



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

TUESDAY 23 JULY 2019

AGENDA

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

*"The primary object of a Council
is to endeavour to achieve
the best outcomes for the local community
having regard to the
long term and cumulative effects of decisions."*

- s3c(1) Local Government Act

Councillors:

The Mayor, Councillor Jamie Hyams
Councillor Tony Athanasopoulos
Councillor Anne-Marie Cade
Councillor Clare Davey
Councillor Mary Delahunty
Councillor Margaret Esakoff
Councillor Jim Magee
Councillor Joel Silver
Councillor Dan Sztrajt

Chief Executive Officer: Rebecca McKenzie

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1. ACKNOWLEDGEMENT

Glen Eira City Council respectfully acknowledges that the Boon Wurrung people of the Kulin nation are the traditional owners of the land now known as Glen Eira. We pay our respects to their Elders past, present and emerging and acknowledge and uphold their continuing relationship to and responsibility for this land.

2. APOLOGIES

3. OATH OF OFFICE AND DISCLOSURE OF INTERESTS

Councillors are reminded that we remain bound by our Oath of Office to undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Glen Eira and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the Local Government Act or any other Act, to the best of our skill and judgement.

Councillors are also 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 Sections 77 to 79 of the Local Government Act.

4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

Copies of Minutes previously circulated.

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 2 July 2019 be confirmed.

5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS

6. DOCUMENTS FOR SEALING

7. REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS

8. REPORTS FROM COMMITTEES**8.1 Advisory Committees****8.1.1 ADVISORY COMMITTEE MINUTES**

Author: Janice Pouw, Coordinator Councillor Business

Trim No: 19/1150536

Attachments: 1. *Recreation and Leisure Advisory Committee Minutes 12 February 2019*
 [↓](#)
 2. *Recreation and Leisure Advisory Committee Minutes 4 June 2019* [↓](#)
 3. *Arts and Culture Advisory Committee Minutes 18 June 2019* [↓](#)

RECOMMENDATION

That the minutes of the Advisory Committee meetings as shown below be received and noted and that the recommendations of the Committees be adopted.

- a. 12 February 2019 - Recreation and Leisure Advisory Committee
- b. 4 June 2019 – Recreation and Leisure Advisory Committee
- c. 18 June 2019 – Arts and Culture Advisory Committee

RECREATION & LEISURE ADVISORY COMMITTEE

Meeting Minutes

Tuesday 12 February 2019 - 5:00pm

Rippon Lea Room, Glen Eira Town Hall



Invitees	<p>Councillors Cr Tony Athanasopoulos (TA) - Chair Cr Jamie Hyams (JH) Cr Joel Silver (JS) Cr Mary Delahunty (MD)</p> <p>Council Staff Samantha Krull, Director Infrastructure, Environment and Leisure (DIEL) Andrew Barden, Manager, Recreation & Open Space (MRO) Susan Cannell, Recreation Development Co-ordinator (RDC)</p>
Item	
<p>1. Welcome / Apologies / Conflict of Interest</p> <p>1.1 Apologies – Cr Tony Athanasopoulos, Samantha Krull 1.2 Meeting opened at 5:08pm 1.2.1.1 MD engaged in meeting via conference call from 5:08pm 1.2.1.2 JH chaired the meeting in TA's absence 1.3 No conflict of interest</p>	
<p>2. Minutes 27 November 2018 and Business Arising</p> <p>Previous meeting minutes accepted. No actions arising.</p>	
<p>3. Advocacy on strategic objectives</p> <p>3.1 Murrumbeena Park Community Hub Officers have drafted an advocacy paper with the Commonwealth Government. This is currently with the CEO. CEO to notify Councillors at the appropriate time.</p>	
<p>Item 5 'General Business' on the Agenda brought forward in the meeting</p> <p>5. General Business</p> <p>5.1 Open Space Strategy Update</p> <p> 5.1.1 Consultant is booked in for Council Assembly meeting on 5 March to provide update to Councillors. Further progress has been made as demographic figures and data have been obtained to better inform the precinct analysis work required to update the strategy.</p> <p>5.2 Tennis Strategy Update</p> <p> 5.2.1 Implementation of actions from the Tennis Strategy has commenced. First action undertaken was to enter into discussions with Caulfield Park Tennis Club who are considering future management options of the facility.</p> <p> 5.2.1.1 A number of options were discussed, and these will be outlined in a future Assembly report for consideration.</p> <p> 5.2.2 Officers have met with the tennis coach from St Kevin's Tennis Club, and propose to meet with the Archdiocese regarding the lease and future use of the tennis courts.</p>	

5.2.3 Officers will soon make contact with Murrumbeena Park Tennis Club to discuss their future plans for their pavilion upgrade.

ACTION: Officers to prepare a report to Council regarding proposal for Caulfield Park Tennis Facility

ACTION: Officers to meet with the school and prepare a report to Council providing recommendations.

5.3 Plaques for playground upgrades

5.3.1 Discussion around the purpose and need of installing plaques for playground and other park upgrades. May give consideration to the size of the park and the magnitude of works to determine whether a plaque should be installed, and give consideration to install a plaque that includes the year to highlight the historical importance, but not include Councillors names.

ACTION: Officers to prepare report for Council to discuss guidelines around provision of plaques to be discussed at a future Assembly meeting.

5.4 Dog on/off leash areas review

5.4.1 Previous review of dog on/off leash areas was undertaken in 2011. Previous changes made during the 2011 review were to provide spaces in parks and to reduce the on leash rule within 50m around playgrounds to 20m. Officers have engaged a consultant to update the review, including consideration of new off-leash areas, particularly for when sports are being played.

Action: Officers to update Committee at the next meeting.

5.5 Format of Recreation and Leisure Advisory Committee Meeting and Minutes

5.5.1 Committee members requested minutes to reflect what was discussed at meetings to provide clarification around what was discussed and what officers have identified they will report to and action.

5.5.2 The format of the meeting minutes, should capture specific questions that Councillors raise. In particular, the previous minutes should have included questioning the timing of the Harleston Park playground redevelopment over the summer holidays. MRO identified that a Current Issue was prepared for Councillors to detail this information, however acknowledged that this type of information will also be reflected in future minutes.

ACTION: Officers to prepare detailed minutes for approval from Councillors.

MD entered meeting at 5:41pm

5.6 Colour Run applications

5.6.1 MRO reported that officers are receiving many applications from schools to host colour run events within our parks. Council's previous position was to decline such requests to protect Council assets based on advice from Parks Victoria. Discussion resolved that colour run events could be held in fenced/enclosed areas to prevent impact on broader community and to activate irrigation to reduce impact on other infrastructure and plants.

Recommendation: Nominate certain parks/sportsgrounds and routes to be used, giving consideration to fenced areas with irrigation to be turned on following the event.

ACTION: Officers to prepare guidelines around hosting colour run events in parks.

5.7 General Business

- 5.7.1 Brief discussion held suggesting consideration by Council to enter into funding agreements with sporting clubs to provide contributions towards upgrades of pavilions or other infrastructure in parks and reserves. This would require policy development around co-funding between Council and sporting clubs.

4. Recreation and Open Space Matters for Discussion

4.1 Sportsground and Pavilions Fees and Charges Review

Discussion paper provided outlining potential structures for future fees and charges; implementation strategies for changes to fees and charges; and potential incentive programs associated with fees and charges to reduce sporting club costs.

- 4.1.1 Fees and charges for sporting club use of sportsgrounds and pavilions was developed in 2002 on the premise that clubs were being charged at 10% of the maintenance costs for sportsgrounds and pavilion maintenance and has since increased with CPI each year. A review of these charges is required and timing has been brought forward based on Council absorbing the cost of sportsground lighting maintenance.
- 4.1.2 It was identified that issues arise when Council undertake pavilion upgrades (e.g. Duncan Mackinnon Reserve) and sporting clubs are expected to absorb costs. This needs to be factored into the pavilion charges.
- 4.1.3 The purpose and need of incentives was discussed and identified that they would need to be specific and, if included, needed to reflect how these are passed on to club members.
- 4.1.4 Further discussion is required regarding fees and charges and any differentiations between costs applied to summer clubs compared to winter clubs based on maintenance during the different seasons.
- 4.1.5 Discussion resolved that sports clubs would be consulted as part of the process.
- 4.1.6 Councillors unanimously agreed that an implementation process is definitely required for the delivery of any changes to fees and charges.

ACTION: Officers to prepare a position paper for further consideration, outlining true maintenance costs of sports grounds and pavilions, incentive program, preferred fee structure and proposed consultation

MD left the meeting at 5:51pm

4.2 Guidelines for Events Fees and Charges 2019/20

Discussion paper provided detailing event items/equipment that will attract additional event fees. Paper highlighted that event fees and charges in 19/20 will be retained as CPI increase from 18/19.

- 4.2.1 Support towards the clear guidelines document outlining additional infrastructure items that attracted additional event fees.

Recommendation: Apply a maximum fee for Council officers required to staff events within Council parks and reserves. Provide *Guidelines for Events Fees and Charges* to event applicants.

ACTION: Officers to determine maximum fees applicable to staff attendance at events.

4.3 Hopetoun Gardens Landscape Masterplan

Discussion paper provided outlining relevant details of the existing bandstand at Hopetoun Gardens:

- *history and heritage values;*
- *current use of the bandstand; and*
- *future options for the bandstand.*

4.3.1 Discussion highlighted that there is no known historical detail around when the bandstand was first installed at Hopetoun Gardens, or when it was renovated and elevated and the extent of these works.

Recommendation: Retain the bandstand at Harleston Park as it is a feature of the park, but enhance the functionality of the bandstand during park upgrades.

ACTION: Officers to consult with the historical society to see what the historical value is and if there is any indication of what the original bandstand looked like.

ACTION: Officers to identify other possible locations for the bandstand within Hopetoun Gardens. Officers to also identify what opportunities there are to lower and retain the existing structure or if a rebuild will be required.

6. Next meeting

6.1 Date – TBC

6.2 Commercial Vendors in Parks and Reserves

Meeting Close – 5:59pm

RECREATION & LEISURE ADVISORY COMMITTEE**Meeting Minutes**

Tuesday 4 June 2019 - 5:00pm

Rippon Lea Room, Glen Eira Town Hall



Invitees	<p>Councillors Cr Tony Athanasopoulos (TA) - Chair Cr Jamie Hyams (JH) Cr Joel Silver (JS) Cr Mary Delahunty (MD)</p> <p>Council Staff Samantha Krull, Director Infrastructure, Environment and Leisure (DIEL) Andrew Barden, Manager, Recreation & Open Space (MRO) Susan Cannell, Recreation Development Co-ordinator (RDC)</p>
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Item**1. Welcome / Apologies / Conflict of Interest**

- 1.1. Meeting opened at 5:07pm
- 1.2. Apologies – none
- 1.3. No conflict of interest

2. Minutes 12 February and Business Arising

Previous meeting minutes approved at Council meeting

2.1. Colour Run Guidelines

MRO reported that we hosted a school Colour Run event at McKinnon Reserve in March. Immediately following the event the sportsground irrigation was turned on to breakdown and remove the colour material. The event was considered a success based on feedback from the school and the minimal impact on the sportsground following the event.

Officers have received other applications for Colour Run events to be held at the end of 2019. In preparation for this, officers will act upon the previous recommendation to host such events within designated fenced/enclosed areas and activate irrigation immediately following the event.

Action: Following the delivery and review of the upcoming Colour Run events to be held at the end of 2019, given continued success, officers will prepare Colour Run Guidelines for events moving forward.

2.2. Sportsground and Pavilion Fees and Charges Review

MRO provided an update on the status of this review, which is awaiting data from an extensive best practice review being undertaken by the Parks and Environment department. This review will provide true costs of sportsground maintenance, turf wicket preparation, etc. In the meantime, officers will continue analysing pavilion costs and benchmarking the Fees and Charges process against other councils.

Recommendation: JH requested consideration be given to external parties undertaking maintenance, such as preparation of turf wickets. MRO confirmed that some turf wicket preparation was already being undertaken by other qualified parties appointed by the cricket clubs and that this will be considered as part of the recommendation for the fees and charges review.

3. Recreation and Open Space Matters for Discussion

3.1. Commercial Vendors in Parks and Reserves

Discussion paper provided outlining Council's current position on commercial vendors trading with Council's parks and reserves, referencing Council's Open Space Strategy 2014, Glen Eira City Council Local Law 2009 and requirements imposed by Department of Environment, Land, Water and Planning (DELWP).

MRO explained that DELWP is refining the process associated with use of Crown Land. This specifically includes establishing formal agreements with traders operating in Glen Eira parks.

MD entered the meeting at 5:17pm

Discussion of Council's position on commercial vendors trading within Council's parks and reserves included:

- recognition of historical agreements for use of Crown Land and the need to review and formalise;
- the impact of commercial traders operating on Crown Land and Council Land, with particular regard to the local amenity;
- the need to investigate opportunities to utilise areas surrounding Council parks rather than within the park itself;
- if approval was provided for commercial traders to operate within/surrounding Council parks, certain guidelines and criteria would need to be established regarding local amenity and need, assigned spaces to be used, timing of use, frequency of use, tender process, etc.;
- if a commercial vendor is operating from a community asset this should have some benefit to the community; and
- events such as Farmers Markets should be considered as a future interests as these can support local traders.

Action: Officers to investigate and, where appropriate, seek opportunities to formalise existing agreements regarding use of Crown Land.

Action: Officers to prepare a Council position on commercial traders operating in and around Council parks and reserves.

3.2. Plaques for playground and open space upgrades

Discussion paper provided outlining Council's current process surrounding provision of plaques for projects undertaken in open space, and recommendations for how this will be implemented in the future.

Action: Officers to prepare report for Assembly Meeting.

3.3. Dog on/off leash areas review – Lighting Up Open Space

Discussion paper provided outlining the proposal to light up identified sportsgrounds within Glen Eira during winter to allow for night time community use.

MRO advised that officers proposed to undertake a sportsground lighting trial during winter to provide greater access to sportsgrounds within Glen Eira. This trial has been proposed in response to requests from the broader community seeking recreational opportunities in the afternoon/evening during winter. Sportsground availability had been investigated, and the trial proposes to include activating lighting at one sportsground within each ward.

Recommendation: The original proposal was to illuminate sportsgrounds from 5pm – 8pm, however it was agreed that this would be further extended to 9pm to align with the Sportsgrounds Lighting Policy.

Action: Undertake sportsground lighting trial on specified days at Hodgson Reserve, EE Gunn Reserve Oval 2/3 and Caulfield Park Oval 5 from Monday 10 June until Monday 30 September 2019.

Action: Prepare a social media post to identify 'we asked, you said, we did'.

3.4. Event Management in Parks – Fees and Charges

Discussion paper provided as an addition to the reviewed costs and guidelines previously prepared regarding event infrastructure. This paper referenced the need and opportunity to further reduce costs associated with Council staff attendance required at events.

Discussions commenced regarding overall costs associated with hosting events in Council open space. Reducing overall costs of events has been addressed with the provision of Event Item Guidelines, presented at the Recreation and Leisure Advisory Committee meeting on 12 February 2019.

However, some major events currently attract additional costs to cover Council staff attendance required at the event. In these instances, staff attendance has been required to protect Council assets, and has been employed as a result of experiences with past events causing damage to surfaces, infrastructure, etc. It was agreed that the provision of Council staff at events should be relative to the true cost and nature of the event, and identified during the planning stages of the event.

Recommendation: Costs associated with Council staff attendance at events in Parks should align with the existing Council buildings staff policy for events in Council buildings. This should reflect number of staff required, associated costs, etc., providing flexibility based upon the nature of the event.

Recommendation: Rather than providing a specific dollar value for the maximum amount charged for Council staff attendance at events, discuss resource requirements during the planning stage, indicating that the additional cost is to recover the full extent of staffing fees required for the event. This will allow for revision of staff attendance at existing and future events.

Action: Officers to review and amend the discussion paper provided to reflect the recommendations.

4. General Business

4.1. Lord Reserve and Koornang Park Masterplan Community Consultation Update

Consultation is underway with many responses provided thus far. Officers have provided responses to questions raised and met with community groups to discuss components of the draft Masterplan.

One of the main focuses of the consultation so far has been the proposal to remove the building that currently houses the Caulfield Community Toy Library. It was restated that the proposed action was in relation to the building structure and not the community service that is provided by Caulfield Community Toy Library. Further discussions included:

- the proposed action to remove the building would follow the relocation of the toy library;
- investigate opportunities for the Caulfield Community Toy Library to remain onsite, giving consideration to their location shifting to future developments of Carnegie Swim Centre or the proposed redevelopment of Lord Reserve Pavilion; and

- the proposal to remove this building is consistent with Council's Open Space Strategy to remove non park related buildings from within Council open space.

Action: Officers to undertake further consultation and investigation regarding opportunities to retain the Caulfield Community Toy Library onsite at Koornang Park.

4.2. Tennis Strategy Update

MRO provided an update regarding actions from the Tennis Strategy, including property acquisition opportunities, funding agreements, pavilion upgrades and future development opportunities. Current focus of officers is to work through actions from the strategy with clubs, with a particular focus on management styles.

Council reports are currently being prepared regarding three sites for a future Council meeting.

4.3. Communication of General Business Items

Action: TA requested that general business updates be included in the pre-meeting notes so they can be taken as read at the meeting.

5. Future Meeting Items

5.1. Open Space Strategy Update – may call for an earlier Recreation and Leisure Advisory Committee Meeting to present.

5.2. Guidelines for elite junior and senior sporting clubs/events.

6. Next Meeting Tuesday 3 September (TBC)

Meeting closed at 6:12pm

**ARTS AND CULTURE ADVISORY COMMITTEE MEETING****MINUTES****TUESDAY 18 JUNE 2019****OGAKI ROOM****5.30PM – 6.00PM**

Purpose: the role and function of the Advisory Committee is to act as a steering Committee to assist Council by providing recommendations in relation to reviewing and improving arts and culture programs provided by Council to ensure maximum benefit, participation and value to the community.

Assembly of Councillors Record

The meeting commenced at 5.33pm

1. Present and Apologies

Present:

Cr Margaret Esakoff (Chair)
Cr Jamie Hyams (Member)
Peter Jones – Director Community Wellbeing
Deidre Pellizzer – Manager Libraries, Arts & Culture

Apologies:

Cr Mary Delahunty (Member)
Cr Anne-Marie Cade (Member)

2. Declaration of conflict of interest

No declarations of conflict of interest under Section 79 of the Local Government Act were received.

3. Matters considered

- 3.1. Updates on actions from past meetings
 - 3.1.1. Promotion for the Storytelling Festival
 - 3.1.2. Shade for queues at events
 - 3.1.3. Booran Reserve Art Panels
- 3.2. Party in the Park – post event report
- 3.3. National Reconciliation Week – post event report
- 3.4. Groove and Graze – post event report
- 3.5. Carols in the Park – 2019 proposal
- 3.6. Springtime Music – 2019 proposal
- 3.7. Glen Eira Storytelling Festival 2019 – Program
- 3.8. Next Meeting

Agenda Item 3.1**Updates on actions from past meetings**

- The Storytelling Festival program has been included as an insert (as in past years) in the Glen Eira News and distributed to around 61,500 households;
- Cr Hyams asked that the program insert be made available in the online version of the GE News;
- Shade will be provided wherever possible for attendees standing in queues at Glen Eira events, particularly at family days for the 19/20 season;
- The Booran Reserve art panels will be managed by the Arts and Culture team in the future; with artwork designs updated every two years and decided on by the Arts and Culture Advisory Committee.

Actions:

- **Staff will look into the inclusion of the Storytelling Festival program insert for GE News online.**
- **A proposal for a specific program for the Booran Reserve art panels will be presented to the Committee at a future meeting.**

Agenda Item 3.2**Party in the Park – post event report**

The Party in the Park series held in January, February and March was very successful with an estimated 19,000 people in attendance across the three event dates.

Party in the Park ‘Under the Stars’ at Packer Park, Saturday 19 January

The Party in the Park ‘Under the Stars’ event, with headline act Killing Heidi, attracted an estimated 6,000 people. Officers attribute the increase in attendance from 2018 to the headlining act being well known and popular with the event demographic.

A survey of 58 attendees showed that 100% of respondents viewed the event as very good or excellent overall satisfaction; 40% of the respondents discovered the event via word of mouth, with another 35% through social media and the remaining through billboards, flyers or posters and Glen Eira Arts and Culture *What’s On* eNews.

Post event feedback was very positive with community members appreciating the free evening of quality entertainment that appeals to all ages and as well as the wider community.

Party in the Park at Princes Park, Sunday 17 February

Around 6,000 people attended Party in the Park at Princes Park enjoying a wide range of activities, rides, live shows - all with a sustainability theme. Local community groups and Council departments showcased their services on the day.

