



**GLEN EIRA CITY COUNCIL**

**ORDINARY COUNCIL MEETING**

**TUESDAY 7 JUNE 2022**

**AGENDA**

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

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

- S8(1) Local Government Act 2020

**Councillors:**

The Mayor, Councillor Jim Magee  
Councillor Tony Athanasopoulos  
Councillor Anne-Marie Cade  
Councillor Margaret Esakoff  
Councillor Sam Parasol  
Councillor Sue Pennicuik  
Councillor Li Zhang  
Councillor Simone Zmood  
Councillor David Zyngier

**Chief Executive Officer:** Rebecca McKenzie







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**1. ACKNOWLEDGEMENT**

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

**2. APOLOGIES**

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

Councillors are reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or which are considered at this meeting, in accordance with Section 130(2) of the *Local Government Act 2020* and Rule 60(3) of the Glen Eira City Council Governance Rules. Councillors are now invited to indicate any such conflict of interest.

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

Copies of Minutes previously circulated.

**RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on 17 May 2022 be confirmed.



**5. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS****5.1 PETITION: PLANNING SCHEME AMENDMENT AND PLANNING APPLICATION AT 113 BALACLAVA ROAD CAULFIELD NORTH**

A petition containing 33 signatures was submitted to the Council Meeting.

The petition read as follows:

'We the undersigned residents request that Council request that the Council reject any application to amend the planning scheme and allow the planning application (and amendment to the restrictive covenant) at 113 Balaclava Road Caulfield North on the following grounds:

1. A variation in the covenant to allow a property with a single dwelling covenant (being a property right that runs with the land and provides protection to beneficiaries) to carry out a development will negatively impact on the properties in the area and will significantly change the amenity of a unique part of Caulfield in a very detrimental manner.
2. Many landowners in the surrounding area purchased their home in reliance on the single dwelling covenants registered on titles which gave them protection against developments.
3. The Planning Victoria website provides that Planning Scheme amendments usually affect a large area and require a range of strategic matters to be considered. This method isn't usually used to remove covenants on individual lots at the request of the owner, unless other changes to the planning scheme (such as a rezoning of the land) are also proposed.
4. The Glen Eira Council should not proceed with any application to amend the Planning Scheme to facilitate a development on this property because if it were to do so, it would be unilaterally extinguishing property rights which have been relied upon. This would be an unfair, inappropriate and unjust process.'

**RECOMMENDATION**

That Council:

1. receives and notes the petition in relation to the Planning Scheme Amendment and Planning Application at 113 Balaclava Road, Caulfield North; and
2. considers the petition in conjunction with a report being presented to a future Council meeting.



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







**7. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY****7.1 Advisory Committees****7.1.1 ADVISORY COMMITTEE MINUTES**

**Author:** Janice Pouw, Coordinator Councillor Business

**Trim No:** 22/15816

**Attachments:** 1. Arts and Culture Advisory Committee Minutes 12 May 2022 [↓](#)

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**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. Arts and Culture Advisory Committee Meeting Minutes – 12 May 2022





**MINUTES FOR GLEN EIRA  
ARTS AND CULTURE ADVISORY COMMITTEE MEETING**

**Tuesday 12 May 2022  
5:30 pm – 6:30 pm**

**Labassa Room  
Glen Eira Town Hall**

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**Purpose:**

The role of the advisory committee is to provide recommendations to Council on Arts and Culture programs. Arts and Cultural programming support the objectives of the Council and Community Plan by providing programs and events that foster creative community participation and contribute to a sense of place.

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**Assembly of Councillors Record**

The meeting commenced at 5.40 pm.

**1. Present and Apologies**

Present:

Cr Margaret Esakoff (Chair)  
Cr Sam Parasol (Member)  
Cr Li Zhang (Member)  
Cr Anne-Marie Cade (Member) (via phone call and Zoom)  
Mark Saunders – Director Community Wellbeing  
Deidre Pellizzer – Manager Libraries, Arts & Culture  
Rosemary Hanscombe – Heritage & History Team Leader

Apology:

Tori Hayat - Team Leader Arts and Culture

**2. Declaration of conflict of interest**

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

**3. Matters Considered:**

3.1 Welcome and appointment of Chair

3.2 Arts & Culture Update

3.2 Current Events

3.3 Proposed Action Plan

3.4 Nomination of community representatives



### 3.5 Forward Meetings

### 3.6 Other business

## 3.1 Welcome and Appointment of Chair

Action – Councillors to vote to appoint a new Chair for Arts and Culture Advisory Committee. Councillors nominated Margaret Esakoff.

Cr Parasol thanked Cr Zhang for her good work as the Chair of this committee during 2021.

**Moved: Cr Zhang                      Seconded: Cr Parasol and Cr Cade**

***The Motion was carried unanimously.***

## 3.2 Arts & Culture Update - Current Events

Officers presented the events coming up over the next few months including National Reconciliation Week, and the Storytelling Festival.

### *Projections in the Dark*

Officers highlighted a new event starting this week on Friday nights and one Sunday night from May to July, *Projections in the Dark*. This event is made up of 'Lighting the Past', historic images from the Glen Eira Digitisation Program and 'Your Stories', images from the COVID-19 Collecting Project. The projections will be accompanied by local musicians.

### *Lighting the Past*

- **Friday, 13 May**, 6 pm – 8 pm  
Carnegie Community Space, 296-298 Neerim Road, Carnegie
- **Friday, 20 May** 6 pm – 8 pm  
Elsternwick Plaza, 270 Glen Huntly Road, Elsternwick
- **Friday, 27 May** 6 pm – 8 pm  
Bentleigh Urban Living Space, Carpark off Godfrey St and Centre Road, Bentleigh

### *Your Stories*

- **Sunday, 19 June**, 6 pm – 8 pm  
*Carnegie Community Space, 296-298 Neerim Road, Carnegie*
- **Friday, 24 June** 6 pm – 8 pm  
*Elsternwick Plaza, 270 Glen Huntly Road, Elsternwick*
- **Friday, 1 July** 6 pm – 8 pm  
*Bentleigh Urban Living Space, Carpark off Godfrey St and Centre Road, Bentleigh*

### **Actions:**

*Officers will ensure that future rounds of the events are held across different days of the week to increase community participation.*

***Noted by the Committee.***



### 3.3 Proposed Arts and Culture Action Plan

Officers have been considering the best way forward for cultural events and programming in a post-pandemic lockdown environment that will be captured in a new Arts and Culture Action Plan with the aims -

1. Contributing to ongoing COVID-19 recovery;
2. Celebrating diversity and inclusion, and
3. Encouraging cultural expression.

The Action Plan will be based on community feedback captured during the development of the Glen Eira Community Vision, Council Plan and Wellbeing Plan and will include actions for further community engagement, specifically on arts and culture events in Glen Eira.

The Committee discussion acknowledged that whilst some highly successful programs from the pre-pandemic program should stay such as the *Party in the Park: Under the Stars* event, it is well worthwhile to try new events and programs such as the very successful *Sunday Sessions* music program held in the Gallery.

The success of the recent The Cube in Carnegie Community space is an excellent example of an arts event contributing to placemaking in Glen Eira. The Committee discussed the importance of exploring places for events such as the Town Hall Carpark.

**Action:**

*Officers will present a draft Arts and Culture Action Plan for discussion at the next committee meeting.*

**Noted by the Committee**

### 3.4 Appointment of new Committee members

The Terms of Reference adopted on 24 November 2020 state the inclusion of a minimum of three community representatives on the Arts and Culture Advisory Committee. An Expression of Interest process has conducted, and 15 nominations were received.

The Committee discussed the 15 nominations. The recommendations for community representatives on the Committee are in the Council officer report presented in this Council agenda.

**Moved: Cr Esakoff                      Seconded: Cr Zhang**  
**The Motion was carried unanimously.**

### 3.5 Forward Meetings

Officers will aim to schedule future Advisory Committee meetings from 5.15 pm to 6.15 pm before an in-person Assembly meeting. Dates to be confirmed.



**3.6 Other Business***Advertising our events.*

Officers discussed the ways events are advertised – this includes on social media, Council's website, billboards and banners, pamphlets, posters and postcards delivered to local cafes and shops.

The Meeting ended at 7.00 pm



**7.2 Records of Assembly****7.2.1 RECORDS OF ASSEMBLIES OF COUNCILLORS**

**Author:** Janice Pouw, Coordinator Councillor Business

**Trim No:** 22/15767

**Attachments:** 1. 3 May 2022 Assembly [↓](#)  
2. 10 May 2022 Assembly [↓](#)  
3. 17 May 2022 Pre-Meeting [↓](#)

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**RECOMMENDATION**

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

1. 3 May 2022 Assembly;
2. 10 May 2022 Assembly; and
3. 17 May 2022 Pre-meeting



**Assembly of Councillors****Tuesday 3 May 2022****Assembly Meeting commenced at 7.04pm****Present**

Cr Jim Magee (Mayor)  
Cr Anne-Marie Cade  
Cr Margaret Esakoff  
Cr Sam Parasol  
Cr Sue Pennicuik  
Cr Li Zhang  
Cr Simone Zmood  
Cr David Zyngier

**Council Officers**

Rebecca McKenzie  
Niall McDonagh  
Ron Torres  
Mark Saunders  
John Vastianos  
Janice Pouw  
Jennifer Shin  
Amanda Haycox  
Jessica Wingad  
Kim Le Cerf via zoom  
Matt Slavin via zoom

**Matters considered**

1. Apologies – Nil
  2. Elster Creek Catchment Flood Management Plan – Offset Trading Scheme / Development Contributions Plan
  3. Glen Eira Circular Economy Plan – Draft for Consultation
- 7.21pm Cr Esakoff left the Assembly and re-entered at 7.26pm*
4. Green Loop: A Vision for Active Travel in the Inner South East
  5. Draft Housing Strategy – Community Consultation Update
  6. General Business
    - Director Planning, Place & Sustainability – Selwyn Street application
    - Cr Cade – Bentleigh Traders Association – Parking and signage
    - Cr Zmood – Circular Economy – Launch of Op Shop booklet (Reduce, reuse, restore)
    - Cr Zyngier
      - Project signage for Caulfield Park;
      - Wood fired heating pollution
    - Cr Zmood – Resident information re Wood fires and Local Laws
    - Cr Athanasopoulos - Signage
    - Coordinator Councillor Business - Citizenship Ceremony 4 May 2022



- Chief Executive Officer
  - Advocacy update including Rooming House submission

**Assembly finished at 8.41pm**



**Assembly of Councillors****Tuesday 10 May 2022****Virtual Assembly Meeting commenced at 6.33pm****Present**

Cr Li Zhang (Deputy Mayor)  
Cr Tony Athanasopoulos  
Cr Margaret Esakoff  
Cr Sam Parasol  
Cr Sue Pennicuik  
Cr Simone Zmood  
Cr David Zyngier

**Council Officers**

Rebecca McKenzie  
Niall McDonagh  
Mark Saunders  
Peter Swabey  
Ron Torres  
John Vastianos  
Paul Wood  
Brooke Ranken  
Kellie Vise  
Kim Le Cerf  
Jennifer Shin  
Janice Pouw

**Matters considered**

1. Apologies – Nil
  2. General Business
    - Chief Executive Officer – National General Assembly – Assembly 21 June 2022
    - Cr Esakoff – Foster Avenue, Glen Huntly
    - Cr Zyngier – Review of Local Law
- 6.36pm Cr Anne-Marie Cade entered the virtual Assembly*
- Cr Cade - AMC – Intersection at Normanby and Dandenong Roads
  - Director Community Wellbeing – Community Awards Events
3. Draft Ordinary Council Meeting Agenda 17 May 2022
    - Item 7.1 – Advisory Committee Minutes
    - Item 7.2 – Records of Assemblies of Councillors
    - Item 8.1 – Swearing in of Cr Sue Pennicuik and Appointment to Committees
    - Item 8.2 – 31 Station Street, Caulfield East – Development Plan approval for Stage 9 of Caulfield Village
    - Item 8.3 – VCAT Watch
    - Item 8.4 – Inclusion of 6 Trees in the Classified Tree Register



Item 8.5 – Glen Eira Circular Economy Plan / Draft for Consultation

*7.35pm Cr Jim Magee entered the virtual meeting.*

Item 8.6 – Establishment of Glen Eira Multicultural Advisory Committee

Item 8.7 – Packer Park Play Space Upgrade

*7.53pm Cr Zyngier left the Assembly and re-entered at 7.54pm*

Item 8.8 – Quarterly Services Performance Report – Quarter 3 2021-22

Item 8.9 – Community Safety and Compliance Policy Review

Item 8.10 – Aged Care and Independent Living Services: Policy Revocations and Policy Updates

Item 8.11 – National General Assembly June 2022

Item 10.1 – Requests for reports from a member of Council staff – Cr Zyngier

Item 10.2 – Right of Reply

Item 8.12 – Financial Management Report (30 April 2022)

4. General Business

Cr Pennicuik – VLGA Membership

**Assembly finished at 8.08pm**



## **Pre-Meeting Agenda Tuesday 17 May 2022**

**Pre-meeting held in person at 6.45pm**

### **Present**

Cr Jim Magee (Mayor)  
Cr Tony Athanasopoulos  
Cr Anne-Marie Cade  
Cr Margaret Esakoff  
Cr Sam Parasol  
Cr Sue Pennicuik  
Cr Li Zhang  
Cr Simone Zmood  
Cr David Zyngier

### **Council Officers**

Rebecca McKenzie  
Niall McDonagh  
Mark Saunders  
Ron Torres  
John Vastianos  
Janice Pouw

### **Disclosure of Conflicts of Interest**

Nil

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### **Matters considered**

1. Apologies – Nil
2. Procedural Motion – Change to the order of business to consider Item 10.5 Written Public Questions at an earlier stage of the meeting
3. Item 10.5 – Written Public Question to Council
4. Item 8.2 – 31 Station Street, Caulfield East – Development Plan Approval for Stage 9
5. Item 8.6 – Establishment of Glen Eira Multicultural Advisory Committee
6. Item 10.1 – Request for report from a member of Council staff – Cr Zyngier
7. General Business  
Director Community Wellbeing – Volunteer Recognition and Citizen of the Year Award
8. Item 10.2 - Right of Reply
9. Item 6 – Reports by Delegates Appointed by Council to Various Organisations

7.16pm pre-meeting finished



## 8. OFFICER REPORTS (AS LISTED)

### 8.1 COMMUNITY FEEDBACK & SUBMISSIONS (PROPOSED BUDGET, FINANCIAL PLAN AND REVENUE & RATING PLAN)

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

**Trim No:** 22/191125

**Attachments:** 1. Draft Budget 2022-23 Submissions via Have Your Say [↓](#)  
2. Youth Advisory Committee Feedback [↓](#)  
3. Submission from Friends of Caulfield Park [↓](#)

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## EXECUTIVE SUMMARY

To receive community feedback and submissions on the proposed 2022-23 Budget, the 2022-23 to 2031-32 Long-Term Financial Plan and the 2022-23 to 2025-26 Revenue and Rating Plan.

## RECOMMENDATION

That Council receives and notes the community feedback and submissions on the proposed 2022-23 Budget, the 2022-23 to 2031-32 Long-Term Financial Plan and the 2022-23 to 2025-26 Revenue and Rating Plan.

## BACKGROUND

At the Council Meeting held on 26 April 2022, Council resolved to advertise the proposed 2022-23 Budget, 2022-23 to 2031-32 Long-Term Financial Plan and the 2022-23 to 2025-26 Revenue and Rating Plan.

Community feedback following the advertising of the budget closed on Friday, 27 May 2022.

The purpose of this agenda item is to report to Council the community feedback to Council on the proposed documents.

The proposed 2022-23 Budget, 2022-23 to 2031-32 Long-Term Financial Plan and the 2022-23 to 2025-26 Revenue and Rating Plan will be considered for adoption at the Ordinary Council Meeting on 28 June 2022.

## ISSUES AND DISCUSSION

The budget engagement process consisted of three stages:

### **(1) Stage 1: Participatory engagement from 14 October to 14 November 2021**

Broad participatory community engagement activities on the Budget and Financial Plan. This was conducted using an online budget simulation tool. The community was invited to 'prioritise the budget' by increasing or decreasing the amount of funding Council allocates to its budget. There were also two online surveys – one for the public and one for the Community Voice members. This survey asked users to choose services that were a priority.

#### **(a) For the Online Budget Tool:**

- 37 people participated.
- Representation from all age groups, but 30-49 was the most active range.



- A good diversity of gender.
- 10 participants speak a language other than English at home.
- There was representation from all Glen Eira postcodes.
- The overall allocation of spending by the participants was very similar to our 2021-22 Budget proportions. The main differences were to decrease spending on Capital Works and increase spending on Sustainability.

**(b) For the Online Survey:**

- 9 people participated.
- 35-49 was the most active age group. No-one below 35 participated in the survey but there was one respondent over 80.
- There were 6 male and 3 female respondents.
- The survey group would like to see more spending on Sustainability and Climate Change, Parks and Recreation, and Economic recovery from the pandemic.
- The areas to reduce spending were less prominent – New assets and Upgrades and Cultural services were slightly above the other categories.

**(c) For the Community Voice Survey:**

- 160 people participated.
- This survey group would like to see more spending on Sustainability and Climate Change, Parks and Recreation, Open Space and Waste and Recycling.

**(2) Stage 2: Deliberative engagement from 28 November to 5 December 2021**

Council ran a deliberative engagement process to interrogate the Stage 1 data and inform the Financial Plan. A broad expression of interest process was undertaken via the Have Your Say Glen Eira website which sought representation of the broader Glen Eira community.

Twenty-four (24) expressions of interest were received from a cross-section of the community. All were invited to participate, and 11 attended the first session, while 8 attended the second session. Panel members were provided with a Participant Information Pack which provided an introduction to the sessions as well as information on our Council Plan, 2021-22 Budget and the results of our recent online community engagements.

Consultants from the Strategic Development Group coordinated sessions over two weekends, 28 November and 5 December 2021. The majority of participants thought that the Council allocation of rates income to the 10 different service areas noted in the budget was broadly in line with what the community wanted prioritised. From our budget engagement we heard the community priorities were:



- **Sustainability measures, including increasing open space and tree canopy, funding the Urban Forest Strategy and implementing energy efficiency measures.** We have allocated \$565,000 to scale up action on the climate emergency to reduce emissions and transition to a circular economy and will invest a further \$1.35 million on tree planting and replacements in streets and parks. All major projects in our Capital Works program will also include an allocation to ensure sustainability measures are embedded into our building design and construction.
- **Planning for growth within our commercial districts to assist local businesses and investment in Urban Planning to focus on education over enforcement.** In 2022-23 there is \$3 million allocated to support our strategic planning work program that we have committed to that includes updating our three major structure plans (Bentleigh, Carnegie and Elsternwick), Caulfield Structure Plan, a new Housing Strategy, neighbourhood activity centre-built form frameworks, suburb-by-suburb heritage reviews and improving our local activity centres and shopping strips through our placemaking program.
- **Maintaining investment in Services for the Aged.** We will spend \$10.2 million running the Warrawee Residential Aged Care facility in East Bentleigh and deliver \$8.2 million of other direct care and support services that enable our elderly residents to remain longer in their own homes.

**(3) Stage 3: Community feedback received since advertising the budget from 28 April to 27 May 2022**

The opportunity for the community to provide feedback on the proposed budget was available from Thursday, 28 April until Friday, 27 May 2022, and was advertised on Council's media platforms.

Feedback obtained from the community regarding the proposed budget via 'Have Your Say' is detailed in **Attachment 1** to this report. The main areas of feedback included:

- Traffic improvements in Elsternwick Cultural Precinct.
- Support for using Open Space Contributions and increasing Developer Contributions to improve infrastructure especially stormwater drainage.
- Ensuring Council maintains adequate working capital to cover Residential Accommodation Deposits.
- Ensuring funding of the Defined Benefit Superannuation Plans.
- Support of existing Climate Emergency initiatives but we should also include infrastructure plan for electric vehicles.
- Support for funding technology improvements.

The budget information was also presented to the Youth Advisory Committee on 26 May 2022 and their questions and comments are summarised in **Attachment 2**.

Friends of Caulfield Park have emailed a submission on the proposed budget regarding capital expenditure at Caulfield Park proposed for 2022-23 in **Attachment 3**.



## COMMUNICATION AND ENGAGEMENT

As required by the *Local Government Act 2020*, Council undertook community engagement for the preparation of the Budget and Financial Plan in accordance with its participatory and deliberative engagement practices. These practices are outlined in Council's *Community Engagement Policy* and sit at the Consult and Involve levels of community engagement.

The community engagement process and activities were promoted to the community in the following ways:

- Online participatory budget tool via Have Your Say Glen Eira from 14 October to 14 November 2021.
- Community feedback from Thursday, 28 April until Friday, 27 May 2022 and was advertised on Council's website and Facebook page.
- Budget Information Sessions (via Zoom) on Monday, 16 May 2022 from 1pm to 2pm and Monday, 23 May 2022 from 6pm to 7pm.
- Regular updates in Glen Eira News articles.
- Glen Eira Website – promotion, updates and link to the dedicated Have Your Say page.
- Promotional messages on digital screens in Council's service centre and community facilities.
- Community Engagement and Community Voice e-Newsletters.
- Business e-Newsletter.
- Glen Eira social media channels including Facebook and Instagram.
- Media releases to local media outlets including newspapers and radio.
- Direct communication through conversations, letters and emails to community groups, community leaders, key stakeholders, and interested residents throughout Glen Eira.

## CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

The proposed Budget, Financial Plan and Revenue and Rating Plan takes into consideration Council's climate emergency response.

## FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

1. Planning for the future presents a particularly unique challenge for Council as we navigate the lasting impacts of the global pandemic on our community. Council is facing challenges of responding to a global climate emergency, a growing and increasingly diverse population and finite financial resources.

The Financial Plan has a challenging and ambitious capital works program. Council has also committed to continuing a significant strategic work plan over the coming ten years which includes a strategic approach to place based planning and integrated transport. This important work will set the future 10-20-year strategic direction in the key areas of land-use, transport, economic development, and urban design.

Council also needs to ensure that working capital is maintained such that sufficient cash reserves are available to meet normal cash flow requirements and meet potential emergencies.

The long-term financial position within the Financial Plan is based on Council funding the entire Capital Works Program (including Council borrowings).

The key financial objectives for Council are:

- Manage finances appropriately within the constraints set by the Rate Cap.
- Renew and upgrade our ageing assets and community facilities.



- Maintain essential services at not less than current levels.
- Mitigate risks to our community and local economy arising from the impact of the pandemic of COVID-19 and to support the community's recovery.
- Set fee increases that are manageable and sustainable.
- Invest in continuous improvement, technology and other enablers to efficiency and enhanced customer outcomes.
- Keep day-to-day costs manageable and rates per assessment low, relative to our peers.

**POLICY AND LEGISLATIVE IMPLICATIONS**

- Local Government Act 2020
  - Part 4 — Planning and Financial Management, Division 1 — Strategic Planning
  - Part 4 — Planning and Financial Management, Division 2 — Budget processes
- Local Government (Planning and Reporting) Regulations 2020
- Council's Community Engagement Policy

**LINK TO COUNCIL PLAN**

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

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**CONCLUSION**

That Council receives and notes the community feedback and submissions on the proposed 2022-23 Budget, the 2022-23 to 2031-32 Long-Term Financial Plan and the 2022-23 to 2025-26 Revenue and Rating Plan.



Survey Responses

28 April 2022 - 27 May 2022

Draft Budget 2022-2023

Have your say Glen Eira

Project: Proposed Budget, Financial Plan, and Revenue and Rating Plan



|               |            |           |                    |            |           |
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| 61            |            |           | 32                 |            |           |
| CONTRIBUTORS  |            |           | RESPONSES          |            |           |
| 2             |            |           | 2                  |            |           |
| 1             | 0          | 1         | 1                  | 0          | 1         |
| Registered    | Unverified | Anonymous | Registered         | Unverified | Anonymous |





Respondent No: 1

Login: [REDACTED]

Email: [REDACTED]

Responded At: May 13, 2022 16:38:54 pm

Last Seen: May 13, 2022 16:38:54 pm

IP Address: [REDACTED]

Q1. Is this a formal submission?

No

Q2. Full name

not answered

Q3. Suburb

not answered

Q4. Phone number

not answered

Q5. Email address

not answered

Q6. Comment on the draft Annual Budget 2022-2023

Traffic Improvement Program missing in streets around the Elsternwick Cultural Precinct





Respondent No: 2

Login: [REDACTED]

Email: [REDACTED]

Responded At: May 16, 2022 19:33:17 pm

Last Seen: May 20, 2022 06:17:03 am

IP Address: [REDACTED]

Q1. Is this a formal submission?

Yes

Q2. Full name

[REDACTED]

Q3. Suburb

[REDACTED]

Q4. Phone number

[REDACTED]

Q5. Email address

[REDACTED]

Q6. Comment on the draft Annual Budget 2022-2023

I understand the challenge described on page 4 of the Draft 2022-2023 Budget. Drainage improvement and carparks are included in Renewal Projects. Will the 8.3% of the site value as a Public Open space contribution cover all of the other Council Major Infrastructure assets? Is a Development Contribution Plan Overlay required to specifically provide the necessary funds to be able to renew ageing underground storm water pipes? During last year's deliberative budget session there was a suggestion to indicate whether a council asset area is funded by rates, carry forward grants, new grants, loans or overlays such as the one described above ( DCPO). Bayside Council introduced the DCPO1 in 2017 through an Amendment C139. This overlay could be directly associated with funds for updating storm water infrastructure. The description at dot point eight on page 16 clearly indicates that extra rates from higher density development are not providing enough funds to upgrade ageing underground pipes. This needs to be funded adequately at the time of redevelopment; as such I ask Council to consider the DCPO as a suitable means of raising enough funds as permit applications are assessed. I am keen to see Council ensures that there is working capital and the necessary liquidity to fund refunds of Residential Accommodation Deposits that are refundable deposits and also superannuation entitlements through the defined benefit plan for members. I fully support the Budget Principles on page 17 particularly dot point four, 'New revenue sources to be identified', for example, the Development Contribution Plan Overlays. I also fully support all of the described Climate Emergency initiatives but will include another, an infrastructure plan for electric vehicles of all sorts, including utility trucks, taxis, emergency vehicles, buses. I support the need for adequate funding for online platform technology.



**Attachment 2**

Youth Advisory Committee

26<sup>th</sup> May 2022**i. 2022-2023 Draft Budget**

A presentation was shared with the committee outlining the 2022-2023 Draft Budget, its purpose, its scope, and its relevance to young people.

Discussion focused on questions raised by the Committee Members including:

- Does Council have 'savings'?
  - Committee members were advised that Council aims to have an operating surplus.
- Is there a budget in the instance of natural disasters?
  - Committee members were advised that whilst Council does not have a budget set aside in the instances of natural disasters, it invests in assets to mitigate risks, such as roads and drainage.
- Is there a plan in place if there was to be a reoccurrence of a pandemic like COVID-19?
  - Committee Members were advised that the budget model is based on a pre-pandemic model, however there are options available to Council, such as borrowing finances, if COVID-related restrictions were to be introduced again.
- What is the purpose of a rate cap?
  - Committee members were advised that the rate cap is set by the Minister for Local Government each year and has been introduced to restrict the amount that Councils can raise their rates each year.
- Who oversees Council's spending?
  - Committee members were advised that Councils are heavily audited by the Victorian Auditor General, as well as through an internal auditor program.
- With so much budget allocated to Capital work, will this increase the ability for Council to hire more people?
  - Committee members were advised that Capital work is typically spent on building and construction and that people are required to undertake the work, and in some instances, operate a new facility or deliver services from the new facility.

Activity

Committee members were asked to complete a survey via Mentimeter.

Are you surprised by anything in the budget?

Summary of discussion:

- Majority of Councils money comes from the collection of rates.
- Surprise at the extent of funds towards different services and departments.
- Perhaps there should be greater focus on areas like parks which can be accessed by a wider community, than pools.
- It's all very interesting.

Have you learnt anything new about how council operates?

Summary of discussion:

- The liquidity rates - it was very interesting!
- I really liked seeing how the Council gets money and how it spends it.
- It is interesting to learn about the audit rate. Holding Council to account is important.
- The extent of funding toward different areas within Glen Eira.
- The whole budget presentation was interesting.
- Council is heavily monitored and impacted by the State Government.
- Council has back up of savings and borrowing options to remain operational.
- It's cool to learn some new things about the budget in Glen Eira.



**Attachment 2**

Youth Advisory Committee

26<sup>th</sup> May 2022Do the funding priorities reflect young people's needs?

## Summary of discussion:

- There wasn't anything on transport upgrades, like sustainable transport.
- There could be greater focus on infrastructure and activities.
- Encouraged to see money assigned for sustainability and parks and recreation.
- More funding towards mental health support, post COVID-19 lockdowns.
- Community connection and community culture should be a priority post COVID-19 lockdown.
- Funding for programs for disabled people of all ages (including young people).

General feedback?

## Summary of discussion:

- The creation of a resource that explains the budget at a basic level, that could be shared with ease on social media for greater accessibility across age demographics.
- It was interesting to see the allocations of the budget and learning about how Council gains its funding.
- There isn't anything about religion and funding religious things.
- Allocations of the budget was interesting especially with the 'culture' area being a large area.



## Friends of Caulfield Park

PO Box 2511 Caulfield Junction 3161



### Budget Submission 2022

FCP congratulates the GECC upon the actioning of the major proportion of items specified in the preceding year's budget, even if in the twilight of that budget period. At this stage only the irrigation seems unstated but we have been assured this will be corrected before the end of June. Further reference is made to item in the current budget as noted below.

At this stage developments are fine with the exception of the seat in the new shelter which has design deficiencies. Unless perching upright, spinal injuries are likely to result from this poorly designed seat. FCP invites council members to sit here comfortably for more than 5 minutes.

FCP considers that draft budget as presented is in general a welcome document and our comments follow the body of this report.

FCP submit that the following items should be considered for inclusion in the 2022 budget:

1. There is no provision for an examination of the structure of the west end arboretum and its maintenance and improvement.
2. There is no item detailing the improvement of the conceptual playground opposite the Bowls Club. This is currently happening.
3. Literature to inform park users of the history and diversity of this important residential asset.
4. Planning for the Petanque wilderness to be reclaimed and reallocated for general public use.
5. The Depot relocation requires a substantial injection of funds to remove, and return this industrial site (on Crown Land) to its proper purpose of residential recreation. If no effort is made to find alternative site(s) at least work could be done, at a small cost to the budget, to beautify the surrounding fence and soften its visual impact on the Park.
6. The viewing platform over the lake is designed and will be installed in the near future. This will require partial draining of the lake and thus an opportunity to support the island banks which are in danger of erosion. GECC has a mountain of bluestones in stock which could be used to support the island banks. A suitable financial allocation in the budget would be appropriate.

David Wilde

President

Friends of Caulfield Park



| Full Capital budget allocated to Caulfield Park   |  |                                | o   |
|---|--|--------------------------------|---|
| Capital Project Name  | Description  | Draft 2022-23 Available budget | FCP Commentary  |
| Caulfield Park Eastern Play & Recreation redevelopment (Park Crescent)                  | Will see the planning and redesign/refurbishment of the play and recreation opportunities for the Park Crescent end of the Park. Scope includes preparation of concept plans, community engagement, site investigations and confirmation of timing for implementation (which will likely be staged).   | \$ 60,000                      | It was not so long ago that a complete redesign of this playground occurred but the new park plan suggests change. New concept plans will be interesting but should exclude any new paths, concrete or granitic. This area hosts a considerable variety of mature trees, and their protection is essential.   |
| Open Space Strategy Implementation - Caulfield Park Hawthorn Road Entrance Enhancements | Detailed design of the north-west and south-west main entrances. Caulfield Park refresh identifies to "Formalise a memorable gateway entry experience into the park by upgrading the prominent western park corners". Construction will be in subsequent years   | \$ 100,000                     | FOP welcomes the upgrading of these tired entrances. Appropriate community input is already in progress.  |
| Caulfield Park Grey Brick Pavilion Redevelopment  | The pavilion is in poor condition and does not accommodate female or casual use. The proposed redevelopment is to provide improve change facilities, amenities and storage - there will not be any social facilities provided. Scope includes; site investigations, preparation of concept designs, community engagement and preparation of detailed design. | \$ 160,000                     | This is a welcome development since the main pavilion, although supposedly designed to cater for women, has double doors leading directly from the park to the dressing rooms. Hardly conducive to privacy. A suitable female sports facility<br><br>However, development must be single story, the footprint maintained as is, and the existing refreshment hatch should be reactivated. |
| Caulfield Park Integrated Water Management Design and Planning                          | A previous report has been prepared assessing the potential of Integrated Water Management opportunities for Caulfield Park. The next stage is to undertake concept design and further flood modelling to demonstrate the effectiveness of the options presented by the IWMP for Caulfield Park.   | \$ 30,000                      | FOP has talked about this with the administration over several years and fully supports this progress.  |
| Irrigation mainline installation (western end)  | Supply & installation of new irrigation ring mainline for entire western end. Over 40% will be being bored (rather than open trench). <b>Construction timelines still to be confirmed with Federal Govt as this funded project will be carried forward to 22/23.</b><br>.  | \$ 300,000                     | Excellent development especially to protect the tree root structure of antique trees.   |



| Percentage of Capital budget allocated to Caulfield Park   |  |                                |   |
|--|--|--------------------------------|---|
| Capital Project Name                                       | Description  | Draft 2022-23 Available budget |   |
| Sustainability Initiatives - Solar                         | Caulfield Park pavilion has been included as part of a larger program to install solar panels on Council buildings (200KW) across the city. This work will provide renewable energy which will reduce power bills. Inclusion of solar battery retrofit works to various sites. | \$ 425,000                     | Agreed.   |
| Pathways Granitic Surface Upgrade                          | Sections of Caulfield Park paths are regularly renewed over a 12-month period. Works subject to washed out areas and where paths require reinstatement/renewal.  | \$ 60,000                      | Good. Important to retain granitic rather than concrete surfaces.                                   |
| Renewal of rubber softfall within playgrounds              | Inkerman Road playground is one of 3 playgrounds currently prioritised for renewal works. Final program will be developed in July 2022   | \$ 66,245                      | Good.   |
| Synthetic cricket surfaces and winter wicket covers        | Design currently underway for synthetic surface on the main oval to store (rest) new inflatable main wicket cover.   | \$ 42,000                      | OK  |
| Urban Forest Strategy Implementation                       | Percentage of funds will be allocated for tree planting and establishment works across the park.   | \$ 350,000                     | This requires imagination and planning and a clear idea of objectives. Highly commendable.          |
| Additional operational budget allocated to Caulfield Park  |  |                                |   |
| Operational Project Name                                   | Description  | Estimated additional budget    |   |
| Implementation of new maintenance practices and resourcing | Establishment of the new Living Garden, as well implementing new mowing and horticultural maintenance standards, increased resources will be allocated to park   | \$ 25,000                      | FCP welcomes the appointment of a qualified and competent horticulturalist to oversee this project. |
| Classified Tree Register Nominations                       | Officers will be submitting a significant number of trees to Council for nomination over the year  | \$ 7,500                       | FCP would welcome consultation in this area.  |
| Tree Management works                                      | Extensive tree pruning and remediation works to be implemented across the Park   | \$ 40,000                      | FCP would welcome consultation in this area   |



|                               |   |           |   |
|-------------------------------|---|-----------|---|
| New turf Management practices | Implementation of aeration and fertilising program. To improve turf & tree health | \$ 10,000 | The turf is not in good condition for the most part. FCP has suggested action in this area for some time. Thus, a welcome initiative. |
| Garden bed improvement works  | New & infill planting across the park   | \$ 10,000 | Some beds have very inadequate plantings as we have stated over many meetings with the administration. Thus, a welcome initiative.    |



## 8.2 VCAT WATCH

**Author:** Kristian Cook, Coordinator Urban Planning

**Trim No:** 22/1123505

**Attachments:** 1. VCAT Watch - Attachment - 7 June 2022 [↓](#)

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### EXECUTIVE SUMMARY

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

### RECOMMENDATION

That Council notes the update on Victorian Civil and Administrative Tribunal matters.

### BACKGROUND

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

### ISSUES AND DISCUSSION

This report includes an attachment that provides an overview of all applications currently before VCAT. The attachment table is broken down into 'New Appeals lodged with VCAT' and '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 VCAT'.

Since the previous report there has been two new appeals lodged and two new decisions received. One appeal was withdrawn, whilst the other was resolved by consent and is discussed below.

#### Applications resolved via consent

For many cases before VCAT, there is an alternative dispute resolution process that occurs before a hearing.

The following are details of a matter that were settled with the consent of all parties before the hearing.

|                                    |   |
|------------------------------------|---|
| <b>Address</b>                     | 18 Anne Street McKinnon   |
| <b>Proposal</b>                    | Construction of two double storey dwellings on a lot  |
| <b>Council decision</b>            | Notice of Decision to Grant a Planning Permit   |
| <b>VCAT decision</b>               | Permit issued   |
| <b>Summary of consent position</b> | The applicant agreed to make changes to a boundary fence, deck location, landscaping and increased setbacks at the first floor in response to the concerns raised by the objector. This was accepted and the matter settled with VCAT directing Council to issue the permit with these requirements included as conditions. |



**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

There are no climate emergency response strategy implications associated with this report.

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

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

**POLICY AND LEGISLATIVE IMPLICATIONS**

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

**COMMUNICATION AND ENGAGEMENT**

There has been no community engagement for this report.

**LINK TO COUNCIL AND COMMUNITY PLAN**

Strategic Direction 3: A liveable and well planned city

Our planning aims to balance population growth with enhancing the unique character and heritage of our city.

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**CONCLUSION**

The report provides an update of the applications before VCAT.



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

| NEW APPEALS LODGED WITH THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL |                |  |                  |      |                  |                   |                    |
|---|----------------|--|------------------|------|------------------|-------------------|--------------------|
| Address   | VCAT Reference | Description of proposal  | Type of appeal   | Zone | Council decision | Decision delegate | Hearing date       |
| 93-101 Poath Road<br>Murrumbena   | P447/2022      | Construction of a multi storey mixed use building comprising shops, apartments and a basement, use of the building for the purpose of apartments (frontage to Rosella Street greater than 2 metres) and reduction of the car parking requirement for the shops | s80 (Conditions) | C1Z  | Permit           | Council           | 19/9/2022 (3 days) |
| 10 Hopetoun Street<br>Elsternwick                                       | P390/2022      | Construction of two dwellings on a lot   | s82 (NOD)        | NRZ  | NOD              | Officer           | 1/12/2022          |

## 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 | Decision delegate | Hearing date       |
|--------------------------------------|----------------|---|------------------|------|------------------|-------------------|--------------------|
| 76 Murray Road,<br>McKinnon          | P11213/2021    | Existing permit allows:<br>Construction of two double storey dwelling on a lot affected by the Special Building Overlay.<br>Proposed amendments:<br>Addition of a balcony for Unit's 1 and 2, modifications to the building façade, windows and internal layouts.   | s82 (Objector)   | GRZ1 | NOD              | Officer           | *                  |
| 10-16 Selwyn Street,<br>Elsternwick  | P11383/2021    | The partial demolition and removal of a building under Clause 43.0-1 of the Heritage Overlay, The construction of a building or the construction or carrying out works under Clause 43.0-1 of the Heritage Overlay and under Clause 43.02-2 of the Design and Development Overlay, The construction of two or more dwellings on a lot under Clause 32.04-9 of the Mixed Use Zone, The construction and display of a sign under Clause 43.01-1 of the Heritage Overlay and Clause 52.05 of Signs. The use of the land for a supermarket and place of assembly under Clause 32.04-6 of the Mixed Use Zone; and<br>- The use of the land for the sale of packaged liquor under Clause 52.27 of Licensed premises | S77 (Refusal)    | MUZ  | Refusal          | Council           | *                  |
| 87 Seymour Road<br>Elsternwick       | P11860/2021    | Construction of 19 dwellings on a lot and reduction of visitor car parking  | s79 (Failure)    | NRZ1 | Refusal          | Council           | *                  |
| 4 Alston Grove,<br>St Kilda East     | P90/2022       | Construction of two double storey dwellings on a lot  | s82 (Objector)   | NRZ  | NOD              | Officer           | 15/6/2022          |
| 430-434 Neerim Road<br>Carnegie      | P11686/2021    | Partial demolition, building and works within a heritage overlay for a seven-storey building above a basement, the use of land for student accommodation and the reduction in car parking requirement associated with a retail use  | s77 (Refusal)    | C1Z  | Refusal          | Council           | 27/6/2022 (4 days) |
| 19 Fosbery Avenue<br>Caulfield North | P11665/2021    | Construction of a double storey building containing three dwellings above basement car park   | s82 (NOD)        | NRZ  | NOD              | Council           | 29/6/2022          |
| 146 Hotham Street St Kilda East      | P156/2022      | Existing permit allows:<br>Use of the land for the purpose of a place of worship (Synagogue), buildings and works for a non-domestic access ramp on land affected by a Special Building Overlay and the reduction of the car parking requirement in accordance with the endorsed plans.<br>Proposed amendments:<br>The amendment seeks to amend Conditions 1 (a) and 2 and delete condition 3 to increase the number of patrons, extend business hours; as well as change of endorsed plans to allow three  | s80 (Conditions) | GRZ2 | Permit           | Officer           | 25/7/2022          |



|                                       |             |  |                  |      |         |         |                    |
|---------------------------------------|-------------|--|------------------|------|---------|---------|--------------------|
|                                       |             | more car parking spaces to be provided onsite.   |                  |      |         |         |                    |
| 4 Shrewsbury Street Bentleigh East    | P11846/2021 | Construction of 2 double storey dwellings on a lot   | s82 (NOD)        | NRZ  | NOD     | Officer | 1/8/2022 (2 days)  |
| 371-377 Hawthorn Road Caulfield South | P193/2022   | Permit allows:<br>Construction of a multi-storey, mixed-use building comprising apartments and a supermarket, use of the land for the purpose of apartments (frontage greater than 2m), use of the land to sell liquor, alteration of access to a road in a Road Zone, Category 1 and reduction in the number of on-site bicycle spaces.<br>Proposed amendments:<br>The addition of one storey containing four apartments, reduction in the roof area and changes to the layout of services, changes to the basements, changes to the floor plan layouts of apartments and by amending permit Conditions 1, 4, 8, 9, 14, 15 and 16 | s77 (Refusal)    | GRZ1 | Refusal | Officer | 8/8/2022 (3 days)  |
| 301 Balaclava Road Caulfield North    | P11731/2021 | Construction of a three-storey building above basement comprising five dwellings and alteration of access to a Road Zone Category 1  | s82 (NOD)        | GRZ2 | NOD     | Council | 11/8/2022          |
| 319 Murrumbreena Road Murrumbreena    | P11865/2021 | Construction of a first floor addition to the existing garage on a lot less than 300m2   | s82 (NOD)        | NRZ  | NOD     | DPF     | 16/8/2022          |
| 8 Castles Road Bentleigh              | P11856/2021 | Construction of three double storey dwellings on a lot affected by a Special Building Overlay  | s82 (NOD)        | GRZ1 | NOD     | Officer | 17/8/2022          |
| 35 Brett Street, Murrumbreena         | P15/2022    | Construction of three double storey dwellings on a lot   | s82 (Objector)   | NRZ  | NOD     | DPF     | 5/9/2022           |
| 93-101 Poath Road Murrumbreena        | P447/2022   | Construction of a multi storey mixed use building comprising shops, apartments and a basement, use of the building for the purpose of apartments (frontage to Rosella Street greater than 2 metres) and reduction of the car parking requirement for the shops   | s80 (Conditions) | C1Z  | Permit  | Council | 19/9/2022 (3 days) |
| 243 Tucker Road McKinnon              | P375/2022   | Construction of two double storey dwellings on a lot   | s82 (NOD)        | NRZ  | NOD     | Officer | 10/11/2022         |
| 10 Hopetoun Street Elsternwick        | P390/2022   | Construction of two dwellings on a lot   | s82 (NOD)        | NRZ  | NOD     | Officer | 1/12/2022          |

| RECENT DECISIONS OF THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL |                |  |                |      |                  |                   |                   |                       |                                 |
|---|----------------|--|----------------|------|------------------|-------------------|-------------------|-----------------------|---------------------------------|
| Address   | VCAT Reference | Description of proposal                | Type of appeal | Zone | Council decision | Decision delegate | Appeal outcome    | Date of VCAT decision | VCAT effect on Council decision |
| 18 Anne Street McKinnon   | P11816/2021    | Construction of two dwellings on a lot | s82 (NOD)      | NRZ  | NOD              | Officer           | Varied by consent | 2/5/2022              | Permit                          |
| 4 Leonie Avenue Bentleigh East                                      | P11711/2021    | Construction of two dwellings on a lot | s82 (NOD)      | NRZ  | NOD              | Officer           | Withdrawn         | 2/5/2022              | Permit                          |



### 8.3 CAULFIELD RACECOURSE INCORPORATED DOCUMENT WORK PACKAGES 3-5

**Author:** Michael Dowel, Senior Urban Planner

**Trim No:** 22/1128925

**Attachments:** 1. Caulfield Racecourse Incorporated Document (Works Packages 3-5) [↓](#)  
2. Caulfield Racecourse Incorporated Document - 22/INCORPDOC - Second Track civil drawings 17 February 2022 and Maintenance Compound Plans 2 May 2022 [↓](#)

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#### EXECUTIVE SUMMARY

This report provides Council with an assessment of plans lodged on behalf of the Melbourne Racing Club (the Applicant) in response to requirements of Clause 2 of the Caulfield Racecourse Incorporated Document dated November 2021 (Incorporated Document).

The Incorporated Document was approved by the Minister for Planning on 24 December 2021 by Planning Scheme Amendment C229glen. This was approved as part of the State Governments Development Facilitation Program.

Whilst the Minister for Planning approved the proposed buildings and works, Council is the responsible authority for approving multiple clauses within the Incorporated Document.

Council must determine whether the applicant has satisfied Clause 2 of the Incorporated Document which is as follows:

Amended plans (Works package 5)

2. *Prior to the commencement of development associated with Works Package 5, excluding demolition, bulk excavation and early site preparation works, an electronic set of plans, drawn to scale, must be submitted to, and approved by the Responsible Authority. The plans must be generally in accordance with the drawings prepared by Dalton Consulting Engineers (WP5, dated 9 June 2021) and Bayley Ward (WP5b, dated 15 September 2021), but modified to show:*
  - a) *If required, minor modifications to the proposed light tower locations to allow for the current design of the criterium circuit.*
  - b) *Light tower plans, including an elevation of each tower (dimensioned), site plan showing where each of the type of towers will be located generally consistent with plans provided to DELWP on 29 November 2021.*
  - c) *Any changes as required as a result of a Light Spill Management Plan.*

*These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this document.*

It is noted that Clause 2 refers to Works Package 5 (Second track, lighting for night racing and associated facilities). The applicant is only seeking approval of plans associated with the second track and an associated facility (maintenance compound). They are not yet seeking approval of plans associated with the proposed light towers.



**RECOMMENDATION**

That Council approves the following plans:

1. Second Track Civil Drawings, dated 17 February 2022, prepared by Dalton Consulting Engineers; and
2. Maintenance Compound Plans dated 2 May 2022, prepared by Bayley Ward.

**BACKGROUND**

On 24 December 2021, The Department of Environment, Land, Water and Planning (DELWP) on behalf of the Minister for Planning (the Minister), gazetted Planning Scheme Amendment C229glen. This amendment applied the Specific Controls Overlay – Schedule 7 (SCO7) to the Caulfield Racecourse land area and approved the Caulfield Racecourse Incorporated Document dated November 2021 (Incorporated Document) as part of the Glen Eira Planning Scheme.

The SCO7 and Incorporated Document approval relates to several projects for the Caulfield Racecourse as follows:

- Works Package 3 (Northern Precinct Public Realm and Clubhouse)
- Works Package 4 (New Administration Building)
- Works Package 5 (Second track, lighting for night racing and associated facilities).

More specifically, the Incorporated Document allows for the following buildings and works to take place:

- Patron arrival area and public forecourt
- Demolition of the existing Glasshouse building and works to the Clubhouse building
- Mounting yards, parade ring and associated race day facilities
- Administration building at the western end of the precinct
- Second track, lighting towers, maintenance facilities and associated infrastructure
- Upgrades to the existing track
- Upgrades to the existing fence
- Landscape works
- Tree removal and relocation
- Associated demolition works.



The Incorporated Document includes 16 clauses that need to be satisfied. They relate to amended plans and supporting documents such as light tower plans, landscape plans, car parking and traffic management plan, waste management plan, light spill management plan, stormwater and drainage and cultural heritage assets. Approval needs to be given before works can commence for each stage.

The Minister approved the Incorporated Plan but is the responsible authority for only clauses 1 (amended plans) and 8 (construction management plan). Council is the responsible authority for the other 14 clauses.

The submission and assessment of documents to satisfy the relevant clauses are to Council's satisfaction, which means that there is no mechanism in place for public consultation or engagement.

## ASSESSMENT

The applicant has submitted plans for endorsement in relation to part of Clause 2 (light tower plans), which states:

2. *Prior to the commencement of development associated with Works Package 5, excluding demolition, bulk excavation and early site preparation works, an electronic set of plans, drawn to scale, must be submitted to, and approved by the Responsible Authority. The plans must be generally in accordance with the drawings prepared by Dalton Consulting Engineers (WP5, dated 9 June 2021) and Bayley Ward (WP5b, dated 15 September 2021), but modified to show:*
  - a) *If required, minor modifications to the proposed light tower locations to allow for the current design of the criterium circuit.*
  - b) *Light tower plans, including an elevation of each tower (dimensioned), site plan showing where each of the type of towers will be located generally consistent with plans provided to DELWP on 29 November 2021.*
  - c) *Any changes as required as a result of a Light Spill Management Plan.*

Works Package 5 refers to the second track, lighting for night racing and associated facilities which includes a maintenance compound.

The applicant is only seeking approval of the civil drawings for the second track and maintenance compound plans. The approval of the light towers will be sought later.

Clause 3 of the Incorporated Plan allows for development aspects of the works package to be staged, as follows:

*The development and corresponding requirements arising under this document may be completed in stages (Works Packages).*

The applicant has provided advice that the location of the light towers is dependent on the location and layout of the second track, along with other aspects of the works packages. As there is a separate requirement (Clause 10) in the Incorporated Document for a Light Spill Management Plan, it is considered appropriate to allow for the location and design of the light towers to be considered separately, as the development of other projects of the approved works packages will influence the light spill management requirements.



As all sub-clauses of Clause 2 [from (a) to (c)] relate to the light towers, no modifications have been made to the second track and the maintenance compound plans. The plans that have been submitted are generally in accordance with the original plans approved by the Minister that are referenced in Clause 2. These plans are therefore recommended for endorsement.

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

The proposal is consistent with and supported by many elements of Council's *Our Climate Emergency Response Strategy 2021–2025*. The proposal incorporates many Environmentally Sustainable Design features.

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

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

### **POLICY AND LEGISLATIVE IMPLICATIONS**

The *Planning and Environment Act 1987* and matters set out in the Incorporated Document have been taken into consideration as part of the assessment of this application.

Caulfield racecourse is currently on the State Heritage Register on an interim basis. A separate application will also need to be made to Heritage Victoria for the proposed works. Council's approval of plans under works packages 3-5 will have no bearing on the separate application to Heritage Victoria.

### **LINK TO COUNCIL PLAN**

Strategic Direction 3: A liveable and well planned city  
Our planning aims to balance population growth with enhancing the unique character and heritage of our city

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

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

### **CONCLUSION**

That the submitted plans satisfy the relevant requirements of the Incorporated Document discussed in this report and Council approves the plans identified as:

- Second Track Civil Drawings, dated 17 February 2022 and prepared by Dalton Consulting Engineers; and
- Maintenance Compound Plans dated 2 May 2022 and prepared by Bayley Ward.



## **GLEN EIRA PLANNING SCHEME**

### **INCORPORATED DOCUMENT**

Caulfield Racecourse (Works Packages 3-5),  
Station Street, Caulfield East

November 2021

**This document is an incorporated document in the Glen Eira Planning Scheme under section 6(2)(j) of the *Planning and Environment Act 1987*.**



**1.0 INTRODUCTION**

This document is an incorporated document in the Schedules to Clauses 45.12 (Specific Controls Overlay) and 72.04 (Documents Incorporated in this Planning Scheme) of the Glen Eira Planning Scheme (the scheme).

This incorporated document facilitates the delivery of Caulfield Racecourse Works Packages 3,4 and 5 (the **Project**), which are defined as:

- Works Package 3 (Northern Precinct Public Realm and Clubhouse)
- Works Package 4 (New Administration Building)
- Works Package 5 (Second track, lighting for night racing and associated facilities).

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific controls and clauses contained in Clauses 5.0 and 6.0 of this document.

The provisions of this document prevail over any contrary or inconsistent provision in the scheme.

**2.0 PURPOSE**

The purpose of this document is to facilitate the development of the land described in Clause 3.0 of this document for the development of land for buildings and works at the Caulfield Racecourse, generally in accordance with the plans approved in Clause 5.0 of this document and subject to the clauses at Clause 6.0 of this document.

**3.0 LAND**

The control in this document applies to land affected by Specific Controls Overlay Schedule 7 (SCO7) as shown in Planning Scheme Maps 1SCO and 2SCO and identified in Figure 1 below.

The control in this document applies to land at Station Street, Caulfield East, known as Caulfield Racecourse, formally described as: Volume 12337 Folio 299, 132-140 Kambrook Road, Caulfield East, PC380965W Parish of Caulfield (freehold land); Volume 11766 Folio 669, Crown Allotment A, Parish of Prahran at Caulfield (Crown land), that is affected by the Specific Controls Overlay (SCO7).

The control in this document primarily applies to Crown land. A smaller section of freehold land, in the ownership of the Victoria Amateur Turf Club (incorporating the Melbourne Racing Club), is also partially affected.



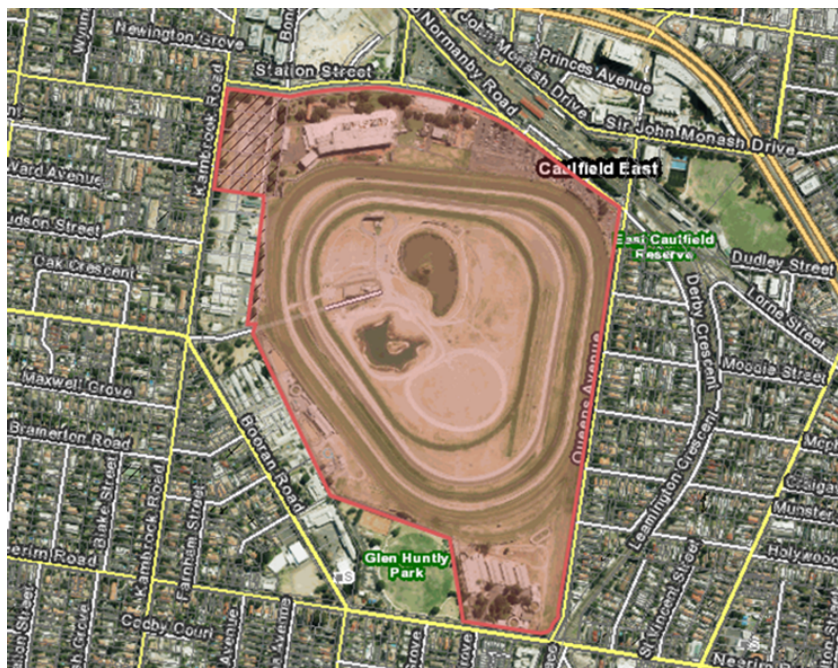


Figure 1: Land subject to the incorporated document highlighted in red.

#### 4.0 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

Despite any provision to the contrary or any inconsistent provision in the planning scheme, no planning permit is required for, and no planning provision in the planning scheme operates to prohibit, restrict or regulate the development of land for the purposes of the project as described in Clauses 5.0 and 6.0 of this document.

#### 5.0 THIS DOCUMENT ALLOWS

This document allows for buildings and works associated with the project, including the following:

- Patron arrival area and public forecourt
- Demolition of the existing Glasshouse building and works to the Clubhouse building
- Mounting yards, parade ring and associated race day facilities
- Administration building at the western end of the precinct
- Second track, lighting towers, maintenance facilities and associated infrastructure
- Upgrades to the existing track
- Upgrades to the existing fence
- Landscape works
- Tree removal and relocation
- Associated demolition works.

The development of the land must be generally in accordance with the following plans as endorsed by the Minister for Planning, and modified to include any changes required by Clause 6.0 of this incorporated document:

- Architectural Plans (WP3 and 4: Public Realm & Administration) prepared by Hassell Ltd (9 June 2021)
- Architectural Plans (WP3: Clubhouse Building) prepared by Techne (20 April 2021)



- Architectural Plans (WP5), Second Track & Lighting) prepared by Dalton Consulting Engineers (9 June 2021)
- Architectural Plans (WP5b: Track Maintenance) prepared by Bayley Ward (Rev 3, dated 15 September 2021)
- Light Spill Report (WP5) prepared by Arup (4 June 2021)
- Waste Management Plan (WP3 and 4) prepared by WSP (May 2021)
- Traffic Statement (WP3 and 4), prepared by Ratio Consultants (9 June 2021)
- Traffic Statement (WP5), prepared by Ratio Consultants (8 June 2021)
- ESD Report (WP3 and 4) prepared by WSP, Revision 1 (21 April 2021)
- Caulfield Racecourse Tree Strategy (WP3-5), prepared by Urbis (Rep 02, 6 August 2021)
- Caulfield Racecourse (WP3 and 4) Heritage Impact Statement prepared by Lovell Chen (June 2021)
- Any other plans required to be endorsed by Clause 6.0 of this incorporated document.

And including any amendment of the plans that may be approved from time to time under the requirements of this document.

Any amendment to the plans which affects land in the Public Park and Recreation Zone, by a person other than the relevant public land manager, must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either the amendment being requested or the amendment and to the proposed development.

Once approved, these plans will be the endorsed plans.

For avoidance of doubt, any plans endorsed by the Minister for Planning pursuant to any clause of this document may be amended with the written consent of the Minister for Planning.

Any plans endorsed by the Responsible Authority may be amended with the written consent of the Responsible Authority.

## **6.0 THE FOLLOWING REQUIREMENTS APPLY TO THIS DOCUMENT:**

### **Amended plans**

1. Prior to the commencement of development associated with Work Package 3 and 4, excluding demolition, bulk excavation and early site preparation works, an electronic set of plans, drawn to scale, must be submitted to, and approved by the Minister for Planning (with consultation with the Responsible Authority, as appropriate). The plans must be generally in accordance with the drawings prepared by Hassell Ltd (WP3 and 4, dated 9 June 2021) and Techne (WP3, dated 20 April 2021), but modified to show:
  - a) Existing access points into the centre of the course as being retained.
  - b) The two existing underpasses.
  - c) A schedule of construction materials, external finishes and colours.
  - d) Details of proposed fencing, including heights and materials.
  - e) Location of external vehicle crossings.
  - f) Any changes as required as a result of a Car Park and Traffic Management Plan.
  - g) The interface of the patron arrival area with Station Street showing details of pavement widths, surface treatment, kerb and channel and road infrastructure items.



- h) Demolition Plan (TP-1100) and WP4 Demolition Plan (TP-5005) updated to clearly show extent of demolition, including a key to identify each type of shading and for both WP3 and WP4 demolition plans, include the name each building/structure proposed to be demolish (where known), generally consistent with plans provided to DELWP on 29 November 2021.
  - i) These amended plans must be to the satisfaction of the Minister for Planning and when approved shall be the endorsed plans of this document.
- 2. Prior to the commencement of development associated with Works Package 5, excluding demolition, bulk excavation and early site preparation works, an electronic set of plans, drawn to scale, must be submitted to, and approved by the Responsible Authority. The plans must be generally in accordance with the drawings prepared by Dalton Consulting Engineers (WP5, dated 9 June 2021) and Bayley Ward (WP5b, dated 15 September 2021), but modified to show:
  - a) If required, minor modifications to the proposed light tower locations to allow for the current design of the criterium circuit.
  - b) Light tower plans, including an elevation of each tower (dimensioned), site plan showing where each of the type of towers will be located generally consistent with plans provided to DELWP on 29 November 2021.
  - c) Any changes as required as a result of a Light Spill Management Plan.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this document.

#### **Staging**

- 3. The development and corresponding requirements arising under this document may be completed in stages (Works Packages).

#### **Landscaping**

- 4. Prior to the commencement of the landscaping works, a landscape plan prepared by a suitably qualified or experienced person, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plan must be drawn to scale and show:
  - a) All existing vegetation to be retained, along with tree protection measures as per Condition 7.
  - b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, plant sizes at maturity, and quantities of each plant.
  - c) All-abilities paving treatments.
  - d) The planting of shade trees.
  - e) Details of measures to improve water quality run off.
- 5. The landscape plan must be to the satisfaction of the Responsible Authority and when approved will form part of this approval.
- 6. Prior to any demolition, excavation or construction works, a Tree Protection Zone (TPZ) must be established around any tree to be retained to the standard and conditions prescribed in AS 4970-2009 (Protection of Trees on Development Sites). The TPZ must remain in place until the development is completed, and no works are to occur in the TPZ unless otherwise agreed in writing by the Responsible Authority.

#### **Car Parking and Traffic Management Plan**

- 7. Prior to carparking works, excluding demolition, bulk excavation and early site preparation works, a revised Car Parking and Traffic Management Plan generally in accordance with the traffic statement prepared by Ratio Consultants dated June 2021 must be submitted to and approved the Responsible Authority. The revised Car Parking and Traffic Management Report must:
  - a) Identify the total number of car and bicycle parking spaces and bicycle facilities provided;



- b) Amended car park plans identifying width and length of car spaces in each row and widths of all accessways.
- c) Amended car park plans showing swept path diagrams showing vehicles can enter and exit car spaces adjacent to garden beds/walls efficiently.
- d) Demonstrate compliance with relevant car park design standards outlined in Clause 52.06-9 of the Glen Eira Planning Scheme and / or other relevant Australian and New Zealand standards;
- e) Address the location and design of the upgraded vehicle crossings on Station Street, including pedestrian safety.

All traffic mitigation works and management measures as recommended in the revised Car Parking and Traffic Management Report must be implemented to the satisfaction of and at no cost to the Responsible Authority.

#### **Construction Management Plans**

8. Prior to the commencement of development associated with each Work Package (excluding demolition, bulk excavation and early site preparation works), a Construction Management Plan (CMP) must be submitted to and approved by the Minister for Planning (with consultation with the Responsible Authority, as appropriate). The CMP must provide details of the following:

- a) delivery and unloading points and expected frequency;
- b) truck haulage routes, circulation spaces and queuing lanes;
- c) details how traffic and safe pedestrian access will be managed;
- 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 approval as required by the relevant referral authorities;
- g) hours for construction activity in accordance with any other condition of this approval;
- 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.

When the CMP is approved, it will become an endorsed plan forming part of this approval and must not be varied except with the written approval of the Minister for Planning.

The endorsed CMP must be complied with at all times to the satisfaction of the Minister for Planning.

#### **Waste Management Plan**

9. Prior to the commencement of the development associated with Works Packages 3 and 4, excluding demolition, bulk excavation and early site preparation works, an amended Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The amended WMP must be generally in accordance with the Waste Management Plan prepared by WSP and dated 18 May 2021 and include the following:

- a) Details of the collection of waste associated with WP3 and 4, including:



- i. the provision of bulk waste collection bins or approved alternative,
  - ii. recycling bins,
  - iii. 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,
  - iv. 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 incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection;
- 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) details of how the immediate area will not be impacted by noise, smell and pollution from the waste areas.

The endorsed WMP must be complied with at all times to the satisfaction of the Responsible Authority.

#### **Light Spill Management Plan**

10. Prior to the commencement of development associated with Works Package 5, excluding demolition, bulk excavation and early site preparation works, or as otherwise agreed in writing by the Responsible Authority, a Light Spill Management Plan must be submitted to and approved by the Responsible Authority. Unless otherwise agreed in writing by the Responsible Authority this plan must be generally in accordance with the Light Spill Report prepared by Arup (4 June 2021) updated to include the following:
- a. Demonstrate how light spill from the new light poles will be managed to minimise impacts on the surrounding area;
  - b. Details of how the new light poles are designed and located to minimise spilling onto adjoining residential land, including provision of a site context plan;
  - c. The days and hours of operation of the new light poles;

The endorsed Light Spill Management Plan must be complied with at all times to the satisfaction of the Responsible Authority

11. Unless otherwise agreed in writing by the Responsible Authority, the track lighting associated with night racing will operate:
- a. For up to 15 night / evening race meets per calendar year (must not be consecutive days); and
  - b. From late afternoon, until the final race of the evening has been completed (10.45 pm limit).
  - c. In the event of an emergency, unforeseen delays due to weather, or for patron safety, the track lighting associated with night racing can remain operational past the expected race completion time, to the satisfaction of the Responsible Authority.

#### **Stormwater and drainage**

12. Drainage, including associated connecting drainage, must be to the satisfaction of the Responsible Authority.
13. The location of stormwater treatment measures including water sensitive urban design elements.
14. No buildings or works to be constructed over any easement or other restriction on the land or any sewers, drains, wires or cables under the control of a public authority or the responsible authority without the prior written consent of the relevant authority with a vested interest in the easement.



15. Any new or modified stormwater connections to the drainage system must obtain separate approval from the relevant service authority.

**Documentation of cultural heritage assets to be removed or altered**

16. Prior to commencement of any development associated with Works Packages 3 and 4, all culturally significant assets on the site to be removed, altered or demolished, must be recorded, generally in accordance with the recommendations in Caulfield Racecourse Works Packages 3 and 4 Heritage Impact Statement prepared by Lovell Chen (June 2021), with details to be provided to the Responsible Authority and the Caulfield Racecourse Reserve Trust.

**7.0 EXPIRY**

- 7.1 The control in this document expires if any of the following circumstances apply:

- a. The development allowed by this control is not started within two years of the date of gazettal of the amendment.
- b. The development allowed by this control is not completed within four years of the date of gazettal of the amendment.

The Responsible Authority may extend these periods if a request is made in writing before the expiry dates or within six months afterwards.



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FOR CONSTRUCTION

**CAULFIELD RACECOURSE**  
**WP5 SECOND TRACK**  
**GATE 22 STATION STREET, CAULFIELD EAST**  
**GLEN EIRA CITY COUNCIL**

FOR



# CIVIL DRAWINGS SPORT

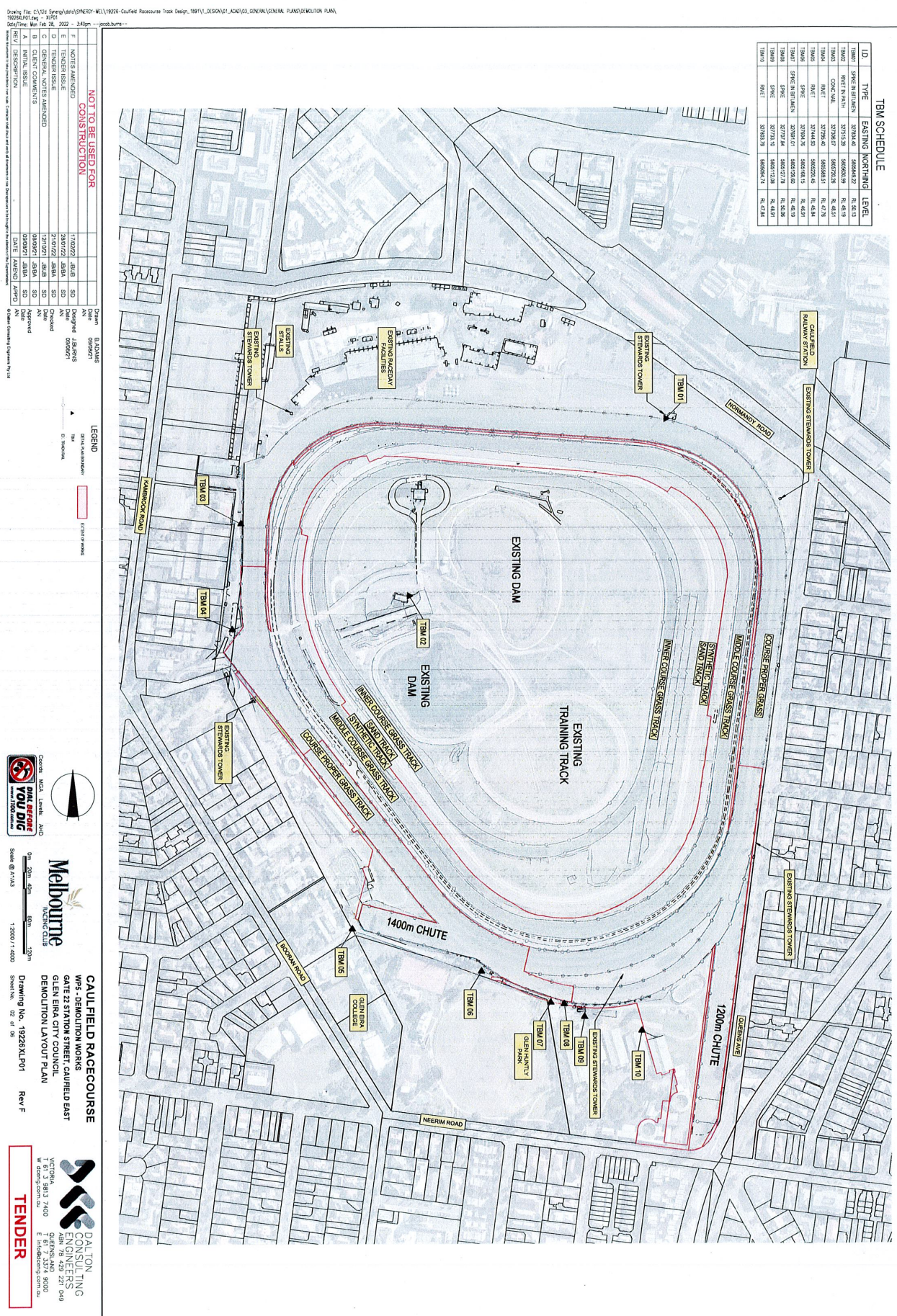
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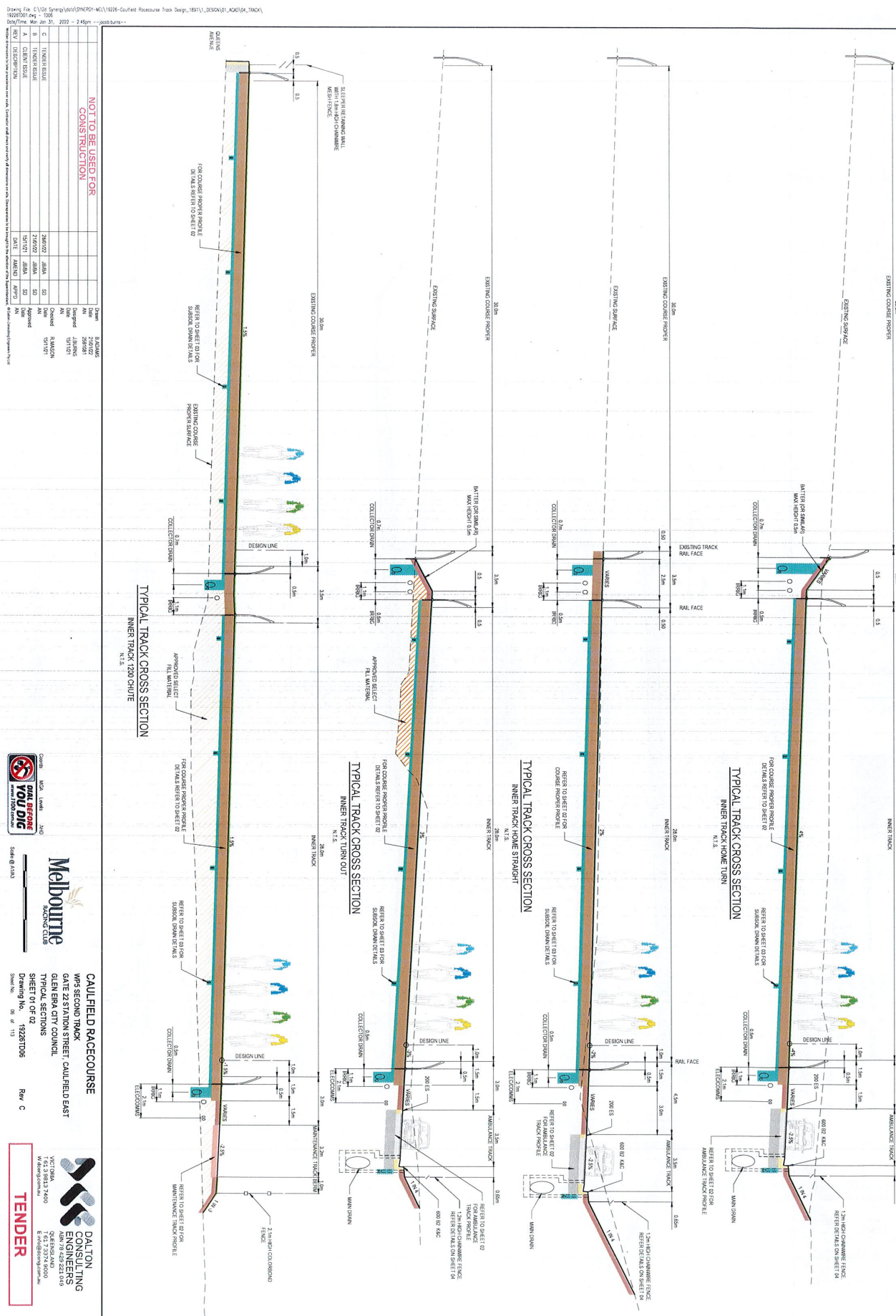
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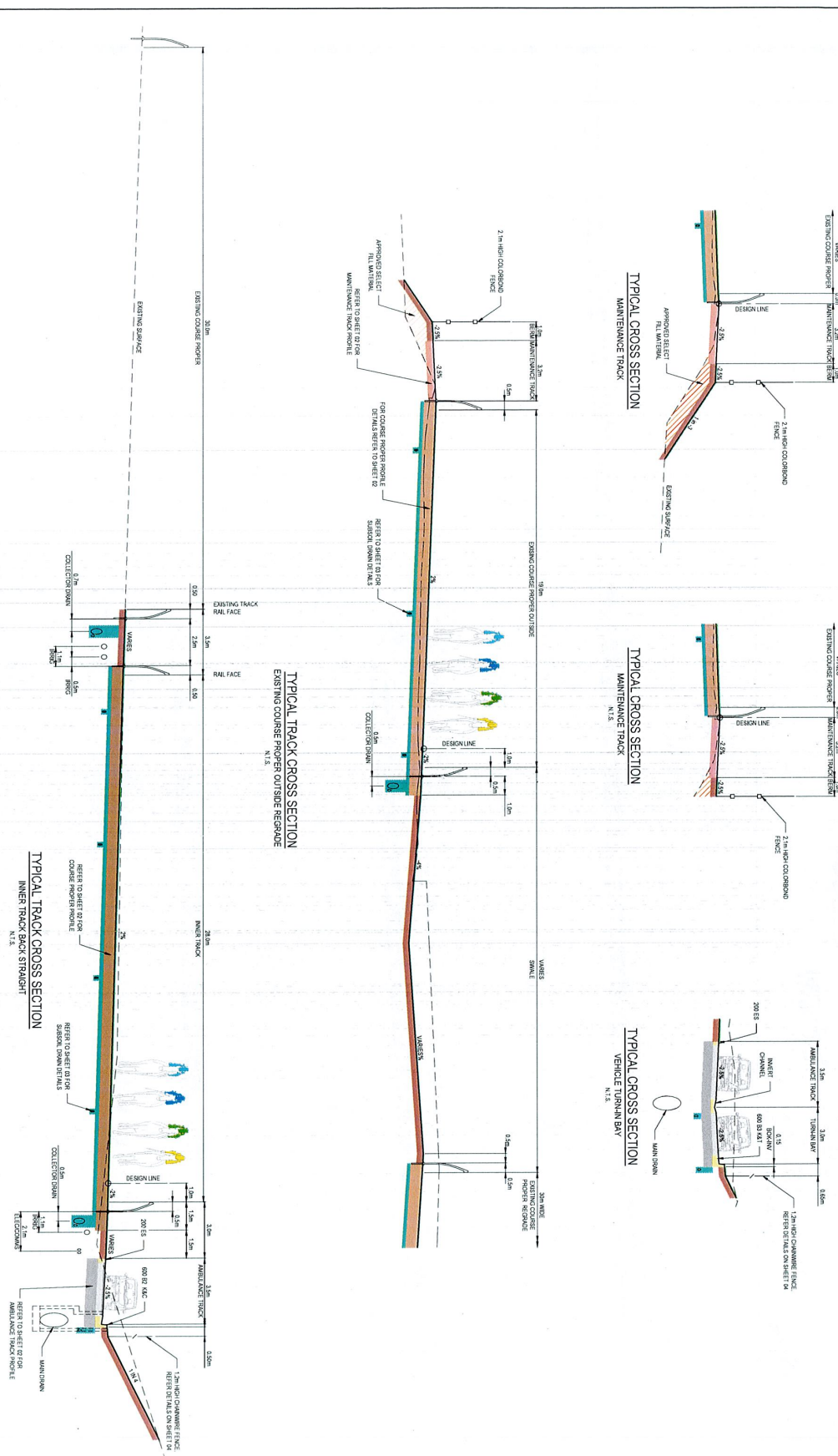








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CAULFIELD RACECOURSE  
WPS SECOND TRACK  
GATE 22 STATION STREET, CAULFIELD EAST  
GLEN EIRA CITY COUNCIL  
TYPICAL SECTIONS  
SHEET 02 OF 02  
Drawing No. 19226TD07  
Rev C  
Sheet No. 07 of 113





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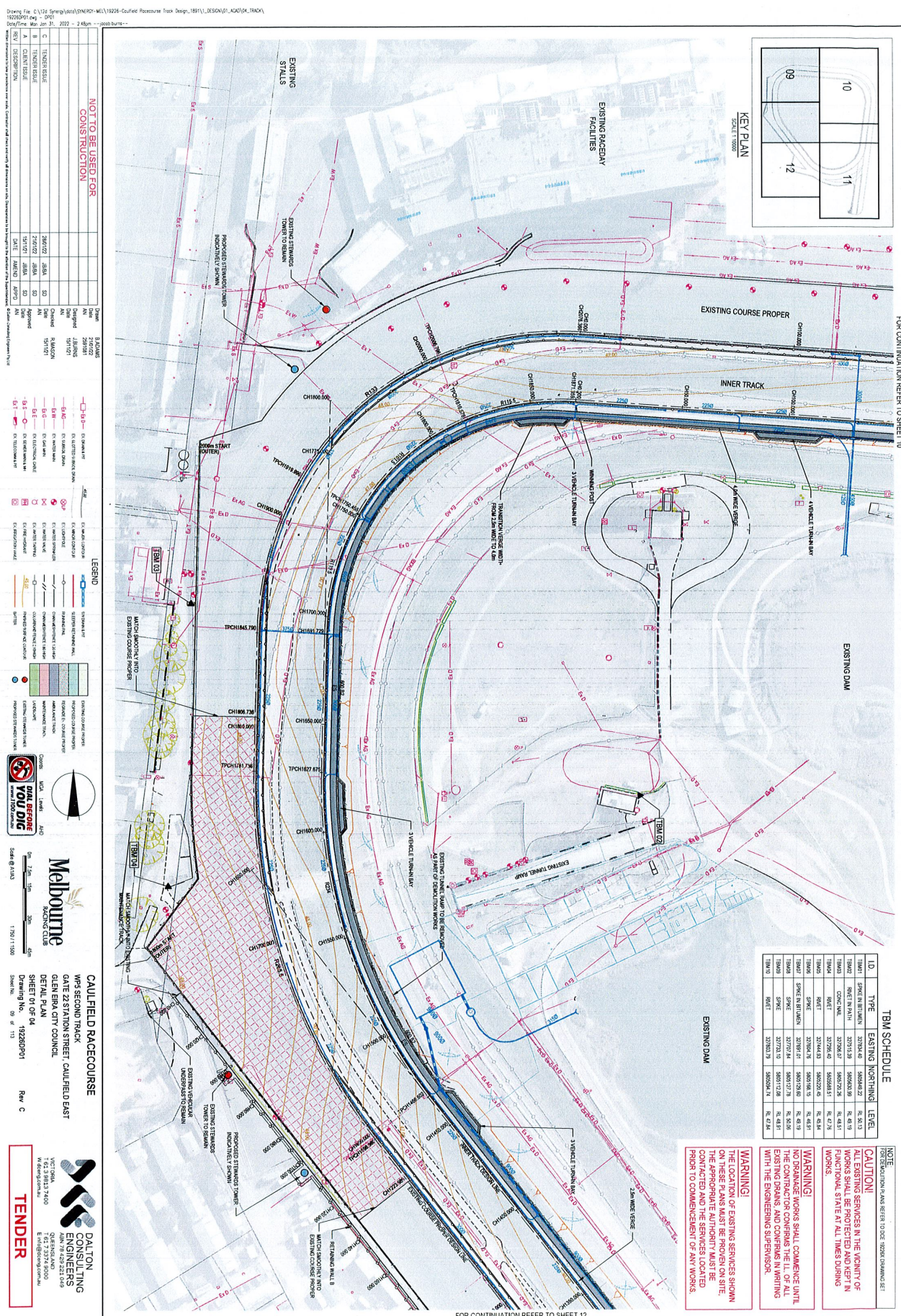
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| 6                               | 20/05/2022 | AN | AN       |
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| 9                               | 20/05/2022 | AN | AN       |
| 10                              | 20/05/2022 | AN | AN       |
| 11                              | 20/05/2022 | AN | AN       |
| 12                              | 20/05/2022 | AN | AN       |

| NO. TO BE USED FOR CONSTRUCTION | DATE       | BY | APPROVED |
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| 1                               | 20/05/2022 | AN | AN       |
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| 9                               | 20/05/2022 | AN | AN       |
| 10                              | 20/05/2022 | AN | AN       |
| 11                              | 20/05/2022 | AN | AN       |
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| NO. TO BE USED FOR CONSTRUCTION | DATE       | BY | APPROVED |
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| 9                               | 20/05/2022 | AN | AN       |
| 10                              | 20/05/2022 | AN | AN       |
| 11                              | 20/05/2022 | AN | AN       |
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| NO. TO BE USED FOR CONSTRUCTION | DATE       | BY | APPROVED |
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| NO. TO BE USED FOR CONSTRUCTION | DATE       | BY | APPROVED |
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| NO. TO BE USED FOR CONSTRUCTION | DATE       | BY | APPROVED |
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| NO. TO BE USED FOR CONSTRUCTION | DATE       | BY | APPROVED |
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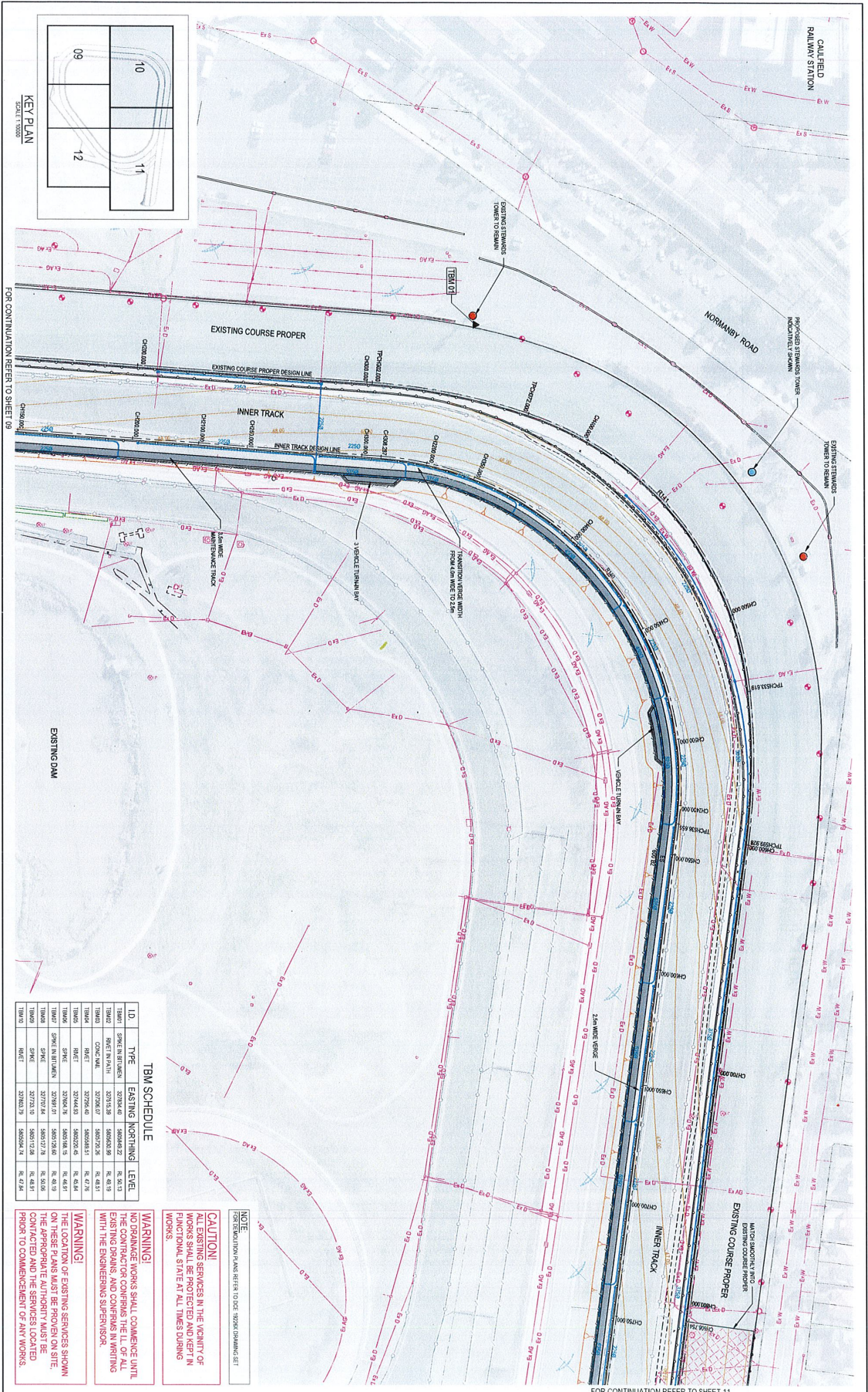
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| NO. TO BE USED FOR CONSTRUCTION | DATE       | BY | APPROVED |
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| 7                               | 20/05/2022 | AN | AN       |
| 8                               | 20/05/2022 | AN | AN       |
| 9                               | 20/05/2022 | AN | AN       |
| 10                              | 20/05/2022 | AN | AN       |
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| NO. TO BE USED FOR CONSTRUCTION | DATE       | BY | APPROVED |
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| NO. TO BE USED FOR CONSTRUCTION | DATE       | BY | APPROVED |
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**NOT TO BE USED FOR CONSTRUCTION**

**WARNING!**  
 NO DRAINAGE WORKS SHALL COMMENCE UNTIL THE CONTRACTOR CORRS THE T.L. OF ALL THE DRAINAGE SERVICES IN THE VICINITY OF THE WORKS WITH THE ENGINEERING SUPERVISOR.

