



GLEN EIRA CITY COUNCIL

ORDINARY COUNCIL MEETING

WEDNESDAY 6 NOVEMBER 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

INDEX

1.	ACKNOWLEDGEMENT	5
2.	APOLOGIES.....	5
3.	OATH OF OFFICE AND DISCLOSURE OF INTERESTS.....	5
4.	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS	5
5.	RECEPTION AND READING OF PETITIONS AND JOINT LETTERS	5
6.	DOCUMENTS FOR SEALING	5
7.	REPORTS BY DELEGATES APPOINTED BY COUNCIL TO VARIOUS ORGANISATIONS	5
8.	REPORTS FROM COMMITTEES	7
	8.1 Advisory Committees	7
	8.1.1 Advisory Committee Minutes.....	7
	8.2 Records of Assembly.....	12
	8.2.1 Records of Assemblies of Councillors	12
9.	PRESENTATION OF OFFICER REPORTS.....	21
	9.1 VCAT Watch	21
	9.2 10-16 Selwyn Street, Elsternwick - VCAT Appeal Requirements - 'Without Prejudice' Draft Conditions	33
	9.3 Interim Female Friendly Facilities at Lord Reserve	64
	9.4 Council Meeting Procedure Local Law 2019 and Community Local Law 2019	68
	9.5 Financial Management Report for the Period Ending 30 September 2019 ..	197
10.	URGENT BUSINESS	219
11.	ORDINARY BUSINESS	219
	11.1 Requests for reports from Officers	219
	11.2 Right of reply	219
	11.3 Councillor questions.....	219
	11.4 Public questions to Council	219

12.	CONSIDERATION OF IN CAMERA ITEMS.....	220
12.1	Tender/Contract 2020.7 Neville Street Reconstruction, Stage 2	220
12.2	Contract 2020.83 Provision of IT Hardware End User Computing Equipment.....	220
12.3	Tender/Contract No 2019.194 Selwyn Street Cultural Precinct - Integrated Commemorative Artwork Consultant	220
13.	CLOSURE OF MEETING.....	221



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 16 October 2019 and the Special Council Meeting held on 23 October 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: 19/1263616

Attachments: 1. Community Grants Advisory Committee Minutes - 2 October 2019 [↓](#)

RECOMMENDATION

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

1. 2 October 2019 – Community Grants Advisory Committee

**COMMUNITY GRANTS ADVISORY COMMITTEE MEETING****MINUTES****Wednesday 2 October 2019**

Purpose:

To support not-for-profit community-based organisations and groups to carry out projects and activities that contribute to the liveability, accessibility, health and safety of Glen Eira.

Aims:

- Strengthen community connections and collaborations;
 - Develop an accessible and inclusive community;
 - Encourage community initiatives that promote self-sufficiency, innovation and respond to community needs;
 - Help strengthen community capacity to plan and implement services;
 - Support celebration and participation in community life; and
 - Fund projects that deliver meaningful social impact.
-

Assembly of Councillors Record

Meeting opened at **5.31pm**

1. Present

Cr Jim Magee - Chair
Cr Margaret Esakoff – Member
Cr Jamie Hyams – In Attendance
Peter Jones – Director Community Wellbeing
Gaye Stewart – Manager Community Development and Care
Sharon Sykes – Coordinator Community Planning and Engagement

Apologies

Cr Joel Silver - Member

2. Declaration of conflict of interest

No declarations of conflict of interest under Section 79 of the Local Government Act were received in relation to grants discussed.

3. Matters considered

- Update on Facility Hire Grants approvals
- Update on Small Grants approvals
- Senior Citizens Centre Allocation and Grants
- Terms of Reference

4. Update on Facility Hire Grants approvals

The following Facility Hire applications have been approved by the Director Community Wellbeing under delegation:

Name of Organisation	Purpose	Amount approved	Facility hired	Date of Activity
Soloukin Russian Literatures Society	Russian Cultural Concert 2019: <i>The Legacy of Pushkin</i>	\$996	Auditorium	20 October 2019
Glen Eira City Choir	Choral event and rehearsal	\$2,940	Auditorium	25, 26 and 27 October 2019

5. Update on Small Grants approvals

The following Small Grant applications have been approved by the Director Community Wellbeing under delegation following circular resolution (by email) of the Community Grants Committee:

Name of Organisation	Purpose	Amount approved	Date of Activity
Melbourne Fight Back against Parkinson's Group (auspiced by St Kilda Police Youth Club)	To assist with developing the Melbourne Fight Back against Parkinson's boxing sessions.	\$1,000	September – December 2019
Armada Bowls Club	To host a community bowls day event.	\$1,000	8 December 2019

To date nine Small Grant Applications have been processed. Of these, four have been approved funding totalling \$4,000 and three have not been approved funding.

6. Seniors Citizens Centre Allocation and Grants

Council has 31 Senior Citizens Groups operating out of five Senior Citizens Centres and Carnegie Library Boyd Rooms. Seniors groups have now submitted their Centre Allocations and Grants forms for 2020. Allocation for use of the rooms is provided for a calendar year in advance. The allocated budget for Seniors Citizens grants in 2019-2020 is \$90,000.

The following considerations have informed Senior Citizens Centre Grant recommendations for each of the Senior Citizen Clubs:

- Number of Glen Eira members – \$4 for each member who resides in Glen Eira.
- Number of hours of activities in Senior Citizens Centres - \$4 for each hour of activity, calculated across the year.
- A maximum grant of \$7,500 is applied, consistent with the maximum grant funding available for Senior Citizen groups.

The recommended grants total \$86,350 and comprise:

Recommendation: That the Community Grants Advisory Committee recommends that Council approves the Senior Citizens Centre Grants for Senior Citizens Clubs as outlined below.

Club	Centre	Recommended Grant 2019/20
Bentleigh Chinese Senior Support Group	Bentleigh SCC, Caulfield SCC	\$3,672
Bentleigh Chinese Community Association	Bentleigh SCC	\$3,720
Circolo Pensionati Italiani di Bentleigh	Bentleigh SCC	\$4,688
Greek Cyprian Senior Citizens Community of Glen Eira	Bentleigh SCC	\$2,032
K.G.Putt Bentleigh Senior Citizens Club	Bentleigh SCC	\$7,500
Greek Senior Citizens Club of Carnegie/Murrumbeena	Carnegie Library	\$2,500
Glen Eira Chinese Senior Citizens Club	Caulfield SCC, Ormond SCC	\$3,588
Caulfield Greek Senior Citizens Club	Caulfield SCC	\$1,928
Gladys E Machin Senior Citizens Club	Caulfield SCC	\$4,428
Italian Senior Citizens Recreation Club of Caulfield	Caulfield SCC	\$3,192
Nadezhda Russian Senior Citizens Club	Caulfield SCC	\$1,362
Polish Senior Citizens Club of Caulfield	Caulfield SCC	\$740
Refocus Club Melbourne Inc	Caulfield SCC	\$1,200
Shalom Association	Caulfield SCC	\$2,224
Yachad Senior Citizens Club	Caulfield SCC	\$1,300
D.J. Coakley East Bentleigh Senior Citizens Club	Bentleigh East	\$7,500
Let's Connect	Bentleigh East	\$4,100
Greek Senior Citizens Association of Moorabbin	Moorleigh SCC	\$1,548
Greek Senior Citizens of Southern Eastern Districts & Regions	Moorleigh SCC	\$1,648
Greek Women's Senior Citizens Club of McKinnon 'Rhea' Inc.	Moorleigh SCC	\$1,500
Italian Senior Citizens Group of Moorabbin Inc.	Moorleigh SCC	\$2,532
Kondia Limnos Senior Citizens Club	Moorleigh SCC	\$1,500
Maltese La Vallette Association	Moorleigh SCC	\$1,240
Oakleigh Coptic Senior Social Club Inc.	Moorleigh SCC	\$1,052
Sinhala Cultural & Community Services Foundation Inc.	Moorleigh SCC	\$1,656
The Argos & District Australian Greek Senior Citizens Club of Kastoria Inc.	Moorleigh SCC	\$1,628
The Club of Bards Song "The Southern Cross"	Moorleigh SCC	\$676
The Italian Pension Club of Kingston Inc.	Moorleigh SCC	\$2,876
Glen Eira Italian Pensioners & Senior Citizens Club	Ormond SCC	\$3,380
Literary Creative Association Lukomorie	Ormond SCC	\$1,940
Ormond Senior Citizens Club	Ormond SCC	\$7,500
TOTAL:		\$86,350

7. Terms of Reference

The Committee reviewed the Community Grants Advisory Committee Terms of Reference and requested that the Membership and Term of Membership be amended to state "Three Councillors (preferably one from each ward)" and that the dates of approval and next review be corrected.

Next Meeting: Tuesday 12 November 2019 at 5.30pm

Meeting closed at **5.55pm**.

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

Author: Janice Pouw, Coordinator Councillor Business

Trim No: 19/1267782

Attachments: 1. 2 October 2019 Assembly [↓](#)
2. 7 October 2019 Assembly [↓](#)
3. 16 October 2019 Pre meeting [↓](#)
4. 23 October 19 Assembly (including pre-meeting) [↓](#)

RECOMMENDATION

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

1. 2 October 2019
2. 7 October 2019
3. 16 October 2019 (pre-meeting)
4. 23 October 2019 Assembly (including pre-meeting)

Assembly of Councillors**2 October 2019****Record under S 80 A (2)****Meeting commenced at 6.46pm****A. Present**

Cr Jamie Hyams (Mayor)
Cr Tony Athanasopoulos
Cr Anne-Marie Cade
Cr Margaret Esakoff
Cr Jim Magee
Cr Dan Sztrajt

Council Officers

Peter Swabey (A/CEO)
Peter Jones
Ron Torres
Andrew Barden (A/DEI)
Alan Stone (A/DCS)
Paige Buse
James Kearney
Jennifer Shen
Glen Greetham
Janice Pouw

B. Matters considered.

1. Apologies – Cr Clare Davey, Cr Mary Delahunty
2. Carnegie Market – Feasibility & Options Update
3. Weekly Green Bin Trial Update

7.05pm Cr Silver entered the Assembly

4. Carnegie Market – Feasibility & Options Update
5. GESAC Over 70's Initiative

8pm Cr Sztrajt left the Assembly and re-entered at 8.05pm.

6. Carnegie Swim Centre Endorsement of Community Consultation

8.44pm Assembly Adjourned

8.55pm Assembly resumed

Present

Cr Jamie Hyams (Mayor)
Cr Tony Athanasopoulos
Cr Anne-Marie Cade
Cr Margaret Esakoff
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt

7. General Business

Director Planning and Place

- 34 Mimosa Road, Carnegie
- Planning Scheme Amendment C155 – East Village – Consideration of Submissions

Acting Chief Executive Officer - Councillor Meetings in October

9.13pm Cr Esakoff left the Assembly and re-entered at 9.15pm

Co-ordinator Councillor Business

- On-line Annual Report
- 17 October 2019 Citizenship Ceremony

Cr Hyams - Referral and Enforcement of noise complaints

Acting Chief Executive Officer - Advanced Waste Procurement Project

Cr Silver - VCAT decision 506 Hawthorn Road

Cr Esakoff

- Greyhounds
- Woolworths planning application

9.41pm Cr Esakoff declared an Indirect Conflict of Interest because of conflicting duties and left the Assembly

Director Community Wellbeing - Residential Aged Care

9.59pm Cr Esakoff entered the Assembly

Acting Director Environment and Infrastructure - Cricket update

Assembly finished at 10.01pm

**Assembly of Councillors
7 October 2019**

Record under S 80 A (2)

Meeting commenced at 6.45pm

A. Present

Cr Jamie Hyams (Mayor)
Cr Tony Athanasopoulos
Cr Anne-Marie Cade
Cr Margaret Esakoff
Cr Jim Magee
Cr Joel Silver
Cr Dan Sztrajt

Council Officers

Peter Swabey (A/CEO)
Peter Jones
Ron Torres
Andrew Barden
Alan Stone
Sue Monagle
Janice Pouw

B. Matters considered.

1. Apologies – Cr Clare Davey, Cr Mary Delahunty
2. Councillor Tour of Town Hall
3. MAV State Council Early Motions

7.48pm Cr Sztrajt left the Assembly

4. General Business
Acting CEO – Rooming House – 321 Hawthorn
Cr Silver – Street Signs
Cr Esakoff – Motorbike parking on footpath
Cr Hyams – Plaques in Parks
Cr Esakoff – Goodrich Street sign
Cr Athanasopoulos – Moira Ave / Mimosa
5. Draft Council Meeting Agenda 16 October 2019
Item 8.1 Recreation and Leisure Advisory Committee Minutes
Item 8.2 Assembly of Councillors 17 September 2019
Item 9.2 – 5 Porter Road, Carnegie

- Item 9.3 – VCAT Watch
- Item 9.4 – Hopetoun Gardens Landscape Masterplan
- Item 9.5 – Social and Affordable Housing Strategy 2019-2023
- Item 9.6 – 2018-19 Annual Report
- Item 9.7 - Temporary Female Friendly Pavilion Facilities
- Item 9.8 – Interim Female Friendly Facilities at Lord Reserve
- Item 9.9 – Future of Sport and Active Recreation – Consultation Outcomes
- Item 12.1 – Tender/Contract No 2020.26 Moorleigh Village Community Shed
- Item 12.2 – Tender/Contract No 2020.32 Murrumbeena Community Hub
- Item 12.3 – Tender/Contract No 2020.36 Bentleigh East Kindergarten
- Item 12.4 – Tender/Contract No 2020.15 Provision of Printing
- Item - Carnegie Swim Centre – Endorsement of Community Consultation
- Item - GESAC Over 70's Fees and Charges
- Item - Consideration of Amended Plans for the VCAT Hearing in relation to 10-16 Selwyn Street, Elsternwick
- Item 9.1 – 456 Glen Eira Road Caulfield

9.02pm Cr Sztrajt entered the Assembly

Assembly finished at 9.14pm

Council Pre-Meeting**16 October 2019****Record under S 80 A (2)****Meeting Commenced at 6.40pm****A. Present**

Cr Jamie Hyams, Mayor
Cr Anne-Marie Cade
Cr Margaret Esakoff
Cr Jim Magee
Cr Dan Sztrajt

Apologies

Cr Clare Davey

Officers

Samantha Krull – Acting Chief Executive Officer
Peter Jones
Peter Swabey
Ron Torres
Andrew Barden
Janice Pouw

B. Matters considered

1. 23 October 2019 Special Council Meeting Agenda item – Planning Scheme Amendment C155 – East Village – Consideration of Submissions
2. Disclosure of Conflicts of Interest

6.45pm Cr Silver entered the pre-meeting.

6.50pm Cr Magee left the pre-meeting and re-entered at 6.52pm

6.52pm Cr Delahunty entered the pre-meeting

6.54pm Cr Athanasopoulos entered the pre-meeting

3. Item 9.3 – 5 Porter Road, Carnegie
4. Item 9.9 – Interim Female Friendly Facilities at Lord Reserve
5. Item 9.12 – Social and Affordable Housing Strategy 2019 – 2023
6. Item 11.1 – Request for Reports from Officers – Cr Silver – Street Libraries
7. Item 11.4 – Public Questions to Council
8. Item 9.1 – Consideration of Amended Plans for the VCAT Hearing in Relation to 10-16 Selwyn Street, Elsternwick
9. General Business
 - Director Community Wellbeing – Residential Aged Care
 - Coordinator Councillor Business – Planning Conference – 111-113 Gardenvale Road, Gardenvale
 - Cr Athanasopoulos – Strategic Transport Advisory Committee
 - Cr Esakoff – Parking Malua St and Wheatley Rd
 - Cr Hyams – MAV State Council Motions

Pre-meeting finished at 7.28pm

**Assembly of Councillors
23 October 2019**

Record under S 80 A (2)

Meeting commenced at 6.35pm

A. Present

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

Council Officers

Rebecca McKenzie
Peter Swabey
Peter Jones
Ron Torres
Samantha Krull
Nerrida McKellar
Matt Barbetta
Tom Haysom
Janice Pouw

B. Matters considered.

1. Apologies – Cr Clare Davey, Cr Mary Delahunty, Cr Dan Sztrajt

6.45pm Cr Tony Athanasopoulos entered the Assembly

2. Future Spaces – Refurbishment of Glen Eira Town Hall
3. Pre-meeting for Special Council Meeting

7.21pm Cr Silver left the Assembly and re-entered at 7.22pm

7.22pm Cr Esakoff left the Assembly

Assembly adjourned at 7.24pm to commence the Special Council Meeting.

The Assembly resumed at 8.04pm

Present

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

4. Tennis Strategy Implementation
5. EE Gunn Pavilion – Female Friendly Upgrade
Matt - Requested to make it more female / junior friendly.

Assembly adjourned at 9.07pm and resumed at 9.24pm

Present

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

6. Strategic Projects Prioritisation – Additional Project Information & Pre-Workshop Briefing

9.46pm Cr Sztrajt entered the Assembly

7. General Business
Director Community Wellbeing – Residential Aged Care
Cr Silver – Condition of a building
Cr Hyams – Flower Stall
Cr Magee
– Age Friendly Australia National Forum
– Municipal Association of Victoria - 10 year dinner Councillor Service Award
Cr Esakoff - St Peter's Neerim Road

10.19pm Cr Sztrajt left the Assembly

- Co-ordinator Councillor Business - 31 October Citizenship Ceremony
8. Draft Council Meeting Agenda 6 November 2019
Item 8.1 Recreation and Leisure Advisory Committee Minutes
Item 8.2 Assembly of Councillors
Item 9.1 – Council Meeting Procedure Local Law 2019 and Community Local Law 2019
Item 9.2 – Update on Planning Scheme Review 2018 Work Plan progress
Item 9.3 – VCAT Watch
Item 9.4 – Financial Management Report for the Period Ending 30 September 2019
Item 12.1 – Contract 2020.83 Provision of IT Hardware End User Computing Equipment
9. General Business
Cr Esakoff – scooters parked on footpaths in Carnegie and Elsternwick

Assembly finished at 10.34pm

9. PRESENTATION OF OFFICER REPORTS

9.1 VCAT WATCH

Author: Brooke Mathews, Senior Town Planner

Trim No: 19/1267024

Attachments: 1. VCAT Watch - Attachment - 6 November 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).

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 VCAT and those that have recently been decided by the VCAT. The attachment table is broken down into 'New Appeals lodged with the VCAT', 'Current matters before VCAT' (including upcoming hearings or where Council is waiting for a decision after the hearing has taken place), and 'Recent decisions of the VCAT'.

Since the previous report there have been no new appeals lodged, five matters finalised by VCAT and one objector appeal withdrawn.

The matters decided by VCAT were objector appeals against Council's decision to issue permits, a conditions appeal by an applicant and an appeal against Council's decision to refuse to issue an extension of time to a permit.

506 Hawthorn Road Caulfield

An aerial image showing the location of the site is below:



The matter heard at VCAT was an objector appeal against Council's decision to issue a Notice of Decision for a three (3) storey building containing 10 dwellings above basement car park. VCAT upheld Council's decision to issue a permit.

The above decision is consistent with Council's view that the site is suitable for a three storey development subject to appropriate conditions.

This is summarised in the following findings of the Tribunal:

I find there is strong policy support for higher residential densities at this location as the site is within a GRZ2 and Housing Diversity Area. This acknowledges the site has strategic significance given its location on a tram line and main road.

The fundamental issue raised by the applicants is whether the scale of development is excessive in this neighbourhood. I agree that there are few apartment buildings located in close proximity to the subject site. However, change is expected along this tram route corridor in response to the policy direction. Therefore more three storey apartments will be developed along Hawthorn Road over time.

I find the development responds to the policy directions in Clause 22.07. It strikes an appropriate balance as the scale, setbacks and massing of the built form steps away from the rear and side boundaries. I find the proposal well-considered as it respects its interface with adjoining dwellings and wider neighbourhood.

The only two (2) additional conditions added that were not recommended by the Officer included requiring a schedule of materials, colours and finishes and additional screening to a balcony, both of which were raised as potentially additional appropriate conditions by Council's Officer during the hearing.

7-12 Horne Street Elsternwick

An aerial image showing the location of the site is below:



The matter heard at VCAT was an appeal by the applicant against conditions in a permit issued by Council.

The conditions in contention related to the overall height of the building, the setback of the building from Horne Street, the design of the balconies, screening of windows to reduce overlooking and the timeframe the permit applicant should have to commence and complete construction.

The matter was heard at a 4 day hearing commencing on 16 September 2019.

Council engaged legal representation (Maddocks) and also called an independent expert in the field of Urban Design. The applicant also engaged legal representation (Best Hooper) and called experts in the fields of Urban Design, Planning and Traffic. Residents were also party to the appeal and were self-represented.

The decision in this appeal was received on 16 October 2019. It upholds the decision made by Council regarding the building height reduction, increased tower setback from Horne Street and modifications to the balcony designs. In determining its decision, the Tribunal considered the weight to be given to the Design and Development Overlay (which introduces the Elsternwick Structure Plan), the structure plan itself, and the existing policy bases notably the Urban Villages Policy. Some of the key comments provided by VCAT in respect to these matters are as follows:

We have some concerns with the extent of weight to be given to the 43 metre discretionary height limit set out in DDO10. We accept that such discretionary height limits have an important role to play in guiding the reasonable expectations of applicants and the surrounding community, as to the likely extent of built form outcome on any particular site. We particularly accept that would be the case where the discretionary height limits set out in a built form control have been arrived at after an extensive program of strategic and urban design analysis. However, where the basis for the discretionary height limit is not known or understood, we consider that there is more work to be done for an applicant in demonstrating that a preferred height limit represents an appropriate built form outcome for any particular site.

We are not persuaded by this evidence and submissions, and instead find that the proposed overall building, at either 12 or 14 storeys in height, would result in an inappropriate built form outcome for this context...

The proposed building is of a significant scale. As described in Prof McGauran's evidence, a building of up to 59.8 m in height is an equivalent height to a mixed use development of 18 or 19 storeys.... As we put to the witnesses during the course of the hearing, the currently tallest approved and constructed buildings in this activity centre include three developments at either 11 or 12 storeys in height, that vary between 35.6 and 38.8 metres when measured to the respective parapet heights. This proposed building is about 50% taller again...

A building of the height proposed for the review site will transform the built form environment in this activity centre. That may well be an acceptable outcome and response to the range of policies contained at a State level, that seek to further intensify development at both activity centres, and near major public transport routes. The review site, of course, is a candidate under both of these locational criteria. However, we are not persuaded that such a transformation of the built form environment in this activity centre, should occur under the existing planning framework.

Firstly, we form that view having regard to the absence of any genuine urban design or strategic analysis that supports the 43 metre discretionary height limit currently set out in DDO10. Secondly, we are also concerned that the existing DDO10 is an interim control, and that the more permanent planning controls and built form guidance for this activity centre are still being created. In the absence of a considered, tested and permanent set of built form controls for this activity centre, we are loath to approve a 14 storey 59.8 metre tall building on the review site, that will have the effect of permanently transforming in a significant manner the built form language for this activity centre.

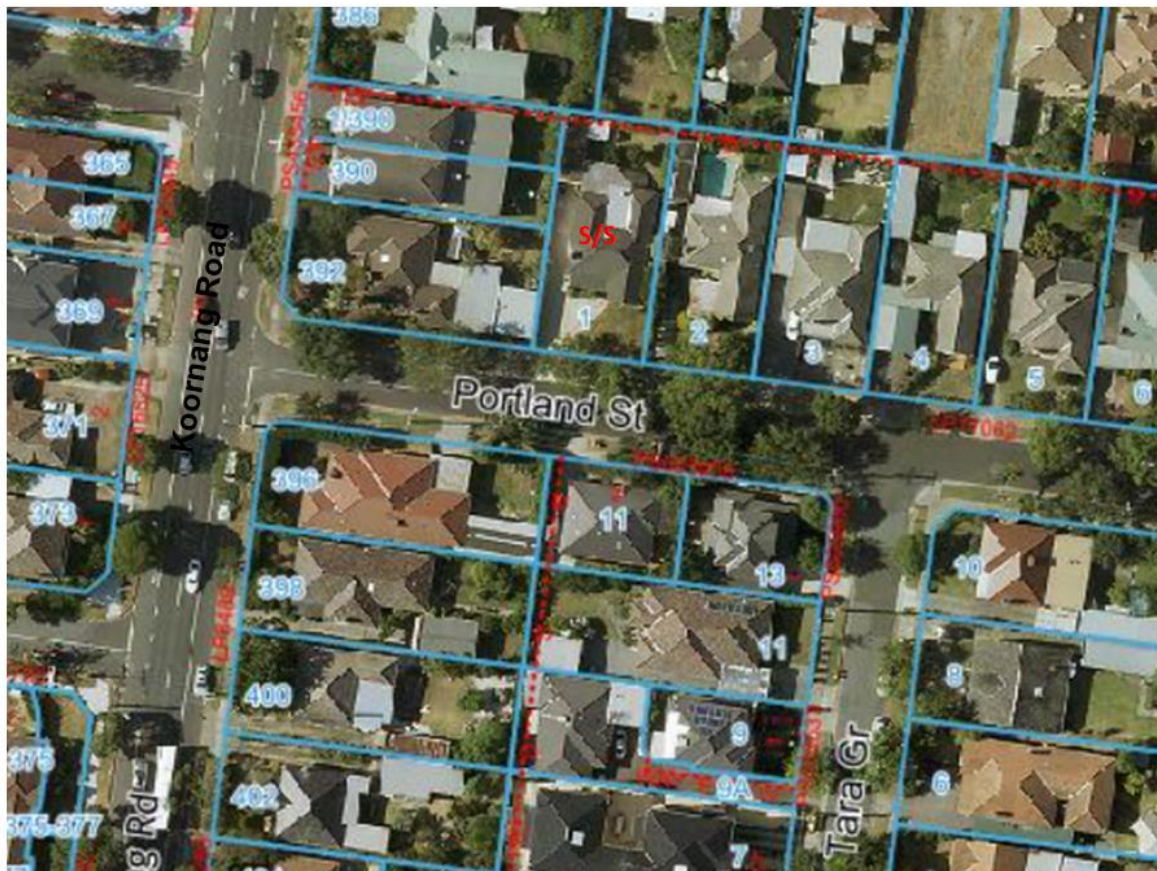
We choose to observe that, if the Council had determined to refuse to grant a permit for the proposed development, rather than condition a reduction in height by six storeys, we would have readily supported that decision that no permit be granted. We agree with the submissions of nearby residents, lead by Mr Jones and Ms Smith, that the proposed building results in a range of built form impacts, that will even be considerable with a reduction in height to 8 storeys. Unfortunately, we find ourselves in a position where a permit has been granted, and we are left to determine particular contested conditions, which only influence particular elements of the overall proposal. Having regard to the various considerations that we need to balance in our decision making task, we consider that the fairest outcome we can offer to all parties, is to support the Council's position in relation to building height.

Council's decision was based on weight given to the structure plan and interim Design and Development Overlay control. Ultimately, the Tribunal have given less weight to these controls and has given more weight to the context of the site and surrounding area.

The decision presents Council with challenges in terms of how much weight should be given to the interim controls, as they have not yet been tested through the further strategic work Council is currently undertaking and panel process.

1 Portland Street Carnegie

An aerial image showing the location of the site is below:



The matter heard at VCAT was an objector appeal against Council's decision to issue a Notice of Decision for two (2) double storey dwellings on the land. VCAT upheld Council's decision to issue a permit.

The above decision is consistent with Council's view that the site is suitable for a dual occupancy development subject to appropriate setbacks and consideration of overshadowing and visual bulk impacts to neighbouring properties. In part, the Tribunal's decision reads:

I do not consider any of these issues (involving overshadowing and visual bulk) to give rise to unreasonable amenity impacts which warrant my refusal of the application. Rather, having considered these matters as well as other potential amenity impacts, I consider the proposal to be appropriately designed so as to mitigate unreasonable impacts to third parties and to comply with the objectives of clause 55 of the scheme relating to external amenity.

VCAT directed that a permit be issued subject to the conditions already included in Council's Notice of Decision to Grant a Permit, with no changes.

11-13 Tranmere Avenue Carnegie

An aerial image showing the location of the site is below:



The matter heard at VCAT was an applicant appeal against Council's decision to refuse an extension of time to grant a planning permit.

The history of the site was that a four storey apartment building containing 21 dwellings above basement car parking was issued on 14 August 2017. At the time of the approval, the site was zoned Residential Growth Zone (RGZ1) and did not have any overlays that would affect the height or setbacks of the development (The zone and Clause 55 of the Glen Eira Planning Scheme or 'ResCode' were the relevant considerations).

Subsequently, the interim Design and Development Overlay was introduced onto the land which meant that a maximum mandatory height of up to three (3) storeys could now only be approved on the land, should a fresh application be made.

However, as a permit was already approved at four (4) storeys, but had not been commenced within the relevant timeframe outlined in a condition of the permit, an extension of time to commence the development was applied for.

Having regard to the new controls including the maximum mandatory three storey height limit, additional setbacks and preferred lower scale building typology, Council refused the application to extend the timeframe to commence construction.

The matter was heard on 17 October 2019 where VCAT overturned Council's decision to refuse the extension of time, and granted the permit extension. Oral reasons for this were given at the hearing and are summarised below;

- The permit was issued recently, with this being the first extension of time.
- The applicant has taken steps to progress the permit including endorsement of plans.
- There are no onerous conditions on the permit which would prevent the applicant from commencing imminently.
- The Tribunal considered the reasons for not commencing acceptable, in that there has been a market downturn, resulting in financial difficulties.
- The built context of the neighbourhood remains the same as when the application was decided and there have been infrastructure improvements to the Carnegie area.
- There are similar height developments built within a close proximity to the subject site.
- The only change to the planning scheme has been the introduction of the DDO (which is set to expire at the end of the year). There has not been any strategic change of direction, as the local policy still directs growth to Carnegie.

As with the Horne Street decision, this decision presents Council with challenges in terms of how much weight should be given to the interim controls, as they have not yet been tested through the further strategic work Council is currently undertaking and panel process.

122 Grange Road Carnegie

An aerial image showing the location of the site is below:



Road and Glen Huntly Road, removal of a hot house in the south eastern corner of the land and the inclusion of a W Class Tram in the south-eastern part of the land.

VCAT upheld Council's decision to issue a permit. The main issues in contention were whether the proposed works were suitable given the zoning and Heritage Overlay affecting the land and whether or not the works would represent an appropriate amenity outcome for the site to the south which is within the General Residential Zone Schedule 1.

Specifically, the Tribunal found that the works (including the fence which would have the most prominence from the streetscape) were appropriate for the following reasons:

Council officer considers the 'Victorian' features of the front fence as acceptable, as it is not replacing an existing original fence, and it presents the heritage building in full.

My inspection of the site confirms that the dominant structure on the land is the heritage building itself. I agree with council's heritage adviser that the location of the W Class Tram and the water tanks are away from the heritage building, and that they do not have a direct impact on the significance of the building nor have an adverse impact on the streetscape.

As for the front fence which clearly has some Victorian design features, particularly the two front pillars which sit on a bluestone plinth. The 'palisades' that make up the fence gives an impression that it is a Victorian wrought or cast iron fence. A closer look at the palisades reveals that the details, such as dimensions, are modern, and should not be confused with a Victorian fence or the original fence of the building, which I expect to be timber. Given an absence of a drawing or a photograph of the original fence, that it is not possible to replace it with the original design, I agree with Council that the proposed fence is beneficial in revealing the entire facade of the significant building in full to Grange Road.

In regards to the impact on the property to the south, the Tribunal found that overlooking and overshadowing impacts to be acceptable and further commented that:

Whilst the planning scheme requires consideration of amenity impact, particularly in the areas of overlooking and overshadowing for land in the Commercial 1 Zone that abuts a residential zone, expectation from the abutting land in the residential zone should be mindful that it abuts a Commercial 1 Zone where the objective is for a vibrant commercial area and where multi-storey buildings can be considered. Indeed, there are such multi storey apartment buildings approved and development in the near vicinity.

VCAT directed that a permit be issued subject to the conditions already included in Council's Notice of Decision to Grant a Permit, with no changes.

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 in 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

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

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

NEW APPEALS LODGED WITH THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

N/A

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	Next Type of Hearing	Next VCAT Date
31 Weeroona Road MURRUMBEENA	P25/2019	Construction of seven (7) attached dwellings with basement car parking	s77 (Refusal)	GRZ1	Refusal	Council	*	*
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	s77 (Refusal)	C1Z	Refusal	Council	*	*
6-8 Bevis Street BENTLEIGH EAST	P840/2019	Construction of a 3 storey building comprising 22 apartments and a basement car park	S77 (Refusal)	GRZ1	Planning Permit	Council	Merits Hearing	10/02 /2020
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	25/10 /2019
10-16 Selwyn Street ELSTERNWICK	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)	MUZ 1	Refusal	Council	Merits Hearing	18/11 /2019
335 Chesterville Road BENTLEIGH EAST	P1164/2019	Construction of two (2) double storey attached dwellings	S82 (Objector)	NRZ1	NOD	Officer	Merits Hearing	3/12 /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	5/12 /2019

10 Quinns Road BENTLEIGH EAST	P1285/ 2019	Construction of four (4) three storey attached dwellings	S80 (Conditions)	GRZ1	Planning Permit	Council	Merits Hearing	10/01 /2020
103 Gardenvale Road GARDENVALE	P1559/ 2019	Development of the site for a 4 storey mixed use development comprising ground floor retail, 2 levels of offices and use of the upper level for a dwelling with a reduction in car parking requirements within a Special Building Overlay	S77 (Refusal)	C1Z	Refusal	Officer	Merits Hearing	10/02 /2020

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	VCAT Decision (effect on Council decision)
506 Hawthorn Road CAULFIELD	P734/ 2019	Construction of a three storey building	S82 (Objector)	GRZ2	NOD	Officer	Upheld	Permit Issued
122 Grange Road CARNEGIE	P1789/ 2019	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	S82 (Objector)	C1Z	NOD	Officer	Upheld	Permit Issued
11-13 Tranmere Avenue CARNEGIE	P1203/ 2019	Construction of a four storey building above basement car park comprising up to twenty-one (21) dwellings	S81 (Extension of time)	RGZ1	Refusal	Officer	Overtaken	Extension of Time granted
1 Portland Street CARNEGIE	P369/ 2019	Construction of two (2) double storey attached dwellings	S82 (Objector)	NRZ1	NOD	Officer	Upheld	Permit Issued
7-15 Horne 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 of food and drink premises, offices and shops	S80 (Conditions)	C1Z	Planning Permit	Council	Upheld	Permit Issued

66 Burrindi Road CAULFIELD SOUTH	P1789/ 2019	Construction of two (2) double storey attached dwellings	S82 (Objector)	NRZ1	NOD	Officer	Objector Appeal Withdrawn	N/A
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9.2 10-16 SELWYN STREET, ELSTERNWICK - VCAT APPEAL REQUIREMENTS - 'WITHOUT PREJUDICE' DRAFT CONDITIONS

Author: Kristian Cook, Coordinator Urban Planning

Trim No: 19/1275096

Attachments: 1. 10-16 Selwyn Street ELSTERNWICK - Draft permit conditions [↓](#)
2. VCAT Practice Note PNPE1 - Planning and Environment List - General Procedures [↓](#)

PURPOSE AND SUMMARY

Where Council has refused a planning permit application, 5 business days before the merits hearing at the Victorian Civil and Administrative Tribunal (VCAT), Council is required by VCAT to circulate 'without prejudice' draft planning permit conditions (Attachment 1) to VCAT and all of the parties. This is a requirement of the VCAT Practice Note – Planning and Environment List General Procedures (Attached 2).

The hearing is listed to commence on 18 November 2019, which means that Council must circulate the draft conditions no later than 8 November 2019.

The purpose of the draft permit conditions is to assist VCAT, on a without prejudice basis, should it determine to approve the application. All parties are able to make submissions in respect to the draft conditions at the end of the hearing, which includes why they are appropriate and the strategic basis behind them.

The 'without prejudice' draft conditions required by VCAT:

- do not alter Council's position on the amended application
- do not alter Council's grounds for refusal
- do not indicate Council's support for the application
- do not indicate that compliance with the conditions would result in an acceptable outcome from Council's point of view

Council will continue to oppose the application at the VCAT hearing.



RECOMMENDATION

That Council notes the 'without prejudice' draft permit conditions, that will be circulated to VCAT and all parties by 8 November 2019, including any necessary and appropriate changes as a result of expert witness statements circulated by the parties.

BACKGROUND

Council refused a planning application for the part demolition 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, at its Ordinary Council Meeting on 5 February 2019.

The permit applicant appealed this decision to VCAT and amended plans were formally circulated on 2 October 2019 to VCAT and all parties. Council considered the amended plans at the Ordinary Council Meeting on 16 October 2019 and determined to continue to oppose the application generally in accordance with its original grounds of refusal. Council resolved:

1. *to maintain its opposition to the proposal and to defend its refusal of the application at the upcoming appeal at the Victorian Civil and Administrative Tribunal, generally in accordance with the reasons for refusal resolved at the Council meeting on 5 February 2019; and*
2. *authorises the Manager Urban Planning to make minor changes to the grounds of refusal (if needed) following the receipt of additional information from the applicant for review and Council's independent experts.*

Council's draft permit conditions are not an opportunity to revisit its grounds of refusal, nor do they alter Council's position on the application.

The draft permit conditions must include those required by the Glen Eira Planning Scheme, a determining referral authority and any other condition that Council considers to be appropriate, provided there is strategic justification or a clear purpose that is connected to the relevant planning permission sought.

The following is an excerpt from the VCAT Practice Note (Attachment 2):

What are the requirements for providing draft permit conditions?

22 In a review proceeding under the *Planning and Environment Act 1987* where a responsible authority has not issued a notice of decision to grant a permit, and the application might result in the Tribunal directing that a permit issue, the responsible authority must no later than one week before the hearing:

Victorian Civil and Administrative Tribunal (VCAT)
VCAT Practice Note PNPE1 [December 2014]

Page 5 of 7

- (a) send the Tribunal via email a written draft of all the conditions which the responsible authority considers a permit should contain if it were to be granted; and
- (b) send a copy of the written draft conditions to all other parties by any usual method of service.

ISSUES AND DISCUSSION

Officers continue to oppose the application in accordance with the 16 October, 2019 Council resolution.

It is not considered that the grounds of refusal adopted by Council at the 16 October 2019 Ordinary Council Meeting can be resolved through changes addressed by permit conditions.

Whilst officers have prepared a draft Condition 1 that includes changes to the proposal (and its height), this is not to suggest that this would achieve a satisfactory outcome in response to Council's grounds of refusal. Rather, this is a requirement of VCAT that Council provides conditions to VCAT that are relatable to the application before it, and that could be reasonably applied as conditions should VCAT determine to approve the application. It is not helpful for VCAT, or appropriate for Council, to include draft conditions that are so substantial they would transform the proposal, or result in unknown outcomes and consequential impacts to the proposal.

At the time of preparing this report, officers had not received the expert witness statements circulated by the parties, which may contain recommendations that could be included as draft permit conditions. These statements will have been circulated by 31 October 2019. Any relevant requirements of the expert witness statements may be included in the draft permit conditions if deemed necessary and reasonable.

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

That Council officers circulate the draft permit conditions as generally set out in the attachment. This is subject to the inclusion or modification of any further conditions that are informed by expert witness statements.

VCAT REFERENCE NO.	P263/2019
APPLICANT	Fabcot Pty Ltd
RESPONSIBLE AUTHORITY	Glen Eira City Council
DATE OF HEARING	18 November 2019
CONDITION REVISION:	‘Draft permit conditions’ for Merits Hearing commencing on 18 November 2019

Draft Permit Preamble

This permit allows:

- the partial demolition and removal of a building under clause 43.01-1 of the Heritage Overlay;
- the construction of a building or the construction or carrying out works under clause 43.01-1 of the Heritage Overlay;
- the construction and display of a sign under clause 43.01-1 of the Heritage Overlay;
- use for a ‘shop’ (supermarket) as the leasable floor area exceeds 150sqm under clause 32.04-2 of the Mixed Use Zone;
- the use for a ‘place of assembly’ as the gross floor area exceeds 250sqm under clause 32.04-2 of the Mixed Use Zone;
- the use for the sale of packaged liquor (bottle shop) under clause 52.27;
- the construction of two or more dwellings on a lot under clause 32.04-6 of the Mixed Use Zone;
- the construction of a building or the construction or the carrying out of works for the section 2 uses under clause 32.04-9 of the Mixed Use Zone;
- the construction of a building or the construction or the carrying out of works under clause 43.02-2 of the Design and Development Overlay;
- the reduction of car parking spaces for dwellings under clause 52.06; and
- the display of business identification signage under clause 52.05,

in accordance with the endorsed plans and subject to the following conditions.