A survey of 74 attendees showed that 90.5% of respondents viewed the event as very good or excellent overall satisfaction; 39% discovered the event via social media, 19% via word of mouth and 27% through billboards, festival flyers and posters.

In addition to those surveyed, several residents contacted Council directly to offer positive feedback on the day.

Party in the Park and Pet Expo at Packer Park, Sunday 17 March

The Party in the Park including the Glen Eira Pet Expo traditionally held at Allnutt Park was moved to Packer Park this year due to rectification works at Allnutt Park. The change in venue proved to be successful and attracted an estimated 7,000 people.

A survey of 74 attendees showed that 82% of respondents viewed the event as very good or excellent overall satisfaction; 28.4% of those surveyed found out about the event via social media, 21.5% via word of mouth and 34% found out through the billboards or festival flyers and posters. Others found out about the event via Glen Eira News, Glen Eira Council website *What's On* eNews.

Whilst the Party in the Park series should continue generally in the same format with two Sunday family days and one Saturday evening concert spread across January, February and March, officers are considering splitting the Pet Expo to another time of the year as March can be hot for pets and the Expo has grown in popularity. Separating the events would allow the March Party in the Park to be a focussed celebration of Cultural Diversity Week.

The Committee noted the report. Councillor Hyams made the suggestion of surveying attendees waiting for orders at the food trucks as a way of increasing survey respondent numbers.

Actions:

- ***Officers to update the Committee on proposals to separate the Pet Expo and Party in the Park and re-theme the March event to better accommodate Cultural Diversity Week and the next location for the former Allnut Park event***
- ***Officers will seek ways to increase survey participation during events so that a greater number of survey forms are completed.***

Agenda Item 3.3

National Reconciliation Week – post event report



Officers liaised with the Boon Wurrung Foundation to extend this year's event from one day to a week long program:

- At the Reconciliation Week launch, participants enjoyed a Smoking Ceremony, Welcome to Country and performance by Indigenous musician Brett Lee.
- Glen Eira Libraries hosted a weaving workshop and Indigenous story time.
- Screening of short films, *Voice from the Desert* and *Stolen Generations*.
- *Celebrating Culture: Contemporary Indigenous Art* - curator's floor talk.
- Guided tours of Mallanbool Reserve with anthropologist, archaeologist and Director of Aboriginal Archeologists Australia and the Boon Wurrung Foundation, David Johnston followed by a barbeque.
- And the highlight of the Week - Elder Uncle Jack Charles talking about his views on Reconciliation.

Events were well attended despite the cold weather and feedback was positive. Of those surveyed, 90% stated that the events were 'very good' to 'excellent'.

Overall, holding several events over the course of Reconciliation Week was a success with a wide demographic reached, a strong community feel and a high level of engagement by attendees. Officers will develop a similar program for National Reconciliation Week 2020.

Noted by the Committee.

Agenda Item 3.4

Groove and Graze – Post event report

The Groove and Graze series successfully showcases Glen Eira's parks and open spaces featuring food trucks, a pop-up bar and local emerging musicians.

Groove and Graze - Halley Park, Saturday 27 October 2018, 12 noon to 8pm

The first in this series of events was attended by an estimated 6,000 people and was very well received. 16 food trucks cooked up fabulous food fare and eight young emerging bands with local Glen Eira members rocked the stage including *Universal Outcast*, *Crane*, *The Belafontes*, *Hemm*, *Little Wise*, *Juice Webster*, *Blyolk* and *Approachable Members of Your Local Community*.

The site layout differed to previous Groove and Graze events held at Halley Park, being moved closer to the Jasper Road end of the park. This allowed for more shade and better visibility from Jasper Road traffic.

A survey of 213 attendees showed that 99% of patrons rated their overall satisfaction as excellent, very good or good; 20% found out about the event via billboard marketing, 22% from word of mouth and 36% via social media.

Groove and Graze - Hopetoun Gardens, Sunday 18 November 2018, 12noon to 8pm

The second in this series of events was attended by an even larger crowd of around 6,500. Once again, there was a great selection of food available from 16 food trucks and *Royal East*, *Cloud Castles*, *Lake Mirror*, *Approachable Members of Your Local Community*, *The Belafontes*, *Crane*, *Stand Out* and Tasha Lloyd entertained event patrons throughout the day.

A survey of 132 attendees showed that 99% of patrons rated their overall satisfaction as excellent, very good or good; 29% found out about the event via billboard marketing, 31% from word of mouth and 22% via social media.

Groove and Graze - Koornang Park, Sunday 7 April 2019, 1pm to 9pm

An estimated 6,500 people attended the final event for the series held at Koornang Park. This was the first time this space had been activated utilising the area on Koornang Road, as well as the carpark adjacent to the sporting pavilion.

It was also the first Groove and Graze event held outside of daylight savings time, providing the opportunity to create a different event experience with the inclusion of mood lighting and neon art installations. It was extremely well received.

Universal Outcast, *Little Wise*, *Blyolk*, *Barefoot Bowls Club*, *AU Cinema*, *Mylk*, *STOKA* and *Nth Rd* entertained the crowds whilst they enjoyed freshly cooked food available from 16 food trucks.

A survey of 135 attendees showed that 99% of patrons rated their overall satisfaction as excellent, very good or good; 29% found out about the event from word of mouth, 23% via billboard marketing and 16% through the distribution of flyers and posters.

Feedback on the new venue:

- "all good, look forward to next one; great for kids to try different parks;
- great atmosphere and layout for families and children;
- first event in Koornang Park in the 50 years I have lived here. Well done! Hope there will be more, great for families;

- love venue – tram bus accessible, not too busy;
- location and more space – access to oval make more space”.

Noted by the Committee.

Agenda Item 3.5

Carols in the Park – 2019 proposal

The 2019 Carols in the Park event will be held between 5.30 and 8.15pm at Bentleigh Hodgson Reserve in Bentleigh on Saturday 14 December. The event will follow the same successful format as previous years, which focuses on a traditional Carol's format with an emphasis on good and crowd pleasing entertainment:

Recommendation:

The Committee recommends that Council approves the following program for the Carols in the Park 2019 main stage and roving act (6.30pm to 8.15pm):

Anthony Callea – Host and main performer

Glen Eira Municipal Band

Pevan and Sarah Christmas Show – Children's entertainment

Melbourne Gospel Choir

Space Ballerinas - Roving performers

Moved: Cr Esakoff

Seconded: Cr Hyams

Motion passed unanimously.

Agenda Item 3.6

Springtime Music – 2019 proposal

The *Springtime Music* series has steadily grown in popularity. Officers propose that the 2019 *Springtime Music* series be held on six Sunday afternoons (two events in each ward) with an event targeted toward children during the 2019 Children's Week.

Below are the proposed dates, parks and performers for 2019:

Recommendation: The Committee recommends that Council approve the following program for the 2019 Springtime Music Series:

OCT	6	Harleston Park (Camden Ward) - Alma Zygier
	13	Centenary Park (Tucker Ward) - Dion Drummond
	20	Booran Reserve (Rosstown Ward) - Zucchini Clan
	27	Gardenvale Park (Camden Ward) - Toshi Sakamoto & Noriko Tadano
NOV	10	McKinnon Reserve (Tucker Ward) - Parvyn Singh & Josh Bennet
	24	Mallanbool Reserve (Rosstown Ward) - Inka Marka

Moved: Cr Esakoff

Seconded: Cr Hyams

Motion passed unanimously.

Agenda Item 3.7

Storytelling Festival 2019

The Storytelling Festival programme was distributed to members of the Committee.

Agenda Item 3.8

Next Meeting

To be scheduled in August 2019 or as required.

The meeting finished at 5.53pm.

8.2 Records of Assembly**8.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**

Author: Janice Pouw, Coordinator Councillor Business

Trim No: 19/1164802

Attachments:

1. 18 June 2019 Assembly [↓](#)
2. 25 June 2019 Assembly [↓](#)
3. 2 July 2019 Pre-meeting [↓](#)
4. 2 July 2019 Assembly [↓](#)
5. 9 July 2019 Assembly [↓](#)

RECOMMENDATION

That the Records of the Assemblies as shown below be received and noted.

1. 18 June 2019
2. 25 June 2019 Assembly
3. 2 July 2019 (pre-meeting)
4. 2 July 2019 Assembly
5. 9 July 2019 Assembly

Assembly of Councillors**18 June 2019****Record under S 80 A (2)****Meeting commenced at 6.54pm****A. Present**

Cr Jamie Hyams (Mayor)
Cr Margaret Esakoff
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt

Council Officers

Rebecca McKenzie (CEO)
Ron Torres
Sam Krull
Peter Swabey
Peter Jones
Alexandra Fry
Matt Barbetta
Michelle Van Gerrevink

B. Matters considered.

1. Apologies – Cr Cade, Cr Davey,
2. LXRA Voluntary Purchase Scheme
3. Local Government Power Purchasing Agreement for renewable energy

7.38pm Cr Athanasopoulos entered the Assembly

4. Community Grants Recommendations

8.08pm Cr Delahunty entered the Assembly

8.14pm Cr Delahunty left and returned to the Assembly

8.22pm Cr Hyams left the Assembly and returned at 8.23pm

8.41pm Cr Magee left the Assembly and returned at 8.43pm

8.54pm Cr Sztrajt left the Assembly

8.56pm Assembly adjourned

9.07pm Assembly resumed

Present

Cr Jamie Hyams (Mayor)
Cr Tony Athanasopoulos
Cr Mary Delahunty
Cr Margaret Esakoff
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt

5. General Business

- i. CEO – Staff accommodation options

9.19pm Cr Sztrajt returned to the Assembly

- ii. CEO – Local Government Bill 2019
iii. Director Planning and Place – 8 Gordon Street, Elsternwick (former ABC site)

6. Draft Special Council Meeting Agenda

4.1 - Lord Reserve and Koornang Park Draft Masterplan.

4.2 Declaration of Rates and Charges 1 July 2019 to 30 June 2020

10.25pm Cr Esakoff left the Assembly

4.5 Residential Aged Care.

7. Annual Review of CEO Performance

Assembly finished at 11.25pm

Assembly of Councillors**25 June 2019****Record under S 80 A (2)****Meeting commenced at 8.52pm****A. Present**

Cr Jamie Hyams (Mayor)
Cr Anne-Marie Cade
Cr Clare Davey
Cr Mary Delahunty
Cr Margaret Esakoff
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt

Council Officers

Rebecca McKenzie (CEO)
Ron Torres
Sam Krull
Peter Swabey
Peter Jones
James Kearney
Aidan Mullen
Paul Wood
Janice Pouw

B. Matters considered.

1. Apologies – Nil
2. Carnegie Market – Feasibility Update

9.04pm Cr Tony Athanasopoulos entered the Assembly

9.22pm Cr Margaret Esakoff left the Assembly and re-entered at 9.23pm.

3. Draft Murrumbidgee Park Masterplan Refresh and Community Hub

9.50pm Cr Delahunty left the Assembly and re-entered at 9.53pm

9.57pm Cr Davey left the Assembly and re-entered at 10pm

4. Community Satisfaction Survey 2019

10.09pm Cr Delahunty left the Assembly.

5. General Business
 - Co-ordinator Councillor Business - MAV Councillor Development Weekend
 - Cr Hyams – Budget Submission
 - Director Environment & Infrastructure – Council report – New Leash Free Area – Caulfield Wedge

6. Draft Council Meeting Agenda items– 25 June 2019

- Item 7 – Reports by Delegates
Cr Magee – MAV State Council report
- Item 8.1 – Advisory Committee Minutes

10.16pm Cr Silver left the Assembly

- Item 8.2 – Records of Assembly
- Item 9.1 – 251 Koornang Road Carnegie, Request to extend expiry of permit
- Item 9.2 – VCAT Watch
- Item 9.3 – Car Parking Sensors
- Item 9.4 – Caulfield Park Masterplan
- Item 9.5 – Rosanna Street Reserve Upgrade – Stage Two
- Item 9.6 – Community Grants Recommendations 2019-2020
- Item 9.7 – Vegetation on Development Sites

10.34pm Cr Esakoff left the Assembly

- Item 9.8 – Overshadowing Solar Panels

10.37pm Cr Esakoff entered Assembly

- Item 9.9 – Financial Management Report for the Period Ending 31 May 2019
- Item 9.10 – Appointment of Acting Chief Executive Officer
- Lease 840 Dandenong Road
- Draft Murrumbeena Park Masterplan
- Item 10 - Urgent Business
- Item 11.1 - Request for reports

Assembly finished at 10.41pm

Council Pre-Meeting**2 July 2019****Record under S 80 A (2)****Meeting Commenced at 7.05pm****A. Present**

Cr Jamie Hyams, Mayor
Cr Anne-Marie Cade
Cr Clare Davey
Cr Mary Delahunty
Cr Margaret Esakoff
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt

Apologies – Cr Tony Athanasopoulos**Conflict of Interest**

Cr Hyams

- Item 8.1 Advisory Committee Minutes (Community Grants Advisory Committee)
- Item 9.7 Part 3 – Community Grants Recommendations 2019-2020
- Cr Esakoff
- Item 9.7 Part 4 – Community Grants Recommendations 2019-2020
- Item 12.2 – Residential Aged Care

Officers

Rebecca McKenzie
Ron Torres
Peter Jones
Samantha Krull
Peter Swabey
Janice Pouw

B. Matters considered

1. Item 9.1 – 251 Koornang Road, Carnegie – Request to Extend Expiry of Permit
2. Item 9.7 – Community Grants Recommendations 2019-2020
3. Item 10 – Urgent Business – Instrument of Appointment and Authorisation
4. Item 11.1 – Request for reports from Officers – Cr Esakoff – Smoke Free Zones
5. Item 11.4 – Public Questions to Council

The pre-meeting adjourned at 7pm.

The pre-meeting resumed at 7.19pm.

Present

Cr Jamie Hyams, Mayor
Cr Tony Athanasopoulos
Cr Anne-Marie Cade
Cr Clare Davey
Cr Mary Delahunty
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt

Cr Esakoff declared an indirect interest in relation to Item 12.2.

Cr Esakoff left the pre-meeting prior to any discussion on this matter.

6. Item 12.2 – Residential Aged Care

Pre-meeting finished at 7.26pm

Assembly of Councillors**2 July 2019****Record under S 80 A (2)****Meeting commenced at 7.01pm.****A. Present**

Cr Jamie Hyams (Mayor)
Cr Anne-Marie Cade
Cr Clare Davey
Cr Mary Delahunty
Cr Margaret Esakoff
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt

Council Officers

Rebecca McKenzie (CEO)
Peter Swabey
Sam Krull
Peter Jones
Ron Torres
Janice Pouw

B. Matters considered.

Apologies – Cr Tony Athanasopoulos

1. Rates Charges for Yarra Yarra Golf Club
2. General Business
Chief Executive Officer
 - Draft Submission to Local Government Bill 2019
 - Caulfield Racecourse Trust
 - Lease 840 Dandenong Road

Assembly finished at 7.18pm

Assembly of Councillors**9 July 2019****Record under S 80 A (2)****Meeting commenced at 6.45pm****A. Present**

Cr Jamie Hyams (Mayor)
Cr Anne-Marie Cade
Cr Mary Delahunty
Cr Margaret Esakoff
Cr Jim Magee
Cr Joel Silver

Council Officers

Rebecca McKenzie (CEO)
Ron Torres
Sam Krull
Peter Swabey
Gaye Stewart
Paul Wood
Kristian Cook
Zac van Grondelle
James Kearney
Tess Angarane
Andrew Barden
Janice Pouw

B. Matters considered.

1. Apologies – Cr Tony Athanasopoulos, Cr Clare Davey and Cr Dan Sztrajt
2. 10-16 Selwyn Street, Elsternwick
3. Carnegie Market – Feasibility & Options Update

7.06pm Cr Delahunty left the Assembly and re-entered at 7.08pm.

4. Activation of Carnegie Warehouse Site (296-298 Neerim Road) 'Urban Oasis'
5. General Business
Cr Hyams
- LG Act submission
- Dog Agility Park
6. Sporting Clubs Fees and Charges – Sportsground Lighting Maintenance

8.27pm Cr Silver left the Assembly and re-entered at 8.28pm

7. A Place for Plaques in our Parks

8. General Business

Cr Hyams – ABC Site

Director Planning and Place – Parking issues near schools ‘Kiss and Go Zones’

9.02pm Cr Esakoff left the Assembly and re-entered at 9.04pm.

Cr Hyams – Citizenship Ceremony

Cr Silver – Lumeah and Glen Eira Road intersection

Cr Esakoff – Food Waste Caddies

Cr Cade – Heritage Overlay

Cr Magee – Mackie Reserve

Assembly finished at 9.24pm

9. PRESENTATION OF OFFICER REPORTS

9.1 VCAT WATCH

Author: Kristian Cook, Coordinator Urban Planning

Trim No: 19/1161909

Attachments: 1. VCAT Watch - Attachment - 23 July 2019 [↓](#)

PURPOSE AND SUMMARY

To report to Council applications currently before, and recent decisions of the Victorian Civil and Administrative Tribunal (VCAT).

RECOMMENDATION

That Council notes the recent decisions and applications currently before the Victorian Civil and Administrative Tribunal (VCAT), including the recent applications that have been lodged with VCAT.

BACKGROUND

The VCAT process is an integral part of the planning permit process and provides opportunity for independent review of planning decisions. VCAT is required to take into consideration any relevant planning policy.

ISSUES AND DISCUSSION

This report includes an attachment that provides an overview of all applications currently before, or that have recently been decided by the VCAT. The attachment table is broken down into 'New appeals lodged with the VCAT', 'Current matters before the VCAT' (including upcoming hearings or where Council is waiting for a decision after the hearing has taken place), and 'Recent decisions of the VCAT'.

There were five decisions since the previous report, with two resolved by consent. The remaining decisions are discussed below.

Address	12 Wheeler Street, Ormond
Proposal	Construction of four dwellings in attached form with basement car parking underneath. The front three dwellings have three storeys, with the rear dwelling having two storeys.
Council decision	Refusal
VCAT decision	Refusal
Appellant	Jiangwang International Pty Ltd

Council determined to refuse the application at the 23 November 2018 Ordinary Council meeting, on the grounds of neighbourhood character, visual bulk impacts on the adjoining properties and insufficient open space provisions.

The site has been subject to two previous applications that were both refused by VCAT.

In determining its decision, the Tribunal found the proposal still failed to appropriately respond to the existing and preferred character for this area, particularly its response to the

existing streetscape. The Tribunal were also not satisfied with the secluded private open space area for Dwelling 1 due to its size and layout.

On this basis, the Tribunal determined to affirm Council's decision and refuse the application.

Some points of interest have come out of this decision in respect to the weight given to the Housing Diversity Area Policy (HDAP) and private open space provisions.

In respect to the HDAP, the Tribunal made the following observation:

*Other decisions, such as Steller Elite Pty Ltd v Glen Eira CC¹ and TEBA Pty Ltd v Glen Eira CC² referred to me identified that housing diversity policy and controls that existed at the time of those decisions, acted as a focus to development in diversity areas. **These decisions were made at a time when mandatory controls restricted development in the minimal change areas to no more than two dwellings on a lot.** The minimal change areas retain this dwelling limit, but now only as policy. **This enables greater flexibility to consider individual circumstances in the minimal change areas for some diversity. In turn this reduces some of the emphasis referred to in the TEBA and Steller Elite decisions.***

This decision effectively gives greater weight to the HDAP than what we have previously been experiencing. Based on this decision, the ability to redevelop sites located within the Minimal Change Area for more than 2 dwellings, means that sites located towards the edge of a Housing Diversity Area do not need to be redeveloped to their maximum capacity. Rather, a lower and more transitional design response should be provided on these sites.

This decision is one of a number of recent decisions that has placed greater emphasis on providing larger and more useable secluded private open space areas for dwellings, particularly those with 3 or more bedrooms.

The effects of the above considerations are considered to be positive outcomes for Council, which will assist us in achieving more appropriate development outcomes.

A site plan showing the location of this site is below:

¹ [2016] VCAT 305
² [2014] VCAT 1095



Address	9 Marlborough Street, Bentleigh East
Proposal	Construction of three double storey dwellings
Council decision	Refusal
VCAT decision	Refusal
Appellant	Chris Hassall

This application was refused by officers under delegation on the grounds that the proposal was inconsistent with the Minimal Change Area Policy in respect to design detailing, location of secluded private open within the front setback, high front fencing and visual bulk impacts to the north.