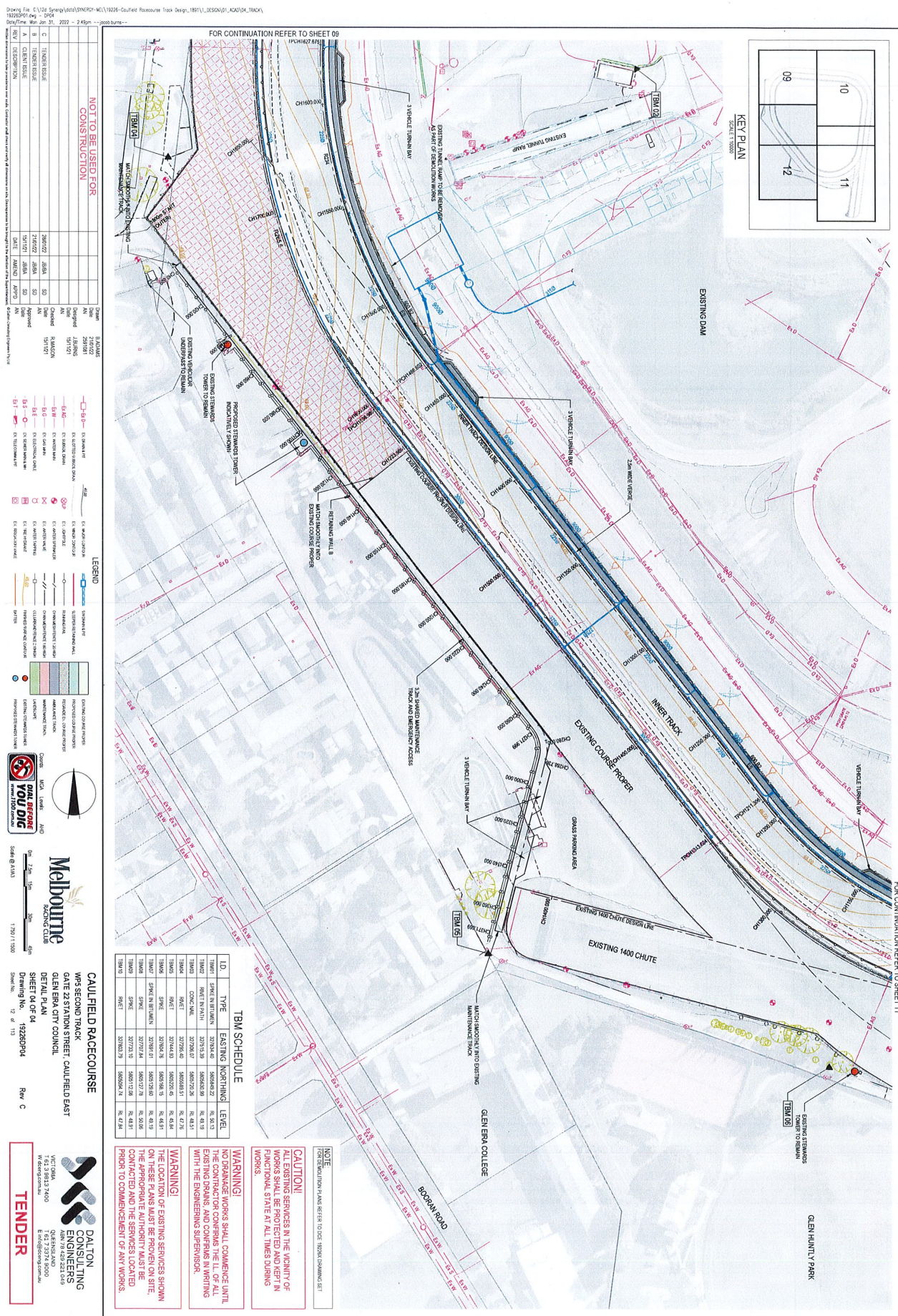
**CAUTION!**  
 ALL EXISTING SERVICES IN THE VICINITY OF WORKS SHALL BE PROTECTED AND KEPT IN FUNCTIONAL STATE AT ALL TIMES DURING WORKS.

**WARNING!**  
 THE LOCATION OF EXISTING SERVICES SHOWN ON THESE PLANS MUST BE PROVEN ON SITE. CONTACTED THE SERVICES LOCATED PRIOR TO COMMENCEMENT OF ANY WORKS.

**TBM SCHEDULE**

| ID       | TYPE               | ESTIM. NORTHING | LEVEL   |
|----------|--------------------|-----------------|---------|
| TBM01    | SPINE IN SITUATION | 32709.40        | RL 4.19 |
| TBM02    | SPINE IN SITUATION | 32709.39        | RL 4.19 |
| TBM03    | CONC. TUN.         | 32709.67        | RL 4.31 |
| TBM04    | SPINE              | 32709.40        | RL 4.19 |
| TBM05    | SPINE              | 32709.39        | RL 4.19 |
| TBM06    | SPINE              | 32709.38        | RL 4.19 |
| TBM07    | SPINE IN SITUATION | 32709.37        | RL 4.19 |
| TBM08    | SPINE              | 32709.36        | RL 4.19 |
| TBM09    | SPINE              | 32709.35        | RL 4.19 |
| TBM10    | SPINE              | 32709.34        | RL 4.19 |
| TBM11    | SPINE              | 32709.33        | RL 4.19 |
| TBM12    | SPINE              | 32709.32        | RL 4.19 |
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| TBM14    | SPINE              | 32709.30        | RL 4.19 |
| TBM15    | SPINE              | 32709.29        | RL 4.19 |
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| TBM207   | SPINE              | 32707.37        | RL 4.19 |
| TBM208   | SPINE              | 32707.36        | RL 4.19 |
| TBM209   | SPINE              | 32707.35        | RL 4.19 |
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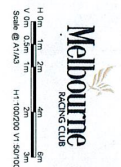


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 Time: 2:59pm

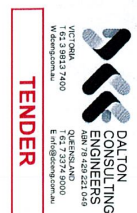
Revised drawings are to be produced in accordance with the Client's and the Council's requirements for the Caulfield Racecourse Track Design. The Client's requirements for the design are as follows:

| REV | DESCRIPTION  | DATE     | DESIGNER | APPROVED |
|-----|--------------|----------|----------|----------|
| 1   | CLIENT ISSUE | 15/01/21 | AN       | AN       |
| 2   | CLIENT ISSUE | 15/01/21 | AN       | AN       |
| 3   | CLIENT ISSUE | 15/01/21 | AN       | AN       |
| 4   | CLIENT ISSUE | 15/01/21 | AN       | AN       |
| 5   | CLIENT ISSUE | 15/01/21 | AN       | AN       |
| 6   | CLIENT ISSUE | 15/01/21 | AN       | AN       |
| 7   | CLIENT ISSUE | 15/01/21 | AN       | AN       |
| 8   | CLIENT ISSUE | 15/01/21 | AN       | AN       |
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| 10  | CLIENT ISSUE | 15/01/21 | AN       | AN       |

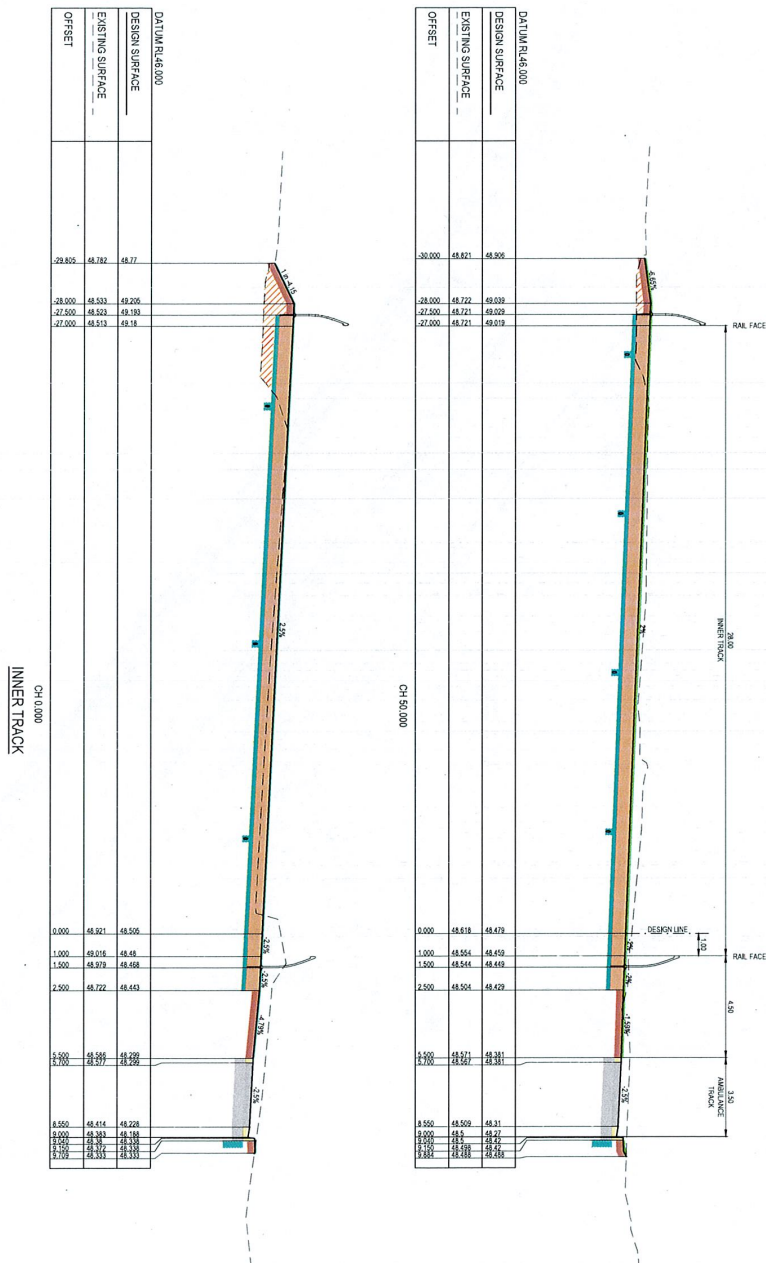
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| DESIGN SURFACE   | DESIGN SURFACE   |
| RAIL FACE        | RAIL FACE        |
| INNER TRACK      | INNER TRACK      |
| OUTER TRACK      | OUTER TRACK      |
| RAIL FACE        | RAIL FACE        |
| INNER TRACK      | INNER TRACK      |
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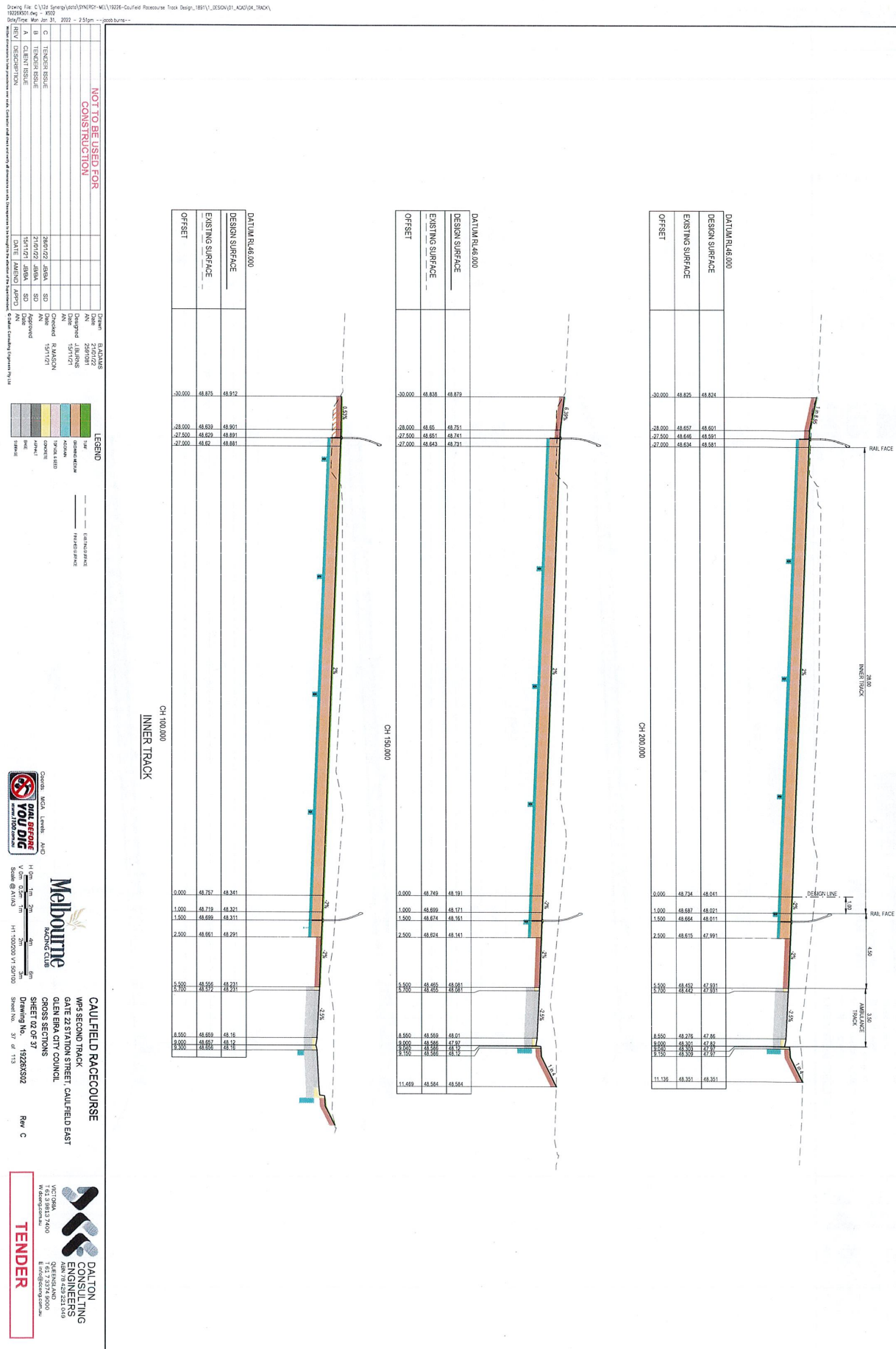
**CAULFIELD RACECOURSE**  
 W5 SECOND TRACK  
 GATE 22 STATION STREET, CAULFIELD EAST  
 GLEN EIRA CITY COUNCIL  
 CROSS SECTIONS  
 SHEET 01 OF 37  
 Drawing No. 39283501  
 Rev C



**TENDER**







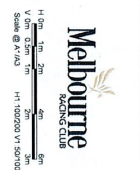


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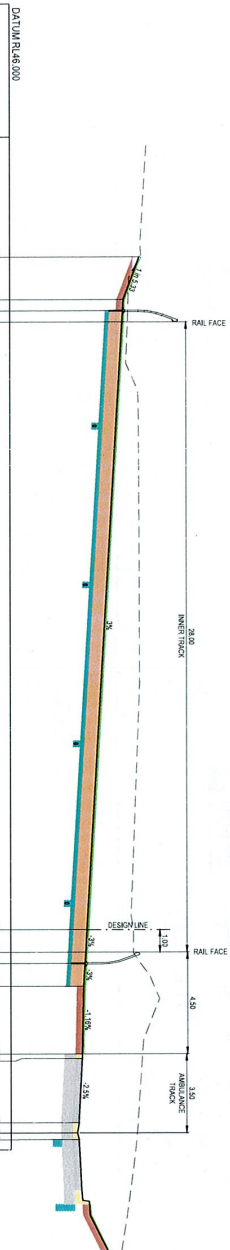
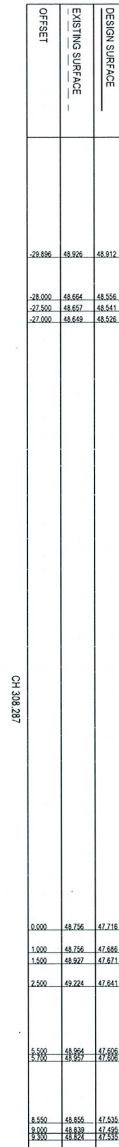
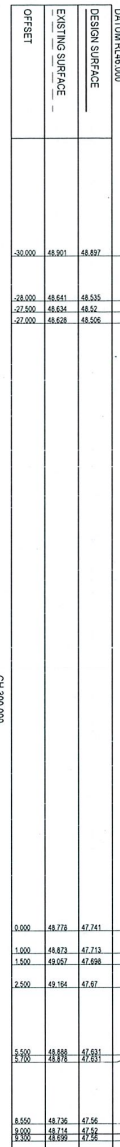
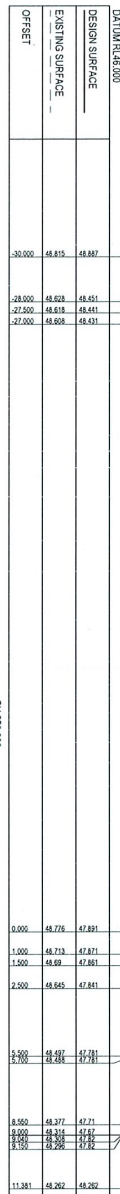
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**LEGEND**

|                     |
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| CLIFF               |
| CHALK               |
| NO CLIFF            |
| TOP SOIL & CONCRETE |
| ASPHALT             |
| GRAVEL              |
| STREET              |



CAULFIELD RACECOURSE  
WPS SECOND TRACK  
GATE 22 STATION STREET, CAULFIELD EAST  
GLEN EIRA CITY COUNCIL  
CROSS SECTIONS  
SHEET 03 OF 37  
Drawing No. 1922XS03  
Sheet No. 38 of 113  
Rev C





Drawing File: C:\26 Synergy\data\SYNERGY-ME\16226-Coulted Racecourse Track Design\_1891\1\_DESIGN\01\_ACAD\04\_TRACK\16226XS01.dwg - XS04  
Date/Time: Mon Jan 31 2022 - 2:51pm --josh.burns--

[illegible]

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| Drawn    | B. ADAMS |
| Date     | 21/01/22 |
| AN       | 2591081  |
| Designed | J. BURNS |
| Date     | 15/01/21 |
| AN       |          |
| Checked  | R. MASON |
| Date     | 15/01/21 |
| AN       |          |
| Approved |          |
| Date     |          |
| AN       |          |

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LEGEND


|                   |
|-------------------|
| Turf              |
| Grassland         |
| Arboreal          |
| Topsoil & Subsoil |
| Concrete          |
| Asphalt           |
| Base              |
| Subbase           |

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CONTENTS


Coords: MCA Levels: AHD



**Melbourne**  
RACING CLUB

H 0m 1m 2m 4m 6m  
V 0m 0.5m 1m 2m 3m  
Scale @ 111/3 H1 100/200 V1 50/100

CAULFIELD RACECOURSE  
WP5 SECOND TRACK  
GATE 22 STATION STREET, CAULFIELD EAST  
GLEN EIRA CITY COUNCIL  
CROSS SECTIONS  
SHEET 04 OF 37  
Drawing No. 19226XS04 Rev C  
Sheet No. 39 of 113

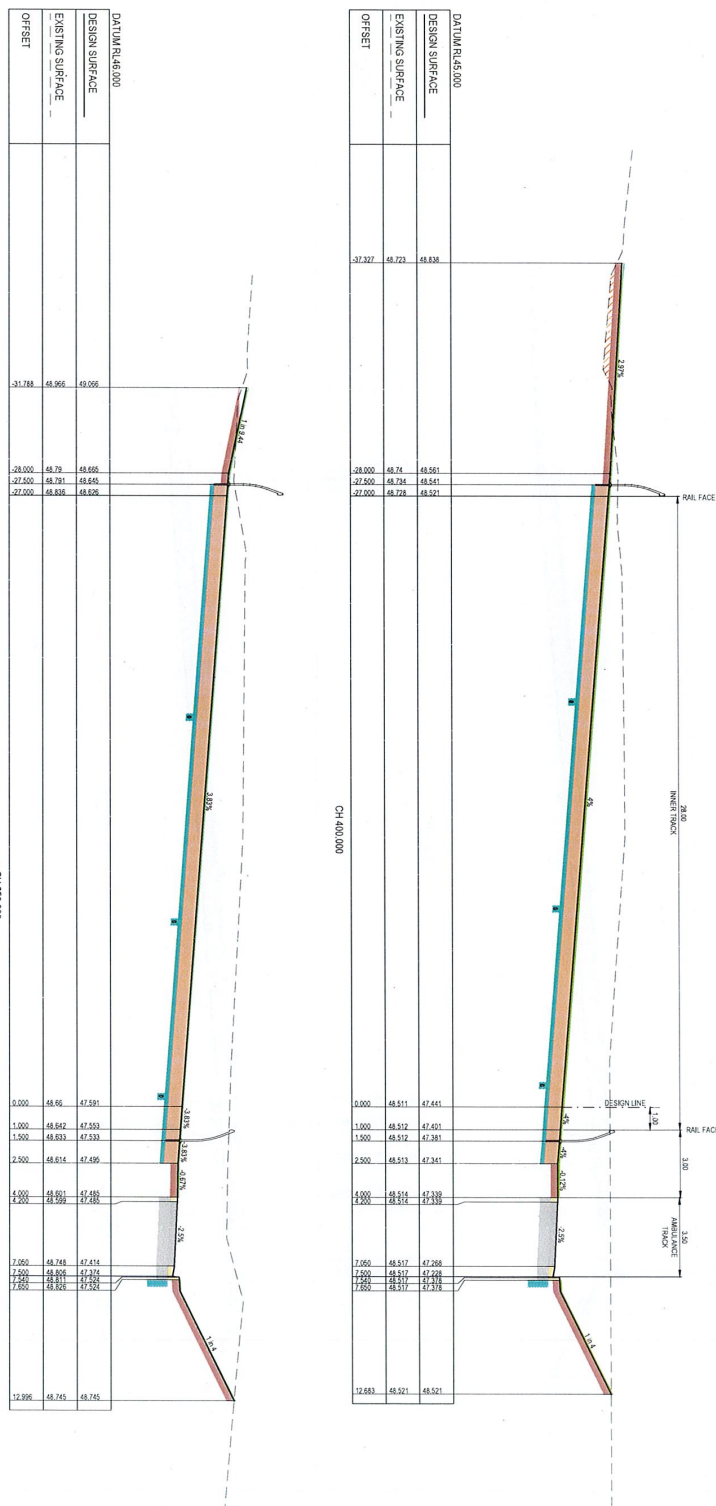


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T 61 7 3374 9000  
E [info@dalton.com.au](mailto:info@dalton.com.au)

**TENDER**





Drawing File: C:\12d Synergy\data\SYNERGY-ME\19226-Coultfield Racecourse Track Design\_1891\1\_DESIGN\01\_ACAD\04\_TRACK\19226X501.dwg - X505  
Date/Time: Mon Jan 31, 2022 - 2:50pm --jacob.burns--

[illegible]


|          |          |
|----------|----------|
| Drawn    | B.A.DAMS |
| Date     | 21/01/22 |
| AN       | 2591081  |
| Designed | J.BURNS  |
| Date     | 15/01/21 |
| AN       |          |
| Checked  | R.MASON  |
| Date     | 15/01/21 |
| AN       |          |
| Approved |          |
| Date     |          |
| AN       |          |

LEGEND

|           |
|-----------|
| Turf      |
| Grassland |
| Arboreal  |
| Tonnel &  |
| Concrete  |
| Asphalt   |
| Bed       |
| Surface   |

[illegible]

Coordinates MGA Levels AH  
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 800.451.1100 42092420



**Melbourne**  
RACING CLUB

H 0m 1m 2m 4m 6m  
V 0m 0.5m 1m 2m 3m  
Scale @ A1/A3 H1 100/200 V1 50/100

**CAULFIELD RACECOURSE**  
WP5 SECOND TRACK  
GATE 22 STATION STREET, CAULFIELD EAST  
GLEN EIRA CITY COUNCIL  
CROSS SECTIONS  
SHEET 05 OF 37  
Drawing No. 19226XS05  
Rev C  
Sheet No. 40 of 113

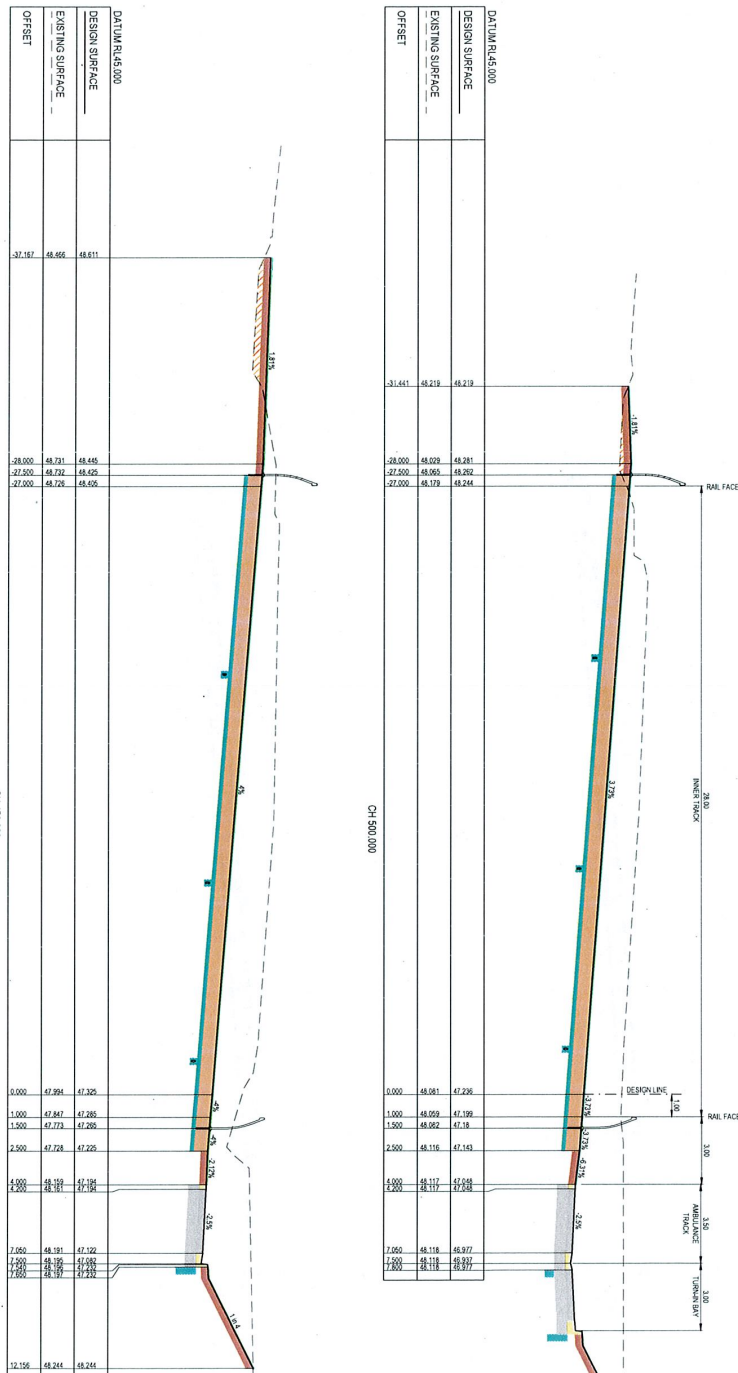
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ENGINEERS**

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A/NZ 78 429 321 049

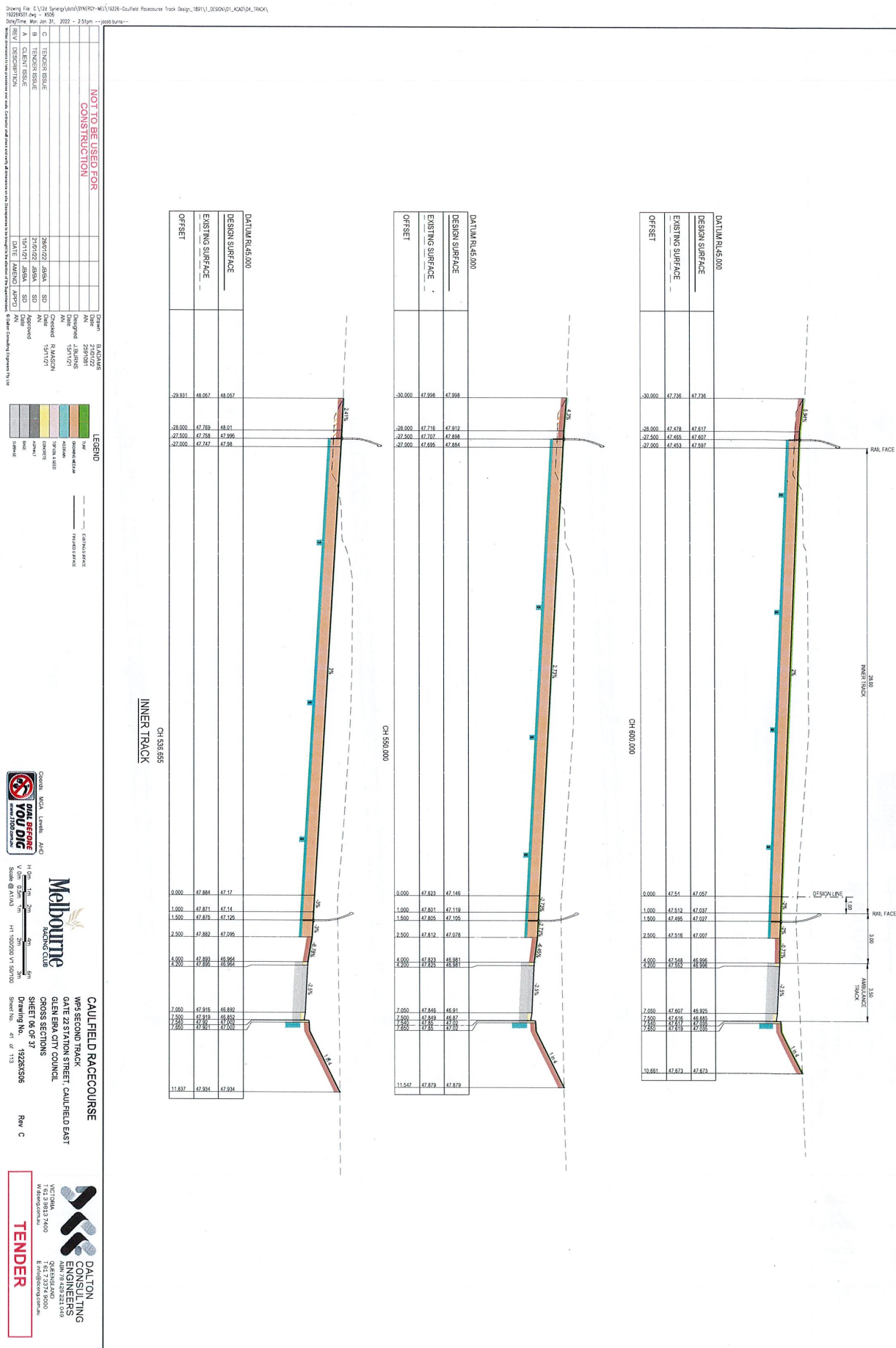
VICTORIA  
TEL 53 9813 7400  
W [dalton.com.au](http://dalton.com.au)

QUEENSLAND  
TEL 7 3374 8000  
E [info@dalton.com.au](mailto:info@dalton.com.au)

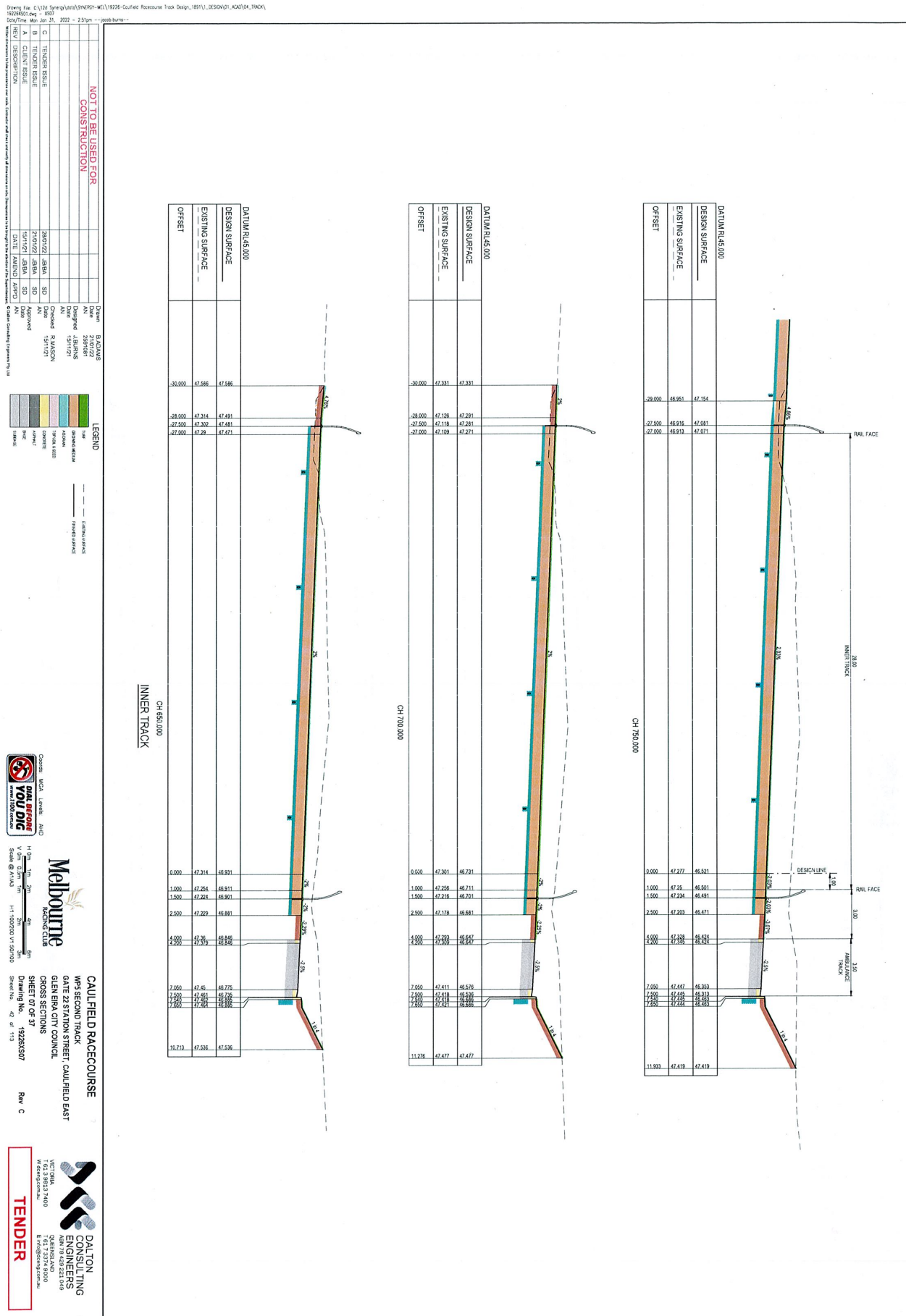
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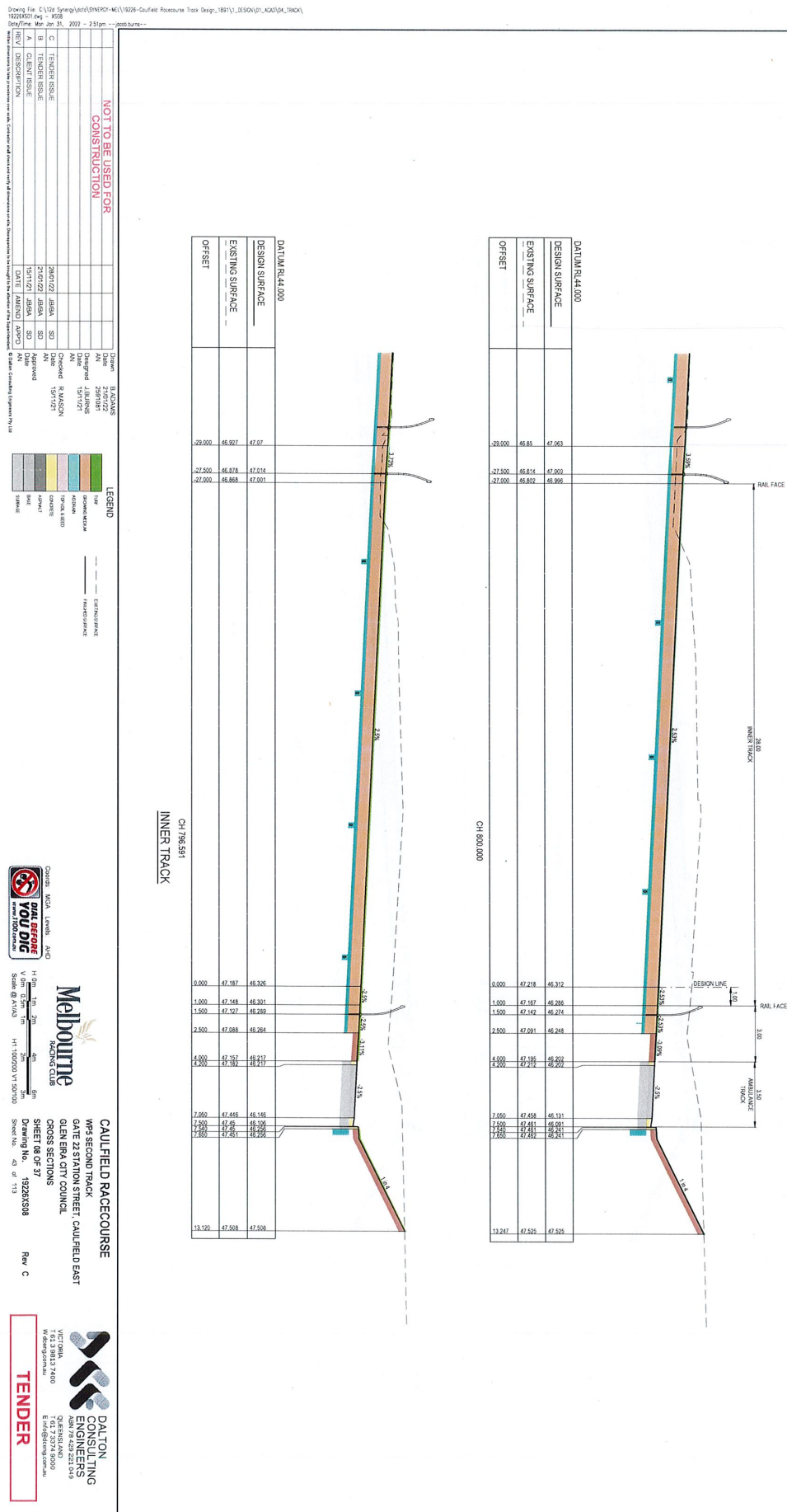














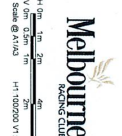
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| 6        | PLUMBING         | CU   | 100  | 100  | 100  | 100  | 100  |
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| 13       | PAINT            | CU   | 100  | 100  | 100  | 100  | 100  |
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| 15       | PLUMBING         | CU   | 100  | 100  | 100  | 100  | 100  |
| 16       | ELECTRICAL       | CU   | 100  | 100  | 100  | 100  | 100  |
| 17       | MECHANICAL       | CU   | 100  | 100  | 100  | 100  | 100  |
| 18       | LANDSCAPE        | CU   | 100  | 100  | 100  | 100  | 100  |
| 19       | CONCRETE         | CU   | 100  | 100  | 100  | 100  | 100  |
| 20       | STEEL            | LB   | 100  | 100  | 100  | 100  | 100  |
| 21       | WOOD             | CU   | 100  | 100  | 100  | 100  | 100  |
| 22       | PAINT            | CU   | 100  | 100  | 100  | 100  | 100  |
| 23       | ROOFING          | CU   | 100  | 100  | 100  | 100  | 100  |
| 24       | PLUMBING         | CU   | 100  | 100  | 100  | 100  | 100  |
| 25       | ELECTRICAL       | CU   | 100  | 100  | 100  | 100  | 100  |
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| 30       | WOOD             | CU   | 100  | 100  | 100  | 100  | 100  |
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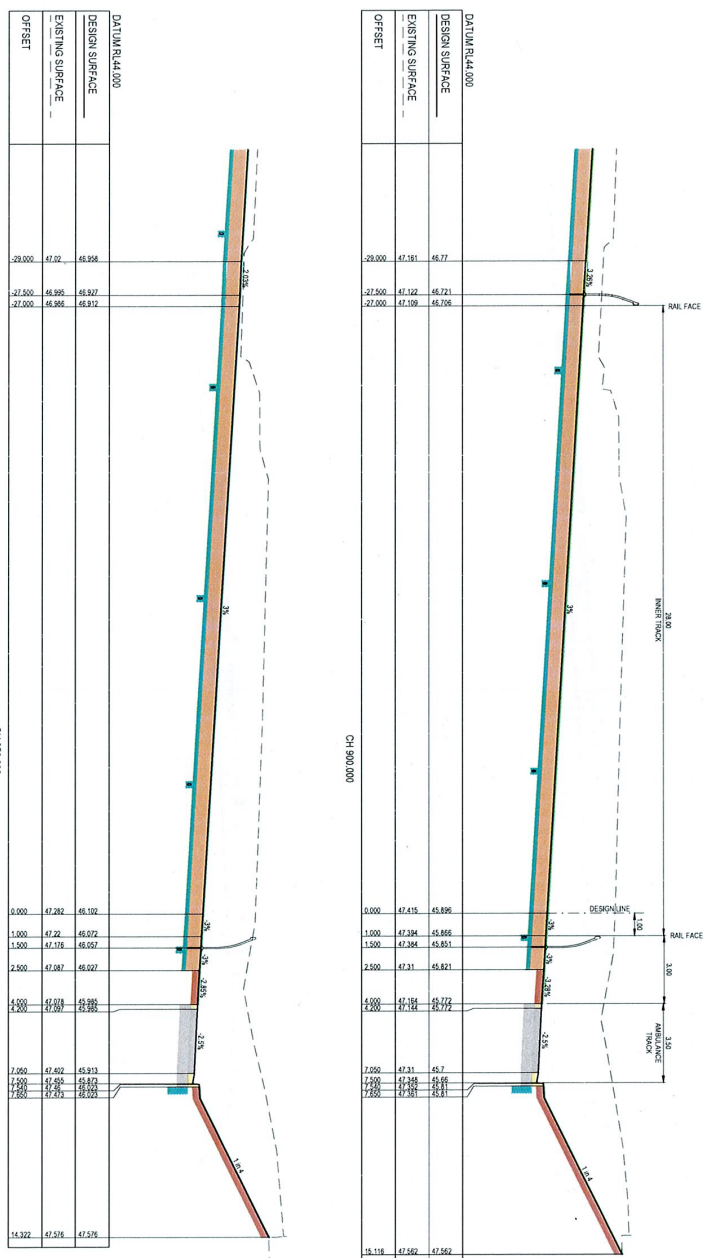
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| Turf     |
| Grass    |
| Asphalt  |
| Concrete |
| Topsoil  |
| Gravel   |
| Base     |
| Subgrade |

— — — EASTMAN'S BRAND  
————— PHOTOGRAPHIC



**CAULFIELD RACECOURSE**  
WPS SECOND TRACK  
GATE 22 STATION STREET, CAULFIELD EAST  
GLEN EIRA CITY COUNCIL  
CROSS SECTIONS  
SHEET 09 OF 37  
Drawing No. 15226XS09  
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Sheet No. 44 of 113





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 Date/Time: Mon 20 Jun 21, 2022 - 2:55pm -- job: burs--

Revisions:  
 A CLIENT ISSUE  
 B TENDER ISSUE  
 C TENDER ISSUE  
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CAULFIELD RACECOURSE  
 WPS SECOND TRACK  
 GATE 22 STATION STREET, CAULFIELD EAST  
 GLEN EIRA CITY COUNCIL  
 CROSS SECTIONS  
 SHEET 10 OF 37  
 DRAWING NO. 19226S10  
 SHEET NO. 40 OF 113  
 Rev C

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CAULFIELD RACECOURSE  
 WPS SECOND TRACK  
 GATE 22 STATION STREET, CAULFIELD EAST  
 GLEN EIRA CITY COUNCIL  
 CROSS SECTIONS  
 SHEET 10 OF 37  
 DRAWING NO. 19226S10  
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 Rev C

BALTON CONSULTING ENGINEERS  
 171 BALTON STREET  
 MELBOURNE VIC 3000  
 T 03 9594 7400  
 E info@balton.com.au  
 TENDER

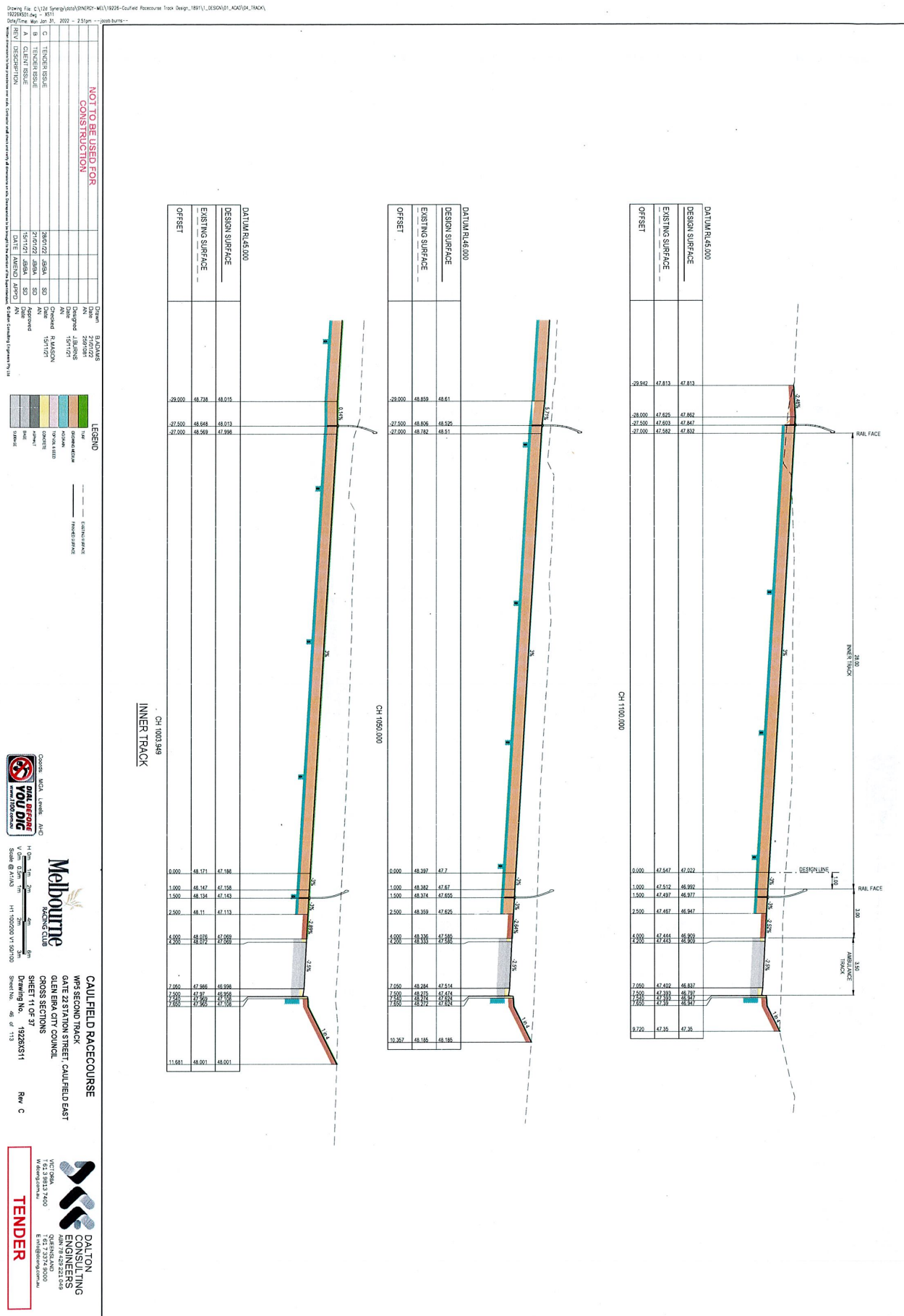
| DATUM RL 44.000  |        |        |
|------------------|--------|--------|
| DESIGN SURFACE   |        |        |
| EXISTING SURFACE |        |        |
| OFFSET           |        |        |
| 29.000           | 47.802 | 47.81  |
| 27.500           | 47.754 | 47.82  |
| 27.000           | 47.711 | 47.83  |
| 0.000            | 47.645 | 48.105 |
| 1.000            | 47.615 | 48.095 |
| 1.500            | 47.599 | 48.09  |
| 2.500            | 47.569 | 48.05  |
| 4.000            | 47.523 | 48.00  |
| 5.000            | 47.47  | 47.95  |
| 7.000            | 47.394 | 47.934 |
| 10.000           | 47.27  | 47.82  |
| 12.000           | 47.22  | 47.82  |
| 14.000           | 47.18  | 47.82  |
| 15.541           | 47.552 | 47.552 |

CH 950.000  
 INNER TRACK

| DATUM RL 45.500  |        |        |
|------------------|--------|--------|
| DESIGN SURFACE   |        |        |
| EXISTING SURFACE |        |        |
| OFFSET           |        |        |
| 29.000           | 48.07  | 47.903 |
| 27.500           | 48.559 | 47.918 |
| 27.000           | 48.514 | 47.903 |
| 0.000            | 48.131 | 47.093 |
| 1.000            | 48.106 | 47.063 |
| 1.500            | 48.093 | 47.048 |
| 2.500            | 48.058 | 47.018 |
| 4.000            | 48.031 | 46.974 |
| 5.000            | 48.026 | 46.974 |
| 7.000            | 47.933 | 46.903 |
| 10.000           | 47.816 | 46.863 |
| 12.000           | 47.806 | 46.863 |
| 14.000           | 47.811 | 47.813 |
| 15.847           | 47.947 | 47.947 |

CH 1000.000







Drawing File: C:\12d Synergy\data\SYNERGY-ME\19226-Coufield Racecourse Track Design\_1891\1\_DESIGN\01\_ACAD\04\_TRACK\10126EVEN.dwg - W512

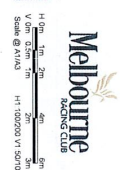
Date/Time: Mon Jan 31, 2022 - 2:51pm --jacob.burns--

[illegible]

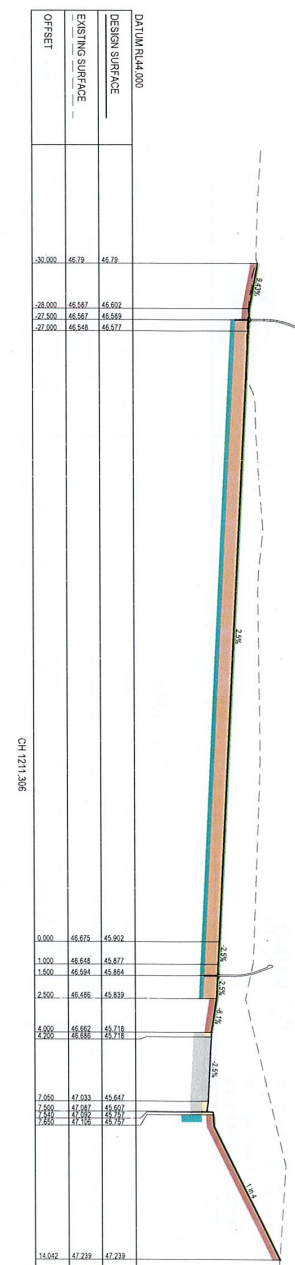
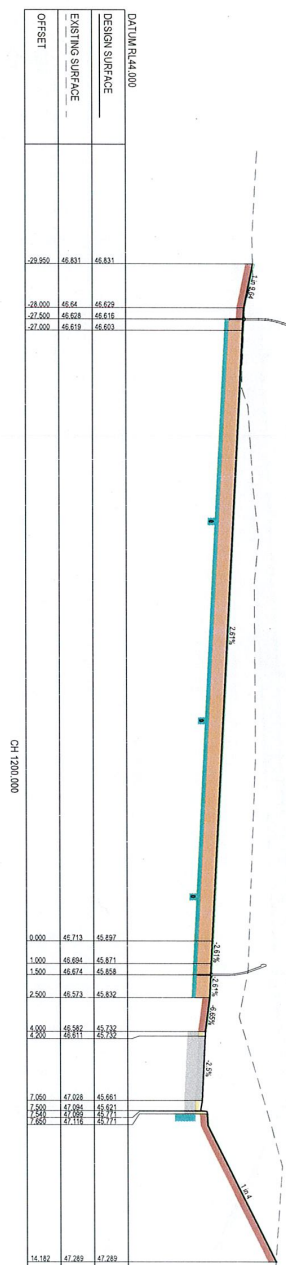
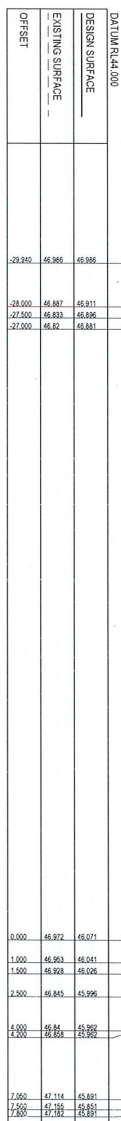
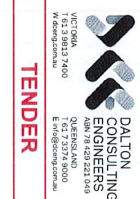
**LEGEND**

|   |                  |
|---|------------------|
|  | TYPE             |
|  | CHROMO. MEDIUM   |
|  | ADDITION         |
|  | 10% VOL. & SPEED |
|  | CONCENTR.        |
|  | ASPHALT          |
|  | BASE             |
|  | STRAVAGE         |

----- COINTEGRATED  
————— FINISHED PRODUCT



**CAULFIELD RACECOURSE**  
**W55 SECOND TRACK**  
**GATE 22 STATION STREET, CAULFIELD EAST**  
**GLEN EIRA CITY COUNCIL**  
**CROSS SECTIONS**  
**SHEET 12 OF 37**  
**Drawing No. 15226XS12**  
**Rev C**  
 Sheet No. 47 of 113














Drawing File: C:\12d Synergy\data\SYNERGY-ME\19226-Coultfield Racecourse Track Design\_1891\1\_DESIGN\01\_ACAD\04\_TRACK\19226XSD1.dwg - XS13  
Date/Time: Mon Jan 31, 2012 - 2:50pm --jacob burns--

[illegible]


**LEGEND**

|   |            |
|---|------------|
|  | TURF       |
|  | GRAVEL     |
|  | ADJACENT   |
|  | TOP SOIL & |
|  | CONCRETE   |
|  | ASPHALT    |
|  | BASE       |
|  | PAVEMENT   |



**Melbourne**  
RACING CLUB

**CAULFIELD RACECOURSE**  
 WP5 SECOND TRACK  
 GATE 22 STATION STREET, CAULFIELD EAST  
 GLEN ERA CITY COUNCIL  
 CROSS SECTIONS  
 SHEET 13 OF 37  
 Drawing No. 1926SX13  
 Sheet No. 48 of 113  
 Rev C



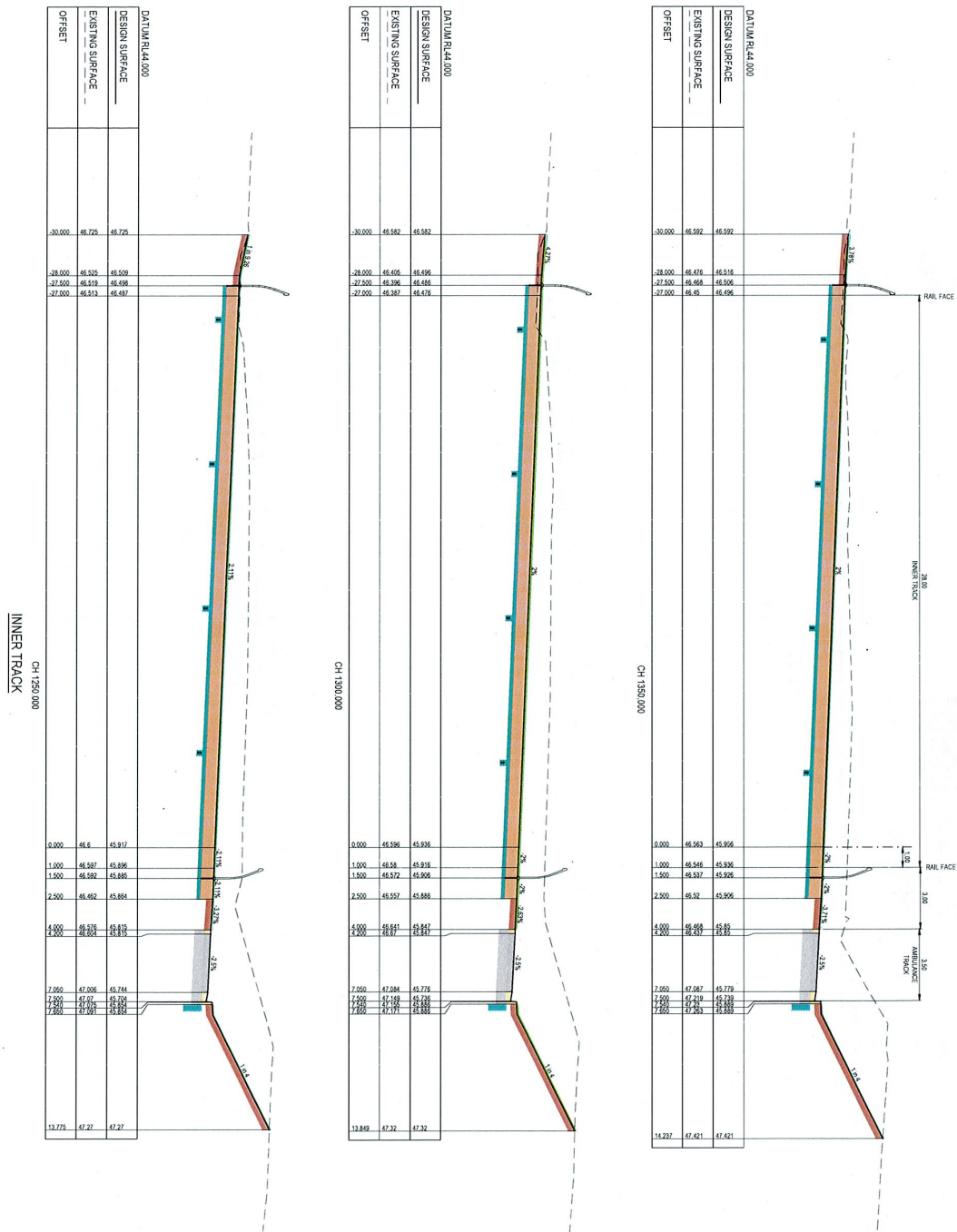
**DALTON  
CONSULTING  
ENGINEERS**

ABN 78 428 221 049

**VICTORIA**  
T 61 3 9813 7400  
W [dceng.com.au](http://dceng.com.au)

**QUEENSLAND**  
T 61 7 3974 9000  
E [info@dceng.com.au](mailto:info@dceng.com.au)

**TENDER**





Drawing File: C:\12a Synergy\data\SYNERGY-ME\19276-Gould Roadcourse Track Design\_1891\1\_DESIGN\01\_ACAD\04\_TRACK\19276KSO1.dwg -- XS14  
Date/Time: Mon Jan 31, 2022 - 2:51pm -- jacob.burns --

[illegible]

LEGEND

|      |       |       |      |       |         |        |        |       |       |
|------|-------|-------|------|-------|---------|--------|--------|-------|-------|
| Tree | Grass | Shrub | Open | Water | Wetland | Forest | Barren | Urban | Other |
|------|-------|-------|------|-------|---------|--------|--------|-------|-------|



**Melbourne**  
RACING CLUB

H 0m 1m 2m 4m 6m  
V 0m 0.5m 1m 2m 3m  
Scale 1:100,200 V 1:50,100

CAULFIELD RACECOURSE  
WP5 SECOND TRACK  
GATE 22 STATION STREET, CAULFIELD EAST  
GLEN EIRA CITY COUNCIL  
CROSS SECTIONS  
SHEET 14 OF 37  
Drawing No. 19226XS14  
Rev C  
Sheet No. 49 of 113

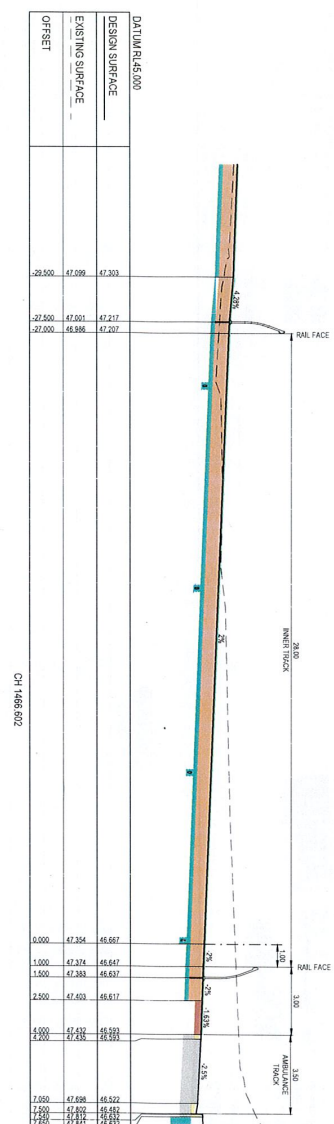
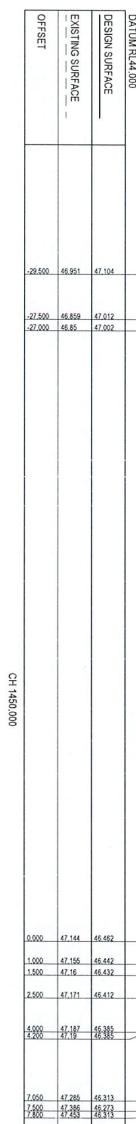
**DALTON  
CONSULTING  
ENGINEERS**

ABR 78 420 221 049  
T 61 3 9813 7400  
W [dalton.com.au](http://dalton.com.au)

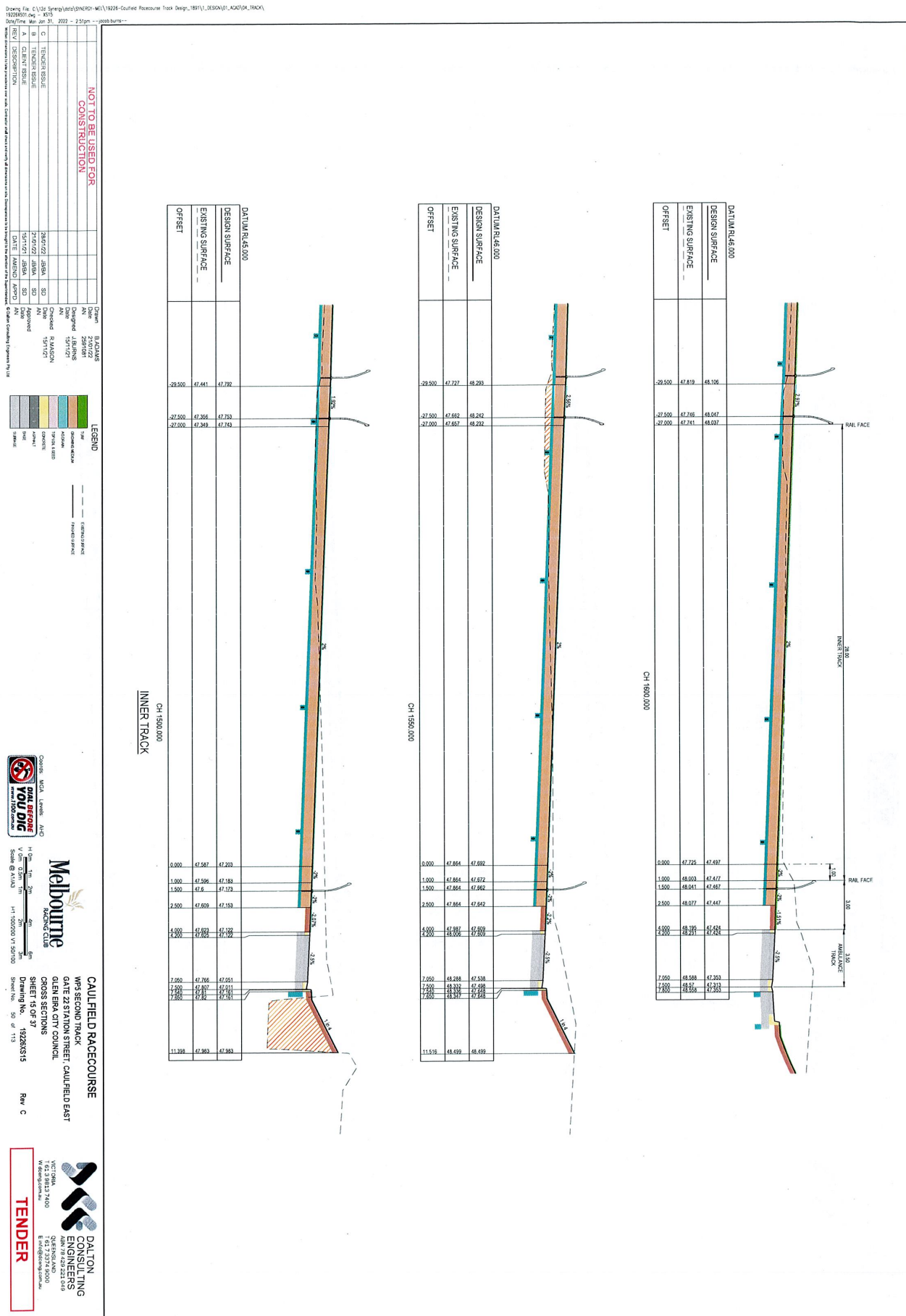
**VICTORIA**  
T 61 3 9813 7400  
W [dalton.com.au](http://dalton.com.au)

**QUEENSLAND**  
T 61 7 3374 9000  
E [info@dalton.com.au](mailto:info@dalton.com.au)

**TENDER**







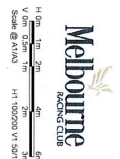


Drawing File: C:\12d\Synergy\data\SYNERGY-ME\15226-Coultfield Racecourse Track Design\_1891\1\_DESIGN\01\_ACO\04\_TRACK\15226XS01.dwg -- XS16  
Date/Time: Mon Jan 31, 2022 - 2:51pm --jacob.burns--

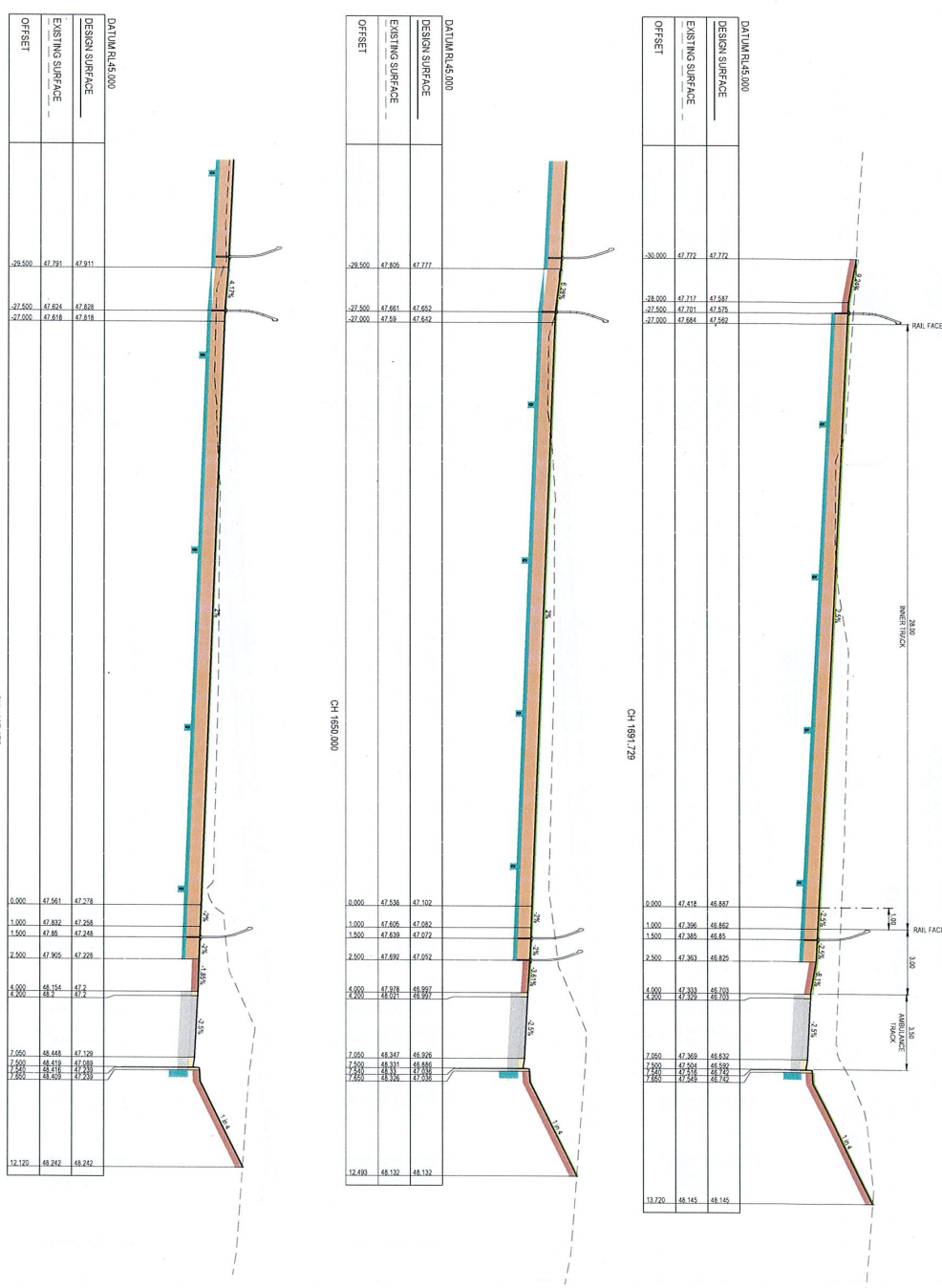
[illegible]

**LEGEND**

|   |                   |   |                     |
|---|-------------------|---|---------------------|
|  | 1. AIR            |  | 2. 17% TO 30% AIR   |
|  | 3. GROUND MEDIUM  |  | 3. FRACTION 30% AIR |
|  | 4. ADHESIVE       |   |                     |
|  | 5. POLYMER FILLER |   |                     |
|  | 6. CONCRETE       |   |                     |
|  | 7. ADHESIVE       |   |                     |
|  | 8. BRIDGE         |   |                     |
|  | 9. STAIRCASE      |   |                     |



**CAULFIELD RACECOURSE**  
WP5 SECOND TRACK  
GATE 22 STATION STREET, CAULFIELD EAST  
GLEN EIRA CITY COUNCIL  
CROSS SECTIONS  
SHEET 16 OF 37  
Drawing No. 19226XS16  
Rev C  
Sheet No. 55 of 113



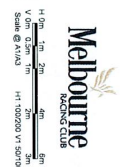


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Date/Time: Mon Jan 31, 2022 - 2:51pm --jacob burns--

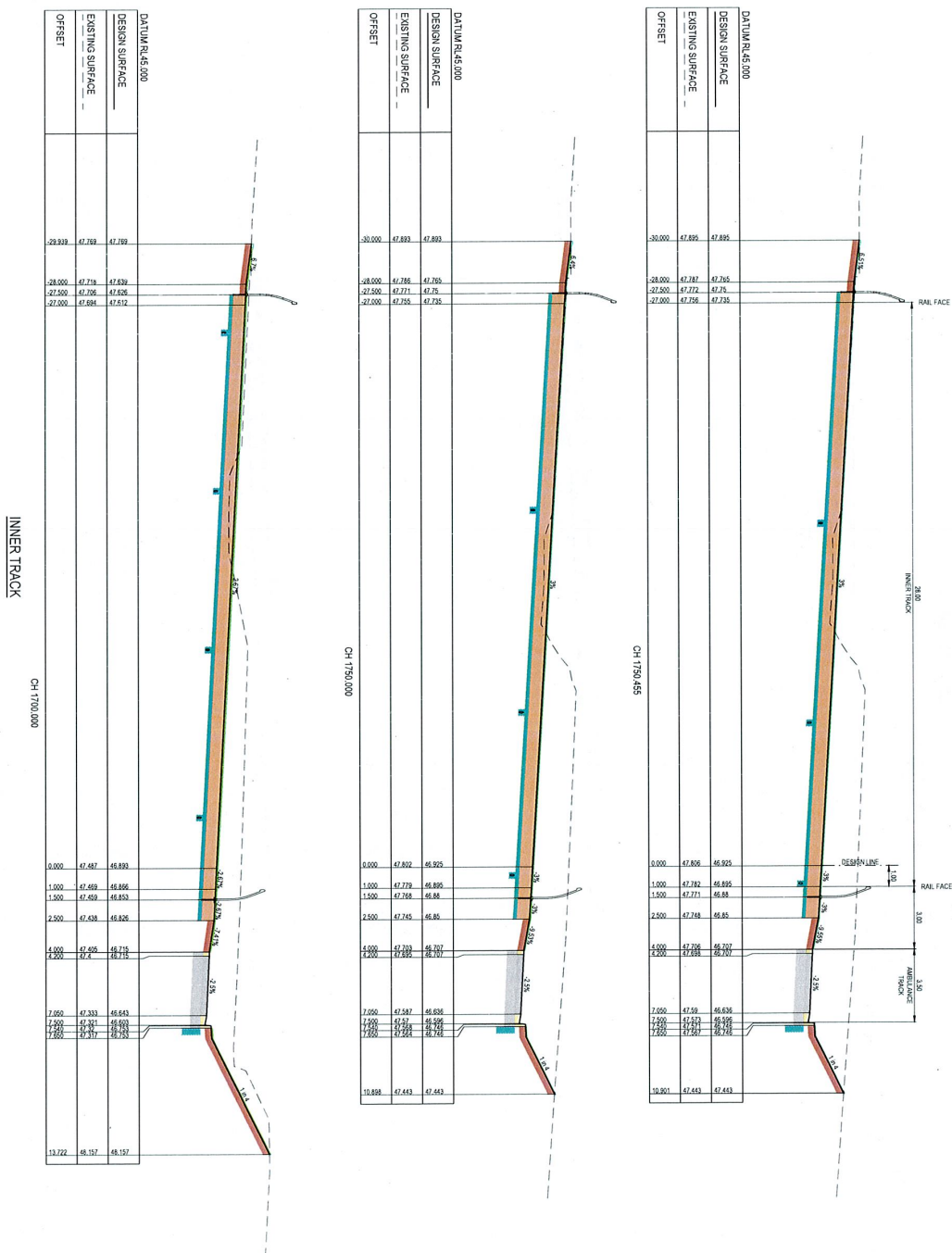
| LOT TO BE USED FOR CONSTRUCTION |  |  |  |  | DATE    |
|---------------------------------|--|--|--|--|---------|
| 1                               |  |  |  |  | 2/10/22 |
| 2                               |  |  |  |  | 2/10/22 |
| 3                               |  |  |  |  | 2/10/22 |
| 4                               |  |  |  |  | 2/10/22 |
| 5                               |  |  |  |  | 2/10/22 |
| 6                               |  |  |  |  | 2/10/22 |
| 7                               |  |  |  |  | 2/10/22 |
| 8                               |  |  |  |  | 2/10/22 |
| 9                               |  |  |  |  | 2/10/22 |
| 10                              |  |  |  |  | 2/10/22 |
| 11                              |  |  |  |  | 2/10/22 |
| 12                              |  |  |  |  | 2/10/22 |
| 13                              |  |  |  |  | 2/10/22 |
| 14                              |  |  |  |  | 2/10/22 |
| 15                              |  |  |  |  | 2/10/22 |
| 16                              |  |  |  |  | 2/10/22 |
| 17                              |  |  |  |  | 2/10/22 |
| 18                              |  |  |  |  | 2/10/22 |
| 19                              |  |  |  |  | 2/10/22 |
| 20                              |  |  |  |  | 2/10/22 |
| 21                              |  |  |  |  | 2/10/22 |
| 22                              |  |  |  |  | 2/10/22 |
| 23                              |  |  |  |  | 2/10/22 |
| 24                              |  |  |  |  | 2/10/22 |
| 25                              |  |  |  |  | 2/10/22 |
| 26                              |  |  |  |  | 2/10/22 |
| 27                              |  |  |  |  | 2/10/22 |
| 28                              |  |  |  |  | 2/10/22 |
| 29                              |  |  |  |  | 2/10/22 |
| 30                              |  |  |  |  | 2/10/22 |
| 31                              |  |  |  |  | 2/10/22 |
| 32                              |  |  |  |  | 2/10/22 |
| 33                              |  |  |  |  | 2/10/22 |
| 34                              |  |  |  |  | 2/10/22 |
| 35                              |  |  |  |  | 2/10/22 |
| 36                              |  |  |  |  | 2/10/22 |
| 37                              |  |  |  |  | 2/10/22 |
| 38                              |  |  |  |  | 2/10/22 |
| 39                              |  |  |  |  | 2/10/22 |
| 40                              |  |  |  |  | 2/10/22 |
| 41                              |  |  |  |  | 2/10/22 |
| 42                              |  |  |  |  | 2/10/22 |
| 43                              |  |  |  |  | 2/10/22 |
| 44                              |  |  |  |  | 2/10/22 |
| 45                              |  |  |  |  | 2/10/22 |
| 46                              |  |  |  |  | 2/10/22 |
| 47                              |  |  |  |  | 2/10/22 |
| 48                              |  |  |  |  | 2/10/22 |
| 49                              |  |  |  |  | 2/10/22 |
| 50                              |  |  |  |  | 2/10/22 |
| 51                              |  |  |  |  | 2/10/22 |
| 52                              |  |  |  |  | 2/10/22 |
| 53                              |  |  |  |  | 2/10/22 |
| 54                              |  |  |  |  | 2/10/22 |
| 55                              |  |  |  |  | 2/10/22 |
| 56                              |  |  |  |  | 2/10/22 |
| 57                              |  |  |  |  | 2/10/22 |
| 58                              |  |  |  |  | 2/10/22 |
| 59                              |  |  |  |  | 2/10/22 |
| 60                              |  |  |  |  | 2/10/22 |
| 61                              |  |  |  |  | 2/10/22 |
| 62                              |  |  |  |  | 2/10/22 |
| 63                              |  |  |  |  | 2/10/22 |
| 64                              |  |  |  |  | 2/10/22 |
| 65                              |  |  |  |  | 2/10/22 |
| 66                              |  |  |  |  | 2/10/22 |
| 67                              |  |  |  |  | 2/10/22 |
| 68                              |  |  |  |  | 2/10/22 |
| 69                              |  |  |  |  | 2/10/22 |
| 70                              |  |  |  |  | 2/10/22 |
| 71                              |  |  |  |  | 2/10/22 |
| 72                              |  |  |  |  | 2/10/22 |
| 73                              |  |  |  |  | 2/10/22 |
| 74                              |  |  |  |  | 2/10/22 |
| 75                              |  |  |  |  | 2/10/22 |
| 76                              |  |  |  |  | 2/10/22 |
| 77                              |  |  |  |  | 2/10/22 |
| 78                              |  |  |  |  | 2/10/22 |
| 79                              |  |  |  |  | 2/10/22 |
| 80                              |  |  |  |  | 2/10/22 |
| 81                              |  |  |  |  | 2/10/22 |
| 82                              |  |  |  |  | 2/10/22 |
| 83                              |  |  |  |  | 2/10/22 |
| 84                              |  |  |  |  | 2/10/22 |
| 85                              |  |  |  |  | 2/10/22 |
| 86                              |  |  |  |  | 2/10/22 |
| 87                              |  |  |  |  | 2/10/22 |
| 88                              |  |  |  |  | 2/10/22 |
| 89                              |  |  |  |  | 2/10/22 |
| 90                              |  |  |  |  | 2/10/22 |
| 91                              |  |  |  |  | 2/10/22 |
| 92                              |  |  |  |  | 2/10/22 |
| 93                              |  |  |  |  | 2/10/22 |
| 94                              |  |  |  |  | 2/10/22 |
| 95                              |  |  |  |  | 2/10/22 |

LEGEND

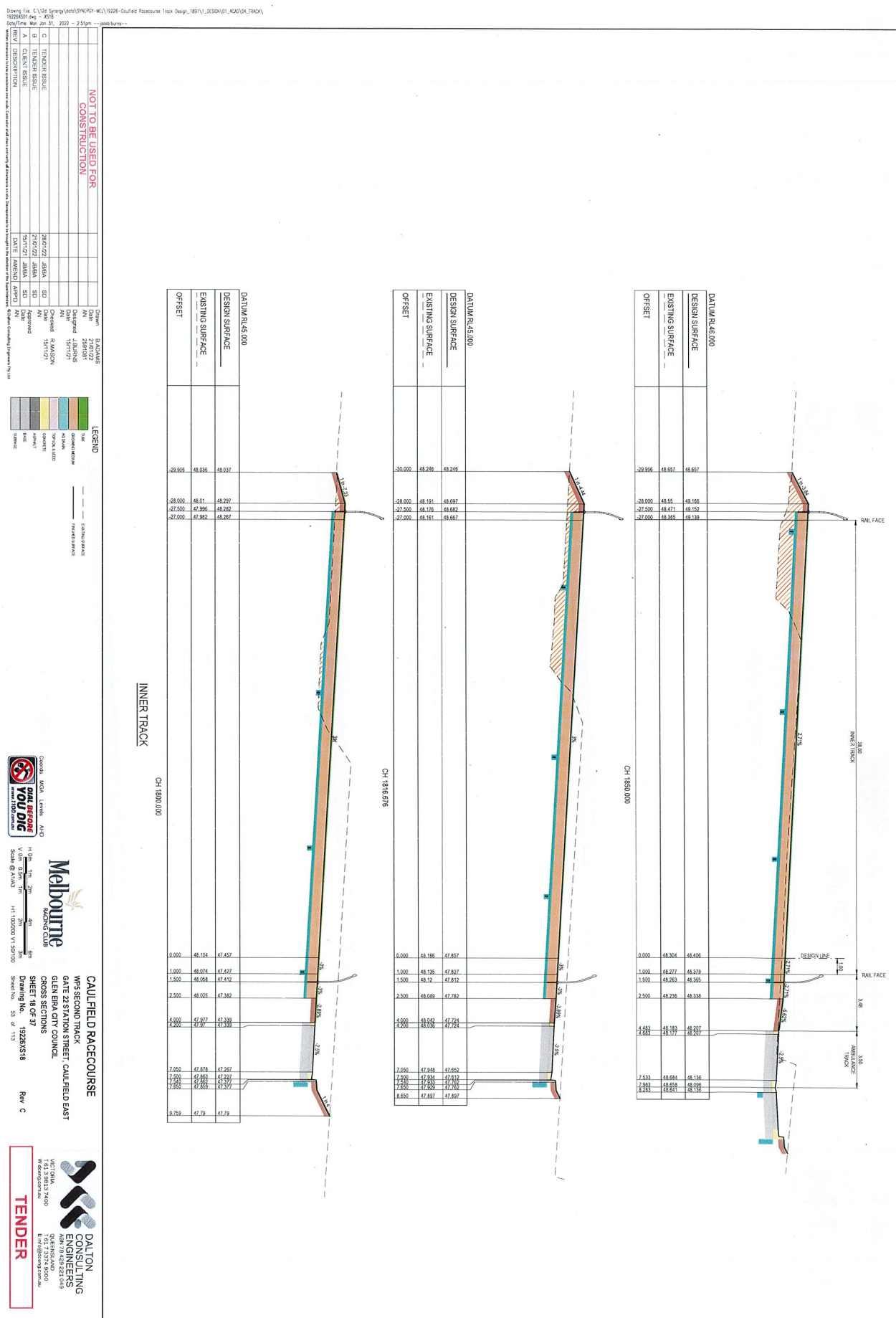
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|------|--------|---------|----------|----------|---------|--------|------|
| Turf | Gravel | Asphalt | Concrete | Tonolite | Asphalt | Gravel | Turf |
|------|--------|---------|----------|----------|---------|--------|------|



