recorded in the Register.

**Classified Tree Policy**, means Council's Classified Tree Policy, dated 3 September 2020.

combined trunk circumference, means the aggregate circumference of two or more trunks of a tree;

**Council**, means Glen Eira City Council.

**Damage**, means to interfere with a tree's natural growth including, but not limited to—

(a) ringbarking; or

(b) ~~T~~opping; or

(c) cutting down; or

(d) ~~L~~opping; or

(e) ~~p~~Poisoning (including by contamination); or

(f) undertaking Works within the Tree Protection Zone such that the tree is no longer viable, whether in terms of health, structure or stability; or

(g) uprooting or displacing; or

(h) burning, scorching, singeing, or damaging by radiant heat; or

(i) spilling oil, petroleum, paint, cement, mortar, or other deleterious substances onto the Tree Protection Zone.

~~(f)~~ -

**ground level**, means, ~~in relation to a Tree Protection Zone,~~ the highest point where a tree meets

Classified Tree Local Law (incorporating changes from the proposed Classified Tree Amendment Local Law)

the soil.

**Infringement Notice**, means an infringement notice served by an Authorised Officer under this Local Law.

**Land**, includes buildings and other structures permanently or temporarily fixed to land, land covered with water, and the airspace above and the earth below the land.

**landholder**, means—

- (a) the person who is registered as a proprietor, or the persons who are registered as the proprietors, of an estate in fee simple in the Land; and
- (b) a person who, whether alone or with others, is in occupation or possession, or has the management or control, of Land, and includes the agent of such a person.

**Local Government Act 2020**, means the Local Government Act 2020 (Vic) or any later equivalent enactment.

**Local Government Act 1989**, means the Local Government Act 1989 (Vic) or any later equivalent enactment.

**Lop**, means cutting branches or stems between branch unions or internodes.

**Municipal District**, means the district under the local government of Council.

**Notice to Comply**, means a written notice issued by Council and served by an Authorised Officer under this Local Law directing the person to whom it is addressed to take specified actions to comply with the Local Law.

**noxious weed**, means—

- (a) a State prohibited weed; and
- (b) a regionally prohibited weed in the Port Philip and Westernport Catchment and Land Protection Region; and
- (c) a regionally controlled weed in the Port Philip and Westernport Catchment and Land Protection Region; and
- (d) a restricted weed in the Port Philip and Westernport Catchment and Land Protection Region—

as declared by Order in Council made on 28 September 2010 under the **Catchment and Land Protection Act 1994** and published in Victorian Government Gazette S 399 on 1 October 2010 at pages 22 -27, as amended by the Order in Council made on 19 August 2014 and published in Victorian Government Gazette G 34 on 21 August 2014 at pages 1824–1828, as amended by the Order in Council made on 18 July 2017 and published in Victorian Government Gazette G 29 on 20 July 2017 at pages 1579–1588, which declared certain plants to be State prohibited weeds, regionally prohibited weeds, regionally controlled weeds or restricted weeds or any later equivalent instrument.

**Note:** A consolidated list of declared noxious weeds as they appear in the Victorian Government Gazette is available from Agricultural Victoria's Internet website.

**Offence**, means an offence against or breach of a provision of this Local Law or a breach of a Notice to Comply or direction issued by an Authorised Officer under this Local Law.

**Penalty**, means the fine prescribed under this Local Law for an Offence.

Classified Tree Local Law (incorporating changes from the proposed Classified Tree Amendment Local Law)

**Permit**, means a written permit issued under this Local Law by the authority of Council and signed by an Authorised Officer.

**person**, includes an individual, a corporation, an association incorporated under the **Associations Incorporation Reform Act 2012**, a partnership and an unincorporated association.

**Private Land**, means all Land other than Public Land.

**Property**, means any Land in separate ownership or separate occupation.

**Prune**, means the removal of all or any part of the branches, stems and stubs ~~for maintenance of a tree that is carried out in accordance with Standards Australia, Pruning of Amenity Trees (AS 4373-2007).~~

**Public Land**, means all Land owned, leased, managed or occupied by a public body.

**Register**, means the register of Classified Trees adopted by Council under subclause 10(1), as amended from time to time.

**responsible authority**, has the same meaning as it has in the **Planning and Environment Act 1987**.

**relevant landholder**, means a landholder of all or part of the Land within a Tree Protection Zone.

~~T~~**op**, means reducing the height of a tree through the practice of ~~H~~opping.

**tree**, includes—

(a) any perennial plant having one or more permanent, woody, self-supporting trunks and with branches forming a crown, and includes all parts of the plant whether above or below ground; and

(b) any unbranched evergreen plant commonly known as a palm tree, which has a crown of feathered or fan-shaped leaves; ~~and~~

~~(b)~~(c) includes all parts of the plant, whether above or below ground, including its trunk, branches, canopy and root system.

**Tree Protection Zone** means a sphere the radius of which, measured from the centre of the tree stem at ground level, is calculated in accordance with Standards Australia, Protection of Trees on Development Sites (AS 4970-2009).

trunk, means the main structural member of a tree that is supported by and directly attached to the roots, and which, in turn, supports the branches;

**Works**, include without limitation building, trenching, digging, compacting, excavating, filling, constructing or installing a structure and the installation of impervious surfaces whether by mechanical or manual methods or storage of materials and equipment.

working day, means a day that is not a Saturday, Sunday or a day that is a public holiday in the Municipal District.

- (2) Headings above each clause, introductions to parts and notes do not form part of this Local Law.

Classified Tree Local Law (incorporating changes from the proposed Classified Tree Amendment Local Law)

**9. Incorporation of documents**

- (1) The following documents, as adopted or endorsed by Council and published from time to time on Council’s Internet site or available for inspection at Council’s office, the titles of which are set out in Table 1 below, are hereby incorporated into this Local Law.

Table 1— Incorporation of Council documents

<b>Title of document</b>
Classified Tree Register
Appendices 1, 2, 3 and 4 of the Classified Tree Policy

- (2) The following documents, as published from time to time on Council’s Internet site or available for inspection at Council’s office, the titles of which are set out in Table 2 below, are hereby incorporated into this Local Law.

Table 2— Incorporation of documents

<b>Title of document</b>
Standards Australia, Pruning of Amenity Trees (AS 4373-2007)
Standards Australia, Protection of Trees on Development Sites (AS 4970-2009)

**Part 2 - Classified Tree Register**

**10. Classified Tree Register**

- (1) Council must adopt and maintain the Register.
- (2) Council may, subject to this Local Law, include any tree within the Municipal District in the Register.
- (3) Council may amend or delete the whole or any part of the Register.
- (4) Council may delist a Classified Tree from the Register.
- (5) Council must ensure that a copy of the Register is available for inspection—
  - (a) at Council’s office; and
  - (b) on Council’s Internet site.

**Part 3 - Nomination of a tree for inclusion in the Classified Tree Register**

**11. Nomination of a tree for inclusion in the Classified Tree Register**

- (1) A person may nominate any tree within the Municipal District for inclusion in the Register.
- (2) Council may consider one or more nominations under subclause (1) together.

**12. Grounds to reject a nomination**

Classified Tree Local Law (incorporating changes from the proposed Classified Tree Amendment Local Law)

- (1) Council may reject a nomination under subclause 11(1) if—
  - (a) the nominated tree is already listed on the Register; or
  - (b) the nominated tree was delisted from the Register; or
  - (c) Land within all or part of the Tree Protection Zone of the nominated tree is directly impacted by proposed activities in a planning permit application received by Council prior to the date on which the nomination under subclause 11(1) was received by Council; or
  - (d) Land within all or part of the Tree Protection Zone of the nominated tree is directly impacted by activities permitted by an existing planning permit which was issued by the responsible authority prior to the date on which the nomination under subclause 11(1) was received by Council; or
  - (e) Land within all or part of the Tree Protection Zone of the nominated tree is marketed for sale as at the date on which the nomination under subclause 11(1) was received by Council; or
  - (f) within the last five years, Council resolved under subclause 16(1)(b) not to include the nominated tree in the Register.
- (2) Council must notify the person who nominated the tree under subclause 11(1) of the ground or grounds for the rejection under subclause (1).

### **13. Council's preliminary assessment of a nomination**

Council may undertake, to the extent it considers appropriate, a preliminary assessment of a nomination under subclause 11(1) in accordance with the process in Appendix 3 of the Classified Tree Policy.

### **14. Inspection of a nominated tree**

- (1) An Authorised Officer may enter any Private Land to inspect a tree nominated under subclause 11(1) while undertaking a preliminary assessment under clause 13.
- (2) The Authorised Officer must undertake the inspection mentioned in subclause (1) at a reasonable time.
- (3) The Authorised Officer may undertake the inspection mentioned in subclause (1) with the assistance of another Authorised Officer.

### **15. Assessing eligibility for inclusion in the Classified Tree Register**

In determining whether a tree nominated under subclause 11(1) is eligible for inclusion in the Register, Council must consider the following, to the extent it considers appropriate—

- (a) the criteria in Appendix 1 of the Classified Tree Policy; and
- (b) the criteria in Appendix 2 of the Classified Tree Policy; and
- (c) any written submissions received by Council regarding the tree nominated under subclause 11(1).

### **16. Notification of decision**

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- (1) Council may—
  - (a) include a tree nominated under subclause 11(1) in the Register; or
  - (b) not include a tree nominated under subclause 11(1) in the Register.
- (2) Council must notify—
  - (a) the person who nominated the tree under subclause 11(1) of the decision under subclause (1); and
  - (b) all relevant landholders of the decision under subclause (1).
- (3) Subclause (2)(a) does not apply to Council where it nominated the tree under subclause 11(1).
- (4) Subclause (2)(b) does not apply to Council to the extent that it is a relevant landholder.
- (5) Council must publish notice in the Victorian Government Gazette of the decision to include a tree in the Register under subclause (1)(a).

#### **Part 4 - Delisting a Classified Tree from the Classified Tree Register**

##### **17. Application for delisting**

- (1) A relevant ~~landholder~~may-landholder may apply in writing to delist a Classified Tree from the Register.
- (2) An application under subclause (1) must state why the Classified Tree no longer meets the criteria in Appendix 1 of the Classified Tree Policy.
- (3) Council may nominate a tree to be delisted from the Register.
- (4) Council must notify all relevant landholders of a nomination under subclause (3).
- (5) Council may consider one or more applications under subclause (1) together.

##### **18. Grounds to reject an application**

- (1) Council may reject an application under subclause 17(1) if, within the last two years, Council determined that the Classified Tree meets any of the criteria in Appendix 1 of the Classified Tree Policy.
- (2) Council must notify the relevant landholder who applied under subclause 17(1) of a rejection of the application under subclause (1).
- (3) Subclause (1) does not apply if the application under subclause 17(1) states that the Classified Tree is a danger to life or property.

##### **19. Council's preliminary assessment of an application to delist**

Council may, to the extent it considers appropriate, undertake a preliminary assessment of an application under subclause 17(1) or a nomination under subclause 17(3), in accordance with the process in Appendix 4 of the Classified Tree Policy.

##### **20. Inspection of a Classified Tree**

- (1) An Authorised Officer may enter any Private Land to inspect a Classified Tree while



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undertaking a preliminary assessment under clause 19.

- (2) The Authorised Officer must undertake the inspection mentioned in subclause (1) at a reasonable time.
- (3) The Authorised Officer may undertake the inspection mentioned in subclause (1) with the assistance of another Authorised Officer.

## 21. Assessing eligibility to delist a Classified Tree from the Classified Tree Register

In determining whether a Classified Tree is eligible to remain on the Classified Tree Register, Council must consider, to the extent it considers appropriate,

- (a) the criteria in Appendix 1 of the Classified Tree Policy; and
- (b) any written submissions received by Council regarding the application to delist the Classified Tree under subclause 17(1) or a nomination under subclause 17(3).

## 22. Notification of decision

- (1) Council may—
  - (a) delist a Classified Tree from the Register; or
  - (b) not delist a Classified Tree from the Register.
- (2) Council must notify all relevant landholders of a decision under subclause (1).
- (3) Council must publish a notice in the Victorian Government Gazette of a decision under subclause (1)(a).

## Part 5 - Protection of Classified Trees and Canopy Trees

**Introduction**— Council recognises the important contribution that Classified ~~Trees~~ and Canopy Trees make to the character of our suburban environment. Trees are some of the most effective and efficient ways for cities to reduce their negative environmental impacts and adapt to climate change. Trees provide shade and cooling, especially over roads and paved surfaces, which mitigate the urban heat island effect. They improve air quality by removing particulate matter and pollution as well as absorbing CO2, help to reduce stormwater runoff volume and water pollution, reduce windspeeds along streets and in open spaces and form green corridors that create habitat and biodiversity links for a range of wildlife in the urban context. Indiscriminate damage to and destruction of Classified ~~Trees and Canopy~~ Trees results in a degradation of this established character. This ~~Local Law~~ Part gives Council the necessary controls to effectively caretake the city's Classified ~~Trees and Canopy~~ Trees.

## 23. Protection of Classified Trees and Canopy Trees

- (1) Subclause (2) applies to any—
  - (a) Classified Tree; and
  - ~~(a)~~ (b) Canopy Trees; and
  - ~~(b)~~ (c) tree planted in satisfaction of a condition of a Permit; and
  - ~~(c)~~ (d) tree planted in satisfaction of a direction in a Notice to Comply—

which is situated on any Private Land, whether or not the—

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~~(e)~~ Classified Tree; or

~~(d)~~~~(f)~~ Canopy Trees; or

~~(e)~~~~(g)~~ tree planted in satisfaction of a condition of a Permit; or

~~(f)~~~~(h)~~ tree planted in satisfaction of a direction in a Notice to Comply—  
extends beyond the boundary of that Private Land.

(2) Subject to subclauses (3), (4), (5), (6), (7), (8) and (9), a ~~A~~ person must not, without a Permit—

(a) remove, Damage, kill or destroy or direct, authorise or allow to be removed, Damaged, killed or destroyed a Classified Tree or a Canopy Tree; or

(b) ~~p~~Prune or direct, authorise or allow to be ~~p~~Pruned a Classified Tree or a Canopy Tree; or

(c) carry out, or direct, authorise or allow to be carried out any Works within the Tree Protection Zone of a Classified Tree or a Canopy Tree; or

(d) remove, Damage, kill or destroy or direct, authorise or allow to be removed, Damaged, killed or destroyed a tree planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply; or

(e) ~~p~~Prune or direct, authorise or allow to be ~~p~~Pruned a tree planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply; or

(f) carry out, or direct, authorise or allow to be carried out any Works within the Tree Protection Zone of a tree planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply.

**Penalty**— 20 Penalty Units

(3) Subclause (2) does not apply to—

(a) a person whose actions are required by any other legislation or by any other statutory authority; or

(b) a person acting in accordance with an instruction or direction from an Authorised Officer; or

(c) a tree that is a noxious weed; or

(d) such as part of a tree that is above or below Public Land.

(4) Subclause (2)(b) does not apply—

(a) to ~~P~~pruning carried out to control an immediate danger to life or property arising from a Classified Tree or a Canopy Tree (including without limitation an immediate danger as a result of damage to the Classified Tree or a Canopy Tree caused by a storm, lightning, earthquake, flood or other act of nature); and

(b) if Council is notified within five (5) working days of the commencement of the ~~P~~pruning.

**Note:** Notification ~~is to enable~~enables Council to ~~carry out~~conduct an onsite inspection of the

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Classified Tree or Canopy Tree.

(5) Subclause (2)(e) does not apply—

(a) to ~~P~~pruning carried out to control an immediate danger to life or property arising from a tree planted in satisfaction of a condition of a Permit or from a tree planted in satisfaction of a direction in a Notice to Comply (including without limitation an immediate danger as a result of damage to the tree caused by a storm, lightning, earthquake, flood or other act of nature); and

(b) if Council is notified within five (5) working days of the commencement of the ~~P~~pruning.

**Note:** Notification is to enable Council to carry out an onsite inspection of the tree.

(6) Subclause (2)(a) does not apply—

(a) to ~~T~~opping or ~~I~~opping carried out to control an immediate danger to life or property arising from a Classified Tree or a Canopy Tree (including without limitation an immediate danger as a result of damage to the Classified Tree or a Canopy Tree caused by a storm, lightning, earthquake, flood or other act of nature); and

(b) if Council is notified within five (5) working days of the commencement of the ~~t~~opping or ~~I~~opping.

**Note:** Notification ~~is to enable~~enables Council to ~~carry out~~conduct an onsite inspection of the Classified Tree or a Canopy Tree.

(7) Subclause (2)(d) does not apply—

(a) to ~~t~~opping or ~~I~~opping carried out to control an immediate danger to life or property arising from a tree planted in satisfaction of a condition of a Permit or from a tree planted in satisfaction of a direction in a Notice to Comply (including without limitation an immediate danger as a result of damage to the tree caused by a storm, lightning, earthquake, flood or other act of nature); and

(b) if Council is notified within five (5) working days of the commencement of the ~~t~~opping or ~~I~~opping.

**Note:** Notification is to enable Council to carry out an onsite inspection of the tree.

(8) Subclause (2)(b) does not apply to ~~P~~pruning, which is carried out to the following specifications—

~~(a)~~ (a) up to a maximum of 10% of the Classified Tree's or Canopy Tree's total volume within 12 calendar months; and

~~(a)(b)~~ (a)(b) in accordance with Standards Australia AS4373 – 2007; and

~~(b)(c)~~ (b)(c) only branches of the Classified Tree or a Canopy Tree that have a circumference of less than 100 millimetres at the point of contact with the larger branches or the trunk.

(9) Subclause (2)(e) does not apply to ~~p~~Pruning which is carried out to the following specifications—

~~(a)~~ (a) up to a maximum of 10% of the tree's total volume within 12 calendar months; and

~~(a)(b)~~ (a)(b) in accordance with Standards Australia AS4373 – 2007; and

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~~(b)~~(c) only branches of the tree ~~that have~~with a circumference of less than 100 millimetres at the point of contact with the larger branches or the trunk.

#### **Part 6- Interim Protection**

##### **24. Council may make an interim protection order**

- (1) Council may make an interim protection order in relation to a tree on Private Land if, in the opinion of Council, it is necessary or desirable to do so for the purposes of this Local Law.
- (2) An interim protection order must be in the form approved by Council from time to time.

##### **25. Service of an interim protection order**

- (1) Council must cause the interim protection order or a reproduction of the interim protection order to be served on all relevant landholders.
- (2) An interim protection order may be served on a person under section 315 of the **Local Government Act 2020**.

##### **26. Effect of an interim protection order**

- (1) A tree in relation to which an interim protection order is made is included in the Register while the interim protection order is in force.
- (2) Council must publish a notice in the Victorian Government Gazette of the inclusion of the tree in the Register under subclause (1).

##### **27. Cancellation of an interim protection order**

- (1) Council may cancel an interim protection order if, in the opinion of Council, it is necessary or desirable to do so for the purposes of this Local Law.
- (2) Council must notify all relevant landholders of the cancellation of an interim protection order under subclause (1).
- (3) Council must publish a notice in the Victorian Government Gazette of the cancellation of an interim protection order under subclause (1).

##### **28. Period of an interim protection order**

- (1) An interim protection order under subclause 24(1) continues in effect until the publication in the Victorian Government Gazette of a notice that—
  - (a) Council has determined that the tree should be included in the Register under subclause 16(1)(a); or
  - (b) Council has determined that the tree should not be included in the Register under subclause 16(1)(b); or
  - (c) Council has cancelled the interim protection order under subclause 27(1).
- (2) A tree ~~which that~~ is no longer subject to the interim protection order under subclauses 1(b) or (1)(c) is delisted from the Register.

##### **29. Expiry of an interim protection order**

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- (1) If none of the things stated in subclause 28(1) occurs, the interim protection order continues in effect for a period of six months from the date of the publication of the notice under subclause 26(2) or for the extended period specified by Council under subclause 30(1).
- (2) A tree ~~which~~that is no longer subject to the interim protection order under subclause (1) is delisted from the Register.
- (3) Council must publish notice in the Victorian Government Gazette of the expiry of an interim protection order under subclause (1).
- (4) Council must notify all relevant landholders of the expiry of an interim protection order under subclause (1).

### **30. Extension of an interim protection order**

- (1) Council may extend the period for which an interim protection order under subclause 24(1) is in effect.
- (2) Notice of an extension of an interim protection order under subclause (1) must be served in the same manner as the interim protection order is served under clause 25.
- (3) Council must publish notice in the Victorian Government Gazette of the extension of an interim protection order under subclause (1).
- (4) Council must notify all relevant landholders of the extension of an interim protection order under subclause (1).

## **Part 7 - Permits**

**Introduction**— This Part provides the system of applying for, administering and regulating Permits.

### **31. Permit offences**

- (1) Where any provision in this Local Law requires that a person obtain a Permit before engaging in a particular activity, that person commits an Offence if that person engages in that activity or causes or permits any other person to engage in that activity without a Permit authorising that activity.

**Penalty**— 20 Penalty Units

- (2) Any person who—
  - (a) contravenes any condition of a Permit; or
  - (b) gives to Council any information (whether oral or in writing) which is false or misleading in any material particular when applying for a Permit; or
  - (c) fails to notify Council of any material change in circumstances ~~which~~that are is relevant to an application for a Permit; or
  - (d) fails, neglects or refuses to produce a Permit when directed to do so by an Authorised Officer—

commits an Offence.

**Penalty**— 20 penalty units

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### **32. Permit applications**

A person seeking to do anything for which a Permit is required under this Local Law must apply for the Permit in writing to Council and pay the relevant fee as determined by Council from time to time.

### **33. Permit fee**

- (1) Council may by resolution determine fees and charges for the purposes of this Local Law.
- (2) In determining any fees and charges Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.
- (3) Council may reduce, waive or refund, in whole or in part, a fee or charge with or without conditions.

**Note**— A schedule of the Permit fees can be obtained from Council.

### **34. Further information**

Council may require the applicant to provide further information before it deals with the application for a Permit.

### **35. Notice of a Permit application**

- (1) Council may require the applicant to give notice of the application for a Permit in a form and manner specified by Council.
- (2) Without limiting subclause (1), Council may require a notice under subclause (1) to state—
  - (a) that submissions regarding the application for a Permit under subclause 32 may be made to Council, and
  - (b) the method by and period in which submissions may be made to Council.
- (3) Subclause (2)(a) does not confer a right on a person to make a submission under section 223 of the **Local Government Act 1989**.

### **36. Consideration of an application**

- (1) In determining whether to issue a Permit, Council must consider the following, to the extent it considers appropriate—
  - (a) the condition of the ~~Classified Tree~~tree (such as, for example, its health, appearance and structural integrity); and
  - (b) the appropriateness of the ~~Classified Tree~~tree for its location on the Property having regard to the existing buildings on the Property; and
  - (c) whether the proposed action is to be undertaken for reasons of health or safety; and
  - (d) whether the ~~Classified Tree~~tree has caused property damage, and the extent of the damage and cost of repair of the damage caused; and
  - (e) whether the ~~Classified Tree~~tree is causing any public nuisance or creating any other nuisance to relevant landholders; and

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- (f) whether the ~~Classified Treetree~~ is an environmental weed; and
  - (g) any legislative requirements; and
  - (h) any other matter relevant to the circumstances associated with the application.
- (2) If the applicant for a Permit is not the owner of the ~~Classified Treetree~~, the consent of all of the owners of the ~~Classified Treetree~~ must be provided to Council with the application under clause 32.

### 37. Decision to issue a Permit

- (1) Council may, after considering an application under clause 32—
- (a) issue a Permit; or
  - (b) refuse to issue a Permit; or
  - (c) determine that a Permit is not required.

### 38. Conditions of a Permit

- (1) A Permit issued under subclause 37(1)(a) or 59(1)(a) may be with or without any conditions which Council considers to be appropriate in the circumstances, including—
- (a) the payment of any fee or charge; and
  - (b) a time limit to be applied, whether specifying the duration or commencement or completion date; and
  - (c) the happening of an event; and
  - (d) the rectification, remedying or restoration of a situation or circumstance; and
  - (e) where the applicant is not the owner of the ~~Classified Treetree~~, the consent of the owner; and
  - (f) the granting of some other permission or authorisation; and
  - (g) standards and quality of work, including Australian Standards; and
  - (h) a requirement that a replacement tree be planted; and
  - (i) a requirement for replanting or re-establishment of a tree; and
  - (j) the submission of further information or plans relevant to the application; and
  - (k) any other matter considered relevant to a particular application.
- (2) The conditions of a Permit must be set out in the Permit.

### 39. When does a Permit commence?

A Permit commences on the date specified in the Permit or, if no date is specified, the day on which it is issued.

### 40. When does a Permit expire?

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- (1) A Permit is in force until the expiry date indicated on the Permit, unless it is cancelled before the expiry date.
- (2) If no expiry date is indicated on a Permit, the Permit expires 12 months from the date it is issued.
- (3) Conditions of a Permit requiring replanting, re-establishment or replacement of any trees expire (ten) 10 years after the day on which the Permit is issued, irrespective of the expiry date of the Permit under subclauses (1) and (2).

#### **41. Correction of a Permit**

- (1) Council may correct a Permit if it contains—
  - (a) a clerical mistake or an error arising from any accidental slip or omission; or
  - (b) an obvious material miscalculation of figures or an obvious material mistake in the description of any person, thing or property mentioned in the Permit.
- (2) Council must notify a Permit holder in writing of any correction under subclause (1).

#### **42. Grounds for suspension, cancellation or amendment of a Permit**

- (1) Council may suspend, cancel or amend any Permit if it considers that there has been—
  - (a) a material misstatement or concealment of fact in the application for the Permit; or
  - (b) any substantial failure to comply with the conditions of the Permit; or
  - (c) there has been an ongoing breach of the conditions of the Permit; or
  - (d) any material mistake in the issuing of the Permit; or
  - (e) any material change of circumstances which has occurred since the issuing of the Permit; or
  - (f) a failure to comply with any direction in a Notice to Comply served on the Permit holder.
- (2) Before it suspends, amends or cancels a Permit under subclause (1), Council must, if it is practicable to do so, provide to the Permit holder an opportunity to comment on the proposed suspension, amendment or cancellation.
- (3) If the owner's consent is required to be given with an application for the Permit under subclauses 36(2) or as a condition of a Permit under subclause 38(1)(e), Council must notify the owner of any suspension, cancellation or amendment under subclause (1).

#### **43. Suspend, correct, cancel or amend a Permit**

Council may, under subclause 41 or 42 as applicable, suspend, correct, cancel or amend a Permit at the request of any person or at its own initiative.

#### **44. Delegations**

- (1) Under section ~~114-78~~ of the **Local Government Act 1989/2020**, Council hereby delegates to the Chief Executive Officer and Authorised Officers all the powers, discretions, authorities and considerations of Council under this Local Law to do any act, matter or thing necessary or



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incidental to the exercise of any function or power by Council under this Local Law.

- (2) Notwithstanding subclause (1), Council does not delegate to the Chief Executive Officer and Authorised Officers the powers, discretions, authorities and considerations of Council under subclauses 16(1), 22(1), 30(1), 46(1) and 46(2).

#### 45. Transfer of Permits

A person must not transfer or assign a Permit to any other person without the written consent of Council.

#### 46. Exemption from Permit or Permit fee

- (1) Council may ~~by written notice exempt any person or class of person, by written notice, exempt any person or class of persons~~ from the need to get a Permit, and such exemption may be conditional, ~~may be altered and may be altered, and~~ cancelled.
- (2) Council may ~~by written notice, by written notice,~~ exempt any person or class of person from the need to pay any Permit fee.
- (3) An exemption from the requirement to pay a Permit fee may be amended, cancelled or corrected in the same way as a Permit.

### Part 8 - Infringement Notice

**Introduction**— This Part provides for enforcement of this Local Law by service of Infringement Notices by Authorised Officers.

#### 47. Offences

A person who—

- (a) contravenes any provision of this Local Law; or
- (b) contravenes a Notice to Comply; or
- (c) fails to comply with a direction of an Authorised Officer under this Local Law is

guilty of an Offence and is liable to—

- (i) the penalty stated under a provision in this Local Law, or if no penalty is stated then twenty (20) penalty units; and
- (ii) a further penalty of two (2) penalty units for each day after a finding of guilt or conviction during which the contravention continues; and
- (iii) upon a finding of guilt by any Court for a second or subsequent offence, a penalty of twenty (20) penalty units will apply (unless otherwise stated).

#### 48. Persons who may issue an Infringement Notice and other notices

As an alternative to prosecution, an Authorised Officer may serve an Infringement Notice or any other notice under this Local Law on a person who has or is reasonably believed to have committed an Offence against this Local Law requiring the person—

- (a) in the case of an Infringement Notice, to pay the infringement penalty (or comply with other conditions) for that Offence within the period specified in the Infringement Notice,

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being a period not less than the number of days set out in section 14 of the **Infringements Act 2006** after an infringement notice has been served; or

- (b) in the case of any other notice, to comply with the conditions within any other nominated period.

#### 49. Penalty by Infringement Notice

- (1) The amount of penalty indicated on the Infringement Notice will be the greater of—
- (a) 25% of the maximum penalty stated under a provision in this Local Law for the offence to which the Infringement Notice relates; and
- (b) \$50.00.

(2) Notwithstanding subclause (1), the amount of penalty for an Infringement Notice for an Offence in relation to a Classified Tree under ~~against~~ subclauses 23(2)(a), 23(2)(c), 23(2)(d) and 23(2)(f) is twenty (20) penalty units.

(3) Notwithstanding subclause (1), the amount of penalty for an Infringement Notice for an Offence in relation to a Canopy Tree under subclause 23(2)(a) is twenty (20) penalty units.

(4) Notwithstanding subclause (1), the amount of penalty for an Infringement Notice for an Offence in relation to a Canopy Tree under subclauses 23(2)(c), 23(2)(d) and 23(2)(f) is ten (10) penalty units.

~~(2)~~

#### Part 9 - Enforcement (Other than by Infringement Notice)

**Introduction**— This Part provides a means for enforcing this Local Law other than by Infringement Notices. In particular, this Part provides Authorised Officer with a power to serve a Notice to Comply.

#### 50. Recovery of costs of enforcement

In addition to any penalty imposed under the **Local Government Act 1989** or the **Local Government Act 2020** for a contravention of this Local Law, Council is entitled to recover from the offender any cost, expense or loss incurred by Council because of the contravention of this Local Law or in the prosecution of an Offence.

#### 51. Notice to Comply

- (1) If a person has contravened this Local Law then, either as an alternative or in addition to prosecution, a direction or an Infringement Notice, an Authorised Officer may serve on that person a Notice to Comply.

- (2) A person must comply with a Notice to Comply issued under subclause (1).

**Penalty:** ~~--~~ 20 penalty units.

- (3) A Notice to Comply may do one or more of the following things—

- (a) direct the person to comply with this Local Law; or
- (b) direct the person to stop the conduct ~~which that~~ constitutes ~~the a~~ breach of this Local Law; or

Classified Tree Local Law (incorporating changes from the proposed Classified Tree Amendment Local Law)

- (c) direct the person to deliver to the Authorised Officer or to a specified person or a specified location any item or property of the person which constitutes the breach of this Local Law; or
  - (d) direct the person to remove or cause to be removed any item, goods, equipment or other things that constitute a breach of this Local Law; or
  - (e) direct the person to undertake any work or to do specified things to remedy a breach of this Local Law; or
  - (f) direct the person to plant to re-establish or replace one or more trees of a type, of a maturity and in a location as specified in the Notice to Comply.
- (4) If the owner's consent was required to be given with an application for a Permit under subclause 36(2) or as a condition of a Permit under subclause 38(1)(e), Council must notify the owner of any Notice to Comply and of the grounds upon which it has been served.
- (5) A Notice to Comply must specify the time and date by which the person specified in the Notice to Comply must comply with a direction in the Notice to Comply.
- (6) The time and date by which the person specified in the Notice to Comply must comply with the direction in the Notice to Comply must be reasonable in the circumstances, having regard to—
- (a) the amount of work involved; and
  - (b) the degree of difficulty; and
  - (c) the availability of necessary materials or other necessary items; and
  - (d) climatic conditions; and
  - (e) the degree of risk or potential risk; and
  - (f) any other relevant factor.

## 52. Service of a Notice to Comply

A Notice to Comply may be served on a person under section 315 of the **Local Government Act 2020**.

## 53. Compliance with a Notice to Comply

- (1) Where—
- (a) section ~~225-117~~ of the **Local Government Act 1989-2020** does not apply; and
  - (b) the person served with a Notice to Comply fails to comply with the Notice to Comply,

an Authorised Officer or any other person with the approval of Council may enter upon any Property in respect of which there is or has been any such failure to comply and do all such acts, matters or things that are required to comply with the Notice to Comply.

- (2) All costs and expenses incurred by Council in carrying out any acts, matters or things described in subclause (1)(b) are a debt due to Council from the person on whom the Notice to Comply was served.

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#### **54. Inspections**

- (1) An Authorised Officer may enter any Private Land to inspect any ~~Classified Tree~~tree where the Authorised Officer has reasonable grounds for believing that a breach of this Local Law has been committed, is being committed or is likely to be committed.
- (2) An Authorised Officer may enter any Private Land to inspect any ~~Classified Tree~~tree which is the subject of an application for a Permit.
- (3) The Authorised Officer must undertake an inspection mentioned in subclauses (1) and (2) at a reasonable time.
- (4) The Authorised Officer may undertake an inspection mentioned in subclauses (1) and (2) with the assistance of another Authorised Officer.

#### **55. Offences by bodies corporate**

- (1) If a body corporate contravenes any clause of this Local Law, each officer (within the meaning of section 9 of the **Corporations Act 2001** (Cth)) of the body corporate who knowingly authorised or permitted the contravention is taken to have contravened the same clause.
- (2) A person may be proceeded against and convicted under a clause of this Local Law under subclause (1), whether or not the body corporate has been proceeded against or convicted.
- (3) Nothing in this clause affects any liability imposed on a body corporate for an Offence committed by the body corporate against this Local Law.

### **Part 10 - Internal Review**

#### **56. Internal Review**

- (1) An applicant for a Permit or a person acting on that person's behalf with the applicant's consent may apply in writing to Council for a review of a decision by an Authorised Officer to refuse a Permit under subclause 37(1)(b) or to issue a Permit under subclause 37(1)(a) with conditions under subclause 38(1).
- (2) An application for review under subclause (1)—
  - (a) must be in writing; and
  - (b) must state the grounds upon which the application for review is made; and
  - (c) may only be made once; and
  - (d) must be made within 28 calendar days of the applicant becoming aware of the decision.
- (3) Subclause (1) does not confer a right on a person to make a submission under section 223 of the **Local Government Act 1989**.

#### **57. Request for additional information**

- (1) Council may request in writing from the applicant any additional information which it requires to conduct a review under subclause 58(1).
- (2) If Council makes a request under subclause (1), it must suspend the review until the earlier of—

Classified Tree Local Law (incorporating changes from the proposed Classified Tree Amendment Local Law)

- (a) 42 calendar days from the date which is specified in the document making the request under subclause (1) as the date of the document; or
  - (b) the date when the additional information is provided.
- (3) Within 28 calendar days from the date which is specified in the document making the request under subclause (1) as the date of the document, the applicant—
- (a) may provide the additional information; or
  - (b) if additional time is required, may request in writing an extension of time to provide the additional information.
- (4) If the applicant requests additional time under subclause (3)(b), Council may—
- (a) refuse to extend the time for the provision of the additional information; or
  - (b) agree to an extension of time for that information to be provided.
- (5) Council must inform the applicant in writing of the period of the extension granted under subclause (4)(b).
- (6) If an applicant fails to provide the information requested under subclause (1) to Council within the period specified in subclause (3) or, if an extension is granted under subclause (4)(b), within the period of that extension, Council—
- (a) may review the decision under subclause 58(1) without the additional information; or
  - (b) despite subclause (3)—
    - (i) if the applicant provides the additional information to Council out of time, may accept that late information; and
    - (ii) may review the decision under subclause 58(1) with that late information.

**58. Review by Council**

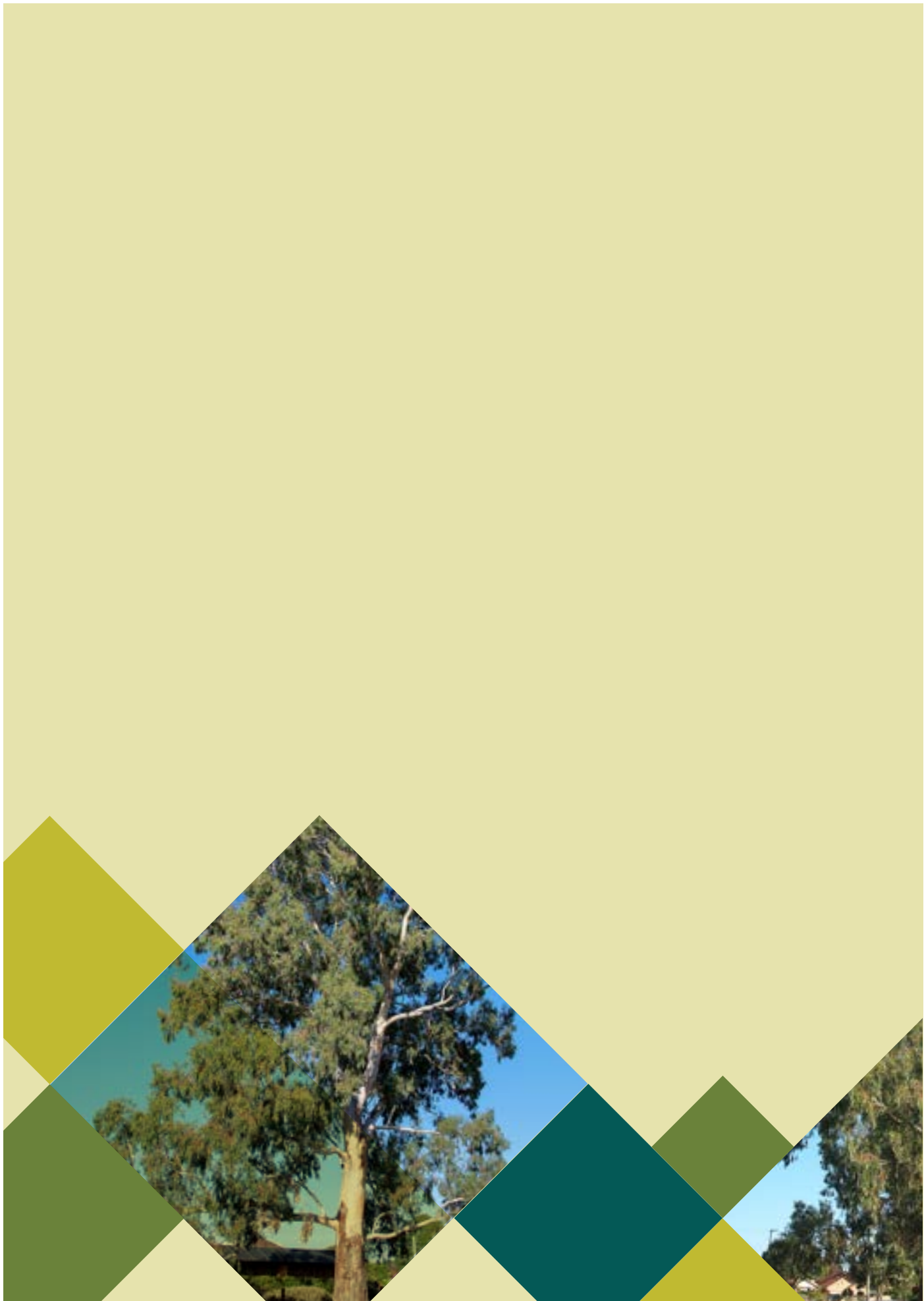
- (1) Council must review the decision which is the subject of the application for review under subclause 56(1).
- (2) Council must ensure that a review under subclause (1) is conducted by a person who was not involved in making the decision under review.
- (3) Nothing in this clause limits the power of Council to review the decision on any other basis.

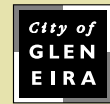
**59. What can Council decide on review?**

- (1) After reviewing a decision under subclause 58(1), Council may—
  - (a) issue a Permit; or
  - (b) refuse to issue a Permit; or
  - (c) determine that a Permit is not required.
- (2) Council must serve the applicant who applied for review under subclause 56(1) with written

|  
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notice of its decision under subclause (1).





GLEN EIRA  
CITY COUNCIL

BENTLEIGH  
BENTLEIGH EAST  
BRIGHTON EAST  
CARNEGIE  
CAULFIELD  
ELSTERNWICK  
GARDENVALE  
GLEN HUNTLY  
MCKINNON  
MURRUMBEENA  
ORMOND  
ST KILDA EAST

# GLEN EIRA CITY COUNCIL COMMUNITY IMPACT STATEMENT PROPOSED CLASSIFIED TREE AMENDMENT LOCAL LAW





Community Impact Statement – Proposed Classified Tree Amendment Local Law

Glen Eira City Council  
Community Impact Statement – Proposed Classified Tree Amendment Local Law  
27 February 2024

## Community Impact Statement – Proposed Classified Tree Amendment Local Law

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### Part A – General Comments

Glen Eira City Council (**Council**) provides the following information to the municipal community in respect of the proposed Classified Tree Amendment Local Law (**proposed Local Law**) and to assist any member of the public who may wish to make a submission to Council during the public consultation process required under Council's *Community Engagement Policy*.<sup>1</sup>

The proposed Local Law will amend Council's Classified Tree Local Law.<sup>2</sup> If the proposed Local Law is adopted, then the Classified Tree Local Law will be renamed the Canopy Tree Protection Local Law (the **amended Local Law**) as part of the proposed amendments.

This Community Impact Statement is to be read in conjunction with the proposed Local Law, available at [www.haveyoursaygleneira.com.au/tree-canopy-protection](http://www.haveyoursaygleneira.com.au/tree-canopy-protection).

### Background

Many major cities and local government authorities seek to maintain and protect trees on private land because of the positive impacts that trees can bring to human health and wellbeing, not just for the owners of the trees but the community as a whole.

As Glen Eira grows and evolves, and with continuing changes to local neighbourhoods and our climate, our city's trees will be increasingly important.

Council already works towards increasing tree canopy cover on public land by planting new trees in vacant public spaces, and around 1,000 trees are planted every year. New trees take a long time to establish, and many existing canopy trees in Glen Eira are on private land. Protecting trees on private land is an important part of managing the city's urban forest for both the municipal community and visitors to Glen Eira, as well as future generations.

However, despite the measures that Council has in place, there are still gaps that have the potential to allow tree removal to occur on private land without adequate assessment.

In July 2019, Glen Eira's canopy cover was measured and compared with other councils. It was reported that Glen Eira has only 12.5% of its measured land surface as canopy cover. The *Living Melbourne strategy* recorded Glen Eira's canopy cover at 14.3% just 24 months prior.

Council committed to the '*Living Melbourne: our metropolitan urban forest*' strategy launched in June 2019. The key themes of this strategy (listed below) are relevant to the need for a form of tree protection on private land for the city:

1. Healthy People – Protect and increase access to nature, green space and canopy cover, to reduce heat exposure and improve mental and physical wellbeing.
2. Abundant Nature – Protect and extend habitat connectivity and corridors to enhance biodiversity.

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<sup>1</sup> <https://www.gleneira.vic.gov.au/media/4956/community-engagement-policy.pdf>

<sup>2</sup> <https://www.gleneira.vic.gov.au/media/7350/classified-tree-local-law.pdf>

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3. Natural Infrastructure – Protect and increase vegetation on public and private land to cool urban areas, retain water in the soils, reduce flood risk and increase water and air quality.

All these themes demonstrate the need for tree protection measures to ensure the retention of canopy cover throughout the city.

On 1 September 2020, Council resolved to make the Classified Tree Local Law and create a Classified Tree Register (**Register**). The Register is a list of trees within the municipality that are considered significant and warrant protection. These trees may be on public or privately owned land. If a tree is nominated to be included on the Register, it is assessed by Council's arborist and after following the process in the Classified Tree Policy a recommendation may be made to Council to add the tree to the Register. There are currently 242 trees on the Register.

On 29 June 2021, Council adopted the Glen Eira Urban Forest Strategy to reverse the loss of canopy coverage throughout the municipality and grow our urban forest. As Council aims to increase canopy coverage within Glen Eira from 12.5% to 22% by 2040, protecting canopy trees on private land is considered essential for us to meet this objective.

Tree protection measures and the Register are considered a valuable part of the Urban Forest Strategy, not only for their role in retaining tree canopy cover but also in educating the public and creating a greater understanding of the importance of trees to the wellbeing of the municipal community.

Since adopting the Urban Forest Strategy, Council has been challenged with limited legislative and planning controls to protect private tree canopy across Glen Eira.

On 17 May 2022, Council called on officers to prepare a report for the August 2022 Ordinary Council Meeting in relation to reviewing measures for encouraging the retention of trees and vegetation and considering the most efficacious method of making a local law and/or planning instruments and/or advocating for regulations and/or conducting community engagement to control the pruning, removal or destruction of trees and other vegetation on private land to support the implementation of our Urban Forest Strategy and our Climate Emergency Strategy.

On 9 August 2022, Council considered a report on the Measures for Encouraging the Retention of Trees and Vegetation on Private Land. Council noted the content of the report and authorised officers to:

1. continue to increase public awareness of the importance of all vegetation and Glen Eira's existing biodiversity through a comprehensive community engagement campaign.
2. continue to advocate to the state / federal governments for greater statutory environmental protection mechanisms.
3. develop a new Tree Protection & Vegetation Local Law to be presented to Council for endorsement that would offer protection to all private trees within the municipality that meet a minimum prescribed threshold.
4. continue to investigate improvements to the Glen Eira planning scheme that could be implemented in the future to offer greater protection to existing vegetation and encourage the planting of new vegetation to help achieve our strategic objectives.

In response to item 3 above, Council officers have prepared the proposed Local Law to amend Council's Classified Tree Local Law.

Community Impact Statement – Proposed Classified Tree Amendment Local Law

### **Making of local laws**

All councils in Victoria have a form of local regulation called a local law. One of the legislative functions given to councils is making and enforcing local laws to achieve their legislative objectives. The broad objectives of councils are set out in the *Local Government Act 2020* (**the Act**). Councils may make a local law for or with respect to any act, matter or thing in respect of which it has a function or power under the *Local Government Act 2020* or any other Act.

The Act outlines the process that must be followed in making local laws. A local law is made by a council passing a resolution. Before a council can make a local law, it must strictly comply with the procedure in the Act.

The *Better Practice Local Law Strategy* (December 2008) and the *Guidelines for Local Law Manual* (2010) (**the Guidelines**), released by the Minister for Local Government, set out a model scheme for developing and making local laws.<sup>3</sup>

The Guidelines detail best practices for the creation and enforcement of local laws. The key features of the Guidelines are summarised as follows:

- to improve accessibility, accountability, compliance, consistency, currency, efficiency, enforceability, necessity and transparency;
- regulation should be viewed as a last resort because it imposes a burden of compliance on the community and a burden of enforcement on the council;
- the community should be involved from the commencement of the law-making process, not just at the final formal submissions stage;
- a local law should incorporate relevant council policies;
- a local law should not allow discretions on the part of those administering/enforcing them without clear guidelines;
- where a local law relies on other documents, such as council policies or permit conditions, those documents should be as accessible to the public as the local law; and
- councils should produce a Community Impact Statement for all new or materially altered local laws.

### **Drafting of the proposed Local Law**

The proposed Local Law was drafted with input from Council's subject matter experts (the Park Services department) and advice from Council's external solicitors.

Extensive consultation on the proposed Local Law was undertaken across Council with relevant staff at all levels, including:

- Community Safety and Compliance
- Corporate Counsel

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[www.localgovernment.vic.gov.au/\\_\\_data/assets/pdf\\_file/0028/48718/Local\\_Laws\\_Manual.pdf](http://www.localgovernment.vic.gov.au/__data/assets/pdf_file/0028/48718/Local_Laws_Manual.pdf)

## Community Impact Statement – Proposed Classified Tree Amendment Local Law

- Parks Services
- Planning and Building Services

Councillors were briefed, and opportunities were given to all Councillors to provide input into the drafting of the proposed Local Law.

### **Community engagement**

A key focus of the *Guidelines* is the community's involvement from the commencement of the law-making process, not just at the final formal submission stage.

In response to the recommendation that best practice requires wide consultation from the commencement of the process, Council completed three rounds of community consultation in November/December 2017, June 2018 and July 2020. The first consultation was a municipal-wide consultation, which received 130 submissions. The second consultation was through Glen Eira Community Voice, which received 258 submissions. The third consultation was conducted in relation to the community consultation for the Classified Tree Local Law, which received 110 submissions.

In these consultations, the community told Council that we should protect trees in Glen Eira, including those on private and public land.

### **Operation of the proposed Local Law**

The objectives of the proposed Local Law are to:

- (a) provide for the registration of Classified Trees within the Municipal District; and
- (b) create offences and other enforcement measures to protect Classified Trees, Canopy Trees and trees required to be planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply on private land within the Municipal District; and
- (c) ensure that the established tree lined character of the Municipal District is enhanced; and
- (d) provide for the peace, order and good government of the Municipal District.

The proposed Local Law will protect Canopy Trees, which are:

- a) taller than 5 metres measured from ground level with a trunk circumference or combined trunk circumference of 140cm or more measured at a point 140cm along the trunk's length from ground level; and
- b) a palm tree taller than 8 metres measured from ground level.

A tree that will have a stump of circumference of 140 cm or more is a Canopy Tree and, a permit is required for its removal.

The proposed Local Law requires a person to obtain a permit from Council in relation to the following:

- a) remove, damage, kill or destroy or direct, authorise or allow to be removed, damaged,

### Community Impact Statement – Proposed Classified Tree Amendment Local Law

killed or destroyed a Canopy Tree or a tree planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply; or

- b) Prune or direct, authorise or allow to be Pruned a Canopy Tree or a tree planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply; or
- c) carry out, or direct, authorise or allow to be carried out any works within the Tree Protection Zone of a Canopy Tree or of a tree planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply.

The proposed Local Law creates six offences (clauses 23(2)(a) to (f)), attracting a maximum penalty of 20 penalty units, with an infringement penalty of either 5, 10 or 20 penalty units.

The monetary value for each penalty unit is controlled by State Legislation and is set at \$100 per penalty unit for local laws made under the Local Government Act 1989.<sup>4</sup>

The proposed Local Law, when implemented, will give power to authorised Council officers, if required, to issue warnings, impose fines or prosecute people.

While enforcement options are available, it is anticipated that the proposed Local Law will be self-enforcing, with wilful compliance being achieved through community education and expectations that de-normalise the indiscriminate removal and damage to canopy trees on private land in the municipality.

#### **Administration of the Local Law**

Park Services in the Sustainability, Assets and Leisure Directorate will administer and enforce the proposed Local Law.

#### **Permits**

Whilst Canopy Trees will be provided with greater protection, it is recognised that sometimes a tree may need to be removed or extensively pruned. This could be because of the tree's poor health or because it poses an unacceptable safety risk to surrounding residents, obstructs a building, or impacts development potential because of its location within a block. The proposed Local Law aims to provide a balanced approach between protecting healthy trees and providing flexibility to residents who need to remove or extensively prune a tree.

A permit will be required to prune or remove a Canopy Tree; however, exemptions for the need to obtain a permit will apply to:

- a) pruning, where no more than 10% canopy volume is removed within 12 months, and branches no larger than 10cm circumference at the point of attachment are removed; and
- b) works required to make safe an immediate hazard such as damage from a storm event.

Council staff assess applications for a permit under the proposed Local Law. The proposed Local Law provides that Council staff must consider, to the extent appropriate, the following when determining whether to grant a permit:

- the condition of the tree;

<sup>4</sup> The Local Government Act 1989, the Sentencing Act 1991 and the Monetary Units Act 2004.