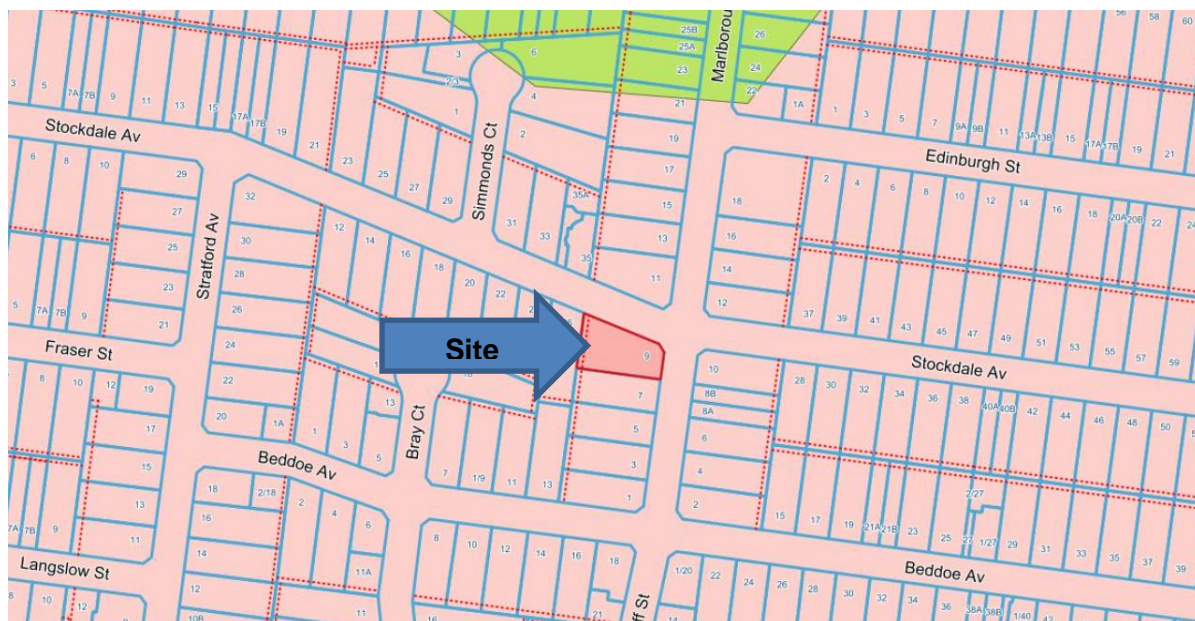
In determining its decision, the Tribunal made the following observation:

“My principal findings is that the form of the proposed development is excessive, being at odds with the preferred character in a minimal change area. There are also deficiencies with private open spaces. Those matters cannot be readily addressed by requiring amendments to the plans.”

On this basis, the Tribunal determined to affirm Council’s decision and refuse the application.

This decision is considered to be a positive outcome for Council. Whilst officer’s were not strictly opposed to the redevelopment of the site for three dwellings, our concerns were that the proposal had a number of shortcomings that could not be addressed by conditions. Those shortcomings would have a detrimental impact on the existing character of the area and amenity impacts on the secluded private open space area to the north.

This is now the third decision recently received by Council in respect to the redevelopment of Minimal Change Area sites for more than two dwellings. All three decisions have affirmed Council’s refusals for similar reasons. Officers are pleased to see that VCAT are giving greater weight to policy and on-site amenity.



Address	51 College Street, Elsternwick
Proposal	Construction of two double storey dwellings
Council decision	NOD
VCAT decision	Permit
Appellant	EN Architects

This application was approved by at the Delegated Planning Forum held in November 2018, subject to conditions that provided increased setbacks from the objector's property. Following this decision, an objector lodged an appeal against this decision on the basis that the double storey dwelling to the rear, would result in unreasonable amenity impacts on their backyard associated with visual bulk and overshadowing and was inconsistent with the Minimal Change Area Policy. The conditions imposed by Council were not contested by the applicant.

In determining its decision, the Tribunal made the following observations in respect to the consideration of the double storey dwelling at the rear of the site:

"In my mind, the existence or non-existence of an open backyard character or corridor is of only marginal relevance in this location, given policy is concerned with respecting neighbouring secluded open space. It does not matter whether the secluded open space is an open backyard or a courtyard as exists on the neighbouring property to the south.

It is the amenity impacts on that property that is the key issue. Not whether a double storey dwelling should be allowed at all since policy does not prohibit such built form. Provided any impacts are within acceptable bounds, then there should be no impediment to allowing a double storey dwelling in the rear yard on the review site."

The Tribunal considered that subject to the conditions imposed by Council, the proposed double storey dwelling at the rear of the site would not result in unreasonable amenity impacts on the objector's property, noting its compliance with ResCode. On this basis, the Tribunal determined to affirm Council's decision subject to minor changes to the wording of some conditions.

A site plan showing the location of this site is below:



FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

There are no financial, resource or asset management implications.

POLICY AND LEGISLATIVE IMPLICATIONS

There are no policy or legislative implications for this report.

COMMUNICATION AND ENGAGEMENT

There has been no communication or engagement for this report.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme One: Liveable and Well Designed
A well planned City that is a great place to live.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

This report provides an update of the applications before and recent decisions of the VCAT.

APPLICATIONS BEFORE AND RECENT DECISION OF THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

NEW APPEALS LODGED WITH THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL								
Address	VCAT Reference	Description of proposal	Type of Appeal	Zone	Council Decision	Delegate for Decision	Next Hearing Type	Next VCAT Date
335 Chesterville Road BENTLEIGH EAST	P1164/2019	Construction of two (2) double storey attached dwellings	s82 (Objector)	NRZ	NOD	Officer	Merits Hearing	3-Dec-2019
207 Balaclava Road CAULFIELD NORTH	P1131/2019	Construction of a three-storey mixed-use building on land affected by a Special Building Overlay, use of the land to sell packaged liquor and a reduction in car parking	s82 (Objector)	C1Z	NOD	Officer	Merits Hearing	5-Dec-2019

MATTERS BEFORE THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (* INCLUDING APPEALS AWAITING A DECISION)								
Address	VCAT Reference	Description of Proposal	Type of Appeal	Zone	Council Decision	Delegate for Decision	Hearing Type	Hearing Date
57 Snowdon Avenue CAULFIELD	P173/2019	Construction of 4 dwellings within a double storey building above basement parking	s77 (Refusal)	NRZ1	Refusal	Council	Merits Hearing	*
285-287 Neerim Road CARNEGIE	P208/2019	Construction of a four storey mixed use building comprising up to 41 dwellings, a retail space and a food and drink premises, reduction in the associated car parking requirement, waiver of the loading bay requirement and alteration of access to a road in a Road Zone, Category 1	s87 (Amend)	MUZ1	Amended Planning Permit, subject to conditions	Council	Merits Hearing	*
31 Weeroona Road MURRUMBEENA	P25/2019	Construction of seven (7) attached dwellings with basement car parking	s77 (Refusal)	GRZ1	Refusal	Council	Merits Hearing	29-Jul-2019
749-753 Glen Huntly Road CAULFIELD	P99/2019	Demolition of the existing building and construction of a 4 storey building on land within the Heritage Overlay, use of the land for the purpose of dwellings and reduction of the car parking requirement for a shop	s80 (Conditions)	C1Z	Planning Permit	Council	Merits Hearing	31-Jul-2019
45 Hoddle Street ELSTERNWICK	P221/2019	Construction of three (3) double-storey dwellings and basement	s77 (Refusal)	NRZ1	Refusal	Officer	Merits Hearing	5-Aug-2019
371-377 Hawthorn Road & 3 Olive Street CAULFIELD SOUTH	P467/2019	Construction of a 9 (nine) storey building comprising three basement car parking levels, a supermarket, dwellings, a reduction in the standard car parking requirement for the commercial component and alteration of access to a Road Zone Category 1	s77 (Refusal)	C1Z	Refusal	Officer	Merits Hearing	19-Aug-2019
1 Portland Street CARNEGIE	P369/2019	Construction of two (2) double storey attached dwellings	s82 (Objector)	NRZ1	NOD	Officer	Merits Hearing	4-Sep-2019
506 Hawthorn Road CAULFIELD SOUTH	P734/2019	Construction of a three storey building comprising up to 10 dwellings above a basement car park on land affected by a Special Building Overlay and alteration of access to a Road Zone Category 1	s82 (Objector)	GRZ2	NOD	Officer	Merits Hearing	4-Sep-2019
33-35 Nicholson Street BENTLEIGH	P412/2019	Construction of a four (4) storey building containing 24 apartments and associated basement level car parking (reduction in visitor spaces)	s82 (Objector)	RGZ1	NOD	Council	Merits Hearing	11-Sep-2019
122 Grange Road CARNEGIE	P832/2019	Amendment to Planning Permit GE/PP-6769/1996 which allows the development and use of the existing premise for the purpose of a retail plant nursery, shop, restaurant, sale and consumption of liquor and a reduction in the standard car parking requirement	s82 (Objector)	C1Z	NOD	Officer	Merits Hearing	13-Sep-2019

		PROPOSED AMENDMENT: Demolition of hot house, addition of W Class Tram with protective shelter, water tanks for shelter, gate to front fence and rear fencing						
7-15 Home Street ELSTERNWICK	P727/2019	Construction of a multi storey mixed use building comprising dwellings, food and drink premises, offices and shops, use of the land for the purpose of dwellings and reduction of the car parking requirements for food and drink premises, offices and shops	s80 (Conditions)	C1Z	Planning Permit	Council	Merits Hearing	16-Sep-2019
664-670 North Road ORMOND	P764/2019	Construction of more than two dwellings on a lot. Alteration of access to a Road Zone, Category 1. Construction of buildings and works in a Special Building Overlay.	s77 (Refusal)	NRZ1	Refusal	Officer	Merits Hearing	20-Sep-2019
40 Gnarwyn Road CARNEGIE	P603/2019	Construction of two dwellings on a lot	s77 (Refusal)	NRZ1	Refusal	Officer	Merits Hearing	4-Oct-2019
6-8 Bevis Street BENTLEIGH EAST	P840/2019	Construction of a 3 storey building comprising up to 22 apartments and a basement car park	s77 (Refusal)	GRZ1	Refusal	Council	Merits Hearing	14-Oct-2019
421-439 Glen Huntly Road ELSTERNWICK	P296/2019	Partial demolition of existing building and construction of a proposed multi-level residential development with office and residential tenancies (ground floor and first floor), basement parking on land affected by the Heritage Overlay and Design and Development Overlay	s79 (Failure)	C1Z	Refusal	Officer	Merits Hearing	21-Oct-2019
9A & 9B Muntz Street CAULFIELD NORTH	P580/2019	Construction of two (2) double storey attached dwellings with basement car park	s77 (Refusal)	NRZ1	Refusal	Officer	Merits Hearing	25-Oct-2019
554-556 Inkerman Road CAULFIELD NORTH	P833/2019	Construction of a four storey building comprising twenty-four (24) dwellings	s82 (Objector)	GRZ1	NOD	Council	Merits Hearing	28-Oct-2019
10-16 Selwyn Street ELSTERNWICK VIC 3185	P263/2019	Part demolition of the site and construction of a mixed use building of up to 14 storeys; use of the land as a shop, place of assembly and for the sale of packaged liquor	s77 (Refusal)	MUZ1	Refusal	Council	Merits Hearing	18-Nov-2019
207 Balaclava Road CAULFIELD NORTH	P1131/2019	Construction of a three-storey mixed-use building on land affected by a Special Building Overlay, use of the land to sell packaged liquor and a reduction in car parking	s82 (Objector)	C1Z	NOD	Officer	Merits Hearing	5-Dec-2019

RECENT DECISIONS OF THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL									
Address	VCAT Reference	Description of Proposal	Type of Appeal	Zone	Council Decision	Delegate for Decision	Appeal Outcome	Date of VCAT Decision	VCAT Decision (effect on Council decision)
12 Wheeler Street ORMOND	P2573/2018	Construction of three (3) storey dwellings and one (1) two storey dwelling on land affected by a Special Building Overlay	s77 (Refusal)	GRZ1	Refusal	Council	Affirmed	7-Jun-2019	Refusal
9 Marlborough Street BENTLEIGH EAST	P2364/2018	Construction of three (3) double storey attached dwellings	s77 (Refusal)	NRZ1	Refusal	Officer	Affirmed	24-Jun-2019	Refusal
51 College Street ELSTERNWICK	P2451/2018	Construction of two double storey dwellings	s82 (Objector)	NRZ1	NOD	DPF	Varied	18-Jun-2019	Permit amended
235 Balclava Road CAULFIELD NORTH	P731/2019	Construction of a four (4) storey residential building (4 x 1 bedroom, 28 x 2 bedrooms and 11 x 3 bedroom) basement carpark	s80 (Conditions)	GRZ2	Planning Permit	Officer	Varied by consent	11-Jun-2019	Permit amended
31 Lillimur Road ORMOND	P647/2019	Construction of seven attached dwellings (2 double storey and 5 triple storey) above a basement car park on a lot in a General Residential Zone	s82 (Objector)	GRZ1	NOD	Officer	Varied by consent	13-Jun-2019	Permit amended

9.2 GLEN EIRA CITY COUNCIL FAMILY VIOLENCE PREVENTION ACTION PLAN 2019-2021

Author: Ana Tsaganos, Team Leader Community Development

Trim No: 19/1150807

Attachments: 1. Family Violence Prevention Action Plan 2019-2021 [↓](#)

PURPOSE AND SUMMARY

To seek Council approval for the *Glen Eira Family Violence Prevention Action Plan 2019-2021* that guides Council's activities on the prevention of family violence (Attachment 1).w

RECOMMENDATION**Part A**

That Council endorses the *Glen Eira Family Violence Prevention Action Plan 2019-2021* with the exception of the second action in item 2.5 related to Glen Eira Adult Learning Centre, "Work with Glen Eira Adult Learning Centre to explore delivering a respectful relationship initiative with culturally linguistically diverse students".

Part B

That Council endorses the second action in item 2.5 of the *Glen Eira Family Violence Prevention Action Plan 2019-2021* "Work with Glen Eira Adult Learning Centre to explore delivering a respectful relationship initiative with culturally linguistically diverse students".

BACKGROUND

Family violence and violence against women is widely recognised as having serious and far-reaching implications on the health and wellbeing of those impacted and has significant social and economic costs to the community.

Council has a role to play in responding to family violence from a primary prevention perspective that seeks to prevent violence before it occurs. This approach works to address the underlying causes and drivers of violence that influence individual attitudes and behaviour through broad population-based activities.

Council is now delivering its third Family Violence Prevention Action Plan; a two year plan. Council will continue to actively work on the prevention of family violence and violence against women as an employer, as a service provider and as a community leader.

Council has successfully delivered the Family Violence Action Plan 2018-2019 in partnership with key organisations. Key achievements include:

- Establishing Girl Up; a young women's group focused on developing positive self-image and gender identity. They have produced an illustrated storybook promoting positive identity and hope for the future and co-designed a new street art mural in Bentleigh.
- Partnering with Dad's Group Inc. to enhance Glen Eira Dad's playgroup programming through the Maternal and Child Health service.
- Delivering 17 activities during the 16 Days of Activism including a presentation on *Resistance to Gender Equality and Family Violence* by Associate Professor Michael Flood and a community workshop '*When Family Violence Meets the Law*' with local community providers, police and legal professionals.

- Undertaking community engagement on the drivers of family violence through the Story Pod installation at Monash University Caulfield Campus and Carnegie Library forecourt.
- Expanding the Family Violence Fact Sheet into additional languages including Hindi, Mandarin, Russian, Greek, Hebrew and Vietnamese.
- Celebrating International Women's Day with a community event.
- Expanding family violence training to front line staff and introducing a new Bystander training module.
- Delivering two Bystander training workshops to the community.
- Producing a Glen Eira City Council bystander action video.
- Delivering of a range of communications, social media and messaging campaigns.
- Working with our regional partners to develop a Preventing Violence against Women Tool Kit and Story Pod video.

Activities focused on responding to family violence were also delivered through Council's Municipal Public Health and Wellbeing Plan 2017-2021 and Council's Community Safety Plan 2018-2022.

ISSUES AND DISCUSSION

The recommendations in this report are made in two parts due to a conflict of interest declared by a Councillor.

The *Glen Eira Family Violence Prevention Action Plan 2019 -2021* outlines a vision for Glen Eira as a safe, healthy and inclusive community that is free from all forms of violence.

The *Plan* has been revised and builds on activities delivered in the *Glen Eira Family Violence Prevention Action 2018-2019*. The plan aligns its strategic objectives with the regional partnership strategy: *A Strategy for the Southern Metropolitan Region 2016-2021*.

The *Plan* focuses on delivering activities under five core strategic objectives:

- Community Change;
- Leadership through Partnerships;
- Organisational Change;
- Supporting Evidence and Research; and
- Sustaining Commitment.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

Many activities outlined in the *Glen Eira Family Violence Prevention Action Plan 2019-2020* are incorporated in the budget of the Community Wellbeing directorate. Some projects are embedded in resources for the delivery of programs in various Council departments as agreed.

POLICY AND LEGISLATIVE IMPLICATIONS

Glen Eira City Council's Family Violence Prevention Action 2019-2021 connects with:

- Glen Eira City Council Municipal Public Health and Wellbeing Plan 2017-2021
- Glen Eira City Council Community Safety Plan 2018-2022
- Glen Eira City Council Enterprise Agreement 2019
- Family Violence Protection Act 2008
- Commonwealth, State and Territory Governments, *National Plan to Reduce Violence Against Women and their Children 2010-2022*
- State of Victoria, *Free from violence: Victoria's strategy to prevent family violence and all forms of violence against women, 2017*

- State of Victoria (Department of Premier and Cabinet), Ending Family Violence: Victoria's *Plan for Change*, 2016
- State of Victoria, Safe and Strong - A Victorian Gender Equality Strategy

COMMUNICATION AND ENGAGEMENT

Glen Eira Family Violence Prevention Action Plan 2019-2021 was developed in collaboration with the Family Violence Prevention Champions Group and all the departments and teams leading activity in the Plan.

The plan has also incorporated feedback from community engagement undertaken through Council's workforce and the community attitudes survey relevant to family violence.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Three: Safe, Healthy and Inclusive

A strong and safe community that connects people and enhances health and wellbeing.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

That Council approves the two year Glen Eira Family Violence Prevention Action Plan 2019-2021 that outlines and guides Council's approach to addressing prevention of family violence.

An annual implementation plan will be developed and reported to Council in each year of the plan.

FAMILY VIOLENCE PREVENTION ACTION PLAN 2019-2021



**GLEN EIRA
CITY COUNCIL**

Bentleigh
Bentleigh East
Brighton East
Carnegie
Caulfield
Elsternwick
Gardenvale
Glen Huntly
McKinnon
Murrumbidgee
Ormond
St Kilda East



OUR COMMITMENT TO MAKING A DIFFERENCE

Purpose

Reducing and preventing family violence and gender inequality in our community is a priority of Glen Eira City Council. We are working hard to help build a safer community in collaboration with our local and regional partners and our community.

Family Violence Prevention Action Plan

This is the third *Family Violence Prevention Action Plan* to be delivered by Council.

The *Action Plan* outlines Council's approach to the prevention of family violence and violence against women and their children. It incorporates a whole of organisation approach to make a positive impact on the prevention of family violence within our community and Council as an organisation. Research, evidence, evaluation and sustainability practices drive all our activities.

Our vision

Our vision is to create a safe, healthy and inclusive Glen Eira community that is free from all forms of violence.

Defining family violence

Family violence can take many forms. It can include a range of behaviours that are used to take power and control from a person. It involves coercive, threatening and abusive behaviour that is designed to intimidate, humiliate, undermine and isolate a person so they feel fearful and insecure. It can include physical violence, verbal abuse, sexual abuse, financial abuse, spiritual abuse, psychological/emotional abuse, social isolation and stalking. Family violence can be experienced in a range of different relationships; between intimate partners, from a parent to a child, from a child to a parent, between siblings, grandparents, extended families, kinship networks or carer relationships. Family violence can affect anyone regardless of age, cultural background, education, sexuality or ability.

Scope

Council is aware that for change to occur we all have a responsibility to reject and prevent violence in all its forms, to act on the underlying causes that condone violence against women and to work on promoting respect and equality.

Council can influence the prevention of family violence as an employer, a community leader and as a service provider.

Council's approach

Council's approach to family violence has a focus on primary prevention which works to prevent violence before it occurs. Primary prevention applies a whole of population approach or is targeted at particular groups who are deemed vulnerable or at risk. Primary prevention is part of a whole system approach which includes early intervention and response to violence in our community.

Working with primary prevention strategies means we aim to address the deep seated drivers of family violence and violence against women in the broader sense. We do not work specifically with individuals or perpetrators. Primary prevention strategies challenge the underlying causes and drivers that lead to family violence and violence against women.

The drivers of family violence

Evidence and research confirms family violence is a gendered issue in which women and children are predominantly the victims.