Draft Conditions

Plans

1. Before the development starts, amended plans and documents to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The amended plans must be drawn to scale with dimensions and must be generally in accordance with the plans identified as TP002, TP003, TP004, TP096, TP097, TP098, TP099, TP100, TP101, TP102, TP103, TP104, TP105, TP106, TP107, TP108, TP109, TP110, TP111, TP112, TP113, TP114, TP200, TP201, TP202, TP203, TP204, TP205, TP250, TP251, TP252, TP253 and TP500, Revision 06, and TP254, Revision 01, all dated 01.10.2019 prepared by Fender Katsalidis but further modified to show:

(a) Southern tower changes:

- (i). The overall height of the 14 storey section (eastern section) of the building reduced by 6 storeys to a maximum height of 46.05m to AHD, with the newly exposed eastern elevation treated with glazing consistent with the remainder of the building.
- (ii). Southern elevation glass curtain wall modified to include more visual interest through materials that complement the existing character of the area and to break up the mass of this section.
- (iii). The setback to the southern boundary increased to a minimum of 6.0m and no part of the tower within 6.0m of the retained sections of the former Fire Station building.
- (iv). The setback to the western boundary (Level 01 upwards) increased to a minimum of 6.0m

All changes must be absorbed within the remainder of the approved building envelope.

(b) Northern tower changes:

- (i). The overall height reduced by 2 storeys to a maximum height of 44.35m to AHD.
- (ii). The setback to western boundary (Level 2 upwards) increased to a minimum of 6.0m
- (iii). The windows in the vertical recesses along the east elevation modified to enhance the presentation of the recesses to facilitate a more pronounced three dimensional form presentation.

- (c) Podium changes:
 - (i). The vehicle accessway reduced in width to two lanes with no exit to the right permitted and the accessway relocated further to the south adjacent the Fire Station.
 - (ii). The Kiosk's increased to a minimum of 151m² with this achieved through increasing the depth that the Kiosk's extend into the site.
 - (iii). The Place of Assembly modified as follows:
 - a. Relocation of the lift more internally, away from the external walls or windows of the use.
 - b. Relocation and redesign of the pedestrian entrance to Selwyn Street and more prominent.
 - (iv). The residential lobby of the southern tower modified to have access to the lifts clearly visible from the Selwyn Street entrance to the lobby.
- (d) The separation between the north-west section of the southern tower and the south-west section of the northern tower increased to a minimum of 16.36m with this change absorbed within the remainder of the approved building envelope.
- (e) A detailed Level 01 Communal Open Space Plan that clearly demonstrates the following:
 - (i). Design measures that limit overlooking and noise impacts from the communal open space areas to the Level 01 apartments that have a direct interface.
 - (ii). Provisions ensuring that the space is useable throughout the year and in a range of weather conditions.
 - (iii). Lighting details ensuring that it does not impact on the amenity of the apartments that face directly onto the area.
 - (iv). Areas delineated where people will be able to use the open space for recreational or place gathering activities, ensuring they are not located immediately adjacent habitable rooms of adjoining apartments.
 - (v). Areas set aside for landscaping.
- (f) Additional information demonstrating how overlooking impacts from apartment to apartment is limited in accordance with Standard D15 (Internal views) of the Glen Eira Planning Scheme.

- (g) The north-south section of the communal corridor on levels 4 to 6 of the northern tower provided with a source of natural daylight and ventilation.
- (h) Overlooking impacts from the terrace of the two bedroom apartment located immediately to the west of the 'Pool', screened in accordance with Standard D14 (Building Setback) to avoid views onto the secluded private open space areas of numbers 16 and 18 Sinclair Street.
- (i) Overlooking impacts from the Level 01 communal open space areas, including pool screened in accordance with Standard D14 (Building Setback) to avoid direct views to the secluded private open space and/or habitable room windows of the following sites:
 - (i). 1 St Georges Road;
 - (ii). 1 and 3 May Street; and
 - (iii). 16, 18 and 20 Sinclair Street.
- (j) The externally accessible area and east facing windows of the 'Supermarket Plant' room and 'Retail – Supermarket Office' screened in accordance Standard D14 (Building Setback) to avoid views onto the secluded private open space and/or habitable room windows of numbers 1 and 3 May Street.
- (k) Details of how access from the supermarket loading bay to the substation will be facilitated without impacting the use of the supermarket loading bay and Basement 01 vehicle accessway.
- (l) All car spaces and vehicle accessways designed and dimensioned in accordance with Clause 52.06-9 (Design Standards) of the Glen Eira Planning Scheme, or to the satisfaction of the Responsible Authority.
- (m) All car spaces allocated to their associated use.
- (n) All apartments referenced with an apartment number.
- (o) The residential loading area to be free of any columns.
- (p) Detailed advertising signage plans demonstrating how they are integrated into the development.
- (q) Detailed elevations at a scale of 1:50 and sections at a scale of 1:20 showing the podium level streetscape detailing (including window reveals, door profiles and architectural features) along Selwyn Street

and Sinclair Street, and to demonstrate all site services are treated in a way that is integral to the design of the building.

- (r) Details of the treatment of the travelator to ensure views are maintained into the supermarket area from Selwyn Street.
 - (s) The supermarket loading dock and plant area in the north-eastern corner of the site is to be fully enclosed along the northern and eastern elevations, with the exception of the loading dock entrance door.
 - (t) An updated physical materials board showing all external façade materials, colours and finishes.
 - (u) Detailed and dimensioned floor layout plans of each apartment typology that demonstrates compliance with the following provisions of Clause 58 of the Glen Eira Planning Scheme:
 - (i). Standard D17 – Accessibility;
 - (ii). Standard D19 – Private open space;
 - (iii). Standard D20 – Storage;
 - (iv). Standard D24 – Functional layout;
 - (v). Standard D25 – Room depth;
 - (vi). Standard D26 – Windows; and
 - (vii). Standard D27 – Natural ventilation.
 - (v) Any requirement of the landscaping plan required under condition 4.
 - (w) Any requirement of the waste management plan under condition 9.
 - (x) Any requirement of the loading bay management plan under condition 13.
 - (y) Any noise attenuation measures or requirement of the acoustic report under condition 16.
 - (z) Any requirement of the environmentally sustainable design under condition 20.
 - (aa) Any requirement of the public realm management plan under condition 24.
 - (bb) Any requirements of Transport for Victoria under conditions 51 to 54.
2. The layout of the uses and the development as shown on the endorsed plans, including the location and details of the signs must not be altered or

modified (unless the Glen Eira Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.

3. As part of the ongoing consultant team, Fender Katsilidis Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to oversee the design and construction to ensure that the design quality and appearance of the approved development is realised or otherwise to the satisfaction of the Responsible Authority.

Landscaping plan

4. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must be prepared by a person suitably qualified or experienced in landscape design and must be drawn to scale with dimensions. All species selected must be to the satisfaction of the Responsible Authority. The landscape plan must show:
 - (a) A planting schedule of all proposed vegetation including botanical names, common names, pot sizes, sizes at maturity, quantities of each plant, and details of surface finishes of pathways and driveways;
 - (b) Landscaping and planting within all outdoor areas (level 1 podium, level 5 communal terrace, level 8 communal terrace and green walls);
 - (c) Details of how the landscaping will be maintained including automated irrigation treatments;
 - (d) Advanced canopy trees (minimum 2.0 metres tall when planted unless otherwise agreed to in writing by the Responsible Authority) in the following areas:
 - (i). 35 trees within the level 1 East & West Podium (or as per the Proposed Plant Schedule by Rush Wright & Associates dated 02 Feb' 18'); and
 - (ii). 9 trees within the level 5 Communal Area (or as per the Proposed Plant Schedule by Rush Wright & Associates dated 02 Feb' 18').

Or 44 trees as above in locations to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscaping Plan must be carried out and completed to the satisfaction of the Responsible Authority.

6. The landscaping shown on the endorsed Landscaping Plan must be maintained to the satisfaction of the Responsible Authority including by:
- (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed landscape plan.
 - (b) Not using the areas set aside on the endorsed landscape plan for landscaping for any other purpose.
 - (c) Replacing any dead, diseased, dying or damaged plants.

Construction Management Plan

7. Before the development starts, including any demolition and excavation, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Construction Management Plan (**CMP**) must show:
- (a) Delivery and unloading points and expected frequency;
 - (b) Truck haulage routes, circulation spaces and queuing lanes. Truck haulage routes must exclude Sinclair Street unless agreed to in writing by the Responsible Authority;
 - (c) Details how traffic and safe pedestrian access will be managed, particularly during the drop-off and pick-up times of the Sholem Aleichem College. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
 - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (f) Any requirements outlined within this permit as required by the relevant referral authorities;
 - (g) Hours for construction activity must only occur within the following hours:
 - (i). 7am to 6pm – Monday to Friday
 - (ii). 7am to 1pm – Saturdays
 - (iii). No construction on Sundays or public holidays
 - (h) Measures to control noise, dust, water and sediment laden runoff;
 - (i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;

- (j) Any construction lighting to be baffled to minimise intrusion on adjoining lots; and
 - (k) Measures to prevent vehicles blocking the laneway adjoining the property to the south (rear of properties fronting Glen Huntly Road).
8. All construction (including demolition and excavation) must be carried out and complied with in accordance with the approved CMP to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Waste Management Plan

9. Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must show:
- (a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours;
 - (b) Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must:
 - (i). Incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection;
 - (ii). Use a small rigid vehicle; and
 - (iii). Be undertaken at times that do not coincide with drop-off and pickup times at the Sholem Aleichem College;
 - (c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days;
 - (d) Details for best practice waste management once operating;
 - (e) Swept path analyses of waste vehicles in and out of the site, as well as through the local road network, prepared by a suitably qualified traffic engineer;
 - (f) Demonstration all headroom clearances within the development are adequate for waste vehicles to complete waste collection on site; and

- (g) Demonstration all commercial and residential waste collection will occur on site.
- 10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Venue Management Plan

- 11. Before the use of the Place of Assembly starts, a Venue Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must include:
 - (a) Detailed description of various activities that will occur on site (including library, museum, offices, school assemblies and congregations). The description should contain details of when and where these activities will be taking place;
 - (b) Patron Numbers (100, except when used for school assemblies and school activities by Sholem Aleichem College, where a total of 250 patrons may be permitted on site);
 - (c) Operating hours of each component of the use;
 - (d) A plan including any relevant policies or procedures put in place to ensure that venue will remain of 'community benefit' and will be used by groups that are considered to enhance or be associated with the Jewish Cultural and Arts Precinct.
- 12. The provisions, recommendations and requirements of the endorsed Venue Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Loading Bay Management Plan

- 13. Before the buildings are occupied, a Loading Bay Management Plan for all loading bays (commercial and residential) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and dimensioned. The plan must include:
 - (a) Operating hours of all loading bays with particular regard to the drop-off and pick-up times of the Sholem Aleichem College;

- (b) Noise attenuations measures that comply with Conditions 16, 17, 18 and 19;
 - (c) Routes travelled on the local road network by commercial vehicles (to be via Glen Huntly Road, St George's Road and Sinclair Street only);
 - (d) Details of commercial vehicle parking areas whilst waiting for the loading bay to become available with this not to occur within residential streets;
 - (e) Specifications of commercial vehicles ensuring they do not exceed 14.7m in length;
 - (f) Commercial vehicles are to enter and exit the supermarket loading bay in a forwards direction at all times;
 - (g) Frequency of commercial deliveries and details of the management of such deliveries, including limiting commercial deliveries/collection to no more than one in any half hour period;
 - (h) Maintenance and cleaning of all loading bays;
 - (i) Operational details of the residential loading bays including the management of new residents and bulky goods deliveries;
 - (j) Loading and unloading may only take place between the following hours:
 - (i). 7.00am-6.30pm, Monday to Friday; and
 - (ii). 8.00am-6.00pm, Saturday;
 - (iii). No loading or unloading may take place on Sundays.
14. The provisions, recommendations and requirements of the endorsed Loading Bay Management Plan must be implemented and thereafter complied with at all time to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Trolley Management

15. Before the supermarket use starts, the operator of the supermarket tenancy must submit a Trolley Management Plan to the satisfaction of the Responsible Authority detailing measures for the efficient management of shopping trolleys including collection and storage. Once approved, the plan will be endorsed and will then form part of the permit. The Trolley Management Plan must be implemented and complied with by the supermarket operator at all times to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Acoustic report

16. Before the plans in Condition 1 are endorsed, an Acoustic Report prepared by a suitably qualified acoustic engineer and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must prescribe the form of acoustic treatment to:
 - (a) protect nearby dwelling occupants and future residents within the building with a direct interface to commercial tenancies above, next to or below from associated commercial noise sources, including but not limited to loading dock, supermarket, place of assembly and cafés (including reversing beepers), plant and equipment;
 - (b) the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development.
17. Before the development starts, a further acoustic report prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority must be submitted. Once approved, the further acoustic report will be endorsed and will then form part of the permit. The further acoustic report must nominate the specific acoustic design and attenuation to address the supermarket plant and equipment (including the condenser area) and demonstrate that SEPP N-1 noise limits can be achieved, to the satisfaction of the Responsible Authority.
18. Within two months of all of the uses commencing, an updated acoustic report prepared by a suitably qualified acoustic consultant and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The updated acoustic report must demonstrate compliance with Condition 19 and that the required level of noise attenuation has been achieved in accordance with Conditions 16 and 17 of the permit or, if not, what works must be undertaken to achieve the required levels of noise attenuation. Compliance testing must be undertaken with plant equipment operating at practical worst caseloads (as could occur during hot weather in summer during the evening and night).
19. Noise levels to and from the development must not exceed those required to be met under the State Environment Protection Policy (Control of Noise from Industrial Commerce, Industry and Trade), No. N-1 (SEPP N-1) and the State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 (SEPP N-2), accepted sleep disturbance criteria and the EPA Publication 1254 or any other equivalent or applicable State policy.

Environmentally Sustainable Design

20. Before the development starts, an Environmentally Sustainable Design Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must outline how the development complies with Standards D6 and D13 of Clause 58 of the Glen Eira Planning Scheme. Any Environmentally Sustainable Design features within the report must be included and shown on the plans.
21. The provisions, recommendations and requirements of the endorsed Environmentally Sustainable Design Report must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Car Parking and Bicycle Parking

22. Before the buildings are occupied, a Car Parking and Bicycle Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and dimensioned. The plan must include:
 - (a) The allocation of car spaces to each use within the development;
 - (b) The number and location of the car spaces in the basement commercial car park. All these spaces must be available for public use;
 - (c) Barrier mechanisms and/or paid parking arrangements;
 - (d) Installation of a number plate recognition system on-site at the ground floor entrance to car parking area;
 - (e) Bicycle parking facilities including end of trip facilities and public access arrangements;
 - (f) An internal signage plan for the commercial carpark including directional arrows and signage, informative signs indicating location of disabled bays, small parking bays, bicycle parking, exits, restrictions, pay parking system etc;
 - (g) The security arrangements for occupants of the development;
 - (h) Details of way finding, cleaning, security of end of trip bicycle facilities; and
 - (i) Any policing arrangements and/or formal agreements.
23. The provisions, recommendations and requirements of the endorsed Car Parking and Bicycle Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Public Realm Management Plan

24. Before the development starts, a Public Realm Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be prepared by a suitably qualified urban design professional and must be drawn to scale and dimensioned. The plan must include:
- (a) Plans, elevations, treatments and materials schedules prepared in conjunction with the relevant Council departments for the following public areas:
 - (i). Selwyn Street between Glen Huntly Road and Sinclair Street (frontage of the subject site);
 - (ii). Sinclair Street between 16 Sinclair Street and Selwyn Street (frontage of the subject site); and
 - (iii). Laneway south of the subject site between 277 and 297 Glen Huntly Road;
 - (b) Description of proposed works, including proposed landscaping, surface treatments, street furniture (including signage, bins, seats, bicycle facilities, gates, fences and the like);
 - (c) Details of water sensitive urban design;
 - (d) A plan which defines the area the works are to be undertaken; and
 - (e) Vehicle and pedestrian access arrangements including any signage or safety measures.
25. Before the development starts, the 'road' status of May Street (TP896250M) must be discontinued and removed.
26. Before the development is completed, the requirements of the endorsed Public Realm Management Plan must be carried out and completed to the satisfaction of the Responsible Authority.

Environmental investigation

27. Before the development starts, other than necessary demolition and investigation works forming the environmental site assessment process), an Environmental Assessment must be submitted to and approved by the Responsible Authority. The Environmental Assessment Report must be prepared by a suitably qualified environmental professional in accordance with the Potentially Contaminated Land General practice Note (Department of Sustainability & Environment June 2005) to the satisfaction of the Responsible Authority. The report must include recommendations as to

whether the condition of the land is such that an Environmental Audit should be conducted taking into account the proposed uses. The owner/developer must comply with the findings of the site assessment to the satisfaction of the Responsible Authority, including if required the preparation of an environmental audit.

28. If, in accordance with Condition 27, an Environmental Audit is required, then before the development starts (other than excavation as necessary) either:
- (a) A Certificate of Environmental Audit for the land must be issued in accordance with section 53Y of the *Environment Protection Act 1970* and provided to the Responsible Authority; or
 - (b) An Environmental Auditor appointed under section 53S of the *Environment Protection Act 1970* must make a Statement in accordance with section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.
29. Where a Statement of Environmental Audit is issued for the land in accordance with Condition 28:
- (a) the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement to the satisfaction of the Responsible Authority;
 - (b) prior to the commencement of the uses and buildings and works (other than excavation) and prior to the issue of an Occupancy Permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify the directions and conditions contained in the Statement are satisfied; and
 - (c) where any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council under section 173 of the *Planning and Environment Act 1987*. Where a section 173 Agreement is required, the Agreement must be executed before the development starts. All expenses involved in the drafting, negotiating, reviewing, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).

Section 173 agreement

30. Before the development starts, the owner of the land must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*. The agreement must provide:
- (a) The area identified as the kiosk on the ground floor to be used only for uses defined as food and drink premises, art gallery, or museum as defined by the Glen Eira Planning Scheme, or otherwise as agreed in writing by the Responsible Authority.
 - (b) The area identified as the Place of Assembly on the ground and mezzanine floor plan to be used only in accordance with the Venue Management Plan required by Condition 11.
31. Before the development starts, the Section 173 Agreement must be registered on the title to the land. All expenses involved in the drafting, negotiating, reviewing, lodging, registering and the execution of the Agreement, including those incurred by the Responsible Authority, must be met by the owner(s) of the land.

Engineering conditions

32. Before the development starts, functional layout plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be prepared by a suitably qualified engineer and must be drawn to scale and dimensioned. The plans must include:
- (a) signalisation of Selwyn Street and Glen Huntly Road with any associated widening of the Selwyn Street carriageway to facilitate separate left and right turn lanes on the north approach;
 - (b) widening of St. Georges Road to provide separate left and right turn lanes on the north approach;
 - (c) modifications to Gordon Street to ban the right turn movement on the north approach; and
 - (d) consideration of any tram superstop upgrades by responsible tram operator (if applicable).
33. Before the development is completed, the requirements of the endorsed functional layout plans must be carried out and completed at no cost to Council to the satisfaction of the Responsible Authority.

General Amenity

34. Before the development is completed, all screening shown on the endorsed plans must be erected and thereafter maintained in accordance with the

endorsed plans. The screening measures as shown on the endorsed plans are not to be altered or removed without the written consent of the Responsible Authority.

35. The amenity of the area must not be adversely affected by the uses or development including through the:
- (a) transport of materials, goods or commodities to or from the land;;
 - (b) appearance of any building, works, stored goods or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) Traffic generated by the use,
- or in any other way, to the satisfaction of the Responsible Authority.
36. All security alarms or similar devices installed on the land must be of a silent type.
37. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.
38. All pipes, fixtures, fittings and vents servicing any building must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
39. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
40. Before the buildings are occupied, the walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority. Painted or bagged walls must be finished to a uniform standard and unpainted or unrendered walls must have all excess mortar removed.

Supermarket

41. The supermarket use must not commence until the Selwyn Street partial road closure adopted in accordance with Council's resolution from the 30 April 2019 Ordinary Council Meeting has been completed.
42. The supermarket use must operate only between the hours of 7am and midnight, seven days a week (Monday through Sunday).

Bottle Shop

43. The bottle shop must operate only between the hours of:

- (a) 9am to 11pm Monday to Saturday
- (b) 10am to 11pm Sunday
- (c) 12pm to 11pm ANZAC Day
- (d) No trading on Good Friday or Christmas Day

Parking

44. The car parking allocation for the approved development must be:

- (a) Not less than one (1) car space per one or two bedroom dwelling;
- (b) Not less than two (2) car spaces per three (3) or more bedroom dwelling;
- (c) Not less than 5 car spaces to each 100 square metres of leasable floor area for the supermarket use;
- (d) Not less than 3.5 spaces to each 100 square metres of leasable floor area for the food and drink premises; and
- (e) Not less than 30 spaces for the place of assembly.

45. Before the building is occupied, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- (a) fully constructed;
- (b) properly formed to such levels that may be used in accordance with the plans;
- (c) surfaced with an all-weather surface or seal coat (as appropriate);
- (d) drained and maintained in a continuously usable condition;
- (e) line marked to indicate each car space, loading bay and/or access lane;
- (f) clearly marked to show the direction of traffic along access lanes and driveways,

all to the satisfaction of the Responsible Authority.

46. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

47. Before the buildings are occupied, all bicycle parking facilities must be installed and thereafter maintained to the satisfaction of the Responsible Authority.

Signage

48. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
49. External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.
50. The signage light source must be designed to minimise light spillage onto surfaces other than the sign to the satisfaction of the Responsible Authority.

Transport for Victoria requirements

51. Prior to the occupation of the development, the permit holder must obtain the approval of the Department of Transport for the installation of traffic signals at the intersection of Selwyn Street and Glen Huntly Road generally in accordance with the GTA plan ref: V129143-01 Issue P3 (Proposed Signalised Intersection Selwyn Street Elsternwick).
52. In the design of the traffic signals as required by condition 51 of this permit, tram detector loops and/or signal phasing operations are to be included to the satisfaction of the Department of Transport so as to minimise delays to the tram network.
53. Unless otherwise agree in writing by the Department of Transport, before the use of the land commences, an Integrated Transport Plan (ITP) must be submitted, approved and implemented (at the permit holders full cost) to the Department of Transport and the Responsible Authority that includes, but is not limited to:
 - (a) The expected demand for travel by people who will work, live or visit the site and target transport mode split to encourage walking, cycling and use of public transport.
 - (b) Existing public transport and cycling routes, stops and infrastructure (e.g. shelters, signage, pedestrian crossing) within the site and surrounds.
 - (c) Bicycle parking rates and the location and layout of any bicycle parking areas including end of trip facilities.
 - (d) Way finding strategy for the site and surrounds.
 - (e) Green Travel Plan initiatives for the development site, including an employee awareness and education program.

54. The permit holder must avoid disruption to tram and bus operations along Glen Huntly Road during the construction of the development. Any planned disruptions to tram/bus operations during constructing and mitigation measures must be communicated to and approved by the Department of Transport a minimum of thirty-five (35) days prior. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Department of Transport at the full cost of the permit holder.

Expiry

55. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within four years of the date of this permit.
 - (b) The development is not completed within six years of the date of this permit.
 - (c) The use is not started within six years of the date of this permit.
 - (d) The use is discontinued for a period of two years.

The Responsible Authority may extend the permit if a request is made in writing in accordance with section 69 of *Planning and Environment Act 1987*.

56. The permit as it relates to the display of signs will expire fifteen years from the date on which the use commences, at which stage all signs and structures built specifically to support and illuminate the signs must be permanently removed from the land.



Practice Note – PNPE1
Planning and Environment List General Procedures

Application	Planning and Environment List
Effective date	1 December 2014
Supersedes practice note	PNPE1 issued on 15 February 2013
Special note	Please ensure that you are using an up-to-date version of this practice note. Other practice notes may also apply.
Further information	A complete set of current practice notes are available on the Tribunal website at www.vcat.vic.gov.au .

Contents

Topic	Page No
Introduction	2
Definitions	2
How do I seek a directions hearing?	3
What information can I obtain from the responsible authority?	3
How do I seek further particulars of another party's case?	4
What can I do if I consider insufficient time has been allocated for a hearing?	4
If there are more than 10 parties, do I still have to serve expert reports and other documents on all parties?	5
What happens if a question of law arises?	5
What are the requirements for providing draft permit conditions?	5
What is the usual order of presentation at a hearing?	6
How do I withdraw a proceeding or seek an adjournment?	7

Introduction

- 1 The Planning and Environment List deals with a wide variety of applications relating to the use, development and valuation of land in Victoria, including applications to review a decision made by a municipal council (or other responsible authority) to grant or refuse a planning permit under the *Planning and Environment Act 1987* and applications to amend or enforce a planning permit. The list also deals with applications relating to subdivision, water and the environment, gaming, valuation and compensation under a number of enabling enactments set out in the Rules.
- 2 This practice note sets out procedures and timeframes that apply specifically in the Planning and Environment List. This practice note does not cover all of the Tribunal's practices and procedures. This practice note should be read in conjunction with the practices and procedures set out in the Act and Rules, the *Planning and Environment Act 1987*, other practice notes that set out common procedures that apply across all lists at the Tribunal, and other practice notes that apply to specific types of applications in the Planning and Environment List.
- 3 In any proceeding, the Tribunal may at its discretion vary the operation of a practice note by direction or order.
- 4 This practice note has been issued by the Rules Committee pursuant to s 158 of the *Victorian Civil and Administrative Tribunal Act 1998*.

Definitions

Word	Definition
Act	<i>Victorian Civil and Administrative Tribunal Act 1998</i>
Planning enactment	A 'planning enactment' as defined in Schedule 1 of the Act. It includes the <i>Planning and Environment Act 1987</i> , the <i>Environment Protection Act 1970</i> , and a number of other specified enabling enactments relating to the development and use of land.
Rules	Victorian Civil and Administrative Tribunal Rules 2008

- 5 A word or term used in this practice note:
 - (a) has the same meaning if defined in the Act or in the *Interpretation of Legislation Act 1984*; and
 - (b) has the same meaning as defined or used in the *Planning and Environment Act 1987*.

How do I seek a directions hearing?

Note: A directions hearing is not required in all cases in the Planning and Environment List, but may be scheduled if it is desirable to resolve preliminary or procedural issues prior to a final hearing, or to make procedural orders or set out a procedural timetable to facilitate the fair and efficient conduct of the proceeding. The Tribunal may issue directions on its own initiative without a directions hearing. In the Planning and Environment List, most directions hearings are held on a Friday as part of what is known as a 'Practice Day' hearing.

- 6 An application for a directions hearing should be made in accordance with practice note *PNVCAT 5 - Directions Hearings and Urgent Hearings*.
- 7 In the Planning and Environment List, a request for a directions hearing should be made using the [Practice Day Request form](#) for this List. Further information on practice days in the Planning and Environment List is contained in PNPE 6 Practice Day.

What information can I obtain from the responsible authority?

- 8 In order to accord procedural fairness to all parties and to facilitate a prompt mediation or hearing, the responsible authority in a review proceeding under the *Planning and Environment Act 1987* must comply with any reasonable request by a party to that proceeding who seeks to obtain a copy of any document relevant to the decision under review.
- 9 The documents for which copies may be reasonably sought and obtained include -
 - (a) the permit application and any documents made available for public inspection under s 51 of the *Planning and Environment Act 1987*;
 - (b) the plans that the responsible authority considered when it made its decision;
 - (c) any officer report prepared in respect of the permit application, and all attachments to that report;
 - (d) the response of any relevant referral authority or statutory authority;
 - (e) the response to any internal referral within, or advice received by, the responsible authority (for example, urban design, traffic, car parking or heritage);
 - (f) any objections received;
 - (g) where relevant to service or notice to be given in relation to the review proceeding, a copy of the names and contact details of the permit applicant, any relevant referral authority, and all objectors.
- 10 The responsible authority may charge reasonable copying expenses. In the case of architects' drawings or similar plans that may otherwise be subject to copyright, the responsible authority may provide those drawings or plans to a party on the basis that they are to be used only for the purpose of the review proceeding.

- 11 A party may apply to the Tribunal for a directions hearing if the responsible authority fails or refuses to provide relevant documents in a timely manner. If the Tribunal is satisfied that the responsible authority has acted unreasonably, it may, in addition to directing production of the documents, award costs against the responsible authority and/or the reimbursement of any application or hearing fee.

How do I seek further particulars of another party's case?

Note: A party's statement of the grounds upon which that party intends to rely at the hearing must be sufficiently specific to enable the other parties to understand the case they must meet. This includes the grounds upon which a responsible authority refused an application for permit.

- 12 A party may serve a request on any other party for further particulars of that other party's grounds. The request must specify the particulars sought, and the timeframe within which the particulars must be supplied. The timeframe must be reasonable, having regard to the nature of the proceeding and the particulars requested. Unless the matter is urgent, a reasonable timeframe for the supply of particulars will normally be 14 days.
- 13 The party to whom a request is made must, within the required timeframe, serve those particulars on the requesting party and all other parties, and file a copy with the Tribunal.
- 14 A party may apply to the Tribunal for a directions hearing if further particulars requested by that party have not been supplied within the requested time, or are considered to be insufficient to comply with the request.

What can I do if I consider insufficient time is allocated for the hearing?

- 15 If a party becomes aware prior to receipt of a hearing notice that information given to the Tribunal in relation to the complexity and likely duration of the hearing is likely to lead to an underestimate of the time to be allowed for the hearing, or after receipt of a hearing notice that it may take more than the time allowed, that party must immediately give written notice to all other parties and the Tribunal of that party's new estimate of the duration of the hearing.

If there are more than 10 parties, do I still have to serve expert reports and other documents on all parties?

- 16 If a proceeding in the Planning and Environment List involves 10 or more parties, a party may seek an order of the Tribunal at a directions hearing (sometimes called a representative order) that allows for service of an expert witness report or other documents only on certain nominated parties, provided other parties are given an opportunity to access the report or documents by alternative means (e.g. if the report or document is available for inspection and/or downloading on a website).
- 17 An application for a representative order should be made not less than two weeks before the date when the expert report or document is due to be filed and served.

What happens if a question of law arises?

- 18 If before the day fixed for the hearing of an application, a party becomes aware that a question of law needs to be determined, that party must immediately serve written notice on all other parties and the Tribunal of the question. This should preferably occur no later than 10 business days prior to the hearing date.
- 19 If the question is one which could determine the outcome of the application without a consideration of its merits a party may apply to the Tribunal for a preliminary hearing of that question. That party must specify in the request their estimate of the likely duration of the preliminary hearing.
- 20 If a party becomes aware in the course of the hearing that a question of law needs to be determined, and notice of that question has not been given, that party must raise that question at the first convenient opportunity as a specific issue. The Tribunal will determine the time and manner in which that issue must be dealt with.
- 21 If the Tribunal is constituted without a legal practitioner in a proceeding under a 'planning enactment' or under the *Valuation of Land Act 1960*, a party who does not agree to the question being determined by the presiding Member must advise the presiding Member of that disagreement at the time the question of law is raised. (See cl 66 of Schedule 1 of the Act). [Note: This provision does not apply to a gaming matter under the *Gambling Regulation Act 2003* or a compensation matter under the *Land Acquisition and Compensation Act 1986*].

What are the requirements for providing draft permit conditions?

- 22 In a review proceeding under the *Planning and Environment Act 1987* where a responsible authority has not issued a notice of decision to grant a permit, and the application might result in the Tribunal directing that a permit issue, the responsible authority must no later than one week before the hearing:

- (a) send the Tribunal via email a written draft of all the conditions which the responsible authority considers a permit should contain if it were to be granted; and
 - (b) send a copy of the written draft conditions to all other parties by any usual method of service.
- 23 In a review proceeding under the *Planning and Environment Act 1987* where the responsible authority has issued a notice of decision or a permit, the responsible authority must no later than one week before the hearing provide a copy of the notice of decision or permit (as the case may be) to the Tribunal via email.

What is the usual order of presentation at the hearing ?

- 24 In a review proceeding under the *Planning and Environment Act 1987*, the usual order of presentation at a hearing, subject to a direction to the contrary by the Tribunal, is –
- (a) the responsible authority;
 - (b) any relevant referral or statutory authority;
 - (c) any objectors and third parties;
 - (d) any persons (not being a party) having a right to be heard (e.g. an unincorporated association given leave to make a submission);
 - (e) the permit applicant;
 - (f) a right of reply to parties other than the permit applicant.
- 25 A party in a review proceeding under the *Planning and Environment Act 1987* will usually call its witness evidence and make its submissions within its allotted order of presentation. In longer hearings, a permit applicant may sometimes provide an overview of its proposal before the other parties present their evidence and submissions.
- 26 In other proceedings in the Planning and Environment List (such as gaming, valuation and compensation matters), the usual order of presentation at a hearing, subject to a direction to the contrary by the Tribunal, is:
- (a) a short opening submission or outline of the main issues by the applicant;
 - (b) calling of witness evidence on behalf of the applicant;
 - (c) calling of witness evidence on behalf of respondent and any other parties;
 - (d) submissions by the respondent(s) and any other parties;
 - (e) submissions by the applicant; and
 - (f) a right of reply by the respondent and (if appropriate) any other parties.
- 27 Unless the Tribunal grants leave, a party at a hearing must not:

- (a) present a case different from that contained in the material lodged by the party in that proceeding;
 - (b) call a witness whose statement has not been provided; or
 - (c) seek to adduce further evidence in chief from a witness beyond that contained in the statement of that witness.
- 28 Each party is to be provided with a reasonable opportunity to respond to the case put by the other parties. A right of reply is not to be used as an opportunity to simply repeat submissions, which a party has already made; rather it should be confined to matters arising from the submissions of the other party(s), which have not already been addressed by the replying party.

How do I withdraw a proceeding or seek an adjournment?

- 29 The procedures for seeking to withdraw a proceeding, or seeking an adjournment of a hearing, are set out in practice note *PNVCAT1 - Common Procedures*.
- 30 In the Planning and Environment List, the consent of other parties to an adjournment will usually be required. The Tribunal may however refuse an adjournment, even if all parties consent, and the parties must work on the basis that the hearing is proceeding unless or until they are notified that the Tribunal has granted the adjournment.
- 31 If the Tribunal considers that a directions hearing is necessary to consider a request for an adjournment, it will advise the parties of a hearing date.

- END OF PRACTICE NOTE -

9.3 INTERIM FEMALE FRIENDLY FACILITIES AT LORD RESERVE

Author: Andrew Barden, Manager Recreation and Open Space

Trim No: 19/1277015

Attachments: 1. Lord Reserve Cream Brick Pavilion - Photos [↓](#)

PURPOSE AND SUMMARY

At the Ordinary Council Meeting on Tuesday 9 April 2019, Council called for a report on the options for providing interim female friendly facilities for sporting teams at Lord Reserve including using existing facilities or installing temporary buildings.

A report was prepared for the Assembly Meeting of Tuesday 17 September 2019. At this Meeting, Councillors identified that their preference for temporary facilities at Lord Reserve was Option 1, subject to this meeting the Glen Eira Junior Soccer Club's (GEJSC) immediate short term needs.

RECOMMENDATION

That Council endorses officers to proceed with the recommendation outlined in Option 1 to provide an alternate storage solution within the Cream Brick pavilion, which will enable the change room and bathroom facilities in both the Hex and Cream Brick pavilions to be better utilised by the GEJSC until the commencement of the new pavilion redevelopment.

BACKGROUND

Lord Reserve features three soccer pitches and three cricket wickets (two synthetic and one turf). It is home to Glen Eira Junior Soccer Club, one of the largest soccer clubs in Glen Eira, who use the soccer pitches and both pavilions at Lord Reserve. In the 2019 winter season, GEJSC had a total membership of 1098, of which 163 were female. Other sporting clubs at Lord Reserve include: Carnegie Cricket Club, who has 47 female players utilising the synthetic cricket wickets at Lord Reserve, but use the pavilion at neighbouring Koornang Park; Carnegie South Cricket Club and Caulfield Cougars Soccer Club who do not have female members; and Monash Gryphons Cricket Club who utilise the turf wicket for their Men's Seniors 3rd XI team.

Lord Reserve currently features two pavilions utilised by the above listed sporting clubs:

- Lord Reserve Hex Pavilion – featuring change rooms, bathrooms with urinals, a canteen and a social area; and
- Lord Reserve Cream Brick Pavilion – featuring change rooms and bathrooms. This pavilion is only tenanted during the winter season, and is most commonly used as a storage facility by GEJSC year round.

Whilst both pavilions could be used by females, by Glen Eira standards (as detailed in the earlier Council Report 'Temporary Female Friendly Pavilion Facilities'), the two pavilions at Lord Reserve would not meet the criteria to be considered 'female friendly'. This is due to the inclusion of urinals, open bay showers and their limited ability to provide restricted access to change rooms. This is especially prudent given the two pavilions are servicing three sportsgrounds concurrently, which often requires the accommodation of up to twelve teams of mixed gender during the soccer season.

Council officers recognised the lack of functionality these pavilions presented in the Pavilion Redevelopment Strategy in 2017. These pavilions were listed number 1 and 3 in the priority

listing for pavilion upgrades. Since this time, Council has recently endorsed the Lord Reserve and Koornang Park Masterplan, with an action item to consolidate the two pavilions and rebuild a single pavilion to service the three sports grounds. Officers are currently preparing the design for this pavilion, in consultation with tenant sporting clubs, with construction scheduled to commence in 2020/21.

To assist with the redevelopment of the Lord Reserve pavilion, Council has received \$1m funding from the State Government of Victoria.

ISSUES AND DISCUSSION

Providing female friendly facilities within our parks and reserves responds to the need to offer and encourage participation in sport and recreation by females. At Lord Reserve, home to one of Glen Eira's largest soccer clubs, this will be significantly improved by redeveloping the pavilions to feature a new pavilion that is modern, highly functional and includes accessible facilities. To address this, the plans for this pavilion include:

- change rooms to service the three sportsgrounds;
- individual toilet and shower cubicles;
- a social space to engage sports club members and the broader community; and
- significant equipment storage areas, consistent with storage contained within other modern Council pavilions.

Officers have been made aware that the current use of the pavilions and other facilities at Lord Reserve is not respectful of the female membership of tenant sporting clubs, as use of the facilities is managed in the following way:

- Lord Reserve Hex Pavilion – utilised as change room and bathroom facilities and for the social space;
- Lord Reserve Cream Brick Pavilion – primarily used as a storage facility by GEJSC (see photos in Attachment 1); and
- the public toilet facility at the western end of the Cream Brick Pavilion is utilised as the female facilities by GEJSC during the winter sporting season.

Officers received a request via Cr Magee to consider temporary facilities at Lord Reserve as female participants were currently using the public toilet located at the western end of the Lord Reserve Cream Brick Pavilion.

Officers have considered this request and propose the following three options in preparation for the 2020 winter season. These options give consideration to the action from the Lord Reserve and Koornang Park Masterplan, which is to rebuild a consolidated single pavilion at Lord Reserve. During the construction phase of this project, scheduled to occur after 1 July 2020, temporary facilities will be provided onsite for tenant sporting clubs. These include change rooms, bathroom and storage facilities.

Option 1

Management strategies have been discussed with GEJSC representatives regarding use of facilities for all their club members, to ensure females have suitable access to change room and bathroom facilities. This can be supported through signage and timetabling of change room use, etc. These discussions also included reference to removing equipment currently being stored in the pavilions to be stored elsewhere off site, enabling the Cream Brick Pavilion to be used as change and bathroom facilities for the males. This includes the relocation of sports and maintenance equipment that specifically relates to the cricket season. Following the 2019/20 cricket season, and in preparation for the new pavilion, this

equipment could be stored in an alternate facility, freeing up storage areas within the Cream Brick Pavilion. Implementing these strategies will enable the female participants of GEJSC to have improved utilisation of the existing Hex Pavilion and for the males to have use of the Cream Brick Pavilion.

Option 2

To support option 1 above, additional temporary storage facilities are provided to house the equipment currently stored in the Lord Reserve Cream Brick Pavilion. This will allow tenant clubs to relocate stored equipment and utilise the change and bathroom facilities within both pavilions. If this is the preferred option, officers propose to bring the storage facilities onto site in April 2020 to align with the winter club tenancy, prior to the construction period.

Option 3

The temporary change and bathroom facilities proposed for the construction phase are brought onto site in April 2020 to align with the winter club tenancy, and prior to the construction period. These facilities could then be used by female participants who are currently using the public toilet facility, and alleviate the issues currently faced by the shortage of female friendly facilities at Lord Reserve.