### Community Impact Statement – Proposed Classified Tree Amendment Local Law

- the appropriateness of the tree for its location on the property, having regard to the existing buildings; and
- whether the proposed action is to be undertaken for reasons of health or safety;
- whether the tree is causing any property damage;
- whether the tree is causing any public nuisance or creating any nuisance to relevant landholders;
- whether the tree is a weed;
- any legislative requirements;
- any other matter relevant to the circumstances associated with the application.

Further specification of the matters that should be considered by officers when exercising their discretion under the proposed Local Law is contained in the Classified Tree Assessment Guidelines (**Assessment Guidelines**). The purpose of the Assessment Guidelines is to ensure decisions about permit applications are sensible, fair and consistent.

#### Internal Review (Permits)

An internal review process for decisions made under the proposed Local Law is available to applicants for a permit. The internal review considers all the information supplied with the request for review and the process taken to determine the application. A different member of staff at Council undertakes any reassessment of the application for a permit.

#### Community consultation

On 27 February 2024, at an Ordinary Council meeting, Council resolved to give notice of its intention to make the proposed Local Law under Division 3 of Part 3 of the *Local Government Act 2020* and to undertake the community consultation process between 1 March to 12 April 2024 required under Council's *Community Engagement Policy*.

#### Public Notice

Public notice of Council's intention to make the proposed Local Law and the opportunity for public submissions are provided as required by section 73(3) of the Act by a notice at Glen Eira Town Hall<sup>5</sup> and on Council's website.<sup>6</sup> Notice is also provided in the agenda of the Council meeting on 27 February 2024, which is a public document available online.<sup>7</sup>

Copies of this Community Impact Statement and the proposed Local Law can be obtained from the Town Hall<sup>8</sup> during office hours. Copies are also available for viewing at Council's libraries.<sup>9</sup> These documents can also be viewed and downloaded from Council's HaveYourSay website.<sup>10</sup> Upon request to our Customer Service Centre on 03 9524 3333, a copy of the documents can be sent by post.

The timeline to make the proposed Local Law is set out in Table 1 below.

<sup>5</sup> Glen Eira City Council office at the corner Glen Eira and Hawthorn Roads, Caulfield;

<sup>6</sup> <https://www.gleneira.vic.gov.au/>

<sup>7</sup> [www.gleneira.vic.gov.au/Council/Meetings-and-agendas/Council-meeting-agendas-and-minutes](http://www.gleneira.vic.gov.au/Council/Meetings-and-agendas/Council-meeting-agendas-and-minutes)

<sup>8</sup> Glen Eira City Council office at the corner Glen Eira and Hawthorn Roads, Caulfield;

<sup>9</sup> <https://library.gleneira.vic.gov.au/about-us/locations-and-hours>

<sup>10</sup> [www.haveyoursaygleneira.com.au/tree-canopy-protection](http://www.haveyoursaygleneira.com.au/tree-canopy-protection)



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**Table 1: Timeline for the proposed Local Law**

February 2024	Consideration of report and Council resolution to commence the process of making the proposed Local Law
1 March to 12 April 2024	Exhibition of the proposed Local Law, including statutory notices and consultation
June 2024	Consideration of public submissions by Council
September 2024	Adoption of the proposed Local Law by Council The proposed Local Law is available on Council's website and from the Customer Service Centre. Notice of the making of the proposed Local Law is published in the Government Gazette and on Council's website. Commencement of the proposed Local Law

**Drop-in public information sessions**

During the consultation period, Council will conduct two (2) drop-in public information sessions where community members can come along, ask questions and find out more about the proposed Local Law, what it means and how to make a submission. No RSVP is necessary. The dates and times of these sessions are detailed below in Table 2.

**Table 2: Drop-in public information sessions**

Public Information Session	Date	Time and Place
1	16 March 2024	This session will take place in the Duncan McKinnon community space. For further information, see <a href="http://www.haveyoursaygleneira.com.au/tree-canopy-protection">www.haveyoursaygleneira.com.au/tree-canopy-protection</a> for further details.
2	20 March 2024	This session will take place in the Town Hall. For further information, see <a href="http://www.haveyoursaygleneira.com.au/tree-canopy-protection">www.haveyoursaygleneira.com.au/tree-canopy-protection</a> for further details.

For further information regarding the public information sessions, contact Jarrod Knight on 03 9524 3333 or email [tree-canopy-local-law@gleneira.vic.gov.au](mailto:tree-canopy-local-law@gleneira.vic.gov.au).

**Submissions**

Submissions must be in writing and received by Council by 12 April 2024. Submissions must be marked 'Proposed Classified Tree Amendment Local Law Submission' and addressed to Mark Dornau, Manager Park Service, Glen Eira City Council, PO Box 42 Caulfield South 3162.

Submissions may also be delivered either to Council's Service Centre, corner Glen Eira and Hawthorn Roads, Caulfield or to the post box at the main entrance to the Town Hall or by

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email to [tree-canopy-local-law@gleneira.vic.gov.au](mailto:tree-canopy-local-law@gleneira.vic.gov.au).

A submission can also be made at Council's HaveYourSay website at [www.haveyoursaygleneira.com.au/tree-canopy-protection](http://www.haveyoursaygleneira.com.au/tree-canopy-protection).

Council will consider any submission relating to the proposed Local Law in accordance with its Community Engagement Policy.

Any person who has made a submission to Council and has requested to be heard in support of their submission may appear in person or be represented by a person specified in the submission at a Council meeting in June 2024. Council meetings are normally held in the Council Chamber, Glen Eira Town Hall, corner Glen Eira and Hawthorn Roads, Caulfield.

All submissions will be handled as authorised or required by law, including under the *Privacy and Data Protection Act 2014 (Vic)*. Submissions received (including any personal information contained therein) may be included within the official Council agenda and minutes, which are permanent public documents available on Council's website.<sup>11</sup>

## Part B – Comments on the proposed Local Law

### Template assessment tool

Table 4 contains a template assessment of the proposed Local Law. The template assessment provides a framework for assessing the compatibility of the Parts and clauses of the proposed Local Law against the *Guidelines*. A description of the purpose and content of each of the 17 elements of the template assessment used in Table 4 is detailed below in Table 3.

**Table 3: Template assessment tool**

Framework and Title	Number	Description
(1) (a)		Part Number(s) and Title(s) of the proposed Local Law.
(1) (b)		Clause(s) Number(s) and Title(s) of the proposed Local Law.
(2) Identify the Problem(s)		A brief description of the problems identified which are addressed by the proposed Local Law.
(3) Relating the Problem to Council's policy objectives: Identifying if it is a Council problem		A brief description of the linkage between the objectives of the proposed Local Law and Council's policy objectives. The statement would identify: <ul style="list-style-type: none"> <li>– where Council's objectives are set out and may be read,</li> <li>– how the proposed Local Law would assist Council to achieve its objectives or remove an impediment to achieving its objectives.</li> </ul>
(4) Identifying existing legislation that might be		A brief description of other legislation that has been identified which touches on issues dealt with by the proposed Local Law

<sup>11</sup> <https://www.gleneira.vic.gov.au/about-council/meetings-and-agendas/council-agendas-and-minutes>

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Framework Number and Title	Description
used instead of the proposed Local Law	and an explanation as to why these provisions are not suitable to resolve the problem.
(5) Measures of success of proposed Local Law	A brief description of the indicators by which Council will measure the success of the proposed Local Law and the frequency with which success will be measured and reported on to the community.
(6) Identifying existing legislative provisions that may be overlapped by a Local Law	<p>A brief description:</p> <ol style="list-style-type: none"> <li>1) of any existing legislation on the issue covered by the proposed Local Law; and</li> <li>2) where required, clarify why the proposed Local Law does not overlap, duplicate or cause inconsistency with that legislation.</li> </ol>
(7) A risk management approach to Local Law	This section details the rating of the severity of the problem according to the frequency and consequences (assuming no local law was in place either now or in the future) and the reduction in rating that is anticipated as a result of the proposed Local Law.
(8) Considering and deciding on different Local Law approaches	<p>A brief description of the regulatory approach taken and whether it is considered low, medium or high impact. Within this framework, the controls may be:</p> <ul style="list-style-type: none"> <li>• low impact – 'light touch' controls that generally carry no barriers to activity, save that they encourage the type of conduct one might normally expect to ensure safety and amenity;</li> <li>• medium impact – these include permit controls that may present a barrier or impediment to activity, or local law requirements that might require an entity to set in place processes to ensure compliance, or</li> <li>• high impact – where significant barriers to entry exist, or the controls in place carry an inspection and compliance regime that is materially onerous and time-consuming.</li> </ul> <p>The decision regarding which regulatory approach to take varies according to the extent of risk, the perceived extent of non-compliance and the enforcement resources available.</p>
(9) The least burden / greatest advantage test for Local Law	A brief description of how the proposed Local Law meets the least burden / greatest advantage test.
(10) Considering and deciding on penalties	A brief description of the penalties in the proposed Local Law for each operative clause that imposes a penalty.

## Community Impact Statement – Proposed Classified Tree Amendment Local Law

Framework Number and Title	Description
	Any variation between the penalty levels adopted by Council compared to that of the neighbouring municipalities is addressed.
(11) Considering and deciding on the purpose and conditions of permits and fees	<p>A brief description of the purpose and conditions of permits and fees.</p> <p>Any significant differences between the level of fees to be adopted by Council and those of neighbouring councils should be explained here.</p>
(12) Review with consideration to neighbouring Councils	Detail of those councils whose local laws have been compared, the points of comparison and the result of the comparison.
(13) Possible restriction of competition by Local Law	<p>The application of the National Competition Policy (<b>NCP</b>) to Local Government in Victoria results from the Competition Principles Agreement signed by the Commonwealth, State and Territory Governments in 1995.</p> <p>NCP principles require, among other matters:</p> <ul style="list-style-type: none"> <li>○ the removal of legislative restrictions on competition, unless there is a net public benefit; and</li> <li>○ the adoption of competitive neutrality policies; and</li> <li>○ processes to recognise and offset the advantages enjoyed by government businesses.</li> </ul>
(14) Identifying (and staying within) the power to make a Local Law	A brief statement confirming that Council considers it within its power to make the proposed Local Law.
(15) Considering possible alternatives to Local Law	A brief description of the possible alternatives to the proposed Local Law.
(16) Considering if a State Act is more appropriate than a Local Law	Details of whether any State Government legislation is more appropriate to deal with the problem identified in item (2) of the framework.
(17) Identifying Planning Scheme requirements with which a Local Law may be inconsistent	<p>A brief description:</p> <ol style="list-style-type: none"> <li>1) of any existing Planning Scheme on the issue covered by the proposed Local Law and</li> <li>2) where required, clarify why the proposed Local Law does not overlap, duplicate or cause inconsistency with that Planning Scheme.</li> </ol>

The responses to the assessment of the proposed Local Law against the template assessment

Community Impact Statement – Proposed Classified Tree Amendment Local Law

tool in Table 3 above are as detailed in Table 4.

**Table 4: Responses to the template assessment tool**

Framework Number and Title	Description
(1) (a) and (b)	A title precedes each Part and clause of the proposed Local Law. A title does not form part of the proposed Local Law. It is provided to assist understanding.
(2) Identify the Problem(s)	<p>Trees have always been an important part of what makes Glen Eira such a great place to live, work and play. As Glen Eira grows and evolves and our climate changes, our trees will become increasingly important.</p> <p>Canopy trees are some of the most effective and efficient ways for cities to reduce their negative environmental impacts and adapt to climate change. Trees provide shade and cooling, especially over roads and paved surfaces, which mitigate the Urban Heat Island effect. They improve air quality by removing particulate matter and pollution as well as absorbing CO<sub>2</sub>, help to reduce stormwater runoff volume and water pollution, reduce windspeeds along streets and in open spaces and form green corridors that create habitat and biodiversity links for a range of wildlife in the urban context.</p> <p>As privately owned land accounts for around 66% of the municipality, it is essential to have private tree protection mechanisms in place to ensure Council achieves its aim to increase our Urban Forest canopy coverage to 22% by 2040. There are currently minimal controls in place to prevent the removal of trees from private property within the municipality, and the absence of any broad, adequate controls to restrict these removals, combined with increasing urban densification, has led to the rapid reduction in canopy cover across Glen Eira.</p> <p>Council has developed several measures, including our Street Tree Strategy and planning controls, designed to promote and protect vegetation, preserve existing trees to ensure that development minimises loss of vegetation, and protect locations of special significance.</p> <p>Other controls come from guidelines and measures that Council applies to itself through the Street Tree Removal Policy. This guides Councils' approach to trees on streets and land, which is Council's responsibility.</p> <p>The protections afforded to trees on public land include those under the Glen Eira Community Local Law, Glen Eira Classified Tree Local Law as well as Council's role as Committee of Management for trees on Crown Land, which control and direct how Council manages trees.</p> <p>Council's existing protections for trees on private and public land include some overlays attached to the Glen Eira Planning Scheme and an assessment framework for new dwellings known as ResCode that seeks to protect existing significant trees.</p> <p>The Planning Scheme overlays, such as the Vegetation Protection Overlay, Significant Landscape Overlay and Heritage Overlay, include controls over specific locations with significant vegetation. These overlays are fragmented across the city and offer limited protection to the municipality's tree canopy.</p>

## Community Impact Statement – Proposed Classified Tree Amendment Local Law

Framework Number and Title	Description
	Currently, alongside the Planning Overlays, Glen Eira uses the Classified Tree Local Law to protect 242 trees, of which 63 are on private land. Whilst the Classified Tree Local Law protects a small number of private trees, it cannot protect enough to reverse the decline in our urban forest canopy coverage.
(3) Relating the Problem to Council's policy objectives: Identifying if it is a Council problem	<p>This is a Council problem because it supports Council's aim, in the Urban Forest Strategy,<sup>12</sup> to increase canopy coverage within Glen Eira from 12.5% to 22% by 2040.</p> <p>Glen Eira's Council Plan 2022-2025<sup>13</sup> states that one of its strategic directions is a Green and Sustainable Community. Council's strategic priority is to increase our tree canopy and expand private and public greening initiatives.</p> <p>The objective of the proposed Local Law is to provide for a measure of control and protection to canopy trees on private land within the municipality whilst not unreasonably impeding the ability of landholders to deal with those trees.</p> <p>The ability of Council to deliver on this objective requires the use of clear and reliable laws and enforcement mechanisms. The proposed Local Law provides clear requirements and enforcement mechanisms to regulate the indiscriminate removal or damage to canopy trees. Regulating activities that may endanger canopy trees on private land is integral to increasing our tree canopy.</p>
(4) Identifying existing legislation that might be used instead of the proposed Local Law	<p>Council has considered using the <i>Planning and Environment Act 1987</i> and the <i>Planning Scheme</i> as an alternative to the proposed Local Law.</p> <p>The <i>Planning Scheme</i> provisions could be used to protect trees within specific locations in the municipality. Amendment of the <i>Planning Scheme</i> is a costly and time-consuming process involving a municipal review by an arborist and subsequent <i>Planning Scheme</i> amendment. There is no guarantee of Ministerial approval of the amendment.</p>
(5) Measures of success of proposed Local Law	<p>The objectives of the proposed Local Law include the creation of offences and other enforcement measures to protect canopy trees on private land within the municipality.</p> <p>These objectives are not simply about compliance but about increasing our tree canopy.</p> <p>Measuring the success of a local law can be difficult; however, some quantitative and qualitative measures can be assessed. Some of the measures to be used include how many:</p> <ul style="list-style-type: none"> <li>○ Permits are issued;</li> </ul>

<sup>12</sup> <https://www.gleneira.vic.gov.au/media/9301/glen-eira-urban-forest-strategy.pdf>

<sup>13</sup> <https://www.gleneira.vic.gov.au/about-council/our-performance/glen-eira-council-plan-2021-2025>

## Community Impact Statement – Proposed Classified Tree Amendment Local Law

Framework Number and Title	Description
	<ul style="list-style-type: none"> <li>○ warnings have been issued;</li> <li>○ infringement notices are issued;</li> <li>○ Notice to Comply has been issued;</li> <li>○ prosecutions are undertaken.</li> </ul> <p>However, success should not be assessed in isolation based on these criteria. The assessment and reporting by Council staff on current trends, anomalies and emerging problems will also be used to measure the success of the proposed Local Law.</p>
(6) Identifying existing legislative provisions that may be overlapped by a Local Law	<p>Existing State legislation that deals with issues that the proposed Local Law also deals with includes the following:</p> <ul style="list-style-type: none"> <li>● <i>Planning and Environment Act 1987</i>;</li> <li>● <i>Glen Eira Planning Scheme</i>; and</li> <li>● <i>Building Act 1993</i>.</li> </ul> <p>The proposed Local Law complements existing legislation and provides a more appropriate local response whilst not overlapping, duplicating or conflicting with existing State legislation.</p>
(7) A risk management approach to Local Law	<p>The proposed Local Law addresses a number of possible risks:</p> <ul style="list-style-type: none"> <li>● unregulated removal of and damage to canopy trees in Glen Eira by landholders or developers; and</li> <li>● threats to public safety because of the canopy trees' health, condition or location.</li> </ul> <p>A risk assessment was completed for the operative provisions of the proposed Local Law.</p>

Community Impact Statement – Proposed Classified Tree Amendment Local Law

Framework Number and Title	Description																																													
	<div data-bbox="557 477 1098 1034" style="border: 1px solid black; padding: 5px;"> <table border="1"> <tr> <td rowspan="5" style="vertical-align: top;">Likelihood</td> <td>Almost certain</td> <td style="background-color: yellow;"></td> <td style="background-color: orange;"></td> <td style="background-color: red;"></td> <td style="background-color: red;"></td> <td style="background-color: red;"></td> </tr> <tr> <td>Likely</td> <td style="background-color: yellow;"></td> <td style="background-color: yellow;"></td> <td style="background-color: orange;"></td> <td style="background-color: red;"></td> <td style="background-color: red;"></td> </tr> <tr> <td>Possible</td> <td style="background-color: green;"></td> <td style="background-color: yellow;"></td> <td style="background-color: yellow; text-align: center;">X</td> <td style="background-color: orange;"></td> <td style="background-color: red;"></td> </tr> <tr> <td>Unlikely</td> <td style="background-color: green;"></td> <td style="background-color: green; text-align: center;">O</td> <td style="background-color: yellow;"></td> <td style="background-color: yellow;"></td> <td style="background-color: orange;"></td> </tr> <tr> <td>Very Unlikely</td> <td style="background-color: blue;"></td> <td style="background-color: blue;"></td> <td style="background-color: green;"></td> <td style="background-color: yellow;"></td> <td style="background-color: yellow;"></td> </tr> <tr> <td></td> <td></td> <td>Insignificant</td> <td>Minor</td> <td>Moderate</td> <td>Major</td> <td>Critical</td> </tr> <tr> <td colspan="2"></td> <td colspan="5" style="text-align: center;">Consequence</td> </tr> </table> </div> <p data-bbox="491 1115 807 1144"><b>Results: Before X After O</b></p> <p data-bbox="491 1182 1442 1312">As a result of the introduction of the Local Law, the risk is projected to move from a medium tolerance level to a more acceptable low tolerance level. Considering the cost of risk treatment, this is considered a worthwhile use of the local law regulatory mechanism.</p>	Likelihood	Almost certain						Likely						Possible			X			Unlikely		O				Very Unlikely								Insignificant	Minor	Moderate	Major	Critical			Consequence				
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		Consequence																																												
(8) Considering and deciding on different Local Law approaches	<p data-bbox="491 1323 1442 1453">Council considers that the environmental, amenity and safety issues associated with indiscriminate damage and removal of canopy trees on private property requires a medium impact regulatory approach and this is consistent with adjoining councils.</p> <p data-bbox="491 1491 1442 1556">Council believes in the minimum imposition on the community with regard to local laws. The proposed Local Law reflects this approach by providing for:</p> <ul data-bbox="536 1594 1442 1803" style="list-style-type: none"> <li>• reasonable penalties;</li> <li>• minimum possible number of provisions that create offences;</li> <li>• where possible, provision for permits rather than prohibition of activities;</li> <li>• reasonable and appropriate permit conditions; and</li> <li>• reasonable enforcement procedures, including provision for the giving of warnings where appropriate and the provision of an internal review process.</li> </ul> <p data-bbox="491 1841 1442 1906">The proposed Local Law obligations will create a material impact on landholders and developers that is proportional to the potential harm to the community.</p>																																													



## Community Impact Statement – Proposed Classified Tree Amendment Local Law

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	<p>Council considers it is in the interest of the municipal community that this level of control is placed over these issues.</p> <p>The approach taken by Council is not out of step with other adjoining councils.</p>
(9) The least burden / greatest advantage test for Local Law	<p>Council considers that the municipal community would want problems prevented if possible or solved as quickly as possible and with the least cost to all concerned. A local law provides for quick resolution of the problem. State legislation is inadequate for managing the issues identified in item (2) of the framework.</p>
(10) Considering and deciding on penalties	<p>The penalties applying under the proposed Local Law were carefully considered, and because the matter being regulated is a high concern and priority of Council and the municipal community, substantial penalties may be incurred where there is a breach of the penalty provisions of the proposed Local Law.</p> <p>The level of penalties in the Local Law generally reflects the following:</p> <ul style="list-style-type: none"> <li>• relative risks to community health, safety and amenity;</li> <li>• the potential cost to the community of a breach; and</li> <li>• the deterrent in each case.</li> </ul> <p>In order for the clauses of the proposed Local Law to be effective, they have been set at levels considered to be a deterrent.</p> <p>The penalties in the proposed Local Law range from five (5) to twenty (20) penalty units, with the addition of two (2) penalty units applying for each day after a conviction where a contravention of the proposed Local Law continues.</p> <p>Council considers that the maximum penalty of twenty (20) units is necessary for certain offences to help protect canopy trees.</p> <p>The penalties applying to the proposed Local Law were compared to those imposed by adjoining municipalities of Bayside, Kingston, City of Port Phillip, Monash and Stonnington. The proposed penalties are generally within the range of those in adjoining municipalities with a local law protecting trees on private land from damage and removal.</p> <p>The amount of an Infringement Notice penalty is normally significantly less than the potential maximum penalty a Court might impose for the same offence. The Attorney-General's Guidelines<sup>14</sup> provide that an infringement penalty should generally be approximately no more than 20 – 25% of the maximum penalty for the offence.<sup>15</sup> The level of Council's penalties for breaches of the proposed Local</p>

<sup>14</sup>

[www.justice.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2018/10/e4/35939b25a/infringementsact2006\\_attorneygeneralguidelines-051018.pdf](http://www.justice.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2018/10/e4/35939b25a/infringementsact2006_attorneygeneralguidelines-051018.pdf)

<sup>15</sup> Annexure A, Attorney-General's Guidelines to the Infringements Act 2006 (Vic).

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Framework Number and Title	Description																													
	<p>Law is compliant with the Attorney-General's Guidelines.</p> <p>Table 5 below lists the number of penalty units for an Infringement Notice and the maximum penalty that can be imposed by the Court for each offence under the proposed Local Law.</p> <p><b>Table 5: Infringement and Court penalties</b></p> <table border="1" data-bbox="496 658 1415 1915"> <thead> <tr> <th data-bbox="496 658 655 757">Clause number</th> <th data-bbox="655 658 799 757">Title</th> <th data-bbox="799 658 1046 757">Offence</th> <th data-bbox="1046 658 1230 757">Infringement Penalty</th> <th data-bbox="1230 658 1415 757">Maximum Penalty at Court</th> </tr> </thead> <tbody> <tr> <td data-bbox="496 757 655 1066">23(2)(a)</td> <td data-bbox="655 757 799 1066">Protection of Classified Trees and Canopy Trees</td> <td data-bbox="799 757 1046 1066">remove, damage, kill or destroy or direct, authorise or allow to be removed, damaged, killed or destroyed a Canopy Tree;</td> <td data-bbox="1046 757 1230 1066">20</td> <td data-bbox="1230 757 1415 1066">20</td> </tr> <tr> <td data-bbox="496 1066 655 1272">23(2)(b)</td> <td data-bbox="655 1066 799 1272">Protection of Classified Trees and Canopy Trees</td> <td data-bbox="799 1066 1046 1272">Prune or direct, authorise or allow to be Pruned a Canopy Tree;</td> <td data-bbox="1046 1066 1230 1272">5</td> <td data-bbox="1230 1066 1415 1272">20</td> </tr> <tr> <td data-bbox="496 1272 655 1547">23(2)(c)</td> <td data-bbox="655 1272 799 1547">Protection of Classified Trees and Canopy Trees</td> <td data-bbox="799 1272 1046 1547">carry out, or direct, authorise or allow to be carried out any Works within the Tree Protection Zone of a Canopy Tree;</td> <td data-bbox="1046 1272 1230 1547">10</td> <td data-bbox="1230 1272 1415 1547">20</td> </tr> <tr> <td data-bbox="496 1547 655 1915">23(2)(d)</td> <td data-bbox="655 1547 799 1915">Protection of Classified Trees and Canopy Trees</td> <td data-bbox="799 1547 1046 1915">remove, damage, kill or destroy or direct, authorise or allow to be removed, damaged, killed or destroyed a tree required to be planted as a condition of a permit or a</td> <td data-bbox="1046 1547 1230 1915">10</td> <td data-bbox="1230 1547 1415 1915">20</td> </tr> </tbody> </table>					Clause number	Title	Offence	Infringement Penalty	Maximum Penalty at Court	23(2)(a)	Protection of Classified Trees and Canopy Trees	remove, damage, kill or destroy or direct, authorise or allow to be removed, damaged, killed or destroyed a Canopy Tree;	20	20	23(2)(b)	Protection of Classified Trees and Canopy Trees	Prune or direct, authorise or allow to be Pruned a Canopy Tree;	5	20	23(2)(c)	Protection of Classified Trees and Canopy Trees	carry out, or direct, authorise or allow to be carried out any Works within the Tree Protection Zone of a Canopy Tree;	10	20	23(2)(d)	Protection of Classified Trees and Canopy Trees	remove, damage, kill or destroy or direct, authorise or allow to be removed, damaged, killed or destroyed a tree required to be planted as a condition of a permit or a	10	20
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			direction in a Notice to Comply;		
	23(2)(e)	Protection of Classified Trees and Canopy Trees	Prune or direct, authorise or allow to be Pruned a tree required to be planted as a condition of a permit or a direction in a Notice to Comply;	5	20
	23(2)(f)	Protection of Classified Trees and Canopy Trees	carry out, or direct, authorise or allow to be carried out any Works within the Tree Protection Zone of a tree required to be planted as a condition of a permit or a direction in a Notice to Comply.	10	20
(11) Considering and deciding on the purpose and conditions of Permits and fees	<p>A number of provisions in the proposed Local Law require permits for various activities.</p> <p>Permits are contemplated in clauses 23(2)(a) to (f). For example, a permit is required for certain activities, including removal or extensive canopy tree pruning or work within its Tree Protection Zone.</p> <p>Council considers permits the only means of controlling these types of activity.</p> <p>Permit applications and conditions will be guided by policy considerations in the public interest.</p> <p>To satisfy the transparency and accountability principles of best practice, the application process and consideration for granting permits are detailed in Part 7 of the amended Local Law.</p> <p>Permit fees and related charges are a budgetary matter decided independently by Council as part of the annual budget process. Benchmarking other council's fees and charges takes place in the lead-up to the annual budget process. The proposed Local Law will continue to allow Council to determine permit fees. Whilst there may</p>				

## Community Impact Statement – Proposed Classified Tree Amendment Local Law

Framework Number and Title	Description
	<p>be a considerable amount of work in making those assessments, such as site inspections and assessments against the requirements of the proposed Local Law, it is Council's current policy that no fees are payable for permits under the proposed Local Law.</p>
(12) Review with consideration to Neighbouring Councils	<p>Numerous Local Governments across Melbourne, including those that border Glen Eira, maintain and protect canopy tree cover via a broadly applied local law in addition to Planning Overlays that protect trees and vegetation within specific regions.</p> <p>Local laws implemented by many other nearby councils to protect trees on private lands are applied broadly to all private trees where those trees exceed a size threshold specified in the local law. These local laws make it an offence to remove or prune any private tree over a specific size without obtaining a permit from the council.</p> <p>Some councils also maintain a Register of Significant Trees in addition to the more broadly applied local law, where trees included in a register are given greater protection.</p> <p>The terms Canopy Tree, Significant Tree and Classified Tree vary in meaning and applications across different councils. While Glen Eira utilises "Classified Trees" to indicate our most important specimens, Boroondara, Bayside, and Kingston use "Significant Trees". However, Stonnington, Port Phillip, and Brimbank councils use "Significant Tree" to describe any tree over a certain size threshold protected under their relevant local law. In contrast, the term "Canopy Tree" is used in other councils.</p> <p>Benchmarking was undertaken against similar local laws in all adjoining Councils (Bayside, Kingston, City of Port Phillip, Monash and Stonnington).</p> <p><b>City of Port Phillip</b></p> <p>The City of Port Phillip's<sup>16</sup> local law protects "significant tree or palm", defined as a tree or palm on private land with a circumference greater than a specified amount. A tree is considered significant if its trunk circumference is 140 centimetres or greater when measured 1 metre from its base.</p> <p><b>Bayside City Council</b></p> <p>Bayside City Council's local law<sup>17</sup> protects trees with a circumference greater than a specified amount. A local law permit is required to prune or remove a tree if the tree:</p> <ul style="list-style-type: none"> <li>has a single or combined trunk circumference greater than 155cm measured 1m above ground level.</li> </ul>

<sup>16</sup> <https://www.portphillip.vic.gov.au/media/d3lfhij/city-of-port-phillip-community-amenity-local-law-2023.pdf>

<sup>17</sup> <https://www.bayside.vic.gov.au/sites/default/files/2022-05/Neighbourhood%20Amenity%20Local%20Law%202021%20Guidelines%20-%20Final.pdf>

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Framework Number and Title	Description
	<p><b>Stonnington City Council</b></p> <p>Stonnington City Council's local law<sup>18</sup> protects "significant trees" which are defined as tree or palm which has a circumference greater than a specified amount. A permit is required to carry out works, including pruning and tree removal to significant trees and within the Tree Protection Zone (TPZ) of Significant Trees with:</p> <ul style="list-style-type: none"> <li>• a trunk circumference of 140 cm or greater measured at 1.4 m above its base.</li> <li>• with a total circumference of all its trunks of 140 cm or greater measured at 1.4 m above its base.</li> <li>• with a trunk circumference of 180 cm or greater measured at its base; or</li> <li>• with a total circumference of all its trunks of 180 cm measured at its base.</li> </ul> <p><b>Kingston City Council</b></p> <p>Kingston's local law<sup>19</sup> protects "protected trees", which are defined as trees that have a trunk circumference of 110cm or greater as measured at its base, a multi-stemmed tree where the circumference of its exterior stems measured at its base is greater than 110 centimetres, or a tree planted as required by a replanting condition of a permit issued for the removal of a protected tree, excluding species which are environmental weeds or noxious weeds.</p> <p><b>Monash City Council</b></p> <p>Monash City Council<sup>20</sup> is currently developing a Significant Tree Register and does not currently have a local law that protects them.</p> <p>The benchmarking of the operative provisions of the proposed Local Law, which requires a permit against the local laws in adjoining municipalities, is detailed in Table 6 of Appendix 2.</p> <p>The assessment found that Council's proposed Local Law is broadly consistent with the intent of the other Councils' local laws which regulates the removal of trees on private land.</p>
(13) Possible restriction of competition by Local Law	<p>An NCP assessment has been undertaken. It is recognised that there will be some instances where a business is affected by the costs and potential limitations and restrictions applied by the proposed Local Law.</p> <p>It has been concluded that while costs are associated with the permit process or the restriction on removal of a canopy tree, any impact on business is minimal. Even</p>

<sup>18</sup> <https://www.stonnington.vic.gov.au/Services/Trees/Manage-trees-on-your-property>

<sup>19</sup> <https://www.kingston.vic.gov.au/council/local-laws>

<sup>20</sup> <https://www.monash.vic.gov.au/Residents-Property/Trees-and-Nature-Strips/Tree-Management/Tree-Management-Policy>

## Community Impact Statement – Proposed Classified Tree Amendment Local Law

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	if it could be said that the proposed controls restrict business, it is considered that the overall benefit to the community outweighs the possible restriction.
(14) Identifying (and staying within) the power to make a Local Law	<p>Council has broad powers to make local laws for or with respect to any act, matter or thing in respect of which it has a function or power under the <i>Local Government Act 2020</i> or any other Act.</p> <p>The proposed Local Law identifies the authority on which it is based and remains within that power. A local law is made under section 71 of the <i>Local Government Act 2020</i>.</p> <p>Council has reviewed the proposed Local Law and considers its clauses within its power to make a local law.</p>
(15) Considering possible alternatives to Local Law	<p>In conjunction with the proposed Local Law, Council would promote resident's responsibilities through information and education campaigns. It is considered that self-regulation alone is not achievable in relation to the problems identified in item (2) of the framework.</p> <p>A local law that discourages the indiscriminate damage or removal of canopy trees from private land in the municipality that is fairly enforced and requires replanting where possible is the basis for creating an environment for enduring improvements in the canopy cover within Glen Eira.</p> <p>A local law is considered the most appropriate legislative approach at this stage, given the uncertainty surrounding the introduction of additional planning controls and the more complex, lengthy and costly application process associated with amending planning controls.</p>
(16) Considering if a State Act is more appropriate than a Local Law	In each case, it is considered that this section is either not applicable or that making a Local Law best serves the public interest.
(17) Identifying Planning Scheme requirements with which a Local Law may be inconsistent	<p>None of the proposed Local Law clauses was identified as inconsistent with the <i>Planning and Environment Act 1987</i> or the <i>Planning Scheme</i>. The proposed Local Law is subordinate to the provisions of the <i>Planning and Environment Act 1987</i> and the <i>Planning Scheme</i>. To the extent of any inconsistency, the provisions of the <i>Planning and Environment Act 1987</i> and the <i>Planning Scheme</i> will prevail.</p> <p>Council is the responsible authority for enforcing both the planning overlays and local laws but whereas Council's planning decisions can be overturned or varied by the Victorian Civil and Administrative Tribunal (VCAT), that body cannot over-rule the requirement for a permit under a local law.</p>

## Community Impact Statement – Proposed Classified Tree Amendment Local Law

Framework Number and Title	Description
	<p>Where activities require a permit under the proposed Local Law and the Planning and Environment Act 1987, both a planning permit and a local law permit are required.</p> <p>Circumstances could, therefore, arise where a planning officer or VCAT has issued a planning permit/ordered a planning permit to be issued but were acting on such a planning permit would involve illegal removal of a tree under the proposed Local Law.</p> <p>Whilst there may be a perception of a conflict, a local law prohibiting interference with trees is not inconsistent with the Planning and Environment Act 1987. The proposed Local Law complements the Planning Scheme and its operation.</p> <p>The risk of circumstances giving rise to a perception of a conflict is mitigated as Authorised Officers are provided with Assessment Guidelines, which assist in exercising their discretion when assessing a permit application in relation to a proposed dwelling or due to proposed improvements to an existing dwelling.</p> <p>The risk of a conflict is mitigated by communication between the Planning and Building Services department and the Park Services department in relation to their respective decision-making processes to ensure that all relevant information is considered when decisions are made under the relevant regulatory regimes.</p>

Appendix 1 – Assessment of Compliance against the Human Rights Charter

### **Appendix 1 – Assessment of Compliance against the Human Rights Charter**

Section 72(a) of the *Local Government Act 2020* provides that a local law must not be inconsistent with any Act (including the Charter of Human Rights and Responsibilities Act 2006 (**Human Rights Act**)) or regulations.

The Human Rights Act contains twenty (20) basic rights that promote and protect the values of freedom, respect, equality and dignity. Councils must not knowingly breach these rights and must always consider them when creating local laws, developing policies, and delivering services.

Council, as a 'public authority' under the Human Rights Act, must also ensure that a local law made by it is not incompatible with a human right. If a proposal restricts or interferes with a right, consideration must be given to determining whether the restrictions are reasonable and demonstrably justified under the Human Rights Act.

Council has assessed the proposed Local Law for compatibility with the Human Rights Act. On balance, the proposals in the proposed Local Law are not incompatible with the rights in the Human Rights Act. Even if it could be said that the proposals are incompatible with the Human Rights Act, Council considers that the approach in the proposed Local Law is demonstrably justifiable, such that no incompatibility with the Human Rights Act exists.

In keeping with section 28 of the Human Rights Act, this statement of compatibility is made with respect to the proposed Local Law.

*The proposed Local Law is compatible with the human rights protected by the Human Rights Act.*



Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
Yes - A fair hearing - section 24 <sup>21</sup>	Clause 48 of the amended Local Law provides that as an alternative to prosecution, an Authorised Officer may issue an infringement notice on a person who the Authorised Officer believes has committed an infringement offence.	Council acknowledges that every individual has the right to a fair hearing.	<p>The <i>Infringements Act 2006</i> contains provisions for individuals to challenge Infringement Notices and for Council to waive Infringement Notices upon consideration of correspondence from the individual.</p> <p>The right to a fair hearing applies to "a person charged with a criminal offence or a party to a civil proceeding" (section 24(1)). This does not extend to Infringement Notice offences.</p>	In the event of service of an Infringement Notice, any limitation can be further reduced by continuing to the Magistrates Court for a decision.

<sup>21</sup> A [person](#) charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial [court](#) or tribunal after a fair and public hearing.

Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
Yes – Privacy and reputation (section 13)	<p>Part 5 of the amended Local Law controls activities on private land, including the ability, without a permit, to remove, prune or undertake works near a canopy tree or a tree required to be planted as a condition of a permit or a direction in a Notice to Comply.</p> <p>Clause 54 of the amended Local Law allows a person approved</p>	<p>Council acknowledges the right of members of the community to privacy and reputation, including the right not to have their privacy, family or home unlawfully or arbitrarily interfered with.</p> <p>This right is balanced against the interest in protecting the community's interest in preserving the safety and amenity of the municipality.</p>	<p>Council acknowledges that the proposed Local Law may affect an individual's choices in relation to their home and family life to the extent that a permit is required to remove, prune or undertake works near a canopy tree. Council considers it reasonable to issue permits because the community interest in protecting community safety and amenity is greater than an individual's right in these circumstances.</p> <p>Council may authorise a member of Council staff to enter upon any land on which there is a failure to comply with a Notice to Comply and do anything required to ensure compliance.</p> <p>Council considers that these limitations are justified under section 7(2) to ensure that community safety and amenity is not put at risk due to a failure</p>	<p>The number of Authorised Officers is limited. These persons will be supported in awareness of obligations under the Human Rights Act and the requirement to act consistently with human rights obligations in the course of exercising powers, duties and functions under the proposed Local Law.</p>

Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
	<p>by Council to enter upon any Property on which there is a failure to comply with a Notice to Comply and do all such acts, matters or things that are required to comply with a Notice to Comply.</p> <p>Clause 54 of the amended Local Law allows a person approved by Council to enter upon any Private Land to inspect any tree where there are reasonable</p>		<p>to comply with the proposed Local Law.</p> <p>With the approval of Council, a person may enter upon any land to conduct inspections. Council considers these limitations justified under section 7(2) because the community interest in protecting community safety and amenity is greater than an individual's right in these circumstances.</p>	

Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
	grounds for believing that a breach of the Local Law has been, is being committed or is likely to be committed.			

Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
<p>Yes - Property rights (section 20)</p>	<p>Part 5 of the amended Local Law controls activities on private land, including the ability, without a permit, to remove, prune or undertake works near a canopy tree or a tree required to be planted as a condition of a permit or a direction in a Notice to Comply.</p> <p>Clause 54 of the amended Local Law allows a person approved</p>	<p>Council acknowledges that members of the community have economic and property interests, including rights in the acquisition, use and enjoyment of property. These rights and interests are balanced against the safety and amenity of the community, the safety and amenity of the individual, and the safety and amenity of any other person going about their daily activities within the municipality.</p>	<p>The proposed Local Law limits an individual's rights to deal with their private property. For example, the proposed Local Law requires the property owner to obtain a permit to remove, prune or undertake works near a canopy tree or a tree required to be planted as a condition of a permit. Council considers it reasonable to issue permits to lessen the overall impact on the community from the indiscriminate removal of canopy trees on private land in the municipality.</p>	<p>An applicant for a permit can seek a review of a decision to refuse a permit or grant a permit with conditions.</p> <p>In the event of service of an Infringement Notice, the limitation can be further reduced by continuing to the Magistrates Court for a decision.</p>

Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
	<p>by Council to enter upon any Property on which there is a failure to comply and do all such acts, matters or things that are required to comply with a Notice to Comply.</p> <p>Clause 54 of the amended Local Law allows a person approved by Council to enter upon any Private Land to inspect any tree where there are reasonable grounds for believing that a</p>			

Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
	breach of the Local Law has been, is being committed or is likely to be committed.			

## Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
Yes - Right not to be tried or punished more than once (section 26)	Clause 47(c)(ii) of the amended Local Law – Offences - provides for further penalties for each day after a finding of guilt during which the contravention continues	<p>Council acknowledges that a person has the right not to be tried or punished more than once for an offence in respect of which they have already been finally convicted in accordance with the law.</p> <p>This right is balanced against the community interest in ensuring that contraventions of the proposed Local Law are addressed and rectified promptly to protect the safety and amenity of the community.</p>	<p>This limitation is intended to address ongoing recalcitrant behaviour which causes detriment to the community.</p> <p>Council considers these limitations reasonable because the interest of the municipal community is greater than an individual's right in these circumstances.</p> <p>This provision is enforced by Infringement Notices. The applicable fine of 2 penalty units is relatively low, and the <i>Infringements Act 2006</i> contains provisions for individuals to challenge Infringement Notices and for Council to waive Infringement Notices upon consideration of correspondence from the individual.</p>	In the event of service of an Infringement Notice, the limitation can be further reduced by continuing to the Magistrates Court for a decision.



Community Impact Statement – Appendix 2 - Benchmarking of adjoining Councils' local laws

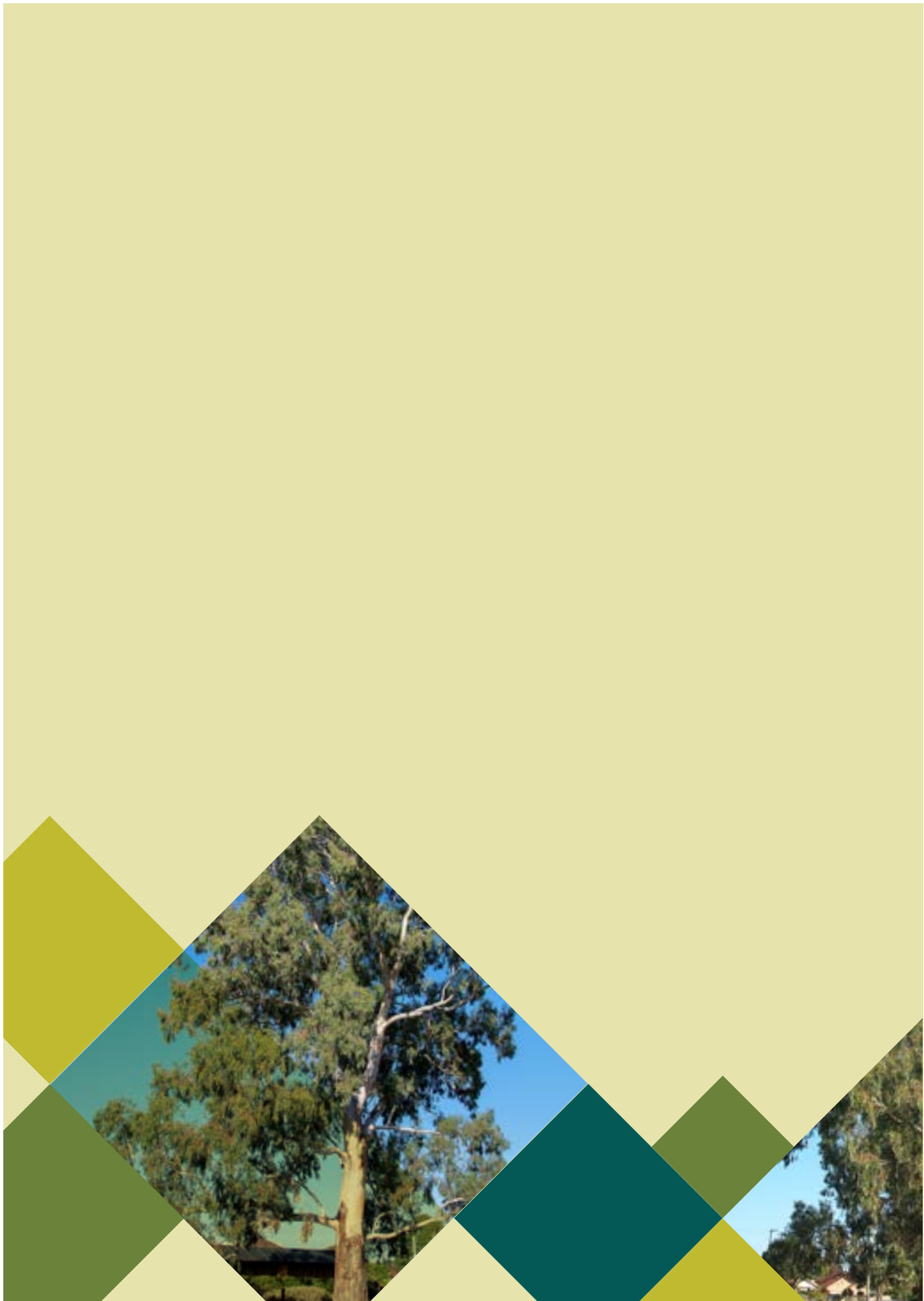
### Appendix 2 - Benchmarking of adjoining Councils' local laws

**Table 6: Benchmarking of adjoining Councils' local laws**

Clause in proposed local law	Proposed offence	Similar clauses in adjoining Council:			
		Bayside	Kingston	City of Port Phillip	Stonnington
23(2)(a)	remove, damage, kill or destroy or direct, authorise or allow to be removed, damaged, killed or destroyed a Canopy Tree	Yes - clause 21(1)(a) – 10 penalty units for infringement notice / 20 penalty units maximum penalty	Yes - clause 42(a) – 10 penalty units for infringement notice / 20 penalty units maximum penalty	Yes – clause 55(1)(a) and (b) – 5 penalty units for infringement notice / 20 penalty units maximum penalty/ Subsequent contravention 20 penalty units maximum	Yes - clause 163(2)(a) and (d) – 20 penalty units for infringement notice / 20 penalty units maximum penalty
23(2)(b)	Prune or direct, authorise or allow to be Pruned a Canopy Tree	Yes - clause 21(1)(b) – 5 penalty units for infringement notice / 20 penalty units maximum penalty	Yes - clause 42(b) – 10 penalty units for infringement notice / 20 penalty units maximum penalty	No	Yes - clause 163(2)(b) and (d) – 10 penalty units for infringement notice / 20 penalty units maximum penalty
23(2)(c)	carry out, or direct, authorise or allow to be carried out any works within the Tree Protection Zone of a Canopy Tree	No	Yes - clause 42(c) – 10 penalty units for infringement notice / 20 penalty units maximum penalty	No	Yes - clause 163(2)(c) and (d) – 10 penalty units for infringement notice / 20 penalty units maximum penalty
23(2)(d)	remove, damage, kill or destroy or direct, authorise or allow to be	Yes - clause 21(2)(a) – 5 penalty units for infringement notice / 20 penalty units	Yes - clause 42(a) – 10 penalty units for infringement notice / 20 penalty units maximum	No	No

Community Impact Statement – Appendix 2 - Benchmarking of adjoining Councils' local laws

	removed, damaged, killed or destroyed a tree planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply	maximum penalty	penalty		
23(2)(e)	Prune or direct, authorise or allow to be Pruned a tree planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply	Yes - clause 21(2)(b) – 2 penalty units for infringement notice / 20 penalty units maximum penalty	Yes - clause 42(b) – 10 penalty units for infringement notice /20 penalty units maximum penalty	No	No
23(2)(f)	carry out, or direct, authorise or allow to be carried out any works within the Tree Protection Zone of a tree planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply	No	Yes - clause 42(c) – 10 penalty units for infringement notice / 20 penalty units maximum penalty	No	No



## 8.2 KINDERGARTEN CENTRAL REGISTRATION FEES

**Author:** Angela Morcos, Manager Family Youth and Children's Services

**Director:** Kellie Vise, Acting Director Community Wellbeing

**Trim No:** 24/127152

**Attachments:** Nil

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### EXECUTIVE SUMMARY

Council provides a Kindergarten Central Registration Scheme (the Scheme) for participating not-for-profit kindergartens in Glen Eira. The Scheme provides families with a centralised process to apply for a kindergarten place for three and four-year-old kindergarten.

In late December 2023, the Victorian Government advised Council of two options for funding for kindergarten registrations accepted in 2024 for the 2025 kindergarten year:

- Option One provides \$80,000 (excl. GST) funding, with the requirement that Council does not charge registration fees from 9 February 2024.
- Option Two provides \$26,650 (excl. GST) funding and Council has the option to charge registration fees.

Officers completed financial modelling to understand the financial impact of both options for Council. The modelling demonstrated that the funding provided under Option One (\$80,000) would lower the cost to Council to provide the Scheme.

Importantly, the removal of registration fees is a positive step in removing barriers to access for children in Glen Eira to kindergarten. Under delegation, funding under Option One of \$80,000 has been accepted and Officers are seeking endorsement by Council that registration fees no longer being charged in accordance with the funding conditions.

To ensure there is fairness for families who have already paid the registration fee in advance for 2025 (or future years) it is also proposed to issue a full refund.

### RECOMMENDATION

That Council:

1. Acknowledges the increased funding provided by the Victorian Government for Council's Kindergarten Central Registration Scheme; and
2. Notes that as a condition of accepting this funding, Council's Kindergarten Central Registration Fee will no longer be charged for enrolments from 9 February 2024 onwards; and
3. Refunds any Central Registration Fees already received for the 2025, and any future, kindergarten years

### BACKGROUND

Kindergarten Central Registration and Enrolment Schemes are a valuable part of the Victorian kindergarten system by providing a single point for families to apply for multiple kindergarten services, supporting increased kindergarten participation of children

experiencing vulnerability and disadvantage, and providing critical data for assessing and responding to local demand for kindergarten places.

Council provides a Kindergarten Central Registration Scheme (the Scheme) for participating not-for-profit kindergartens in Glen Eira. The Scheme provides families with a centralised process to apply for a kindergarten place for three and four-year-old kindergarten.

In 2024 there are 14 kindergartens that form part of the Scheme in Glen Eira. These kindergartens are operated by Glen Education (an Early Years Management Organisation) and volunteer Committees of Management. Ten of the kindergartens operate in Council-owned buildings, three are located on primary school sites, and one is located in a church-owned building.

Council must administer the Scheme in accordance with the Victorian Government's Kindergarten Central Registration and Enrolment Scheme Funding Requirements and Kindergarten Priority of Access Criteria. The Scheme is also administered in accordance with Council's Kindergarten Central Registration Scheme Policy.

Historically, the Scheme has been funded from registration fees paid by families set by Council as part the annual budget process and Council subsidy. The Victorian Government introduced funding for Council-operated Schemes in 2018 as part of the Education State Early Childhood Reform Plan. This funding reduced the amount of Council subsidy required to administer the Scheme. In 2022-23, Council received \$26,000 (excl. GST) in funding for the Scheme.

Currently, 57 of 79 Councils in Victoria provide a Kindergarten Central Registration or Enrolment Scheme. In 2024, at least 39 Councils will provide this service at no cost to families.