According to Our Watch, one of the peak body's on the prevention of violence against women, there are particular expressions of gender inequality that consistently predict higher rates of violence against women. These are:

1. Condoning of violence against women.
2. Men's control of decision-making and limits to women's independence in public and private life.
3. Rigid gender roles and stereotyped constructions of masculinity and femininity.
4. Male peer relations that emphasise aggression and disrespect towards women.

Council's *Family Violence Prevention Action Plan* delivers activities that address the underlying drivers of family violence including the social structures and norms that support rigid gender norms and gender inequality. This is done by:

- influencing individual attitudes and behaviours;
- building respect for women;
- challenging gendered discrimination for both men and women; and
- saying NO to violence towards women and children.

Policy and partnership context

The *Southern Regional Preventing Violence Together Strategy 2016–2021* led by Women's Health in the South East (WHISE) is the foundation document which guides Glen Eira's *Family Violence Prevention Action Plan 2019–2021* (Attachment A).

Activity is aligned with the strategic pillars of the regional framework which is supported through partnership and organisational activity across the region.

The plan is underpinned by a rich compilation of evidence, research and policy at state and national levels (Attachment B). There is alignment with the national plan to *Reduce Violence against Women and their Children (2010–2022)* and the work of two peak bodies leading primary prevention work:

Our Watch: *Change the Story*

VicHealth: *Prevention of violence against women* (Attachment B)

The *Plan* is also supported by the work of the Southern Melbourne Primary Care Partnership (PCP) Family Violence Working Group which delivers local partnership projects across five local government areas.

The *Royal Commission into Family Violence Report 2016* with its 227 recommendations continues to be critical in changing and shaping the family violence and community sector. Ensuring shared responsibility and developing a more responsive and comprehensive service system that delivers primary prevention, early intervention and response, is imperative for change to occur where we become a society free from violence.

How we engage on the issue of family violence in Glen Eira

Glen Eira's *Family Violence Prevention Action Plan* is driven internally through the Family Violence Prevention Champions Group, made up of staff from across Council departments. Group members are key conduits to drive the message internally and to the communities they have connections with.

Activities delivered as part of the plan are closely monitored and evaluated for their reach and effectiveness ensuring appropriate level of feedback is being sought for each activity. This engagement is critical as it raises the capacity for participants to share their feedback and views. The process also allows important messages to be disseminated that address the underlying drivers of family violence and provide opportunities to inform participants of supports available for those impacted by family violence.

Community engagement is also undertaken periodically to understand workforce and communities attitudes on issues relevant to family violence. This informs the development of strategies that support the continuous building of respectful relationships.

Vulnerable groups

Violence against women occurs across the whole community, however, certain groups of women experience much higher rates of male violence than others. These groups include women with disabilities, Aboriginal women, women in rural and remote areas, and immigrant and refugee women.

Our commitment

Glen Eira's *Family Violence Prevention Action Plan* is based on Council's signed commitment to a regional partnership to prevent violence against women involving more than 30 organisations that have made a pledge of commitment to work together. This partnership is driven by a region-wide action plan for change: *Preventing Violence Together — A Strategy for the Southern Metropolitan Region 2016–2021* (WHISE 2016).

Glen Eira City Council's commitment to the prevention of family violence is further embedded in Council's *Municipal Public Health and Wellbeing Plan 2017–2021*. This actively works to address family violence in collaboration with our Southern Melbourne Primary Care Partnership members.

In addition, Council's *Community Safety Plan 2018–2022* delivers important activities on living safely that supports violence prevention.

Evaluation and review

Glen Eira City Council will review this two year *Family Violence Prevention Action Plan* annually and report on the performance and activities outlined in the plan.

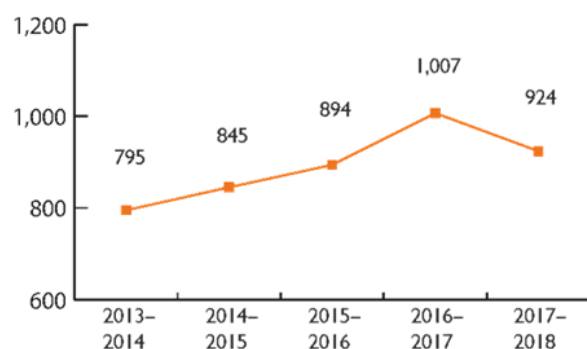
A document outlining the key achievements and overall performance of the *Plan* will be available on Council's website.

WHAT WE KNOW ABOUT FAMILY VIOLENCE IN THE COMMUNITY?

It is often difficult to provide an accurate picture on the prevalence of family violence in the community as data reflects only those incidents that are reported, reach the attention of authorities or support organisations. There is therefore an incomplete picture of the prevalence of family violence in the community.

The most recent data for the Glen Eira community is illustrated below. It shows a slight decrease in the number of family violence incidents reported to the police overall. There has also been a small decrease in the number of intervention orders applied for and the number of family members on intervention orders. Women continue to be the main victims.

Number of family incidents reported to Police in Glen Eira over time¹.



Number of family incidents per 100,000 population reported to Police in 2017–18².

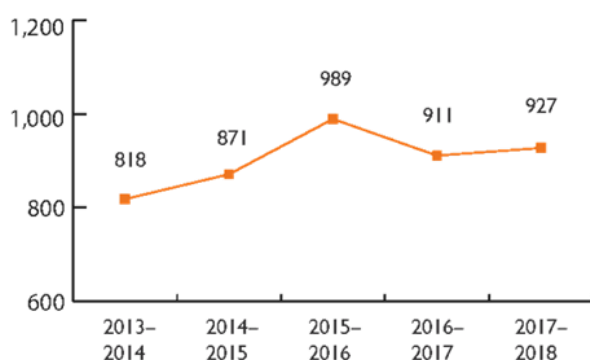
Glen Eira — 599.8



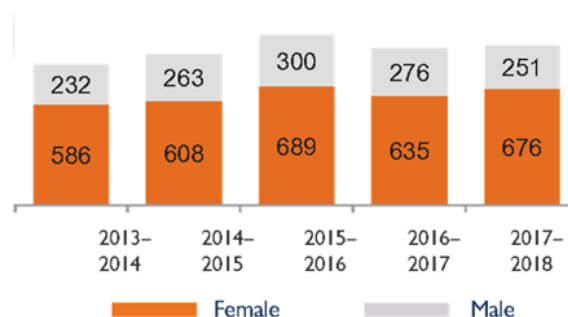
Victoria — 1,176.7



Number of affected family members identified in family incidents reported to Police in Glen Eira over time³.



Gender of affected family members identified in family incidents reported to Police in Glen Eira over time⁴.



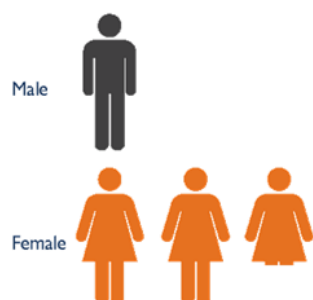
1. www.crimestatistics.vic.gov.au/family-violence-data-portal/family-violence-data-dashboard/victoria-police

2. www.crimestatistics.vic.gov.au/family-violence-data-portal/family-violence-data-dashboard/victoria-police

3. victorianwomenshealthatlas.net.au/#!/atlas/Violence%20Against%20Women/V/Family%20Violence/V_04/2018%20Reported%20Incidents/198/F/state/all/false

4. victorianwomenshealthatlas.net.au/#!/atlas/Violence%20Against%20Women/V/Family%20Violence/V_04/2018%20Reported%20Incidents/198/F/state/all/false

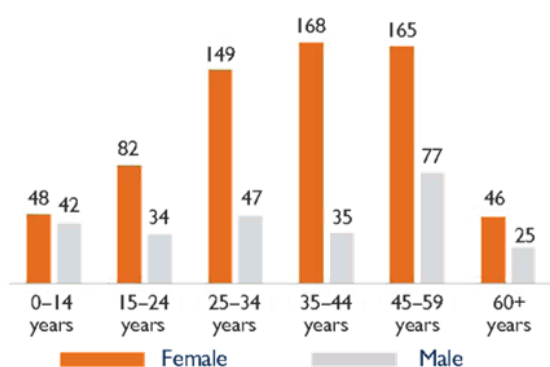
In Glen Eira, 2.6 women experienced a recorded incident of family violence (all types) for every one male in 2017–18.



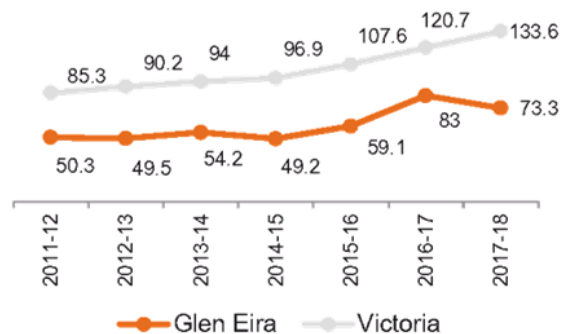
In Glen Eira, 4.8 women experienced a recorded incident of intimate partner family violence (where violence was perpetrated by a current or former partner) for every one male in 2017–18.



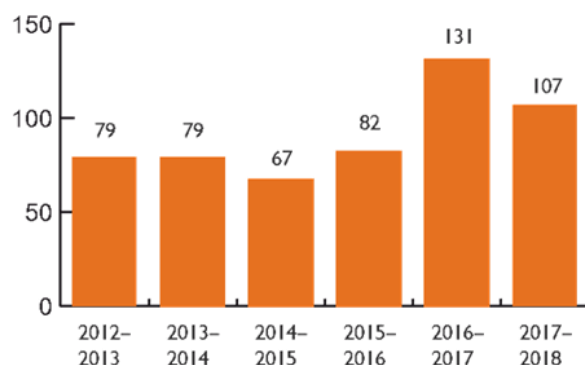
Affected family members in 2017–18, by age and gender⁵.



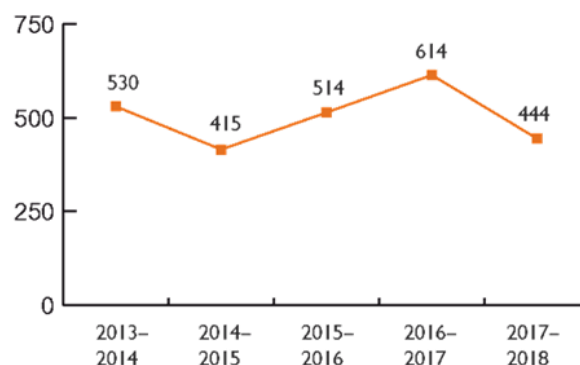
Number of incidents where the primary offence was sexual⁶, per 100,000 population in Glen Eira and Victoria over time⁷.



Number of family incidents recorded by Police in Glen Eira, where an intervention order was applied for⁸.



Number of family members on intervention orders in Glen Eira over time⁹.



5. Unpublished data, requested from www.crimestatistics.vic.gov.au

6. Sexual offences include rape, indecent assault, and other acts of a sexual nature against another person, which are non-consensual or where the person is deemed incapable of giving consent because of youth or temporary/permanent incapacity.

7. www.crimestatistics.vic.gov.au/crime-statistics/latest-crime-data/recorded-criminal-incidents-2

8. Unpublished data, requested from www.crimestatistics.vic.gov.au

9. Unpublished data, requested from www.crimestatistics.vic.gov.au

GLEN EIRA CITY COUNCIL'S FAMILY VIOLENCE PREVENTION ACTION PLAN

Vision

A safe, healthy and inclusive community that supports gender equality and is free from all forms of violence.

Glen Eira City Council's Family Violence Prevention Action Plan

- adopts a primary prevention approach to eliminating violence against women and their children;
- recognises the underlying causes of family violence as gender inequality that includes disrespect towards women and rigid gender norms;
- is informed by evidence, research, policy and best practice directions; and
- is based on partnership, participation and collaboration.

GECC Family Violence Prevention in the Community Policy

Guides Council's commitment to the prevention of family violence.

GECC Municipal Public Health and Wellbeing Plan 2017-2021 and Community Safety Plan 2018-2022

Identifies family violence prevention as a strategic priority for Council and delivers a set of defined actions.

GECC Family Violence Preventions Champions Group

Oversees the development, co-ordination and implementation of the family violence prevention action plan.

Strategic pillars

Community change

Objectives

1. To provide Council services that support both prevention and early intervention of family violence.
2. To facilitate activities that will increase the capacity of community organisations/ individuals to support the prevention of family violence.
3. To increase Council communications and media on the prevention of family violence.

Leadership through partnerships

Objectives

4. To actively participate and work with established partnerships on responding to and preventing family violence across the region.
5. To develop new opportunities for partnerships and collaboration across community groups in the municipality.

Organisational change

Objectives

6. To develop family violence prevention initiatives and support staff who may be experiencing family violence.
7. To improve understanding across the workforce in the prevention of family violence and support for diversity, gender equality and respectful relationships.
8. To apply best practice approaches outlined in Victoria's state strategy Safe and Strong to prevent violence against women through gender equality.

Supporting evidence and research

Objectives

9. To implement evaluation and review of initiatives that respond to and prevent family violence.
10. To share knowledge with other organisations and build collective understanding of local service needs.

Sustaining commitment

Objectives

11. For Council to embed the prevention of family violence in its strategic frameworks.
12. To participate in advocacy opportunities to drive the prevention of family violence on a regional and statewide level.

STRATEGIC PILLAR — COMMUNITY CHANGE

Objective one — to provide Council services that support both prevention and early intervention of family violence.

Strategy	Actions	Timelines	Who
1.1 Deliver family violence assessment by maternal and child health nurses to mothers and children attending the service.	Implement the redeveloped <i>Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM)</i> previously known as the <i>Common Risk Assessment Framework</i> during identified Key Ages and Stages visit. Review and analyse the assessment and referral data relating to family violence and use this data to inform practice.	Annual	Maternal and Child Health Service
1.2 Deliver a legal practitioner partnership program.	Engage legal practitioner to provide responsive services to Glen Eira community members.	Commencing July 2019	Family Children and Youth Services
1.3 Provide support to young people experiencing family or relationship issues.	Reach 1,000 young people to provide information, referral and support.	Annual	Youth Services
1.4 Provide opportunities for the <i>Girl Up</i> group to increase the positive self-image and gender development of girls and young women in Glen Eira.	Engage the <i>Girl Up</i> group to deliver two community initiatives and evaluate its impact on positive development of girls and young women.	April 2020	Youth Services
1.5 Support fathers in parenting.	Explore a community initiative to engage fathers in celebrating their important role, eg. Father's Day pram walk. Provide support to expand Glen Eira's fathers' play groups.	September 2019 June 2021	Maternal and Child Health Service
1.6 Provide all new mothers with information on respectful relationships.	Include a respectful relationships page with contact details of support services available in each child health record.	Annual	Maternal and Child Health Service



STRATEGIC PILLAR — COMMUNITY CHANGE

Objective two — to facilitate activities that will increase the capacity of community organisations/individuals to support the prevention of family violence.

Strategy	Actions	Timelines	Who
2.1 Deliver activities and events to build community capacity to prevent family violence.	<p>Deliver an annual community event to raise awareness and build capacity for the prevention of family violence in the community.</p> <p>Participate in the <i>International Day for the Elimination of Violence against Women</i> and the <i>16 Days of Activism</i> campaign.</p> <p>Deliver an activity that supports gender equality in Glen Eira's four libraries and promote widely to all library user groups.</p>	Annual	<p>Family Violence Prevention Champions Group</p> <p>Community Planning and Engagement</p> <p>Library Services</p>
2.2 Promote opportunities for community groups and organisations to apply for Council community grants to address family violence and gender inequality.	<p><i>Community Grants Program</i> lists family violence and gender equality projects as a high priority.</p> <p>Receive three community grant applications that address the prevention of family violence or promote gender equality each year.</p>	<p>Annual</p> <p>June 2020 June 2021</p>	Community Planning and Engagement
2.3 Work in partnership with community groups/ organisations to deliver health promotion activities and events that address the prevention of family violence in the community.	Partner with a community organisation/ group to deliver one health promotion initiative on the prevention of family violence each year.	June 2020 June 2021	<p>Family Violence Prevention Champions Group.</p> <p>Community Planning and Engagement</p>
2.4 Promote a state-wide initiative supporting gender equity principles with the Glen Eira community.	Support the VicHealth's <i>This Girl Can</i> campaign.	April 2020	Glen Eira Leisure
2.5 Engage priority populations in the prevention of family violence.	<p>Deliver one initiative that supports women with disabilities to build capacity and safety against family violence.</p> <p>Work with Glen Eira Adult Learning Centre to explore delivering a respectful relationship initiative with culturally linguistically diverse students.</p>	<p>March 2020</p> <p>March 2021</p>	<p>Diversity and Inclusion</p> <p>Community Planning and Engagement</p>

STRATEGIC PILLAR — COMMUNITY CHANGE

Objective three — to increase Council communications and media on the prevention of family violence.

Strategy	Actions	Timelines	Who
3.1 Promote information on support services available for community members who may be experiencing family violence.	Review, update and distribute the <i>Family Violence Fact Sheet</i> . (Distribution to include, hardcopy, online and electronically). Distribute <i>Family Violence Fact Sheet</i> in community locations in other languages including: Chinese; Greek; Hebrew; Hindi; Russian and Vietnamese.	Annual	Community Planning and Engagement
3.2 Promote family violence prevention to community organisations and residents in Glen Eira.	Publicise Glen Eira information, resources and events on SouthSafe website. Share family violence resources through relevant networks, mailing lists and staff. Promote information on family violence prevention in <i>Glen Eira News</i> and Council's website, social media and relevant Council newsletters.	Annual	Family Violence Prevention Champions Group Community Planning and Engagement Media and Communications
3.3 Deliver a community-wide bystander action activity.	Deliver a bystander training workshop to the community. Explore a new activity on bystander action.	June 2021	Community planning and Engagement Family Violence Prevention Champions Group
3.4 Promote awareness of elder abuse.	Run awareness raising activities and messaging during <i>Elder Abuse Awareness Week</i> (15 June).	Annual	Diversity and Inclusion Team
3.5 Develop signage and media messages in public spaces that address the drivers of family violence.	Implement a media and messaging project on the drivers of family violence. Display banners in prominent places in Glen Eira, eg. Town Hall portico/Duncan Mackinnon Reserve and/or Glen Eira Sports and Aquatic Centre.	April 2020 Annual	Family Violence Prevention Champions Group Media and Communications



STRATEGIC PILLAR — LEADING THROUGH PARTNERSHIP

Objective four — to actively participate and work with established partnerships on responding to and preventing family violence across the region.

Strategy	Actions	Timelines	Who
4.1 Participate and contribute to the <i>Regional Preventing Family Violence Together — A Strategy for the Southern Metropolitan Region 2016–2021</i> (WHISE).	Represent Glen Eira City Council at WHISE Steering Group meetings and Community of Practice meetings according to meeting schedule. Participate in projects with WHISE.	Annual	Community Development and Care
4.2 Participate and contribute to the Southern Melbourne Primary Care Partnership (SMPCP) Family Violence Working Group.	Represent Glen Eira City Council at SMPCP Family Violence Working Group meetings. Participate in projects with SMPCP Family Violence Working Group.	Annual	Community Planning and Engagement
4.3 Explore a partnership with local sport teams to deliver an initiative on the prevention of family violence, gender equality and respectful relationships.	Engage a sporting club association to deliver the <i>You the Man</i> *.	May 2020	Open Space and Recreation

**You the Man* is a brief theatre-based intervention that promotes bystander engagement that promotes equal and respectful relationships; non-violent social norms; reduces the effects of prior exposure to violence; and improves access to resources and systems of support.



STRATEGIC PILLAR — LEADING THROUGH PARTNERSHIP

Objective five — to develop new opportunities for partnerships and collaboration across community groups in the municipality.

Strategy	Actions	Timelines	Who
5.1 Connect with local police on the status of family violence in the community.	Invite Victoria Police to report on the status of family violence issues in the Glen Eira community every six months.	December 2019 June 2020 December 2020 June 2021	Community Planning and Engagement
5.2 Collaborate with local community organisations servicing Glen Eira on the prevention of family violence.	Convene two meetings with local community organisations to discuss service needs and possible working together opportunities on the prevention of family violence.	June 2020 June 2021	Community Planning and Engagement
	Participate in the Regional Family Services/ Orange Door Network to support children and families at risk.	Annual	Maternal and Child Health Service
5.3 Deliver a family violence messaging initiative with local family violence experts/organisations.	Implement a collaborative community messaging initiative.	April 2020	Family Violence Prevention Champions Group Community Planning and Engagement Media and Communications



STRATEGIC PILLAR — ORGANISATIONAL CHANGE

Objective six — to develop family violence prevention initiatives and support staff who may be experiencing family violence.