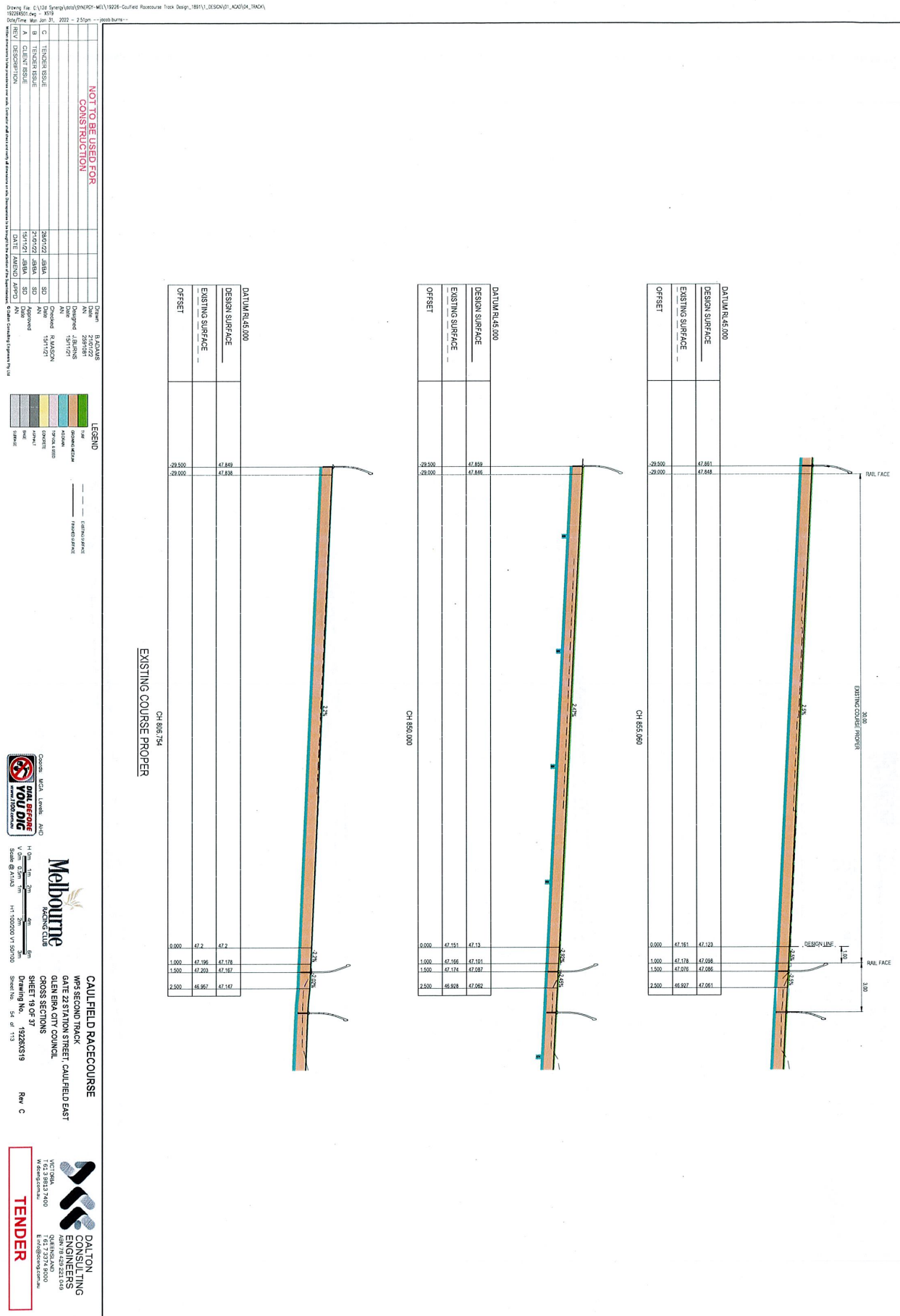
**CAULFIELD RACECOURSE**  
WPS SECOND TRACK  
GATE 22 STATION STREET, CAULFIELD EAST  
GLEN EIRA CITY COUNCIL  
CROSS SECTIONS  
SHEET 17 OF 37  
Drawing No. 1922EXS17  
Rev C  
Sheet No. 52 of 113













Drawing File: C:\12d\Synergy\data\SYNERGY-ME\192226-Coulfield Racecourse Track Design\_1891\1\_DESIGN\01\_ACA\04\_TRACK\192226X501.dwg - X520  
Date/Time: Mon Jan 31, 2022 - 2:58pm -- jacob burns --

[illegible]

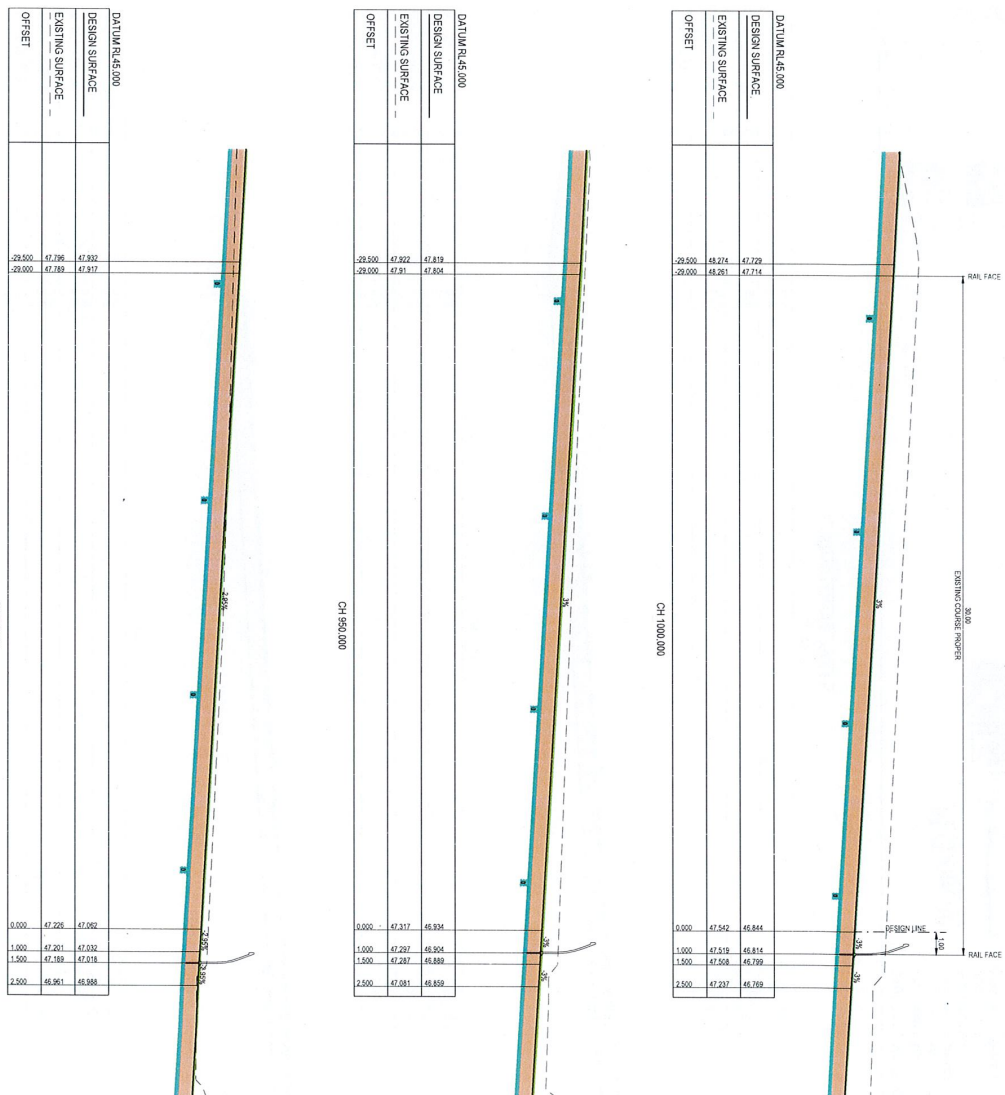
**LEGEND**

|                 |
|-----------------|
| Turf            |
| Grass           |
| Asphalt         |
| Concrete        |
| Topsoil & Mulch |
| Gravel          |
| Base            |
| Subgrade        |

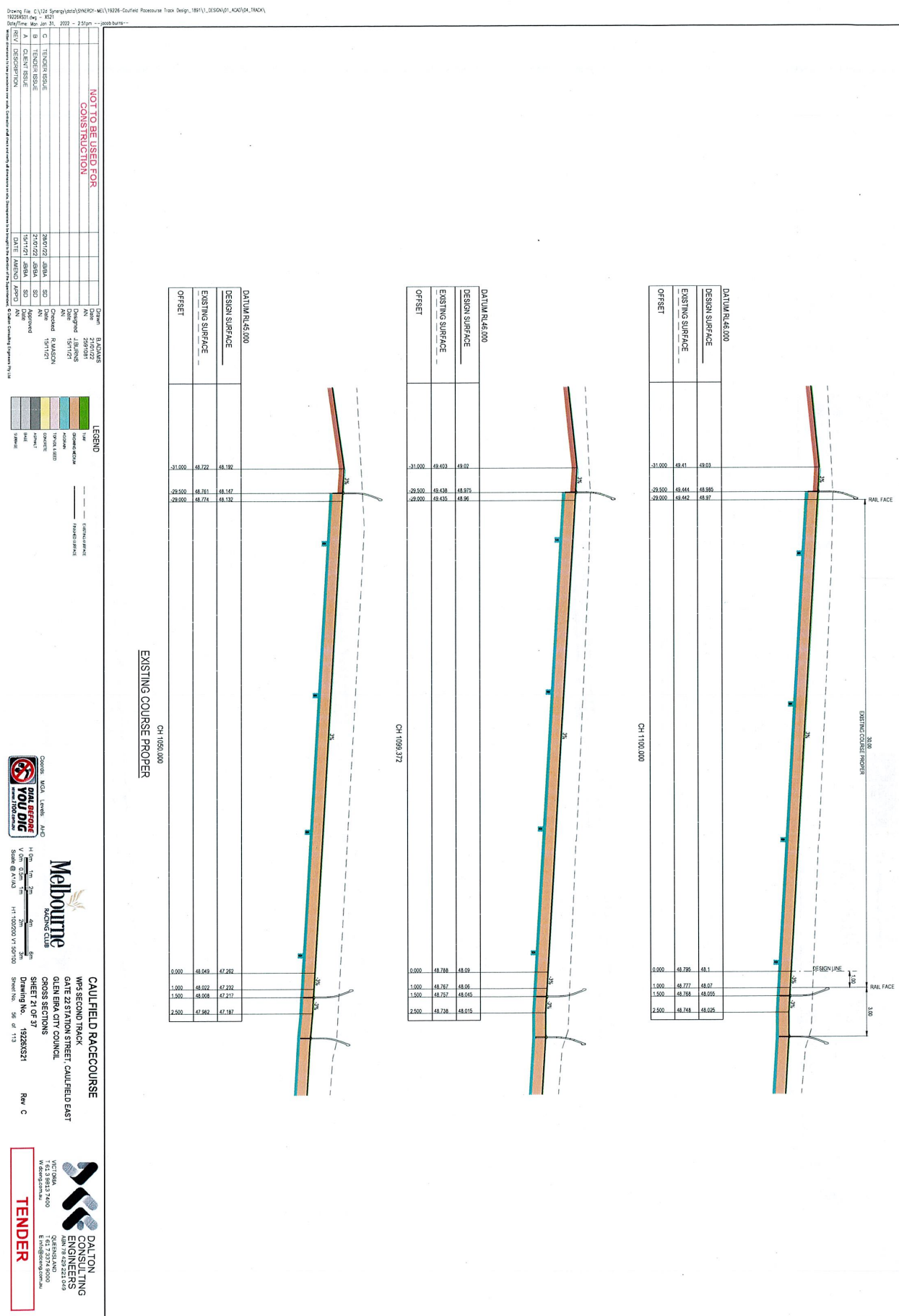
— — — — — EIGHTH DISTRICT  
— — — — — NINTH DISTRICT  
— — — — — TENTH DISTRICT



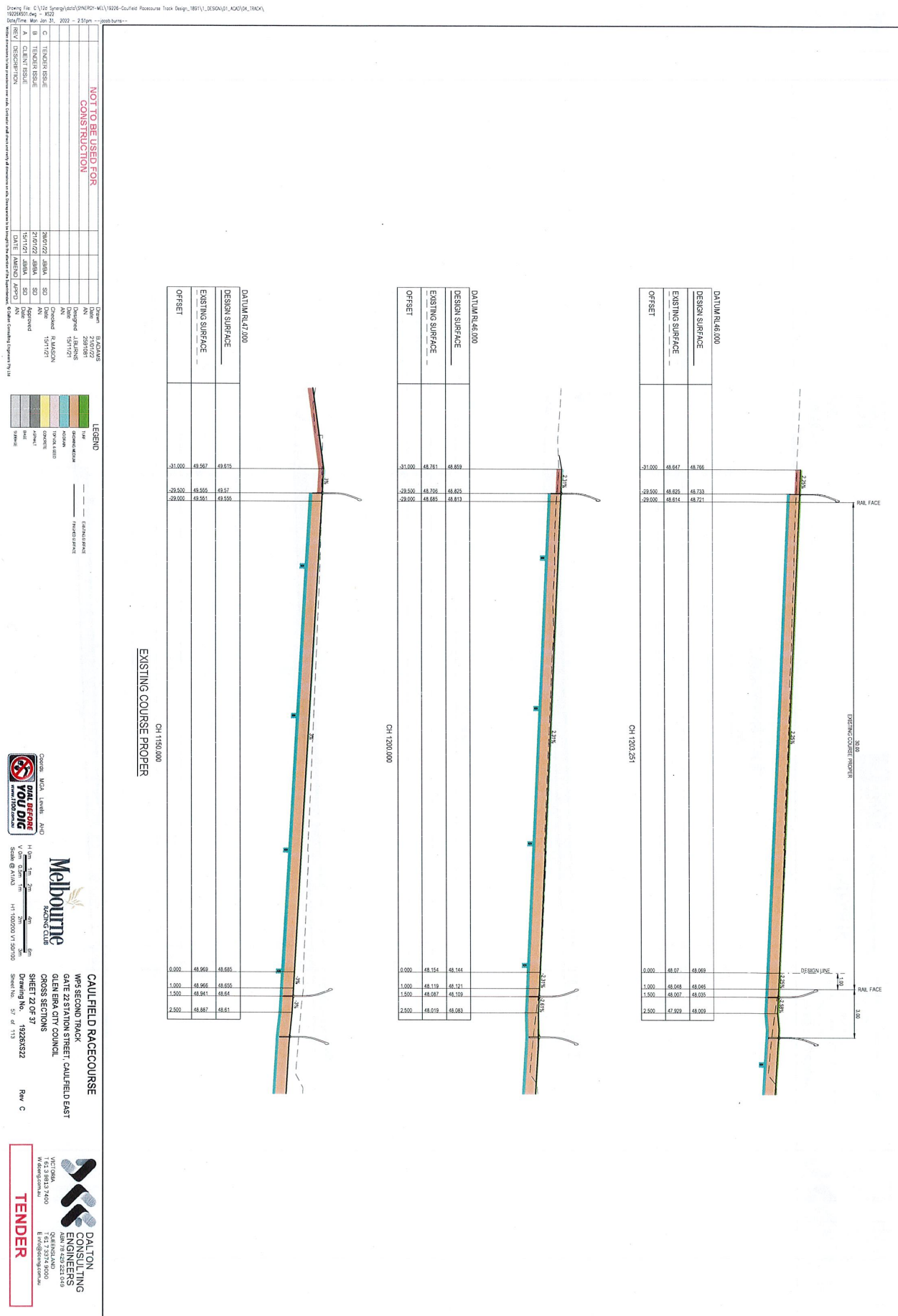
**CAULFIELD RACECOURSE**  
WPS SECOND TRACK  
GATE 22 STATION STREET, CAULFIELD EAST  
GLEN EIRA CITY COUNCIL  
CROSS SECTIONS  
SHEET 20 OF 37  
Drawing No. 1922KXS20  
Sheet No. 55 of 113  
Rev C



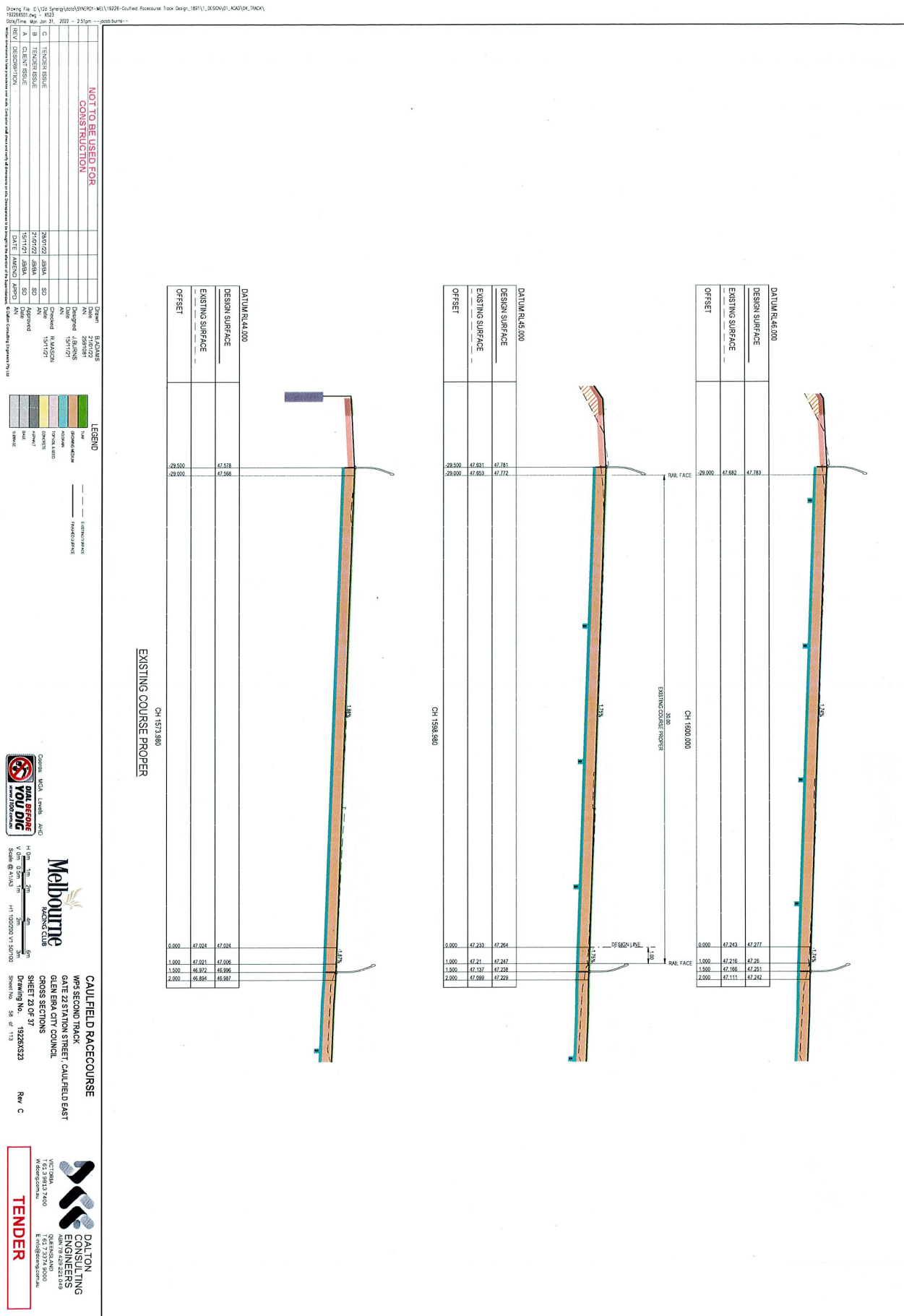




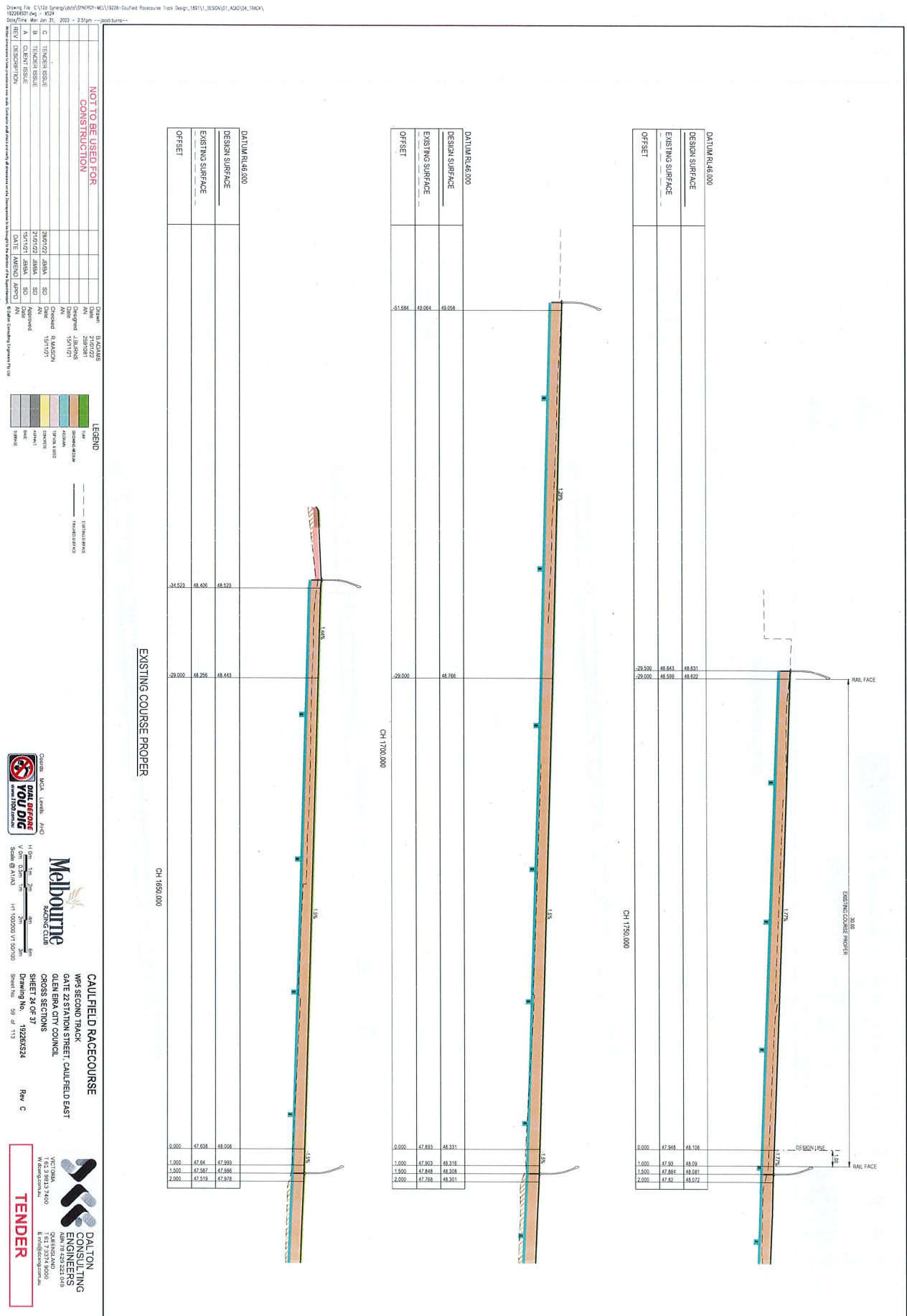




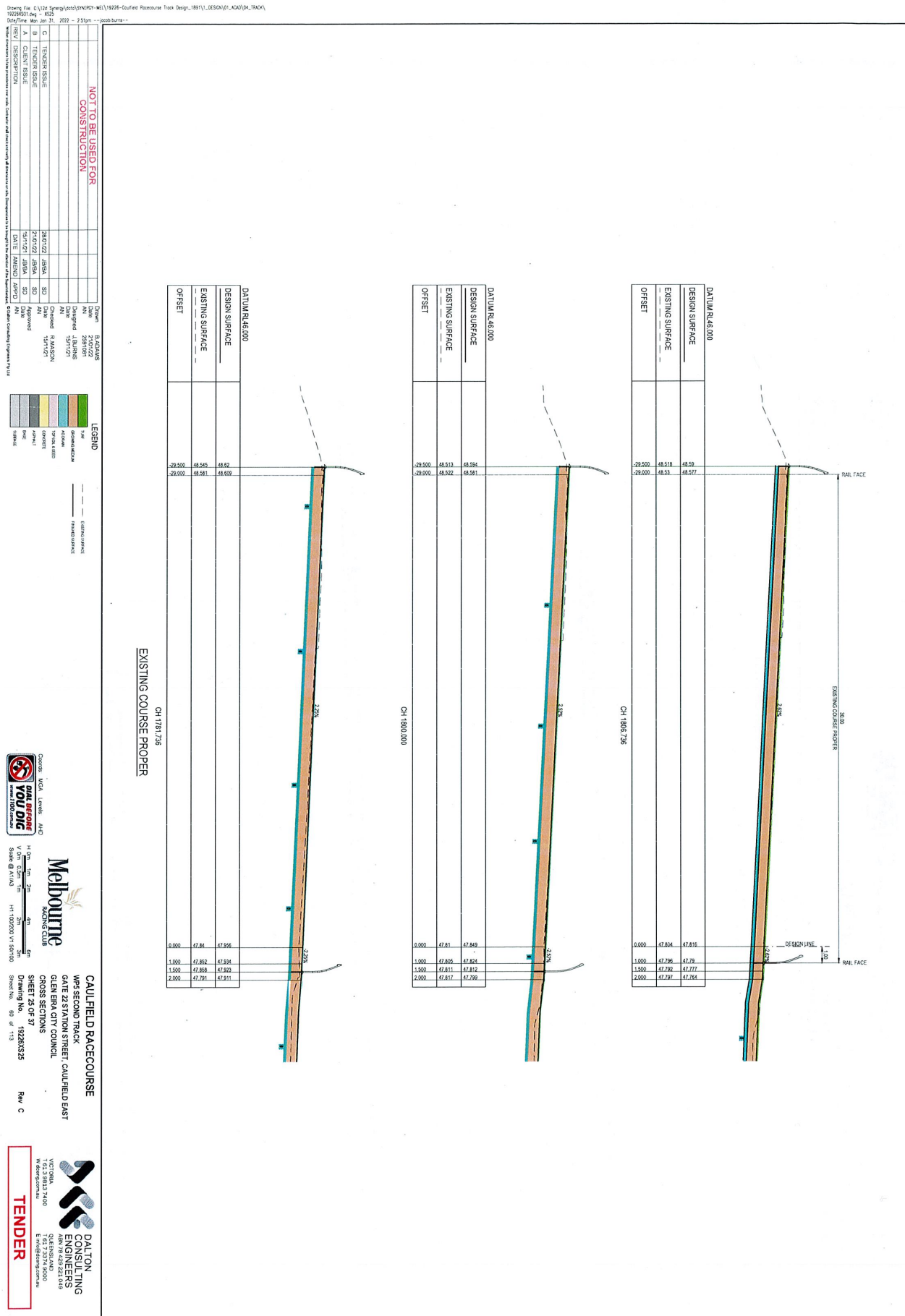














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Date/Time: Mon Jan 31, 2022 - 2:51pm --jacob burns--

[illegible][illegible]

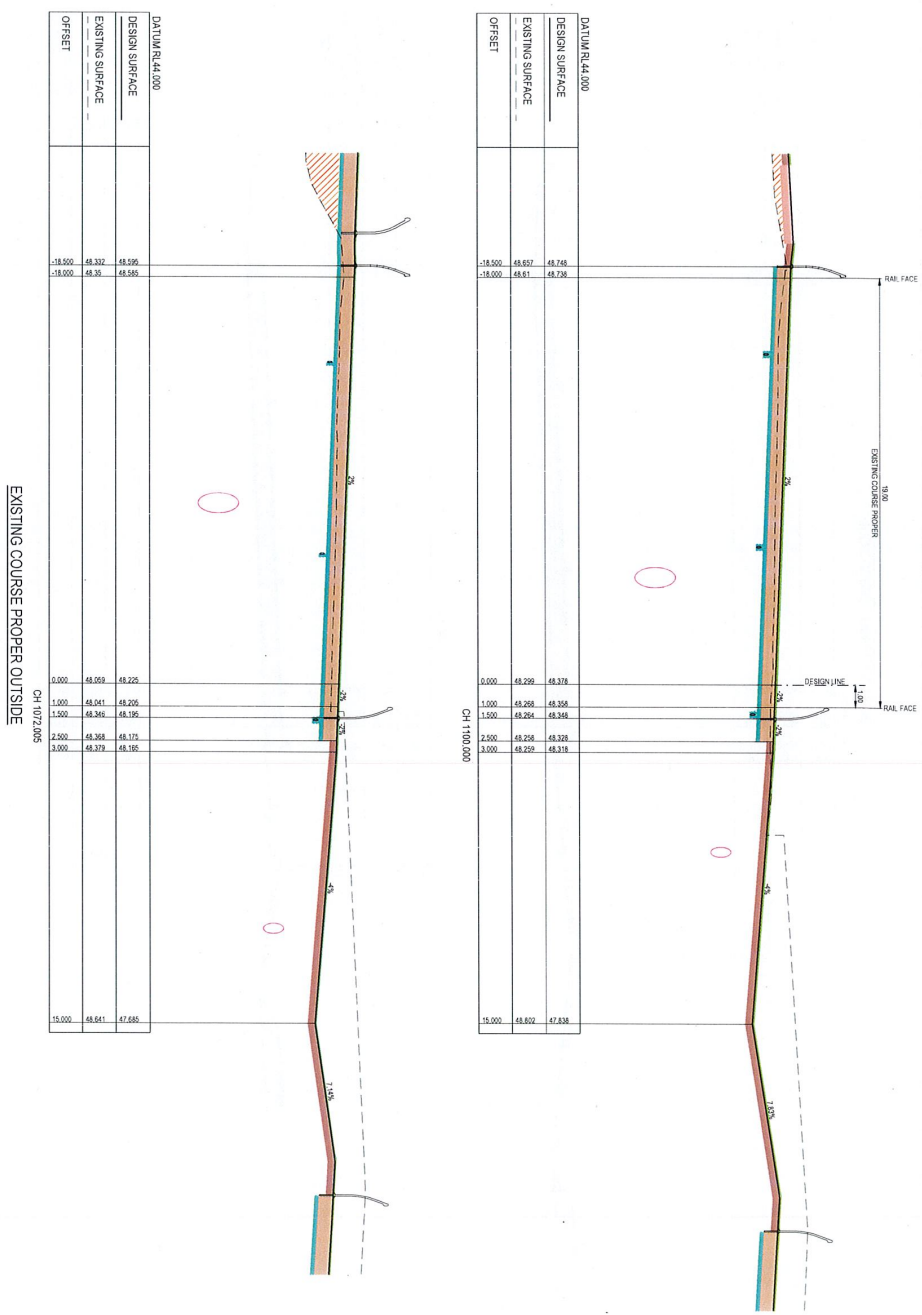
**Melbourne**  
RACING CLUB  
  
WPS SECOND TRACK  
GATE 24 STATION STREET CAULFIELD EAST  
GLEN ERA CITY COUNCIL  
CROSS SECTIONS  
SHEET 26 OF 37  
Drawing No. 1926RS26  
Sheet No. 61 of 113  
Rev C

**DALTON  
CONSULTING  
ENGINEERS**

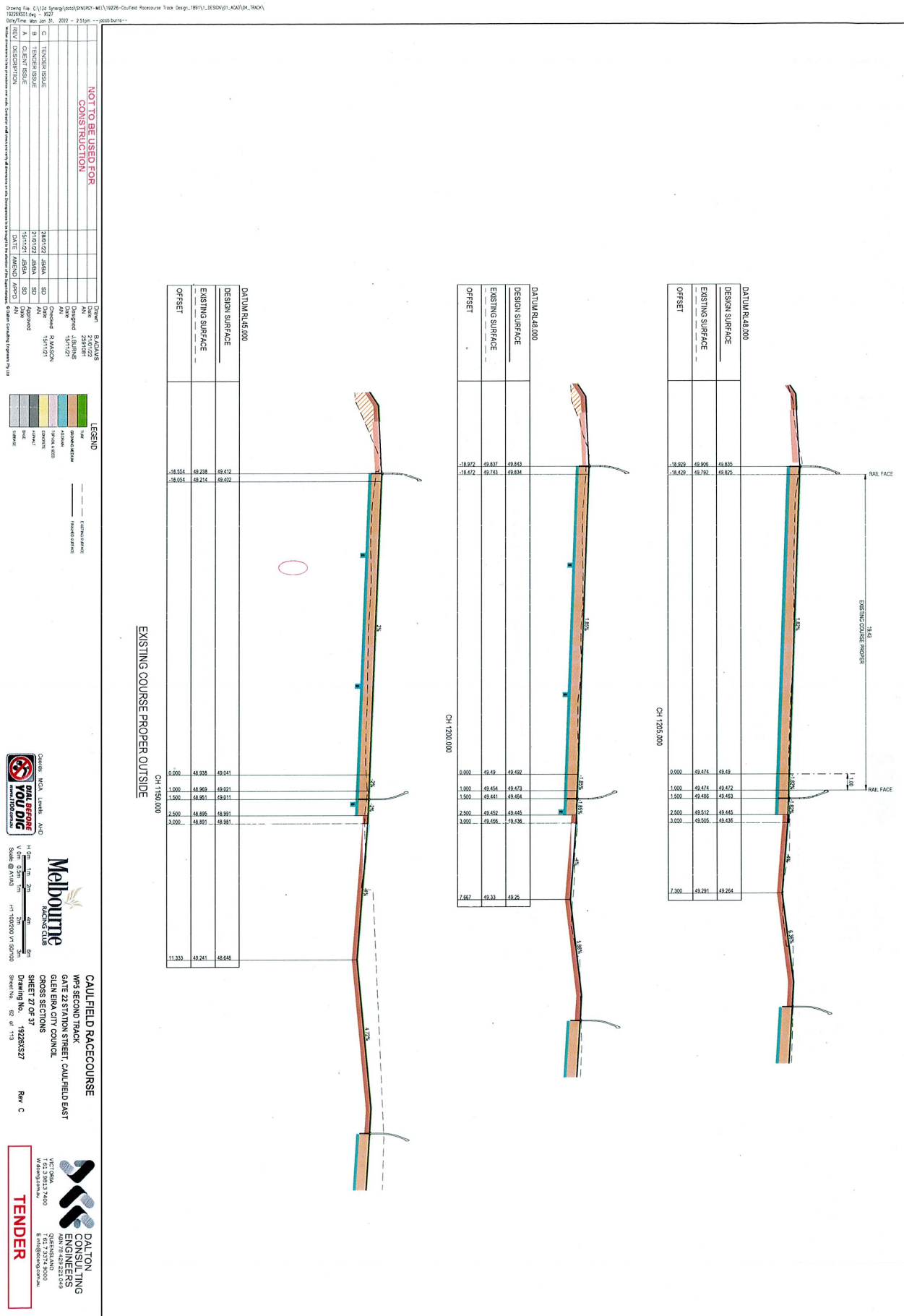
AIN 78 4219 221 049  
QUEENSLAND  
T 61 7 3374 9000  
E info@dceng.com.au

VICTORIA  
T 61 3 9813 7400  
W dceng.com.au

**TENDER**









Drawing File: C:\12d Synergy\data\SYNERGY-MEL\19226-Coulfield Racecourse Track Design\_1891\1\_DESIGN\01\_ACO\04\_TRACK\19226X501.dwg - X528  
Date/Time: Mon Jan 31, 2022 - 2:51pm -- jacob burns --

[illegible]

**LEGEND**

| Category           | 10-year | 100-year |
|--------------------|---------|----------|
| 100-year           | 100%    | 100%     |
| 10-year            | 0%      | 100%     |
| MODERN             | 100%    | 100%     |
| 10-year & 100-year | 100%    | 100%     |
| CONCRETE           | 100%    | 100%     |
| ADHOC              | 100%    | 100%     |
| BASE               | 100%    | 100%     |
| STANDARD           | 100%    | 100%     |



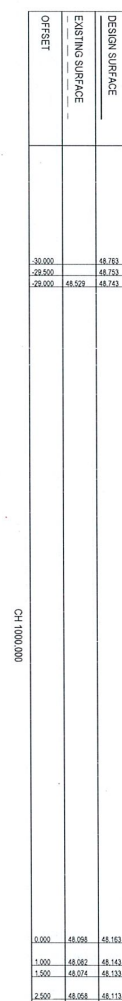
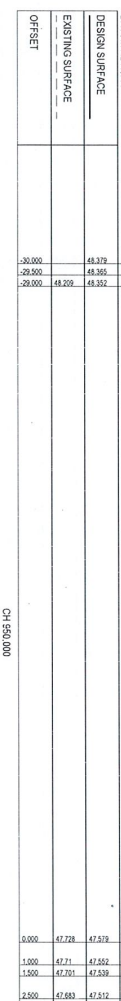
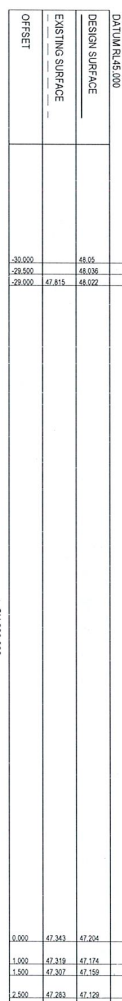
**RACING CLUB**

H 0m 1m 2m 4m 6m  
V 0m 0.5m 1m 2m 3m  
Scale @ A1/A3 H+1 100/200 V+1 50/100

CROSS SECTIONS  
SHEET 28 OF 37  
Drawing No. 19226XS28  
Sheet No. 63 of 113

Rev C

**TENDER**





Drawing File: C:\126 Synergy\data\SYNERGY-ME1\19226-Coufield Racecourse Track Design\_1891\1\_DESIGN\01\_ACAU\04\_TRACK\19226XS01.dwg - XS29  
Date/Time: Mon Jan 31, 2022 - 2:51pm --jacob burns--

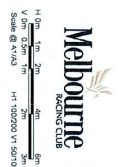
| NOT TO BE USED FOR CONSTRUCTION  |              |          |          |
|--|--------------|----------|----------|
| REV  | DESCRIPTION  | DATE     | APPROVED |
| C  | TENDER ISSUE | 26/01/22 | JBBA SO  |
| B  | TENDER ISSUE | 21/01/22 | JBBA SO  |
| A  | CLIENT ISSUE | 15/11/21 | JBBA SO  |
| REV# DESCRIPTION DATE DATE AND TIME OF APPROVAL BY THE SUBMITTER BY THE DATE OF THE SUBMISSION |              |          |          |

|          |          |
|----------|----------|
| Drawn    | BADAMS   |
| Date     | 21/01/22 |
| AN       | 2591061  |
| Designed | J.BURNS  |
| Date     | 15/11/21 |
| AN       |          |
| Checked  | R.MASON  |
| Date     | 15/11/21 |
| AN       |          |
| Approved |          |
| Date     |          |
| AN       |          |

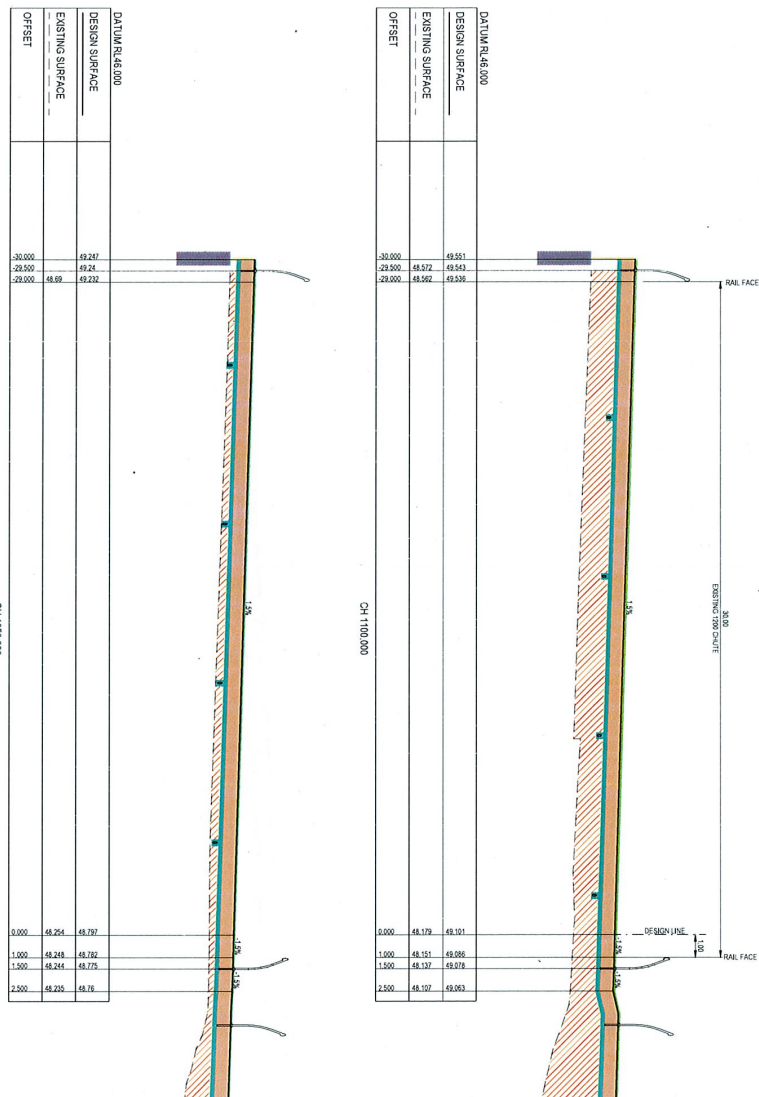
**LEGEND**

|          |
|----------|
| Turf     |
| Grass    |
| Asphalt  |
| Concrete |
| Gravel   |
| Soil     |
| Water    |

— — — — — E-027 NO. 9 88 K2  
— — — — — F-004 CD 9 88 K2



CAULFIELD RACECOURSE  
WP5 SECOND TRACK  
GATE 22 STATION STREET, CAULFIELD EAST  
GLEN EIRA CITY COUNCIL  
CROSS SECTIONS  
SHEET 29 OF 37  
Drawing No. 19226XS29  
Rev C  
Sheet No. 64 of 113





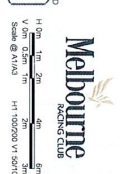
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 User: jason@dalton-engineers.com.au  
 Project: 15028 - Caulfield Racecourse Track Design

NOT TO BE USED FOR CONSTRUCTION

| REV | DESCRIPTION  | DATE     | DESIGNED BY | CHECKED BY | DATE     |
|-----|--------------|----------|-------------|------------|----------|
| A   | CLIENT ISSUE | 15/10/21 | JASON       | SD         | 15/10/21 |
| B   | CLIENT ISSUE | 27/07/22 | JASON       | SD         | 27/07/22 |
| C   | TENDER ISSUE | 27/07/22 | JASON       | SD         | 27/07/22 |

| STATION | DATE     | DESIGNED BY | CHECKED BY | DATE     |
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| 0+100   | 15/10/21 | JASON       | SD         | 15/10/21 |
| 0+200   | 15/10/21 | JASON       | SD         | 15/10/21 |
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| 2+000   | 15/10/21 | JASON       | SD         | 15/10/21 |

| LEGEND               |
|----------------------|
| EXISTING SURFACE     |
| DESIGN SURFACE       |
| RAIL FACE            |
| PEDESTAL USE         |
| EXISTING 1:200 CHUTE |
| EXISTING 1:200 CHUTE |



CAULFIELD RACECOURSE  
 W/2 SECOND TRACK  
 GATE 23 STATION STREET, CAULFIELD EAST  
 GLEN EIRA CITY COUNCIL  
 CROSS SECTIONS  
 SHEET 30 OF 31 4226X330  
 SHEET NO. 30 OF 31  
 Rev C

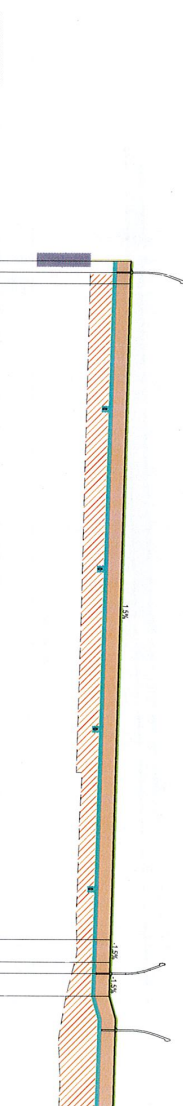


DALTON ENGINEERS  
 1/100 DUNSTON STREET  
 GLEN EIRA VIC 3145  
 E: info@dalton-engineers.com.au  
 T: 03 9222 1040  
 W: www.dalton-engineers.com.au

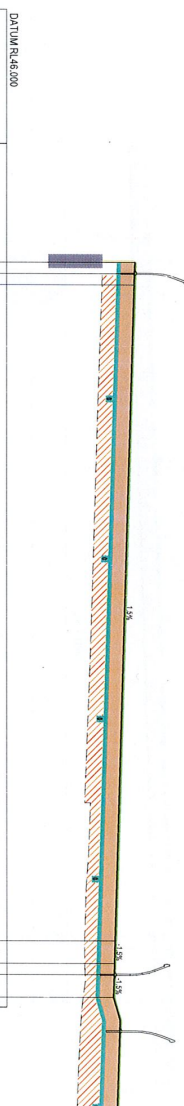
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EXISTING 1:200 CHUTE

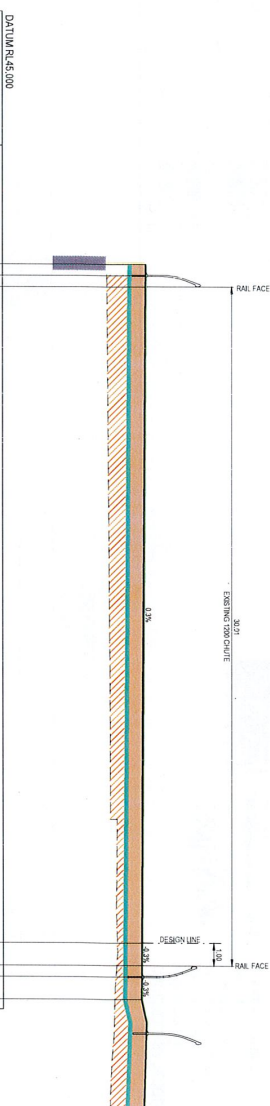
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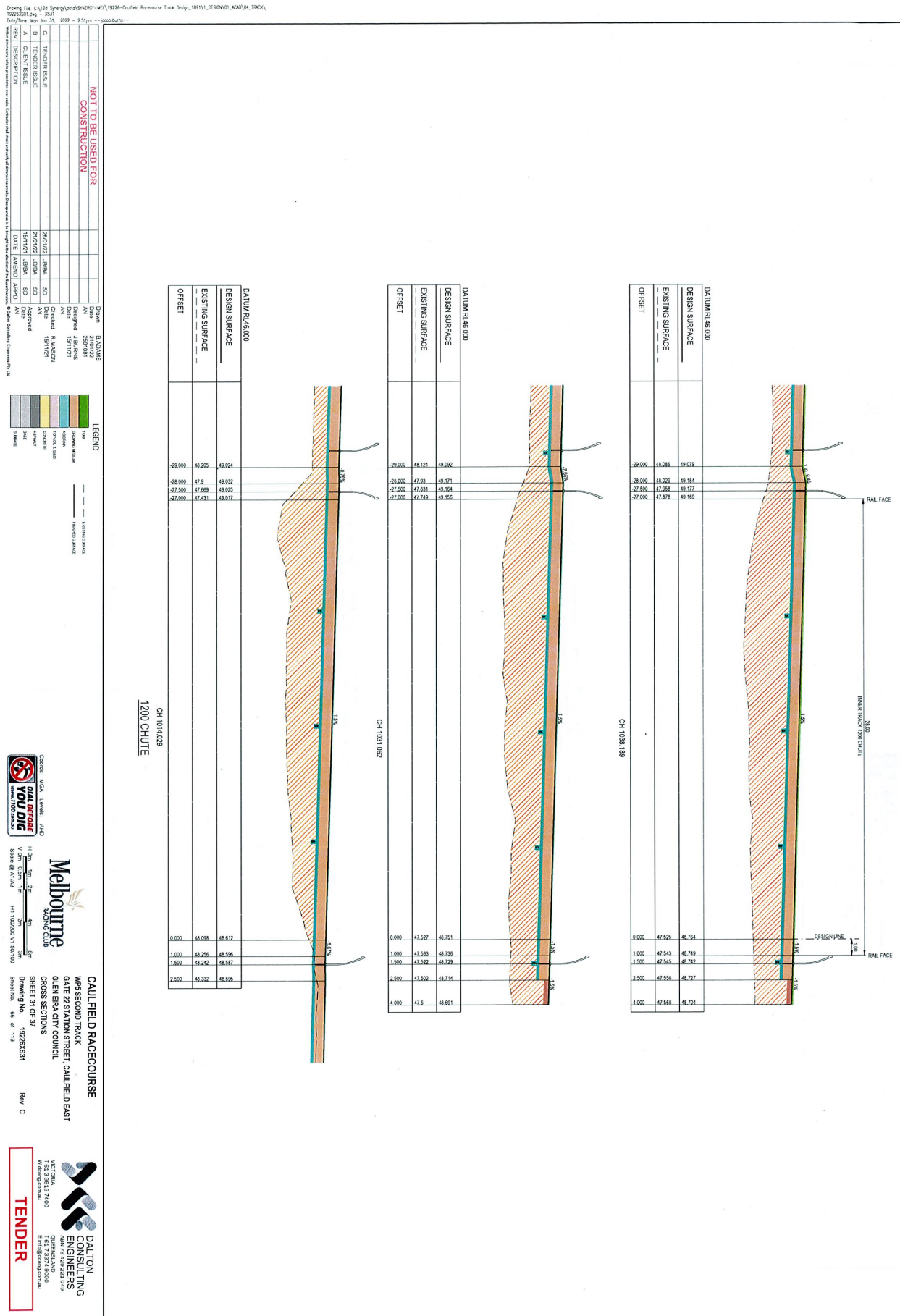
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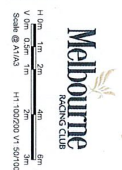




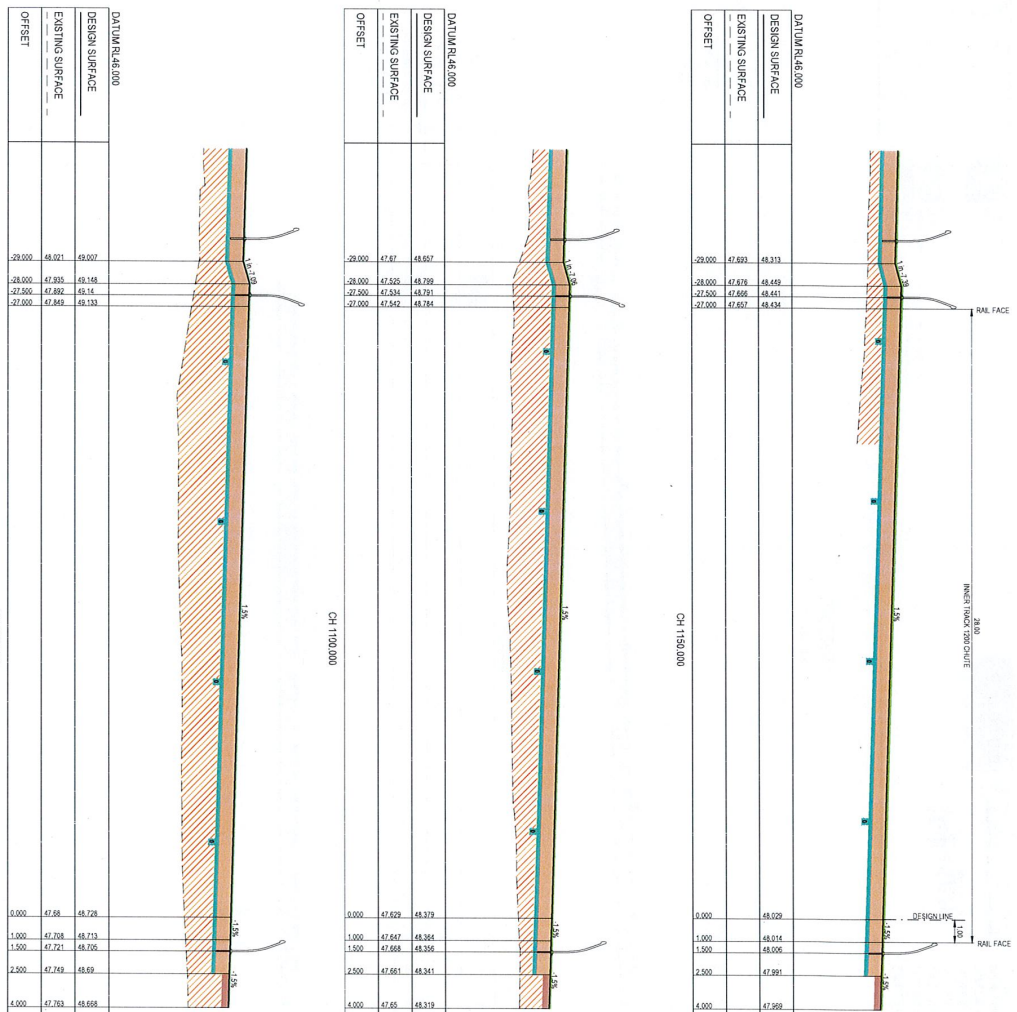
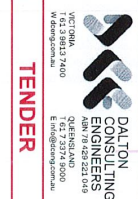




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**CAULFIELD RACECOURSE**  
**WP5 SECOND TRACK**  
**GATE 22 STATION STREET, CAULFIELD EAST**  
**GLEN EIRA CITY COUNCIL**  
**CROSS SECTIONS**  
**SHEET 32 OF 37**  
**Drawing No. 19226XS32**  
 Sheet No. 57 of 113  
 Rev C





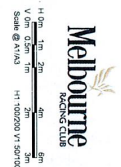
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 Design: J. BURNS  
 Checked: R. MASON  
 Date: 15/07/21  
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 Date: 15/07/21

NOT TO BE USED FOR CONSTRUCTION

| REV | DESCRIPTION  | DATE     | BY | CHKD |
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| 3   | CLIENT ISSUE | 15/07/21 | AD | AD   |

LEGEND

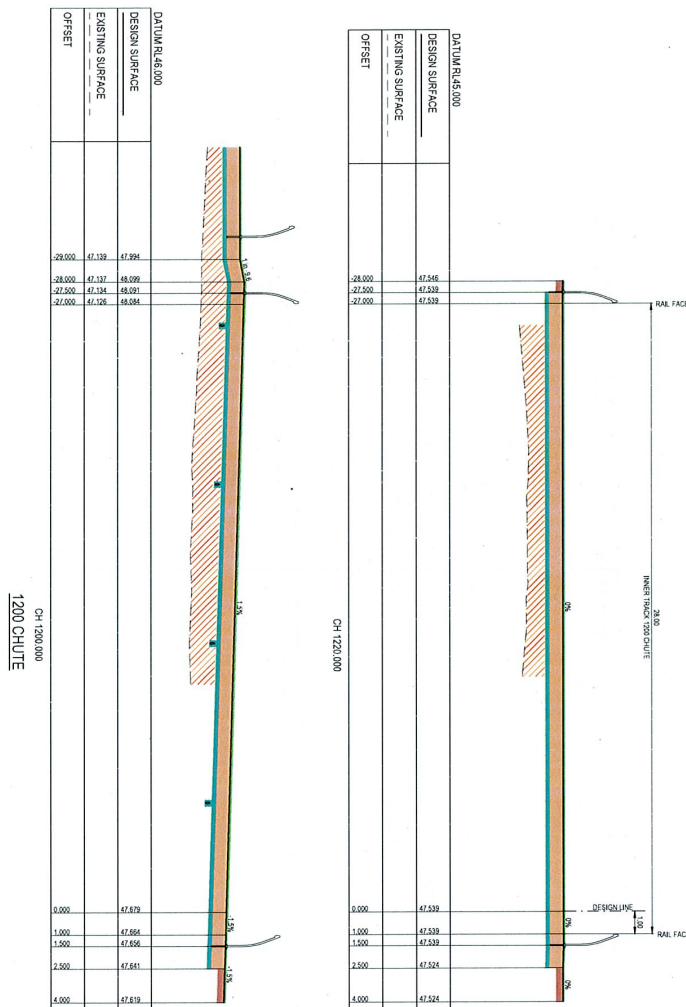
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| DESIGN SURFACE   | ---    |
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| INVERT TRACK     | ---    |
| CHUTE            | ---    |
| RAIL FACE        | ---    |



CAULFIELD RACECOURSE  
 WVS SECOND TRACK  
 GATE 22 STATION STREET CAULFIELD EAST  
 GLEN EIRA CITY COUNCIL  
 CROSS SECTIONS  
 SHEET 31 OF 37 4328X533  
 DRAWING NO. 31 OF 37  
 Rev C



TENDER







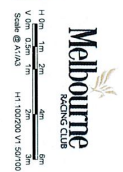


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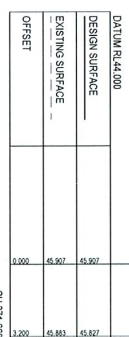
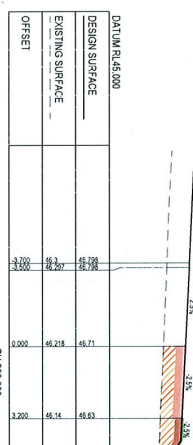
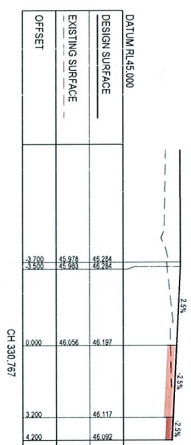
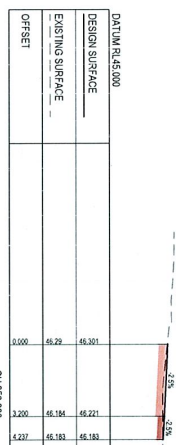
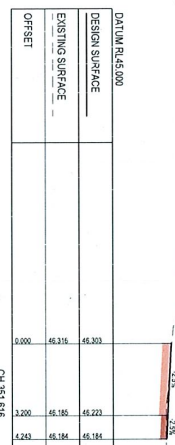
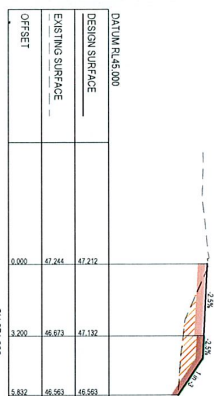
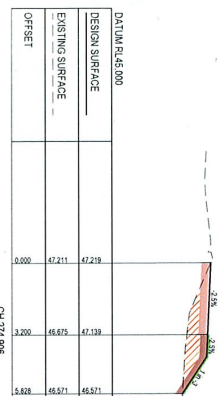
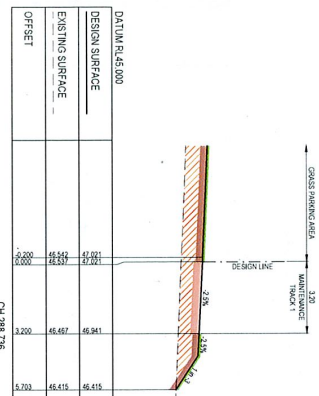
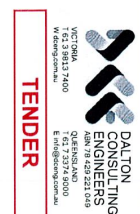
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**LEGEND**

|                 |        |
|-----------------|--------|
| FLY             | GREEN  |
| GROWING MEDIA   | BROWN  |
| ADULT           | TEAL   |
| TOP SOIL & SEED | PINK   |
| CONCRETE        | YELLOW |
| ASPHALT         | GRAY   |
| BASE            | WHITE  |
| STORAGE         | WHITE  |



**CAULFIELD RACECOURSE**  
WP5 SECOND TRACK  
GATE 22 STATION STREET, CAULFIELD EAST  
GLEN EIRA CITY COUNCIL  
CROSS SECTIONS  
SHEET 35 OF 37  
Drawing No. 19226XS35 Rev C  
Sheet No. 70 of 113

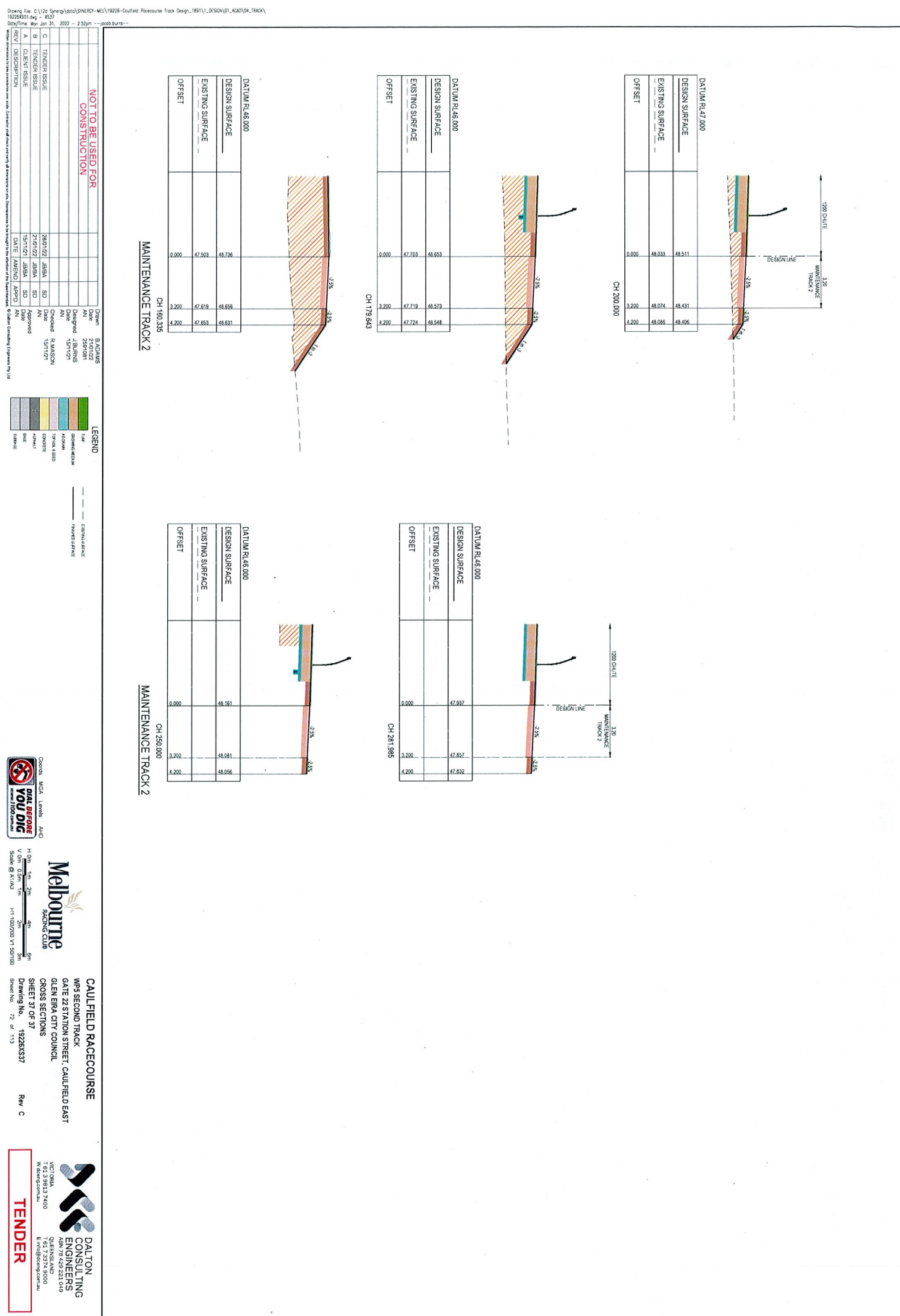




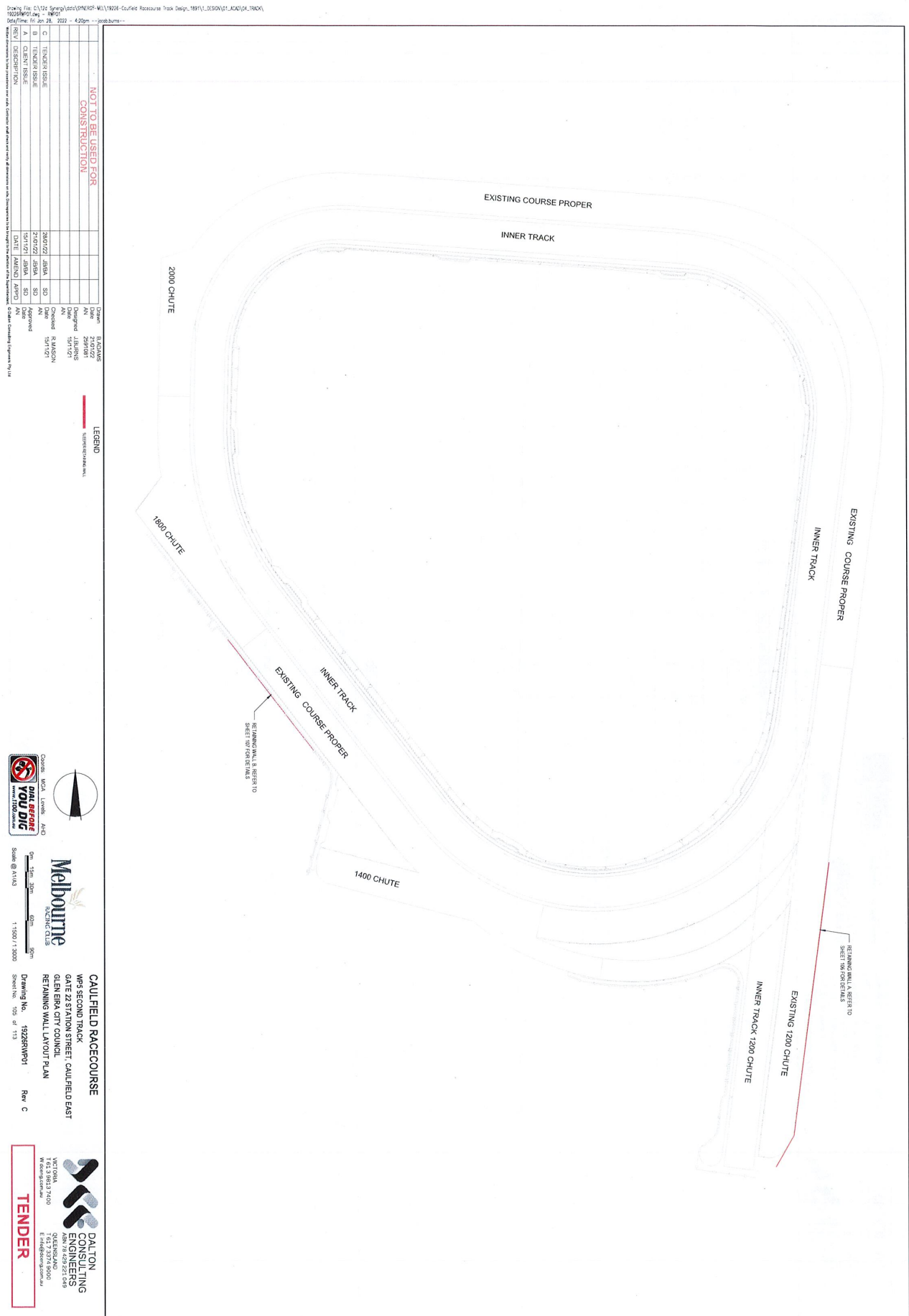
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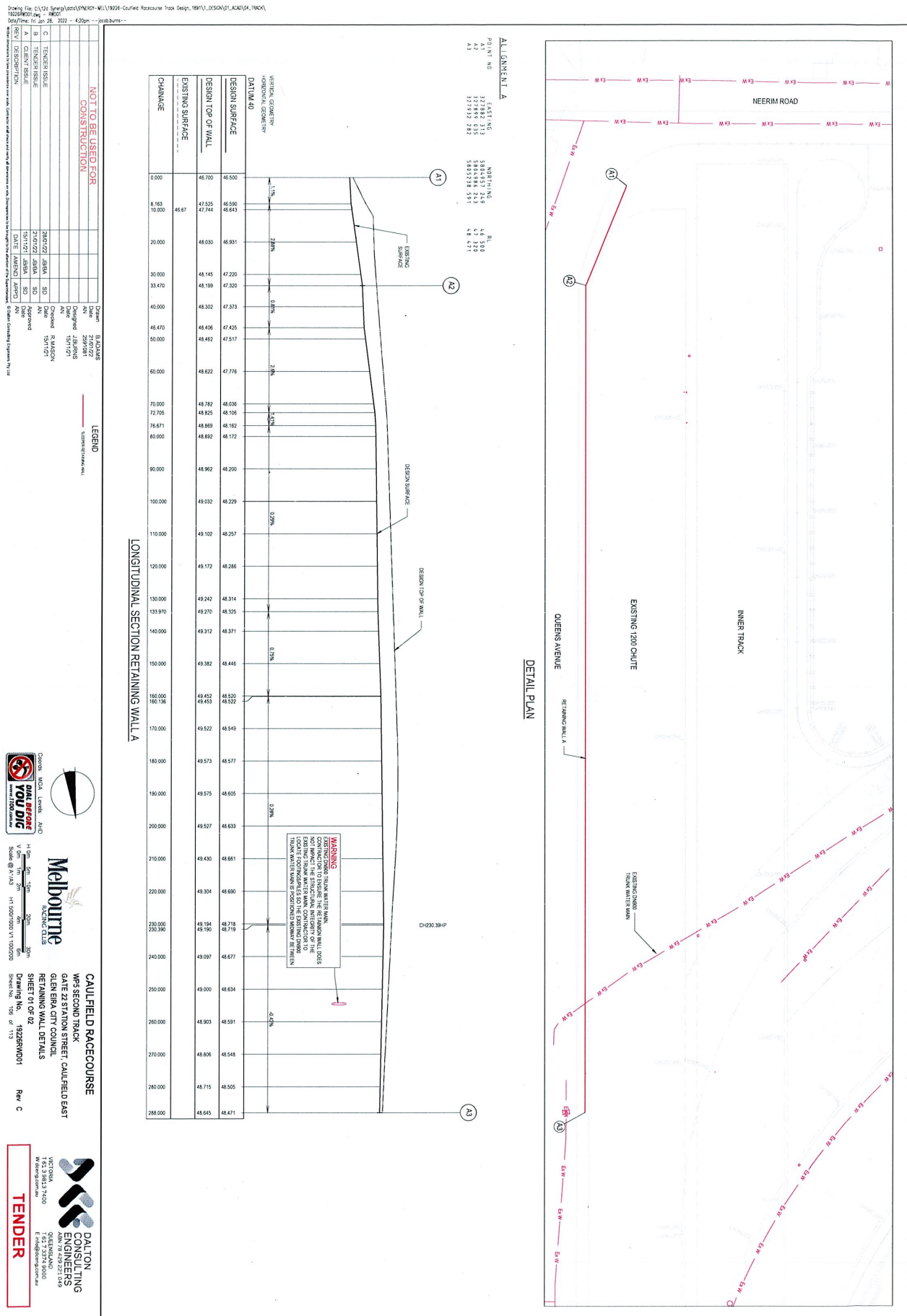












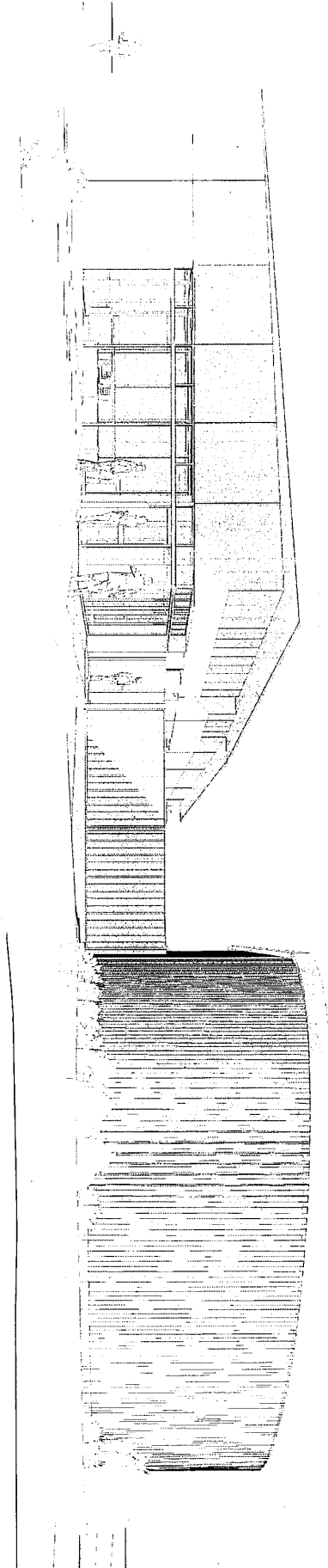






**PROPOSED DEVELOPMENT AT  
CAULFIELD RACECOURSE MAINTENANCE SHEDS  
& FACILITIES MANAGEMENT  
MELBOURNE, VIC**

**TOWN PLANNING  
ARCHITECTURE**



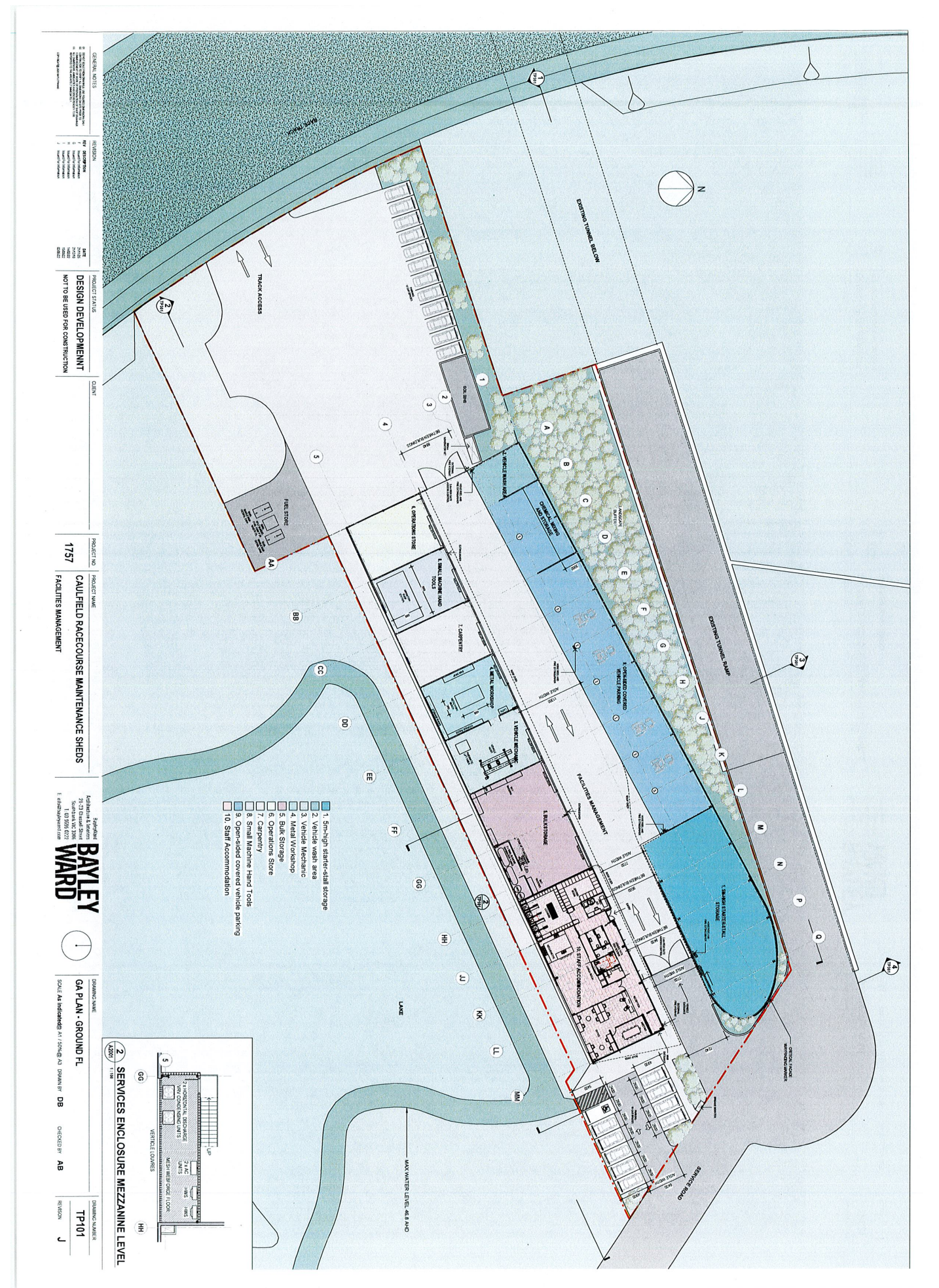
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| 17905 - SITE PLAN          | SITE PLAN          |
| 17910 - GENERAL ASSIGNMENT | GENERAL ASSIGNMENT |
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| GENERAL NOTES<br>1. SEE CIVIL ENGINEERING DRAWING FOR ALL DIMENSIONS.<br>2. EXISTING CONDITIONS TO BE MAINTAINED UNLESS OTHERWISE NOTED.<br>3. ALL MATERIALS TO BE USED SHALL BE OF THE BEST QUALITY AVAILABLE.<br>4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AIAA CODES AND STANDARDS.<br>5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AIAA CODES AND STANDARDS.<br>6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AIAA CODES AND STANDARDS.<br>7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AIAA CODES AND STANDARDS. | REVISION<br>1. SEE REVISIONS<br>2. SEE REVISIONS<br>3. SEE REVISIONS<br>4. SEE REVISIONS<br>5. SEE REVISIONS<br>6. SEE REVISIONS<br>7. SEE REVISIONS<br>8. SEE REVISIONS<br>9. SEE REVISIONS<br>10. SEE REVISIONS<br>11. SEE REVISIONS<br>12. SEE REVISIONS<br>13. SEE REVISIONS<br>14. SEE REVISIONS<br>15. SEE REVISIONS<br>16. SEE REVISIONS<br>17. SEE REVISIONS<br>18. SEE REVISIONS<br>19. SEE REVISIONS<br>20. SEE REVISIONS<br>21. SEE REVISIONS<br>22. SEE REVISIONS<br>23. SEE REVISIONS<br>24. SEE REVISIONS<br>25. SEE REVISIONS<br>26. SEE REVISIONS<br>27. SEE REVISIONS<br>28. SEE REVISIONS<br>29. SEE REVISIONS<br>30. SEE REVISIONS<br>31. SEE REVISIONS<br>32. SEE REVISIONS<br>33. SEE REVISIONS<br>34. SEE REVISIONS<br>35. SEE REVISIONS<br>36. SEE REVISIONS<br>37. SEE REVISIONS<br>38. SEE REVISIONS<br>39. SEE REVISIONS<br>40. SEE REVISIONS<br>41. SEE REVISIONS<br>42. SEE REVISIONS<br>43. SEE REVISIONS<br>44. SEE REVISIONS<br>45. SEE REVISIONS<br>46. SEE REVISIONS<br>47. SEE REVISIONS<br>48. SEE REVISIONS<br>49. SEE REVISIONS<br>50. SEE REVISIONS<br>51. SEE REVISIONS<br>52. SEE REVISIONS<br>53. SEE REVISIONS<br>54. SEE REVISIONS<br>55. SEE REVISIONS<br>56. SEE REVISIONS<br>57. SEE REVISIONS<br>58. SEE REVISIONS<br>59. SEE REVISIONS<br>60. SEE REVISIONS<br>61. SEE REVISIONS<br>62. SEE REVISIONS<br>63. SEE REVISIONS<br>64. SEE REVISIONS<br>65. SEE REVISIONS<br>66. SEE REVISIONS<br>67. SEE REVISIONS<br>68. SEE REVISIONS<br>69. SEE REVISIONS<br>70. SEE REVISIONS<br>71. SEE REVISIONS<br>72. SEE REVISIONS<br>73. SEE REVISIONS<br>74. SEE REVISIONS<br>75. SEE REVISIONS<br>76. SEE REVISIONS<br>77. SEE REVISIONS<br>78. SEE REVISIONS<br>79. SEE REVISIONS<br>80. SEE REVISIONS<br>81. SEE REVISIONS<br>82. SEE REVISIONS<br>83. SEE REVISIONS<br>84. SEE REVISIONS<br>85. SEE REVISIONS<br>86. SEE REVISIONS<br>87. SEE REVISIONS<br>88. SEE REVISIONS<br>89. SEE REVISIONS<br>90. SEE REVISIONS<br>91. SEE REVISIONS<br>92. SEE REVISIONS<br>93. SEE REVISIONS<br>94. SEE REVISIONS<br>95. SEE REVISIONS<br>96. SEE REVISIONS<br>97. SEE REVISIONS<br>98. SEE REVISIONS<br>99. SEE REVISIONS<br>100. SEE REVISIONS | PROJECT STATUS<br>PROJECT NO. 1757<br>PROJECT NAME: CALIFIELD RACECOURSE MAINTENANCE SHEDS<br>FACILITIES MANAGEMENT<br>DRAWING NAME: COVER PAGE<br>DRAWING NUMBER: TP001<br>REVISION: C | CLIENT<br>PROJECT NO. 1757<br>PROJECT NAME: CALIFIELD RACECOURSE MAINTENANCE SHEDS<br>FACILITIES MANAGEMENT<br>DRAWING NAME: COVER PAGE<br>DRAWING NUMBER: TP001<br>REVISION: C |
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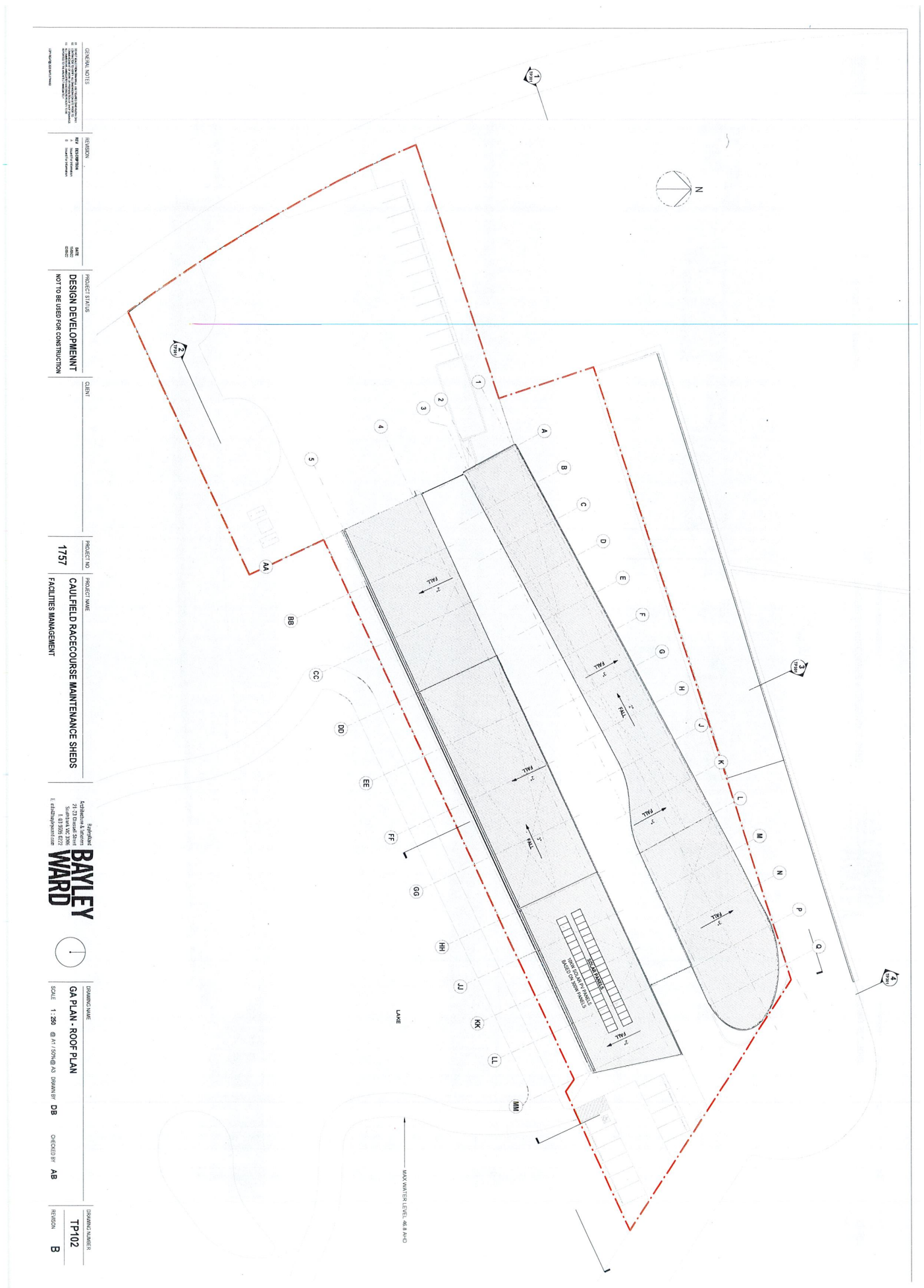




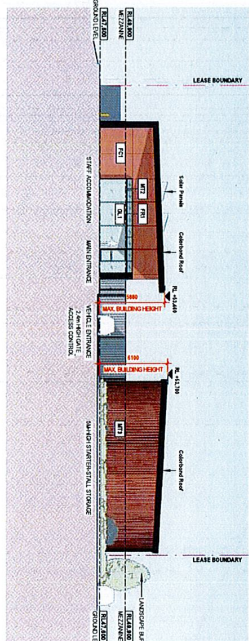
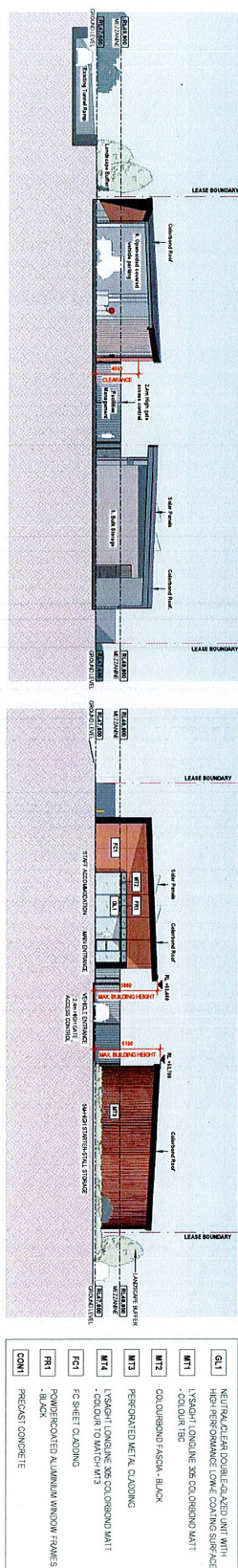
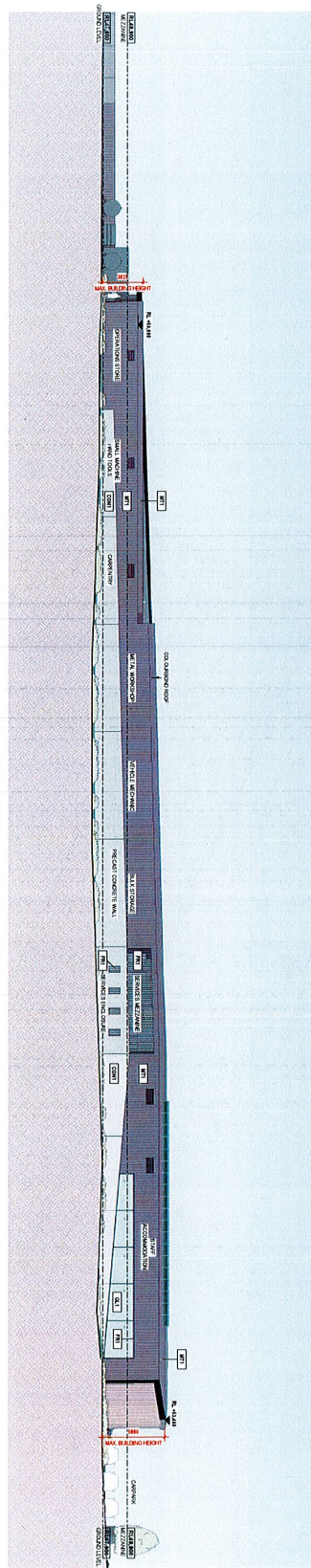
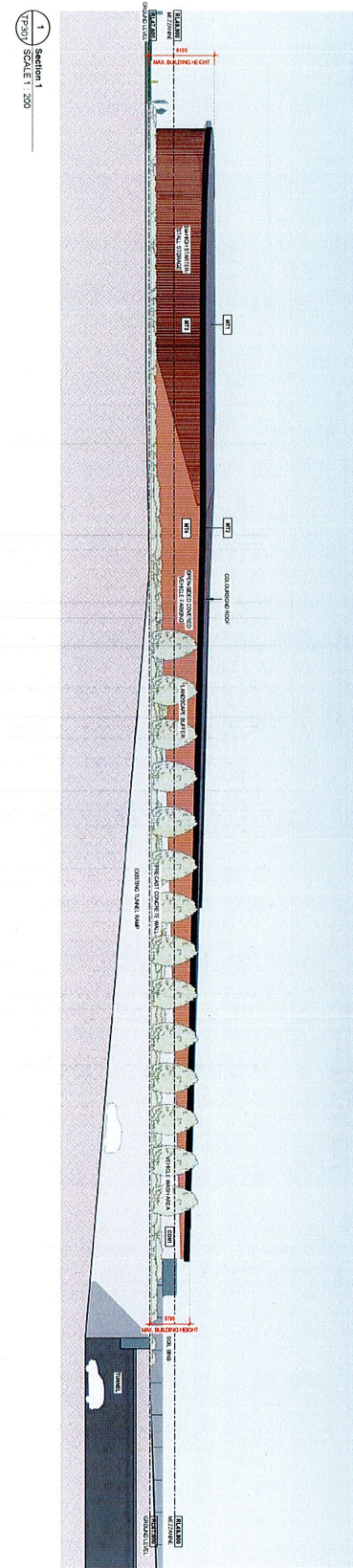












## EXTERNAL FINISHES LEGEND

|      |  |
|------|--|
| GL1  | NEUTRAL COLOUR POLYURETHANE PAINT WITH HIGH PERFORMANCE LOWE CONTING SURFACE |
| WT1  | LYSIGHT LONGLINE 365 COLOURBOND MATT COLOUR TBC                              |
| WT2  | COLOURBOND PASTA - BLACK   |
| WT3  | PERFORATED METAL CLADDING  |
| WT4  | LYSIGHT LONGLINE 365 COLOURBOND MATT COLOUR TO MATCH WT3                     |
| FC1  | PC SHEET CLADDING  |
| FR1  | POWDERCOATED ALUMINIUM WINDOW FRAMES - BLACK                                 |
| CON1 | PRECAST CONCRETE   |

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE N.Z. BUILDING CODE.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE N.Z. BUILDING CODE.
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REVISION

| NO. | DESCRIPTION            | DATE       |
|-----|------------------------|------------|
| 1   | Issue for Construction | 20/06/2022 |
| 2   | Issue for Construction | 20/06/2022 |
| 3   | Issue for Construction | 20/06/2022 |

PROJECT STATUS

DESIGN DEVELOPMENT  
NOT TO BE USED FOR CONSTRUCTION

CLIENT

PROJECT NO.