## ISSUES AND DISCUSSION

In late December 2023, the Victorian Government advised Council of two options for funding in 2023-24 for kindergarten registrations accepted in 2024 for the 2025 kindergarten year:

- Option One provides \$80,000 (excl. GST) funding, with the requirement that Council does not charge registration fees from 9 February 2024.
- Option Two provides \$26,650 (excl. GST) funding and Council has the option to charge registration fees.

In 2023, the Victorian Government introduced *Free Kindergarten* for all three and four-year-old children attending a kindergarten program. The introduction of Kindergarten Central Registration and Enrolment Schemes at no cost to families aligns with the *Free Kindergarten* initiative. It is intended to improve the registration process for all families, remove any barriers related to charging a fee, and ensure a fair and equitable system for children to access two-years of funded kindergarten.

Officers completed financial modelling to understand the financial impact of both options for Council. The modelling demonstrated that the funding provided under Option One (\$80,000) would lower the cost to Council to provide the Scheme.

Under delegation, funding under Option One of \$80,000 has been accepted and registration fees will no longer be charged in accordance with the funding conditions.

To ensure an equitable outcome for families who have paid their registration fees in advance for 2025 (or future years) it is proposed that Council issues refunds of the registration fee.

## CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

Nil.

## FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

Officers undertook financial modelling to understand the impacts of the changes to the funding model.

The table below outlines the impact of the two options on Council's current level of subsidy for the provision of the central registration service.

	Option One (\$80,000)	Option Two (\$26,650)
<b>Income</b>	\$80,000 (grant funding)	\$26,650 (grant funding)
	\$0 (registration fees)	\$30,800 (registration fees)
<b>Estimated Total Income</b>	<b>\$80,000</b>	<b>\$57,450</b>
<b>Expenditure</b>	\$92,302	\$92,302
<b>Estimated Cost to Council</b>	<b>\$12,302</b>	<b>\$34,852</b>

*Note: Registration fee income for 2023-24 is an estimate only. Registrations are accepted throughout the year, however, a large number of registrations are received in May as part of annual registration process.*

## POLICY AND LEGISLATIVE IMPLICATIONS

Council must administer the Scheme in accordance with the Victorian Government's Kindergarten Central Registration and Enrolment Scheme Funding Requirements and Kindergarten Priority of Access Criteria. The Scheme is also administered in accordance with Council's Kindergarten Central Registration Scheme Policy.

## COMMUNICATION AND ENGAGEMENT

Information and promotional materials about Council's Kindergarten Central Registration Scheme have been updated to reflect that no fees are charged for registrations. Kindergartens participating in the Scheme have also been advised of the change.

Council's Kindergarten Central Registration Scheme Policy is currently being updated to reflect the change, and incorporate other changes related to the Victorian Government's Best Start Best Life Reform. The draft updated Policy will be presented to Council in April 2024 in preparation for the annual registration process that will commence in May 2024.

## 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 increased funding provided by the Victorian Government will support Council to provide a more equitable Kindergarten Central Registration Scheme for children in Glen Eira by removing cost as a barrier to registration through the Scheme.

### 8.3 TENDER 2023.87 PROVISION OF PAVEMENT MARKING SERVICES

**Author:** Anil Dhakal, Coordinator Permits and Development

**Director:** Jessica Wingad, Acting Director Sustainability, Assets and Leisure

**Trim No:** 23/1307685

**Attachments:** 1. 2023.87 Pavement Marking\_Report on conclusion of Tender Evaluation- Council (CONFIDENTIAL)

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#### EXECUTIVE SUMMARY

The purpose of this report is to recommend a contractor to be appointed to undertake the works/services tendered in Tender number 2023.87 Provision of Pavement Marking Services.

#### RECOMMENDATION

That Council having reviewed and considered the confidential Tender Evaluation report (attachment 1 to this report):

1. appoints **Roadsigns Aust Pty Ltd, A.C.N. 006 719 197 as the contractor under Tender number 2023.87** for an amount in accordance with the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the CEO to execute the contracts on Council's behalf;
4. notes the attachments to the report remain confidential in accordance with section 3(1)(g) and section 66(5) of the *Local Government Act 2020* or until Council resolves otherwise; and
5. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

#### BACKGROUND

##### Reason for Tender

The objective of the tender is to appoint a contractor to maintain pavement marking on Council roads and off-street car parks, such that visibility and safety standards are sustained, and to provide new line marking or re-marking on new or rehabilitated pavements.

The works consist of:

- the supply and application of coloured surface treatment, pavement marking paint, glass beads, thermoplastic or cold applied plastic material; and
- fixing of reflective or non-reflective pavement markers on Council roads, carparks, shared used paths, pathways and laneways.

**Proposed Contract period**

Commencing in March 2024, the proposed term of the contract is three years with options on the part of Council to extend for two further terms of one year each.

**TENDER PROCESS**

**Advertising**

An invitation to submit tenders for the contract as described in the preceding section was advertised on Saturday 7 October 2023 in *The Age* newspaper Saturday edition (and Council’s eTendering Portal on Monday 9 October 2023, and closed on Friday 27 October 2023.

**Tenders Collected/Received**

Five (5) tender documents were requested.

Two (2) submissions were received by the closing date.

**EVALUATION PROCESS**

**Evaluation Criteria**

All conforming tenders were evaluated against the following criteria:

CRITERIA	INDICATORS
<p><b>1. Cost to Council.</b></p>	<ul style="list-style-type: none"> <li>• Overall cost of services(s) to Council (excl. of GST).</li> <li>• Capacity to identify cost savings which do not impact adversely on service quality.</li> </ul>
<p><b>2. Ability to provide the specified works.</b></p>	<ul style="list-style-type: none"> <li>• <b>Experience and Skill.</b> <ul style="list-style-type: none"> <li>- The experience, ability and resources of the Tenderer to undertake the works and meet the specified performance standards.</li> <li>- The commitment to quality of performance and customer satisfaction demonstrated by the Tenderer.</li> <li>- Demonstrated track record in the service or related area.</li> <li>- Supporting management structure and technical back up.</li> <li>- Service delivery arrangements already tested and in place.</li> </ul> </li> <li>• <b>Reliability of Tenderer</b> <ul style="list-style-type: none"> <li>- The commitment and ability of the Tenderer to demonstrate innovation in delivering services in accordance with the Tender.</li> <li>- Ability to identify and meet new demands.</li> </ul> </li> </ul>



CRITERIA	INDICATORS
	<ul style="list-style-type: none"> <li>- Capacity to guarantee service provision.</li> <li>- Capacity to meet additional requirements.</li> <li>- The extent to which the Tenderer is able to “Add Value” to the assets being maintained in accordance with the Tender.</li> </ul>
<p><b>3. Sustainability - Economic, Environmental and Social.</b></p>	<ul style="list-style-type: none"> <li>• Commitment to sustainability initiatives.</li> </ul>
<p><b>4. Ability to provide a safe workplace.</b></p>	<ul style="list-style-type: none"> <li>• Demonstrated commitment to and ability to achieve a safe workplace.</li> <li>• Ability to meet <i>Road Management Act 2004</i> requirements.</li> <li>• Ability to demonstrate safe work practices including Traffic Management Plans.</li> </ul>

**ISSUES AND DISCUSSION**

Not applicable.

**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

This contract is aligned with Council's '*Our Climate Emergency Response Strategy 2021-2025*', Goal 3 and the following objective:

**Goal 3 : Council-owned buildings and infrastructure are resilient and safe for our staff and community.**

Objective 3.1: Ensure new and existing buildings and infrastructure are resilient to climate change impacts.

**Project Sustainability Summary**

This project addresses sustainability through the use of chemicals and treatments that are long lasting. Paints sourced by the preferred tenderer are manufactured locally in Dandenong South, in comparison to overseas manufacture, thus reducing their carbon footprint.

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

**Budget**

The budget funding for this project is \$150,000 per annum (based on the 2023/2024 financial year), \$750,000 over the life of the contract.

**POLICY AND LEGISLATIVE IMPLICATIONS**

This report is in accordance with the Procurement Policy and the *Local Government Act 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 or the evaluation of the tenders have any direct or indirect interest in this matter.

**CONCLUSION**

**Tender Evaluation Panel Conclusion**

The Tender Evaluation Panel appointed by the Director Sustainability, Assets and Leisure reached the conclusion that when assessed against the evaluation criteria, the tender of the following contractor represented the best quality and value for money for the community:

<b>Tenderer</b>	<b>A.C.N.</b>	<b>A.B.N.</b>
Roadsigns Aust Pty Ltd	006 719 197	99 006 719 197

The report of the Tender Evaluation Panel is attached. This attachment concerns confidential information within the meaning of that term in the *Local Government Act 2020* (the Act) being private commercial information, being information provided by a business, commercial or financial undertaking that—

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

and the meeting will be closed to the public (under s 66(2) of the Act) should such information need to be considered and discussed and all documents containing such information shall remain confidential.

## 8.4 FINANCIAL MANAGEMENT REPORT (31 JANUARY 2024)

**Author:** Alon Milstein, Financial Accountant

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

**Trim No:** 24/136640

**Attachments:** 1. [January 2024 Financial Mgt Report](#) [↓](#)

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### EXECUTIVE SUMMARY

Council provides a huge range of services and facilities for our community, all contributing to ensuring this is a healthy, well-connected, and liveable place for all.

Like many councils and other businesses across Victoria and Australia, it's becoming tougher to operate in the same way as we have in the past. We aren't immune to the impacts of rapid inflation and the rising costs of delivering projects and services. For example, our revenue is shrinking due to rate capping at the same time as our projects and services cost more due to inflation. Community expectations of us remain high, yet the State Government continues shifting more costs to Council. The economic environment and ambitious program of works result in increasing risk to our financial sustainability.

Council continues to focus on using ratepayer revenue responsibly and generating additional income where possible to invest in community services, infrastructure, and facilities. We aim to maintain and improve our services, infrastructure, and facilities, especially in terms of access, equity, and environmental sustainability. Our long-term financial strategy confirms this approach.

The purpose of this report is to provide Council with the Financial Management Report for the period ending 31 January 2024. The report is designed to identify and explain major variances at an organisational level and is provided in Attachment 1.

The forecast result expected for the financial year is a surplus of \$7.12m. This compares favourably against the original adopted 2023-24 Budget surplus of \$1.04m. This operating surplus is not a 'cash' profit as it recognises all revenue and spending for Council to operate and includes one off and non-cash items.

Council will invest any available surplus in capital works and debt redemption which enable us to continue to deliver high-quality services and projects. Whilst Council's cash holding remains at low levels, we are also working to ensure that adequate levels of cash reserves are set aside for funding Council's open space, contract deposits, employee entitlements and deposits relating to residential aged care. Together, these approaches ensure that we are continuing to be a prudent financial manager, acquitting our responsibilities to the community.

### RECOMMENDATION

That Council notes the Financial Management Report for the period ending 31 January 2024.

### BACKGROUND

The report includes a comparison of year-to-date actual income and expenditure with budgeted year-to-date and forecast to June 2024 and other information for the current financial year.

This report also provides a review of the Capital Works Program, Cash Flow, Rate Debtors and Victorian Auditor-General's Office Financial Sustainability Indicators.

## ISSUES AND DISCUSSION

### (a) Key Highlights - Current Financial Position

The forecast result expected for the financial year is a surplus of \$7.12m. Key highlights for the period ending 31 January 2024 include:

Key Highlights	December 2023	January 2024	Movement	Comments
	\$ 000's	\$ 000's	\$ 000's	
Forecast Surplus / (Deficit)	6,629	7,122	493	Increase of \$493k. Refer to the Financial Management Report for details.
Forecast Cash Holdings	51,986	52,098	112	Forecast cash holdings have increased compared to the previous month due to higher forecasted inflows.
Forecast Liquidity	110.01%	110.85%	0.84%	Forecast liquidity has increased due to increased forecasted inflows.
Forecast Capital Works	74,014	74,014	(0)	No forecast adjustments for January 2024.

### (b) Open Space

Council collects a Public Open Space contribution in many circumstances when land is subdivided within the municipality. The balance of the Open Space Reserve as at 31 January 2024 is as follows:

Description	2023-24 Year to Date
<b>Opening Balance as at 1 July 2023</b>	<b>\$18,959,138</b>
Open Space Contributions Received	\$2,430,450
Open Space Capital Expenditure	\$0
<b>Closing Balance Open Space Reserve</b>	<b>\$21,389,588</b>
Committed Open Space Purchases	(\$4,150,000)
Available Open Space Reserve Funds	\$17,239,588

*Please note the open space reserve is not currently held in a separate cash reserve.*

## CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

The Financial Management Report takes into consideration Council's initiatives and strategies that respond to the climate emergency, work towards emissions reduction targets and increase awareness of sustainability issues.

In this context, Council continues to prioritise initiatives that contribute to our overall goal of net zero corporate emissions by 2025 and net zero community emissions by 2030. This

includes investment in open space, tree canopy and other greening initiatives, circular economy, energy efficiency, and environmentally sustainable design.

## FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

The key financial objectives for Council are:

- **Rates** – maintain rate increases in line with the constraints set by the State Government’s Rate Cap.
- **Liquidity** – establishing a budget that sets Council’s liquidity level at no less than 100 per cent excluding its reserve funds.
- **Fees** – set fee increases that are manageable and sustainable, in line with the consumer price index and reasonable benchmarking.
- **Waste Charges** – to be set on a cost recovery basis.
- **Risk Management** – mitigate major risks through targeted investment in critical areas, including a focus on maintenance and renewal within the Capital Works Program.
- **Service Level** – maintain essential services at not less than current levels.
- **Retain capacity to invest in long term sustainability** – support initiatives that build long-term financial sustainability and organisational capability.
- **Retain our efficiency position** – keep day-to-day costs manageable and rates below our peers.
- **Community Engagement** – ensure that priorities reflect feedback from, and engagement with, the community.

## POLICY AND LEGISLATIVE IMPLICATIONS

- *Glen Eira Council Long-Term Financial Plan 2022–23 to 2031–32*
- *Glen Eira Council Revenue and Rating Plan 2022-23 to 2025-26*
- *Glen Eira Council Plan 2021-25*
- *Glen Eira Council Integrated Planning and Reporting Framework*
- *Local Government Act 2020*
  - Division 2 — Budget Process
  - Part 4 — Planning and Financial Management — Section 97
- *Local Government (Planning and Reporting) Regulations 2020*
  - Part 3 — Budget

## COMMUNICATION AND ENGAGEMENT

Council officers, in preparing the Financial Management Report, consider other plans and strategies regarding services and initiatives which commit financial and non-financial resources for the current financial year.

## 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**

Council continues to carefully manage its finances in order to deliver good outcomes for Community. Council is proactively identifying and mitigating the risks arising from the dynamic and unpredictable economic environment and the implications for Council's financial sustainability.

ORDINARY COUNCIL MEETING

27 FEBRUARY 2024

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**ATTACHMENT 1:**

**Financial Management Report for the period ending 31 January 2024**

**1. Contents**

Executive Summary .....2  
Income Statement.....6  
Balance Sheet .....8  
Capital Works Program.....9  
Performance Graphs.....13  
Financial Strategy .....17

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**Executive Summary*****for the period ending 31 January 2024*****a) Current Month Budget Result**

At the end of January, the year-to-date performance against budget from ordinary activities showed higher than anticipated income of \$3.75m and a favourable variance in operating expenditure of \$4.13m.

Please note that a portion of the current variances is due to timing differences (i.e., between the scheduling of budgets and timing of actual results). The permanent variances to income and expenditure have been reflected in the annual forecast as per below.

**b) Current Month Forecast Result**

The forecast result expected for the financial year is a surplus of \$7.12m. This compares favourably against the original adopted 2023-24 Budget surplus of \$1.04m. This operating surplus is not a 'cash' profit as it recognises all revenue and spending for Council to operate and includes one off and non-cash items.

Council will invest any available surplus in capital works and debt redemption and continue to deliver high-quality services and projects. Whilst Council's cash holding remains at low levels, Council needs to ensure that adequate levels of cash reserves are set aside for funding Council's open space reserves, contract deposits, employee entitlements and deposits relating to residential aged care. Council is continuing to be a prudent financial manager to acquit its responsibilities to community.

**c) Open Space**

Council collects a Public Open Space contribution in many circumstances when land is subdivided within the municipality. The requirement for this is in the Glen Eira Planning Scheme at clause 53.01.

As part of applicable subdivisions, a landowner is required to make a contribution based on the site value, which Council uses to either purchase land to create new open spaces such as public parks, playgrounds and reserves, or to make improvements within our existing open space areas. Our open space planning is informed by the City of Glen Eira Open Space Strategy.

There are different contribution rates that apply in different parts of the municipality. These include:

- In the area known as Caulfield Village, 5% of the site value of the land which is contained within the Mixed-Use Precinct and the Smith Street Precinct, and 4% of the site value of the land which is contained within the Residential Precinct.
- In the area known as East Village, in accordance with the East Village Comprehensive Development Plan, May 2020 and East Village Development Contributions Plan, May 2020.
- All other land, 8.3% of the site value of the land effective March 2023.

Council as part of the Council Plan 2021-2025 has committed a major initiative to invest a minimum of \$26.9m on the acquisition of public open space over the four-year Council term. Since 2021, Council has invested \$23m to date in open space and committed to an additional \$4m during to be spent during the 2023-24 financial year.



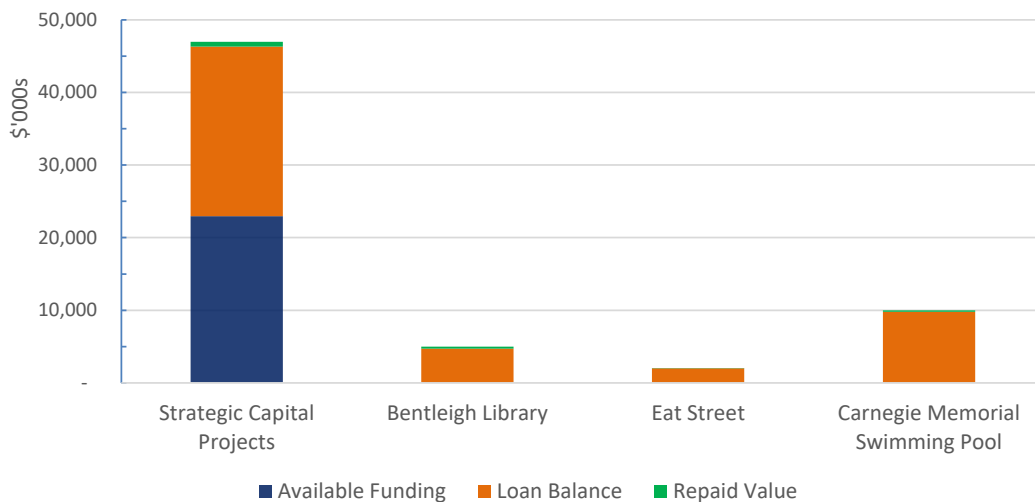
ORDINARY COUNCIL MEETING

27 FEBRUARY 2024

The balance of the Open Space Reserve as at 31 January 2024 is as follows:

Description	2023-24 Year to Date
<b>Opening Balance as at 1 July 2023</b>	<b>\$18,959,138</b>
Open Space Contributions Received	\$2,430,450
Open Space Capital Expenditure	\$0
<b>Closing Balance Open Space Reserve</b>	<b>\$21,389,588</b>
Committed Open Space Purchases	(\$4,150,000)
Available Open Space Reserve Funds	\$17,239,588

**d) Loan borrowings**

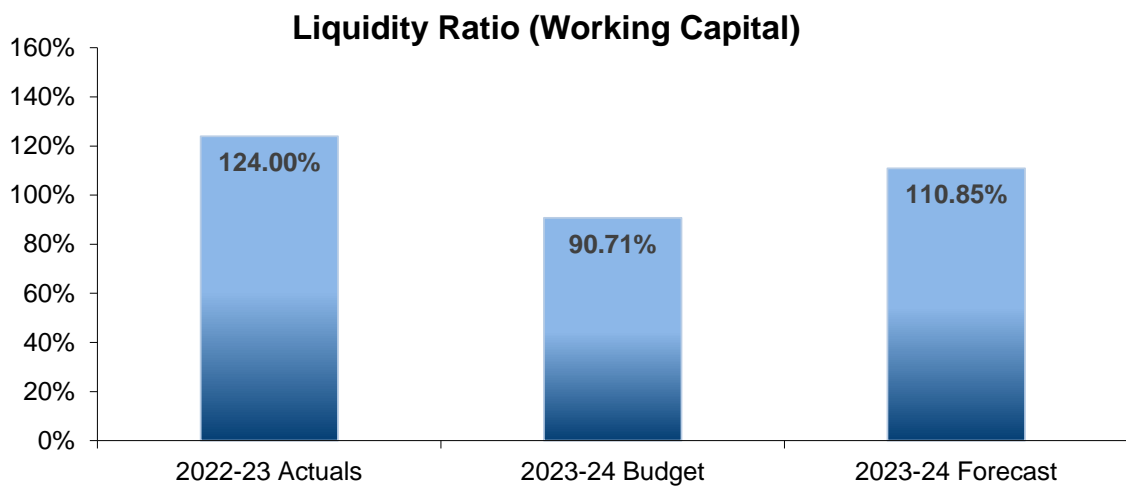


Council has entered into a loan facilities relationship with Treasury Corporation Victoria (TCV) to borrow funds for its strategic capital program, from which \$24m in variable loans have been drawn down since August 2022. Council has also been able to secure discounted interest rates from State Government for three capital projects: \$5m for the construction of the Bentleigh Library and Youth Hub redevelopment project and \$2.03m for Eat Street Community Space Project under the Community Infrastructure Loan Scheme and \$10m for the Carnegie Memorial Swimming Pool under the Community Sports Infrastructure Loan Scheme. These loans are administered by TCV and to date \$17.03m has been drawn from the discounted facilities.

ORDINARY COUNCIL MEETING

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e)



Working capital is the excess of current assets above current liabilities. This calculation recognises that although Council has current assets, some of those assets are already committed to the future settlement of liabilities in the following twelve months and are therefore not available for discretionary spending.

Council is required to hold sufficient cash to cover 'Restricted Assets' such as: Residential Aged Care Deposits, Public Open Space Reserve, Contract Deposits and *Fire Services Property Levy*.

Refer to page 18 for a summary of Financial Sustainability risk indicators.

**f) Superannuation – Defined Benefits Scheme**

***Vested Benefits Index (VBI)***

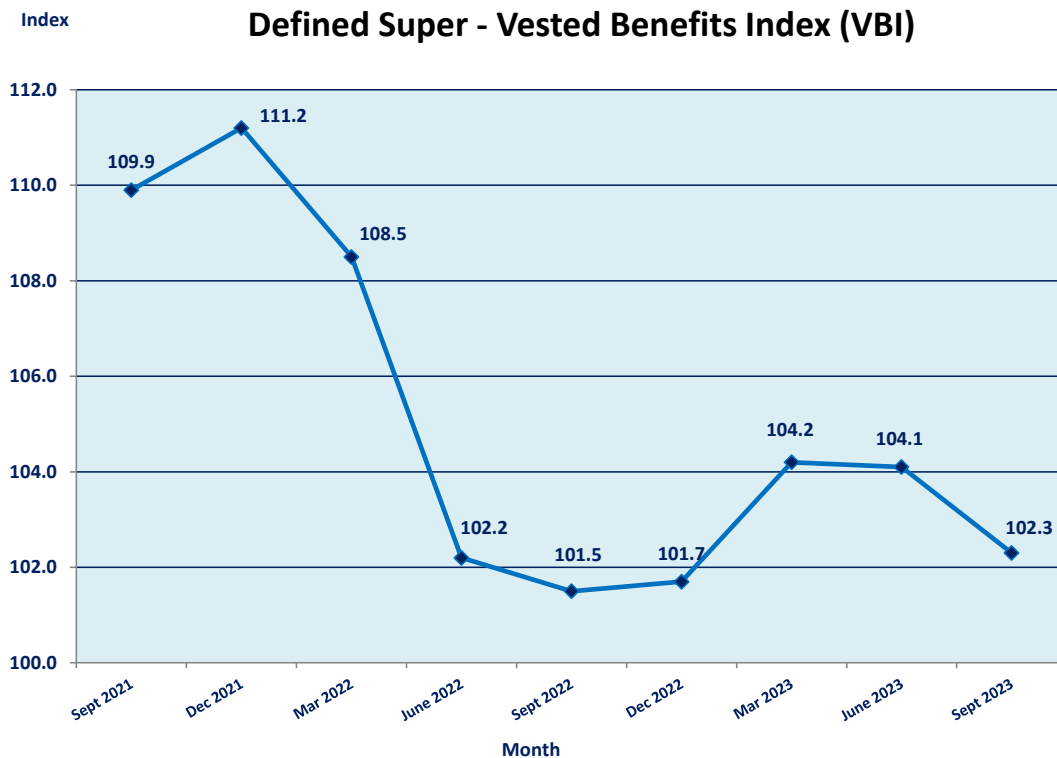
Defined benefit plans are required by law to have an actuarial investigation at least once every three years. Vision Super monitors the vested benefit position of the defined benefits plan on a quarterly basis.

The VBI is the key index that the super fund regulator, APRA, considers when assessing the financial position of the Defined Benefit Plan. In simple terms this measures whether there would be enough assets to meet the liabilities of the Defined Benefit Plan if it became necessary to pay all members their total entitlements on a particular day.

Under the superannuation prudential standards, VBI's must generally be kept above a fund's nominated shortfall threshold, currently 97%. The higher the index the less chance of a future call.

For the Plan to be in a satisfactory financial position requires a VBI of 100% or more. In the event the VBI falls below the nominated shortfall threshold (i.e., 97%), an interim investigation is required to be carried out by the Fund Actuary, unless the next scheduled investigation is due within six months.

Below is the estimated VBI updated to 30 September 2023.



## ORDINARY COUNCIL MEETING

27 FEBRUARY 2024

**Income Statement**

This Statement outlines our income sources for the reporting period under headings such as general rates and garbage charges, and the day-to-day expenses incurred to run Council. These expenses do not include capital expenditure, but they do include depreciation and amortisation of assets. Expenses include labour costs, materials and supplies, and utility and insurance costs.

The bottom line is the result for the reporting period. This figure equals total income minus total expenses, which indicates whether we've operated at a surplus or a deficit (a figure inside brackets is a deficit).

Positive variance movements relate to an increase in revenue and a decrease in expenditure. Negative figures (in brackets), relate to a decrease in revenue or an increase in expenditure.

**No Forecast adjustments for January 2024**

## ORDINARY COUNCIL MEETING

27 FEBRUARY 2024

**Income Statement***for the period ending 31 January 2024*

	2023-24 Year to Date Actual	2023-24 Year to Date Budget	2023-24 Year to Date Variance	2023-24 Year to Date Variance	2023-24 Previous Month End Forecast	2023-24 Current Month Forecast	2023-24 Forecast Movement	2023-24 Annual Budget	2023-24 Budget Forecast Variance
	\$ 000's	\$ 000's	\$ 000's	(%)	\$ 000's	\$ 000's	\$ 000's	\$ 000's	(%)
<b>Income from Ordinary Activities</b>									
General Rates	109,041	109,173	(132)	(0.1%)	109,416	109,487	70	109,423	0.1%
Supplementary Rates	1,285	600	685	0.0%	1,207	1,285	77	600	114.2%
Waste & Recycling Charges	25,951	25,834	117	0.5%	25,959	25,963	4	25,847	0.4%
Grants (Operating & Capital)	12,874	11,391	1,484	13.0%	26,449	26,591	142	27,074	(1.8%)
Interest Received	1,553	608	945	155.3%	1,670	1,837	168	1,043	76.1%
User Fees	14,750	13,679	1,070	7.8%	25,557	25,408	(149)	24,482	3.8%
Statutory Fees & Fines	5,133	5,793	(660)	(11.4%)	9,291	9,180	(111)	9,637	(4.7%)
Contributions (Monetary)	2,430	2,333	97	4.2%	4,061	4,030	(31)	4,000	0.8%
Other Income	882	742	140	18.9%	1,841	1,864	24	1,886	(1.2%)
<b>Total Income from Ordinary Activities</b>	<b>173,900</b>	<b>170,153</b>	<b>3,746</b>	<b>2.20%</b>	<b>205,451</b>	<b>205,646</b>	<b>195</b>	<b>203,992</b>	<b>0.8%</b>
<b>Expenses from Ordinary Activities</b>									
Employee Costs	54,895	55,953	1,058	1.9%	93,235	92,968	267	93,772	0.9%
Materials & Consumables	2,864	2,870	6	0.2%	4,811	4,952	(141)	4,898	(1.1%)
Contractor Payments	26,046	27,866	1,820	6.5%	48,883	49,100	(217)	51,090	3.9%
Maintenance	3,587	4,378	792	18.1%	7,429	7,278	151	7,832	7.1%
Utility Services	2,745	3,067	322	10.5%	4,894	4,708	186	5,076	7.2%
Insurances	1,734	1,711	(23)	(1.3%)	1,783	1,773	11	1,787	0.8%
Other Expenses	3,986	3,991	5	0.1%	6,858	6,867	(10)	6,754	(1.7%)
Grants & Subsidies	1,070	1,051	(19)	(1.8%)	1,581	1,531	51	1,491	(2.6%)
Borrowing Costs	778	945	167	17.7%	1,567	1,567	(1)	1,620	3.3%
<b>Total Expenses from Ordinary Activities</b>	<b>97,704</b>	<b>101,832</b>	<b>4,129</b>	<b>4.1%</b>	<b>171,041</b>	<b>170,744</b>	<b>297</b>	<b>174,319</b>	<b>2.1%</b>
<b>Surplus/(deficit) before non operational activities</b>	<b>76,197</b>	<b>68,321</b>	<b>7,875</b>	<b>11.5%</b>	<b>34,410</b>	<b>34,902</b>	<b>492</b>	<b>29,673</b>	<b>17.6%</b>
<b>Non-operational Activities</b>									
Proceeds from Sale of Property, Infrastructure, Plant and Equipment	1,644	271	1,373	506.0%	1,740	1,725	(15)	465	270.9%
Written Down Value of Assets Sold/Disposed	704	321	(382)	0.0%	2,134	2,097	37	1,674	(25.3%)
Depreciation & Amortisation	16,042	15,997	(46)	(0.3%)	27,387	27,407	(20)	27,423	0.1%
<b>Surplus/(deficit) for the period</b>	<b>61,095</b>	<b>52,274</b>	<b>8,820</b>	<b>16.9%</b>	<b>6,629</b>	<b>7,122</b>	<b>493</b>	<b>1,041</b>	<b>584.4%</b>

## ORDINARY COUNCIL MEETING

27 FEBRUARY 2024

**Balance Sheet****for the period ending 31 January 2024**

This Statement is a snapshot of our financial position. It outlines what we own (assets) and what we owe (liabilities). Our net worth (net assets or equity) equals total assets minus total liabilities — the larger the net equity, the stronger the financial position.

	Actuals 2022-23	Annual Budget 2023-24	Annual Forecast 2023-24	Year to Date Actual 2023-24	Previous Month End Actuals
	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's
<b>Assets</b>					
<b>Current Assets</b>					
Cash and Cash Equivalents	61,331	37,101	52,098	54,142	60,101
Trade and Other Receivables	21,907	19,222	21,907	81,526	89,234
Other Assets	3,006	1,900	3,006	1,835	1,865
<b>Total Current Assets</b>	<b>86,244</b>	<b>58,223</b>	<b>77,011</b>	<b>137,503</b>	<b>151,200</b>
<b>Non-Current Assets</b>					
Property, Infrastructure, Plant and Equipment	2,792,520	2,840,699	2,842,455	2,807,796	2,806,319
Right-of-use-assets	2,208	901	901	2,208	2,208
Intangible Assets	1,725	1,383	1,725	1,258	1,100
Investments in Joint Operations	272	136	272	272	272
Other Financial Assets	5	5	5	5	5
<b>Total Non-Current Assets</b>	<b>2,796,730</b>	<b>2,843,125</b>	<b>2,845,358</b>	<b>2,811,539</b>	<b>2,809,905</b>
<b>TOTAL ASSETS</b>	<b>2,882,974</b>	<b>2,901,348</b>	<b>2,922,369</b>	<b>2,949,042</b>	<b>2,961,105</b>
<b>Liabilities</b>					
<b>Current Liabilities</b>					
Trade and Other Payables	25,256	18,401	25,801	15,245	17,343
Trust Funds and Deposits	21,088	21,692	21,088	30,924	30,562
Unearned Income	4,340	4,734	4,340	-	-
Provisions	15,160	15,773	15,160	14,707	15,000
Interest-Bearing Liabilities	2,728	3,218	2,718	3,434	3,442
Lease Liabilities	878	368	368	878	878
<b>Total Current Liabilities</b>	<b>69,450</b>	<b>64,185</b>	<b>69,475</b>	<b>65,188</b>	<b>67,226</b>
<b>Non-Current Liabilities</b>					
Provisions	1,003	974	1,003	1,102	1,072
Interest-Bearing Liabilities	27,326	58,624	58,624	36,431	36,588
Lease Liabilities	1,677	626	626	1,677	1,677
Other Liabilities - Joint Operations	4,370	3,755	4,370	4,800	4,800
<b>Total Non-Current Liabilities</b>	<b>34,376</b>	<b>63,979</b>	<b>64,623</b>	<b>44,009</b>	<b>44,136</b>
<b>Total Liabilities</b>	<b>103,826</b>	<b>128,164</b>	<b>134,098</b>	<b>109,197</b>	<b>111,362</b>
<b>Net Assets</b>	<b>2,779,150</b>	<b>2,773,183</b>	<b>2,788,271</b>	<b>2,839,844</b>	<b>2,849,743</b>
<b>Equity</b>					
Accumulated Surplus	1,003,682	1,000,746	1,010,804	1,061,914	1,072,241
Asset Revaluation Reserve	1,756,508	1,756,508	1,756,508	1,756,541	1,756,541
Public Open Space Reserve	18,959	15,929	20,959	21,390	20,961
<b>Total Equity</b>	<b>2,779,150</b>	<b>2,773,183</b>	<b>2,788,271</b>	<b>2,839,844</b>	<b>2,849,743</b>

**Capital Works Program**  
*for the period ending 31 January 2024*

This represents our portfolio of capital projects that have been adopted and formally approved by Council in June as part of the 2023-24 budget process. These projects involve the planning and construction of new assets, renewal, upgrade and expansions for existing infrastructure, plant and equipment and property assets. Included in the program are strategic projects, transformation and technology projects, roadworks, footpaths and drainage, upgrades of open space and recreational areas and community facilities.

Positive variance movements relate to savings in capital expenditure. Negative figures (in brackets) relate to an increase to the current year’s budget allocation.

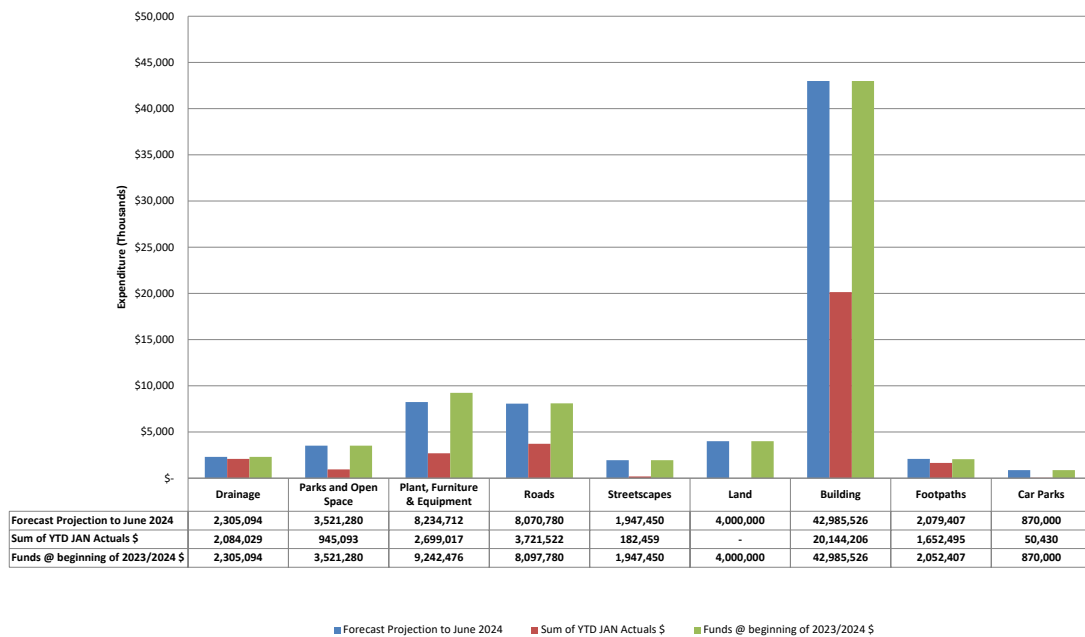
As at the end of January 2024, total capital works expenditure forecast for 2023-24 is expected to be \$74.01m, represented by:

- New capital works projects as per the adopted 2023-24 Budget \$63.45m
- Carry forward projects from 2022-23 \$11.57m
- Movement of projects from Capital Works to Operating Budget (\$367k)
- Project savings in the Transformation & Technology programs (\$640k).

**Capital Works Performance Graphs**

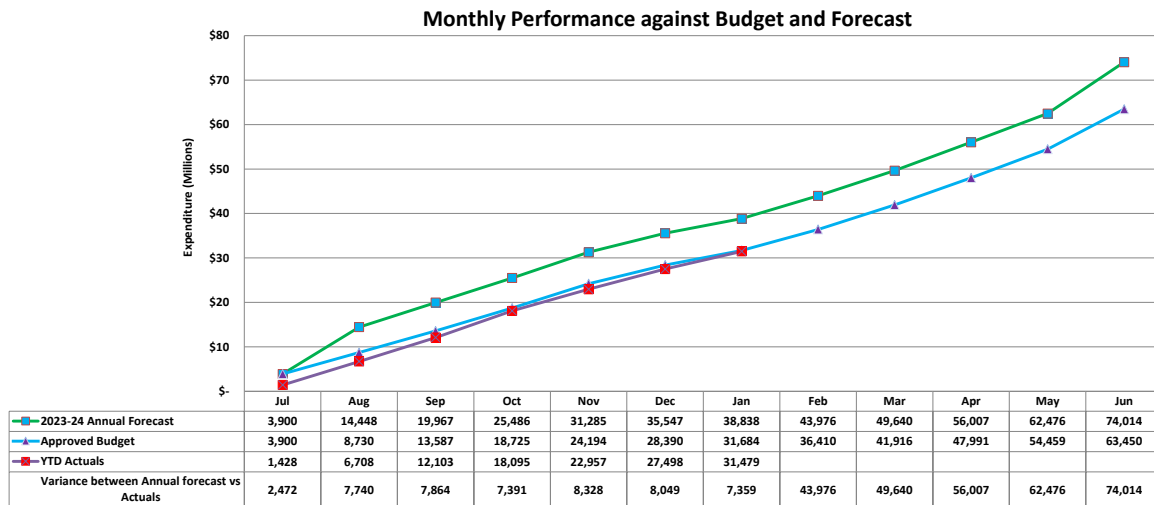
The below graphs reflect the 2023-24 budget allocations for the main asset category and performance against budget and forecast.

Capital Spend by Asset Category



ORDINARY COUNCIL MEETING

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Council’s capital expenditure is behind forecast by \$7.36m as of January 2024 mainly due to the timing of the progress payments for the Carnegie Memorial Swimming Pool \$4.4m, Transformation and Technology programs \$737k, Community Facilities projects \$715k, Transport Planning \$436k and Strategic Projects including new Local Area Traffic Management \$259k.



## ORDINARY COUNCIL MEETING

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<b>Capital Works Program Expenditure for period ending 31 January 2024</b>								
Description	2023-24 Adopted Capital Budget	2023-24 Carry Forwards from 2022-23	2023-24 Budget Plus Carry Forwards	2023-24 Adjustments	2023-24 Annual Forecast	2023-24 Year To Date Actual Expenditure	2023-24 Year To Date Forecast	2023-24 Year To Date Variance
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<b>STRATEGIC PROJECTS</b>								
CYCLING ACTION PLAN	250,000	-	250,000	-	250,000	95,181	110,000	(14,819)
ELSTERNWICK SOUTH NEW LATMs	-	499,000	499,000	(150,000)	349,000	6,155	349,000	(342,845)
SHOPPING/ACTIVITY CENTRE IMPROVMENTS	423,694	53,769	477,463	-	477,463	(19,453)	83,769	(103,222)
STRUCTURE PLAN - BENTLEIGH	-	1,469,987	1,469,987	-	1,469,987	178,512	-	178,512
STRUCTURE PLAN - ELSTERNWICK	-	-	-	-	-	23,400	-	23,400
<b>TOTAL STRATEGIC PROJECTS</b>	<b>673,694</b>	<b>2,022,756</b>	<b>2,696,450</b>	<b>(150,000)</b>	<b>2,546,450</b>	<b>283,795</b>	<b>542,769</b>	<b>(258,974)</b>
<b>TRANSFORMATION &amp; TECHNOLOGY</b>								
INNOVATION & CONTINUOUS IMPROVEMENTS	422,000	473,351	895,351	(773,351)	122,000	-	49,500	(49,500)
INFORMATION SYSTEMS	1,915,000	854,585	2,769,585	(234,413)	2,535,172	282,638	914,866	(632,228)
RESIDENTIAL AGED CARE MINOR IMPROVEMENTS	-	65,000	65,000	-	65,000	9,584	65,000	(55,416)
<b>TOTAL TRANSFORMATION &amp; TECHNOLOGY</b>	<b>2,337,000</b>	<b>1,392,936</b>	<b>3,729,936</b>	<b>(1,007,764)</b>	<b>2,722,172</b>	<b>292,222</b>	<b>1,029,366</b>	<b>(737,144)</b>
<b>RECREATION AND OPENSACE</b>								
OPEN SPACE STRATEGY INITIATIVES	4,820,000	57,795	4,877,795	-	4,877,795	55,749	252,795	(197,046)
RECREATION - CAPITAL WORKS	655,000	236,306	891,306	-	891,306	271,907	315,310	(43,403)
BIN ENCLOSURE IN PARKS	-	4,634	4,634	-	4,634	6,660	4,634	2,026
PUBLIC TOILETS	-	21,770	21,770	35,000	56,770	54,976	56,770	(1,794)
<b>TOTAL RECREATION AND OPENSACE</b>	<b>5,475,000</b>	<b>320,505</b>	<b>5,795,505</b>	<b>35,000</b>	<b>5,830,505</b>	<b>389,291</b>	<b>629,509</b>	<b>(240,217)</b>
<b>COMMUNITY FACILITIES</b>								
BUILDING IMPROVEMENTS	442,000	-	442,000	-	442,000	43,865	442,000	(398,135)
PARK PAVILION UPGRADE	50,000	440,154	490,154	-	490,154	125,311	442,554	(317,243)
STRUCTURE PLAN - BENTLEIGH	-	50,000	50,000	-	50,000	17,911	15,350	2,561
OPEN SPACE STRATEGY INITIATIVES	-	467,085	467,085	-	467,085	54,397	54,397	0
CARNEGIE MEMORIAL SWIMMING POOL	39,000,000	862,322	39,862,322	-	39,862,322	19,327,122	23,762,322	(4,435,200)
<b>TOTAL COMMUNITY FACILITIES</b>	<b>39,492,000</b>	<b>1,819,561</b>	<b>41,311,561</b>	<b>-</b>	<b>41,311,561</b>	<b>19,568,606</b>	<b>24,716,623</b>	<b>(5,148,017)</b>
<b>SUSTAINABILITY</b>								
SUSTAINABILITY INITIATIVES	300,000	-	300,000	-	300,000	-	-	-
SOLAR POWER PANEL	303,000	-	303,000	-	303,000	220,778	237,425	(16,647)
WASTE - CAPITAL PURCHASES	250,000	-	250,000	-	250,000	-	145,831	(145,831)
OPEN SPACE STRATEGY INITIATIVES	350,000	197,266	547,266	-	547,266	252,008	243,853	8,155
<b>TOTAL SUSTAINABILITY</b>	<b>1,203,000</b>	<b>197,266</b>	<b>1,400,266</b>	<b>-</b>	<b>1,400,266</b>	<b>472,786</b>	<b>627,109</b>	<b>(154,323)</b>
<b>COMMUNITY SAFETY</b>								
TRANSPORT PLANNING	500,000	408,251	908,251	150,000	1,058,248	82,325	518,345	(436,020)
LOCAL AREA TRAFFIC MANAGEMENT	61,320	-	61,320	-	61,320	-	-	-
<b>TOTAL COMMUNITY SAFETY</b>	<b>561,320</b>	<b>408,251</b>	<b>969,571</b>	<b>150,000</b>	<b>1,119,568</b>	<b>82,325</b>	<b>518,345</b>	<b>(436,020)</b>

ORDINARY COUNCIL MEETING

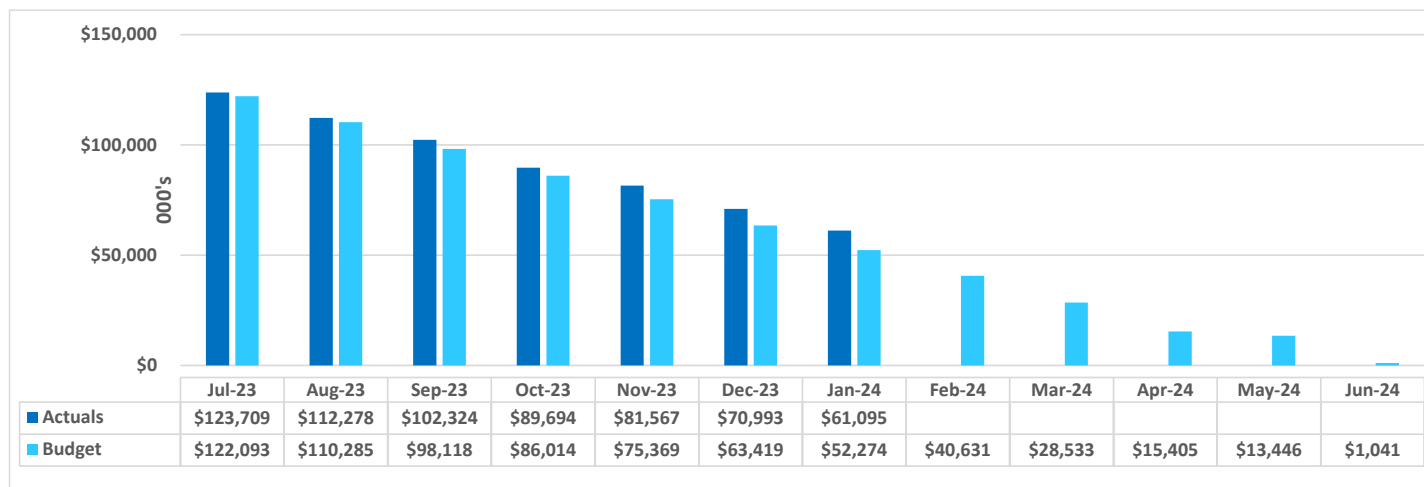
27 FEBRUARY 2024

**Capital Works Program Expenditure**  
*for period ending 31 January 2024 (continued)*

Description	2023-24 Adopted Capital Budget	2023-24 Carry Forwards from 2022-23	2023-24 Budget Plus Carry Forwards	2023-24 Adjustments	2023-24 Annual Forecast	2023-24 Year To Date Actual Expenditure	2023-24 Year To Date Forecast	2023-24 Year To Date Variance
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<b>RENEWALS</b>								
FURNITURE AND FITTINGS	-	59,302	59,302	-	59,302	63,636	59,302	4,334
INFORMATION SYSTEMS	1,065,000	289,000	1,354,000	-	1,354,000	233,560	910,250	(676,690)
VEHICLE REPLACEMENT	1,100,000	1,000,000	2,100,000	-	2,100,000	1,032,527	1,641,669	(609,142)
FIRE COMPONENT RENEWAL	200,000	-	200,000	-	200,000	12,141	13,355	(1,214)
ELECTRICAL COMPONENT RENEWAL	30,000	-	30,000	-	30,000	-	-	-
BUILDING IMPROVEMENTS	706,800	-	706,800	-	706,799	208,366	353,234	(144,868)
FLOOR COVERINGS	130,000	-	130,000	-	130,000	46,254	50,879	(4,625)
ROOF REPLACEMENT PROGRAM	50,000	-	50,000	-	50,000	28,657	31,523	(2,866)
STRUCTURAL RENEWALS	200,000	-	200,000	-	200,000	87,649	96,413	(8,765)
SHOPPING/ACTIVITY CENTRE IMPROVM	-	57,764	57,764	130,000	187,764	67,068	187,764	(120,696)
SECURITY ENHANCEMENTS	80,000	-	80,000	-	80,000	18,633	20,496	(1,863)
LIBRARY BOOKS	946,888	-	946,888	-	946,888	664,636	623,267	41,369
FOOTPATH PROGRAM	1,924,740	-	1,924,740	(130,000)	1,794,740	1,552,056	1,557,450	(5,394)
KERB & CHANNEL REPLACEMENT PROGRAM	216,487	-	216,487	-	216,487	84,267	129,894	(45,627)
ROAD REHABILITATION-CAPITAL	488,000	2,558,963	3,046,963	-	3,046,963	1,794,971	2,024,400	(229,429)
DRAINAGE IMPROVEMENTS	1,100,000	1,205,094	2,305,094	-	2,305,094	2,084,029	1,205,094	878,935
GLENWORKS CAPITAL	1,615,336	-	1,615,336	-	1,615,336	1,410,529	807,668	602,861
RIGHT OF WAY IMPROVEMENTS	677,280	134,546	811,826	-	811,826	127,062	224,546	(97,484)
LOCAL AREA TRAFFIC MANAGEMENT	210,000	76,500	286,500	-	286,500	186,353	96,500	89,853
CAR PARKS	830,000	-	830,000	-	830,000	18,480	30,000	(11,520)
ROADS TO RECOVERY	512,000	-	512,000	-	512,000	-	-	-
RECREATION - CAPITAL WORKS	200,000	30,000	230,000	(35,000)	195,000	22,720	55,000	(32,280)
AQUATIC CENTRE REDEVELOPMENT	672,350	-	672,350	-	672,350	318,302	345,000	(26,698)
PARKS MINOR CAPITAL WORKS	431,424	-	431,424	-	431,424	226,677	179,832	46,845
SHADE STRUCTURES	50,000	-	50,000	-	50,000	-	25,000	(25,000)
FITTINGS/FINISHES COMPONENT	101,250	-	101,250	-	101,250	75,720	83,291	(7,572)
RESIDENTIAL AGED CARE MINOR IMPROVEMENTS	170,000	-	170,000	-	170,000	25,934	22,668	3,266
<b>TOTAL RENEWALS</b>	<b>13,707,555</b>	<b>5,411,169</b>	<b>19,118,724</b>	<b>(35,000)</b>	<b>19,083,723</b>	<b>10,390,226</b>	<b>10,774,496</b>	<b>(384,270)</b>
<b>TOTAL CAPITAL WORKS EXPENDITURE</b>	<b>63,449,569</b>	<b>11,572,444</b>	<b>75,022,013</b>	<b>(1,007,764)</b>	<b>74,014,245</b>	<b>31,479,252</b>	<b>38,838,217</b>	<b>(7,358,965)</b>

Performance Graphs

**Financial Performance**  
*for the period ending 31 January 2024*



The January 2024 year to date financial performance was \$8.82m higher than the year-to-date budget mainly due to:

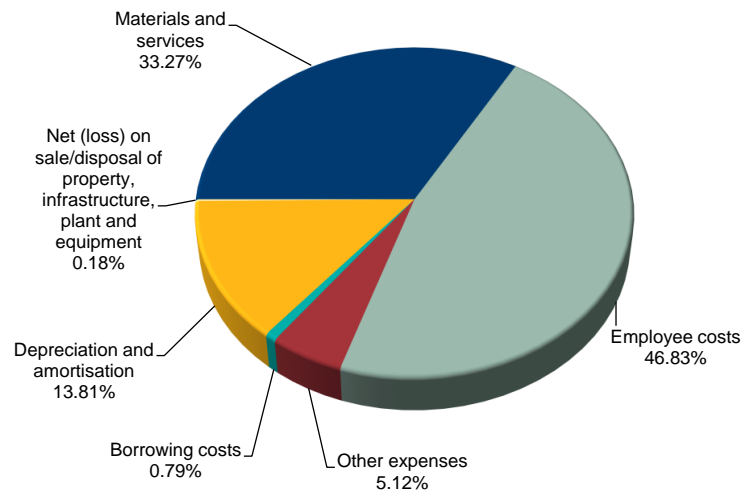
- Better than anticipated income received for Grants \$1.48m, User Fees \$1.07m, Interest Received \$945k and Supplementary Rates \$685k. These are slightly offset by a decrease in Statutory Fees and Fines \$660k and General Rates \$132k.
- Favourable variances in expenditure items including Contractor Payments \$1.82m, Employee Costs \$1.06m, Maintenance \$792k, Utilities \$322k and Borrowing Costs \$167k.