Strategy	Actions	Timelines	Who
6.1 Build commitment through Glen Eira City Council cross divisional Family Violence Prevention Champions Group.	Convene meetings of the Family Violence Prevention Champions group bi-monthly.	Meetings held every two months: July, September, November, January, March and May	Community Planning and Engagement
6.2 Provide staff with access to specialist counselling support.	Contract the <i>Employment Assistance Program (EAP)</i> to provide counselling support for staff experiencing family violence.	Annual	People and Culture
6.3 Provide family violence provisions in Council's <i>Enterprise Bargaining Agreement (EBA)</i> .	Advise staff about Council's <i>EBA</i> provisions in relation to family violence including the provision of up to 20 days leave for staff impacted by family violence.	Annual	People and Culture



STRATEGIC PILLAR — ORGANISATIONAL CHANGE

Objective seven — to improve understanding across the workforce in the prevention of family violence and support for diversity, gender equality and respectful relationships.

Strategy	Actions	Timelines	Who
7.1 Inform staff about family violence services available that support people experiencing family violence.	Deliver information to staff on a range of family violence support services, on three occasions over the year. Promote the <i>Family Violence Resource Kit</i> to staff.	Annual	Community Planning and Engagement People and Culture
7.2 Implement the family violence and gender equity e-module to all new staff.	Direct new staff to complete e-module as part of their compliance training. Explore inclusion of repeating family violence e-module every two years in the compliance training framework.	Six months post commencement of employment March 2020	People and Culture
7.3 Educate staff on delivering bystander action.	Deliver at least one bystander training module to staff annually. Promote Council's bystander action video on the intranet and on Workplace Facebook.	June 2020 June 2021	Community Planning and Engagement People and Culture
7.4 Train staff to respond to family violence disclosures.	Educate 90 per cent of identified frontline staff on responding appropriately to disclosures of violence by 2020. Distribute <i>First Aid Checklist for Disclosures of Violence</i> to all Council departments.	June 2021	Community Planning and Engagement People and Culture
7.5 Use <i>16 Days of Activism</i> to promote family violence prevention awareness.	Deliver at least four awareness raising activities and events during <i>International Day for the Elimination of Violence against Women</i> and the <i>16 Days of Activism</i> , eg. social; promotion of messages; events articles; website and social media.	December 2019 December 2020	Family Violence Prevention Champions Group Media and Communications
7.6 Promote gender equality	Participate in MAV initiatives supporting the <i>Local Government Women's Charter</i> . Deliver an <i>International Women's Day</i> event.	May 2020 March 2020	Community Planning and Engagement Arts and Culture Diversity and Inclusion

STRATEGIC PILLAR — ORGANISATIONAL CHANGE

Objective eight — to apply best practice approaches outlined in Victoria's state strategy Safe and Strong to prevent violence against women through gender equality.

Strategy	Actions	Timelines	Who
8.2 Scope the development of a community-wide diversity strategy which incorporates gender equity.	Complete research and benchmarking to develop a case for the development of a diversity strategy.	December 2020	Diversity and Inclusion
8.3 Develop a messaging project that outlines the evidence-based benefits of gender equality.	Messaging project delivered that clearly articulates the evidenced-based benefits of gender equality.	April 2021	Community Planning and Engagement Diversity and Inclusion
8.4 Implement Council's internal <i>Diversity Strategy</i> .	<i>Diversity Strategy</i> delivers at least one initiative that provides gender equality messages. Measure staff attitudes to gender equity.	June 2020	People and Culture



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STRATEGIC PILLAR — SUPPORTING EVIDENCE AND RESEARCH

Objective nine — to implement evaluation and review of initiatives that respond to and prevent family violence.

Strategy	Actions	Timelines	Who
9.1 Evaluate family violence initiatives and activities.	Monitor and review the following primary prevention initiatives and events: <ul style="list-style-type: none"> • family violence prevention e-module; • legal practitioner program data; • review <i>Employment Assistance Program</i> data; • family violence training data; and • partnership initiatives undertaken (ie. <i>16 Days of Activism</i>). 	June 2020 June 2021	Community Planning and Engagement People and Culture Maternal and Child Health
9.2 Support staff in relation to family violence and gender equity.	Monitor and/or implement the following initiatives that support Glen Eira staff: <ul style="list-style-type: none"> • continue payment of super on parental leave; • flexibility with work arrangements; • breastfeeding breaks/carer breaks; • women's committee to oversee gender issues; and • ten keeping in touch days for parental leave. 	June 2021	Community Planning and Engagement People and Culture

STRATEGIC PILLAR — SUPPORTING EVIDENCE AND RESEARCH

Objective 10 — to share knowledge with other organisations and build collective understanding of local service needs.

Strategy	Actions	Timelines	Who
10.1 Review the response to the family violence questions in the staff engagement survey.	Analyse survey results relating to family violence questions. Share findings of survey to the Family Violence Prevention Champions Group and across Council. Identify one improvement activity that responds to survey results.	April 2021	Family Violence Prevention Champions Group Community Planning and Engagement People and Culture
10.2 Improve our data collection and research in family violence.	Review data to inform on the impact of family violence on our community and monitor change.	May 2020 May 2021	Community Planning and Engagement
10.3 Promote and advertise Council activities related to family violence on the SouthSafe website.	Advertise two Glen Eira City Council activities/media messaging and publications on SouthSafe website each year.	Annual	Community Planning and Engagement Maternal and Child Health



STRATEGIC PILLAR — SUSTAINING COMMITMENT

Objective 11 — for Council to embed the prevention of family violence in its strategic frameworks.

Strategy	Actions	Timelines	Who
11.1 Implement a <i>Family Violence Prevention Action Plan 2019–2021</i> .	Deliver 90 per cent of actions in Council's <i>Family Violence Prevention Action Plan 2019–2021</i> completed.	Annual	Family Violence Prevention Champions Group Community Planning and Engagement
11.2 Implement <i>Priority 03: Respond to Family Violence</i> in Council's <i>Municipal Public Health and Wellbeing Plan 2017–2021</i> .	Deliver 90 per cent of measures in <i>Priority 03</i> of the <i>Municipal Public Health and Wellbeing Plan</i> completed.	Annual	Family Violence Prevention Champions Group Community Planning and Engagement
11.3 Apply for grant funding to deliver or expand Council's primary prevention of family violence work.	Apply for relevant grants to implement prevention projects each year when available.	Annual	Family Violence Prevention Champions Group Community Planning and Engagement Maternal and Child Health

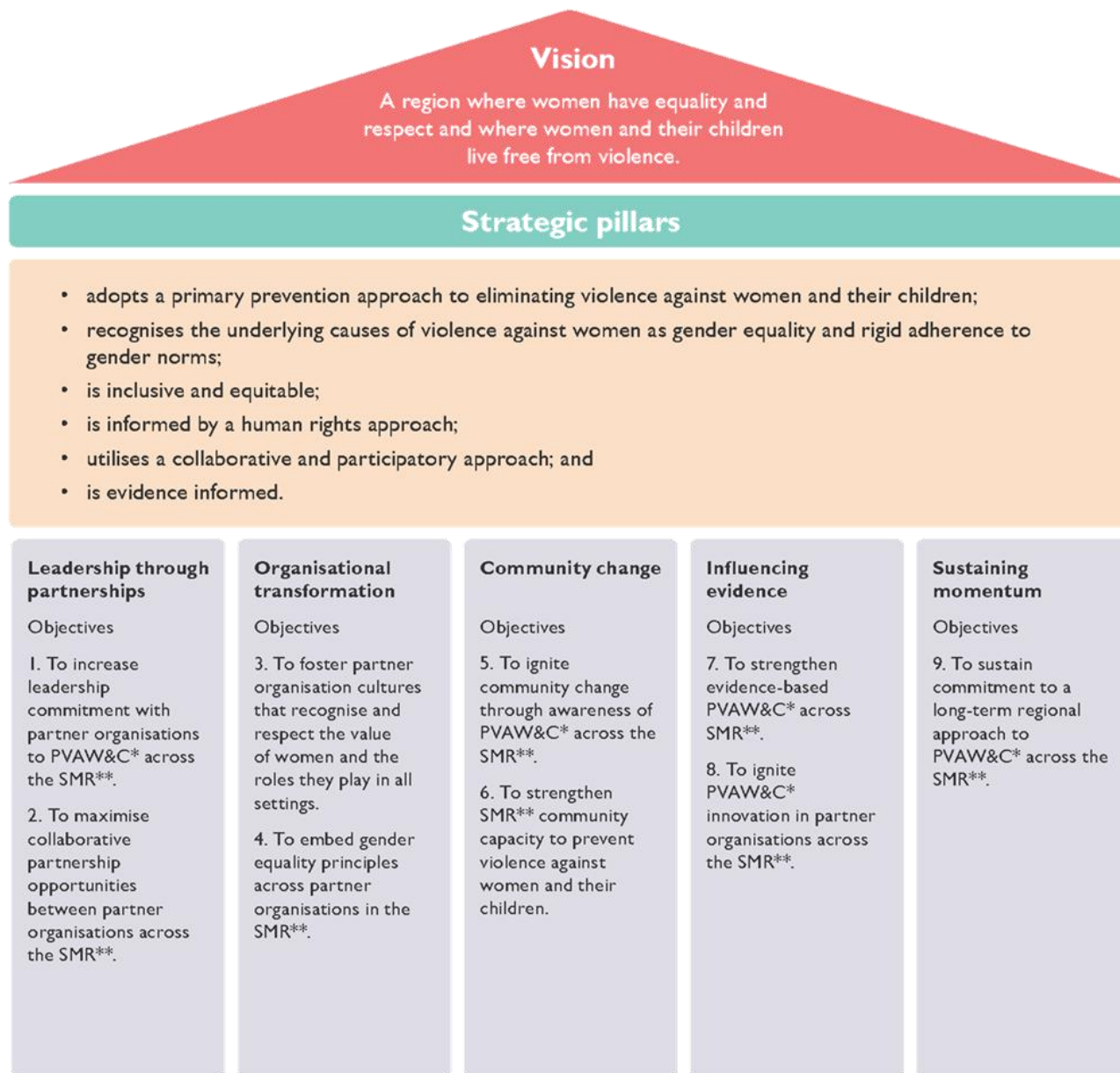
Objective 12 — to participate in advocacy opportunities to drive the prevention of family violence on a regional and state-wide level.

Strategy	Actions	Timelines	Who
12.1 To deliver advocacy activities on a regional and state-wide level.	Attend Municipal Association Victoria (MAV) Prevention of Violence Against Women (PVAW) Network and communicate initiatives being implemented in Glen Eira on the prevention of family violence. Partner with other local governments and Municipal Association Victoria (MAV) to advocate on the prevention of family violence.	June 2020 June 2021 June 2020 June 2021	Council and Executive Group Family Violence Prevention Champions Group Community Development and Care

APPENDIX A — REGIONAL FRAMEWORK FOR FAMILY VIOLENCE PREVENTION

Preventing Violence Together — A Strategy for the Southern Metropolitan Region 2016–2021. (WHISE)

Women's Health in the South East Regional Framework (below) guides the work undertaken in Glen Eira. The regional strategy identifies a vision, core principles and strategic pillars, which can be used within an organisational and municipal context.



Source: *Preventing Violence Together Strategy 2016–2021 Women's Health in the South East* (WHISE).

* *Prevention of Violence Against Women and their Children.*

** *Southern Metropolitan Region.*

The regional strategy incorporates partnerships across 10 Local Government areas in the region, through a structure including a Steering Committee for oversight, and Communities of Practice to guide knowledge, learning, and project activity.

APPENDIX B — SUPPORTING STRATEGIES



Regional Strategy 2016

Preventing Violence Together — A Strategy for the Southern Metropolitan Region 2016–2021 (Women's Health in the South East).



State Government initiatives

Victorian Royal Commission into Family Violence Report and Recommendations 2016.



Ending Family Violence; Victoria's Plan for Change 2017 (Vic Gov).

Safe and Strong; A Victorian Gender Equality Strategy 2016 (Vic Gov).

Free from Violence: Victoria's Strategy to Prevent Family Violence and all forms of Violence Against Women.



Foundation documents/national campaigns

The National Plan to Reduce Violence against Women and their Children 2010–2022.

The National Plan to Reduce Violence against Women and their Children Third Action Plan 2016–2019.

Change the Story; A shared framework for the primary prevention of violence against women and their children in Australia (Our Watch) 2015.



Framework for Preventing Violence against Women 2007 (VicHealth).

CONTACT US

For further information, contact one of Council's community grants officers on 9524 3333 or visit Council's website at www.gleneira.vic.gov.au

Glen Eira City Council

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National Relay Service

If you are deaf, hearing or speech-impaired, we ask that you call us via the National Relay Service and then ask for 9524 3333.

Online: <https://internet-relay.nrs.vic.gov.au>
Teletypewriter (TTY): 13 36 77
Speak and Listen: 1300 555 727



Glen Eira City Council acknowledges the Boon Wurrung people of the Kulin Nation as the traditional landowners and the historical and contemporary custodians of the land on which the City of Glen Eira and surrounding municipalities are located.

We acknowledge and pay tribute to their living culture and their unique role in the life of this region.

9.3 AUDIT & RISK COMMITTEE MEMBERS' REMUNERATION

Author: John Vastianos, Chief Financial Officer

Trim No: 19/1169196

Attachments: Nil

PURPOSE AND SUMMARY

To adopt rates of payment for Independent Members of Council's Audit and Risk Committee.

RECOMMENDATION

That effective from 1 July 2019, Council adopt the following rates for the Audit and Risk Committee Members:

- a) Chairperson - \$8,330 p.a. (exc. GST); and
- b) Independent Member - \$7,125 p.a. (exc. GST).

BACKGROUND

The Audit and Risk Committee is a formally appointed Advisory Committee of Council. The Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and is therefore independent of management.

The Audit and Risk Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Charter in order to facilitate decision making by Council in relation to the discharge of its responsibilities.

ISSUES AND DISCUSSION

It is important that Council's fee to external members reflect a level that will attract and retain suitably qualified candidates. Glen Eira Council has engaged the services of three pre-eminently qualified independent members:

- Lisa Woolmer (Chairperson);
- Dr Craig Nisbet (Independent Member); and
- Craig Geddes (Independent Member).

The fees paid to external members was last reviewed in 2018 and it is recommended these are increased to reflect the rate cap increases (based on forecast CPI) of 2.25 per cent (2018-19) and 2.5 per cent (2019-20).

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

(a) Remuneration

External members of Glen Eira Council's Audit and Risk Committee receive a fee for participating as Independent Committee members. The current fees are set at:

- Chairperson - \$7,950 p.a. (exc. GST); and
- Independent Member - \$6,800 p.a. (exc. GST).

(b) Committee Meetings

The Committee meets for approximately three to four hours on a quarterly basis.

POLICY AND LEGISLATIVE IMPLICATIONS

- Legislation - Section 139 of the *Local Government Act 1989* – Audit Committees
- Council Policy - Glen Eira's Audit Committee Charter.

COMMUNICATION AND ENGAGEMENT

Not applicable

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Five: Informed and Engaged

A well governed Council that is committed to transparency and engages residents in decision-making.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

That effective from 1 July 2019, Council adopt the following rates for the Audit and Risk Committee Members:

- a) Chairperson - \$8,330 p.a. (exc. GST); and
- b) Independent Member - \$7,125 p.a. (exc. GST).

9.4 ELECTION 2020 - ELECTION PERIOD POLICY

Author: Wendy Mason, Legal & Governance Coordinator

Trim No: 19/1167146

Attachments: 1. Election Period Policy [↓](#)

PURPOSE AND SUMMARY

To review and amend the Election Period Policy.

RECOMMENDATION

That Council amend clause 5.5 of its Election Period Policy and otherwise approve the Policy as required by section 93B(2)(b) of the *Local Government Act 1989 (Vic)* (the *Act*).

BACKGROUND

The next Local Government general election will be held on Saturday 24 October 2020 for all Councils in Victoria. Under section 93B(2)(b) of the *Act*, Council must review and, if necessary, amend its Election Period Policy at least 12 months before the start of the election period.

In the month leading up to the election date, Council will be in caretaker mode - this period is referred to as the Election Period in the *Local Government Act 1989 (Vic)* (the *Act*). The *Act* prescribes a number of obligations and restrictions on Council during this time and provides that every Council must adopt and maintain an Election Period Policy.

ISSUES AND DISCUSSION

The Election Period Policy was drafted to meet the obligations of the *Act* and includes the following restrictions and prohibitions during the Election Period:

- prohibitions on the misuse of Council resources and Councillors' positions;
- prohibitions on the making of major policy decisions by Council, special committees and delegates;
- prohibitions on the making of inappropriate decisions by Council; and
- restrictions on publications.

The provisions of the *Act* dealing with the conduct of Council during an election period and the content of election period policies have not changed since the Election Period Policy was adopted by Council in 2016 (save for updating of Council revenue from rates and charges).

Clause 5.5 has been amended to allow for candidates to display advertising material at voting centres where an election is to be decided by attendance voting. The following additional wording is added at the end of the clause:

“or, where an election is to be determined by attendance voting, at voting centres on election day or early voting centres during the times and dates nominated by the VEC for early voting.”

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

There are no financial, resource or asset management implications associated with this report.

POLICY AND LEGISLATIVE IMPLICATIONS

The requirement for a review is mandated by section 93B(2)(b) of the *Local Government Act 1989 (Vic)*. The review will result in the Election Period Policy being amended or retained unchanged.

COMMUNICATION AND ENGAGEMENT

The *Act* requires the Election Period Policy to be published on Council's website, made available for inspection by the public at Council's offices and given to each Councillor.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Five: Informed and Engaged

A well governed Council that is committed to transparency and engages residents in decision-making.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

Councillors are asked to approve the Election Period Policy with the minor amendment referred to above.

Election Period Policy

Date first adopted: 15 March 2016 V.1 Review and amended: 23 July 2019 V.2	Version: 2 Next review date: Not later than 12 months before the commencement of each subsequent general election period.	Status: Amended
Position Title of Responsible Business Unit Manager:	Corporate Counsel	

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1. TITLE

Election Period Policy

2. OBJECTIVE

To ensure:

- (a) compliance with the provisions of the *Local Government Act 1989* dealing with the election period during the lead up to local government elections;
- (b) Council does not make inappropriate decisions or use resources inappropriately during the election period;
- (c) there are limits on public consultation and the scheduling of Council events; and
- (d) access to information held by Council is made equally available and accessible to candidates during the election.

This policy forms part of the Glen Eira City Council Code of Conduct for Councillors.

3. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Election Period	the period before an election day that: <ul style="list-style-type: none"> (a) starts on the last day on which nominations for that election can be received; and (b) ends at 6 p.m. on election day.
Electoral Matter	Matter intended or likely to affect voting but not including any electoral material produced by or on behalf of the returning officer for the purposes of an election. Matter is to be taken to be intended or likely to affect voting if it contains an express or implicit reference to, or comment on— <ul style="list-style-type: none"> (a) the election; or (b) a candidate in the election; or (c) an issue submitted to, or otherwise before, voters in connection with the election

4. INTRODUCTION

- 4.1** Governments at all levels have long-standing caretaker conventions. They aim to provide assurance that public resources will not be used for electoral purposes and that major decisions will not be made during the period leading up to an election day which pre-empt incoming governments.
- 4.2** The *Local Government Act 1989 (Vic)* (the Act) includes a number of provisions relevant to Election Periods and in 2015, the Act was amended by the insertion of section 93B which requires Council to adopt an election period policy. Relevant extracts of the Act are attached as Attachment 2 to this policy.
- 4.3** Section 93B states that an election period policy must include:
 - procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the Election Period before a generalelection;

- limits on public consultation and the scheduling of Council events; and
- procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.

4.4 Other key sections of the Act imposing obligations or prohibitions during the Election Period include:

- Section 93A, which prohibits a council, special committee or delegate from making 'major policy decisions' during an Election Period. The section includes a mechanism for seeking a Ministerial exemption from the general prohibition against major policy decisions in extraordinary circumstances.
- Section 55D, which prohibits certain publications during the election period; and
- Section 76D, which imposes severe penalties on Councillors who misuse their positions for private benefit. The section identifies improper use of public resources as a misuse of position and this includes electioneering.

4.5 In accordance with the requirements of the Act and recommended practice, the following arrangements apply during the Election Period.