1757

PROJECT NAME

CAULFIELD RACECOURSE MAINTENANCE SHEDS  
FACILITIES MANAGEMENT

Prepared by  
BAYLEY  
WARD

DRAWING NAME

BUILDING SECTIONS

SCALE AS INDICATED AT 50MM=1M 2D 30MM=1M DB

CHECKED BY AB

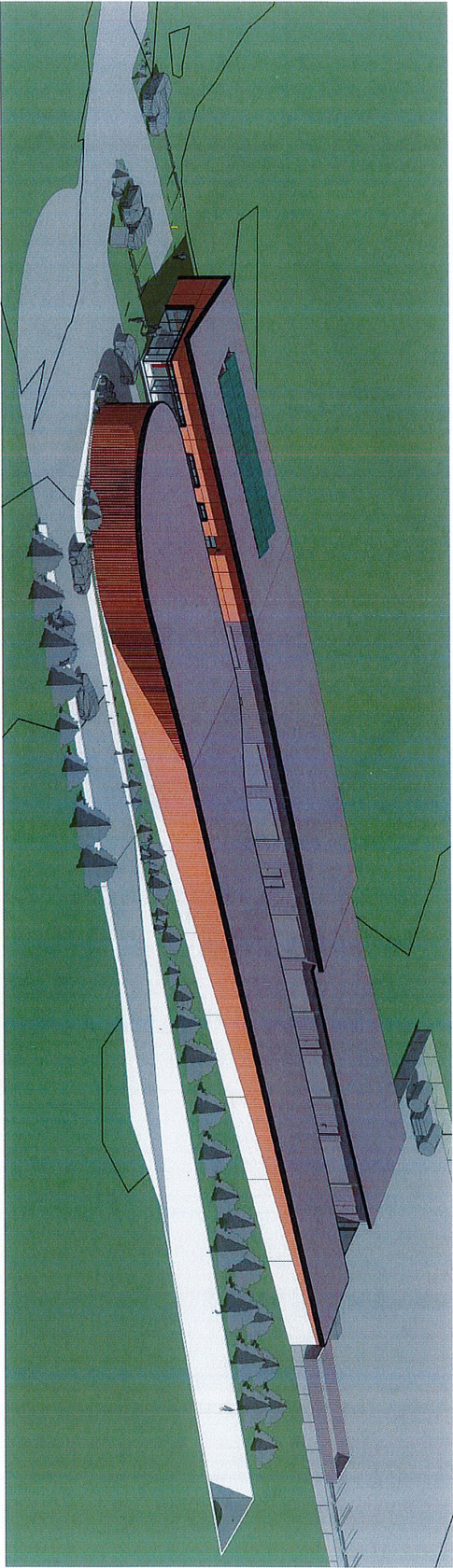
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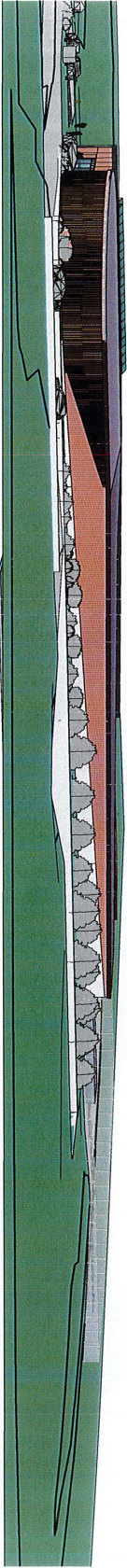
REVISION

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1 ARIAL VIEW TOWN PLANNING



2 TV VIEW SIGHTLINES

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| GENERAL NOTES   |  | REVISION   |  | PROJECT STATUS                  |  | CLIENT                                 |  | PROJECT NO. |  | PROJECT NAME          |  | DRAWING NAME        |  | DRAWING NUMBER |  |
| 1. THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.       |  | 1. REVISED |  | DESIGN DEVELOPMENT              |  | CAULFIELD RACECOURSE MAINTENANCE SHEDS |  | 1737        |  | FACILITIES MANAGEMENT |  | 3D VIEWS - SHEET 01 |  | TP901          |  |
| 2. THE CLIENT HAS APPROVED THE PRELIMINARY DESIGN AND HAS AGREED TO FUND THE PROJECT. |  | 2. REVISED |  | NOT TO BE USED FOR CONSTRUCTION |  | BAYLEY WARD                            |  | 1737        |  | FACILITIES MANAGEMENT |  | SCALE               |  | C              |  |
| 3. THE CLIENT HAS APPROVED THE PRELIMINARY DESIGN AND HAS AGREED TO FUND THE PROJECT. |  | 3. REVISED |  | NOT TO BE USED FOR CONSTRUCTION |  | BAYLEY WARD                            |  | 1737        |  | FACILITIES MANAGEMENT |  | SCALE               |  | C              |  |
| 4. THE CLIENT HAS APPROVED THE PRELIMINARY DESIGN AND HAS AGREED TO FUND THE PROJECT. |  | 4. REVISED |  | NOT TO BE USED FOR CONSTRUCTION |  | BAYLEY WARD                            |  | 1737        |  | FACILITIES MANAGEMENT |  | SCALE               |  | C              |  |
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#### 8.4 ELEVATING ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT TARGETS PLANNING SCHEME AMENDMENT C244

**Author:** Joshua Robb, Strategic Planner

**Trim No:** 22/1101079

**Attachments:** 1. Draft Elevated ESD Particular Provision [↓](#)  
2. Letter to Ministers - Elevating ESD Targets Project [↓](#)

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#### EXECUTIVE SUMMARY

Amendment C244glen proposes the introduction of a new *particular provision* requiring Environmentally Sustainable Development (ESD) targets for new development.

This is a two-part project coordinated by CASBE (the Council Alliance for a Sustainable Built Environment). Thirty-one councils, including Glen Eira, signed up to Stage 1 which involved the preparation of technical evidence to support the amendment, which is now complete.

Stage 2 involves pursuing the planning scheme amendment. This report seeks Council's formal consideration and to seek authorisation for a planning scheme amendment from the Minister for Planning. The participating Councils are individually seeking authorisation from the Minister for Planning, with each Council's amendment planned to be authorised, exhibited and approved concurrently.

#### RECOMMENDATION

That Council:

1. endorses the amendment documentation as outlined in Attachment 1 to the report;
2. authorises the Director Planning, Place and Sustainability to sign the Memorandum of Understanding to enter into Stage 2 of the Elevating ESD Targets Planning Policy Project;
3. seeks authorisation from the Minister for Planning to prepare Amendment C244glen to the Glen Eira Planning Scheme under sections 8A and 8B of the *Planning and Environment Act 1987*;
4. requests that the Minister for Planning establish an advisory committee to advise on the ESD project in accordance with Section 151 of the *Planning and Environment Act 1987*;
5. authorises the Manager City Futures to undertake all changes to the amendment documentation or to provide guidance to any advisory committee established by the Minister for Planning in accordance with Council's resolution and to make any administrative changes required where changes do not affect the purpose or intent of the adopted amendment; and
6. supports the letter to the Minister for Planning and Housing, Minister for Energy, Environment and Climate Change, and Minister for Local Government and Suburban Development, as shown in Attachment 2, which outlines the benefits to the community of introducing zero-carbon-focused and elevated ESD planning policy into the Planning Scheme, and how this Amendment should be adopted as part of the State Government's environmentally sustainable development planning reforms.



**BACKGROUND**

In May 2020, Council declared a climate emergency. In January 2021, in response to advocacy from multiple councils for greater action to address the climate emergency, the Department of Environment, Land, Water and Planning (DELWP) released the *'Environmentally Sustainable Development of Buildings and Subdivisions: A Roadmap for Victoria's Planning System'*. This roadmap is one of the State's actions being taken to increase renewable energy and reduce Victoria's carbon emissions.

CASBE has been advocating for improved ESD standards that go above those proposed in DELWP's ESD Roadmap and has worked with DELWP to successfully introduce a standard local ESD policy into multiple Victorian planning schemes. Glen Eira is proposing to introduce this local ESD policy through Amendment C220, the Planning Scheme update. This amendment has recently been through the planning panel process and Council is currently awaiting the Panel's recommendation.

In April 2021, under delegation, Council committed to the first stage of a two-stage Elevating ESD Targets planning project, led by CASBE. The project seeks to build on existing local ESD policies held by numerous Victorian Councils and deliver revised and elevated ESD targets for new development, including targets for zero carbon development. Glen Eira has been collaborating with CASBE, in partnership with a group of 31 Councils across Victoria on this project.

Stage 1 of the project has been completed. Consultants were engaged to independently review the draft ESD planning policy objectives and standards. Fifteen case studies were selected from the project Councils to inform the baseline and test the technical, development feasibility and economic implications of the elevated ESD standards. The reports were as follows:

- Technical ESD and Development Feasibility
- Planning Advice
- Economic Cost Benefit Analysis

These reports form the evidence base and strategic justification underpinning the collaborative planning scheme amendment (Stage 2 of the project). They support the introduction of a new Particular Provision into the Glen Eira Planning Scheme, as well as advocacy to the State Government.

*Particular provisions* are specific prerequisites or planning provisions for a range of particular uses and developments, such as advertising signs and car parking requirements. They apply consistently across the state and unless specified otherwise, apply in addition to the requirements of a planning zone or overlay. A common draft Particular Provision has been developed by the consultants (Attachment 1) which is proposed to be introduced into the planning scheme through the amendment process, with the participating Councils now confirming their intention to continue with the project and commence with Stage 2 (the amendment process).



## ISSUES AND DISCUSSION

The key environmental themes which will be addressed through the proposed amendment are as follows:

|   |                             |  |
|---|-----------------------------|--|
| 1 | Operational Energy          | Ensuring zero carbon emissions   |
| 2 | Embodied Carbon             | Reducing carbon emissions from building materials  |
| 3 | Sustainable Transport       | Increased bicycle parking provisions and electric vehicle infrastructure                                 |
| 4 | Integrated Water Management | Reduced potable water consumption, reduced flow and volume of stormwater and improved stormwater quality |
| 5 | Green Infrastructure        | Increased green cover and retention of existing biodiversity   |
| 6 | Climate Resilience          | Improved resilience of buildings and reduce urban heat   |
| 7 | Indoor Environment Quality  | Achieve safe and healthy indoor environments   |
| 8 | Waste and Resource Recovery | Deliver infrastructure for waste, recycling and organic waste  |

These themes are then to be addressed by a series of detailed objectives and standards. For each standard, the relevant objectives which the standard is intended to deliver will be identified, along with commentary as to how the standards would be assessed through the proposed process. A copy of the Particular Provision is included at Attachment 1.

Advocacy to the State Government from each participating Council will be required as the project aims to introduce requirements that will go above the requirements expected to be introduced state-wide through DELWP's previously announced ESD roadmap.

## CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

Participation in the Elevating ESD Targets Planning Project supports Goal 6 of *Our Climate Emergency Response Strategy 2021-25 | Dhumbali Wurrungi-biik Parbin-ata* to achieve 'Net zero community emissions by 2030'.

Under this goal, the *Strategy* includes a direct commitment to:

- 6.1.4 Strengthen Environmentally Sustainable Design requirements in the Glen Eira Planning Scheme through participating in the Elevating ESD Targets Planning Scheme Amendment.

## FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

Council has allocated budget to join the CASBE project to develop a zero-carbon planning policy and planning scheme amendment out of its operating budget. Costs will depend on the number of Councils joining Stage 2 of the project. The total number of participating Councils will be confirmed through the signing of a Memorandum of Understanding (MoU).

Undertaking the project collaboratively will offer significant financial savings by enabling shared costs associated with the amendment.

## POLICY AND LEGISLATIVE IMPLICATIONS

The evidence base within the technical reports from Stage 1 recommends that councils seek a single ESD Particular Provision. This was determined to be the most appropriate planning mechanism to implement the elevated ESD objectives and standards.

This recommendation differs from the State Government's proposed approach through their ESD roadmap, which recommends:



- Introducing new ESD objectives and standards for commercial and industrial development through a new Clause 53
- Introducing new and updated ESD objectives and standards for residential development through Clauses 54, 55, 56 and 58.

Based on the report findings, participating Councils are seeking to implement a new provision which does not currently exist within the suite of the Victoria Planning Provisions (VPP).

Legal advice was sought to determine whether the 31 participating Councils could seek to prepare and introduce a new Particular Provision into their planning schemes under section 8A(2) of the *Planning and Environment Act 1987* (the Act) without offending section 10(1) of the Act. The relevant sections are as follows:

- 8A(2) - A municipal council must not prepare an amendment to the State standard provisions or the local provisions of a planning scheme in force in its municipal district unless it has applied to the Minister under this section and the Minister has authorised it to do so.
- 10(1) - The power given to a planning authority to prepare an amendment to the State standard provisions of a planning scheme extends only to the inclusion of a provision in or deletion of a provision from the State standard provisions of the planning scheme.

The legal advice confirmed that councils can seek to prepare and insert a new Particular Provision into their planning scheme, provided councils have authorisation from the Minister to do so. The advice also suggested that if this is rejected by the Minister, participating Councils could ask the Minister to be the proponent of such an amendment.

A further opportunity would be to appoint an Advisory Committee under Part 7, Section 151 of the *Planning and Environment Act 1987* and refer consideration of a draft amendment seeking to introduce a new particular provision to the Advisory Committee.

## **COMMUNICATION AND ENGAGEMENT**

A formal exhibition period will be undertaken as required by the amendment process which gives interested parties an opportunity to make a submission.

## **LINK TO COUNCIL PLAN**

Strategic Direction 4: A green and sustainable community

*Our actions and priorities aim to protect our community from the worst impacts of climate change*

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

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

## **CONCLUSION**

The statutory controls resulting from Stage 1 of the Elevating ESD Targets Planning Policy Project are presented to Council and form the basis of a collaborative planning scheme amendment in conjunction with CASBE and 31 other Victorian Councils.

Officers are recommending that Council seeks authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment for these controls and requests the Minister for Planning establish an advisory committee to advise on the ESD project.



## XX PLANNING SCHEME

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**53.XX ELEVATED ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT****Purpose**

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To ensure that new buildings and significant alterations and additions are planned and designed in a manner which incorporate environmentally sustainable development (ESD) principles, mitigates and adapts to climate change, protects the natural environment, reduces resource consumption and supports the health and wellbeing of future occupants.

**53.xx-1 Application**

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This clause applies to an application under a provision of a zone to construct a building, or construct or carry out works, other than the following applications:

- An application under a provision of the Farming Zone, Green Wedge Zone, Green Wedge A Zone, Low Density Residential Zone, Public Conservation and Resource Zone, Transport Zone 2, Transport Zone 3, Rural Activity Zone, Rural Conservation Zone, Rural Living Zone or Urban Floodway Zone.
- A VicSmart application.
- An application to construct or carry out works associated with one dwelling on a lot.
- An application for development associated with the use of land for agriculture or earth and energy resources industry.
- An application to alter, extend or make structural changes to an existing building provided the gross floor area of the building is not increased by more than 1000 square metres.
- An application to construct a building with a gross floor area not exceeding 50 square metres.
- An application to construct or carry out works with an area not exceeding 50 square metres.
- An application lodged before the approval date of Amendment **XX**.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment **XX**.

For the purpose of this provision:

**Other non-residential uses** includes development associated with the following uses:

- Education Centre
- Leisure & Recreation
- Place of Assembly
- Hospital

**Net zero carbon emissions** means the amount of carbon emissions associated with the building's operational energy on an annual basis is zero or negative.

**Operational energy use** means any energy required to facilitate the day-to-day operations of the development.

**Residual operational energy** means any additional energy required by the development to operate which remains after accounting for energy efficiency and onsite renewable energy infrastructure.

**Green Infrastructure** means planned elements of building and landscape design that are designed and managed to deliver a wide range of ecosystem services, generally in the form of vegetation.



## XX PLANNING SCHEME

**EV enabled** means development that has been constructed to include the enabling infrastructure for EV charging facilities through the installation of end point charging infrastructure to be provided at a future point in time.

**Equivalent standard development** means a development which shares similar characteristics to the proposed development but has only undertaken the minimum steps to meet any applicable targets or requirements of relevant regulatory controls.

**53.xx-2 Operation**

--/20--

The provisions of this clause contain:

- **Objectives.** An objective describes the desired outcome to be achieved in the completed development.
- **Standards.** A standard contains requirements to meet the objective. A standard should normally be met.

**53.xx-3 Requirements**

--/20--

An application to construct a building or construct or carry out works:

- Must meet all of the objectives of Clauses 53.XX-4 to 53.XX-11.
- Should meet all the Standards or performance measures specified in this clause. However, if the responsible authority is satisfied that an application for an alternative solution meets the objective, the alternative solution may be considered.

An application must be accompanied by details of proposed environmentally sustainable development measures, including a response to the Standards of this clause, in a Sustainability Management Plan.

**53.xx-4 Operational Energy**

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**Objectives**

To ensure new development achieves net zero carbon emissions from operational energy use.

To support the inclusion of renewable energy generation and ensure a transition to renewable energy sources.

To ensure higher levels of energy efficiency and reduce pressure on energy networks.

To support effective energy load management and storage.

To support development that demonstrates innovation in the delivery of carbon positive emission outcomes.

**Standards**Standard A1

All residential developments should achieve an average 7 Star NatHERS rating.



## XX PLANNING SCHEME

Standard A2

All developments should provide the following minimum requirements for onsite renewable energy generation:

| DEVELOPMENT  | REQUIREMENT  |
|--|--|
| Single dwelling, Two or more dwellings on a lot (multi- dwellings other than apartments) | A 3kW minimum capacity solar photovoltaic (PV) system should be installed for each 1-2 bedroom dwelling and an additional 1.0kW per bedroom for each bedroom there-after.  |
| Apartment development  | Provide a solar PV system with a capacity of at least 25W per square metres of the development's site coverage,<br><br>OR 1kW per dwelling.  |
| Office, Retail, Place of Assembly.   | Provide a solar PV system with a capacity of at least 25W per square metres of the development's site coverage.  |
| Industrial & Warehouse   | A solar PV system that is sized to meet the energy needs of the building(s) services (lighting, air-conditioning, industrial processes). When no industrial process is proposed, minimum 1.5kW per tenancy plus 1kW for every 150m <sup>2</sup> of gross floor area must be provided,<br><br>OR Where an energy intensive industrial process is likely, maximised based on the available unencumbered roof area. |

*Note: Alternative renewable energy sources where it can be established that the generation would be equal or greater than that generated by solar PV on site are acceptable.*

Standard A3

All development should be designed to reflect the following hierarchy in achieving net zero carbon emissions from all operational energy use:

1. Design buildings to be all electric;
2. Design building orientation, envelope and openings to increase energy efficiency;
3. Selection of energy efficient systems, equipment and appliances;
4. Onsite generation of renewable energy;
5. Purchase of offsite renewable energy.

Standard A4

All new development should be designed to avoid consumption of natural gas or other onsite fossil fuels.

Standard A5

All developments should prioritise the use of passive design to maximise thermal comfort while minimising energy consumption for heating and cooling, including through the following:

- Optimising building siting and orientation.
- Optimising building envelope design to access winter warming sun, limit summer solar heat gain and access dominant cooling breezes.
- Managing wall to glazing ratios.
- External design which uses elements such as wingwalls, balconies, external shading devices to provide effective external shading of glazing in habitable rooms from summer solar heat loads.



## XX PLANNING SCHEME

- Design which allows for containment of spaces that are artificially heated and cooled.

Standard A6

All development should be designed to minimise energy use including:

- Provision of clotheslines to allow natural drying of clothes and bedlinen, that do not impact the amenity of external secluded private open space, or internal room function.
- Provision of appropriate energy management systems (such as load management) to support use of renewable energy generated onsite and efficient energy consumption throughout the day.

Standard A7

All development should maximise potential utilisation of solar energy and where appropriate, wind, through the following measures:

- Ensuring electrical systems are designed to optimise the onsite consumption of generated electricity.
- Optimising roof form, pitch and orientation for photovoltaic arrays and/or solar air or water heating.
- Minimising shading and obstructions.
- Designing for appropriate roof structure to accommodate and access equipment.
- Consider spatial requirements for future renewable energy storage or other energy management systems.

Standard A8

All residual operational energy should be 100% renewable, purchased through government accredited off-site Green Power, power purchasing agreement or similar.

**53.xx-5 Embodied Carbon****Objectives**

To encourage development that considers the lifecycle impacts of resource use and supports lower carbon emissions.

**Standards**Standard B1

Development should reduce the impact of embodied carbon emissions in materials used through a combination of the following measures:

- Reusing all, or part, of existing buildings.
- Use of reclaimed or repurposed materials where appropriate.
- Use of new materials with a recycled content.
- Identifying opportunities to substitute high impact materials, such as concrete or steel, with materials with lower embodied carbon.
- Selecting materials from sources which have undertaken offsetting of any carbon emissions.

Standard B2

Development should demonstrate consideration of the potential for future adaptation and / or alternate uses where relevant, in the design of buildings.



## XX PLANNING SCHEME

Standard B3

Development should contribute to the reduction in future embodied carbon through careful material selection, including:

- Utilising materials that are durable, reducing need for replacement.
- Utilising materials and construction methods which facilitate future recycling of materials.
- Considering the application of 'design for disassembly' principles.

**53.xx-6 Sustainable Transport****Objectives**

To ensure development supports sustainable and equitable transport patterns through the provision of transport infrastructure that prioritises active transport.

To support and encourage zero emissions transport.

To support development that is designed to encourage behavioural changes to reduce transport related emissions and congestion.

To ensure that development is designed to accommodate the expected increase in use of lower emission modes of transport through the provision of infrastructure that is efficient and can adapt to meet changing needs and innovations in transport technology.



## XX PLANNING SCHEME

**Standards**Standard C1

All development should provide the following rates of bicycle parking:

| DEVELOPMENT   | REQUIREMENT  |
|---|--|
| New residential development                         | A minimum of one secure undercover bicycle space per dwelling. Where a lesser provision of bicycle parking is proposed, development should demonstrate how additional space (i.e. car parking spaces) could be repurposed for bicycle parking should demand arise.<br><br>A minimum of one visitor bicycle space per 4 dwelling. |
| New retail development                              | A minimum of one secure undercover employee bicycle parking space per 100 sqm net leasable area.<br><br>Visitor bicycle spaces equal to at least 5% of the peak visitors capacity.   |
| New development associated with a Place of Assembly | A minimum of 2 secure staff bicycle spaces per 1500 sqm of a place of assembly.<br><br>A minimum of four visitor spaces for the first 1500 sqm and 2 additional spaces for every 1500 sqm thereafter.  |
| New office development                              | A minimum of one secure undercover staff bicycle parking space per 100 sqm net leasable area of office.<br><br>A minimum of one visitor space per 500 sqm net leasable area of office.   |
| For all other non-residential uses                  | Provide bicycle parking equal to at least 10% of regular occupants.  |

Standard C2

All non-residential developments should provide:

- One shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.
- Personal lockers are to be provided with each bicycle space required if 10 or more employee bicycle spaces are provided.
- If more than 30 bicycle spaces are required, then a change room should be provided with direct access to each shower. The change room may be a combined shower and change room.



## XX PLANNING SCHEME

Standard C3

All development should be designed to support the use of electric vehicles through the provision of:

| DEVELOPMENT  | REQUIREMENT  |
|--|--|
| Single dwellings / Two or more dwellings on a lot            | Appropriate infrastructure and cabling to support at least moderate speed, efficient EV charging (with / without the EV charger unit) in each garage / carport.  |
| Apartment development  | Electrical capacity capable of supporting the provision of an appropriate moderate speed, efficient EV charging outlet to all car parking spaces.<br><br>Appropriate EV infrastructure and cabling must be provided to ensure peak demand is managed for example, distribution boards, power use metering systems, scalable load management systems, and cable trays or conduit installation.  |
| Non-residential development under 5,000 sqm gross floor area | Electrical capacity capable of supporting the provision of an appropriate moderate speed, efficient EV charging outlet to 20% of all staff car parking spaces (or a minimum of one space).<br><br>Appropriate EV infrastructure and cabling must be provided to ensure peak demand is managed, for example, distribution boards, power use metering systems, scalable load management systems, and cable trays or conduit installation.  |
| Non-residential development over 5,000 sqm gross floor area  | Installed EV charging infrastructure complete with chargers and signage to 5% of all car parking spaces.<br><br>Electrical capacity capable of supporting the provision of an appropriate moderate speed, efficient EV charging outlet to 20% of all staff car parking spaces (or a minimum of one space).<br><br>Appropriate EV infrastructure and cabling must be provided to ensure peak demand is managed for example, distribution use metering systems, scalable load management systems, and cable trays or conduit installation. |

Standard C4

All bicycle parking facilities should be designed for convenient access, including:

- Locating the majority of bicycle parking facilities for occupants at ground level, where this does not compromise other relevant objectives.
- For bicycle parking not at ground level, providing the majority within 10 metres of vertical pedestrian access ways (i.e. lifts, stairs).
- Providing safe access to bicycle parking facilities in basement car parks via a separate line of travel or by clearly signalling cycle priority through surface treatments and to facilities accessed via lanes by providing suitable lighting and surveillance.
- Ensuring any lifts used to access bicycle parking areas are at least 1800mm deep.
- Ensuring at least 20% of residential bicycle parking facilities are of a type which support equitable access through a combination of well-spaced ground level facilities to



## XX PLANNING SCHEME

support ease of use and provision of parking spaces to accommodate a diverse range of bicycles (such as cargo bikes or three wheeled bikes).

Standard C2

All car parking facilities should be designed to support the charging of shared or visitor vehicles through:

- The provision of a minimum of one EV enabled shared parking space if visitor or shared parking spaces are proposed.
- Locating shared EV charging space(s) in highly visible, priority locations.
- Providing clear signage indicating that EV charging is available at the shared space(s).

Standard C3

All car parking facilities should be designed to support the charging of motorcycle, moped, electric bicycle or scooters through:

- Providing electrical capacity for appropriate charging outlets at the parking / storage area.
- Providing a general power outlet for every six vehicle parking spaces to support charging.

Standard C4

All development should be designed to support modal shift to more sustainable forms of transport through:

- Locating low and zero emission vehicles in a prominent, accessible locations within parking facilities.
- Designing car parking facilities to be adaptable to other uses.
- Adopting flexibility in the allocation of car parking spaces to facilitate adaptable uses or transfer of ownership.

**53.xx-7 Integrated Water Management****Objectives**

To support development that minimises total operating potable water use.

To support development that reduces the amount of stormwater runoff on site, and improves its quality of stormwater, and impacts for stormwater that leaves a development.

To ensure development considers and addresses the impact of future climate conditions in the management of water resources.

To encourage development that supports innovation in the use and reuse of water

**Standards**Standard D1

All development should be designed to reduce potable water use on site by at least 30% in interior and irrigation uses, in comparison to an equivalent standard development, with use of roof harvested rainwater supply prioritised in the delivery of reductions.



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Standard D2

Design developments to use water resources efficiently through a range of measures, including;

- Collection of rainwater from above ground catchments, and appropriate filtering for on-site use for toilet flushing as a minimum, and additional uses such as laundry, irrigation, wash down facilities, etc.
- Capture of fire-test water for on-site reuse.
- Collection of stormwater for on-site reuse.
- Considering opportunities for onsite recycling of wastewater through the installation of approved greywater or blackwater systems.
- Reducing potable water use for irrigation by selection of drought tolerant landscaping, design for passive irrigation, and selection of efficient irrigation systems where needed.
- Connecting to a precinct scale Class A recycled water source if available and technically feasible (including a third pipe connection to all non-potable sources).
- Providing water efficient fixtures, fittings and equipment.

Standard D3

Reduce the volume and flow of stormwater discharging from the site by appropriate on-site detention and on-site retention strategies, consistent with catchment scale IWM objectives and targets.

Standard D4

Improve the quality of stormwater discharging from the site by meeting best practice urban stormwater standards.

**53.xx-8 Green Infrastructure****Objectives**

To deliver development that protects existing landscape values on and adjoining the development site, including canopy, vegetation, and habitat for biodiversity.

To deliver development that increases vegetation, particularly indigenous and native vegetation, and enhances existing landscape values, connects biodiversity corridors and increases the resilience of ecosystems.

To ensure landscaping proposed as part of development will be resilient to future climate conditions and supports integrated water management and energy efficiency outcomes.

To support development that increases amenity, improves connections to surrounding natural landscapes and supports health and wellbeing.

To encourage development that provides opportunities for on-site food production.



## XX PLANNING SCHEME

**Standards**Standard E1

All new development should achieve a Green Factor score of 0.55 (0.25 for industrial and warehouse uses)

OR

A minimum of at least 40% of the total site coverage area (20% for Industrial or Warehouse) must comprise green cover (external landscaping) that delivers at least one of the following:

- A minimum of 65% of the required green cover area as new or existing canopy planting and a minimum of 35% as understory planting. Canopy planting and understory planting can overlap.
- Species selection and associated planting arrangement comprising native and / or indigenous species which provides habitat for native fauna.
- Green cover which is located to provide maximum benefit in relation to the cooling of the adjoining public realm. Green walls or facades under this pathway must benefit the public realm and be on the lower levels of the building.

Standard E2

Green infrastructure should:

- Support the creation of complex and biodiverse habitat.
- Provide a layered approach, incorporating both understory and canopy planting.
- Provide either native, indigenous and/or climate change resilient exotic plants that provide resources for native fauna.
- Support the creation of vegetation links between areas of high biodiversity through planting selection and design.
- Ensure species selection is appropriate to address expected future climate conditions.

Standard E3

Siting of buildings should seek to retain existing mature canopy trees (excluding invasive species) or significant areas of other green cover which contribute to biodiversity corridors and habitat.

Standard E4

Development should ensure appropriate measures are integrated to support the establishment and ongoing maintenance of landscaping

**53.xx-9 Climate Resilience****Objectives**

To improve the resilience of the built environment to climate change related hazards and natural disasters.

To deliver development that reduces the urban heat island effect.



## XX PLANNING SCHEME

**Standards**Standard F1

Provide at least 75% of the development's total site area with a combination of the following elements to reduce the impact of the urban heat island effect:

- Green infrastructure.
- Roof and shading structures with cooling colours and finishes that have a solar reflectance index (SRI) of:
  - For roofing with less than 15 degree pitch, a SRI of at least 80.
  - For roofing with a pitch of greater than 15 degrees, a SRI of at least 40
- Water features or pools.
- Hardscaping materials with SRI of minimum 40.

Standard F2

New development should demonstrate that future climate impacts have been considered and addressed in any design response.

Standard F3

Pedestrian pathways should be designed with thermal comfort in mind. This includes incorporating landscaping (tree canopy and other vegetation), shading and covered structures.

**53.xx-10 Indoor Environmental Quality****Objectives**

To support development that achieves safe and healthy indoor environments, specifically addressing:

- Thermal comfort.
- Thermal safety.
- Access to clean, fresh air.
- Access to daylight and sunlight.
- Harmful indoor air pollutants.

To deliver development that considers the impact of future climate conditions on indoor environment quality.



## XX PLANNING SCHEME

**Standards**Standard G1

Buildings should be designed to be able to provide appropriate levels of thermal comfort without reliance on mechanical heating and cooling systems, as follows:

| DEVELOPMENT  | REQUIREMENT  |
|--|--|
| Single dwellings<br><br>Two or more dwellings on a lot (other than apartments) | All habitable rooms should be cross ventilated.  |
| Apartment development<br><br>Residential Buildings                             | 60% of all apartments should be effectively naturally ventilated, either via cross ventilation, single-sided ventilation or a combination<br><br>At least 40% of apartments on every floor to be cross ventilated. |
| Non-Residential development  | All regular use areas of non-residential spaces should be effectively naturally ventilated; or commensurate mechanical measures provided.  |

Standard G2

Buildings should achieve a daylight level across the entirety of every habitable room of 100 lux and of 50 lux across the entirety of any other regularly occupied space.

Standard G3

Internal spaces in buildings should utilise natural light to minimise the use of artificial lighting during daylight hours, unless the proposed use of the room is contrary to the provision of glazing.

Standard G4

Primary living areas of at least 70% of all dwellings in a development should achieve direct sunlight for 2 hours on the 21<sup>st</sup> day of June to at least 1.5m deep into the room through glazing.

Standard G5

Development should include openable external windows to circulation corridors and lift lobbies to facilitate natural ventilation for residential development below six storeys.



## XX PLANNING SCHEME

Standard G6

Development should use materials which are low toxicity in manufacture and use, and that do not cause harm to people or ecosystems.

**53.xx-11 Waste and Resource Recovery****Objectives**

To facilitate development that supports functional waste recovery and management.

To enable the continuous improvement of sustainable waste management and resource recovery.

**Standards**Standard H1

Development should include:

- Adequate waste and recycling infrastructure to manage the waste demand of the development in a sustainable manner and to support recycling, such as an appropriate number of bins, waste chutes, and cleaning facilities.
- Waste and recycling infrastructure and enclosures which are:
  - Adequately ventilated.
  - Integrated into the design of the development.
  - Located and designed for convenient access by occupants and made easily accessible to people with limited mobility
  - Signposted to support recycling and reuse.
- Adequate facilities or arrangements for bin washing.

Standard H2

Development should be designed to facilitate:

- Collection, separation and storage, and where appropriate, opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage, and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Collection and storage of glass recycling
- Collection and storage of containers under any Container Deposit Scheme as appropriate for the proposed use and scale.
- The provision of adequate circulation space on site to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Waste and recycling separation, storage and collection designed and managed in accordance with an approved Waste Management Plan, if required by the responsible authority.
- For apartment development, the provision of space for communal storage of additional waste streams including E waste, hard waste and textiles.

Standard H3

An application should demonstrate through the provision of a Construction / Demolition Waste Management Plan, if required by the Responsible Authority, that all practical and feasible practices and activities to minimise waste and increase resource recovery will be implemented.



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**53.xx-12 Decision guidelines**

-1-120-

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- *The extent to which the development meets the objectives and requirements of this policy from the design stage through to construction and operation.*
- *Whether alternative design responses to the identified Standards would achieve greater alignment with precinct specific objectives related to environmental sustainability.*
- *Whether the proposed environmentally sustainable development initiatives are reasonable having regard to the type and scale of the development and any site constraints.*
- *The response to any other matters relating to environmentally sustainable development outlined in this planning scheme.*
- *Any relevant water and stormwater management objective, policy or statement set out in this planning scheme.*
- *The contribution the development makes to mitigation of the urban heat island effect and adaptation to changing climatic conditions.*
- *The feasibility and approach to maintenance of proposed green infrastructure.*
- *The quality of the integrated water management approach proposed for the development.*
- *The impact of the removal of any mature canopy trees or vegetation which contributes to natural ecosystems and the measures proposed to mitigate these impacts.*



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## May 2022

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The Hon Lily D'Ambrosio  
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The Hon Shaun Leane  
Minister for Local Government and Suburban Development  
Level 16, 121 Exhibition Street  
Melbourne, VIC 3000

Dear Ministers Wynne, D'Ambrosio, and Leane,

### **RE: Councils to Pursue Improving Environmentally Sustainable Design (ESD) and Zero Carbon Built Environment Outcomes via a Planning Scheme Amendment**

We write on behalf of several Councils that are a part of a joint project to improve ESD outcomes and facilitate zero carbon development within a Council's Planning Scheme and support Victoria's Planning System.

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We are seeking the Minister for Planning to introduce a Particular Provision in the Victoria Planning Provisions that will enable 31 ambitious Councils to elevate ESD built form requirements into their respective Planning Scheme.

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## **1. Background**

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Since 2018, Councils throughout the State have sought to improve the current ESD outcomes and requirements detailed in their relevant Planning Scheme. This particularly includes incorporating measures which transition our built environment to address zero carbon development outcomes at the planning stage of development.

The initiative is strongly supported by the Council Alliance for a Sustainable Built Environment (CABSE); that serve under the auspice of the Municipal Association of Victoria (MAV).



The initiative has grown considerably in magnitude over the past four years.

## **2. Local Governments across the State Working as a Collective**

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31 Councils throughout the State signed a Memorandum of Understanding to undertake work to elevate ESD targets in their respective Planning Scheme, with an ultimate intention to pursue a joint Planning Scheme Amendment in 2022.

The Planning Scheme Amendment will seek to pursue embedding the necessary changes to improve ESD outcomes and progress zero carbon development within the built environment.

The initiative is framed under the project banner '[Elevating ESD Targets Planning Policy Amendment](#)'.

## **3. The Planning Scheme Amendment Delivers upon Councils' Obligations and Requirements**

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The outcomes from this project are closely aligned with a multitude of Council and CASBE deliverables and community expectations that have been endorsed by Councils, most notably:

- Climate Emergency Declarations;
- Municipal Zero Emission Targets that must be met, at or prior to, 2050;
- Statutory Climate Change Pledges, with the particular initiative having been committed to, under the *Climate Change Act 2017* (Vic); and
- Council Climate Change Strategies, Frameworks, Action Plans and the CASBE Strategic Plan.

## **4. Key Works and Advocacy Undertaken**

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Significant work, investigation and resources have been invested by Councils and CASBE, including relevant officers, to pursue and support this project. This includes:

- Commissioning evidentiary and justification works with the aid of leading consultancies to support the measures being pursued via a Planning Scheme Amendment (in excess of \$250,000 expended as a collective, to date, including officer time and resources);
- Liaising and working with relevant officers within the Department of Environment, Land, Water and Planning (DELWP's) Energy and Planning divisions on concurrent projects and initiatives;
- Advocating and providing input to the State Government's ESD Roadmap, as well as, serving key Working Groups a part of the ESD Roadmap agenda; and
- Providing numerous submissions to advocate for necessary changes that are required to the built environment through forums such as the Australian Building Codes Board (ABCB) National Construction Code (NCC) 2022, State Gas Substitution Roadmap, Zero Emission Vehicles Advisory Group, and Parliamentary Inquiries.

## **5. What is being sought by the Planning Scheme Amendment?**

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The measures and changes being pursued by the collective 31 Councils via a Planning Scheme Amendment contain a level of detail in order to address an absence of, and for those that have an ESD Policy, improved ESD outcomes which will enable transitioning development to achieve zero carbon.



Since reforms to the Victoria Planning Provisions in 2018 (via Amendment VC148), a Council is unable to provide a level of clear detail and direction for development to address certain requirements and expectations, within the Local Planning Policy component of a Council's Planning Scheme.

The point of concern is where such prescriptive requirements and details may reside within a Council's Planning Scheme. This is to ensure robust and necessary outcomes to achieve Councils' obligations and requirements.

The work commissioned by the project group has identified the Particular Provisions, within the Victoria Planning Provisions, as the most appropriate planning tool to set the relevant measures, metrics and changes for improved ESD outcomes.

**As such, the project's success rests upon the Minister for Planning, given that the Minister can only authorise a municipal Council to prepare an amendment to the Victoria Planning Provisions.**

The application of a Particular Provision would facilitate efficiency and expediency with respect to development approvals undertaken by Councils given that a consistent set of requirements are detailed within several Councils' Planning Schemes.

## **6. Our Request**

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The collective group, consisting of 31 Councils, have collaborated to prepare a State-based ESD framework for integration within a Council's Planning Scheme.

Prior to the State election, the collective group of Councils request that the Minister for Planning use their power to authorise the formal introduction of the attached provision into the Victoria Planning Provisions of a Council's Planning Scheme.

## **7. Opportunity to Deliver State Government Requirements and Resolve Regulatory Gaps**

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The collective work and approach, demonstrated with the support of 31 Councils, provides an exceptional, well-tailored and documented solution for the State to address its ESD Roadmap commitments and deliver upon Action 80 of Plan Melbourne 2050 which entails the delivery of a State ESD Policy in a timely manner. As per the Plan Melbourne 2050 Five-Year Implementation Plan, the State ESD Policy was anticipated for delivery by the end of 2018 (a 3 year delay).

Our project offers a solution to deliver upon such requirement given that 31 Councils are supporting this project which constitutes 39% of all Councils throughout the State – mostly metropolitan, where a significant amount of the Victorian populous resides.

Furthermore the outcomes from this project will also deliver upon the State Government's Climate Change Strategy and sectoral Pledges, as well as, the Built Environment Adaptation Action Plans committed to, as a statutory requirement, under the *Climate Change Act 2017* (Vic).

Moreover, in Victoria, it is well established at planning panels and at the Victorian Civil and Administrative Tribunal (VCAT) that the broad notion of ESD, including energy efficiency, is supported within the Planning framework. This is in contrast to the Building framework with



relevant details, pertaining mostly to energy efficiency, included in the National Construction Code (NCC).

The benefit of the measures and changes pursued via this project will address relevant gaps where the current NCC 2022 proposed set of technical changes remain silent. The exclusions of relevant components of the proposed changes outlined within the NCC 2022 undermine both State and Local Government emissions reduction commitments and programs with respect to the built environment. This is particularly evidenced by the NCC 2022 continuing to remain solely focussed on holistic energy efficiency outcomes as opposed to applying and integrating the broader remit of ESD, as well as, downplaying the role of renewable energy and zero emission vehicle infrastructure on standard housing development.

**The deliverables and overall outcome offered via the collective group of 31 Councils involved in this project will assist Victoria's Planning System to deliver upon Plan Melbourne 2050 requirements, aligns with the State Government's legislated emission reduction targets which also supports climate resilient communities, as well as, addresses relevant shortfalls identified within the national building framework that undermines broader emission reductions from key industry sectors.**

We would appreciate the opportunity to discuss the project and relevant outcomes with you directly and to continue to support the State Government with its ESD Roadmap commitments and the delivery of a State ESD Policy, prior to the election.

Sincerely, and with the imprimatur of each Mayor, serving their Council, a part of this project,



## 8.5 BOYD PARK PLAYGROUND UPGRADE

**Author:** Matt Barbetta, Co-ordinator Open Space

**Trim No:** 22/1110556

**Attachments:** 1. Boyd Park concept plan with notes [↓](#)

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### EXECUTIVE SUMMARY

This report provides an overview of the feedback received during the consultation for Boyd Park Playground Upgrade.

There was strong support overall for the project and applicable comments and suggestions are noted in this report.

There is minimal change to the concepts presented during community engagement.

### RECOMMENDATION

That Council:

1. notes the community feedback received through the engagement period; and
2. endorses the playground design (attachment 1 to the report); and
3. authorises officers to commence detailed design.

### BACKGROUND

The opportunity to enhance the Boyd Park playground was recommended in the *Outer Circle Railway Management Plan* which was endorsed by Council in March 2019.

Boyd Park, Springthorpe Gardens and Riley Reserve make up the Outer Circle Railway Linear Park. While each separate space has a unique character, due to their proximity and connectivity, they are considered a collective significant local open space.

Community feedback during the development of the Management Plan highlighted the need for an upgrade to the playground and the introduction of nature play space and additional elements for intergenerational use.

The Outer Circle Railway Linear Park has seen significant interruption and impact from the recent Caulfield to Dandenong Grade Separation project and Melbourne Water drainage upgrade.

Reinstatement works provided a high level of landscape uplift and opportunity to reinstate a unique character for each space. Continued implementation of the Management Plan will continue this vision.

### ISSUES AND DISCUSSION

#### ***Engagement Snapshot***

Community engagement on the project was undertaken from 14 March to 24 April 2022.

Detailed information on the engagement is provided in the Communication and Engagement section of this report.



***Design Intent***

Boyd Park is recognised for its heritage values and its environmental character, including large stands of indigenous vegetation. The Management Plan recommended to upgrade the existing playground as a nature-based space, with additional amenities and intergenerational play elements.

Council's *Planning for Play* guidelines classifies Boyd Park as a 'local playground'. Like our open space hierarchy, this directs the type of design, facilities and supporting infrastructure to ensure it is appropriate for each location.

The concept design builds on the existing playground footprint, and includes all-abilities elements, access improvements, nature play and intergenerational play equipment. Additional social facilities have also been introduced, along with a public toilet to the north of the playground.

The design references both the history and character of Boyd Park via:

- Mock train tracks through the space noting the "the outer circle railway",
- The play castle evoking 'Joyous Gard' which was the name of the property that existed on the site in early European settlement,
- Boyd family art connection included in the custom-built cubby house, and
- Indigenous references included in the snake sculpture.

***Feedback, Comment and Suggestions***

Community feedback was generally supportive of the concept plans, in particular, people liked:

- Reuse of some of the existing areas such as the Snake sculpture,
- Expanding the play experience and variety of play equipment,
- The provision of a toilet,
- Sensory play elements around southern end,
- More trees and planting,
- References to Murrumbeena and Boyd Park history, and
- More seating areas, shade and shelters.

The following section outlines community feedback, suggestion questions and an officer response.

*Toilet provision and location* – Some people expressed concern about the proximity to playground, and potential congestion/danger being located next to a busy path.

*Response:* The north-south path is the primary shared use path through Boyd Park, and the principle cycling link through the space. The toilet has been located away from this busier path, on the connector path linking to Wahrenoonga Road.

It is not possible to locate it closer to Wilson Street on the eastern side of the main path, as this would impact on an existing Melbourne Water drain and also require people to cross the busier path to access it.

It is not located in the middle of the playground as the intention is that it can serve the whole park, not just playground users.



The design of the toilet shell will ensure it remains muted and it can be screened with plants/grasses.

*Provide fencing* – with suggestions made to fence both the playground and dog off-leash areas.

*Response:* As noted in the *Outer Circle Railway Management Plan*, people use Boyd Park for a variety of activities, and consequently it is a highly contested space. To accommodate this diversity the Plan recommended the removal of seating from the open grassed area, improved signage to remind and educate all park users of their responsibilities and the relocation of the shared user path further from the playground (completed as part of Melbourne Water works).

In relation to the playground, a combination of landscaping, physical distance and topography provide an adequate barrier to the shared path to the east (Wilson Street side) of the playground.

As with all off leash parks across the municipality, dog walkers are required to abide by the regulations which are in place to ensure residents enjoy our parks. These include dogs only being let off-leash if they are under effective voice control and able to return to their owner when called.

The area around the playground in an on-leash area. Signage is provided on both approaches and it is owner's responsibility to be aware of off and on-leash areas.

A key characteristic of public open space is that it is shared by the whole community. In most interactions that occur in our parks, people are courteous and conscious of other users. In this way Boyd Park will continue to be a popular, welcoming, and safe space for all members of the community.

*Play equipment for older children* – the equipment should be expanded and challenging for a wider range of ages, with suggestions including a larger bouldering wall, flying fox, climbing nets or large play modules with multiple elements (similar to McKinnon Reserve or Booran Reserve).

*Response:* The overall footprint extends on the existing play space and is of a scale consistent with a local park as defined in Council's *Planning for Play Guidelines*. Consideration was also given to the character of Boyd Park.

The design provides elements aimed at both active play and social opportunities for older children, including climbing plinth, basket swing, log nest and balancing steppers.

Council's larger play spaces typically provide equipment which is big, physically challenging and exhilarating. The focus on Boyd Park is towards smaller and intimate play areas, creating opportunities for social interactions which are important elements of all aged children's cognitive and physical development

*Basketball ring, ball court area, tennis wall* – this was suggested to accommodate older kids and noted that this type of facility is lacking in the area.

*Response:* There was a basketball ring in Boyd Park previously, however it was removed due some structural issues and noise complaints from surrounding properties.

A basketball area (3-point arc) would dominate the space at the expense of other opportunities. There is a focus towards smaller play nodes and a greater range of activities.



The open grassed area to the north of the playground is a popular dog off-leash area that is highly valued by the local community. The area towards Wilson Street has significant level changes and MW drainage. It would not be feasible to place a basketball ring in either of these areas.

*Provide a bike track or skateboard/scooter area*

Response: The Glen Eira *Active Recreation Action Plan* identifies a need for these types of facilities, but notes the challenge of finding suitable locations, with a preference towards spaces that can accommodate multi-purpose recreation nodes, close to public transport hubs and activity centres and have good passive surveillance.

These types of facilities are generally large areas of concrete/asphalt, which is at odds with the natural focus and character of Boyd Park.

*Provide a barbeque – to compliment the shelters and upgrade.*

Response: A BBQ unit will be included adjacent to one of the new shelters.

*Water play or splash pad - similar to the Booran Reserve splash pad.*

Response: A splash pad (like Booran Reserve) is a significant cost and imposition on space. The Booran Reserve plantroom (pumps, filters, etc) are underground – an option not feasible at Boyd Park due to Melbourne Water drains and overland flow paths. The footprint would also exclude other play and recreation opportunities currently being provided.

Suggestions outside playground area are listed below and will be considered by officers separately.

- Information board highlighting the history of Boyd Park and Murrumbeena area.
- Plant indigenous trees, scrubs and grasses to reinforce the character and compliment recent remediation and landscaping works.
- Install football or soccer goals in the open grassed area.
- Seek location for basketball/netball area in Murrumbeena area.

## **CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

This project aligns with the Climate Emergency Response Strategy and in particular *Action 3.2 Increase and diversify public green space across the municipality, ensuring equal access to all.*

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

If approved the project will progress to detailed design as part of the 2022/23 capital works program. This is estimated at \$70,000.

The public toilet is in the 2022/23 capital works budget as a separate item.

The finalisation of the design will ensure the project is shovel ready for consideration in future Council budgets or potential Government grant considerations.

The current construction estimate is \$700,000 plus contingency / escalation.

## **POLICY AND LEGISLATIVE IMPLICATIONS**

Not applicable.



**COMMUNICATION AND ENGAGEMENT**

The Outer Circle Railway Management Plan which was endorsed by Council in March 2019, included a five week community consultation period. The inclusion of a toilet and playground upgrade were two outcomes of the Plan.

Community engagement on the Boyd Park Playground Upgrade concept plan was undertaken between 14 March and 24 April for a period of 6 weeks, and promoted the following ways:

- 'Have Your Say' page with plans, sketch images and feedback survey,
- Threes signs in the playground with QR code linking to 'Have Your Say' page,
- Information in the Community Engagement e-newsletter, and GE website,
- Glen Eira News article – April 2022,
- Directly notified local school, scout group and Glen Eira Environmental Group,
- Postcard with information distributed to 650 neighbouring residents,
- Officers undertook surveys in the park on three separate dates, and
- Social media posts (Facebook and Instagram).

The following provides a statistical snapshot of the Have Your Say engagement:

- 484 Aware Participants - who viewed at least one Have Your Say page;
- 274 Informed Participants – either downloaded plans, completed the survey or visited multiple pages on the site.
- 172 visitors downloaded playground plans.
- 91 Engaged Visitors - completed the online survey.

**LINK TO COUNCIL PLAN**

Strategic Direction 2: Well designed and maintained open spaces and places  
Our public open spaces and places support a healthy and connected community and contribute to a more sustainable and vibrant city

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

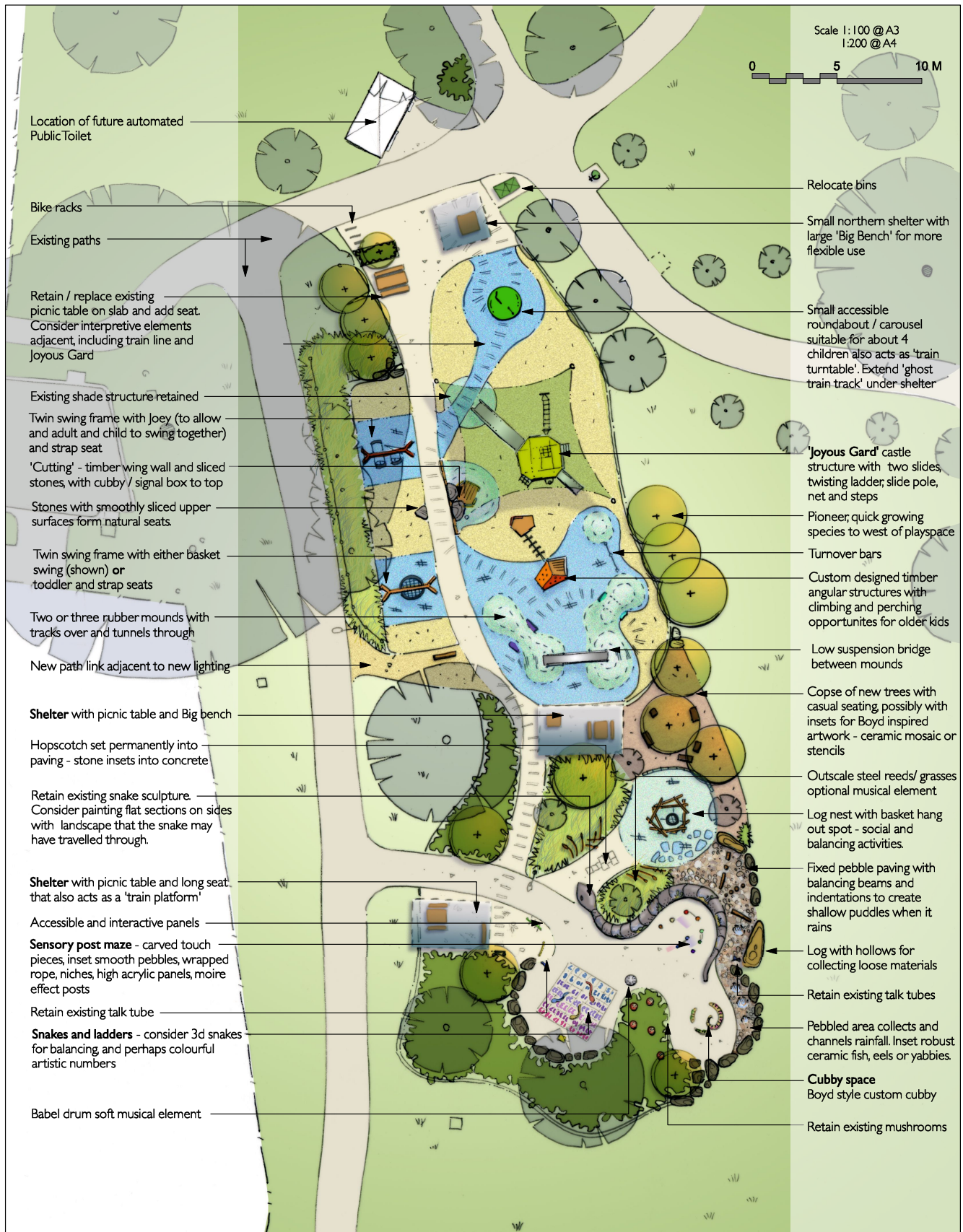
No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

**CONCLUSION**

There was a high level of community engagement on the proposed Boyd Park Playground Upgrade.

Feedback was generally supportive of the approach which respects the natural character of Boyd Park and range of diverse park users.





#### DESIGN INTENT

This design builds upon existing infrastructure and planting, to create a richer and more sensory playspace, reference the Outer Circle Railway with tracks to follow through a landscape. 'Joyous Gard' - a property which existed on this site is the name of Lancelots castle - hence the possible inclusion of a castle, but also more modern climbing skyscrapers. The legacy of Boyd family may be included with artistic inclusions in seats, pavers and possibly the cubby.



## 8.6 INCLUSION OF 6 TREES IN THE CLASSIFIED TREE REGISTER

**Author:** Christian Renaud, Arborist (Vegetation Assessment Officer)

**Trim No:** 22/1131888

**Attachments:**

1. Council Tree Report for CTR Inclusion of Norfolk Island Pine - 35 Royal Ave, Glen Huntly 148CTR2021 [↓](#)
2. Council Tree Report for CTR Inclusion of Southern Mahogany - 1 Wahgoo Rd, Carnegie 160CTR2021 [↓](#)
3. Council Tree Report for CTR Inclusion of Blue Gum - 2 Yawla St, Bentleigh 164CTR2021 [↓](#)
4. Council Tree Report for CTR Inclusion of Liquidambar - 8 Brennan St, McKinnon 168CTR2021 [↓](#)
5. Council Tree Report for CTR Inclusion of Copper Beech - 48 Elster Ave, Elsternwick 207CTR2021 [↓](#)
6. Council Tree Report for CTR Inclusion of Southern Mahogany - Lord Reserve, Carnegie 405CTR2022 [↓](#)

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### EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement for the inclusion of six trees in the Classified Tree Register.

The details of each tree and the assessment completed is provided in the six attached tree assessment reports.

### RECOMMENDATION

That Council:

1. includes the following trees in the Classified Tree Register:
  - a) Norfolk Island Pine (*Araucaria heterophylla*) located at 35 Royal Ave, Glen Huntly – 148/CTR/2021;
  - b) Southern Mahogany (*Eucalyptus botryoides*) located at 1 Wahgoo Rd, Carnegie – 160/CTR/2021;
  - c) Blue Gum (*Eucalyptus botryoides*) located at 2 Yawla St, Bentleigh – 164/CTR/2021;
  - d) Liquidambar (*Liquidambar styraciflua*) located at 8 Brennan St, McKinnon – 168/CTR/2021;
  - e) Copper Beech (*Fagus sylvatica* 'purpurea') located at 48 Elster Ave, Elsternwick – 207/CTR/2021
  - f) Southern Mahogany (*Eucalyptus botryoides*) located at Lord Reserve, Carnegie – 405/CTR/2022;
2. notifies each person who nominated a tree detailed in this report;
3. notifies all relevant landholders of the trees detailed in this report; and
4. authorises a notice to be published in the Victorian Government Gazette of the decision to include the trees outlined in this report in the Classified Tree Register.



**BACKGROUND**

There are now 98 trees currently listed in Classified Tree Register which continues to build community engagement. Council Officers regularly field enquiries from members of the public that cover a range of issues around trees in the urban environment. This highlights the growing awareness within the community about trees.

Consultant Arborists have also been continuing to conduct assessments of nominated trees, particularly focusing on trees located on private property. In total, 122 trees have been allocated to contractors, with preliminary assessments completed on 71 trees.

**ISSUES AND DISCUSSION**

The assessment process has been completed for another six (6) trees, which are listed in part 1 of the recommendation.

The assessments were undertaken in accordance with Council's Classified Tree Local Law and Classified Tree Policy.

Each assessment is conducted to determine if the tree satisfies one or more of the Categories of Significance contained within the Policy, with consideration also given to the negative criteria listed. The assessment of each tree therefore considered the following:

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

5 of the 6 trees recommended for inclusion in the Register are located on private land, with the 1 remaining tree being located in Lord Reserve, Carnegie. There are 2 existing trees located in this reserve that have been included in the Register.

Following the preliminary assessment by Council's arborists, notification of the assessments was provided to all relevant landholders, which provided them the opportunity to make a submission regarding the assessment. No submissions objecting to any of the preliminary assessments were received from any relevant landholders and notifications were subsequently issued advising of each tree's eligibility for inclusion in the Register.

The increased focus on assessing trees on private land is having success at protecting more private trees, however it is also resulting in increased timeframes for many nominations to progress through the multiple stages of assessment.

There is a natural hesitancy amongst many landowners when they are first informed that a tree on their land has been nominated by a third party, and as such they often have many concerns and queries. Despite this initial resistance, many of these landowners are still willing to engage actively and productively with the assessment process.



**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

The identification and protection of significant trees across the municipality aligns with Councils adopted Our Climate Emergency Response Strategy 2021-25. Specifically, with regard to Principle 4 and Action 3.2, which both seek to maximise and diversify our green and natural spaces.

The Classified Tree Register continues to fulfil its purpose of engaging with the public to identify our most significant trees so that they can be assessed for inclusion and protection. It is a small but vital component in helping Council to mitigate the impacts of Climate Change and combined with other policies, helps to implement the broader Urban Forest Strategy.

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

The cost of including the six trees in the Classified Tree Register, administering permit applications and engaging the additional resources will be accommodated within the existing operating budget of Park Services.

**COMMUNICATION AND ENGAGEMENT**

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

All relevant landholders were advised of the outcome of the Council arborist's preliminary assessment between 28 July 2021 and 22 February 2022.

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

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

**LINK TO COUNCIL PLAN**

Strategic Direction 4: A green and sustainable community

Our actions and priorities aim to protect our community from the worst impacts of climate change

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**CONCLUSION**

The Classified Tree Register is slowly building and fulfilling its purpose of engaging with the public around the topic of trees and their value to the urban environment. The public continue to identify and nominate trees for potential inclusion, and this builds the conversation around the importance of trees.

Trees and green spaces within Glen Eira make this municipality a pleasing place to live and work. They provide significant visual appeal for a more liveable neighbourhood, as well as a healthier environment for all. The shade of canopy trees is especially vital in combating the Urban Heat Island effect, as well as helping to reduce pollution, water run-off and clean our air.



# Glen Eira Classified Tree Register

## TREE REPORT



**Tree number:** 148/CTR/2021

**Date of Assessment:** 9/03/2022

**Assessing Officer:** Christian Renaud

**Tree Owner:** Private Tree

**Address:** 35 Royal Ave, Glen Huntly

**Location:** Private Open Space

**Record type:** Single Specimen Tree

**Number of trees:** 01

**Botanical name:** *Araucaria heterophylla*

**Common name:** Norfolk Island Pine

**Structural Root Zone (SRZ):** 3.4m

**Approximate age:** 50+ years

**Diameter at breast height:** 88cm

**Tree Protection Zone (TPZ):** 10.6m

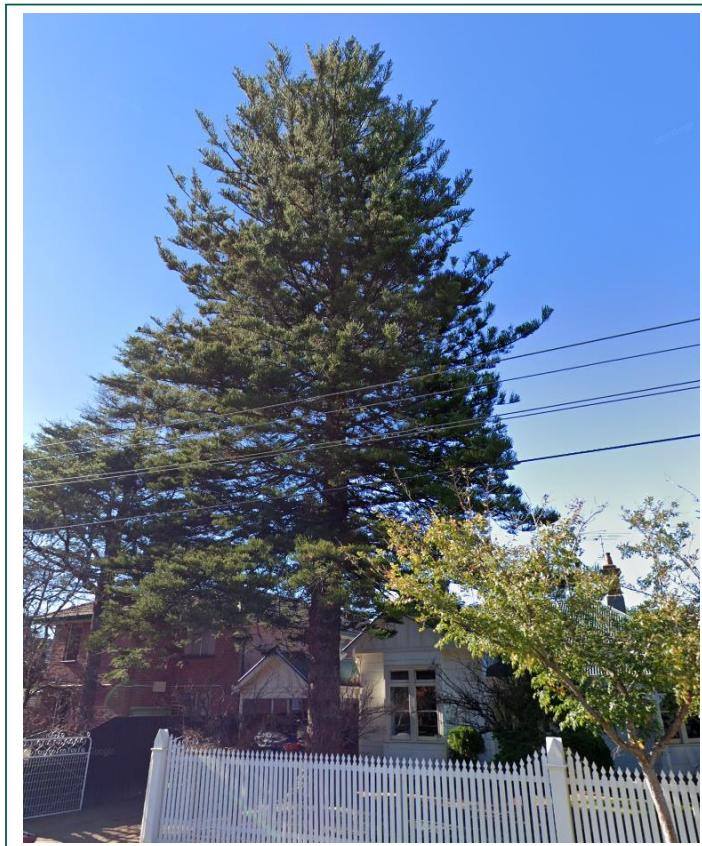
**Tree height:** 25m

**Tree canopy width:** 10m

**Easting:** 327797.4

**Northing:** 5803999.1

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



### Statement of significance:

This tree fulfils the criteria of:

- Outstanding Size (girth height spread)
- Aesthetic Value

This Norfolk Island Pine is of outstanding size regarding its height for the local area. It is the tallest private tree in the vicinity, and due to the removal of several mature public trees for the level crossing removal works, this will become the tallest tree entirely.

This is a healthy example of the species that makes a major contribution to the local landscape and neighbourhood character, providing substantial amenity to the community. The tree is prominently located within the front yard of a corner property and has significant visual presence from the public realm.

This tree has good potential for continued healthy growth, and becoming a truly iconic specimen for the region.



# Glen Eira Classified Tree Register

## TREE REPORT



**Tree number:** 160/CTR/2021

**Date of Assessment:** 02/03/2022

**Assessing Officer:** Christian Renaud

**Tree Owner:** Private Tree

**Address:** 1 Wahgoo Rd, Carnegie

**Location:** Private Open Space

**Record type:** Single Specimen Tree

**Number of trees:** 01

**Botanical name:** *Eucalyptus botryoides*

**Common name:** Southern Mahogany

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

**Approximate age:** 50 years

**Diameter at breast height:** 86cm

**Tree Protection Zone (TPZ):** 10.3m

**Tree height:** 20m

**Tree canopy width:** 16m

**Easting:** 329737.9

**Northing:** 5804098.0

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



### Statement of significance:

This tree fulfils the criteria of:

- Aesthetic Value

This Southern Mahogany located on the grounds of a large recently developed aged care facility is the tallest tree in the entire streetscape and one of the largest trees in the local area.

The tree is the only canopy tree that was retained on this large site prior to redevelopment and is now a prominent feature within the landscaped and well-maintained gardens at the front of the facility.

The tree makes a major contribution to the local landscape and neighbourhood character.



# Glen Eira Classified Tree Register

## TREE REPORT



**Tree number:** 164/CTR/2021

**Date of Assessment:** 01/03/2022

**Assessing Officer:** Christian Renaud

**Tree Owner:** Private Tree

**Address:** 2 Yawla St, Bentleigh

**Location:** Private Open Space

**Record type:** Single Specimen Tree

**Number of trees:** 01

**Botanical name:** *Eucalyptus globulus*

**Common name:** Blue Gum

**Structural Root Zone (SRZ):** 3.7m

**Approximate age:** 50 years

**Diameter at breast height:** 120cm

**Tree Protection Zone (TPZ):** 14.4m

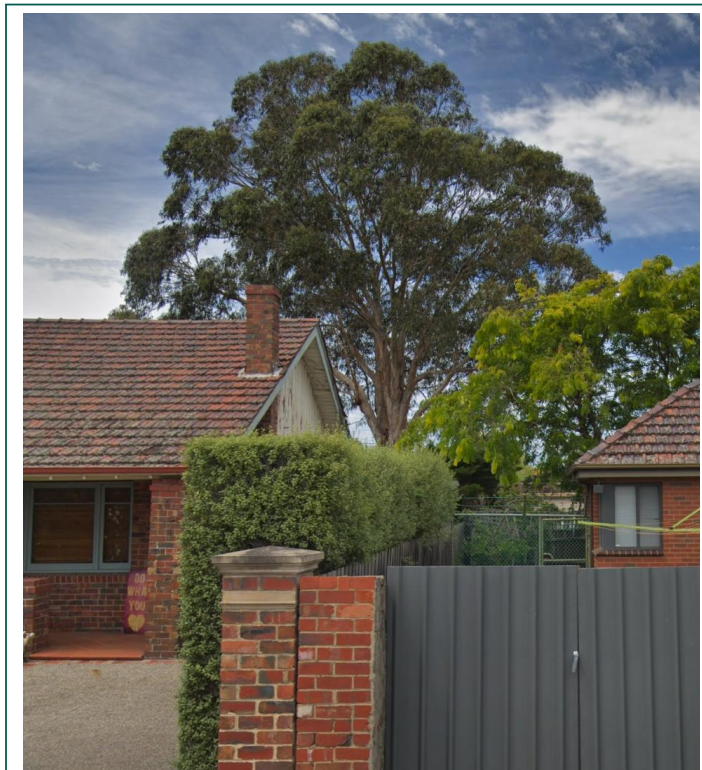
**Tree height:** 24m

**Tree canopy width:** 22m

**Easting:** 326325.4

**Northing:** 5801921.9

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



### Statement of significance:

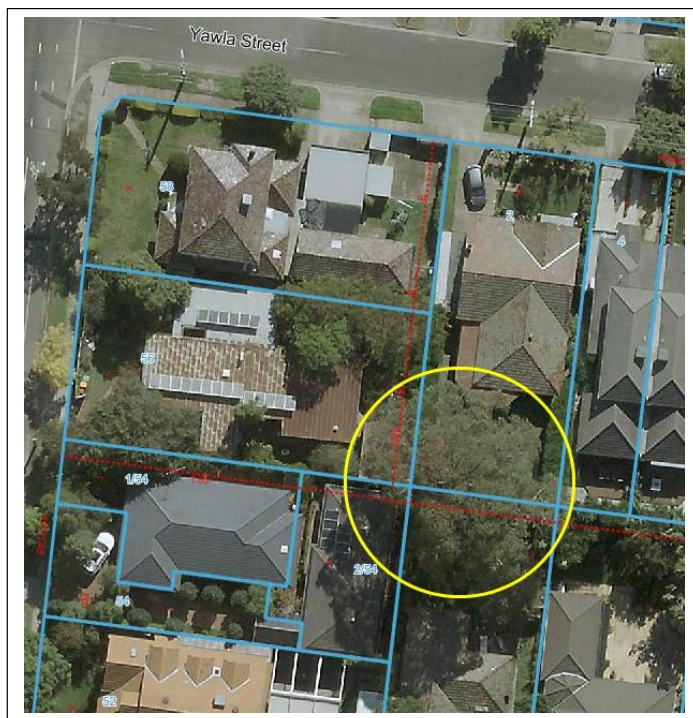
This tree fulfils the criteria of:

- Outstanding Size (girth height spread)
- Aesthetic Value

This large Blue Gum located in a private suburban back yard is of outstanding size for the local area. The tree has significant height, canopy spread and trunk girth, making it a prominent feature and it is the largest private tree within the local area.

The tree has a high visual presence within the public realm from all the surrounding streets which is particularly significant due to it being setback from all street frontages.

The tree makes a major contribution to the local landscape and neighbourhood character as it provides substantial canopy coverage and amenity to the entire community.





# Glen Eira Classified Tree Register

## TREE REPORT



**Tree number:** 168/CTR/2021

**Date of Assessment:** 01/03/2022

**Assessing Officer:** Christian Renaud

**Tree Owner:** Private Tree

**Address:** 8 Brennan St, McKinnon

**Location:** Private Open Space

**Record type:** Single Specimen Tree

**Number of trees:** 01

**Botanical name:** *Liquidambar styraciflua*

**Common name:** Liquidambar

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

**Approximate age:** 60+ years

**Diameter at breast height:** 123cm

**Tree Protection Zone (TPZ):** 11.5m

**Tree height:** 22m

**Tree canopy width:** 20m

**Easting:** 326594.0

**Northing:** 5802202.3

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



### Statement of significance:

This tree fulfils the criteria of:

- Outstanding Size (girth height spread)
- Aesthetic Value
- Outstanding Example of the Species

This Liquidambar is a particularly large example of the species for the local area with significant height, canopy spread and trunk girth.

The tree is the largest private tree in the vicinity and makes a major contribution to the local landscape. The tree has significant visual presence from the public realm and provides substantial canopy coverage. This enhances the neighbourhood character, and the loss of this tree would represent a loss of amenity to the wider community.

Given, its health, size, and location, this is an outstanding example of the species within the local area of the municipality.



# Glen Eira Classified Tree Register

## TREE REPORT



**Tree number:** 207/CTR/2021

**Date of Assessment:** 01/03/2022

**Assessing Officer:** Christian Renaud

**Tree Owner:** Private Tree

**Address:** 48 Elster Ave, Elsternwick

**Location:** Private Open Space

**Record type:** Single Specimen Tree

**Number of trees:** 01

**Botanical name:** *Fagus sylvatica* 'purpurea'

**Common name:** Copper Beech

**Structural Root Zone (SRZ):** 3.2m

**Approximate age:** 65+ years

**Diameter at breast height:** 81cm

**Tree Protection Zone (TPZ):** 9.7m

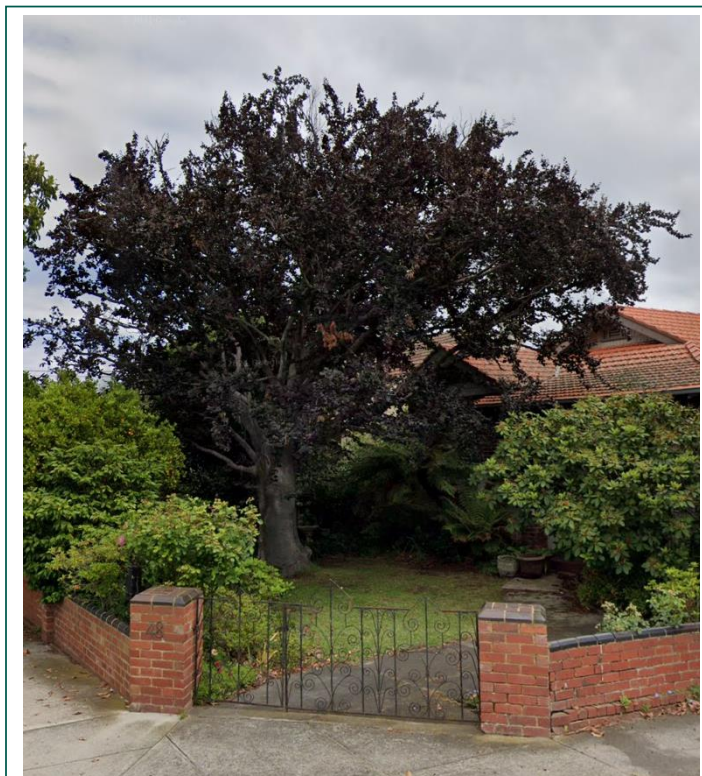
**Tree height:** 9m

**Tree canopy width:** 12m

**Easting:** 324722.3

**Northing:** 5803864.8

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



### Statement of significance:

This tree fulfils the criteria of:

- Rare or localised distribution
- Particularly old specimen
- Outstanding Size (girth height spread)
- Aesthetic Value

This Copper Beech is an uncommon species to be found growing in Glen Eira, with this specimen currently the oldest and largest example known on private lands.

This tree is slow growing within the existing environmental conditions and combined with its local rarity, it is a particularly old example.

Given the less than ideal growing conditions presented, this tree is considered to be of outstanding size for both canopy spread and trunk girth within the municipality. Its prominent location within the front yard of a corner property gives it high visual presence from the public realm and this combined with its striking foliage ensure the tree makes a major contribution to the local landscape and neighbourhood character.





# Glen Eira Classified Tree Register

## TREE REPORT



**Tree number:** 405/CTR/2022

**Date of Assessment:** 16/05/2022

**Assessing Officer:** Christian Renaud

**Tree Owner:** Private Tree

**Address:** Lord Reserve, Carnegie

**Location:** Public Open Space

**Record type:** Single Specimen Tree

**Number of trees:** 01

**Botanical name:** *Eucalyptus botryoides*

**Common name:** Southern Mahogany

**Structural Root Zone (SRZ):** 4.0m

**Approximate age:** 75+ years

**Diameter at breast height:** 131cm

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

**Tree height:** 24m

**Tree canopy width:** 22m

**Easting:** 328624.9

**Northing:** 5804026.1

**Glen Eira Asset ID:** TP105604



### Statement of significance:

This tree fulfils the criteria of:

- Particularly old specimen
- Outstanding Size (girth height spread)
- Aesthetic Value
- Outstanding example of the species
- Outstanding habitat and biodiversity value

This Southern Mahogany is a particularly old and healthy example of the species within Glen Eira, estimated at over 75 years of age and likely one of the original park plantings. It is of outstanding size for height, canopy spread, and trunk girth, making it one of the largest trees in the area, and the tallest tree in the park.

The tree is prominently located in the corner of a large reserve on an intersection and makes a major contribution to the local landscape as an iconic park feature. It provides significant canopy coverage over the road and provides amenity to the community.

Given its age, health, size and location, this is an outstanding example of the species within the entire municipality and the presence of nests and active hollows, combined with being a flowering native species make it an invaluable resource for native wildlife.





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**8.7 PHILANTHROPIC PARTNERSHIP DONATION - COMMUNITY BANK  
CAULFIELD PARK A BRANCH OF BENDIGO BANK**

**Author:** Niall McDonagh, Director Community Assets and Leisure

**Trim No:** 22/1132486

**Attachments:** 1. 20317\_Caulfield Park Western Playspace\_Concept Presentation\_Rev A  
[↓](#)

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**EXECUTIVE SUMMARY**

Following the adoption of the Council's new Philanthropic Partnership Policy in February 2022, the Community Bank Caulfield Park (a Branch of Bendigo Bank) initiated discussions with Council Officers in relation to potential donation opportunities within Caulfield Park.

On the 6 May 2022, the Community Bank Caulfield Park wrote to Council to make a formal donation offer of \$90,000 plus GST towards the construction of the Caulfield Park Sensory Playspace.

It is believed that the donation from the Community Bank Caulfield Park meets the objectives of the Policy.

The report recommends that Council accept the donation offer.

**RECOMMENDATION**

That Council:

1. accepts the donation offer of \$90,000 plus GST from the Community Bank Caulfield Park (a Branch of Bendigo Bank);
2. writes to the Community Bank Caulfield Park (a Branch of Bendigo Bank) advising of Council's decision;
3. authorises the Director Community Assets and Leisure to finalise the Partnership Agreement with the Community Bank Caulfield Park (a Branch of Bendigo Bank); and
4. publishes the conditions of the Partnership Agreement on Council's website within 30 days of execution of the written agreement.

**BACKGROUND**

At the 22 February 2022 Ordinary Council Meeting, Council adopted the Philanthropic Partnership Policy (Policy).

The Policy sets out the parameters which need to be applied in relation to the receipt of such financial contributions and provides a structured framework to guide the context and establishment of decisions regarding incoming philanthropic donation offers.

The objective of the draft Policy is to ensure that, in considering and accepting donations and philanthropic partnerships:

1. Council has appropriate probity checks in place to prevent corruption and conflicts of interest;



2. Council is consistent and transparent in its dealing with donors and potential donors;
3. donations add value to Council services, events and facilities;
4. philanthropic partnerships and donations align with Council's vision and key objectives;
5. partnership opportunities for investment in Council services, events and facilities are coordinated; and
6. risks in philanthropic partnerships are effectively managed, and Council's reputation is protected.

Following the adoption of the Policy, the Community Bank Caulfield Park (a Branch of Bendigo Bank) contacted Council Officers to initiate discussions in relation to potential donation opportunities within Caulfield Park.

On the 6 May 2022 the Community Bank Caulfield Park wrote to Council to make a formal donation offer of \$90,000 plus GST towards the construction for the Caulfield Park Sensory Playspace.

### **ISSUES AND DISCUSSION**

The Sensory Playspace upgrade responds to a recommendation of the Caulfield Park Masterplan Refresh, endorsed by Council in May 2019. The masterplan recommends retaining the playground as a junior playground with the addition of natural and sensory elements.

The design for this project was developed by Council's landscape design consultant, Playce Pty Ltd. The design of the Sensory Playspace is shown in attachment 1. Ascend Collaborative was appointed as the successful contractor following an open tender process and works commenced in May 2022.

In conjunction with the donation offer, the Community Bank Caulfield Park seek to have signage installed that indicates the Sensory Playspace has been provided in partnership with the Community Bank Caulfield Park. It is believed that is a reasonable request, as the wording can easily be added to the proposed signage that will be installed as part of the project. Noting that the final size, material and design of the sign is still being finalised.

Signage promoting the partnership has also been requested for the project construction phase. Notification highlighting the partnership could also be easily added to the current construction site information signage.

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

The adoption of a Philanthropic Partnership Policy aligns with the adopted Our Climate Emergency Response Strategy 2021-25 (Strategy). Specifically, it will enhance opportunities for Council to work with the community through the following Goals, Principles and Actions within the Strategy:

Goal 2 - that our community is active and mobilised on climate action

Principle 1 – that we work together with the community

Action 2.2 – that Council creates opportunities for our community to act on climate change at home, at work, at school and as a community.



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

The purpose of the Policy is to establish partnerships to enhance the financial, resource and asset outcomes of Council. The draft Policy provides guidance and criteria to manage any financial, resource, risk and asset management implications imposed by any proposal.

The construction cost for the Playspace is \$186,000. The project/contract will be funded through Council's 2021/22 Recreation & Open Space Capital Works Budget. The preferred tenderer's price is well over the \$75,000 (excluding GST) budget for this project, however the shortfall can be covered by savings achieved from other current Recreation and Open Space projects.

This donation offer will allow Council to achieve a positive budget position for the project, with the \$90,000 from the Recreation and Open Space able to be redirected to other open space priorities.

**POLICY AND LEGISLATIVE IMPLICATIONS**

The Philanthropic Partnership Policy sets out the framework for Council when it considers accepting the offer of the donation from the Community Bank Caulfield Park.

**COMMUNICATION AND ENGAGEMENT**

Under the adopted Policy all accepted philanthropic donations and the conditions of the Partnership Agreement will be published on Council's website within 30 days of execution of the written agreement.

Council Officers have been in discussions with the Community Bank Caulfield Park and recently have received a formal donation offer for a contribution towards the construction cost of the Caulfield Park Sensory Playspace.

If the donation offer is accepted by the Council, there will be publicity opportunities, such as a formal opening ceremony where the partnership may be promoted.

**LINK TO COUNCIL PLAN**

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

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**CONCLUSION**

The Philanthropic Partnership Policy adopted by Council provides a framework to guide the decisions and assessment of proposed donations that will add value to Council services, events and facilities.

It is believed that the donation offer \$90,000 plus GST from the Community Bank Caulfield Park meets the objectives of the Policy.