ORDINARY COUNCIL MEETING

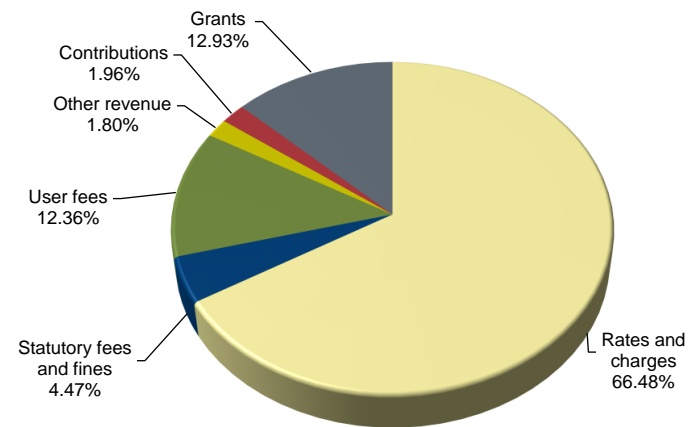
27 FEBRUARY 2024

**Financial Performance  
for the period ending 31 January 2024**

**2023-24 Forecast categories of expenditure**



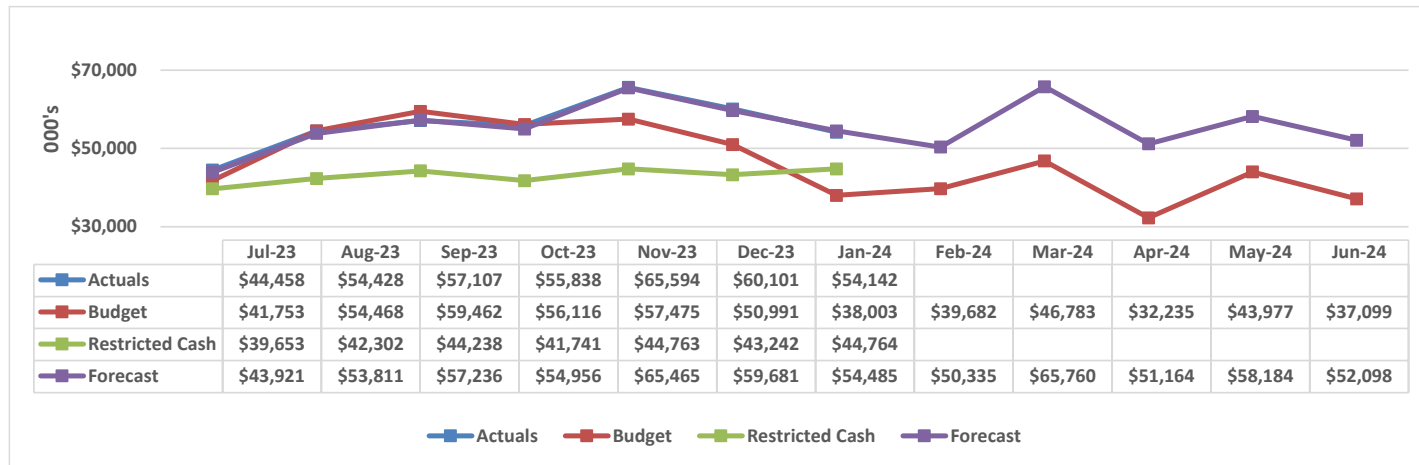
**2023-24 Forecast sources of income**



ORDINARY COUNCIL MEETING

27 FEBRUARY 2024

**Cash and Investments  
for the period ending 31 January 2024**



- **Cash Balance** – Council’s year to date cash balance of \$54.14m is below budget for the current month. Council’s forecast position to June 2024 of \$52.10m has been adjusted to reflect the movements in Council’s Income Statement and Capital Works Program forecast adjustments.
- **Restricted Cash** – Council has cash assets that are subject to restrictions. Restricted funds as at 31 January 2024 in total is \$44.76m, this includes: residential aged care deposits of \$15.35m, trust funds and deposits of \$6.94m (including asset protection permits), open space reserve of \$21.39m and fire services property levy of \$1.09m. Noting that the open space (\$21.39m) is not held in cash reserve.
- **Return on Investments** – Council has achieved an average return on investments of 4.35% for the month of January 2024.

## ORDINARY COUNCIL MEETING

27 FEBRUARY 2024

**Rates Income and Debtors**  
*for the period ending 31 January 2024*

**Rate Income** – is an important source of revenue, accounting for approximately 56 per cent of the total revenue received by Council annually.

**Rate Capping** – The Victorian Government's *Fair Go Rates System* (FGRS) limits the maximum increase in Councils' average rates. The amount is calculated by dividing total revenue from general rates by the total number of rateable properties in the municipality.

Each year the Minister for Local Government sets the average rate cap increase for Councils.

The cap for 2023-24 was set at forecast CPI of 3.5% (1.75% for 2022-23).

**Rate Payments** – Rates are paid in four instalments during the year: February, May, September and November. Council's cash flow is impacted by the timing of rate payments. The following table reflects the rate debtors balance as at 31 January 2024.

Rate Debtors	2023-2024 Year to date
	\$'000
Arrears Brought Forward	15,087
Credits Brought Forward	(1,326)
2023-24 Rates & Garbage Generated	134,660
2023-24 Fire Services Property Levy	15,297
<b>Total Rates &amp; Charges</b>	<b>163,718</b>
<b>Payments/Adjustments:</b>	
Glen Eira Pension Rebate	(107)
State Government Rebate	(1,589)
Fire Services Property Levy Rebate	(317)
Receipts	(88,258)
Interest	309
Supplementary Valuations	1,832
Adjustments	(230)
<b>Total Payments/Adjustments</b>	<b>(88,360)</b>
<b>Rates &amp; Charges Balance at Month End</b>	<b>75,358</b>

## ORDINARY COUNCIL MEETING

27 FEBRUARY 2024

**Financial Strategy**

Each year, the Auditor-General of Victoria performs an audit of the Local Government sector and produces a report to Parliament of the results of those audits. As part of this process, the Auditor-General assesses the financial sustainability of Councils. In 2021-22 the Auditor-General assessed the financial sustainability risk at an individual Council level. The following pages explain and present the Auditor-General's financial sustainability risks and criteria and page 18 provides indicators for Glen Eira City Council.

**Financial sustainability risk indicator**

Indicator	Formula	Description
Net result margin (%)	Net result/Total revenue	<p>A positive result indicates a surplus, and the larger the percentage, the stronger the result.</p> <p>A negative result indicates a deficit. Operating deficits cannot be sustained in the long term.</p> <p>The net result and total revenue are obtained from the comprehensive operating statement.</p>
Adjusted underlying result (%)	Adjusted underlying surplus (or deficit)/ Adjusted underlying revenue	<p>This measures an entity's ability to generate surplus in the ordinary course of business—excluding non-recurrent capital grants, non-monetary asset contributions, and other contributions to fund capital expenditure from net result.</p> <p>A surplus or increasing surplus suggests an improvement in the operating position.</p>
Liquidity (ratio)	Current assets/ Current liabilities	<p>This measures the ability to pay existing liabilities in the next 12 months.</p> <p>A ratio of one or more means that there are more cash and liquid assets than short-term liabilities.</p>
Internal financing (%)	Net operating cashflow/Net capital expenditure	<p>This measures the ability of an entity to finance capital works from generated cashflow.</p> <p>The higher the percentage, the greater the ability for the entity to finance capital works from their own funds.</p> <p>Net operating cashflows and net capital expenditure are obtained from the cashflow statement.</p> <p>Note: The internal financing ratio cannot be less than zero. Where a calculation has produced a negative result, this has been rounded up to 0 per cent.</p>
Indebtedness (%)	Non-current liabilities/Own-sourced revenue	<p>This assesses an entity's ability to pay the principal and interest on borrowings, as and when they fall due, from the funds it generates.</p> <p>The lower the ratio, the less revenue the entity is required to use to repay its total debt.</p> <p>Own-sourced revenue is used, rather than total revenue, because it does not include grants or contributions.</p>
Capital replacement (ratio)	Cash outflows for the addition of new infrastructure, property, plant and equipment/ Depreciation	<p>Comparison of the rate of spending on new infrastructure, property, plant and equipment with its depreciation. Ratios higher than 1:1 indicate that spending is faster than the depreciating rate.</p> <p>This is a long-term indicator, as capital expenditure can be deferred in the short term if there are insufficient funds available from operations and borrowing is not an option. Cash outflows for infrastructure are taken from the cashflow statement. Depreciation is taken from the comprehensive operating statement.</p>
Renewal gap (ratio)	Renewal and upgrade expenditure/Depreciation	<p>This compares the rate of spending on existing assets through renewing, restoring, and replacing existing assets with depreciation.</p> <p>Ratios higher than 1.0 indicate that spending on existing assets is faster than the depreciation rate.</p>

**Financial Strategy (continued)**

**Financial sustainability risk assessment criteria**

The financial sustainability risk of each local council is assessed using the criteria outlined below:

Risk	Net result	Adjusted underlying result	Liquidity	Internal financing	Indebtedness	Capital replacement	Renewal gap
<b>High</b>	Less than negative 10% Insufficient revenue is being generated to fund operations and asset renewal.	Less than 0% Insufficient surplus being generated to fund operations	Less than 0.75 Immediate sustainability issues with insufficient current assets to cover liabilities.	Less than 75% Limited cash generated from operations to fund new assets and asset renewal.	More than 60% Potentially long-term concern over ability to repay debt levels from own-source revenue.	Less than 1.0 Spending on capital works has not kept pace with consumption of assets.	Less than 0.5 Spending on existing assets has not kept pace with consumption of these assets.
<b>Medium</b>	Negative 10%–0% A risk of long-term run down to cash reserves and inability to fund asset renewals.	0%–5% Surplus being generated to fund operations	0.75–1.0 Need for caution with cashflow, as issues could arise with meeting obligations as they fall due.	75–100% May not be generating sufficient cash from operations to fund new assets.	40–60% Some concern over the ability to repay debt from own-source revenue.	1.0–1.5 May indicate spending on asset renewal is insufficient.	0.5–1.0 May indicate insufficient spending on renewal of existing assets.
<b>Low</b>	More than 0% Generating surpluses consistently.	More than 5% Generating strong surpluses to fund operations	More than 1.0 No immediate issues with repaying short-term liabilities as they fall due.	More than 100% Generating enough cash from operations to fund new assets.	40% or less No concern over the ability to repay debt from own-source revenue.	More than 1.5 Low risk of insufficient spending on asset renewal.	More than 1.0 Low risk of insufficient spending on asset base.

Source: VAGO.



## ORDINARY COUNCIL MEETING

27 FEBRUARY 2024

## Financial Strategy (continued)

## Monthly Report Relative to Financial Strategy

Financial Sustainability Risk Indicators	Objective	Audited 2022-2023 Actuals	Audited Risk 2022-2023	2023-2024 Annual Budget as at 30 June 2024	2023-2024 Annual Forecast as at 30 June 2024	2023-2024 Risk based on Annual Forecast as at 30 June 2024	Comment
(1) Net Result	To generate surpluses consistently greater than 0%.	7.73%	Low	0.51%	3.46%	Low	Council is generating surpluses.
(2) Underlying Result (%)	Ability to generate surplus in the ordinary course of business, excluding non-recurrent capital grants and non-monetary asset contributions to fund capital expenditure from net result. Low risk indicator to be more than 5%.	6%	Low	-3.85%	-0.73%	High	Council anticipates a low underlying result during 2023-24.
(3) Liquidity	To measure Council's ability to repay short-term liabilities as they fall due. Low risk - indicator is to be greater than 1.0.	1.24	Low	0.91	1.11	Low	Council's forecast to 30 June 2024 indicates a Liquidity Ratio above 1.0.
(4) Internal Financing	Generating enough cash from operations to fund new assets. Low risk indicator is to be greater than 100%.	89%	Medium	39%	47%	High	Council is restricted in generating cash to fund new assets.
(5) Indebtedness	Lower than 40% relates to the ability to repay debt from own-source revenue.	20.86%	Low	37.00%	36.92%	Low	Council is operating at a ratio of lower than 40%, therefore has the ability to repay debt from own-source revenue.
(6) Capital Replacement	To ascertain the level of risk of insufficient spending on asset renewal. Low risk indicator is to be more than 1.5.	1.88	Low	3.11	2.70	Low	Council operates at a low level of risk with respect to capital replacement.
(7) Renewal Gap	To ensure there is sufficient spending on Council's asset base. Low risk indicator is to be greater than 1.0.	1.67	Low	2.70	2.70	Low	Council spends sufficient funds on its asset base.

## 8.5 QUARTERLY SERVICE PERFORMANCE REPORT (OCT - DEC 2023)

**Author:** Caitlin Ngo, Corporate Performance Officer

**Director:** Niall McDonagh, Acting Director Customer and Corporate Affairs

**Trim No:** 24/131876

**Attachments:** 1. [Quarterly Service Performance Report Q2 2023-24](#) [↓](#)  
2. [Strategic Indicators mid-year report 2023-24](#) [↓](#)

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### EXECUTIVE SUMMARY

This *Quarterly Service Performance Report* provides Council and Glen Eira residents with information about Council's performance for the period between 1 October to 30 December 2023.

This report includes information about how Council is progressing on the strategic initiatives outlined in the *Council Plan 2021–2025* and provides an overview of Council's achievements in delivering the priorities and projects in the *Annual Action Plan 2023–2024*.

### RECOMMENDATION

That Council notes the *Quarterly Service Performance Report* (attachment 1) and the *Strategic Indicator mid-year report* (attachment 2) for the period ending 31 December 2023.

### BACKGROUND

The *Quarterly Service Performance Report* is provided to Council each quarter and published via Council's website to help inform the community on Council's progress against its commitments. This report relates to the period from 1 October to 31 December 2023 and reflects the priorities and projects outlined in the *Council Plan 2021–2025* which was adopted following extensive engagement with the Glen Eira community.

### ISSUES AND DISCUSSION

We have completed eight out of the 13 actions that were not completed in our *2022–2023 Action Plan*. We aim to complete the remaining five actions by 30 June 2024, and will report on the progress of these actions until they are completed.

This quarter we concluded and reported on one of our most significant communication and community engagement programs, *Our Priorities, Our Future*. We asked community which services and infrastructure are priorities for them, and how we can pay for what we value most, to inform future decision making in 2024 and beyond.

During the two-month campaign, we received 1,755 community survey responses and had more than 2,300 in-person conversations. This campaign had a strong focus on harder-to-reach cohorts, reaching hundreds of young people, older people, people with disability and culturally and linguistically diverse people. We also received nine highly informed recommendations from our 35-member Community Priorities Panel.

Some of the other highlights this quarter include:

- delivering the Seniors Festival which featured 54 activities offering a range of healthy ageing, social wellbeing and lifelong learning opportunities, attracting more than 4,000 participants;

- updating our *Nature Strip Planting Guidelines* – giving more flexibility for residents to plant on their nature strips with indigenous plant species and supporting pollinator corridors across Glen Eira;
- celebrating Caulfield Library's 30th birthday with the community;
- continuing to advocate on behalf of our City, which so far this financial year has contributed to five policy reforms from the Victorian Government.
- opening the Boyd Park public toilet;
- maintenance works to improve the condition of our Caulfield Park path and track network; and
- installed a SmartCaller system at Warrawee Residential Aged Care to improve our response times to residents requiring assistance.

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

The *Quarterly Service Performance Report* provides the community with insights into how Council is progressing with initiatives and strategies that respond to the climate emergency, work towards emissions reduction targets, and increase awareness of sustainability issues.

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

The *Quarterly Service Performance Report* provides a financial and operational view of Council's performance. The inclusion of additional statistical information complements monthly financial reporting and provides richer insight into the diverse range of activities undertaken by Council. Regular reporting also provides information about areas where productivity or efficiency gains have been made, along with identifying trends that will assist decision making and resource allocation.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

The *Quarterly Service Performance Report* ensures compliance with statutory requirements legislated under the:

- *Glen Eira Council Plan 2021–2025*
- *Glen Eira Council Integrated Planning and Reporting Framework*
- *Local Government Act 2020*
- Victoria Auditor-General's Office (VAGO); and
- Service specific quality and assessment standards.

### **COMMUNICATION AND ENGAGEMENT**

The *Quarterly Service Performance Report* has been developed in consultation with the Community Engagement Advisory Committee and Councillors to provide consistent and transparent information on Council's commitments to its community. Once endorsed by Council, the final report will be published on Council's Website.

### **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 conflict of interest in this matter.

**CONCLUSION**

Glen Eira City Council's *Quarterly Service Performance Report* aims to respond to community's expectation of having reasonable access to clear and transparent information about Council's progress against key priorities and programs.



GLEN EIRA  
CITY COUNCIL

# QUARTERLY SERVICE PERFORMANCE REPORT

QUARTER ENDING DECEMBER 2023



- BENTLEIGH
- BENTLEIGH EAST
- BRIGHTON EAST
- CARNEGIE
- CAULFIELD
- ELSTERNWICK
- GARDENVALE
- GLEN HUNTLY
- MCKINNON
- MURRUMBENA
- ORMOND
- ST KILDA EAST

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## ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

Council honours the rich histories and cultures of First Nations peoples and recognises and values the important contribution of Aboriginal and Torres Strait Islander peoples in enriching our community.

We support the Uluru Statement from the Heart and are committed to a *Reconciliation Action Plan* which is underpinned by the principles of self-determination. We work towards improved outcomes and long-term generational change, and to consolidate Glen Eira as a culturally safe place for Aboriginal and Torres Strait Islander peoples. We are committed to achieving equality for Aboriginal and Torres Strait Islander people to live healthy and prosperous lives and to improve life outcomes for current and future generations.

Glen Eira resides on country that always was, and always will be, Aboriginal land.

# CHIEF EXECUTIVE OFFICER OVERVIEW



Welcome to our second *Quarterly Service Performance Report* for our [Council Plan Action Plan 2023–2024](#).

This quarter we concluded and reported on one of our most significant community engagement programs, *Our Priorities, Our Future*. We asked community which services and infrastructure are priorities for them, and how we can pay for what we value most, to inform future decision making in 2024 and beyond.

During the two-month campaign, we received 1,755 community survey responses and had more than 2,300 in-person conversations. This campaign had a strong focus on harder-to-reach cohorts, reaching hundreds of young people, older people, people with disability and culturally and linguistically diverse people. We also received nine highly informed recommendations from our 35-member Community Priorities Panel. You can read more about our engagement activities [below](#).

Some of the other highlights this quarter include:

- > delivering the Seniors Festival which featured 54 activities offering a range of healthy ageing, social wellbeing and lifelong learning opportunities, attracting more than 4,000 participants;
- > updating our *Nature Strip Planting Guidelines* – giving more flexibility for residents to plant on their nature strips with indigenous plant species and supporting pollinator corridors across Glen Eira;
- > celebrating Caulfield Library's 30th birthday with the community; and
- > continuing to advocate on behalf of our City, which so far this financial year has contributed to five policy reforms from the Victorian Government.

As always, I welcome any feedback and ideas for how we can improve the information we provide so if you have suggestions, please get in touch at <https://www.gleneira.vic.gov.au/contact-us>

Regards,  
Rebecca McKenzie  
**Chief Executive Officer**



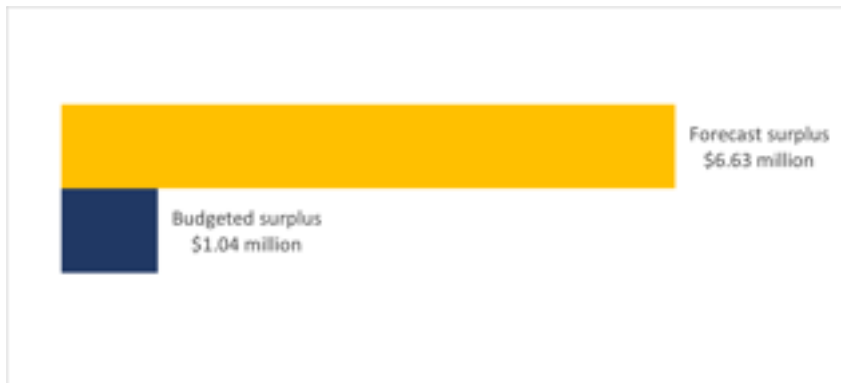
## FINANCIAL OVERVIEW

At the end of December Council’s financial position presented a better than budget operating and cash position. In the second quarter, our operating performance continued to show a positive result where the operating revenue is higher than expected compared with budget.

The financial performance against budget showed a favourable variance of \$7.57 million. This includes higher than budgeted income of \$4.41 million; mainly from sale of assets / property of \$1.28 million, increase in income from grants of \$0.98 million, GESAC membership fees of \$0.63 million, \$0.79 million of interest revenue and \$0.69 million in supplementary rates income and favourable expenditure variances \$3.16 million under budget. Some of the favourable variances (particularly the expenditure) is due to the timing of expenditure between scheduling of budgets and timing of actual results. The next few months should reflect whether these variances translate to savings for the 2023-24 financial year.

The forecast result anticipated for the financial year is a surplus of \$6.63 million compared with the adopted 2023-24 Budget surplus of \$1.04 million. This is mainly from sale of asset / property \$1.28 million, supplementary rate and interest income of \$1.23 million and identified savings in expenditure of \$2.85 million, mainly from savings in contractor payments and employee costs.

Council’s forecast liquidity ratio, a measurement of our financial strength, is 1.09 against our budget of 0.91. This means for every \$1 of current liability, Council has \$1.09 in current assets to meet those commitments. The improvement against budget is mainly due to the impact of carrying forward our cash balance at year end due to receipt of Financial Assistance Grant and loan borrowings.



## FINANCIAL SUSTAINABILITY RISK INDICATORS

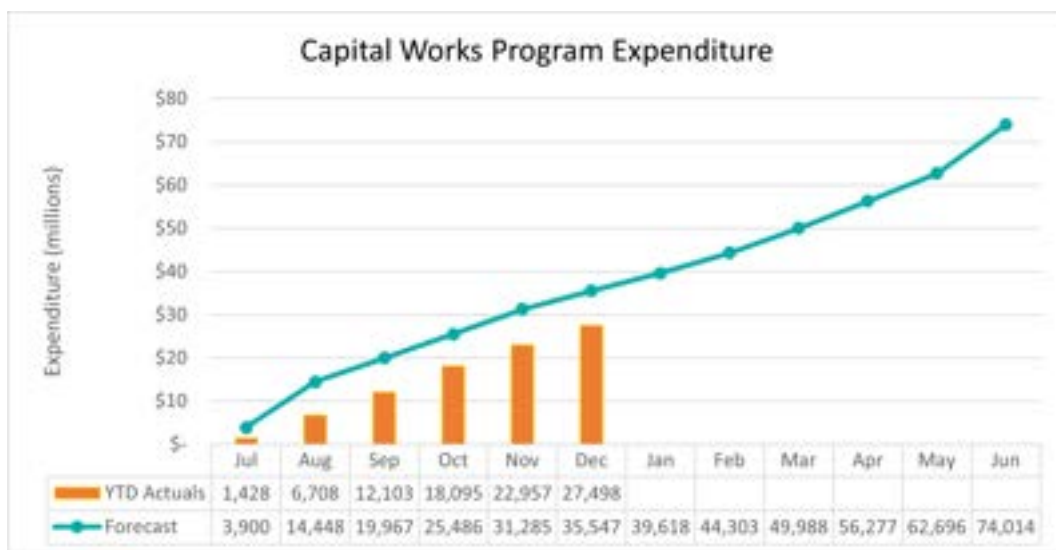
Financial Sustainability Risk Indicators	Audited 2022-2023 Actuals	Audited Risk 2022-2023	2023-2024 Annual Budget as at 30 June 2024	2023-2024 Annual Forecast as at 30 June 2024	2023-2024 Risk based on Annual Forecast as at 30 June 2024	Comments
<b>Net Result</b> To generate surpluses consistently greater than 0%.	7.73%	Low	0.51%	3.32%	Low	Council is generating surpluses.
<b>Underlying Result (%)</b> Ability to generate surplus in the ordinary course of business, excluding non-recurrent capital grants and non-monetary asset contributions to fund capital expenditure from net result. Low risk indicator to be more than 5%.	6.00%	Low	-3.85%	0.98%	High	Council anticipates a low underlying result for 2023–24.
<b>Liquidity</b> To measure Council's ability to repay short-term liabilities as they fall due. Low risk - indicator is to be greater than 1.0.	1.24	Low	0.91	1.10	Low	Council's forecast to 30 June 2024 indicates a Liquidity Ratio above 1.0.
<b>Internal Financing</b> Generating enough cash from operations to fund new assets. Low risk indicator is to be greater than 100%.	89%	Medium	39%	46%	High	Council is restricted in generating cash to fund new assets.
<b>Indebtedness</b> Lower than 40% relates to the ability to repay debt from own-source revenue.	20.86%	Low	37.00%	36.94%	Low	Council is operating at a ratio of lower than 40 per cent, therefore has the ability to repay debt from own-source revenue.
<b>Capital Replacement</b> To ascertain the level of risk of insufficient spending on asset renewal. Low risk indicator is to be more than 1.5.	1.88	Low	3.11	2.70	Low	Council operates at a low level of risk with respect to capital replacement.
<b>Renewal Gap</b> To ensure there is sufficient spending on Council's asset base. Low risk indicator is to be greater than 1.0.	1.67	Low	2.70	2.70	Low	Council spends sufficient funds on its asset base.

# CAPITAL WORKS FINANCIAL PERFORMANCE

## STATUS OF CAPITAL WORKS PROGRAM



● Abandoned ● At Risk ● Completed ● Deferred ● On Track ● Slipped



# CAPITAL WORKS UPDATE

## PROJECTS COMPLETED THIS QUARTER:

### Caulfield Park Pathways Renewal

To improve the condition of the path and track network across Glen Eira, maintenance works were carried out at Caulfield Park to ensure that we provide a safe environment for all park users.



### Boyd Park Public Toilet Construction

Construction of the new public toilet at Boyd Park is now completed and was opened to the public in November 2023



### Warrawee Community SmartCaller system

A SmartCaller system was installed at Warrawee Residential Aged Care to improve our response times to residents requiring assistance. The system will help to ensure all calls are promptly answered increasing the safety and wellbeing of our residents.



### New equipment in Caulfield Cup Room

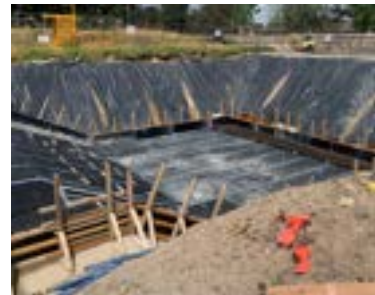
New hybrid working equipment such as new speakers, microphone and a camera have been installed in the Caulfield Cup Room at Town Hall. This will help to ensure there are a range of ways in which Council staff, Councillors and community members can participate in meetings.



## PROJECTS IN PROGRESS

### Carnegie Memorial Swimming Pool

Works are progressing well at Carnegie Memorial Swimming Pool. Both indoor pool structures and the 50 metre pool structure have been completed and water tightness testing is underway. The building floor slab and structural steel works are completed. Works on the dive pool and splash pad have commenced and will be completed in January 2024. The southern section of the car park has been excavated in preparation for the installation of underground services and civil works.



### Duncan Mackinnon Reserve Construction

As part of the Duncan Mackinnon Masterplan revision in 2017, we are constructing an internal pathway with lighting and a new stair access point to Crosbie Road. There have been slight delays in the final concrete works due to bad weather and long lead times for the light pole.

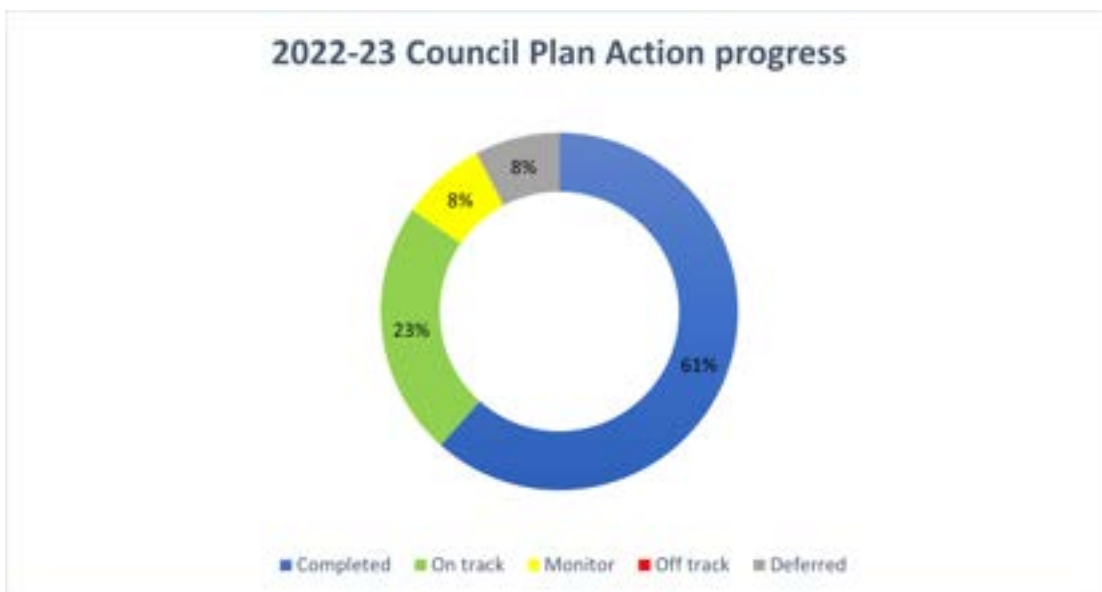


# COUNCIL PLAN ANNUAL ACTION PLAN

The [Council Plan 2021–2025](#) is Council's overarching strategic plan that describes what we will deliver over the four-year Council term in response to the [Glen Eira 2040 Community Vision](#) established by our community. Our *Council Plan* was developed in consultation with the community and sets out five strategic directions that will guide our focus and inform how we allocate resources.

This *Quarterly Service Performance Report (QSPR)* provides information about the progress of key initiatives and the actions defined in the [Council Plan Annual Action Plan 2023–2024](#).

We had 13 actions that were not completed in our 2022–2023 *Action Plan* that we will aim to complete by 30 June 2024. We will report on the progress of these actions until they are completed.





## STRATEGIC DIRECTION 1: WELL INFORMED AND TRANSPARENT DECISIONS AND HIGHLY VALUED SERVICES



**We build trust through engaging with our community, delivering quality services and making evidence-based decisions.**

### 2023–24 ANNUAL ACTIONS



Completed



On track



Off track



Deferred




Monitor

#### STRATEGIC PRIORITY

Action	Measure	Progress Updates as at 31 December 2023	Status
<b>1.1 Ensure our community engagement is accessible and transparent.</b>			
1.1.1 Implement <i>Community Engagement Strategy 2022–26</i> year two actions to improve community understanding of, and input into, Council decisions.	Minimum of 90 per cent year two actions completed.	Council has achieved a high level of success during the first two years of the <i>Community Engagement Strategy</i> . The six strategic actions outlined in the Strategy have been strongly embedded in Council's engagement processes and practices, with no outstanding actions to be delivered. We are now considering how we can continue to embed and deliver best-practice engagement with our community.	
<b>1.2 Proactively communicate with the community about changes that impact them and genuinely listen to their feedback.</b>			
1.2.1 Implement a <i>Voice of Customer Program</i> to improve how we gather and respond to customer feedback.	<i>Voice of Customer Program</i> implemented.	A roadmap and project plan has been developed. We are on track for delivery of the <i>Voice of Customer Program</i> in early 2024. This is an initiative for us to use feedback and data from our customers to improve our services and experiences.	
1.2.2 Advocate to other levels of government for endorsed policy positions and/or funding to support priorities for the Glen Eira community in 2023–24.  <i>This is a major initiative in the 2023–24 Annual Budget.</i>	<i>Glen Eira Advocacy Priorities 2023–24</i> adopted by Council.  Advocacy campaign implemented to highlight Glen Eira priorities ahead of the 2024 state and federal budgets.	Council has advocated and engaged with a number of Ministers, Ministerial staff, local Members of Parliament, other councils and peak bodies through the promotion of our <i>Priority Advocacy Projects 2023–2024</i> . Advocacy took the form of letters, meetings and communications to our community to raise awareness.	

GLEN EIRA QUARTERLY SERVICE PERFORMANCE REPORT - DECEMBER 2023



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STRATEGIC PRIORITY			
Action	Measure	Progress Updates as at 31 December 2023	Status
<b>1.3 Consider a broad base of evidence before making decisions.</b>			
1.3.1 Strengthen our Advisory Committees to support decision making that aligns to community needs and aspirations.	Six monthly evaluations to review committee operations and provide recommendations.	Council endorsed a review of the approach to Advisory Committees which resulted in a reduction of the number of committees from 13 to 10. Our next review will be conducted in February 2024 and presented to an Ordinary Council Meeting.	
1.3.2 Develop a <i>Data Strategy and Governance Framework</i> to protect and manage our data.  <i>This is a major initiative in the 2023–24 Annual Budget.</i>	<i>Data Strategy and Governance Framework</i> adopted and implementation commenced.	We are developing a two-year technology roadmap. The roadmap will guide future investments in technology and infrastructure, including the development and implementation of a data action plan.  An updated Information Governance and the <i>Workplace Technology Policy</i> and a new <i>Information Security Policy</i> were endorsed by Council on 19 December 2023.	
<b>1.4 Provide value-for-money, responsive and innovative services.</b>			
1.4.1 Deliver on the promises in our <i>Customer Service Charter</i> to ensure our service provision is empathetic, accessible, timely, simple and consistent.	Bi-annual reporting against the service levels defined in the <i>Customer Service Charter</i> .	Reporting will commence once we have implemented the new telephony system which will provide us with an end-to-end capture of customer transactions. Combining this with existing data will give us a holistic view of our interactions with customers.  Implementation of the telephony system is underway with expected go live date in the first week of April 2024.	
1.4.2 Implement Smart Cities projects in line with the <i>Implementation Plan</i> to improve the way we deliver services and programs.  <i>This is a major initiative in the 2023–24 Annual Budget.</i>	Minimum of 90 per cent year one short term actions completed.	70 per cent year one actions are completed. This quarter, we commenced the investigation of environmental sensors to monitor temperature and CO <sup>2</sup> emissions has well as a trial installation of Smart Lighting in Pawfield Park, Caulfield East.  Ongoing projects include the: — Walk Quality partnership with Swinburne University of Technology, to identify “cool spaces” in Glen Eira during heatwaves and creating local walking paths to improve the walkability of our city; and — <i>Digital Glen Eira</i> continues with 3D building models and has begun software configuration activities.	
1.4.3 Upgrade our telephony system to facilitate an improved customer experience and support our hybrid ways of working.  <i>This is a major initiative in the 2023–24 Annual Budget.</i>	Telephony system upgraded.	The project discovery phase is complete. The project build and delivery phases will commence in January 2024 and go live at the beginning of April 2024. It is anticipated the project will be completed by end June 2024.	





## GLEN EIRA QUARTERLY SERVICE PERFORMANCE REPORT - DECEMBER 2023

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STRATEGIC PRIORITY			
Action	Measure	Progress Updates as at 31 December 2023	Status
<b>1.5 Put in place robust and transparent planning to ensure our organisation is sustainable now and into the future.</b>			
1.5.1 Embed alignment between planning and budgeting processes to ensure we plan within available resources and allocate resources effectively.	Adopt <i>Annual Budget and Council Plan Annual Action Plan 2024–25</i> before 30 June 2024.	Deliberative engagement activities with the community were completed. Planning for the Labour, Capital and Operating Budgets are underway and will be assessed in early 2024 to inform the <i>Annual Budget and Council Plan Annual Action Plan 2024–25</i> .	
1.5.2 Prepare for representation review of the electoral structure of Glen Eira City Council and transition to a single Councillor Ward structure following the 2024 election.	Implementation of any changes resulting from our submission to the Minister.	Council is awaiting further communication from the Minister in relation to the outcome of the review. Work to support the 2024 election has commenced.	

## 2022–23 ANNUAL ACTIONS

STRATEGIC PRIORITY			
Action	Measure	Progress Updates as at 31 December 2023	Status
<b>1.3 Consider a broad base of evidence before making decisions.</b>			
1.3.2 Implement the year one actions from the <i>Smart Cities Implementation Plan</i> .	Minimum of 90 per cent <i>Smart Cities Roadmap Implementation Plan</i> year one actions implemented.	This project has been transferred to the <i>Council Plan Action Plan</i> for 2023–24 as item 1.4.2.	
<b>1.5 Put in place robust and transparent planning to ensure our organisation is sustainable now and into the future.</b>			
1.5.1 Develop a model to ensure Council proactively plans and reviews the services the community receive.	New <i>Service Planning Model</i> is adopted.  Two Council service plans are developed.	The development of a service catalogue listing the services we provide to the community has progressed through internal workshops. Feedback from the <i>Our Priorities, Our Future</i> community engagement will be used to create the catalogue early in 2024. This will be published on our website for the community. We will then start the development of two service plans.	

## GOVERNANCE

### Public questions to [Ordinary Council Meetings](#) – 1 October to 31 December 2023

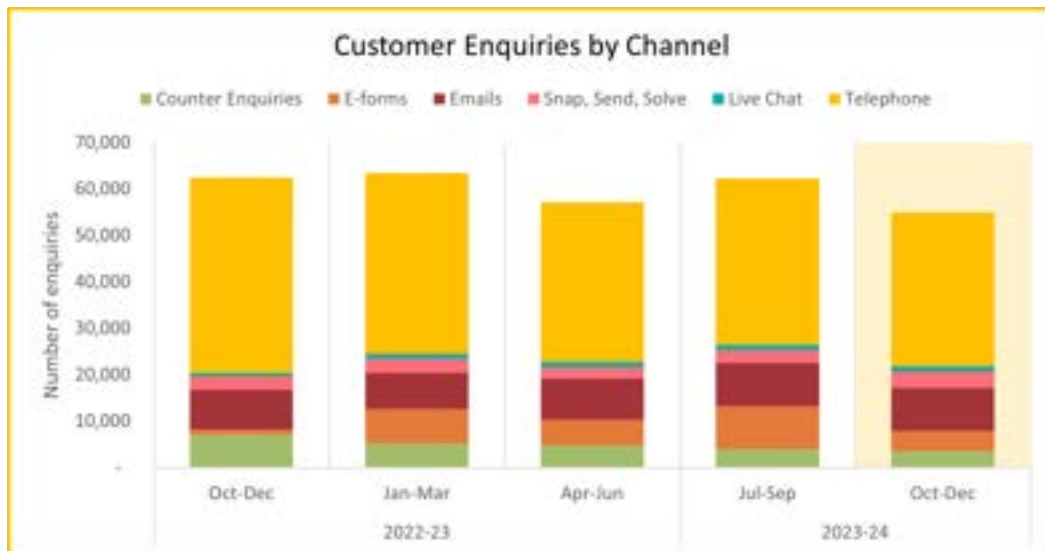


The statistics presented for October to December are unusually high when compared to past quarters, largely due to the limited 15-minute allocation for public questions during Council meetings. Unanswered questions are addressed promptly after the session.

### Unethical practice by integrity agencies

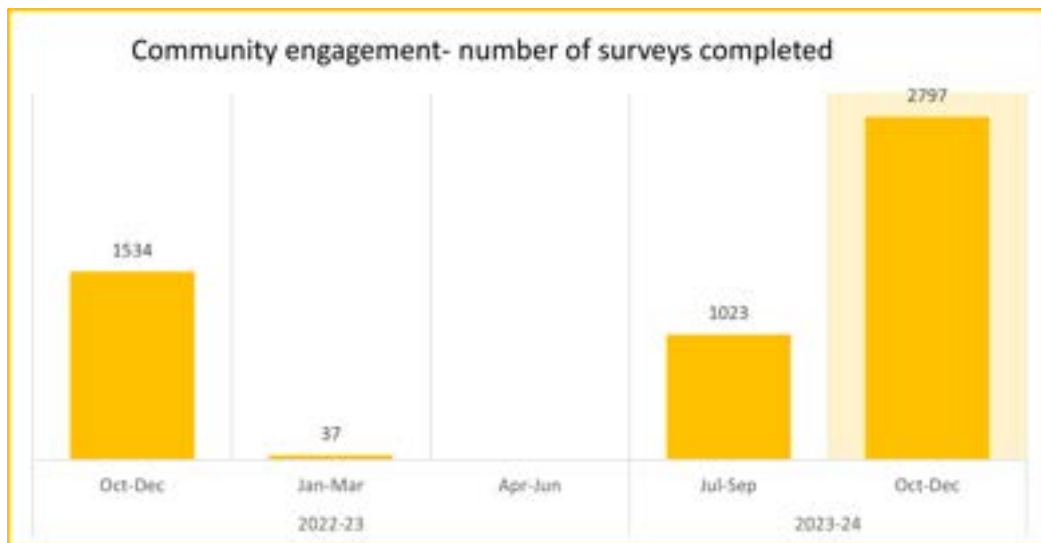
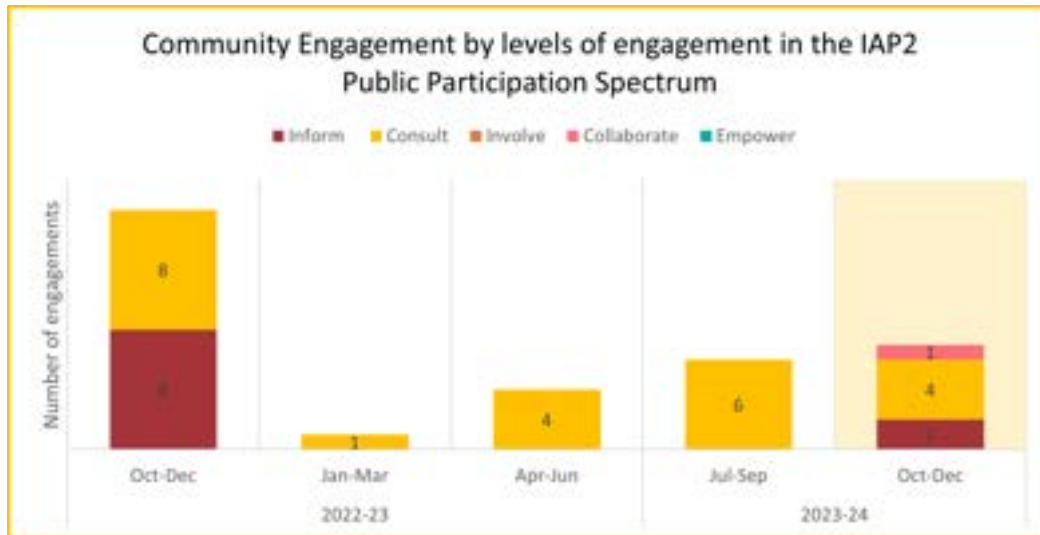
Metric	Quantity
Reported findings of unethical practice by integrity agencies	0

## CUSTOMER SERVICE



The slight increase in the average queue wait time can be attributed to topics where there has been heightened community interest and changes to Council processes.

## COMMUNITY ENGAGEMENT



The [Community Engagement Strategy 2022–2026](#) aims to deliver on our promise to be open, transparent and inclusive in our engagement with the community.

Council's *Community Engagement Strategy* has been informed by public participation approaches outlined by the *International Association of Public Participation (IAP2)*.

Council undertook a deliberative community engagement process, establishing the Community Priorities Panel as part of the *Our Priorities, Our Future* engagement program on Council's future financial sustainability. This engagement was undertaken at the 'Collaborate' level. The 35-member Community Priorities Panel reflected Glen Eira's rich diversity and provided four recommendations regarding services and infrastructure, and five recommendations for raising money or making savings.

During this period Council undertook the following engagement programs at the 'Consult' level:

1. *Our Priorities, Our Future* broad community engagement
2. *Glen Eira Travel Survey 2023*
3. *Our Biodiversity Plan*
4. Council's childcare future - this engagement involved targeted engagement to childcare families as well as broad community engagement

During this period Council ran two 'inform' activities to close the loop on previous engagement projects including the endorsement of the *Nature Strip Planting Guidelines* and Council's decision not to proceed with the Alma Village pop-up park.

Council received a total of 2,797 completed survey responses via the Have Your Say platform during October-December. We received a total of 3,126 contributions on the platform, across all of our participation tools including the conversation, quick poll and gather tools to provide additional engaging ways for our community to share their thoughts and feedback.

You can have your say on upcoming projects [here](#).

## OUR PRIORITIES, OUR FUTURE

*Our Priorities, Our Future* is the communications and community engagement program Council undertook between September and November 2023. The purpose of the program was to gain insights from the community about service and infrastructure priorities to inform future decision making around financial sustainability. It also sought to seek views on how Council can fund the priorities the community values most.

Council conducted a broad community engagement campaign, along with establishing a deliberative engagement panel called the Community Priorities Panel, as part of the engagement process.

Throughout the program Council received 1,755 community responses to its broad community survey and conducted 1,773 conversations through 14 pop-up engagements. The engagement also reached 420 people across four harder-to-reach cohorts through 14 targeted engagement activities, 152 young people across five pop-up sessions and involvement with three schools and engaged with four Council Advisory Committees.

### Engagement numbers



### Survey result snapshot

Our top 5 services chosen by importance were:

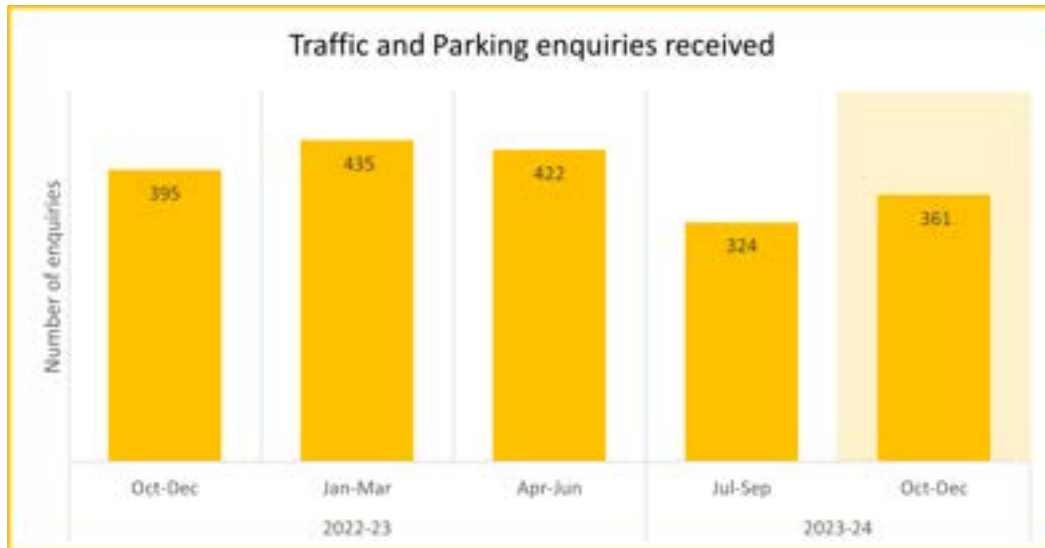


Extensive broad community engagement indicated:

- > The services that are most important to our community are parks, gardens, playgrounds and open spaces; sporting grounds, swimming pools, gyms, and recreation centres; roads, footpaths, traffic management and cycling infrastructure; rubbish collection and waste management; and libraries.
- > The services that are less important to our community are business support information services; seniors programs; diversity and inclusion programs; permits for building and planning; and community groups, grants and support.
- > The community may be open to increasing fees and/or charges to maintain current service levels, with 52 per cent of the community responding in the 'maybe' range, but 'no' is the most common single response at 37 per cent.
- > Sponsorships and partnerships are the preferred option for Council to raise money to maintain current services, followed by increasing user fees.
- > Postponing building and/or replacing facilities is the preferred method for making savings. There is limited appetite for Council to reduce the range of services it delivers.
- > The community may be open to Council reducing spending on some services if it means the same range of services could still be provided but to a lesser standard.

You can read the *Our Priorities, Our Future* engagement summary report [here](#).

## TRAFFIC AND PARKING



There has been a 11.4 percent increase in the number of traffic and parking enquiries this quarter. We continue to respond to 98 per cent of enquiries within 10 business days. Traffic enquiries are related to speeding vehicles and number of vehicles on the road, including the need for traffic calming treatments. Parking enquiries are related to parking availabilities and vehicle access. We continue to respond to 98 per cent of enquiries within 10 business days.