5. POLICY

5.1 Major Policy Decisions

5.1.1 The Council, special committees and delegates must not make any Major Policy Decisions during the Election Period. Major Policy Decisions are decisions:

- (a) that relate to the employment or remuneration of a Chief Executive Officer under section 94 of the Act, other than a decision to appoint an acting Chief Executive Officer;
- (b) to terminate the appointment of a Chief Executive Officer under section 94 of the Act;
- (c) to enter into a contract the total value of which exceeds whichever is the greater of \$150,000 (for contracts for the purchase of goods and services) or \$200,000 (for contracts for the carrying out of works)¹ and one per cent of Council's revenue from rates and charges in the preceding financial year²;
- (d) to exercise any power under section 193 of the Act if the sum assessed under section 193(5A) of the Act in respect of the proposal exceeds whichever is the greater of \$100,000 or one per cent of the Council's revenue from rates and charges in the preceding financial year.

5.1.2 Agendas for Council meetings held during the Election Period must contain a certification by the Chief Executive Officer that no agenda item involves the making of a Major Policy Decision.

¹ These amounts were fixed pursuant to an Order in Council dated 5 August 2008.

² For the 2018-2019 financial year, 1% of Council's revenue from rates and charges was \$1,095,459.

- 5.1.3 A Major Policy Decision made in contravention of section 93A is invalid. Any person who suffers any loss or damage as a result of acting in good faith based on a Major Policy Decision made in contravention of this section is entitled to compensation from the Council for that loss or damage.

5.2 Inappropriate Decisions

During the Election Period Council must not make any decisions that:

- would affect voting in an election; or
- could reasonably be made after the election.

5.3 Council Resources and Misuse of Position

- 5.3.1 Council resources, including land lines and mobile telephones, computers and email accounts, offices, meeting rooms, secretarial support, equipment and stationery will be used exclusively for normal Council business and must not be used in connection with any candidate's election campaign.
- 5.3.2 Photographs or images taken by or on behalf of Council must not be used for the purposes of electioneering.
- 5.3.3 Glen Eira City Council's logo, branding and letterhead must not be used in connection with a candidate's election campaign.
- 5.3.4 Reimbursements of Councillors' out-of-pocket expenses must only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- 5.3.5 Council officers must not assist in preparing Electoral Matter or any related activity.
- 5.3.6 Councillors and members of a special committee must not misuse their position to gain an advantage or cause detriment to another person at any time in accordance with section 76D of the Act, including by:
- making improper use of information acquired as a result of their position;
 - disclosing confidential information;
 - directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E;
 - exercising or performing, or purporting to exercise or perform, a power, duty or function that they are not authorised to exercise or perform (and for this reason Councillors must ensure that they do not make electoral promises that cannot be kept);
 - using public funds or resources in a manner that is improper or unauthorised;
 - and
 - failing to disclose a conflict of interest as required by the Act.

5.4 Publications and Advertising

5.4.1 As set out in section 55D of the Act, the Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the Election Period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.

5.4.2 The Chief Executive Officer must not certify an advertisement, handbill, pamphlet or notice containing Electoral Matter during the Election Period unless it only contains information about the election process.

[Note that the Act imposes a penalty of 60 penalty units for breaching this obligation.]

5.4.3 The Chief Executive Officer must not delegate the power to certify any advertisement, handbill, pamphlet or notice under the Act to a Council officer.

5.4.4 A Councillor or Council officer must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed an advertisement, handbill, pamphlet or notice containing Electoral Matter during the election period on behalf of, or in the name of, the Council or a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer as required by the Act.

[Note that the Act imposes a penalty of 60 penalty units for breaching this obligation.]

5.4.5 Prohibited publications do not include the publication of any document published before the commencement of the Election Period or the publication of any document required to be published under any Act or regulation.

5.4.6 Council follows the recommended practice of refraining from all publication activity during the Election Period, however, where the printing, publishing or distribution of a document is essential for the conduct of Council's operations, and where that document is an "advertisement, handbill, pamphlet or notice" (thus caught by Section 55D), the Chief Executive Officer will certify the document following the procedure set out in Attachment 1 to this policy: Election Period Certification Procedure.

5.4.7 Any publications appearing via social media tools, including on Facebook, Twitter and YouTube, must meet the requirements of this policy and the Chief Executive Officer must certify relevant documents in the terms set out above.

5.4.8 It should be noted that there is no requirement for the section 55D certification to appear on the face of a publication. Nor is there a requirement for publications to be individually certified; categories of publications can be certified by the Chief Executive Officer in accordance with section 55D of the Act.

5.4.9 In accordance with recommended practice, Council must, as far as is practicable and taking into account part 5.4.5 above, restrict details about Councillors on Council's website. Material that could be viewed as Electoral Matter on social media pages operated by Council will not be permitted to be posted during the Election Period. Council officers will review comments to be posted on Council's social media pages during the Election Period prior to posting.

- 5.4.10 Councillors will be reminded of the legislative restrictions and this policy immediately prior to the Election Period.
- 5.4.11 Councillors who are standing for re-election must ensure that their own campaign material (to be prepared at their expense) does not bear any reference or inference that such material is from Council, or is supported or endorsed by Council and must not bear any Council identification such as logos, design schemes or colour schemes.
- 5.4.12 Council officers may not make any public statement that could be construed as influencing the election. This does not include statements of clarification that are approved by the Chief Executive Officer.
- 5.4.13 Council publicity during the Election Period will be restricted to promoting normal Council activities. Council-funded publicity will not feature Councillors except the Mayor when representing Council in an official capacity. Where a publicity campaign is deemed necessary for a Council service or function (e.g. vaccinations), it must be approved by the Chief Executive Officer.
- 5.4.14 Public Questions at Council Meetings, which would normally be recorded in the Minutes, should avoid Electoral Matter and a question may be ruled out of order on that ground.
- 5.4.15 Any requests for media advice or assistance from Councillors during the Election Period must be decided by the Chief Executive Officer or the Chief Executive Officer's delegate. In any event, no media advice or assistance will be provided in relation to election campaign matters, or in regard to publicity that involves specific Councillors.

5.5 Election Signs on Public Land

Election signs and notices, posters or advertisements containing Electoral Matter must not be erected, posted or displayed on land, buildings or structures owned or managed by Council except:

- by the Victorian Electoral Commission (VEC) in connection with the conduct of the election; or
- where an election is to be determined by attendance voting, at voting centres on election day or early voting centres during the times and dates nominated by the VEC for early voting.

5.6 Public Consultation

- 5.6.1 No public consultation will be undertaken during the Election Period unless prior approval is obtained from the Chief Executive Officer.
- 5.6.2 Public consultation in this part means a process involving an invitation and opportunity for the public to comment or provide an opinion on a matter, proposed action or proposed policy.
- 5.6.3 The Chief Executive Officer will consider the following factors when deciding whether to approve public consultation:
- whether the consultation could reasonably take place after the election;
 - whether conducting the consultation could affect voting in the election;
 - whether risks of influencing the election can be reduced or avoided;
 - whether special circumstances exist which make the consultation necessary during

- the election period; and
- the financial and other repercussions of postponing the consultation until after the election.

5.6.4 Where public consultation during an Election Period is approved, the results of that consultation will not be published or disclosed until after the Election Period except where approved by the Chief Executive Officer.

5.6.5 Public consultations in this part do not include consultations required by any Act or regulation which are conducted in the normal course of Council operations, such as public consultation on planning applications required under the *Planning and Environment Act 1987 (Vic)*.

5.7 Council Events

5.7.1 Council organised events and functions held during the Election Period will be reduced to only those essential to the operation of the Council or which are held to mark national celebrations and which can't reasonably be held at other times (eg. Seniors Festival).

5.7.2 Publications promoting any Council events or functions held during the Election Period must comply with part 5.4 of this policy.

5.7.3 Councillors are able to continue to attend meetings, events and functions in the course of performing their duties as a Councillor. Speeches at Council functions should not contain any express or implied reference to Electoral Matters.

5.7.4 Councillors are able to attend events or functions conducted by external bodies, but must be mindful of the obligations in the Act to avoid misuse of their position.

5.8 Information for Candidates

5.8.1. Access to information held by Council must be made equally available and accessible to candidates during the election, subject to applicable legislative requirements.

5.8.2. Councillors will continue to receive information necessary to perform their roles, however, neither Councillors nor candidate will receive information or advice from Council officers that may advantage them in the election.

5.8.3. Corporate Counsel will maintain an Information Request Register during the Election Period to record all requests for information connected to the election or to Electoral Matters by Councillors and candidates and the responses provided to those requests and staff must provide details of such requests and responses to Corporate Counsel to include in the Information Request Register.

5.8.4. The Information Request Register will be available to the public to view on request at the Council offices.

5.9 Distribution of this Policy

A copy of this policy must:

- be provided to each Councillor as soon as practicable after it is adopted;
- be available for inspection by the public at the Council office; and
- be published on Council's website.

6. HUMAN RIGHTS CHARTER COMPATIBILITY

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

7. ASSOCIATED DOCUMENTS

Glen Eira City Council Code of Conduct for Councillors
Election Period Certification Procedure (Attachment 1 to this policy)

8. REFERENCES/RESOURCES

Local Government Act 1989 (Vic) (Attachment 2 to this policy contains selected extracts)

Attachment 1 Election Period Certification Procedure

1 Background

- 1.1 This procedure is an attachment to the Election Period Policy (the Policy) and applies to all publications proposed during the Election Period (as defined in the Policy).
- 1.2 Section 55D of the *Local Government Act 1989 (Vic)* prohibits Council from printing, publishing or distributing or authorising to be printed, published or distributed, any publication during the Election Period unless the publication has been certified, in writing, by the Chief Executive Officer (CEO). The CEO must not certify any publication containing Electoral Matter (as defined in the Policy) during the Election Period unless it only contains information about the election process.
- 1.3 This procedure sets out the process for submitting a publication to the CEO for certification in order to meet the requirements of the Act.

2 Definitions

"Publication" means an advertisement, handbill, pamphlet or notice, but does not include any document published before the commencement of the Election Period or the any document required to be published under any Act or regulation.

3 Procedure

- 3.1 All publications proposed to be printed, published or distributed, or approved or authorised during the Election Period must be submitted to Corporate Counsel.
- 3.2 Corporate Counsel must review all proposed publications received under this procedure and if satisfied a publication contains no Electoral Matter, will submit it to the CEO for certification with advice attached containing words to the effect of:

"This publication has been reviewed by Corporate Counsel and assessed as containing no Electoral Matter. In accordance with section 55D of the *Local Government Act 1989 (Vic)* the publication is in order for you to certify that it is appropriate to be published or distributed."
- 3.3 The CEO may approve such publications using words to the effect of:

"I certify that the attached material is appropriate for printing, publication or distribution in accordance with section 55D of the *Local Government Act 1989 (Vic)*."

Attachment 2
Extract from Local Government Act 1989
– sections relevant to Election Period

SECTION 55D
Prohibition on Council

- (1) A Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.
- (1A) For the purposes of subsection (1), the publication of a document of a kind specified in that subsection does not include—
- (a) publication of any document published before the commencement of the election period; and
 - (b) publication of any document required to be published in accordance with, or under, any Act or regulation.
- (2) The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process.

Penalty: 60 penalty units.

- (3) Despite section 98(2), the Chief Executive Officer must not delegate the power to certify any advertisement, handbill, pamphlet or notice under this section to a member of Council staff.
- (4) A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer under this section.

Penalty: 60 penalty units.

SECTION 76D
Misuse of position

- (1) A person who is, or has been, a Councillor or member of a special committee must not misuse his or her position—
- (a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
 - (b) to cause, or attempt to cause, detriment to the Council or another person.

Penalty: 600 penalty units or imprisonment for 5 years or both.

- (2) For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a special committee include—
- (a) making improper use of information acquired as a result of the position he or she held or holds; or
 - (b) disclosing information that is confidential information within the meaning of section 77(2); or
 - (c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E; or
 - (d) exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or
 - (e) using public funds or resources in a manner that is improper or unauthorised; or
 - (f) failing to disclose a conflict of interest as required under this Division.
- (3) This section—
- (a) has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of special committees; and
 - (b) does not prevent the institution of any criminal or civil proceedings in respect of that liability.

SECTION 76E

Improper direction and improper influence

- (1) A Councillor must not improperly direct or improperly influence, or seek to improperly direct or improperly influence, a member of Council staff in the exercise of any power or in the performance of any duty or function by the member.
- (2) A Councillor must not direct, or seek to direct, a member of Council staff—
- (a) in the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or
 - (b) in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
 - (c) in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under another Act; or
 - (d) in relation to advice provided to the Council or a special committee, including advice in a report to the Council or special committee.
- (3) This section does not apply to a decision of the Council or a special committee that is made within the powers, duties or functions conferred under this or any other Act.

SECTION 93A**Conduct of Council during election period**

- (1) Subject to this section, a Council, a special Committee or a person acting under a delegation given by the Council must not make a major policy decision during the election period for a general election.
- (2) If a Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to the Minister for an exemption from the application of this section to the major policy decision specified in the application.
- (3) If the Minister is satisfied that there are extraordinary circumstances, the Minister may grant an exemption from the application of this section to the major policy decision specified in the application subject to any conditions or limitations that the Minister considers appropriate.
- (4) A major policy decision made in contravention of this section is invalid.
- (5) Any person who suffers any loss or damage as a result of acting in good faith on a major policy decision made in contravention of this section is entitled to compensation from the Council for that loss or damage.
- (6) In this section, a "major policy decision" means any decision—
 - (a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
 - (b) to terminate the appointment of a Chief Executive Officer under section 94;
 - (c) to enter into a contract the total value of which exceeds whichever is the greater of—
 - (i) \$100 000 or such higher amount as may be fixed by Order in Council under section 186(1); or
 - (ii) 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year;
 - (d) to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100 000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.

SECTION 93B**Council to adopt an election period policy**

- (1) A Council must prepare, adopt and maintain an election period policy in relation to procedures to be applied by Council during the election period for a general election.
- (2) A Council must prepare and adopt an election period policy as required by subsection (1)—
 - (a) by 31 March 2016; and

- (b) following the general election on 22 October 2016, continue to maintain the election period policy by reviewing and, if required, amending the policy not later than 12 months before the commencement of each subsequent general election period.
- (3) An election period policy must include the following—
 - (a) procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election;
 - (b) limits on public consultation and the scheduling of Council events;
 - (c) procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.
- (4) A copy of the election period policy must—
 - (a) be given to each Councillor as soon as practicable after it is adopted; and
 - (b) be available for inspection by the public at the Council office and any district offices; and
 - (c) be published on the Council's Internet website maintained under section 82A.
- (5) In this section—

"inappropriate decisions" made by a Council during an election period includes any of the following—

 - (a) decisions that would affect voting in an election;
 - (b) decisions that could reasonably be made after the election.

9.5 COUNCIL LEASING AND LICENSING POLICY 2019

Author: Amanda Mills, Property Coordinator

Trim No: 19/1143705

Attachments: 1. Draft Council Leasing and Licensing Policy 2019 [↓](#)
2. Community Consultation Feedback [↓](#)
3. Officer Responses to Community Consultation Feedback [↓](#)

PURPOSE AND SUMMARY

This report presents Council with an overview of the community consultation process and asks Council to formally adopt the Council Leasing and Licensing Policy 2019 shown in Attachment 1.

RECOMMENDATION

That Council:

1. Notes the consultation process and feedback received;
2. Adopts the draft Council Leasing and Licensing Policy 2019; and
3. Revokes the Community Leases Policy 2006

BACKGROUND

At the Ordinary Council Meeting on 30 April 2019 it was resolved:

That Council:

1. Notes the draft Council Leasing and Licensing Policy;
2. Authorises officers to commence public consultation of the draft Council Leasing and Licensing Policy; and
3. Requests a report on the outcomes of the public consultation process at a future Council meeting.

This report presents the findings of the public consultation and seeks adoption of the draft Council Leasing and Licensing Policy (the Policy).

Community Consultation

A three-week community consultation period commenced on Friday 31 May 2019 and closed at 5pm on Friday 21 June 2019. The consultation consisted of the following:

- Council Website (notification of consultation process)
- A 'Have Your Say' online portal
- Local Leader Newspapers w/c 24 May 2019 (notification of consultation process)
- GE News (w/c 24 May 2019)
- Town Hall Service Centre, Council libraries, Moorleigh Community Village (copies of draft Policy displayed/available)
- Email to all Council tenants (notification of consultation process via 'Have Your Say' online portal)

ISSUES AND DISCUSSION

Two submissions were received and are shown in Attachment 2.

1. The first feedback received was via 'Have Your Say' and was not specific to any particular part of the Policy and was general in nature.
2. The second comment was received outside of the community consultation period but has been included in this report. It was more extensive and raised issues including:
 - a. Length of tenure;
 - b. Council's Open Space Strategy;
 - c. relocation clauses;
 - d. the proposed lease negotiation period;
 - e. existing arrangements;
 - f. liquor licences; and
 - g. transparency of Council's lease register.

Officer's responses are shown in Attachment 3.

The Policy will provide greater accountability and transparency in our management of Council land and building assets, whilst seeking to treat all tenants and licensees in a consistent, equitable manner. In providing a clear framework, Council will have guidance:

- For both community tenants and commercial tenants (excluding seasonal sporting allocations);
- Where Council will occupy property as the tenant;
- To determine whom Council will lease to;
- To encourage sharing of facilities;
- To ensure a consistent approach;
- To achieve the greatest community benefit from Council facilities; and
- To provide clarity with the approach to rental fees and charges.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

The Policy will apply to both leasing and licensing and will relate to long term occupiers of Council facilities. It is noted, however, that Council officers also manage other forms of occupation under alternative policies, both on a seasonal ground allocation basis and short-term hire arrangements.

There are significant differences in the charging policies across Council relating to the type of occupier and this has caused tension in the past between occupiers. In some circumstances funding grants have been provided to create a level of equity and assist in the payment of rentals.

The Policy does not attempt to solve these issues. It is envisaged that a Council wide review of rental and hirer charges will form part of the recommendations of the Property Strategy.

POLICY AND LEGISLATIVE IMPLICATIONS

It is proposed that the draft Council Leasing and Licensing Policy will replace the existing Community Leases Policy 2006.

All terms and conditions contained within the Policy and all resultant leasing documentation is consistent with the requirements under Section 190 of the Local Government Act 1989.

The Policy will provide officers with firm guidance in relation to Council lease terms and conditions. It is not expected that there will be a substantial effect to Council tenant categories. The most significant change that will affect tenants is the creation of Category 2 tenants that will have an increase in rental from \$1 to \$104 and an expectation that this category of tenant is expected to establish a repair and replacement fund in order to fund future works on their assets.

COMMUNICATION AND ENGAGEMENT

No further consultation or community engagement is proposed.
Adoption of the Policy will be communicated to all Council lease and licence holders.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Five: Informed and Engaged
A well governed Council that is committed to transparency and engages residents in decision-making.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

The Council Leasing and Licensing Policy 2019 will provide Council and the community with greater accountability and transparency in our management of Council land and building assets.

DRAFT

Council Leasing and Licensing Policy

Date first adopted:	Version: 1	Status: Reviewed
Amended and adopted	Next review date: TBA	
Position Title of Responsible Business Unit Manager/or other;	Director Services	Corporate

Council Leasing and Licensing Policy
Glen Eira City Council

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Council Leasing and Licensing Policy
Glen Eira City Council



ORDINARY COUNCIL MEETING AGENDA ATTACHMENTS

30 APRIL 2019

Attachment 1

1. OBJECTIVES

- 1.1 To establish guiding principles for the leasing and/or licensing of Council Facilities.
- 1.2 To reduce risks for Council associated with the leasing and/or licensing of Council Facilities.
- 1.3 To ensure the tenure of Council's Facilities are aligned with recommendations of Council's long term strategic plans.
- 1.4 To maximise the use of Council Facilities by encouraging multi-use by Community Tenants.
- 1.5 To ensure all leases with Commercial Tenants are on commercial terms and achieve an appropriate commercial return.
- 1.6 To ensure that no financial or commercial advantage is gained by Community Tenants, over enterprises conducting similar activities in privately owned facilities.

2. DEFINITIONS & ABBREVIATIONS

Term	Meaning
Commercial Tenant	a Tenant who operates a commercial business or entity.
Community Tenant	a Tenant who operates a not for profit organisation and/or sporting club.
Council Facilities	land and/or buildings owned or managed by Council.
Council	Glen Eira City Council.
Tenant	a person who has entered into a lease and/or licence with Council for the use of Council Facilities.
Essential Safety Measures	The term 'essential safety measures' is defined in Part 15 of the Building Regulations 2018 (the Regulations) and includes items listed in Schedule 8 of the Regulations.

3. SCOPE

This policy does not apply to:

- residential tenancy agreements;
- seasonal ground allocations; and
- casual hire arrangements including pavilion hire, ground hire and hall hire.