Recent pavilion upgrades have provided indicative costs for the provision of temporary facilities onsite. To provide two change room and bathroom facilities including associated services for the period of 1 April – 30 September would be at a cost of \$52,416 + GST

On 30 October 2019, Cr Magee, Cr Athanasopoulos and a Recreation Officer met with GEJSC to discuss the three options presented in this report.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

The provision of temporary facilities does come at a cost, as detailed within the discussion points above.

POLICY AND LEGISLATIVE IMPLICATIONS

Not applicable

COMMUNICATION AND ENGAGEMENT

Officers are in regular contact with the tenant sporting clubs, and also have regular Reserve Advisory Committee meetings to engage with these clubs and other stakeholders.

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

These options have been discussed with the GEJSC, and the proposed changes outlined in Option 1 were received positively by the club. Officers will continue to liaise with the club in preparation for the 2020 winter season.

Attachment 1 – Lord Reserve Cream Brick Pavilion

The below photos were taken on Wednesday 18 September 2019, at the conclusion of the winter season and subsequently the end of the tenancy of Glen Eira Junior Soccer Club at Lord Reserve. The photos depict the clubs use of this pavilion as a storage facility.



9.4 COUNCIL MEETING PROCEDURE LOCAL LAW 2019 AND COMMUNITY LOCAL LAW 2019

Author: Michael O'Connor, Principal Legal Officer

Trim No: 19/1166907

Attachments:

1. Glen Eira City Council Community Local Law 2019 [↓](#)
2. Mobile Garbage Bins, Recycling Containers and Organics Containers [↓](#)
3. Building Site Management Code of Practice [↓](#)
4. Residential Parking Permit System Policy [↓](#)
5. Nature Strip Guidelines [↓](#)
6. A good neighbour Code of Practice for a Circus or Carnival 1997 [↓](#)
7. Glen Eira City Council Meeting Procedure 2019 [↓](#)
8. Public Participation at Ordinary Council Meetings Guideline [↓](#)
9. Written Public Questions to Council Guideline [↓](#)
10. Councillor Questions Guideline [↓](#)

PURPOSE AND SUMMARY

The purpose of this report is to enable Council to make the proposed Glen Eira City Council Community Local Law 2019 (**proposed Community Local Law**) and the proposed Glen Eira City Council Meeting Procedure Local Law 2019 (**proposed Council Meeting Procedure**) (together the **proposed Local Laws**) by completing the legislative requirements for making the proposed Local Laws.

The Glen Eira City Council Local Law 2009 (**current Local Law**) will automatically be revoked on 24 November 2019, unless revoked earlier. Before that date, Council must review, amend (as appropriate), draft and remake the current Local Law.

In February 2010, the State Government introduced the Local Government Victoria's "Guidelines for Local Laws Manual" (**Guidelines**). The Guidelines set out requirements for best practice that Councils should follow when they are introducing new local laws. The Guidelines have been followed in the development of the proposed Local Laws.

Council is obliged, under section 119 of the *Local Government Act 1989* (Vic) (**Act**), to consider all submissions received in relation to the proposed Local Laws.

Requests for submissions were advertised in local newspapers, the Government Gazette and on Council's website. The submission period commenced on 12 June 2019 and closed at 5.00 pm on 19 July 2019. Council received 28 written submissions. Eight persons requested to speak on their submission. On 13 August 2019, Council resolved to receive the 28 written submissions and heard submissions from five submitters attending the meeting who spoke to seven of the written submissions.

In addition, Council conducted three drop-in public information sessions, wrote to key external stakeholders, providing details of relevant clauses of the proposed Local Laws, and held meetings with representatives from Victoria Police and the Metropolitan Fire Brigade.

Following the completion of the prescribed statutory process, the proposed Local Laws and the incorporated documents were forwarded to Council's external legal advisor for review. As a result of the external review and the consideration of submissions, minor modifications were made to the proposed Local Law and the incorporated documents.

RECOMMENDATION

That, having completed the procedure referred to in sections 119(2) and 119(2A) of the *Local Government Act 1989* (Vic) and noting that 28 submissions were received and considered in response to the public notice advising that Council intended to make the proposed Local Laws, it is recommended that Council:

1. makes the Glen Eira City Council Community Local Law 2019 in Attachment 1 with a commencement date of 7 November 2019
2. adopts and incorporates the following documents in the Glen Eira City Council Community Local Law 2019:
 - a. the Mobile Garbage Bins Recycling and Organics Containers Policy in Attachment 2
 - b. the Building Site Management Code of Practice in Attachment 3
 - c. the Residential Parking Permit System Policy in Attachment 4
3. incorporates the following documents in the Glen Eira City Council Community Local Law 2019:
 - a. the Nature Strip Guidelines in Attachment 5
 - b. A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997 in Attachment 6
4. authorises the Chief Executive Officer to:
 - a. give notice of the making of the Glen Eira City Council Community Local Law 2019 in the Government Gazette and public notice in accordance with section 119(3) of Act
 - b. send a copy of the Glen Eira City Council Community Local Law 2019 to the Minister for Local Government in accordance with section 119(4) of the Act
5. makes the Glen Eira City Council Meeting Procedure 2019 in Attachment 7 with a commencement date of 7 November 2019
6. adopts and incorporates the following documents in the Glen Eira City Council Meeting Procedure 2019:
 - a. the Public Participation at Ordinary Council Meetings Guideline in Attachment 8
 - b. the Written Public Questions to Council Guideline in Attachment 9
 - c. the Councillor Questions Guideline in Attachment 10
7. authorises the Chief Executive Officer to:
 - a. give notice of the making of the Glen Eira City Council Meeting Procedure 2019 in the Government Gazette and public notice in accordance with section 119(3) of the Act
 - b. send a copy of the Glen Eira City Council Meeting Procedure 2019 to the Minister for Local Government in accordance with section 119(4) of the Act.

BACKGROUND

Councils have the power to make local laws under Part 5 of the Act. The Act sets a sunset (or expiry) date for all local laws. This means that the current Local Law will automatically be revoked on 24 November 2019, unless revoked earlier (the new Local Laws provide for the revocation of the current Local Laws). Before that date, Council must review, amend (as appropriate), draft and remake all its local laws.

Before a Council can make a local law, it must strictly comply with the procedure in the Act. Following Council approval for commencement of the process set out in the Act, notice of the proposal is gazetted, copies of the proposal are to be made available to the public and submissions are invited for at least 28 days. If a request is made to appear in support of a submission, the Council must fix a time and date for the submission(s) to be heard. Following this process, the Council is required to consider the proposed local law and submissions. The local law is then made by passing a resolution of the Council.

ISSUES AND DISCUSSION

Stage 1

Stage 1 of the Local Law Review involved internal and external consultation to identify issues which may require to be addressed by a local law. Feedback on the operation of the current Local Law from the local community was considered in the early phases of the review.

Stage 2

An extensive review of the current Local Law was undertaken in accordance with the statutory procedure in the Act and the Guidelines. The proposed Local Laws and its incorporated documents, set out in Table 1 below, were reviewed and, as required, redrafted.

Table 1: Incorporated Documents

Document	Attachment	Referred to in clause	Note
Mobile Garbage Bins, Recycling Containers and Organics Containers	2	Clause 57 of the proposed Community Local Law	
Building Site Management Code of Practice	3	Clause 16 of the proposed Community Local Law	
Residential Parking Permit System Policy	4	Part 14 of the proposed Community Local Law	
Nature Strip Planting Guidelines.	5	Clause 32 of the proposed Community Local Law	Endorsed by Council on 19 March 2019
A good neighbour Code of Practice for a Circus or Carnival 1997	6	Clause 42 of the proposed Community Local Law	A Victorian Government publication which is also incorporated into the Glen Eira Planning Scheme
Public Participation at Ordinary Council Meetings Guideline	8	Clause 35 of the proposed Council Meeting Procedure	
Written Public Questions to Council Guideline	9	Clause 37 of the proposed Council Meeting Procedure	
Councillor Questions Guideline	10	Clause 36 of the proposed Council Meeting Procedure	

Stage 3

On 11 June 2019, Council, in accordance with the requirements of section 119 of the Act, endorsed the proposed Local Laws and its incorporated documents for public exhibition and called for public submissions from 12 June to 19 July 2019.

The proposed Local Laws were each accompanied by a Community Impact Statement that provided analysis of the proposed Local Laws, including a Human Rights assessment, and description of the parts and clauses of the proposed Local Laws.

The public exhibition, submission and consultation period was managed and conducted in line with a community engagement plan developed in partnership with Community Engagement and included the following actions:

- Notice of the proposed Local Laws were published in the Government Gazette and the Leader newspapers (Glen Eira/Caulfield and Moorabbin editions), as per Table 2 below, outlining the purpose of the proposed Local Laws, calling for submissions to be made, providing the date by which submissions were to be received, advising that a copy of the proposed Local Laws and any explanatory document could be obtained from Glen Eira Town Hall and online and stating that a person making a submission was entitled to request to appear in person, or to be represented by a person, at a meeting to be heard in support of the submission (at least 28 days following the date of the latter of the notices being published).
- Copies of the proposed Local Laws including its incorporated documents, being made available at Glen Eira Town Hall, libraries and online.
- Three drop-in public information sessions where members of the public could attend, ask questions and find out more about the proposed Local Laws and how to make a submission were held on 19 and 26 June and 3 July 2019 each at 6 pm–7:30 pm at the Glen Eira Town Hall, Meeting Room - Caulfield Cup Room with senior members of staff being available for those interested or affected members of the public wishing to discuss or learn more about the proposed Local Laws and its incorporated documents. The drop-in public information sessions were advertised:
 - in the Moorabbin and the Glen Eira / Caulfield Leaders;
 - by posters and leaflets in Glen Eira Town Hall and libraries;
 - online; and
 - in the Glen Eira News.
- Each submitter was notified in writing that they can speak to their submission at the Council meeting on 13 August 2019.

Table 2: Notice of proposed Local Laws and submissions

Publication	Date of publication
Council's website	12 June 2019
Government Gazette	13 June 2019
Leader newspapers (Glen Eira / Caulfield edition)	18 June 2019
Leader newspapers (Moorabbin edition)	19 June 2019

A total of five individuals attended the information sessions comprising one Councillor, one staff member and three residents, including one resident who attended two of the drop-in sessions.

In response to the request for submissions from people affected by the proposed Local Laws, there were 517 visits to the HaveYourSay website and Council's Local Law Review webpage with the various documents downloaded a total of 323 times.

By the close of business on 19 July 2019, Council had received 28 written submissions on the proposed Local Laws.

Eight of the submissions included a request to be heard or represented at the Council meeting on 13 August 2019. The highest number of submissions received by Council, in relation to the proposed Community Local Law, concerned clauses 38 (Lighting Fires) and 23 (Model Aeroplanes in Public Reserves). Other issues raised include the keeping and feeding of pigeons, animal litter, derelict vehicle on a trailer, organised social and sporting activities and parking. There were also submissions concerning the proposed Council Meeting Procedure Local Law.

On 13 August 2019, Council resolved to receive the 28 written submissions and heard submissions from five members of the public who spoke to seven of the written submissions.

Councillors were also provided with two further papers from submitters attending the Council meeting. During August 2019, three e-mails were received by Councillors from two submitters.

Stage 4

Following the statutory process, the proposed Local Laws and the incorporated documents were forwarded to Council's external legal advisor for review. As a result of the external review and consideration of submissions, minor modifications were made to the proposed Local Laws and the incorporated documents. These changes address issues such as typographical errors or further refinement of the language employed to better reflect the intention of the relevant provisions.

Corporate Counsel considers that the proposed Local Laws have not been altered in a manner which requires a further notification and submission process.

Next Stage

Following consideration of the submissions received in relation to the proposed Local Laws, Council, acting in accordance with section 119 of the Act, may resolve to adopt the proposed Local Laws.

The current timeline for further procedure following the making of the proposed Local Laws is outlined in Table 3 below.

Table 3: Further procedure following the making of the proposed Local Laws

Date	Event
6 November 2019	Council makes the proposed Local Law and adopts the incorporated documents.
7 November 2019	Proposed Local Laws come into effect. Council gives notice of the adoption of the proposed Local Law via the Government Gazette and public notice in accordance with section 119(3) of Act. Council gives notice of the adoption of the proposed Local Law on its website (www.gleneira.vic.gov.au). A copy of the Glen Eira City Council Community Local Law 2019 and Glen Eira City Council Meeting Procedure 2019 may be inspected at the Glen Eira Town Hall.
As soon as practicable	A copy of the Glen Eira City Council Community Local Law 2019 and Glen Eira City Council Meeting Procedure 2019 is sent to the Minister for Local Government in accordance with section 119(4) of the Act.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

The review and consultation process of the current Local Law and the costs associated with the preparation of the proposed Local Laws have been resourced and funded from the 2019-2020 budget. Accordingly, there are no financial, resource or asset management implications associated with this report.

POLICY AND LEGISLATIVE IMPLICATIONS

The current Local Law is a strategic document that provides for the governance, safety and the protection of amenity and assets of the municipality. The proposed Local Laws have many elements which align closely with the Council and Community Plan 2017–2021 in that it is consistent with Council's commitment to a municipality which is:

- Liveable and well designed.
- Accessible and well connected
- Safe, healthy and inclusive
- Clean and sustainable
- Informed and engaged

COMMUNICATION AND ENGAGEMENT

The following key external stakeholders have been notified of the review of the current Local Law and their feedback sought on relevant proposed changes:

- Melbourne Racing Club
- Department of Environment, Land, Water and Planning
- Developers active in the municipality
- Friends of Caulfield Park
- Metropolitan Fire Brigade
- RSPCA
- Supermarkets in the municipality
- Victoria Police
- Environmental Protection Authority Victoria
- Municipal Community

The public exhibition, submission and consultation period were managed and conducted in line with a community engagement plan developed in partnership with Community Engagement and included the actions discussed earlier in 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

The public submission process has provided an opportunity for the municipal community to provide submissions in relation to the proposed Local Laws.

The Council meeting on 13 August 2019 provided submitters with an opportunity to be heard in relation to their submission.

Council has considered all submissions and has made minor changes to the proposed Local Laws and the incorporated documents.

All statutory requirements have been completed up to this point where Council can determine to make or not make the proposed Local Laws.

Community Local Law

GLEN EIRA CITY COUNCIL

COMMUNITY LOCAL LAW

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Community Local Law

PART 1 - PRELIMINARY PROVISIONS	6
1. Title.....	6
2. Objectives	6
3. Authorising Provision	6
4. Operation Date	6
5. Revocation Date.....	6
6. To what parts of the Municipal District does this Community Local Law apply?	6
7. Scope of this Community Local Law	7
8. Definition of words used in this Community Local Law.....	7
9. Incorporation of documents	9
10. Reference documents	9
PART 2 - PROTECTION OF COUNCIL ASSETS	11
11. Interference with Council easements	11
12. Damage, destruction or interference with Council Land	11
13. Damage, destruction or interference with roads	11
PART 3 - BUILDING ACTIVITY	12
14. Occupation of roads or Council Land.....	12
15. Asset Protection Permit.....	13
16. Building Site Management.....	14
17. Building Activity	14
18. Temporary Vehicle Crossings.....	15
PART 4 - MANAGEMENT OF DRAINS, WATERWAYS OR SIMILAR.....	16
19. Tapping into drains	16
20. Interference with waterways	16
21. Polluting stormwater drains	16
PART 5 - PUBLIC RESERVES.....	17
22. Motor vehicles in Public Reserves.....	17
23. Model Aeroplanes in Public Reserves	17
24. Interference with authorised activities within Public Reserves	17
25. Direction to leave a Public Reserve	17
PART 6 - ROADS AND COUNCIL LAND.....	19
26. Inappropriate behaviour on Council Land	19
27. Social and sporting activities	20
28. Informal sport and games which unreasonably affect other users of Council Land	20
29. Street party, festivals and processions	20
30. Bulk Containers	21
31. Clothing bins.....	21
32. Planting on nature strips.....	21
33. Filming.....	22

Community Local Law

34.	Defacing any advertising or bill posting	22
35.	Repairing and sale of motor vehicles on roads or Council Land	22
36.	Relocation of vehicles	22
37.	Abandoned, derelict and unregistered vehicles	23
PART 7 - SAFETY AND AMENITY		24
38.	Lighting fires	24
39.	Incinerators	25
40.	Camping, caravans, campervans and shipping containers	25
41.	Shopping trolleys	25
42.	Circuses, carnivals and festivals	26
43.	Aerosol paint containers	26
44.	Direction to return library materials	27
45.	Impersonating Council staff	27
PART 8 - STREET SELLING, ADVERTISING, COLLECTIONS AND DISTRIBUTIONS ...		28
46.	Mobile Billboards	28
47.	Advertising Signs and displays of goods on roads and Council Land	29
48.	Advertising Signs on Buildings	29
49.	Busking	29
50.	Chairs, tables and furniture	29
51.	Itinerant trading	29
52.	Street appeals	30
PART 9 - SMOKING AND ALCOHOL		31
53.	Supply and consumption of liquor	31
54.	Caulfield Alcohol-Free Zone	32
55.	Smoking inside Council Buildings and motor vehicles	32
PART 10 - SANITATION		34
56.	Litter	34
57.	Mobile garbage bins, recycling containers and organics containers	34
PART 11 - ANIMALS AND BIRDS		35
58.	Keeping animals	35
59.	Shooting and snaring animals	36
60.	Animal litter	36
61.	Unsatisfactory Fowl Houses, Kennels, Pigeon Lofts and animal enclosures	36
62.	Animals and amenity	36
63.	Dogs and adequate fencing	37
64.	Feeding of birds	37
65.	Feeding of birds on Council Land or road	37
PART 12 - YOUR PROPERTY		38
66.	Fire hazards	38

Community Local Law

67.	Dangerous Property.....	38
68.	Unightly Property	38
69.	Trees, plants and other structures causing a potential hazard to traffic	39
70.	Pedestrian safety	39
71.	Numbering of Properties	39
PART 13 - VEHICLE CROSSINGS.....		40
72.	Vehicle Crossing required.....	40
73.	Constructing Vehicle Crossing	40
74.	Vehicle Crossings no longer required.....	40
75.	Vehicle Crossing Notice	41
PART 14 - PARKING		42
76.	Parking Permits	42
77.	Parking Permit offence.....	42
PART 15 - PERMITS		43
78.	Permit offences	43
79.	Permit applications.....	43
80.	Permit fee	43
81.	Further information	44
82.	Notice of a permit application.....	44
83.	Consideration of applications.....	44
84.	Issue of Permits.....	44
85.	Conditions of Permit	44
86.	When does a Permit commence?	45
87.	When does a Permit expire?.....	45
88.	Correction of Permit	45
89.	Grounds for suspension, cancellation or amendment of Permits.....	45
90.	Change to Permits	46
91.	Delegations	46
92.	Transfer of Permits.....	46
93.	Exemption from Permit or Permit fee.....	46
PART 16 - INFRINGEMENT NOTICES		48
94.	Offences	48
95.	Persons who may issue an Infringement Notice and other notices	48
96.	Penalty by Infringement Notice	48
PART 17 - ENFORCEMENT (OTHER THAN BY INFRINGEMENT NOTICES).....		50
97.	Recovery of costs of enforcement.....	50
98.	Notice to Comply	50
99.	Service of Notice to Comply.....	51
100.	Compliance with Notice to Comply.....	51

Community Local Law

101.	Power of Authorised Officer to act in urgent circumstances	51
102.	Offences by bodies corporate.....	52
103.	Impounding.....	52
104.	Disposal of impounded goods.....	53
105.	Unclaimed goods	53
106.	Review	55
Schedule 1	Penalties	56

Community Local Law

PART 1 - PRELIMINARY PROVISIONS**1. Title**

This Local Law is the Glen Eira City Council Community Local Law 2019 and is referred to as the “Community Local Law”.

2. Objectives

The objectives of this Community Local Law are to—

- (a) provide for the peace, order and good government of the Municipal District; and
- (b) promote a physical and social environment free from hazards to health, in which the local community of and visitors to the Municipal District can enjoy a quality of life that meets the general expectations of the local community; and
- (c) protect Council Assets; and
- (d) protect the use of Public Places and control activities in or near them; and
- (e) control noise, behaviour and liquor consumption in specified places, smoking in specified buildings and vehicles, busking, advertising signs, works and obstructions on roads, street trading and other activities; and
- (f) regulate the number and manner of keeping of animals; and
- (g) prohibit, regulate and control certain activities, events, practices or behaviours which cause detriment to the amenity of the Municipal District, nuisance or damage to property.

3. Authorising Provision

This Community Local Law is made under section 111(1) of the **Local Government Act 1989** and section 42 of the **Domestic Animals Act 1994**.

4. Operation Date

This Community Local Law comes into operation on 7 November 2019.

5. Revocation Date

This Community Local Law ceases to operate on 7 November 2029, unless revoked earlier.

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

- (1) Subject to subclause 6(5), this Community Local Law applies throughout the whole of the Municipal District, except where it is apparent from its wording that a clause or subclause applies to a specific area.
- (2) Where this Community Local Law applies to a road, it includes all parts of the road.
- (3) This Community Local Law does not apply to an Authorised Officer or a member of Council staff in the course of carrying out his or her authorised activities.

Community Local Law

- (4) This Community Local Law does not apply to a person engaged to undertake any activity on behalf of Council in the course of carrying out that activity.
- (5) Council may by public notice prescribe specified persons, property or areas within the Municipal District to be exempt from a provision of this Community Local Law for a specified time and on specified conditions.

7. Scope of this Community Local Law

- (1) The provisions of this Community Local Law apply to the extent that they are not inconsistent with any legislation applicable to Council or its Municipal District.
- (2) Where this Community Local Law prohibits any activity or other things, or provides that such activity can only take place or other things can only be done or exist with a Permit, that prohibition or provision will not apply if the activity can lawfully take place or the other things can be done or can exist by reason of the express permission of the Planning Scheme.

8. Definition of words used in this Community Local Law

- (1) Unless the contrary intention appears in this Community Local Law—
 - (a) words defined in the sections 1A(4) and 3(1) of the **Local Government Act 1989**, the **Planning and Environment Act 1987** and the Planning Scheme have the same meaning in this Community Local Law; and
 - (b) words defined below have that meaning in this Community Local Law.

Act, means the **Local Government Act 1989** (Vic).

Authorised Officer, means—

- (a) a person appointed by Council to be an Authorised Officer under section 224 of the Act; or
- (b) in respect to the enforcement of clauses 53 and/or 54, upon notice published in the Government Gazette under section 224A of the Act, any police officer.

bicycle, has the same meaning as in the **Road Safety Road Rules 2017**.

Building, includes a part of a building, a structure, temporary structure, part of a temporary building, outbuilding, pool, fence, wall and any other appurtenances of a building.

Caulfield Racecourse, means the larger of the two areas of land described in certificate of title Volume 7275 Folio 814.

Council, means Glen Eira City Council.

Council Assets, includes footpath, kerb and channel, nature strip, parking signs, irrigation or sprinkler systems, trees, shrubs and other vegetation, street furniture or other Council property or works forming part of a road or Council Land or Council Building.

Council Building, means all Buildings owned, leased, managed or occupied by Council.

Community Local Law

Council Land, means land, Buildings and facilities which are owned or occupied by or vested in Council or in respect of which Council has the care and management to which the public has access whether an entry fee is paid or not.

Council Motor Vehicle, means a motor vehicle owned by, leased to or under the control of Council.

footpath, means an area parallel to a carriageway that is open to the public and is designated for, or has as one of its main uses, use by pedestrians.

goods, includes food.

Infringement Notice, means an infringement notice issued by Council or an Authorised Officer under this Community Local Law.

liquor, has the same meaning as set out in section 3(1) of the **Liquor Control Reform Act 1998**.

motor vehicle, has the same meaning as in the **Road Safety Act 1986**.

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

Notice to Comply, means a written notice issued by Council or an Authorised Officer under this Community Local Law.

Permit, means a written permit issued by the authority of Council and signed by an Authorised Officer and includes a parking permit as set out in Part 14.

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

Planning Scheme, means the Glen Eira Planning Scheme under the **Planning and Environment Act 1987** or any replacement scheme.

private land, means any land which is not Council Land nor land occupied or under the control or management of a Public Body.

Property, means any land in separate ownership or separate occupation.

Public Body, means any government department or municipal council or body established for a public purpose by an Act of the Parliament of Victoria, any other state or territory of the Commonwealth, or the Commonwealth.

Public Place, has the same meaning as in the **Summary Offences Act 1966**.

Public Reserve, means Council Land which is used as a sports ground, park, nature reserve or a facility provided for or used in association with activities at a sports ground, park or nature reserve and includes land which Council declares by resolution and by public notice to be a public reserve.

Residential Area, means any area within the Municipal District which is included in a Residential Zone under the Planning Scheme.

Service Authority, means an entity (whether publicly or privately owned) which provides, or intends to provide, water, sewerage, drainage, gas, electricity, telephone,

Community Local Law

telecommunications or like services under the authority of an Act of Victoria or the Commonwealth.

vehicle, has the same meaning as in rule 15 of the **Road Safety Road Rules 2017**.

Vehicle Crossing, means a crossing for motor vehicles on or over a road for the purposes of enabling access to be gained to land next to a road.

Note Under the **Interpretation of Legislation Act 1984** land includes buildings and other structures permanently affixed to land, land covered with water, and any estate, interest, easement, servitude, privilege or right in or over land.

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

9. Incorporation of documents

- (1) Each of the following documents, as adopted or endorsed by Council and published from time to time on Council's website, the titles of which are set out in Table 1, are hereby incorporated into this Community Local Law.

Table 1: Incorporation of Council documents

Title of document
Mobile Garbage Bins, Recycling Containers and Organics Containers
Residential Parking Permit System
Building Site Management Code of Practice
Nature Strip Planting Guidelines

- (2) The following document, as published from time to time on Council's website, the title of which is set out in Table 2, is hereby incorporated into this Community Local Law.

Table 2: Incorporation of document

Title of document
A 'Good Neighbour' Code of Practice for a Circus or Carnival, Oct 1997

10. Reference documents

Reference is made to the following documents, as amended from time to time:

Associations Incorporation Reform Act 2012 (Vic)
 Building Act 1993(Vic)
 Corporations Act 2001 (Cth)
 Domestic Animals Act 1994 (Vic)
 Environment Protection Act 1970 (Vic)
 Glen Eira Planning Scheme
 Infringements Act 2006 (Vic)
 Interpretation of Legislation Act 1984 (Vic)
 Liquor Control Reform Act 1998 (Vic)
 Local Government Act 1989 (Vic)
 Personal Property Securities Act 2009 (Cth)
 Planning and Environment Act 1987 (Vic)
 Racing Act 1958 (Vic)

Community Local Law

Road Management Act 2004 (Vic)
Road Safety Act 1986 (Vic)
Road Safety Road Rules 2017 (Vic)
Summary Offences Act 1966 (Vic)
Tobacco Act 1987 (Vic)
Unclaimed Money Act 2008 (Vic)
Wildlife Act 1975 (Vic)
Wildlife Regulations 2013 (Vic)

Community Local Law

PART 2 - PROTECTION OF COUNCIL ASSETS

Introduction: This Part is designed to protect Council Land and Council Assets. It establishes a system of Permits, as a means of regulating harm to Council Land, roads and easements.

11. Interference with Council easements

A person must not, without a Permit, cause or allow on land any—

- (1) tree to be planted; or
- (2) any filling to be placed—

over an easement which exists in favour of Council.

Penalty: 20 Penalty Units

12. Damage, destruction or interference with Council Land

A person must not, without a Permit,—

- (1) damage, destroy or interfere with; or
- (2) procure or permit damage to, destruction of or interference with—

any Council Land or Council Assets.

Penalty: 20 Penalty Units

13. Damage, destruction or interference with roads

- (1) A person must not, without a Permit,—

- (a) damage, destroy or interfere with; or
 - (b) procure or permit damage to, destruction of or interference with —

a road, channel, Vehicle Crossing or road sign.

- (2) Subclause 13(1) does not apply to the works of Service Authorities or a person employed or acting on behalf of a Service Authority —

- (a) in an emergency or urgent circumstances; or
 - (b) when works are being carried out in accordance with the **Road Management Act 2004** or its regulations.

- (3) Nothing in subclause 13(2) exempts a person from an obligation to notify Council of the location of the works prior to the works beginning or, in an emergency or urgent circumstances, on the next working day following the works beginning.

Penalty: 20 Penalty Units

Community Local Law

PART 3 - BUILDING ACTIVITY

Introduction: This Part is designed to protect Council Land and Assets. Specifically, it establishes a system of Asset Protection Permits, as a means of regulating Building Works which may harm Council Land or Council Assets. It contains provisions which aim to minimise the impact of works on roads on the amenity of the municipality and its local community by ensuring that obstructions do not interfere with the public's reasonable use of roads. It also contains provisions which aim to improve the amenity of the municipality, in particular residential areas, by seeking to prevent nuisances caused by Building Activity.

In this Part:

Appointed Agent, means the person authorised in writing by an owner of a Building or land to make an application, appeal, referral or representation on their behalf.

Asset Protection Permit, means a Permit issued under clause 15 for the protection of Council Assets during Building Works.

Building Activity, includes—

- (a) any work for or in connection with the construction, demolition, renovation, alteration, Repair, pulling down, relocating or removal of any Building or structure; or
- (b) any change to the natural or existing condition or topography of land including but not limited to trenching, digging, excavating or filling whether by mechanical or manual methods; or
- (c) the loading or unloading of any goods or materials for or in connection with any Building Works.

Building Activity Hours, means the period of time between 7 am and 8 pm on any weekday or the period of time between 9 am and 6 pm on Saturday.

Building Site, means any land on which Building Activity is carried out.

Building Works, includes—

- (a) any act or thing done or to be done on, over or across any road or Council Land for the purpose of or in the course of Building Activity; or
- (b) the erection or removal of any kind of hoarding, scaffolding or overhead protective awning and the excavation and carrying away of earth, soil, clay, rock or material of any kind on, over or across any road or Council Land; or
- (c) the moving about of any building equipment or material and any rubble, waste or second-hand building materials on, over or across any road or Council Land; or
- (d) any work or action incidental to the matters referred to in paragraph (a), (b) and (c) conducted on, over or across any road or Council Land.

Minor Building Works, means Building Activity for which a permit is not required under the Building Act 1993.

Repair, includes the reconstruction or renewal of any part of an existing Building for the purpose of its maintenance.

Community Local Law

14. Occupation of roads or Council Land

- (1) A person must not, without a Permit, occupy (whether wholly or partially) a road or Council Land—
 - (a) for the purpose of carrying out any works or activity that involve—
 - (i) fencing off part of a road; or
 - (ii) erecting a hoarding, scaffolding or overhead protective awning; or
 - (iii) the use of a mobile crane, scissor lift, forklift, boom, concrete line pump and tackle or hoist machinery or any other equipment used for any Building Works; or
 - (iv) leaving or storing any building, paving or other construction materials or rubble or any tools, machinery, plant or equipment; or
 - (b) for any other non-road purpose.
- (2) The requirement to obtain a Permit does not apply to the works of Service Authorities or a person employed or acting on behalf of a Service Authority —
 - (a) in an emergency or urgent circumstances; or
 - (b) when works are being carried out in accordance with the **Road Management Act 2004** or its regulations.
- (3) Nothing in subclause 14(2) exempts a person from an obligation to notify Council of the location of the works—
 - (a) prior to the works beginning; or
 - (b) in an emergency or urgent circumstances, on the next working day following the works beginning.

Penalty: 20 Penalty Units

15. Asset Protection Permit

- (1) A person in charge of a Building Site must obtain an Asset Protection Permit before commencing or allowing to be commenced any Building Works on land and—
 - (a) the owner of the relevant land; or
 - (b) the builder engaged to carry out Building Works on the land; or
 - (c) any Appointed Agent; or
 - (d) any demolition contractor engaged to demolish some object on the land as part of the Building Works—must not carry out or allow to be carried out Building Works on that land —
 - (e) unless an Asset Protection Permit has been obtained; or

Community Local Law

- (f) in breach of any condition of an Asset Protection Permit that has been obtained.
- (2) Subclause 15(1) does not apply to a Building Site where only Minor Building Works will be undertaken.
- (3) In deciding to grant an Asset Protection Permit, Council may require the applicant to lodge with Council a security bond, bank guarantee or similar surety in an amount and in a manner as Council considers reasonable in the circumstances.
- (4) Council may use the security bond, bank guarantee or other surety to remedy a breach of an Asset Protection Permit or this Community Local Law, or Repair any damage caused by any Building Works carried out or in connection with or under an Asset Protection Permit.

Penalty: 20 Penalty Units

16. Building Site Management

- (1) A person in charge of a Building Site must comply with any requirements imposed by Council's incorporated Building Site Management Code of Practice.
- (2) Subclause 16(1) does not apply to a Building Site where only Minor Building Works will be undertaken.

Penalty:

10 Penalty Units

15 Penalty Units for a contravention of subclause 16(1) of the Community Local Law which requires action to be taken under subclause 101(1), if the contravention is a first offence.

20 Penalty Units for a contravention of subclause 16(1) of the Community Local Law which requires action to be taken under subclause 101(1), if the contravention is a second or subsequent offence.

17. Building Activity

- (1) A person must not, without a Permit, —
 - (a) carry out or allow to be carried out any Building Activity on a Property; or
 - (b) use any machinery or device ancillary to Building Activity on or over or across a road or Council Land—

on

 - (c) Christmas Day, Good Friday, ANZAC Day; or
 - (d) a Sunday; or
 - (e) any other day not specified in subclauses 17(1)(c) or 17(1)(d) at times that are outside of Building Activity Hours.
- (2) Subclause 17(1) does not apply to—

Community Local Law

- (a) any employee or agent of a Permit holder; or
- (b) any Building Activity required because of an emergency or urgent circumstance; or
- (c) any Building Activity which is subject to a permit issued under the **Planning and Environment Act 1987** if that permit contains a condition which—
 - (i) restricts the times during which the Building Activity may be performed; and
 - (ii) is more restrictive than subclause 17(1); or
- (d) Building Activity which is carried out by an owner or occupier of a Property for the purpose of home maintenance.

Penalty: 20 Penalty Units

18. Temporary Vehicle Crossings

- (1) If Building Works on land involves a motor vehicle leaving the road or entering the land which abuts a road, the owner of the land or the person responsible for the Building Works must obtain a Permit for the construction of a temporary crossing, pay any inspection fee to Council and protect all of the existing road including the kerb, drains, street trees, footpaths, nature strip and any other part of the road from damage caused by motor vehicle .
- (2) The owner of the land on which Building Works have been carried out must repair at the owner's own cost and to Council's satisfaction any damage to the road including the kerb, drains, street trees, footpaths, nature strip and any other part of the road caused by the carrying out of the Building Works.
- (3) Where, in the opinion of an Authorised Officer, a road including the kerb, drains, street trees, footpaths, nature strip and any other part of the road has been damaged as a result of or arising out of the Building Works, the owner or occupier of the land on which the Building Works have been carried out must, upon being directed to do so by the Authorised Officer—
 - (a) repair the damage or replace the Council Assets to the satisfaction of Council; or
 - (b) reimburse the cost and expense to Council for the repair of such damage or replacement of Council Assets .
- (4) The amount of reimbursement for such repairs or replacement under subclause 18(3)(b) must be proportionate to the cost to Council of repairing any damage to the road or replacement of the Council Assets including the kerb, drains, pipes, street trees, footpaths, nature strip and any other part of the road.

Penalty: 20 Penalty Units

Community Local Law

PART 4 - MANAGEMENT OF DRAINS, WATERWAYS OR SIMILAR

Introduction: This Part is designed to protect Council Assets and the environment.

19. Tapping into drains

A person must not, without a Permit—

- (1) destroy; or
- (2) damage; or
- (3) interfere with; or
- (4) excavate; or
- (5) tap into—

any drain vested in Council.

Penalty: 20 Penalty Units

20. Interference with waterways

A person must not, without a Permit—

- (1) destroy; or
- (2) damage; or
- (3) interfere with; or
- (4) excavate; or
- (5) tap into—

any waterway, sewer, ditch, gutter, tunnel, bridge, levee or culvert which is in, on or under Council Land.

Penalty: 20 Penalty Units

21. Polluting stormwater drains

A person must not, without a Permit, cause or permit any substance, other than untreated stormwater, to be discharged into the stormwater system.

Penalty: 20 Penalty Units

Community Local Law

PART 5 - PUBLIC RESERVES

Introduction: This Part aims to provide for the responsible management of Public Reserves so as to enhance the enjoyment of them by the local community.

In this Part:

Model Aeroplane, includes any airborne device that is similar to a model aeroplane and which is powered, such as a drone.

22. Motor vehicles in Public Reserves

- (1) A person must not, without a Permit, ride, drive, stop or park any motor vehicle in a Public Reserve except in an area designated for motor vehicles.
- (2) Subclause 22(1) does not apply to—
 - (a) Council Motor Vehicles; or
 - (b) a motorised wheelchair used by an injured or mobility impaired person.

Penalty: 6 Penalty Units

23. Model Aeroplanes in Public Reserves

A person must not, without a Permit, launch, fly or land or permit to be launched, flown or landed any Model Aeroplane in a Public Reserve.

Penalty: 8 Penalty Units

24. Interference with authorised activities within Public Reserves

A person who interferes in an unreasonable way with any activity in a Public Reserve that is authorised by Council or authorised in writing by a member of Council staff, including under clause 27, is guilty of an offence.

Penalty: 8 Penalty Units

25. Direction to leave a Public Reserve

- (1) If an Authorised Officer reasonably suspects that a person on a Public Reserve is contravening or has contravened any provision of Part 5 or any condition of a Permit issued under Part 5, the Authorised Officer may direct the person to—
 - (a) leave the Public Reserve; and/or
 - (b) not re-enter the Public Reserve for a stated reasonable period of not more than three (3) calendar days.
- (2) A person must comply with a direction given to the person under subclause 25(1).
- (3) A Permit issued under Part 5 to a person who is directed to leave the Public Reserve under subclause 25(1) is cancelled when the person is directed to leave the Public Reserve.

Community Local Law

- (4) A person given a direction under subclause 25(1) must not re-enter the Public Reserve unless the person has a reasonable excuse for the re-entry within the period stated in that direction.

Penalty: 10 Penalty Units

Community Local Law

PART 6 - ROADS AND COUNCIL LAND

Introduction: This Part contains provisions which aim to protect the amenity of Council Land and roads for the local community by regulating behaviour and by prohibiting persons from causing damage.

26. Inappropriate behaviour on Council Land

- (1) A person must not in or on Council Land—
 - (a) unreasonably affect another person's amenity; or
 - (b) substantially, unreasonably and repeatedly or continuously interfere with another person's use and enjoyment of that Council Land; or
 - (c) molest or obstruct any other person in or on that Council Land; or
 - (d) commit an indecent, offensive, threatening or riotous act; or
 - (e) use or display any offensive, threatening or abusive words or symbols.
- (2) A person must not in or on Council Land—
 - (a) destroy, damage, alter, mark, deface or remove any property or thing; or
 - (b) cause risk of personal injury or damage to property by climbing or walking on or over, sitting on or sliding down any structure, Building, fixture, free-standing object, appliance or equipment (other than play equipment or recreation and fitness equipment installed by Council) except with the consent of Council; or
 - (c) enter any area, place or Building in respect of which Council has prescribed an entry fee, unless the entry fee has been paid to an Authorised Officer or authorised representative of Council or the person enters in accordance with the written consent of Council; or
 - (d) act in a manner contrary to any restriction or prohibition contained in the inscription on a sign erected or authorised by Council at, on or in Council Land.
- (3) If an Authorised Officer reasonably suspects that a person on Council Land is contravening or has contravened subclause 26(1) or 26(2), the Authorised Officer may direct the person to—
 - (a) leave the Council Land —
 - (i) within a stated reasonable time; or
 - (ii) immediately if the Authorised Officer believes on reasonable grounds that the contravention is serious; and/or
 - (b) not re-enter the Council Land for a stated reasonable period of not more than three (3) calendar days.

Community Local Law

- (4) A person must comply with a direction given to the person under subclause 26(3).
- (5) A Permit or other forms of written consent by Council or a member of Council staff granted to a person who is directed to leave the Council Land under subclause 26(3) is cancelled by force of subclause 26(4) when the person is required to leave the Council Land.

Penalty: 12 Penalty Units

27. Social and sporting activities

- (1) A person must not, without a Permit or another form of written consent by Council or a member of Council staff, on Council Land other than in a designated location organise a —
 - (a) formal or structured sporting activity, including practice; or
 - (b) structured social activity, including a wedding or concert.
- (2) If an Authorised Officer believes on reasonable grounds that a person on Council Land is contravening or has contravened subclause 27(1), the Authorised Officer may direct the person organising the activity or a person participating in the activity to—
 - (a) immediately cease the activity; and/or
 - (b) leave the Council Land —
 - (i) within a stated reasonable time; or
 - (ii) immediately if the Authorised Officer believes on reasonable grounds that the contravention is serious; and/or
 - (c) not re-enter the Council Land for a stated reasonable period of not more than three (3) calendar days.
- (3) A person must comply with a direction given to the person under subclause 27(2).