## STRATEGIC DIRECTION 2: ACCESS TO WELL DESIGNED AND MAINTAINED OPEN SPACE AND PLACES



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

### 2023–24 ANNUAL ACTIONS



Completed



On track



Off track



Deferred




Monitor


STRATEGIC PRIORITY			
Action	Measure	Progress Updates as at 31 December 2023	Status
<b>2.1 Increase the quantity and quality of public open spaces for our residents.</b>			
2.1.1 Complete detailed design of land on Porter Road Bentleigh to convert to public open space and complete the engagement with the community.	Detailed design, guided by community consultation, completed.	The detailed design was endorsed by Council on 8 November 2023. Landscape architects and engineers have been engaged to undertake detailed design. Land survey work are complete.	
2.1.2 Demolish the buildings on the former Rosstown Aged Care Carnegie site and complete detailed designs for conversion to public open space.  <i>This is a major initiative in the 2023–24 Annual Budget.</i>	Buildings demolished and detailed design completed.	Demolition of the former aged care facility is scheduled to commence in February 2024.	
2.1.3 Invest \$4 million in the acquisition and development of open space.  <i>This is a major initiative in the 2023–24 Annual Budget.</i>	\$4 million invested.	Property deposits of \$415,000 have been paid for the acquisition of two properties - 25 Rosstown Road (\$1.53 million) and 27 Rosstown Road (\$1.57 million) will be settled by 30 June 2024. The payments for the balance of the acquisitions of \$3.735 million will be paid this financial year. These properties will become open space in the future with design and construction in future years	




## GLEN EIRA QUARTERLY SERVICE PERFORMANCE REPORT - DECEMBER 2023

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STRATEGIC PRIORITY			
Action	Measure	Progress Updates as at 31 December 2023	Status
<b>2.2 Develop, improve and maintain the amenity of our public places and precincts.</b>			
2.2.1 Deliver improvements to existing disabled parking spaces and pram crossings and continue roll out of empathetic parking spaces.	Implementation of the 2023–24 program is completed.	Council's <i>Parking Policy</i> sets out the number of disabled bays recommended including parking for parents with prams only and seniors only spaces.  This year we will upgrade existing disabled parking spaces to the current design requirements and provide an additional two disabled only spaces, 11 parent with prams only spaces and 11 senior only parking spaces within 11 to 12 of our off-street car parks within Glen Eira.	
2.2.2 Deliver the annual <i>Footpath Condition Improvement Program</i> .  <i>This is a major initiative in the 2023–24 Annual Budget.</i>	Completion of 8,000 square metres of renewed footpath and the levelling of uneven footpaths at 10,000 identified locations.	We have continued to improve the condition of our footpaths through our proactive and reactive programs. From July to December 2023, approximately 4,050 square metres of footpaths have been renewed and levelled at 12,500 locations across Glen Eira.	
<b>2.3 Provide improved access to a mix of passive and active spaces that are inclusive, fit for purpose, flexible and adaptable to meet the needs of our diverse community, now and into the future.</b>			
2.3.1 Progress construction of the Carnegie Memorial Swimming Pool Redevelopment project.  <i>This is a major initiative in the 2023–24 Annual Budget.</i>	Completion of the main building structure, including the roof and the commencement of the internal works.	Works on the external building façade have commenced with concrete precast panels and brickwork to the building underway. Both indoor pool structures and the 50 metre pool structure have been completed and water tightness testing is underway. The building floor slab, structural steel work and 50 per cent of the roofing has been completed. Works on the dive pool and splash pad have commenced and will be completed in January 2024. The southern section of the car park has been excavated in preparation for the installation of underground services and civil works. Works are currently tracking within time and budget.	
2.3.2 Commence Bentleigh Reserve Multipurpose Court Project.	Finalise concept plans and commence detailed design of the facility.	Clubs have agreed to the scope of project with additional cricket nets and netball training facilities incorporated into the design. A landscape architect has been engaged to develop concept plans with a plan to present for engagement mid-year.	
2.3.3 Commence engagement with the clubs and begin initial concept design process for the Mackie Road Pavilion Bentleigh East.	Engagement with clubs completed informing concept design.	We met with tenant clubs in early October 2023 to discuss design requirements and options. An architect has been appointed and has commenced developing the project scope and initial concept designs.	
<b>2.4 Seek innovative approaches to increasing access to open space through partnerships and multipurpose design and find ways to unlock access to open space owned by others.</b>			
2.4.1 Advocate for greater state and federal government investment in increasing access to public open spaces at Caulfield Racecourse Reserve.	Caulfield Racecourse Reserve advocacy included in <i>Glen Eira Advocacy Priorities 2023–2024</i> .	Council is committed to enhancing open space and improving public access at Caulfield Racecourse Reserve. <i>Our Priority Advocacy Projects 2023–24</i> includes supporting the Caulfield Racecourse Reserve Trust for a long-term sustainable funding stream to deliver the <i>Land Management Plan</i> .  Council has advocated and engaged with a number of Ministers, Ministerial staff, local Members of Parliament, and peak bodies through the promotion of our <i>Priority Advocacy Projects 2023–2024</i> in October to December 2023. Advocacy took the form of letters and meetings.	

STRATEGIC PRIORITY			
Action	Measure	Progress Updates as at 31 December 2023	Status
<b>2.4 Seek innovative approaches to increasing access to open space through partnerships and multipurpose design and find ways to unlock access to open space owned by others.</b>			
2.4.2 Identify new opportunities to partner with the Caulfield Racecourse Reserve Trust to raise the profile of their <i>Land Management Plan</i> with government and other stakeholders.	Bi-annual meetings with Caulfield Racecourse Reserve Trust maintained.	We met with the Caulfield Racecourse Reserve Trust in September 2023 and October 2023 to discuss ongoing opportunities for joint advocacy to maximise open space at the Reserve. This collaboration has continued to inform our advocacy approach.	

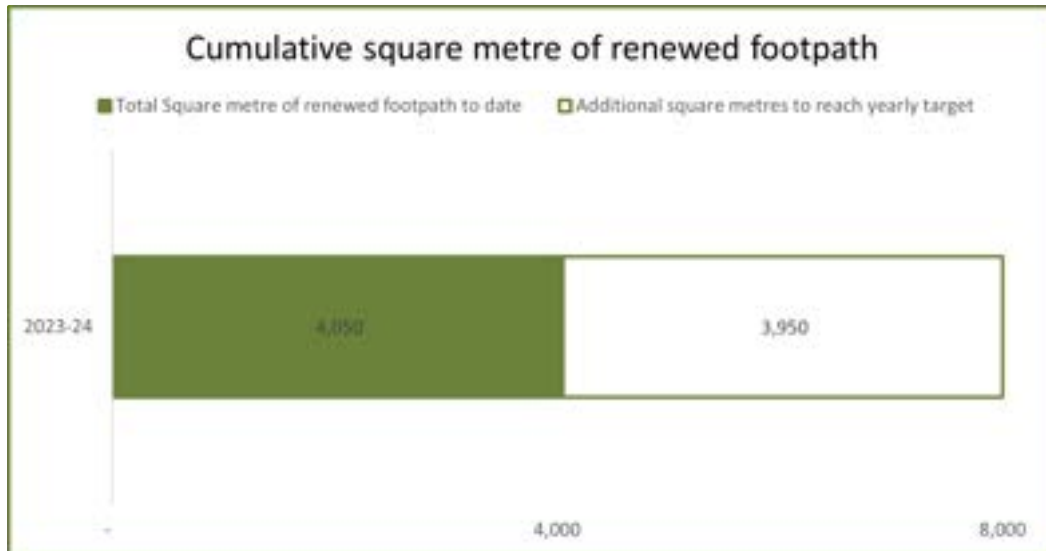
### 2022–23 ANNUAL ACTIONS

STRATEGIC PRIORITY			
Action	Measure	Progress Updates as at 31 December 2023	Status
<b>2.2 Develop, improve and maintain the amenity of our public places and precincts.</b>			
2.2.2 Renew our Asset and related plans to underpin the ongoing maintenance and sustainability of our assets.	Council's <i>Asset Management Framework</i> , which includes the <i>Asset Management Policy</i> , <i>Asset Management Strategy</i> and <i>Asset Management Plans</i> reviewed and refreshed.	Council has engaged a specialist consultant to assist in the development of a climate centric framework of actions to inform the revised documents. The development of these actions is currently underway, and once finalised these actions will be incorporated into the <i>Asset Management Framework (AMF)</i> documents. Council was briefed on the progress of the <i>Asset Management Plan</i> in November 2023 with feedback sought on the development of a climate centric <i>AMF</i> and the high-level strategic objectives. The <i>AMF</i> documents are in the process of being drafted with the final versions expected to be presented to Council for adoption in early April following public consultation.	

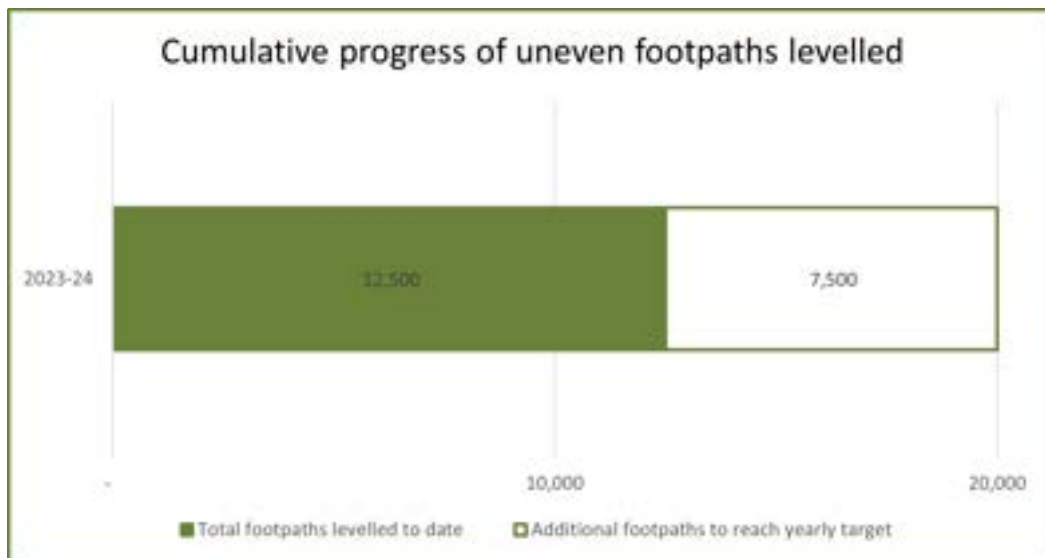
### FOOTPATHS



We have invested \$1.2 million in footpath maintenance through the footpath renewal program and proactive inspections. \$300,000 has been spent on footpath defect-rectification works such as grinding down the paths to remove tripping hazards and \$900,000 has been spent on renewing footpaths across various locations in Glen Eira.



We have continued to improve the condition of our footpaths through our proactive and reactive programs. This year, we aim to renew 8,000 square metres of footpaths by June 2024. From July to December 2023, we have renewed approximately 4,050 square meters of footpath.



As part of the annual *Footpath Condition Improvement Program*, we have committed to levelling uneven footpaths at 20,000 identified locations across Glen Eira. From July to December 2023, we have levelled footpaths at 12,500 locations and are on track to meet our target by 30 June 2024.

## STRATEGIC DIRECTION 3: A LIVEABLE AND WELL PLANNED CITY



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

### 2023–24 ANNUAL ACTIONS



Completed



On track



Off track



Deferred






Monitor


STRATEGIC PRIORITY			
Action	Measure	Progress Updates as at 31 December 2023	Status
<b>3.1 Actively progress our planning priorities to manage growth and maintain the character and heritage of our City.</b>			
3.1.1 Implement a 3D modelling program to enable visualisation of future planned change and enable viewing of the impact of proposed developments on the surrounding community to better inform decisions around planning for future growth.	3D modelling program implemented.	3D software is currently being installed and configured for staff usage.  3D building models continue to be developed and are expected to be available for staff to use in early March 2024.  Council is working with the Victorian Government to document the requirements and specifications before requesting quotes for the purchasing of 3D photorealistic models for selected areas.	
3.1.2 Complete the <i>Elsternwick Structure Plan 2023</i> .  <b>This is a major initiative in the 2023–24 Annual Budget.</b>	<i>Elsternwick Structure Plan 2023</i> completed.	Final <i>Elsternwick Structure Plan</i> was adopted by Council on 15 August 2023.	
3.1.3 Prepare a planning scheme amendment to implement permanent controls according to the <i>Elsternwick Structure Plan</i> .	Planning scheme amendment prepared for <i>Elsternwick Structure Plan</i> .	Planning controls were endorsed at the Ordinary Council Meeting of 28 November 2023. Amendment documents were prepared for lodgement with the Department of Transport and Planning (DTP) early 2024. Council is awaiting authorisation from the Minister to commence the planning scheme amendment.	
3.1.4 Prepare a planning scheme amendment to implement the <i>Glen Huntly Structure Plan 2021–2036</i> .	Planning scheme amendment prepared for <i>Glen Huntly Structure Plan 2021–2036</i> .	Design and Development Overlay controls and amendment documents were endorsed at the Ordinary Council Meeting on 8 November 2023 and lodged for authorisation with DTP on 30 November 2023.	

## GLEN EIRA QUARTERLY SERVICE PERFORMANCE REPORT - DECEMBER 2023

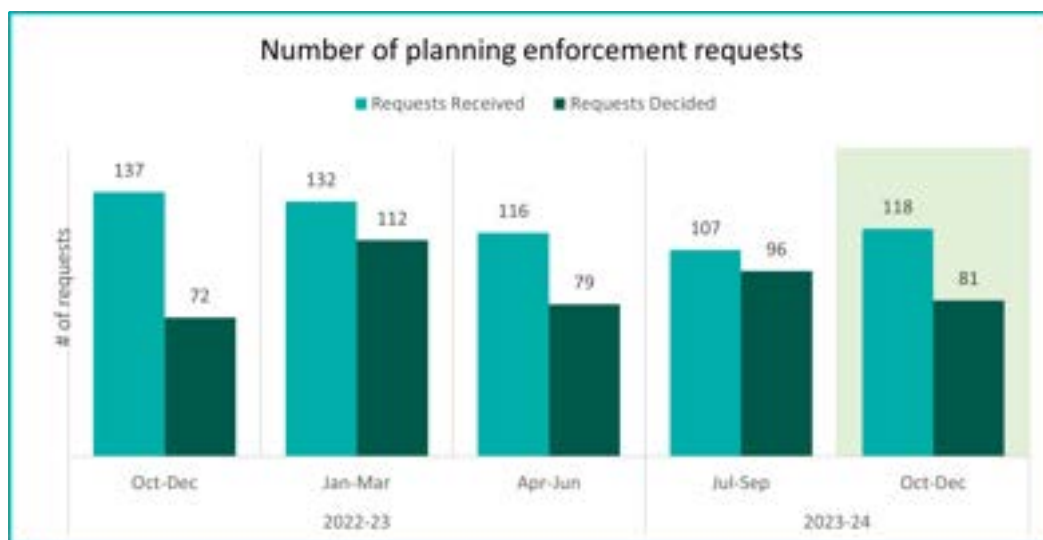
25

STRATEGIC PRIORITY			
Action	Measure	Progress Updates as at 31 December 2023	Status
<b>3.2 Plan for diverse housing options to meet community needs now and into the future.</b>			
3.2.1 Advocate for greater federal and state investment in social and affordable housing to meet community needs.	Social and affordable housing advocacy included in <i>Glen Eira Advocacy Priorities 2023–2024</i> .	We continued to investigate Victorian Government-owned land within Glen Eira for potential use and/or development for public, social and affordable housing. We initiated three meetings with Members of Parliaments/Ministers, where we continued to advocate for social and affordable housing.	
3.2.2 Work with the Rooming House operators and stakeholders to ensure safety and amenity for rooming house residents and the community.	Number of complaints received about rooming houses, with the intention of seeing fewer complaints through good regulation, enforcement, and education.	Council received one complaint for a registered rooming house between October and December 2023.	
<b>3.3 Advocate for a transport network that provides safe, accessible and sustainable transport options for our community.</b>			
3.3.1 Review and refresh the <i>Integrated Transport Strategy 2018–2031</i> to respond to changing community needs.	Revised <i>Integrated Transport Strategy 2018–2031</i> endorsed.	Council has completed the initial stages of the <i>Integrated Transport Strategy (ITS)</i> refresh including data collection and community engagement through a survey. The <i>Glen Eira Travel Survey</i> was launched on 25 September 2023 to help Council understand the community's current travel needs and help shape the transport priorities. The survey is now closed and we are reviewing the results in light of preparing the draft. Consultation on the draft is scheduled for April 2024. The completion date has been revised to August when the final <i>ITS</i> will be tabled at Council for adoption.	
<b>3.4 Support and facilitate local job creation by enhancing our activity centres to be thriving and vibrant hubs.</b>			
3.4.1 Implement initiatives from year one of the <i>Glen Eira Placemaking Strategy 2023–2027 Action Plan</i> to increase visitation of our activity centres.	Minimum of 90 per cent of year one actions from <i>Glen Eira Placemaking Strategy 2023–2027 Action Plan</i> completed.	25 per cent of year one actions have been completed and we are on track to deliver 90 per cent of actions by June 2024.  Current projects underway include: — developing public art guidelines to encourage the creation of community-led art and placemaking installations; — trialling an Adopt a planter box program with local businesses with expressions of interest in four neighbourhood centres; — refreshing the public art stenciling in Leaf Lane, Carnegie and — installing a biodiversity or sustainability themed mural on Council's mulch bay at Glen Huntly Park.	
3.4.2 <i>Local Economic Development Plan</i> developed and presented to Council for endorsement.	<i>Local Economic Development Plan</i> endorsed.	The draft <i>Plan</i> will be completed in March 2024 and reported to Council in April to undertake community consultation. The final <i>Plan</i> is scheduled for June completion.	

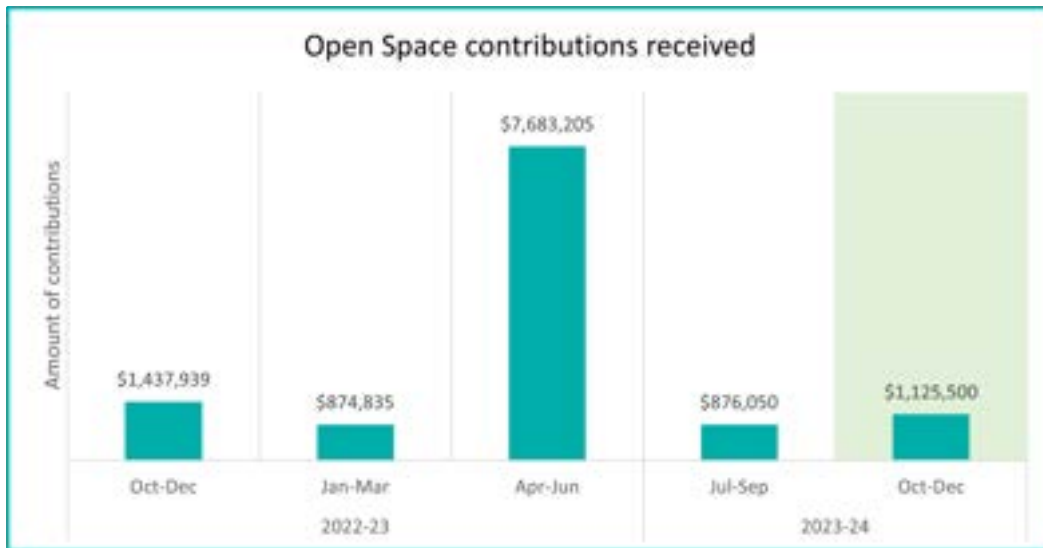
## 2022–23 ANNUAL ACTIONS

STRATEGIC PRIORITY			
Action	Measure	Progress Updates as at 31 December 2023	Status
<b>3.3 Advocate for a transport network that provides safe, accessible and sustainable transport options for our community.</b>			
3.3.3 Improve local street parking at the neighbourhood level.	A <i>Neighbourhood Parking Implementation Plan</i> in Elsternwick is developed.	<p>The <i>Neighbourhood Parking Implementation Plan</i> in Elsternwick has not yet been developed due to the multideck parking project in Elsternwick no longer going ahead.</p> <p>We are still working towards developing the <i>Plan</i>, starting with Elsternwick, where work continues to improve local street parking at the neighbourhood level across the whole of Glen Eira. We are currently in the process of mapping out the existing parking restrictions within the Elsternwick area in order to review and consider improved parking changes.</p>	

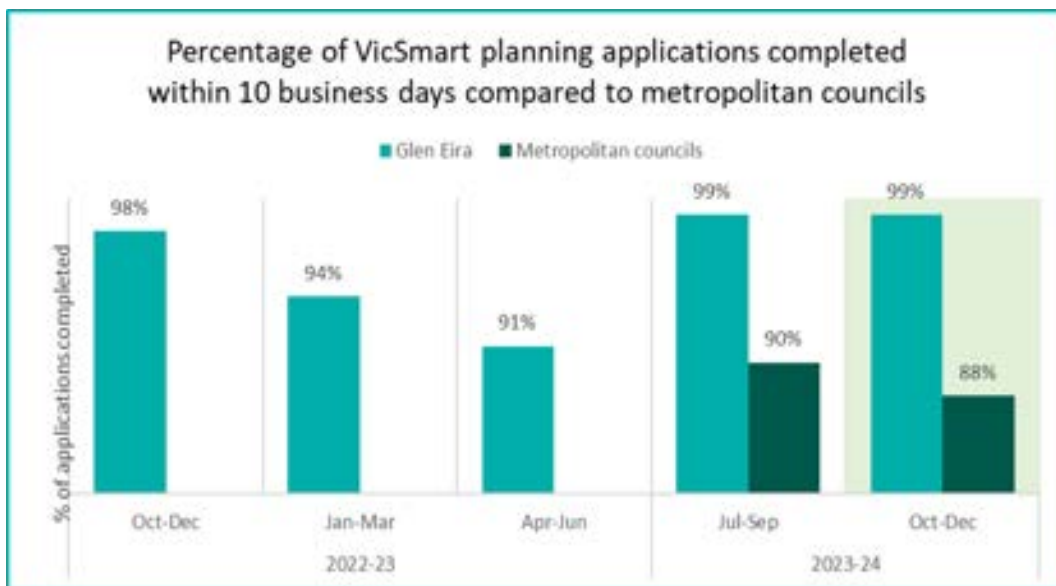
## PLANNING



The number of reported planning breaches increased this quarter with 118 breaches resolved. All reported breaches are investigated and if substantiated, will be subject to enforcement action to resolve the breach.



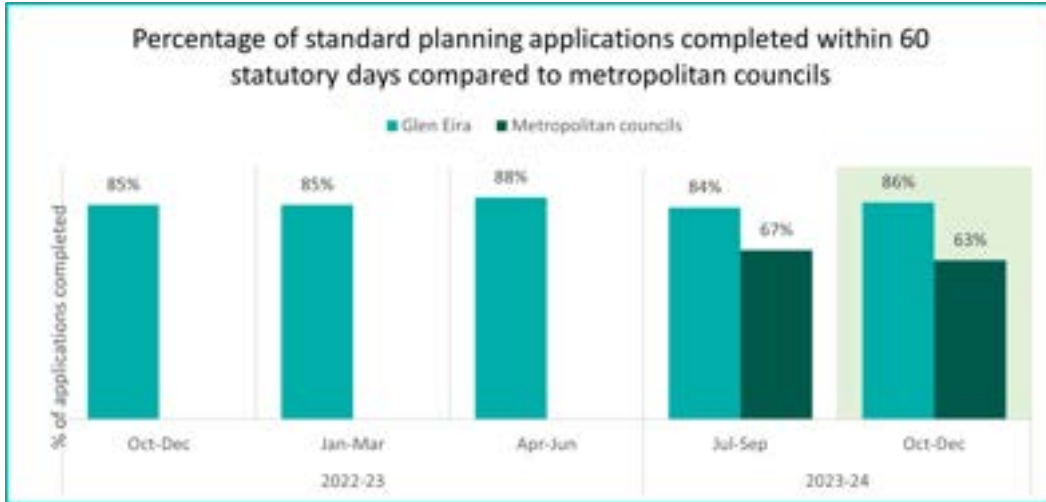
Public Open Space contributions have been collected for 18 properties this quarter and the funds will contribute to the upgrade of existing public open spaces or the purchase of new land for public open spaces.



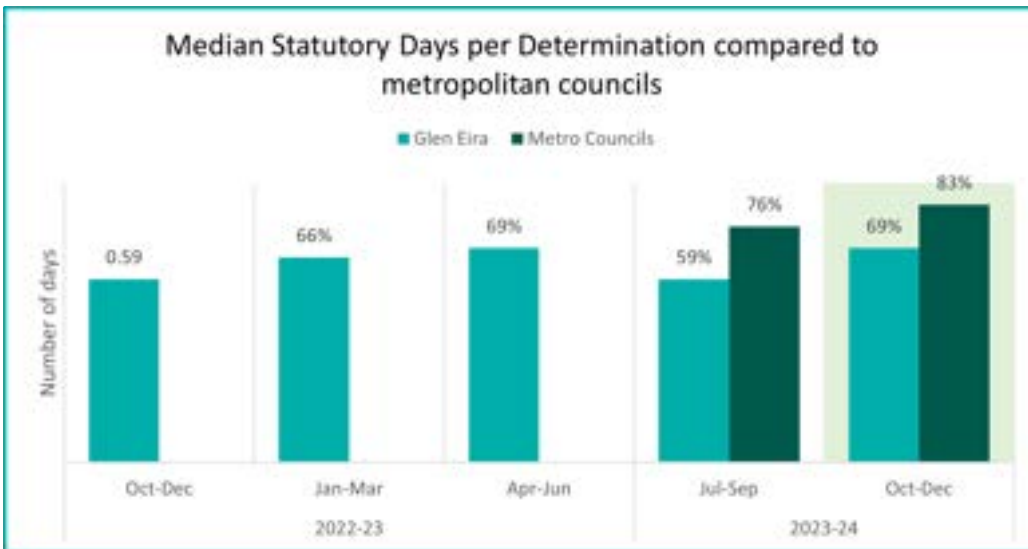
Glen Eira continues to deliver very high-quality service with one of the highest percentage of applications determined within timeframes for Metropolitan councils.







Glen Eira continues to deliver very high-quality service with one of the highest percentage of applications determined within timeframes for Metropolitan councils.



The median processing days to determination by the responsible authority was 69 this quarter. This continues to be low compared to the metropolitan median. This is due to the efficient management of planning permit applications and a focus of staff to resolve matters quickly. We are proud that we are outperforming other metropolitan councils.





## VCAT WATCH UPDATE

Council has previously reported on its VCAT decisions through a standing agenda item for each Ordinary Council Meeting called "VCAT Watch". There is no requirement for Council to do this, rather it was a means of officers informing councillors and the community of all VCAT matters.

Council has experienced a significant reduction to the number of planning applications being decided at VCAT, resulting in most editions of VCAT Watch containing procedural information on the status of all matters currently before VCAT. Over the last two years, approximately 10 applications have been determined by VCAT at hearings in each year for Glen Eira planning matters, mostly for minor matters or applications of limited interest to most people other than the parties involved in the respective proceeding.

Moving forward, Council will no longer include "VCAT Watch" as an agenda item in Council meetings, rather decisions of significant community interest will be reported individually, whilst councillors will be briefed by internal correspondence of all VCAT matters.

It is noted that most VCAT decisions are publicly available to view from Austlii.

Information relating to planning applications for all Victorian councils can be obtained from the planning permit activity reporting site.

The site allows you to view not only Glen Eira statistics but also for all other municipalities in Victoria and allows you to compare metropolitan or individual councils.

TAB	CONTENTS
<a href="#">Activity and Outcomes</a>	Applications received and determined. Estimated cost of works for permits issued.
<a href="#">Timeframes</a>	Timeframes for deciding standard and VicSmart planning applications. Number of applications received.
<a href="#">Appeals</a>	VCAT appeals lodged and decided.
<a href="#">Classification</a>	Permits issued by classification. Land use for permits issued.

## STRATEGIC DIRECTION 4: A GREEN AND SUSTAINABLE COMMUNITY



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

### 2023–24 ANNUAL ACTIONS



Completed



On track



Off track







Deferred







Monitor

#### STRATEGIC PRIORITY


Action	Measure	Progress Updates as at 31 December 2023	Status
<b>4.1 We will embed climate change action in everything that we do to support the transition towards zero net emissions from Council by 2025.</b>			
4.1.1 Implement actions contained within <i>Our Climate Emergency Response Strategy</i> to support the transition towards zero net emissions from Council by 2025.	Minimum of 90 per cent year three actions completed.	<p>Council is on track to complete 90 per cent of year three actions in <i>Our Climate Emergency Response Strategy 2021–2025   Dhumbali Wurrungi-biik Parbin-ata</i>.</p> <p>Highlights this quarter include:</p> <ul style="list-style-type: none"> <li>—educating residents about the significance of our local biodiversity and to support them in collecting data on species in our municipality through the Great Southern Bioblitz citizen science project;</li> <li>—Engaging with elderly residents in the lead up to summer, to educate them about actions they can take to protect themselves from heatwaves and</li> <li>—Delivering staff engagement sessions to maximise the use of Council’s electric vehicle fleet, and to increase their personal use of electric vehicles and other alternative transport.</li> </ul>	
4.1.2 Implement solar projects across Council buildings and facilities to ensure a supply of sustainable energy.  <i>This is a major initiative in the 2023–24 Annual Budget.</i>	<p>Completion of solar panels for Bentleigh Library and McKinnon Progress Hall.</p> <p>Completion of solar panels including solar batteries installation and double glazing to Moorleigh Community Village Bentleigh East.</p>	<p>Works have commenced with the installation of solar panels at Bentleigh Library and McKinnon Progress Hall. The project is on track for completion by 30 June 2024.</p> <p>Moorleigh Community Village, Bentleigh East: Works will commence for the double-glazed windows and for the installation of solar panels and solar batteries early February 2024. The project is on track for completion by 30 June 2024.</p>	

STRATEGIC PRIORITY			
Action	Measure	Progress Updates as at 31 December 2023	Status
<b>4.1 We will embed climate change action in everything that we do to support the transition towards zero net emissions from Council by 2025.</b>			
4.1.3 Implement projects to improve energy efficiency across Council buildings and facilities.  <i>This is a major initiative in the 2023–24 Annual Budget.</i>	Conversion of Heating, Ventilation and Air Conditioning (HVAC) and hot water systems at Carnegie Library and Community Centre and Moorleigh Community Village Bentleigh East.	Works have been completed at Bentleigh McKinnon Youth Hall. The project for the Carnegie Library and Community Centre and Moorleigh Community Village, Bentleigh East have been completed	
4.1.4 Implement a Carbon Offset Plan to ensure Council achieves zero net emissions accreditation.	Carbon Offset Plan implemented.	In collaboration with the Eastern Alliance for Greenhouse Action and other councils in our region, we have commissioned a report to help us make decisions about the use of offsets. The report will be finalised in early February and will include an assessment of how offsets may be used to meet greenhouse gas reduction targets, whilst maintaining greater levels of oversight and ensuring local co-benefits. This report will be used to inform the implementation of Council's Carbon Offset Plan.	
4.1.5 Develop a climate emergency advocacy position statement.	Climate emergency advocacy position statement endorsed and published.	A Climate Emergency Position Statement is in development, which will summarise Council's position and provide context for the advocacy priorities.  The updated priorities will be incorporated into the annual review of Council's advocacy, which is scheduled to begin in April 2024.	
<b>4.2 We will create opportunities for our community to act on climate change to progress towards zero net emissions by 2030.</b>			
4.2.1 Deliver community events and programs to enable people to take climate action and live sustainably.	At least 1,000 participants in climate and sustainability related education events/programs.	This quarter, we held a range of events and programs which supported our community to be active and mobilised on climate action. These included: —Supporting and connecting community members to events that educated and motivated them to reduce waste and emissions, including webinars and events on low waste induction cooking, installing solar panels and batteries, getting off gas, electric vehicles, low waste parties and sustainable gardening. —Hosting the annual <i>Garage Sale Trail</i> in Glen Eira, where residents signed up to hold their own garage sale and promote it via the national <i>Garage Sale Trail</i> website. —Continuing to participate in <i>Solar Savers</i> and <i>Energy Savers</i> , which provide residents and businesses with advice and financial support to install solar panels and reduce their emissions.	

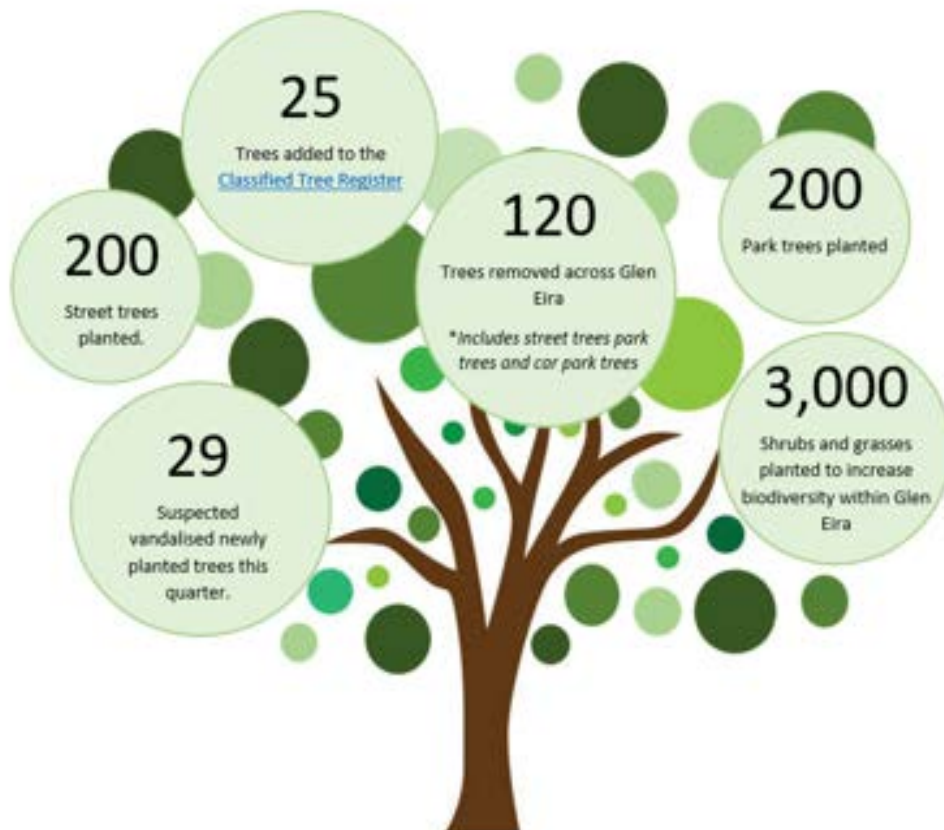
STRATEGIC PRIORITY			
Action	Measure	Progress Updates as at 31 December 2023	Status
<b>4.2 We will create opportunities for our community to act on climate change to progress towards zero net emissions by 2030.</b>			
4.2.2 Implement actions contained within the <i>Circular Economy Plan 2022–26</i> .	Minimum of 90 per cent of year two actions completed.	Implementation of year two of the <i>Circular Economy Plan</i> began on 1 November 2023 and we expect to complete 90 per cent of year two actions by 31 October 2024.	
4.2.3 Develop a plan for the Council to support the implementation of the new glass recycling stream.  <i>This is a major initiative in the 2023–24 Annual Budget.</i>	Review all waste services contracts to align with the circular economy measures and identify opportunity for integrated actions through contract initiatives and specifications.	The transition to a four-stream collection service including separate glass recycling has been incorporated into the new procurement for kerbside collection services.  Market engagement is scheduled to begin in February 2024.	
<b>4.3 We will increase our tree canopy and expand private and public greening initiatives.</b>			
4.3.1 Implement actions and recommendations within the <i>Urban Forest Strategy</i> to increase tree canopy cover and biodiversity planting across Glen Eira.  <i>This is a major initiative in the 2023–24 Annual Budget.</i>	Increase in tree canopy cover.	We have reviewed the remaining actions within the <i>Glen Eira Urban Forest Strategy</i> and are prioritising these into short, medium and longer-term work plans. Many of the actions have been incorporated into Council's normal operating procedures. This will help us to continue to deliver the benefits of the <i>Urban Forest Strategy</i> to the community.  As part of the <i>Resilient Streets</i> project, streetscape works were undertaken on Eskdale Road, Caulfield North where we replaced trees that had reached the end of their useful life with new trees. Larger canopy trees have also been planted within specially engineered pits within the roadway. The aim of these projects is to maximise tree canopy on Council land especially in areas that have historically had limited cover.  We have also organised our 2024 community biodiversity understory planting days for early April as well as several plant giveaways. More communication will be released to the community about these events early in the new year.  This quarter we planted 1,300 trees across streetscapes and parks throughout the municipality.	
4.3.2 Deliver community projects that expand and support plantings on private land in identified hot spots and areas with limited natural landscape to support community to take adaptation and mitigation action.	Five community events or projects delivered that educate and support planting on private land.	<i>Nature Strip Planting Guidelines Update</i> has been endorsed by Council 8 November 2023. This will encourage and enable residents to have more flexibility in planting their nature strips with indigenous plant species and supporting pollinator corridors through areas of the municipality.  Planning is underway for Biodiversity Week, with proposed dates set for the 28 April to 4 May 2024. The week will include activities such as hosting a plant giveaway, school planting events and a community planting day.  A second plant giveaway for the financial year will centre around National Tree Planting Day in the middle of the year.	

**STRATEGIC PRIORITY**

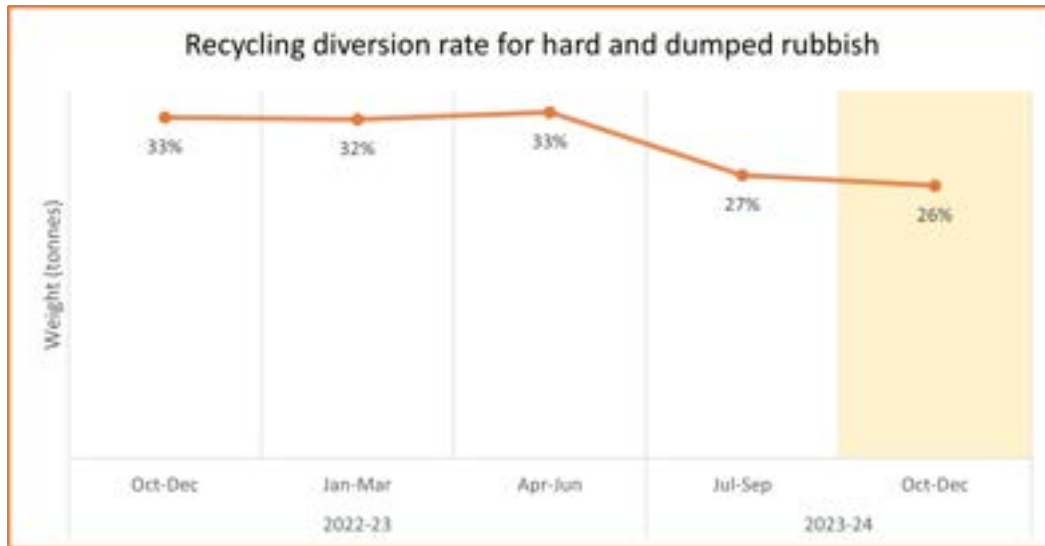
**4.4 We will work with our community to understand the human impacts of climate change and the adaptation strategies that may be required to minimise the social, health and economic impacts.**

<p>4.4.1 Partner with community organisations to support vulnerable people in our community to improve resilience to the impacts of climate change.</p>	<p>10 community organisations engaged to deliver programs and information that support community members to improve their resilience to climate change impacts.</p>	<p>Council has initiated meetings of a community of practice, made up of Municipal Emergency Management Planning Committee members who are working to engage Glen Eira residents to prepare for extreme weather events and other emergencies. This group has identified key priorities to pursue in 2023–24, including liaising with community organisations to determine how they identify and support clients and community members who are particularly exposed to emergencies, and providing Council and community organisation support staff with the knowledge and information they need to better prepare and support these individuals and other members of the community who receive their services.</p> <p>We have also worked with a range of community organisations to support residents to protect themselves from climate impacts. This included a heatwave event delivered in partnership with Glen Eira Adult Learning Centre, Condia Limnos Greek Club, Bentleigh Chinese Community Association, Micare Multicultural Senior Citizen Centre and Caulfield South Community House, which attracted 180 residents with a wide range of age, gender and cultural backgrounds.</p>	
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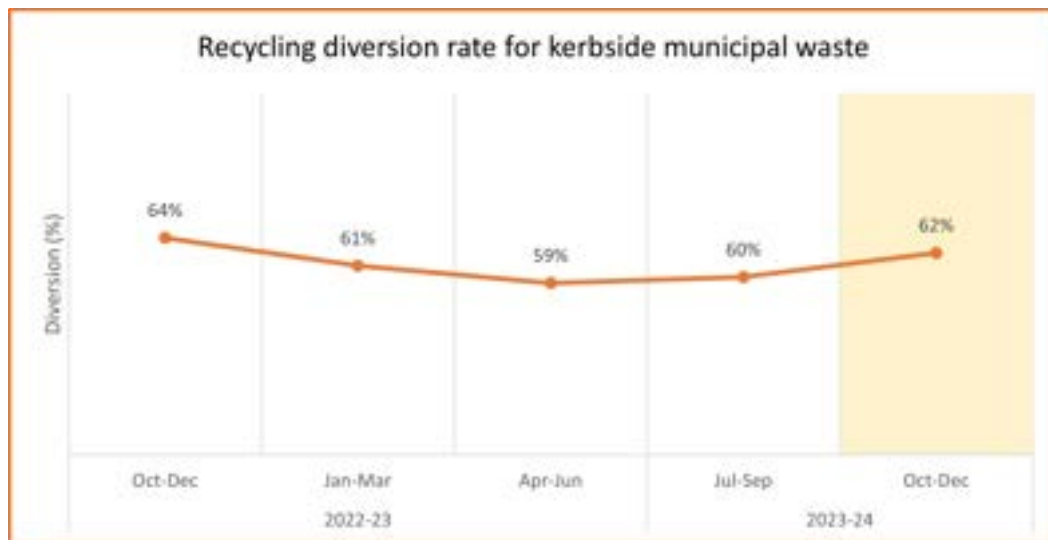
**TREES**



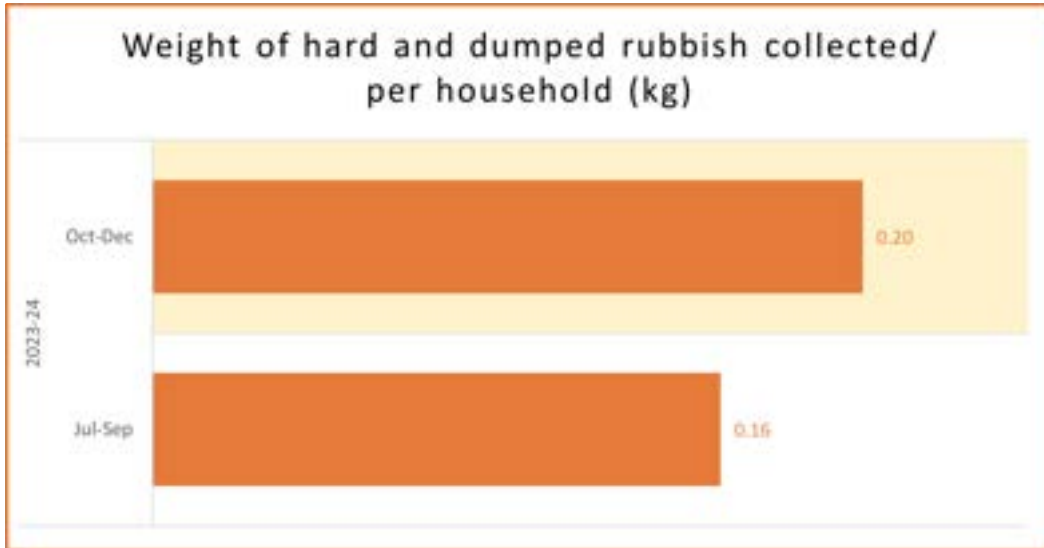
## RECYCLING AND SUSTAINABILITY



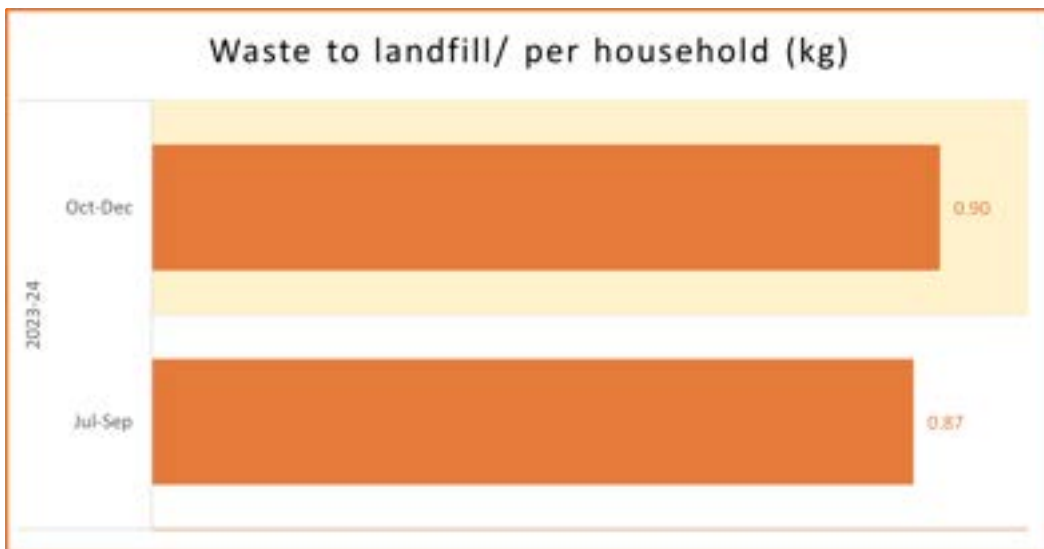
The current trend continues to reflect a decrease in the amount of hard rubbish items being able to be recycled or that are donated or re-sold instead of being disposed as hard rubbish.



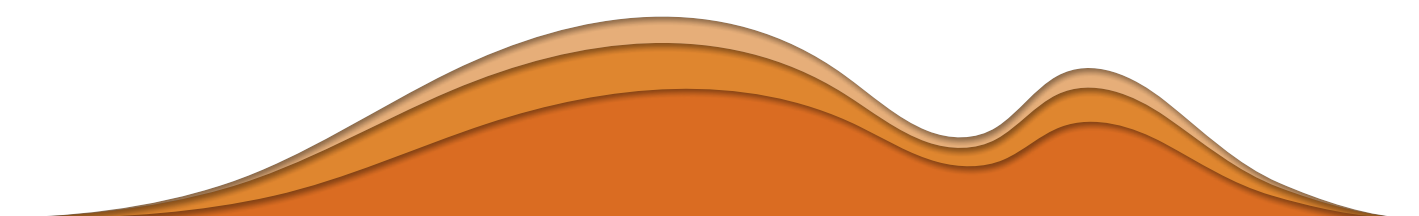
A slight increase in the recycling rate during the warmer months is a consistent trend throughout the years. An increase in food and garden waste tonnage is the main contributor for this increase.

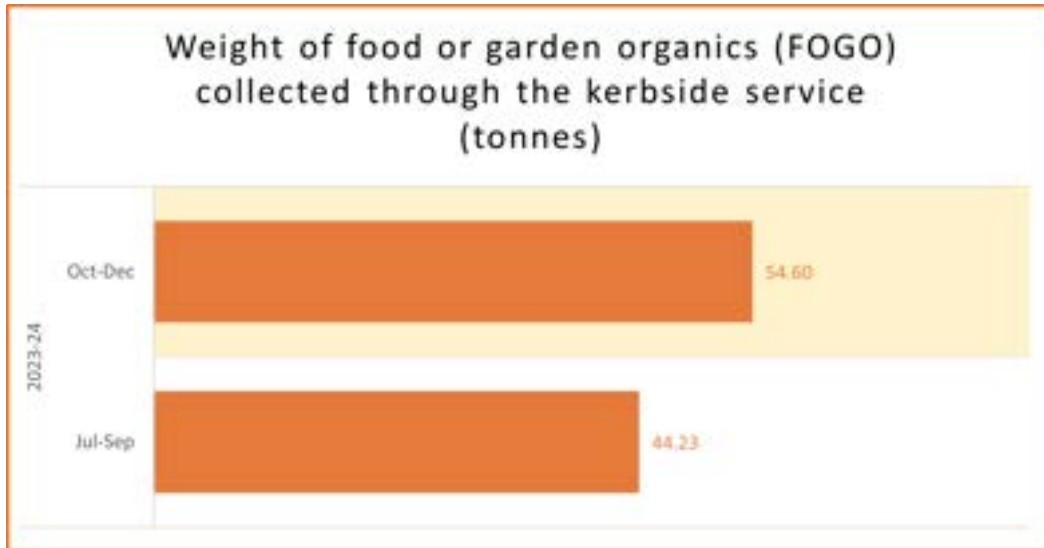


A slight increase in the average hard rubbish kg per household is noted for this quarter compared to the previous quarter. However, as this is a new indicator it will be monitored to identify ongoing trends.



This quarter's figure of average household's waste to landfill is consistent with last quarter. This will be monitored to identify any trends over time.





The amount of food and garden waste collected through the kerbside green bins has increased compared with the previous quarter. This is likely due to seasonal impact with increased garden organics being collected during the warmer months.



There has been a steady increase in the amount of e-waste collected since the start of the service.