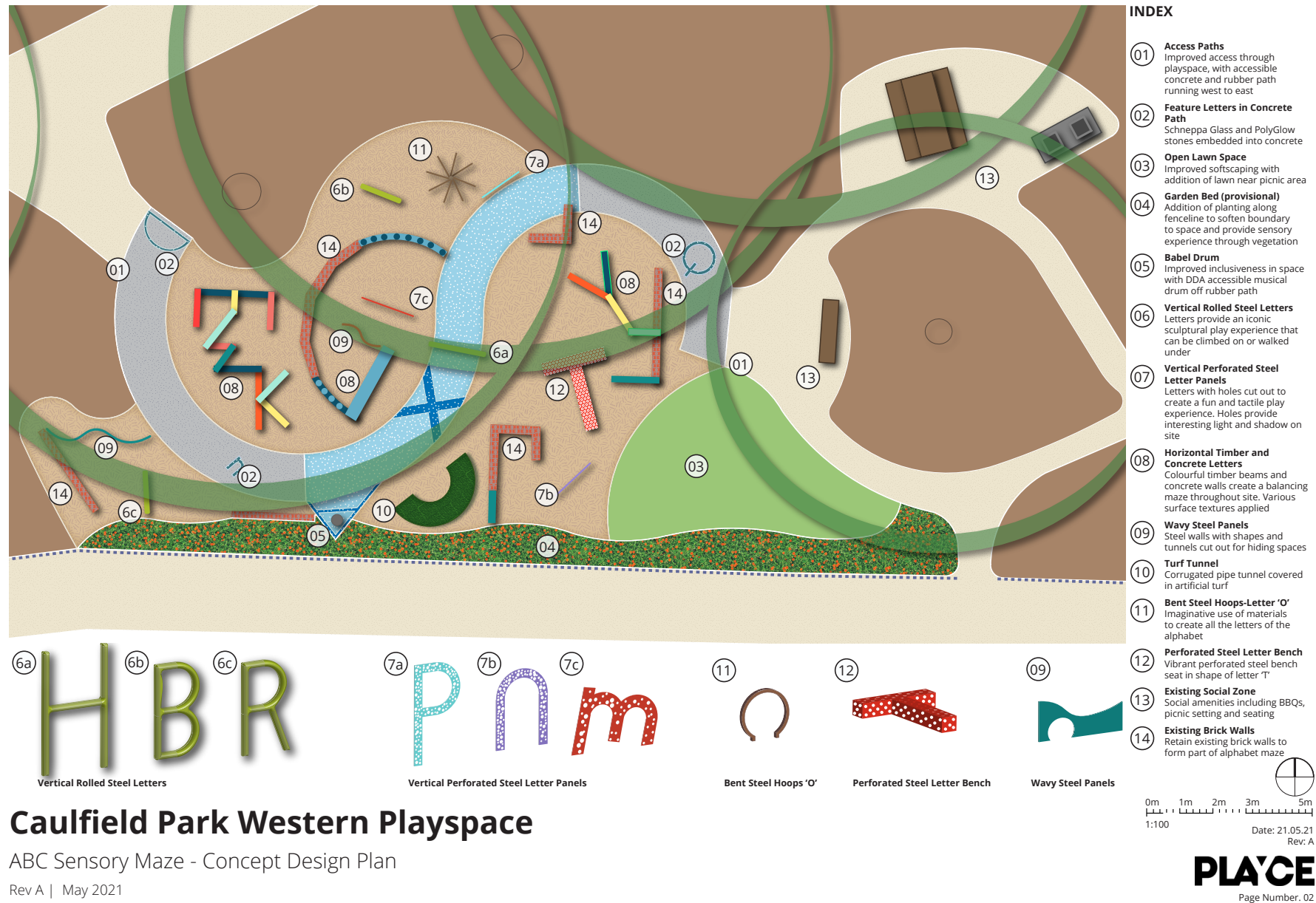


# caulfield park western playspace

## PLAY SPACE CONCEPT

Rev A  
May 2021

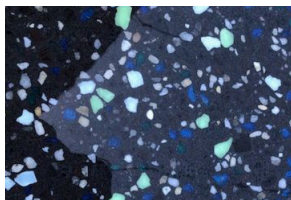






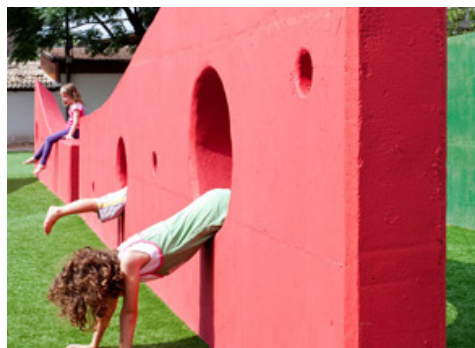
## ABC Sensory Maze: Precedent Images and Materiality

The ABC sensory maze is a fun and educational space which uses a variety of materials to create a unique sensory experience of textures, colours, light, shadows and sounds. The maze is an inclusive space which allows able bodies to clamber and climb their way through the space, finding all the letters of the alphabet, while less able bodies can journey through the spine of the space along the 'S' shaped path, passing under gigantic letter 'H' and enjoying the babel drum along the way.



### FEATURE TEXTURES

Recycled glass embedded into concrete to create colourful and textural letters as features of the sensory maze



### CUT OUT SHAPES

Steel panels and concrete include cut out shapes and unique features to add another layer of play to the sensory maze



### MULTI USE PLAY - BALANCING AND CLIMBING

Dramatic and sculptural vertical steel letters for climbing on and moving through.



### COLOURFUL BALANCING MAZE ADVENTURE

A combination of materials and surface textures and differing heights and widths create a challenging and creative play environment



### SCULPTURAL TUNNEL

Using bent steel to create the letter 'O'



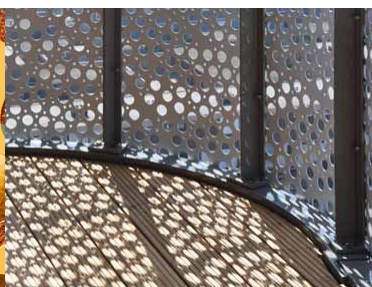
### TEXTURAL TUNNEL

Tunnel which forms the letter 'C' covered in artificial grass



### PERFORATED STEEL

Holes cut in steel panels create fun spaces to hide and poke hands through, while also creating beautiful shadows and light on the surfaces below



### PERCUSSION PLAY 'ABEL DRUM'

Musical drum accessible off main path

Date: 21.05.21  
Rev: A

**PLAYCE**

Page Number. 03



## 8.8 COMMUNITY SAFETY PLAN 2022-2025

**Author:** Sharon Sykes, Manager Community Development

**Trim No:** 22/1100850

**Attachments:** 1. *Glen Eira Community Safety Plan 2022-2025* [↓](#)

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### EXECUTIVE SUMMARY

The development of the *Glen Eira Community Safety Plan 2022-2025* has involved extensive consultation and engagement with the community, the Community Safety Committee, Youth Advisory Committee, community organisations, and Council's Community Voice online panel.

This report seeks Council's endorsement of the *Glen Eira Community Safety Plan 2022-2025*.

### RECOMMENDATION

That Council endorses the *Glen Eira Community Safety Plan 2022-2025* (Attachment 1 to the report).

### BACKGROUND

Following successful implementation of the *Glen Eira Community Safety Plan 2018-2022*, Council has developed a second *Glen Eira Community Safety Plan 2022-2025*. It outlines Council's commitment to a safe community and proposes activities that Council will undertake with its strategic partners to improve safety and security within the community. The *Plan* will set the direction for Council to enhance community safety and engage in partnership with our community and residents.

The development of the draft *Community Safety Plan 2022-2025* has been a collaborative effort between Council, the Glen Eira Community Safety Committee, community and other stakeholders. Over the past eight months, the Glen Eira community has contributed, reviewed and provided feedback that has shaped the *Community Safety Plan 2022-2025*.

*The Plan* has also been developed using knowledge and data sourced through research, evaluation and community engagement.

At the Council meeting of 15 March 2022 Council endorsed the release of the draft *Community Safety Plan 2022-2025* for the final stage of community engagement which took place from 17 March 2022 to 20 April 2022. The aim of the engagement was to present the draft *Plan* and obtain community feedback on any final thoughts and ideas. The final engagement process explored the community's level of satisfaction with the draft plan and whether there was anything missing, or needed to be changed, added or deleted.

### ISSUES AND DISCUSSION

During the final stage of community engagement, we asked contributors to provide feedback on the Themes and Strategies of the Plan. The Themes are:

1. Theme One: Strong Resilient, inclusive, and connected community
2. Theme Two: Living safely and securely



### 3. Theme Three: Creating safe public spaces and transport

Overall, the feedback was positive. The following suggestions were made to improve the *Plan*:

- For Theme One, it was suggested that strategies could be clearer, tangible and less broad.
- For Theme Two, addressing homelessness needs to be clearer. In addition, further education should be provided for those in the community who do not believe safety is important.
- For Theme Three, better lighting, traffic management and school education around road safety were a focal point.

Responses from the Youth Advisory Committee Meeting held on Thursday 7 April, focused more on early intervention and education around safety concerns such as mental health and stigma, as well as addressing perceptions of safety for vulnerable residents. It was suggested that actions that promoted youth independence and that share resources through online channels could be incorporated.

The Community Safety Committee, at its meeting on 4 May 2022 considered the community feedback provided and the proposed changes to the draft *Plan*. These changes included

- Theme One, Strategy One, Action 1.1 now includes homelessness as follows: *'Support programs and services across Council to engage with and/or support the needs of community members experiencing isolation, homelessness, loneliness or vulnerability, by building understanding of these needs and how they can be supported.'*
- Theme One, Strategy Three, Action 3.3 now includes different points of views and experiences as follows: *'Conduct a Community Confidence and Feelings of Safety Survey to understand intersectional perceptions of safety and informs a proactive and inclusive approach to community safety issues.'*
- Theme Two, Strategy Three, Action 3.2 now includes technology and online channels as follows: *'Incorporate safety and climate change messages in social media posts, media releases, and other communications channels.'*
- Theme Three, Strategy Two, Action 2.4 has been updated to include safety of pedestrians and cyclists for the greater community and school education of the rules regarding pedestrian and cyclist movements as follows: *'Address community safety issues through discussion with local young people (10–25 years)' with a measure of 'Facilitate the Moving up program with at least one agenda focusing on safety and getting to school autonomously.'*

### CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

There are no implications in this report.

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

Partnership activities will occur within existing resources and operating budgets of the responsible departments.

Funding will be sought from external sources to implement other community safety initiatives is an action contained in the *Community Safety Action Plan 2022-2025*.



**POLICY AND LEGISLATIVE IMPLICATIONS**

The *Community Safety Plan 2022-2025* aligns with relevant policies and plans of Council and State and Commonwealth Governments.

**COMMUNICATION AND ENGAGEMENT**

The *Glen Eira Community Safety Plan 2022-2025* was developed in collaboration with the Community Safety Committee, key stakeholders, the community and internal Council staff. External engagement with the community had 20 visits and elicited 9 responses via Council's Have Your Say website. The Glen Eira Youth Advisory Committee (7 April 2022) provided 21 responses.

The community engagement process has been extensive and has included two distinct engagement phases. In Phase One, 13 September 2021 to 13 October 2021, Council sought to hear from stakeholders and diverse voices across a range of genders, life stages and from diverse backgrounds across all neighbourhoods to input into the development of the *Plan*. In Phase Two, 17 March 2022 to 20 April 2022, Council gave the community the opportunity to provide feedback on the draft *Plan* and key priorities and to offer any further input through various engagement activities.

The community engagement activities were promoted widely through Glen Eira News, Councils Have Your Say portal, e-newsletters and social media posts.

The engagement activities conducted included:

- Presentations to members of Glen Eira Community Safety Committee.
- A community engagement activity with Glen Eira's Youth Advisory committee.
- Victoria Police and the Jewish Community Engagement Day.
- Have Your Say online.
- The Glen Eira Adult Learning Centre (GEALC) Multicultural Festival.
- Facebook posts.
- Emails to community groups.
- Discussion with key stakeholders - external.
- Community Engagement eNewsletter.
- Glen Eira News article.

**LINK TO COUNCIL PLAN**

Strategic Direction 5: A healthy, inclusive and resilient community

We support our residents to be healthy, strong and resilient and will embrace and celebrate our diverse community

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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



**CONCLUSION**

The Glen Eira *Community Safety Plan 2022-2025* identifies the key safety issues and safety priorities for Glen Eira. Council and its partners will use the *Plan* to maintain and enhance safety in Glen Eira and the plan provides the community with a clear and easily understood snapshot of community safety in Glen Eira.





GLEN EIRA  
CITY COUNCIL

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

# DRAFT GLEN EIRA COMMUNITY SAFETY PLAN 2022–2025



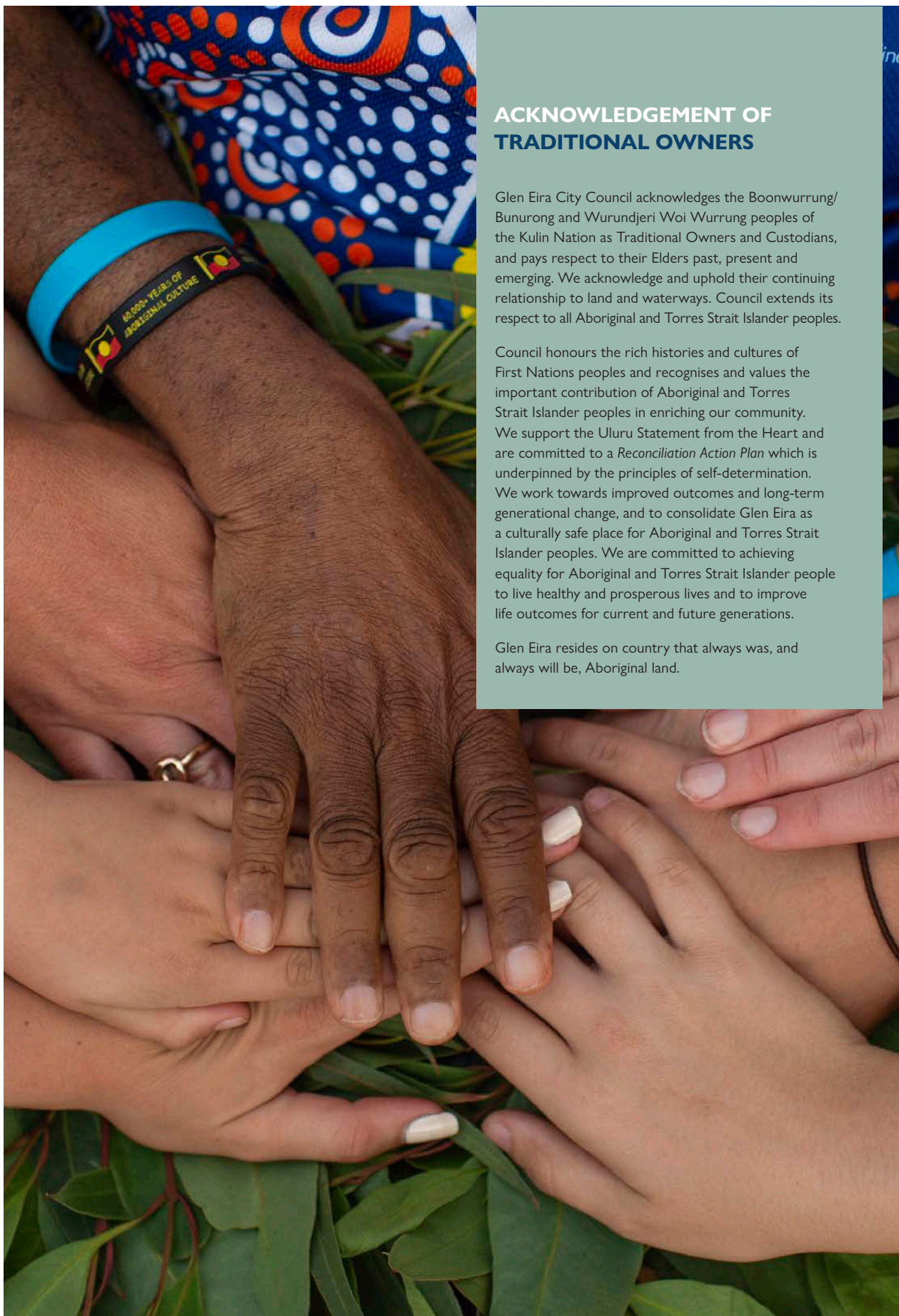


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## ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

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



# INTRODUCTION

## What is community safety?

Community safety is about feeling safe in the home, on the street or at work. It relates to quality of life and means a person can pursue and obtain the fullest benefits from their domestic, social and economic lives without fear or hindrance from crime and disorder.

Community safety recognises the need for different areas of the community to work together to create a safer environment for people in which to work, live, study, play and travel through. This means building partnerships between police, government agencies, neighbouring councils, partners and community organisations and residents to promote and achieve these goals.

## Why a community safety plan and what community safety means to Glen Eira

Everyone has a right to feel safe and a responsibility to contribute toward a safer community. Feeling safe is an essential factor of an individual's health and wellbeing and their participation in community life.

Glen Eira is a vibrant community of 159,152 people spanning a range of cultures, ages and household types. The most common countries of birth outside Australia are China, India, England, South Africa and Israel, and 552 residents identify as Aboriginal and/or Torres Strait Islander, including those who have a cultural background. More than half (56 per cent) of Victoria's Jewish population live in Glen Eira. Glen Eira has a higher rate of education than the Greater Melbourne average and higher personal and household incomes than the Victorian average. Couples with children

are the most common type of household, followed by lone person households. A total of 12.3 per cent of Glen Eira residents live with disability.

Some people experience an increased risk to personal safety, such as experiencing violence and discrimination. Contributing factors include gender identity, age, Aboriginality, sexuality, ethnicity, isolation, disability, addiction or mental illness. These individuals may experience different or heightened safety concerns than others in the community.

The *Glen Eira 2040 Community Vision* identifies the future aspirations and hopes of people living in or connected to Glen Eira for the next 20 years. The *Community Vision* was developed by the community for the community, led by a Deliberative Citizens Panel and informed by an extensive community engagement program. The *Community Safety Plan 2022–2025* (the *Plan*) will be integral in bringing our *Community Vision* to life and building a connected and inclusive community where people have the resources, opportunities and capabilities to learn, work, participate and have a voice in decisions that affect them.

The *Community Safety Plan 2022–2025* identifies Council's commitment to a safe community and proposes strategic activities that Council will undertake with its strategic partners to improve safety and security within the community. A safe community is a municipal-wide issue. This *Plan* will set the direction for Council to operate and engage collectively with our community and residents in continuing to maintain safety.

1. [https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/ILOC20101003](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/ILOC20101003)



## CONTEXT

### Who is responsible for a safe community?

Community safety is the shared responsibility of Commonwealth, State and Local Governments, community service organisations, business owners and community members. Creating and maintaining a safe community involves engaging the different levels of government, organisations and groups that have a role in the Glen Eira community. Achieving a safe community requires collaboration and strong partnerships. Safety is determined by a range of complex environmental, social and economic factors. No one organisation can solve complex safety issues in isolation.

#### Commonwealth Government

The Commonwealth Government is responsible for law and order, public health, social housing, public transport and emergency management. The Commonwealth Government creates and maintains legislation that provides an overall system and framework for laws that govern appropriate conduct and behaviour for a well-regulated and fair society.

#### State Government

The Victorian Government develops state laws and supporting guidelines and engages in a range of other activities and functions that impact on safety and security. This includes Victoria Police, Neighbourhood Watch, the Country Fire Authority, Fire Rescue Victoria, State Emergency Services, VicRoads, Ambulance Victoria, child protection services and drug and alcohol services.

The Victorian Government has set five priorities<sup>2</sup> to make Victoria safer:

1. Reducing harm — by identifying threats and preventing crime.
2. Increasing connection to the community — with high police presence and involvement in our communities.

2. Victorian Government, 2019, [Community Safety Statement 2019–20](#)

3. Putting victims first — so they are at the centre of policing.
4. Holding offenders to account — so people who commit crimes are punished.
5. Improving Victoria Police capability, culture and technology — so they have the tools they need to do their jobs.

The Victorian Government also develops policies and provides grants that aim to reduce crime, increase community confidence and support community development initiatives.

#### Local Government

Glen Eira City Council is well placed to take a leading role in addressing safety and security due to its strong partnerships and collaborative approach in working with the community, community organisations and State Government. Council has a capacity-building role to support the community in crime prevention and social inclusion. Council provides advice and education around safety actions and supports services, programs and activities to promote community connection and leadership, including initiatives such as *Coffee with a Cop*, *Driving it Down*, *Living Safely* and *Safe Plate Day*.

Council has the responsibility to ensure safety, peace and order through other activities by:

- > creating and enforcing local laws, including those that regulate the consumption of liquor, animal management, parking and planning for new developments and enforcing some Victorian Government legislation, such as food safety inspections;
- > providing and maintaining public places for the community that are safe and support community development and sporting, leisure, social and business activities;



**CONTEXT CONTINUED**

- > supporting safe travel and transport through planning, road and footpath design and maintenance; bicycle paths and walking tracks; contributing to local road safety programs; working with public transport providers; and ensuring adequate levels of street lighting; and
- > delivering a range of community services for family, children and youth services, older people and people with a disability and working to build social cohesion and harmony.

**Community**

Everyone in the Glen Eira community has an important role to play in contributing to personal and neighbourhood safety. Individuals, families and neighbours must share a level of responsibility for community safety. There are also many groups and organisations that take on an important role in maintaining connections, building resilience and creating an awareness of crime prevention which all contribute to and improve the sense of safety and security across the community, such as Neighbourhood Watch, the Community Security Group, TaskForce Community Agency and Hatzolah.

Responsibilities of each individual, family unit, group or organisation as a member of the Glen Eira community include:

- > watching out for, supporting and assisting vulnerable community members in the neighbourhood;
- > looking out for neighbours and helping each other when needed;
- > demonstrating and promoting respectful behaviour to others;
- > being aware of and taking an interest in safety and security issues, being involved in solutions or ensuring matters are reported to the appropriate authorities; and
- > ensuring the reasonable safety and security of houses, vehicles and other assets.



## HOW WE DEVELOPED THIS PLAN

The development of the *Glen Eira Community Safety Plan 2022–2025* has been a collaborative effort between Council, the Glen Eira Community Safety Committee, community and other stakeholders. We aimed to build an understanding of the context and issues relevant to Glen Eira, our shared strategic priorities and to provide a co-ordinated and integrated response.

Community safety influences many different aspects impacting on the quality of life for Glen Eira's growing population of residents, workers, students and visitors. The *Plan* outlines our current and future efforts to respond to our community's safety needs. We developed the themes and strategies in consultation with stakeholders to ensure our efforts are effective and meaningful based on our scope of influence and control.

The *Plan* also draws on the actions endorsed in the *Glen Eira Council Plan 2021–2025* and the *Glen Eira Community Wellbeing Plan 2021–2025*, while aligning with a range of state and national strategies that relate to crime prevention, family violence, reducing harm from alcohol and drugs, emergency response and community safety.

A review of the previous *Glen Eira Community Safety Plan 2018–2022*<sup>3</sup> was also part of this *Plan*'s development process, as well as a study of the key achievements of the *Community Safety Action Plan 2020–2022*. These *Plans* focused on four priority areas: a strong, resilient and connected community, living safely, safe public places and safe travel and transport.

A comprehensive analysis of community and stakeholder engagement, data and local crime trends and the 'hits and misses' of our previous planning has enabled us to develop a well-informed, comprehensive and accessible *Plan* to continue to both understand and improve community safety.

3. Glen Eira City Council, 2018, [Glen Eira Community Safety Plan 2018–2022](#)

### Community consultation

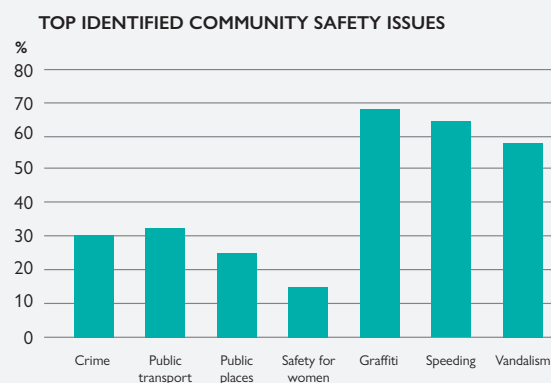
Our stakeholders are experts in developing solutions for issues affecting their communities. To develop the *Plan*, we engaged with community members, local traders, Victoria Police, community service organisations, government agencies and Council staff.

Positive perceptions of safety are closely linked to community trust and social inclusion. When people feel safe in their community, they are more likely to experience greater levels of social connection and trust and are more confident participating and engaging in public life. This leads to people being more willing and able to help address local problems, which further strengthens the community's capacity to respond to future issues that impact on health and wellbeing.

In developing the *Glen Eira Community Safety Plan 2022–2025*, Council consulted with the community to identify safety concerns and perceptions. This was done through the following mediums from September to November 2021:

- > Have Your Say online survey: 27 responses
- > Survey Monkey survey: 6 responses
- > Zoom/Teams workshops/drop-in sessions: 10 responses
- > Meetings with stakeholders: 9 responses
- > Community Voice survey: 190 responses

Through these engagement methods, the top identified community safety issues were:





## GLEN EIRA COMMUNITY SAFETY PLAN 2022–2025

8

## HOW WE DEVELOPED THIS PLAN CONTINUED

## Glen Eira Community Safety Snapshot

The [Glen Eira Community Safety Snapshot 2021](#) provides a point-in-time summary of community safety in the municipality. It includes data from the *Community Confidence and Feelings of Safety Survey* (2021) and the *Local Government Community Satisfaction Survey* (2021), conducted state-wide, as well as statistics agencies, commissions and other State, Commonwealth, organisational and institutional surveys and data. It reveals that Glen Eira residents enjoy a strong feeling of safety in their community, with 94 per cent reporting a very good or good quality of life, 96 per cent feeling safe or very safe to walk alone in the local area during the day, and 64 per cent feeling safe or very safe to walk alone after dark. The community maintains its own safety, with 75 per cent of residents reporting their neighbours are willing to help each other. In addition, 79 per cent believe Glen Eira City Council can be trusted.

Social cohesion was a focus of the data collection for the Snapshot. Social cohesion is the resilience, connection and wellbeing of a community — it is the 'glue' that holds us together<sup>4</sup>.

A sense of belonging and participation contributes to a resilient community that is prepared to look after each other in times of crisis<sup>5</sup> and promotes better health behaviours, lower crime rates and safety.

The Glen Eira community, like the rest of Australia, faced many challenges to their health and wellbeing due to the COVID-19 pandemic. In November 2020, Glen Eira City Council conducted a *COVID-19 impact survey* through Community Voice. [Community Voice](#) is an online panel of over 400 residents selected on age, gender and suburb who participate in surveys throughout the year on a range of topics. Comparisons of the surveys before and after the COVID-19 restrictions identified that 20 per cent of people had a negative impact on their employment situation, nine per cent identified a negative impact to their child's wellbeing, and 29 per cent saw negative impacts to their mental health. However, 32 per cent are more satisfied with their life as a whole post COVID-19, and 89 per cent agree their neighbourhood is a good place to live.

## SAFETY



Enjoying a strong feeling of safety in their community

**94%**

Very good or good quality of life

**96%**

Safe or very safe to walk alone during the day

**64%**

Safe or very safe to walk alone locally after dark

**75%**

Report neighbours are willing to help each other

**79%**

Believe Glen Eira City Council can be trusted

## COVID-19



Impact of COVID-19 restrictions

**20%**

Negative impact on employment

**9%**

Negative impact on their child's wellbeing

**29%**

Negative impacts to their mental health

**32%**

More satisfied with life as a whole post COVID-19

**89%**

Agree their neighbourhood is a good place to live

4. Australian Human Rights Commission, 2015, [Building Social Cohesion in our Communities](#)

5. Victorian Department of the Premier and Cabinet, issuing body, 2015, [Strategic Framework to Strengthen Victoria's Social Cohesion and the Resilience of its Communities](#)



## HOW WE DEVELOPED THIS PLAN CONTINUED

While residents of Glen Eira have a strong sense of wellbeing, community cohesion and safety, there is room for improvement. Key safety issues include crime, family violence, alcohol and drug use, gambling harms, road safety, online safety, housing security and the various impacts of the COVID-19 pandemic. The following provides a snapshot of key safety issues for Glen Eira based on the [Glen Eira Community Safety Snapshot 2021](#) data from 2020–2021.

Glen Eira had the sixteenth lowest crime rate in all 79 Local Government areas<sup>6</sup>, but there were still 6,036 incidents recorded in 2020–2021. The five most common crimes in Glen Eira in 2021 were ‘steal from a motor vehicle’, ‘other theft’, ‘public health and safety offences’, ‘residential non-aggravated burglary’ and ‘criminal damage’.

### Public realm amenity

There were 89 graffiti-related crimes in Glen Eira in 2020. This type of crime is higher in Glen Eira than the Victorian average<sup>7</sup>.

### Family violence

There was an increase of 13 per cent of family violence incidents from 2019–2020 to 2020–2021, which echoes the 14 per cent overall increase in Victoria<sup>8</sup>, exacerbated by the COVID-19 pandemic and lockdowns.

### Alcohol and drug use

There were 2,319 ambulance attendances for alcohol substance abuse and 1,281 ambulance attendances for illicit substance abuse in Glen Eira in the period<sup>9</sup>.

### Gambling harms

Although Glen Eira saw a much lower net expenditure on electronic gambling machines in Glen Eira (\$23,888,482), one in three people identified that they took up online gambling for the first time in 2020<sup>10</sup>.

### Road safety

The number of road crashes involving injury in 2021 was 128, and there were six fatalities.

### Online safety

Safety issues online include bullying (particularly of young people), scams and frauds.

### Housing security

There are 4,145 households in Glen Eira experiencing severe housing stress — paying over 50 per cent of their income on rent. This is a safety issue because without housing security, households may endure housing stress and homelessness, financial pressures and the loss of economic and social life in the municipality<sup>11</sup>.

### COVID-19

The pandemic and lockdowns have created issues of health, safety and resilience for individuals and the community. As of 31 January 2022, there have been 13,127 cases of COVID-19 in Glen Eira<sup>12</sup>. Some residents identified a change in access to food, housing and medical services. Others identified negative impacts to their employment situation, anger and violence in the home, their child’s wellbeing and their mental health<sup>13</sup>.

The areas of concern in the *Snapshot* are addressed in this *Plan* but also in other, aligned, Council plans and strategies.

6. Crime Statistics Agency Victoria, 2021, [Data Tables — Latest Crime Data by Area Data Visualisations — year ending June 2021](#)

7. Crime Statistics Agency Victoria, 2021, [Data Tables — Latest Crime Data By Area Data Visualisations — year ending June 2021](#)

8. Crime Statistics Agency Victoria, 2020, [Data Tables — Family Incidents Visualisation — year ending June 2021](#)

9. Turning Point, 2021, [Alcohol and drug-related ambulance attendances in Victoria](#)

10. Australian Institute of Family Studies, 2020, [Gambling in Australia during COVID-19](#)

11. Glen Eira City Council, 2019, [Glen Eira Social and Affordable Housing Strategy 2019–2023](#)

12. COVID Live, 2021, <https://covidlive.com.au/report/cases-by-lga/vic>

13. Glen Eira City Council, 2021, [Glen Eira Community Voice](#)



## HOW WE WILL IMPLEMENT THE ACTION PLAN

The following *Glen Eira Community Safety Plan Action Plan* outlines Council's commitment to improving safety outcomes for the community through specific strategies and actions. The timeline for implementation of the actions is one to three years. We will know that we have been successful in achieving these actions when:

- we have delivered on the actions in the *Community Safety Plan 2022–2025*;
- there is an increase in the percentage of residents that report that they feel safe in the home, on the street or at work via the *Community Confidence and Feelings of Safety* survey; and
- research and data indicate crime rates (criminal incidents) have declined in Glen Eira municipality, in particular crimes related to theft of, or damage to property or motor vehicle, criminal damages and public safety offences.

The Glen Eira Community Safety Committee will oversee the co-ordination of these actions. Working collaboratively within Council, with the community and with external organisations is an important aspect of implementing these actions.

### Glen Eira Community Safety Committee

The Glen Eira Community Safety Committee promotes, guides and supports strategic responses to community safety priorities in Glen Eira. Among the Committee's objectives are the development, implementation and reporting of the *Glen Eira Community Safety Plan 2022–2025*.

Council established the Glen Eira Safety Committee in 2017 to bring together key agencies and organisations whose work has a significant impact on community safety. Membership of the Committee includes Glen Eira elected Councillors, senior Council officers, government stakeholder representatives and representatives from community organisations and Victoria Police.

### Monitoring and evaluating

The Glen Eira Community Safety Committee will be responsible for ensuring the proposed actions are implemented. Appointed by Council, members of the Committee have a strong understanding of safety in Glen Eira, strong networks and links to the community and a keen interest in driving good outcomes in the municipality. The Committee will also review data, research and evaluation regularly and understand how and which efforts have made a difference in creating a safe community.

### Alignment with other Council plans, actions and strategies

The *Glen Eira Community Safety Plan 2022–2025* sits alongside other Council plans that share similar strategic objectives and principles. Aligned plans help Council to work interdepartmentally and with stakeholders and the community to strengthen delivery on strategic outcomes that benefit our community. The plans with the highest level of strategic alignment and that support the themes of this *Plan* are:

### Glen Eira Council Plan 2021–2025

The [Glen Eira Council Plan 2021–2025](#) includes a range of indicators within its strategic priorities that align with safety concerns of the community. These include an 'improved look and feel of our activity centres, including cleanliness, footpath condition, graffiti, waste management, trees, parking, safety and lighting', 'the progression of safe, accessible and sustainable transport initiatives' and Council advocating for 'improved transport infrastructure'.

The delivery of the *Glen Eira Community Safety Plan 2022–2025* is a commitment in Year One of the *Glen Eira Council Plan 2021–2022*.



## HOW WE WILL IMPLEMENT THE ACTION PLAN CONTINUED

### Glen Eira Community Wellbeing Plan 2021–2025

The [Glen Eira Community Wellbeing Plan 2021–2025](#) addresses crossover health and safety issues, such as COVID-19 and climate change impacts through Priority One: Improve Public Health Protection. This *Plan* also has objectives related to 'improving the built environment to be more accessible, safe, walkable and interconnected', reducing 'harm to our community from tobacco, vaping, alcohol and other drugs, and gambling', and participating 'in partnerships to promote gender equality, respect and the prevention of violence'.

### Glen Eira 2040 Community Vision

The first [Community Vision](#) for Glen Eira was developed following an extensive community engagement program and endorsed mid last year (2021). One of the key values that was raised from community members during this engagement was the importance of maintaining a strong community connection, belonging and feeling safe. This value is also addressed in our *Glen Eira Community Safety Plan 2022–2025* as we achieve a strong sense of belonging and feeling safe.

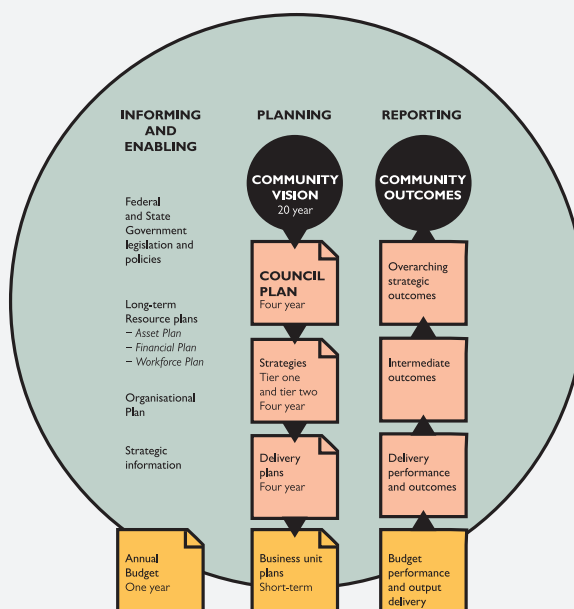
The following Council plans and strategies also have some alignment with this *Plan*:

- > [Our Climate Emergency Response Strategy 2021–2025](#)
- > [Glen Eira Gender Equality Action Plan](#)
- > [City Plan — Activity Centre, Housing and Local Economy Strategy 2020](#)
- > [Local Economy and Place Making Action Plan 2020–2025](#)
- > [Social and Affordable Housing Strategy 2019–2023](#)
- > [Integrated Transport Strategy](#)

### Integrated planning and reporting

Along with the *Community Vision*, the *Council Plan* is the overarching strategic component of Glen Eira's *Integrated Planning and Reporting Framework* (the *Framework*). The *Framework* describes how strategic planning and reporting is developed and managed by Council to ensure the work it does contributes to the goals and aspirations of the Glen Eira community.

The *Framework* outlines how Council plans for the future across multiple functions, levels and locations to contribute to those aspirations. It also shows how the obligations from our regulators and relationships with our partners impact and contribute to the community's desired outcomes. From a reporting perspective, the *Framework* ensures there are mechanisms in place to monitor progress towards achieving those outcomes and report transparently to the community.



INTEGRATED PLANNING AND REPORTING FRAMEWORK





# OUR VISION AND ACTION PLAN THEMES



## OUR COMMUNITY SAFETY VISION

Our vision is for Glen Eira to be a place where people feel safe and able to participate in community life. The community is connected, inclusive and supportive of all individuals and groups.

The community is resilient and informed, actively engaged and empowered to make decisions for their own and others safety.



## ACTION PLAN: COMMUNITY SAFETY THEMES AND STRATEGIES

The *Glen Eira Community Safety Plan 2022–2025* outlines the strategic activities that Council will undertake to improve safety and security for the community. This *Plan* focuses these activities through three key themes:

- > A strong, resilient, inclusive and connected community;
- > Living safely and securely; and
- > Creating safe public spaces and transport.

As Glen Eira values and enjoys a relatively high quality of life and safety, these themes aim to continue to keep Glen Eira safe and to minimise issues that have been identified, those that are emerging and some that may arise in the future. Under each theme there are strategies to achieve the objective. The strategies listed under each theme are supported by annual actions that will result in positive safety outcomes for the community.



## THEME 1: A strong, resilient, inclusive and connected community



For a community to be safe, members of that community must feel they belong. Council and its partners can promote connections within the community to reduce isolation, create support linkages, and foster a sense of belonging and safety. This can be done through a range of activities, events and programs designed to be inclusive of all ages, cultures, genders and abilities. Efforts can be made to reach out to those most vulnerable or isolated.

### Strategies:

1. Encourage and support connections in the community to reduce isolation, create support linkages and foster a sense of belonging and safety.
2. Equity and respect are thriving in our community.
3. Improve community confidence and feelings of safety.
4. Improve understanding of factors that may have a community safety impact and/or drive crime and anti-social behaviour to inform future strategies and planning and develop effective solutions.

### Actions:

**Strategy 1: Encourage and support connections in the community to reduce isolation, create support linkages and foster a sense of belonging and safety.**

- 1.1 Support programs and services across Council to engage with and/or support the needs of community members experiencing isolation, homelessness, loneliness or vulnerability by building understanding of these needs and how they can be supported.
- 1.2 Promote activities and programs that encourage safe neighbourhoods and communities.
- 1.3 Advocate for and facilitate programs to minimise the risk of anti-social behaviour.

**Strategy 2: Equity and respect are thriving in our community.**

- 2.1 Facilitate and/or support an anti-racism campaign/activity.
- 2.2 Through the implementation of the *Glen Eira Community Wellbeing Action Plan*, promote respect, care and equity to help keep our community safe from all forms of inequality and violence.

**Strategy 3: Improve community confidence and feelings of safety.**

- 3.1 Develop and publish positive media releases and articles about community safety on the Council's website and through a variety of media outlets.
- 3.2 Promote family-friendly and safe initiatives and public events to increase perceptions of safety in public spaces.
- 3.3 Conduct a *Community Confidence and Feelings of Safety* survey to understand perceptions of safety and to inform a proactive approach to community safety issues.

**Strategy 4: Improve understanding of factors that may have a community safety impact and/or drive crime and anti-social behaviour to inform future strategies and planning and develop effective solutions.**

- 4.1 Participate in networks to enable a broader understanding of community safety, crime and anti-social behaviour.
- 4.2 Analyse crime statistics and trends and report these to the Glen Eira Community Safety Committee and identify future actions to combat increasing crime areas/issues.
- 4.3 Conduct comparative data analyses to identify strategic priorities and emerging risks and build an evidence base for advocacy campaigns.



## THEME 2: Living safely and securely



Community safety will be addressed by Council, the police, organisations and residents working together. Council has a responsibility to take on board what it learns from our community about their safety needs and provide support in return. There are many factors for living safely and securely. In previous sections we have determined some of the community's main concerns, from crime to online safety to the impacts of climate change. These strategies and actions will ensure we continue listening to these concerns and provide education, empowerment and support to our community in navigating these safety issues.

### Strategies:

1. Provide information to the community on how to keep safe, report local safety issues and potential safety risks.
2. Partner with Victoria Police and various community organisations to strengthen relationships within the community.
3. Educate and empower the community to understand the impacts of climate change and safety.
4. Engage and support our community to minimise harms and reduce the risk of adopting criminal and anti-social behaviour.

### Actions:

#### Strategy 1: Provide information to the community on how to keep safe, report local safety issues and potential safety risks.

- 1.1 Promote children's safety to parents and carers to assist with injury prevention, water safety, personal safety and other identified safety issues for babies and children.
- 1.2 In partnership with Victoria Police, provide information through Council publications to our community on how to report local safety issues, messages and potential safety risks to the appropriate organisations.

- 1.3 In partnership with Victoria Police, provide information to the community, traders and local businesses about where to seek assistance if they become a victim of crime.

- 1.4 Work in partnership to develop initiatives and programs that raise awareness of cyber safety concerns.

#### Strategy 2: Partner with Victoria Police and various community organisations to strengthen relationships within the community.

- 2.1 Run online or face-to-face community safety engagement activities in partnership with Victoria Police to discuss current safety issues.
- 2.2 In partnership with Emergency Services and community organisations, deliver safe community initiatives and events in Glen Eira eg. *Safe Plate Day*, *Community Safety Month*.
- 2.3 Provide opportunities to establish and build positive relationships between Victoria Police, young people and key stakeholders to address young people's local safety issues.

#### Strategy 3: Educate and empower the community to understand and minimise the impacts of climate change on safety.

- 3.1 Engage and educate our community to understand climate safety and how they can best adapt to and protect themselves against climate change impacts eg. extreme weather, heat, flash flooding.
- 3.2 Incorporate safety and climate change messages in social media posts and media releases and other communications channels.



## THEME 2: Living safely and securely

### CONTINUED

**Strategy 4: Engage and support our community to minimise harms and reduce the risk of adopting criminal and anti-social behaviour.**

4.1 Provide opportunities to have discussions, establish and build relationships with young people, their families and key stakeholders to explore local issues relating to anti-social behaviour, including drug, alcohol and tobacco use by young people (10–25 years).

4.2 Liaise with local traders of activity centres to identify and address emerging anti-social behaviour.

4.3 Work in partnership with the Alliance for Gambling Reform and Gambler's Help Southern to implement campaigns that minimise gambling harm.



## THEME 3: Creating safe public spaces and transport



People's perceptions of whether they are safe in an environment can be influenced by environmental and design factors, such as lighting, the presence of rubbish, graffiti, damaged property, a lack of people and whether there are places they can sit. The behaviour of other people in the environment can also influence perceptions of safety. Council aims to design and maintain public spaces that feel safe and inviting. We also aim to ensure our streets are safe for pedestrians and cyclists, and that there are safe and convenient transport choices. Reducing the risk and severity of injuries on our roads is also a priority.

### Strategies:

1. Design and maintain public spaces to deter crime and anti-social behaviour while promoting safety and a sense of place.
2. Improve the safety of pedestrians and cyclists.
3. Enhance safety around railway stations and other public transport nodes.

### Actions:

**Strategy 1: Design and maintain public spaces to deter crime and anti-social behaviour while promoting safety and a sense of place.**

- 1.1 Liaise with Victoria Police to understand issues relating to crime and anti-social behaviours in our public spaces and undertake design consideration and suitable actions to mitigate or eliminate these issues.
- 1.2 Maintain the positive look and feel of public spaces through ongoing cleansing, graffiti removal, amenity patrols and ensuring passive surveillance.

**Strategy 2: Improve the safety of pedestrians and cyclists.**

- 2.1 Continue to improve safety for people walking, using wheelchairs and bike riding through the design and renewal of footpaths and bike corridors across the City.
- 2.2 Through implementation of the *Glen Eira Integrated Transport Strategy*, increase the quantity and quality of walking and cycling paths along major transport routes.
- 2.3 Promote safe user access along pathways and transport routes across the municipality through social media.
- 2.4 Address community safety issues through discussion with local young people (10–25 years).

**Strategy 3: Enhance safety around railway stations and other public transport interchanges.**

- 3.1 Integrate within the structure plan development of Caulfield, Carnegie, Bentleigh, Elsternwick interchanges.
- 3.2 Advocate for community safety outcomes at Glen Huntly level crossing removal project.





# ACTION PLAN



## THEME 1: A strong, resilient, inclusive and connected community



For a community to be safe, members of that community must feel they belong. Council and its partners can promote connections within the community to reduce isolation, create support linkages and foster a sense of belonging and safety. This can be done through a range of activities, events and programs designed to be inclusive of all ages, cultures, genders and abilities. Efforts can be made to reach out to those most vulnerable or isolated.

| STRATEGIC PRIORITY   | ACTION   | MEASURE  | LEAD COUNCIL BUSINESS UNIT  | TIMELINE  |
|--|--|--|-----------------------------|-----------|
| <b>Strategy 1:<br/>Encourage and support connections in the community to reduce isolation, create support linkages and foster a sense of belonging and safety.</b> | 1.1 Support programs and services across Council to engage with and/or support the needs of community members experiencing isolation, homelessness, loneliness or vulnerability, by building understanding of these needs and how they can be supported. | 1.1.1 Annually review and quarterly promote the <a href="#">Glen Eira Community Connections</a> page to Council staff and community members and organisations. | Community Development       | 2022–2025 |
|  |  | 1.1.2 Four face-to-face or online programs delivered annually to address isolation issues.   | Libraries, Arts and Culture | 2022–2025 |
|  | 1.2 Promote activities and programs that encourage safe neighbourhoods and communities.  | 1.2.1 Six <i>Glen Eira News</i> articles annually, featuring recipients of the <i>Good Neighbour Recognition Program</i> .                                     | Community Development       | 2022–2025 |
|  | 1.3 Advocate for and facilitate programs to minimise the risk of anti-social behaviour.  | 1.3.1 Promote and support external organisations and key stakeholders that facilitate programs to minimise anti-social behaviour.                              | Community Development       | 2022–2025 |



## THEME 1: A strong, resilient, inclusive and connected community



| STRATEGIC PRIORITY   | ACTION  | MEASURE   | LEAD COUNCIL BUSINESS UNIT | TIMELINE  |
|--|---|---|----------------------------|-----------|
| <b>Strategy 2:<br/>Equity and respect are thriving in our community.</b>   | 2.1 Facilitate and/or support an anti-racism campaign/activity.   | 2.1.1 Work in partnership with community organisations to facilitate an anti-racism campaign.   | Community Development      | 2022–2025 |
|  | 2.2 Through the implementation of the <i>Glen Eira Community Wellbeing Plan Action Plan</i> , promote respect, care and equity to help keep our community safe from all forms of inequality and violence. | 2.2.1 At least three grant applications awarded that promote respect, care and equity within our community.   | Community Development      | 2022–2025 |
| <b>Strategy 3:<br/>Improve community confidence and feelings of safety</b> | 3.1 Develop and publish positive media releases and articles about community safety on the Council's website and through a variety of media outlets.  | 3.1.1 Media releases delivered online and through printed media.  | Community Development      | 2022–2025 |
|  | 3.2 Promote family-friendly and safe initiatives and public events to increase perceptions of safety in public spaces.  | 3.2.1 Media releases delivered online and through printed media to promote activities eg. <i>Koori Chill Out</i> , <i>International Day of People with Disability</i> . | Community Development      | 2022–2025 |
|  | 3.3 Conduct a <i>Community Confidence and Feelings of Safety</i> survey to understand perceptions of safety and inform a proactive approach to community safety issues.                                   | 3.3.1 <i>Community Confidence and Feelings of Safety</i> survey completed.  | Community Development      | 2022–2023 |



## THEME 1: A strong, resilient, inclusive and connected community



| STRATEGIC PRIORITY   | ACTION  | MEASURE   | LEAD COUNCIL BUSINESS UNIT                                     | TIMELINE  |
|--|---|---|--|-----------|
| <b>Strategy 4:</b><br><b>Improve understanding of factors that may have a community safety impact and/or drive crime and anti-social behaviour to inform future strategies and planning and develop effective solutions.</b> | 4.1 Participate in networks to enable a broader understanding of community safety, crime and anti-social behaviour.   | 4.1.1 Council staff attend meetings and forums that focus on community safety, crime and anti-social behaviour to gain a comprehensive understanding of these issues. | Community Development  | 2022–2025 |
|  | 4.2 Analyse crime statistics and trends and report these to the Glen Eira Community Safety Committee and identify future actions to combat increasing crime areas/issues. | 4.2.1 Annual reporting of crime statistics and trends is presented to the Community Safety Committee.   | Community Development and Glen Eira Community Safety Committee | 2022–2025 |
|  | 4.3 Conduct comparative data analyses to identify strategic priorities and emerging risks and build an evidence base for advocacy campaigns.                              | 4.3.1 Annual comparative data analysis conducted and reviewed.  | Community Development  | 2022–2025 |



## THEME 2: Living safely and securely



Community safety will be addressed by Council, the police, organisations and residents working together. Council has a responsibility to take on board what it learns from our community about their safety needs and provide support in return. There are many factors for living safely and securely. We have determined some of the community's main concerns, from crime to online safety to the impacts of climate change. These strategies and actions will ensure we continue listening to these concerns and provide education, empowerment and support to our community in navigating these safety issues.

| STRATEGIC PRIORITY  | ACTION   | MEASURE  | LEAD COUNCIL BUSINESS UNIT  | TIMELINE  |
|---|--|--|---|-----------|
| <b>Strategy 1:<br/>Provide information to the community on how to keep safe, report local safety issues and potential safety risks.</b> | 1.1. Promote children's safety to parents and carers to assist with injury prevention, water safety, personal safety and other identified safety issues for babies and children.                                       | 1.1.1 Maternal and Child Health nurses to provide all families with written and verbal educational information and resources at all <i>Key Age and Stage</i> scheduled appointments and at <i>First Time Parent Groups</i> . | Family, Youth and Children's Services                             | 2022–2025 |
|   | 1.2 In partnership with Victoria Police, provide information through Council publications to our community on how to report local safety issues, messages and potential safety risks to the appropriate organisations. | 1.2.1 One article per issue of the <i>Glen Eira News</i> that provides information from Victoria Police and that informs on local safety issues and potential safety risks.  | Communications, Engagement and Advocacy and Victoria Police       | 2022–2025 |
|   | 1.3 In partnership with Victoria Police, provide information to the community, traders and local businesses about where to seek assistance if they become a victim of crime.   | 1.3.1 Media releases delivered online and through printed media, including the <i>Glen Eira Trader's Association newsletter</i> .  | Community Development and City Futures                            | 2022–2025 |
|   | 1.4 Work in partnership to develop initiatives and programs that raise awareness of cyber safety concerns.   | 1.4.1 At least two <i>Glen Eira News</i> articles per annum on how to keep safe while on online.   | Community Development and Communications, Engagement and Advocacy | 2022–2025 |



## THEME 2: Living safely and securely



| STRATEGIC PRIORITY  | ACTION  | MEASURE   | LEAD COUNCIL BUSINESS UNIT                | TIMELINE  |
|---|---|---|---|-----------|
| <b>Strategy 2:<br/>Partner with Victoria Police and various community organisations to strengthen relationships within the community.</b> | 2.1 Run online or face-to-face community safety engagement activities in partnership with Victoria Police to discuss current safety issues.   | 2.1.1 Deliver online and/or face-to-face activities four times per year eg. <i>Coffee with a Cop</i> , online forums, participation in community events.  | Community Development and Victoria Police | 2022–2025 |
|   | 2.2 In partnership with Emergency Services and community organisations, deliver safe community initiatives and events in Glen Eira eg. <i>Safe Plate Day</i> , <i>Community Safety Month</i> .    | 2.2.1 Deliver two face-to-face activities annually eg. Victoria Police's <i>Safe Plate Day</i> , and <i>Jewish Community Day</i> .  | Community Development and Victoria Police | 2022–2025 |
|   | 2.3 Provide opportunities to establish and build positive relationships between Victoria Police and young people to help address young people's local safety issues.                              | 2.3.1 Invite Victoria Police and an LGBTIQ+ Liaison officer to attend school and community-based PRIDE groups to build relationships and to assist young people to feel comfortable to discuss their local safety issues. | Family, Youth and Children's Services     | 2022–2025 |
| <b>Strategy 3:<br/>Educate and empower the community to understand and minimise the impacts of climate change on safety.</b>              | 3.1 Engage and educate our community to understand climate safety and how they can best adapt to and protect themselves against climate change impacts eg. extreme weather, heat, flash flooding. | 3.1.1 Community stakeholders engaged to adapt and prepare for climate change and communicate climate safety messages.   | Community Safety and Compliance           | 2022–2025 |
|   |   | 3.1.2 Engagement projects or activities delivered to engage and educate the community about climate safety.   | Community Safety and Compliance           | 2022–2025 |
|   | 3.2 Incorporate safety and climate change messages in social media posts, media releases and other communications channels.   | 3.2.1 A minimum of six social media posts and/or media releases that educate the community to understand climate safety and how they can best adapt to and protect themselves against climate change impacts.             | Community Safety and Compliance           | 2022–2025 |



## THEME 2: Living safely and securely



| STRATEGIC PRIORITY  | ACTION  | MEASURE   | LEAD COUNCIL BUSINESS UNIT            | TIMELINE  |
|---|---|---|---------------------------------------|-----------|
| <b>Strategy 4:<br/>Engage and support our community to minimise harms and reduce the risk of adopting criminal and anti-social behaviour.</b> | 4.1 Provide opportunities to have discussions, establish and build relationships with young people, their families and key stakeholders to explore local issues relating to anti-social behaviour, including drug, alcohol and tobacco use by young people (10–25 years). | 4.1.1 Engage with an industry expert to deliver one <i>Family Information Night</i> that promotes healthy family discussions on topics relating to anti-social behaviour. | Family, Youth and Children's Services | 2022–2025 |
|   | 4.2 Liaise with local traders of activity centres to identify and address emerging anti-social behaviour.   | 4.2.1 Three <i>Glen Eira News</i> articles advertising youth worker support options per annum.  | Family, Youth and Children's Services | 2022–2025 |
|   | 4.3 Work in partnership with the Alliance for Gambling Reform and Gambler's Help Southern to implement campaigns that minimise gambling harm.   | 4.3.1 One campaign annually.  | Community Development                 | 2022–2025 |



## THEME 3: Creating safe public spaces and transport



People's perceptions of whether they are safe in an environment can be influenced by environmental and design factors, such as lighting, the presence of rubbish, graffiti, damaged property, a lack of people and whether there are places they can sit. The behaviour of other people in the environment can also influence perceptions of safety. Council aims to design and maintain public spaces that feel safe and inviting. We also aim to ensure our streets are safe for pedestrians and cyclists, and that there are safe and convenient transport choices. Reducing the risk and severity of injuries on our roads is also a priority.

| STRATEGIC PRIORITY  | ACTION   | MEASURE   | LEAD COUNCIL BUSINESS UNIT | TIMELINE  |
|---|--|---|----------------------------|-----------|
| <b>Strategy 1:<br/>Design and maintain public spaces to deter crime and anti-social behaviour while promoting safety and a sense of place</b> | 1.1. Liaise with Victoria Police to understand issues relating to crime and anti-social behaviours in our public spaces and undertake design consideration and suitable actions to mitigate or eliminate these issues. | 1.1.1 Utilise data from Victoria Police to inform design considerations during upgrades, redevelopments or creation of new public spaces.   | Recreation and Open Space  | 2022–2025 |
|   | 1.2 Maintain the positive look and feel of public spaces through ongoing cleansing, graffiti removal, amenity patrols and ensuring passive surveillance.   | 1.2.1 Undertake regular inspections and maintenance/works to directly respond to graffiti and cleansing matters.  | Recreation and Open Space  | 2022–2025 |
|   |  | 1.2.2 Collaborate with the Inner South Metropolitan Mayors Forum Graffiti Management Working Group to implement a trial of Council removal of graffiti on public utility assets with agreed authority partners. | Climate and Sustainability | 2022–2025 |
|   |  | 1.2.3 Design and implement a communications plan to increase community awareness of graffiti management and community engagement with graffiti prevention.  | Climate and Sustainability | 2022–2025 |



## THEME 3: Creating safe public spaces and transport



| STRATEGIC PRIORITY   | ACTION  | MEASURE   | LEAD COUNCIL BUSINESS UNIT            | TIMELINE  |
|--|---|---|---------------------------------------|-----------|
| <b>Strategy 2:<br/>Improve the safety of pedestrians and cyclists.</b> | 2.1 Continue to improve safety for people walking, using wheelchairs and bike riding through the design and renewal of footpaths and bike corridors across the City.            | 2.1.1 Ensure footpaths and bike corridors (shared user paths) are constructed to relevant Australian standards.   | City Futures                          | 2022–2025 |
|  | 2.2 Through implementation of the <i>Glen Eira Integrated Transport Strategy</i> , increase the quantity and quality of walking and cycling paths along major transport routes. | 2.2.1 Implement Action 1.6 from the <a href="#">Walking and Accessibility Action Plan 2019–2024</a> (deliver improvements for pedestrian access and high-quality lighting to public transport, within 1.2 kilometres of the station or stop). | City Futures                          | 2022–2025 |
|  | 2.3 Promote safe user access along pathways and transport routes across the municipality through social media.  | 2.3.1 Ensure a minimum of one article per year published in <i>Glen Eira News</i> .   | City Futures                          | 2022–2025 |
|  | 2.4 Address community safety issues through discussion with local young people (10–25 years).   | 2.4.1 Facilitate the <i>Moving up</i> program with at least one agenda focusing on safety and getting to school autonomously  | Family, Youth and Children's Services | 2022–2025 |



## THEME 3: Creating safe public spaces and transport



| STRATEGIC PRIORITY   | ACTION  | MEASURE  | LEAD COUNCIL BUSINESS UNIT | TIMELINE  |
|--|---|--|----------------------------|-----------|
| <b>Strategy 3:<br/>Enhance safety around railway stations and other public transport interchanges.</b> | 3.1 Integrate within the structure plan development of Caulfield, Carnegie, Bentleigh and Elsternwick interchanges. | 3.1.1 Improve perceptions of safety around interchanges by including elements such as lighting and passive surveillance. | City Futures               | 2022–2025 |
|  | 3.2 Advocate for community safety outcomes at Glen Huntly level crossing removal project.                           | 3.2.1 Advocate for community safety during the design process.   | Project Management Office  | 2022–2023 |
|  |   | 3.2.2 Produce an updated advocacy document which outlines priority areas for Glen Eira City Council.                     | Project Management Office  | 2023–2024 |
|  |   | 3.3.3 Be responsive to community safety needs during construction.   | Project Management Office  | 2024–2025 |



## DEFINITIONS

**Anti-social behaviour:** actions that harm or lack consideration for the wellbeing of others. This may include drunkenness, graffiti, destruction and damaging property.

**Council:** Glen Eira City Council.

**Evidence based:** actions that are undertaken are based on evidence which may include evidence from statistics, anecdotal evidence, research or best practice.

**Resilience:** the capacity to recover quickly from difficulties, toughness, challenges and to adapt to change and new ways.

**Stakeholders:** any parties who have an interest in, who work in or who may be impacted by community safety. This includes community, government departments at all levels, community organisations and support and service organisations.

**Social cohesion:** a cohesive society that works towards the wellbeing of all its members.





GLEN EIRA  
CITY COUNCIL

## Glen Eira City Council

Corner Glen Eira and Hawthorn Roads, Caulfield

Mail address: PO Box 42

Caulfield South, 3162

Phone: (03) 9524 3333

Fax: (03) 9523 0339

mail@gleneira.vic.gov.au

www.gleneira.vic.gov.au

### National Relay Service

If you are deaf, hearing-impaired, or speech-impaired, we ask that you call us via the National Relay Service and then ask for (03) 9524 3333.

Online: <https://internet-relay.nrs.vic.gov.au>

Teletypewriter (TTY): 13 36 77

Speak and Listen: 1300 555 727

### Social media

#### Glen Eira City Council:

[www.facebook.com/GlenEiraCityCouncil](https://www.facebook.com/GlenEiraCityCouncil)

#### @cityofgleneira:

[www.instagram.com/cityofgleneira](https://www.instagram.com/cityofgleneira)

#### Glen Eira arts, gallery and events:

[www.facebook.com/gleneiraarts](https://www.facebook.com/gleneiraarts)

[www.instagram.com/gleneiraarts](https://www.instagram.com/gleneiraarts)

#### Glen Eira Leisure:

[www.facebook.com/GESACOnline](https://www.facebook.com/GESACOnline)

<https://www.instagram.com/gleneiraleisure>

[www.twitter.com/GESACOnline](https://www.twitter.com/GESACOnline)

#### Glen Eira Libraries and Learning Centres:

[www.facebook.com/GlenEiraLibraries](https://www.facebook.com/GlenEiraLibraries)

<https://www.instagram.com/gleneiralibraries>

#### Glen Eira Sustainable Living:

[www.facebook.com/sustainablelivinggleneira](https://www.facebook.com/sustainablelivinggleneira)

#### Glen Eira Youth Services:

[www.facebook.com/GlenEiraYouthServices](https://www.facebook.com/GlenEiraYouthServices)

[www.instagram.com/gleneirayouthservices](https://www.instagram.com/gleneirayouthservices)



## 8.9 ROOMING HOUSES SUBMISSION TO THE COMMISSIONER FOR RESIDENTIAL TENANCIES

**Author:** Sharon Sykes, Manager Community Development

**Trim No:** 22/1132437

**Attachments:** 1. *Glen Eira Submission - Commissioner Residential Tenancies - Rooming Houses Project April 2022* [↓](#)

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### EXECUTIVE SUMMARY

Officers provided a submission to the Commissioner for Residential Tenancies in relation to the Rooming Houses Lived-Experience project on 29 April 2022. A copy of the submission is attached (Attachment 1).

### RECOMMENDATION

That Council:

1. notes the *Glen Eira City Council Submission to the Commissioner for Residential Tenancies Rooming Houses Lived-Experience Project* (Attachment 1 to the report); and
2. provides a copy of the *Glen Eira City Council Submission to the Commissioner for Residential Tenancies Rooming Houses Lived-Experience Project* to local State Members of Parliament and relevant State Government Ministers reiterating Council's call for legislative and policy reform from the State Government to improve arrangements for the monitoring and control of standards for rooming houses through the establishment of a single agency.

### BACKGROUND

The Commissioner for Residential Tenancies is undertaking a project to assess current living conditions in Victorian rooming houses by calling for submissions from local councils, government agencies and other stakeholders and conducting interviews to gather direct testimonies from rooming house residents.

The Commissioner will prepare a report that considers input provided from submissions and interviews and leading practice in other jurisdictions in Australia to make recommendations for further action.

There are 38 rooming houses registered with Council under the provisions of the *Public Health and Wellbeing Act 2008*. Council's role includes the administration of enforcement powers for regulations and legislation relating to public health, building, planning and amenity.

Rooming houses offer accommodation for many low income and disadvantaged members of the community, particularly for those who cannot access, afford or sustain a tenancy in the private rental market.

There are increasing concerns from neighbours, the community and authorised officers regarding the safety of local rooming houses.



## ISSUES AND DISCUSSION

The issue of Rooming Houses and their impact on local amenity has been an issue of growing concern for the Glen Eira community for some years. Addressing these concerns has been made more difficult by the multiplicity of agencies, legislation and regulations involved in regulating and overseeing the conduct of Rooming Houses, their operators and their tenants.

The profile of rooming house residents often indicates high levels of vulnerability with a strong reliance on health, welfare and community services. For this reason, addressing the impact of local anti-social behaviour on rooming house neighbourhoods requires an appropriate balance of both empathy and enforcement.

To date Council has taken some proactive steps to address issues and concerns including:

- Endorsing a Rooming Houses Strategy in 2019 which sought to highlight and address four major issues associated with Rooming Houses: regulation, minimum standards, safety and security, and the emergence of rooming houses to fill a gap in the social and affordable housing market.
- Participating in a community safety forum hosted by the Member for Caulfield, David Southwick MP in June 2021 and agreeing that more significant action was required.
- Establishing the Glen Eira Rooming House Working Group in January 2022 to address emerging issues in local rooming houses and establish actions for the health and wellbeing of our community.

Council has undertaken a consultation with neighbours of one particular rooming house in Glen Eira and has documented this as a case study in our submission to the Commissioner. Complaints have been received by Council, Victoria Police and Consumer Affairs about anti-social behaviour towards neighbouring residents, and tenants being affected by drugs and alcohol, along with a range of amenity concerns. Council wrote to 64 properties and received responses that confirmed local concerns about anti-social behaviour by rooming house tenants, and neighbouring residents being concerned about their own safety.

Council has called upon the State Government through this submission and its advocacy campaign to establish a single agency within the Victorian Government to regulate rooming houses with one set of standards and legislation that covers all rooming house requirements.

## CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

There are no implications.

## FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

There are no implications.

## POLICY AND LEGISLATIVE IMPLICATIONS

Council's role in rooming Houses as a Local Government Authority and enforcement agency is undertaken under the provisions of the *Public Health and Wellbeing Act 2008*.

## COMMUNICATION AND ENGAGEMENT

Council works in close partnership with Victoria Police, Consumer Affairs Victoria, Department of Family, Fairness and Housing, Connect Health and Community and Peninsula Community Legal Centre in its work to address concerns about rooming houses in Glen Eira.



**LINK TO COUNCIL PLAN**

Strategic Direction 5: A healthy, inclusive and resilient community

We support our residents to be healthy, strong and resilient and will embrace and celebrate our diverse community

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**CONCLUSION**

Officers will continue to facilitate meetings of the Glen Eira Rooming House Working Group to ensure a collaborative approach to addressing concerns while at the same time delivering its advocacy position to government for legislative and policy reform.





GLEN EIRA  
CITY COUNCIL

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

# GLEN EIRA CITY COUNCIL SUBMISSION TO THE COMMISSIONER FOR RESIDENTIAL TENANCIES ROOMING HOUSES LIVED-EXPERIENCE PROJECT





## **COMMISSIONER FOR RESIDENTIAL TENANCIES ROOMING HOUSES LIVED-EXPERIENCE PROJECT GLEN EIRA CITY COUNCIL SUBMISSION**

Glen Eira City Council's role in Rooming Houses as a Local Government Authority and enforcement agency includes the administration of enforcement powers for regulations and legislation relating to public health, building, planning and amenity.

In Glen Eira there are 38 rooming houses registered with Council under the provisions of the *Public Health and Wellbeing Act 2008*, that can accommodate approximately 400 vulnerable residents.

Rooming houses offer accommodation for many low income and disadvantaged members of the community, particularly for those who cannot access, afford or sustain a tenancy in the private rental market.

There are increasing concerns from neighbours, the community and authorised officers regarding the safety of local rooming houses.

The demand for local rooming house accommodation in Glen Eira continues to increase due to a range of influences, including a shortage of affordable housing, a shortage of emergency accommodation, an increasing cost of rental accommodation and Glen Eira's proximity to public transport and major entertainment precincts.

In recent years, there has been a decline in housing affordability in Glen Eira, adding further pressure on people to find alternative forms of accommodation, particularly those with low or single incomes.

The Homes Victoria Rental Report, December quarter 2021 shows that on average, only 1.8 per cent of new rentals for people on Centrelink incomes in Glen Eira were considered affordable, while for Metropolitan Melbourne it was 10.1 per cent.

Many rooming house residents express concerns about their safety. The vulnerability of these residents means they can be easily exploited and intimidated as they generally do not have any alternative housing options.

Some vulnerable groups living in rooming houses should be living in more appropriate and suitable accommodation, particularly families with young children, women escaping domestic violence, people with chronic health and mental health issues, the elderly and recent arrivals to Australia.

### **Glen Eira City Council Rooming House Strategy and Working Group**

The issue of Rooming Houses and their impact on local amenity has been an issue of growing concern for the Glen Eira community for some years. Addressing these concerns has been made more difficult by the multiplicity of agencies, legislation and regulations involved in regulating and overseeing the conduct of Rooming Houses, their operators and their tenants.



In recognising this problem in 2019, Council developed a Rooming House Strategy. The Strategy sought to highlight and address four major issues associated with Rooming Houses: regulation, minimum standards, safety and security, and the link between the emergence of rooming houses to fill the gap in the social and affordable housing market. A copy of the Strategy can be accessed via this link : <https://www.gleneira.vic.gov.au/media/5457/rooming-house-strategy-2019.pdf>

Despite the successful delivery of a number of actions and Council led advocacy under the Strategy over recent years, little has been able to be done to reduce the immediate impact on residential amenity in some neighbourhoods. While not all Rooming Houses in Glen Eira are the source of community complaints, there is a number of hot spots which appear regularly on incident logs for both Council and Victoria Police.

The level of community angst in these 'hot-spots' was highlighted at a community safety forum hosted by the Member for Caulfield, David Southwick MP in late June 2021. Representatives in attendance from both Council and Victoria Police were sufficiently moved by the stories of anti-social behaviour from those in attendance that it was decided that something more significant was required to address this.

The profile of rooming house residents often indicates high levels of vulnerability with a strong reliance on health, welfare and community services. For this reason, addressing matters of the impact of local anti-social behaviour on rooming house neighbourhoods requires an appropriate balance of both empathy and enforcement.

In January 2022, the Glen Eira Rooming House Working Group was established to address emerging issues in local rooming houses and establish actions for the health and wellbeing of our community.

The Glen Eira Rooming House Working Group consists of Council's Chief Executive Officer, Consumer Affairs Victoria, Department of Family, Fairness and Housing, and our local Victoria Police representatives. The working group is supported by Council Officers from Council's Public Health Unit. In future, we will also be involving our local community health services to participate in the meetings.

The key issues identified through this working group are:

- The current legislation and minimum standards;
- Tenant support; and
- Antisocial behavioural monitoring.

### **Case Study**

The Working Group is focussing on a problematic Rooming House located in Caulfield South which opened in 2016. Council alone has received 19 complaints for the period 2016 to date. Many other complaints have been received by Consumer Affairs and Victoria Police for the same period.

Majority of the complaints received by Council relate to the following:

- Anti-social behaviour towards residents
- Tenants affected by drug and alcohol



- Amenity concerns with constant dumped rubbish on Council land and the general state of the property
- Structural repairs required within the dwelling
- Excess tenants resulting in a breach of housing number requirements
- Reports of pest, doors and windows broken resulting in hazardous conditions for tenants
- Syringes not disposed of correctly creating a hazard for tenants and authorities when in attendance
- Drug activity resulting in raids.

To improve the conditions for tenants and assist with community expectations of residents within close proximity of the Rooming House, Council wrote to 64 property owners seeking responses to the following questions:

- What are the impacts that you are experiencing from the Rooming House?
- How would you like Council to engage with you regarding the Rooming House?
- What ideas do you have in terms of improving amenity of the area?
- Do you feel safe living so close to the Rooming House?
  - If not, why?
- Have you previously contacted Victoria Police in relation to the Rooming House?
  - If so, when and why?
- Have you previously contacted the Rooming House Operator?
  - If so, when and why?

From the 17 responses received, there was overwhelming concern raised about anti-social behaviour of tenants and residents being concerned about their own safety.

Council will continue to work with the working group to improve conditions for both tenants and residents within close proximity.

### **Community Health Responses**

During the coronavirus (COVID-19) pandemic in Victoria, a significant number of cases and outbreaks occurred in high-risk accommodation settings. Connect and Community Health received funding from the Victorian Department of Health for a High-Risk Accommodation Response program throughout COVID-19.

For high-risk accommodation settings including rooming houses, public housing, community housing, supported residential services (SRS) and other sensitive settings, the high-risk accommodation response (HRAR) program was established. The core functions included catchment planning, community engagement, prevention and preparedness activities and support for outbreak response. This program was delivered through commissioned health services.

The HRAR service model enables the rapid delivery of prevention, preparedness and response activities by appropriately skilled professionals within a robust governance framework. It works to ensure appropriate public health measures are in place to protect the health and wellbeing of residents living in high-risk accommodation settings. The program promotes creativity in responses in order to provide adequate,



culturally appropriate and accessible services and supports (including health and social services, food and essential supplies). It also prioritises the development and delivery of tailored community engagement strategies suitable for the diverse range of residents, workers/volunteers and landlords/proprietors and service providers covered by the extended program.

The HRAR program had a positive impact for rooming house residents in the local community. It is essential that this type of work continues and is funded by State Government as an operational approach to identify and capture those rooming house residents who are most vulnerable. The value of this approach has been confirmed through Connect Health HRAR data.

Research undertaken by Swinburne's Centre for Global Health and equity in partnership with four (4) Community Health providers (2022 yet to be published) capturing the voices of the residents living in sensitive accommodation setting such as rooming houses clearly demonstrates the need for a social determinant approach.

Residents report being worried about issues such as food insecurity, finances, social isolation, digital literacy and physical well-being (2022). There is an opportunity to review and consider the legislative requirements that may facilitate an improvement in health and well-being outcomes as a result of living in a more supported environment. Examples may include:

- opportunities for growing food/ "micro" food hubs/introduction of urban agriculture principles and practices.
- social procurement requirements for proprietors to support collective impact.
- opportunities for volunteering, skill development and pathways to employment for the residents.
- mandatory wi-fi access to support digital access and building of competency.
- System wide reward and recognition programs for residents and proprietors such as a category in the Sustainable Victoria awards that facilitate peer learning and development.

#### **Barriers to effective regulation, monitoring and compliance of rooming houses in Victoria**

There is a multiplicity of agencies monitoring and controlling rooming houses. Local Government is responsible for registering Rooming Houses under the *Public Health and Wellbeing Act 2008* and assessing compliance in accordance with the Act and *Public Health and Wellbeing Regulations*.

Consumer Affairs Victoria is responsible for regulating the relationship between the operator and residents, enforcing minimum standard compliance relating to privacy, security, safety and amenity, under the *Residential Tenancies (Rooming House Standards) Regulations 2012*. Consumer Affairs has a public register of rooming house operators who have applied for a licence.

Victoria Police is responsible for monitoring and actioning crime and anti-social related issues often associated with Rooming Houses. Local Government and Consumer Affairs Victoria do not have legislative direction to address anti-social behaviour in Rooming Houses.



These arrangements make it confusing for rooming house operators, residents and the broader community to understand the rooming house requirements. It is also difficult for residents and members of the public to understand which agency can deal with their concerns.

The current minimum standards for rooming houses are also insufficient and create issues such as the lack of provision for common living areas which results in residents congregating in front and rear yards of properties where they sometimes engage in antisocial behaviour.

The legislation and assessment for a 'fit and proper' operator is insufficient for the management required at most Rooming Houses. Rooming House operators are not connected with community health services for the benefit of their residents. This creates a cycle where unsupported residents live in an environment that is not up to standard and where the operator cannot manage the property sufficiently.

### **Improvement to Rooming House Conditions**

There is a need for a single agency within State Government to regulate rooming houses with one set of standards and legislation that covers all rooming house requirements. High rooming house standards and harsher penalties for non-compliance are required to ensure proprietor and management accountability. Registration and accreditation of operators should be captured in a system, ideally coordinated by the Department of Health or Department of Family, Fairness and Housing.

Additionally, details and support requirement of residents at each property should be captured in the system, to ensure appropriate referrals of our most vulnerable community members. Consideration can be given to an appropriate assessment process and set criteria for placement of rooming house residents.

A further improvement to a better coordinated system would be communication between agencies and providers when rooming house residents move or when rooming houses close and residents are displaced. An improved coordination, led by State Government, should avoid the current challenge of "a problem just moving to the next suburb or community" and offer a supported system for residents to find suitable accommodation when change in circumstances occur. A resource kit of information for rooming house residents could be a positive step in providing this support.

### **Affordable Housing**

Affordable housing is integral to the liveability and accessibility of communities throughout Glen Eira. We need to ensure that people on very low to moderate incomes have access to a place to live which is safe, secure and appropriate.

Affordable housing allows people to participate fully in their community. Numerous studies have proven that a safe home improves physical and mental health, personal relationships and quality of family life, education and employment outcomes. Housing is essential infrastructure for our community and is vital to the functioning of our society and economy. Affordable housing limits the amount of a household's income that is needed for rent, leaving money to spend on other necessities.



We need to view affordable housing as essential infrastructure for the community. We need all levels of government to support the delivery of new affordable housing by raising and investing more money to deliver this essential infrastructure. A coordinated response across governments, the private sector, the community housing sector, industry groups and the community is critical.

The availability of affordable housing directly improves the resilience of our community and our collective ability to respond to major shocks and stresses.

A copy of Glen Eira's Social and Affordable Housing Strategy can be accessed via this link : <https://www.gleneira.vic.gov.au/media/5886/social-and-affordable-housing-strategy.pdf>.

Thank you for the opportunity to provide a submission on this important matter. If you would like any further details on any part of this submission, please contact Brooke Ranken, Manager Community Safety and Compliance on 9524 3808 or email [branken@gleneira.vic.gov.au](mailto:branken@gleneira.vic.gov.au).



## 8.10 CHILDREN'S SERVICES LEASES

**Author:** Amanda Mills, Property Coordinator

**Trim No:** 22/138141

**Attachments:** 1. Maintenance schedule - tenanted Council buildings [↓](#)  
2. Service Level Agreement [↓](#)  
3. Children's Services property maintenance costs FY2019/20 to date [↓](#)

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### EXECUTIVE SUMMARY

The purpose of this report is to obtain Council's approval to enter standard community leases with the children's services providers occupying Council buildings and facilities.

### RECOMMENDATION

That Council:

1. authorises officers to finalise the terms of, and enter into, standard community leases with:
  - a) Glen Eira Kindergarten Association Incorporated A0056608F,
  - b) The Bentleigh West Kindergarten Incorporated A0010519M,
  - c) Ormond Community Kindergarten Incorporated A0016208L and
  - d) East Bentleigh Child Care Centre Association Incorporated A0006269Wfor an initial term of three (3) years plus two further options of three (3) years each, at a starting rental of \$104.00 per annum plus GST, increasing annually by the Melbourne Consumer Price Index (CPI);
2. authorises officers to finalise the terms of a Service Level Agreement to be included within each lease as appropriate; and
3. executes all leases in an appropriate manner by affixing the common Seal of Council.

### BACKGROUND

Whilst the State Government is responsible for the provision of kindergarten services in Victoria, Council provides property and facilities (Premises) for ten kindergartens together with one long day care centre also providing a kindergarten program. These are:

- Bentleigh Kindergarten
- Bentleigh East Kindergarten
- Bentleigh West Kindergarten
- Brady Road Kindergarten
- Caulfield South Kindergarten
- Centre Road Kindergarten
- Glover Street Kindergarten
- McKinnon Kindergarten
- Ormond Community Kindergarten



- Orrong Road Kindergarten; and
- East Bentleigh Child Care Centre

Historically these kindergartens were administered by volunteer committees of management and Council provided a range of permissive occupancy arrangements.

In 2008 Council began entering into formal licence<sup>1</sup> agreements with these volunteer committees, providing for non-exclusive use of each Premise.

There were two main reasons why Council originally offered licences (as opposed to a lease), one of which was to enable Council to use or permit other parties to use the licenced area during evenings, weekends or school holidays – something we have never done.

Secondly, some of the activities undertaken by kindergartens meant that the *Retail Leases Act* 2003 would have been applicable. The requirements of a retail lease would have been onerous for a community group such as a volunteer committee, so Council used licences rather than a lease to formalise the occupancy arrangements.

## ISSUES AND DISCUSSION

Recently, kindergartens have been moving away from volunteer committees and the associated liabilities and risks of holding the Children's Services licence. Kindergartens are now often managed by not-for-profit Early Years Management organisations (previously known as Kindergarten Cluster Management) such as Glen Eira Kindergarten Association (GEKA). GEKA now manages eight of the kindergarten services operating from Council Premises, with Bentleigh West Kindergarten and Ormond Community Kindergarten choosing to remain committee run.

All our kindergarten licences are due to expire on 30 June this year.

Since 2014, local government premises used for community (or charitable) purposes are now exempt from the application of the Retail Leases Act. Accordingly, we are recommending to Council that all our kindergarten service providers occupying Council owned Premises are moved to a lease. A lease reflects the true nature of the occupation of Council's Premises and is a far more appropriate arrangement.

The new leases will follow the same format as the current licences. For example, key terms will still be:

- Community rental of \$104.00 plus GST per annum, although we will now be increasing the rental by the Melbourne CPI on the anniversary of the commencement date of the lease;
- Permitted Use restricted to a kindergarten and associated activities (including fundraising and working bees);
- A lease term of 3 years, with two further terms of 3 years each which will align with our Children's Services Service Level Agreement;
- The requirement for the tenant to maintain public liability insurance (\$20m);

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<sup>1</sup> A licence agreement provides for non-exclusive use of a premise, whereas a lease provides for exclusive use



- A maintenance schedule setting out each party's responsibilities.
- 

There are some new and/or updated statutory requirements or conditions which have been inserted into all our community leases and licences in recent years, for example:

- Worker Screening Act 2020 replaces Working with Children Act 2005
- Updated wording in Child Safe Standards clause
- Local Government Act 1989 is now Local Government Act 2020
- Hiring of Premises (now permitted)
- Inclusion of an updated (2019) Hazardous Materials Report
- New Emergency Management requirements
- A new reference to the proclamation of a Pandemic by Federal or State Government
- A new Relocation clause – what happens if Council decided to redevelop the land or premises; and
- A new Climate Emergency clause – which requires tenants to conduct activities at the premises in a sustainable manner

#### Maintenance and Repairs

The biggest change with moving to a lease, is that the tenant becomes responsible for all day-to-day maintenance and repairs at their Premises. This is consistent with the responsibilities of a lease and is across our tenant groups occupying single use premises.

Council will still be responsible for all structural, preventative and routine maintenance (i.e., Essential Safety Measures, boundary fencing, capital works as per our Asset Management Plan, cyclical painting, gutter cleaning etc). The kindergarten will become responsible for anything needing to be done by a handyman, electrician or plumber that is considered day-to-day maintenance. This is clarified within a Maintenance Schedule in each lease and is shown at Attachment 1.

#### Landlord consent

There is no change to the requirement for every tenant to seek prior landlord consent when carrying out building or capital works or seeking grant funding for capital works.

#### Service Level Agreement

Each kindergarten lease will still include a Service Level Agreement (SLA) between the respective kindergarten service provider and our Family, Youth and Children's Services team, representing Council.

The purpose of an SLA is to define the level of service we expect from each service to ensure the best outcomes for families and children and the broader community. A copy of the proposed SLA is shown in Attachment 2.

Key requirements of the SLA include:

- Kindergarten providers complying with the Education and Care Services National Law Act;
- Offering the maximum number of places to ensure that as many children as possible have access to State-funded kindergarten places;



- Working collaboratively with Council, and providing information to Council to support Council's administration of the Central Registration Scheme and informing infrastructure and service planning for kindergarten in the municipality; and
- Informing Council of any serious incidents occurring at the kindergarten.

**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

In line with Our Climate Emergency Strategy's Action Plan (2.2.7) our community leasing and licensing agreements will now include applicable clauses for tenants to reduce their environmental impact.



Every new lease (or licence) across our portfolio will now contain an Environmental Initiatives clause, reflecting that Council declared a Climate Emergency on 5 May 2020 and is committed to strong and fast action in response to climate change. As such, tenants must conduct all activities at its premises in a sustainable manner, including:

- Collection and disposal of waste
- Reduction of its carbon footprint
- Energy efficiency
- Improvements and works conducted at the premises

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

Council's rental income for the first year of each lease will be \$104.00 plus GST. As endorsed by Council on 14 December 2021, annual increases based on the Melbourne CPI will be applied on each anniversary of a lease.

Tenants will remain responsible for all utilities and general outgoings such as applicable local government rates and charges, reimbursement of Council's building insurance premium for their Premises, telephone and cleaning.

As noted previously, tenants will become responsible for their day-to-day reactive maintenance costs. Assessing Council's reactive maintenance costs for each site over the last three years (Attachment 3), this means each kindergarten will be responsible for reactive maintenance costs averaging between \$1,300 to \$4,300 per year. Council will continue to carry out and pay for routine and planned maintenance costs which are detailed in the Maintenance Schedule.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

The leases comply with the guidelines of Council's Leasing Licensing Policy 2019, together with the requirements of the Local Government Act 2020.

Officers are also satisfied that these kindergarten and long day care leases are exempt from the Retail Leases Act by the Ministerial Determination dated 13 October 2014.

### **COMMUNICATION AND ENGAGEMENT**

Officers have contacted all the kindergartens and their respective service providers: ~~being~~ Glen Eira Kindergarten Association and the committees for Bentleigh West Kindergarten, Ormond Community Kindergarten and East Bentleigh Child Care Centre.

All these service providers have been provided with our reasoning for moving to a lease and the associated responsibilities of day-to-day repairs and maintenance. Where requested, a breakdown of repairs and maintenance costs for the last three years have been provided to each service provider for budgeting purposes. All service providers have accepted the new lease arrangement.

### **LINK TO COUNCIL PLAN**

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

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

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



**CONCLUSION**

All the existing service providers have been occupying Council premises and providing kindergarten and/or long day care services to the Glen Eira community. In addition, all service providers have abided by the terms and conditions of their current occupancy arrangements. Officers are confident they will continue to do the same under new lease agreements going forward.