Note This clause should not unreasonably capture smaller informal groups.

Penalty: 8 Penalty Units

28. Informal sport and games which unreasonably affect other users of Council Land

A person who participates in or allows informal sporting activities (including practice) and games on Council Land so as to unreasonably interfere with the use and enjoyment of the Council Land by any other person is guilty of an offence.

Penalty: 8 Penalty Units

29. Street party, festivals and processions

A person must not, without a Permit, hold a street party, street festival or street procession on a road.

Penalty: 10 Penalty Units

Community Local Law

30. Bulk Containers

A person must not, without a Permit, place, leave or permit to be placed or left or maintain on a road or Council Land any—

- (1) bulk rubbish container; or
- (2) shipping container; or
- (3) similar receptacle—
that—
 - (4) encroaches on; or
 - (5) obstructs the free use of; or
 - (6) reduces the breadth or confines the limits of—

a road or Council Land.

Note A Council issued waste receptacle of 240 litres or less is not a bulk rubbish container for the purposes of clause 30.

Penalty: 10 Penalty Units

31. Clothing bins

A person must not, without a Permit, place, allow to be placed or maintain any recyclable clothing bin on any road or Council Land.

Penalty: 10 Penalty Units

32. Planting on nature strips

- (1) A person must not—
 - (a) plant any tree on; or
 - (b) plant any vegetation on; or
 - (c) otherwise modify the appearance of—
a nature strip.
- (2) Notwithstanding subclause 32(1), a person may, subject to a Permit,—
 - (a) plant vegetation on; or
 - (b) otherwise modify the appearance of—

the nature strip immediately outside a Property which he or she occupies if such planting or modification complies with the Nature Strip Planting Guidelines.

Community Local Law

- (3) Subclauses 32(1) and 32(2) do not apply to a Service Authority or a person employed or acting on behalf of a Service Authority in respect of work which is for the purposes of the Service Authority.

Penalty: 8 Penalty Units

33. Filming

A person must not, without a Permit, undertake any filming on Council Land, other than filming for the purpose of private use.

Penalty: 20 Penalty Units

34. Defacing any advertising or billposting

A person must not deface any letter, figure, poster, sign or advertisement on Council Land.

Penalty: 10 Penalty Units

35. Repairing and sale of motor vehicles on roads or Council Land

- (1) A person must not—
- (a) display for sale in the course of business for the sale of motor vehicles; or
 - (b) paint; or
 - (c) carry out maintenance on or perform any work on; or
 - (d) dismantle; or
 - (e) service—

a motor vehicle on any road or Council Land.

- (2) Subclause 35(1)(c) does not apply to the twenty-four (24) consecutive hours immediately following the break down of the motor vehicle if emergency maintenance or work is carried out on the motor vehicle to enable the motor vehicle to be removed from the road or Council Land.

Penalty: 10 Penalty Units

36. Relocation of vehicles

- (1) A vehicle may be relocated by Council from any road or Council Land where such road or Council Land requires resurfacing or any other type of repair or maintenance. The relocation of a vehicle may be undertaken by Council where the vehicle obstructs such resurfacing, repair or maintenance activity or, by its position, prevents the activity from taking place.
- (2) If Council is to relocate a vehicle under subclause 36(1), it must give notice at least forty-eight (48) hours prior to the resurfacing, repair or maintenance activity indicating Council's intention to undertake the activity.

Community Local Law

- (3) The notice of the activity under subclause 36(2) must be provided through residential letterboxes and on vehicles parked in the road or Council Land in which the resurfacing, repair or maintenance activity is to take place.
- (4) The notice of the activity under subclause 36(2) must state that all vehicles must be removed from the road or Council Land by a specified date and time to allow the resurfacing, repair or maintenance activity to occur. After issuing the notice of the activity under subclause 36(2), Council will not be obliged to make any further contact with the owner of a vehicle prior to its relocation.
- (5) If Council is to relocate a vehicle under subclause 36(1) it must at least twelve (12) hours before relocating the vehicle, place signs displaying 'No Stopping' or otherwise traffic cones placed at no more than six (6) metre intervals along the area of road or Council Land that requires resurfacing or any other type of repair or maintenance.
- (6) If Council is to relocate a vehicle under subclause 36(1), it must—
 - (a) at the time of relocation of the vehicle photograph the existing condition of the vehicle; and
 - (b) have an Authorised Officer authorise the relocation of the vehicle; and
 - (c) use a towing firm to relocate the vehicle to a nearby legal parking place; and
 - (d) notify Victoria Police of the relocation and give details of the vehicle and place of relocation.
- (7) The powers that may be exercised under this clause are in addition to those conferred by clauses 3 and 4 of Schedule 11 to the Act.

37. Abandoned, derelict and unregistered vehicles

A person must not—

- (1) park or leave standing an abandoned, derelict or unregistered vehicle; or
- (2) cause or allow an abandoned, derelict or unregistered vehicle owned by that person to be parked or left standing—

on a road or Council Land for more than twenty-four (24) consecutive hours.

Penalty: 12 penalty units

Community Local Law

PART 7 - SAFETY AND AMENITY

Introduction: This Part contains provisions that aim to regulate and prohibit activities in Public Places not elsewhere covered by this Community Local Law to improve the amenity of the municipality. Its provisions control a number of activities which, if left uncontrolled, have the potential to detract from the safety or amenity of the local community.

In this Part:

Barbecue, means a structure, device or contraption—

- (a) designed or constructed for the primary purpose of cooking food in the open air for human consumption; and
- (b) which is being used for the purpose of cooking food or prior to or subsequent to cooking food.

Fire, includes smouldering or causing smoke (whether or not there is a conflagration) but does not include—

- (a) a fire lit by a member of a fire brigade in the course of his or her official duties; and
- (b) a tool of the trade.

Incinerator, includes a structure, device or contraption (not enclosed in any other Building) which is used or designed or capable of being used for the purpose of burning any matter, material, compound or substance. The term includes a domestic backyard incinerator used to burn household rubbish or garden refuse, but does not include a Barbecue or a fire pit, brazier or a chiminea.

shopping trolley, means a wheeled container or receptacle supplied by a retailer to enable customers to transport goods.

38. Lighting fires

- (1) A person must not, without a Permit, —

- (a) light any Fire; or
- (b) allow any Fire to be lit; or
- (c) allow any Fire to remain alight —

in the open air on any land.

- (2) Subclause (1) does not apply to any—

- (a) Barbecue; or
- (b) Fire lit for religious practices; or
- (c) fire pit, brazier or chiminea on any private land in a Residential Area which is constructed for the purpose of heating while it is being used for that purpose; and
- (d) that uses only gas or dry, clean and untreated wood as a fuel.

Community Local Law

- (3) A person must not allow any—
- (a) Fire lit for religious practices; or
 - (b) Barbecue; or
 - (c) fire pit, brazier or chiminea on any private land in a Residential Area—
- to discharge any dust, grit, ash, smoke, effluvium, substance or odour that constitutes a nuisance or is an unreasonable interference with the amenity of any other person.

Penalty: 10 Penalty Units

39. Incinerators

A person who constructs, erects, installs or uses any Incinerator on any land in a Residential Area is guilty of an offence.

Penalty: 10 Penalty Units

40. Camping, caravans, campervans and shipping containers

- (1) A person must not, without a Permit, —
- (a) pitch a tent; or
 - (b) erect any temporary or permanent shelter; or
 - (c) place and occupy a caravan, campervan or shipping container—
- on any land for the purpose of camping or living.
- (2) Subclause 40(1)(b) does not apply to the erection on any land, with the land owner's consent, of a temporary shelter to facilitate the preparation of meals associated with a religious practice or festival for a period not exceeding twenty-one (21) days.
- (3) Subclause 40(1)(a) does not apply to the occupation of a tent on private land for a period of up to twenty-one (21) days in any calendar year provided that sanitation and laundry facilities of a dwelling on the land are available to the occupants of the tent.

Penalty: 8 Penalty Units

41. Shopping trolleys

- (1) A person must not leave a shopping trolley in any car park or Public Place (other than in an area designated for the leaving of shopping trolleys).

Penalty: 10 Penalty Units

- (2) If an Authorised Officer reasonably suspects that a person is contravening or has contravened subclause 41(1), the Authorised Officer may direct that the owner of a shopping trolley, within twenty-four (24) hours of being notified by an Authorised Officer of the location of a shopping trolley, collects the shopping trolley.

Community Local Law

- (3) A person given a direction under subclause 41(2) must comply with that direction.
- (4) Subject to subclause 41(5), a retailer must not make available for use, or permit to be used, a shopping trolley which
 - (a) does not have a fully functioning coin mechanism or similar device attached to it; or
 - (b) is not secured to premises by a Council approved perimeter containment system.

Penalty: 16 Penalty Units

- (5) Subclause 41(4) does not apply when a retailer makes available for use, or allows to be used, twenty (20) shopping trolleys or less.
- (6) A retailer may apply for a Permit providing for an exemption from the application of subclause 41(4).

42. Circuses, carnivals and festivals

- (1) A person must not, without a Permit, conduct a—
 - (a) circus; or
 - (b) carnival; or
 - (c) festival—on any land.
- (2) Subclauses 42(1)(a) and 42(1)(b) do not apply in relation to a circus or carnival which is operated in compliance with the incorporated document titled A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, Oct 1997.
- (3) Subclause 42(1)(c) does not apply in relation to a street festival on a road for which a Permit is issued under clause 29.

Penalty: 16 Penalty Units

43. Aerosol paint containers

- (1) A person who owns, operates or manages a business which offers aerosol paint containers for sale must ensure that the aerosol paint containers are stored—
 - (a) in a secure area which is accessible only to the owner and staff of the business; and
 - (b) so that the aerosol paint containers are not visible from publicly accessible areas of the business.
- (2) If an Authorised Officer believes on reasonable grounds that a person is contravening or has contravened subclause 43(1), the Authorised Officer may direct the person that the aerosol paint containers that are stored or displayed contrary to subclause 43(1) be removed from any area which is visible or accessible to members of the public.

Community Local Law

- (3) A person given a direction under subclause 43(2) must comply with that direction.

Penalty: 8 Penalty Units

44. Direction to return library materials

- (1) A person must return to a library operated by or on behalf of Council any material (including books, journals, DVDs and the like) borrowed from the library and do so on or before any return date or expiry date notified at the time of borrowing or as set out in any subsequent reminder notice.
- (2) If an Authorised Officer believes on reasonable grounds that a person has contravened subclause 44(1), the Authorised Officer may direct the person to return to a library operated by or on behalf of Council the material (including books, journals, DVDs and the like) borrowed from the library within a stated reasonable time.
- (3) A person given a direction under subclause 44(2) must comply with the direction.
- (4) A person is not guilty of an offence under this clause if the person has prior to the expiry of the period of time provided in the direction under subclause 44(2) paid to Council the full replacement cost of the borrowed material which is lost or damaged.
- (5) The penalty under this clause is payable in addition to any late fees or fines imposed by Council in accordance with library policies and terms and conditions of membership, or any action taken by Council to recover the borrowed material commensurate with its value.

Penalty:

8 Penalty Units for the first offence of failing to comply with a direction under subclause 44(3).

16 Penalty Units for a second or subsequent offence of failing to comply with a direction under subclause 44(3).

45. Impersonating Council staff

A person who is not a member of Council staff must not:

- (1) in any way, hold himself or herself out to be a member of Council staff; or
- (2) produce a document that contains Council's logo or name, unless authorised or permitted by Council; or
- (3) use a document that contains Council's logo or name, unless authorised or permitted by Council.

Community Local Law

PART 8 - Penalty: 20 Penalty Units STREET SELLING, ADVERTISING, COLLECTIONS AND DISTRIBUTIONS

Introduction: This Part is concerned with commercial activities on Council Land and roads. It establishes a Permit system to regulate these commercial activities. It contains provisions which aim to enhance the appearance of roads and Public Places by controlling the placement of advertising signs on Council Land and roads. It contains provisions which aim to manage and facilitate responsible trading and entertainment on roads to increase the attractiveness and comfort of these places, by controlling the soliciting of gifts and money, busking, selling and other behaviours.

In this Part:

Advertising Sign, includes any letter, figure, symbol, device, poster, sign, banner or message used for notifying—

- (a) the existence of the sale or use of any goods or services; or
- (b) the holding of an event or function; or
- (c) the promotion of any person, company, organisation or thing.

Home Delivery, means the delivery of goods to an owner or occupier of a Property, where the delivery takes place, and is completed, at that Property.

occupier, means the person or persons in charge, or having the management or control, of or legally entitled to occupy any land (including premises) and includes, in relation to land which has a lot entitlement or lot liability in respect of common property, the Owners Corporation created on the registration of a Plan of Subdivision affecting that land.

owner, in relation to any land, means the person who —

- (a) is registered on the certificate of title as the owner of the land; or
- (b) is entitled to exercise any rights of ownership of the land; or
- (c) exercises any rights of ownership of the land.

sell, includes—

- (a) barter, offer or attempt to sell, receive for sale, have in possession for sale, expose for sale, send, forward or deliver for sale, or allow to be sold or offered for sale; and
- (b) sell for resale.

46. Mobile Billboards

- (1) A person must not, without a Permit, place or allow to be placed a mobile billboard on—
 - (a) a road, road-related area or Council Land; or
 - (b) any other location likely to interfere with the vision of a pedestrian, rider or driver.

Community Local Law

- (2) For the purposes of subclause 46(1) a mobile billboard is an Advertising Sign that is specifically constructed to be part of a motor vehicle or pulled along on a trailer by a motor vehicle.

Penalty: 20 Penalty Units

47. Advertising Signs and displays of goods on roads and Council Land

- (1) A person must not, without a Permit or other form of written consent by Council or a member of Council staff,—

- (a) display or place or allow to be placed any Advertising Sign; or
- (b) display any goods or services—

on a road or Council Land.

Penalty: 12 Penalty Units

48. Advertising Signs on Buildings

A person must not, without a Permit, write, place or affix any Advertising Sign on any Building.

Penalty: 12 Penalty Units

49. Busking

A person must not, without a Permit, busk on any road or Council Land with the object, or apparent object, of collecting money.

Penalty: 8 Penalty Units

50. Chairs, tables and furniture

A person must not, without a Permit, place and maintain a chair, table or other furniture on any road.

Penalty: 20 Penalty Units

51. Itinerant trading

- (1) A person must not, without a Permit or other form of written consent by Council or a member of Council staff,—

- (a) erect or place on any Council Land or road a vehicle, caravan, stall or other similar structure for the purpose of selling any goods or services; or
- (b) sell any goods or services from any Council Land or road to any person who is on any road or Council Land; or
- (c) have any goods, object or thing on any Council Land for hire or transport; or
- (d) sell any goods or services 'door to door' to households; or

Community Local Law

- (e) conduct or attempt to conduct commercial activities in Public Reserves.
- (2) Subclause 51(1)(d) does not apply to the Home Delivery of—
 - (a) goods purchased at another location or online; or
 - (b) newspapers or magazines.
- (3) This clause does not apply to Service Authorities or a person employed or acting on behalf of a Service Authority in the exercise of their statutory functions or where the activity is authorised on Council Land under a lease or licence granted by Council.

Penalty: 12 Penalty Units

52. Street appeals

A person must not in a Public Place, without a Permit, solicit or collect money, gifts or subscriptions for any purpose or cause or authorise another person to do so.

Penalty: 12 Penalty Units

Community Local Law

PART 9 - SMOKING AND ALCOHOL

Introduction: This Part aims to regulate the consumption of liquor in large groups on Council Land or roads and within certain areas of the municipality on certain days of the year. It also makes it an offence for a person to smoke in Council Buildings or Council Motor Vehicles.

In this Part:

Caulfield Alcohol-Free Zone, means the area the boundary of which—

- (a) commences at the south-east corner of Balaclava Road and Kambrook Road,
- (b) then southerly along the western boundary of Kambrook Road to the roundabout at the intersection of Kambrook Road, Glen Eira Road and Booran Road, and then around the western perimeter of that roundabout,
- (c) then south-easterly along the western boundary of Booran Road to the southwest corner of its intersection with Neerim Road,
- (d) then easterly across Booran Road and along the southern boundary of Neerim Road before crossing Neerim Road to the south-east corner of its intersection with Queens Avenue,
- (e) then northerly along the eastern boundary of Queens Avenue to the south-east corner of its intersection with Sir John Monash Drive, and then easterly along the southern boundary of Sir John Monash Drive to a point adjacent to the Princes Highway,
- (f) then north-westerly across Sir John Monash Drive and along the southern boundary of the Princes Highway to its intersection with Normanby Road, then across that intersection and south-westerly and north-westerly along the western and northern boundary of Normanby Road to its intersection with Balaclava Road, and
- (g) then westerly along the northern boundary of Balaclava Road to its intersection with Kambrook Road, then across Kambrook Road to the commencement point.

Race Meeting, has the same meaning as in the **Racing Act 1958**.

Race Meeting Day, means a day on which a Race Meeting is held at Caulfield Racecourse.

smoke, has the same meaning as in the **Tobacco Act 1987**.

53. Supply and consumption of liquor

- (1) A person must not, without a Permit or other form of written consent by Council or member of Council staff, supply or consume liquor on any Council Land or road as part of or in conjunction with an activity involving forty (40) or more people (whether or not all of the people are involved in the consumption of liquor).
- (2) Subclause 53(1) does not apply where—
 - (a) a licence, permit or authorisation (other than a limited licence) has been issued for the activity under the **Liquor Control Reform Act 1998**; or
 - (b) Council has consented in writing to the issue of a limited licence for the activity under the **Liquor Control Reform Act 1998**; or

Community Local Law

- (c) the activity forms part of an authorised activity under a lease or licence granted by Council; or
 - (d) the activity forms part of an authorised activity under a permit issued by Council in its capacity as the responsible authority under the Planning Scheme; or
 - (e) clause 54 applies.
- (3) If an Authorised Officer reasonably suspects that a person is contravening or has contravened subclause 53(1), the Authorised Officer may direct the person to seal any container or dispose of the contents of any unsealed container.
- (4) A person given a direction under subclause 53(3) must comply with that direction.

Penalty: 8 Penalty Units

54. Caulfield Alcohol-Free Zone

- (1) In this clause, Public Place does not include Caulfield Racecourse.
- (2) A person must not—
 - (a) consume any liquor in; or
 - (b) possess any liquor in an unsealed container in—any Public Place in the Caulfield Alcohol-Free Zone on a Race Meeting Day.
- (3) Subclause 54(2) does not apply to premises which have a permit or are licensed or authorised under the **Liquor Control Reform Act 1998**.
- (4) If an Authorised Officer reasonably suspects that a person is contravening or has contravened subclause 54(2), the Authorised Officer may direct the person to seal any container or dispose of the contents of any unsealed container.
- (5) A person given a direction under subclause 54(4) must comply with that direction.

Penalty: 8 Penalty Units

Notes

A map showing the area of the Caulfield Alcohol-Free Zone is available from the Service Centre, Glen Eira Town Hall or by visiting Council's website at www.gleneira.vic.gov.au.

Caulfield Racecourse, is defined in clause 8.

55. Smoking inside Council Buildings or motor vehicles

- (1) A person must not smoke inside any—
 - (a) Council Building; or
 - (b) Council Motor Vehicle.

Community Local Law

- (2) If an Authorised Officer believes on reasonable grounds that a person is contravening or has contravened subclause 55(1), the Authorised Officer may direct the person to immediately cease smoking.
- (3) A person given a direction under subclause 55(2) must comply with that direction.

Penalty:

8 Penalty Unit for an initial offence

12 Penalty Units for a second or subsequent offence

Community Local Law

PART 10 - SANITATION

Introduction: This Part is concerned with the collection and disposal of waste. Among other things, it regulates the collection and disposal of domestic waste, organic waste and recyclables.

56. Litter

A person who places or leaves litter, rubbish, abandoned property or other waste or pollutants on any Council Land except in a receptacle provided or with the written consent by Council or member of Council staff is guilty of an offence.

Penalty: 8 Penalty units

57. Mobile garbage bins, recycling containers and organics containers

A person who—

- (1) damages, destroys or interferes with a mobile garbage bin, recycling container or organics container; or
- (2) contravenes Council's incorporated policy on Mobile Garbage Bins, Recycling Containers and Organics Containers—

is guilty of an offence.

Penalty: 10 Penalty Units for a contravention of subclause 57(1)
5 Penalty Units for a contravention of subclause 57(2)

Community Local Law

PART 11 - ANIMALS AND BIRDS

Introduction: This Part aims to provide for the responsible care and management of animals within the municipality including regulating the number and types of animals a person may keep without a Permit and the conditions in which they are kept.

In this Part:

Fowl House, means any structure or erection (whether roofed or not) used or intended or designed as a pen for the keeping of poultry.

general livestock, includes a rooster, donkey, cattle, sheep, goat or pig of any age.

Kennel, means any structure or erection used or intended or designed as a pen for the keeping of two (2) or more dogs.

Litter Device, means a receptacle, dispenser, bag, container or other similar device designed or able to be used for the purpose of removing animal faeces and includes a paper or plastic bag.

Pigeon Loft, means any structure or erection for the housing or use of pigeons.

poultry, includes a duck, chicken, goose, peacock, pheasant, turkey and guinea fowl of any age.

58. Keeping animals

- (1) A person must not, without a Permit, keep or allow to be kept on any Property at any time any more than two (2) of the different types of animals that are specified in Table 3.
- (2) A person must not, without a Permit, keep or allow to be kept on any Property at any time any more than the number of each type of animal that is specified in Table 3.
- (3) Notwithstanding subclause 58(2), a Permit is not required to keep or allow to be kept a horse on Caulfield Racecourse.
- (4) Subclauses 58(1) and 58(2) do not apply to any person licensed pursuant to the **Wildlife Act 1975**, and who complies with the **Wildlife Act 1975** and **Wildlife Regulations 2013** in the keeping of an animal.

Penalty: 10 Penalty Units

Table 3: Keeping animals

Types of animals	Number
Cat (over 3 months old)	two (2)
Dog (over 3 months old)	two (2)
Poultry	six (6)
Pigeon	twenty (20)
General livestock	zero (0)
Horse	zero (0)

Community Local Law

59. Shooting and snaring animals

A person must not, without a Permit, shoot or snare any animal on Council Land.

Penalty: 10 Penalty Units

60. Animal litter

(1) A person in charge of any animal on Council Land or road or Caulfield Racecourse—

- (a) must have in his or her possession a Litter Device for that animal and must immediately produce that Litter Device upon request from an Authorised Officer; and
- (b) who fails to immediately produce a Litter Device when requested to do so by an Authorised Officer is guilty of an offence; and
- (c) must immediately collect and remove all of the excrement deposited by the animal and dispose of it as litter in a lawful manner.

(2) Subclause 60(1) does not apply to a person in charge of a horse on Caulfield Racecourse.

Penalty: 8 Penalty Units

61. Unsatisfactory Fowl Houses, Kennels, Pigeon Lofts and animal enclosures

(1) A person who keeps a Fowl House, Kennel, Pigeon Loft or animal enclosure in an unsatisfactory manner is guilty of an offence.

(2) For the purposes of subclause 61(1), a Fowl House, Kennel, Pigeon Loft or animal enclosure is kept in an unsatisfactory manner if it is not:

- (a) kept reasonably clean and free of offending odour; or
- (b) constructed and maintained in a manner so as to prevent vermin; or
- (c) constructed of suitable material to enable cleansing; or
- (d) generally able to prevent a loss or an adverse impact on the residential amenity of neighbouring or nearby Properties.

Penalty: 8 Penalty Units

62. Animals and amenity

(1) A person must not keep an animal in or on any Property if there is a loss of or an adverse impact on the residential amenity of the occupier of any neighbouring or nearby Properties.

(2) For the purpose of subclause 62(1) the circumstances in which an animal creates a loss of or an adverse impact on residential amenity includes:

- (a) if the animal creates a noise by any means outside the hours of 7 am to 8 pm Monday to Friday and 9 am to 8 pm Saturdays, Sundays and Public

Community Local Law

Holidays which unreasonably interferes with the peace, comfort or convenience of any person; or

- (b) by reason of offending odour; or
- (c) by reason of the existence of any vermin.

Penalty: 8 Penalty Units

63. Dogs and adequate fencing

An owner or occupier of a Property on which a dog is kept who fails to ensure that the Property is adequately fenced so as to prevent the dog's escape from the Property is guilty of an offence.

Penalty: 12 Penalty Units

64. Feeding of birds

An occupier of any private land must not—

- (1) feed or continue to feed; or
- (2) allow or cause to be fed—
any bird on that land if—
 - (3) that bird is not ordinarily kept on the land; and
 - (4) the circumstances in which the bird is fed are likely to or do—
 - (a) damage property; or
 - (b) interfere with the material comfort of any other person; or
 - (c) interfere with the enjoyment by any other person of their land.

Penalty: 8 Penalty Units

65. Feeding of birds on Council Land or road

- (1) An Authorised Officer may direct a person on Council Land or a road not to—
 - (a) feed or continue to feed; or
 - (b) allow or cause to be fed—
any bird on that Council Land or road.
- (2) A person given a direction under subclause 65(1) must comply with that direction.

Penalty: 8 Penalty Units

Community Local Law

PART 12 - YOUR PROPERTY

Introduction: This Part contains provisions which aim to ensure that the appearance of Properties in the municipality is consistent with an image of the municipality that is safe, attractive and well maintained, it contains provisions to control Properties that have been allowed to reach a dilapidated, unsightly or dangerous condition. It also contains provisions to provide for clear signage of street numbers to assist in the management of the municipality and to assist emergency services.

In this Part:

Junk, means scrap metal, second-hand timber, second-hand furniture, second-hand building materials, motor vehicles or machinery (or parts thereof), second-hand containers, waste paper, rags, bottles or similar material.

66. Fire hazards

An owner or occupier of a Property must not allow that Property to contain anything which constitutes or is likely to constitute a fire hazard, including because of vegetation, paper, combustible substance or any other material.

Penalty: 14 Penalty Units

67. Dangerous Property

An owner or occupier of a Property must not allow that Property to contain anything which constitutes or is likely to constitute a danger, including vermin, noxious weeds, storage of certain materials, liquids or any other substance.

Penalty: 14 Penalty Units

68. Unsightly Property

- (1) An owner or occupier of a Property which is unsightly or is not in accordance with the amenity of the locality in which the Property is located is guilty of an offence.
- (2) A Property is unsightly for the purposes of subclause 68(1) if it contains any one or more of the following—
 - (a) unconstrained rubbish; or
 - (b) excessive vegetation growth; or
 - (c) a disused excavation; or
 - (d) waste material; or
 - (e) guttering, downpipes or drains which are not in a good state of repair, clean and free from obstruction; or
 - (f) a Building which is dilapidated; or
 - (g) a Building which is incomplete and not currently being constructed; or
 - (h) graffiti on any Building, temporary fence or boundary fence; or

Community Local Law

- (i) Junk which is detrimental to the amenity of the area.

Penalty: 14 Penalty Units

69. Trees, plants and other structures causing a potential hazard to traffic

A person must not plant, locate or allow to be located or maintain a gate, tree, plant, sign or other similar object that extends over any part of the road in such a way as to:

- (1) obstruct the view between vehicles at an intersection; or
- (2) obstruct the view between vehicles and pedestrians; or
- (3) obstruct any Council Assets, including drains; or
- (4) obscure a traffic control item from an approaching vehicle or pedestrian; or
- (5) obscure street lighting; or
- (6) constitute a danger to vehicles or pedestrians; or
- (7) compromise the safe and convenient use of the road by pedestrians or vehicular traffic.

Penalty: 10 Penalty Units

70. Pedestrian safety

A person must not plant, locate or allow to be located or maintain a tree, plant, sign or other similar object that overhangs any footpath or other part of a road used by pedestrians to any extent up to a height of three (3) metres above ground level.

Penalty: 10 Penalty Units

71. Numbering of Properties

- (1) Council may allocate a street number for identification purposes to each Property in the Municipal District and, on occasion, may make changes to the allocated numbers.
- (2) For each Property that has been allocated a street number under subclause 71(1), the owner or occupier of the Property must ensure that the Property or a fixture associated with the Property is marked with the number allocated and that the number is of sufficient size, in such a position, made of such material, and kept in such state of repair as to be clearly readable under all normal lighting conditions from the road immediately adjacent to the front boundary of the Property.
- (3) A person must not display a street number on a Property or a fixture associated with the Property unless it is the number allocated by Council.

Penalty: 8 Penalty Units

Community Local Law

PART 13 - VEHICLE CROSSINGS

Introduction: This Part regulates the installation, maintenance and removal of Vehicle Crossings.

In this Part:

A Vehicle Crossing is properly constructed if—

- (a) it was approved by Council; or
- (b) the method of construction of and specification for the Vehicle Crossing was approved by Council.

72. Vehicle Crossing

- (1) An owner of a Property must ensure that each point of motor vehicle access from a road to the Property has a properly constructed Vehicle Crossing between the road and the boundary of such Property abutting the road.
- (2) A Vehicle Crossing must be properly constructed at the cost of the owner of the Property.
- (3) A person must not cause or allow a motor vehicle to be driven from or onto a Property that has a Vehicle Crossing other than by that Vehicle Crossing.
- (4) An owner of a Property must, at the owner's cost, ensure that any Vehicle Crossing between the road and the boundary of the owner's Property is repaired, replaced or removed so as not cause a hazard to road and footpath users.

Penalty: 16 Penalty Units

73. Constructing Vehicle Crossing

- (1) A person must not, without a Permit,—
 - (a) construct; or
 - (b) modify; or
 - (c) repair; or
 - (d) remove—a Vehicle Crossing, whether temporarily or permanently.
- (2) A person must not, without a Permit, remove, prune or damage any street tree as a result of the construction, modification, repair or removal of a Vehicle Crossing.

Penalty: 16 Penalty Units

74. Vehicle Crossings no longer required

An owner of a Property who retains a Vehicle Crossing which is no longer required is guilty of an offence.

Community Local Law

Penalty: 16 Penalty Units**75. Vehicle Crossing Notice**

- (1) If an owner of a Property is in breach of any provision of Part 13, Council may by notice in writing to the owner require—
 - (a) the construction of a properly constructed Vehicle Crossing to the Property, with the full cost of such works to be borne by the owner or occupier; or
 - (b) the repair or replacement of a Vehicle Crossing which is in a state of disrepair; or
 - (c) the removal of a Vehicle Crossing and reconstruction of the kerb and channel and footpath—with the full cost of such works to be borne by the owner.
- (2) An owner of a Property to whom a notice in writing is given under this clause must comply with the requirements of such notice within the time prescribed in the notice.

Penalty: 20 Penalty Units

Community Local Law

PART 14 - PARKING

Introduction: This Part regulates parking permits issued by Council in accordance with the resident parking scheme established pursuant to Schedule 11 to the Act.

In this Part:

parking permit, includes a tradesperson parking permit, resident parking permit and visitors parking permit issued by Council in accordance with the incorporated document titled “Residential Parking Permit System”.

Visitor, means a person visiting the place of residence of the holder of the visitors parking permit.

76. Parking Permits

- (1) A person who has been allocated a parking permit must not sell, hire out, lease, license or lend to another person or offer to sell, hire out, lease, license or lend that parking permit to any other person (other than to lend a visitors parking permit for use by a legitimate Visitor).
- (2) A person must not purchase, hire, lease, license or receive, or offer to purchase, hire, lease, license or receive a parking permit from a person who has been allocated a parking permit.
- (3) A person must not—
 - (a) forge or counterfeit a parking permit; or
 - (b) use a forged or counterfeit parking permit.

Penalty: 6 Penalty Units

77. Parking Permit offence

A person must not contravene the conditions of a parking permit.

Penalty: 6 Penalty Units

Community Local Law

PART 15 - PERMITS

Introduction: This Part provides the system of applying for, obtaining and retaining Permits.

In this Part:

78. Permit offences

- (1) Where any provision in this Community Local Law requires that a person obtain a Permit before engaging in a particular activity, that person is guilty of an offence if that person engages in that activity or cause or permits any other person to engage in that activity without a Permit authorising that activity (unless Council in its discretion has granted an exemption from, or waived the requirement for, a Permit).

Penalty: 20 Penalty Units (unless provided otherwise)

- (2) Any person who—
- (a) contravenes any condition of a Permit, or exemption from a Permit, issued under this Community Local Law (other than a failure to comply with a parking permit, which is provided for in clause 77); or
 - (b) gives to Council any information (whether oral or in writing) which is false or misleading in any material particular in respect of an application for a Permit issued under this Community Local Law; or
 - (c) fails to notify Council of any change in circumstances which is relevant to an application for a Permit issued under this Community Local Law; or
 - (d) fails, neglects or refuses to produce a Permit issued under this Community Local Law when directed to do so by an Authorised Officer—

is guilty of an offence.

Penalty: 20 penalty units (unless provided otherwise in this Community Local Law)

79. Permit applications

A person seeking to do anything for which a Permit is required under this Community Local Law must apply for the Permit in writing to Council and submit the relevant fee.

80. Permit fee

- (1) Council may, from time to time, by resolution determine fees and charges for the purposes of this Community Local Law.
- (2) In determining any fees and charges Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.

Community Local Law

- (3) Council may reduce, waive or refund, in whole or in part a fee or charge with or without conditions.

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

81. Further information

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

82. Notice of a permit application

Council may require the applicant to give notice of the application for a Permit in the manner specified by Council. Council may require the notice to state that submissions in respect of the application may be made to Council, and to specify the form or period in which submissions may be made.

83. Consideration of applications

- (1) In considering an application for a Permit, Council may consider as appropriate—
- (a) any Council policy or guideline relating to the subject matter of the application for the Permit; and
 - (b) any written objection or written submission received in respect of the application; and
 - (c) any written comment made in respect of the application by any Public Body or community organisation; and
 - (d) any other relevant matter.
- (2) If the applicant is not the owner of the Property that is the subject of the application, the consent of the owner of the Property to the application must be provided to Council with the application.

84. Issue of Permits

Council may—

- (1) issue a Permit with or without such conditions as it considers to be appropriate in the circumstances; or
- (2) refuse to issue a Permit.

85. Conditions of Permit

- (1) A Permit may be subject to any conditions which Council considers to be appropriate in the circumstances, including—
- (a) the payment of any fee or charge; and
 - (b) to lodge with Council a security bond, bank guarantee or similar surety in an amount and in a manner as Council considers reasonable in the circumstances; and

Community Local Law

- (c) a time limit to be applied, whether specifying the duration or commencement or completion date; and
 - (d) the happening of an event; and
 - (e) the rectification, remedying or restoration of a situation or circumstance; and
 - (f) where the applicant is not the owner of the subject Property, the consent of the owner; and
 - (g) the granting of some other permission or authorisation; and
 - (h) any other matter considered relevant to a particular application.
 - (2) The conditions of a Permit must be set out in the Permit.
 - (3) Council may, during the currency of a Permit, alter the conditions of a Permit if it considers it to be appropriate to do so, after providing the Permit holder with an opportunity to comment on the proposed alteration.
- 86. When does a Permit commence?**
- A Permit commences on the date specified in the Permit or, if no date is specified, the day on which it is issued.
- 87. When does a Permit expire?**
- (1) A Permit is in force until the expiry date indicated on the Permit, unless it is cancelled before the expiry date.
 - (2) If no expiry date is indicated on a Permit, the Permit expires 12 months from the date it is issued.
- 88. Correction of Permit**
- (1) Council may correct a Permit issued if the Permit contains—
 - (a) a clerical mistake or an error arising from any accidental slip or omission; or
 - (b) an evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in the Permit.
 - (2) Council must notify a Permit holder in writing of any correction.
- 89. Grounds for suspension, cancellation or amendment of Permits**
- (1) Council may suspend, cancel or amend any Permit if it considers that there has been—
 - (a) a material misstatement or concealment of fact in relation to the application for a Permit; or
 - (b) any substantial failure to comply with the conditions of the Permit; or

Community Local Law

- (c) any material mistake in relation to the grant of the Permit; or
 - (d) any material change of circumstances which has occurred since the grant of the Permit; or
 - (e) a Notice to Comply has been issued but not complied with within the time specified in the Notice to Comply.
- (2) Before it suspends, amends or cancels a Permit, Council must, if it is practicable to do so, provide to the Permit holder an opportunity to make comment on the proposed suspension, amendment or cancellation.
- (3) If a Permit holder is not the owner of the subject Property, and the owner's consent was required to be given to the application for the Permit, the owner must be notified of any Notice to Comply and of the reason why it has been served.

90. Change to Permits

Council may, pursuant to clause 88 or 89 as applicable, suspend correct, cancel or amend the Permit at the request of any person or at its own initiative.

91. Delegations

- (1) In accordance with section 114 of the Act, Council hereby delegates to the Chief Executive Officer and Authorised Officers all the powers, discretions, authorities and considerations of Council under this Community Local Law including the powers, discretions, authorities and considerations to require lodgement and the use of a security bond, bank guarantee or similar surety, allocate a street number, relocate a vehicle, require further information for a Permit, waive, reduce or refund fees or charges for a Permit with or without conditions, require the giving of notice of an application for a Permit, apply guidelines and policies to an application for a Permit, issue or refuse a Permit, correct or amend the conditions of a Permit, suspend or cancel a Permit, fix conditions and durations relevant to a Permit, charge a fee for the release of unclaimed or impounded goods, dispose of unclaimed or impounded goods, waive the need for a Permit, give public notice of a public auction, apply the proceeds of the sale by public auction or otherwise, consider and respond to a submission for review or do any act, matter or thing necessary or incidental to the exercise of any function or power by Council under this Community Local Law.
- (2) Notwithstanding subclause 91(1), Council does not delegate to the Chief Executive Officer and Authorised Officers the powers, discretions, authorities and considerations of Council under subclauses 6(5), 80(1) and 80(2).

92. Transfer of Permits

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

93. Exemption from Permit or Permit fee

- (1) Council may by written notice exempt any person or class of person from the need to obtain a Permit, and such exemption may be conditional, may be altered and may be cancelled.

Community Local Law

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

Community Local Law

PART 16 - INFRINGEMENT NOTICES

Introduction: This Part provides a means for enforcing this Community Local Law by Infringement Notices.

94. Offences

- (1) A person who—
 - (a) contravenes any provision under this Community Local Law; or
 - (b) contravenes a Notice to Comply; or
 - (c) fails to comply with a direction of an Authorised Officer under this Community Local Law—
 - (d) is guilty of an offence and is liable to—
 - (i) the penalty stated under a provision in this Community Local Law, or if no penalty is stated then twenty (20) penalty units; and
 - (ii) a further penalty of two (2) penalty units for each day after a finding of guilt by any Court during which the contravention continues; and
 - (iii) upon a finding of guilt by any Court for a second or subsequent offence, a penalty of twenty (20) penalty units will apply (unless otherwise stated).

95. Persons who may issue an Infringement Notice and other notices

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

- (1) in the case of an Infringement Notice, to pay the infringement penalty (or comply with other conditions) for that offence within the period specified in the Infringement Notice, being a period not less than the number of days set out in section 14 of the **Infringements Act 2006** after an infringement notice has been served; or
- (2) in the case of any other notice, to comply with the conditions within any other nominated period.

96. Penalty by Infringement Notice

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

Community Local Law

- (2) Notwithstanding subclause 96(1), the amount of penalty indicated on the Infringement Notice for an offence against clause 45 will be ten (10) penalty units

Note See Schedule 1 for a table of maximum penalties and Infringement Notice penalties in respect to offences against the Community Local Law.

Community Local Law

PART 17 - ENFORCEMENT (OTHER THAN BY INFRINGEMENT NOTICES)

Introduction: This Part provides a means for enforcing this Community Local Law other than by Infringement Notices. In particular, powers to impound and serve Notices to Comply are given.

97. Recovery of costs of enforcement

In addition to any penalty imposed pursuant to the Act or this Community Local Law for a contravention of this Community Local Law, Council is entitled to recover from the offender any cost, expense or loss incurred by Council in consequence of the contravention of this Community Local Law or in the prosecution of the offence.