## STRATEGIC DIRECTION 5: A HEALTHY, INCLUSIVE AND RESILIENT COMMUNITY



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

### 2023–24 ANNUAL ACTIONS



Completed



On track



Off track



Deferred









Monitor

#### STRATEGIC PRIORITY

Action	Measure	Progress Updates as at 31 December 2023	Status
<b>5.1 We will support improved health, wellbeing and resilience of all individuals, families and groups within our community.</b>			
5.1.1 Implement the <i>Community Wellbeing Plan 2021–2025</i> annual action plan to improve social connection, public health protection and resilience, mental and physical health, safety and respectful relationships for people of all ages across our diverse community.	Minimum of 90 per cent year three actions completed.	<p>We have completed 12 per cent of the annual actions and are on track to complete 97 per cent of year three actions by June 2024.</p> <p>This quarter we:</p> <ul style="list-style-type: none"> <li>— delivered the Seniors Festival featuring 54 activities offering a range of healthy ageing, social, wellbeing and lifelong learning opportunities, attracting more than 4,000 participants;</li> <li>— supported the delivery of 10 Chatty Cafes, to build and encourage social connections within the local community, and to help reduce social isolation;</li> <li>— delivered the Taste4Health program, educating businesses on how to improve the nutritional value of food, and awarded 56 food businesses for providing healthy and nutritious food; and</li> <li>— delivered the Active Communities Program to 99 community members in Glen Eira parks to increase physical and mental health to enhance our active community.</li> </ul>	
5.1.2 Implement annual actions in the <i>Community Safety Plan 2022–2025</i> to improve perceptions of safety and increase participation in community life.	Minimum of 90 per cent year two actions completed.	<p>We have completed 13 per cent of the annual actions and are on track to complete 96 per cent of year two actions by June 2024.</p> <p>This quarter we:</p> <ul style="list-style-type: none"> <li>— promoted Community Safety Month during October by running a Coffee with a Cop session, a Heatwave Readiness Information session, Free Child Restraint fitting sessions and Water Safety Week initiatives at the Glen Eira Sports and Aquatic Centre;</li> <li>— delivered 15 online and printed stories promoting safe, accessible and diverse activities and events inviting community participation;</li> <li>— delivered the travelling to school safely program as part of the Moving Up program delivered to 19 Primary schools in Glen Eira, supporting over 1,200 young people; and</li> <li>— provided 12 safety sessions to parents and carers as part of the first-time parent group sessions delivered by our Maternal and Child Health service, to promote children's safety.</li> </ul>	

STRATEGIC PRIORITY			
Action	Measure	Progress Updates as at 31 December 2023	Status
<b>5.1 We will support improved health, wellbeing and resilience of all individuals, families and groups within our community.</b>			
5.1.3 Support parents and carers through the delivery of 100 parent education sessions to build and develop skills and confidence to enhance the health, wellbeing and development of children including sleep and settling, infant nutrition, breastfeeding, new parent groups and playgroups.	100 parent education sessions delivered.	From October to December, we delivered 66 parent support groups to 480 parents and carers.	
5.1.4 Provide a high standard of aquatic and leisure programming which supports and adapts to the community needs.	Platinum Pool Accreditation achieved with Life Saving Victoria. AusActive Accreditation achieved. Service improvement scores above 85 per cent.	Platinum Pool Accreditation with Life Saving Victoria is accredited on annually and we achieved accreditation this quarter. AusActive Accreditation is granted on a three-year basis and we achieved accreditation in 2022. The service performance scores are measured monthly. At the end of December, we scored 89 per cent.	
5.1.5 Support vulnerable young people to access social, emotional and financial supports, including access to mental health Services – through one-on-one appointments with Youth Development Officers, youth workshops and support programs.	250 support consultations delivered.	Support interactions this quarter included: <ul style="list-style-type: none"> <li>– 18 drop-in sessions with 143 contacts;</li> <li>– information provision;</li> <li>– brief interventions;</li> <li>– referrals from schools and community organisations; and</li> <li>– ongoing client support.</li> </ul>	
<b>5.2 We will embrace diversity and value all people, promoting a society that welcomes and includes everyone.</b>			
5.2.1 Implement annual actions in our Gender Equality Action Plan 2022–2025 to demonstrate strong leadership in the promotion of gender equality.	Minimum of 90 per cent year three actions completed.	<p>We have completed 16 per cent of year three actions in the <i>Gender Equality Action Plan</i> and are on track to complete 100 per cent by June 2024.</p> <p>This quarter we:</p> <ul style="list-style-type: none"> <li>– completed six Gender Impact Assessments;</li> <li>– delivered disability awareness initiatives in primary schools and promoted the Hidden Disabilities Sunflower program as part of Council’s recognition of International Day of People with Disability and ‘Chat and Chuckle’ sessions;</li> <li>– promoted Transgender Awareness Week through various initiatives including display of the LGBTIQ+ banner on the Glen Eira Town Hall; and</li> <li>– launched the new workplace gender affirmation guidelines and embedding of pronouns and LGBTIQ+ inclusive language into our culture.</li> </ul>	


STRATEGIC PRIORITY			
Action	Measure	Progress Updates as at 31 December 2023	Status
<b>5.2 We will embrace diversity and value all people, promoting a society that welcomes and includes everyone.</b>			
5.2.2 Deliver the <i>Community Grants Program</i> to support community organisations' projects, programs, and events to increase resilience, social connection, and inclusion.	A minimum of 100 community organisations awarded community grants across the <i>Community Grants Program</i> .	From the period between July to December 2023, Council awarded a total of 129 grants to 110 community groups, valuing a total of \$438,649.72. This consists of 96 annual Community grants, 13 Small Grants, and 20 Facility Hire Grants to a diverse range of community groups.	
5.2.3 Implement annual actions in our <i>Reconciliation Action Plan 2022–2024</i> <i>Innovate</i> to support reconciliation and a unified, respectful, and thriving community that embraces our First Nations' Peoples.	Minimum of 90 per cent of year two actions completed.	<p>We have completed 72 per cent of actions in our <i>Reconciliation Action Plan (RAP)</i> and are on track to complete 92 per cent of RAP actions by 30 March 2024.</p> <p>Key achievements included:</p> <ul style="list-style-type: none"> <li>— commissioning an art piece for Council utilising local Aboriginal artist Merindah-Gunya;</li> <li>— holding conversations with over 80 people in October to support a well-informed community for the Voice to Parliament referendum;</li> <li>— holding a 'Knowledge Hour' information session for Council staff regarding the Voice to Parliament Referendum, with 20 people participating;</li> <li>— delivered cultural awareness training for Council staff by the Koorie Heritage Trust; and</li> <li>— commencing a project on collaboration and informed decision making with Boonwurrung Land and Sea Council.</li> </ul>	
<b>5.3 We will support accessible pathways into services, activities and facilities for people of all ages and abilities, particularly those most in need.</b>			
5.3.1 Deliver our <i>Community for All Abilities Program</i> to improve outcomes for people with disability living in our community including support for employment, volunteering opportunities and improved access to shops and community facilities.	<i>Community for All Abilities Program</i> delivered.	<p>As part of our <i>Community for All Abilities Program</i>:</p> <ul style="list-style-type: none"> <li>— 12 community organisations participating in the Inclusive Volunteering Network meeting held on 27 November</li> <li>— We held Carers Week activities during the month of October, with over 100 people participating;</li> <li>— three Pathways for Carers Social Connect groups held at Caulfield South Community House, with an average of 9 attendees at each session. Evaluation has commenced to support planning for 2024 programs for carers</li> <li>— We continued to support 20 participants in their training and employment goals through the GROW Glen Eira and EmployAbility programs.</li> </ul>	

STRATEGIC PRIORITY			
Action	Measure	Progress Updates as at 31 December 2023	Status
<b>5.3 We will support accessible pathways into services, activities and facilities for people of all ages and abilities, particularly those most in need.</b>			
5.3.2 Support vulnerable families and children who receive enhanced Maternal and Child Health services, including one on one enhanced parenting support to address issues such as social isolation, socio economic challenges and mental health.	Support a minimum of 15 families per month.	The Enhanced Maternal and Child Health service engages with 22–37 families each month. We engaged with a total of 84 families this quarter.	
5.3.3 Implement upgrades at Caulfield Town Hall and Bentleigh Senior Citizens Centre to improve disability access.  <i>This is a major initiative in the 2023–24 Annual Budget.</i>	<i>Disability Discrimination Act (DDA) Works</i> projects delivered.	Works to upgrade the access ramp located at the Clock Tower entrance, Caulfield Town Hall, is scheduled to commence February 2024 and is on track for completion by 30 June 2024.  The upgrade for the bathroom at the Bentleigh Senior Citizens Centre has been completed.	
<b>5.4 We will deliver services, events and programs that recognise and celebrate our broad interests and differences and promote participation for all.</b>			
5.4.1 Deliver community programs and events in Council places and spaces to promote community inclusion, celebrate diversity and encourage cultural expression.  <i>This is a major initiative in the 2023–24 Annual Budget.</i>	90 community programs and events delivered.	Community programs and events delivered from October to December included: – an awards ceremony celebrating the winners of the annual My Brother Jack Awards; – Diwali Festival of Lights at Booran Reserve in November, attended by 3,000 community members; – an afternoon tea to celebrate the opening of the History and Heritage exhibition Talking Shops in the Glen Eira City Council Gallery and – Lighting of the Menorah at Glen Eira Town Hall in December, attended by 140 community members.  Unfortunately, Carols in the Gardens at Rippon Lea Estate was cancelled due to safety concerns raised by dangerous weather conditions.	

## GLEN EIRA QUARTERLY SERVICE PERFORMANCE REPORT - DECEMBER 2023



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## STRATEGIC PRIORITY

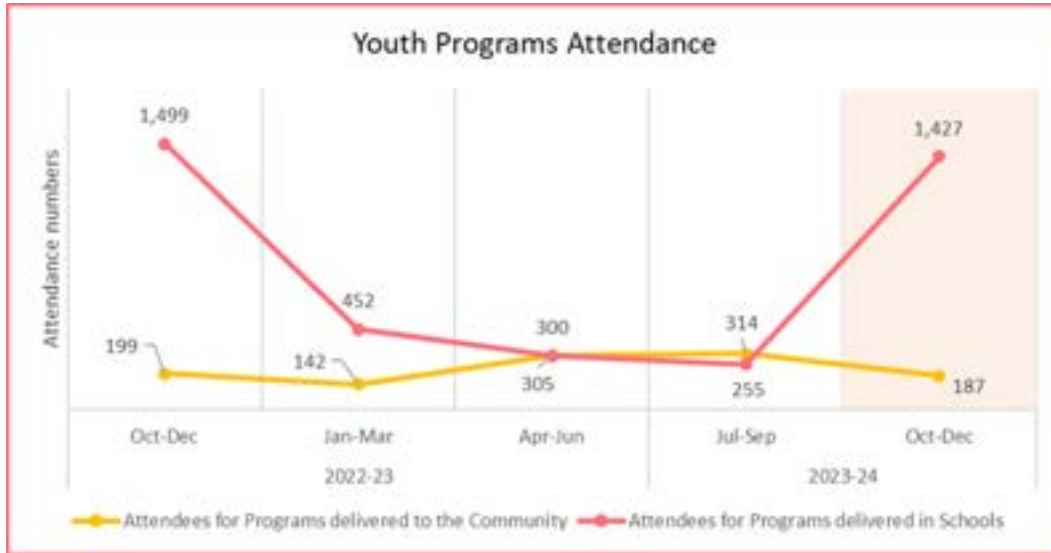
Action	Measure	Progress Updates as at 31 December 2023	Status
<b>5.4 We will deliver services, events and programs that recognise and celebrate our broad interests and differences and promote participation for all.</b>			
5.4.2 Purchase at least 15,000 new items for our library services in varied and accessible formats including online resources, eBooks, and audiobooks, to promote reading and literacy, and to reflect a wide range of community interests, ages and abilities.	A minimum of 15,000 new items purchased.	A total of 17,441 items have been purchased across the year. Almost 40 per cent of these were digital resources due to the addition of Borrowbox e-magazine subscriptions in July 2023.	

## 2022–23 ANNUAL ACTIONS

## STRATEGIC PRIORITY

Action	Measure	Progress Updates as at 31 December 2023	Status
<b>5.2 We will embrace diversity and value all people, promoting a society that welcomes and includes everyone.</b>			
5.2.3 Implement traffic safety improvements included within the 2022–2023 budget. <ul style="list-style-type: none"> <li>Whitmuir Road, at Elster Creek Trail, Bentleigh.</li> <li>Neerim Road at Boyd Park (eastern end), Murrumbeena.</li> <li>Kooyong Road, between Sycamore Street and Carlingford Street, Caulfield South.</li> <li>Neerim Road, just west of Hobart Road, Murrumbeena.</li> </ul>	100 per cent planned traffic safety improvements implemented.	<p>The Whitmuir Road, at Elster Creek Trail, Bentleigh - Shared User Path Crossing project is complete.</p> <p>The Neerim Road at Boyd Park, Murrumbeena (eastern end) - Pedestrian Operated Signals project is in the planning and design stage. The Signal Layout Plan has been completed. The detailed design is currently being prepared.</p> <p>Kooyong Road Pedestrian Operated Signals project (between Sycamore Street and Carlingford Street, Caulfield South) - Planning and design is underway and near completion. Construction will commence towards the end of this financial year.</p>	
<b>5.3 We will support accessible pathways into services, activities and facilities for people of all ages and abilities, particularly those most in need.</b>			
5.3.2 Assess the future of our aged-care services to respond to the Commonwealth Aged Care reforms and community feedback on the future of Council aged care services.	<i>Aged Care and Independent Living Service Plan</i> endorsed by Council.	The Commonwealth Government announced in the 2023–24 budget that the implementation of the Support at Home Program and its aged-care reforms would be further delayed to 1 July 2025. On 14 December 2023, the Commonwealth announced a further delay where Commonwealth Home Support Program will cease and be replaced by Support at Home 'no earlier than 1 July 2027'.	

## YOUTH SERVICES



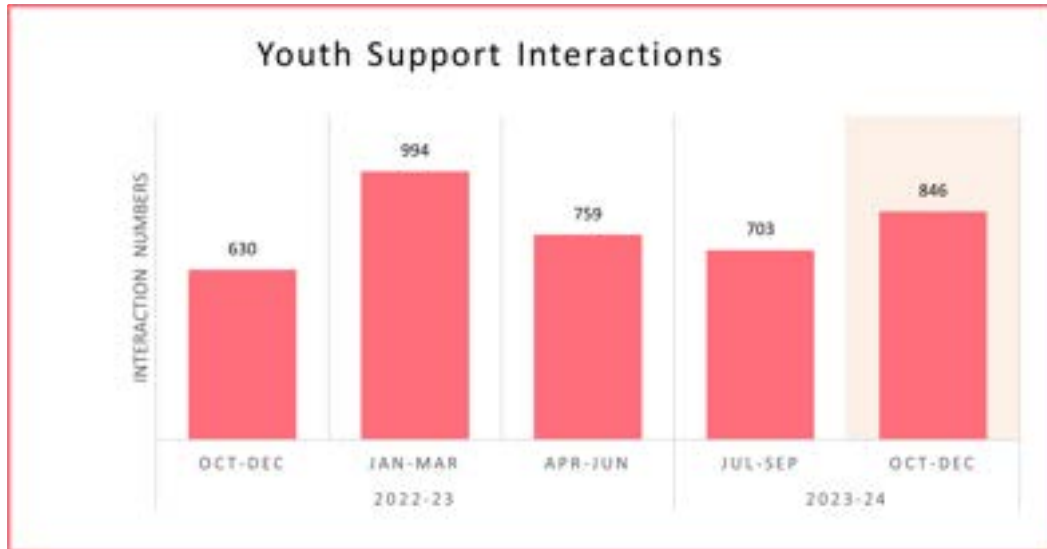
**Youth Programs delivered to the community:** Community-based programming delivered this quarter included Press Start, Youth Voice, Drop Ins and the Youth Event and Leadership Team.

**Youth Programs delivered in local schools:** Youth Programs delivered in local schools included the Moving Up Program to 19 local Glen Eira Primary Schools, Pride in school support sessions, Our Lady Sacred Heart College visits to the Bentleigh Library and Youth Hub and the Moving In Drop In sessions.



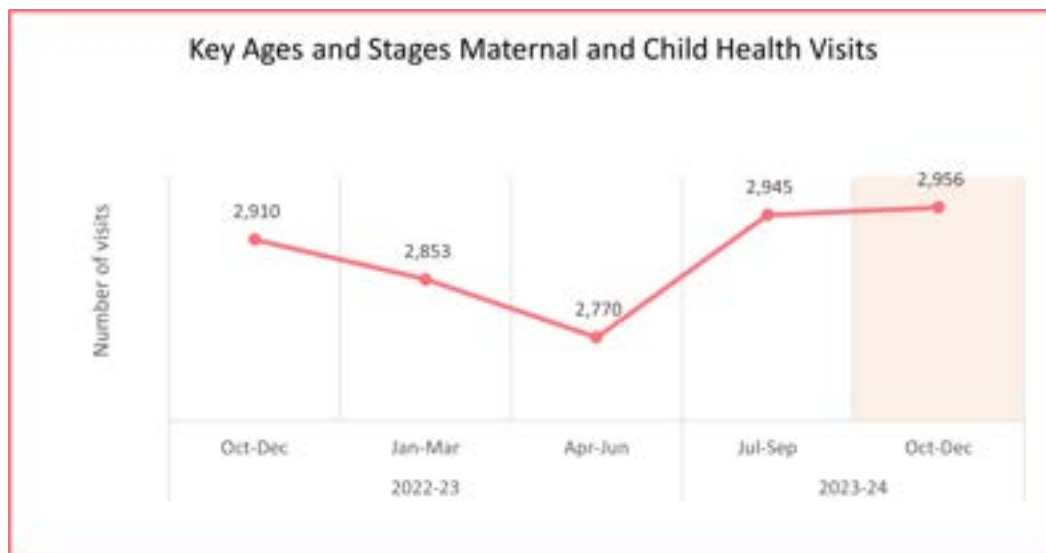
Youth special events are often one-off events or projects that sit outside of Youth Programs, examples include Industry Expo days, the Youth Art Exhibition, and the School Holiday Program.

This quarter, Youth Services hosted the Moving Up Parent information night with 35 attendees, and offered multiple comfort dog sessions throughout the exam period to support young people's health and wellbeing during a time where they can experience increased stress and anxiety.

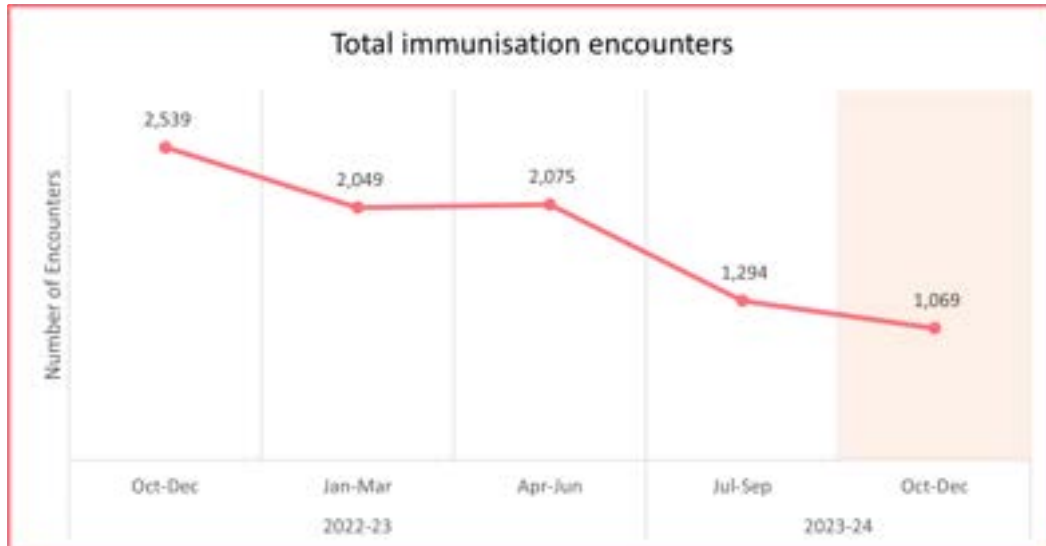


Interactions included nine drop-in sessions in addition to information provision, brief interventions, referrals from schools and community organisations, and ongoing client support.

### CHILDREN'S SERVICES



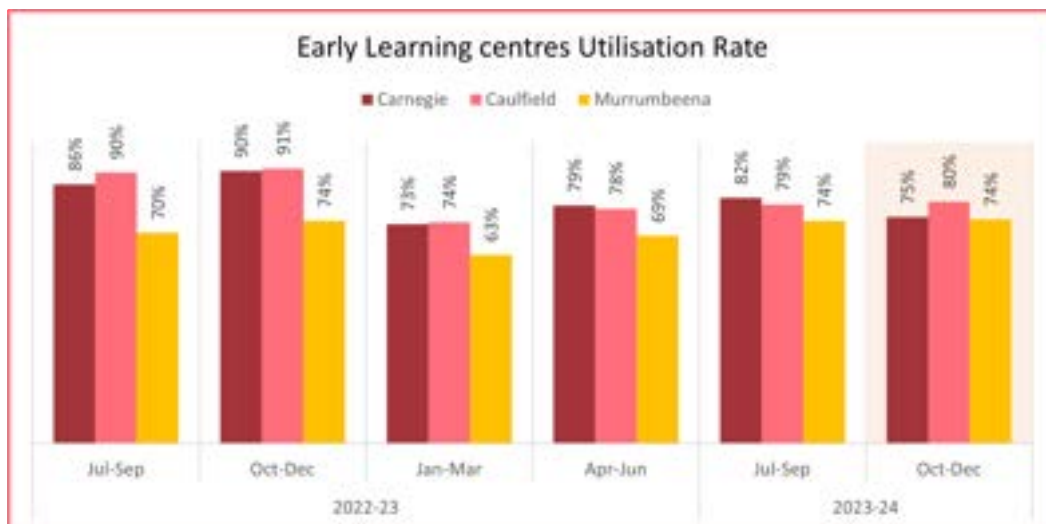
The Key Ages and Stages visits increased slightly this quarter with a small increase that may be attributed to a 9 per cent increase in birth notices received.



The total immunisation encounters include 818 clients at community sessions and 251 Secondary school students vaccinated with Meningococcal ACWY vaccine as part of the Year 10 School program.

Two clients attended community sessions for 'walk in' vaccinations without an appointment and there were 34 overseas catch up procedures for children, aged 1-18 years old.

Community sessions were stable with less influenza vaccine bookings than the previous quarter for age groups over 6 months to under 5 years and adults over 65.

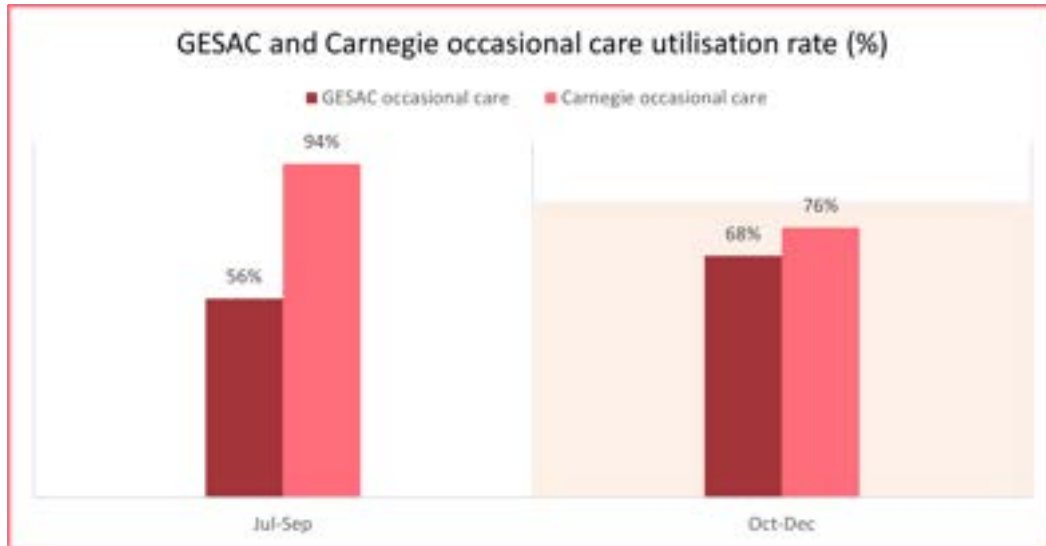


**Carnegie:** Utilisation decreased during this period due to families moving out of the area and in response to Council's announcement that it was considering closing the Early Learning Centres.

**Caulfield:** Utilisation slightly higher for this quarter due to some families booking additional days.

**Murrumbeena:** Utilisation remains steady.

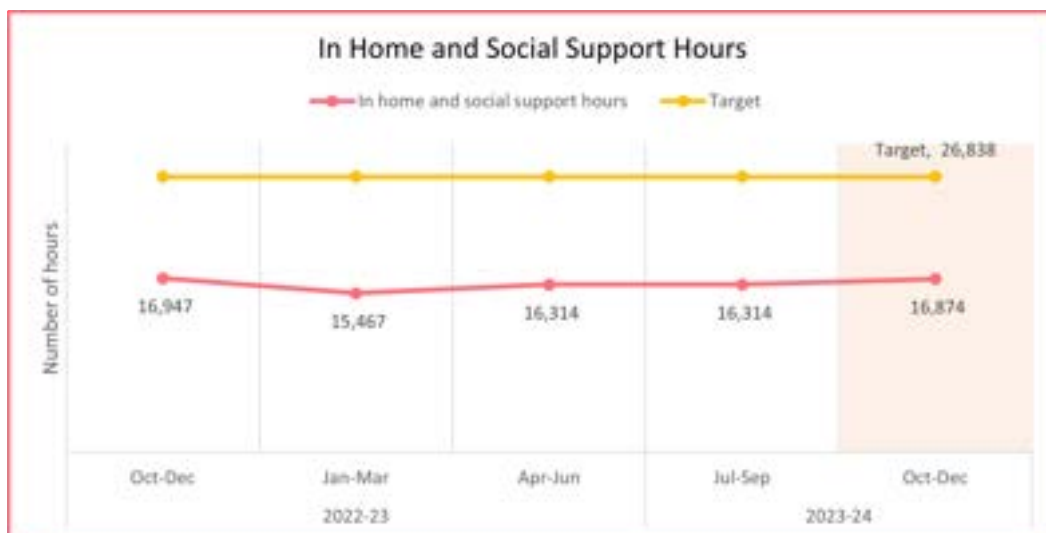




**GESAC occasional care:** This quarter, the service offered a total of 2,358 places (two sessions per day with between 19 to 23 places available at each session) of which 1,423 places were booked.

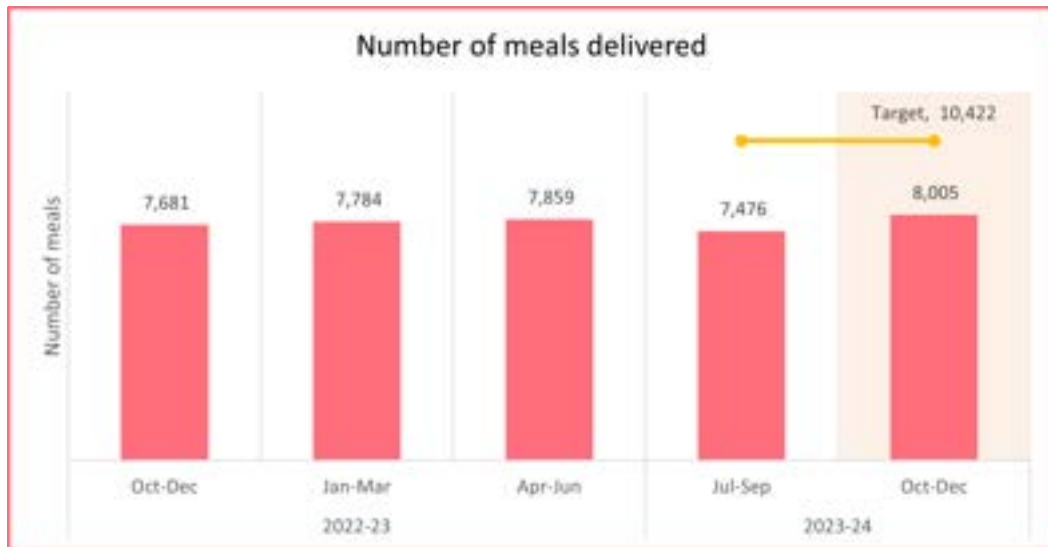
**Carnegie occasional care:** A total of 176 places were offered (two sessions per week during the school term capped at eight places per session due to workforce shortages), of which 134 were booked.

## IN HOME SUPPORT



The demand for in-home support services was below the targets funded by the Commonwealth Government. The key reasons for this were:

- > clients only required the service for a short period.
- > clients moved to either National Disability Insurance Scheme program, Home Care Package program or Residential Aged Care Homes due to more complex care needs.
- > clients left Glen Eira municipality.



The demand for delivered meals was below the targets funded by the Commonwealth Government. The key reasons for this were:

- > > clients only required the service for a short period.
- > > clients moved to either National Disability Insurance Scheme program, Home Care Package program or Residential Aged Care Homes due to more complex care needs.
- > > clients left Glen Eira municipality.

## LIBRARIES

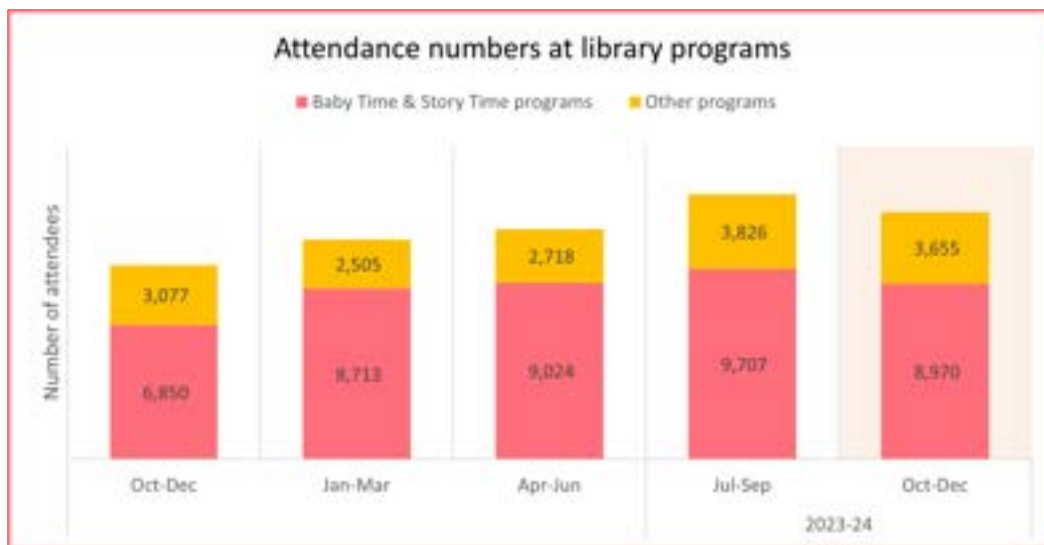


Digital library items: Loans of digital items increased modestly compared to the previous quarter. Downloadable audio books were again the most borrowed digital format.

**Loans of physical library items:** Demand for physical library items reduced this quarter as it usually does at this time of year.



The reduced sessions this quarter compared to the previous quarter is due to holidays.



The number of people attending BabyTime and StoryTime sessions in library branches dropped, attributable to reduced attendance due to holidays. Attendance at library programs dipped compared to the previous quarter in line with the trend of overall reduced visitation to libraries at this time of year.



Visits to library branches reduced this quarter as demand for study and meeting spaces dropped as school wrapped up for the year.

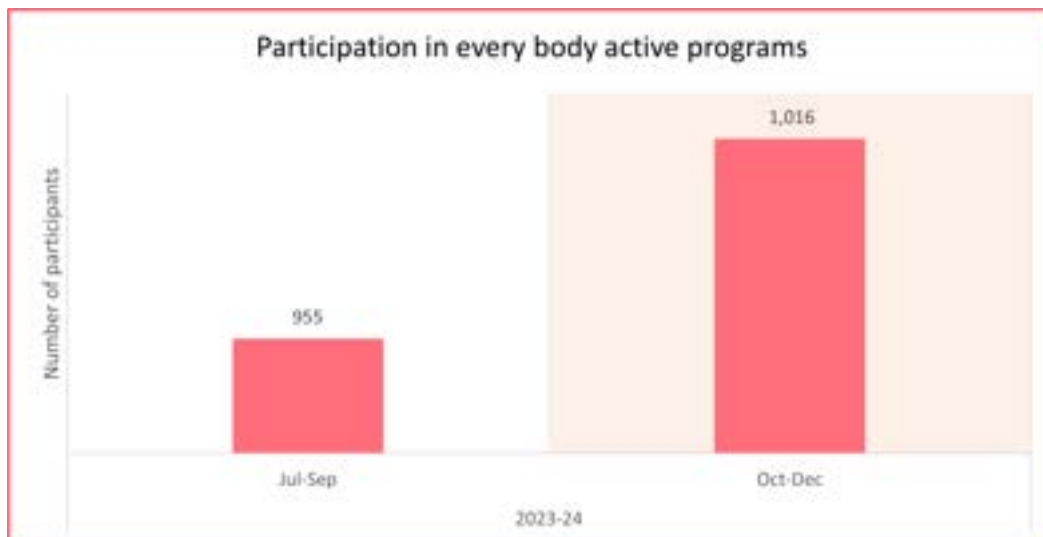
### GLEN EIRA LEISURE (GEL)



**Health and Fitness:** Memberships are at a record high and growing.

**Swim School:** Swim School Memberships remain steady.

**Caulfield Recreation Centre (CRC):** memberships remain consistent.



This quarter we had 104 clients supported each week at GEL across Hydrotherapy, Gym and Group Fitness in our Every Body Active (EBA) Support Program.

Attendances across the quarter include:

- > 478 attendances for EBA Group Fitness. (Average 48 over 10 weeks) and
- > 434 player attendances over 10 weeks in our Basketball Unlimited program. (Average 43 players each Wednesday for Term 4 Basketball - impacted 2 weeks with low numbers due to covid).

## FOOD SAFETY



Council inspects all food businesses annually. A total of 367 business were inspected this quarter, the end of the business registration period.

Council's Environmental Health Officers focus on risk to food safety in line with the Department of Health and Food Act reforms. In this quarter, 11 businesses received a critical or major non-compliance result from a food-safety inspection. These businesses will receive a follow-up inspection.

## DOMESTIC ANIMAL MANAGEMENT PLAN

The *Domestic Animals Act 1994* requires Victorian councils to have in place a four-year *Domestic Animal Management Plan (DAMP)* that leads the management of cats and dogs in the community. Council recognises that companion animals are part of our community and contribute to the health and wellbeing of many people. The objective is to teach responsible cat and dog ownership through education and innovative strategies that allow pets and people to live together harmoniously and safely across Glen Eira.

More information on the *Plan* can be found [here](#).



Completed



On track



Off track



Deferred

2023 Activities	Progress	Status
First Aid Level 2 (Authorised Officers)	Training was delivered to all Civic Compliance Officers September 2023.	
Administer responsible pet ownership information sessions in local primary schools to promote registration	Council has engaged with Agriculture Victoria, Pets and Animal Welfare department who have delivered education sessions to 18 schools in 2023.	
Increase awareness regarding registration requirements amongst culturally and linguistically diverse (CALD) communities	Material has been approved and placed on Glen Eira Website for the (CALD) communities.	
Produce information regarding registration and de-sexing requirements in multilingual formats	Completed and uploaded to Glen Eira website.	
Conduct a feasibility study to determine if the timeshare arrangement in open space needs extending to offer additional options such as 'Seniors Hour' or 'Puppy Time'	Feasibility study conducted between April 2023 to August 2023. Assessment determined that the initiative would be impractical to enforce and difficult to monitor. The approach is to create separate areas suitable for smaller and less active dogs, for example Pawfield Park.	
Provide educational material about cat enclosures and provide a DIY cat enclosure workshop	Cat vaccination and cat enclosure education was provided by RSPCA at Pavilion in Hodgeson Reserve from 24–26 July 2023.	
Seek interest from local primary schools about administering a pilot Dog Safety Awareness program (including dog safety and messages relating to 'my dog is part of my family')	Council engaged with Agriculture Victoria, Pets and Animal Welfare who have delivered education sessions to 18 schools in 2023.	
Develop material which focuses on appropriate breeds for different types of households	Information has developed and placed on website.	
Consider programs to address wild and stray cats	Educational information on Council website and information booklet handouts have been created to inform the community about wild and stray cats.	
Review application and renewal processes	We have reviewed our online application and renewal process with customer experience in mind. An annual task timeline is being developed to ensure that renewals are processed on time.	

## COMMUNITY EVENTS - LIBRARIES, ARTS AND CULTURE

### October Events:

#### Low-waste parties



We were joined by sustainability educator, Kirsty Bishop-Fox, as she shared some tips and tricks to reduce party waste and put on an eco-friendly celebration.

#### Halloween Spooktacular



The community dressed up and headed down to Elsternwick Library for a special spooktacular storytime. There were also lantern craft fun and a hair-raising scavenger hunt.

#### The Endless Interior exhibition



The Endless Interior exhibition turned the Gallery into a 'living' space through the participation of Masters of Architecture students. The community had the opportunity to explore the never-before-seen mid-century furniture and interior artefacts from creators such as Dario Zoureff, Schulim Krimper, Ernest Deutsch, Ernest Plishke, Sol Shapiro, Karl Duldig and many more.

#### Live Sunday Session



The Live Sunday Session featured the incredibly talented musicians of Ensemble Liber! This talented string trio captivated the audience with a delightful afternoon of classical music.



**November Events:**

**Diwali**



The community joined in the Diwali celebrations at Booran Reserve. This year marked 30 years of music for DJ Richi Madan.

DJ Richi Madan will be spun the tracks, hosted the night and showcased his Dhol drumming skills. And that's not all; the community enjoyed captivating Bollywood dance performances, henna painting, market stalls and more!

**Night of laughter**



There was a night of laughter at Elsternwick Library, as we tapped into the lighter side of life with wellness expert Ros Ben-Moshe, and Jacinta Parsons.

If you haven't read *The Laughter Effect* and are interested in self-care, mindfulness, gratitude and self compassion, we highly recommend it!

**Talking Shops: Glen Eira Stories**



Explore the unique character of our local centers through Aron Lewin's interviews and photography by Tatiana CC Scott of *Tales of Brick and Mortar*.

Whether still standing or just a memory, these shops and the people that run them are a unique record of a time, place, and a changing local retail scene.



## December Events:

### Lilach Mileikowski's captivating exhibition: Sustenance



The community immersed themselves in Lilach Mileikowski's captivating exhibition: Sustenance, where they explored an array of sculptural works seamlessly blending clay, glaze, fabric, and wire.

### Jolabokafloð



Jolabokafloð (Yule Book Flood) is an Icelandic tradition where books are given on Christmas Eve and recipients then spend the evening reading and drinking hot chocolate.

Glen Eira Libraries is again celebrating this wonderful tradition. Come along and take away a second-hand book (to keep), have a chat with our team, and enjoy a free hot chocolate or coffee.

### Chanukah craft session



The community celebrated the Festival of Lights with an afternoon of dreidel decoration, menorah making and other fun Chanukah craft activities.

### Caulfield Library Turns 30



Did you know it has been 30 years since Caulfield Library moved to Town Hall? The community joined us as we celebrated with some craft, face art, and some special birthday treats!

More information about what is on in Glen Eira can be found following these links:

- > [What's on in Glen Eira](#)
- > [Glen Eira Events and festivals](#)
- > [Library events calendar](#)
- > [Current Gallery Exhibitions](#)
- > [Subscribe to arts and culture newsletter](#)

## GLOSSARY

**Activity centre** - an area that includes the commercial heart and the nearby surrounding residential area. An activity centre provides a focus for services, employment, housing, transport and social interaction. They range in size and intensity of use from smaller neighbourhood centres to major activity centres and larger metropolitan centres. Glen Eira's major activity centres are Elsternwick; Carnegie; Bentleigh; Glen Huntly; Moorabbin Junction; Caulfield Station Precinct and East Village in Bentleigh East. Our neighbourhood activity centres are: Alma Village; Bentleigh East; Caulfield Park; Caulfield South; Gardenvale; Hughesdale; McKinnon; Murrumbeena; Ormond; Patterson; and Ripponlea.

**Advisory Committee** - a committee that provides advice and recommendations for decisions by Council.

**Advocacy** - is where Council publicly voices its support for projects and policies to other levels of government.

**Capital works** - any work undertaken to establish, renew, expand and upgrade Council's assets.

**CEO** - Chief Executive Officer.

**Community based Youth Programs** - programs that are offered by Youth Services and are run from community facilities such as the Bentleigh Library Youth Hub. These programs have a focus on youth participation and community connection, examples include Press Start and the Youth Event and Leadership Team.

**Community Voice** - an online consultation group made up of a representative sample of community members who agree to be consulted about key projects, issues and topics on a regular basis.

**Council Plan** - a document outlining Council's strategic direction for four years.

**DDA** - Disability Discrimination Act

**Food safety failed inspection** - when a deficiency is found by a Council officer that poses a risk to public health and must be followed up by the Council. This includes situations where there is a serious risk of food being sold that is unsafe to eat.

**GEL** - Glen Eira Leisure; a combined facility management structure incorporating Caulfield Recreation Centre, Carnegie Swim Centre and Glen Eira Sports and Aquatic Centre (GESAC).

**Glen Eira News** - Council's monthly newspaper, which provides residents with information about Council activities. It is delivered to all residents within Glen Eira.

**IAP2** - The IAP2 Public Participation Spectrum articulates five levels of engagement, from very little influence (Inform) to the most influence (Empower) where the final decision is placed in the hands of the community.

- > Inform: To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.
- > Consult: To obtain public feedback on analysis alternatives and/or decisions.
- > Involve: To work directly with the public throughout the process to ensure public concerns and aspirations are consistently understood and considered.
- > Collaborate: To partner with the public in each aspect of the decision, including the development of alternatives and identification of the preferred solution.
- > Empower: To place final decision-making in the hands of the public.

**Immunisation encounter** - a record of any immunisation that is given to any member of the community.

**In-home support** - a program of services provided when frailty, disability or illness prevent a person from undertaking the tasks of daily living for themselves. The program consists of domestic assistance, personal care, home maintenance/modifications, delivered meals, Social support group activities and respite care services.

**Integrated Planning and Reporting Framework (IPRF)** - allows Council and the community to have better visibility across the various elements of the strategic planning and reporting system. It ensures a greater understanding of how the things we do today, contribute to achieving our future Community Vision.

**LGBTQIA+** - Lesbian, gay, bisexual, transgender, queer/questioning, intersex, asexual.

**Major non-compliance outcome** - Is a notification received by a Council under the Food Act 1984, or advice given to Council by an authorised officer under that Act, if it relates to a deficiency that does not pose an immediate serious threat to public health but which may do so if no remedial action is taken and must be followed up by the council.

**Open space contribution** - Council collects a public open space contribution when prescribed types of land is subdivided. This public open space contribution is held by Council in reserve and can only be spent to purchase new land to be used as open space (ie. a Council park) or to upgrade existing open space. This Quarterly Service Report measure details the value of public open space contributions collected for the quarter.

**Planning Scheme** - legal documents prepared by a council or the Minister for Planning and approved by the Minister that determine the use, development and protection of land within that specific municipality.

**School based Youth Programs** - programs that are offered by Youth Services and are conducted and run-in school time. These programs aim to support identified needs within the school cohort, examples include the School Engagement Program and the Moving Up Program.

**Snap Send Solve** - an app that simplifies the reporting of community issues to councils.

Social and affordable housing - housing that is (at least in part) subsidised by the government.

**Structure Plan** - a long-term Plan that guides important aspects of an area, including development, land use, transport and car parking, community facilities, public realm, open spaces and strategic opportunities.

**VCAT** - Victorian Civil and Administrative Tribunal.

**Youth Special Events** - are often one-off events or projects that sit outside of Youth Programs, examples include Industry Expo days, the Youth Art Exhibition, and the School Holiday Program.

**Youth Support Interactions** - Phone calls, emails, and one-on-one support session appointments. One-on-one support sessions include, drop ins, brief interventions, referrals from schools and community organisations, and ongoing client support.

**YTD** - Year to date.



GLEN EIRA  
CITY COUNCIL

## Glen Eira City Council

Corner Glen Eira and Hawthorn Roads, Caulfield

Mail address: PO Box 42  
Caulfield South, 3162

Phone: (03) 9524 3333

Fax: (03) 9523 0339

mail@gleneira.vic.gov.au

www.gleneira.vic.gov.au

### National Relay Service

If you are deaf, hearing-impaired, or speech-impaired, we ask that you call us via the National Relay Service and then ask for (03) 9524 3333.

Online: <https://internet-relay.nrscall.gov.au>

Teletypewriter (TTY): 13 36 77

Speak and Listen: 1300 555 727

### Social media

#### Glen Eira City Council:

[www.facebook.com/GlenEiraCityCouncil](https://www.facebook.com/GlenEiraCityCouncil)

#### @cityofgleneira:

[www.instagram.com/cityofgleneira](https://www.instagram.com/cityofgleneira)

#### Glen Eira arts, gallery and events:

[www.facebook.com/gleneiraarts](https://www.facebook.com/gleneiraarts)

[www.instagram.com/gleneiraarts](https://www.instagram.com/gleneiraarts)

#### Glen Eira Leisure:

[www.facebook.com/GESACOnline](https://www.facebook.com/GESACOnline)

<https://www.instagram.com/gleneiraleisure>

[www.twitter.com/GESACOnline](https://www.twitter.com/GESACOnline)

#### Glen Eira Libraries and Learning Centres:

[www.facebook.com/GlenEiraLibraries](https://www.facebook.com/GlenEiraLibraries)

<https://www.instagram.com/gleneiralibraries>

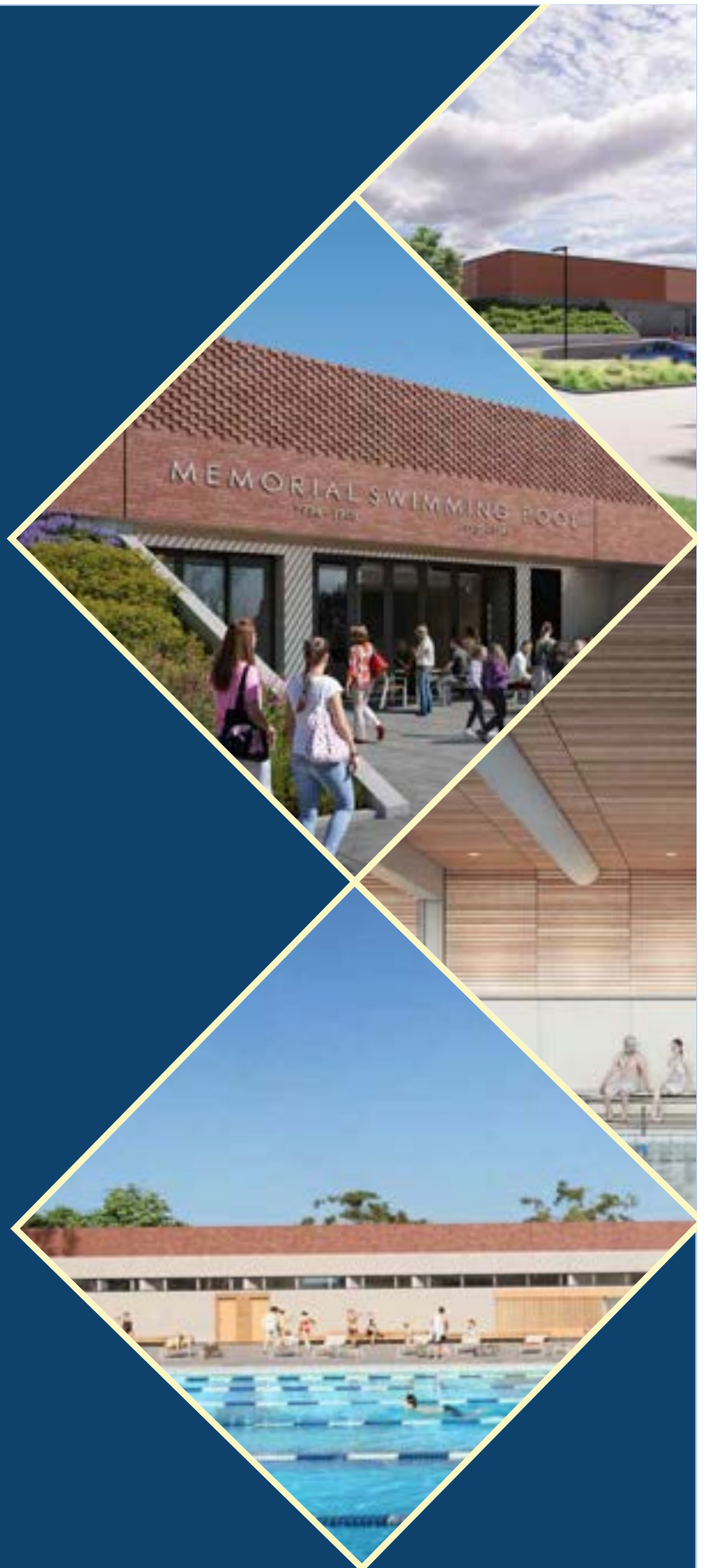
#### Glen Eira sustainable living:

[www.facebook.com/sustainablelivinggleneira](https://www.facebook.com/sustainablelivinggleneira)

#### Glen Eira Youth Services:

[www.facebook.com/GlenEiraYouthServices](https://www.facebook.com/GlenEiraYouthServices)

[www.instagram.com/gleneirayouthservices](https://www.instagram.com/gleneirayouthservices)





GLEN EIRA  
CITY COUNCIL

# STRATEGIC INDICATORS

MID-YEAR REPORT 2023–24



- BENTLEIGH
- BENTLEIGH EAST
- BRIGHTON EAST
- CARNEGIE
- CAULFIELD
- ELSTERNWICK
- GARDENVALE
- GLEN HUNTLY
- MCKINNON
- MURRUMBENA
- ORMOND
- ST KILDA EAST



# STRATEGIC DIRECTION 1: WELL INFORMED AND TRANSPARENT DECISIONS AND HIGHLY VALUED SERVICES

## STRATEGIC INDICATORS

Strategic Indicator	Performance Measure	Result
Opportunities for the community to be engaged in Council's planning, projects and key decision-making processes.	All engagement activities comply with the <i>Community Engagement Policy</i> .	Council continues to deliver engagement activities that comply with the <i>Community Engagement Policy</i> . During 2023 we delivered a proactive <i>Our Priorities, Our Future</i> communication and engagement campaign to support the <i>Financial Sustainability Plan</i> . Delivering over and above the requirements of the Policy, this 'Collaborate' and 'Consult' level of engagement included a comprehensive deliberative panel alongside a broad community and targeted engagement program.
	Community satisfaction with our engagement approach is maintained or increased.	The Annual Community Satisfaction Survey will be undertaken in February 2024. Updates for this strategic indicator will be provided in the 2023–24 <i>Annual Report</i> .
Council proactively advocates for community priorities.	Strategic advocacy priorities are promoted through a dedicated advocacy framework.	Our <i>Advocacy Policy and Priority Advocacy Projects 2023–24</i> shape our advocacy efforts in ensuring we work in partnership with the community to influence public policy and resource allocation decisions for the benefit of the municipality.
	Stakeholder awareness of our advocacy priorities is increased.	We continue to engage with Members of Parliament and Ministers to raise awareness of our priorities. We also engage with peak bodies, industry groups and other relevant stakeholders to raise the profile of our important policy priorities, including raising motions at the Municipal Association of Victoria's State Council meetings and the Australian Local Government Association National General Assembly to progress our priorities into the state and national council agendas.  We have also started conversations with other councils to collaborate on sector wide issues.
	Council's advocacy delivers measurable results.	Council's <i>Priority Advocacy Projects 2023–24</i> was endorsed on 25 July 2023. This was supported with an advocacy campaign to raise awareness of Council's advocacy priorities with Members of Parliament and other decision-makers. Council has conducted 38 meetings with 18 Members of Parliament and 32 associated staff at the state and federal levels. Glen Eira's advocacy has helped to secure five policy reforms.

Strategic Indicator	Performance Measure	Result
Council decisions and activities communicated in a timely, clear and proactive manner.	Communication activities comply with adopted service standards.	<p>The <i>Our Priorities, Our Future</i> community engagement was communicated in a timely, clear and proactive manner. It was a multi-channel communications campaign designed to reach diverse audiences across all channels to inform and engage.</p> <p>We have a number of measures currently in place around making our writing, website and other digital channels accessible, with a focus on reaching more people who speak languages other than English. We have promoted and improved awareness and access to the translation offering.</p> <p>New signage guidelines for capital and other significant projects were approved, offering much improved opportunities to keep the community informed around Council funded initiatives.</p>
	Increased community satisfaction with Council's communication.	The Annual Community Satisfaction Survey will be undertaken in February 2024. Updates for this strategic indicator will be provided in the <i>2023–24 Annual Report</i> .
Customer-focused and responsive services that provide value-for-money.	Overall community satisfaction measures are maintained or increased.	The Annual Community Satisfaction Survey will be undertaken in February 2024. Updates for this strategic indicator will be provided in the <i>2023–24 Annual Report</i> .
	Service reviews conducted across key Council services include value-for-money assessments.	economy and placemaking, immunisation, customer service and depot operation services. Improvements have been identified in these service areas that promote efficiency, enhance customer or employee experience and improve our ability to deliver on our strategic objectives.
Annual budgeting and long-term financial planning activities are informed by deliberative community engagement.	Deliberative engagement process undertaken for strategic financial planning activities	The <i>Our Priorities, Our Future</i> community engagement was completed in December 2023 and will be used to guide the <i>2024–25 Annual Budget and Long Term Financial Plan</i> .
	Community participation in the deliberative process informs the annual budgeting process.	The <i>Our Priorities, Our Future</i> community engagement was completed in December 2023 and will be used to guide the <i>2024–25 Annual Budget and Long Term Financial Plan</i> .
	Evaluation of deliberative process is completed.	The <i>Our Priorities, Our Future</i> community engagement was completed in December 2023 and will be used to guide the <i>2024–25 Annual Budget and Long Term Financial Plan</i> .
Well-informed decision-making and ethical governance which builds trust.	Community satisfaction with decisions made by Council in their interests is maintained or increased	The Annual Community Satisfaction Survey will be undertaken in February 2024. Updates for this strategic indicator will be provided in the <i>2023–24 Annual Report</i> .
	Full compliance with the <i>Public Transparency Policy</i> requirements under the <i>Local Government Act 2020</i> .	All policies under the <i>Local Government Act 2020</i> , covering matters such as community engagement, CEO employment and public transparency have been adopted. In accordance with Council's <i>Public Transparency Policy</i> , all policies are now available on our website.
	No reported findings of unethical practice by integrity agencies.	There have been no findings of unethical practice by integrity agencies in 2023–24.