TRIM: 21/1238426

## MAINTENANCE SCHEDULE LEASED COUNCIL BUILDINGS

March 2022

| Item   | Tenant's Responsibilities  | Council's Responsibilities   |
|--|--|--|
| <b>Building, structure</b>   | Notify Council of any damage requiring rectification.<br>All repairs resulting from inappropriate activity by the Tenant as reasonably determined by Council.  | Repair, maintenance due to structural faults/age<br>Capital works as per Asset Management plan                                   |
| <b>Cleaning</b>  | All costs and responsibilities   | None   |
| <b>Curtains, Drapes, including</b><br>Blinds<br>Fly screens  | General maintenance, cleaning, repair and replacement costs<br>Any costs associated with abuse or damage by the Tenant.  | None   |
| <b>Electrical appliances, including</b><br>Dishwashers<br>Extractor Fans<br>Fridges<br>Freezers<br>Hot Water Units<br>Microwaves<br>Ovens<br>Stove tops<br><u>Office equipment</u>               | General maintenance, cleaning, repair and replacement costs<br>Any additional units subject to obtaining Landlord Consent<br>Any costs associated with abuse or damage by the Tenant.<br>Testing & Tagging in accordance with AS3760   | None, other than replacement at end of useful life of fixed assets (dishwasher, extractor fan, hot water unit, ovens, stove top) |
| <b>Electrics, including</b><br>Fittings<br>Globes<br>Switches<br>Wiring  | General maintenance, cleaning, repair and replacement costs<br>Any costs associated with abuse or damage by the Tenant.  | Internal wiring<br>RCD testing<br>Switchboard<br>Thermographic Imaging   |
| <b>Electronic Security (if installed)</b>  | General maintenance, cleaning, repair and replacement costs<br>Any costs associated with abuse or damage by the Tenant.  | None   |
| <b>Essential Safety Measures:</b><br>Fire Extinguishers<br>Fire Blankets<br>Emergency Exit Lighting (if applicable)<br>Hard wired smoke alarms (if applicable)<br>Exit Signage<br>Evacuation Map | Any costs associated with abuse or damage by the Tenant.<br>Any costs of false alarms as a result of action of the Tenant.<br>Maintain clear and unfettered access to all fire extinguishers and fire blankets   | As per Essential Safety Measures responsibilities  |
| <b>Essential Safety Measures:</b><br>Paths of Travel<br>Emergency Evacuation Procedures  | Maintain a clear path of travel of at least 1m clearance to all designated Fire Exits.<br>Emergency Management, as per lease requirements<br><u>Fire Prevention and Control, as per lease requirements</u>   | As per Essential Safety Measures responsibilities  |
| <b>Fencing/Gates, including</b><br>Front fencing<br>Gates<br>Internal fencing  | General maintenance, cleaning, repair and replacement costs<br>Any costs associated with abuse or damage by the Tenant.<br>Any additional units subject to obtaining Landlord Consent  | Boundary fences with neighbours only   |
| <b>Floor surfaces, including</b><br>lino, vinyl<br>carpets<br>rugs<br>wooden floors  | General maintenance, cleaning, repair and replacement costs<br>Any costs associated with abuse or damage by the Tenant.  | Replacement at end of useful life  |
| <b>Garden, including</b><br>Front and Back yards (as applicable)<br>Garden beds<br>Landscaping<br>Lawns  | As per lease requirements<br>Keep all paths and grounds clear and sweep footpaths, paths of travel and grounds regularly.<br>Maintain all grounds including cutting grass, minor pruning, weeding, replacing plants etc.<br>Maintenance of garden hoses, sprinklers, watering systems etc. | None   |
| <b>Gas Appliance Testing</b>   | None   | Cyclical testing   |
| <b>Glass and Glazing</b>   | General maintenance, cleaning, repair and replacement costs<br>Any costs associated with abuse or damage by the Tenant.  | None   |
| <b>Graffiti</b>  | As per lease requirements<br>Graffiti removal within fenced areas and on all signage (including external signage)  | Graffiti removal on outward facing fencing   |



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## MAINTENANCE SCHEDULE LEASED COUNCIL BUILDINGS

March 2022

| Item   | Tenant's Responsibilities  | Council's Responsibilities  |
|--|--|---|
| <b>Gutters</b><br>Gutter cleaning  | None   | Cyclical cleaning and replacement at end of useful life   |
| <b>HVAC, including</b><br>Heating<br>Ventilation<br>Air conditioners/Reverse cycle units                                       | General maintenance, replacement costs of lost or damaged remote controls<br>Any costs associated with abuse or damage by the Tenant.<br>Any additional units subject to obtaining Landlord Consent  | Servicing as per cyclical program   |
| <b>Joinery, including</b><br>Cupboards<br>Doors (internal, external)<br>Kitchen cupboards                                      | General maintenance, cleaning, repair and replacement costs<br>Any costs associated with abuse or damage by the Tenant.  | Replacement at end of useful life   |
| <b>Keys and Locks</b>  | As per lease requirements<br>Costs of additional keys<br>At the discretion of the Council, costs of re-keying of the Premises in the event of loss or damage of keys by the Tenant.<br>Replacement of lock/additional locks if required for security.☐                 | Ensure locks are on Councils key system.<br>Provide keys in accordance with lease or licence provisions.  |
| <b>Lights</b>  | General maintenance, cleaning, repair and replacement costs<br>Any costs associated with abuse or damage by the Tenant.<br>Additional power points subject to obtaining Landlord Consent   | None  |
| <b>Notice Boards</b>   | General maintenance, cleaning, repair and replacement costs<br>Any costs associated with abuse or damage by the Tenant.<br>Any additional units subject to obtaining Landlord Consent  | None  |
| <b>Overhead fans</b>   | General maintenance, replacement costs of lost or damaged remote controls<br>Any costs associated with abuse or damage by the Tenant.<br>Any additional units subject to obtaining Landlord Consent  | None  |
| <b>Painting/Paint walls and surfaces</b>   | General maintenance, touch up and cleaning<br>Costs to re-paint internally if damage result of misuse by the Tenant.<br>Costs of painting additional to the cyclical painting program.   | Internal and external painting as per cyclical painting program (every 7 years)   |
| <b>Pest Control, including</b><br>Ants<br>Mice<br>Rats<br>Possums<br>Spiders   | All costs and responsibilities   | None  |
| <b>Playground Equipment, including</b><br>All play fixtures and fittings<br>Shade Sails  | General maintenance, cleaning, repair and replacement costs<br>Annual assessment of Playground Equipment<br>Annual assessment of Shade Sails<br>Any costs associated with abuse or damage by the Tenant.<br>Any additional units subject to obtaining Landlord Consent | None  |
| <b>Plumbing, including</b><br>Toilets/toilet seats/cisterns<br>Taps/washers<br>Sinks/basins<br><br>see also <b>Water Tanks</b> | General maintenance, cleaning, repair and replacement costs including blockages up to the legal point of discharge from the Premises<br>Any additional units subject to obtaining Landlord Consent<br>Any costs associated with abuse or damage by the Tenant.         | Blockages at the legal point of discharge of the Premises<br>Any blockages as a result of tree roots<br>Drainage repairs/works, including broken sewage pipes, drains and pits<br>Thermostatic mixing valve maintenance<br>Backflow testing, annual |
| <b>Power points</b>  | General maintenance, repair and replacement costs<br>Any costs associated with abuse or damage by the Tenant.<br>Additional power points subject to obtaining Landlord Consent   | None  |



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## MAINTENANCE SCHEDULE LEASED COUNCIL BUILDINGS

March 2022

| Item   | Tenant's Responsibilities  | Council's Responsibilities   |
|--|--|--|
| <b>Roof</b>  | Any costs associated with abuse or damage by the Tenant.   | Structural damage<br>Replacement at end of useful life   |
| <b>Safety Equipment</b><br>Anchor points on roof   | None   | Cyclical testing   |
| <b>Security</b><br>Alarm, if installed<br>Patrols, if organised  | Seek approval in writing from Council prior to installation.<br>Install or replace systems.<br>Provide security system details to Council.Meet system and operating costs.<br>Manage usage of the system.<br>Any calls out and service costs ie. false alarms, misuse. | None   |
| <b>Sheds, Backyard Buddies</b>   | General maintenance, cleaning, repair, demolition and replacement costs<br>Any costs associated with abuse or damage by the Tenant.<br>Any additional units subject to obtaining Landlord Consent  | None   |
| <b>Shelving</b>  | General maintenance, cleaning, repair and replacement costs<br>Any additional units subject to obtaining Landlord Consent  | None   |
| <b>Signage - external</b>  | General maintenance, cleaning, repair and replacement costs<br>Any additional units subject to obtaining Landlord Consent<br>Any costs associated with abuse or damage by the Tenant.  | Kindergarten/name signage  |
| <b>Signage - internal</b>  | General maintenance, cleaning, repair and replacement costs<br>Any additional units subject to obtaining Landlord Consent  | Designated exit signage  |
| <b>Skylights (if installed)</b>  | General maintenance, cleaning, repair and replacement costs<br>Any additional units subject to obtaining Landlord Consent<br>Any costs associated with abuse or damage by the Tenant.  | Structural damage<br>Replacement at end of useful life   |
| <b>Smoke detectors (if installed)</b>  | General maintenance, cleaning, repair and replacement costs, including battery replacement every 6 months for portable units<br>Any additional units subject to obtaining Landlord Consent<br>Any costs associated with abuse or damage by the Tenant.                 | Hard wired units as per Essential Safety Measures  |
| <b>Solar panels (if installed)</b>   | Any additional units subject to obtaining Landlord Consent<br>Any costs associated with abuse or damage by the Tenant.   | Structural damage<br>Installation or replacement as per Asset Management Plan or Council's Capital Renewal Program<br>Repair if required |
| <b>Spouting, Down Pipes</b>  | Any costs associated with abuse or damage by the Tenant.   | Structural damage<br>Replacement as per Asset Management Plan<br>Repair and replacement when required                                    |
| <b>Telephone (incl. NBN)</b><br>Connections<br>Line(s)   | General maintenance, cleaning, repair and replacement costs<br>Any additional units subject to obtaining Landlord Consent<br>Any costs associated with abuse or damage by the Tenant.  | None   |
| <b>Trees, bushes and general vegetation</b>  | General maintenance<br>Notification to Council of any safety concerns<br>Any additional plantings subject to obtaining Landlord Consent  | Annual assessment of trees and actions as required   |
| <b>Waste, including</b><br>General Waste disposal<br>Hard Rubbish<br>Needles/Sharps<br>Sanitary Services | All responsibilities, as per lease requirements  | None   |
| <b>Water Tanks</b>   | General maintenance, cleaning, repair and replacement costs<br>Any additional units subject to obtaining Landlord Consent<br>Any costs associated with abuse or damage by the Tenant.  | None   |



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### Attachment 3

#### Service Agreement

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## SERVICE AGREEMENT ON KINDERGARTEN SERVICES

GLEN EIRA CITY COUNCIL  
AND

*[Name of Kindergarten Provider]*

The Victorian State Government is responsible for the provision and funding of kindergarten services in Victoria. Kindergartens are funded by the Department of Education and Training (DET) to provide a high quality program of education and care for children in the two years before they start school.

Glen Eira City Council (**Council**) provides 10 facilities used for the purpose of the provision of kindergarten services. Council is responsible for ensuring that these kindergarten buildings and grounds are used for the maximum benefit of the community and that the maximum numbers of local eligible children have access to a kindergarten program in Council owned facilities.

1. This agreement (**Agreement on Kindergarten Services**) binds Council and *[Name of Kindergarten Provider]* (**Kindergarten**) through the lease for the premises located at *[address]* (**Premises**), and forms an annexure to that lease.
2. This Agreement on Kindergarten Services establishes arrangements for the delivery of Kindergarten programs at the leased premises.
3. Subject to clause 4 below, this Agreement on Kindergarten Services commences on 1 July 2022 and terminates on 30 June 2025.
4. If the lease between Council and the Kindergarten comes to an end for any reason, then this Agreement on Kindergarten Services will also automatically come to an end at the same time.
5. Nothing in this Agreement on Kindergarten Services affects or limits any of the Kindergarten's obligations as tenant under the lease between Council and the Kindergarten.
6. The Kindergarten must ensure that the Premises are used by at least two kindergarten groups and that each child attending has access to the prescribed funded hours of kindergarten per week, unless mutually agreed with Council. Council makes kindergarten facilities available primarily to assist the State Government policy aim of ensuring that children have two years of kindergarten prior to their first year of schooling. The Kindergarten must comply with the group size and number of kindergarten sessions as prescribed in the *Education and Care Services National Law Act 2010* (Vic) and any regulations made under that Act (**Education and Care Law**). The Kindergarten must offer the maximum number of places (in terms of licensed capacity, group sizes and educator ratios) in accordance with the Education and Care Law, to ensure that children have universal access to State-funded kindergarten places. Council, at any time, may direct the Kindergarten to increase group sizes or session numbers to maximise available kindergarten places, in accordance with the Education and Care Law, and the Kindergarten must comply with the direction within 30 days of its issue.

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7. Prior to the commencement of each kindergarten year, the Kindergarten must ensure that the number and size of State-funded kindergarten groups, for that year, comply with the requirements of the Education and Care Law and that Council's Family, Youth and Children's Services Department is notified (as per clause 8), prior to making offers for any non-funded hours or places.
8. Annually on request, the Kindergarten must provide to Council the following information:
  - 8.1 the number of groups and session times to be offered the following year by the Kindergarten;
  - 8.2 the number of hours of each group as defined in clause 6 above;
  - 8.3 the number of places licensed with the Department of Education and Training;
  - 8.4 the number of available places in each group as defined in clause 6 above;
  - 8.5 the numbers of four year old children approved for an additional year of funded kindergarten the following year;
  - 8.6 details of proposed fees and charges by completing the schedule attached to this Agreement on Kindergarten Services; and
  - 8.7 any other relevant information which the Council may request from time to time.

This information will be used to inform the Council's Central Registration Scheme.
9. The Kindergarten shall ensure that programs conform to priority of access requirements of relevant funding bodies.
10. Council will provide the Central Registration Scheme for the Kindergarten in accordance with the Central Registration Scheme Policy adopted by Council. The Kindergarten will send out offers of a place to each family in accordance with the Priority of Access Criteria in Council's Central Registration Scheme Policy.
11. Council will facilitate regular meetings with Kindergartens to foster communication between Kindergartens and Council.
12. The Kindergarten must provide to Council annually, prior to commencement of the kindergarten year, a list of committee representatives and their contact details (mailing address and phone number).
13. The Kindergarten must notify Council as soon as possible after the following serious incidents including:
  - 13.1 the death of a child while participating in a kindergarten program; or
  - 13.2 if a child appears to be missing or otherwise cannot be accounted for or appears to have been taken or removed from the Premises.
14. The Kindergarten must give to Council within 90 days of the end of its calendar year:
  - 14.1 an audited financial report including a statement of assets and liabilities and a profit and loss statement; and

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- 14.2 a written report detailing the activities conducted by the Kindergarten during the preceding year including the number of groups conducted, whether 3 or 4 year old groups, or mixed-age groups, the number of places, the number of hours of each group and such other information as the Council may reasonably require.
15. The Kindergarten must co-operate with Council in endeavouring to identify means of improving services and available kindergarten places. Any agreed improvements or variations will be detailed in writing and signed by authorised representatives of both Council and the Kindergarten.



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Table of Reporting Requirements

| Timetable  | The Kindergarten must provide:  |
|--|---|
| Yearly on renewal  | Kindergarten Insurance Information <ul style="list-style-type: none"> <li>copy of the insurance policy, including contents and public liability</li> </ul>  |
| Initially and on renewal                                 | A copy of the provider approval (as outlined in part 2 of the Education and Care Act) issued by the secretary of the DET  |
| Annually, prior to commencement of the kindergarten year | A list of committee representatives and their contact details   |
| Annually on request                                      | The number of DET registered places.  |
| Annually on request                                      | A report on programs to be offered for the next calendar year which includes but is not limited to: <ul style="list-style-type: none"> <li>the number of groups to be offered in the following year by the Kindergarten;</li> <li>the total number of places in each group as defined in clause 6 above;</li> <li>the number of available places in each group as defined in clause 6 above;</li> <li>the numbers of four year old children approved for an additional year of funded kindergarten the following year;</li> <li>the number of hours of each group as defined in clause 6 above; and</li> <li>any other relevant information.</li> </ul> |
| Annually on request                                      | Details of proposed fees and charges for the next calendar year.  |
| Within 90 days of the end of its calendar year           | An audited financial report including a statement of assets and liabilities and a profit and loss statement for the Kindergarten.   |
| Within 30 days of the end of its calendar year           | <ul style="list-style-type: none"> <li>Detail of activities provided during the preceding year</li> <li>Number of children enrolled in each group for each term</li> <li>Any changes re session times and number of groups offered.</li> </ul>  |

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All reporting required under this Agreement on Kindergarten Services must be made to: Family, Youth

and Children's Services  
City of Glen Eira  
PO Box42  
SOUTH CAULFIELD 3162  
Phone 9524 3459

This Agreement on Kindergarten Services has been developed in conjunction with the current lease of the Premises.

**Signed** on behalf of **Glen Eira City Council**  
by its duly authorised delegate:

Signature of delegate

Name

Position

Signature of witness

Name

**Executed by** *[Name of Kindergarten Provider]* in  
accordance with section 38 of the *Associations*  
*Incorporation Reform Act 2012* (Vic):

Signature of Committee Member/Secretary

Signature of Committee Member

Print Full name

Print Full name



## Children's Services leases: reactive, routine and planned maintenance costs 2019 to date

| Child Services Property         | FY 2019-20                 |  | FY 2020-21                 |  | FY 2021-22 to date         |  | Total reactive costs (3 years) per property | Average reactive costs (3 years) per property |
|---------------------------------|----------------------------|--|----------------------------|--|----------------------------|--|---|---|
|                                 | Reactive maintenance costs | Routine and preventative maintenance costs | Reactive maintenance costs | Routine and preventative maintenance costs | Reactive maintenance costs | Routine and preventative maintenance costs |   |   |
| Bentleigh Kindergarten          | \$ 5,475.86                | \$ 3,505.67                                | \$ 2,957.25                | \$ 3,542.14                                | \$ 3,788.81                | \$ 2,260.04                                | \$ 12,221.92                                | \$ 4,073.97                                   |
| Bentleigh East Kindergarten     | \$ 614.56                  | \$ 9,278.33                                | \$ 2,174.69                | \$ 8,529.59                                | \$ 1,218.90                | \$ 3,083.30                                | \$ 4,008.15                                 | \$ 1,336.05                                   |
| Brady Road Kindergarten         | \$ 3,537.72                | \$ 4,566.27                                | \$ 2,630.90                | \$ 4,610.75                                | \$ 397.15                  | \$ 3,258.64                                | \$ 6,565.77                                 | \$ 2,188.59                                   |
| Caulfield South Kindergarten    | \$ 3,463.68                | \$ 3,181.37                                | \$ 1,119.75                | \$ 3,889.55                                | \$ 480.90                  | \$ 5,160.94                                | \$ 5,064.33                                 | \$ 1,688.11                                   |
| McKinnon Kindergarten           | \$ 5,083.49                | \$ 3,209.56                                | \$ 2,198.80                | \$ 4,429.79                                | \$ 2,193.06                | \$ 7,562.62                                | \$ 9,475.35                                 | \$ 3,158.45                                   |
| Orrong Road Kindergarten        | \$ 2,904.54                | \$ 3,754.90                                | \$ 3,653.69                | \$ 4,822.75                                | \$ 745.40                  | \$ 7,309.29                                | \$ 7,303.63                                 | \$ 2,434.54                                   |
| Glover Street Kindergarten      | \$ 2,858.31                | \$ 3,230.00                                | \$ 1,105.12                | \$ 3,323.58                                | \$ 1,011.48                | \$ 2,249.78                                | \$ 4,974.91                                 | \$ 1,658.30                                   |
| Centre Road Kindergarten        | \$ 4,774.69                | \$ 7,265.34                                | \$ 2,832.58                | \$ 6,797.83                                | \$ 570.33                  | \$ 2,711.69                                | \$ 8,177.60                                 | \$ 2,725.87                                   |
| Bentleigh West Kindergarten     | \$ 4,616.89                | \$ 3,043.89                                | \$ 2,252.18                | \$ 3,229.92                                | \$ 2,407.44                | \$ 2,383.17                                | \$ 9,276.51                                 | \$ 3,092.17                                   |
| East Bentleigh Childcare Centre | \$ 6,771.74                | \$ 3,700.72                                | \$ 3,052.77                | \$ 3,746.20                                | \$ 3,103.90                | \$ 2,586.20                                | \$ 12,928.41                                | \$ 4,309.47                                   |
| Ormond Community Kindergarten   | \$ 3,472.33                | \$ 7,233.05                                | \$ 6,547.02                | \$ 6,884.33                                | \$ 1,433.80                | \$ 1,924.18                                | \$ 11,453.15                                | \$ 3,817.72                                   |
| <b>Total</b>                    | <b>\$ 43,573.81</b>        | <b>\$ 51,969.10</b>                        | <b>\$ 30,524.75</b>        | <b>\$ 53,806.43</b>                        | <b>\$ 17,351.17</b>        | <b>\$ 40,489.85</b>                        | <b>\$ 91,449.73</b>                         | <b>\$ 30,483.24</b>                           |



**8.11 TENDER 2022.169 SUPPLY AND DELIVERY OF READY MADE MEALS (MEALS ON WHEELS)**

**Author:** *Harley Moraitis, Manager Aged Care and Independent Living*

**Trim No:** *22/1129307*

**Attachments:** *1. 2022.169 Report on conclusion of evaluation panel (CONFIDENTIAL)*

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**EXECUTIVE SUMMARY**

The purpose of this report is to recommend a contractor to be appointed to undertake the services tendered in Tender number 2022.169 Supply and Delivery of Ready-Made Meals (Meals on Wheels)

**RECOMMENDATION**

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

1. appoints **Ranahans Pty Ltd, A.C.N. 051 653 948** as the contractor under Tender number 2022.169 in accordance with the Schedule of Rates submitted;
2. prepares the contract in accordance with the Conditions of Contract included in the tender;
3. authorises the Chief Executive Officer to execute the contract on Council's behalf;
4. notes the attachments to the report remain confidential in accordance with section 3(1)(g) and section 66(5) of the Local Government Act 2020 or until Council resolves otherwise; and
5. authorises Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

**BACKGROUND**

The Glen Eira Council and Community Plan 2021-2025 includes five aspirations. This contract sits under theme 5, 'a Healthy, inclusive and resilient community' where we support the improved health, wellbeing and resilience of all individuals and groups within our community.

Our Delivered Meals Service, sometimes referred to as Meals on Wheels, provides home delivered meals to residents who, because of frailty, disability or ill health, are unable to prepare a meal on their own behalf. A variety of meals are provided including special dietary meals such as diabetic, vegetarian and texture modified.

A key aim of the Delivered Meals Program is to enable older people and people with disabilities to live independently in their own home and participate in the community.

Meals are delivered by a dedicated group of staff and volunteers who also monitor the health and wellbeing of clients.



The purpose of this contract is to appoint a Contractor who will work with Glen Eira City Council to maintain the high standards of delivered meals offered to residents including fresh, nutritional and best value for money meals.

**Proposed Contract period**

Proposed term including option(s) for two (2) years with an option on the part of Council to extend for two (2) further one (1) year terms.

**TENDER PROCESS****Advertising**

An invitation to submit tenders for the contract as described in the preceding section was advertised on Saturday 12 March 2022 in *The Age* newspaper Saturday edition (and Council's eTendering Portal on Monday 14 March 2022) and closed on Friday 1 April 2022.

**Tenders Collected/Received**

Seven (7) tender documents were requested.

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



## EVALUATION PROCESS

### Evaluation Criteria

All conforming tenders were evaluated against the following criteria:

| Criteria                                       | Indicator   |
|--|---|
| <b>1. Ability to provide the services.</b>     | <b>Contractor capability and capacity:</b> <ul style="list-style-type: none"> <li>- Availability of the choice of Menu, Nutrition, dietary and cultural provision</li> <li>- Availability of Staffing, Facilities and Distribution/Delivery</li> <li>- Contingency capability and similar experience</li> <li>- Transition in and out</li> <li>- Sustainable packaging</li> <li>- Social Procurement</li> </ul> <b>Quality:</b> <ul style="list-style-type: none"> <li>- Quality systems and innovation</li> <li>- Food safety plans</li> <li>- Food audit reports</li> <li>- Microbiological testing and analysis results</li> <li>- Council hygiene rating</li> </ul> |
| <b>2. Cost to Council.</b>                     | <b>Total cost to Council (GST inclusive).</b>   |
| <b>3. Ability to provide a safe workplace.</b> | <b>Demonstrated commitment to and ability to achieve a safe workplace.</b>  |
| <b>4. Compliance with Legislation</b>          | <b>Meets all statutory and regulatory requirements as applicable:</b> <ul style="list-style-type: none"> <li>• Food Act 1984 (Vic);</li> <li>• Food Safety Program (FSP) system of food safety management; and</li> <li>• And other statutory and regulatory requirements specified in Specification.</li> </ul>  |

## ISSUES AND DISCUSSION

Not Applicable

### CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

The contractor committed to use sustainable packaging for all the food products. Most of the ingredients have been supplied by local suppliers and community in Victoria. The contractor provides ready-made meals for care packages that are delivered to homes in need, and meals for weekly community dinners.



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

The total budget for meals for 2022/23 is \$545K (inclusive of GST). Both providers have subsequently come in at a higher rate per meal than the previous contract due to increasing costs to their business such as transport and cost of food/supplies.

Council will be able to manage the \$43K shortfall, in part, based on the declining demand for the delivered meals service, contribution by recipients for the service and managing other operating expenses under delivered meals.

Total cost is \$1.2m for the initial 2 years of this contract.

**POLICY AND LEGISLATIVE IMPLICATIONS**

This report is in accordance with the Procurement Policy and the *Local Government Act 2020*.

**COMMUNICATION AND ENGAGEMENT**

Not Applicable

**LINK TO COUNCIL PLAN**

Strategic Direction 5: A healthy, inclusive and resilient community

We support our residents to be healthy, strong and resilient and will embrace and celebrate our diverse community

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**CONCLUSION**

The Evaluation Panel appointed by the Director Community Wellbeing reached the conclusion that when assessed against the evaluation criteria, the tender of **Ranahans Pty Ltd, A.C.N. 051 653 948** represented the best quality and value for money for the community.

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

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

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



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**8.12 ARTS AND CULTURE ADVISORY COMMITTEE - ENDORSE COMMUNITY REPRESENTATIVES**

**Author:** *Deidre Pellizzer, Manager Libraries Arts and Culture*

**Trim No:** 22/1132124

**Attachments:** 1. *Terms of Reference - Arts and Culture Advisory Committee - 3 November 2021* [↓](#)

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**EXECUTIVE SUMMARY**

The purpose of this report is for Council to consider and endorse three applications for the community representative roles on the Arts and Culture Advisory Committee.

Councillors on the Committee have recommended candidates for the roles.

**RECOMMENDATION**

That Council:

1. appoints the following as community representatives to Council's Arts and Culture Advisory Committee for a two-year period:
  - Louis Balis
  - Jytte Holmqvist
  - Kathleen Plastow
2. writes to the successful applicants congratulating them on their appointment; and
3. writes to the unsuccessful applicants thanking them for their applications.

**BACKGROUND**

The Arts and Culture Committee was established to review and facilitate community engagement and provide recommendations on Council's Arts and Culture programs.

This is the first time that Community representatives have been appointed to the Arts and Culture Advisory Committee.

Recruitment for community representatives for the 2022 Committee has taken place following the appointment of Councillor representatives to the Committee at the Ordinary Council meeting on 3 November 2021.

Following an Expression of Interest process, a total of 15 applications were received.

**ISSUES AND DISCUSSION**

Council officers provided the following Councillors, (appointed to the Arts and Culture Advisory Committee) with all applications accompanied by a brief assessment:

- Cr. Anne-Marie Cade
- Cr. Margaret Esakoff
- Cr. Sam Parasol
- Cr. Li Zhang



A meeting was held with the Arts and Culture Advisory Committee Councillors on Thursday 12 May 2022 to determine the preferred community members to be appointed to the Committee.

The following community members are being recommended to be appointed to Council's Arts and Culture Advisory Committee:

- Louis Balis
- Dr Jytte Holmqvist
- Kathleen Plastow

The above applicants met the key selection criteria used to assess applications:

- Live, work, study or regularly participate in arts and cultural activity in Glen Eira.
- Demonstrated arts and cultural knowledge and experience.
- Contribute specialist skills and experience in one or more cultural topics, including but not limited to, community events and programming, history and heritage, art galleries and museums, public art, cultural contribution to placemaking, marketing for cultural programming, arts activation, performance or creative arts practice, community cultural development.
- An understanding of the key issues, opportunities and challenges for 'arts and cultural development', or local artists and community-based groups in Glen Eira.
- An understanding of opportunities for strengthening the profile, participation, and support for the arts in Glen Eira.

In addition to their demonstrated passion for the Glen Eira community and their interest in arts and culture, the three recommended applicants are considered to provide suitable representation by gender, age, diversity and location in the municipality.

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

Nil.

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

Nil.

#### **POLICY AND LEGISLATIVE IMPLICATIONS**

Nil.

#### **COMMUNICATION AND ENGAGEMENT**

Following an Expressions of Interest process interested residents were able to express interest in joining the Arts and Culture Advisory Committee as community representatives. The expression of interest process was advertised through Glen Eira News, the Arts and Culture ENewsletter, and through Council's and Arts and Culture's social media channels.

A total of 15 expressions of interest were received from a diverse range of backgrounds and age groups across all three Glen Eira wards.

#### **LINK TO COUNCIL PLAN**

Strategic Direction 1: Well informed, transparent decisions and highly valued services



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

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**CONCLUSION**

The Arts and Culture Advisory Committee assists Council to provide best practice and high-quality Arts and Culture programs in line with policy and legislation.

The presence of community representatives adds value to the Committee and demonstrates the commitment of Council to meaningfully engage with its community on arts and culture topics.





| Terms of Reference                   |   |
|--------------------------------------|---|
| 1. Name                              | <b>Arts and Culture Advisory Committee</b>  |
| 2. Classification                    | Advisory Committee  |
| 3. Background                        | The Arts and Culture Committee was established to review and facilitate community engagement on Council's Arts and Culture programs. The addition of community representatives to the membership of the Committee will assist Council with the Community Vision 2040 principle, to 'promote and develop our creative potential, celebrating our diverse identities through art and other cultural expression.   |
| 4. Function and Role                 | The role of the advisory committee is to assist and advise Council regarding key issues relating to arts and culture; to contribute views on the cultural needs of the community; and to collaborate on strategies to encourage participation in the cultural life of Glen Eira.  |
| 5. Term of Committee                 | Ongoing   |
| 6. Membership and Term of Membership | <p>The advisory committee will comprise of a minimum of three (3) Councillors, preferably one from each ward. Councillors will be appointed annually by Council.</p> <p>The committee will also consist of three (3) community members.</p> <p>Community members will be appointed following an expression of interest process and assessment against agreed criteria. Community members will collectively represent a diverse range of arts and cultural expertise. Council may increase the number of sitting representatives at its discretion. Any such appointment is for two years.</p> <p>Appointment of members shall commence on the date of the resolution appointing them and end on the earlier of:</p> <ul style="list-style-type: none"> <li>- The expiration of two years,</li> <li>- The cessation of the committee;</li> <li>- The member(s) resigning;</li> <li>- Council resolving to remove the member from the Committee;</li> </ul> |



|  |   |
|--|---|
| 7. Chairperson and Term of Chairperson             | Chairperson: A Councillor appointed by the Committee.<br><br>Term of Chairperson: one (1) year  |
| 8. Voting Rights                                   | Councillor members only.  |
| 9. Quorum  | Two (2) Councillors   |
| 10. Conduct of Members                             | Meetings of the Committee will be treated as an Assembly of Councillors. Councillors' Code of Conduct applies. The conflict of interest and confidentiality provisions in the <i>Local Government Act 2020</i> apply to all members   |
| 11. Role of Council Staff Attendee(s)              | Officers to attend in an advisory capacity to provide advice and assistance to members<br>Executive Officers to the Committee: <ul style="list-style-type: none"> <li>• Director Community Wellbeing</li> <li>• Manager Libraries, Arts and Culture</li> <li>• Arts and Culture staff as relevant.</li> </ul> |
| 12. Meeting Frequency                              | As and when required.   |
| 13. Reporting Requirements                         | Advisory Committee minutes and recommendations will be submitted to the next appropriate Ordinary Council Meeting for consideration.  |
| 14. Other Relevant Information                     | Council may cease a committee or update the Terms of Reference at any stage by Council Resolution.  |
| 15. Committee Contact Details                      | Director Community Wellbeing  |
| 16. Date of Council Approval of Terms of Reference | 3 November 2021   |
| 17. Date of Next Review of Terms of Reference      | November 2022   |



**8.13 AUDIT & RISK COMMITTEE MINUTES (27 MAY 2022)**

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

**Trim No:** 22/196907

**Attachments:** 1. Audit & Risk Committee Minutes (27 May 2022) [↓](#)

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**EXECUTIVE SUMMARY**

For Council to approve the Audit & Risk Committee minutes from the meeting held on 27 May 2022.

**RECOMMENDATION**

That the minutes of the Audit & Risk Committee meeting held on 27 May 2022 as shown in Attachment 1 to the report be approved.

**BACKGROUND**

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

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

The Committee is not a delegated committee but is directly responsible to Council for discharging its responsibilities as set out in the Charter. The Committee has no delegated authority from Council unless specifically provided by Council from time to time and any such authority shall be temporary and may only relate to specific matters as directed by Council.

**ISSUES AND DISCUSSION**

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

**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

Not applicable.

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

The Committee meets approximately five times per year.

**POLICY AND LEGISLATIVE IMPLICATIONS**

1. Local Government Act 2020:
  - Division 8—Audit and Risk Committee



- Section 53: Council must establish an Audit and Risk Committee
- Section 54: Audit and Risk Committee Charter

2. Glen Eira City Council Audit & Risk Committee Charter (endorsed 11 August 2020).

## **COMMUNICATION AND ENGAGEMENT**

Not applicable.

## **LINK TO COUNCIL AND COMMUNITY PLAN**

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

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

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

## **CONCLUSION**

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





GLEN EIRA  
CITY COUNCIL

# GLEN EIRA CITY COUNCIL AUDIT AND RISK COMMITTEE

Minutes of Friday, 27 May 2022

## 8am Caulfield Cup Room

### Committee Attendees:

#### **Committee Members**

Lisa Woolmer, Chairperson  
Craig Geddes, Independent Member  
Menchi Schneier, Independent Member  
Cr Sam Parasol, Committee Member  
Cr Jim Magee, Substitute Committee Member  
Cr Sue Pennicuik, Substitute Committee Member

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

Mark Holloway, Partner, Audit & Assurance  
Kapil Kukreja, Senior Manager Risk, Assurance & Advisory

#### **External Auditors (Victorian Auditor-General's Office)**

Travis Derricott, Sector Director, Financial Audit  
Jung Yau, Manager Financial Audit

#### **Council Officers**

Angela Morcos, Manager Family, Youth & Children's Services  
Brooke Ranken, Manager Community Safety and Compliance  
Diana Vaynrib, (Acting) Co-ordinator Legal & Governance  
Jessica Wingad, Manager Projects & Infrastructure  
John Vastianos, Chief Financial Officer  
Kellie Vise, Chief Transformation Officer  
Lisa Hill, Coordinator Corporate Planning & Business Insights  
Niall McDonagh, Director Community Assets & Leisure  
Peter Swabey, Director Corporate Services  
Ram Kamalanandan, Strategic Infrastructure & Planning Lead  
Rebecca McKenzie, Chief Executive Officer  
Robert Parker, Co-ordinator Parking & Safety

#### **Apologies**

Alon Milstein, Financial Accountant  
Cr Margaret Esakoff, Committee Member

#### **Minutes**

John Vastianos, Chief Financial Officer

The Committee met at 8am in-camera in discussion of broad issues facing Council and the risk elements thereof. Mr Holloway and Mr Kukreja from HLB Mann Judd (internal auditors) joined the in-camera discussion at 8:15am.



## AUDIT AND RISK COMMITTEE MEETING MINUTES

27 MAY 2022

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**AUDIT AND RISK COMMITTEE**  
**Friday, 27 May 2022**  
**8am (Caulfield Cup Room)**  
**MINUTES**

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**1. WELCOME AND APOLOGIES**

At 8:30am, the Chairperson opened the meeting and noted apologies from Cr Esakoff. The Chairperson acknowledged the appointment of Cr Pennicuik to the Committee and thanked Cr Pilling for his contribution to the Audit and Risk Committee and wished him well.

The Chairperson thanked Mr Swabey for his significant contribution, support and leadership to the Committee over the years. Cr Magee also extended his appreciation to Mr Swabey. Mr Swabey expressed his appreciation and support to Committee members, Councillors, Council staff and auditors.

Mr Swabey left the meeting at 8:45am.

**2. DISCLOSURE OF INTERESTS, CONFLICTS, BREACHES OF ANY ACT****2.1 DISCLOSURE OF INTERESTS, CONFLICTS, BREACHES OF ANY ACT**

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

Mr Geddes noted that he was no longer a member of the Darebin Council Audit & Risk Committee.

No other breaches, irregularities or matters were reported.

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

**3. CONFIRMATION OF AGENDA**

The agenda of the Committee was confirmed subject to some minor rearranging of the order of the agenda. It was agreed that item 11.2 (Internal Review of Corporate Performance Reporting) be brought forward to accommodate officers' commitments. It was also agreed that agenda item 7.6 (Clayton South Regional Landfill) would be unstarred. The Committee confirmed the following agenda items be taken as read and recommendations accepted as recorded:

- 6.1 - Quarterly & Monthly Finance Reporting
- 7.3 - Business Unit Rolling Risk Timetable
- 7.4 - Pandemic Response & Recovery
- 7.5 - Residential Aged Care (Inc. Risk Plan)
- 9.6 - Gender Equality Action Plan
- 10.1 - Transformation & Corporate Performance
- 11.1 - Internal Audit Activity Report
- 11.4 - Status of Internal Audit Actions



**AUDIT AND RISK COMMITTEE MEETING MINUTES****27 MAY 2022**

- 11.6 - Internal Audit Charter
- 12.2 - Status of External Audit Actions
- 13.1 - 2022 Committee Work Plan

**4. MINUTES OF PREVIOUS MEETING 18 FEBRUARY 2022**

The minutes of the previous Audit and Risk Committee meeting held on 18 February 2022 were confirmed.

**5. ACTION ITEMS ARISING FROM MINUTES****5.1 ACTION ITEMS ARISING FROM MINUTES**

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

**11. INTERNAL AUDIT****11.2 REVIEW OF CORPORATE PERFORMANCE REPORTING**

The Chairperson welcomed Ms Vise and Ms Hill to the meeting at 8:46am.

Mr Kukreja presented the findings from the Corporate Performance Reporting Review. The objective of the internal audit was to assess the design and effectiveness of internal controls relating to the Council's corporate performance reporting framework and to identify any potential risks and/or opportunities to improve related practices. The key findings from the review were:

- Shortfalls noted with respect to the information documented in the Performance Reporting policy/procedure document.
- Terms of Reference of the Strategy, Planning and Performance Committee was in draft form.
- Inconsistencies identified between the Organisational Plan and Annual Action Plan.
- Certain performance measures in the Council Plan were not based on SMART (i.e. specific, measurable, attainable, relevant and time bound) Principle.
- Council performance management/reporting can be improved through the establishment of KRIs (Key Risk Indicators) and their alignment with the KPIs.

Ms Vise discussed the importance of this area in the context of the Risk Management and Integrated Reporting Frameworks in accordance with the *Local Government Act 2020*.

The Committee noted the Review of Corporate Performance Reporting.

**ACTION**

All findings (including Low Rated) from the Corporate Performance Reporting review be included in the next follow up review by Internal Audit.

Ms Vise and Ms Hill left the meeting at 9:00am.



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AUDIT AND RISK COMMITTEE MEETING MINUTES27 MAY 2022

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**9. COMPLIANCE MANAGEMENT****9.1 ASSET PLAN - LGA 2020 COMPLIANCE**

The Chairperson welcomed Mr McDonagh, Ms Wingad and Mr Kamalanandan to the meeting at 9:02am.

Mr Kamalanandan updated the Committee on Council's requirement to develop and adopt an Asset Plan by 30 June 2022, in accordance with its Community Engagement Policy (adopted 23 February 2021). The focus of the Plan is the management of physical infrastructure assets that are categorised into roads and transport, buildings and facilities, stormwater drainage and open space.

The Committee noted the purpose of the Asset Plan and the link to Council's Integrated Performance Reporting Framework which acknowledges the interdependencies of strategic planning and reporting.

The Committee noted Council's impending compliance of the Asset Plan in accordance with the requirements of the *Local Government Act 2020*.

Mr McDonagh, Ms Wingad and Mr Kamalanandan left the meeting at 9:12am.

**6. FINANCIAL AND PERFORMANCE REPORTING****6.1 MONTHLY & QUARTERLY REPORTING \***

The Committee noted the Financial Management Report, Quarterly Services Performance Report and mid-year review of the Local Government Performance Reporting indicators.

**6.2 2021-22 FINANCIAL REPORT - ASSET REVALUATIONS**

The CFO explained the expected movement in the 2021-22 accounts for asset revaluations, the approach taken to the revaluations, and the indexations applied by asset category. Land and Land Under Roads will increase by approximately \$102m and \$81m respectively while Buildings has a decrease of \$377k. The Parks valuation was conducted internally and reflects an increment of \$16m. A valuation for infrastructure assets is currently underway including condition audits and will be included in the draft 2021-22 draft accounts to the Committee.

The Committee noted the impact of the asset revaluations for the 2021-22 Financial Statements.

**6.3 2021-22 FINANCIAL REPORT - KEY CHANGES**

The CFO presented key changes to the upcoming year-end accounts for 30 June 2022 and some of the adverse key variances on Council's actual financial performance compared to the budget due to the pandemic.

The Committee noted key changes to the 2021-22 Draft Financial Statements which will be presented at the Committee meeting on 12 August 2022.



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**AUDIT AND RISK COMMITTEE MEETING MINUTES****27 MAY 2022**

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**7. RISK MANAGEMENT****7.1 RISK MANAGEMENT FRAMEWORK, RISK APPETITE & RISK PLAN**

The Chairperson welcomed Ms Vaynrib to the meeting at 9:22am.

Ms Vaynrib provided an update on Council's Risk Management Framework and Policy and Risk Management Process documents as well as the Risk Management Action Plan.

The Chairperson noted that there had been offline feedback regarding the draft papers which it was agreed management would consider before finalising them.

The offline feedback was summarised and the Committee provided further feedback on the Risk Management Framework and Process documents, Staff Training and Development of Business Unit Risk Registers in Camms Risk Module, Operational Risk Review Frequency, Council's Risk Appetite Statement and Council's Risk Management Action Plan.

The Committee noted the update on Council's Risk Management Framework and Risk Appetite, including Council's annual Risk Management Action Plan.

**ACTION**

The updated Council Risk Appetite be presented to a future Audit and Risk Committee.

**7.2 STRATEGIC RISKS & TREATMENT PLANS**

The Committee noted updates on the review of the content and status of treatment plans of the Strategic Risk Register by Risk Owners. The Committee noted management confirmation that a briefing on Strategic Risk will be provided to Council prior to the end of the 2022 calendar year.

**7.3 BUSINESS UNIT ROLLING RISK PROGRAM \***

The Committee noted the schedule and timing of the Rolling Risk Program.

**7.4 PANDEMIC RESPONSE & RECOVERY \***

The Committee noted updates on Council's response and recovery to the COVID-19 Pandemic.

**7.5 RESIDENTIAL AGED CARE (INC. RISK PLAN) \***

The Committee noted the updates on residential aged care including the status of COVID-19, royal commission into aged care quality and safety, accreditation and updates to the risk management plan.



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**AUDIT AND RISK COMMITTEE MEETING MINUTES****27 MAY 2022**

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**7.6 CLAYTON SOUTH REGIONAL LANDFILL**

Ms McKenzie provided an update on financial and governance updates regarding the Landfill.

The Committee noted information on the Clayton South Regional Landfill Joint Venture relating to status of EPA and other notices, site management and construction and financial and governance issues.

**8. FRAUD PREVENTION SYSTEMS AND CONTROLS****8.1 FRAUD CONTROL FRAMEWORK**

The Committee noted the update on Council's Fraud Control Framework including employee training, the fraud and corruption policy and fraud management annual action plan.

**7.7 FAMILY & CHILDREN SERVICES RISK REVIEW**

The Chairperson welcomed Ms Morcos to the meeting at 10:07am.

Ms Morcos presented the risk report for the Family, Youth and Children's Services Department. Programs include early childhood education and care, (centre-based long day services with integrated kindergarten programs; family day care, and occasional care), Maternal and Child Health Services, facilitated playgroups, youth services, and immunisation.

The key risks discussed included:

- Fire in a Family, Youth and Children's Services facility causing potential loss of life and/or facility.
- Loss of Early Years Services licenses.
- Incorrect vaccination administered to a child/community member.
- Failure to comply with anaphylaxis management procedures.
- Failure to follow mandated child protection and Child Safe Responsibilities.
- Inadequate and/or incorrect Maternal and Child Health incident, information, and statistical records.
- Unsafe and unhealthy workplace.
- Failure to comply with Department of Education and Training regulations and policies.

Discussion also occurred regarding workforce challenges in the current environment.

The Committee noted the Risk Report for the Family and Children Services business area.

Ms Morcos and Ms Vaynrib left the Committee meeting at 10:20am.

**The Committee took a break from 10:20am to 10:30am.**



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**AUDIT AND RISK COMMITTEE MEETING MINUTES****27 MAY 2022**

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**11. INTERNAL AUDIT****11.3 REVIEW OF PARKING ENFORCEMENT**

The Chairperson welcomed Ms Ranken and Mr Parker to the meeting at 10:30am.

Mr Kukreja presented the findings from the Parking Enforcement Review. The objective of the internal audit was to assess whether the Council has an adequate framework and practices in place and are operating effectively with respect to management of parking enforcement and infringements internal review including its compliance with relevant Acts and Legislation. The key findings from the review were:

- Guidelines in relation to management of parking infringements need to be reviewed and updated.
- Potential improvements identified with respect to the software utilised for appeals process.
- No compliance register is in place at the Council in relation to management of parking infringements.

Mr Parker noted the importance of the parking service review that was undertaken and the alignment to the internal audit.

The Committee noted the Review of Parking Management.

Ms Ranken and Mr Parker left the meeting at 10:43am.

**11.5 STRATEGIC INTERNAL AUDIT PLAN**

Mr Holloway presented the Strategic Internal Audit Plan, noting the approach to develop the Plan had involved engagement with independent Audit and Risk Committee members and the Executive.

The Committee reviewed the scope and recommended the Strategic Internal Audit Plan for the years 2022-23 to 2024-25 to the CEO subject to considerations discussed at the meeting.

**9. COMPLIANCE MANAGEMENT****9.2 PERFORMANCE AUDIT & OTHER INTEGRITY AGENCIES (VAGO)**

Mr Derricott and Mr Yau were welcomed to the meeting at 10:58am.

Mr Derricott provided an update on the sector and the VAGO Review Fraud Control over Local Government Grants tabled on 11 May.

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

**ACTION**

The Chairperson requested management undertake a self-assessment against the recommendations from the VAGO Review Fraud Control over Local Government Grants.



**AUDIT AND RISK COMMITTEE MEETING MINUTES****27 MAY 2022****9.3 ANNUAL COMPLIANCE - COUNCILLOR EXPENSES**

The CFO explained Council's processes around managing Councillor expenses and due-diligence processes. The Committee sighted the listing of Councillor expenses to date, including for delegated committees as well as recent legislative changes to Councillor Allowances.

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

**9.4 ANNUAL COMPLIANCE - GIFTS, BENEFITS & HOSPITALITY**

The Committee noted Council's processes and governance arrangements, key controls and processes regarding the management of gifts, benefits and hospitality.

**9.5 GOVERNANCE COMMITTEES**

The CFO updated the Committee on management's decision to establish the following four internal governance sub-committees of the Executive:

- Governance and Risk
- Strategy, Planning and Performance
- People, Culture and Safety
- Technology and Transformation

The Committee noted Council's internal governance committees.

**9.6 GENDER EQUALITY ACTION PLAN \***

The Committee noted Council's endorsement of its first Gender Equality Action Plan 2022–2025 at a Council Meeting on 15 March 2022, which demonstrates Council's commitment to gender equality, to ensure Council continues its journey to be an equitable workplace for people of all genders.

**10. INTERNAL CONTROL ENVIRONMENT****10.1 TRANSFORMATION & CORPORATE PERFORMANCE \***

The Committee noted the status report from the Transformation and Corporate Performance business unit.

**10.2 SECTOR REPORT (INTERNAL AUDITOR)**

Mr Kukreja briefed the Committee on sector updates.

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



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**AUDIT AND RISK COMMITTEE MEETING MINUTES****27 MAY 2022**

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**11. INTERNAL AUDIT****11.1 INTERNAL AUDIT ACTIVITY REPORT \***

The Committee noted the progress and status of the Internal Audit Report in accordance with the 2021-22 Strategic Internal Audit Plan.

**11.4 STATUS OF INTERNAL AUDIT ACTIONS \***

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

**11.6 INTERNAL AUDIT CHARTER \***

The Committee reviewed the Internal Audit Charter and recommended to the CEO that no changes were required to be made to the Charter and reported to Council.

**12. EXTERNAL AUDIT****12.1 2021-22 VAGO INTERIM MANAGEMENT LETTER**

Mr Derricott presented the VAGO Interim Management Letter. The summary of audit findings included: improving review process over Performance Statement data inputs and a review of payroll exception reporting.

Mr Derricott and Mr Yau left the meeting at 11:08am.

Management were in agreement with the required actions.

The Committee noted the VAGO Interim Management Letter for the 2021-22 year-end accounts.

**12.2 STATUS OF EXTERNAL AUDIT ACTIONS \***

The Committee noted the progress and status of external audit actions from the VAGO external audit and other integrity agency bodies.

**13. AUDIT AND RISK COMMITTEE ITEMS****13.1 2022 COMMITTEE WORK PLAN \***

The Committee noted the Committee's Work Plan for the 2022 calendar year.



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**AUDIT AND RISK COMMITTEE MEETING MINUTES****27 MAY 2022**

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**14. INFORMATION & UPDATE ON ITEMS (INFORMATION ONLY, NOT ACTION)****14.1 ACTION ITEM - RECYCLING CONTRACT**

The Committee noted Management's follow-up on the action items relating to the status of Council's recycling contract.

At the Ordinary Council Meeting on 26 April 2022, Council resolved to seek a further extension of the current Services Agreement for an initial three-year term, with two additional one-year options. The proposed date to bring this into effect is 1 June 2022.

**14.2 ACTION ITEM - ADVANCED WASTE PROCESSING CONTRACT**

The Committee noted Council's follow-up on the action item relating to the status of the Advanced Waste Processing Contract.

On 22 February 2022 Council resolved to withdraw from the South East Metropolitan Advanced Waste Processing Project (SEMAWP Project) due to a number of concerns. Out of the 16 councils participating in the SEMAWP Project, only seven have committed to proceeding to tender stage. Six councils, including Glen Eira, have formally withdrawn.

**14.3 ACTION ITEM - RESIDENTIAL AGED CARE POLICIES**

The Committee noted Management's follow-up on the action item relating to the policy review of Council's Residential Aged Care Facilities.

At the Council meeting on the 17th May 2022, Officers presented five policies that had been amended to reflect changes in either the Aged Care Act, the Fees and Payments Principles 2014 (No.2), Commonwealth Home Support Program, Residential Tenancy Act, internal Council delegations and/or contemporary practices. The five amended policies that were endorsed by Council were:

- Residential Care Services for Older Persons.
- Residential Aged Care
- Independent Living Unit for Older Persons
- Aged Care and Independent Living
- Residential Aged Care Liquidity Management.

**14.4 ACTION ITEM - GOVERNANCE REVIEW**

The Committee noted Management's follow-up on the action item relating to the deferral of the Governance Review and amended Parking Review scope.

The scope of the Parking Review had been increased to include:

- The Council has established Infringements Internal Review Process, decision making processes and controls in relation to the acceptance and escalation of Internal Reviews and their carriage to a resolution status.
- Adequate controls have been implemented to prevent the withdrawal of infringement notices once issued, which may not go through the official Internal Review processes.



**AUDIT AND RISK COMMITTEE MEETING MINUTES****27 MAY 2022****15. GENERAL BUSINESS****15.1 GENERAL BUSINESS**

The Committee noted the next meeting for the 2022 calendar year is scheduled for Friday, 12 August 2022, noting an in-camera session with VAGO to commence at 8:15am. No other business was raised.

**16. AUDIT AND RISK COMMITTEE (MEMBERS ONLY)**

Nil

**17. CLOSURE OF MEETING**

The meeting concluded at 11:22am.



**8.14 REMUNERATION OF AUDIT & RISK COMMITTEE MEMBERS**

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

**Trim No:** 22/1126233

**Attachments:** Nil

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**EXECUTIVE SUMMARY**

To adopt rates of payment for Independent Members of Council's Audit and Risk Committee commencing 1 July 2022.

**RECOMMENDATION**

That effective from 1 July 2022, Council adopts the following rates for the Audit and Risk Committee Members:

- Chairperson - \$10,973 p.a. (exc. GST); and
- Independent Member - \$9,387 p.a. (exc. GST).

**BACKGROUND**

The Audit and Risk Committee is designed to play a key role in advising Council in fulfilling its governance and oversight responsibilities, ethical practices and accountability requirements. The Audit and Risk Committee meet five times per year.

**ISSUES AND DISCUSSION**

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

- Lisa Woolmer (Chairperson);
- Craig Geddes (Independent Member); and
- Menchi Schneier (Independent Member).

The adjusted fees reflect the rate cap increase based on forecast CPI of 1.75 per cent for 2022-23.

**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

Not applicable.

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

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

- Chairperson - \$10,784 p.a. (exc. GST); and
- Independent Member - \$9,226 p.a. (exc. GST).

**POLICY AND LEGISLATIVE IMPLICATIONS**

1. Local Government Act 2020:



- Division 8—Audit and Risk Committee
  - Section 53: Council must establish an Audit and Risk Committee
  - Section 54: Audit and Risk Committee Charter

2. Glen Eira City Council Audit & Risk Committee Charter (endorsed 11 August 2020).

## **COMMUNICATION AND ENGAGEMENT**

Not applicable

## **LINK TO COUNCIL PLAN**

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

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

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

## **CONCLUSION**

That effective from 1 July 2022, Council adopt the following rates for the Audit and Risk Committee Members:

- Chairperson - \$10,973 p.a. (exc. GST); and
- Independent Member - \$9,387 p.a. (exc. GST).



## 8.15 COUNCILLOR CIVIC SUPPORT AND EXPENSES POLICY

**Author:** Janice Pouw, Coordinator Councillor Business

**Trim No:** 22/1126052

**Attachments:** 1. Councillor Civic Support and Expenses Policy (tracked change version) [↓](#)  
2. Councillor Civic Support and Expenses Policy (clean version) [↓](#)

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### EXECUTIVE SUMMARY

The current Councillor Civic Support and Expenses Policy was reviewed in accordance with the implementation of the *Local Government Act 2020* and was endorsed by Council in July 2020. Officers have undertaken a further review and are seeking endorsement by Council of the reviewed Policy.

### RECOMMENDATION

That Council endorses the reviewed Councillor Civic Support and Expenses Policy ('Policy') dated 7 June 2022 (Attachment 1 to the report).

### BACKGROUND

In July 2020 when the Policy was reviewed, the *Local Government Act 1989* was transitioning to the new *Local Government Act 2020*. The Policy contained references to section 75B of the 1989 Act and section 41 requirements of the *Local Government Act 2020*.

Council endorsed the Policy on 21 July 2020.

### ISSUES AND DISCUSSION

This review has removed the Councillor Allowance reference to the *Local Government Act 1989* and ensures it meets the obligations in accordance with the *Local Government Act 2020*. A tracked change version of the Policy is shown as Attachment 2 to the report with the clean version shown as Attachment 1.

### CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

There are no climate emergency implications associated with this report.

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

In November each year, a report detailing Councillors' allowances and expenses incurred for the period 1 November to 31 October is prepared and placed on Council's website in accordance with clause 6.5.1 of the Policy.

### POLICY AND LEGISLATIVE IMPLICATIONS

The Policy is a requirement in accordance with section 41 of the *Local Government Act 2020*.

### COMMUNICATION AND ENGAGEMENT

There was no communication and engagement associated with this report.



**LINK TO COUNCIL PLAN**

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

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

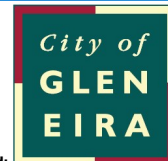
No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

**CONCLUSION**

It is proposed that Council considers and endorses the revised Councillor Civic Support and Expenses Policy shown at Attachment 1 to the report.



## Councillor Civic Support and Expenses Policy



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| <b>Date first adopted:</b>                                  | <b>3 September 2001</b>  |
| <b>Dates amended:</b>                                       | 22 December 2003<br>26 September 2005<br>27 February 2006<br>8 April 2008<br>27 April 2010<br>1 February 2011<br>2 July 2013<br>21 July 2020<br><u>7 June 2022</u> |
| <b>Next review date:</b>                                    | <u>July 2025</u>   |
| <b>Position title of responsible business unit Manager:</b> | Director Corporate Services  |
| <b>Approved by:</b>   | Council  |

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## 1. TITLE

Councillor Civic Support and Expenses Policy

## 2. OBJECTIVE

To set out the entitlement of Councillors to allowances, facilities, resources and reimbursement of certain expenses to assist them to discharge their responsibilities and to provide for reimbursement of certain expenses for members of delegated committees. This Policy is in accordance with the requirements of Division 6 of Part 2 – Entitlements of the Local Government Act 2020.

## 3. DEFINITIONS AND ABBREVIATIONS

| Term | Meaning |
|------|---------|
| N/A  |         |

## 4. POLICY

### 4.1 Councillor Allowances

- 4.1.1 Councillor Allowances will be determined by the Victorian Independent Remuneration Tribunal under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* in accordance with section 39 of the *Local Government Act 2020*.

### 4.2 Insurance

- 4.2.1 Councillors are covered under the following Council insurance policies, while performing their duties as a Councillor including attendance at meetings of external bodies as Council's representatives:
- Public Liability / Professional Indemnity
  - Councillors and Officers Liability
  - Travel Insurance (accompanying partners are also covered)
  - Workcover Insurance
- 4.2.2 All policies have limitations which are usual for the type of policy. Some examples are requirements to act honestly, to act in good faith and not to act recklessly.
- 4.2.3 Insurance policies generally have requirements for early notification to the insurer of potential claims, the right for the insurer to take over the handling of the matter and appoint lawyers and settle the matter and a requirement for full and frank disclosure of all relevant material.

4.2.4 Liability for a particular WorkCover claim is determined by Council's WorkCover Agent. There are statutory timelines upon the lodgement of a valid WorkCover Claim.

- 4.2.5 Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not.

### 4.3 Child Care/Carer Expenses

- 4.3.1 Council will reimburse expenses for bona fide childcare services or for those Councillors with carer responsibilities as described in section 4 of the Carers Recognition Act 2012, if the childcare or carer services were necessary in order to enable a Councillor to:
- attend Ordinary and Special Council Meetings and meetings of Committees of Council;

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- attend formal assembly / briefing sessions and civic or ceremonial functions convened by Council or Mayor;
- attend meetings scheduled by Council or the Mayor;
- attend a meeting, function or other official role attended as an appointed representative of Council or Mayor;
- attend meetings of community groups, organisations and statutory authorities to which the Councillor has been appointed Council delegate or is authorised by Council, but the reimbursement by Council is to be diminished by however much the body pays travelling expenses directly;
- attend to inspect a street, property or area (or to discuss with any person) any matter necessary in performing the duties of a Councillor;
- attend to discuss with Officers any matter relating to the City necessary in performing the duties of a Councillor; or
- attend meetings, or to participate in delegations or deputations to which the Councillor has been appointed as a representative by Council or the Mayor.

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- attend meetings of the delegated committee of which they are a member;
- attend formal briefing sessions, inductions or other meetings or events which they are required to attend in order to fulfil their duties as a delegated committee member.

- 4.3.3 Child care/carer expenses are calculated on the basis of hourly fees.

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- 4.3.4 Expenses cannot be claimed in respect of care provided by a family member of the person claiming.

- 4.3.5 Receipts must show Council meeting or event which the Councillor or delegated committee member is claiming in respect of, the name of the carer, the address at which the care was provided and details of times and fees.

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#### 4.4 Facilities and Expenses for Councillors with Disabilities

For any Councillor with a disability, Council may resolve to provide reasonable additional facilities and expenses which may be necessary for the performance of their duties.

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#### 4.5 Home/Workplace Facilities

- 4.5.1 Each Councillor will be provided with:

A Laptop or Desk Top computer (to the same standard as determined by Council for use in the organisation) and a desktop photocopier/printer for necessary use in performing their duties as a Councillor. Council will pay all reasonable charges associated with the use of the computer and printer.

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- 4.5.2 Access will be provided for Councillors to relevant Council systems (e.g. email and internet) and the Chief Financial Officer will determine the most efficient and economical means for providing access.

- 4.5.3 Council will provide Councillors with a mobile telephone to handle calls and other electronic communications which are necessary in performing their duties as a Councillor. Council will not pay for, or arrange fitting of in-car accessories.

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- 4.5.4 Council will pay charges associated with the use of the telephone for Council business. Councillors may be required to reimburse Council for any costs which were not necessary in performing their duties as a Councillor.

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- 4.5.5 If a Councillor does not accept a Council-provided phone or mobile phone, reimbursement for calls and charges made on a private phone can be claimed where these are substantiated as being necessary to perform a Councillor's duties. 4.5.6

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All facilities, ~~including hardcopy material~~ provided by Council to a Councillor remain the property of ~~Council~~ and must be returned at the end of a Councillor's term of office, ~~retirement or resignation~~.

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- 4.5.7 Councillors must agree in writing to comply with Council policies ~~or procedures~~, as amended from time to time, related to the security, maintenance and use of ~~a~~ computer, printer and telephone equipment provided in accordance with this policy.

#### 4.6 Mail

Council will post mail which has been generated by Councillors in performing their duties.

#### 4.7 Record-keeping

Councillors should note that emails, text messages, social media posts on Council-owned sites, letters and all documents written by a Councillor in performing their duties, or received by a Councillor in their professional capacity, are Council documents and accordingly:

- (a) ~~a record must be kept by Council of these in accordance with the Public Records Act 1973;~~
- (b) ~~must be in accordance with the Councillor Communications and Media Protocol; and~~
- (c) they are subject to Freedom of Information law and processes and Council's Privacy Policy.

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Advice on record-keeping can be provided by Council's Co-ordinator of Councillor Business.

#### 4.8 Reimbursement of Expenses

- 4.8.1 Council will reimburse a Councillor or a member of a delegated committee for out-of-pocket expenses ~~with~~ which Council is satisfied:

- (a) are bona fide expenses; and
- (b) have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
- (c) are reasonably necessary for the Councillor or member of a delegated committee to perform that role.

Council must provide details of all reimbursements under this section to the Audit and Risk Committee.

- 4.8.2 Councillors will be reimbursed reasonable expenses necessarily incurred while entertaining visiting dignitaries on behalf of Council including the reasonable cost of drinks accompanying a meal, provided that approval by Council resolution is obtained before the expenditure is incurred.

- 4.8.3 Where Councillors are invited to attend functions which are necessary ~~for performing~~ their duties and there is a charge, Council will pay or reimburse the cost. However, if the total cost exceeds, or is likely to exceed, \$750, approval by Council resolution is required before the expenditure is incurred.

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- 4.8.4 Where the above sub-clause applies, and it is a function to which partners are invited, ~~Council~~ will pay or reimburse the reasonable cost for a Councillor's partner as well.

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#### 4.9 Room Use

- 4.9.1 Council provides
- an Office for the Mayor and
  - a Councillors' room for Councillors to use in performing their duties.



4.9.2 In addition, meeting rooms owned and controlled by Council can be booked by Councillors through secretarial support for meetings, interviews and other functions which are necessary for the performance of their duties as a Councillor, provided that they are in attendance.

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#### 4.10 Publications, Stationery and Secretarial Support

4.10.1 Councillors will be supplied with the following publications relevant to their civic duties:

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a) Local Government Act 2020 (Vic)

b) Bulletins of the Municipal Association of Victoria; and

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c) Other relevant publications.

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4.10.2 Councillors will be supplied with business cards and a diary (if required) and can avail themselves of stationery as necessary to perform their Councillor duties. If a Councillor requires a prepaid envelope to be mailed, it must be returned to Council to be sent.

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4.10.3 Council stationery is not to be converted or modified in any way, and Council's logo, colour schemes or design schemes are not to be used except in official Council publications. Council stationery may only be used for carrying out duties as a Councillor. It may not be used for personal, electoral or party-political purposes.

4.10.4 Secretarial support will be made available at the Town Hall to assist Councillors in undertaking activities which are necessary for performing their duties. Staff members will provide such support within all applicable policies, including those dealing with record keeping, privacy etc.

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#### 4.11 Building Access and Parking

4.11.1 Each Councillor will receive one access card allowing 24-hour access to the Councillors' area at the Town Hall.

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4.11.2 A designated parking space for the Mayor is available at the Town Hall at all times. Designated parking spaces for the Councillors are available at the Town Hall from 5.30pm to midnight each day.

4.11.3 Councillors must comply with all parking signs and restrictions in the Glen Eira municipality and are personally liable to pay any infringement penalties arising due to failure to comply.

#### 4.12 Name Badge

4.12.1 Each Councillor and their partner will be provided with one name badge each for use while on Council business.

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#### 4.13 Facilities for the Mayor

4.13.1 Secretarial support will be made available to assist the Mayor in performing his/her duties.

4.13.2 Office accommodation will be provided to assist the Mayor in performing his/her duties.

4.13.3 The Mayor may book and use Council's pooled vehicles for official use in accordance with the Fleet Vehicle Policy and procedures.

#### 4.14 Private Vehicle Use

4.14.1 Council will reimburse Councillors for using their private vehicles on travel which is necessary for performing their duties as a Councillor (listed under Child Care / Carers in section 4.3.1). Reimbursement will be according to the relevant rates set by the Australian Taxation Office and upon completion and submission of the relevant Council claim form.

#### 4.15 Overseas Travel

4.15.1 Prior to Councillors travelling overseas in the performance of their duties, the travel must be authorised by Council Resolution.

4.15.2 The mode of transport is to be determined on the advice of the Chief Executive Officer based on the most cost-effective form of transport and will be economy class only. Bookings and payments are to be made by City Management.

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**4.16 Travel Expenses**

- 4.16.1 Councillors may use Cabcharge vouchers for taxi travel for journeys within the metropolitan region which are necessary for performing their duties as a Councillor.
- 4.16.2 Council will reimburse Councillors for taxi trips or other travel expenses, including by rideshare and public transport, which are necessary for performing their duties upon production of receipts.

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**5. CONFERENCES, SEMINARS, TRAINING & DEVELOPMENT**

- 5.1 Councillors are encouraged to attend conferences and seminars relevant to their work as Councillors in order to enhance their personal skills and knowledge to better perform their role. Councillors must comply with section 32 of the *Local Government Act 2020*, including completing induction training within six months after the day the Councillor takes the Oath or Affirmation of office.
- 5.2 In-house training will include:
- Training programs for newly elected and returning Councillors, with additional training as required;
  - Workshops held in Council or outside the municipality involving Councillors and Senior Officers;
  - Media training; and
  - Governance topics (such as meeting procedure, policy development, advocacy and strategic thinking).
- 5.3 The Chief Executive Officer should ensure that no scheduled meeting is left without a quorum because of the absence of Councillors at conferences and seminars.
- 5.4 Attendance by the Mayor or Councillors at a conference, seminar, function or training event where the total cost exceeds, or is likely to exceed, \$750 requires prior approval by Council resolution.
- 5.5 All bookings and payments are to be made by City Management.
- 5.6 A Councillor attending an interstate or overseas conference/seminar will provide a written report within one month of the end of the conference. The purpose is to share information and maximise the benefit to Council.

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**6. ACCOUNTABILITY****6.1 Claims**

Claims for expenses claimable under this policy are to be submitted on a monthly basis to the Co-ordinator Councillor Business. No claims will be accepted for expenses which occurred more than two calendar months previously.

**6.2 Approval**

Expenditure and reimbursements will be processed in accordance with this Policy. Claims which are not covered by this policy may be submitted to a Council Meeting for determination.

**6.3 Elections**

Council's policy on conduct and use of resources during the election period is set out in Council's Election Period Policy.

**6.4 Party Political**

No Council resource is to be used for Party Political purposes or any purpose that may present the appearance of being Party Political.



**6.5 Reporting**

6.5.1 Details of civic expenses for each year (1 November to 31 October) will be disclosed annually on [Council's](#) website not later than the end of February each year.

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6.5.2 Civic expenses will be the subject of a review by Council's Internal Auditor [after the third year of each Council Term with regular reporting](#) to the Audit and Risk Committee.

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**7. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

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**8. ASSOCIATED INTERNAL DOCUMENTS**

Councillors' Code of Conduct  
Governance Rules  
Election Period Policy  
Other Council Policies  
[Councillor Communications and Media Protocol](#)

**9. EXTERNAL REFERENCES/RESOURCES**

*Local Government Act 2020 (Vic)*  
[Municipal Association of Victoria](#)

Deleted: *Local Government Act 1989 (Vic)*



## Councillor Civic Support and Expenses Policy

|   |   |
|---|---|
| <b>Date first adopted:</b>                                  | <b>3 September 2001</b>   |
| <b>Dates amended:</b>                                       | 22 December 2003<br>26 September 2005<br>27 February 2006<br>8 April 2008<br>27 April 2010<br>1 February 2011<br>2 July 2013<br>21 July 2020<br>7 June 2022 |
| <b>Next review date:</b>                                    | July 2025   |
| <b>Position title of responsible business unit Manager:</b> | Director Corporate Services   |
| <b>Approved by:</b>   | Council   |



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**1. TITLE**

Councillor Civic Support and Expenses Policy

**2. OBJECTIVE**

To set out the entitlement of Councillors to allowances, facilities, resources and reimbursement of certain expenses to assist them to discharge their responsibilities and to provide for reimbursement of certain expenses for members of delegated committees. This Policy is in accordance with the requirements of Division 6 of Part 2 – Entitlements of the *Local Government Act 2020*.

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| Term | Meaning |
|------|---------|
| N/A  |         |

**4. POLICY****4.1 Councillor Allowances**

- 4.1.1 Councillor Allowances will be determined by the Victorian Independent Remuneration Tribunal under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* in accordance with section 39 of the *Local Government Act 2020*.

**4.2 Insurance**

- 4.2.1 Councillors are covered under the following Council insurance policies, while performing their duties as a Councillor including attendance at meetings of external bodies as Council's representatives:
- Public Liability / Professional Indemnity
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- 4.3.1 Council will reimburse expenses for bona fide childcare services or for those Councillors with carer responsibilities as described in section 4 of the Carers Recognition Act 2012, if the childcare or carer services were necessary in order to enable a Councillor to:
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- attend formal assembly / briefing sessions and civic or ceremonial functions convened by Council or Mayor;
  - attend meetings scheduled by Council or the Mayor;
  - attend a meeting, function or other official role attended as an appointed representative of Council or Mayor;
  - attend meetings of community groups, organisations and statutory authorities to which the Councillor has been appointed Council delegate or is authorised by Council, but the reimbursement by Council is to be diminished by however much the body pays travelling expenses directly;
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- 4.3.2 Council will reimburse expenses for bona fide childcare/carer services if the care was necessary in order to enable a member of a delegated committee to:
- attend meetings of the delegated committee of which they are a member;
  - attend formal briefing sessions, inductions or other meetings or events which they are required to attend in order to fulfil their duties as a delegated committee member.
- 4.3.3 Childcare/carer expenses are calculated on the basis of hourly fees.
- 4.3.4 Expenses cannot be claimed in respect of care provided by a family member of the person claiming.
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- A Laptop or Desk Top computer (to the same standard as determined by Council for use in the organisation) and a desktop photocopier/printer for necessary use in performing their duties as a Councillor. Council will pay all reasonable charges associated with the use of the computer and printer.
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All facilities, including hardcopy material provided by Council to a Councillor remain the property of Council and must be returned at the end of a Councillor's term of office, retirement or resignation.

- 4.5.7 Councillors must agree in writing to comply with Council policies or procedures, as amended from time to time, related to the security, maintenance and use of a computer, printer and telephone equipment provided in accordance with this policy.

#### **4.6 Mail**

Council will post mail which has been generated by Councillors in performing their duties.

#### **4.7 Record-keeping**

Councillors should note that emails, text messages, social media posts on Council-owned sites, letters and all documents written by a Councillor in performing their duties, or received by a Councillor in their professional capacity, are Council documents and accordingly:

- (a) a record must be kept by Council of these in accordance with the Public Records Act 1973;
- (b) must be in accordance with the Councillor Communications and Media Protocol; and
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Advice on record-keeping can be provided by Council's Co-ordinator of Councillor Business.

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- 4.8.1 Council will reimburse a Councillor or a member of a delegated committee for out-of-pocket expenses with which Council is satisfied:

- (a) are bona fide expenses; and
- (b) have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
- (c) are reasonably necessary for the Councillor or member of a delegated committee to perform that role.

Council must provide details of all reimbursements under this section to the Audit and Risk Committee.

- 4.8.2 Councillors will be reimbursed reasonable expenses necessarily incurred while entertaining visiting dignitaries on behalf of Council including the reasonable cost of drinks accompanying a meal, provided that approval by Council resolution is obtained before the expenditure is incurred.
- 4.8.3 Where Councillors are invited to attend functions which are necessary for performing their duties and there is a charge, Council will pay or reimburse the cost. However, if the total cost exceeds, or is likely to exceed, \$750, approval by Council resolution is required before the expenditure is incurred.
- 4.8.4 Where the above sub-clause applies, and it is a function to which partners are invited, Council will pay or reimburse the reasonable cost for a Councillor's partner as well.

#### **4.9 Room Use**

- 4.9.1 Council provides
- an Office for the Mayor and
  - a Councillors' room for Councillors to use in performing their duties.



- 4.9.2 In addition, meeting rooms owned and controlled by Council can be booked by Councillors through secretarial support for meetings, interviews and other functions which are necessary for the performance of their duties as a Councillor, provided that they are in attendance.

#### **4.10 Publications, Stationery and Secretarial Support**

- 4.10.1 Councillors will be supplied with the following publications relevant to their civic duties:
- a) *Local Government Act 2020 (Vic)*
  - b) Bulletins of the Municipal Association of Victoria; and
  - c) Other relevant publications.
- 4.10.2 Councillors will be supplied with business cards and a diary (if required) and can avail themselves of stationery as necessary to perform their Councillor duties. If a Councillor requires a prepaid envelope to be mailed, it must be returned to Council to be sent.
- 4.10.3 Council stationery is not to be converted or modified in any way, and Council's logo, colour schemes or design schemes are not to be used except in official Council publications. Council stationery may only be used for carrying out duties as a Councillor. It may not be used for personal, electoral or party-political purposes.
- 4.10.4 Secretarial support will be made available at the Town Hall to assist Councillors in undertaking activities which are necessary for performing their duties. Staff members will provide such support within all applicable policies, including those dealing with record keeping, privacy etc.

#### **4.11 Building Access and Parking**

- 4.11.1 Each Councillor will receive one access card allowing 24-hour access to the Councillors' area at the Town Hall.
- 4.11.2 A designated parking space for the Mayor is available at the Town Hall at all times. Designated parking spaces for the Councillors are available at the Town Hall from 5.30pm to midnight each day.
- 4.11.3 Councillors must comply with all parking signs and restrictions in the Glen Eira municipality and are personally liable to pay any infringement penalties arising due to failure to comply.

#### **4.12 Name Badge**

- 4.12.1 Each Councillor and their partner will be provided with one name badge each for use while on Council business.

#### **4.13 Facilities for the Mayor**

- 4.13.1 Secretarial support will be made available to assist the Mayor in performing his/her duties.
- 4.13.2 Office accommodation will be provided to assist the Mayor in performing his/her duties.
- 4.13.3 The Mayor may book and use Council's pooled vehicles for official use in accordance with the Fleet Vehicle Policy and procedures.

#### **4.14 Private Vehicle Use**

- 4.14.1 Council will reimburse Councillors for using their private vehicles on travel which is necessary for performing their duties as a Councillor (listed under Child Care / Carers in section 4.3.1). Reimbursement will be according to the relevant rates set by the Australian Taxation Office and upon completion and submission of the relevant Council claim form.

#### **4.15 Overseas Travel**

- 4.15.1 Prior to Councillors travelling overseas in the performance of their duties, the travel must be authorised by Council Resolution.
- 4.15.2 The mode of transport is to be determined on the advice of the Chief Executive Officer based on the most cost-effective form of transport and will be economy class only. Bookings and payments are to be made by City Management.



**4.16 Travel Expenses**

- 4.16.1 Councillors may use Cabcharge vouchers for taxi travel for journeys within the metropolitan region which are necessary for performing their duties as a Councillor.
- 4.16.2 Council will reimburse Councillors for taxi trips or other travel expenses, including by rideshare and public transport, which are necessary for performing their duties upon production of receipts.

**5. CONFERENCES, SEMINARS, TRAINING & DEVELOPMENT**

- 5.1 Councillors are encouraged to attend conferences and seminars relevant to their work as Councillors in order to enhance their personal skills and knowledge to better perform their role. Councillors must comply with section 32 of the *Local Government Act 2020*, including completing induction training within six months after the day the Councillor takes the Oath or Affirmation of office.
- 5.2 In-house training will include:
  - a) Training programs for newly elected and returning Councillors, with additional training as required;
  - b) Workshops held in Council or outside the municipality involving Councillors and Senior Officers;
  - c) Media training; and
  - d) Governance topics (such as meeting procedure, policy development, advocacy and strategic thinking).
- 5.3 The Chief Executive Officer should ensure that no scheduled meeting is left without a quorum because of the absence of Councillors at conferences and seminars.
- 5.4 Attendance by the Mayor or Councillors at a conference, seminar, function or training event where the total cost exceeds, or is likely to exceed, \$750 requires prior approval by Council resolution.
- 5.5 All bookings and payments are to be made by City Management.
- 5.6 A Councillor attending an interstate or overseas conference/seminar will provide a written report within one month of the end of the conference. The purpose is to share information and maximise the benefit to Council.

**6. ACCOUNTABILITY****6.1 Claims**

Claims for expenses claimable under this policy are to be submitted on a monthly basis to the Co-ordinator Councillor Business. No claims will be accepted for expenses which occurred more than two calendar months previously.

**6.2 Approval**

Expenditure and reimbursements will be processed in accordance with this Policy. Claims which are not covered by this policy may be submitted to a Council Meeting for determination.

**6.3 Elections**

Council's policy on conduct and use of resources during the election period is set out in Council's Election Period Policy.

**6.4 Party Political**

No Council resource is to be used for Party Political purposes or any purpose that may present the appearance of being Party Political.



**6.5 Reporting**

- 6.5.1 Details of civic expenses for each year (1 November to 31 October) will be disclosed annually on Council's website not later than the end of February each year.
- 6.5.2 Civic expenses will be the subject of a review by Council's Internal Auditor after the third year of each Council Term with regular reporting to the Audit and Risk Committee.

**7. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

**8. ASSOCIATED INTERNAL DOCUMENTS**

Councillors' Code of Conduct  
Governance Rules  
Election Period Policy  
Other Council Policies  
Councillor Communications and Media Protocol

**9. EXTERNAL REFERENCES/RESOURCES**

*Local Government Act 2020 (Vic)*  
Municipal Association of Victoria



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**8.16 LIBRARIES, ARTS AND CULTURE POLICIES - POLICY UPDATES**

**Author:** Deidre Pellizzer, Manager Libraries Arts and Culture

**Trim No:** 22/1123441

**Attachments:**

1. *Eligibility for Home Library Service Policy Tracked Changes PDF* [↓](#)
2. *Eligibility for Home Library Service Policy FINAL* [↓](#)
3. *Eligibility for Membership and Use of Libraries Policy Tracked Changes* [↓](#)
4. *Eligibility for Membership and Use of Libraries Policy FINAL* [↓](#)
5. *Libraries PC and Internet Access and Use Policy Tracked Changes PDF* [↓](#)
6. *Libraries PC and Internet Access and Use Policy FINAL* [↓](#)
7. *Libraries Services Collection Policy Tracked Changes PDF* [↓](#)
8. *Libraries Services Collection Policy FINAL* [↓](#)
9. *Libraries Fees and Payment of Charges Policy Tracked Changes PDF* [↓](#)
10. *Libraries Fees and Payment of Charges Policy FINAL* [↓](#)
11. *History and Heritage Collection Policy Tracked Changes PDF* [↓](#)
12. *History and Heritage Collection Policy FINAL* [↓](#)
13. *Art Collection Policy Tracked Changes PDF* [↓](#)
14. *Art Collection Policy FINAL* [↓](#)
15. *Arts and Culture Events Ticketing Policy Tracked Changes PDF* [↓](#)
16. *Arts and Culture Events Ticketing Policy FINAL* [↓](#)

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**EXECUTIVE SUMMARY**

As part of the implementation of the Local Government Act 2020, and the adoption of Council's Public Transparency Policy, Council is required to make all Council policies publicly available.

The Libraries Arts and Culture department has reviewed its policies and identified that all require amendments to ensure adherence to legislative requirements and to reflect contemporary practices. None require revocation.

The amended policies for adoption are attached for consideration by Council.

**RECOMMENDATION**

That Council adopts the reviewed and amended policies listed below:

- a) Eligibility for Home Library Service Policy (Attachment 2 to the report);
- b) Eligibility for Membership and Use of Libraries Policy (Attachment 4 to the report);
- c) Libraries PC and Internet Access and Use (Attachment 6 to the report);
- d) Libraries Service Collections Policy (Attachment 8 to the report);
- e) Libraries Fees and Payment of Charges (Attachment 10 to the report);
- f) History and Heritage Collection Policy (Attachment 12 to the report);
- g) Art Collection Policy (Attachment 14 to the report); and,
- h) Arts and Culture Events Ticketing Policy (Attachment 16 to the report).



## BACKGROUND

Council activities are guided by policies, which are approved by Council resolution or in writing by the Chief Executive Officer. Any action by a Council officer should have a basis in legislation or an approved policy.

A policy is a formal statement of principle which regulates Council activities. Clear, relevant, and accessible policies ensure a consistent standard of behaviour and are a key part of transparent decision-making.

A policy is principles-based. It sets out appropriate rules and standards for day-to-day work at Council.

A procedure provides more detailed instructions about how to implement a policy or carry out a Council function. It is developed by a business unit and does not require approval by Council or the CEO.

## ISSUES AND DISCUSSION

All Council policies are to become publicly available in accordance with Council's Public Transparency Policy.

It is recommended that the following policies be updated to ensure that they adhere to legislative requirements and reflect current practices.

| Name of Policy  | Reviewed and updated   |
|---|--|
| Attachment 2 - Eligibility for Home Library Service Policy            | <p>Eligibility for Home Library Service Policy</p> <p>The policy is required and has been reviewed and updated.</p> <p>Glen Eira residents who cannot visit a library due to illness, frailty and/or disability are eligible to receive the Home Library Service.</p> <p>The policy has been updated to reflect Council's current policy format.</p> |
| Name of Policy  | Reviewed and updated   |
| Attachment 4 - Eligibility for Membership and Use of Libraries Policy | <p>Eligibility for Membership and Use of Libraries Policy</p> <p>The policy provides the criteria for eligibility for membership and use of Libraries.</p> <p>The policy has been updated to reflect Council's current policy format.</p>  |
| Name of Policy  | Reviewed and updated   |
| Attachment 6 - Libraries PC and Internet Access and Use               | <p>Libraries PC and Internet Access and Use</p> <p>The policy defines the conditions with which users of Glen Eira Libraries personal computers (PC) and wireless Internet must comply.</p> <p>The policy has been updated to reflect Council's current policy format.</p>   |



| Name of Policy   | Reviewed and updated  |
|--|---|
| Attachment 8 - Libraries Service Collections Policy    | <p>Libraries Service Collections Policy</p> <p>Council provides a range of physical and digital collections to suit the Glen Eira community's requirements, and interests regarding information, leisure, learning, and literacy.</p> <p>This policy provides guidance on the development of Glen Eira Libraries collections.</p> <p>The policy has been updated to reflect Council's current policy format.</p>  |
| Name of Policy   | Reviewed and updated  |
| Attachment 10 - Libraries Fees and Payment of Charges  | <p>Libraries Fees and Payment of Charges</p> <p>This policy sets out the circumstances under which Glen Eira Libraries Services attract fees and charges and members' obligations regarding the payment of fees and charges.</p> <p>The policy has been updated to reflect Council's current policy format.</p>   |
| Name of Policy   | Reviewed and updated  |
| Attachment 12 - History and Heritage Collection Policy | <p>History and Heritage Collection Policy</p> <p>The policy provides the framework for the collection, preservation and display of objects of key significance to the history of Glen Eira. It includes guidance on both collection and preservation of objects, archives, images and digital artefacts related to the history of the municipal governing bodies of the area.</p> <p>Responsibility for the history of the former Moorabbin Council is shared with the Cities of Bayside and Kingston and is included in the policy.</p> <p>The policy has been updated to reflect Council's current policy format.</p> |
| Name of Policy   | Reviewed and updated  |
| Attachment 14 - Art Collection Policy                  | <p>Art Collection Policy</p> <p>The policy provides the framework to make Council's art collection available to the community. This enables access to the work of artists who are innovative, inspirational and whose work is of a high standard. It also ensures the proper management of Council's art collection.</p> <p>The policy has been updated to reflect Council's current policy format.</p>   |



| Name of Policy   | Reviewed and updated  |
|--|---|
| Attachment 16 - Arts and Culture Events Ticketing Policy | <p>Arts and Culture Events Ticketing Policy</p> <p>This policy provides guidelines for the sale and refund of tickets for ticketed events and performances managed by Council's Arts and Culture services and ensures that Council complies with the Live Performance Australia Ticketing Code of Practice where applicable.</p> <p>The policy has been updated to reflect Council's current policy format.</p> |

### CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

There are no Climate Emergency Response Strategy implications.

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

There are no financial, resource and asset management implications.

### POLICY AND LEGISLATIVE IMPLICATIONS

*Local Government Act 2020*

*Public transparency principles in the Act state:*

- (a) *Council decision-making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;*
  - (b) *Council information must be publicly available unless —*
    - (i) *the information is confidential by virtue of this Act or any other Act; or*
    - (ii) *public availability of the information would be contrary to the public interest;*
  - (c) *Council information must be understandable and accessible to members of the municipal community;*
  - (d) *Public awareness of the availability of Council information must be facilitated;*
- Public Transparency Policy (Adopted 11 August 2020).*

The objectives of this policy are to:

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

And in accordance with the:

Council's Community Local Law 2019, including clause 26 relating to inappropriate behaviour on Council land and clause 44 relating to overdue library books.

Charter of Human Rights and Responsibilities Act 2006.



Privacy and Data Protection Act 2014 (Vic)

Live Performance Australia Ticketing Code of Practice (Eighth Edition)

Heritage Act 2017 (Vic)

Aboriginal Heritage Act 2006 (Vic) Control of Weapons Act 1990 (Vic)

International Council of Museums Code of Ethics Historic Shipwrecks Act 1976 (Cth)

Protection of Moveable Cultural Heritage Act 1986

### **COMMUNICATION AND ENGAGEMENT**

The updated policies will be accessible on Council's intranet and website following approval.

### **LINK TO COUNCIL PLAN**

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

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

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

### **CONCLUSION**

The eight updated policies remain relevant. They require minor changes only to ensure that they adhere to the relevant legislative requirements or reflect current practices.

It is recommended that Council adopts the amended policies in attachments 2, 4, 6, 8, 10, 12, 14 and 16.

If changes are approved, they will take effect from the date of approval.



## Eligibility for Home Library Service Policy

|   |  |
|---|--|
| <b>Date first adopted:</b>                                  | September 2002   |
| <b>Dates amended:</b>                                       | <a href="#">26 November 2013</a><br><a href="#">26 September 2017</a><br><a href="#">June 2022</a> |
| <b>Next review date:</b>                                    | <a href="#">June 2025</a>  |
| <b>Position title of responsible business unit Manager:</b> | <a href="#">Manager Libraries, Arts and Culture</a>  |
| <b>Approved by:</b>   | Council  |



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**1. TITLE**

Eligibility for Home Library Service Policy

**2. OBJECTIVE**

To define criteria for eligibility to receive Home Library Service.