98. Notice to Comply

- (1) If a person is in breach of this Community Local Law then either as an alternative or in addition to a direction or an Infringement Notice, an Authorised Officer may serve on that person a Notice to Comply.
- (2) A Notice to Comply may do one or more of the following things—
 - (a) direct the person to comply with this Community Local Law; or
 - (b) direct the person to stop the conduct which constitutes the breach of this Community Local Law; or
 - (c) direct the person to deliver to the Authorised Officer or to a specified person or a specified location any item or property of the person which constitutes the breach of this Community Local Law; or
 - (d) direct the person to remove or cause to be removed any item, goods, equipment or other things that constitute a breach of this Community Local Law; or
 - (e) direct the person to leave an area within the time specified in the notice that constitutes a breach of this Community Local Law; or
 - (f) direct the person to undertake any work or to do specified things to remedy a breach of the Community Local Law.
- (3) A Notice to Comply must specify the time and date by which the person specified in the Notice to Comply must comply with the direction in the Notice.
- (4) The time required by a Notice to Comply must be reasonable in the circumstances, having regard to—
 - (a) the amount of work involved; and
 - (b) the degree of difficulty; and
 - (c) the availability of necessary materials or other necessary items; and
 - (d) climatic conditions; and
 - (e) the degree of risk or potential risk; and

Community Local Law

- (f) any other relevant factor.

99. Service of Notice to Comply

A Notice to Comply may be served pursuant to section 234 of the Act.

100. Compliance with Notice to Comply

- (1) Where:

- (a) section 225 of the Act does not apply; and
- (b) the person served with a Notice to Comply fails to comply with the notice,—

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

- (2) All costs and expenses incurred by Council in carrying out any acts, matters or things described in subclause 100(1)(b) are a debt due to Council from the person on whom the Notice to Comply was given or served.

101. Power of Authorised Officer to act in urgent circumstances

- (1) In urgent circumstances arising as a result of a failure to comply with this Community Local Law, an Authorised Officer may take action to remove, remedy or rectify a situation without first serving a Notice to Comply if—
 - (a) the Authorised Officer reasonably considers the circumstances or situation to be sufficiently urgent and that the time involved or difficulties associated with the serving of a Notice to Comply may place a person, animal, property or thing at risk or in danger; and
 - (b) wherever practicable, a senior officer is given prior notice of the proposed action.
- (2) In deciding whether circumstances are urgent, an Authorised Officer must take into consideration—
 - (a) whether it is practicable to contact the person by whose default, permission or sufferance that situation has arisen; or
 - (b) the owner or the occupier of the property affected; or
 - (c) whether there is an urgent risk or threat to public health, public safety, the environment or animal welfare.
- (3) The action taken by an Authorised Officer under subclause 101(1) must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved.
- (4) An Authorised Officer who takes action under subclause 101(1) must ensure that as soon as practicable—

Community Local Law

- (a) details of the circumstances and remedying action are forwarded to the person on whose behalf the action was taken; and
- (b) a report of the action taken is submitted to the Chief Executive Officer or a senior officer to whom the Authorised Officer reports.

102. Offences by bodies corporate

- (1) If a body corporate contravenes any clause of this Community Local Law, each officer (within the meaning of section 9 of the *Corporations Act 2001* (Cth)) of the body corporate who knowingly authorised or permitted the contravention is to be taken to have contravened the same clause.
- (2) A person may be proceeded against and convicted under a clause of this Community Local Law in accordance with subclause 102(1), whether or not the body corporate has been proceeded against or convicted.
- (3) Nothing in this clause affects any liability imposed on a body corporate for an offence committed by the body corporate against this Community Local Law.

103. Impounding

- (1) An Authorised Officer may seize and impound goods, other than a motor vehicle, which have been displayed or placed on any Council Land or road—
 - (a) in a manner for which a Permit is required under this Community Local Law, but no Permit has been obtained; or
 - (b) where a person owning or responsible for the goods has ignored a direction or Notice to Comply from an Authorised Officer to remove them; or
 - (c) the goods are being displayed, used or possessed in contravention of this Community Local Law.
- (2) Where goods have been impounded under this Community Local Law, Council or an Authorised Officer must, if it is practicable to do so, serve notice of the impounding personally or by mail on the person who appears to be the owner of the impounded thing.
- (3) Impounded goods must be surrendered to—
 - (a) their owner; or
 - (b) a person acting on behalf of its owner who provides evidence to the satisfaction of an Authorised Officer of that person's authority from the owner –
on—
 - (c) evidence to the satisfaction of the Authorised Officer being provided of the owner's right to the goods.
- (4) In addition to any penalty prescribed in this Community Local Law for an offence relating to goods impounded under subclause 103(1), Council may charge any fee

Community Local Law

determined by Council or by an Authorised Officer from time to time for the release of such impounded goods.

- (5) Subclause 103(2) does not apply to the impounding of liquor or any shopping trolley under this Community Local Law or other items where the nature of the item impounded is such that it would be impracticable to return the item to the person from whom it was impounded or the owner.

104. Disposal of impounded goods

- (1) If an Authorised Officer exercises a power under this Community Local Law to seize and impound goods, other than a motor vehicle—

- (a) the property in the goods vests in Council; and
- (b) Council may dispose of the goods under this clause.

- (2) If—

- (a) impounded goods have not been surrendered to its owner or a person acting on the owner's behalf within 14 days of the notice of impounding being served; or
- (b) no notice of impounding has been served of the act of impounding—

Council may, at its discretion dispose of the goods—

- (c) as Council sees fit (including by private sale, destruction, rehousing or giving away) if—
 - (i) the goods are perishable; or
 - (ii) the goods have no commercial value; or
 - (iii) the value of the goods is so slight that it would not cover the cost of sale; or
 - (iv) the keeping of the goods is causing or is likely to cause a nuisance or a hazard; or
 - (d) by public auction after a period of one (1) month in the case of goods not specified in subclause 104(2)(c).
- (3) If goods are to be sold at public auction, Council must give public notice of the public auction at least ten (10) business days before the date of the proposed public auction.
- (4) Council must apply the proceeds of the sale (by public auction or otherwise) in the manner prescribed in subclauses 105(5) and 105(6).

105. Unclaimed goods

- (1) Council may, in accordance with this clause, dispose of goods, other than a motor vehicle, that are left on Council Land or road irrespective of whether the owner of the goods intended to relinquish ownership of the goods.

Community Local Law

- (2) Council may dispose of the goods—
- (a) as Council sees fit (including by private sale, destruction, restoring or giving away) if—
 - (i) the goods are perishable; or
 - (ii) the goods have no commercial value; or
 - (iii) the value of the goods is so slight that it would not cover the cost of sale; or
 - (iv) the keeping of the goods is causing or is likely to cause a nuisance or a hazard; or
 - (b) by public auction after a period of one (1) month in the case of goods not specified in subclause 105(2)(a).
- (3) If goods are to be sold at public auction, Council must give public notice of the public auction at least ten (10) business days before the date of the proposed public auction.
- (4) A person to whom goods are sold under this clause (whether by public auction or otherwise) gains a clear title to the goods freed and discharged from the interests of others.
- (5) Council must apply the proceeds of the sale (by public auction or otherwise) in the following manner—
- (a) first, towards the costs of the storage and sale of the goods; and
 - (b) second, in the payment of any prescribed fee for seizing and holding the goods; and
 - (c) third, if there is an amount owing to an entity under a security interest registered for the goods under the **Personal Property Securities Act 2009 (Cth)**, in payment of the amount owing under the security interest.
- (6) If, within twelve (12) months after the date of the sale, the former owner of the goods claims the proceeds of the sale of the goods, the net proceeds of the sale must be paid to the former owner but if no valid claim is made to the proceeds within that period, Council will forward the net proceeds of the sale to the Registrar of Unclaimed Money, in accordance with the requirements of the **Unclaimed Money Act 2008**. This clause does not apply to the disposal of goods to the extent that there is an inconsistent provision in legislation (including a provision in this Community Local Law) dealing specifically with the disposal of goods of a particular class or type.
- (7) A person may make a successful claim for the return of the goods left on Council Land or a road, before disposal of the goods, if the claimant—
- (a) is the owner, a person acting on the owner's behalf or a person claiming a right to possession of the goods; and
 - (b) has applied in writing to Council for the release from detention of the goods; and

Community Local Law

- (c) has furnished proof to the satisfaction of an Authorised Officer of the claimant's—
 - (i) ownership of the goods; or
 - (ii) right to possession of the goods; or
 - (iii) authority to act on behalf of the owner; and
- (d) has paid all expenses incurred by Council in connection with—
 - (i) the removal of the goods from the Council Land or road; and
 - (ii) the storage of the goods; and
 - (iii) the costs of sale which have been incurred; and
- (e) has signed a receipt for the delivery of the goods to the claimant.

106. Review

- (1) Any person who is aggrieved by the exercise of a power by an Authorised Officer under this Community Local Law may, within twenty-eight (28) days of the date of the exercise of the power, make a written submission to Council.
- (2) The making of any submission under subclause 106(1) will not in any way remove the requirement for the person making the submission to act in accordance with any obligation, direction, Notice to Comply or notice which is applicable under this Community Local Law to the person making the submission.
- (3) Subclause 106(1) does not confer a right for a person to make a submission—
 - (a) under section 223 of the Act; or
 - (b) relating to an Infringement Notice issued under this Community Local Law; or
 - (c) in respect to the enforcement of clauses 53 and/or 54 by any police officer.
- (4) A submission under subclause 106(1) must not be reviewed by the Authorised Officer whose exercise of power is the subject of the submission.

Note

The submission and review processes relating to Infringement Notices issued under this Community Local Law are covered by the processes and procedures of the **Infringements Act 2006**.

Community Local Law

Schedule 1 Penalties**Note**

Table of maximum court penalties and Infringement Notice penalties in respect to offences against the Community Local Law

Clause	Title	Infringement Notice Penalty Units	Maximum Penalty Units
11	Interference with Council easements	5	20
12	Damage, destruction or interference with Council Land	5	20
13	Damage, destruction or interference with roads	5	20
14	Occupation of roads or Council Land	5	20
15	Asset Protection Permit	5	20
16	Building Site Management	5	10
17	Building Works	5	20
18	Temporary Vehicle Crossings	5	20
19	Tapping into drains	5	20
20	Interference with waterways	5	20
21	Polluting stormwater drains	5	20
22	Motor vehicles in Public Reserves	1.5	6
23	Model Aeroplanes in Public Reserves	2	8
24	Interference with authorised activities within Public Reserves	2	8
25	Direction to leave a Public Reserve	2.5	10
26	Inappropriate behaviour on Council Land	3	12
27	Social and sporting activities	2	8
28	Informal sport and games which unreasonably affect other users of Council Land	2	8
29	Street party, festivals and processions	2.5	10

Community Local Law

Clause	Title	Infringement Notice Penalty Units	Maximum Penalty Units
30	Bulk Containers	2.5	10
31	Clothing bins	2.5	10
32	Planting on nature strips	2	8
33	Filming	5	20
34	Defacing any advertising or billposting	2.5	10
35	Repairing and sale of motor vehicles on roads or Council Land	2.5	10
37	Abandoned, derelict and unregistered vehicles	3	12
38	Lighting fires	2.5	10
39	Incinerators	2.5	10
40	Camping, caravans, campervans and shipping containers	2	8
41(1)	Shopping trolleys	2.5	10
41(3)	Shopping trolleys	4	16
41(4)	Shopping trolleys	4	16
42	Circuses, carnivals and festivals	4	16
43	Aerosol paint containers	2	8
44	Overdue library materials	2	8
45	Impersonating Council staff	10	20
46	Mobile Billboards	5	20
47	Advertising signs and displays of goods on roads and Council Land	3	12
48	Advertising Signs on Buildings	3	12
49	Busking	2	8
50	Chairs, tables and furniture	5	20

Community Local Law

Clause	Title	Infringement Notice Penalty Units	Maximum Penalty Units
51	Itinerant trading	3	12
52	Street appeals	3	12
53	Supply and consumption of liquor	2	8
54	Caulfield Alcohol-Free Zone	2	8
55	Smoking inside Council Buildings and vehicles	2	8
56	Litter	2	8
57(1)	Mobile garbage bins, recycling containers and organics containers	2.5	10
57(2)	Mobile garbage bins, recycling containers and organics containers	1.25	5
58	Keeping animals	2.5	10
59	Shooting and snaring animals	2.5	10
60	Animal litter	2	8
61	Unsatisfactory Fowl Houses, Kennels, Pigeon Lofts and animal enclosures	2	8
62	Animals and amenity	2	8
63	Dogs and adequate fencing	3	12
64	Feeding of birds	2	8
65	Feeding of birds on Council Land or road	2	8
66	Fire hazards	3.5	14
67	Dangerous Property	3.5	14
68	Unightly Property	3.5	14
69	Trees, plants and other structures causing a potential hazard to traffic	2.5	10
70	Pedestrian safety	2.5	10
71	Numbering of properties	2	8

Community Local Law

Clause	Title	Infringement Notice Penalty Units	Maximum Penalty Units
72	Vehicle Crossing required	4	16
73	Constructing Vehicle Crossing	4	16
74	Vehicle Crossings no longer required	4	16
75	Vehicle Crossing Notice	5	20
76	Parking Permits	1.5	6
77	Parking Permit offences	1.5	6
78	Permit offences	5	20

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Mobile Garbage Bins, Recycling Containers and Organics Containers

Date first adopted:	15 December 1998
Dates amended:	24 November 2009 6 November 2019
Next review date:	November 2024
Position title of responsible business unit Manager:	Manager Parks and Environment
Approved by:	Council
Internal external or both:	Both

1. TITLE

Mobile Garbage Bins, Recycling Containers and Organics Containers

2. OBJECTIVE

To:

- (a) enhance the streetscape by limiting the times when a Waste Receptacle can remain in the street;
- (b) reduce litter caused by the poor presentation of a Waste Receptacle or its contents;
- (c) prevent damage to a Waste Receptacle or the collection equipment;
- (d) define what materials may be placed in a Waste Receptacle for collection; and
- (e) define the responsibilities of the owners and occupiers of properties in respect of Waste Receptacles.

3. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Council	Glen Eira City Council
Damaged Waste Receptacle	A Waste Receptacle is considered damaged when it is no longer capable of serving its function of storing and allowing the collection of waste.
Electronic Waste	1) any electronic item or appliance or whitegoods including air conditioners, cameras, cassettes, CDs, computers, DVD player, DVDs, floppy disks, fluorescent tubes, halogen lights, hard drives, kitchen and laundry appliances, laptops, light globes, mobile phones, power tools, printers, printer cartridges, smoke alarms, tablets, television and videos; and 2) the plug, battery or electrical cord of any electronic item or appliance or whitegoods; and 3) x-rays.
Garbage	Any refuse that would usually accumulate during the period of one (1) week in or about a property within the municipality which is not Prohibited Waste.
Mobile Garbage Bin	The receptacle provided by Council or private collection agency for the storage and collection of Garbage.
Organics	Any material deemed by Council as being suitable for its organics collection.
Organics Container	The receptacle provided by Council or private collection agency for the storage and collection of Organic waste (including food and garden organics waste).
Prohibited Waste	<ul style="list-style-type: none"> • Building rubble • Mechanical parts • Liquid waste • Electronic Waste • Any other material likely to damage a Waste

Receptacle	
Recyclables	Any material deemed by Council as being suitable for its kerbside recyclables collection.
Recycling Container	The receptacle provided by Council or private collection agency for the storage and collection of Recyclables.
Waste Receptacle	A Mobile Garbage Bin, a Recycling Container or an Organics Container.

4. USE OF MOBILE GARBAGE BINS, RECYCLING CONTAINERS AND ORGANICS CONTAINERS

(1) Mobile Garbage Bin

- (a) A Mobile Garbage Bin must not, without the written consent of Council or member of Council staff, be used for any purpose other than for the storage and collection of Garbage.
- (b) Prohibited Waste must not be disposed of in a Mobile Garbage Bin.

(2) Recycling Container

- (a) A Recycling Container must not, without the written consent of Council or member of Council staff, be used for any purpose other than for the storage and collection of Recyclables.
- (b) Organics must not be disposed of in a Recycling Container.
- (c) Prohibited Waste must not be disposed of in a Recycling Container.

(3) Organics Container

- (a) An Organics Container must not, without the written consent of Council or member of Council staff, be used for any purpose other than for the storage and collection of Organics.
- (b) Recyclables must not be disposed of in an Organics Container.
- (c) Prohibited Waste must not be disposed of in an Organics Container.

(4) Waste Receptacle

- (a) The total weight of a Waste Receptacle and its contents must not exceed 75 kg.
- (b) Moist waste, ashes, dust or other light material must be securely wrapped when placed in a Waste Receptacle to prevent litter during the collection process.
- (c) When placed out for collection the lid of a Waste Receptacle must be completely closed.
- (d) Only waste within a Waste Receptacle will be collected as part of the kerbside waste collection service. The occupier of a property must ensure that any waste from their Waste Receptacle which has spilt onto the road, nature strip or surrounding area before collection is removed or placed into a Waste Receptacle as soon as possible.
- (e) When placed out for collection a Waste Receptacle must be as near as practicable to the kerb, with the wheels facing the property and have at least 0.5 metre clearance from any obstruction, overhanging tree, or street sign.

- (f) A Waste Receptacle must not be presented for collection on the carriageway of the road.
- (g) A Waste Receptacle must not be placed out for collection:-
 - i. earlier than 4:00 pm on the day before; or
 - ii. later than 6:00 am on-the scheduled collection day.
- (h) After collection of a Waste Receptacle from residential properties, the Waste Receptacle must be returned to the property on the day of the collection.
- (i) After collection of a Waste Receptacle from commercial premises, the Waste Receptacle must be returned to the commercial premises as soon as reasonably practicable but in any event no later than four (4) hours after collection.
- (j) The owner or occupier of a property must maintain the Waste Receptacle issued to that property in a:
 - i. clean and sanitary condition; and
 - ii. manner which does not unreasonably interfere with the amenity of any other person.
- (k) A Waste Receptacle must not be removed from the property to which it is issued, including when the owner or occupier moves property.
- (l) If a Waste Receptacle is a Damaged Waste Receptacle or lost or stolen, the owner or occupier of the premises must notify Council as soon as possible.
- (m) Council may repair or replace a Waste Receptacle which is a Damaged Waste Receptacle or has been lost or stolen.

5. HUMAN RIGHTS CHARTER COMPATIBILITY

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

6. ASSOCIATED INTERNAL DOCUMENTS

Waste Management Pricing Policy
Glen Eira City Council Community Local Law 2019

Building Site Management Code of Practice

Date first adopted:	24 November 2009
Dates amended:	6 November 2019
Next review date:	November 2024
Position title of responsible business unit Manager:	Manager, Community Safety and Compliance
Approved by:	Council
Internal, external or both:	External

CONTENTS

1. TITLE 3

2. OBJECTIVE 3

3. DEFINITIONS AND ABBREVIATIONS 3

4. POLICY 4

5. HUMAN RIGHTS CHARTER COMPATIBILITY 5

6. ASSOCIATED INTERNAL DOCUMENTS 5

7. EXTERNAL REFERENCES/RESOURCES 5

1. TITLE

Building Site Management Code of Practice

2. OBJECTIVE

To:

1. encourage the better management of Building Sites and amenity issues arising from Building Activity;
2. prevent the escape of Potential Stormwater Pollutants from Building Sites;
3. provide a physical environment which aims to minimise hazards to health, amenity and safety of persons attending Building Sites and those adjacent, opposite or passing Building Sites;
4. define the standards to which persons engaged in Building Activity or landscaping should adhere; and
5. educate and encourage persons involved in Building Activity or landscaping to act responsibly to reduce the extent of litter and pollution for the benefit of the local community.

3. DEFINITIONS AND ABBREVIATIONS

Unless the contrary intention appears in this policy words defined—

- (a) in the Glen Eira City Council Community Local Law 2019 have the same meaning in this policy; and
- (b) below have that meaning in this policy.

Term	Meaning
Builder	A person who has been nominated as the builder on the building permit, and if no such application has been made the Person in Charge of the Building Activity or landscaping being carried out.
Builders' Refuse	includes any Potential Stormwater Pollutant, solid or liquid domestic or commercial waste, debris or rubbish, and without limiting the generality of the above, includes any glass, metal, plastic, paper, fabric, wood, food, vegetation, soil, sand, concrete, rocks and any other waste material, substance or thing generated by or in connection with Building Activity or landscaping.
Facility	A suitable rubbish receptacle capable of restricting debris and other waste from leaving the Building Site.
Minor Landscaping Work	landscaping valued at less than \$5,000
Owner	in relation to a Building means the owner of the land on which the Building is situated.
Potential Stormwater Pollutant	any material that upon entering the Stormwater System, degrades the quality of stormwater to the detriment of the environment, including litter, sediment, soil, mud, concrete and concrete washings, plaster, brick and tile dust, paint, thinners and acid.
Person in Charge	the Builder or the Owner or the person in control of the Building Site if that person is not the Builder or the Owner and in the case of a company each director of that company

Stormwater System

Stormwater System which provides for the conveyance of stormwater run-off including kerb and channel, open channels, underground pipe systems and natural waterways.

4. POLICY**Stormwater Protection**

- 4.1. Where any Building Activity or landscaping is being carried out on any land, the Owner, Builder or Appointed Agent must manage the Building Site to ensure:
- (a) no Potential Stormwater Pollutant will escape from a Building Site; and
 - (b) any Potential Stormwater Pollutant is contained or stored in a manner such as to prevent it escaping from the Building Site.
- 4.2. Building Activity must be contained entirely within the Building Site and/or within an area approved by Council or an Authorised Officer.

Control of Builders' Refuse and excessive dust in the course of carrying out Building Activity: Containment

- 4.3. Where any Building Activity or landscaping (other than Minor Building Works or Minor Landscaping Work) is being carried out on any land, the Owner, Builder or Appointed Agent must:
- (a) ensure that any Builders' Refuse from a Building Site or an approved area where Building Activity or landscaping are being conducted does not escape the site or approved area;
 - (b) ensure that any excessive dust from a Building Site or an approved area where Building Activity or landscaping are being conducted does not escape the site or approved area;
 - (c) provide a Facility for the purpose of disposal of Builders' Refuse and to the satisfaction of Council, its size, design and construction will be at the discretion of the Builder;
 - (d) place the Facility on the land and keep it in place (except for such periods as are necessary to empty the Facility) for the duration of the Building Activity or landscaping;
 - (e) not place the Facility on any Council Land, Road, bridge or ford, footpath, bicycle path or nature strip, or any culvert, kerbing or other land or works forming part of a Road without Council's consent;
 - (f) empty the Facility whenever full and if necessary, a replacement Facility should be provided during the emptying process.
- 4.4. The requirement to provide a Facility may be waived at the discretion of an Authorised Officer.

Control of Builders' Refuse: Disposal

- 4.5. During any Building Activity or landscaping, the Owner, Builder or Appointed Agent must ensure that:
- (a) all Builders' Refuse which requires containment is placed in the Facility referred to in clause 4.3(c);
 - (b) Builders' Refuse is not deposited in, or on any land other than in accordance with clause 4.3; and
 - (c) Builders' Refuse is not deposited in or over any part of the Stormwater System.

Control of Builders' Refuse: Removal

- 4.6. On any land where Building Activity or landscaping is being, or has been carried out, the Owner, Builder or Appointed Agent must remove and lawfully dispose of all refuse including,

without limiting the generality of the above, the Builders' Refuse in the Facility referred to in clause 4.3(c), within seven (7) days of completion of the Building Activity or landscaping or issue of an occupancy permit, whichever occurs last.

5. HUMAN RIGHTS CHARTER COMPATIBILITY

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

6. ASSOCIATED INTERNAL DOCUMENTS

Glen Eira City Council Community Local Law 2019

7. EXTERNAL REFERENCES/RESOURCES

None

RESIDENTIAL PARKING PERMIT SYSTEM

Date first adopted:	14 April 2003
Dates amended:	24 November 2009 6 November 2019
Next review date:	November 2024
Position title of responsible business unit Manager:	Manager, Community Safety and Compliance
Approved by:	Council
Internal external or both:	Both

1. TITLE

Residential Parking Permit System

2. OBJECTIVE

To provide the opportunity for:

- (a) residents of the municipality to have access to on-street public car parking in a residential parking area within the vicinity of their homes;
- (b) a visitor, to a resident of the municipality, to have access to on-street public car parking in a residential parking area within the vicinity of the resident's home; and
- (c) tradespersons to have access, on a temporary basis, to on-street public car parking in residential parking areas for a fee determined by Council in its annual budget.

3. DEFINITIONS AND ABBREVIATIONS

Unless the contrary intention appears in this policy, words defined—

- (a) in the Glen Eira City Council Community Local Law 2019 have the same meaning in this policy; and
- (b) below have that meaning in this policy.

Term	Meaning
Arterial Road	has the same meaning as it has in section 3(1) of the <i>Road Management Act 2004</i> (Vic)

4. POLICY**4.1 GENERAL ELIGIBILITY AND CONDITIONS**

1. Council may issue a parking permit subject to any conditions which it considers appropriate including to—
 - (a) authorise parking—
 - i. within an area around a person's residence; or
 - ii. at a Building Site at which Building Activity is being undertaken; or
 - iii. for maintenance or emergency repairs to a Building; and
 - (b) specify the period for which the parking permit is valid.
2. A parking permit provides that, subject to the conditions of the parking permit, a motor vehicle displaying the parking permit is permitted to park in an area set aside as a resident parking area excluding periods prescribed of one (1) hour or less or otherwise determined by Council.
3. Parking permits issued by Council do not grant the holder of the permit permission to park in statutory prohibited zones (e.g. No Stopping areas).

4.2 INCLUSION OF ROADS IN THE RESIDENTIAL PARKING PERMIT SYSTEM

1. Council may set aside certain residential roads within the municipality as a resident parking area.
2. Inclusion of a road as a resident parking area is at Council's sole discretion.
3. Prior to exercising its discretion in respect of a road proposed for inclusion as a resident parking area, Council must consult with owners and occupiers of properties in that road.
4. In deciding whether to include a road as a resident parking area, Council may consider:
 - (a) merit and strategic objectives;
 - (b) the extent to which a proposed nomination would maintain equitable access to parking for all users; and
 - (c) any other relevant matters.

4.3 EXCLUSION OF DEVELOPMENTS FROM THE RESIDENTIAL PARKING PERMIT SYSTEM

1. Council reserves the right to exclude specific developments from access to parking permits in particular locations in the municipality.
2. New developments in the municipality are excluded from access to parking permits if one or more of the following applies:
 - (a) the development provides reduced Planning Scheme standard rates of parking; or
 - (b) the development is greater than two dwellings.
3. To enable increased transparency for any new owner/occupiers of the excluded development, details of the exclusion will be provided as follows:
 - (a) on Council's website (www.gleneira.vic.gov.au); and
 - (b) a note will be placed on any applicable planning permit.

4.4 ELIGIBILITY FOR A RESIDENTIAL PARKING PERMIT OR VISITOR PARKING PERMIT

1. Eligibility for a residential parking permit or a visitor parking permit is limited to an occupant of the residential property in a resident parking area which has parking restrictions on a road adjacent to his or her residence.
2. Occupants and owners of commercial properties are not eligible for a residential parking permit or a visitor parking permit for those properties.
3. Occupiers of a property in an area set aside by Council as a resident parking area may apply to Council for a residential parking permit and/or a visitor parking permit.
4. The applicant for a residential parking permit and/or a visitor parking permit must produce proof of occupancy of the property in the resident parking area.

5. An application for a residential parking permit and/or a visitor parking permit must be in writing on a parking permit application form provided by Council.
6. Subject to paragraph 4.4(7), a maximum of three (3) permits (any combination of a residential and visitor parking permit) may be issued by Council for a motor vehicle at an eligible residential property.
7. Additional residential parking permits or visitor parking permits may be issued by Council, for a motor vehicle at an eligible residential property, at its sole discretion subject to payment by the applicant of the fee fixed by the Council in its annual budget.
8. Notwithstanding paragraph 4.4(7), no fee will apply to additional visitor parking permits issued for the sole use of the carers of an occupant of an eligible residential property.
9. Notwithstanding paragraphs 4.3(1) through to 4.3(3), consideration may be given to issuing a residential parking permit, with or without a fee fixed by the Council in its annual budget, in circumstances where a resident:
 - (a) can demonstrate extenuating circumstances; or
 - (b) has a disability acquired or exacerbated since having entered into occupation of the residence which, in the reasonable opinion of Council, requires or necessitates the granting of a residential parking permit.

4.5 RECOGNISED COMMERCIAL AREA

1. If an applicant, for a residential parking permit and/or a visitor parking permit, resides in a recognised commercial area then the parking permit issued will be for the nearest adjacent road which is not in the commercial area.
2. A residential parking permit or visitor parking permit will not be issued for:-
 - (a) parking on an Arterial Road; or
 - (b) within off-road carparks of commercial areas within the municipality.

4.6 RENEWAL OF PARKING PERMITS

Valid parking permits are automatically renewed in December of each year.

4.7 TRANSFER

1. The holder of a current residential parking permit must apply in writing to Council for the reallocation of the permit to another motor vehicle.

Council may authorise the reallocation of a residential parking permit to another motor vehicle.

2. The holder of a residential parking permit or a visitor parking permit that moves residence must advise Council of the move in writing at or before the time of the move.

4.8 VISITOR PARKING PERMITS

1. Visitor parking permits may only be used by legitimate visitors to the residence to which the permit is issued.
2. Misuse of a visitor parking permit by a permit holder may, in addition to any enforcement action, result in the cancellation of that permit.

4.9 TRADESPERSON PARKING SCHEME ELIGIBILITY AND CONDITIONS

1. Council may issue a tradespersons parking permit to eligible tradespersons engaged in Building Activity on a Building Site or maintenance of a Building in an area set aside as a resident parking area.
2. A maximum of four (4) tradespersons parking permits per Building Site in a residential parking area may be issued for up to a maximum period of ninety (90) days for a fee determined by Council in its annual budget.
3. A maximum of two (2) tradespersons parking permits may be issued for emergency repairs or maintenance to a Building for up to a maximum of three (3) days for a fee determined by Council in its annual budget.
4. An application for a tradespersons parking permit must be in writing on an application form provided by Council.
5. An application for the tradespersons parking permit must contain:-
 - (a) details of the Building Site or Building for which the permit is to be issued;
 - (b) details of the period of time for which the permit is sought; and
 - (c) documentary evidence to establish that the tradesperson will be engaged in Building Activity on a Building Site or maintenance of a Building for the period of time sought in the application.
6. A tradespersons parking permit must only to be used on motor vehicles which are directly associated with:-
 - (a) Building Activity on the Building Site; or
 - (b) emergency repairs or maintenance to a Building.

5. HUMAN RIGHTS CHARTER COMPATIBILITY

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

6. ASSOCIATED INTERNAL DOCUMENTS

Glen Eira City Council Community Local Law 2019

7. EXTERNAL REFERENCES/RESOURCES

Local Government Act 1989 (Vic)
Road Management Act 2004 (Vic)
Road Safety Act 1986 (Vic)
Road Safety Road Rules 2017



Glen Eira City Council

Nature strip Planting Guidelines



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

Nature strip Planting Guidelines

Nature strips are the public land between the footpath and the kerb on residential streets. A permit is required from Council before planting a nature strip.

Glen Eira City Council encourages residents to use these guidelines for all nature strip planning and planting. This land is set aside for the provision of essential services, such as telephone, gas, water, sewerage, drainage and electricity.

In addition to providing clear viewing lines for pedestrians and vehicle traffic, the nature strip provides a stable area for postal and waste collection services, and clearances for entry and exit from motor vehicles parked on the road for passengers, prams and wheelchairs.

Council currently plants more than 1,000 street trees on nature strips a year.

If you are making changes to your nature strip

Before making changes to your nature strip, always check for underground services. To do this, contact Dial Before You Dig on 1100 or apply online at www.1100.com.au

Access for utility companies

While Council provides permission for residents to plant areas of the nature strip, utility companies may require access to their infrastructure for upgrades or repairs. Please be aware that the utility companies are only obligated to reinstate the nature strip as grass.

Where you can plant

The nature strip is a busy place, services pass through this area; cars park at the kerb and people alight onto the nature strip; and trees are planted that must have an exclusion zone to ensure their survival.

What you can plant

You can plant: annuals, perennials, ground cover, low shrubs and low grasses. The tallest specimen that can be planted must not grow to more than 50 cm high. A list of plants suitable for planting is contained at the end of these Guidelines.

What you cannot plant or use

Those plants selected for the nature strip area must not be prickly, have thorns or pose a threat to the community. Fruit and vegetables cannot be planted.

Landscaping hard surfaces, such as bricks or pavers, rocks, fences, sleepers or edges, planter boxes and other raised structures, ornaments (includes gnomes), or bollards are not permitted.

Artificial turf or grass is not permitted. Hand watering only is suitable - the installation of irrigation systems and any electrical components are not permitted.

Maintenance

The planted area must be maintained and kept neat and tidy. Plants must be healthy and thriving, with no weeds, pests or diseases present.

What happens if I no longer wish to continue with the nature strip planting?

If you decide to no longer maintain the garden on the nature strip, then you are required to reinstate the area to natural lawn which is level with the footpath and kerb.

The nature strip must also be returned to grass on sale or vacating of the property. Alternatively a new permit can be obtained by the purchaser of a property if they agree to continue to maintain the nature strip in accordance with the guidelines.

On receipt of your permit, it is the applicant's responsibility to ensure all other relevant approvals/permits are obtained, eg. Dial Before You Dig before works commence. The granting of a permit is made with the understanding that access by Council or other utility authorities, under their relevant legislation, can occur at any time and without notification. Maintaining your nature strip is critical to ensure access to infrastructure within the nature strip.

Things to note

Clearance

Street trees require space to be left free of planting to protect their root zone (a tree protection zone). The tree protection zone is calculated by measuring the diameter of the trunk at chest height and multiplying this number by 12 to determine the closest distance to the tree where planting is allowed.

For young trees, the minimum distance is two metres and for large trees, the maximum distance is 15 metres. You can plant lawn within the tree protection zone.

Footpaths require 50 cm to be left clear of planting to allow for pedestrian safety and clear passing.

Driveways require a one metre clearance of planting on either side to allow for car doors to be opened and pedestrian safety and passing.

Power poles, storm water pits, service pits and fire hydrants require one metre be left clear of planting around them.

Parking

Maintain a 90 cm clearance between the kerb and the planting to allow for a car door to be open and for safe pedestrian access.

Height restriction

Height restriction for plants is 50 cm. Ground covers and native grass species are preferred. A list of plants suitable for planting is contained at the end of these Guidelines.

What to do next

The property owner, or if you are a tenant and you have written approval to act on their behalf, is responsible for obtaining all necessary approvals before residents' plant out nature strips.

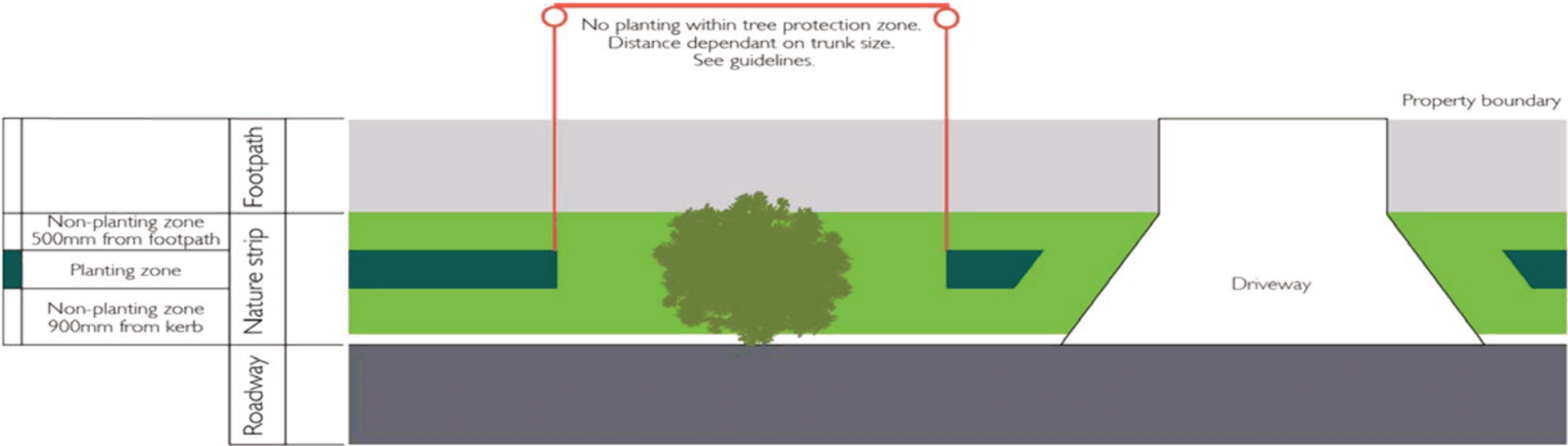
Please ensure you have obtained a permit before planting your nature strip. Council or utility asset owners may direct you to reinstate the nature strip back to its original condition if a permit is not sought, or if permit conditions are not met. Applications can be made through Council's website www.gleneira.vic.gov.au.

However you will need the following before lodging:

- property owners or body corporate consent (if you are renting or leasing)
- evidence there are no services that will prohibit your proposal; and
- a planting schedule/plan.

This information can be uploaded and incorporated into your application. Council officers will endeavour to inspect and assess your application within 14 days.

Nature strip Planting Guidelines:
2,100 mm nature strip with street tree



Nature strip Planting Guidelines:
2,100 mm nature strip without a street tree

Glen Eira City Council is planting 1,000 street trees per year into nature strips that do not have street trees. Check with Council if a street tree is to be planted on the nature strip before commencing your planting.



Preferred plants

Many local species of grasses and ground covers can be planted into the nature strip.

Planting species that are indigenous to the Sandbelt Region of Melbourne (south of the Yarra River, along the Port Phillip Bay coastline, extending to Frankston) can increase biodiversity and provide habitat for native birds and animals.



Chocolate Lily

Arthropodium strictum

Indigenous to Glen Eira.

Description of plant: chocolate scented deep pink to mauve flowers in spring and summer.

Growing preferences: full sun to part shade. Prefers well-drained soil.

Withstands dry periods.

Dimensions: 30cm to 60cm high, 20cm to 80cm wide.

Photo: © Colleen Miller, www.victorianflora.com



Cut Leaf Daisy

Brachyscombe species eg. *multifidi*

Native to Victoria.

Description: various varieties with different colour flowers in spring, summer and autumn.

Growing preferences: full sun to part shade.

Dimensions: 20cm to 40cm high, 80cm to 1.2m wide.

Photo: © Colleen Miller, www.victorianflora.com



Yellow Bulbine-lily

Bulbine bulbosa

Indigenous to Glen Eira.

Description: grass like with yellow flowers in spring, summer and autumn.

Growing preferences: full sun to part shade. Prefers well-drained moist soil.

Withstands dry periods.

Dimensions: 20cm to 40cm high, 20cm to 30cm wide.

Photo: © Colleen Miller, www.victorianflora.com



Karkalla

Carpobrotus rossii

Indigenous to Glen Eira.

Description: purple flowers.

Growing preferences: full sun to part shade. Prefers well-drained soils.

Withstands dry periods.

Dimensions: 20cm high, 2.5m wide.

Photo: © Colleen Miller, www.victorianflora.com

**Common Everlasting***Chrysocephalum apiculatum*

Indigenous to Glen Eira.

Description: yellow flowers in spring, summer and autumn.

Growing preferences: full sun to part shade. Prefers well-drained soil.

Withstands dry periods.

Dimensions: 30cm to 50cm high x 1.3m wide.

Photo: © Colleen Miller, www.victorianflora.com**Pale Flax Lily***Dianella longifolia* var. *longifolia*

Indigenous to Glen Eira.

Description: strappy plant. Blue flowers followed by blue berries.

Growing preferences: Full sun to part shade. Withstands dry periods.

Dimensions: 30cm to 60cm high, 50cm wide.

Photo: © Colleen Miller, www.victorianflora.com**Spreading Flax Lily***Dianella revoluta*

Indigenous to Glen Eira.

Description: strappy plant. Blue flowers followed by blue berries.

Growing preferences: full sun to part shade. Withstands dry periods.

Dimensions: 50cm to 60cm high, 80cm wide.

Photo: © Colleen Miller, www.victorianflora.com**Running Postman***Kennedia prostrata*

Indigenous to Glen Eira.

Description: scarlet pea-shaped flowers in spring and summer.

Growing preferences: full sun to part shade. Prefers well-drained soil.

Withstands dry periods.

Dimensions: Prostrate, 10cm high, 1m to 2m wide.

Photo: © Colleen Miller, www.victorianflora.com



Creeping Boobiala

Myoporum parvifolium

Indigenous to Glen Eira.

Description: dense foliage with white flowers in spring, summer and autumn.

Growing preferences: full sun to part shade. Withstands dry periods.

Dimensions: 10cm to 20cm high, 1.5m to 2m wide.