## STRATEGIC DIRECTION 2: ACCESS TO WELL DESIGNED AND MAINTAINED OPEN SPACE AND PLACES

### STRATEGIC INDICATORS

Strategic Indicator	Performance Measure	Result
Increased open space provision in accordance with the priorities outlined in the <i>Open Space Strategy</i> .	Increased hectares of available public space and/or increase in access to open space owned by others.	We have acquired a property at 10 Ames Avenue, Carnegie (766m <sup>2</sup> ), which will greatly contribute to the size of the future open space at the former Rosstown Aged Care site. Additionally, we have settled on properties at 15, 17 and 19 Oakdene Crescent, Carnegie (2,060m <sup>2</sup> ), which will be developed into open spaces in the future. Furthermore, we have demolished properties at 1 Tranmere Avenue (621m <sup>2</sup> ) and 21 Hewitts Road (541m <sup>2</sup> ), Carnegie, as well as houses at 15, 17 and 19 Porter Road, Bentleigh (184m <sup>2</sup> ). Following the demolitions, the areas were levelled and grassed and are now open for community access. Additionally, we have levelled and grassed the land at 64 and 66 Mackie Road, Bentleigh East (2,500m <sup>2</sup> ), ensuring its suitability for public use.
Improved access, quality and safety of our active open space facilities, including our sporting and recreation reserves.	Increased utilisation rates of public spaces and facilities.	Casual bookings for picnic shelters, open space, multi-purpose court and cricket net facilities has increased by 24 per cent in 2023–24. The 2023–24 summer sport allocations showed consistent participation numbers to the previous summer season.
	Community satisfaction with recreation facilities is maintained or increased.	The Annual Community Satisfaction Survey will be undertaken in February 2024. Updates for this strategic indicator will be provided in the <i>2023–24 Annual Report</i> .
More flexible open spaces and places which cater for passive enjoyment and improve participation in active recreation.	Flexible designs enable passive and active components in recreation projects.	<p>Concept plans have been endorsed and detailed design is underway for:</p> <ul style="list-style-type: none"> <li>— Mackie Road Reserve play space, Bentleigh East;</li> <li>— Ames Avenue, Carnegie new open space, and</li> <li>— Porter Road, Bentleigh new open space.</li> </ul> <p>The design has been finalised and preparation works have commenced for construction of the Murrumbeena Park Multi-purpose training facility. These provide access to flexible passive options for all ages.</p>
	Delivery of active recreation facilities and programs in line with targets set in the <i>Active Recreation Action Plan</i> .	<p>The following facilities have been delivered in line with commitments in the <i>Active Recreation Action Plan</i>:</p> <ul style="list-style-type: none"> <li>— construction of a new outdoor fitness facility has been completed at Bailey Reserve, Bentleigh East;</li> <li>— The design and been finalised and preparation works have commenced for construction of the Murrumbeena Park multi-purpose training facility;</li> <li>— Design development and stakeholder engagement has commenced for the Bentleigh Reserve Multi-purpose training facility;</li> <li>— Glen Eira Leisure continues to deliver the Active Communities program in parks.</li> </ul>
	Utilisation of multi-function spaces is increased.	Book-a-Court has been installed at Wattle Tennis Club at Bentleigh Reserve – this has extended utilisation and provides increased opportunity for participation by casual users. Sports ground lighting continues to be provided for community use at nominated sports grounds during non-daylight savings periods. The initiative increases sports ground usage and opportunities for the community to be physically active.



Strategic Indicator	Performance Measure	Result
Improved look and feel of our activity centres, including cleanliness, footpath condition, graffiti, waste management, trees, parking, safety and lighting.	Community satisfaction with the condition of local streets and footpaths is maintained or increased.	The Annual Community Satisfaction Survey will be undertaken in February 2024. Updates for this strategic indicator will be provided in the <i>2023–24 Annual Report</i> .
	Community perceptions of safety in activity centres are maintained or increased.	The Annual Community Satisfaction Survey will be undertaken in February 2024. Updates for this strategic indicator will be provided in the <i>2023–24 Annual Report</i> .
	Footpath condition ratings meet or exceed intervention levels.	<p>Council undertakes an assessment of the condition of our entire footpath network every four years. The last assessment was undertaken in 2021.</p> <p>During this process we captured defects such as stepping, cracking and distortion (displacements or unevenness), which assessed the severity and extent of the defects identified. Severity of defects have direct connection with the condition of a footpath segment. As an outcome of this assessment, we developed a prioritised program of works targeting the worst areas of footpath condition. This program is developed into proactive renewal programs in managing and mitigating risk as defects have direct connection with the risk. In addition to this, Council has also recently introduced footpath grinding to assist in managing the condition of our footpaths and their associated risks.</p> <p>Council carries out routine inspection of the footpath network as required by the <i>Road Management Plan (RMP)</i>. This inspection program is carried out every six months, annually or every three years depending on the usage and classification of footpaths, to identify defects at or above the intervention level. These defects, once identified are treated in line with the standards as prescribed in the <i>RMP</i>.</p>
	Delivery of projects and programs that improve the amenity of our activity centres.	Our <i>Parklet Program</i> delivered 20 parklets that enhanced the amenity and the vibrancy of our shopping strips. Council resolved to continue the program on a fee-paying basis. Seven parklets will remain in place this year
	Increased availability of empathetic parking in all major activity centres and neighbourhood centres.	<p>We have completed works in nine of our off-street car park locations within Glen Eira, four in Bentleigh and one each in Bentleigh East, Caulfield East, McKinnon, Elsternwick and Ormond.</p> <p>We plan to update another two more car parks with empathetic parking spaces in Bentleigh and Bentleigh East.</p>
	Increased quantity of trees in activity centres in line with targets set under the <i>Urban Forest Strategy</i> .	We have been working on the development of a <i>10 year activity centre improvement plan</i> . Part of this project will involve canopy tree planting opportunities.

Strategic Indicator	Performance Measure	Result
New and refurbished multi-purpose spaces and facilities that maximise usage by a diverse range of community members and groups.	Delivery targets for agreed capital works projects are achieved.	<p>This year Council adopted a Capital Works Program of \$75.02 million (\$63.44 million of new works plus a carry forward amount from 2022–23 of \$11.57 million).</p> <p>As of 31 December 2023, 37.14 per cent of the program has been completed and we have spent \$27.49 million.</p> <p>We are in the process of developing a financially sustainable Capital Works Program for the next 10 years that aligns with the strategic directions of Council and the needs of the community.</p>
	Achieve target utilisation rates for new and refurbished facilities reflective of the Glen Eira population demographics.	Utilisation rates have increase on average by 15.8 per cent, Murrumbeena Park Community Hub is leading usage with an impressive 17.2 per cent take up.
Greater access to public spaces and places, managed by others, for example the Caulfield Racecourse Reserve, Level Crossing Removal Authority, education facilities and neighbouring councils.	Increased advocacy, partnerships and agreements with other organisations for access to open space by Glen Eira residents.	<p>Council adopted advocacy priorities through its <i>Priority Advocacy Projects 2023–24</i>. This advocacy program includes a range of open space priorities, including funding to unlock open space and enhancing current open space. Initiatives include Caulfield Racecourse Reserve enhancements, funding for Porter Road, Bentleigh, and continuation of the Suburban Parks Program.</p> <p>Ongoing advocacy has continued in progressing discussions for more open space in Glen Eira. This has included sending letters, providing information and holding meetings to advance our priorities, as well as a motion focused on open space initiatives at the Municipal Association of Victoria State Conference in October 2023.</p>

## STRATEGIC DIRECTION 3: A LIVEABLE AND WELL PLANNED CITY

### STRATEGIC INDICATORS

Strategic Indicator	Performance Measure	Result
Planning for greater certainty and clarity in how our priority growth areas will be managed.	Permanent planning controls are introduced into the <i>Glen Eira Planning Scheme</i> to help manage growth across the major activity centre network.	<p><b>Bentleigh:</b> Community consultation on the draft <i>Structure Plan</i> was undertaken in September 2023. Council will consider adoption of the <i>Structure Plan</i> and seek authorisation for a planning scheme amendment to introduce permanent controls before 30 June 2024.</p> <p><b>Carnegie:</b> Amendment C237 was exhibited August 2023. Planning panel due to commence on 12 February 2024 and will be considered by Council for potential adoption after receipt of the panel's report.</p> <p><b>Elsternwick:</b> <i>Structure Plan</i> was adopted in August 2023 and Council sought authorisation from the Minister for Planning in November 2023 to put the amendment on exhibition. We are awaiting the Minister's decision, which can take many months.</p>
	Permanent planning controls are introduced into the <i>Glen Eira Planning Scheme</i> to help manage growth within the Caulfield South, Caulfield Park and Bentleigh East neighbourhood activity centres.	Amendment C247 for East Bentleigh is going to a planning panel in March 2024 to consider submissions received during exhibition and will be considered by Council for potential adoption after receipt of the panel's report.
	Improved satisfaction with public communication about the role and function of Council planning, including the related strategies and policy frameworks.	<p>We continue to explore and apply diverse communications and engagement activities on all major projects, including a minimum six-week community consultation period. We have undertaken more face-to-face consultations while maintaining online opportunities for community involvement.</p> <p>Public submissions received for the draft <i>Elsternwick Structure Plan</i> were summarised and presented to Council for noting and were available to the public. This was presented ahead of any final changes to the <i>Structure Plan</i> to demonstrate transparency in communicating our structure planning process.</p> <p>Our communications approach aims to educate the community about our role as a planning authority and how our work fits within the Victorian planning system. We continue to seek opportunities to improve how we communicate the role and function of planning in recognition of the level of community interest in this area.</p>
	Council's urban strategic planning includes consideration of the goals outlined in the <i>Open Space Strategy</i> , the <i>Our Climate Emergency Response Strategy</i> and the <i>Urban Forest Strategy</i> .	All <i>Structure Plans</i> and the <i>Glen Eira Housing Strategy</i> incorporate the key goals and objectives outlined in Council's <i>Open Space</i> , <i>Urban Forest Strategy</i> and <i>Our Climate Emergency Response Strategies</i> . These key goals and objectives are also featured in the implementation plans.

## GLEN EIRA QUARTERLY SERVICE PERFORMANCE REPORT - DECEMBER 2023

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Strategic Indicator	Performance Measure	Result
Planning for a range of housing options to meet community needs with opportunities for increased social and affordable housing.	Sustainable growth and development are guided by the directions contained in the <i>Glen Eira Housing Strategy</i> .	Amendment C255 has been prepared and proposes to implement the <i>Housing Strategy</i> into the <i>Planning Scheme</i> . It will be considered by Council in February 2024. Council will consider whether to ask the Minister for Planning to authorise exhibition of the amendment.
	The goals outlined in the <i>Social and Affordable Housing Strategy</i> are progressed.	A range of initiatives are underway to progress the goals outlined in the <i>Social and Affordable Housing Strategy</i> . These include: <ul style="list-style-type: none"> <li>— Identifying State Government owned land located within Glen Eira, for potential use and/or development for social and affordable housing.</li> <li>— Submission of a response to the Federal Government's National Housing and Homelessness Plan Issues Paper.</li> </ul>
Planning that provides guidance to Council on the best location of future community assets.	Structure plans and other strategies inform Council's investment in local facilities and spaces.	The adopted <i>Caulfield, Carnegie, and Elsternwick Structure Plans</i> and the draft <i>Bentleigh Structure Plan</i> contain an implementation plan where public realm improvements and community projects are identified. High priority improvement works and project feasibilities from these plans have been referred to our 10-year Capital Works Program for funding consideration.
	Prepare a <i>Placemaking Framework</i> and progress public realm and placemaking initiatives in accordance with the adopted <i>Framework</i> .	The <i>Placemaking Framework</i> was adopted by Council in May 2023. To promote the merits of placemaking, a series of works were undertaken, including: <ul style="list-style-type: none"> <li>— a streetscape upgrade to the Watson Grove and Grange Road corner in Glen Huntly.</li> <li>— A laneway upgrade in Carnegie and a mural in Bentleigh East.</li> </ul> <p>Work is progressing on year one actions including Leaf Lane artwork refresh, planter box program and public art guidelines.</p>
The progression of safe, accessible and sustainable transport initiatives.	Improved community perceptions of the availability of safe and accessible transport options in Glen Eira.	A <i>Travel Survey</i> was conducted in late 2023 asking people how they travelled within Glen Eira, what they want to see improved and how transport could be safer and more accessible. This information will inform the refresh of the <i>Integrated Transport Strategy</i> . <p>Work continues to progress on providing the community with safe, accessible and sustainable transport options. We are implementing the four-year <i>Cycling Program</i> and made an ongoing annual budget commitment to implement cycling improvements in accordance with our <i>Integrated Transport Strategy 2018</i> and the <i>Cycling Action Plan 2019</i>.</p>
	Completion of agreed capital works programs aimed at improving the safety and accessibility of sustainable transport.	We delivered on key projects contained in our <i>Cycling Action Plan four-year program of works</i> , including: <ul style="list-style-type: none"> <li>— completion of Stage One, Rosstown Rail Trail;</li> <li>— completion of the cycle link within East Caulfield Reserve linking the Djerring Trail to Queens Avenue, Caulfield East;</li> <li>— completed concepts for the extension of the Frankston Rail Trail linking Bentleigh to Moorabbin, which will be used to source external funding support; and</li> <li>— additional bike parking installed in Bentleigh, McKinnon, Caulfield South and Carnegie.</li> </ul>

GLEN EIRA QUARTERLY SERVICE PERFORMANCE REPORT - DECEMBER 2023

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Strategic Indicator	Performance Measure	Result
Advocate for improved transport infrastructure.	Key stakeholders have increased awareness about the improvements needed in transport infrastructure in Glen Eira.	We continued to action the key objectives of the <i>Public Transport Advocacy Plan</i> . Integrated transport and connectivity is a key advocacy priority for Council and we advocated to the State and Federal Governments.
	Priority transport infrastructure policy reforms are progressed.	We continued to advocate for future public transport commitments from the Australian and Victorian Governments for a new light rail connecting Elsternwick to Clayton and a Trackless Rapid Transport connection between Caulfield and Rowville via Monash University.
Protecting Glen Eira’s built heritage.	Additional heritage reviews undertaken for two suburbs/ centres.	The second part of the heritage review for Murrumbeena and Elsternwick will commence in the 2024–25 financial year
	Annual reporting to Council on properties and precincts that are included in adopted heritage reviews, amendments on exhibition and included in the Schedule to the Heritage Overlay.	The annual report on the status of heritage projects will be presented to Council before the end of June 2024.

## STRATEGIC DIRECTION 4: A GREEN AND SUSTAINABLE COMMUNITY

### STRATEGIC INDICATORS

Strategic Indicator	Performance Measure	Result
Implementation of priority actions under the <i>Our Climate Emergency Response Strategy Action Plan</i> .	Net zero Council greenhouse gas emissions by 2025.	<p>Council is undertaking a range of actions to reduce energy use and greenhouse emissions. In particular:</p> <ul style="list-style-type: none"> <li>— We continue to source 100 per cent renewable electricity through our membership of the Victorian Energy Collaboration (VECO).</li> <li>— We are implementing the <i>Glen Eira Business Case and Transition Plan for Electric Vehicle Fleets</i>, which maps out how Council's fleet will be fully transitioned to electric vehicles by 2030. So far in 2023-24 we have added two electric mowers, three electric vans and two electric passenger vehicles to our existing fleet.</li> <li>— We are undertaking an analysis of Council's transition to net zero emissions, in order to accurately identify the most effective and efficient pathway to transition Council operations and infrastructure to fully renewable sources, including the degasification of Council facilities and the transition of our fleet to electric vehicles. This will inform the planning and delivery of Council's operations and capital works program.</li> </ul>
	80 per cent of Council energy supplied by renewable sources by 2025.	Our membership of VECO ensures that 100 per cent of our contestable electricity is now sourced from renewable sources. VECO is the largest emissions reduction project ever undertaken by Australian local governments, enabling Glen Eira and our 50 partner councils to prevent 240,000 tonnes of carbon emissions from entering the atmosphere annually — the same as taking 90,000 cars off the road.
	Decrease in community greenhouse gas emissions.	<p>We continued to support residents and businesses reduce their emissions, through a range of programs, including:</p> <ul style="list-style-type: none"> <li>— connecting community members to events that educated and motivated them to reduce waste and emissions, including webinars and events on low waste induction cooking, installing solar panels and batteries, getting off gas, electric vehicles, low waste parties and sustainable gardening.</li> <li>— participating in the Solar Savers and Energy Savers, providing residents and businesses with advice and financial support to install solar panels and reduce their emissions and</li> <li>— Generating communications and providing advice and assistance to residents through the '<i>Electrify Everything</i>' campaign, promoting the transition from gas to renewable energy, providing direct links to government rebates and support, and allowing residents to create a personalised '<i>Go Electric Plan</i>' for their household.</li> </ul>
	Decrease in on-road transport emissions.	<p>We continue to transition Council's fleet to fully electric vehicles (EV), in line with the <i>Glen Eira Business Case and Transition Plan for Electric Vehicle Fleets</i>, which was commissioned from the Institute for Sensible Transport. Since June 2023, we have added three light electric commercial vans and two passenger EVs to your fleet. We are also expecting the delivery of another electric car in early 2024, and an eight tonne electric truck is in the final build stages with delivery expected soon.</p> <p>We also included two new electric mowers for our parkland mowing crews in July 2023.</p>

## GLEN EIRA QUARTERLY SERVICE PERFORMANCE REPORT - DECEMBER 2023

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Strategic Indicator	Performance Measure	Result
Implementation of priority actions under the <i>Our Climate Emergency Response Strategy Action Plan</i> .	Increase in recycled or reused content used in Council operations.	Glen Eira continues to add reclaimed asphalt pavement at a rate of 20 per cent to our asphalt mix for all road resurfacing projects. Council's <i>Circular Economy Plan 2022–26</i> also details how Council will transition to a circular economy and includes key actions to increase recycled or reused content in Council operations. This includes engaging suppliers and contractors to increase the use of recycled content and a review of Council material consumption to identify key procurement items where increased reuse and procurement of recycled content is feasible.
Frequent and factual communication and engagement on the climate emergency through all channels integrated with all Council services.	Increased volume and frequency of communication by Council in relation to building community awareness and action on climate change.	Council has generated and circulated a wide range of communications and online resources to support residents and businesses to reduce their emissions and mobilise to take action on climate change. These include: <ul style="list-style-type: none"> <li>— Incorporating articles on sustainability and the circular economy into each edition of <i>Glen Eira News</i>.</li> <li>— Producing the monthly Glen Eira Sustainability e-news and Glen Eira Business e-news, which provide information on sustainable actions and links to programs that can support residents and businesses to reduce their environmental impact. The newsletters are currently sent to 4,023 and 579 recipients, respectively.</li> <li>— Rolling out the <i>Electrify Everything</i> campaign, which provides advice and resources to support residents to transition off gas to 100 per cent renewable electricity.</li> </ul>
Implementation of the <i>Sustainable Building and Infrastructure Policy</i> .	Environmentally sustainable design requirements considered in all Council building and infrastructure projects.	Our project management software has been updated to incorporate environmentally sustainable design (ESD) into all upcoming Council infrastructure projects. These updates include the incorporation of sustainability in the delivery phase of projects, including the detailing of initiatives that have been included in project design and construction.
Implementation of agreed actions under the <i>Urban Forest Strategy</i> .	Increased percentage of tree canopy cover in the public realm.	In 2023–24, we planted 1,300 trees in parks and reserves across the municipality. We are in the process of identifying and proposing tree planting locations for the 2024 tree planting season. Continued identification of planting sites with properly selected species ensures we are building a climate resilient urban forest.
	Increased number of trees planted in the municipality (in line with annual targets).	In 2023–24, we planted 1,300 trees in parks and reserves across the municipality.
A reduction in the volume of waste directed to landfill.	Achievement of 20 per cent reduction in waste to landfill by 2025.	We achieved the 20 per cent reduction in waste to landfill back in 2021–22.  In 2022–23, residents disposed of 20,896 tonnes of waste to landfill, which is a 28 per cent decrease compared to 2020–21 when green bins were collected fortnightly and red bins weekly. To support the transition to a circular economy where resources are used more sustainably and waste avoidance is preferred over recycling, Council adopted the Glen Eira <i>Circular Economy Plan 2022–2026</i> in October 2022.

Strategic Indicator	Performance Measure	Result
A reduction in the volume of waste directed to landfill.	Increased volume and frequency of communication by Council in relation to sustainable waste management practices and priorities.	<p>By using a range of communication channels, including digital, print and in-person engagement events, we provide regular community updates about Glen Eira's transition to a circular economy.</p> <p>Recently this included a '30 days of action' calendar relevant to waste reduction activities that was shared nationally by Planet Ark to an audience of 42,000 people, and public signage promoting sustainable waste behaviours.</p>
Advocacy and partnerships with governments and agencies to drive stronger action on climate change response.	Increased number of targeted workshops, meetings and campaigns designed to advocate to government and other agencies for climate change action.	<p>We have had at least ten opportunities to advocate for climate action, engaging with Members of Parliament, Ministers and in various forums.</p> <p>Council collaborates with a range of partners to advocate for greater climate change action. Most notably we are a member of the Eastern Alliance for Greenhouse Action (EAGA), which along with other Victorian Greenhouse Alliances advocates regularly to State and Federal government. We are also collaborating with the Council Alliance for the Sustainable Built Environment (CASBE) to advocate for the greater incorporation of sustainable design within planning requirements.</p> <p>Specific advocacy that we have participated in through these collaborations in 2023-24 includes joint submissions to State and Federal government reviews and inquiries, including:</p> <ul style="list-style-type: none"> <li>— the Victorian Greenhouse Alliances' joint submissions to the review of the <i>Climate Active</i> program,</li> <li>— the <i>Future Gas Strategy</i> consultation paper and the Inquiry into Residential Electrification; and</li> <li>— a joint letter from the Victorian Greenhouse Alliances to the Federal Minister for Climate Change &amp; Energy and the Assistant Minister for Climate Change &amp; Energy, and the State Ministers for Energy &amp; Resources &amp; Climate Action and Planning &amp; Outdoor Recreation, to request a new strategic partnership between federal, state and local government to address the challenges of climate change.</li> </ul>
	Increased involvement in Local, State and Federal government initiatives on climate emergency response.	<p>Council participates in a range of climate initiatives involving local and Victorian Government collaboration including:</p> <ul style="list-style-type: none"> <li>— The Victorian Energy Collaboration Program (VECO), a partnership of 51 councils that enables us to source 100 per cent of our contestable electricity from renewable sources.</li> <li>— Victorian Climate Resilient Councils, a co-ordinated, state-wide program for Victorian local governments to strengthen their knowledge, skills and capacity to prepare, manage and reduce risk of heatwaves and extreme heat, storms and other hazards due to climate change</li> <li>— The Eastern Alliance for Greenhouse Action (EAGA) and</li> <li>— The Council Alliance for the Sustainable Built Environment (CASBE).</li> </ul> <p>We are also involved in a number of collaborative projects conducted in response to climate change:</p> <ul style="list-style-type: none"> <li>— <i>Solar Savers</i> and <i>Energy Savers</i> programs, which links residents and businesses to external programs that can support them and connect them to government assistance;</li> <li>— My Smart Garden, a free sustainable gardening community education program run collaboratively with eight partner councils; and</li> <li>— The <i>Electrify Everything</i> cross-Council working group.</li> </ul>



Strategic Indicator	Performance Measure	Result
Tree canopy and biodiversity footprint on Council managed land achieves targets identified in the <i>Urban Forest Strategy</i> .	<p>Increased year-on-year numbers of:</p> <ul style="list-style-type: none"> <li>— Trees planted in streets, parks and car parks.</li> <li>— Square metres of urban biodiversity garden beds prepared for future planting.</li> <li>— Trees, shrubs and grasses planted in biodiversity garden beds.</li> <li>— Streetscapes replanted with new avenue planting.</li> </ul>	In 2023–24, we planted 1,300 trees in parks and reserves across the municipality. Over 1,000 plants were planted at Wattle Grove Reserve, McKinnon, as part of our annual planting week. As part of our Resilient Streets Program, trees have been planted in Eskdale Road, Caulfield North within engineered tree planting pits within the roadway. This has been the first time this type of tree planting has been carried out within Glen Eira.

## STRATEGIC DIRECTION 5: A HEALTHY, INCLUSIVE AND RESILIENT COMMUNITY

### STRATEGIC INDICATORS

Strategic Indicator	Performance Measure	Result
Services and partnerships to improve the health and wellbeing of residents of all ages and backgrounds across the community.	Maintain or increase participation in Council delivered health and wellbeing programs and activities across the community.	<p>Work is ongoing to maintain or increase the participation in Council delivered health and wellbeing programs and activities across the community. Key achievements included:</p> <ul style="list-style-type: none"> <li>— supporting the delivery of 10 Chatty Café sessions;</li> <li>— delivering <i>Master Your Mind</i> at Murrumbeena Community Hub in partnership with Bolton Clarke and Caulfield South Community Centre to guide participants on how to manage stress with mindfulness;</li> <li>— awarded 14 grants to 13 community groups;</li> <li>— Community seniors groups delivering over 5,500 program hours across seven community facilities;</li> <li>— delivering the 2023 Seniors Festival throughout October with 54 sessions over the month with over 4,000 people attending; and</li> <li>— delivering a Coffee with a Cop session at the Bentleigh Farmer's Market with SES and Fire Rescue VIC.</li> </ul>
	Community satisfaction with Council services which support community wellbeing, including arts, libraries, community, cultural, family and disadvantaged support services, is maintained or increased.	The Annual Community Satisfaction Survey will be undertaken in February 2024. Updates for this strategic indicator will be provided in the <i>2023–24 Annual Report</i> .

Strategic Indicator	Performance Measure	Result
Opportunities to celebrate our diverse community and people of all backgrounds and abilities welcomed into all aspects of community life.	Increase in opportunities for the community to engage with, connect and celebrate our diverse community.	<p>Our events are chances to celebrate the diverse cultures which are part of our community. Cultural celebrations between July and December included Diwali Festival of Lights at Booran Reserve, Glen Huntly and Lighting of the Menorah at Glen Eira Town Hall, Caulfield.</p> <p>The Glen Eira City Council Gallery hosted exhibitions, music sessions and workshops by groups and artists of diverse backgrounds. For example, works by Vipoo Srivilasa, Harlinah Teoh, Glen Eira Youth Art and Lilach Mileikowski were exhibited between July and December.</p> <p>Activities were held between 13-19 November in recognition of Transgender Awareness Week including a reformer pilates class for trans and gender diverse people at GESAC where members of the community were asked to decorate a jigsaw piece. The jigsaw had approximately 700 pieces contributed from local secondary schools, U3A, Connect Local's disability morning tea group and GESAC community members.</p> <p>The Seniors Festival in October commenced with the Not Strictly Ballroom dance event featuring a cross-collaboration with Bentleigh Chinese Community Association Inc. and the Caulfield Over 50's Dance Group Inc with over 250 people joining in the festivities. The festival ended with a Community Variety Concert held at Bentleigh East Senior Citizen's Centre featuring collaboration between the DJ Coakley Senior Citizen's Club and the Sinhala Cultural Foundation Inc., with over 150 attending.</p>
	Increase in promotion of the benefits and opportunities of diversity in our community.	<p>During the Seniors Festival in October, <i>A Question of Ageism Forum</i> was held on 25 October with keynote speaker Ro Allen, Victorian Equal Opportunity and Human Rights Commissioner. Key themes of recruiting and retaining mature workers to increase workplace harmony and business profitability were discussed.</p> <p>During community events such as activities during 16 Days of Activism Against Gender-based Violence, Seniors Festival and Carers Week a statement was made during formal opening remarks to demonstrate Council's commitment to hosting events that are inclusive and promote understanding and respect for all members of our diverse community.</p>
	Satisfaction with Maternal and Child Health Services and Youth Services is maintained or increased.	The Annual Community Satisfaction Survey will be undertaken in February 2024. Updates for this strategic indicator will be provided in the <i>2023–24 Annual Report</i> .
Services and programs that support community connection, lifelong learning and development at key stages of life, including early childhood, youth, families and older persons.	Satisfaction with arts centres and libraries is maintained or increased.	The Annual Community Satisfaction Survey will be undertaken in February 2024. Updates for this strategic indicator will be provided in the <i>2023–24 Annual Report</i> .
	Satisfaction with services that support healthy ageing are maintained or increased.	The Annual Community Satisfaction Survey will be undertaken in February 2024. Updates for this strategic indicator will be provided in the <i>2023–24 Annual Report</i> .

Strategic Indicator	Performance Measure	Result
Opportunities to participate in festivals, events and activities that foster cultural and artistic expression, local identity and support community wellbeing.	Accessible and flexible opportunities for participation in cultural and artistic events and activities.	<p>Glen Eira Libraries delivered a range of online programs celebrating diversity, encouraging cultural expression and inclusion. These online events ensure all community members have the opportunity to participate. Live events in library branches such as Jolabokaflod have encouraged togetherness and engagement, while activities fostering creative expression included creative writing, bookbinding, crochet and yarn workshops, origami and creative upcycling workshops.</p> <p>The annual <i>My Brother Jack Awards</i> encouraged the community to develop their writing skills and creativity. Accessibility at cultural events, including <i>Rolling Shows</i>, <i>Diwali</i> and <i>Lighting of the Menorah</i>, was prioritised by events officers to ensure all community members could enjoy the activities.</p> <p>The Glen Eira City Council Gallery is wheelchair accessible, has a wheelchair and seating available for patrons, and is a calming space that minimises sensory overload so all members of the community can enjoy workshops and floor talks.</p>
	Satisfaction with Council's Arts and Culture services is maintained or increased.	The Annual Community Satisfaction Survey will be undertaken in February 2024. Updates for this strategic indicator will be provided in the <i>2023–24 Annual Report</i> .
Continue to provide a high standard of aquatic and leisure programming which supports and adapts to community needs.	Satisfaction with Glen Eira Leisure facilities and services is maintained or increased.	The Annual Community Satisfaction Survey will be undertaken in February 2024. Updates for this strategic indicator will be provided in the <i>2023–24 Annual Report</i> .
	Increased participation and membership in all Glen Eira Leisure facilities.	Since the start of the 2023–24 financial year, Health and Fitness memberships have increased by 19 per cent. Swim School memberships remain consistent but have increased since the same time last year. The visit count for the half year is 927,552 while Group Fitness classes at Glen Eira Leisure achieved record attendances of 116,160.



GLEN EIRA  
CITY COUNCIL

## Glen Eira City Council

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### National Relay Service

If you are deaf, hearing-impaired, or speech-impaired, we ask that you call us via the National Relay Service and then ask for (03) 9524 3333.

Online: <https://internet-relay.nrscall.gov.au>

Teletypewriter (TTY): 13 36 77

Speak and Listen: 1300 555 727

### Social media

#### Glen Eira City Council:

[www.facebook.com/GlenEiraCityCouncil](http://www.facebook.com/GlenEiraCityCouncil)

#### @cityofgleneira:

[www.instagram.com/cityofgleneira](http://www.instagram.com/cityofgleneira)

#### Glen Eira arts, gallery and events:

[www.facebook.com/gleneiraarts](http://www.facebook.com/gleneiraarts)

[www.instagram.com/gleneiraarts](http://www.instagram.com/gleneiraarts)

#### Glen Eira Leisure:

[www.facebook.com/GESACOnline](http://www.facebook.com/GESACOnline)

<https://www.instagram.com/gleneiraleisure>

[www.twitter.com/GESACOnline](http://www.twitter.com/GESACOnline)

#### Glen Eira Libraries and Learning Centres:

[www.facebook.com/GlenEiraLibraries](http://www.facebook.com/GlenEiraLibraries)

<https://www.instagram.com/gleneiralibraries>

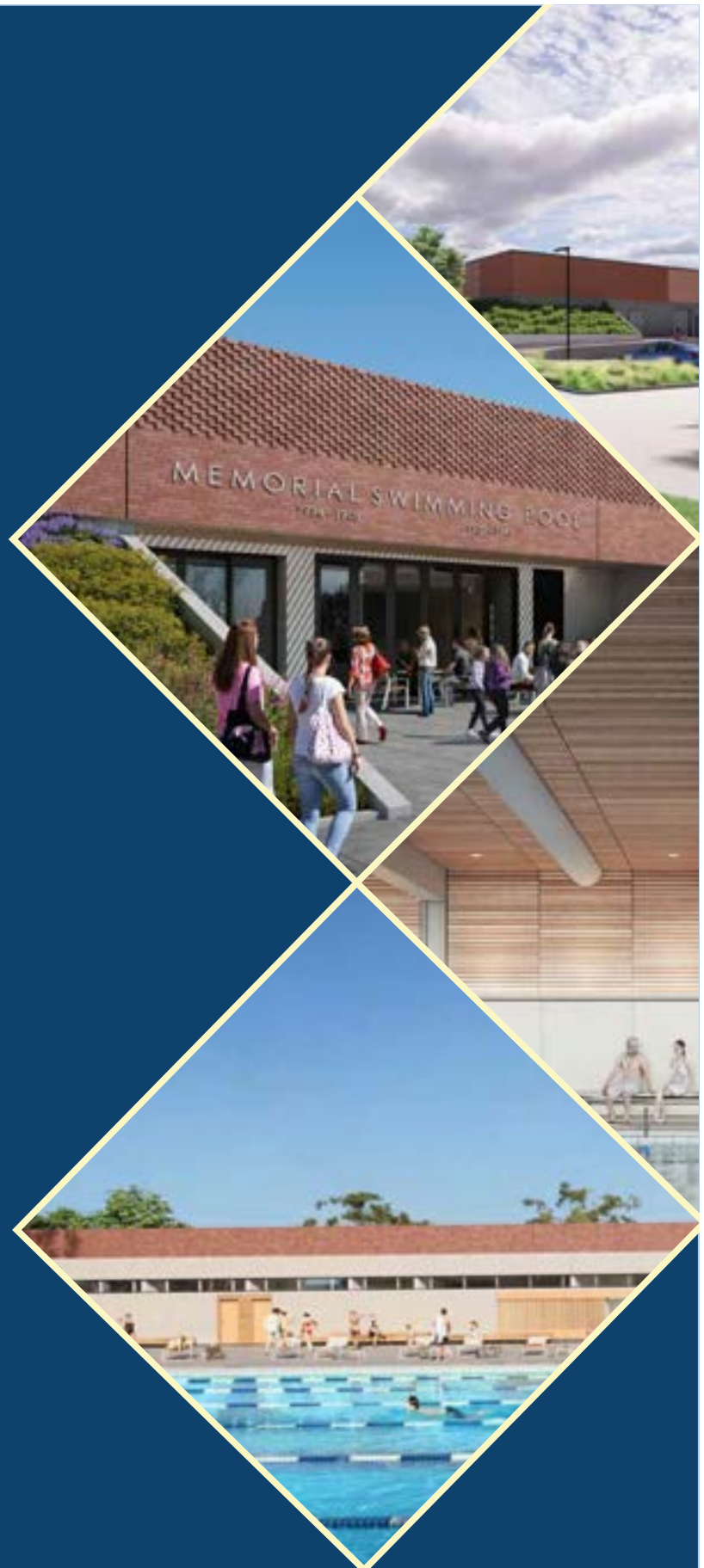
#### Glen Eira sustainable living:

[www.facebook.com/sustainablelivinggleneira](http://www.facebook.com/sustainablelivinggleneira)

#### Glen Eira Youth Services:

[www.facebook.com/GlenEiraYouthServices](http://www.facebook.com/GlenEiraYouthServices)

[www.instagram.com/gleneirayouthservices](http://www.instagram.com/gleneirayouthservices)





## 8.6 SUBMISSION TO THE LOCAL GOVERNMENT REFORMS 2024 CONSULTATION PAPER

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

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

**Trim No:** 24/129395

**Attachments:** 1. [Local Government Reform Consultation Document - January 2024 v2](#)   
2. [GECC submission to local government reform 2024 discussion paper](#) 

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### EXECUTIVE SUMMARY

On 17 November 2023, the Victorian Government announced its intention to introduce legislative reforms to the Local Government Act 2020 to support improved governance and integrity across the local government sector ahead of the 2024 council general elections.

In late January 2024, Local Government Victoria (LGV) released the Local Government Reforms 2024 Consultation Paper (Consultation Paper). The Consultation Paper outlines three key reform areas and seeks feedback from the local government sector.

These reforms relate to three areas:

1. reforms to strengthen council leadership, capability and councillor conduct;
2. reforms to improve early intervention and effective dispute resolution; and
3. reforms to strengthen oversight mechanisms.

Part 1 of the reforms recognise a need to enhance the capability and leadership of elected representatives.

Part 2 of the reforms seek to strengthen and clarify the operation of the councillor conduct framework and assist in effective dispute resolution.

Part 3 of the reforms seek to strengthen direct accountability mechanisms and promote early and effective intervention at a council to prevent and address governance failures and councillor conduct.

LGV has invited feedback on the proposed reforms by 29 February 2024.

In summary Council is supportive of improving governance and integrity across the local government sector and the principle of enhancing the capability and leadership of elected representatives. We wholeheartedly support mechanisms that ensure high standards of integrity and conduct of councillors when performing their duties and functions, and provisions that seek to stamp out discrimination, harassment, and vilification of any kind.

We have proposed a number of important considerations that LGV should take into account when drafting the specific provisions of the reforms to ensure there are no unintended consequences on Councils and Councillors. While we welcome the chance to provide feedback on the high-level themes of the reform outlined in the Consultation Paper we also urge Local Government Victoria to continue to engage with the sector as the details of the regulations are developed. Councils must be given the opportunity to ensure the reforms and regulations are practical and can be implemented without placing additional burden on already constrained resources or shifting additional costs to Councils or Councillors in the process.

**RECOMMENDATION**

That Council endorses the submission (Attachment 2) to Local Government Victoria in response to the Local Government Reforms 2024 Consultation Paper.

**BACKGROUND**

On 17 November 2023, the Victorian Government announced its intention to introduce legislative reforms to support improved governance and integrity across the local government sector ahead of the 2024 council general elections.

In late January 2024, LGV released the Local Government Reforms 2024 Consultation Paper (Consultation Paper) in support of the proposed reforms. The paper highlights that, following the introduction of the new Act in 2020, there has been a sustained period of change in the local government sector.

LGV note that the Independent Broad-based Anti-Corruption Commission (IBAC), the Local Government Inspectorate (LGI) and other government initiatives such as the Local Government Culture Project have highlighted areas for improvement in relation to council governance. These interventions and reports highlight some of the underlying governance and integrity challenges faced by the sector. They also emphasise the opportunities for supporting council leadership, capability and conduct. LGV believes these reports and investigations have provided a strong body of evidence to suggest that if left unaddressed, these issues can undermine public trust in the sector, hinder effective decision-making, and impede the delivery of essential services to local communities.

The proposed reforms relate to three key areas:

- Reforms to strengthen council leadership, capability and councillor conduct.
- Reforms to improve early intervention and effective dispute resolution.
- Reforms to strengthen oversight mechanisms.

Part 1 of the reforms recognises a need to enhance the capability and leadership of elected representatives and proposes a number of new measures including mandatory ongoing training for Councillors and Mayors, the establishment of a model Councillor Code of Conduct and other governance matters to be prescribed through regulations.

Part 2 of the reforms seek to strengthen and clarify the operation of the councillor conduct framework and assist in effective dispute resolution. These reforms propose to limit the Victorian Civil and Administrative Tribunal's (VCAT) jurisdiction with respect to councillor conduct panel decisions, to introduce provisions to ensure Councils must not indemnify Councillors in relation to the internal arbitration process and the councillor conduct panel process and to broaden the scope of sanctions that may be imposed by an arbiter.

Part 3 of the reforms seek to strengthen direct accountability mechanisms and promote early and effective intervention at a council to prevent and address governance failures and councillor conduct. These reforms propose the introduction of powers to suspend or disqualify individual councillors if they are found to be creating a serious risk to health and safety at the Council or preventing the Council from performing its function. They also propose to clarify the application of privileges and statutory secrecy for Municipal Monitors and Commissions of Inquiry, and to give the Chief Municipal Inspector the power to issue infringements for certain offences.

LGV is inviting comments in relation to the proposed legislative reforms outlined in the Consultation Paper (Attachment 1). Following this initial invitation to provide feedback, LGV will undertake a separate consultation process with the local government sector to inform the development of regulations that will give effect to reforms outlined in this Consultation Paper.

LGV has advised it will release details on this consultation process to the sector, including how the sector can participate, in due course.

## ISSUES AND DISCUSSION

Glen Eira City Council welcomes the opportunity to provide a response submission to Local Government Victoria's *Local Government Reforms 2024 Consultation Paper* (consultation paper).

Local government is the closest level of government to the people. Good governance and transparency are critical to the long-term sustainability of our sector and to building community trust. As we said when Operation Sandon's special report was released, some of the behaviour we have seen in our sector is unacceptable and not what our community expects from its elected representatives.

At Glen Eira, we have robust and transparent processes which strengthen local governance and minimise the risk of inappropriate conduct. That's why the first strategic direction of our *Council Plan 2021—2025* is well informed and transparent decisions and highly valued services.

Through our Councillor Code of Conduct, Governance Rules, associated protocols and policies, community engagement practices, reporting focus, and robust commitment to transparency, we have long held ourselves to high standards of good governance. Our latest *Community Satisfaction Survey* demonstrated our community rates Council's decision-making in the interests of the community, and our community consultation and engagement performance, higher than the state-wide average.

We note that the consultation paper proposes reforms in the areas of council leadership, capability, and councillor conduct; early intervention and effective dispute resolution; and oversight mechanisms. We always welcome new proposals for how we as a sector can do better. While we have strongly opposed any attempts to water down the role of all 79 councils in planning processes following Operation Sandon, we welcome the opportunity to discuss meaningful proposals to strengthen accountability and oversight in local government which would increase community confidence in Councils' role and decision-making.

We would note that the four-week timeframe LGV has provided to respond to the consultation paper is counter to the principles of good governance the proposed reforms espouse. Councils must be given enough time to meaningfully consider, prepare and formally endorse their response to the consultation paper through our governance processes. An eight-week timeframe, as suggested by our peak bodies, would have been more appropriate.

Council puts forward the following positions in response to the consultation paper:

- While we support mandatory Councillor training in principle, further consideration must be given to ensure the training is accessible, meaningful and appropriately funded so that it does not create an unnecessary burden for Councillors or their councils, while acknowledging existing qualification and experience of Councillors in the structure of the training.
- Any model Councillor Code of Conduct must allow for meaningful expansion and engagement at the council level to create codes which reflect values, norms and standards of behaviour, and are more than just a mechanism to ensure compliance with the *Local Government Act*.
- While the Victorian Civil and Administrative Tribunal's (VCAT) jurisdiction should be limited, there must be an alternative, affordable and efficient body to make timely Councillor conduct panel decisions and ensure natural justice without unnecessary delay.



- Any proposal to restrict councils from indemnifying Councillors in disciplinary matters should acknowledge that there are circumstances where complaints and referrals can be vexatious and made for personal or political gain. Councils should be able to resolve to retrospectively reimburse Councillors for costs where claims are not substantiated or deemed vexatious.
- Any proposal to broaden the scope of sanctions an arbiter can apply would need very clear guidance materials and criteria to guide decision-making.
- We support in principle reforms to strengthen arbitration and other oversight mechanisms.

Council's full submission to the consultation process is provided as Attachment 2.

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

Not applicable

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

Council is concerned by the potential for additional costs associated with implementing the proposed reforms and that this cost may be shifted to councils, rather than met by the state. In particular in relation to the proposed increase training required by Councillors, it is unclear whether the sector's peak bodies have the capacity to deliver this training, especially within the time frames set out, and encourage LGV to work with them to ensure training can be delivered as intended within their constrained resources.

In relation to the proposal to limit VCAT's jurisdiction with respect to Councillor conduct panel decisions, while we agree that VCAT may not be the right path to hear Councillor conduct panel decisions, we believe a right of review is essential to providing natural justice, transparency and accountability in Councillor conduct matters. More consideration must be given to how this process would work to ensure natural justice if VCAT's jurisdiction is limited. For example, limiting VCAT's jurisdiction and requiring Councillors to attend court hearings with legal representation would be a significant cost impact to individual Councillors.

Council urges LGV to give strong consideration to the capacity of Councils and Councillors to take on any further cost burden to implement the suite of reforms given our financial constraints and current level of cost shifting.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

The proposed reforms seek to amend the Local Government Act 2020 and introduce associated regulations and guidelines. This will impact a number of existing Council Policies including the Governance Rules, the Councillor Code of Conduct.

If passed into law, Officers will undertake a review of Council's Governance frameworks to ensure compliance with the changes.

### **COMMUNICATION AND ENGAGEMENT**

While Council welcomes the opportunity to provide input to the proposed reforms, it notes that the four-week timeframe LGV has provided for councils to respond is counter to principles of good governance its proposed reforms espouse.

Councils must be given enough time to meaningfully consider, prepare and formally endorse their response to the consultation paper through our governance processes. An eight-week timeframe, as suggested by our peak bodies, would have been more appropriate.



**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**

We welcome the opportunity to provide feedback on the high-level themes of the reform outlined in the Consultation Paper and urge LGV to continue to engage with the sector as the details of the regulations are developed. Councils must be given the opportunity to ensure the reforms and regulations are practical and can be implemented without placing additional burden on already constrained resources. Councils and Councillors must be supported with resources and time to ensure the successful implementation of new regulations or legislation.

We look forward to the next part of the consultation process with LGV to help inform the development of regulations that will give effect to reforms outlined in the Consultation Paper.



# Local Government Reforms 2024 Consultation Paper

January 2024

OFFICIAL

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# Introduction and overview

## Introduction

On 17 November 2023, the Victorian Government announced its intention to introduce legislative reforms in 2024 to support improved governance and integrity across the local government sector ahead of the 2024 council general elections.

This Consultation Paper provides an overview of the proposed reforms organised around three key reform areas:

- Reforms to strengthen council leadership, capability and councillor conduct.
- Reforms to improve early intervention and effective dispute resolution.
- Reforms to strengthen oversight mechanisms.

## Background

Victorian councils have been through a significant period of reform with the development and enactment of the *Local Government Act 2020* (LG Act).

The Local Government Inspectorate's (LGI) 2023 report '[Checking compliance: A review of council policies](#)' found that councils had a very high rate of compliance with adopting the new and updated policies required under the Act. To build on this progress, ongoing sector engagement is needed to embed the new principles-based Act and support continuous improvement.

Continuous improvement includes addressing the findings of integrity body reports and other government initiatives which have provided consistent evidence in highlighting governance issues across the sector.

Since the start of the current council term in October 2020, the Minister for Local Government (Minister) has appointed Municipal Monitors to nine councils to monitor their governance processes and practices. In October 2022 a Commission of Inquiry into Moira Shire council was appointed by the Minister resulting in the dismissal of the Moira Shire council in 2023. And in December 2023, Strathbogie Shire Council was suspended.

Additionally, the Independent Broad-based Anti-Corruption Commission (IBAC), the LGI and other government initiatives such as the Local Government Culture Project have highlighted areas for improvement in relation to council governance.

These interventions and reports highlight some of the underlying governance and integrity challenges faced by the sector. It also emphasises the opportunities for supporting council leadership, capability and conduct. They have also provided a strong body of evidence to suggest that if left unaddressed, these issues can undermine public trust in the sector, hinder effective decision-making, and impede the delivery of essential services to local communities.

### Key reports and recommendations that have informed the reforms

[Independent Broad-based Anti-Corruption Commission, Operation Sandon Special Report 2023](#)

[Local Government Culture Project Insights Report 2022](#)

[Local Government Inspectorate, Checking compliance: a review of council policies 2023](#)

[Local Government Inspectorate, Personal interests returns: Encouraging disclosure and increasing transparency 2021](#)

[Local Government Inspectorate, Social media fuels rise in complaints during 2020 council elections 2021](#)

[Commission of Inquiry into Moira Shire Council Report 2023](#)

[Municipal Monitor Reports \(Various\)](#)

## Consultation

This consultation is for the local government sector to provide comment and feedback on the proposed reforms, specifically:

1. Whether the individual proposed reforms are supported or not supported; and
2. Any operational matters that should be taken into consideration in finalising the reforms, including to ensure that the proposed legislative changes can be implemented effectively by councils.

Local Government Victoria (LGV) invites feedback and comments from councils and peak bodies on the proposed reforms by **29 February 2024**.

To facilitate this, the Municipal Association of Victoria (MAV), the Victorian Local Governance Association (VLGA) and the Local Government Professionals Inc (LGPro) will actively seek feedback and comments and submit this to LGV by the closing date.

The peak bodies will coordinate feedback from Mayors and elected representatives, CEOs, and council staff. Noting the tight timeframes, the peak bodies will determine the most appropriate engagement strategies.

Individual, sensitive, and confidential submissions can be sent directly to LGV via email at [lgv@ecodev.vic.gov.au](mailto:lgv@ecodev.vic.gov.au).

Enclosed with this Consultation Paper is a **Feedback Form** to assist the peak bodies with this process (Attached).

Please note that all reforms in this paper are proposals only and may be subject to change.

## Scope

LGV is inviting comments in relation to the proposed legislative reforms outlined in this Consultation Paper.

Following this initial invitation to provide feedback, LGV will undertake a separate consultation process with the local government sector to inform the development of regulations that will give effect to reforms outlined in this Consultation Paper. LGV will release details on this consultation process to the sector, including how the sector can participate, in due course.

# Part 1: Reforms to strengthen council leadership, capability and councillor conduct

## Overview

These reforms recognise the need to enhance the capability and leadership of elected representatives. This will be achieved through ongoing mandated training programs and professional development for mayors and councillors that will build upon the existing induction training requirements for councillors.

These reforms also seek to support improved councillor conduct by introducing a mandatory uniform councillor code of conduct. A uniform councillor code of conduct will ensure consistent standards of behaviour at all Victorian councils and promote early and effective intervention.

## 1. Mandatory ongoing training for councillors and mayors

### Background

The 2022 Local Government Culture Project (the Project) was designed to understand the factors influencing culture and conduct within local government and to identify opportunities and initiatives to improve culture and conduct.

Following a public engagement process, the Project produced an Insights Report, reflecting the feedback received from the sector and other key stakeholders. The report identifies key issues that influence council culture and councillor conduct.

One of the key issues identified is that candidate training, councillor induction training and ongoing training help in understanding councillor and mayoral roles and responsibilities. They can also assist in clarifying how the local government sector operates.

Strengthening councillor capability in relation to governance, leadership, and integrity via mandatory training is also reflected in IBAC's Operation Sandon Special Report (Recommendation 18, 20 and 28).

The LG Act mandates local government candidate training to educate and prepare candidates for the strategic focus of the councillor role. This helps to minimise unrealistic expectations and confusion regarding the responsibilities of councillors. Once elected, the councillor induction training is mandatory and must be completed by all councillors within the first six months of taking the oath or affirmation of office. This training is also critical for newly elected councillors to receive the necessary guidance on the importance of building effective relationships and leadership capabilities.

Any additional or ongoing training throughout the course of the council term, and its frequency, is currently at the discretion of the council.

### **Proposal**

To establish and enhance councillors' understanding of their role and their leadership capabilities, they may be required to complete regular (annual) training throughout their term. Councillors are required to perform their role and make decisions as soon as they take office. As such, six months is too long without them having undertaken this training. Councillors will instead be required to complete induction training within three months of commencing their role.

Mandatory training for mayors, deputy mayors and acting mayors may also be introduced for the first month of their term. The training will focus on developing effective leadership skills, understanding their roles and responsibilities, meeting procedures, and ways to manage conflicts that address root causes and prevent escalation. If an acting mayor is appointed for a period of less than one month, they must complete the training within that period of appointment.

The provisions providing for mandatory training for councillors and mayors will largely be modelled on the existing councillor induction training provisions in the LG Act and relevant regulations. To ensure compliance with these new training requirements, a councillor's allowance will be withheld until they have completed the training requirements.

The scope and delivery of the new mandatory training will be prescribed in Regulations. LGV will consult with the local government sector in their development.

## **2. Enable model Councillor Code of Conduct and other governance matters to be prescribed in regulations**

### **Background**

The purpose of the current council Councillor Code of Conduct includes prescribed standards of conduct expected to be observed by councillors while performing their duties and functions as councillors. The standards include the prohibition of discrimination, harassment (such as sexual harassment) and vilification.