**3. DEFINITIONS AND ABBREVIATIONS**

| Term | Meaning |
|------|---------|
| N/a  |         |

**4. POLICY**

- 4.1 Glen Eira residents who ~~are unable to~~cannot visit a library due to illness, frailty and/or disability are eligible to ~~receive~~receive the Home Library Service.
- 4.2 Recipients ~~of of the~~ Home Library Service may reside in private homes or ~~in~~ residential care facilities.
- 4.3 Recipients of the Home Library Service ~~are required to~~must become be members of Glen Eira Libraries.
- 4.4 ~~On receiving an application for for the Home Library Service, a~~ Glen Eira Libraries staff ~~will member will consult with the applicant to determine eligibility of applicants for the Home Library Service. This will involve asking the applicant questions about their state of health, the nature of any disability or illness and their degree of mobility. Options for service services other than Home Library Service (such as selection of material to be collected on the applicant's behalf) may be considered.~~
- 4.5 ~~Once eligibility is confirmed, a Glen Eira Libraries staff member will further consult with the applicant to ascertain information, including their degree of vision and/or hearing; options for days and times for visits; preferred subject matter and format of items to be delivered.~~
- 4.5 Glen Eira Libraries may need to place eligible persons on a waiting list if a place in the Home Library Service is currently unavailable.
- 4.6 The eligibility of Home Library Service customers may be reviewed if their circumstances change.
- ~~Home Library Service customers should expect their eligibility to be reviewed if their circumstances change.~~
- ~~The personal information of Home Library Service customers is managed in accordance with the Privacy and Data Protection Act 2014.~~



**5. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

**6. ASSOCIATED DOCUMENTS**

Conditions of Use: Internet Access and Computer Use

Council's [Community Local Law 2019](#)

Eligibility for Membership and Use of Libraries Policy

Library Membership Conditions

Libraries PC and Internet Access and Use Policy

Libraries Payment of Fees and Charges Policy

[Council's Privacy Policy](#)

**7. REFERENCES/RESOURCES**

*Charter of Human Rights and Responsibilities Act 2006 (Vic)*

~~*Privacy and Data Protection Act 2014 (Vic)*~~



## Eligibility for Home Library Service Policy

|   |  |
|---|--|
| <b>Date first adopted:</b>                                  | September 2002                                     |
| <b>Dates amended:</b>                                       | 26 November 2013<br>26 September 2017<br>June 2022 |
| <b>Next review date:</b>                                    | June 2025  |
| <b>Position title of responsible business unit Manager:</b> | Manager Libraries, Arts and Culture                |
| <b>Approved by:</b>   | Council  |



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**1. TITLE**

Eligibility for Home Library Service Policy

**2. OBJECTIVE**

To define criteria for eligibility to receive Home Library Service.

**3. DEFINITIONS AND ABBREVIATIONS**

| Term | Meaning |
|------|---------|
| N/a  |         |

**4. POLICY**

- 4.1 Glen Eira residents who cannot visit a library due to illness, frailty and/or disability are eligible to receive the Home Library Service.
- 4.2 Recipients of the Home Library Service may reside in private homes or residential care facilities.
- 4.3 Recipients of the Home Library Service must be members of Glen Eira Libraries.
- 4.4 Glen Eira Libraries staff will determine eligibility of applicants for the Home Library Service.
- 4.5 Glen Eira Libraries may need to place eligible persons on a waiting list if a place in the Home Library Service is currently unavailable.
- 4.6 The eligibility of Home Library Service customers may be reviewed if their circumstances change.

**5. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

**6. ASSOCIATED DOCUMENTS**

Conditions of Use: Internet Access and Computer Use  
Council's Community Local Law 2019  
Eligibility for Membership and Use of Libraries Policy  
Library Membership Conditions  
Libraries PC and Internet Access and Use Policy  
Libraries Payment of Fees and Charges Policy  
Council's Privacy Policy

**7. REFERENCES/RESOURCES**

*Charter of Human Rights and Responsibilities Act 2006 (Vic)*



## Eligibility for Membership and Use of Libraries Policy

|   |   |
|---|---|
| <b>Date first adopted:</b>                                  | 2 September 2002  |
| <b>Dates amended:</b>                                       | 21 May 2007<br>17 May 2010<br>26 November 2013<br>26 September 2017<br><u>June 2022</u> |
| <b>Next review date:</b>                                    | <u>June 2025</u>  |
| <b>Position title of responsible business unit Manager:</b> | Manager Libraries, Arts and Culture   |
| <b>Approved by:</b>   | Council   |



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**1. TITLE**

Eligibility for Membership and Use of Libraries Policy

**2. OBJECTIVE**

To define criteria for eligibility for membership and use of Libraries.

**3. DEFINITIONS AND ABBREVIATIONS**

| Term             | Meaning   |
|------------------|---|
| <u>Local Law</u> | <u>means Council's Community Local Law 2019</u> |

**4. POLICY**

4.1 ~~Anyone is eligible for~~ Application for full membership ~~must provide~~ included

- ~~• they supply~~ proof of identity; and ~~of~~
- ~~•~~ proof of a permanent or temporary residential address in Victoria.

4.2 Application for digital only membership can be made online via the library website.

4.3 ~~Applications~~ for membership from people under the age of 18 requires

- i. ~~a parent or guardian to be present at joining; and~~
- ii. ~~a parent or guardian the applicant's provide~~ proof of identity; ~~and~~
- iii. ~~a parent or guardians guardian's proof of the applicant's proof of a permanent or temporary~~ residential address in Victoria.

4.4 Interstate or overseas visitors must provide proof of identity to be eligible for limited temporary membership.

- ~~— Visitors who are residing with local residents but cannot provide proof of residential address in Victoria are eligible for membership if they provide—~~
  - ~~— they provide proof of identity; and—~~
  - ~~— their host is prepared to act as guarantor; and—~~
  - ~~• — their host provides supply proof of their identity and residential address.~~

~~4.3 — Interstate or overseas visitors who are unable to provide proof of their temporary address in Victoria or who do not have a host prepared to act as the guarantor who can provide proof of identity may be eligible for membership with limited borrowing rights at the discretion of the Manager, Libraries, Arts and Culture.~~

~~4.4~~ 4.5 Visitors are eligible for a single-day guest membership to access library computers only without the need to provide proof of identity or residential address.

~~4.5~~ 4.6 Organisations in Glen Eira which provide a direct service to children, the aged and



people with disabilities (such as nursing homes, schools, kindergartens and childcare centres) are eligible for membership. Applications require the Principal, Director or Manager of the organisation to accept responsibility for all items borrowed on the organisation's membership card.

~~4.6 — Membership is free of charge.~~

~~4.7 —~~ Members must agree to comply with the Library Membership Conditions and the Conditions of Use: Internet Access and Computer.

~~4.74.8 —~~ Members are subject to Council's Community Local Law 2019, including clause 26 relating to inappropriate behaviour on Council land and clause Local Law 44 relating to overdue library books.

~~4.8 —~~ Members are subject to the provisions of Council's Local Law 2009, including Local Law 404 relating to inappropriate behaviour on Council land and Local Law 421 relating to



~~overdue library books.~~

4.9 Persistent breaches or a serious breach of this Policy or a breach of the Community Local Law 2001<sup>9</sup> may result in membership and access being suspended or withdrawn by the Manager Libraries, Arts and Culture.

~~4.10 Members, guarantors of members, or persons nominated by companies/organisations are responsible for every item borrowed on their membership card.~~

~~4.11 Membership details are held in accordance with the Privacy and Data Protection Act 2014.~~

## 5. HUMAN RIGHTS CHARTER COMPATIBILITY

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

## 6. ASSOCIATED DOCUMENTS

Conditions of Use: Internet Access and Computer Use  
~~Council's Community Council's~~ Local Law 201<sup>9</sup>  
Eligibility for Home Library Services Policy  
Library Membership Conditions  
Libraries PC and Internet Access and Use Policy  
Libraries ~~Service~~ Payment of Fees and Charges Policy  
~~Council's Council's~~ Privacy Policy

## 7. REFERENCES/RESOURCES

*Charter of Human Rights and Responsibilities Act 2006 (Vic)*

~~*Privacy and Data Protection Act 2014 (Vic)*~~



## Eligibility for Membership and Use of Libraries Policy

|   |  |
|---|--|
| <b>Date first adopted:</b>                                  | 2 September 2002   |
| <b>Dates amended:</b>                                       | 21 May 2007<br>17 May 2010<br>26 November 2013<br>26 September 2017<br>June 2022 |
| <b>Next review date:</b>                                    | June 2025  |
| <b>Position title of responsible business unit Manager:</b> | Manager Libraries, Arts and Culture  |
| <b>Approved by:</b>   | Council  |



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**1. TITLE**

Eligibility for Membership and Use of Libraries Policy

**2. OBJECTIVE**

To define criteria for eligibility for membership and use of Libraries.

**3. DEFINITIONS AND ABBREVIATIONS**

| Term      | Meaning                                  |
|-----------|--|
| Local Law | means Council's Community Local Law 2019 |

**4. POLICY**

- 4.1 Application for full membership must include
- proof of identity; and
  - proof of a permanent or temporary residential address in Victoria.
- 4.2 Application for digital only membership can be made online via the library website.
- 4.3 Application for membership from people under the age of 18 requires
- i. a parent or guardian to be present at joining; and
  - ii. a parent or guardian proof of identity; and
  - iii. a parent or guardian's proof of permanent or temporary residential address in Victoria.
- 4.4 Interstate or overseas visitors must provide proof of identity to be eligible for limited temporary membership.
- 4.5 Visitors are eligible for a single-day guest membership to access library computers only without the need to provide proof of identity or residential address.
- 4.6 Organisations in Glen Eira which provide a direct service to children, the aged and people with disabilities (such as nursing homes, schools, kindergartens and childcare centres) are eligible for membership. Applications require the Principal, Director or Manager of the organisation to accept responsibility for all items borrowed on the organisation's membership card.
- 4.7 Members must agree to comply with the Library Membership Conditions and the Conditions of Use: Internet Access and Computer.
- 4.8 Members are subject to Council's Community Local Law 2019, including clause 26 relating to inappropriate behaviour on Council land and clause 44 relating to overdue library books.



- 4.9 Persistent breaches or a serious breach of this Policy or a breach of the Community Local Law 2019 may result in membership and access being suspended or withdrawn by the Manager Libraries, Arts and Culture.

## **5. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

## **6. ASSOCIATED DOCUMENTS**

Conditions of Use: Internet Access and Computer Use  
*Council's Community Local Law 2019*  
Eligibility for Home Library Services Policy  
Library Membership Conditions  
Libraries PC and Internet Access and Use Policy  
Libraries Payment of Fees and Charges Policy Council's  
Council's Privacy Policy

## **7. REFERENCES/RESOURCES**

*Charter of Human Rights and Responsibilities Act 2006 (Vic)*



## Libraries PC and Internet Access and Use

|   |   |
|---|---|
| <b>Date first adopted:</b>                                  | 2 September 2002  |
| <b>Dates amended:</b>                                       | 21 May 2007<br>17 May 2010<br>26 November 2013<br>26 September 2017<br><u>June 2022</u> |
| <b>Next review date:</b>                                    | <u>June 2025</u>  |
| <b>Position title of responsible business unit Manager:</b> | Manager Libraries, Arts and Culture   |
| <b>Approved by:</b>   | Council <del>or Executive (Delete whichever does not apply)</del>                       |



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## 1. TITLE

Libraries PC and Internet Access and Use

## 2. OBJECTIVE

To define the principles which guide the specific conditions of use with which users are expected to comply for library PC use and wireless Internet access and use in Glen Eira's libraries.

N/a

## 3. DEFINITIONS AND ABBREVIATIONS

| Term                      | Meaning                                  |
|---------------------------|--|
| <u>N/a</u> Local Law 2019 | means Council's Community Local Law 2019 |

## 4. POLICY

The following principles apply:

### 4.1 Fair Access

Ensuring fairness of access requires that:

- a) access to library PCs is restricted to library members in accordance with the Library Membership Conditions; and non-members' permitted guest access is in accordance with the Glen Eira Libraries and Learning Centres Conditions of Use: Internet Access and Computer Use;
- b) bookings must be made for library PCs, and such bookings may be restricted in terms of frequency and session time;
- c) bookings for library PCs cannot be re-arranged to accommodate requests to book a particular PC;
- d) bandwidth for wireless users may be restricted dynamically to accommodate multiple users;

e) computer and Internet access and/or library membership may be suspended or withdrawn if a user engages in illegal or inappropriate activity using the library PCs. ~~computer facilities.~~

e)f) persistent breaches or a serious breach of this Policy or a breach of the Community Local Law 2019 may result in membership and access being suspended or withdrawn by the Manager Libraries, Arts and Culture.



#### 4.2 Cyber safety and access to appropriate sites

Ensuring access to appropriate sites and avoiding ~~offense~~offence to other library users requires that:

- a) material displayed on the screen must be appropriate to a public access site; access will be immediately terminated if, in the reasonable opinion of Glen Eira Libraries staff, this is not the case;
- b) Council may use software that automatically prevents access to ~~certain~~specific Internet sites, file types, protocols and large files;
- c) parents/guardians are responsible for monitoring access to the Internet by members under the age of 18; and
- d) libraries are ~~properly adequately equipped~~equipped, and library users are connected with the skills they need for smart, safe and responsible use of technology ~~;~~and
- ~~e) libraries comply with all relevant legislation covering issues of cyber-bullyingcyberbullying and responding to incidents of cyberbullying in a timely mannerpromptly.~~

#### 4.3 Rights of other library users to quiet enjoyment

Ensuring the rights of other library users to quiet enjoyment of the library requires that:

- a) more than one person per library PC is permitted at any one time; however, where such use causes distraction to others, Libraries Service staff reserve the right to limit access; and
- b) users requiring ~~sound~~sound on a library PC must use headphones.

#### 4.4 Printing costs

Fair distribution of costs requires that:

- a) users are responsible for payment of printing costs as per charges determined by Council; users are required to pay for every copy printed and to complete their printing ~~prior to~~before the end of their session; and
- b) users are responsible for complying with copyright requirements.

#### 4.5 Protection of equipment and data

Ensuring that users understand the risks to equipment and data from using public computing facilities requires that users of library PCs and the wireless network acknowledge that:



- a) the use of public computing facilities carries a high risk of loss of data or data



corruption due to viruses, network failure, loss of Internet connectivity and other causes;

- b) Council cannot guarantee against any such loss of data or corruption and all equipment is used entirely at the user's own risk in accordance with the Conditions of Use: Internet access and Computer;
- c) Libraries staff can provide limited technical support for wireless devices to assist customers in using library resources;
- d) wireless users are responsible for the operation and security of their own devices and data; and
- e) not all wireless devices will be compatible with the wireless network.

## 5. HUMAN RIGHTS CHARTER COMPATIBILITY

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

## 6. ASSOCIATED DOCUMENTS

Conditions of Use: Internet Access and Computer Use

[Councils Community Council's Local Law 2019](#)

Eligibility for Membership and Use of Libraries [Policy](#)

Library Membership Conditions

[Council's](#) Privacy Policy

## 7. REFERENCES/RESOURCES

*Charter of Human Rights and Responsibilities Act 2006 (Vic)*

*Privacy and Data Protection Act 2014 (Vic)*



## Libraries PC and Internet Access and Use

|   |  |
|---|--|
| <b>Date first adopted:</b>                                  | 2 September 2002   |
| <b>Dates amended:</b>                                       | 21 May 2007<br>17 May 2010<br>26 November 2013<br>26 September 2017<br>June 2022 |
| <b>Next review date:</b>                                    | June 2025  |
| <b>Position title of responsible business unit Manager:</b> | Manager Libraries, Arts and Culture  |
| <b>Approved by:</b>   | Council  |



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**1. TITLE**

Libraries PC and Internet Access and Use

**2. OBJECTIVE**

To define the principles which guide the specific conditions of use with which users are expected to comply for library PC use and wireless Internet access and use in Glen Eira's libraries.

N/a

**3. DEFINITIONS AND ABBREVIATIONS**

| Term           | Meaning                                  |
|----------------|--|
| Local Law 2019 | means Council's Community Local Law 2019 |

**4. POLICY**

The following principles apply:

**4.1 Fair Access**

Ensuring fairness of access requires that:

- a) access to library PCs is restricted to library members in accordance with the Library Membership Conditions; and non-members' permitted guest access is in accordance with the Glen Eira Libraries and Learning Centres Conditions of Use: Internet Access and Computer Use;
- b) bookings must be made for library PCs, and such bookings may be restricted in terms of frequency and session time;
- c) bookings for library PCs cannot be re-arranged to accommodate requests to book a particular PC;
- d) bandwidth for wireless users may be restricted dynamically to accommodate multiple users;
- e) computer and Internet access and/or library membership may be suspended or withdrawn if a user engages in illegal or inappropriate activity using the library PCs.
- f) persistent breaches or a serious breach of this Policy or a breach of the Community Local Law 2019 may result in membership and access being suspended or withdrawn by the Manager Libraries, Arts and Culture.



#### **4.2 Cyber safety and access to appropriate sites**

Ensuring access to appropriate sites and avoiding offence to other library users requires that:

- a) material displayed on the screen must be appropriate to a public access site; access will be immediately terminated if, in the reasonable opinion of Glen Eira Libraries staff, this is not the case;
- b) Council may use software that automatically prevents access to specific Internet sites, file types, protocols and large files;
- c) parents/guardians are responsible for monitoring access to the Internet by members under the age of 18; and
- d) libraries are adequately equipped, and library users are connected with the skills they need for smart, safe and responsible use of technology.

#### **4.3 Rights of other library users to quiet enjoyment**

Ensuring the rights of other library users to quiet enjoyment of the library requires that:

- a) more than one person per library PC is permitted at any one time; however, where such use causes distraction to others, Libraries Service staff reserve the right to limit access; and
- b) users requiring sound on a library PC must use headphones.

#### **4.4 Printing costs**

Fair distribution of costs requires that:

- a) users are responsible for payment of printing costs as per charges determined by Council; users are required to pay for every copy printed and to complete their printing before the end of their session; and
- b) users are responsible for complying with copyright requirements.

#### **4.5 Protection of equipment and data**

Ensuring that users understand the risks to equipment and data from using public computing facilities requires that users of library PCs and the wireless network acknowledge that:

- a) the use of public computing facilities carries a high risk of loss of data or data



corruption due to viruses, network failure, loss of Internet connectivity and other causes;

- b) Council cannot guarantee against any such loss of data or corruption and all equipment is used entirely at the user's own risk in accordance with the Conditions of Use: Internet access and Computer;
- c) Libraries staff can provide limited technical support for wireless devices to assist customers in using library resources;
- d) wireless users are responsible for the operation and security of their own devices and data; and
- e) not all wireless devices will be compatible with the wireless network.

#### **5. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

#### **6. ASSOCIATED DOCUMENTS**

Conditions of Use: Internet Access and Computer Use  
*Councils Community Local Law 2019*  
Eligibility for Membership and Use of Libraries Policy  
Library Membership Conditions  
Council's Privacy Policy

#### **7. REFERENCES/RESOURCES**

*Charter of Human Rights and Responsibilities Act 2006 (Vic)*  
*Privacy and Data Protection Act 2014 (Vic)*



## Libraries Services Collections Policy

|   |   |
|---|---|
| <b>Date first adopted:</b>                                  | 2 September 2002  |
| <b>Dates amended:</b>                                       | 26 November 2013<br>26 September 2017<br><u>June 2022</u> |
| <b>Next review date:</b>                                    | <u>June 2025</u>  |
| <b>Position title of responsible business unit Manager:</b> | Manager Libraries, Arts and Culture                       |
| <b>Approved by:</b>   | Council   |



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**1. TITLE**

Libraries Service Collections Policy

**2. OBJECTIVE**

To guide the development of Glen Eira Libraries collections.

**3. BACKGROUND**

Council provides a range of physical and digital collections to suit the Glen Eira community's requirements, needs, and interests regarding information, leisure, learning, and literacy.

**4. DEFINITIONS AND ABBREVIATIONS**

| Term           | Meaning   |
|----------------|---|
| <u>Staff</u>   | <u>means Glen Eira Libraries staff who hold a Library Qualification</u> |
| <u>Library</u> | <u>means Glen Eira Library</u>  |

**5. POLICY**

~~5.1 Qualified Glen Eira Libraries staff select materials appropriate to a broad range of information needs and interests. Materials that are of a specialised, academic or technical nature are generally not included.~~

5.1 Staff must select materials appropriate to a broad range of information needs and interests.

~~5.2 Qualified Glen Eira Libraries staff~~ must make choices within budgetary guidelines ~~as to~~ regarding the purchase of purchasing materials and their location within the branch network.

5.3 Materials or formats may be rejected ~~on the basis of~~ based on cost.

5.4 Materials of a specialised, academic or technical nature are generally not included in the Library collections.

~~5.2 Glen Eira Libraries abide by legislation which includes legislation applicable to censorship, music recordings, and console game and film classifications.~~

~~5.3.5~~ 5.5 Formats selected ~~must~~ will be appropriate to the level of usage expected for each type of collection. ~~Some may need to be able to withstand a high level of usage.~~



- | ~~5.45.6~~ Formats selected ~~must will also take into account~~ consider the most widely available technologies, current and anticipated usage and special needs of community members with a disability or impairment.
- | ~~5.7~~ Publishing trends and market availability may influence ~~the~~ selected choice of material and format.
- | ~~5.55.8~~ Collections in languages other than English ~~may be are~~ maintained in accordance with local demand and usage patterns.



~~5.65.9 Glen Eira Libraries~~The Library reserves the right to accept or decline offers to donate material.

~~5.10 The Library collections~~ ~~The collections~~ are subject to ongoing evaluation by ~~qualified Glen Eira Libraries~~ staff ~~in respect of~~regarding usage, currency, relevance and physical condition.

~~5.75.11~~ Materials may be withdrawn from the collections when ~~they are~~ no longer required.

## 6. HUMAN RIGHTS CHARTER COMPATIBILITY

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

## 7. ASSOCIATED DOCUMENTS

N/a

## 8. REFERENCES/RESOURCES

Australian Library and Information Association [www.alia.org.au](http://www.alia.org.au)

~~*Charter of Human Rights and Responsibilities Act 2006 (Vic)*~~



## Libraries Services Collections Policy

|   |  |
|---|--|
| <b>Date first adopted:</b>                                  | 2 September 2002                                   |
| <b>Dates amended:</b>                                       | 26 November 2013<br>26 September 2017<br>June 2022 |
| <b>Next review date:</b>                                    | June 2025  |
| <b>Position title of responsible business unit Manager:</b> | Manager Libraries, Arts and Culture                |
| <b>Approved by:</b>   | Council  |



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**1. TITLE**

Libraries Service Collections Policy

**2. OBJECTIVE**

To guide the development of Glen Eira Libraries collections.

**3. BACKGROUND**

Council provides a range of physical and digital collections to suit the Glen Eira community's requirements, needs, and interests regarding information, leisure, learning, and literacy.

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| Term    | Meaning  |
|---------|--|
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| Library | means Glen Eira Library  |

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- 5.1 Staff must select materials appropriate to a broad range of information needs and interests.
- 5.2 Staff must make choices within budgetary guidelines regarding purchasing materials and their location within the branch network.
- 5.3 Materials or formats may be rejected based on cost.
- 5.4 Materials of a specialised, academic or technical nature are generally not included in the Library collections.
- 5.5 Formats selected must be appropriate to the level of usage expected for each type of collection.
- 5.6 Formats selected must consider the most widely available technologies, current and anticipated usage and special needs of community members with a disability or impairment.
- 5.7 Publishing trends and market availability may influence the choice of material and format selected.



- 5.8 Collections in languages other than English may be maintained in accordance with local demand and usage patterns.
- 5.9 The Library reserves the right to accept or decline offers to donate material.
- 5.10 The Library collections are subject to ongoing evaluation by staff regarding usage, currency, relevance and physical condition.
- 5.11 Materials may be withdrawn from the collections when no longer required.

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

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

#### **7. ASSOCIATED DOCUMENTS**

N/a

#### **8. REFERENCES/RESOURCES**

Australian Library and Information Association [www.alia.org.au](http://www.alia.org.au)



## Libraries Fees and Payment of Charges

|   |  |
|---|--|
| <b>Date first adopted:</b>                                  | 2 September 2002   |
| <b>Dates amended:</b>                                       | 26 November 2013<br>26 September 2017<br><u>June 2022</u>              |
| <b>Next review date:</b>                                    | <u>June 2025</u>   |
| <b>Position title of responsible business unit Manager:</b> | Manager Libraries, Arts and Culture                                    |
| <b>Approved by:</b>   | Council <del>or Executive (Delete-<br/>whichever does not apply)</del> |



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**1. TITLE**

Libraries Fees and Payment of Charges

**2. OBJECTIVES**

To define:

- the circumstances in which Glen Eira Libraries Services attracts fees and charges; and
- members' obligations ~~in regard to~~ regarding the payment of fees and charges.

**3. DEFINITIONS AND ABBREVIATIONS**

| Term                                | Meaning  |
|-------------------------------------|--|
| <u>Members</u>                      | <u>—mean members or guarantors of members or persons nominated by companies/organisations.</u> |
| <u>Glen Eira Libraries Services</u> | <u>—include programs and events, workshops, holiday programs and interlibrary loans.</u>       |

**4. POLICY**

~~4.1~~ Whilst ~~m~~Membership of Glen Eira Libraries is free of charge.

~~4.14.2~~ The Glen Eira Libraries ~~some s~~Services ~~that may a~~attract fees and charges ~~which will be~~ are determined as part of Council's annual budget process.

~~4.3~~ Fees and ~~Some c~~charges for Glen Eira Libraries Services must be set ~~may be set in accordance with the cost of securing the service, as in the case of programs and events such as workshops, holiday programs and interlibrary loans.~~ at a rate that aims to minimise Council's subsidy of the service.

~~4.24.4~~ Members ~~Members or guarantors of members or persons nominated by companies/organisations~~ are responsible for every item borrowed on their membership card.

~~4.34.5~~ Members must ~~and undertake to~~ pay the value and any associated processing costs of library materials lost or damaged whilst in their care.

~~4.44.6~~ Members with charges recorded on their membership card may continue to use Glen Eira Libraries Services in accordance with the Library Membership Conditions.

~~4.54.7~~ Members with charges recorded on their membership card who express difficulty with payment ~~should may consult with~~ request that Glen Eira Libraries staff ~~member who may arrange that partial payment of an agreed amount will be made on each visit and~~



~~establish an agreed date by which the total charges will be paid for a payment scheme for the member to pay the charge in instalments over a fixed period.~~

4.8 Members ~~with charges recorded on their membership card~~ who believe they should not have incurred ~~the charges recorded on their membership card should~~ may bring this to the attention of Glen Eira Libraries staff. The Manager, Branch Leader (~~Site Team Leader~~), or ~~other senior member~~ another senior member of staff (~~Team or Shift Leader on duty~~) may waive charges if, in their opinion, circumstances beyond the member's control resulted in charges being incurred. Members may be asked to put their request in writing to the Manager Libraries, Arts and Culture.

4.64.9 Notification of overdue loans is provided as a courtesy reminder. Charges apply regardless of whether notification is received.

4.74.10 Members who fail to return borrowed items in accordance with Membership Conditions may incur a penalty under clause ~~424-44~~ of Council's ~~Community-Local Law 2010~~ Community-Local Law 2019 in addition to any fees, charges or fines imposed for overdue material.

## 5. HUMAN RIGHTS CHARTER COMPATIBILITY

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

## 6. ASSOCIATED DOCUMENTS

Conditions of Use: Internet Access and Computer Use  
Council's Community-Local Law 2019  
Eligibility for Home Library Services Policy  
Eligibility for Membership and Use of Libraries Policy  
Library Membership Conditions  
Libraries PC and Internet Access and Use  
~~Policy-Council's~~ Privacy Policy

## 7. REFERENCES/RESOURCES

*Charter of Human Rights and Responsibilities Act 2006 (Vic)* ~~*Privacy and Data Protection Act 2014 (Vic)*~~



## Libraries Fees and Payment of Charges

|   |  |
|---|--|
| <b>Date first adopted:</b>                                  | 2 September 2002                                   |
| <b>Dates amended:</b>                                       | 26 November 2013<br>26 September 2017<br>June 2022 |
| <b>Next review date:</b>                                    | June 2025  |
| <b>Position title of responsible business unit Manager:</b> | Manager Libraries, Arts and Culture                |
| <b>Approved by:</b>   | Council  |



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**1. TITLE**

Libraries Fees and Payment of Charges

**2. OBJECTIVES**

To define:

- the circumstances in which Glen Eira Libraries Services attract fees and charges; and
- members' obligations regarding the payment of fees and charges.

**3. DEFINITIONS AND ABBREVIATIONS**

| Term                         | Meaning  |
|------------------------------|--|
| Members                      | mean members or guarantors of members or persons nominated by companies/organisations. |
| Glen Eira Libraries Services | include programs and events, workshops, holiday programs and interlibrary loans.       |

**4. POLICY**

- 4.1 Membership of Glen Eira Libraries is free of charge.
- 4.2 The Glen Eira Libraries Services that attract fees and charges are determined as part of Council's annual budget process.
- 4.3 Fees and charges for Glen Eira Libraries Services must be set at a rate that aims to minimise Council's subsidy of the service.
- 4.4 Members are responsible for every item borrowed on their membership card.
- 4.5 Members must pay the value and any associated processing costs of library materials lost or damaged whilst in their care.
- 4.6 Members with charges recorded on their membership card may continue to use Glen Eira Libraries Services in accordance with the Library Membership Conditions.
- 4.7 Members with charges recorded on their membership card who express difficulty with payment may request that Glen Eira Libraries staff arrange for a payment scheme for the member to pay the charge in instalments over a fixed period.
- 4.8 Members who believe they should not have incurred charges recorded on their membership card may bring this to the attention of Glen Eira Libraries staff. The Manager, Branch Leader (Site Team Leader), or another senior member of staff (Team or Shift Leader on duty) may waive charges if, in their opinion, circumstances



beyond the member's control resulted in charges being incurred. Members may be asked to put their request in writing to the Manager Libraries, Arts and Culture.

- 4.9 Notification of overdue loans is provided as a courtesy reminder. Charges apply regardless of whether notification is received.
- 4.10 Members who fail to return borrowed items in accordance with Membership Conditions may incur a penalty under clause 44 of Council's *Community Local Law 2019* in addition to any fees, charges or fines imposed for overdue material.

## 5. HUMAN RIGHTS CHARTER COMPATIBILITY

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

## 6. ASSOCIATED DOCUMENTS

Conditions of Use: Internet Access and Computer Use  
*Council's Community Local Law 2019*  
Eligibility for Home Library Services Policy  
Eligibility for Membership and Use of Libraries Policy  
Library Membership Conditions  
Libraries PC and Internet Access and Use  
Council's Privacy Policy

## 7. REFERENCES/RESOURCES

*Charter of Human Rights and Responsibilities Act 2006 (Vic)*



## History and Heritage Collection Policy

|   |   |
|---|---|
| <b>Date first adopted:</b>                                  | 26 September 2017   |
| <b>Dates amended:</b>                                       | <u>June 2022</u>  |
| <b>Next review date:</b>                                    | <u>June 2025</u>  |
| <b>Position title of responsible business unit Manager:</b> | Manager Libraries, Arts and Culture                               |
| <b>Approved by:</b>   | Council <del>or Executive (Delete whichever does not apply)</del> |



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**1. TITLE**

History and Heritage Collection Policy

**1.2. OBJECTIVE**

To provide for the collection, preservation and display of objects of key significance to the history of Glen Eira City Council.

**2.3. BACKGROUND**

The City of Glen Eira is well served by two historical societies, two RSLs, a hospital archive, multiple museums, churches and other collecting organisations. These groups collect and preserve objects related to Glen Eira's community and general history.

**3.4. DEFINITIONS AND ABBREVIATIONS**

| Term  | Meaning  |
|---|--|
| <b>Collection</b>                                 | Council's History and Heritage Collection as described in Part <del>3.4 of this Policy</del> <u>5.1.2 of this Policy and includes items listed in section 5.1.4 of this Policy</u> |
| <u><b>Collection Procedure</b></u>                | <u>Council's History and Heritage Collection Procedure</u>   |
| <u><b>Council</b></u>                             | <u>Glen Eira City Council</u>  |
| <u><b>The municipal governing bodies area</b></u> | <u>Caulfield and Moorabbin Roads Boards, the later Councils of the same names and the amalgamated Glen Eira City Council</u>   |

**4.5. POLICY****4.15.1 COLLECTION DEVELOPMENT**

**4.1.15.1.1** The Collection is ~~focused~~ focused exclusively on the municipal history of the City of Glen Eira.

**5.1.2** The Collection must collect and preserve objects, archives, images and digital artefacts related to the history of the municipal governing bodies of the area. ~~This covers the Caulfield and Moorabbin Roads Boards, the later Councils of the same names and the amalgamated Glen Eira City Council.~~

**4.1.25.1.3** Responsibility for the history of the former Moorabbin Council is shared with the Cities



of Bayside and Kingston.

**4.1.35.1.4** Objects considered for collection may include:

- Council paraphernalia, including textiles and physical objects.
- Council documentation, photographs, drawings, sketches and archives and records.
- Honour boards, plaques and ceremonial objects.
- Images and documents related to Caulfield Town Hall.
- Objects, documents and images related to individual members of Council or staff.
- Visual and audio recordings and digital artefacts such as social media posts, digital correspondence and archived websites related to the municipal governing bodies of the area ~~Glen Eira City Council and its predecessors~~.

#### **4.25.2 ACQUISITION**

**4.2.15.2.1** Objects may will be acquired into the Collection by the following methods:

- Donation.
- Bequest.
- Internal Council Department Transfer.



**4.2.25.2.2** Purchase of an object may be considered, but only under exceptional circumstances where a key piece of Council history is at risk of loss or destruction, and no other method of safekeeping is practicable. The Director, Community Wellbeing, must authorise any purchase.~~Any purchase must be authorised by the Director, Community Wellbeing.~~

**4.2.35.2.3** Objects ~~will~~ must only be collected if they ~~fit the specific guidelines set out in this policy~~ are aligned with the requirements of sections 5.1.2 and 5.1.4 of this Policy. Donors who offer objects that do not ~~fit this policy~~ align with this Policy ~~will~~ may be directed to Glen Eira and Moorabbin Historical Societies, ~~or to~~ or another suitable organisation.

**5.2.4** Gifts of heritage items to enhance Council's collection may be encouraged. Before accepting any donation or bequest, the nature of the proposed donation or bequest fits with the Council's collection and the costs associated with conservation, restoration, preparation, presentation, and storage must be estimated and considered.

**4.2.45.2.5** Conditional gifts of heritage items must be discouraged, and other than in exceptional circumstances, donors must relinquish all rights, except copyright and Moral Rights (if already the copyright owner) to the item.

#### **4.35.3** LEGAL AND ETHICAL OBLIGATIONS

Council will comply with relevant codes of ethics and legal obligations, as set out in the Collection Procedure~~Collection Procedures~~.

#### **4.45.4** DOCUMENTATION AND RECORD-KEEPING

The Collection ~~must~~ will be managed and documented ~~in an appropriate manner~~ appropriately, using heritage/museum industry standards to ensure that information relating to the ~~e~~Collection is kept safe and organised.

#### **4.55.5** DEACCESSIONING

Objects ~~can~~ may be deaccessioned from the Collection if they are no longer relevant, as set out in the Collection Procedures. Collection objects selected for deaccessioning ~~will~~ may be offered to local historical societies, community groups or relevant museums before disposal ~~where reasonable and practicable~~.

#### **4.65.6** LOANS

Council ~~can~~ may borrow or lend objects for display or research purposes, as set out in the Collection Procedures. Council ~~will~~ must not accept indefinite loans into the Collection unless under exceptional circumstances.

#### **4.75.7** ORAL HISTORY

**4.7.15.7.1** Council may collect Oral History recordings as part of the Collection.



~~4.7.25.7.2~~ Oral History recordings ~~These may will~~ be collected either as part of a wider project or exhibition, or in dedicated oral history projects run by the History and Heritage team.

~~4.7.35.7.3~~ Oral History recordings may ~~These will~~ be collected according to the guidelines ~~laid out~~ in the Oral History checklist developed by History and Heritage.

#### **5.8 ACCESS**

Council ~~will provide~~ may provide public access to the Collection in the manner set out in the Collection Procedures. This may include the evolving use of online, publicly accessible catalogue systems, use of social media or other relevant technologies.



#### **5.6. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

#### **6.7. ASSOCIATED DOCUMENTS**

History and Heritage Collection Procedure

#### **7.8. REFERENCES/RESOURCES**

[Heritage Act 2017 \(Vic\)](#)

Aboriginal Heritage Act 2006 (Vic)

Control of Weapons Act 1990 (Vic)

International Council of Museums Code of Ethics

Historic Shipwrecks Act 1976 (Cth)

Protection of Moveable Cultural Heritage Act 1986 (Cth)



## History and Heritage Collection Policy

|   |                                     |
|---|-------------------------------------|
| <b>Date first adopted:</b>                                  | 26 September 2017                   |
| <b>Dates amended:</b>                                       | June 2022                           |
| <b>Next review date:</b>                                    | June 2025                           |
| <b>Position title of responsible business unit Manager:</b> | Manager Libraries, Arts and Culture |
| <b>Approved by:</b>   | Council                             |



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**1. TITLE**

History and Heritage Collection Policy

**2. OBJECTIVE**

To provide for the collection, preservation and display of objects of key significance to the history of Glen Eira City Council.

**3. BACKGROUND**

The City of Glen Eira is well served by two historical societies, two RSLs, a hospital archive, multiple museums, churches and other collecting organisations. These groups collect and preserve objects related to Glen Eira's community and general history.

**4. DEFINITIONS AND ABBREVIATIONS**

| Term                                       | Meaning   |
|--|---|
| <b>Collection</b>                          | Council's History and Heritage Collection as described in Part 5.1.2 of this Policy and includes items listed in section 5.1.4 of this Policy |
| <b>Collection Procedure</b>                | Council's History and Heritage Collection Procedure   |
| <b>Council</b>                             | Glen Eira City Council  |
| <b>The municipal governing bodies area</b> | Caulfield and Moorabbin Roads Boards, the later Councils of the same names and the amalgamated Glen Eira City Council                         |

**5. POLICY****5.1 COLLECTION DEVELOPMENT**

- 5.1.1** The Collection is focused exclusively on the municipal history of the City of Glen Eira.
- 5.1.2** The Collection must collect and preserve objects, archives, images and digital artefacts related to the history of the municipal governing bodies of the area.
- 5.1.3** Responsibility for the history of the former Moorabbin Council is shared with the Cities of Bayside and Kingston.
- 5.1.4** Objects considered for collection may include:
- Council paraphernalia, including textiles and physical objects.
  - Council documentation, photographs, drawings, sketches and archives and records.
  - Honour boards, plaques and ceremonial objects.
  - Images and documents related to Caulfield Town Hall.



- Objects, documents and images related to individual members of Council or staff.
- Visual and audio recordings and digital artefacts such as social media posts, digital correspondence and archived websites related to the municipal governing bodies of the area.

## **5.2 ACQUISITION**

**5.2.1** Objects may be acquired into the Collection by the following methods:

- Donation.
- Bequest.
- Internal Council Department Transfer.

**5.2.2** Purchase of an object may be considered, but only under exceptional circumstances where a key piece of Council history is at risk of loss or destruction, and no other method of safekeeping is practicable. The Director, Community Wellbeing, must authorise any purchase.

**5.2.3** Objects must only be collected if they are aligned with the requirements of sections 5.1.2 and 5.1.4 of this Policy. Donors who offer objects that do not align with this Policy may be directed to Glen Eira and Moorabbin Historical Societies or another suitable organisation.

**5.2.4** Gifts of heritage items to enhance Council's collection may be encouraged. Before accepting any donation or bequest, the nature of the proposed donation or bequest fits with the Council's collection and the costs associated with conservation, restoration, preparation, presentation, and storage must be estimated and considered.

**5.2.5** Conditional gifts of heritage items must be discouraged, and other than in exceptional circumstances, donors must relinquish all rights, except copyright and Moral Rights (if already the copyright owner) to the item.

## **5.3 LEGAL AND ETHICAL OBLIGATIONS**

Council will comply with relevant codes of ethics and legal obligations, as set out in the Collection Procedure.

## **5.4 DOCUMENTATION AND RECORD-KEEPING**

The Collection must be managed and documented appropriately, using heritage/museum industry standards to ensure that information relating to the Collection is kept safe and organised.

## **5.5 DEACCESSIONING**

Objects may be deaccessioned from the Collection if they are no longer relevant, as set out in the Collection Procedures. Collection objects selected for deaccessioning may be offered to local historical societies, community groups or relevant museums before disposal.

## **5.6 LOANS**



Council may borrow or lend objects for display or research purposes, as set out in the Collection Procedures. Council must not accept indefinite loans into the Collection unless under exceptional circumstances.

## **5.7 ORAL HISTORY**

- 5.7.1** Council may collect Oral History recordings as part of the Collection.
- 5.7.2** Oral History recordings may be collected either as part of a wider project or exhibition or in dedicated oral history projects run by the History and Heritage team.
- 5.7.3** Oral History recordings may be collected according to the guidelines in the Oral History checklist developed by History and Heritage.

## **5.8 ACCESS**

Council may provide public access to the Collection in the manner set out in the Collection Procedure. This may include the evolving use of online, publicly accessible catalogue systems, use of social media or other relevant technologies.

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

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

## **7. ASSOCIATED DOCUMENTS**

History and Heritage Collection Procedure

## **8. REFERENCES/RESOURCES**

Heritage Act 2017 (Vic)  
Aboriginal Heritage Act 2006 (Vic)  
Control of Weapons Act 1990 (Vic)  
International Council of Museums Code of Ethics  
Historic Shipwrecks Act 1976 (Cth)  
Protection of Moveable Cultural Heritage Act 1986 (Cth)



## Art Collection Policy

|   |  |
|---|--|
| <b>Date first adopted:</b>                                  | 21 March 2005  |
| <b>Dates amended:</b>                                       | 29 April 2014<br>26 September 2017<br><u>June 2022</u> |
| <b>Next review date:</b>                                    | <del>September 2022</del> <u>June 2025</u>             |
| <b>Position title of responsible business unit Manager:</b> | Manager, Libraries, Arts & Culture                     |
| <b>Approved by:</b>   | Council  |



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**1. TITLE**

Art Collection Policy

**2. OBJECTIVE**

- 2.1 To make Council's art collection available for the enjoyment and education of the Glen Eira community.
- 2.2 To provide the community with access to the work of artists who are innovative, inspirational and whose work is of a high standard.
- 2.3 To ensure the proper management of Council's art collection and to conserve, documents and develop the collection in accordance with current art collection and museological practices.

**3. DEFINITIONS AND ABBREVIATIONS**

| Term                                 | Meaning   |
|--------------------------------------|---|
| <u>Council</u>                       | <u>Glen Eira City Council</u>   |
| <u>Appropriately Qualified Staff</u> | <u>Qualified Curator or related qualification (i.e. Museum practice or conservator)</u> |

**4. POLICY****4.1 Management**

- 4.1.1 Council's art collection ~~will~~must be presented to as wide an audience of Glen Eira residents as ~~is~~ possible.
- 4.1.2 Artwork from the collection ~~will~~may be displayed in ~~the~~ the Council Gallery, in public areas of the Town Hall, including in the Library and Service Centre and at other public ~~v~~venues. ~~S, if appropriate~~ security measures ~~to can~~ be implemented if required.
- 4.1.3 Other forms of public access or display ~~will~~must also be encouraged, including on Council's website.
- 4.1.4 Artwork in public places, e.g. sculptures, ~~will~~must be included as an integral part of Council's art collection.
- 4.1.5 The loan of artwork from the collection to other galleries ~~will~~may be considered, subject to appropriate insurance and a loan agreement being ~~in place~~in place.
- 4.1.6 The collection ~~will~~must be managed and documented by appropriately qualified staff and ~~will~~must be displayed and stored to industry standards.



## 4.2 Donations and Bequests

~~4.2.1~~—Gifts of artwork to enhance Council's collection ~~will~~may be encouraged.



~~4.2.24.2.1~~ Before accepting any donation or bequest, the nature of the proposed donation or bequest, fits with the Council's collection and the costs associated with conservation, restoration, preparation, presentation and storage ~~will~~ must be estimated and considered. ~~Before acceptance of any donation or bequest, the nature of the proposed donation or bequest, its fit with Council's collection and the costs associated with conservation, restoration, preparation, presentation and storage will be estimated and considered.~~

~~4.2.34.2.2~~ Donations to the collection ~~will~~ must not be accepted if they do not accord with this Policy.

~~4.2.44.2.3~~ Conditional gifts of works of art ~~will~~ must be discouraged, and other than in exceptional circumstances, donors ~~will~~ must relinquish all rights, except copyright and Moral Rights (if already the copyright owner) to the artwork. ~~Conditional gifts will be discouraged and other than in exceptional circumstances, donors will relinquish all rights, except copyright, (if already the owner of copyright) to the artwork.~~

4.2.4 Donors may be required to enter into a Donation Agreement.

#### 4.3 Acquisition and Development

4.3.1 The collection's artwork ~~will~~ must be of the highest affordable quality and consist of professional work displaying excellence in that genre or medium.

4.3.2 New acquisitions ~~will~~ must suit the existing collection; ~~its~~ themes and media.

4.3.3 Consideration ~~will~~ must be given to public safety, display, storage and transport issues ~~prior to~~ before acquisition.

4.3.4 The themes set out below ~~will~~ shape the direction of Council's collection:

- (a) suburban theme – a theme that both reflects and challenges residents' lifestyles;
- (b) the work of significant Australian artists who are represented in three or more State and national gallery collections  
e.g. Fred Williams, Leonard French and Charles Blackman;
- (c) the Boyd family – works by members of the Boyd family ~~will~~ may be collected ~~where possible~~ to commemorate the family's life in Murrumbena; and

(d) works by Glen Eira artists - works of quality by artists living or working or who have lived or worked in Glen Eira.

(e) Works of quality by major and emerging Indigenous artists who are



represented in State Government Public Art Museum collection or Regional Gallery collection.

~~(d) — Correct attribution of work and observation of Moral Rights.~~

- 4.3.5 The Arts and Culture Advisory Committee may recommend to Council the acquisition of artwork for the collection from time to time~~from time to time recommend to Council the acquisition of artwork for the collection~~. All acquisitions will require a~~are subject to~~ prior Council resolution.

#### 4.4 Deaccession and Disposal

- 4.4.1 ~~The aim of de-accession is~~Deaccession<sup>1</sup> aims -to improve the quality of the collection by selling or otherwise disposing of artwork, where appropriate.
- 4.4.2 Artwork from the collection ~~which is~~ in poor condition or damaged beyond reasonable repair ~~will~~may be considered for removal.

---

<sup>1</sup> Deaccession – officially remove (an item) from a library, museum, or art gallery



- 4.4.3 ~~The Arts and Culture Advisory Committee may recommend Council artwork for de-accession from time to time~~ ~~Arts and Culture Advisory Committee may from time to time recommend to Council artwork for de-accession~~. All de-accessions ~~are subject to will require a~~ prior Council resolution.
- 4.4.4 Where artwork has been recommended for de-accession or ~~other disposal~~ ~~another disposal~~, this ~~must will~~ be fully documented.
- 4.4.5 Where artwork ~~that was~~ gifted or bequeathed to Council is recommended for ~~de-accession~~ ~~de-accession~~, reasonable steps ~~must will~~ be taken to consult with the original donor (or their family) ~~prior to before~~ de-accession. The donor (or their family) ~~must will~~ be offered the return of the artwork at no cost; ~~prior to before~~ any sale or other disposal of the artwork where this is reasonable in the circumstances (depending on the nature of the original donation, any expressed wishes of the donor and Council's reason for selling or disposing of the work).
- 4.4.6 Where artwork ~~previously~~ purchased by Council is recommended for ~~de-accession~~ ~~de-accession~~, the artist ~~must will~~ be given first refusal to buy back the artwork.
- 4.4.7 De-accessioned artwork is not available for acquisition by Councillors or Council staff.

## 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 DOCUMENTS

N/a

## 7. REFERENCES/RESOURCES

N/a



## Art Collection Policy

|   |   |
|---|---|
| <b>Date first adopted:</b>                                  | 21 March 2005                                   |
| <b>Dates amended:</b>                                       | 29 April 2014<br>26 September 2017<br>June 2022 |
| <b>Next review date:</b>                                    | June 2025                                       |
| <b>Position title of responsible business unit Manager:</b> | Manager, Libraries, Arts & Culture              |
| <b>Approved by:</b>   | Council   |



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**1. TITLE**

Art Collection Policy

**2. OBJECTIVE**

- 2.1 To make Council's art collection available for the enjoyment and education of the Glen Eira community.
- 2.2 To provide the community with access to the work of artists who are innovative, inspirational and whose work is of a high standard.
- 2.3 To ensure the proper management of Council's art collection and to conserve, documents and develop the collection in accordance with current art collection and museological practices.

**3. DEFINITIONS AND ABBREVIATIONS**

| Term                          | Meaning  |
|-------------------------------|--|
| Council                       | Glen Eira City Council   |
| Appropriately Qualified Staff | Qualified Curator or related qualification (i.e. Museum practice or conservator) |

**4. POLICY****4.1 Management**

- 4.1.1 Council's art collection must be presented to as wide an audience of Glen Eira residents as possible.
- 4.1.2 Artwork from the collection may be displayed in the Council Gallery, in public areas of the Town Hall, including in the Library and Service Centre and at other public venues. Security measures to be implemented if required.
- 4.1.3 Other forms of public access or display must also be encouraged, including on Council's website.
- 4.1.4 Artwork in public places, e.g. sculptures, must be included as an integral part of Council's art collection.
- 4.1.5 The loan of artwork from the collection to other galleries may be considered, subject to appropriate insurance and a loan agreement being in place.
- 4.1.6 The collection must be managed and documented by appropriately qualified staff and must be displayed and stored to industry standards.



## **4.2 Donations and Bequests**

- 4.2.1 Gifts of artwork to enhance Council's collection may be encouraged. Before accepting any donation or bequest, the nature of the proposed donation or bequest, fits with the Council's collection and the costs associated with conservation, restoration, preparation, presentation and storage must be estimated and considered.
- 4.2.2 Donations to the collection must not be accepted if they do not accord with this Policy.
- 4.2.3 Conditional gifts of works of art must be discouraged, and other than in exceptional circumstances, donors must relinquish all rights, except copyright and Moral Rights (if already the copyright owner) to the artwork.
- 4.2.4 Donors may be required to enter into a Donation Agreement.

## **4.3 Acquisition and Development**

- 4.3.1 The collection's artwork must be of the highest affordable quality and consist of professional work displaying excellence in that genre or medium.
- 4.3.2 New acquisitions must suit the existing collection, its themes and media.
- 4.3.3 Consideration must be given to public safety, display, storage and transport issues before acquisition.
- 4.3.4 The themes set out below shape the direction of Council's collection:
  - (a) suburban theme – a theme that both reflects and challenges residents' lifestyles;
  - (b) the work of significant Australian artists who are represented in three or more State and national gallery collections  
e.g. Fred Williams, Leonard French and Charles Blackman;
  - (c) the Boyd family – works by members of the Boyd family may be collected to commemorate the family's life in Murrumbidgee; and
  - (d) works by Glen Eira artists - works of quality by artists living or working or who have lived or worked in Glen Eira.
  - (e) Works of quality by major and emerging Indigenous artists who are represented in State Government Public Art Museum collection or Regional Gallery collection.



- 4.3.5 The Arts and Culture Advisory Committee may recommend to Council the acquisition of artwork for the collection from time to time. All acquisitions are subject to prior Council resolution.

#### **4.4 Deaccession and Disposal**

- 4.4.1 Deaccession<sup>1</sup> aims to improve the quality of the collection by selling or otherwise disposing of artwork, where appropriate.
- 4.4.2 Artwork from the collection in poor condition or damaged beyond reasonable repair may be considered for removal.
- 4.4.3 The Arts and Culture Advisory Committee may recommend Council artwork for de-accession from time to time. All de-accessions are subject to prior Council resolution.
- 4.4.4 Where artwork has been recommended for de-accession or another disposal, this must be fully documented.
- 4.4.5 Where artwork gifted or bequeathed to Council is recommended for de-accession, reasonable steps must be taken to consult with the original donor (or their family) before de-accession. The donor (or their family) must be offered the return of the artwork at no cost before any sale or other disposal of the artwork where this is reasonable in the circumstances (depending on the nature of the original donation, any expressed wishes of the donor and Council's reason for selling or disposing of the work).
- 4.4.6 Where artwork purchased by Council is recommended for de-accession, the artist must be given first refusal to buy back the artwork.
- 4.4.7 De-accessioned artwork is not available for acquisition by Councillors or Council staff.

#### **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 DOCUMENTS**

N/a

#### **7. REFERENCES/RESOURCES**

N/a

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<sup>1</sup> Deaccession – officially remove (an item) from a library, museum, or art gallery



## Arts and Culture Events Ticketing Policy

|   |  |
|---|--|
| <b>Date first adopted:</b>                                  | 3 July 2006  |
| <b>Dates amended:</b>                                       | 29 April 2014<br>26 September 2017<br><u>June 2022</u> |
| <b>Next review date:</b>                                    | <u>June 2025</u>                                       |
| <b>Position title of responsible business unit Manager:</b> | Manager, Library, Arts & Culture                       |
| <b>Approved by:</b>   | Council  |



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**1. TITLE**

Arts and Culture Events Ticketing Policy

**2. OBJECTIVES**

- 2.1 To provide guidelines for the sale and refund of tickets for ticketed events and performances managed by Council's Arts and Culture department.
- 2.2 To ensure that Council complies with the Live Performance Australia Ticketing Code of Practice ~~(“Code”)~~ where applicable.

**3. DEFINITIONS AND ABBREVIATIONS**

| Term           | Meaning   |
|----------------|---|
| <u>Council</u> | <u>Glen Eira City Council</u>   |
| <u>Code</u>    | <u>Live Performance Australia Ticketing Code of Practice (8<sup>th</sup> Edition)</u> |

**4. POLICY****4.1 Companion card scheme**

Council participates in the Companion Card Scheme, which entitles approved cardholders to be charged for one admission only, where ~~it is necessary for that person to be~~ that person must be accompanied by a carer (paid or unpaid).

**4.2 ~~Babies and toddlers~~**

~~Children under two are permitted to sit on an attendee's knee during a performance at no charge. Children over two are required to sit in a separate seat which must be paid for at the standard concession rate.~~

**4.3.2 Concession rates**

~~4.2.1~~ 4.2.1 ~~Where possible, a~~ concession rate ~~will~~ may be available at ~~all~~ events.

~~4.3.14.2.2~~ 4.3.14.2.2 A concession rate ~~and will~~ may apply to students, persons under ~~the age of~~ 16, ~~Senior~~ Ccard holders and ~~H~~health Care card holders Ccard holders.

~~4.3.24.2.3~~ 4.3.24.2.3 Where a concession rates ~~is~~ is ~~are~~ available, a concession card must be presented in person at the time of booking (if made in person) or on collection of a ticket.

**4.4.3 Ticket sales**

~~4.4.14.3.1~~ 4.4.14.3.1 At an event for which tickets are sold, admission to the event is by valid ticket only.

4.3.2 Tickets are sold for a specific event as dated and identified on the ticket and are not transferable for other events.



4.4.24.3.3 Council accepts no responsibility for lost or damaged tickets.

4.3.4 Council may add, withdraw, or substitute artists or performers and vary advertised programs.

4.3.5 Council may ~~also~~ alter seating arrangements and vary audience capacity.



#### **4.54.4 Admission to events and performances**

4.5.14.4.1 Council may refuse admission to any person or require any person to leave after admission, irrespective of that person being in possession of a valid ticket in the circumstances set out in the Code.

4.5.24.4.2 Subject to section 4.5.3 of this Policy, the use of mobile phones and recording equipment (including phones, cameras, and tape and video recorders) at Council events is strictly prohibited, and such equipment must be turned off ~~prior to~~before entry to the event.

4.5.34.4.3 Prior written consent to photographing, audio or video recording of an event must be obtained from Council. Council is under no obligation to give such consent and may impose reasonable conditions ~~in respect of~~regarding any such consent.

4.5.44.4.4 Latecomers will only be admitted at a suitable break in ~~the a~~ performance, and, in some cases, this may not be until a scheduled interval.

#### **4.64.5 Payment for Tickets**

4.6.14.5.1 All tickets must be paid for in full at the time of booking.

4.6.24.5.2 Tentative bookings or placing tickets 'on hold' are not permitted.

4.6.34.5.3 Pre-event bookings ~~must be made via online booking service. payments made in person can be made by~~ cash, EFTPOS or credit card.

~~4.6.4 Telephone bookings can be made by credit card (Visa or MasterCard only).~~

4.5.4 Tickets purchased at the door (when available) on the day of a performance can be made by cash, EFTPOS or credit card.

~~4.6.54.5.5 Free events can be booked via our online booking service or by telephone.~~

#### **4.74.6 Refunds**

4.7.14.6.1 Subject to section 4.7.2 of this Policy, a refund of a ticket will be made in accordance with the Code. The Code provides that a purchaser is entitled to a refund if Council:

- (a) cancels an event; or
- (b) re-schedules an event (and a purchaser cannot or does not wish to attend the rescheduled event); or

(c) the event is significantly relocated.

4.6.2 A purchaser must advise Council in writing of a request for a refund and provide the with-ticket number which is to be refunded, within seven (7) days, –and enclose



~~the ticket/s to be refunded~~ before a refund can be considered. ~~If a refund is not approved, Council will~~ notify of outcome, as soon as possible, ~~return the tickets to the purchaser.~~

4.6.3 Refunds will be made to the card which was used to purchase cheque for the value the ticket/s.

4.7.2 A purchaser will be reimbursed cheque for the value of the ticket/s

4.7.3



#### **4.8.4.7 Exchanges**

~~4.8.14.7.1~~ An exchange of a ticket is subject to availability and at the discretion of the Manager Libraries, Arts and Culture.

~~4.8.24.7.2~~ A purchaser must advise Council in writing of a request for an exchange ~~with ticket number details and enclose the ticket/s to be exchanged~~ before an exchange can be considered.

~~4.8.34.7.3~~ Where a request for an exchange is made for an event for which tickets are priced at a higher or lower rate, a purchaser must pay the difference and will not be entitled to receive the difference, respectively.

### **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 DOCUMENTS**

Live Performance Australia Ticketing Code of Practice (~~Eighth~~~~Sixth~~ Edition)

<https://liveperformance.com.au/wp-content/uploads/2020/11/LPA-Ticketing-Code-Industry-Code-8th-edition-FINAL.pdf>

### **7. REFERENCES/RESOURCES**



## Arts and Culture Events Ticketing Policy

|   |   |
|---|---|
| <b>Date first adopted:</b>                                  | 3 July 2006                                     |
| <b>Dates amended:</b>                                       | 29 April 2014<br>26 September 2017<br>June 2022 |
| <b>Next review date:</b>                                    | June 2025                                       |
| <b>Position title of responsible business unit Manager:</b> | Manager, Library, Arts & Culture                |
| <b>Approved by:</b>   | Council   |



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**1. TITLE**

Arts and Culture Events Ticketing Policy

**2. OBJECTIVES**

- 2.1 To provide guidelines for the sale and refund of tickets for ticketed events and performances managed by Council's Arts and Culture department.
- 2.2 To ensure that Council complies with the Live Performance Australia Ticketing Code of Practice where applicable.

**3. DEFINITIONS AND ABBREVIATIONS**

| Term    | Meaning   |
|---------|---|
| Council | Glen Eira City Council  |
| Code    | Live Performance Australia Ticketing Code of Practice (8 <sup>th</sup> Edition) |

**4. POLICY****4.1 Companion card scheme**

Council participates in the Companion Card Scheme, which entitles approved cardholders to be charged for one admission only, where that person must be accompanied by a carer (paid or unpaid).

**4.2 Concession rates**

- 4.2.1 A concession rate may be available at events.
- 4.2.2 A concession rate may apply to students, persons under 16, Senior Card holders and Health Care Card holders.
- 4.2.3 Where a concession rate is available, a concession card must be presented in person at the time of booking (if made in person) or on collection of a ticket.

**4.3 Ticket sales**

- 4.3.1 At an event for which tickets are sold, admission to the event is by valid ticket only.
- 4.3.2 Tickets are sold for a specific event as dated and identified on the ticket and are not transferable for other events.
- 4.3.3 Council accepts no responsibility for lost or damaged tickets.
- 4.3.4 Council may add, withdraw, or substitute artists or performers and vary advertised programs.
- 4.3.5 Council may alter seating arrangements and vary audience capacity.



#### **4.4 Admission to events and performances**

- 4.4.1 Council may refuse admission to any person or require any person to leave after admission, irrespective of that person being in possession of a valid ticket in the circumstances set out in the Code.
- 4.4.2 Subject to section 4.5.3 of this Policy, the use of mobile phones and recording equipment (including phones, cameras, and tape and video recorders) at Council events is strictly prohibited, and such equipment must be turned off before entry to the event.
- 4.4.3 Prior written consent to photographing, audio or video recording of an event must be obtained from Council. Council is under no obligation to give such consent and may impose reasonable conditions regarding any such consent.
- 4.4.4 Latecomers will only be admitted at a suitable break in the performance, and, in some cases, this may not be until a scheduled interval.

#### **4.5 Payment for Tickets**

- 4.5.1 All tickets must be paid for in full at the time of booking.
- 4.5.2 Tentative bookings or placing tickets 'on hold' are not permitted.
- 4.5.3 Pre-event bookings must be made via online booking service by credit card.
- 4.5.4 Tickets purchased at the door (when available) on the day of a performance can be made by cash, EFTPOS or credit card.
- 4.5.5 Free events can be booked via our online booking service or by telephone.

#### **4.6 Refunds**

- 4.6.1 Subject to section 4.7.2 of this Policy, a refund of a ticket will be made in accordance with the Code. The Code provides that a purchaser is entitled to a refund if Council:
  - (a) cancels an event; or
  - (b) re-schedules an event (and a purchaser cannot or does not wish to attend the rescheduled event); or
  - (c) the event is significantly relocated.
- 4.6.2 A purchaser must advise Council in writing of a request for a refund and provide the ticket number which is to be refunded, within seven (7) days, before a refund can be considered. Council will notify of outcome, as soon as possible.



- 4.6.3 Refunds will be made to the card which was used to purchase the ticket/s.

#### **4.7 Exchanges**

- 4.7.1 An exchange of a ticket is subject to availability and at the discretion of the Manager Libraries, Arts and Culture.
- 4.7.2 A purchaser must advise Council in writing of a request for an exchange with ticket number details before an exchange can be considered.
- 4.7.3 Where a request for an exchange is made for an event for which tickets are priced at a higher or lower rate, a purchaser must pay the difference and will not be entitled to receive the difference, respectively.

#### **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 DOCUMENTS**

Live Performance Australia Ticketing Code of Practice (Eighth Edition)

<https://liveperformance.com.au/wp-content/uploads/2020/11/LPA-Ticketing-Code-Industry-Code-8th-edition-FINAL.pdf>

#### **7. REFERENCES/RESOURCES**



## 8.17 COMMUNITY SAFETY AND COMPLIANCE POLICY REVIEW

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

**Trim No:** 22/1127547

**Attachments:**

1. Car Share Policy [↓](#)
2. Prosecution Policy [↓](#)
3. Destruction of Dogs Policy [↓](#)
4. Car Share Policy (with tracked changes) [↓](#)
5. Prosecution Policy (with tracked changes) [↓](#)
6. Destruction of Dogs Policy (with tracked changes) [↓](#)
7. Inspection and Registration Fees Policy (for revocation) [↓](#)
8. Infectious Diseases Policy (for revocation) [↓](#)
9. Mobile and Temporary Food Premises Policy (for revocation) [↓](#)
10. Penalty Infringement Notice – Food Act 1984 (for revocation) [↓](#)
11. Seizure, Written Orders and Prosecutions Policy (for revocation) [↓](#)
12. On-Site Waste Water Management Systems Policy (for revocation) [↓](#)
13. Public Health Nuisance Policy (for revocation) [↓](#)

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### EXECUTIVE SUMMARY

As part of the implementation of to the *Local Government Act 2020*, and the adoption of Council's Public Transparency Policy, we are required to make all Council policies publicly available.

In preparation for Council policies becoming publicly available, the Community Safety and Compliance department has reviewed three (3) policies. Of the policies reviewed, two (2) were overdue for review. The Car Share Policy which was adopted in March 2017 has been reviewed given the change in responsible manager. The amended policies shown as Attachments 1-3, are attached for consideration and endorsement by Council. Attachments 4-6 are tracked change versions of these policies.

The policies shown as Attachments 7-13, are attached for consideration by Council to be revoked and converted to procedures. These are all Public Health policies.

### RECOMMENDATION

That Council:

1. endorses the reviewed 3 policies listed below and attached to the report:
  - a) Car Share Policy (Attachment 1 to the report);
  - b) Prosecution Policy (Attachment 2 to the report); and
  - c) Destruction of Dogs Policy (Attachment 3 to the report).
2. revokes the following 7 policies listed below and attached to the report:
  - a) Inspection and Registration Fees Policy (Attachment 7 to the report);
  - b) Infectious Diseases Policy (Attachment 8 to the report);
  - c) Mobile and Temporary Food Premises Policy (Attachment 9 to the report);
  - d) Penalty Infringement Notice – Food Act 1984 (Attachment 10 to the report);
  - e) Seizure, Written Orders and Prosecutions Policy (Attachment 11 to the report);



- f) On-Site Waste Water Management Systems Policy (Attachment 12 to the report); and
- g) Public Health Nuisance Policy (Attachment 13 to the report).

## BACKGROUND

At the Ordinary Council Meeting of 23 November 2021, officers sought approval to revoke all policies listed in the November report. The report contained a mix of parking policies, public health policies, and animal management policies. Council however, resolved to have all policies remain, not supporting the revocation recommendation. (The Car Share Policy was not presented at the Ordinary Council Meeting of 23 November 2021).

In deliberating on the officer recommendation, Councillors spoke against the motion but considered that the Public Health policies are operational in nature and that they could be converted to procedures. These 'operational' Public Health policies are not community impactful policies with significant ramifications in terms of community effect.

The Public Health policies listed in (Attachments 7-13) are the policies that are recommended to be converted to procedures.

Council activities are guided by policies, which are approved by Council resolution or in writing by the Executive. Any action by a Council officer should have a basis in legislation or an approved policy.

A policy is a formal statement of principle which regulates Council activities. Clear, relevant, and accessible policies ensure a consistent standard of behaviour and are a key part of transparent decision-making.

A policy is principles-based: it sets out appropriate rules and standards for day-to-day work at Council.

A procedure is a document that instructs employees on one or more tasks. It describes the sequence of tasks and specifically outlines which step needs to be undertaken at what time during the process.

The tasks are generally operational in nature. A procedure ensures consistency in the situation where many employees undertake the same task as part of their employee obligations.

## ISSUES AND DISCUSSION

- All Council policies are to become publicly available in accordance with Council's Public Transparency Policy.
- Through this process, the policies in the table below have been reviewed and amended.

The majority of changes to the updated policies reflect the following:

- extension of definitions
- elaboration of supporting documents
- reference to Council's Community Safety Plan 2018-2022 and the Community Wellbeing Plan 2021-2025
- elaboration of enforcement options



Other inclusions include reference to section 224 of the *Local Government Act 1989* where Council can appoint an Authorised Officer for the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of Council.

| Business Area      | Name of Policy             | Key points and changes   |
|--------------------|----------------------------|--|
| Parking and Safety | Car Share Policy           | <ul style="list-style-type: none"> <li>- change in responsible business unit manager from Manager City Futures to Manager Community Safety and Compliance</li> <li>- inclusion of a 'background' section in the policy</li> <li>- Extension of definitions section</li> <li>- Elaboration of supporting documents</li> <li>- Reference to Council Plans</li> </ul>   |
| Corporate Counsel  | Prosecution Policy         | <ul style="list-style-type: none"> <li>- change in responsible business unit manager from Manager Community Safety and Compliance to Corporate Counsel</li> <li>- Significant changes with the inclusion of a 'general principles,' 'the decision to prosecute,' 'determining whether there is a reasonable prospect of a conviction,' 'public interest factors,' 'decision on whether to prosecute must not be influenced by these factors,' 'selecting the appropriate defendant' and 'prosecution delegations and conduct'</li> </ul> |
| Civic Compliance   | Destruction of Dogs Policy | <ul style="list-style-type: none"> <li>- Elaboration on seizure powers</li> <li>- Elaboration of disposal powers</li> </ul>  |

### CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

The following relates to the Car Share Policy.

We know that traffic and parking congestion is an important issue for our community. Glen Eira is expected to grow by around 30,000 residents by 2036, which could equate to roughly 20,880 additional cars. Our challenge is to adapt and thrive. We can't stop growth, but we can adapt and manage the impacts. One example is through Car Share services.

More cars on local streets means higher carbon emissions, more congestion, less safety (especially for children) and the erosion of the quiet amenity that typifies many of Glen Eira's neighbourhood streets.

Increasing our use of sustainable and active forms of transport will lead to a cleaner environment for residents and help our community to achieve our goal of net zero community emissions by 2030.



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

Not applicable to this report.

**POLICY AND LEGISLATIVE IMPLICATIONS**

*Local Government Act 2020*

*Public transparency principles in the Act state:*

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

Public Transparency Policy (Adopted 11 August 2020)

The objectives of this policy are to:

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

**COMMUNICATION AND ENGAGEMENT**

The updated policies will be accessible on Council's intranet and website following approval.

**LINK TO COUNCIL AND COMMUNITY PLAN**

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

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**CONCLUSION**

It is recommended that Council endorses the policy amendments relating to the Car Share Policy, Prosecution Policy and Destruction of Dogs Policy.

It is recommended that Council revokes the Public Health policies listed in (Attachment 7-13) and converts those policies to procedures. In converting those policies to procedures, it will ensure consistency of service and a continued response to community expectations.



## Car Share Policy

|   |   |
|---|---|
| <b>Date first adopted:</b>                                  | <b>March 2017</b>                       |
| <b>Dates amended:</b>                                       | May 2022                                |
| <b>Next review date:</b>                                    | May 2026                                |
| <b>Position title of responsible business unit Manager:</b> | Manager Community Safety and Compliance |
| <b>Approved by:</b>   | Council                                 |
| <b>Internal external or both:</b>                           |   |



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**1. TITLE**

Car Share Policy

**2. OBJECTIVES**

The objectives of this Policy are to:

- 2.1 support the operation of car share on the road network within the municipality;
- 2.2 outline the rationale for car share fees;
- 2.3 articulate the criteria for the preferred location for on-street car share bays; and
- 2.4 set out the operational requirements for car share providers.

**3. BACKGROUND**

Council's Parking Policy focuses on both sides of the parking equilibrium: better managing the limited supply and curbing the increasing demand. Car share is a measure used to manage demand. Car share provides access to a vehicle when necessary, without the need to own a car.

Traffic congestion in urban areas is a challenge facing all community members. Victoria saw an 8.3% increase in vehicles registered between 2015 and 2020. This increase in traffic places greater strain on parking availability and driver on-road time. By using car share, Glen Eira residents and visitors can enjoy the benefits of accessing a car while reducing the number of cars on our roads.

**4. DEFINITIONS AND ABBREVIATIONS**

| Term                    | Meaning  |
|-------------------------|--|
| Car share               | A car parking space dedicated to an approved Car Share Provider designed to reduce car ownership.  |
| Car Share Providers     | Commercial car share operators are approved by Council to apply for on-street car share bays and provide vehicles for their members to use.          |
| Council                 | means Glen Eira City Council   |
| Guidelines              | means Council's Car Share Provider Guidelines  |
| municipality            | means the district under the local government of Council   |
| on-street car share bay | means a dedicated parking space located on local and arterial roads for the exclusive use of a vehicle provided and managed by a Car Share Provider. |
| Policy                  | means this Car Share Policy  |

**5. POLICY**

- 5.1 Council supports the growth of car share.



**Roles and Responsibilities**

5.2 The following roles and responsibilities will apply to this Policy:

- a) Council will promote the benefits of car share;
- b) Council will manage the application process for Car Share Providers, detailed in the Guidelines, to apply for on-street car share bay;
- c) Council will undertake community engagement in accordance with its Community Engagement Policy with adjacent property owners to a proposed on-street car share bay;
- d) Council will install on-street car share bays;
- e) Council may approve a Car Share Provider to operate an on-street car share bay in the municipality;
- f) Car Share Providers must enter into a license agreement with Council as set out in the Guidelines to operate an on-street car share bay; and
- g) Car Share Providers must comply with all requirements set out in the Guidelines for operating an on-street car share bay.

**Application and Licensing Process**

- 5.3 Car Share Providers must complete an application form for each on-street car share bay they propose to operate in the municipality.
- 5.4 Car Share Providers must submit the completed application form to Council for approval.
- 5.5 The application will be referred to relevant Council business units for review and consideration with respect to compliance with this Policy, Guidelines and licensing arrangements.
- 5.6 A license to operate an on-street car share bay will be for an initial term of two (2) years with an option to extend the term for a further two (2) years.

**Siting and location criteria for on-street car share bays**

- 5.7 Council officers will determine where on-street car share bays may be located within the street network.
- 5.8 A maximum of one on-street parking space per residential street and up to five on-street parking spaces per suburb (postcode) may be allocated for on-street car share bays.
- 5.9 In determining where on-street car share bays are to be located, Council officers will take into consideration the following factors:



- a) Convenience for car share users; including siting cars within close proximity (in the order of 300m) of each other to provide network coverage for users;
- b) Favourable context to raise the profile of the car share scheme and promote sustainable transport options; in high activity areas, major attractors, community hubs, high employment areas, areas with high student populations, high pedestrian numbers and areas with high residential density;
- c) Opportunity for transport integration near bus, tram and train services and in areas of high walkability, safety and accessibility;
- d) Efficiency in using spaces that are no longer required and can be repurposed, such as loading zones or taxi zones, or where new spaces are created due to crossover removal or streetscape works; and
- e) Safety, to ensure that the cars parked in an on-street car share bay do not obstruct sightlines and provide clearances to driveways and services.

**Fees**

- 5.10 Council seeks cost neutrality in the setting of its fees for approved on-street car share bays.
- 5.11 In determining the fees for approved on-street car share bays, Council may consider the following factors:
  - a) administration and management costs of implementing the car share scheme, including the cost of:
    - (i) installing on-street car share bays;
    - (ii) managing the implementation of the Policy;
    - (iii) establishing licensing agreements; and
    - (iv) monitoring performance and reporting
  - b) officer time dedicated to the expansion of the network of on-street car share bays;
  - c) the value of car parking spaces to the community;
  - d) demand for on-street car share bays; and
  - e) the direct community benefits of car share.
- 5.12 Council may charge fees for each approved on-street car share bay, including:
  - a) an Establishment Fee; and
  - b) a Renewal Fee.
- 5.13 The Establishment Fee and Renewal Fee must be reviewed annually and are set by Council in its annual budget.

**Establishment Fee**

- 5.14 Council will require payment of an Establishment Fee for each approved on-street car share bay location.

**Renewal Fee**



- 5.15 Within six months before the expiry of an on-street car share bay license agreement, a Car Share Provider may apply for renewal of the agreement for a further term of two (2) years with an option to extend the term for a further two (2) years.
- 5.16 Council may require payment of a Renewal Fee for each renewed license for an on-street car share bay.

**Floating Car Share vehicles**

- 5.17 City of Glen Eira visitors, tradespersons or residential parking permits cannot be used with a Floating Car Share vehicle.
- 5.18 Floating Car Share vehicles may be used for a six to twelve months trial period to demonstrate demand for an on-street car share bay in an area.
- 5.19 Following a trial under paragraph 5.18 above, if there is a demonstrated demand for car-share vehicles, Car Share Providers may apply to Council for a designated on-street car share bay.

**Supporting the Provision of Car Share vehicles within new or existing developments**

- 5.20 Council supports the provision of car-share vehicles within new or existing developments to supplement the on-street network of car share in the locality of the development.
- 5.21 People developing land or who have an existing development may work with Council to identify appropriate locations for car share bays in off-street locations.

**6. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

**7. ASSOCIATED INTERNAL DOCUMENTS**

Car Share Provider Guidelines  
Climate Emergency Response Strategy 2021–2025  
Community Engagement Policy  
Glen Eira Council Community Safety Plan 2018-2022.  
Integrated Transport Strategy 2018-2031  
Parking Policy

**8. EXTERNAL REFERENCES/RESOURCES**

Transport Strategy (Towards Sustainable Transport) 2016  
Phillip Boyle & Associates, 2015 "Research for On Street Car Share Policy Review" for City of Port Phillip, Melbourne, Sep 15



## Prosecution Policy

|   |                   |
|---|-------------------|
| <b>Date first adopted:</b>                                  | <b>April 2003</b> |
| <b>Dates amended:</b>                                       | May 2022          |
| <b>Next review date:</b>                                    | May 2026          |
| <b>Position title of responsible business unit Manager:</b> | Corporate Counsel |
| <b>Approved by:</b>   | Council           |
| <b>Internal external or both:</b>                           |                   |



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## 1. TITLE

Prosecution Policy

## 2. OBJECTIVES

The purpose of this Policy is to outline some broad principles for the conduct of prosecutions and to provide an understanding of how Council ordinarily exercises the discretion to prosecute. This Policy is not legally binding on Council and does not confine or limit Council's discretion to take any action.

## 3. DEFINITIONS AND ABBREVIATIONS

| Term                | Meaning   |
|---------------------|---|
| Council             | means Glen Eira City Council  |
| Policy              | means this Prosecution Policy   |
| infringement notice | mean a notice in respect of an infringement offence served or to be served in accordance with Part 2 of the <i>Infringements Act 2006</i> |

## 4. POLICY

### General principles

- 4.1** Principles. Set out below are the general principles Council adopts in relation to the institution and conduct of prosecutions for alleged offences of specified legislation. Regard is had to:
- (a) Commensurate Response. Whether the proposed prosecution is a proportional response to the alleged offence, the damage caused due to the unlawful act (or failure to act) and any adverse impact on members of the community.
  - (b) Consistency. The need for consistency of approach where possible in relation to similar types of alleged offences.
  - (c) Transparency and Fairness. The need to provide information to enable the alleged offender to understand:
    - i. Council's expectations;
    - ii. The circumstances where prosecutions will be taken;
    - iii. The rights of the alleged offender to defend a prosecution.
  - (d) Responsibility. Prosecutions are taken against those legally responsible for the alleged offence.
  - (e) Achieving Outcomes. Commencing prosecutions that are likely to be most relevant to achieving the outcomes envisaged by the specified legislation.



**The decision to prosecute**

- 4.2** Purpose. Prosecution is an integral part of the enforcement process. It aims to punish wrongdoing, avoid a recurrence by the offender, and act as a deterrent to others.
- 4.3** Proper Consideration. Council recognises that the institution of a prosecution is a serious matter that should be undertaken only after proper consideration of the implications and consequences.
- 4.4** Other Enforcement Tools. Prosecution may be appropriate to consider instead of or in conjunction with other enforcement tools. These may include verbal directions, official warnings, issuing of a notice to comply, improvement notice, abatement notice, prohibition notice or infringement notices.
- 4.5** No Warning. If circumstances warrant it, prosecution will be undertaken without prior warning or recourse to alternative actions. Circumstances may include, for example:
- (a) previous conviction for a similar offence;
  - (b) the public interest requires a prosecution to be undertaken.
- 4.6** The decision to prosecute. A prosecution may only proceed if:
- (a) there is a reasonable prospect of a conviction; and
  - (b) a prosecution is in the public interest.
- 4.7** Reasonable prospect of a conviction. In determining whether there is a reasonable prospect of a conviction, regard must be had to the factors set out in Table 1 below.

**Table 1: Determining whether there is a reasonable prospect of a conviction**

| Issue  | Factor  |
|--|---|
| Determining whether there is a reasonable prospect of a conviction | <ul style="list-style-type: none"> <li>• all the admissible evidence</li> <li>• the reliability and credibility of the evidence</li> <li>• the possibility of evidence being excluded</li> <li>• any possible defence</li> <li>• whether the prosecution witnesses are available, competent and compellable</li> <li>• any conflict between eye-witnesses</li> <li>• whether there is any reason to suspect that evidence may have been concocted</li> <li>• how the witnesses are likely to present in court</li> <li>• any possible contamination of evidence</li> <li>• any other matter relevant to whether a jury or magistrate would find the person guilty.</li> </ul> |



- 4.8** Determining the Public Interest. So far as they are relevant to the alleged offence and so far as they are reasonably ascertainable at the time of exercise of the discretion to prosecute, Council will consider a range of factors in determining the public interest, including as relevant the factors set out in Table 2 below.

**Table 2: Public interest factors**

| Type                     | Factors   |
|--------------------------|---|
| Offence related factors  | <ul style="list-style-type: none"> <li>the seriousness of the offence and its likely impact on the environment and the community;</li> <li>the age of the offence</li> </ul>  |
| Offender related factors | <ul style="list-style-type: none"> <li>the offender's culpability</li> <li>the offender's antecedents and background</li> <li>the age, physical health, mental health or disability of the offender</li> <li>whether the offender is willing to co-operate in the investigation or prosecution of others, or the extent to which the offender has done so.</li> </ul>   |
| Victim related factors   | <ul style="list-style-type: none"> <li>the attitude of the victim to a prosecution</li> <li>the entitlement of the victim to compensation</li> <li>the age, physical health, mental health or disability of the victim</li> </ul>   |
| Other factors            | <ul style="list-style-type: none"> <li>community protection</li> <li>the likely sentence</li> <li>the prevalence of the offence and the need for specific and general deterrence</li> <li>the need to maintain public confidence in constitutional institutions such as the courts and Parliament</li> <li>whether the consequences of a conviction would be unduly harsh or oppressive</li> <li>any circumstances that would prevent a fair trial</li> <li>the age, physical health, mental health or disability of any witnesses</li> <li>the obsolescence or obscurity of the law</li> <li>whether the prosecution would be perceived as counter-productive, for example, by bringing the law into disrepute</li> <li>the availability and efficacy of any alternatives to prosecution</li> <li>the likely length of a trial</li> <li>whether a sentence has already been imposed on the offender which adequately reflects the criminality</li> <li>any mitigating or aggravating circumstances.</li> </ul> |



- 4.9** Not Exhaustive. The factors set out in Table 2 above are not intended to be exhaustive, and those factors that are deemed relevant will necessarily depend on the particular circumstances of each case.
- 4.10** Overall Assessment. Deciding on the public interest is not simply a matter of adding up the factors on each side. Council officers will decide how important each factor is in the circumstances of each case and go on to make an overall assessment.
- 4.11** Impartiality and the Purpose of Prosecution. Council adopts the overriding principle that a prosecution must not be instituted for improper purposes. A decision on whether or not to prosecute must not be influenced by the factors set out in Table 3 below.

**Table 3: Decision on whether to prosecute must not be influenced by these factors**

| Issue  | Factor   |
|--|--|
| The decision whether to prosecute must not be influenced by these factors. | <ul style="list-style-type: none"> <li>political pressure or interference</li> <li>the race, religion, sex, national origin, political associations, activities or beliefs of the offender or any other person involved</li> <li>personal feelings concerning the offence, the offender or a victim</li> <li>possible political advantage or disadvantage to the Government or any political group or party</li> <li>the possible effect of the decision on the personal or professional circumstances of those responsible for the prosecution decision.</li> </ul> |

- 4.12** Council's interest in Prosecution. Council should have no interest in securing a conviction other than to ensure that the right person is convicted, that the truth is known and that justice is done.

#### Selecting the appropriate defendant

- 4.13** Selection. Prosecution will be considered against all persons responsible for the alleged offence. In deciding as to who will be prosecuted, the following general considerations apply:
- Who was primarily responsible for the alleged offence - that is, who committed the act, who formed the intention and who created or allowed the material circumstances leading to the breach;
  - Who benefits from carrying out the activity that gave rise to the alleged offence;
  - Who had the control of the premises or the site or an animal and was able to develop and implement systems to ensure compliance;
  - Where a person is liable because the law creates strict liability, what was the role of the potential defendant;



- (e) The likely effectiveness of court orders against the potential defendant;
- (f) The objects of the governing legislation.

**Prosecution delegations and conduct**

- 4.14** Independence. Council exercises its prosecutorial function independently through delegation of Council's powers and appointment of authorised officers.
- 4.15** Initiating Prosecutions. Only those with a relevant authorisation or delegation to institute prosecution proceedings for an offence may initiate prosecutions after consultation with Corporate Counsel.
- 4.16** Conducting and Finalising Prosecutions. Corporate Counsel will undertake (either internally or by briefing external lawyers) and finalise prosecutions approved under paragraph 4.15 upon receiving the instructions.
- 4.17** Exercising prosecutorial functions. Council staff exercising prosecutorial functions under this Policy will:
  - (a) Comply with this Policy;
  - (b) Consult with relevant areas of Council that have an interest in the issues the subject of the prosecution;
  - (c) Have regard to relevant legislation as well as Council's policies and procedures that govern the issues the subject of the alleged offences;
  - (d) Seek to ensure consistency of approach and strategy with regards to prosecutions.

**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**

N/A

**7. EXTERNAL REFERENCES/RESOURCES**

*Charter of Human Rights and Responsibilities Act 2006* (Vic)  
*Infringements Act 2006* (Vic).



## Destruction of Dogs Policy

|   |  |
|---|--|
| <b>Date first adopted:</b>                                  | December 2004                            |
| <b>Dates amended:</b>                                       | October 2009<br>October 2014<br>May 2022 |
| <b>Next review date:</b>                                    | May 2026                                 |
| <b>Position title of responsible business unit Manager:</b> | Manager Community Safety and Compliance  |
| <b>Approved by:</b>   | Council                                  |
| <b>Internal external or both:</b>                           |  |



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## 1. TITLE

Destruction of Dogs Policy

## 2. OBJECTIVES

The objectives of this Policy are to:

- to provide guidance for the administration of section 84P of the *Domestic Animals Act 1994* (the **Act**) in relation to the destruction of dogs;
- balance the rights of dog owners and the wider community; and
- ensure public safety of residents and visitors to the municipality.