Photo: © Colleen Miller, www.victorianflora.com



Tufted Bluebell

Wahlenberia communis

Indigenous to Glen Eira.

Description: blue flowers in spring and summer.

Growing preferences: full sun or partial shade. Prefers well-drained moist soil.

Dimensions: 15cm to 50cm high, 15cm to 40cm wide.

Photo: (CC BY 2.5 AU) Russell Best, natureshare.org.au



Midgen Berry

Austromyrtus dulcis

Native to northern New South Wales and southern Queensland.

Description: small white flowers in spring and summer followed by an edible berry.

Growing preferences: full sun to part shade.

Dimensions: 40cm to 50cm high, 1m to 1.5m wide.



Fern-leaf Banksia

Banksia blechnifolia

Native to Western Australia.

Description: red flower spikes in spring and summer.

Growing preferences: full sun. Withstands dry periods when established.

Dimensions: 20cm to 40cm high, 1.2m to 1.5m wide.

Photo: Australian National Botanic Gardens, www.anbg.gov.au



Dusky Bells

Correa 'Dusky Bells'

Native to Victoria.

Description: pink flowers in autumn to spring.

Growing preferences: full sun to part shade. Withstands dry periods.

Dimensions: 50cm high, 1m wide.

Photo: Australian National Botanic Gardens, www.anbg.gov.au

**Blue Rock Bindweed**

Convolvulus sabaticus

Exotic.

Description: mauve flowers in spring, summer and autumn.

Growing preferences: full sun to part shade. Withstands dry periods.

Dimensions: 15cm to 20cm high, 2m wide.

**Dampiera**

Dampiera diversifolia

Native to southwest Western Australia.

Description: purple to blue flowers in spring and summer.

Growing preferences: full sun to part shade. Prefers well-drained soil.

Dimensions: 10cm high, 1.5m wide.

Photo: (CC BY 2.5 AU) Chris Clarke, natureshare.org.au

**Bent Goodenia**

Goodenia geniculata

Indigenous to Glen Eira.

Description: yellow flowers in spring and summer.

Growing preferences: full sun to part shade. Withstands dry periods.

Dimensions: 5cm to 10cm high, 30cm wide.

Photo: (CC BY 2.5 AU) Russell Best, natureshare.org.au

**Common Tussock Grass**

Poa labillardieri

Indigenous to Glen Eira.

Growing preferences: full sun to part shade. Withstands dry periods.

Dimensions: 30cm to 70cm high, 40cm wide.

Photo: © Colleen Miller, www.victorianflora.com

**Coastal Tussock Grass**

Poa poiformis

Indigenous to Glen Eira.

Growing preferences: full sun to part shade. Withstands dry periods.

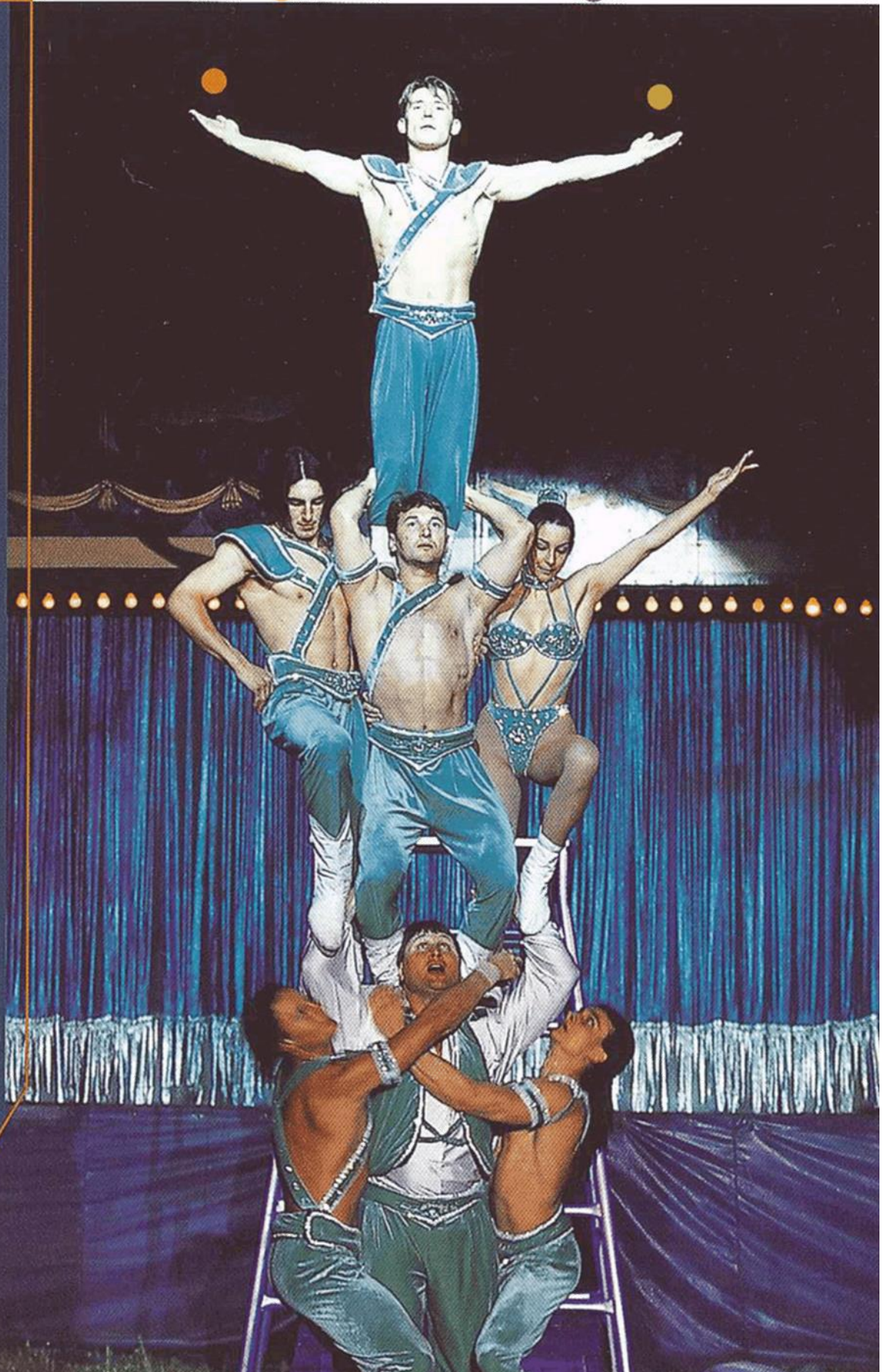
Dimensions: 30cm to 70cm high, 40cm wide.

Photo: Plants of the Elster Creek Area, www.elster-creek.org.au



INFRASTRUCTURE

A 'GOOL NEIGHBOUR' CODE OF PRACTICE
FOR A CIRCUS OR CARNIVAL OCTOBER 1997





A 'GOOD NEIGHBOUR' CODE OF PRACTICE FOR A CIRCUS OR CARNIVAL



OCTOBER 1997



CONTENTS

A 'GOOD NEIGHBOUR' CODE OF PRACTICE FOR A CIRCUS OR CARNIVAL	4
● BACKGROUND TO THIS CODE	4
● PURPOSES OF THE CODE	5
● DEFINITION IN THIS CODE	5
THE REQUIREMENTS TO BE MET	6
● BUILDING AND WORKS	6
● A SUITABLE SITE	6
● NOISE	6
● ADVERTISING SIGNS	6
● DURATION OF THE EVENT	7
● OPERATING HOURS	7
● HANDLING FOOD FOR SALE	8
● SANITARY FACILITIES	8
● TRAFFIC, PARKING AND SITE ACCESS	9
● CARE OF ROADS, ACCESS WAYS, KERBS AND FOOTWAYS	10
● SITE REINSTATEMENT	10
● GIVING NOTICE	10
● CONSIDERING OBJECTIONS	13

A 'GOOD NEIGHBOUR' CODE OF PRACTICE FOR A CIRCUS OR CARNIVAL

BACKGROUND TO THIS CODE

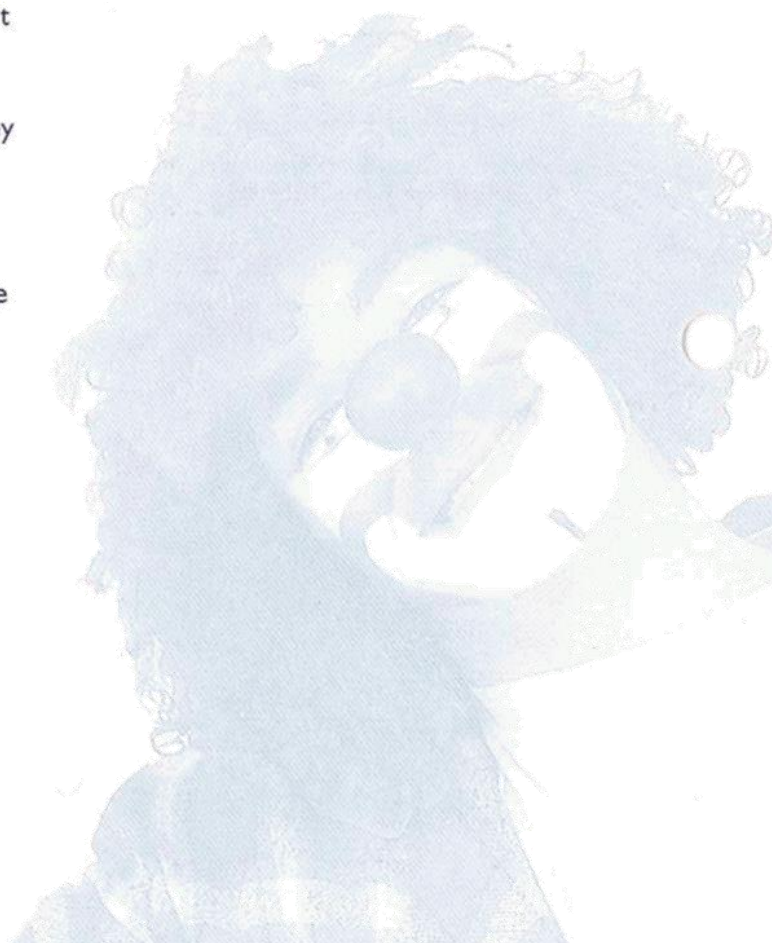
Circuses and carnivals often operate with national itineraries and influences which affect those itineraries can be many and varied. Influences may include; drought, flood, bushfire, earthquake and site availability. Drought which affected much of the eastern part of Australia recently resulted in many inland national and State itineraries being revised and venues being sought along the eastern seaboard.

Traditionally, circuses and carnivals occupy sites for short periods and perhaps only once or twice a year. Circuses and carnivals are temporary and transient activities and they are not the end use of the land. The sites they occupy are often in private ownership, vacant or awaiting development and located in, or near, urban areas.

Responsible authorities vary in the way they respond to circus and carnival. Some consider that the temporary activity does not require a planning permit while others require lengthy notification processes to be carried out before considering whether or not to grant a permit. The quick decisions which are required by the industry are frequently prevented. Varying responses and the possibility of lengthy delays in the application process leads to uncertainty within the industry.

It is the nature of the industry that itineraries need to be revised at short notice. The present planning controls do not provide the quick response, flexibility, and certainty which is required by the industry.

This code aims to protect the amenity of residents and provide a degree of certainty to the industry by setting out the 'Requirements to be Met', if a site is to be occupied by a circus or a carnival for short periods.



A 'GOOD NEIGHBOUR' CODE OF PRACTICE FOR A CIRCUS OR CARNIVAL

PURPOSES OF THE CODE

The purposes of this code are:

- to promote certainty for communities by requiring that a circus or carnival will be a good and considerate neighbour, ensuring that the amenity of the neighbourhood is not adversely affected by the presence of a circus or carnival; and
- to provide certainty for the industry, as no planning permit for the temporary occupation of land by a circus or a carnival will be needed if the provisions of the State section of all planning schemes are complied with and the 'Requirements to be Met' in this code, are complied with.

A failure by the operator to comply with the 'Requirements to be Met' under this code means that the conditions of the Planning Scheme which allow a circus or carnival to operate without a permit do not apply and the enforcement process provided under the Planning and Environment Act 1987 may be invoked.

This document is incorporated into all planning schemes.

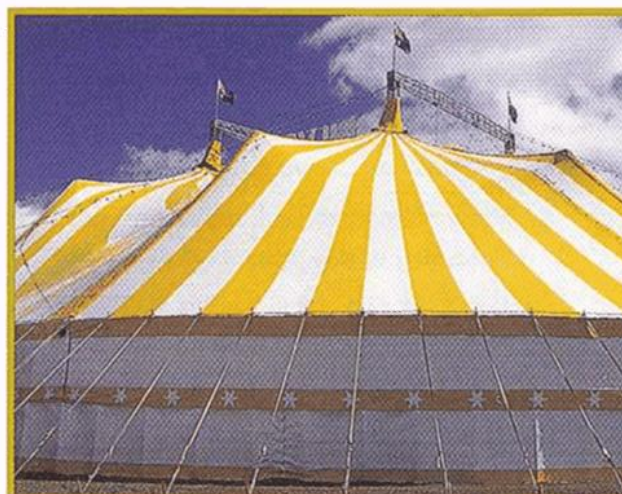
DEFINITIONS IN THIS CODE

CIRCUS

means a company of performers gathered for the purpose of providing entertainment such as acrobatic feats, tricks of skill, clowns and exhibiting animals.

CARNIVAL

means a temporary fair or amusements for the purpose of providing recreation or entertainment such as side shows, merry-go-rounds, stalls for games or snacks. It does not include a sporting event, trade fair, or exhibition.



THE REQUIREMENTS TO BE MET

BUILDINGS AND WORKS

No permanent buildings or works are to be constructed or carried out.

A SUITABLE SITE

The owner of the land must give written consent for the land to be occupied by a circus or a carnival; or

The land must be a site which has been designated by the municipality (by local law or otherwise) as a site which is appropriate for occupation by a circus or a carnival (it is likely that designated sites will be council reserves and showgrounds); or

If a site has not been designated the site must:

- be capable of accommodating the circus or carnival so that it does not:
 - cause a nuisance beyond the site;
 - have an adverse effect, affect the amenity of the neighbourhood; or
 - have an adverse effect on any significant native vegetation.
- allow animals to be kept away from the boundary of any adjoining residential site if the animals are likely to cause a nuisance to adjoining residents.

If a site is not large enough to accommodate ancillary activities of a circus or a carnival and if the council agrees, another area of land may be used to accommodate ancillary activities. The requirements for any site which accommodates ancillary activities are the same as those which apply to the main site occupied by the circus or carnival.

NOISE

The operator must ensure that noise from any ride, animal, public address system, amplified music, generator, or other equipment does not cause a nuisance beyond the site which is occupied by the circus or carnival.

ADVERTISING SIGNS

Any signs which are used to advertise the circus or carnival must comply with the planning scheme requirements for outdoor advertising.



The signs must:

- be of a professional standard;
- present a good image of the industry to the public;
- be securely fixed and kept in a safe condition; and
- be removed by the operator before the site is vacated.

Signs must not:

- be displayed on electricity poles; or
- be displayed on road reserves without the consent of the relevant authority (local, council or VicRoads).

THE REQUIREMENTS TO BE MET

DURATION OF THE EVENT

To ensure that the occupation remains transient and temporary and to ensure that any cumulative effects do not have an adverse effect on the amenity of the area, a circus or carnival must not occupy a site for more than:

- 28 consecutive days; and
- not more frequently than twice in any 12-month period.

Given that the population varies across the State, in some instances a small population may not warrant a stay of 28 days. In such a case, a circus or a carnival operator may want to occupy a site for only a few days but may want to visit the site more frequently than twice in 12 months. Council may respond to circumstances such as these and allow shorter but more frequent stays. Council may choose to use a local law or other means to allow this.



OPERATING HOURS

To ensure that the operation of the circus or carnival does not conflict with other neighbourhood activities, the operating hours of the circus or carnival must not exceed the times which are set out below. These times do not apply:

- if the municipality has designated the site (by local law or other means) as one which is appropriate for occupation by a circus or a carnival and other times have been designated; or
- the council considers that times should not be applied as there will be no disturbance to the neighbourhood; or
- if a site is located on a main road within the metropolitan area and the circus show time or the operation of a carnival means that patrons entering or leaving the site will unduly interfere with the peak flow of traffic.

CIRCUS:

Monday to Friday (inclusive)
7pm to 10.30pm
Saturday - 2pm to 10.30pm
Sunday - 2pm to 7pm

On public holidays and during school holidays the operating times may be extended to include a 2pm matinee on weekdays.

CARNIVAL:

Thursday - 6pm to 10pm
Friday - 6pm to 11pm
Saturday - 11am to 12pm
Sunday - 11am to 7pm.

THE REQUIREMENTS TO BE MET

The carnival will not operate on Monday, Tuesday, or Wednesday nights, or on a Sunday night after 7pm.

On public holidays and during school holidays the operating times may be extended to:

Monday to Thursday (inclusive) - 11am to 9pm

Friday - 11am to 11pm

Saturday - 11am to 12pm

Sunday - 11am to 7pm.

HANDLING FOOD FOR SALE

The handling and sale of any food must comply with the provisions of the relevant act administered by the council.



SANITARY FACILITIES

Separate toilets must be provided for use by patrons and staff and they must be:

- clearly signed for this purpose;
- screened; and
- kept in a clean condition.

To prevent the spread of litter:

- rubbish receptacles must be provided on the site where food or wrapped goods are sold;
- rubbish from the bins must be collected daily or more frequently if required and the refuse disposed of appropriately; and
- the site must be kept free of litter.

Details must be provided on the number of toilets and the method of waste disposal.

The site must be regularly cleared of animal manure and measures taken to reduce any odours which may result from the keeping of animals or the storage of animal manure. The site must be cleared of any animal manure when the site is vacated.



THE REQUIREMENTS TO BE MET

TRAFFIC, PARKING AND SITE ACCESS

To ensure that patron parking facilities are adequate, that access to the site is appropriate and that the flow of road traffic will not be unduly affected by the occupation, at least two weeks before the site is occupied, the operator must satisfy the council that:

- adequate parking space for patrons will be available on the site; or
- there is safe and adequate roadside parking to meet or supplement the need; or
- the operator has the agreement of property owners or occupiers in the vicinity to provide suitable alternative parking;
- when off-site parking is proposed, the operator and the council must consider the times that the circus or carnival will be operating and the likelihood that the alternative parking will be available given that other activities in the area may also be operating at that time;

- where car parking is proposed on private land, attendants must direct vehicles to optimise the use of available space;
- the location of the site access is appropriate and the method of gaining access to and egress from the site is satisfactory;
- the pattern of traffic movement in the area will not be unduly affected by the occupation of the site or by vehicles entering or leaving the site (the activities must not unduly interfere with the flow of peak traffic); and
- there is appropriate provision and maintenance of pedestrian access in and around the site.

A brief description of the occupation or site sketch must also be provided to the council to help it to identify any traffic issues (a copy of the sketch which is to be provided when giving notice to neighbours will be suitable for this purpose).

THE REQUIREMENTS TO BE MET

CARE OF ROADS, ACCESS WAYS, KERBS AND FOOTWAYS

At least two weeks before the site is to be occupied, the operator must satisfy the municipal council that adequate precautions will be taken to protect roads, access ways, kerbs and footways from damage during the occupation and from vehicles entering or leaving the site.

The council may require the payment of a bond of not more than \$1000 to be applied to the reinstatement of any public works including roads, access ways, kerbs or footways which may be damaged by the occupation or by vehicles gaining access to or leaving the site. The council may also require the payment of an inspection fee of not more than a total of \$50 (preliminary inspection of \$25 and a final inspection of \$25) to inspect and assess the condition of the public works before the site is occupied and again after the site has been vacated. A written assessment of the condition of these works must be provided to the operator at the time of the inspections.

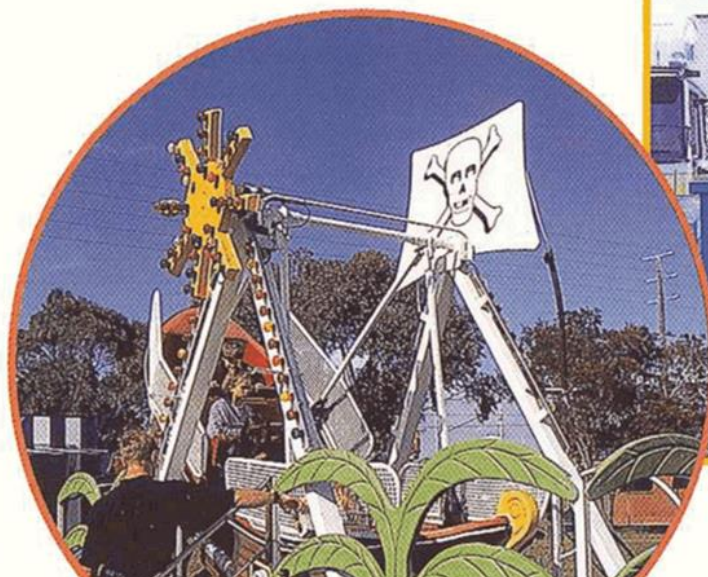
SITE REINSTATEMENT

The operator must ensure that the site is left in a good condition by:

- removing any rubbish or litter from the site;
- repairing any damage caused by the occupation of the site;
- removing any manure, all straw or other material; and
- removing any materials used to protect any public works or to gain access to or egress from the site.

GIVING NOTICE

To ensure that the neighbours of a circus or carnival site are identified, any concerns of amenity are addressed, and to foster a good neighbour image for the circus or carnival before the site is occupied, written notice



THE REQUIREMENTS TO BE MET

that a circus or carnival will occupy a site must be given to any resident or business operator whose residence or place of business either abuts the site, or is opposite the site, at least 14 days before the site is to be occupied unless:

- the municipality designates the site (by local law or other means) as one which is appropriate for occupation by a circus or a carnival;
- the place of residence or business is more than 100 metres from the circus or carnival including the Big Top, 'exotic' animals, stalls, rides, sideshows, electricity generating equipment, on-site parking area, residential caravan or trailer, or other equipment.

The notice must contain the following information:

- the expected duration of the occupation;
- a brief description of the occupation, that is, it is a circus or carnival and whether animals will be kept on the site;
- a brief description or site sketch to indicate where the Big Top, stalls rides or sideshows will be located on the site and where any exotic animals will be kept;
- the operating hours;
- a statement that the circus or carnival must comply with this code of practice, a copy of which may be viewed at the offices of the municipal council;

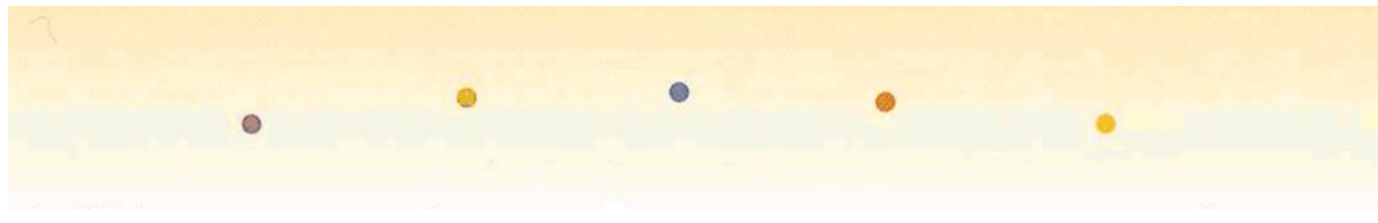
- a statement to the effect that: if the person to whom notice is required to be given believes that they may be adversely affected by the occupation, they may make a written objection to the council before the site is occupied. The objection should state how they believe they will be affected, and the objection must be lodged in writing with the local council; and

- the address of the local council.

To confirm that notice has been given it will be sufficient for the operator to:

- obtain written confirmation from any resident or business operator who was required to be given notice, that the notice was given; or





- make a statutory declaration to this effect; or
- keep a log or diary for this purpose.

The following information must be recorded in any log or diary:

- to whom the notice was given, that is, the occupier;
- when the notice was given;
- where the notice was given;
- the form in which the notice was given, that is, by letter, notice or otherwise; and
- the details of the notice given, that is, a copy of the notice.

The onus is on the circus or carnival operator to ensure that the municipality has an up to date copy of the Code of Practice to be viewed by the public.

CONSIDERING OBJECTIONS

Any objection must be in writing and lodged with the council two days before the specified period of occupation of the site. If the council receives a written objection from a person who was required to be given notice and the council believes that the occupation of the site will cause detriment to that person, the council must:

- advise the operator of the objection and its content; and

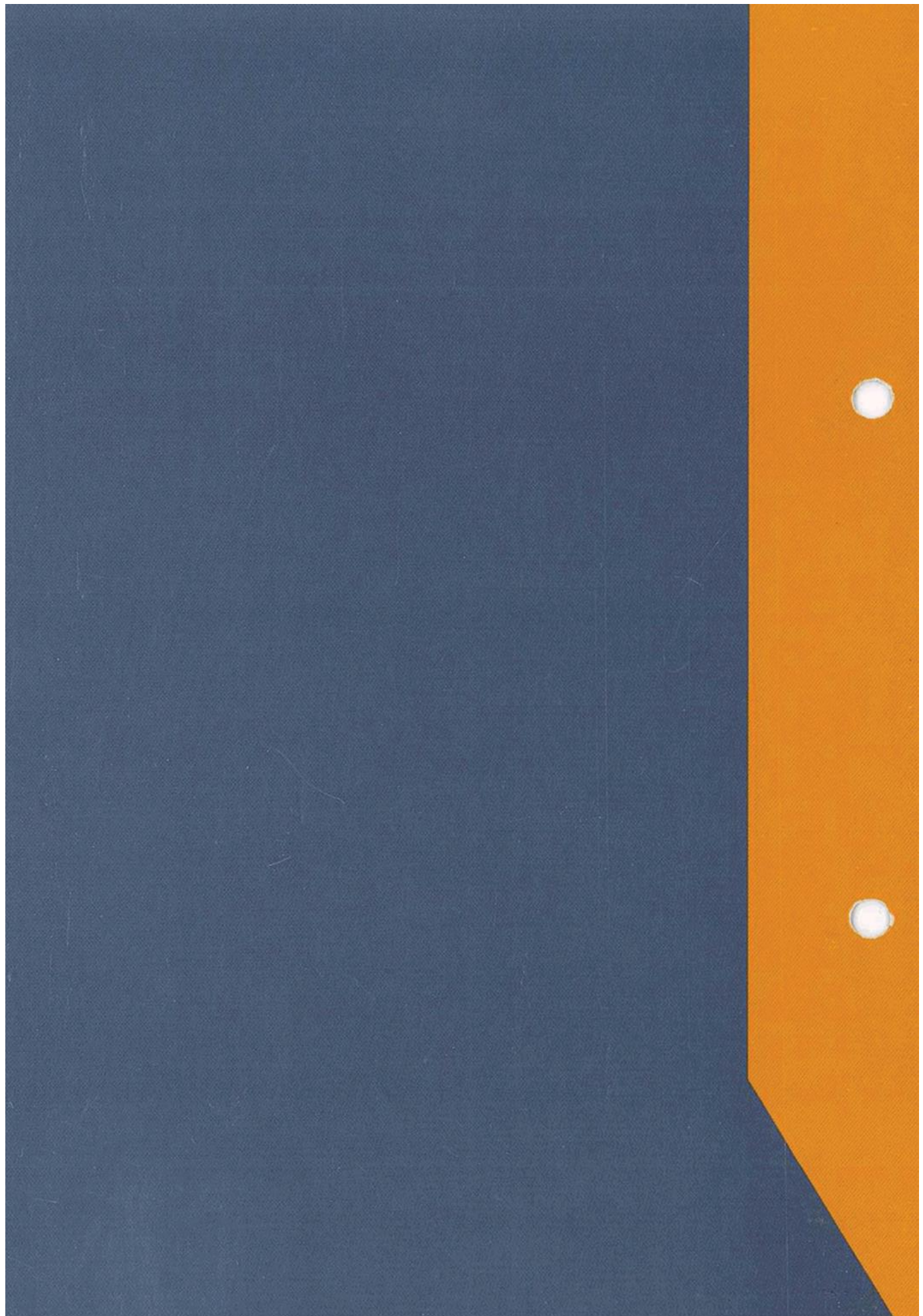
- give the operator an opportunity to comment on the objection.

Once the council has notified the operator of the objection and it has given the operator an opportunity to comment, the site must not be occupied by the circus or carnival unless:

- the objection is withdrawn; or
- after investigation, the council resolves that the use would not cause detriment; or
- a permit is granted (the permit process provides the mechanism for a review of the objection).

In any case, the council must notify the circus or carnival operator of the outcome as soon as it is reasonably possible to do so.





Council Meeting Procedure

GLEN EIRA CITY COUNCIL

COUNCIL MEETING PROCEDURE

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Council Meeting Procedure

PART 1 - PRELIMINARY PROVISIONS.....	4
1. Title.....	4
2. Objective.....	4
3. Authorising Provision.....	4
4. Operation Date.....	4
5. Revocation Date.....	4
6. Revocation of earlier Local law.....	4
7. Definition of words used in this Council Meeting Procedure.....	4
8. Interpretation.....	5
9. Incorporation of documents.....	6
10. Reference documents.....	6
PART 2 - COMMON SEAL.....	7
11. Purpose.....	7
12. Authority.....	7
13. Signatures to accompany Common Seal.....	7
14. Affixing the Common Seal.....	7
15. Unauthorised use of the Common Seal.....	7
PART 3 - ELECTION OF MAYOR AND DEPUTY MAYOR.....	8
16. Purpose.....	8
17. First meeting after a General Election.....	8
18. Order of Business of the first meeting after a General Election.....	8
19. Procedure – election of Mayor.....	8
20. Procedure – election of Deputy Mayor.....	9
21. Mayor to take the Chair.....	9
22. Duties of a Chairperson.....	10
PART 4 - MEETING PROCEDURES.....	12
23. Purpose.....	12
24. Scope.....	12
25. Quorum.....	12
26. Public notice of meetings of Council or a special committee.....	12
27. Circulation of agendas.....	12
28. Responsibility.....	12
29. Business of ordinary council meetings.....	12
30. Business of special committee meetings.....	13
31. Special council meetings.....	13
32. Order of business.....	13
33. Petitions and Joint Letters.....	14
34. Signing name of another person on a Petition or Joint Letter.....	14

Council Meeting Procedure

35.	Public participation	14
36.	Councillor questions	15
37.	Written public questions to Council	15
38.	Confirmation of minutes	15
39.	Procedure for moving a motion and conduct of debate	15
40.	Divisions	17
41.	Points of order	18
42.	Time limits	18
43.	Right to make a statement	18
44.	Close of meeting	18
45.	Adjournment of meetings	19
46.	Voting	19
47.	Conflict of interest	19
48.	Maintaining a quorum	19
49.	Direction to leave a meeting	19
50.	Offence by Member	20
51.	Direction to Member to leave a meeting	20
PART 5 - INFRINGEMENT NOTICES		21
52.	Infringement Notices	21
53.	Offences	21
54.	Persons who may issue an Infringement Notice	21
55.	Infringement Notice Penalty	21

Council Meeting Procedure

PART 1 - PRELIMINARY PROVISIONS

1. Title

This Local Law is the Glen Eira City Council Meeting Procedure 2019 and is referred to as the “Council Meeting Procedure”.

2. Objective

The objectives of this Council Meeting Procedure are to—

- (a) provide for the peace, order and good government of the Municipal District; and
- (b) provide for the administration of Council's powers and functions; and
- (c) regulate proceedings at meetings of Council or a special committee and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Council Meeting Procedure are to apply; and
- (d) regulate the procedure for the election of the Mayor and Deputy Mayor; and
- (e) promote and encourage local community participation in the system of local government by providing mechanisms within the meeting arrangements for Council to ascertain the local community's views and expectations; and
- (f) regulate the use of the Common Seal; and
- (g) prohibit unauthorised use of the Common Seal or any device resembling the Common Seal; and
- (h) revoke the Glen Eira City Council Local Law 2009.

3. Authorising Provision

This Council Meeting Procedure is made under sections 91 and 111(1) of the **Local Government Act 1989**.

4. Operation Date

This Council Meeting Procedure comes into operation on 7 November 2019.

5. Revocation Date

This Council Meeting Procedure ceases to operate on 7 November 2029, unless revoked earlier.

6. Revocation of earlier Local law

From the commencement of this Council Meeting Procedure, the Glen Eira City Council Local Law 2009 is revoked.

7. Definition of words used in this Council Meeting Procedure

Unless the contrary intention appears in this Council Meeting Procedure—

Council Meeting Procedure

- (1) words defined in sections 1A(4) and 3(1) of the **Local Government Act 1989** have that meaning in this Council Meeting Procedure; and
- (2) words defined below have that meaning in this Council Meeting Procedure.

absolute majority of votes, means a number of votes greater than one half of the total number of votes lawfully cast in a poll.

Act, means the **Local Government Act 1989 (Vic)**.

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

Chairperson, means the chairperson of a meeting of Council or of a special committee and includes an acting, a temporary or a substitute chairperson.

Common Seal, means the common seal of Council.

Council, means Glen Eira City Council and where the context permits includes the persons elected to act as Councillors.

General Election, means a general election as described in section 31 of the Act.

Infringement Notice, means an infringement notice issued by Council or an Authorised Officer under this Council Meeting Procedure.

Mayor, means the Councillor elected to be the Mayor of Council in accordance with section 71 of the Act and clause 19 of this Council Meeting Procedure.

Member, refers to-

- (a) in the case of Council, Councillors; and
- (b) in the case of a special committee, all members appointed to the special committee by Council under section 86(2) of the Act.

meeting of Council, means an ordinary council meeting or special council meeting.

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

ordinary council meeting, means an ordinary council meeting of Council as described in section 83(a) of the Act.

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

special committee, means a special committee of Council as described in section 86(1) of the Act.

special council meeting, means a special council meeting of Council as described in section 83(b) of the Act.

8. Interpretation

- (1) Headings above each clause do not form part of this Council Meeting Procedure. They are provided for ease of reference only.

Council Meeting Procedure

- (2) Notes do not form part of this Council Meeting Procedure. They are provided to assist understanding.

9. Incorporation of documents

Each of the following documents, as adopted or endorsed by Council and published from time to time on Council's website, the titles of which are set out in Table 1 below, are hereby incorporated into this Council Meeting Procedure.

Table 1: Incorporation of Council documents

Title of document
Public Participation at Ordinary Council Meetings
Councillor Questions
Written Public Questions to Council

10. Reference documents

Reference is made to the following documents, as amended from time to time:

Associations Incorporation Reform Act 2012 (Vic)
Infringements Act 2006 (Vic)
Local Government Act 1989 (Vic)

Council Meeting Procedure

PART 2 - COMMON SEAL

11. Purpose

The purpose of this Part is to regulate the use of the Common Seal and prohibit unauthorised use of the Common Seal or any device resembling the Common Seal as required by section 5(3)(c) of the Act.

12. Authority

Subject to clause 13, the Chief Executive Officer has the power to affix the Common Seal to any document which gives effect to any decision of the Chief Executive Officer, whether taken by or under statute or under an instrument of delegation. The authority to affix the Common Seal in all other cases shall be by resolution of Council.

13. Signatures to accompany Common Seal

Every document to which the Common Seal is affixed must be signed by one Councillor and the Chief Executive Officer.

14. Affixing the Common Seal

The Chief Executive Officer must ensure a Common Seal register is kept that records, for each time the Common Seal is affixed to a document,—

- (1) if authority to affix the Common Seal is given by Council, the date of the authorising Council resolution; and
- (2) the date on which the Common Seal was affixed; and
- (3) a description of the document to which the Common Seal was affixed.

15. Unauthorised use of the Common Seal

A person must not, unless authorised under this Council Meeting Procedure or by Council;

- (1) use or affix the Common Seal or any device resembling the Common Seal to any document; or
- (2) affix any other seal or device to any document with the intent to deceive any other person into believing that it is the Common Seal; or
- (3) sign any document to which the Common Seal or any other seal or device as referred to in subclauses 15(1) or 15(2) is affixed.

Penalty: 10 penalty units

Council Meeting Procedure

PART 3 - ELECTION OF MAYOR AND DEPUTY MAYOR**16. Purpose**

To regulate the procedure for the election of the Mayor in accordance with section 71 of the Act and for the election of the Deputy Mayor.

17. First meeting after a General Election

Following a General Election, the Chief Executive Officer must summon a special council meeting. The special council meeting must take place after the fourth Saturday in October but not later than 30 November.

18. Order of Business of the first meeting after a General Election

- (1) Until the Mayor is elected, the Chief Executive Officer will be the temporary Chairperson of the special council meeting but will have no voting rights.
- (2) Unless Council resolves otherwise in a particular case, the order of business for a special council meeting summoned under subclause 17 must be as follows or as near to follows as may be practicable—
 - (a) acknowledgement of traditional owners;
 - (b) apologies;
 - (c) swearing in new Councillors;
 - (i) oath or affirmation of office – the making of the oath or affirmation of office by each Councillor under section 63 of the Act;
 - (ii) code of conduct – the declaration by each Councillor to observe the Councillor Code of Conduct pursuant to section 76C of the Act;
 - (d) fixing of allowances and expenses – the fixing of allowances for the Mayor and Councillors pursuant to section 74 of the Act;
 - (e) decision of the length of the Mayoral term;
 - (f) election of Mayor and any Deputy Mayor; and
 - (g) Mayoral Address and comments from Councillors.

19. Procedure – election of Mayor

- (1) The Chief Executive Officer will act as the Returning Officer for the election of the Mayor.
- (2) If there is an election for a Deputy Mayor under clause 20, the Chief Executive Officer will act as the Returning Officer for the election for a Deputy Mayor.
- (3) The Returning Officer must call for nominations for the office of Mayor, from those Councillors present.
- (4) Nominations for the office of Mayor do not require a seconder.

Council Meeting Procedure

- (5) A Councillor may decline his or her nomination as a candidate.
- (6) If there is only one candidate, the Returning Officer must declare that the candidate nominated is deemed to be elected as Mayor.
- (7) If there is more than one candidate, the Returning Officer must conduct a poll, by show of hands, with voting to take place for each candidate in turn in the order in which his or her nomination was received.
- (8) The Returning Officer must declare elected as Mayor the candidate who receives an absolute majority of votes.
- (9) If no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated and a further poll conducted in accordance with subclause 19(7). If there are several candidates, this procedure must be continued until a candidate receives an absolute majority of votes.
- (10) If, for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated must be determined by lot by the Returning Officer.
- (11) If, where there are two candidates, the vote is tied such that neither candidate receives an absolute majority of votes, the Returning Officer must conduct a further poll to attempt to break the deadlock. If the second vote is also tied, the candidate to be declared as Mayor shall be determined by lot by the Returning Officer.

20. Procedure – election of Deputy Mayor

- (1) After the election of a Mayor, Councillors may elect a Deputy Mayor at a meeting of the Council that is open to the public.
- (2) Any election for the office of Deputy Mayor will be regulated in the same way as the election for the office of Mayor as set out in clause 19 subject to—
 - (a) the Mayor being ineligible for election to the office of Deputy Mayor; and
 - (b) clause 19 being applied as if the reference to the Mayor is a reference to the Deputy Mayor
- (3) The office of Deputy Mayor becomes vacant in the circumstances set out in relation to a Mayor in section 72(1)(a)-(d) of the Act.
- (4) If the office of Deputy Mayor becomes vacant for any reason prior to the date of the meeting referred to in subclause 17, then Council may at an ordinary council meeting elect a Deputy Mayor in accordance with subclause 20.

21. Mayor to take the Chair

- (1) All meetings of Council must be presided over by a Chairperson.
- (2) After the election of the Mayor, subject to subclauses 21(3) and (4), the Mayor must be the Chairperson.
- (3) If the Mayor is absent from a meeting of Council—

Council Meeting Procedure

- (a) the Deputy Mayor, if a Deputy Mayor has been elected in accordance with clause 20, will take the chair; or
 - (b) the Councillor who is the most recent past Mayor present at the meeting of Council will take the chair as temporary Chairperson if a Deputy Mayor has not been elected or if a Deputy Mayor has been elected but is also absent from a meeting of Council.
- (4) If the Mayor and all past Mayors are absent from a meeting of Council, and a Deputy Mayor has not been elected or has been elected but is also absent, then the following procedure must be followed for electing a temporary Chairperson—
 - (a) The Chief Executive Officer must take the chair and invite nominations from the Councillors present for a temporary Chairperson. Nominations do not require a seconder. If there is more than one nomination the Chief Executive Officer will act as Returning Officer for the election of a temporary Chairperson but will have no voting rights.
 - (b) The procedure for electing a temporary Chairperson is to be the same as the procedure under clause 19 for the election of the Mayor.
- (5) A temporary Chairperson has the same rights and duties as the Mayor when he or she sits as Chairperson.