Councils may, however, include any other matters in their Code of Conduct which the council considers appropriate. This has enabled councils to supplement the standards of conduct with other matters councillors have agreed in principle to abide by in performing their role. These matters vary significantly across councils and include such things as shared values and commitments, dispute resolution procedures and social media policies.

In the development of the proposed reforms, LGV considered community expectations that acceptable conduct should be standardised and not differ across municipalities. LGV noted that there is little value in councils including other matters in their Codes to supplement the standards of conduct. This is because these are



not enforceable in the same way that the standards of conduct are under the councillor conduct framework.

### **Proposal**

Regulations may be made to prescribe a uniform mandatory Model Councillor Code of Conduct (Model Code) to replace existing Codes that would apply to all councils.

The Model Code will include the existing standards of conduct expected to be observed by councillors. It may also include matters necessary to ensure consistent standards of behaviour, including promoting early and effective intervention.

Councils will no longer be able to include any other matters in the Model Code which the council considers appropriate, to ensure their uniformity across councils.

A council would no longer be formally required to adopt the Model Code, as it will automatically apply to councils as prescribed. However, councils should be required to publish a copy of the Model Code on their website.

To allow councils some flexibility regarding policy implementation for matters not covered in the Model Code, councils could adopt policies regarding matters prescribed in regulations, separately from the proposed Model Code. In the same way that certain council policies are currently enforced through the standards of conduct<sup>1</sup> compliance with these prescribed policies may be enforced through the standards of conduct, where appropriate. These matters will be consulted on in the development of the regulations.

Regulations that will implement a Model Code will align with the recommendations in IBAC's Operation Sandon Special Report (Recommendation 17, 21 and 31). These regulations will be designed in consultation with the local government sector.

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<sup>1</sup> See Clause 3 of the standards of conduct 'Compliance with good governance measures'.

## Part 2: Early intervention and dispute resolution

### Overview

These reforms are proposed to strengthen and clarify the operation of the councillor conduct framework and assist in effective dispute resolution.

#### 1. Limit the Victorian Civil and Administrative Tribunal's (VCAT) jurisdiction with respect to councillor conduct panel decisions

##### Background

The councillor conduct framework under the LG Act is intended to ensure that councillor conduct issues are dealt with quickly, properly, fairly and with little formality.

Currently, a person who is affected by a councillor conduct panel (CCP) decision may apply to VCAT for a 'merits' review of that decision. This involves VCAT 'standing in the shoes' of the CCP and hearing the application afresh to determine the correct and preferable decision. In practice, this enables parties affected by a decision of a CCP to challenge the decision of a CC through a new hearing. These challenges can prolong the proceedings and delay a resolution to the matter.

##### Proposal

Parties affected by a decision of a CCP hearing will be able to seek a review of a decision to the Victorian Supreme Court. This can only occur on the grounds the decision is not legal, reasonable or fair i.e., judicial review, rather than on the merits of the decision to VCAT.

This is consistent with the process that applies to an internal arbitration process (IAP) under the LG Act, where VCAT review of a decision of an arbiter is not available.

#### 2. Councils must not indemnify councillors in relation to the internal arbitration process and the councillor conduct panel process

##### Background

Using their insurance policies, councils often indemnify councillors for legal or other costs. This includes costs incurred with being a party to a proceeding for an IAP or

CCP process under the LG Act, and any associated review to VCAT or the Victorian Supreme Court.

LGV has noted the concerns that councillor conduct processes are being unduly delayed and complicated because of councillors' reliance on their councils to indemnify them for legal costs associated with these proceedings.

### **Proposal**

A council must not indemnify a councillor or councillors against legal costs incurred in initiating or defending or otherwise being a party to a proceeding in relation to:

- an application for an IAP made, or
- an application for a CCP process, or
- an application to the Victorian Supreme Court for judicial review of a decision of an arbiter or a decision of a CCP.

A council will not be prohibited from indemnifying a councillor or councillors against legal costs in relation to an IAP or CCP hearing. This only applies when an arbiter or CCP has granted a party leave to have legal representation on the basis that legal representation is necessary to ensure that the process is conducted fairly. This proposal is not intended to restrict a council from obtaining legal advice in relation to those proceedings it initiates, by council resolution.

## **3. Broaden the scope of sanctions that may be imposed by an arbiter**

### **Background**

The LG Act sets out the sanctions an arbiter may take if the arbiter has made a finding of misconduct against a councillor.

The LG Act requires an arbiter to provide a written copy of the arbiter's decision and statement of reasons to the council, the applicant or applicants, the respondent and the Principal Councillor Conduct Registrar. A copy of the arbiter's decision and statement of reasons must be tabled at the next council meeting after the council received the copy of the arbiter's decision and statement of reasons.

However, the next meeting of the council can sometimes be an impromptu council meeting called at late notice to consider an urgent matter with little public notice and attendance at the meeting. This results in limited public transparency of the arbiter's decision.

A Municipal Monitor appointed to a Council in 2022 made several recommendations in their final report on ways to improve the sanctions that may be imposed by an arbiter and the transparency of the arbiter's decision. These included ensuring that a copy of an arbiter's decision and statement of reasons be tabled at the next

regular council meeting. Any apology a councillor is directed to make by an arbiter would also be made at the next regular council meeting that the councillor attends.

IBAC's Operation Sandon Special Report also made recommendations consistent with increasing the severity of sanctions available for misconduct (Recommendation 30).

## Proposal

The sanctions that may be imposed by an arbiter on a finding of misconduct will be expanded to include:

- Directing that a councillor is prevented from attending and participating at the council's next council meeting or at a council meeting specified by the arbiter following the tabling of the arbiter's decision and statement of reasons;
- Suspending the councillor from the office of councillor for a period specified by the arbiter not exceeding three months (instead of one month); and
- Directing that a councillor be ineligible to hold the office of Mayor or Deputy Mayor for a period of up to 12 months.

A copy of an arbiter's decision and statement of reasons must be tabled at the next council meeting, or at a council meeting specified by the arbiter after the council received the copy of the arbiter's decision and statement of reasons.

To increase transparency and public trust, an arbiter will be given power to specify a council meeting which a councillor is prevented from attending and participating in. The arbiter will also be able to specify a council meeting at which the tabling of the arbiter's decision and statement of reasons must occur. The council meeting the arbiter specifies would occur reasonably soon after the arbiter's decision.

## Part 3: Oversight Mechanisms

### Overview

These reforms will strengthen direct accountability mechanisms and promote early and effective intervention at a council to prevent and address governance failures and councillor conduct.

#### 1. Suspending or disqualifying individual councillors

##### Background

The Minister has the power to appoint a Municipal Monitor or Commission of Inquiry to a council under the LG Act where indications of a council's governance failures have been brought to the Minister's attention.

Municipal Monitors and Commissions of Inquiry have previously identified behaviours of individual councillors that create serious risks to the health and safety of staff at a council, or significantly impact a council's ability to perform its functions. However, neither a Municipal Monitor nor a Commission has an explicit function or power to recommend the suspension or dismissal of a councillor where it may be warranted.

##### Proposal

The Minister will be provided the power to suspend an individual councillor for up to 12 months if the Minister is satisfied on the advice of a Municipal Monitor or Commission appointed to the council. The advice would demonstrate that the councillor is creating a serious risk to the health and safety at the council or is preventing the council from performing its functions.

The suspended councillor will also be ineligible to hold the office of mayor or deputy mayor, or to chair a delegated committee of the council, for the remainder of the term. These sanctions are consistent with current sanctions following a finding of serious misconduct made by a CCP under the LG Act.

Councils and the Chief Municipal Inspector (CMI) will be expected to utilise existing pathways under the councillor conduct framework to address councillor conduct issues. Limiting this power of suspension by the Minister will provide a high bar to the exercise of this power. Additionally, before providing a report to the Minister, a Municipal Monitor or Commission will be required to confirm that a CCP is not already considering an allegation of serious misconduct against the councillor. This will avoid the councillor having separate adverse findings made against them in relation to the same behaviour.

Further, the Governor in Council will be provided with the power to disqualify a person from standing at future council elections. This would be on the recommendation of the Minister if satisfied on the advice of a Municipal Monitor or Commission. The advice must provide that the person was a councillor during the term immediately preceding the council's dismissal, and that the person was found to have created a serious risk to health and safety at the council or prevented the council from performing its functions. The period of disqualification would be for up to eight years following the dismissal of the council.

This power of disqualification of a councillor will ensure individual councillors found to have contributed to the council's governance failures are sanctioned appropriately and won't cause further issues at the council following the period of administration.

Prior to a Municipal Monitor or Commission submitting a report to the Minister recommending the suspension or disqualification of a councillor, they must first provide procedural fairness to the councillor to ensure they're provided an opportunity to respond to the adverse claims.

## 2. Clarify the application of privileges and statutory secrecy to Municipal Monitors and Commissions of Inquiry

### Background

To fulfill their respective roles in monitoring or inquiring into the affairs of a council, Municipal Monitor or Commission of Inquiry often need to access legally privileged information, or other information prohibited from release under another enactment.

However, Municipal Monitors don't have explicit powers to request this information, and councils have previously been dissuaded from providing documents due to legal privilege or other statutory requirements prohibiting release of information.

Similarly, a Commission of Inquiry currently has the power to request a person to appear before it or give evidence or produce any document, which the person must comply with unless they provide a 'reasonable excuse'. Given the term 'reasonable excuse' is not defined, there is a risk that a person (or a council) refuses to provide evidence or information to a Commission. This may occur on the basis that the evidence or information is legally privileged information or is prohibited from release under another enactment.

### Proposal

To encourage councils to provide information to assist a Municipal Monitor, the reforms will add:

- The provision of information by a council to a Municipal Monitor that is legally privileged does not cease to be the subject of legal professional privilege only because it is given or produced to a Municipal Monitor under the LG Act.
- When information that is prohibited from release under another enactment, is provided to a Municipal Monitor, a person is not subject to any criminal, civil, administrative or disciplinary proceedings or actions only because the person has complied with the request.
- Councils must provide reasonable assistance to a Municipal Monitor.

The reforms will clarify the meaning of 'reasonable excuse' for the purpose of complying with a request of a Commission, making it consistent with the definition of 'reasonable excuse' in the *Inquiries Act 2014*. The reforms will make it clear that it is not a reasonable excuse for a person to refuse or fail to comply with a request of a Commission to give information or produce a document on the basis that:

- The information, document, or other thing is the subject of legal professional privilege;
- The information, document or other thing might tend to incriminate the person or make the person liable to a penalty; and
- Another enactment prohibits the person from giving the information or producing the document or other thing or imposes a duty of confidentiality on the person in relation to the information, document or other thing.

### 3. Give the Chief Municipal Inspector the power to issue infringements for certain offences

#### Background

In the LGI's report [Social media fuels rise in complaints during 2020 council elections](#), it noted the limited avenues available to ensure compliance with offences relating to the conduct of council elections. The LGI recommended in its report that the LG Act be amended to give the CMI specific powers to issue infringement notices with respect to electoral related offences.

Further, in the LGI's report titled [Personal interests returns: Encouraging disclosure and increasing transparency](#), the LGI recommended that the CMI be given powers to issue infringement notices regarding personal interests returns related offences.

In these reports, the LGI noted that the cost and delay in conducting prosecutions in the court system in relation to these offences is disproportionate to the nature and seriousness of the offences. The LGI further observed that given the significant cost and time needed to bring these matters to court, historically only the most serious examples of noncompliance have been prosecuted by the LGI.

#### Proposal

The CMI will be given power to serve infringement notices for specified electoral and personal interests related offences under the LG Act. These offences, and their respective penalty amount, will be prescribed in regulations.

A general infringement provision will be introduced to enable offences in the LG Act to be prescribed to be infringement offences. This ensures that any further offences identified in the future as being appropriate to be made infringement offences, and their respective penalty amount, can be prescribed in regulations.

The proposed infringement regulations will be developed in accordance with the Attorney-General's Guidelines to the *Infringements Act 2006*.

## Part 4: Other Miscellaneous Amendments

### Overview

Note there are further proposed reforms to improve the operation of provisions relating to councillor conduct, early intervention, dispute resolution and oversight, as well as other miscellaneous amendments.

As noted above, these reforms will provide for administrative efficiencies and clarity and ensure the LG Act operates as intended. LGV is not seeking feedback and comments from the local government sector on these reforms.





## GLEN EIRA CITY COUNCIL

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Response submission to Local Government Victoria

## LOCAL GOVERNMENT REFORMS 2024 CONSULTATION PAPER

BENTLEIGH  
BENTLEIGH EAST  
BRIGHTON EAST  
CARNEGIE  
CAULFIELD  
ELSTERNWICK  
GARDENVALE  
GLEN HUNTLY  
MCKINNON  
MURRUMBEENA  
ORMOND  
ST KILDA EAST

## EXECUTIVE SUMMARY

Glen Eira City Council welcomes the opportunity to provide this response submission to Local Government Victoria's *Local Government Reforms 2024 Consultation Paper* (consultation paper).

Local government is the closest level of government to the people. Good governance and transparency are critical to the long-term sustainability of our sector and to building community trust. As we said when Operation Sandon's special report was released, some of the behavior we have seen in our sector is unacceptable and not what our community expects from its elected representatives.

At Glen Eira, we have robust and transparent processes which strengthen local governance and minimise the risk of inappropriate conduct. That's why the first strategic direction of our *Council Plan 2021—2025* is well informed and transparent decisions and highly valued services.

Through our Councillor Code of Conduct, Governance Rules, associated protocols and policies, community engagement practices, reporting focus, and robust commitment to transparency, we have long held ourselves to high standards of good governance. Our latest *Community Satisfaction Survey* demonstrated our community rates Council's decision-making in the interests of the community, and our community consultation and engagement performance, higher than the state-wide average.

We note that the consultation paper proposes reforms in the areas of council leadership, capability, and councillor conduct; early intervention and effective dispute resolution; and oversight mechanisms. We always welcome new proposals for how we as a sector can do better. While we have strongly opposed any attempts to water down the role of all 79 councils in planning processes following Operation Sandon, we welcome the opportunity to discuss meaningful proposals to strengthen accountability and oversight in local governments which would increase community confidence in councils' role and decision-making.

We would note that the four-week timeframe Local Government Victoria has provided for councils to respond is counter to the principles of good governance the proposed reforms espouse. Councils must be given enough time to meaningfully consider, prepare and formally endorse their response to the consultation paper through our governance processes. An eight-week timeframe, as suggested by our peak bodies, would have been more appropriate.

Council puts forward the following positions in response to the consultation paper:

- While we support mandatory Councillor training in principle, further consideration must be given to ensure the training is accessible, meaningful and appropriately funded so that it does not create an unnecessary burden for Councillors or their councils, while acknowledging existing qualification and experience of Councillors in the structure of the training.

- Any model Councillor Code of Conduct must allow for meaningful expansion and engagement at the council level to create codes which reflect values, norms and standards of behaviour, and are more than just a mechanism to ensure compliance with the *Local Government Act*.
- While the Victorian Civil and Administrative Tribunal's (VCAT) jurisdiction should be limited, there must be an alternative, affordable and efficient body to make timely Councillor conduct panel decisions and ensure natural justice without unnecessary delay.
- Any proposal to restrict councils from indemnifying Councillors in disciplinary matters should acknowledge that there are circumstances where complaints and referrals can be vexatious and made for personal or political gain. Councils should be able to resolve to retrospectively reimburse Councillors for costs where claims are not substantiated or deemed vexatious.
- Any proposal to broaden the scope of sanctions an arbiter can apply would need very clear guidance materials and criteria to guide decision-making.
- We support in principle reforms to strengthen arbitration and other oversight mechanisms.

We welcome the chance to provide feedback on the high-level themes of the reform outlined in the Consultation Paper and urge Local Government Victoria to continue to engage with the sector as the details of the regulations are developed. Councils must be given the opportunity to ensure the reforms and regulations are practical and can be implemented without placing additional burden on already constrained resources. Councils and Councillors must be supported with resources and time to ensure the successful implementation of new regulations or legislation.

We look forward to the release of Local Government Victoria's final recommendations to government.

# COUNCIL'S POSITIONS

## Part I: Reforms to strengthen Council leadership, capability and Councillor conduct.

This part of the reforms proposes to introduce mandatory ongoing training for Councillors and Mayors and enable a model Councillor Code of Conduct and other governance matters to be prescribed. We welcome initiatives that seek to support Councillors in undertaking their roles more effectively and maintaining the highest standards of conduct and integrity.

At Glen Eira, we have robust and transparent processes which strengthen local governance and minimise the risk of inappropriate conduct. Through our governance rules, Councillor Code of Conduct, associated protocols and policies, community engagement practices, reporting focus, and robust commitment to transparency, we have long held ourselves to high standards of good governance. Our latest *Community Satisfaction Survey* demonstrated our community rates Council's decision-making in the interests of the community, and our community consultation and engagement performance, higher than the state-wide average.

### Proposal to introduce mandatory training for Councillors and Mayors

We support in principle the proposal to introduce mandatory ongoing training. However, any training must:

- be accessible no matter Councillors' location, background or education level;
- be meaningful and valuable for the role of Councillors, with a focus on strategic thinking and decision making to support good governance;
- consider the time Councillors already dedicate to their roles and the impact of additional hours on their personal and professional lives;
- provide options for online, in person and self-paced delivery methods to suit a variety of needs, locations and circumstances;
- acknowledge the existing knowledge and skills many Councillors bring;
- be wholly funded by the Victorian Government and not cost shifted to already resource-constrained councils; and
- give Councillors the opportunity to connect with their counterparts from other councils across Victoria, thereby building sector capacity.

We are concerned by the potential for additional costs associated with implementing the training program and that this cost may be shifted to councils, rather than met by the state. It is unclear whether the sector's peak bodies have the capacity to deliver this training, especially within the time frames set out, and encourage Local Government Victoria to work with them to ensure training can be delivered as intended within their constrained resources.

There may also be barriers to accessing training for some Councillors, due to their location, online literacy, or time commitments. For example, working parents may find it challenging to attend all training in person. No detail is provided around the time

required for the proposed training requirements. We would urge Local Government Victoria to undertake a Gender Impact Assessment and other accessibility reviews to ensure that training is accessible for all across Victoria. Local government's strength lies in its diversity, and we must ensure all elected Councillors are given the same opportunities to undergo training, whether online or in person.

We would also advocate for carefully selected criteria for training modules, to ensure the training is beneficial for all Councillors, given the diversity of backgrounds and education levels. For example, while some core modules around good governance would be useful for all Councillors, Mayors should undergo more advanced training in leadership and dispute resolution relevant to their role. A meaningful experience should be tailored to individuals' training needs.

As many Councillors transition from community members to elected representatives, there may be some benefit to ensuring training focuses on organisational strategy and decision-making. Councils are large, complex organisations and while many Councillors bring robust professional experience to their careers, there would be some benefit in ensuring strategic thinking and long-term decision making is a focus area for Councillor training.

We are also concerned by the proposal for all training to be conducted within three months of a Councillor's election, when this takes place at the end of October and training would need to be conducted over the end of year period and summer break. Service providers may not have the capacity to meet the needs of all councils during this timeframe, which may make completing all training within three months an unreasonable and unrealistic expectation.

The proposal for one month of mandatory training for Acting Mayors, who may often only act for one Council meeting, may also not be practical. Acting Mayors can often need to step in at a moment's notice. Instead, there would be benefit in providing training for all Councillors in core components of the Mayor's role, to ensure Councillors can step in when required.

This may mean that rather than all training being compulsory and standardised, a 'credit point' system — leveraging optional modules that add up to a minimum number of credit points — could be introduced. This would allow all Councillors to undertake some core modules, while also providing optional modules from which to select based on prior training, qualifications and professional experience and areas of interest and need.

### **Proposal to enable a model Councillor Code of Conduct and other governance matters to be prescribed.**

In Glen Eira, as in many councils across Victoria, we have a robust Code of Conduct and Governance Rules, as well as associated protocols and policies to guide Councillor and officer conduct. We support the need for all councils to have a robust Code of Conduct.

We are concerned that the proposal to enable a model Councillor Code of Conduct, while well-intentioned, will in effect mean that many existing codes of conduct are

stripped back or weakened. Effective codes of conduct provide a foundation to codify councils' values, rules of engagement, and local norms to guide good governance and effective decision making on behalf of the municipality. They have been developed alongside Councillors to create a sense of shared ownership and commitment.

Any model Councillor Code of Conduct should:

- provide a broad and consistent minimum framework which can be enhanced to reflect local needs;
- allow for elected Councillors to meaningfully engage with and strengthen their Codes of Conduct to embed values, norms and standards of behaviour relevant to their municipality;
- not shift additional or unforeseen costs or administrative burden to councils;
- be supported by clear guidance material to effectively interpret the provisions.

We are concerned that a model Councillor Code of Conduct may result in codes which are largely compliance-based, reinforcing provisions already in the *Local Government Act 2020*, rather than speaking meaningfully to culture or standards of behavior or allowing for meaningful discussions with Councillor groups.

Councils have developed their existing Codes of Conduct over time in consultation with their Councillors and in response to issues that have arisen which haven't had clear guidance. To ensure this valuable experience is not dismissed, we urge Local Government Victoria to work with the sector in the development of the draft Code of Conduct.

While the consultation paper refers to councils having the option to adopt policies to support the model Councillor Code of Conduct, there is a risk these do not carry the same weight and their impact is weakened. They may not be enforceable or limit the ability of councils to adopt enforceable policies.

The cost to implement new Codes of Conduct is likely to be significant for some already resource-constrained councils. Many councils do not have adequate funding to recruit dedicated governance expertise to develop policies and other guidance documents.

## **Part 2: Reforms to improve early intervention and effective dispute resolution.**

We acknowledge this part of the reforms proposes to:

- limit the Victorian Civil and Administrative Tribunal's (VCAT) jurisdiction with respect to Councillor conduct panel decisions;
- stop councils from indemnifying Councillors in relation to the internal arbitration process and the councillor conduct panel process; and
- broaden the scope of sanctions that may be imposed by an arbiter.

### **Proposal to limit VCAT's jurisdiction with respect to Councillor conduct panel decisions.**

While we acknowledge early intervention and dispute resolution have an important role in good governance, we are concerned about some specific proposals and how they, while well-intentioned, may have unforeseen impacts when applied in practice.

While we agree that VCAT may not be the right path to hear Councillor conduct panel decisions, we believe a right of review is essential to providing natural justice, transparency and accountability in Councillor conduct matters. More consideration must be given to how this process would work to ensure natural justice if VCAT's jurisdiction is limited. For example, limiting VCAT's jurisdiction and requiring Councillors to attend court hearings with legal representation would be a significant cost impact to individual Councillors.

We support acting to address the need to expedite the review process, ensuring a timely response process to deal with matters swiftly so normal business and governance for the municipality can resume. If we allow these matters to take longer than absolutely necessary, it can be extremely detrimental to the long-term functioning of the elected Council. Further, with all councils moving to single-member wards, an extended process to investigate Councillor conduct would impact effective democratic representation in their ward.

**Proposal to stop councils from indemnifying Councillors in relation to the internal arbitration process and the Councillor conduct panel process.**

The proposal does not give due consideration to the complex political nature of local government democracy, where referrals or complaints may be made in a vexatious or vindictive manner for personal or political gain. If a matter is found to be untrue, unsubstantiated or made in a vexatious manner, Councillors should not bear the enormous cost of defending themselves during arbitration or conduct panel processes.

This proposal may also act as a further disincentive to qualified, high-quality candidates running for election to their local council for fear of financial exposure. Instead, while they may not be indemnified, there must be a mechanism for retrospective reimbursement should a matter be found to be vexatiously made and untrue or unsubstantiated. This may be up to a certain value, to prevent a Councillor from accruing unreasonable costs in defending a referral.

**Proposal to broaden the scope of sanctions that may be imposed by an arbiter.**

We support in principle the proposal to broaden the scope of arbitration and the sanctions that can be given. We believe arbitration can be a powerful tool to resolve challenges and disagreements and afford due process. However, any proposal to broaden the scope of sanctions would need very clear guidance materials and criteria to guide decision-making.

We would urge Local Government Victoria to ensure that the role and any new powers of arbiters are clearly defined including provisions to prevent Councillors from attending and participating in certain meetings.

### **Part 3: Reforms to strengthen oversight mechanisms.**

We acknowledge this part of the reforms proposes to:

- allow for the suspension or disqualification of individual Councillors;
- clarify the application of privileges and statutory secrecy to Municipal Monitors and Commissions of Inquiry; and
- give the Chief Municipal Inspector the power to issue infringements for certain offences.

We support these proposals in principle, acknowledging the importance that oversight mechanisms play in deterring corruption and misconduct and upholding standards of good governance. The current arrangements can lack clarity and may place undue pressure on CEOs and Mayors to implement sanctions handed down on specific Councillors while also managing their other priorities.

We also support measures to strengthen the powers of oversight bodies including the Chief Municipal Inspector to address allegations of Councillor misconduct promptly, allowing councils focus on decision-making and good governance in their municipalities. However, these reforms must acknowledge the impact of suspension on democratic representation as councils move to single-member wards, and detail how these wards would be represented if a Councillor is suspended or disqualified.



# COUNCIL CONTACTS

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## National Relay Service

If you are deaf, hearing-impaired, or speech-impaired, we ask that you call us via the National Relay Service and then ask for (03) 9524 3333.

Online: <https://internet-relay.nrscall.gov.au>  
Teletypewriter (TTY): 13 36 77  
Speak and Listen: 1300 555 727

## 8.7 MUNICIPAL ASSOCIATION OF VICTORIA MAY 2024 STATE COUNCIL MOTION

**Author:** Sophie Paterson, Advocacy Lead

**Director:** Niall McDonagh, Acting Director Customer and Corporate Affairs

**Trim No:** 24/128358

**Attachments:** Nil

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### EXECUTIVE SUMMARY

This report seeks Council's endorsement for the submission of a motion to the Municipal Association of Victoria (MAV) State Council meeting scheduled for Friday 17 May 2024.

Glen Eira City Council participates in State Council meetings alongside 78 other Victorian councils represented by the MAV. The proposed motion calls on the MAV to take a greater role in advocating for planning reform for local government, aligned to Council's *Priority advocacy projects 2023—2024* which were endorsed at the 25 July 2023 Ordinary Council Meeting.

### RECOMMENDATION

That Council endorses the following motion for submission to the 17 May 2024 MAV State Council meeting.

#### **Motion: Strengthening the planning system**

That the State Council of the Municipal Association of Victoria calls on the Victorian Government to:

1. introduce a statutory clock, ideally three months, for the Minister to consider amendments for authorisation or approval;
2. prioritise environmentally sustainable design planning scheme amendments to take action on the climate emergency; and
3. audit planning system reforms since 2017 to ensure they have aligned with recommendations of the Victorian Auditor-General's (VAGO) report entitled *Managing Victoria's planning system for land use and development* and the Planning and Buildings Process Review discussion paper 2019.

### BACKGROUND

Council is an active member of the local government sector's peak bodies and associations, including the MAV. We submit motions which help shape the policies of these associations and advance Glen Eira's advocacy priorities.

MAV State Council meetings are an opportunity to debate motions put by member councils. As the MAV is the state peak body, motions give a mandate for MAV leadership and advocacy on issues of importance to the sector. This benefits council by advancing our advocacy priorities and promoting the role of local government.

Council has successfully moved motions at past MAV State Council meetings. Previous motions are outlined in the table below.

Year	Motion
2023	Financial sustainability Recycling infrastructure Open space policy reform
2022	Woodfire heater smoke Suburban Parks Program continuation
2021	Introduction of road usage tax for electric vehicles Rooming house regulations Off leash areas for greyhounds
2019	Child Safe Standards and Councillors

**ISSUES AND DISCUSSION**

Glen Eira’s motion is an opportunity to seek greater MAV involvement and leadership in discussions to support councils on planning reform. Council endorsed its planning reform advocacy position on 25 July 2023 as part of the *Priority advocacy projects 2023—2024*. The proposed motion seeks to further highlight opportunities for planning reform.

MAV State Council theme:

The MAV have asked for motions that relate to one of the sector’s priority issues in the [Municipal Association of Victoria Strategy 2021–2025](#). This includes a focus on economically sound councils, a well-planned, connected and resilient built environment and improving sector capability and good governances. Our proposed Council motion to strengthen the planning system seeks policy changes to improve planning and good governance. It also aligns with the MAV’s preferred position to prioritise policy change, rather than seeking funding.

MAV motions must have state-wide significance to sector and not be identical or substantially similar to a previous motion which has recently been submitted to State Council.

Motion rationale

The issues identified by the Victorian Auditor-General in 2017 and subsequent recommendations from the Planning and Buildings Process Review discussion paper in 2019 underscore the critical need for substantial reforms. The reports found that the planning system was overly complex and difficult to understand.

Since then, there have been reforms to make the system more user friendly, but it is still too complex. Significant resources were put into these reviews following a comprehensive process that included stakeholder consultation. There have been reforms as a result, but there are still many recommendations that haven’t been implemented and subsequent reforms have been insufficient in addressing these complexities.

Many planning scheme amendments proposing environmentally sustainable design outcomes remain unauthorised by the Minister for Planning. In July 2022, 24 councils asked the Minister for Planning to authorise the ‘elevating Environmentally Sustainable Design (ESD)’ amendment that proposes a specific new control. This control would ensure new developments incorporate more environmentally sensitive design requirements and encourage a move towards net zero carbon development. The amendments have still not been authorised. There have been some reforms to the Victorian planning provisions since then, but they are not as robust as those proposed by the councils.

It takes on average between nine and 12 months for the Minister for Planning to authorise some larger and more complex planning scheme amendments, including our Open Space Contributions, Planning Policy Rewrite and our Carnegie Structure Plan implementation. Planning permit applications have a 60-day statutory clock that councils must abide by, but decisions on the authorisation of planning scheme amendments have no such requirement. Delays impede momentum in council and pose significant challenges for our urban planning team. This motion seeks to have a time limit on how long authorisation should take.

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

Robust and transparent planning helps us to build a more liveable, sustainability, inclusive and prosperous City. By strengthening the planning system, we can encourage more environmentally sustainable design options, maximise the use of existing infrastructure, reduce our greenhouse gas emissions and improve environmental outcomes.

Good planning is vital to mitigate the effects of climate change, support our *Urban Forest Strategy* and to contribute to positive health and well-being outcomes for our community. Principle three and four of *Our Climate Emergency Response Strategy 2021—2025* | *Dhumbali Wurrungi-biik Parbin-ata* are to provide an inclusive and healthy community and to maximise and diversify our green and natural spaces. The proposed motion supports both these principles.

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

The proposed motion advocates for policy change aimed at streamlining council services, with the potential to enhance our financial sustainability.

Expenditure on advocacy, including attending conferences and events, is met through Council's operating budget for 2023—2024.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

The State Council meeting is an opportunity to advocate for several key policy and legislative reform priorities which are critical to deliver the commitments of Council strategies, policies, and programs particularly in the delivery of its:

- *2040 Community Vision;*
- *Council Plan 2021—2025;*
- *Open Space Strategy Refresh 2020;*
- *Urban Forest Strategy;*
- *Community Wellbeing Plan;*
- *Climate Emergency Response Strategy 2021—2025; and*
- *Priority advocacy projects 2023—2024.*

Strategic direction three of the *Council Plan 2021—2025* is 'a liveable and well planned City'. The *Council Plan* recognises our municipality is recognised for its wonderful amenity — with tree-lined streets, well-connected neighbourhoods and a network of vibrant activity centres. Council faces significant challenges on progressing planning controls which seek to balance the need for population growth with maintaining the character of our neighbourhoods and activity centres. Through Council's endorsed *Priority advocacy projects 2023—2024*, Council committed to advocate to reform the planning system.

**COMMUNICATION AND ENGAGEMENT**

Council will promote its participation at the May 2024 meeting via its social media channels, as well as a news feature in Glen Eira News.

**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**

Council has the opportunity to meaningfully influence local government's state policy agenda at the MAV State Council meeting. This motion if supported by Council, will be put forward to the MAV for debate at their May State Council meeting.

## 8.8 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2024 NATIONAL GENERAL ASSEMBLY MOTION

**Author:** *Sophie Paterson, Advocacy Lead*

**Director:** *Niall McDonagh, Acting Director Customer and Corporate Affairs*

**Trim No:** *24/129203*

**Attachments:** *Nil*

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### EXECUTIVE SUMMARY

This report seeks Council endorsement for the submission of a motion to the Australian Local Government Association (ALGA) National General Assembly of Local Government (NGA) forum scheduled for 2 to 4 July 2024 at the National Convention Centre in Canberra.

The theme for the 2024 assembly is “Building community trust”, which seeks to look for ideas for new federal programs and policies that would support councils to build stronger communities in the future.

Glen Eira City Council will participate in the NGA, alongside 536 other councils across the country. The proposed motion calls on ALGA to take a leading role in advocating for the financial sustainability for local government, with a particular focus on infrastructure funding.

### RECOMMENDATION

That Council endorses the following motion for submission to the July 2024 Australian Local Government Association National General Assembly:

#### **Motion: Sustainable grants and infrastructure funding**

That the National General Assembly calls on the Australian Government to:

1. revise the administrative arrangements for tied grants, to allow councils the financial autonomy to achieve the objectives of the grants;
2. establish ongoing partnership arrangements with councils to deliver local infrastructure and services which meet community needs and expectations and support positive, environmental, social and economic outcomes;
3. implement an ongoing funding stream and prioritisation framework for the delivery and maintenance of essential community infrastructure such as public libraries, cultural and community centres, aquatic and leisure/recreation centres, cycling and pedestrian infrastructure, and open space/recreation facilities; and
4. provide full and sustainable revenue streams to support any additional responsibilities that are put on local government.

### BACKGROUND

Council is an active member of the local government sector’s peak bodies and associations, including ALGA. We submit motions which help shape the policies of these associations and advance Glen Eira’s advocacy priorities.

ALGA’s NGAs are an opportunity to debate motions put by member councils. As ALGA is the national peak body, motions give a mandate for ALGA leadership and advocacy on issues of importance to the sector. This benefits Council by advancing our advocacy priorities and promoting the role of local government.

ALGA provides a range of services to member associations and local councils throughout Australia, including representing local government on national bodies, developing policies, lobbying the Australian Government, providing information on national issues, and facilitating policy forums. These services aim to raise the profile of local government, address concerns, and ensure that local government perspectives are considered in national affairs.

Council successfully moved motions at last year's ALGA NGA, including motions on social and affordable housing and recycling. Glen Eira did not submit any motions in the years prior to this (2018 to 2022).

## **ISSUES AND DISCUSSION**

### National General Assembly theme

Glen Eira's motion is an opportunity to seek greater ALGA involvement and leadership in discussions to support councils on infrastructure funding.

ALGA has asked for motions that relate to "Building community trust". Motions have been asked to consider a variety of factors including how all levels of government in Australia can build trust in each other and earn greater trust from the community.

One of the pillars seeks motions that can provide practical programs that can strengthen the system of local government nationally to provide the services and infrastructure required to support and strengthen our communities.

### Motion rationale

The financial sustainability of Australian councils plays a crucial role in building community trust. Communities must trust that their councils can sustainably deliver services that are important to them. For example, adequate ongoing funding allows for the maintenance and improvement of community infrastructure, contributing to a higher quality of life for residents.

Council is committed to providing high-quality services but right now our costs are rising faster than we can cover. Our long-term sustainability is not guaranteed as inflation, interest rates, costs and cost shifting is increasing, whilst council is locked into rigid rate caps.

In 2023—2024, Financial Assistance Grants to local governments have dropped to 0.5 percent of tax revenue. This is a significant drop from 1996 when these grants constituted 1 percent of tax revenue. This underscores the need for adequate financial support.

Current grant opportunities are often complicated and come with restrictive conditions like 50:50 funding, short deadlines, limited resources, and grants that don't align with councils' local priorities. To continue delivering services and infrastructure in the future, local councils need support from other levels of government with flexible funding mechanisms.

At the same time, federal, state and territory governments continue to withdraw funding programs and transfer responsibility for some functions to local government. As a large proportion of Council's income must be allocated to the maintenance and replacement of its public assets, substantial funding is needed for new projects, particularly to address population growth and environmental considerations.

This motion seeks to urge the Australian Government to review the grants system, to allow councils for some autonomy to achieve the objectives of the grants. It also seeks to allocate additional funds to local councils, ensuring they can undertake essential infrastructure projects that contribute to the well-being and prosperity of our residents. Additional funding streams and partnerships are needed to support maintenance and replacement of existing infrastructure, particularly to adapt to population growth and environmental considerations.

Councils also need the Australian Government to commit to providing sustainable revenue streams when additional responsibilities are placed on them. Councils are hindered by various financial pressures, like rate capping, cost shifting, and increasing interest rates,

making it tough for councils to accurately budget for rising costs in providing essential services and maintaining vital infrastructure.

This motion meets other NGA eligibility criteria, including relating to a sector-wide issue, building on ALGA's current policy objectives and proposes a clear action and outcome.

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

Advocating for financial sustainability can positively impact Council's climate emergency response strategy by investing in sustainable, robust infrastructure and modern equipment designed to assist Council's commitment to *Our Climate Emergency Response Strategy 2021—2025*.

Council committed to providing a diversity of climate action opportunities to meet the differing needs and capacity that exist in Glen Eira. Action 4.1.2 is to develop strategies to continue Council's focus on net zero Council emissions by 2025.

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

The proposed motion advocates for policy change aimed at streamlining funding for council-delivered services and infrastructure, with the potential to enhance our financial sustainability.

Expenditure on advocacy, including attending conferences and events, is met through Council's operating budget for 2023—2024.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

The NGA is an opportunity to advocate for several key policy and legislative reform priorities which are critical to deliver the commitments of Council strategies, policies, and programs particularly in the delivery of its:

- *2040 Community Vision;*
- *Council Plan 2021—2025;*
- *Open Space Strategy Refresh 2020;*
- *Urban Forest Strategy;*
- *Community Wellbeing Plan;*
- *Climate Emergency Response Strategy 2021—2025; and*
- *Priority advocacy projects 2023—2024.*

### **COMMUNICATION AND ENGAGEMENT**

Council will promote its participation at the July 2024 meeting via its social media channels, as well as a news feature in *Glen Eira News*.

### **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**

Council has the opportunity to meaningfully influence local government's policy agenda at the NGA forum. This motion is proposed to be put forward to ALGA for debate.

**8.9 PROPOSED COMMUNICATION ANTENNA LEASE - TOWN HALL ROOFTOP AND PRINCES PARK**

**Author:** Jeanette Blackwood, Property Consultant  
**Director:** Matt Slavin, Acting Director Planning and Place  
**Trim No:** 23/1332346  
**Attachments:** Nil

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**EXECUTIVE SUMMARY**

Since early 2020, Council officers have been negotiating in good faith to finalise two leases with Vodafone in accordance with Council resolutions of 22 September 2020 and 2 February 2021, which resolved:

In relation to the Town Hall roof top:

*That Council:*

- 1. finalises the terms of a new lease with Vodafone Network Pty Ltd for their occupation of Council premises located on the Town Hall rooftop at 420 Glen Eira Road, Caulfield; and*
- 2. executes the lease in an appropriate manner including affixing the common seal.*

In relation to the tower at Princes Park:

*That Council:*

- 1. finalises the terms of a nine-year (9) lease with Vodafone Network Pty Ltd commencing on 23 December 2021 for their continued occupation of Council premises located at Princes Park, Caulfield South; and*
- 2. executes the lease in an appropriate manner including affixing the common seal.*

Both parties had almost finalised an acceptable lease, however, over the passage of time, Vodafone have assigned their rights for the Town Hall lease to Waveconn Pty Ltd ACN 659 221 495 (Waveconn) and has now requested that Council enter into the abovementioned lease with Waveconn instead of Vodafone. Also, as Vodafone has undergone a name change to TPG Telcom, the Princes Park lease will be with TPG Telecom Limited.

This requires a new Council resolution.

**RECOMMENDATION**

That Council:

1. finalises the terms of a new lease with Waveconn Pty Ltd (ACN 659 221 495) for its occupation of Council premises located on the Town Hall rooftop at 420 Glen Eira Road, Caulfield.
2. finalise the terms of a new lease with TPG Telecom Limited for its occupation of Council premises located at Princes Park, 41 Sussex Road, Caulfield South.
3. executes both leases in an appropriate manner including affixing the common seal.

**BACKGROUND**

In September 2020 Council resolved to enter into a lease with Vodafone for the lease of an antenna that was installed on the Town Hall roof in 2006.

Furthermore, in February 2021 Council resolved to enter into a lease with Vodafone for the occupation of the equipment shelter at Princes Park, that was purpose built in 2008 and is shared with Amplitel.

The previous lease for the Town Hall expired on 22 December 2021 and the Princes Park lease expired on 31 May 2022.

Since then, officers have been negotiating in good faith following the Council resolutions of 22 September 2020 and 2 February 2021 respectively. However, there have been some difficulties associated with the ownership of the telecommunication pole in Princes Park and specific lease clauses which have led to protracted negotiations.

Recently, agreement was reached in relation to the final form of the lease. However, representatives of Vodafone have recently informed Council that on 27 September 2022 Vodafone assigned the lease for the Town Hall to Waveconn and has requested that Council sign the lease with Waveconn, instead of Vodafone. Furthermore, they also advised that Vodafone has undergone a name change and therefore the lease at Princes Park will be with TPG Telecom.

**ISSUES AND DISCUSSION**

As Waveconn did not take over ownership until 27 September 2022, the lease at the Town Hall cannot commence with Waveconn prior to that date.

It is therefore proposed that the period from the end of the Town hall lease (22 December 2021), until 26 September 2022 be considered as a period of overholding and that a new lease be entered into with Waveconn from 27 September 2022.

The following terms and conditions have been agreed for the Town Hall roof top:

<b>Item</b>	<b>Term</b>
<b>Commencement</b>	27 September 2022
<b>Term</b>	9 years
<b>Rent during term</b>	Year 1: \$22,000 plus GST Years 2 to 9: an annual increase of 3% is applied
<b>Premises</b>	Glen Eira Town Hall roof top antennas and equipment room
<b>Use of Premises:</b>	Installation, inspection, maintenance, construction, replacement, repair, renewal alteration, upgrade, cleaning, operation and removal of the Tenant’s Equipment for the purpose of communications operations including cellular mobile telephone service station, antennae and associated services

The following terms and conditions have been agreed for the Princes Park site:

Item	Term
<b>Commencement</b>	1 June 2022
<b>Term</b>	5 years with an option of a further 4 years
<b>Rent during term</b>	Year 1: \$12,000 excluding GST Years 2 to 9: an annual increase of 3% is applied
<b>Premises</b>	A share of the dedicated equipment room within the nearby Princes Park Pavilion.
<b>Use of Premises:</b>	Installation, inspection, maintenance, construction, replacement, repair, renewal alteration, upgrade, cleaning, operation and removal of the Tenant's Equipment for the purpose of communications operations

Waveconn and TPG are responsible for all repairs and maintenance costs of their equipment except where it is not liable i.e. repairs of a structural nature to the equipment room, which would fall to Council.

In addition, Waveconn and TPG will pay Council's reasonable costs for preparing and finalising this lease.

**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

There are no climate emergency response strategy implications.

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

All costs associated with the preparation of the superseded Vodafone lease will be funded by Vodafone and the new updated Waveconn lease will be funded by Waveconn. Furthermore, the TPG Telecom lease will be funded by TPG.

**POLICY AND LEGISLATIVE IMPLICATIONS**

The lease complies with the leasing provision contained in section 115 of the *Local Government Act 2020*.

**COMMUNICATION AND ENGAGEMENT**

No community engagement is required to be carried out in relation to this proposal.

**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**

Council previously resolved to enter into two leases with Vodafone and due to the transfer of ownership from Vodafone to Waveconn, and the name change from Vodafone to TPG Telecom it is now necessary to execute the Town Hall lease with Waveconn and the Princes Park Lease with TPG Telecom.

**8.10 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER**

**Author:** Prue Harvey, Executive Officer

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

**Trim No:** 24/114142

**Attachments:** Nil

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**EXECUTIVE SUMMARY**

The purpose of this report is to appoint an Acting Chief Executive Officer for the period from 5pm on Thursday 28<sup>th</sup> March 2024 to 8am on Monday 22<sup>nd</sup> April 2024 inclusive, during the absence of the Chief Executive Officer. The temporary appointment is in accordance with section 44(4) of the *Local Government Act 2020 (Vic)*.

**RECOMMENDATION**

That Council makes the following appointment to the role of Acting Chief Executive Officer during the absence of the Chief Executive Officer on leave:

- Kellie Vise, Director Customer and Corporate Affairs for the period 5pm on Thursday 28<sup>th</sup> March 2024 to 8am on Monday 22<sup>nd</sup> April 2024 inclusive.

**BACKGROUND**

The Chief Executive Officer, Ms Rebecca McKenzie will be taking leave from 5pm on Thursday 28<sup>th</sup> March 2024 to 8am on Monday 22<sup>nd</sup> April 2024 inclusive. To ensure the continued smooth and efficient operation of Council's business, it will be necessary for Council to appoint an Acting Chief Executive Officer for this period.

**ISSUES AND DISCUSSION**

In accordance with section 44(4) of the *Local Government Act 2020 (Vic)*, (*the Act*), the Council may appoint an Acting Chief Executive Officer during the absence of the Chief Executive Officer for a period of not greater than up to 12 months, without the requirement to consider applications invited through a public process.

**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

There are no climate emergency implications associated with this report.

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

Kellie Vise will receive a higher duties allowance for the term of their Acting appointment.

**POLICY AND LEGISLATIVE IMPLICATIONS**

This report is consistent with section 44(4) of the *Local Government Act 2020 (Vic)* to appoint a person to act as its Chief Executive Officer for a period of not more than 12 months.

**COMMUNICATION AND ENGAGEMENT**

There was no communication and engagement associated with this report.

**LINK TO COUNCIL PLAN**

Strategic Direction 1: Well informed, transparent decisions and highly valued services  
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**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**CONCLUSION**

The appointment of Kellie Vise, Director Customer and Corporate Affairs to the role of Acting Chief Executive Officer as indicated above will ensure the continued good governance of the organisation during the CEO's leave period.

## 8.11 COUNCIL MEETING DATES

**Author:** Patricia Clive, Coordinator Councillor Business

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

**Trim No:** 24/124689

**Attachments:** Nil

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### EXECUTIVE SUMMARY

Council meeting dates for 2024 were adopted on 28 November 2023. Since then, a number of circumstances have arisen which mean the schedule of meetings will need to be amended.

Due to the election period commencing at midday on 24 September 2024, it is necessary to amend the date of the meeting scheduled for this date to the 17 September 2024 to ensure Council can resolve matters prior to the election period.

Additionally, the Victorian Electoral Commission has advised that the declaration date for the 2024 local government elections is 15 November 2024. The Glen Eira City Council Governance Rules provide the Chief Executive Officer must determine the most appropriate time and date for the election of the Mayor following an election. Therefore, to manage the post-election processes the Council meeting scheduled for the 12 November 2024 will be cancelled and a new meeting date set at an appropriate time by the Chief Executive Officer.

Further a Council meeting to consider the budget and other time sensitive matters prior to the end of the financial year is to be scheduled for the 25 June 2024 to enable sufficient time to prepare the budget and meet end-of-financial year obligations.

### RECOMMENDATION

That Council:

1. resolves to reschedule the 2 July 2024 Council meeting to 25 June 2024 to be held at 7.30pm in the Council Chambers, Corner Hawthorn and Glen Eira Roads, Caulfield;
2. resolves to reschedule the 24 September 2024 Council meeting to 17 September to be held at 7.30pm in the Council Chambers, Corner Hawthorn and Glen Eira Roads, Caulfield;
3. resolves to cancel the Council meeting scheduled for 12 November 2024;
4. notes that the Chief Executive Officer will schedule the date and time of the first Council meeting following the declaration of the local government election for the Glen Eira Municipality by the Victorian Electoral Commission (VEC); and
5. notes that an updated schedule of Council meetings reflecting the above decisions will be made available on Council's website.

### BACKGROUND

In accordance with its Governance Rules, Council is required to resolve the date, time and place of Council meetings each year. It is further required to resolve and changes to the schedule of Council meetings. Additionally, the schedule of Council meeting dates is made publicly available on Council's website. It is good practice to update Council's meeting schedule by resolution as changes arise as opposed to calling unscheduled meetings. This



ensures that the public is aware of changes to scheduled Council meetings in a timely manner.

### **ISSUES AND DISCUSSION**

The *Glen Eira City Council Election Period Policy* precludes Council from making some decisions during the election period which commences at midday on Tuesday 24 September 2024 and concludes at 6pm on Saturday 26 October 2024.

Generally, during the election period Council will only make decisions that are required by law, such as adopting the annual report and certain planning matters. Council does not make policy or significant financial decisions during the election period. Therefore, to ensure Council business is concluded prior to the election period it is necessary to reschedule the Council meeting of the 24 September 2024. It is proposed that this Council meeting is brought forward one week to the 17 September 2024.

The Victorian Electoral Commission has advised that the date for the declaration of the local government election will be 15 November 2024. Council has currently scheduled a Council meeting prior to the proposed declaration on the 12 November 2024. Though the election for Glen Eira City Council may be declared earlier there is no guarantee that this will occur in time for the 12 November 2024 scheduled Council meeting.

The Glen Eira City Council Governance Rules provide the Chief Executive Officer must determine the most appropriate time and date for the election of the mayor following an election. Therefore, to enable the post-election processes, including swearing-in and induction of Councillors, to be effectively coordinated with the timing of the Mayoral election, the Council meeting for 12 November 2024 is proposed to be cancelled. The Chief Executive Officer will call a meeting at an appropriate time and make this known to the public.

Council's 2024-25 Budget is to be adopted prior to the end of the financial year – that is 30 June 2024. To allow sufficient time to prepare the budget and meet other end-of-financial year commitments it is proposed to reschedule the 2 July 2024 Council meeting to 25 June 2024.

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

There are no Climate Emergency Response Strategy implications associated with this report.

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

There are no financial, resource, risk and asset management implications associated with this report.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

The *Glen Eira City Council Election Period Policy* outlines that prohibited decisions cannot be made during the election period. These include decisions that:

- a) relates to the appointment or remuneration of the Chief Executive Officer but not the appointment of an Acting Chief Executive Officer; or
- b) commits Council to expenditure exceeding one per cent of its income from general rates, municipal charges and service rates and charges in the proceeding financial year; or
- c) Council considers could be reasonably deferred until the next Council is in place; or
- d) Council considers should not be made during the election period.

Therefore, Council should schedule meetings to ensure Council business can be conducted prior to an election period to enable effective decision making.

In accordance with Rule 21(2) of the Glen Eira City Council Governance Rules, Council may by resolution change the date, time and place, or cancel any meeting which has been fixed and must provide notice of the change to the public. Council should amend Council meeting dates by resolution and make these changes known to the public.

Rule 9(1) of the Glen Eira City Council Governance Rules provide the Chief Executive Officer must determine the most appropriate time and date for the election of the Mayor following an election.

### **COMMUNICATION AND ENGAGEMENT**

The proposed changes will be included in the schedule of Council meetings on Council's website.

### **LINK TO COUNCIL PLAN**

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### **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**

If Council resolves to endorse the amendments to the schedule of Council meetings for 2024, the updated schedule will be published on the website for public access.

**9. URGENT BUSINESS**

**10. ORDINARY BUSINESS**

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

**10.2 Right of reply**

**10.3 Notice of Motion**

**10.4 Councillor questions**

**10.5 Written public questions to Council**

**11. CONFIDENTIAL ITEMS**

Nil

**12. CLOSURE OF MEETING**