Council Leasing and Licensing Policy
Glen Eira City Council

4. GUIDING PRINCIPLES FOR ALL LEASES AND LICENSES

The following Guiding Principles will apply to all leases and/or licenses of Council Facilities:

- 4.1.1 All tenants with exclusive occupation of Council Facilities for more than 1 year must have a current lease.
- 4.1.2 Council encourages maximum use of Council Facilities and will support shared and multi-use arrangements with a preference for licence agreements for Community Tenants.
- 4.1.3 Long term tenancy requests will only be considered where there is minimal impact to the future use of the facility.
- 4.1.4 Council will monitor and carry out Essential Safety Measures on all Council Facilities.
- 4.1.5 A Tenant of a Council Facility must have in place emergency and evacuation plans and procedures.
- 4.1.6 A Tenant of a Council Facility must not apply for a gaming licence for that Council Facility.
- 4.1.7 Council does not support the establishment of infrastructure on Council Facilities that adversely impacts on the availability of open spaces within Council parks and reserves.
- 4.1.8 Council encourages environmentally friendly building practices in the use of Council Facilities.
- 4.1.9 Leases and licenses will contain appropriate risk management measures to ensure that Tenants have appropriate documentation and insurance in place.

Council Leasing and Licensing Policy
Glen Eira City Council

Fees and Charges

4.1.10 The Tenant categories set out in Table 1 below have been established for the purpose of determining suitable fees and charges for Council Facilities.

Table 1: Tenant categories

Category	Type	Group	Description
1	Community Tenant	Community groups	Not for profit community organisations, such as toy libraries, historical societies, kindergartens and sporting clubs
2	Community Tenant	Community ground lease	Tenants who have constructed a building on Council Facilities and have an ongoing maintenance and capital replacement responsibility.
3	Commercial Tenant	Commercial entity	Commercial entities using Council Facilities for commercial gain.

4.1.11 Council will establish annual charges for the leasing and/or licencing of Council Facilities for Category 1 and 2 tenants.

4.1.12 Category 3 tenants will be required to pay a rental established by reference to the market or determined by a valuer appointed by Council.

4.1.13 Subject to the application of the *Retail Leases Act 2003* (Vic), all outgoings for services, and costs incurred by Council administering a lease will be passed on to the tenant.

Council Leasing and Licensing Policy
Glen Eira City Council

5. GUIDING PRINCIPLES FOR COMMUNITY TENANTS

The following Guiding Principles will apply to Community Tenants:

- 5.1 Council's lease and licence terms will be established by balancing the tenure needs of Tenants with the future needs for the Facility, by Council as identified in Council's strategic plans; and ensuring equity of access for the community. The following tenure (terms) are considered to be the maximum, unless a longer term is approved by Council:
 - 5.1.1 A lease will have a term, including options, of not more than nine years. The exercise of any option will require the consent of both parties to the lease.
 - 5.1.2 A licence will have a term, including options, of not more than five years (unless a longer term is approved by Council).
- 5.2 Subject to the application of the Retail Leases Act 2003 (Vic), subletting or assignment of a lease will be prohibited without Council's prior written consent.
- 5.3 As a condition of providing consent to a sub-lease, Council may require an increase in the head lease rent if the Community Tenant obtains a financial benefit from the sub-lease arrangement.
- 5.4 Council may amend the rental under a lease if a Community Tenant gains access to a commercial income (other than through fundraising) generated during the term of the lease; e.g. rent received from subletting, telecommunication rental, revenue received from advertising or licensing arrangements on the Council Facilities.
- 5.5 If there is change of use of a Council Facility by a Community Tenant without first obtaining consent from Council for the change of use (including a retail or commercial use), Council is entitled to terminate or renegotiate the terms of the lease and/or licence.
- 5.6 Council may include in a lease and/or licence a provision which provides that if the City of Glen Eira Municipal Emergency Management Plan or the Business Continuity Plan are enacted, Council will have the right to enter Council Facilities and to remain in the Council Facilities without prior notice for the duration of the emergency.
- 5.7 Leases and/or licences will contain measures to promote engagement between Council and Community Tenants to ensure clubs are active, viable, responding to the needs of the community, meeting their lease and/or licence obligations including maintenance requirements.
- 5.8 Office bearers of a Community Tenant must have no direct pecuniary interests in relation to the activities of the Community Tenant at the Council Facility.
- 5.9 A relocation clause will be included in all leases and/or licences allowing Council to terminate the lease and/or licence upon a specified notice period if Council has a strategic requirement for a Council Facility.
- 5.10 Lease/licence negotiations will commence 6 months before the end of a lease/licence term and if negotiations have not been concluded by the expiry of the lease term the Tenant may be advised that it no longer has the right to occupy the Community Facility.

Council Leasing and Licensing Policy
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ORDINARY COUNCIL MEETING AGENDA ATTACHMENTS

30 APRIL 2019

Attachment 1

- 5.11 At the end of the term of a lease, if a new lease or renewed lease has not been agreed then following a formal resolution Council may take any or all of the following action:
- Secure the Council Facilities to prevent unauthorised access;
 - Invite the former tenant to a meeting with Council officers to discuss any matters relating to the former tenant's occupation of the Council Facilities; and
 - Investigate alternative occupation arrangements for the Council Facility.
- 5.12 Category 2 tenants who have constructed their buildings and improvements will remain responsible for all maintenance, repairs and alterations to the Council Facilities.
- 5.13 Category 2 tenants will be required to provide evidence of the establishment and regular contribution to a repair and replacement fund in accordance with their lease to ensure Council Facilities are suitably maintained and repaired to a safe standard.
- 5.14 In order for Council Facilities to be used to achieve the greatest benefit for the community, minimum quotas may be established for Community Tenants, e.g. the number of members of the organisation. If an organisation fails to meet the designated quota, Council will be entitled to terminate the lease and/or licence.
- 5.15 All sporting clubs will be required to allow members of the public to use the Council Facilities without having to first obtain club membership.
- 5.16 All sporting clubs must conduct at least one community open day each year at the Council Facilities.
- 5.17 Floodlights must not be used after 10.30 p.m. at Council Facilities, unless otherwise allowed by a planning permit. Council reserves the right to instruct Community Tenants not to use floodlights after a specified time as determined by Council.

6. GUIDING PRINCIPLES FOR COMMERCIAL TENANTS

The following Guiding Principles will apply to Commercial Tenants:

- 6.1 Leases must be on commercial terms and achieve an appropriate commercial return for Council.
- 6.2 The leasing of Council Facilities must demonstrate the highest return to Council taking account of other opportunities for the Council Facilities.

Council Leasing and Licensing Policy
Glen Eira City Council

ORDINARY COUNCIL MEETING AGENDA ATTACHMENTS

30 APRIL 2019

Attachment 1

7. GUIDING PRINCIPLES WHERE COUNCIL IS THE TENANT

The following Guiding Principles will apply when Council is a tenant:

- 7.1 Council will not enter into a lease for a property on behalf of a third party unless otherwise approved by Council.
- 7.2 Council will only enter into a lease for the purpose of the provision of a direct Council service if there are no suitable alternative Council Facilities available.
- 7.3 Council will not enter into a lease for a term of more than 9 years, unless Council or the landlord, for the benefit of Council, has carried out substantial improvements to the rental property or some other form of community benefit can be demonstrated.
- 7.4 Council will only enter into a lease that requires the payment of a rental at or below market rates.

8. HUMAN RIGHTS CHARTER COMPATIBILITY

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

9. ASSOCIATED DOCUMENTS

This Policy aligns with the following Council policy/strategies:

- Ownership of Property by Council Policy
- Risk Management Policy
- Graffiti Management Policy
- Council community sport – Management of Grounds Policy
- Open Space Strategy
- Tennis Strategy
- Pavilion Redevelopment Strategy
- Environmental Sustainability Strategy

10. REFERENCES/RESOURCES

- Local Government Act 1989
- Cultural and Recreational Lands Act 1963
- Crown Land (Reserves) Act 1978
- Associations Incorporation Act 1981
- Retail Leases Act 2003
- Building Regulations 2018

Council Leasing and Licensing Policy
Glen Eira City Council

Draft Council Leasing and Licensing Policy 2019 – community feedback**Comment 1:**

From: City of Glen Eira [mailto:notifications@engagementhq.com]

Sent: Sunday, June 2, 2019 9:11 PM

To: Amanda Mills

Subject: [REDACTED] completed Draft Leasing and Licensing Policy

[REDACTED] just submitted the survey 'Draft Leasing and Licensing Policy' with the responses below.

What is your response to the Draft Leasing and Licensing Policy?

It looks pretty standard, but does seem to favour the Council rather than the tenants.

Comment 2:

From: [REDACTED]

Sent: Wednesday, July 3, 2019 10:28 AM

To: Property Services

Subject: Lease policy

I appreciate I am outside the response period but ask that you accept this submission on behalf of Maccabi.

Dear Sirs

I am responding to Councils call for feedback with respect to the draft Council Leasing and Licensing Policy 2019.

I write as President of Maccabi Victoria Inc. the roof body for Jewish sport in Victoria. We have 22 sporting clubs affiliated and approximately 3500 people participating or competing in some way every week. A large proportion of our members reside in the City of Glen Eira.

Our clubs have many ongoing year to year facility arrangements with Council but the major lease relates to our tennis centre at Moorleigh Reserve in Bentleigh.

The major point that should be taken from my comments below, is that the policy as drafted, inherently restricts and reduces any incentive for capital investment by Lessees. For example the lease for the tennis centre, in which we invested over \$1m more than 10 years ago, is in need of lights to enable it to be used at oits full capacity. There is no likelihood of us being able to raise the necessary \$100k to undertake these works with the current lease tenure.

Our organisation has considered several Council facilities in recent years and have been unable to proceed because donors will not contribute the large sums needed with a limited 9 year tenure. Given

the often million dollar plus investments needed, a maximum term of 9 years is commercially unrealistic. As a result it is inevitable that council facilities will fail to be updated for current needs.

I draw your attention to Section 189 of the Local Govt Act which provides for lease terms of up to 50 year leases. Therefore 9 years is not only limiting, for the reasons we have raised, but also is not in the spirit of the Act which is far more empowering.

Council is effectively contracting out of the Act which was written to encourage investment in public land, not to restrict it.

My comments below follow the numbering of your policy document.

4.1.7

"Council does not support the establishment of infrastructure on Council Facilities that adversely impacts on the availability of open spaces within Council parks and reserves"

This clause is very limiting and will hinder any future development opportunities. We recognise the need to protect and grow open spaces but suggest that the policy provide some discretion to Council. I also note that the document issued for the Caulfield Racecourse Precinct does not include any sporting facilities whatsoever but will address Councils open spaces needs.

Furthermore I understand that these issues are able to be addressed architecturally by introducing public terraces as part of new infrastructure ie you develop a pavilion making the roof a terrace and thereby ensuring No Net Loss of Open Space.

Suggested change: "Council does not **encourage** the establishment of infrastructure on Council Facilities that adversely impacts on the availability of open spaces within Council parks and reserves **however Council reserves its right to consider each application on its merits**"

5.1.1

A lease will have a term, including options, of not more than 9 years. The exercise of any option will require the consent of both parties to the lease.

I once again draw your attention to Section 189 of the Local Govt Act which provides for lease terms of up to 50 year leases. Therefore 9 years is not only limiting, for the reasons we have raised, but also is not in the spirit of the Act which is far more empowering.

Council is effectively contracting out of the Act which was written to encourage investment in public land, not to restrict it.

Once again we submit that the maximum term prescribed by this clause is very limiting and does not recognise the commercial realities of community groups and donors investing in infrastructure. Capital improvements to council facilities by tenants will not take place with this limitation on tenure. Donors are not going to provide the large capital sums needed if tenure cannot be given to justify the costs incurred.

To state that an option will require the consent of both parties means that it is not a true option but simply a renegotiation. In the "normal/usual" commercial context the option is given to the tenant, who subject to meeting the obligations under the lease, will automatically be granted a further term with the ongoing rental generally being the only item being left open for negotiation.

An “option” that requires the consent of both parties is not an option and is not something a tenant can rely upon in future planning. This uncertainty will once again impact the use and improvement of Council facilities. This is simply not aligned with usual commercial practise.

5.9 Relocation

Once again the right of Council to serve a relocation/termination notice without compensation or the requirement to relocate will hinder any capital improvements being undertaken on Council facilities by tenants.

We appreciate that Councils needs to have some flexibility but this issue is readily handled in every commercial lease. If this clause is to remain it must have an additional requirement that any relocation must be a reasonable equivalent to the leased premises and the relocation premises should not be of a lesser quality or in an inferior location to the leased premises and rental should be adjusted as appropriate. In the event of the parties not being able to agree an independent arbitration process should take place.

5.10

Negotiations for a new lease should begin at any time when more than 50% of the lease term has expired. Six months is far too short a period to begin and conclude any negotiation for a community facility. It should further state that negotiations will be “conducted in good faith” and that if Council is aware that they will not be offering a further term then they must inform the tenant immediately that decision has been made.

Existing arrangements:

The policy should state that existing arrangements will not be impacted by the change in Council policy. By way of example when negotiating the original lease of our Tennis Centre the statement was made that Council had never yet evicted a community group who were meeting the terms of their lease. On this basis in excess of \$1m was raised over 10 years ago to build the Centre on Council land. A “good faith” clause was added to the lease.

In the interests of transparency we believe that the policy should also state that:

- Council shall publish annually a list of all occupancies (leases and licences) on Council land including the length of term and current rent payable by each tenant (other than Commercial tenancies).
- There should be a provision for tenants to apply for temporary, part or full liquor licences in leased premises.
- Council should publish a template of a community lease and licence on its website.
- Any vacant Council premises which are to become vacant should be the subject of an expression of interest and that no one community group should be offered the premises until the process is completed.

I am willing to discuss the matter further as necessary and provide any further information.

Brian Swersky | President | Maccabi Victoria

www.macvic.com.au

**Officer responses to Community Consultation Feedback
Draft Council Leasing and Licensing Policy 2019**

'Have Your Say' online portal

Survey question: "What is your response to the Draft Leasing and Licensing Policy?"

Comment	Officer Comment (where applicable)
It looks pretty standard, but does seem to favour the Council rather than the tenants.	<i>It is a fairly standard Policy (in line with that of other Councils). Its purpose is to demonstrate clarity, reasonableness and transparency to our tenants (and the wider community) of acceptable limits.</i>

Direct Emails

Comment	Officer Comment (where applicable)
<p>I appreciate I am outside the response period but ask that you accept this submission on behalf of Maccabi.</p> <p>Dear Sirs</p> <p>I am responding to Councils call for feedback with respect to the draft Council Leasing and Licensing Policy 2019.</p> <p>I write as President of Maccabi Victoria Inc. the roof body for Jewish sport in Victoria. We have 22 sporting clubs affiliated and approximately 3500 people participating or competing in some way every week. A large proportion of our members reside in the City of Glen Eira.</p> <p>Our clubs have many ongoing year to year facility arrangements with Council but the major lease relates to our tennis centre at Moorleigh Reserve in Bentleigh.</p> <p>The major point that should be taken from my comments below, is that the policy as drafted, inherently restricts and reduces any incentive for capital investment by Lessees. For example the lease for the tennis centre, in which we invested over \$1m more than 10 years ago, is in need of lights to enable it to be used at oits full capacity. There is no likelihood of us being able to raise the necessary \$100k to undertake these works with the current lease tenure.</p> <p>Our organisation has considered several Council facilities in recent years and have been unable to proceed because donors will not contribute the large sums needed with a limited 9 year tenure. Given the often million dollar plus investments needed, a maximum term of 9 years is commercially</p>	<p><i>Although this email was received outside of the consultation period, officers have included it within the consultation feedback.</i></p> <p><i>For context, Maccabi Victoria has one lease with Council, namely that for Maccabi Tennis Club at Moorleigh Community Village.</i></p> <p><i>The writer refers to Council's preference for leases of 10 years or less. This is to ensure that the tenure of Council's facilities is aligned with any recommendations of Council's long-term strategic plans for a site and to ensure equity of access for the community. Furthermore, we need to demonstrate clarity, reasonableness and transparency to our tenants (and the wider community) of acceptable limits.</i></p> <p><i>It is disappointing to read that the writer would question Council's commitment to Section 189/190 of the Local Government Act. The new Policy is to ensure no unfair advantage is gained by the occupation of Council facilities, to achieve the greatest benefit for the community.</i></p> <p><i>That said, Clause 4.1.3 of the new policy states that long term tenancy requests will be considered, but only where there is minimal impact to the future use of a facility. Clause 5.1. notes our preference for a maximum 9 year term but gives Council the discretion to approve a longer term if a long term benefit to the community can be identified. Should Council approve a longer term lease then the requirements of the Local Government Act will require us to give Public Notice and seek, hear and consider any submissions relating to that tenancy.</i></p>

Comment	Officer Comment (where applicable)
<p>unrealistic. As a result it is inevitable that council facilities will fail to be updated for current needs.</p> <p>I draw your attention to Section 189 of the Local Govt Act which provides for lease terms of up to 50 year leases. Therefore 9 years is not only limiting, for the reasons we have raised, but also is not in the spirit of the Act which is far more empowering.</p> <p>Council is effectively contracting out of the Act which was written to encourage investment in public land, not to restrict it.</p> <p>My comments below follow the numbering of your policy document.</p>	
<p>4.1.7</p> <p><i>"Council does not support the establishment of infrastructure on Council Facilities that adversely impacts on the availability of open spaces within Council parks and reserves"</i></p> <p>This clause is very limiting and will hinder any future development opportunities. We recognise the need to protect and grow open spaces but suggest that the policy provide some discretion to Council. I also note that the document issued for the Caulfield Racecourse Precinct does not include any sporting facilities whatsoever but will address Councils open spaces needs.</p> <p>Furthermore I understand that these issues are able to be addressed architecturally by introducing public terraces as part of new infrastructure ie you develop a pavilion making the roof a terrace and thereby ensuring No Net Loss of Open Space.</p> <p>Suggested change: "Council does not encourage the establishment of infrastructure on Council Facilities that adversely impacts on the availability of open spaces within Council parks and reserves however Council reserves its right to consider each application on its merits"</p>	<p><i>Clause 4.1.7</i></p> <p><i>This statement is contained within Council's Open Space Strategy, which was endorsed by Council in 2014. It is more directed to telecommunications and utility infrastructure and non-recreational/open space activities.</i></p>
<p>5.1.1</p> <p><i>A lease will have a term, including options, of not more than 9 years. The exercise of any option will require the consent of both parties to the lease.</i></p> <p>I once again draw your attention to Section 189 of the Local Govt Act which provides for lease terms of up to 50 year leases. Therefore 9 years is not only limiting, for the reasons we have raised, but also is not in the spirit of the Act which is far more empowering.</p> <p>Council is effectively contracting out of the Act which was written to encourage investment in public land, not to restrict it.</p>	<p><i>Clause 5.1.1</i></p> <p><i>Council has previously provided direction that any option on further terms of a lease must be at the mutual consent of both parties. Originally, our sporting tenants were offered a term of 5 years with a further 4 year term available. This was to give the tenant the ability to terminate their lease if they needed to (Committee issues, financial distress).</i></p> <p><i>Council's intention to make any options at the discretion of both parties includes the above, but also seeks to protect community assets and facilities where a tenant may be either abusing the community intent of their lease (unauthorized commercial use, capital works – as has happened in the past), falling membership and/or</i></p>

Comment	Officer Comment (where applicable)
<p>Once again we submit that the maximum term prescribed by this clause is very limiting and does not recognise the commercial realities of community groups and donors investing in infrastructure. Capital improvements to council facilities by tenants will not take place with this limitation on tenure. Donors are not going to provide the large capital sums needed if tenure cannot be given to justify the costs incurred.</p> <p>To state that an option will require the consent of both parties means that it is not a true option but simply a renegotiation. In the "normal/usual" commercial context the option is given to the tenant, who subject to meeting the obligations under the lease, will automatically be granted a further term with the ongoing rental generally being the only item being left open for negotiation.</p> <p>An "option" that requires the consent of both parties is not an option and is not something a tenant can rely upon in future planning. This uncertainty will once again impact the use and improvement of Council facilities. This is simply not aligned with usual commercial practise.</p>	<p><i>financial concerns for the tenant or where longer term strategic needs may have been identified.</i></p> <p><i>Again, Clause 5.1.1 notes our preference for a maximum 9 year term but gives Council the discretion to approve a longer term if a long term benefit to the community can be identified.</i></p>
<p>5.9 Relocation</p> <p>Once again the right of Council to serve a relocation/termination notice without compensation or the requirement to relocate will hinder any capital improvements being undertaken on Council facilities by tenants.</p> <p>We appreciate that Councils needs to have some flexibility but this issue is readily handled in every commercial lease. If this clause is to remain it must have an additional requirement that any relocation must be a reasonable equivalent to the leased premises and the relocation premises should not be of a lesser quality or in an inferior location to the leased premises and rental should be adjusted as appropriate. In the event of the parties not being able to agree an independent arbitration process should take place.</p>	<p><i>Clause 5.9</i></p> <p><i>Council offers community leases at community rents – these are not commercial leases. A relocation clause exists now in all our leases.</i></p>
<p>5.10</p> <p>Negotiations for a new lease should begin at any time when more than 50% of the lease term has expired. Six months is far too short a period to begin and conclude any negotiation for a community facility. It should further state that negotiations will be "conducted in good faith" and that if Council is aware that they will not be offering a further term then they must inform the tenant immediately that decision has been made.</p> <p>Existing arrangements:</p> <p>The policy should state that existing arrangements will not be impacted by the change in Council policy. By way of example when negotiating the original lease of our Tennis Centre the statement was made that Council had never yet evicted a community group who were meeting the terms of</p>	<p><i>Clause 5.10</i></p> <p><i>Again, these are community leases. Officers consider that commencing negotiations at least six months from the expiry is fair and reasonable.</i></p> <p><i>During the last 2-3 years, Council has entered in to new agreements with most of our sporting tenants for a 5 year lease with a further 4 year option. It will be several years before appropriate clauses will be included in new leases. Existing lease agreements will not be varied however, officers would apply the new Policy if a tenant was found to be in breach of our guiding principles.</i></p> <p><i>Council's lease register is available for public viewing.</i></p>

Comment	Officer Comment (where applicable)
<p>their lease. On this basis in excess of \$1m was raised over 10 years ago to build the Centre on Council land. A "good faith" clause was added to the lease.</p> <p>In the interests of transparency we believe that the policy should also state that:</p> <ul style="list-style-type: none">• Council shall publish annually a list of all occupancies (leases and licences) on Council land including the length of term and current rent payable by each tenant (other than Commercial tenancies).• There should be a provision for tenants to apply for temporary, part or full liquor licences in leased premises.• Council should publish a template of a community lease and licence on its website.• Any vacant Council premises which are to become vacant should be the subject of an expression of interest and that no one community group should be offered the premises until the process is completed. <p>I am willing to discuss the matter further as necessary and provide any further information.</p>	<p><i>Our current leases allow for sporting tenants to apply for Liquor Licences (temporary, part of full) subject to seeking the prior consent of Council (as the landlord).</i></p> <p><i>Council has always and will continue to offer vacant premises via an Expression of Interest process.</i></p>

9.6 LOCAL GOVERNMENT BILL 2019

Author: Janice Pouw, Coordinator Councillor Business

Trim No: 19/1178554

Attachments: 1. Local Government Bill Submission 2018 [↓](#)
2. Local Government Bill submission 2019 [↓](#)

PURPOSE AND SUMMARY

To seek Council's endorsement of a submission to the proposed reforms in connection with the Local Government Bill 2019.