22. Duties of a Chairperson

At a meeting of Council or a special committee meeting, the Chairperson's duties include but are not limited to—

- (1) presiding over and controlling the meeting to ensure, to the best of his or her ability, it is conducted in accordance with this Council Meeting Procedure;
- (2) ascertaining that a quorum is present, and if a quorum is present, formally declaring the meeting open;
- (3) welcoming Councillors and visitors;
- (4) signing minutes of meetings as correct when they have been confirmed in accordance with section 93(5) of the Act;
- (5) calling for disclosure by Councillors of any conflicts of interest or conflicting personal interests in accordance with sections 79 and 79B of the Act;
- (6) presenting any reports for which he or she is responsible;
- (7) ensuring debates are conducted in the correct manner;
- (8) in the case of competition for the right to speak, deciding the order in which the Councillors concerned will be heard;
- (9) declaring the results of all votes;
- (10) giving rulings on points of order and other questions of procedure;
- (11) preserving order; and

Council Meeting Procedure

- (12) adjourning (when so resolved) or formally declaring a meeting closed when all business has been concluded.

Council Meeting Procedure

PART 4 - MEETING PROCEDURES

23. Purpose

The purpose of this Part is to regulate the conduct of the meetings of Council or a special committee, as required by section 91(1) of the Act and provide for other miscellaneous matters.

24. Scope

This Part 4 applies to all meetings of Council or a special committee established at any time by Council or on behalf of Council where Council has resolved that the provisions of this Council Meeting Procedure are to apply.

25. Quorum

A quorum at a meeting of Council or a special committee is a majority of its Members.

26. Public notice of meetings of Council or a special committee

Council may by resolution at a meeting of Council or a special committee determine the day, time and place upon which any future meeting will be held.

27. Circulation of agendas

- (1) Other than for a special council meeting called under section 84(1) of the Act, the agendas for all meetings of Council or a special committee must be prepared by the Chief Executive Officer or his or her delegate.
- (2) A written notice for a special council meeting must be prepared by the person calling the meeting. The agenda for a special council meeting must be prepared by the Chief Executive Officer or his or her delegate, in consultation with the person calling the meeting.
- (3) A copy of the agenda for all meetings of Council or a special committee, together with a copy of all available reports to be considered at that meeting, must be delivered, posted, conveyed by email, placed on a shared document management system or handed personally to every Member. Other than where a special council meeting is called under section 84(1) of the Act less than 48 hours before the time fixed for the holding of the meeting, such delivery of the agendas must occur not later than 48 hours before the time fixed for the holding of the meeting.
- (4) Agendas must contain the time, date and place of the meeting and the business to be transacted.

28. Responsibility

The Chief Executive Officer is responsible for ensuring that notices, advertising and minuting of meetings of Council or a special committee are in accordance with both this Council Meeting Procedure and statutory requirements.

29. Business of ordinary council meetings

No business may be considered at an ordinary council meeting unless it appears in the agenda or in a report accompanying the agenda, except—

- (1) if a matter of an urgent nature has arisen since the most recent ordinary council meeting and Council resolves to consider the matter as urgent business;

Council Meeting Procedure

- (2) if a Member requests that a report be prepared by a member of Council staff, in which case a formal resolution of Council in relation to the preparation of that report must be passed in order for the report to be prepared; or
- (3) if a Member asks a question to a member of Council's staff on a matter which has not been included on the agenda, in which case the question may be taken on notice for answer at a future ordinary council meeting.

30. Business of special committee meetings

No business may be considered at a special committee meeting unless—

- (1) it appears in the agenda or in a report accompanying the agenda; or
- (2) the instrument of delegation to the special committee provides otherwise.

31. Special council meetings

- (1) In accordance with section 84(1) of the Act, the Mayor or at least three (3) Councillors may, by written notice, call a special council meeting.
- (2) The Chief Executive Officer must call the special council meeting as specified in the notice and must distribute an agenda for the special council meeting.
- (3) Unless the meeting decides otherwise, the order of business of a special council meeting must be the order set out in the agenda.
- (4) Where a special council meeting is called under section 84(1) of the Act less than 48 hours before the time fixed for the holding of the meeting, the agenda must be delivered as soon as possible after the written notice calling the meeting is given.

32. Order of business

The order of business of a meeting of Council or a special committee will be as follows, unless resolved otherwise.

- (1) ordinary council meeting—
 - 1. Acknowledgement of traditional owners.
 - 2. Apologies.
 - 3. Reminder of declaration by Members of any direct and indirect conflict of interest or personal interest in any items on the agenda.
 - 4. Confirmation of minutes of previous meeting or meetings.
 - 5. Reception and reading of petitions and joint letters.
 - 6. Reports by delegates appointed by Council to various organisations.
 - 7. Reports from Committees and records of Assembly.
 - 8. Officer reports (as listed).
 - 9. Urgent business.
 - 10. Ordinary business —
 - 10.1 Request for reports from a member of Council staff
 - 10.2 Right of reply
 - 10.3 Councillor questions
 - 10.4 Written public questions to Council
 - 11. Confidential items.
- (2) special committee meetings—
 - 1. Acknowledgement of traditional owners.

Council Meeting Procedure

2. Apologies.
3. Reminder of declaration by Members of any direct or indirect conflict of interest or personal interest in any items on the agenda.
4. Confirmation of minutes of previous meeting or meetings.
5. Reports from members of Council staff (as listed).

33. Petitions and Joint Letters

- (1) A petition or joint letter is a document in the nature of a request or prayer that includes the whole of the wording of the request or prayer on every page.
- (2) To be valid, a petition must contain the names, addresses and signatures of five (5) or more people.
- (3) A joint letter is a letter containing a request signed by two (2) or more people. The signatures may be on one page or on multiple pages.
- (4) To be valid, a joint letter must contain the name and address of at least one (1) person (in addition to the requirement that a joint letter is signed by two (2) or more people).
- (5) A petition or joint letter presented to Council must be in writing (other than in pencil), typing or printing.
- (6) To be valid a petition or joint letter must not contain any defamatory, indecent, offensive or abusive language or be objectionable in language or substance.
- (7) A valid petition or joint letter may be considered at an ordinary council meeting in accordance with the order of business.
- (8) The text of the petition or joint letter must be included on the agenda for the next ordinary council meeting if received at least seven (7) days prior to the meeting.
- (9) Council may pass a motion to receive the petition or joint letter and that the petition or joint letter be referred to the relevant member of Council staff for appropriate action with a copy of the petition or joint letter to be circulated to all Councillors.

34. Signing name of another person on a Petition or Joint Letter

It is an offence for a person to inscribe upon a petition or joint letter a name or signature purporting to be the name or signature of another person.

Penalty: 5 penalty units

35. Public participation

- (1) Members of the public may address—
 - (a) an ordinary council meeting at the discretion, and under direction, of the Chairperson; or
 - (b) meetings of Council as provided in section 223(1)(b) of the Act.
- (2) An address under subclause 35(1)(a) must be in accordance with the incorporated document titled “Public Participation at Ordinary Council Meetings”.

Council Meeting Procedure

36. Councillor questions

A Councillor may ask a question of another Councillor provided that it is in accordance with the incorporated document titled "Councillor Questions".

37. Written public questions to Council

Members of the public wishing to submit written questions to Council must submit those questions in accordance with the incorporated document titled "Written Public Questions to Council".

38. Confirmation of minutes

- (1) No discussion is permitted on the minutes except as to their accuracy as a record of the proceedings of the meeting to which they relate. Once the minutes are confirmed they must be signed by the Chairperson.
- (2) At all reasonable times, the minute book must be open for inspection by any person free of charge.

39. Procedure for moving a motion and conduct of debate

- (1) The procedure to be followed for moving a motion is as follows—
 - (a) The mover of a motion must state the nature of the motion without speaking to it.
 - (b) The Chairperson must call for a seconder to the motion.
 - (c) If there is no seconder, the motion lapses.
 - (d) If there is a seconder, the Chairperson must call the mover to address the meeting.
 - (e) A mover who does not speak when called upon by the Chairperson is deemed to have exercised his or her right to speak.
 - (f) After the mover has, or is deemed to have, addressed the meeting, the seconder may address the meeting.
 - (g) The seconder may, without speaking on the motion, reserve his or her address until later in the debate.
 - (h) After the seconder has addressed the meeting or reserved his or her address until later in the debate, the Chairperson must call upon any Member who wishes to speak against the motion.
 - (i) If no Member speaks against the motion then the Chairperson may put the motion to a vote or call any other Member to speak.
- (2) A Member may only speak once on—
 - (a) a motion (subject to a right of reply in accordance with subclause 39(10)); and
 - (b) any amendment to a motion.

Council Meeting Procedure

- (3) A Member, with the exception of the mover and seconder of a motion, may propose a friendly revision to the motion.
- (4) A Member may be permitted by the Chairperson or by resolution to speak more than once to explain that the Member has been misrepresented or misunderstood.
- (5) A Member calling the attention of the Chairperson to a point of order is not regarded as speaking to the motion or the amendment.
- (6) A Member may be permitted by the Chairperson to ask questions pertaining to the subject matter of the motion under discussion.

Friendly revision to motion

- (7) A friendly revision to a motion is to be dealt with as follows—
 - (a) A Member, with the exception of the mover and seconder of the motion, may be permitted by the Chairperson to propose a friendly revision of a motion.
 - (b) A friendly revision of a motion may propose to alter a motion by leaving out, inserting or adding words which complement the motion.
 - (c) A second or subsequent friendly revision to a motion must not be considered until any previous friendly revision is either accepted by both the mover and seconder of the motion or rejected by one or both of the mover and seconder of the motion.
 - (d) If a friendly revision to a motion is accepted by both the mover and seconder of the motion, the substantive motion is revised as proposed by the friendly revision and the debate continues as set out in this clause.
 - (e) If a friendly revision is proposed but not accepted by either the mover or seconder of the motion the debate continues as set out in this clause.
 - (f) If a friendly revision is proposed but not accepted by either the mover or seconder, no Member can subsequently propose a friendly revision in relation to that substantive motion that is materially like the friendly revision that was previously not accepted.

Amendment to motion

- (8) A motion to amend a substantive motion is to be dealt with as follows—
 - (a) Any Member, with the exception of the mover and seconder of the substantive motion, may move or second an amendment to a motion.
 - (b) A motion to amend a substantive motion may propose to alter the motion by leaving out, inserting or adding words which complement the motion.
 - (c) If the motion to amend a substantive motion is carried by a vote of the meeting, the substantive motion is amended by the amendment to the motion.

Council Meeting Procedure

- (d) Providing another motion to amend the substantive motion is not immediately proposed, the substantive motion (as revised or amended as the case may be) must be put immediately by the Chairperson to a vote.
- (e) A second or subsequent proposed amendment to a motion must not be considered until the current amendment is decided upon.
- (f) If a proposed amendment is moved but not accepted by a vote of the meeting, no Member can move a subsequent amendment in relation to that substantive motion that is materially like the amendment that was unsuccessfully moved.

Withdrawal of motion

- (9) Before any motion is put to the vote, it may be withdrawn at the request of both the mover and seconder of the motion with leave of the Chairperson.

Right of reply

- (10) Members have a right of reply in relation to a motion as follows—
 - (a) The mover of a substantive motion that has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during the debate but must not raise any new matters.
 - (b) After any right of reply has been taken, the motion (as revised and/or amended as the case may be) must be immediately put to the vote without any further discussion or debate.

Procedure during debate

- (11) Once acknowledged by the Chairperson the Member has the floor and must not be interrupted unless called to order or until his or her time has expired.
- (12) If two (2) or more Members rise or wish to speak at the same time, the Chairperson must decide who is entitled to speak first.
- (13) Motions must be clear and unambiguous and not defamatory or objectionable in language or nature.
- (14) The Chairperson may require motions as stated, revised or amended to be put in writing.
- (15) The Chairperson may address the meeting upon any matter under discussion and will not be deemed to vacate the chair on such occasions, except where subclause 39(16) applies.
- (16) The Chairperson may vacate the chair during any item under discussion whereupon a temporary Chairperson may take the chair in accordance with subclauses 21(3) and (4).

40. Divisions

- (1) If a division is called by a Member the vote must be taken by Members voting in the affirmative by a show of hands and then Members voting in the negative by a show of hands. The Chairperson must declare the result.
- (2) The minute secretary must record in the minutes the names of Members voting on a division and whether they voted in the affirmative or negative or abstained from voting.

Council Meeting Procedure

- (3) A division may only be called on a substantive motion or question and not on an amendment to a motion or friendly revision.

41. Points of order

- (1) The Chairperson is the final arbiter of all points of order.
- (2) The Chairperson must give reasons for his or her decision on a point of order.
- (3) A point of order may be taken on the grounds that the matter is—
- (a) contrary to the Council Meeting Procedure;
 - (b) defamatory;
 - (c) irrelevant;
 - (d) outside Council's or the Committee's power; or
 - (e) improper.
- (4) A Member called to order following a point of order being taken must cease speaking unless permitted to explain by the Chairperson.

42. Time limits

No Member may speak longer than the time set out below unless granted an extension by the meeting:

Speaking by	Minutes
The mover of a motion	Five (5)
The mover of an amendment	Three (3)
Any other Member	Three (3)
The mover of a motion making a final statement	Three (3)

43. Right to make a statement

- (1) Subject to subclause 43(2) a Member or member of Council staff may make a statement in response to comments made or reported as having been made about him or her by a member of the public, a Member or any other party – in any media or forum – which the Member or member of Council staff believes requires correction in order to balance the views the public might otherwise form.
- (2) The statement may be made in writing and included in the agenda for the next ordinary council meeting or may be made at that meeting.
- (3) Notice of the intention to make a statement and the comments to which the statement will respond must be given to all Members by noon on the day of the meeting. If the comments are made after noon on the day of the meeting, notice must be given as soon as practicable.
- (4) No debate will be permitted on a statement made under this clause.

44. Close of meeting

- (1) All meetings of Council or a special committee must cease no later than 10:00 pm on the day of the meeting, except where the meeting resolves to extend the time of the meeting to 11:00 pm.

Council Meeting Procedure

- (2) If, upon the cessation of the meeting of Council or a special committee under subclause 44(1), the business of the meeting as provided for in the agenda for that meeting has not been completed, the meeting must stand adjourned to a time, date and place announced then and there by the Chairperson. Such a meeting can recommence not earlier than 7:30 am the following day and not later than seven (7) calendar days after the adjournment.

45. Adjournment of meetings

- (1) A meeting of Council or of a special committee may be adjourned by the moving and passing of a motion to adjourn, except where subclause 44(2) or 45(3) applies.
- (2) If a meeting of Council or a special committee is adjourned for any reason under subclause 45(1), the motion must, subject to subclause 44(1), be to reconvene within half an hour of the adjournment or to another day. The meeting of Council or a special committee cannot be adjourned for more than seven (7) calendar days.
- (3) Subject to subclause 44(1), the Chairperson may adjourn a meeting for up to one (1) hour, if that meeting is excessively disorderly and he or she is unable to restore order. Under this subclause, the meeting cannot be adjourned to another day.

46. Voting

The procedure for voting at a meeting of Council or a special committee is as follows—

- (1) Voting is by a show of hands or other such method, as approved by the Chairperson from time to time, by which a Member may express their voting intention.
- (2) All Members may vote unless prohibited from doing so in accordance with the Act.
- (3) Subject to the Act, the Chairperson may exercise a casting vote.
- (4) A Chairperson may declare a vote as unanimous if it appears to him or her that there is no opposition.

47. Conflict of interest

The conduct of Members and conflicts of interests of such persons are regulated under Part 4 Division 1A of the Act.

48. Maintaining a quorum

If during the course of a meeting of Council or special committee it becomes apparent to the Chairperson that it will not be possible to maintain a quorum because one or more of the Members present is prohibited from voting on account of having a conflict of interest or a conflicting personal interest in an item of business, that item of business will lie on the table.

49. Direction to leave a meeting

- (1) The Chairperson or an Authorised Officer may direct any person (other than a Member) who has, during a meeting of Council or a special committee, behaved in an improper or disorderly manner or interrupted the orderly and lawful process of the meeting to leave the meeting room for the remainder of the meeting.
- (2) A person to whom a direction is given under subclause 49(1) must comply with that direction.

Council Meeting Procedure

- (3) Any person who fails to comply with a direction given under subclause 49(1) is guilty of an offence.

Penalty: 5 penalty units.

50. Offence by Member

Any Member who, during a meeting of Council or a special committee,—

- (1) uses defamatory, indecent, abusive, offensive, disorderly or objectionable language; and
- (2) has been twice called to order by the Chairperson and apologise for such conduct by the Chairperson; and
- (3) refuses to come to order and apologise for such conduct—

is guilty of an offence.

Penalty: 5 penalty units.

51. Direction to Member to leave a meeting

- (1) The Chairperson may direct a Member who has, during a meeting of Council or a special committee, behaved in an improper or disorderly manner or interrupted the orderly and lawful process of the meeting to leave the meeting room for the remainder of the meeting.
- (2) A Member to whom a direction is given under subclause 51(1) must comply with that direction.
- (3) Any Member who fails to comply with a direction given under subclause 51(1) is guilty of an offence.

Penalty: 5 penalty units.

Council Meeting Procedure

PART 5 - INFRINGEMENT NOTICES

52. Infringement Notices

Introduction This Part provides a means for enforcing this Council Meeting Procedure by Infringement Notices.

53. Offences

A person who contravenes or fails to comply with any penalty provision under this Council Meeting Procedure is guilty of an offence and is liable to the penalty stated under the provision in this Council Meeting Procedure.

54. Persons who may issue an Infringement Notice

As an alternative to prosecution, an Authorised Officer may serve an Infringement Notice or any other notice under this Council Meeting Procedure on a person who has or is reasonably suspected of having committed an offence requiring the person—

- (1) in the case of an Infringement Notice, to pay the infringement penalty (or comply with other conditions) for that offence within the period specified in the Infringement Notice, being a period not less than the number of days set out in section 14 of the Infringements Act 2006 after an infringement notice has been served; or
- (2) in the case of any other notice, to comply with the conditions within any other nominated period.

55. Infringement Notice Penalty

The amount of penalty indicated on the Infringement Notice will be the greater of—

- (1) 25% of the maximum penalty stated under a provision in this Council Meeting Procedure for the offence to which the Infringement Notice relates; and
- (2) \$50.00.

Public Participation at Ordinary Council Meetings

Public participation at ordinary council meetings is available if you wish to ask a question or make a statement relating to Council's role, functions or business.

These guidelines for Public Participation at Ordinary Council Meetings (**the Guidelines**) are incorporated into the Glen Eira City Council Meeting Procedure 2019 (**Council Meeting Procedure**) under clause 9 of the Council Meeting Procedure and provide the public with a means of participating in ordinary council meetings in addition to the submission of written public questions to Council under clause 37 of the Council Meeting Procedure.

The process in these Guidelines provides the local community with an informal forum to ask questions or make statements relating to Council's role, functions or business.

If the question or statement you are asking is not suitable for this format, you are invited to submit a written public question under clause 37 of the Council Meeting Procedure or contact Council's Customer Service Centre on mail@gleneira.vic.gov.au or by telephone 9524 3333.

Process to participate in an ordinary council meeting

A. Registration

1. Participants should register by completing the form provided in the Council Chamber and submit the form prior to commencement of the ordinary council meeting or as soon as possible thereafter. Forms will be available from 7 p.m. on the day of the ordinary council meeting.
2. The forms will be numbered and speakers will normally be taken in order of registration (first come, first served), subject to the Chairperson's discretion to alter the order in which speakers will be taken.
3. There will be a limit of one speaker per registration.
4. The Chairperson or Chief Executive Officer shall read all proposed questions/statements in advance to ensure they are not inappropriate. A proposed question/statement is deemed inappropriate if it falls within any of the criteria set out under paragraph 10 (a) to (e) below.
5. Where a proposed question or statement is deemed inappropriate by the Chairperson or Chief Executive Officer under paragraph 4, then the Chairperson or Chief Executive Officer may read to the meeting only the name and suburb of the person asking the proposed question or statement and the ground under paragraph 10 upon which the question or statement was deemed inappropriate.

B. Public Participation Process

6. The Chairperson will manage the public participation process at his or her discretion and in accordance with these Guidelines.
7. At a convenient point in the meeting, the Chairperson may announce the commencement of public participation under clause 35(1)(a) of the Council Meeting Procedure.
8. Following the commencement of public participation under paragraph 6 above, the Chairperson may invite participants to speak in the order detailed in paragraph 2.

9. Conduct at an ordinary council meeting must be professional and courteous at all times. Clause 49 of the Council Meeting Procedure continues to apply to improper or disorderly conduct during an ordinary council meeting.
10. A question may be deemed inappropriate upon any of the following grounds, namely that it:-
 - (a) relates to matters that are outside the role, functions or business of Council; or
 - (b) does not relate to the business of Council or otherwise relates to a Councillor or staff member other than in their Council capacity; or
 - (c) is considered to be defamatory, indecent, inappropriate or may constitute discrimination, vilification, harassment, or may place Council or the participant at risk of legal action; or
 - (d) if answered could constitute a breach of:
 - i. the **Privacy and Data Protection Act 2014 (Vic)**; or
 - ii. the confidentiality provisions or any other provision of the **Local Government Act 1989 (Vic)**; or
 - iii. any other relevant legislation.
 - (e) relates to an electoral matter during an election period.
11. The Chairperson may direct a participant not to speak on nor continue to speak on any topic which the Chairperson considers is set out in paragraph 10(a) to (e) above.
12. Participants must comply with a direction of the Chairperson.
13. The Chairperson may request participants to ask one (1) question or make one (1) statement. If time permits, and at the discretion of the Chairperson, further questions may be asked or statements made. If there are any questions or statements that remain outstanding at the conclusion of the allotted time for public participation, the Coordinator Councillor Business will respond on behalf of Council at a later date by telephone or email.
14. The Chairperson may:-
 - a. refer each question to the most appropriate person to respond. Responses may be provided by the Mayor, a Councillor, the Chief Executive Officer or a member of Council staff; or
 - b. advise that a response to a question may be provided at a later time.
15. Members of the public addressing the ordinary council meeting are permitted to speak for a maximum of five (5) minutes (unless granted an extension of time by the Chairperson).

C. Minutes of the Council meetings

16. Council meetings may be recorded (audio and/or visual recording) and the recording made available publicly and otherwise managed in accordance with Council policies. Participants in ordinary council meetings under these Guidelines will be included in such recordings.
17. A record of the public participation under these Guidelines will not be included in the minutes of the meeting.

WRITTEN PUBLIC QUESTIONS TO COUNCIL

Written questions to Council is available if you wish to ask a question in writing relating to Council's role, functions or business.

These guidelines for Written Public Questions to Council (**Guidelines**) are incorporated into the Glen Eira City Council Meeting Procedure 2019 (**Council Meeting Procedure**) under clause 9 of the Council Meeting Procedure and provide the public with a means of participating in ordinary council meetings in addition to the public participation at ordinary council meetings under clause 35 of the Council Meeting Procedure.

The process in these Guidelines provides the local community with an opportunity to submit written questions to Council relating to Council's role, functions or business.

If the question you are asking is not suitable for this format, you are invited to take part in public participation at ordinary council meetings under clause 35(1)(a) of the Council Meeting Procedure or contact Council's Customer Service Centre on mail@gleneira.vic.gov.au or by telephone 9524 3333.

A. SUBMISSION OF WRITTEN QUESTIONS

1. Questions must be received no later than 12 noon on the business day preceding the day of the ordinary council meeting. Questions should be clearly headed "Public Question" and may be submitted to Council by email (publicquestions@gleneira.vic.gov.au), fax (9524 3358), mail (Glen Eira City Council PO Box 42 Caulfield South VIC 3162), or personal delivery (Glen Eira City Council, Glen Eira Rd & Hawthorn Road, Caulfield VIC 3162) or via a form on Council's website (<https://www.gleneira.vic.gov.au/>).
2. Questions must bear the questioner's printed name and address, the date, and a telephone number at which the questioner may be contacted for verification.
3. Questions must be a maximum of 150 words. Questions exceeding 150 words will not be accepted.
4. Each person may submit a maximum of two (2) questions to any ordinary council meeting. If more than two (2) questions are received from any one (1) person, only the first two (2) questions will be processed in accordance with these Guidelines.

B. RESPONDING TO QUESTIONS

5. If the person asking the question is present at the ordinary council meeting, the Chief Executive Officer or person acting in the role of Chief Executive Officer may read the question to the meeting. If the person submitting the question is not present, the question will not be read to the meeting but will be answered in the mode that it was received (e.g. mail or email).
6. The Chief Executive Officer or another officer designated by him or her will:
 - (a) examine the proposed question;
 - (b) recommend to the Chairperson for the Chairperson's decision any question deemed to be inappropriate having regard to paragraph 16; and
 - (c) if not deemed inappropriate read the question to the meeting.
7. The Chairperson may decide to either—
 - (a) personally answer the question; or
 - (b) refer the question to the appropriate Councillor; or

- (c) refer the question to the appropriate member of Council staff; or
 - (d) advise that the question is taken on notice and that a written response will be provided at a later date.
- 8. Responses provided under paragraph 7(d) will be given within a reasonable time.
- 9. All questions and answers shall be as brief as possible and, subject to paragraph 11, no discussion on the question and answer will be allowed.
- 10. Where a question is asked about an individual Councillor in their capacity as a Councillor, the question may be redirected to the Councillor concerned.
- 11. Where a Councillor disagrees with, or is aggrieved by the response provided by a fellow Councillor appointed by the Chairperson to answer the question, he or she may seek leave of the Chairperson to make an appropriate brief explanatory statement as provided for under the right to make a statement in clause 43 of the Council Meeting Procedure.
- 12. The total allotted time for written questions shall be no longer than fifteen (15) minutes unless determined otherwise by the Chairperson having regard to the other business on the agenda of the meeting.
- 13. If Council is unable to respond to any of the questions asked by a person who is present at the meeting during the time allotted for written questions, the unanswered question shall be taken on notice as per paragraph 7(d) above for separate reply.
- 14. The minutes shall record questions read to the meeting (unless the question is inappropriate for any of the reasons set out under paragraph 16). The minutes shall also record any answers which are given at the meeting. The minutes of the next ordinary council meeting shall record the unanswered questions of any person present at the meeting and any answer given by separate reply under paragraph 13.
- 15. A report will be submitted to a public meeting of Council quarterly showing the numbers of questions read, number ruled inappropriate, number answered at the meeting and time taken to reply to questions taken on notice.

C. RESPONDING TO QUESTIONS

- 16. A question may be deemed inappropriate upon the grounds that it—
 - (a) relates to matters that are outside the role, functions or business of Council; or
 - (b) does not relate to the business of Council or otherwise relates to a Councillor or staff member other than in their Council capacity; or
 - (c) is considered to be defamatory, indecent, inappropriate or may constitute discrimination, vilification, harassment, or may place Council or the participant at risk of legal action; or
 - (d) if answered could constitute a breach of:
 - i. the **Privacy and Data Protection Act 2014 (Vic)**; or
 - ii. the confidentiality provisions or any other provision of the **Local Government Act 1989 (Vic)**; or
 - iii. any other relevant legislation.

- (e) relates to an electoral matter during an election period; or
- (f) exceeds 150 words.

17. The Chairperson will make the final decision as to whether a question is deemed inappropriate under paragraph 16 above.
18. Where a question is deemed inappropriate by the Chairperson, the Chief Executive Officer or designated member of Council staff may read to the meeting only the name and suburb of the person asking the question and the ground under paragraph 16 above upon which the question was deemed inappropriate.

COUNCILLOR QUESTIONS

1. Objective

- 1.1 To ensure that Councillor Questions are constructive and comply with the principle that a Councillor should not be surprised by a question to which the Councillor is expected to provide an immediate response to in a public forum.

2. Policy

Councillors are permitted to ask appropriate Councillor Questions of other Councillors strictly subject to the following conditions—

- 2.1 The question must be in relation to Council business or in relation to the actions of a Councillor in his or her capacity as a Councillor.
- 2.2 The question must be on notice and be received by the Chief Executive Officer by no later than 4:00 pm on the Friday immediately prior to the meetings of Council or special committee and the Chief Executive Officer shall thereupon immediately forward the question to the relevant Councillor.
- 2.3 The question must be as brief as possible and no discussion on the answer will be permitted.


3. Inappropriate Questions

- 3.1 A question may be deemed inappropriate by the Chief Executive Officer on any of the following grounds:
- (a) it breaches points 2.1 or 2.2 of this policy; or
 - (b) it relates to matters that are outside the role, functions or business of Council; or
 - (c) it does not relate to the business of Council or otherwise relates to a Councillor or staff member other than in their Council capacity; or
 - (d) it is considered to be defamatory, indecent, inappropriate or may constitute discrimination, vilification, harassment, or may place Council or the participant at risk of legal action;
 - (e) if answered could constitute a breach of:
 - i. the *Privacy and Data Protection Act 2014* (Vic); or
 - ii. the confidentiality provisions or any other provision of the *Local Government Act 1989* (Vic); or
 - iii. any other relevant legislation; or
 - (f) it relates to an electoral matter during an election period; or
 - (g) it refers to matters, which if answered would cause the Councillor to breach contractual confidential obligations. A Councillor seeking to rely on this ground must establish facts supporting this ground to the satisfaction of the Chief Executive Officer.

9.5 FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2019

Author: Alon Milstein, Financial Accountant

Trim No: 19/1269619

Attachments: 1. [September 2019 Financial Management Report](#) 

PURPOSE AND SUMMARY

To report Council's finances in the Financial Management Report for the period ending 30 September 2019.

RECOMMENDATION

That Council notes the Financial Management Report for the period ending 30 September 2019.

BACKGROUND

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

This report also provides a review of the 2019-20 Capital Works Program, cash flow reports and investment reports.

ISSUES AND DISCUSSION**(a) Forecast**

Council's forecast operating surplus is projected to be \$18.2m, which is \$115k behind the adopted Annual Budget.

(b) Financial Position

Council's financial position is sound. The Balance Sheet indicates a satisfactory financial position with forecast total current assets of \$95.21m and total current liabilities of \$61.53m.

Cash and investment holdings at 30 September are \$85.7m. This is lower than originally budgeted due to the opening cash position being slightly lower than expected and results in a forecast liquidity ratio of 1.55 as at 30 June 2020.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

The key financial objectives for Council are:

- Manage finances appropriately within the constraints set by the State Government's Rate Capping regime.
- Renew and upgrade our ageing assets and community facilities.
- Maintain essential services at not less than current levels.
- Set fee increases that are manageable and sustainable.
- Invest in continuous improvement, technology and other enablers to efficiency and embrace customer outcomes.
- Keep day-to-day costs manageable and rates below our peers.

POLICY AND LEGISLATIVE IMPLICATIONS

Section 138 of the *Local Government Act 1989* (the Act).

COMMUNICATION AND ENGAGEMENT

Council officers in preparing the Financial Management Report, take into account other plans and strategies in regard to services and initiatives which commit financial and non-financial resources for the current financial year.

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 positive operating result year to date is higher than was anticipated when the annual budget was set. The Balance Sheet position and the cash position are sound.

ATTACHMENT 1:

Financial Management Report for the period ending 30 September 2019

1. Contents

Executive Summary 2

Income Statement..... 6

Balance Sheet..... 7

Capital Works Expenditure Program 13

Financial Strategy 17

Assurance Map 20

ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Executive Summary***for the period ending 30 September 2019*****a) Current Month Budget Result**

At the end of September 2019, the performance against budget from ordinary activities showed a positive variance of \$3.15m due to higher than anticipated income of \$1.27m and favourable variance in operating expenditure of \$1.88m (refer to page 8 for details of the variances).

Please note that a large amount of the current variances is due to timing differences (i.e. between the scheduling of budgets and timing of actual results).

The next few months should reflect whether these variances (particularly the expenditure variances) become more permanent for the 2019-20 financial year.

b) Current Month Forecast Result

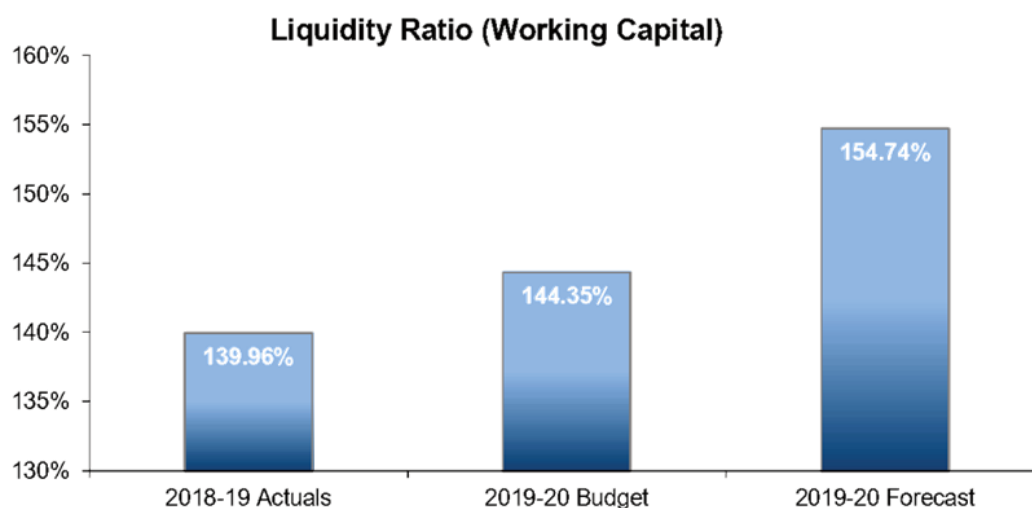
The forecast result expected for the financial year is a surplus of \$18.2m compared with the original adopted *2019-20 Annual Budget* of \$18.31m.

The current monthly forecast movement from ordinary activities shows an increase in operating revenue of \$759k and an increase in operating expenditure of \$1.14m.

c) Liquidity

Working capital is the excess of current assets above current liabilities. This calculation recognises that although Council has current assets, some of those assets are already committed to the future settlement of liabilities in the following 12 months, and are therefore not available for discretionary spending.

Council will continue to have a large investment in capital works projects. Council is required to hold sufficient cash to cover 'Restricted Assets' such as: Residential Aged Care Deposits, Public Open Space Reserve, Contract Deposits and *Fire Services Property Levy*.



ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

d) Open Space**Contributions**

All multi-unit developers pay a uniform 5.7 per cent of the value of the land (or give Council 5.7 per cent of the area of the land). All money raised by the levy will go into more and better open space.

Open Space Reserve

Capital projects funded by Open Space contributions meet the conditions of the *Open Space Strategy* which is mainly focused on increasing open space in identified gap areas and to localities with forecast population growth.

The balance of the Open Space Reserve as at 30 September 2019 is as follows:

Description	2019-20 Current Month Actual	2019-20 Year to Date
Open Space Contributions Received	\$360,239	\$2,713,029
Open Space Capital Expenditure*	(\$2,156,758)	(\$2,156,758)
Net Movement	(\$1,796,519)	\$556,271
Opening Balance as at 1 July 2019		\$18,584,749
Closing Balance Open Space Reserve		\$19,141,020

*A review of prior year expenses on eligible open space capital works projects has been concluded. The expenditure in the table above reflects this.

ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Superannuation – Defined Benefits Scheme***Vested Benefits Index (VBI)***

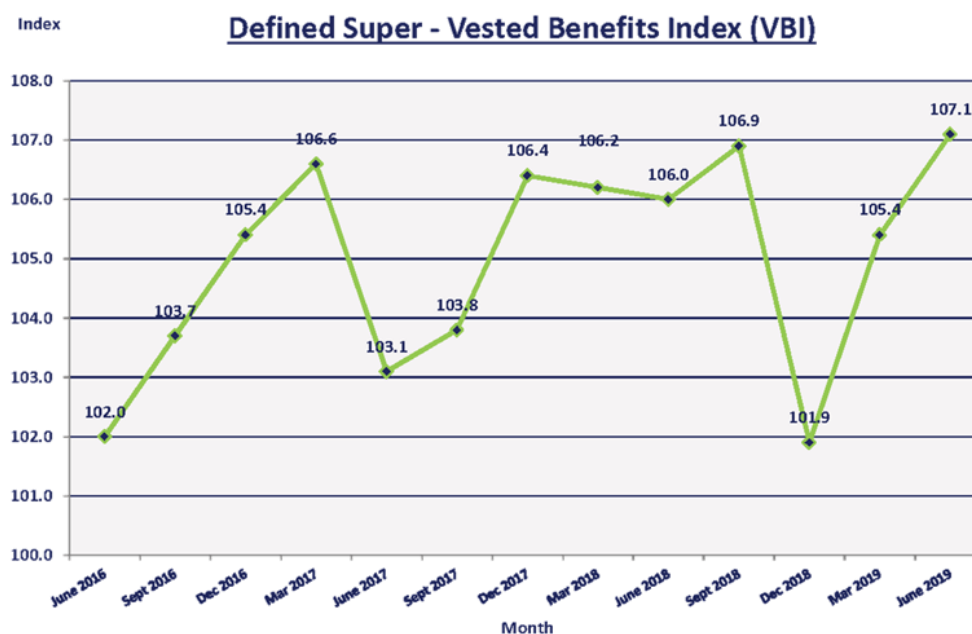
Defined benefit plans are required by law to have an actuarial investigation at least once every three years. Vision Super monitors the vested benefit position of the defined benefits plan on a quarterly basis.

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

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

For the Plan to be in a satisfactory financial position requires a VBI of 100% or more.

Below is the estimated VBI updated to 30 June 2019.



ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Forecast adjustments for September 2019***Income from ordinary activities increase of \$759k***

The income forecast movement is mainly due to:

- **Grants (Operating and Capital)** – increase of \$200k due to:
 - Receipt of funding for the Murrumbeena Park Pavilion and Community Hub Development \$200k. The funding was budgeted to be received in 2018-19.
- **Statutory Fees and Fines** – relates mainly to fees and fines levied in accordance with legislation and include animal registrations, health act registrations and parking fines.

This increase of \$477k is mainly due to higher than forecast parking infringements income across the municipality (\$465k) which is partially offset by an increase in the bad debts provision.

Expenditure from ordinary activities increase of \$1.14m

The expenditure forecast movement is mainly due to:

- **Employee Costs** – increase of \$162k.

This includes all labour related expenditure and on-costs such as allowances, leave entitlements, employer superannuation and Worksafe. The increase is mainly due to the timing of staff recruitment and leave provisions.
- **Other Expenses** – the increase of \$833k relates mainly to:
 - Rental fees and outgoings of \$431k as a result of taking on the new lease of the property at 840 Dandenong Road Caulfield (authorised by Council at the 2 July 2019 Ordinary Council Meeting).
 - The provision for parking infringement debtors \$330k and court lodgement fees \$73k which are offset by additional parking infringements income, (refer to statutory fees and fines above).

ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Income Statement

for the period ending 30 September 2019

	2019-20 Year to Date Actual	2019-20 Year to Date Budget	2019-20 Year to Date Variance	2019-20 Year to Date Variance	2019-20 Last Month Forecast	2019-20 Current Month Forecast	2019-20 Current Month Forecast Movement	2019-20 Annual Budget	2019-20 Budget Forecast Variance	2019-20 Budget Forecast Variance
	\$ 000's	\$ 000's	\$ 000's	(%)	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's	(%)
Income										
Income from Ordinary Activities										
General Rates	95,180	95,297	(117)	(0.1%)	95,797	95,830	34	95,829	1	0.0%
Supplementary Rates	27	25	2	8.9%	850	853	3	850	3	0.3%
Waste and Recycling Charges	17,452	17,476	(25)	(0.1%)	17,488	17,470	(19)	17,489	(19)	(0.1%)
Grants (Operating and Capital)	6,828	6,023	806	13.4%	24,853	25,053	200	24,357	697	2.9%
Interest Received	484	500	(16)	(3.1%)	1,991	1,984	(6)	2,000	(16)	(0.8%)
User Fees	6,283	6,174	110	1.8%	26,570	26,632	63	26,488	145	0.5%
Statutory Fees and Fines	2,941	2,586	355	13.7%	10,264	10,741	477	10,265	476	4.6%
Contributions (Monetary)	2,713	2,650	63	2.4%	9,032	9,063	31	9,000	63	0.7%
Other Income	471	379	92	24.2%	1,729	1,706	(23)	1,557	150	9.6%
Total Income from Ordinary Activities	132,380	131,109	1,270	0.97%	188,575	189,333	759	187,834	1,500	0.8%
Expenses										
Expenses from Ordinary Activities										
Employee Costs	20,808	21,067	259	1.2%	81,711	81,872	(162)	81,703	(170)	(0.2%)
Materials and Consumables	1,152	1,387	235	16.9%	5,814	5,889	(75)	5,918	28	0.5%
Contractor Payments	8,126	8,941	815	9.1%	36,070	36,184	(114)	36,021	(163)	(0.5%)
Maintenance	1,212	2,052	840	40.9%	7,866	7,823	43	7,632	(191)	(2.5%)
Utility Services	1,349	1,194	(155)	(13.0%)	4,971	4,975	(4)	4,987	13	0.3%
Insurances	810	947	137	14.5%	1,328	1,329	(0)	1,310	(18)	(1.4%)
Other Expenses	2,015	1,691	(324)	(19.2%)	5,871	6,704	(833)	5,933	(772)	(13.0%)
Grants and Subsidies	535	619	84	13.6%	1,276	1,274	2	1,304	30	2.3%
Borrowing Costs	122	110	(12)	(11.3%)	444	439	5	439	(0)	(0.1%)
Total Expenses from Ordinary Activities	36,130	38,008	1,878	4.9%	145,351	146,489	(1,139)	145,246	(1,243)	(0.9%)
Surplus before non operational activities	96,250	93,102	3,147	3.4%	43,224	42,844	(380)	42,587	257	0.6%
Non-operational Activities										
Proceeds from Sale of Property, Infrastructure, Plant and Equipment	33	115	(82)	(70.9%)	472	467	(4)	460	7	1.6%
Written Down Value of Assets Sold/Disposed	563	490	(73)	(14.8%)	1,713	1,778	(64)	1,718	(60)	(3.5%)
Depreciation and Amortisation	6,066	5,755	(311)	(5.4%)	23,258	23,338	(80)	23,019	(319)	(1.4%)
Surplus for the period	89,654	86,971	2,682	3.1%	18,724	18,195	(529)	18,310	(115)	(0.6%)

Key to Variance - Positive figures relate to an increase in revenue and a decrease in expenditure. Negative figures relate to a decrease in revenue and increase in expenditure.

ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Balance Sheet*for the period ending 30 September 2019*

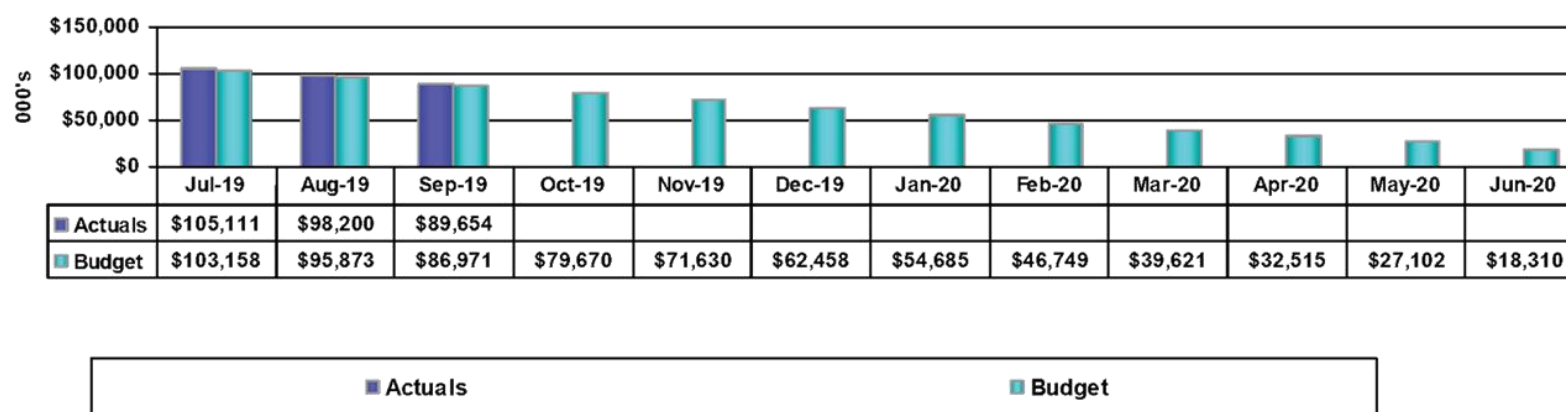
	Actuals 2018-19	Annual Budget 2019-20	Annual Forecast 2019-20	Year to Date Actual 2019-20	Previous Month's Actuals
	\$ 000's	\$ 000's	\$ 000's	\$ 000's	\$ 000's
Assets					
Current Assets					
Cash and Cash Equivalents	86,484	76,125	78,824	85,697	76,986
Trade and Other Receivables	14,088	13,815	14,505	109,301	125,671
Other Assets	1,878	1,625	1,878	492	525
Total Current Assets	102,450	91,565	95,207	195,490	203,182
Non-Current Assets					
Property, Infrastructure, Plant and Equipment	2,202,904	2,577,169	2,223,077	2,201,122	2,201,962
Intangible Assets	1,845	563	1,729	1,722	1,747
Investments in Joint Operations	1,045	1,457	1,045	1,045	1,045
Other Financial Assets	5	5	5	5	5
Total Non-Current Assets	2,205,799	2,579,194	2,225,856	2,203,893	2,204,758
TOTAL ASSETS	2,308,249	2,670,759	2,321,063	2,399,383	2,407,940
Liabilities					
Current Liabilities					
Trade and Other Payables	18,431	13,925	6,627	7,362	7,719
Trust Funds and Deposits	36,934	32,353	36,934	50,554	49,956
Provisions	14,283	13,468	14,283	14,110	14,063
Interest-Bearing Liabilities	3,553	3,685	3,685	3,587	3,578
Total Current Liabilities	73,201	63,431	61,529	75,613	75,316
Non-Current Liabilities					
Provisions	1,351	1,360	1,351	1,351	1,351
Interest-Bearing Liabilities	11,304	7,592	7,592	10,388	10,681
Other Liabilities - Joint Operations	2,590	2,820	2,590	2,590	2,590
Total Non-Current Liabilities	15,245	11,772	11,533	14,329	14,622
Total Liabilities	88,446	75,203	73,062	89,942	89,938
Net Assets	2,219,803	2,595,556	2,248,001	2,309,441	2,318,002
Equity					
Accumulated Surplus	962,267	999,560	994,255	1,051,366	1,058,115
Asset Revaluation Reserve	1,238,952	1,595,996	1,238,952	1,238,935	1,238,950
Public Open Space Reserve	18,584	-	14,794	19,141	20,938
Total Equity	2,219,803	2,595,556	2,248,001	2,309,441	2,318,002

ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Performance Graphs

Financial Performance
for the period ending 30 September 2019



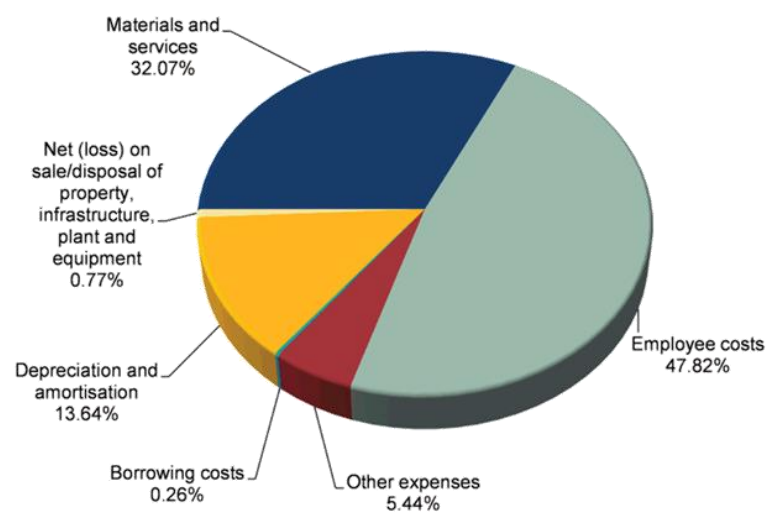
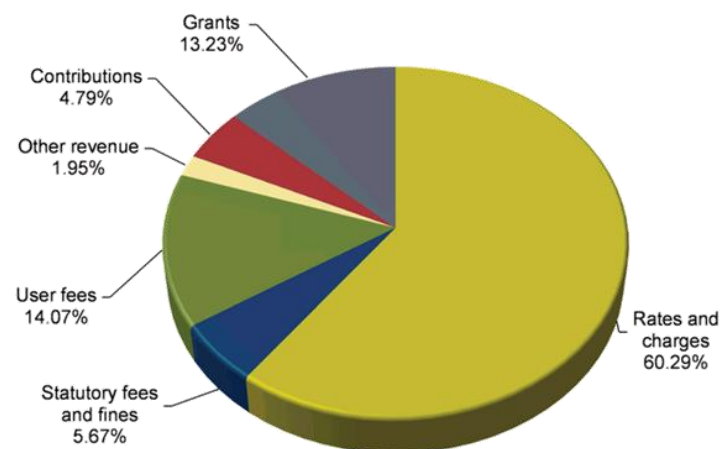
The September 2019 year to date financial performance was \$2.68m better than the year to date budget mainly due to:

- Better than anticipated income received for Grants \$806k, Statutory Fees and Fines \$355k, User Fees \$110k and Other Income \$92k and Contributions (Monetary) \$63k.
- Favourable variances in expenditure items including: Maintenance \$840k, Contractors \$815k, Employee Costs \$259k, Materials and Consumables \$235k, Insurances \$137k and Grants and Subsidies \$84k. Offset by increased Other Expenses of \$324k and Utility Services \$155k.

ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

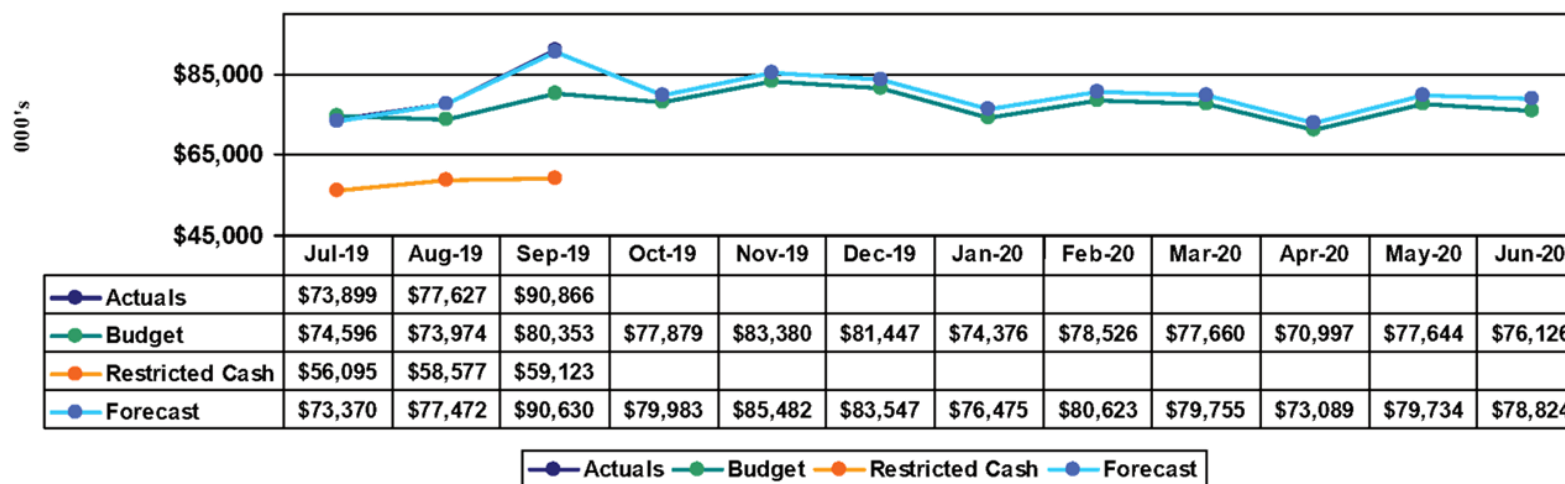
Financial Performance
for the period ending 30 September 2019

2019-20 Forecast categories of expenditure**2019-20 Forecast sources of income**

ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Cash and Investments
for the period ending 30 September 2019



- Council's year to date cash balance of \$90.87m is higher than budget for the current month. Council's forecast position to June 2020 of \$78.82m has been adjusted to reflect the movements in Council's Income Statement and Capital Works Program forecast adjustments.
- Council has cash assets that are subject to restrictions. Restricted funds as at 30 September 2019 include: residential aged care deposits of \$31.03m, trust funds and deposits of \$5.49m (including asset protection permits), open space reserve of \$19.14m and fire services property levy of \$3.45m.

ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Rates Income and Debtors
for the period ending 30 September 2019

Rate and Charges Income – is an important source of revenue, accounting for approximately 60 per cent of the total revenue received by Council annually. Glen Eira continues to have the second-lowest average rates and charges in metro Melbourne.

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

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

The cap for 2019-20 was set at forecast CPI of 2.5% (2.25% for 2018-19).

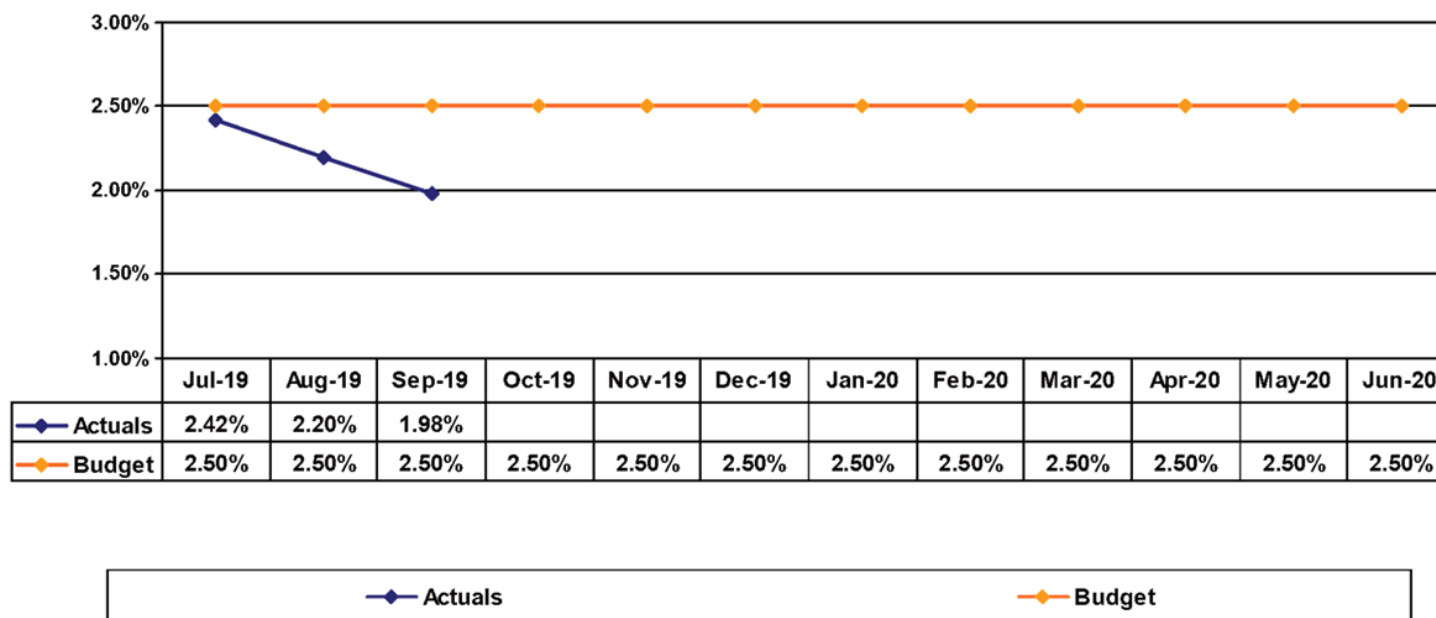
Rate Payments - Rates are paid in four instalments during the year: February, May, September and November. Council's cash flow is impacted by the timing of rate payments. The following table reflects the rate debtors balance as at 30 September 2019.

Rate Debtors	2019-2020 Year to date
	\$'000
Arrears Brought Forward	6,557
2018-19 Rates & Garbage Generated	112,935
2018-19 Fire Services Property Levy	13,385
Total Rates & Charges	132,878
Payments/Adjustments:	
Glen Eira Pension Rebate	(239)
State Government Rebate	(1,612)
Fire Services Property Levy Rebate	(343)
Receipts	(28,354)
Interest	3
Supplementary Valuations	8
Adjustments	(43)
Total Payments/Adjustments	(30,580)
Rates & Charges Balance at Month End	102,298

ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Investment Interest Rates
for the period ending 30 September 2019



Council achieved a return of 1.98% against the budget of 2.50%.

ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Capital Works Expenditure Program

As at the end of September 2019, total capital works expenditure forecast for 2019-20 is expected to be \$44.82m, represented by:

- New capital works projects as per the adopted 2019-20 Annual Budget \$37.25m; and
- External funding sources \$2.80m.
- Carry forward projects from 2018-19 \$4.77m

There are no Capital expenditure adjustments for the month of September 2019.

(b) Capital Works Performance Graphs

The below graphs reflect the 2019-20 budget allocations for the main asset category and performance against budget and forecast.

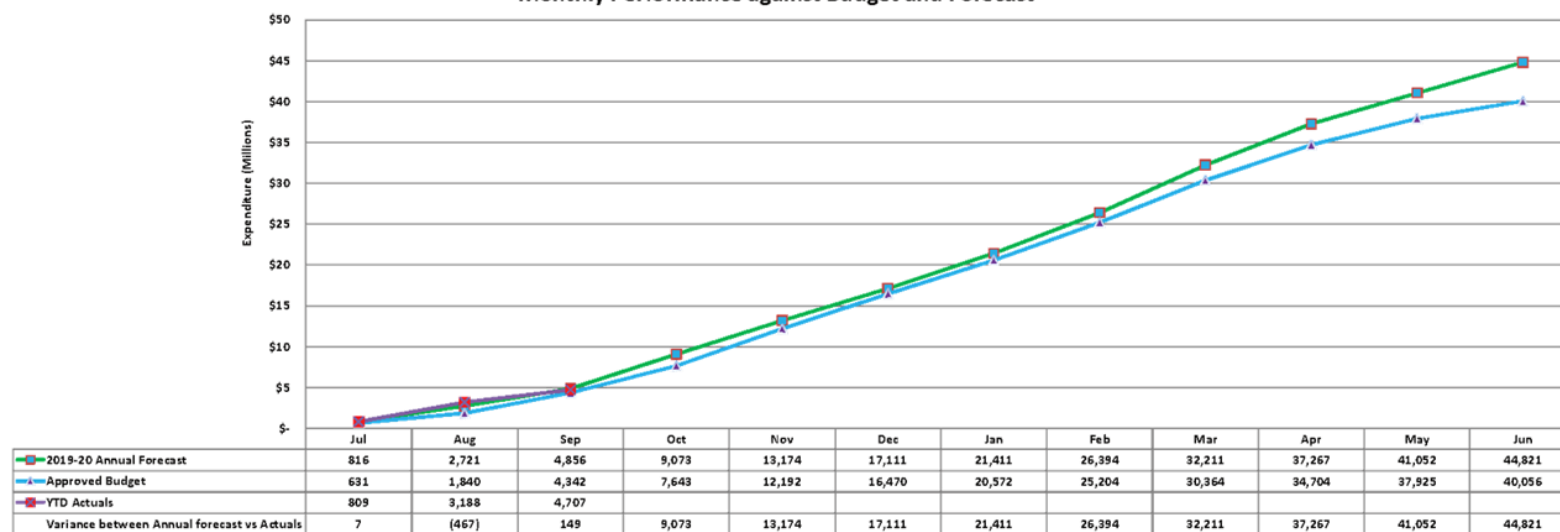


ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Capital Works Program Expenditure
for the period ending 30 September 2019

Monthly Performance against Budget and Forecast



Council's capital expenditure is above forecast by \$149k mainly due to Eat Street (Bentleigh Structure Plan).

ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Capital Works Program Expenditure
for period ending 30 September 2019

Description	2019-20 Carry Forwards from 2018-19	2019-20 Capital Grant Funding	2019-20 Adopted Annual Capital Budget	2019-20 Budget Plus 2018-19 Carry Forward	2019-20 YTD Work In Progress	2019-20 YTD Forecast	2019-20 YTD Variance	2019-20 Annual Forecast Projected end of June 2020 expenditure	2019-20 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
CAPITAL WORKS: STRATEGIC PROJECTS									
Memorial Holocaust	100,000	-	-	100,000	-	-	-	100,000	-
Activity Centre Streetscape works	157,000	60,906	721,000	938,906	79,200	45,000	(34,200)	938,906	-
Bentleigh Structure Plans	-	-	750,000	750,000	8,580	170,000	161,420	750,000	-
Carnegie Structure Plan	196,000	-	510,000	706,000	51,419	35,000	(16,419)	706,000	-
Elsterwick Structure Plan	-	-	750,000	750,000	65,937	150,000	84,064	750,000	-
Integrated Transport Strategy Implementation	-	-	800,000	800,000	26,304	5,000	(21,304)	800,000	-
Carnegie Swim Centre Redevelopment	-	-	750,000	750,000	8,718	25,000	16,282	750,000	-
TOTAL CAPITAL WORKS: STRATEGIC PROJECTS	453,000	60,906	4,281,000	4,794,906	240,157	430,000	189,843	4,794,906	-
CAPITAL WORKS: GREAT AT GLEN EIRA									
Continuous Improvement & Innovation	206,000	-	275,000	481,000	22,585	78,800	56,215	481,000	-
Information Technology-Office 365 & Application Integration	174,000	-	765,318	939,318	235,765	160,000	(75,765)	939,318	-
Parking Permit Digital Solution	-	-	70,000	70,000	-	-	-	70,000	-
TOTAL CAPITAL WORKS: PORTFOLIOS- GREAT AT GLEN EIRA	380,000	-	1,110,318	1,490,318	258,350	238,800	(19,550)	1,490,318	-
CAPITAL WORKS: RECREATION AND OPENSACE									
Pavilion Upgrades- King George and Victory Pavilions	-	22,137	1,028,863	1,051,000	339,349	451,000	111,651	1,051,000	-
Pavilion Upgrades- Koomang/ Packer/ Lord Pavilions	-	-	430,000	430,000	13,623	60,000	46,377	430,000	-
Murrumbidgee Park, Kangaroo Road, Murrumbidgee	-	1,000,000	250,000	1,250,000	9,610	-	(9,610)	1,250,000	-
Major Playground Upgrades	60,000	483,260	1,196,740	1,740,000	78,852	30,452	(48,400)	1,740,000	-
Caulfield Park Master Plan Implementation	-	-	50,000	50,000	-	-	-	50,000	-
Open Space Strategy Implementation - Foch Street - Master Plan Construction	430,000	-	-	430,000	173,363	280,000	106,637	430,000	-
Turf Cricket Wicket Cover Enclosures	-	-	100,000	100,000	-	100,000	100,000	100,000	-
Goal post replacement	-	-	125,000	125,000	-	62,500	62,500	125,000	-
Lord Reserve and Koomang Park Masterplan Implementation	-	-	200,000	200,000	4,500	-	(4,500)	200,000	-
Caulfield Park wedge	-	-	-	-	44,080	-	(44,080)	-	-
New Open Space - Aileen Avenue	-	-	150,000	150,000	-	30,000	30,000	150,000	-
Playground Enhancements and Landscape works	-	-	1,195,380	1,195,380	(16,798)	80,000	96,798	1,195,380	-
Bicycle Strategy Implementation	-	-	200,000	200,000	2,400	-	(2,400)	200,000	-
Sports Ground Drainage Upgrade - Bailey Reserve (Softball Diamond 1)	-	-	50,000	50,000	-	-	-	50,000	-
Moorleigh Community Village Multi Sports Facility Lighting Upgrade	-	-	250,000	250,000	6,521	-	(6,521)	250,000	-
Minor Park Improvements	-	-	493,000	493,000	51,799	170,000	118,201	493,000	-
Public Toilet Upgrades	-	-	650,000	650,000	12,924	13,000	76	650,000	-
Sportsground Lighting Upgrade-Bailey Reserve (The World Game Facilities funding)	230,300	-	-	230,300	5,116	-	(5,116)	230,300	-
Sportsground Lighting Upgrade	-	481,085	945,765	1,426,850	-	-	-	1,426,850	-
Landscape enhancement works	-	-	30,000	30,000	-	-	-	30,000	-
Landscape Duncan Mackinnon Reserve	610,500	-	-	610,500	355,850	-	(355,850)	610,500	-
TOTAL CAPITAL WORKS: PORTFOLIOS-RECREATION AND OPENSACE	1,330,800	1,985,482	7,344,748	10,662,030	1,081,188	1,276,952	195,764	10,662,030	-
CAPITAL WORKS: COMMUNITY FACILITIES									
Female Friendly Pavilion upgrade Program	222,600	-	-	222,600	7,803	-	(7,803)	222,600	-
Caulfield Early Learning Centre (ELC) & Maternal Child Health (MCH) pram shed	-	-	15,000	15,000	-	15,000	15,000	15,000	-
Parks Depot Upgrade	-	-	250,000	250,000	-	50,000	50,000	250,000	-
Future Spaces Project	753,000	-	500,000	1,253,000	150,856	-	(150,856)	1,253,000	-
Mobile Shelving for Elsterwick Library	-	-	50,000	50,000	44,211	50,000	5,789	50,000	-
Caulfield Recreation Centre	-	-	50,000	50,000	6,279	-	(6,279)	50,000	-
Change room upgrade	-	-	50,000	50,000	6,279	-	(6,279)	50,000	-
Bentleigh East Kindergarten Upgrade	-	350,000	220,000	570,000	78,314	40,000	(38,314)	570,000	-
Moorleigh Village Community Shed	-	-	1,200,000	1,200,000	44,176	20,000	(24,176)	1,200,000	-
GESAC Civil works	-	-	680,000	680,000	10,538	32,000	21,462	680,000	-
Carnegie Children's Multipurpose Room outdoor space upgrade	-	-	30,000	30,000	-	-	-	30,000	-
Kindergartens and MCH refurbishments	-	-	145,000	145,000	-	-	-	145,000	-
Kindergartens and MCH refurbishments	-	-	-	-	9,041	-	(9,041)	-	-
TOTAL CAPITAL WORKS: PORTFOLIOS-COMMUNITY FACILITIES	975,600	350,000	3,140,000	4,465,600	351,218	207,000	(144,218)	4,465,600	-

ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Capital Works Program Expenditure

for period ending 30 September 2019 (continued)

Description	2019-20 Carry Forwards from 2017-18	2019-20 Capital Grant Funding	2019-20 Adopted Annual Capital Budget	2019-20 Budget Plus 2016-17 Carry Forward	2019-20 YTD Work In Progress	2019-20 YTD Forecast	2019-20 YTD Variance	2019-20 Annual Forecast Projected end of June 2019 expenditure	2019-20 Forecast Adjustments
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
<u>CAPITAL WORKS: SUSTAINABILITY</u>									
Sustainability Initiative Initiatives	132,000	-	50,000	182,000	90,250	132,000	41,750	182,000	-
Sustainability Initiatives - Solar Projects			380,000	380,000	-	-	-	380,000	-
Street Lighting Conversion & Building Management System	75,000	-	80,000	155,000	3,760	2,500	(1,260)	155,000	-
Bin Enclosures			60,000	60,000	10,696	-	(10,696)	60,000	-
TOTAL CAPITAL WORKS: PORTFOLIOS-SUSTAINABILITY	207,000	-	570,000	777,000	104,706	134,500	29,794	777,000	-
<u>CAPITAL WORKS: COMMUNITY SAFETY</u>									
Elsterwick Library Staircase			160,000	160,000	-	-	-	160,000	-
Black Spot Safety Program			358,000	358,000	-	-	-	358,000	-
Transport Planning			488,000	488,000	9,505	3,000	(6,505)	488,000	-
Footpath Program - New			255,000	255,000	-	-	-	255,000	-
TOTAL CAPITAL WORKS: PORTFOLIOS-COMMUNITY SAFETY	-	-	1,261,000	1,261,000	9,505	3,000	(6,505)	1,261,000	-
<u>CAPITAL WORKS: RENEWALS</u>									
Furniture and Equipment			100,000	100,000	13,459	-	(13,459)	100,000	-
Information Services - Infrastructure and Hardware Renewals			875,300	875,300	48,547	-	(48,547)	875,300	-
Superstructure Component Renewal			169,453	169,453	531	-	(531)	169,453	-
Fleet and Plant Replacement Program	950,000	-	1,883,483	2,833,483	650,853	701,654	50,801	2,833,483	-
Upgrade library self-service kiosks			50,000	50,000	-	50,000	50,000	50,000	-
Building Renewals-Electrical/ Mechanical/ External/Hydraulic			112,662	112,662	-	-	-	112,662	-
Substructure Component Renewal			122,068	122,068	-	-	-	122,068	-
Floor Finishes Component Renewal			242,873	242,873	-	-	-	242,873	-
Roof Renewals			267,572	267,572	-	-	-	267,572	-
Security Component Renewal			27,500	27,500	8,288	-	(8,288)	27,500	-
Ormond Kinder Upgrade	207,900			207,900	-	-	-	207,900	-
Senior Citizen Centres Renewal of Furniture and Equipment			80,000	80,000	-	-	-	80,000	-
Purchase of library collections	-	65,617	844,502	910,119	323,362	365,156	41,794	910,119	-
Footpath Renewal Program			1,700,000	1,700,000	428,562	425,001	(3,561)	1,700,000	-
Kerb and Channel Replacement Program			170,000	170,000	53,528	42,501	(11,027)	170,000	-
Road Reconstruction Program	180,000	-	3,461,045	3,641,045	93,769	156,000	62,231	3,641,045	-
Drainage Renewal and Flood Mitigation Program	-	-	3,400,000	3,400,000	394,552	150,000	(244,552)	3,400,000	-
Local Road Periodic Resurfacing Program			1,500,000	1,500,000	74,751	150,000	75,249	1,500,000	-
Right-Of-Way Renewal Program			350,000	350,000	-	-	-	350,000	-
Local Area Traffic Management Renewal Program			400,000	400,000	46,331	54,000	7,669	400,000	-
Car Park Renewal Program	55,000	-	650,000	705,000	97,333	55,000	(42,333)	705,000	-
Roads to Recovery	-	338,955	-	338,955	-	-	-	338,955	-
Turf wicket replacement			100,000	100,000	-	50,000	50,000	100,000	-
Minor Playground Upgrades			305,000	305,000	40,999	70,000	29,001	305,000	-
GESAC Furniture & Equipment	26,000	-	1,212,478	1,238,478	218,860	101,378	(117,482)	1,238,478	-
Parks Minor Improvements			535,000	535,000	98,820	150,000	51,180	535,000	-
Sports Ground Lighting Renewal Program			230,000	230,000	2,761	-	(2,761)	230,000	-
Fittings/Finishes Component Renewal			466,264	466,264	27,806	-	(27,806)	466,264	-
Residential Services - Furniture and Equipment			180,000	180,000	14,535	45,000	30,465	180,000	-
Replacement of Child care Equipment			66,800	66,800	19,564	-	(19,564)	66,800	-
Child care centre refurbishments			45,000	45,000	4,500	-	(4,500)	45,000	-
TOTAL CAPITAL WORKS: PORTFOLIOS-RENEWALS	1,418,900	494,572	19,547,000	21,379,472	2,661,711	2,565,690	(96,021)	21,379,472	-
TOTAL CAPITAL WORKS EXPENDITURE	4,765,300	2,801,960	37,254,066	44,821,326	4,706,836	4,855,942	149,106	44,821,326	-

ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Financial Strategy

Each year, the Auditor-General of Victoria performs an audit of the Local Government sector and produces a report to Parliament of the results of those audits. As part of this process, the Auditor-General assesses the financial sustainability of Councils. In 2017-18 the Auditor-General assessed the financial sustainability risk at an individual Council level. The following pages explain and present the Auditor-General's financial sustainability risks and criteria and page 21 provides indicators for Glen Eira City Council.

(a) Financial sustainability risk indicators

Indicator	Definition	Formula
Net result (%)	This measures how much of each dollar collected as revenue translates to net result. A positive result indicates a surplus, and the larger the percentage, the stronger the result.	Net result / Total revenue
Adjusted underlying result	This measures an entity's ability to generate surplus in the ordinary course of business—excluding non-recurrent capital grants, non-monetary asset contributions, and other contributions to fund capital expenditure from net result. A surplus or increasing surplus suggests an improvement in the operating position.	Adjusted underlying surplus (or deficit) / Adjusted underlying revenue
Liquidity (ratio)	This measures an entity's ability to pay existing liabilities in the next 12 months. A ratio greater than 1.0 means there are more cash and liquid assets than short-term liabilities.	Current assets / Current liabilities
Internal financing (%)	This measures an entity's ability to finance capital works using cash generated by its operating cash flows. The higher the percentage, the greater the ability for the entity to finance capital works from its own funds.	Net operating cash flow / Net capital expenditure
Indebtedness (%)	This assesses an entity's ability to pay the principal and interest on borrowings, as and when they fall due, from the funds it generates. The lower the ratio, the less revenue the entity is required to use to repay its total debt. Own-sourced revenue is used, rather than total revenue, because it does not include grants or contributions.	Non-current liabilities / Own-sourced revenue
Capital replacement (ratio)	This compares the rate of spending on infrastructure, property, plant and equipment, and intangibles with its depreciation and amortisation. This is a long-term indicator, as capital expenditure can differ in the short term if there are insufficient funds available from operations, and borrowing is not an option. A ratio less than 1.0 means the spending on capital works has not kept pace with consumption of assets.	Cash outflows for property, plant and equipment / Depreciation
Renewal gap (ratio)	This compares the rate of spending on existing assets through renewing, restoring, and replacing existing assets with depreciation. Ratios higher than 1.0 indicate that spending on existing assets is faster than the depreciation rate.	Renewal and upgrade expenditure / Depreciation

Source: VAGO.

ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Financial Strategy (continued)**(b) Financial sustainability risk assessment criteria**

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

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

Source: VAGO.

ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Financial Strategy (continued)**Monthly Report Relative to Financial Strategy**

Financial Sustainability Risk Indicators	Objective	2017-2018 Actuals based on VAGO Parliamentary Report	2019-20 Annual Budget as at 30 June 2020	2019-2020 Annual Forecast as at 30 June 2020	2019-2020 Risk based on Annual Forecast as at 30 June 2020	Comment
(1) Net Result	To generate surpluses consistently greater than 0%.	17.05%	9.75%	9.61%	Low	Council is generating positive surpluses.
(2) Underlying Result (%)	Ability to generate surplus in the ordinary course of business, excluding non-recurrent capital grants and non-monetary asset contributions to fund capital expenditure from net result. Low risk indicator to be more than 5%.	13.88%	8.30%	9.59%	Low	Council is generating positive surpluses to fund operations.
(3) Liquidity	To measure Council's ability to repay short-term liabilities as they fall due. Low risk - indicator is to be greater than 1.0.	1.42	1.44	1.55	Low	Council's forecast to 30 June 2020 indicates a Liquidity Ratio of greater than 1.0.
(4) Indebtedness	Lower than 40% relates to the ability to repay debt from own-source revenue.	13.06%	7.62%	7.43%	Low	Council is operating at a ratio of lower than 40%, therefore has the ability to repay debt from own-source revenue.
(5) Internal Financing	Generating enough cash from operations to fund new assets. Low risk indicator is to be greater than 100%.	152.55%	107.42%	96.59%	Low	Council is generating enough cash from operations to fund new assets.
(6) Capital Replacement	To ascertain the level of risk of insufficient spending on asset renewal. Low risk indicator is to be more than 1.5.	1.49	2.00	1.92	Low	Council operates at a low level of risk with respect to capital replacement.
(7) Renewal Gap	To ensure there is sufficient spending on Council's asset base. Low risk indicator is to be greater than 1.0.	1.21	1.49	1.49	Low	Council spends sufficient funds on its asset base.
Council aims to keep average rates and charges significantly below benchmark Councils and provide a pensioner rate rebate over the State Government's universal rebate.	Council aims to keep average rates and charges significantly below benchmark Councils and the pensioner rate rebate above the State Government's universal rebate.	\$1,580	\$1,713	\$1,713	In terms of Rates per assessment, Glen Eira is again the second lowest of the 21 Inner Melbourne Councils (2016/17: also second lowest) and is \$294 per assessment (\$19.3M) below the average outcome.	
<ul style="list-style-type: none"> Average Rates and Charges Pensioner Rate Rebate 		\$270	\$270	\$270		
Operating costs per property should be kept as low as possible in order to generate both operating surpluses and lower Rates.	Council should aim to keep average operating costs below the average benchmark Councils.	\$1,992	\$2,544	\$2,568	In terms of operational expenditure (excluding depreciation), Glen Eira ranks as spending \$133 less per assessment (\$8.7M) than the average for the Inner Melbourne Councils grouping.	

ORDINARY COUNCIL MEETING

6 NOVEMBER 2019

Assurance Map

The assurance map considers the key risks to Council in achieving its objectives and performance expectations, and the assurance activities which have been conducted over the operation of controls that apply to those risks. The Assurance Map is indicative of the type of activity in place to provide Council Management with comfort that the control environment is operating as intended. A formal review of strategic risks is undertaken annually by Executive. The risks have been identified, assessed and ranked in order of risk exposure to Council. The assurance map will be updated after every formal review and when assurance activities are proposed or undertaken.

Council's Strategic Risks	Risk Rating	Type of Assurance						Previous and proposed IA activity 2016/17-2017/18, and/or other independent reviews/checks
		Management	External Parties				Internal Audit	
		Management Review /self-assessment	Insurance Coverage	LG Investigations / Compliance Inspectorate	VAGO Performance Audits*	Independent Consultants / External party review	Internal Audit	
1. State Government decisions impacting our community	E							Food Safety (2011/12) Statutory Planning (2013/14) Infringement Management Audit (2018/19)
2. Terrorist Attack – Lone Wolf	H							Security Protocol Review (2014) Building Emergency Management Planning (2017/18) Implementation of Federal Government's Strategy for Protecting Crowded Places from Terrorism 2017 – use of the Crowded Places Security Audit, Self-Assessment Tool and guidelines.
3. Vulnerability to cyber attack	H							Cyber Security Review including mobile devices website management and penetration testing (2016/17) IT General Controls Audit (2018/19)
4. Contracts – contracting process by Council	H							Tendering (2013/14) Contract Management (2013/14) Financial Compliance transaction analysis (annual) Contract Management Review (2016/17) Major Project Management (2017/18) Immunisation Audit (2018/19)
5. Vulnerability to litigious action	H							Risk Management Framework (2015/16) Fraud & Corruption Control (2016/17) Claims Management Review (2016/17) Statutory Planning Legislative Compliance Audit (2018/19)
6. Failure to keep pace with emerging technologies and digital environment	H							IT Strategy (management) (2013/14) Regular penetration testing on the internal and external network infrastructure and external websites IT Sensitive Information (2011/12) IT Security (2012/13, 2014/15) IT General Controls (2015/16) Performance Audit – GECC Transformation Project (2017/18)
7. Vulnerability to significant fraud	H							Fraud Review (2013/14) Financial Controls (2014/15) Risk Management Framework (2015/16) Fraud & Corruption Control (2016/17) Financial Compliance transaction analysis (annual – 2018/19) Payroll (2017/18) Open Space Contributions (2017/18) Community Grant Management Audit (2018/19)
8. Not sufficiently agile to respond to change	H							Change Management Framework Promapp Performance Audit – GECC Transformation Project (2017/18)
9. Failure to effectively plan for the changing demographic of our workforce	M							SafetyMAP recertification (2013/14) OH&S Review (2015/16) Performance Audit – GECC Transformation Project (2017/18)
10. Transformation program fails to deliver anticipated benefits for the organisation and community	M							Performance Audit – GECC Transformation Project (2017/18) Performance Audit (2018/19)

* Reviews performed are ad-hoc and Council may or may not be included in selected sampling
Level of coverage provided where not all aspects of the risk may have been addressed by assurance activity.

Level of coverage: Extensive Partial None

Please note that the External Audit process is designed to enable the AG to express an opinion on the annual financial report. The external audit is not a comprehensive audit of all systems and processes and is not designed to uncover all deficiencies, breaches and irregularities in those systems & processes.

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 Tender/Contract 2020.7 Neville Street Reconstruction, Stage 2
Local Government Act 1989 - Section 89(2) (d)

12.2 Contract 2020.83 Provision of IT Hardware End User Computing Equipment
Local Government Act 1989 - Section 89(2) (d)

12.3 Tender/Contract No 2019.194 Selwyn Street Cultural Precinct - Integrated Commemorative Artwork Consultant
Local Government Act 1989 - Section 89(2) (d)

13. CLOSURE OF MEETING