RECOMMENDATION

That Council endorses the submission attached, being feedback on the Local Government Bill 2019.

BACKGROUND

The Minister for Local Government, the Hon Adem Somyurek MP has announced his intention to introduce the proposed Local Government Bill 2019 into Parliament later this year with an additional six new reform proposals.

The proposals are:

1. Simplified Franchise;
2. Electoral Structures;
3. Training;
4. Donation Reform;
5. Improved Conduct and
6. Community Accountability

ISSUES AND DISCUSSION

Councils were given the opportunity to provide feedback to the Local Government Bill 2019 including the six new reform proposals by 17 July 2019. The date has now been extended until 31 July 2019. This provides Council with the opportunity to consider and formally endorse the submission.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

There are no financial, resource, risk or asset management implications associated with this report.

POLICY AND LEGISLATIVE IMPLICATIONS

There were no policy or legislative implications associated with this report.

COMMUNICATION AND ENGAGEMENT

There was no communication and engagement associated with this report.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Five: Informed and Engaged

A well governed Council that is committed to transparency and engages residents in decision-making.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

Council to endorse the attached submission on the Local Government Bill 2019.

Glen Eira City Council

Submission on Local Government Bill – February 2018

Thank you for the opportunity to provide commentary and feedback on the Exposure Draft of the Local Government Bill.

1. General Comments

The draft Bill appears to have met its objective of driving autonomy and outcome focussed Councils, and enhancing the active involvement of the community in local decision making.

We have appreciated the extent to which the consultation process in developing the draft Bill has involved the Sector and has genuinely taken account of feedback provided throughout the process.

It is noted that significant further detail regarding the practical implementation of the Bill will be provided in Regulations. It will be important to ensure that the sector is widely consulted in the development of those Regulations and that a Regulatory Impact Statement is prepared and given full consideration in every instance.

2. Specific Feedback

Part 1 – Preliminary

- The current definition for confidential information under subsection b) should be extended to include security information for others' property, not just that of Council. This would enable protection of information relating to community assets such as schools and places of worship where a genuine security risk has been assessed to exist.
- The definition for confidential information could also be extended to include protection for information relating to entities or associations where its premature public release would unreasonably prejudice the entity or association's reputation or position (such as an audit report or risk assessment).
- A definition of a workforce plan should be included as the term can mean different things in different contexts.
- A definition of Body Corporate should be included.

Part 2 – Councils

- Role of Council – could be enhanced by maintaining a reference to advocacy, as outlined in the Local Government Act 1989;
- The current draft proposes under section 18, powers of the Mayor, that the Mayor will have the power to appoint a Councillor to be the Chair of a Delegated Committee, and that that decision has the ability to overturn any alternative appointment of Chair by the Council. It is this Council's view that this clause could be open to abuse in certain circumstances, and as such we would prefer to see the appointment of Chairs of Delegated Committee's retained by the Council.

- The provisions of clause 20 relating to the vacation of the office of Mayor should equally apply to the office of Deputy Mayor.
- It is unclear why clause 23 relating to the Local Government Mayoral Advisory Panel needs to be enshrined in Legislation given that it uses the language may which implies discretion. It would be reasonable for any Minister to determine the most appropriate method for seeking sector advice to suit her/his needs.
- With regard to the election of Mayor, clause 25 (4) needs the addition of words *present at the meeting* when referring to the absolute majority of Councillors. Without the addition of these words, it could be possible to have a significant delay in the election of a Mayor if one Councillor is absent due to parental leave, sick leave or some other purpose that prevents their attendance at the meeting and an even number of Councillors is split in their vote. The same should apply to the election of Deputy Mayor.
- Clause 28 Role of a Councillor could be enhanced by making reference to the overarching governance principles.
- Clause 33 could provide greater clarity by allowing for circumstances where a notice period is provided by the Councillor. This could be achieved by inserting a reference to date of effect or similar.
- Clause 33 (5) would be better placed immediately after 33 (1) for readability.
- With regard to allowances, it would be helpful if clause 38 (5) also allowed for a Mayor, Deputy Mayor, or Councillor to redirect all or part of their allowance to another entity such as a charity or to redirect it to a specific council project (rather than just have it re-absorbed into the general operating budget) on an annual basis.
- Clause 44 (3) relating to the Chief Executive Officer Remuneration and Employment Policy is supported providing that the wording is changed to reflect 'have regard to' rather than 'consistent with' the Government of Victoria's Policy on Executive Remuneration in Public Entities, as the bonus component of the Government's Policy is not supported.
- It would be helpful if the provisions of Clause 46 (2) relating to Delegation by the Chief Executive Officer could be broadened to also enable the Chief Executive Officer to delegate powers, duties, or functions, to not only a member of Council staff, but also a natural person acting or performing the duties of a member of Council staff. This would provide the practical flexibility to cater for seconded staff, and even possibly individual contractors acting as Council staff.
- Section 47 (1) is likely to be problematic in terms of practical implementation and should be reviewed in line with the provision of greater clarity on the definition and timing of the development of a workforce plan. A CEO should have the authority to engage as many members of council staff as are required in order to ensure the smooth and efficient running of the organisation and delivery of the Council Plan and statutory obligations of the Council, within budget parameters. Inextricably linking employment numbers to workforce plan projections will place an unnecessary limitation on the CEO to perform his/her role.

Part 3 – Council Decision Making

- The intent of clause 55 (d) support to participants to enable meaningful and informed engagement is supported, however the current language is open to interpretation. It would be helpful if the word ‘reasonable’ was added for clarity.
- Clause 56 and 57 relate to public transparency in the context of information, but make no reference to decision making. This feels like an oversight and should be further considered.
- We note there is already an obligation on all councils under Part II of the *Freedom of Information Act 1982 (Vic)* (FOI Act) to publish a very comprehensive range of documents and information, including decision-making powers. It is unclear how the proposed new obligation here interacts with that requirement, but there looks to be considerable overlap and Council would appreciate guidance here.
- Further consideration needs to be given to the interplay between the proposed clause 57 of the Bill and the FOI Act generally. Clause 57 provides that all Council info must be publicly available unless it is confidential under an Act or contrary to public interest. It is hard to envisage how Council would comply with this – especially as information is defined to include documents. Does it render the FOI Act obsolete except for access by a person to his or her personal information? It is unclear what purpose the FOI Act would serve if all documents must be made available anyway. Would the range of exemptions under the FOI Act be covered completely by the “contrary to public interest” exception and if so is there any point in having the comprehensive set of exemptions currently in the FOI Act?
- Under the FOI Act there are myriad exemptions to consider before information is released. These exemptions would be rendered almost meaningless under clause 57. It would be helpful to reference the FOI Act in clause 57 so that the overlap is clarified.
- In our view, the requirement to make all Council information (including documents) publicly available is too broad and requires further consideration. The release of Council information is already managed by the FOI Act which has appropriate safeguards in place. It is unclear what’s trying to be achieved here.
- Clause 70 refers to the processes for making a Local Law. Clause 70 (6) (b) should have the word ‘adversely’ inserted before affect, otherwise there is a risk that a requirement for community engagement process is triggered with every response to feedback that is taken on board regardless of whether it is a beneficial change or not.

Part 4 – Planning and Financial Management

- Clause 89 – The Budget – In our view, Councils should be able to show the financial statement information for each financial year and the subsequent 3 financial years. However, the detailed narrative information around service description; initiatives; services being funded; capital works projects; rates and charges; rating information etc. should be confined to the first year, as the following years (2 to 4) have too many unknowns to list in a detailed manner. We ask for further guidance on this matter.
- Clause 90 – Revised Budget – Councils may require urgent funding (through borrowings) for emergency situations. We suggest that Councils should not have to prepare a revised Budget under these circumstances.

Part 7 – Council integrity

- With regard to material conflicts of interest, it would be helpful if clarification could be given to the status of individuals who act as volunteer advisers to boards and voluntary organisations, not just consultant, contractor or agent status which all seem to infer a payment applies.
- Division 3 deals with Councillor and staff returns. There is a significant difference between the current and proposed definitions of “nominated officer” (nominated officers are one category of staff who have to lodge a return). “Nominated officer” currently means CEO, staff with management responsibilities reporting directly to the CEO, and senior officers whose remuneration exceeds a certain threshold. The new definition is “a member of Council staff who has a statutory or delegated power, duty or function, **and is nominated by the CEO** because of the nature of that power, duty or function”.
- This appears to mean that the CEO would need to review a (substantial) list of all Council officers who have statutory and delegated powers, and then make a decision about whether they are nominated officers. It is unclear what the basis for nominating a person would be, and this might result in discrepancy between Councils. We ask that further guidance be provided about this.
- Clause 169 refers to disclosure of conflicts of interest. Further clarity is required in the drafting to ensure that it is clear that the requirement to disclose applies equally to Assemblies of Council;
- Clause 174 provides that the CEO must prepare a summary of the personal interests information submitted and ensure that it is published on the Internet, and the summary of personal interests must include the town or suburb of the land or place of residence disclosed in the personal interests return as well as matters prescribed by the regulations. This is more onerous than the current requirement, which is that the CEO must maintain a register of interests for inspection upon request. Anyone who seeks to inspect returns currently, will have their name, phone number and address recorded by us and will sign a form. Without knowing what will be prescribed as included or excluded from the CEO’s summary (as these will be prescribed by regulations and we understand these are yet to be drafted), it is hard to comment on other issues but the requirement that the suburb of a large number of staff members’ residential addresses be posted online together with other details in their returns is fraught with safety and privacy concerns and we submit that it is unnecessary. If the aim is to declare whether a staff member has a property within the municipality or not, a simple yes or no would suffice rather than specific suburbs.
- Clause 179 (4) requires the Council to review and adopt a Councillor Code of Conduct within 4 months after a general election. A new Council has many competing priorities in the first 4 months after a general election, as well as the general recess over the late December / January period. It is suggested that 6 months would be more appropriate, particularly given the requirement to achieve a 2/3 majority support.

Part 8 – Ministerial oversight

- The principles of natural justice should apply in circumstances where the Minister is intending to intervene through giving a direction. On this basis the clause should be

amended to require the Minister to first give a Council a right of reply, before action is taken.

Part 9 – Electoral Provisions

- It is noted that the current drafting of clause 276 provides that the Minister will determine the voting system for a general election and that voting system will apply statewide, and for any bi-elections. It is Council's view that Councils should retain the right to determine the voting system that is most appropriate taking into account cost, community participation, and broader public value.

Part 10 – General Provisions

- It is noted that the Bill removes the ability for Authorised Officers to enforce provisions under other Acts. This is problematic in terms of the day to day operations of Council and it is recommended that redrafting occurs to retain the existing S89 provisions.

Implementation

- The proposed staging and timing of implementation of the new provisions of the Act seem to make sense, with the exception of the Workforce Plan. It would make sense that this provision is introduced from 2020 along with the 4 year budget and revisions to the community and council planning process. This will allow for the necessary workforce projections to be aligned with long term service commitments and financial modelling.

Dear Minister

Thank you for the opportunity to provide feedback as part of the current consultation on the Local Government Bill 2019.

Council welcomes the Government's efforts to modernise our legislative framework and make it more relevant to our local communities and effective local governance.

It is noted that much of the Local Government Bill 2018 is proposed to be carried forward into the Local Government Bill 2019, so I will not spend time in this submission re-iterating points that Council has already made. A copy of our 2018 Submission is attached for your reference and review.

Council would however like to respond the proposed new reforms.

First, a general comment about the timing. Council feels very strongly that the very short amount of time allowed for consultation on these significant changes is manifestly inadequate and, frankly, shows a lack of respect to the sector. This contrasts very unfavourably with the four years given for consideration of and consultation on the 2018 Bill. While we still have reservations about aspects of the first bill, as seen in our 2018 submission, we suggest that the 2018 Bill be submitted to Parliament and that, after sufficient consultation, the 2019 changes be added to the Act as amendments.

Reform 1 - Simplified Franchise – Supported in part

While Council understands the aim of cleaning up the voters roll, and appreciates that all non-resident voters will be written to in order to ensure they know they will need to choose to be enrolled or lose their vote, we are still concerned that many people who pay rates will not properly advert to the changes and unintentionally lose their democratic right.

We commend your avowed intention in these reforms to increase community involvement in the democratic process, and feel that in its current form, this does the opposite. We hope that greater effort will be made to keep all eligible voters on the roll.

Reform 2 - Electoral Structures - Not Supported

While simplification of electoral structures and processes is a worthy principle, Council does not support achieving this through the introduction of mandatory consistency through a single member ward model. We don't believe that the same model is appropriate for varied municipalities. Glen Eira currently has a multi-member ward structure (3 wards of 3 members per ward). We contend that this structure supports effective teamwork between Councillors and better sharing of the local representation workload. It is a model that works for Glen Eira given the profile and context of our municipality and our communities of interest.

It should be noted that the 2005 electoral review for the City of Glen Eira specifically considered the 3 ward/3 Councillor model and found that it was accepted by the community, that it satisfied legislative voting number requirements, provided for clear boundaries and reflected communities of interest. The review specifically rejected a single Council ward structure and the following is an extract from the Electoral Commission's report at the time :

A single-councillor ward structure

Having determined its preliminary preferred option, the VEC reviewed possible alternative options. At the preliminary submissions stage, the VEC heard from one individual who suggested that a single-councillor ward structure involving nine councillors would be appropriate for the Glen Eira City Council. The submission suggested that such a structure would guarantee local representation by a genuine candidate. In response to this suggestion the VEC modelled a nine-ward structure. In creating the model the VEC was aware that, within dense metropolitan municipalities, satisfying legislative voter number requirements while simultaneously accommodating existing communities of interest can be a difficult task. The VEC was able to create wards which satisfied legislative voter number requirements but the wards which were created fragmented and divided the City's existing communities of interest. Various localities including Caulfield, Caulfield North, Caulfield South and McKinnon were split by ward boundaries. For this reason, the VEC rejected the nine-ward option.

It is this Council's view that while a single member ward model may work well in rural Victoria, the nature of the Melbourne-based municipalities is such that there are identifiable communities of interest which would cross and be fragmented by single Councillor wards where electoral boundaries were drawn to primarily equalise voter numbers. For this reason we believe that the Electoral Representation Advisory Panel should be able to consider submissions from Councils to maintain a multi-member ward structure where it can be demonstrated that the alternative structure can still uphold the principles of effective local representation and good governance.

Furthermore, we believe the multiple ward structure is more likely to result in an improved councillor makeup and improved governance for all residents.

In multi-member wards, if two outstanding candidates are competing against each other, there's a good chance that both will be elected and able to contribute to their communities. In single-member wards, by definition at least one will miss out. In single member wards, it's easier for a concerted campaign to knock out a single member or candidate – a group of candidates cross-preferencing could be very hard to counter.

Subsequent to the election, single-member wards would be more likely to encourage parochialism among councillors. A ward with a non-performing councillor, or worse, a councillor absent through ill-health, holiday, retirement or suspension, would be left with inadequate representation or no representation at all for what could be a lengthy period.

Council supports retaining the current range of electoral structures as outlined in the Local Government Act 1989.

Reform 3 - Training – Supported in principle subject to further engagement with the sector

Council supports the principle that communities deserve high calibre councillors with the relevant competency and understanding, to conduct the requirements of office. We seek further clarity on the nature of the proposed training, together with details on how it will be provided and by whom. The responsibility for conducting candidate training should not fall to individual Councils.

Council supports the principle that all Councillors should be required to undertake Induction training in order to assist them to meet the requirements of office. A core Induction module should be developed by Local Government Victoria or the Municipal Association of Victoria in order to ensure consistency across the State. The core module could then be supplemented with local content.

Reform 4 - Donation Reform - Supported

Reform 5 - Improved Conduct - Supported

Greater consistency and clarity of expectations and a simplification of the arbitration process will assist Councils in managing conduct concerns.

Reform 6 - Community Accountability – Not supported at this time

Council supports the MAV position that given the significance of this proposed change, it should be the subject of more fulsome consultation and discussion with the sector. While it is understood that there does need to be a mechanism for dealing with extreme cases of conduct violation, we are concerned that the solution needs to be fully explored in order to avoid unintended consequences. At the moment the proposal lacks detail on how matters of risk and cost will be managed.

One concern is that the VEC, in initially vetting petitions, will allow a petition to proceed if it finds the allegations are not vexatious. It will not, however, investigate in any way the veracity of any allegations. This could well lead to a petitioner claiming allegations carry the imprimatur of the VEC and are therefore legitimate. The public would not be expected to necessarily appreciate the distinction, and credibility could therefore be given to untrue and even defamatory allegations. The damage to reputations would be unlikely to recover from a subsequent finding of a Commission, or if the requisite signatures are not gathered so no chance arises for the councillor to clear their name other than through potentially expensive and time-consuming defamation action.

Implementation

It is noted that implementation of the Act will be staged, and that support and guidelines will be provided to assist councils during the transition. We encourage you to not underestimate the significant resource burden that this will place on the sector across 2020, particularly given the competing priorities during an election year. Councils are, as you know, extremely diverse with varying levels of capability and resource capacity. Implementation timeframes and expectations must be pragmatic and recognise this diversity.

I would be happy to discuss any aspect of this submission in more detail if it would be helpful.

Yours sincerely

Cr Jamie Hyams
Mayor

10. URGENT BUSINESS

11. ORDINARY BUSINESS

11.1 Requests for reports from Officers

11.2 Right of reply

11.3 Councillor questions

11.4 Public questions to Council

12. CONSIDERATION OF IN CAMERA ITEMS**RECOMMENDATION**

That pursuant to Section 89(2) of the Local Government Act 1989, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the following categories listed in Section 89(2) of such Act.

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayers;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

12.1 Rate Charge for Yarra Yarra Golf Club
Local Government Act 1989 - Section 89(2) (d)

12.2 CEO Performance Criteria and Remuneration Review
Local Government Act 1989 - Section 89(2) (a)

12.3 CEO Contract Extension
Local Government Act 1989 - Section 89(2) (a)

13. CLOSURE OF MEETING