## 3. SCOPE

This policy applies to the administration of section 84P of the *Domestic Animals Act 1994* (**Act**). Section 84P of the Act provides Council with further power to destroy dogs. Under section 84P of the Act, Council may destroy a dog that has been seized under Part 7A of the Act at any time after its seizure if—

- the dog is a dangerous dog or a restricted breed dog that is able to be registered or have its registration renewed under this Act and if—
  - (i) Council has made a decision to refuse to register or renew the registration of the dog; and
  - (ii) a review of that decision has affirmed the decision, or the owner has not applied for a review of that decision within the time fixed for review under section 98(2A) of the Act; or
    - the dog is a dangerous dog whose owner has been found guilty of an offence under Division 3 of Part 3 of the Act with respect to that dog; or
    - the dog is a restricted breed dog whose owner has been found guilty of an offence under Division 3B of Part 3 of the Act with respect to that dog; or
    - the dog's owner has been found guilty of an offence under section 28, 28A or 29 of the Act with respect to the dog; or
    - a person other than the dog's owner has been found guilty of an offence under section 29 of the Act with respect to the dog.

Under section 28 of the Act it is an offence for a person to set on or urge a dog to attack, bite, rush at or chase any person or animal.

Under section 28A of the Act, except in certain circumstances, it is an offence for a person to train a dog to attack, bite, rush at, chase or in any way menace persons, animals or anything worn by persons.

Section 29 of the Act provides for various offences in relation to dog attacks.

## 4. BACKGROUND

- 4.1 Council may, by instrument, appoint as a Council authorised officer any specified employee of Council.
- 4.2 A Council authorised officer may exercise powers under the Act to seize a dog.
- 4.3 Under section 84P of the Act, a delegated Council Officer has the power to destroy a dog that has been seized under Part 7A of the Act.



**5. DEFINITIONS AND ABBREVIATIONS**

| Term                       | Meaning  |
|----------------------------|--|
| Council authorised officer | means a person appointed as an authorised officer under section 72 of the <i>Domestic Animals Act 1994</i> |
| Council                    | means Glen Eira City Council.  |
| Policy                     | means this Destruction of Dogs Policy  |
| Act                        | means the <i>Domestic Animals Act 1994</i> (Vic)   |
| delegated Council Officer  | means the Council officer delegated powers under section 84P of the <i>Domestic Animals Act 1994</i> (Vic) |

**6. POLICY****6.1** If a delegated Council Officer:

- a) proposes to exercise their power under section 84P of the Act to destroy a dog at any time after its seizure under Part 7A of the Act; and
- b) has the contact details of the owner of the dog

then the delegated Council Officer must undertake the review process set out in paragraphs 6.2 to 6.6 below before deciding whether to exercise their power to destroy the dog under section 84P of the Act.

**6.2** The delegated Council Officer must notify the dog owner in writing of the proposed decision to destroy the dog.**6.3** The delegated Council Officer must provide reasons in writing for the proposed decision to destroy the dog.**6.4** The delegated Council Officer must advise the dog owner in writing that they have seven (7) days from the date of receipt of the letter of notification within which to make written submissions to Council.**6.5** The delegated Council Officer must consider any written submissions received from the dog owner when deciding whether to exercise their power under section 84P of the Act to destroy the dog seized under Part 7A of the Act.**6.6** The delegated Council Officer must notify the dog owner in writing of their decision and the reasons for the decision.**6.7** If, following the review process set out in paragraphs 6.2 to 6.6 above, the delegated Council Officer decides to destroy the dog; the dog must be destroyed humanely no earlier than 14 days after the date of the notification referred to in paragraph 6.6.**7. HUMAN RIGHTS CHARTER COMPATIBILITY**

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



*Responsibilities Act 2006 (Vic).*

## **8. ASSOCIATED INTERNAL DOCUMENTS**

- Glen Eira Community Wellbeing Plan 2021-2025
- Glen Eira Council Community Safety Plan 2018-2022
- Procedure - Serving notices of seizure relating to seizing of identified dogs.
- Procedure - Seizure and impounding of dogs after a dog attack.
- Procedure - Dealing with owners when recovering dogs that have been seized by Council.
- Procedure - When a dog is declared dangerous (s.34).
- Procedure - When a dog is declared menacing (s.41A).
- Procedure - When a dog is declared to be of a restricted breed (s.98A).
- Procedure - Provide details of dangerous dogs on the Victorian Declared Dog Registry (VDDR) (s.44AE).
- Procedure - Provide details on VDDR of dogs destroyed in relation to s.84TA, TB and TC (s.44AEA).
- Procedure - Seizure and impounding of dangerous and restricted breed dogs.
- Procedure - Assessment of restricted breed dogs.
- Procedure - Process for the registration/refusal of registration/renewal of registration of dangerous and restricted breed dogs (s.17).

## **9. EXTERNAL REFERENCES/RESOURCES**

- *Charter of Human Rights and Responsibilities 2006 (Vic)*
- *Local Government Act 2020 (Vic)*
- *Local Government Act 1989 (Vic)*
- *Domestic Animals Act 1994*



## Car Share Policy

|   |  |
|---|--|
| <b>Date first adopted:</b>                                  | March 2017   |
| <b>Dates amended:</b>                                       | <a href="#">May 2022</a>   |
| <b>Next review date:</b>                                    | <a href="#">May 2026</a>   |
| <b>Position title of responsible business unit Manager:</b> | <a href="#">Manager of City Futures</a><br><a href="#">Manager Community Safety and Compliance</a>     |
| <b>Approved by:</b>   | Council <del>or Executive (Delete whichever does not apply)</del>                                      |
| <b>Internal external or both:</b>                           | <del>(Do staff have to comply with policy — will it also be available to public on our website?)</del> |



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**1. TITLE**

Car Share Policy

**2. OBJECTIVE**

The objective of this Policy is to:

- ~~Define support~~ the operation of car share on the road network within ~~Glen Eira~~ the municipality;
- ~~o~~Outline the rationale for car share fees ~~and charges~~;
- ~~a~~Articulate the criteria for the preferred location for on-street car share bays; ~~and -~~
- ~~s~~Set out the operational requirements for car share providers.

**3. BACKGROUND**

Council's Parking Policy focuses on both sides of the parking equilibrium: better managing the limited supply and curbing the increasing demand. Car share is a measure used to manage demand. Car share provides access to a vehicle when necessary, without the need to own a car.

Traffic congestion in urban areas is a challenge facing all community members. Victoria saw an 8.3% increase in vehicles registered between 2015 and 2020. This increase in traffic places greater strain on parking availability and driver on-road time. By using car share, Glen Eira residents and visitors can enjoy the benefits of accessing a car while reducing the number of cars on our roads.

**3.4. DEFINITIONS AND ABBREVIATIONS**

| Term   | Meaning   |
|--|---|
| <u>Car share</u>                                       | <u>A car parking space dedicated to an approved Car Share Provider designed to reduce car ownership.</u>                      |
| Car Share Providers <del>(CSP)</del>                   | Commercial car share operators approved by Council to apply for car share bays and provide vehicles for their members to use. |
| <u>Council</u>   | <u>means Glen Eira City Council</u>   |
| <u>Guidelines</u>                                      | <u>means Council's Car Share Provider Guidelines</u>  |
| <u>municipality</u>                                    | <u>means the district under the local government of Council</u>   |
| <del>o</del> On-street car share bays <del>(CSB)</del> | <u>means a dDedicated parking spaces located on local and arterial roads for the exclusive use of a</u>                       |



|   |   |
|---|---|
|   | <del>vehicle provided and managed by a Car share Provider, which are occupied by a vehicle provided and managed by a CSP.</del> |
| <u>Policy</u>                           | <u>means this Car Share Policy</u>  |
| <b><u>Off-street car share bays</u></b> | <u>Parking spaces in off-street car parks, residential or commercial buildings or other properties.</u>                         |

## **5. POLICY**

**5.1** Council supports the growth of car share.

### **Roles and Responsibilities**

**5.2** The following roles and responsibilities will apply to this Policy:

- (a) Council will promote the benefits of car share;
- (b) Council will manage the application process for Car Share Providers, detailed in the Guidelines, to apply for on-street car share bay;
- (c) Council will undertake community engagement in accordance with its Community Engagement Policy with adjacent property owners to a proposed on-street car share bay;
- (d) Council will install on-street car share bays;
- (e) Council may approve a Car Share Provider to operate an on-street car share bay in the municipality;
- (f) Car Share Providers must enter into a license agreement with Council as set out in the Guidelines to operate an on-street car share bay; and
- (g) Car Share Providers must comply with all requirements set out in the Guidelines for operating an on-street car share bay.

### **Application and Licensing Process**

**5.3** Car Share Providers must complete an application form for each on-street car share bay they propose to operate in the municipality.

**5.4** Car Share Providers must submit the completed application form to Council for approval.

**5.5** The application will be referred to relevant Council business units for review and consideration with respect to compliance with this Policy, Guidelines and licensing arrangements.

**5.6** A license to operate an on-street car share bay will be for an initial term of two (2) years with an option to extend the term for a further two (2) years.

### **Siting and location criteria for on-street car share bays**

**5.7** Council officers will determine where on-street car share bays may be located within the street network.



5.8 A maximum of one on-street parking space per residential street and up to five on-street parking spaces per suburb (postcode) may be allocated for on-street car share bays.

5.9 In determining where on-street car share bays are to be located, Council officers will take into consideration the following factors:

(a) Convenience for car share users; including siting cars within close proximity (in the order of 300m) of each other to provide network coverage for users;

(b) Favourable context to raise the profile of the car share scheme and promote sustainable transport options; in high activity areas, major attractors, community hubs, high employment areas, areas with high student populations, high pedestrian numbers and areas with high residential density;

(c) Opportunity for transport integration near bus, tram and train services and in areas of high walkability, safety and accessibility;

(d) Efficiency in using spaces that are no longer required and can be repurposed, such as loading zones or taxi zones, or where new spaces are created due to crossover removal or streetscape works; and

(e) Safety, to ensure that the cars parked in an on-street car share bay do not obstruct sightlines and provide clearances to driveways and services.

#### **Operation of Car Share**

#### **Roles and Responsibilities**

The following roles and responsibilities will apply to this Car Share Policy:

**Car Share Providers (CSP's)** are required to comply with all requirements set out in the Car Share Provider Guidelines.



~~Council is responsible for approving car share providers to operate in the municipality, consulting adjacent property owners, installation of car share bays and promoting the benefits of car share.~~

~~Council will manage the application process for CSPs to apply for the on-street car share bays outlined in Car Share Provider Guidelines. Approved CSPs will be required to enter into a licence agreement with Council as set out in Car Share Provider Guidelines.~~

#### ~~4.1 Application and Licencing Process~~

~~The CSP must complete an application form for each bay they wish to apply for and submit it to Council for approval. The application will be referred to relevant Council business units for review and for consideration with respect to licencing arrangements~~

~~Council reserves the right to determine the number of available on-street car share bays within the municipality.~~

~~Car share parking spaces will be approved for a maximum of two (2) years and the licencing agreement for exclusive use of these spaces will expire on the anniversary of the two year period.~~

~~CSP applicants should refer to the Car Share Provider Guidelines for further information regarding the application and licencing process.~~

#### **Fees**

~~5.10 Council seeks cost neutrality in the setting of its fees for approved on-street car share bays, providing on-street car share bays, managing the implementation of the policy, establishing licencing agreements and monitoring performance and reporting.~~

#### ~~5.10~~

~~5.11 In determining the fees for approved on-street car share bays, Council may consider the Council may charge two fees for each approved bay: an Establishment Fee, and a Renewal Fee. In determining the fees, Council will take into consideration the following factors:~~

a) administration and management costs and implementing the car share scheme, including the cost of:

- ~~(i) installing on-street car share bays;~~
- ~~(ii) managing the implementation of the Policy;~~
- ~~(iii) establishing licencing agreements; and~~
- ~~(iv) monitoring performance and reporting~~

~~b) officer time dedicated to the expansion of the network or on-street car share bays;~~

~~c) the value of car parking spaces to the community;~~

~~d) demand for on-street car share bays; and~~

~~e) the direct community benefits of car share.~~

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Glen Eira City Council



~~Officer time dedicated to the expansion of the network of car share bays;~~

5.12 Council may charge fees for each approved on-street share bay, including:

- a) an Establishment Fee; and
- b) a Renewal Fee.

5.13 The Establishment Fee and Renewal Fee must be reviewed annually and are set by Council in its annual budget.

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Glen Eira City Council

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**Establishment Fee**

5.14 Council will require payment of an Establishment Fee for each ~~newly~~ approved on-street car share bay location.

**Renewal Fee**

5.15 Within six months before the expiry of an on-street car share bay license agreement, a Car Share Provider may apply for renewal of the agreement for a further term of two (2) years with an option to extend the term for a further two (2) years. ~~s who entered into a agreement with Council for the provision of bays prior to the adoption of this policy may continue to use existing bays for a maximum period of two years from the date of commencement of the agreement, after which they must apply through the process set out in this policy.~~

5.16 Council may require payment of a Renewal Fee for each renewed license for an on-street car share bay.

**Floating Car Share vehicles** The renewal fee is paid for each approved bay which is renewed for use for a 2-year period.

5.17 City of Glen Eira visitors, tradespersons or residential parking permits cannot be used with a Floating Car Share vehicle.

5.18 Floating Car Share vehicles may be used for a six to twelve months trial period to demonstrate demand for an on-street car share bay in an area.

5.19 Following a trial under paragraph ~~05-18~~ above, if there is a demonstrated demand for car-share vehicles, Car Share Providers may apply to Council for a designated on-street car share bay.

**Location Criteria for On Street Car Share****5.11.1 Siting and Location Criteria for On-street Car Share Bays**

~~Council intends for the expansion of the network of car share vehicles to grow outward from the existing vehicle locations in Elsternwick and Caulfield, into other parts of the municipality to achieve coverage across the City of Glen Eira. In the future, expansion of car share may be considered through an area approach. Council discretion, through consultation and Officer Judgement, will be used to determine where car share bays will be located within the street network. More information is provided at Car Share Provider Guidelines. Council will take into consideration the following factors:~~

- ~~• Convenience for car share users; including siting cars within close proximity (in the order of 300m) of each other, to provide network coverage for users.~~
- ~~• Favourable context, in order to raise the profile of the car share scheme and promote sustainable transport options; in high activity areas, major attractors, community hubs, high employment areas, areas with high student populations, high pedestrian numbers and areas with high residential density.~~
- ~~• Opportunity for transport integration, near bus, tram and train~~



~~services, and in areas of high walkability, safety and accessibility.~~

- ~~• Efficiency in using spaces those are no longer required and can be repurposed, such as loading zones or taxi zones, or where new spaces might have been created due to crossover removal or streetscape works.~~
- ~~• Safety, to ensure that the cars do not obstruct sight lines and provide clearances to driveways and services.~~

#### **5.11.2 Floating Car Share vehicles**

~~Council allows Car Share Providers to use up to one on-street parking space per residential street and, up to a total of five spaces per suburb (postcode). City of Glen Eira residential parking permits are not permitted to be used for Car Share vehicles in local residential streets.~~

~~Where there is a demonstrated demand for car share vehicles, Car Share Providers may apply to Council for designated car share bays. Floating cars may be used for a period of six to twelve months to demonstrate the demand for a bay in an area.~~

#### **Supporting the Provision of Car Share vehicles within new or existing developments**

5.20 Council supports the provision of car share vehicles within new or existing developments to supplement the on-street network of car share in the locality of the development.

5.21 People developing land or who have an existing development may work with Council to identify appropriate locations for car share bays in off-street locations.  
~~not only reduce the need for car ownership for the specific development, and lessen the impact of this on the locality, but also to supplement the on-street network of car share in the locality of the new development. Developers may work with Council to identify appropriate locations for car share bays in off-street locations.~~

### **~~6 HUMAN RIGHTS CHARTER COMPATIBILITY~~**

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

### **HUMAN RIGHTS CHARTER COMPATIBILITY**

#### **5 HUMAN RIGHTS CHARTER COMPATIBILITY**

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

### **76 ASSOCIATED INTERNAL DOCUMENTS**

~~Car Share Provider Guidelines.~~



[Transport Strategy \(Towards Sustainable Transport\) 2016](#)  
[Phillip Boyle & Associates, 2015 "Research for On Street Car Share Policy Review" for City of Port Phillip, Melbourne, Sep 15](#)

## **87** **EXTERNAL REFERENCES/RESOURCES**

[Council Policies/Documents](#)

[Transport Strategy \(Towards Sustainable Transport\) 2016](#)  
[Phillip Boyle & Associates, 2015 "Research for On Street Car Share Policy Review" for City of Port Phillip, Melbourne, Sep 15](#)



## Prosecution Policy

|   |  |
|---|--|
| <b>Date first adopted:</b>                                  | April 2003   |
| <b>Dates amended:</b>                                       | <a href="#">May 2022</a>   |
| <b>Next review date:</b>                                    | <a href="#">May 2026</a>   |
| <b>Position title of responsible business unit Manager:</b> | <a href="#">Director City Development</a><br><a href="#">Corporate Counsel</a> |
| <b>Approved by:</b>   | <a href="#">Council</a>  |
| <b>Internal external or both:</b>                           |  |



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## 1. TITLE

Prosecution s Policy

## 2. OBJECTIVE

- (a) ~~To ensure compliance with laws that Council administers on behalf of the community.~~
- (b) ~~To ensure enforcement of community laws are effective and responsive.~~
- (c) ~~To seek remedy and justice on behalf of the community for serious breaches of the community laws.~~

The purpose of this Policy is to outline some broad principles for the conduct of prosecutions and to provide an understanding of how Council ordinarily exercises the discretion to prosecute. This Policy is not legally binding on Council and does not confine or limit Council's discretion to take any action.

## 3. ~~BACKGROUND~~

- (a) ~~Council has many statutory responsibilities under several Acts of Parliament covering local laws, planning, building and traffic offences.~~
- (b) ~~Most infringements are related to traffic and parking offences and the PERIN Court has been specifically established to deal with non-payment of these infringements. The PERIN Court is merely a computer that always delivers a "guilty" verdict enabling the issue of an enforcement order to be followed up by the Sheriff's office.~~
- (c) ~~The open court (Magistrate's Court) process is however, available for any alleged offender, as well as Council, (including for traffic/parking matters), should either party so choose.~~
- (d) ~~The open court process provides Council with an opportunity to publicly emphasize a particular community concern, e.g. parking on school crossings.~~

## 4.3. DEFINITIONS AND ABBREVIATIONS

| Term                       | Meaning   |
|----------------------------|---|
| <u>Council N/A</u>         | <u>means Glen Eira City Council</u>   |
| <u>Policy</u>              | <u>means this Prosecution Policy</u>  |
| <u>infringement notice</u> | <u>means a notice in respect of an infringement offence served or to be served in accordance with Part 2 of the <i>Infringements Act 2006</i></u> |

## 5.4. POLICY

5.1 ~~Where an infringement is not paid or community safety and amenity has been compromised Council will pursue corrective action on behalf of the community by prosecuting alleged offenders through the court.~~

5.2 ~~Council will target for prosecution through the Magistrate's Court those alleged breaches relating to community safety, risk management and Council's duty of care to the community and its staff.~~

**NOTE:** ~~Where the alleged offender elects to have the matter heard in open court, Council must also proceed to court (or drop the charges).~~

4.1 Principles set out below are the general principles Council adopts in relation to the institution and conduct of prosecutions for alleged offences of specified legislation. Regard is had to:



(a) Commensurate Response. Whether the proposed prosecution is a proportional response to the alleged offence, the damage caused due to the unlawful act (or failure to act) and any adverse impact on members of the community.

(b) Consistency. The need for consistency of approach where possible in relation to similar types of alleged offences.

(c) Transparency and Fairness. The need to provide information to enable the alleged offender to understand:

- i. Council's expectations;
- ii. The circumstances where prosecutions will be taken;
- iii. The right of the alleged offender to defend a prosecution.

(d) Responsibility. Prosecutions are taken against those legally responsible for the alleged offence.

(e) Achieving Outcomes: Commencing prosecutions that are likely to be most relevant to achieving the outcomes envisaged by the specified legislation.

#### The decision to prosecute

**4.2** Purpose. Prosecution is an integral part of the enforcement process. It aims to punish wrongdoing, avoid a recurrence by the offender, and act as a deterrent to others.

**4.3** Proper Consideration. Council recognises that the institution of a prosecution is a serious matter that should be undertaken only after proper consideration of the implications and consequences.

**4.4** Other Enforcement Tools. Prosecution may be appropriate to consider instead of or in conjunction with other enforcement tools. These may include verbal directions, official warnings, issuing of a notice to comply, improvement notice, abatement notice, prohibition notice or infringement notices.

**4.5** No Warning. If circumstances warrant it, prosecution will be undertaken without prior warning or recourse to alternative actions. Circumstances may include, for example:

- (a) previous conviction for a similar offence;
- (b) the public interest requires a prosecution to be undertaken.

**4.6** The decision to prosecute. A prosecution may only proceed if:

- (a) there is reasonable prospect of a conviction; and
- (b) a prosecution is in the public interest.

**4.7** Reasonable prospect of a conviction. In determining whether there is a reasonable prospect of a conviction, regard must be had to the factors set out in Table 1 below.

**Table 1: Determining whether there is a reasonable prospect of a conviction**

| Issue | Factor |
|-------|--------|
|-------|--------|



|   |   |
|---|---|
| <u>Determining whether there is a reasonable prospect of a conviction</u> | <ul style="list-style-type: none"> <li>• <u>all the admissible evidence</u></li> <li>• <u>the reliability and credibility of the evidence</u></li> <li>• <u>the possibility of evidence being excluded</u></li> <li>• <u>any possible defence</u></li> <li>• <u>whether the prosecution witnesses are available, competent and compellable</u></li> <li>• <u>any conflict between eye-witnesses</u></li> <li>• <u>whether there is any reason to suspect that evidence may have been concocted</u></li> <li>• <u>how the witnesses are likely to present in court</u></li> <li>• <u>any possible contamination of evidence</u></li> <li>• <u>any other matter relevant to whether a jury or magistrate would find the person guilty.</u></li> </ul> |
|---|---|

**4.8** Determining the Public Interest. So far as they are relevant to the alleged offence and so far as they are reasonably ascertainable at the time of exercise of the discretion to prosecute, Council will consider a range of factors in determining the public interest, including as relevant the factors set out in Table 2 below.

**Table 2: Public interest factors**

| <u>Type</u>                     | <u>Factors</u>  |
|---------------------------------|---|
| <u>Offence related factors</u>  | <ul style="list-style-type: none"> <li>• <u>the seriousness of the offence and its likely impact on the environment and the community;</u></li> <li>• <u>the age of the offence</u></li> </ul>  |
| <u>Offender related factors</u> | <ul style="list-style-type: none"> <li>• <u>the offender's culpability</u></li> <li>• <u>the offender's antecedents and background</u></li> <li>• <u>the age, physical health, mental health or disability of the offender</u></li> <li>• <u>whether the offender is willing to co-operate in the investigation or prosecution of others, or the extent to which the offender has done so.</u></li> </ul> |
| <u>Victim related factors</u>   | <ul style="list-style-type: none"> <li>• <u>the attitude of the victim to a prosecution</u></li> <li>• <u>the entitlement of the victim to compensation</u></li> <li>• <u>the age, physical health, mental health or disability of the victim</u></li> </ul>  |



|                      |  |
|----------------------|--|
| <u>Other factors</u> | <ul style="list-style-type: none"> <li>• <u>community protection</u></li> <li>• <u>the likely sentence</u></li> <li>• <u>the prevalence of the offence and the need for specific and general deterrence</u></li> <li>• <u>the need to maintain public confidence in constitutional institutions such as the courts and Parliament</u></li> <li>• <u>whether the consequences of a conviction would be unduly harsh or oppressive</u></li> <li>• <u>any circumstances that would prevent a fair trial</u></li> <li>• <u>the age, physical health, mental health or disability of any witnesses</u></li> <li>• <u>the obsolescence or obscurity of the law</u></li> <li>• <u>whether the prosecution would be perceived as counter-productive, for example, by bringing the law into disrepute</u></li> <li>• <u>the availability and efficacy of any alternatives to prosecution</u></li> <li>• <u>the likely length of a trial</u></li> <li>• <u>whether a sentence has already been imposed on the offender which adequately reflects the criminality</u></li> <li>• <u>any mitigating or aggravating circumstances.</u></li> </ul> |
|----------------------|--|

**4.9** Not Exhaustive. The factors set out in Table 2 above are not intended to be exhaustive, and those factors that are deemed relevant will necessarily depend on the particular circumstances of each case.

**4.10** Overall Assessment. Deciding on the public interest is not simply a matter of adding up the factors on each side. Council officers will decide how important each factor is in the circumstances of each case and go on to make an overall assessment.

**4.11** Impartiality and Purpose of Prosecution. Council adopts the overriding principle that a prosecution must not be instituted for improper purposes. A decision on whether or not to prosecute must not be influenced by the factors set out in Table 3 below.

**Table 3: Decision on whether to prosecute must not be influenced by these factors**

| <u>Issue</u>  | <u>Factor</u>   |
|---|---|
| <u>The decision whether to prosecute must not be influenced by these factors.</u> | <ul style="list-style-type: none"> <li>• <u>political pressure or interference</u></li> <li>• <u>the race, religion, sex, national origin, political associations, activities or beliefs of the offender or any other person involved</u></li> <li>• <u>personal feelings concerning the offence, the offender or a victim</u></li> <li>• <u>possible political advantage or disadvantage to the Government or any political group or party</u></li> <li>• <u>the possible effect of the decision on the personal or professional circumstances of those responsible for the prosecution decision.</u></li> </ul> |

**4.12** Council's interest in Prosecution. Council should have no interest in securing a conviction other than to ensure that the right person is convicted, that the truth is known and that justice is done.



#### Selecting the appropriate defendant

4.13 Selection. Prosecution will be considered against all persons responsible for the alleged offence. In deciding as to who will be prosecuted, the following general considerations apply:

- (a) who was primarily responsible for the alleged offence - that is, who committed the act, who formed the intention and who created or allowed the material circumstances leading to the breach;
- (b) who benefits from carrying out the activity that gave rise to the alleged offence;
- (c) Who had the control of the premises or the site or an animal and was able to develop and implement systems to ensure compliance;
- (d) Where a person is liable because the law creates strict liability, what was the role of the potential defendant;
- (e) The likely effectiveness of court orders against the potential defendant;
- (f) The objects of the governing legislation.

#### Prosecution delegations and conduct

4.14 Independence. Council exercises its prosecutorial function independently through delegation Council's powers and appointment of authorised officers.

4.15 Initiating Prosecutions. Only those with a relevant authorisation or delegation to institute prosecution proceedings for an offence may initiate prosecutions after consultation with Corporate Counsel.

4.16 Conducting and Finalising Prosecutions. Corporate Counsel will undertake (either internally or by briefing external lawyers) and finalise prosecutions approved under paragraph 4.15 upon receiving the instructions.

4.17 Exercising prosecutorial functions. Council staff exercising prosecutorial functions under this Policy will:

- (a) Comply with this Policy;
- (b) Consult with relevant areas of Council that have an interest in the issues the subject of the prosecution;
- (c) Have regard to relevant legislation as well as Council's policies and procedures that govern the issues the subject of the alleged offences;
- (d) Seek to ensure consistency of approach and strategy with regards to prosecutions.

### **6.5. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

### **7.6. ASSOCIATED INTERNAL DOCUMENTS**

Relevant Community Plan Goal: Enhance the quality of life in Glen Eira



Cross References to other Policies / Documents:

N/A

### **8.7. EXTERNAL REFERENCES/RESOURCES**

Local Government Act 1989

Glen Eira Local Law 2000

Road Safety Act 1986

Road Rules Victoria

Building Code of Australia

Planning & Environment Act 1987

Health Act 1958

Summary Offences Act 1966

Evidence Act 1958

Charter of Human Rights and Responsibilities Act 2006 (Vic).

Infringements Act 2006 (Vic).



## Destruction of Dogs Policy

|   |   |
|---|---|
| <b>Date first adopted:</b>                                  | <del>13</del> December 2004   |
| <b>Dates amended:</b>                                       | <del>13</del> October 2009<br><del>14</del> October 2014<br><del>5 October</del> – Draft<br><u>May 2022</u> |
| <b>Next review date:</b>                                    | <del>TBA</del><br><u>May 2026</u>   |
| <b>Position title of responsible business unit Manager:</b> | Manager Community Safety and Compliance   |
| <b>Approved by:</b>   | Council   |
| <b>Internal external or both:</b>                           |   |



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## 1. TITLE

Destruction of Dogs Policy

## 2. OBJECTIVE

~~2.1 — to provide guidelines for the administration of section 84P of the *Domestic Animals Act 1994* ('Act') in relation to the destruction of dogs;~~

~~2.2 — to ensure the safety of the community; and~~

~~2.3 — to provide guidelines for the review of a Council decision to destroy a dog.  
The objectives of this Policy are to:~~

- ~~• to provide guidance for the administration of section 84P of the *Domestic Animals Act 1994* (the Act) in relation to the destruction of dogs;~~
- ~~• protect the welfare of dogs and balance the rights of dog owners and the wider community; and~~
- ~~• ensure public safety of residents and visitors to the municipality.~~

## 3. SCOPE

~~This policy applies to the administration of section 84P of the *Domestic Animals Act 1994* (Act).  
Section 84P of the Act provides Council with further power to destroy dogs. Under section 84P of the Act, Council may destroy a dog that has been seized under Part 7A of the Act at any time after its seizure if—~~

- ~~• the dog is a dangerous dog or a restricted breed dog that is able to be registered or have its registration renewed under this Act and if—~~
  - ~~(i) Council has made a decision to refuse to register or renew the registration of the dog;  
and~~
  - ~~(ii) a review of that decision has affirmed the decision, or the owner has not applied for a review of that decision within the time fixed for review under section 98(2A) of the Act;  
or~~
    - ~~▪ the dog is a dangerous dog whose owner has been found guilty of an offence under Division 3 of Part 3 of the Act with respect to that dog; or~~
    - ~~▪ the dog is a restricted breed dog whose owner has been found guilty of an offence under Division 3B of Part 3 of the Act with respect to that dog; or~~
    - ~~▪ the dog's owner has been found guilty of an offence under section 28, 28A or 29 of the Act with respect to the dog; or~~
    - ~~▪ a person other than the dog's owner has been found guilty of an offence under section 29 of the Act with respect to the dog.~~

~~Under section 28 of the Act it is an offence for a person to set on or urge a dog to attack, bit, rush at or chase any person or animal.~~

~~Under section 28A of the Act, except in certain circumstances, it is an offence for a person to train a dog to attack, bite, rush at, chase or in any way menace persons, animals or anything worn by persons.~~

~~Section 29 of the Act provides for various offences in relation to dog attacks.~~



#### **4. BACKGROUND**

4.1 Council may, by instrument, appoint as a Council authorised officer any specified employee of Council.

4.2 A Council authorised officer may exercise powers under the Act to seize a dog.

4.3 Under section 84P of the Act, a delegated Council Officer has the power to destroy a dog that has been seized under Part 7A of the Act.

#### **3.5. DEFINITIONS AND ABBREVIATIONS**

| <b>Term</b>                       | <b>Meaning</b>  |
|-----------------------------------|---|
| <u>Council authorised officer</u> | <u>means a person appointed as an authorised officer under section 72 or the <i>Domestic Animals Act 1994</i></u> |
| <u>Council</u>                    | <u>means Glen Eira City Council</u>   |
| <u>Policy</u>                     | <u>means this Destruction of Dogs Policy</u>  |
| <u>Act</u>                        | <u>means the <i>Domestic Animals Act 1994 (Vic)</i></u>   |
| <u>delegated Council Officer</u>  | <u>means the Council officer delegated powers under section 84P of the <i>Domestic Animals Act 1994 (Vic)</i></u> |

#### **4.6. POLICY**

~~4.1 Following seizure of a dog pursuant to the Act, Council will consider the destruction of that dog in the circumstances listed in (a) to (f) below which are prescribed by the Act:~~

~~(a) the dog is a dangerous dog or a restricted breed dog that is able to be registered or have its registration renewed under the Act and:~~

~~(i) Council has made a decision to refuse to register or renew the registration of the dog; and~~

~~(ii) a review of that decision has affirmed the decision or the owner has not applied for a review of that decision within the time fixed for review under section 98(2A) of the Act; or~~

~~(b) the dog is a restricted breed dog:~~

~~(i) that is not able to be registered or have its registration renewed by Council under the Act; and~~

~~(ii) the dog was seized by an authorised officer of Council in the reasonable belief that it was a restricted breed dog (the provisions of Part 7A of the Act having been~~



| ~~complied with); or~~



~~(c) the dog is a dangerous dog whose owner has been found guilty of an offence under Division 3 of Part 3 of the Act with respect to that dog; or~~

~~(d) the dog is a restricted breed dog whose owner has been found guilty of an offence under Division 3B of Part 3 of the Act with respect to that dog; or~~

~~(e) the dog's owner has been found guilty of an offence under sections 28, 28A or 29 of the Act with respect to the dog; or~~

~~(f) a person other than the dog's owner has been found guilty of an offence under section 29 of the Act with respect to the dog.~~

~~**4.2** In circumstances where the matter of possible destruction of a dog has not been determined by the court under section 29(12) of the Act, Council will take into account the factors listed in (a) to (g) below in the exercise of its discretion referred to in clause 4.1:~~

~~(a) whether the dog is a restricted breed which has attacked either a human or another animal, when the dog is not permitted to be outside premises unless muzzled and attached to its owner by chain, cord or leash;~~

~~(b) whether the dog is a dangerous dog which has attacked either a human or another animal, when the dog is not permitted to be outside premises unless muzzled and attached to its owner by chain, cord or leash;~~

~~(c) whether the dog has attacked a human, resulting in visible harm, such as bite wounds or bruising;~~

~~(d) whether the dog has attacked a child or vulnerable person, such as frail, elderly or disabled individuals;~~

~~(e) whether the dog has attacked an animal resulting in the animal either being killed outright or requiring veterinary attention of a serious nature;~~

~~(f) whether there are any other relevant facts or circumstances relating to community safety;~~

~~(g) whether the dog's owner has requested the destruction of the dog.~~

~~**4.3** The review process set out in (a) to (d) below will be followed in respect of a decision made by Council that a dog is to be destroyed:~~

~~(a) Council's delegated officer will notify the dog's owner in writing of the proposed decision to destroy the dog and will provide reasons for the proposed decision. The owner will be advised that he or she has seven days from the date of receipt of the letter of notification within which to make written submissions to Council;~~

~~(b) the delegated officer will consider any written submissions received from the owner in accordance with clause 4.3(a) and will make a decision which will be recorded in writing and include the officer's reasons for making that decision;~~



~~(c) — the officer will thereafter convene a panel of three Council managers to review any submissions received from the dog's owner in accordance with clause 4.3(a) and the officer's decision made in accordance with clause 4.3(b);~~

~~(d) — following the panel's review, the officer will notify the owner of the panel's decision (being Council's final decision) and provide the owner with a copy of the written decision which will include the reasons for the decision.~~

~~4.4 — If, following the review process set out in clause 4.3(a)–(d), Council's decision is to destroy the dog, the dog will be destroyed humanely no earlier than 14 days after the date of the notification to the owner of Council's decision referred to in clause 4.3(d).~~

6.1 If a delegated Council Officer:

- a) proposes to exercise their power under section 84P of the Act to destroy a dog at any time after its seizure under Part 7A of the Act; and
- b) has the contact details of the owner of the dog

b)

then the delegated Council Officer must undertake the review process set out in paragraphs 6.2 to 6.6 below before deciding whether to exercise their power to destroy the dog under section 84P of the Act.

6.2 The delegated Council Officer must notify the dog owner in writing of the proposed decision to destroy the dog.

6.3 The delegated Council Officer must provide reasons in writing for the proposed decision to destroy the dog.

6.4 The delegated Council Officer must advise the dog owner in writing that they have seven (7) days from the date of receipt of the letter of notification within which to make written submissions to Council.

6.5 The delegated Council Officer must consider any written submissions received from the dog owner when deciding whether to exercise their power under section 84P of the Act to destroy the dog seized under Part 7A of the Act.

6.6 The delegated Council Officer must notify the dog owner in writing of their decision and the reasons for the decision.

6.7 If, following the review process set out in paragraphs 6.2 to 6.6 above, the delegated Council Officer decides to destroy the dog; the dog must be destroyed humanely no earlier than 14 days after the date of the notification referred to in paragraph 6.6.

## 5.7. 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



**7.8.**~~N/A~~

- Glen Eira Community Wellbeing Plan 2021-2025
- Glen Eira Council Community Safety Plan 2018-2022
- Procedure - Serving notices of seizure relating to seizing of identified dogs.
- Procedure - Seizure and impounding of dogs after a dog attack.
- Procedure - Dealing with owners when recovering dogs that have been seized by Council.
- Procedure - When a dog is declared dangerous (s.34).
- Procedure - When a dog is declared menacing (s.41A).
- Procedure - When a dog is declared to be of a restricted breed (s.98A).
- Procedure - Provide details of dangerous dogs on the Victorian Declared Dog Registry (VDDR) (s.44AE).
- Procedure - Provide details on VDDR of dogs destroyed in relation to s.84TA, TB and TC
- (s.44AEA).
- Procedure - Seizure and impounding of dangerous and restricted breed dogs.
- Procedure - Assessment of restricted breed dogs.
- Procedure - Process for the registration/refusal of registration/renewal of registration of dangerous and restricted breed dogs (s.17).

**8. EXTERNAL REFERENCES/RESOURCES****9.**~~Charter of Human Rights and Responsibilities Act 2006~~

- Charter of Human Rights and Responsibilities 2006 (Vic)
- Local Government Act 2020 (Vic)
- Local Government Act 1989 (Vic)
- Domestic Animals Act 1994



## Inspection and Registration Fees

|  |                                       |                         |
|--|---------------------------------------|-------------------------|
| <b>Date first adopted:</b><br>29 June 2010                   | <b>Version: 3</b>                     | <b>Status: Reviewed</b> |
| <b>Amended and adopted:</b><br>18 March 2014<br>28 June 2016 | <b>Next review date:</b><br>June 2018 |                         |
| <b>Position Title of Responsible Business Unit Manager:</b>  | Manager Public Health                 |                         |

Inspection and Registration Fees

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**1. TITLE**

Inspection and Registration Fees

**2. OBJECTIVE**

To ensure Council sets food safety inspection and registration fees in accordance with the *Food Act 1984* ('Act').

**3. BACKGROUND**

- 3.1 Pursuant to the Act, Council may set registration and inspection fees for food premises. These fees are set by Council on an annual basis.
- 3.2 The State Government fixes the Classes of food premises that require registration with Council and those that do not. There are four Classes of premises and they are based on the risks associated with the food they sell and the vulnerability of consumers.
- 3.3 All Class 1, 2 and 3 food premises must be registered with Council. Class 4 food premises do not need to be registered with Council. Class 4 food premises are defined as those that sell shelf-stable, pre-packaged food, or that are running low risk, community food activities where the food is cooked and served immediately (e.g. newsagents, video stores, and businesses that sell uncut fruit and vegetables).
- 3.4 The Act provides that fees:
  - (a) for registration, renewal of registration and transfer of registration must be determined by Council;
  - (b) may vary in accordance with the size or nature of the food premises;
  - (c) may vary in accordance with the Class of the food premises;
  - (d) may incorporate in whole or part the costs associated with the assessment and inspection of the premises; and
  - (e) must not exceed the amounts fixed by the State Government and published in the Government Gazette.
- 3.5 The Act also gives Council the power to charge 'poor performance' fees for follow-up inspections where there has been repeated non-compliance. These charges are levied at Council's discretion and are intended to recover the additional costs that Council incurs in carrying out repeat inspections of food premises.
- 3.6 The Act provides that Council is not permitted to charge fees for inspections required under the Act or by the Secretary of the Department of Health and Human Services. This includes inspections required for the registration of new premises, renewals of registration and transfers of registrations.
- 3.7 Council offers reduced registration fees for food premises that achieve a 5 Star Food Safety Rating and comply with the Act via the 5 Star Safe Food Program.

Inspection and Registration Fees

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**4. DEFINITIONS AND ABBREVIATIONS**

| Term | Meaning |
|------|---------|
| N/a  |         |

**5. POLICY****5.1 Registration Fees**

- 5.1.1 In accordance with the recommendation of the Municipal Association of Victoria Local Government Food Safety Service Costing Report, registration fees will be levied at 60% of Council's total food safety service delivery costs.
- 5.1.2 Council will review registration fees on an annual basis to ensure that they do not exceed the amounts fixed by the State Government.
- 5.1.3 Food premises that receive a 5 Star Food Safety Rating following an assessment by an authorised officer of Council will be charged reduced registration fees as an incentive to maintain their food safety standards and to comply with the Act.

**5.2 Inspection Fees**

- 5.2.1 Council may charge inspection fees for follow-up inspections of food premises where there has been repeated non-compliance with the Act.
- 5.2.2 Where an authorised officer has issued a written direction to a proprietor, requiring works to be undertaken within a specified time period, and the direction is not complied with, Council may charge for any follow-up inspections that are required to ensure compliance with the Act.
- 5.2.3 Inspection fees will be set at a level of full cost recovery for the inspection service.

**6. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

**7. ASSOCIATED DOCUMENTS**

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

**8. REFERENCES**

Australia and New Zealand Food Standards Code  
*Charter of Human Rights and Responsibilities 2006*  
*Food Act 1984*  
 Municipal Association of Victoria Local Government Food Safety Service Costing Report 2002



## Infectious Diseases

|  |  |                         |
|--|--|-------------------------|
| <b>Date first adopted:</b><br>2 September 2002<br><br><b>Amended and adopted:</b><br>24 November 2009<br>18 March 2014<br>28 June 2016 | <b>Version: 4</b><br><br><b>Next review date:</b><br>June 2018 | <b>Status: Reviewed</b> |
| <b>Position Title of Responsible Business Unit Manager:</b>  | Manager Public Health  |                         |

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**1. TITLE**

Infectious Diseases

**2. OBJECTIVE**

- 2.1 To prevent the transmission of infectious diseases within 'registered premises' in accordance with the Public Health and Wellbeing Act 2008 ('Act')
- 2.2 To prevent the transmission of infectious diseases within prescribed 'accommodation premises' in accordance with the Act.
- 2.3 To ensure that the water at public aquatic facilities is free from disease-causing organisms and bacteria.

**3. BACKGROUND**

The Act gives Council the discretion to perform the following activities:

- (a) to register prescribed accommodation premises and registered premises for a period of up to three years;
- (b) to inspect prescribed accommodation premises and registered premises; and
- (c) to inspect and monitor water quality within public aquatic facilities.

**4. DEFINITIONS AND ABBREVIATIONS**

| Term   | Meaning  |
|--|--|
| accommodation premises (as defined in the Act) | residential accommodation; hotels and motels; student dormitories; holiday camps; and rooming houses.  |
| registered premises (as defined in the Act)    | (a) business of beauty therapy;<br>(b) business involving colonic irrigation;<br>(c) business of hairdressing;<br>(d) business involving skin penetration;<br>(e) business involving tattooing; and<br>(f) business that poses a risk to public health and is a business of a class of business prescribed for the purposes of this section. |
| aquatic facility                               | includes swimming pools and spa pools.   |
| spa pool                                       | (a) an artificially constructed pool to which members of the public have access which has facilities for circulating heated turbulent water; and<br>(b) is used or intended to be used for passive recreational or therapeutic bathing.  |
| swimming pool                                  | an artificially constructed pool to which members of the public have access which is used, or is intended to be used, for swimming, diving, recreational or therapeutic bathing, exercise, paddling or wading; or is used, or is intended to be, used as a receiving pool of a waterslide.   |
| High risk beauty therapy procedures            | Include tattooing, colonic irrigation, manicures, pedicures, other nail treatments, waxing, electrolysis,  |

Infectious Diseases

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|                                    |  |
|------------------------------------|--|
|                                    | cosmetic tattooing, and other skin penetration procedures.                                 |
| Low risk beauty therapy procedures | Hairdressing, eyelash extensions, eyebrow tinting and the application of temporary make up |

## 5. POLICY

### 5.1 Registered Premises and Prescribed Accommodation Premises

- 5.1.1 Council will register all premises that undertake high risk beauty therapy procedures, and prescribed accommodation premises for a period of twelve months. The registration period is the calendar year from 1 January to 31 December.
- 5.1.2 Premises that undertake only hairdressing and/or low risk beauty therapy procedures will be eligible for one off, ongoing registration with Council.
- 5.1.3 Council will conduct at least one inspection in each year of all registered premises that undertake high risk beauty therapy procedures to ensure that the premises are operating in a safe and hygienic manner, and do not aid the spread of infectious disease.
- 5.1.4 Council will conduct at least one inspection in each year of all prescribed accommodation premises to ensure that the premises are kept in a clean and sanitary condition, and that the premises are being operated in accordance with the Act.
- 5.1.5 Council will investigate all complaints concerning the operation of registered premises in accordance with the Act. If satisfied that a matter is substantiated, Council may issue the proprietor with an improvement or prohibition notice requiring action to eliminate the public health risk.
- 5.1.6 Council will investigate all complaints concerning the operation of prescribed accommodation premises in accordance with the Act. If satisfied that a matter is substantiated, Council may issue the proprietor with an improvement or prohibition notice requiring action to eliminate the public health risk.

### 5.2 Aquatic Facilities - Swimming Pool and Spa Water Quality

- 5.2.1 Council will inspect each public aquatic facility in the municipality at least four times in each year at regular intervals, based on the months of operation, to ensure that the water is treated appropriately and that the water is free from disease-causing organisms.
- 5.2.2 Council will investigate all public complaints concerning the water quality of public swimming pools and spas located in the municipality. If satisfied that a matter is substantiated, Council will serve a notice requiring action to be taken to ensure the water quality of the swimming pool and/or spa complies with the Act and the *Public Health & Wellbeing Regulations 2009*.



**6. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

**7. ASSOCIATED DOCUMENTS**

Public Health Nuisance Policy

**8. REFERENCES/RESOURCES**

Charter of Human Rights and Responsibilities Act 2006  
Guidelines for Personal Care and Body Art Industries (Department of Health)  
Public Health and Wellbeing Act 2008  
Public Health and Wellbeing Regulations 2009  
Swimming Pool Operators' Handbook (Department of Health)



## Mobile and Temporary Food Premises

|  |   |                         |
|--|---|-------------------------|
| <b>Date first adopted:</b><br><b>29 June 2010</b><br><br>Amended and adopted:<br><b>18 March 2014</b><br><b>28 June 2016</b> | <b>Version: 3</b><br><br><b>Next review date:</b><br><b>June 2018</b> | <b>Status: Reviewed</b> |
| <b>Position Title of Responsible Business Unit Manager:</b>  | Manager Public Health   |                         |

Mobile and Temporary Food Premises

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**1. TITLE**

Mobile and Temporary Food Premises

**2. OBJECTIVE**

To ensure all temporary and mobile food premises that operate within Glen Eira comply with the *Food Act 1984* ('Act').

**3. DEFINITIONS AND ABBREVIATIONS**

| Term                       | Meaning   |
|----------------------------|---|
| temporary premises         | food premises from which food is sold from that is a:<br>(a) tent, stall or other structure that is not permanently fixed to a site; or<br>(b) a permanent structure not owned or leased by the food business that operates the premises, where food is handled for sale or from which food is sold on an occasional basis only.  |
| mobile food premises       | food premises that are vehicles.  |
| principal council          | the council in whose municipality:<br>(a) the food for the temporary premises is prepared or stored; or<br>(b) the equipment for the temporary premises or mobile food premises is kept; or<br>(c) the usual business address of the premises is located; or<br>(d) if the applicable municipality for (a) to (c) above is not in Victoria, the principal council shall mean the council in whose municipality the temporary premises or mobile food premises will first operate. |
| Statement of Trade ('SOT') | the document that must be provided to the relevant council by the temporary premises or mobile food premises operator. A SOT outlines the trading intentions of the operator in each relevant council district.   |

**4. POLICY****4.1 Registration of Mobile and Temporary Premises**

- 4.1.1 Council will register those temporary and mobile food premises in respect of which it is the principal council.
- 4.1.2 All other temporary and mobile food premises must apply for registration or notification to their principal council via 'Stretrader.' To operate within Glen Eira all temporary and mobile food premises must submit a SOT (via 'Stretrader') which outlines the days and times of their operation.

Mobile and Temporary Food Premises

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#### **4.2 Exemptions from Registration**

Temporary or mobile premises that sell shelf-stable, pre-packaged food, or are running low risk, community food activities, e.g. sausage sizzles, where food is cooked and served immediately, are exempt from the requirement to register with Council. However, they are required to notify Council (via 'Stretrader') of the nature of their operations.

#### **4.3 Exemption from Registration Fees**

Not-for-profit community groups operating temporary or mobile food premises are exempt from registration fees.

### **5. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

### **6. ASSOCIATED DOCUMENTS**

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

### **7. REFERENCES/RESOURCES**

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



## Penalty Infringement Notices – *Food Act 1984*

|  |  |                         |
|--|--|-------------------------|
| <b>Date first adopted:</b><br>29 June 2010<br><br><b>Amended and adopted:</b><br>18 March 2014<br>28 June 2016 | <b>Version: 3</b><br><br><b>Next review date:</b><br>June 2018 | <b>Status: Reviewed</b> |
| <b>Position Title of Responsible Business Unit Manager:</b>  | Manager Public Health  |                         |

Penalty Infringement Notices – *Food Act 1984*

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Penalty Infringement Notices - *Food Act 1984*

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**1. TITLE**

Penalty Infringement Notices – *Food Act 1984*

**2. OBJECTIVE**

To ensure the consistent and equitable exercise of powers to issue a penalty infringement notice ('PIN') pursuant to the *Food Act 1984* ('Act').

**3. BACKGROUND**

- 3.1 Under the Act, Council has powers to issue PINs for 47 scheduled or prescribed offences as are set out in the Act and pursuant to the Australia and New Zealand Food Standards Code.
- 3.2 Under the Act an authorised officer may issue a PIN to a person/body corporate that the officer has reason to believe has committed a scheduled or prescribed offence under the Act.

**4. DEFINITIONS AND ABBREVIATIONS**

| Term | Meaning |
|------|---------|
| N/a  |         |

**5. POLICY****5.1 PINs**

- (a) Council will issue PINs in accordance with the *Infringements Act 2006*.
- (b) If an authorised officer observes a breach of the Act, the food business proprietor will be issued with a written warning to rectify the breach within a specified time period.
- (c) If on a follow-up inspection, the breach has not been rectified within the specified time period, the authorised officer may issue a PIN to the food business proprietor.
- (d) If the same breach is observed during any further inspection of the food premises within the annual registration period, the authorised officer may issue a PIN at the time the breach is observed, without issuing a prior written warning.
- (e) The PIN will be issued within two business days of observing the breach.
- (f) If a fine relating to a PIN is not paid, Council will seek to recover the amount of the fine in the Infringements Court or the Magistrates' Court as appropriate.

Penalty Infringement Notices - *Food Act 1984*

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**6. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

**7. ASSOCIATED DOCUMENTS**

Closure of a Food Premises Policy  
Mobile and Temporary Premises Policy  
Revocation or Suspension of Registration Policy  
Seizure, Written Orders and Prosecution Policy  
Inspection and Registration Fees Policy

**8. REFERENCES/RESOURCES**

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

Penalty Infringement Notices - *Food Act 1984*

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Policy ID Number 18.5

## Seizure, Written Orders and Prosecutions

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

Seizure, Written Orders &amp; Prosecutions

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Seizure, Written Orders & Prosecutions

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**1. TITLE**

Seizure, Written Orders and Prosecutions

**2. OBJECTIVE**

To ensure the consistent application of sanctions and penalties for food premises that fail to comply with the *Food Act 1984* ('Act').

**3. BACKGROUND**

In respect of breaches of the Act, Council has powers to:

- (a) seize food and/or equipment;
- (b) issue an order on a food premises requiring that it be put into a clean and sanitary condition or be altered or improved, if it is found to be in an unclean state or in a state of disrepair;
- (c) issue an order on a food handler requiring improvements to food handling;
- (d) issue an order that a food vending machine be put in a clean and sanitary condition; and
- (e) institute legal proceedings against the proprietor of food premises or food handlers.

**4. DEFINITIONS AND ABBREVIATIONS**

| Term | Meaning |
|------|---------|
| N/a  |         |

**5. POLICY****5.1 Seizure**

An authorised officer may seize food or equipment when the conditions set out below are satisfied:

- (a) the food or equipment poses an immediate risk to public health as determined by the authorised officer; and
- (b) there is a likelihood that the food has physical, chemical or microbiological contamination or that a food handler is exhibiting the symptoms of gastrointestinal illness; and
- (c) the consequence of the risk is such that there is a high probability of contaminant ingestion or likely serious (widespread) illness; and



- (d) the proprietor of the food premises has refused to voluntarily destroy the food or remove the equipment by consent.

## **5.2 Written Orders**

- 5.2.1 Council will issue written orders to the proprietor of a food premises within two business days of inspection by an authorised officer where the premises are found to be unclean or unsanitary, in a state of disrepair, or if food is unsafe or unsuitable.
- 5.2.2 Council will issue written orders on a food handler within two business days of inspection by an authorised officer where a food handler or his/her clothing is in an unclean or unsanitary condition, where food handling practices are unsafe, or where a food handler is exhibiting symptoms of gastrointestinal illness.
- 5.2.3 Council will issue written orders on the proprietor of a food vending machine or equipment within two business days of inspection by an authorised officer where the vending machine or equipment is unclean or unsanitary, or needs to be altered or improved.

## **5.3 Prosecutions**

Council may institute legal proceedings against a food premises proprietor or food handler if:

- (a) the proprietor or food handler has failed to comply with the Act; or
- (b) the premises or food handler has failed to comply with Council's written orders to rectify food safety risks within a specified time period.

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

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

## **7. ASSOCIATED DOCUMENTS**

Closure of a Food Premises Policy  
Penalty Infringement Notices – *Food Act 1984* Policy  
Mobile and Temporary Premises Policy  
Revocation or Suspension of Registration Policy  
Inspection and Registration Fees Policy

## **8. REFERENCES/RESOURCES**

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



Policy ID Number 18.10

## On-Site Waste Water Management Systems

|   |  |                         |
|---|--|-------------------------|
| <b>Date first adopted:</b><br>9 February 2004<br>24 November 2009<br><br><b>Amended and adopted:</b><br>18 March 2014 | <b>Version: 3</b><br><br><b>Next review date:</b><br>June 2016 | <b>Status: Reviewed</b> |
| <b>Position Title of Responsible Business Unit Manager:</b>   | Manager Public Health  |                         |

On-Site Waste Water Management Systems

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**1. TITLE**

On-Site Waste Water Management Systems

**2. OBJECTIVE**

- 2.1 To ensure that Council complies with its legislative obligations to ensure that all on-site waste water management systems with a capacity of less than 5000 litres are installed in accordance with the *Environment Protection Act 1970* ('Act').
- 2.2 To ensure that Council advises any applicant who applies to install an on-site waste water management system with a capacity greater than 5000 litres that they must obtain approval from the Environmental Protection Authority (Works Approval) in accordance with the Act.

**3. BACKGROUND**

- 3.1 Victoria's limited water resources are experiencing increasing pressure. As a result, on-site waste water treatment and re-use can be a valuable water conservation tool. Waste water re-use can pose a number of health risks to the public and the environment if it is not managed properly.
- 3.2 Waste water can be contaminated with micro-organisms like bacteria, viruses and protozoa. Some of these micro-organisms, many of which may cause disease, present the greatest health concern associated with waste water re-use. The health risks associated with waste water re-use can never be eliminated, but can be managed with responsible use.
- 3.3 Councils are given responsibilities and powers under the Act to monitor and control the installation and maintenance of septic tank systems. This includes approving plans, specifications and particulars of a proposed grey water system and the proposed means for treating the effluent, and issuing permits. Council has discretion to provide information to encourage good risk management procedures to be adopted when diverting grey water.
- 3.4 Pursuant to the *Public Health and Wellbeing Act 2008*, Council may serve an improvement or prohibition notice on a person if it is satisfied that the diversion of wastewater is creating a nuisance.
- 3.5 The Act also provides Council with the discretion to:
- (a) determine what fee is suitable for the service provided; and
  - (b) refuse to issue a permit if Council considers that the site of the proposed grey water tank is unsuitable, or the area available for the treatment or disposal of the effluent is not sufficient.

**4. DEFINITIONS AND ABBREVIATIONS**

| Term       | Meaning  |
|------------|--|
| grey water | waste water collected from the shower, bath, basins, washing machine, laundry troughs and kitchen sinks. |

On-Site Waste Water Management Systems

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|                       |   |
|-----------------------|---|
| grey water diversion  | the redirection of untreated grey water from the sewer to land irrigation. This water must not be stored untreated for a period of longer than 24 hours.  |
| waste water treatment | the process or series of processes that removes contaminants from waste water whereby, the physical, chemical and biological characteristics of the waste water are altered. All on-site waste water management systems involving treatment must comply with the Act. |

## 5. POLICY

### 5.1 Untreated Waste Water Diversion

Council will provide information and advice on appropriate risk management procedures to be adopted when diverting wastewater.

### 5.2 On-Site Waste Water Treatment

#### 5.2.1 Approval of Waste Water Treatment Systems under 5000 Litres

An on-site waste water management system must not be installed or used until Council has assessed the proposed site or inspected the system installation and a 'permit to install' or 'permit to use' has been issued.

#### 5.1.2 Power to Refuse to Issue a Permit

Council will refuse to issue a permit for a proposed on-site waste water management system if:

- (a) it is not of a type approved by the Environment Protection Authority;
- (b) the site of the proposed waste water treatment system is unsuitable; or
- (c) the area available for the treatment or disposal of the effluent is not sufficient.

The Act provides that Council officers can refuse an application for a permit to install a septic tank if the requirements of the Act are not complied with. However, the refusal must be approved by Council.

#### 5.1.3 Compliance with Permit

A person must comply with a permit and any conditions to which it is subject.

#### 5.1.4 On-Site Waste Water Management System Fees

On-site waste water management system permit fees will be levied in accordance with the associated service cost recovery.



**6. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

**7. ASSOCIATED DOCUMENTS**

Public Health Nuisance Policy

**8. REFERENCES/RESOURCES**

*Charter of Human Rights and Responsibilities Act 2006*  
Code of Practice – On-Site Waste Water Management  
*Environment Protection Act 1970*  
*Public Health and Wellbeing Act 2008*  
State Environment Protection Policy



Policy ID Number 18.8

## Public Health Nuisance

|   |  |                         |
|---|--|-------------------------|
| <b>Date first adopted:</b><br>1 July 2002<br>24 November 2009<br><br><b>Amended and adopted:</b><br>18 March 2014 | <b>Version: 3</b><br><br><b>Next review date:</b><br>June 2016 | <b>Status: Reviewed</b> |
| <b>Position Title of Responsible Business Unit Manager:</b>   | Manager Public Health  |                         |

Public Health Nuisance

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**1. TITLE**

Public Health Nuisance

**2. OBJECTIVE**

To provide guidance on the investigation and resolution of complaints relating to public health nuisances which are, or are likely to be, dangerous to public health.

**3. BACKGROUND**

The nuisance provisions in the Public Health and Wellbeing Act 2008 ('Act') are broad in their application and provide Council with a number of ways to deal with nuisances in the municipality.

**4. DEFINITIONS AND ABBREVIATIONS**

| Term | Meaning |
|------|---------|
| N/a  |         |

**5. POLICY****5.1 Determination of a Public Nuisance**

- 5.1.1 Council will determine the existence of a public health nuisance by reference to the particular circumstances on a case by case basis. Relevant factors include:
- (a) the nature and cause of the alleged nuisance;
  - (b) the regularity, intensity, frequency, persistency and duration of the alleged nuisance;
  - (c) the precise manner in which the complainant is affected by the alleged nuisance;
  - (d) the time at which the alleged nuisance occurred;
  - (e) the local environment in which the alleged nuisance occurs; and
  - (f) the degree of offensiveness the nuisance creates.
- 5.1.2 The circumstances of the complaint must demonstrate that the resulting injury to personal comfort is real and substantial.
- 5.1.3 In determining whether a state, condition or activity is a nuisance that is, or liable to be, dangerous to health or offensive, regard will not be had to the number of persons affected, or, that may be, affected by the state, condition or activity.

**5.2 Council Action**

- 5.2.1 If Council determines that the matter is substantiated and constitutes a nuisance within the definition in the Act, Council may serve either an improvement or prohibition notice on the person/entity that is causing the nuisance.

Public Health Nuisance

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- 5.2.2 If Council determines that the matter does not constitute a nuisance, or, that the matter is better settled privately, Council will advise the complainant of any available methods for settling the matter.
- 5.2.3 If the person causing the nuisance cannot be found, Council may serve an improvement or prohibition notice on the occupier or owner of the land/premises from which the nuisance emanates.
- 5.2.4 If a person/entity on whom an improvement or prohibition notice is served, fails to comply with the notice, Council will cause a complaint to be made to a Magistrates' Court which may summon the person to appear before it.

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

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

## **7. ASSOCIATED DOCUMENTS**

Infectious Diseases Policy  
On-Site Waste Water Management Systems Policy

## **8. REFERENCES/RESOURCES**

*Charter of Human Rights and Responsibilities Act 2006*  
*Public Health and Wellbeing Act 2008*



**8.18 LEASE OF 15 PORTER ROAD, BENTLEIGH**

**Author:** Amanda Mills, Property Coordinator

**Trim No:** 22/1137113

**Attachments:** 1. Council properties at 15, 17 and 19 Porter Road, Bentleigh [↗](#)

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**EXECUTIVE SUMMARY**

This report seeks Council approval to enter into a new residential lease of Council's property at 15 Porter Road, Bentleigh.

Council purchased the property 15 Porter Road, Bentleigh in January this year. Along with our purchases of 17 and 19 Porter Road, Bentleigh these properties were bought in order to create new open space, as per the attached locality plan.

Both 17 and 19 Porter Road are due to be demolished shortly as they are unlivable, however 15 Porter Road is in very good condition. Until Council has had the opportunity to undertake broad community consultation on the redevelopment of this site as open space, it is proposed that the property be rented out as a residential tenancy managed.

The Property will be managed on Council's behalf by Ray White Oakleigh.

**RECOMMENDATION**

That Council:

1. authorises officers to finalise the terms of a residential lease and any subsequent renewals thereof, for the Council property at 15 Porter Road, Bentleigh until the future redevelopment of the property is known;
2. executes the above lease, any renewal of lease or any subsequent new lease in an appropriate manner by affixing the Council Seal;
3. executes an Authority to Act with White Ray Oakleigh, trading as Ray White Oakleigh (ABN 65 684 826 422) as the Managing Agent acting on behalf of Council, in an appropriate manner including affixing the Council Seal if so required; and
4. executes any other documents that may be required to facilitate the lease of 15 Porter Road, Bentleigh in an appropriate manner including affixing the Council Seal if so required.

**BACKGROUND**

On 26 October 2021 Council authorised officers to bid at auction or otherwise purchase the property at 15 Porter Road, Bentleigh (15 Porter Road). Council successfully acquired the property and Settlement was completed on 6 January 2022.



**ISSUES AND DISCUSSION**

15 Porter Road was purchased with a view to creating new open space in a gap area under Council's Open Space Strategy. Council also purchased the two abutting properties at 17 and 19 Porter Road for this purpose. Extensive community consultation will be undertaken with regard to the future redevelopment of the three properties for open space.

Whilst 17 and 19 Porter Road are due to be demolished shortly as they are not in a rentable condition, 15 Porter Road is in excellent condition and is suitable to be rented out and provide an income for Council until the future of the open space is determined. Renting out 15 Porter Road in the interim also provides Council with income and the security of not having a vacant building.

Accordingly, officers have instructed Ray White to manage a residential tenancy at 15 Porter Road. Engaging a managing agent that specialises in residential property management is prudent if problems with late payments or damaged property arise as the agent deals with these issues directly.

**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

There are no climate emergency response strategy implications. Officers will ask the managing agent to consider using sustainable materials in any repairs and maintenance at the property, however it should be noted that the house is due to be demolished to make way for future open space.

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

In consultation with the managing agent, it is estimated that Council can receive between \$800 and \$950 rent per week, subject to the current market, length of tenure and usual negotiations with a prospective tenant.

The managing agent's fee is 5.0% plus GST and is considered reasonable against another quote received. This fee includes all property management services including rental collection, Bond lodgement with RTBA, periodic inspections, preparation and serving of Notices. Additional costs will be deducted from our first month's income to allow for associated costs to let the property, for example marketing/website expenses.

The tenant will be responsible for utilities and general outgoings. Council will be responsible for any maintenance costs (other than those at the fault of the tenant), utility connection/service fees and charges, building insurance and any applicable rates and taxes.

**POLICY AND LEGISLATIVE IMPLICATIONS**

The new lease complies with Section 115 of the *Local Government Act 2020*.

**COMMUNICATION AND ENGAGEMENT**

Community engagement is not required for entering into this new lease. Extensive community consultation will be undertaken with regard to the future redevelopment of the property (and 17 and 19 Porter Road) for open space.

Officers will consult with Council's Recreation department to ensure any lease offered aligns with the timing of the redevelopment of the open space works.



**LINK TO COUNCIL PLAN**

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

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**CONCLUSION**

Renting out 15 Porter Road provides Council with interim income and security for the property until the future redevelopment of the site is decided.



**Locality plan 15, 17 and 19 Porter Road, Bentleigh**



## 8.19 DELEGATIONS REVIEW AND UPDATE

**Author:** Joanne McKay, Legal and Governance Officer

**Trim No:** 22/191254

**Attachments:** 1. Council Delegations to CEO [↓](#)  
2. Council Delegations to Staff - Planning and Environment Act 1987 [↓](#)  
3. Council Delegations to Staff - Various Legislation [↓](#)

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### EXECUTIVE SUMMARY

To review and update the instruments of delegation by Council to:

- (a) the Chief Executive Officer (**CEO**);
- (b) Council staff under the *Planning and Environment Act 1987* (Vic); and
- (c) to Council staff under other legislation.

### RECOMMENDATION

That Council resolves that:

1. the instrument of delegation to the Chief Executive Officer (**CEO delegations**) in Attachment 1 to the report is approved;
2. in the exercise of the power conferred by s11(1)(b) of the *Local Government Act 2020* (Vic), there be delegated to the person holding the position, or acting in or performing the duties of Chief Executive Officer, the powers duties and functions set out in the CEO delegations, subject to the conditions and limitations specified in that instrument;
3. the amendments to the Instrument of Delegation under the *Planning and Environment Act 1987* (Vic) (**planning delegations**) in Attachment 2 to this report are approved and adopted;
4. the amendments to the Instrument of Delegation under other legislation (**other delegations**) in Attachment 3 to this report are approved and adopted;
5. relevant Council staff be delegated the powers, duties and functions, as set out in the planning delegations and other delegations, subject to the specified conditions and limitations specified in those instruments;
6. the CEO delegations, planning delegations and other delegations (as amended) come into effect immediately after the passing of this Council resolution;
7. clean versions of the CEO delegations, planning delegations and other delegations (as amended) be published on Council's website; and
8. on the coming into force of the CEO delegations, planning delegations and other delegations, the Instrument of Delegation to the Chief Executive Officer approved on 3 November 2021, the Instrument of Delegation to Council staff under the *Planning and Environment Act 1987* approved on 3 November 2021, and the Instrument of Delegation to Council staff under various legislation approved on 3 November 2021 are revoked.



## BACKGROUND

In line with principles of good governance, Council regularly reviews its delegations to ensure that any updates arising from changes to legislation or Council's organisational structure are reflected in its instruments of delegation. The proposed changes to the instruments of delegation made by Council are outlined in the Issues and Discussion section of this report.

## ISSUES AND DISCUSSION

### 1. CEO delegations

Whilst there are no changes in the scope of the powers, duties and functions delegated to the CEO by Council, it is recommended that the CEO delegations are remade. This ensures that any amendments to legislation since 3 November 2021, when the instrument was last made, are included in the delegations made by Council to the CEO.

### 2. Planning delegations

#### (a) *Legislative changes*

The planning delegations have been updated to reflect the following legislative changes:

- i. Section 12A of the *Planning and Environment Act 1987 (P&E Act)* has been removed as it has been repealed.
- ii. Section 113(2) of the P&E Act has been inserted pursuant to the *Planning and Environment Amendment Act 2021*. It relates to the power to request the Minister for a declaration for land to be proposed to be reserved for public purposes.

#### (b) *Administrative changes*

The position of Coordinator Statutory Building Services has been removed as it no longer requires delegated powers under the planning delegations.

### 3. Other delegations

#### (a) *Legislative changes*

The other delegations have been updated to reflect the following legislative changes:

- i. A number of new provisions have been inserted into the Food Act 1984.
- ii. Sections 91ZU, 91ZZC, 91ZZE, 142D, 142G, 142I, 206AZA, 207ZE, 311A and 317ZDA of the *Residential Tenancies Act 1997 (RT Act)* have been removed. This is because the power to delegate these functions comes from the *Local Government Act 2020*. The CEO can delegate these powers to staff members. The delegations from CEO to staff will be amended to insert these provisions.
- iii. Section 96 of the *Road Management Act 2004* has been inserted to enable a delegate to authorise a person to institute legal proceedings.
- iv. The delegation at sch 4 clause 3(a)(iii) of the RT Act has been removed. This delegation was in respect of the power to approve any other toilet system. On review, it has been determined that the power to approve any other toilet system does not fall under the RT Act.



*(b) Administrative changes*

The position of Director Corporate Services has been removed as it no longer requires delegated powers under the other delegations.

**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

There are no climate emergency response strategy implications from Council making the instruments of delegation attached to this report.

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

There are no financial, resource, risk and asset management implications from Council making the instruments of delegation attached to this report.

**POLICY AND LEGISLATIVE IMPLICATIONS**

The power to delegate is given by section 11 of the *Local Government Act 2020* (Vic), and by the various Acts and regulations described in the planning delegations and other delegations.

Consistent with Council's obligations under the *Local Government Act 2020* (Vic) and Council's Public Transparency Policy, a clean version of the delegations will be published on Council's website.

**COMMUNICATION AND ENGAGEMENT**

Internal consultations have been conducted to ensure that the amendments are consistent with day-to-day work at Council.

**LINK TO COUNCIL PLAN**

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

**OFFICER DECLARATION OF CONFLICT OF INTEREST**

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

**CONCLUSION**

That Council approves the proposed amendments to the CEO delegations, planning delegations and other delegations; and delegates the powers, duties and functions set out in the delegations (as amended) subject to any conditions and limitations specified in the delegations (as amended) to the CEO and relevant Council staff members.



**Glen Eira City Council**

**Instrument of Delegation  
to  
Chief Executive Officer**



### Instrument of Delegation

In exercise of the power conferred by section 11(1) of the *Local Government Act 2020* (**the Act**) and all other powers enabling it, Glen Eira City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation;

AND declares that:

1. this Instrument of Delegation is authorised by a Resolution of Council passed on ~~3 November 2021~~ 26 April 7 June 2022, and
2. the delegation:
  - 2.1. comes into force immediately following the Resolution of Council described in part 1 above;
  - 2.2. is subject to any conditions and limitations set out in the Schedule;
  - 2.3. must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4. remains in force until Council resolves to vary or revoke it.



## SCHEDULE

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing,

arising out of or connected with any duty imposed or function or power conferred on Council by or under any Act.

### Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing:

4. if the issue, action, act or thing is an issue, action, act or thing which involves:
  - 4.1. making, amending or revoking a local law;
  - 4.2. adopting or amending the Governance Rules;
  - 4.3. approving or amending the Financial Plan or Council Plan;
  - 4.4. approving the Budget or Revised Budget;
  - 4.5. adopting or amending any policy that Council is required to adopt under the Act;
  - 4.6. appointing an Acting Chief Executive Officer for a period exceeding 28 days;
  - 4.7. making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
  - 4.8. entering into a contract requiring the expenditure of Council funds exceeding the value of:
    - (a) in relation to roads or drains or the procurement of insurance, \$1,000,000 (including GST) or more;
    - (b) in relation to all other contracts or agreements, \$500,000 (including GST) or more;
  - 4.9. determining the level of cash in lieu of car parking payment under a town planning permit where a contributions plan has been implemented by Council;
  - 4.10. accepting an offer to purchase land from a discontinued road or a



former reserve which vests in Council, where the proposed sale price determined in accordance with Council policy is greater than \$200,000 (including GST);

- 4.11. subject to clause 4.10 the acquisition or disposition of a legal interest in land or buildings other than discontinued roads or former reserves which vest in Council, except where a lease is a renewal or variation of an existing agreement and the lease is consistent with the Council's Community Leases Policy (or similar approved policy) and the variation does not change the area of land occupied;
  - 4.12. electing a Mayor or Deputy Mayor;
  - 4.13. granting a reasonable request for leave under section 35 of the Act;
  - 4.14. appointing the chair or the members to a delegated committee;
  - 4.15. approving the borrowing of money; or
  - 4.16. subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
  6. if the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
  7. if the determining of the issue, taking of the action or doing of the act or thing would or be likely to involve a decision which is inconsistent with a:
    - 7.1. policy; or
    - 7.2. strategyadopted by Council;
  8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
  9. if the determining of the issue, taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.



***S6 Instrument of Delegation – Members of Staff***

**Glen Eira City Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

S6 Instrument of Delegation – Members of Staff



## Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:

| Reference                  | Meaning   |
|----------------------------|---|
| CCSPP                      | Coordinator City Strategy and Place Planning  |
| CSBS                       | Coordinator Statutory Building Services   |
| CUP                        | Coordinator Urban Planning  |
| DCAL                       | Director Community Assets and Leisure   |
| DPPS                       | Director Planning, Place and Sustainability   |
| ESC                        | Engineering Services Coordinator  |
| MCF                        | Manager City Futures  |
| MPI                        | Manager Projects and Infrastructure   |
| MUP                        | Manager Urban Planning  |
| PCESO                      | Planning Customer Experience and Support Officer and Coordinator Planning Customer Experience and Support |
| PStratP                    | Principal Strategic Planner   |
| PUP                        | Principal Urban Planner   |
| PUPS                       | Principal Urban Planner (Subdivisions)  |
| SO                         | Subdivision Officer   |
| Specific Planning Officers | CCSPP, CUP, DPPS, MCF, MUP, CSBSP, PStratP, PUP, PUPS, SO, SUP, StratP, SStratP, SP and UP                |
| SUP                        | Senior Urban Planner  |
| StratP                     | Strategic Planner   |
| SStratP                    | Senior Strategic Planner  |
| SP                         | Student Planner   |
| UP                         | Urban Planner   |
| CPE                        | Coordinator Planning Enforcement  |
| PCO                        | Planning Compliance Officer   |

3. declares that:
  - 3.1 this Instrument of Delegation is authorised by resolution of Council passed on ~~3 November 2021~~ 7 June 2022;
  - 3.2 the delegation:
    - 3.2.1 comes into force immediately after the passing of the resolution of Council described at 3.1 above;
    - 3.2.2 remains in force until varied or revoked by resolution of Council;

S6 Instrument of Delegation – Members of Staff



- 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
- 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
  - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
  - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
    - (a) policy; or
    - (b) strategyadopted by Council;
  - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
  - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or a delegated committee.



## SCHEDULE

S6 Instrument of Delegation – Members of Staff



|  |    |
|--|----|
| INDEX  |    |
| <i>PLANNING AND ENVIRONMENT ACT 1987</i> .....         | 7  |
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| PLANNING AND ENVIRONMENT ACT 1987 |   |                            |                               |
|-----------------------------------|---|----------------------------|-------------------------------|
| Column 1                          | Column 2  | Column 3                   | Column 4                      |
| PROVISION                         | THING DELEGATED   | DELEGATE                   | CONDITIONS & LIMITATIONS      |
| s 4B                              | Power to prepare an amendment to the Victorian Planning Provisions  | Specific Planning Officers | If authorised by the Minister |
| s 4G                              | Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister                                    | Specific Planning Officers |                               |
| s 4H                              | Duty to make amendment to Victorian Planning Provisions available in accordance with public availability requirements                           | Specific Planning Officers |                               |
| s 4I                              | Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements                    | Specific Planning Officers |                               |
| s 8A(2)                           | Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A   | Specific Planning Officers |                               |
| s 8A(3)                           | Power to apply to Minister to prepare an amendment to the planning scheme   | Not delegated              |                               |
| s 8A(5)                           | Function of receiving notice of the Minister's decision   | Specific Planning Officers |                               |
| s 8A(7)                           | Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days | DPPS<br>MUP<br>MCF         |                               |
| s 8B(2)                           | Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district              | Not delegated              |                               |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                                       |                          |
|-----------------------------------|--|---------------------------------------|--------------------------|
| Column 1                          | Column 2   | Column 3                              | Column 4                 |
| PROVISION                         | THING DELEGATED  | DELEGATE                              | CONDITIONS & LIMITATIONS |
| s 12(3)                           | Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons                             | Specific Planning Officers            |                          |
| <del>s 12A(1)</del>               | <del>Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the Planning and Environment (Planning Schemes) Act 1996)</del> | <del>Specific Planning Officers</del> |                          |
| s 12B(1)                          | Duty to review planning scheme   | DPPS<br>MUP<br>MCF                    |                          |
| s 12B(2)                          | Duty to review planning scheme at direction of Minister  | DPPS<br>MUP<br>MCF                    |                          |
| s 12B(5)                          | Duty to report findings of review of planning scheme to Minister without delay   | DPPS<br>MUP<br>MCF                    |                          |
| s 14                              | duties of a Responsible Authority as set out in s 14(a) to (d)   | Specific Planning Officers            |                          |
| s 17(1)                           | Duty of giving copy amendment to the planning scheme   | Specific Planning Officers            |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                            |   |
|-----------------------------------|---|----------------------------|---|
| Column 1                          | Column 2  | Column 3                   | Column 4  |
| PROVISION                         | THING DELEGATED   | DELEGATE                   | CONDITIONS & LIMITATIONS  |
| s 17(2)                           | Duty of giving copy s 173 agreement   | Specific Planning Officers |   |
| s 17(3)                           | Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days  | Specific Planning Officers |   |
| s 18                              | Duty to make amendment etc. available in accordance with public availability requirements   | Specific Planning Officers |   |
| s 19                              | Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme | DPPS<br>MUP<br>MCF         |   |
| s 19                              | Function of receiving notice of preparation of an amendment to a planning scheme  | Specific Planning Officers | Where Council is not the planning authority and the amendment affects land within Council's municipal district; or<br><br>Where the amendment will amend the planning scheme to designate Council as an acquiring authority |
| s 20(1)                           | Power to apply to Minister for exemption from the requirements of s 19  | Specific Planning Officers | <u>Where Council is a planning authority</u>  |
| s 21(2)                           | Duty to make submissions available in accordance with public availability requirements  | Specific Planning Officers |   |
| s 21A(4)                          | Duty to publish notice  | Specific Planning Officers |   |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                            |  |
|-----------------------------------|--|----------------------------|--|
| Column 1                          | Column 2   | Column 3                   | Column 4   |
| PROVISION                         | THING DELEGATED  | DELEGATE                   | CONDITIONS & LIMITATIONS   |
| s 22                              | Duty to consider all submissions   | Specific Planning Officers | Except submissions which request a change to the items in s 22(5)(a) and (b)   |
| s 23(1)(b)                        | Duty to refer submissions which request a change to the amendment to a panel   | Specific Planning Officers |  |
| s 23(2)                           | Power to refer to a panel submissions which do not require a change to the amendment                                 | Not delegated              |  |
| s 24                              | Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D) | Specific Planning Officers |  |
| s 26(1)                           | Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act       | Specific Planning Officers |  |
| s 26(2)                           | Duty to keep report of panel available in accordance with public availability requirements                           | Specific Planning Officers |  |
| s 27(2)                           | Power to apply for exemption if panel's report not received  | Not delegated              |  |
| s 28(1)                           | Duty to notify the Minister if abandoning an amendment   | Specific Planning Officers | Note: the power to make a decision to abandon an amendment cannot be delegated |
| s 28(2)                           | Duty to publish notice of the decision on Internet site  | Specific Planning Officers |  |
| s 28(4)                           | Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months           | Specific Planning Officers |  |
| s 30(4)(a)                        | Duty to say if amendment has lapsed  | Specific Planning Officers |  |
| s 30(4)(b)                        | Duty to provide information in writing upon request  | Specific Planning Officers |  |

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| PLANNING AND ENVIRONMENT ACT 1987 |   |                            |  |
|-----------------------------------|---|----------------------------|--|
| Column 1                          | Column 2  | Column 3                   | Column 4   |
| PROVISION                         | THING DELEGATED   | DELEGATE                   | CONDITIONS & LIMITATIONS   |
| s 32(2)                           | Duty to give more notice if required  | Specific Planning Officers |  |
| s 33(1)                           | Duty to give more notice of changes to an amendment   | Specific Planning Officers |  |
| s 36(2)                           | Duty to give notice of approval of amendment  | Specific Planning Officers |  |
| s 38(5)                           | Duty to give notice of revocation of an amendment   | Specific Planning Officers |  |
| s 39                              | Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT  | Specific Planning Officers |  |
| s 40(1)                           | Function of lodging copy of approved amendment  | Specific Planning Officers |  |
| s 41(1)                           | Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period   | Specific Planning Officers |  |
| s 41(2)                           | Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends                   | Specific Planning Officers |  |
| s 42(2)                           | Duty to make copy of planning scheme available in accordance with the public availability requirements  | Specific Planning Officers |  |
| s 46AAA                           | Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity | Not applicable             | Where Council is a responsible public entity and is a planning authority |

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| PLANNING AND ENVIRONMENT ACT 1987 |  |                    |   |
|-----------------------------------|--|--------------------|---|
| Column 1                          | Column 2   | Column 3           | Column 4  |
| PROVISION                         | THING DELEGATED  | DELEGATE           | CONDITIONS & LIMITATIONS  |
| s 46AW                            | Function of being consulted by the Minister  | DPPS<br>MUP<br>MCF | Where Council is a responsible public entity  |
| s 46AX                            | Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy<br><br>Power to endorse the draft Statement of Planning Policy             | Not delegated      | Where Council is a responsible public entity  |
| s 46AZC(2)                        | Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity                  | DPPS<br>MUP<br>MCF | Where Council is a responsible public entity  |
| s 46AZK                           | Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area | DPPS<br>MUP<br>MCF | Where Council is a responsible public entity  |
| s 46GI(2)(b)(i)                   | Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction  | Not delegated      | Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency |
| s 46GJ(1)                         | Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans  | DPPS<br>MUP<br>MCF |   |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                                   |  |
|-----------------------------------|--|-----------------------------------|--|
| Column 1                          | Column 2   | Column 3                          | Column 4                               |
| PROVISION                         | THING DELEGATED  | DELEGATE                          | CONDITIONS & LIMITATIONS               |
| s 46GK                            | Duty to comply with a Minister's direction that applies to Council as the planning authority | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF |  |
| s 46GN(1)                         | Duty to arrange for estimates of values of inner public purpose land                         | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF |  |
| s 46GO(1)                         | Duty to give notice to owners of certain inner public purpose land                           | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF |  |
| s 46GP                            | Function of receiving a notice under s 46GO  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                                   |                          |
|-----------------------------------|--|-----------------------------------|--------------------------|
| Column 1                          | Column 2   | Column 3                          | Column 4                 |
| PROVISION                         | THING DELEGATED  | DELEGATE                          | CONDITIONS & LIMITATIONS |
| s 46GQ                            | Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF |                          |
| s 46GR(1)                         | Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO   | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF |                          |
| s 46GR(2)                         | Power to consider a late submission<br>Duty to consider a late submission if directed to do so by the Minister   | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF |                          |
| s 46GS(1)                         | Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ   | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                                   |                          |
|-----------------------------------|--|-----------------------------------|--------------------------|
| Column 1                          | Column 2   | Column 3                          | Column 4                 |
| PROVISION                         | THING DELEGATED  | DELEGATE                          | CONDITIONS & LIMITATIONS |
| s 46GS(2)                         | Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF |                          |
| s 46GT(2)                         | Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference   | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF |                          |
| s 46GT(4)                         | Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land                                     | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF |                          |
| s 46GT(6)                         | Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                                   |   |
|-----------------------------------|---|-----------------------------------|---|
| Column 1                          | Column 2  | Column 3                          | Column 4                                |
| PROVISION                         | THING DELEGATED   | DELEGATE                          | CONDITIONS & LIMITATIONS                |
| s 46GU                            | Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF |   |
| s 46GV(3)                         | Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution<br><br>Power to specify the manner in which the payment is to be made  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency  |
| s 46GV(3)(b)                      | Power to enter into an agreement with the applicant   | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency  |
| s 46GV(4)(a)                      | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the development agency |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                                   |  |
|-----------------------------------|---|-----------------------------------|--|
| Column 1                          | Column 2  | Column 3                          | Column 4                               |
| PROVISION                         | THING DELEGATED   | DELEGATE                          | CONDITIONS & LIMITATIONS               |
| s 46GV(4)(b)                      | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency |
| s 46GV(7)                         | Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area        | Specific Planning Officers        |  |
| s 46GV(9)                         | Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency |
| s 46GX(1)                         | Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable                        | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                                   |   |
|-----------------------------------|--|-----------------------------------|---|
| Column 1                          | Column 2   | Column 3                          | Column 4  |
| PROVISION                         | THING DELEGATED  | DELEGATE                          | CONDITIONS & LIMITATIONS  |
| s 46GX(2)                         | Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency  |
| s 46GY(1)                         | Duty to keep proper and separate accounts and records  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency  |
| s 46GY(2)                         | Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency  |
| s 46GZ(2)(a)                      | Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is that planning authority |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                                   |   |
|-----------------------------------|--|-----------------------------------|---|
| Column 1                          | Column 2   | Column 3                          | Column 4  |
| PROVISION                         | THING DELEGATED  | DELEGATE                          | CONDITIONS & LIMITATIONS  |
| s 46GZ(2)(a)                      | Function of receiving the monetary component   | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where the Council is the planning authority<br><br>This duty does not apply where Council is also the collecting agency   |
| s 46GZ(2)(b)                      | Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the relevant development agency |
| s 46GZ(2)(b)                      | Function of receiving the monetary component   | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the development agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the collecting agency          |
| s 46GZ(4)                         | Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan  |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                                   |   |
|-----------------------------------|---|-----------------------------------|---|
| Column 1                          | Column 2  | Column 3                          | Column 4  |
| PROVISION                         | THING DELEGATED   | DELEGATE                          | CONDITIONS & LIMITATIONS  |
| s 46GZ(5)                         | Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the relevant development agency |
| s 46GZ(5)                         | Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the development agency specified in the approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the collecting agency  |
| s 46GZ(7)                         | Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW                             | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan  |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                                   |  |
|-----------------------------------|---|-----------------------------------|--|
| Column 1                          | Column 2  | Column 3                          | Column 4   |
| PROVISION                         | THING DELEGATED   | DELEGATE                          | CONDITIONS & LIMITATIONS   |
| s 46GZ(9)                         | Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4)<br><br>Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the development agency |
| s 46GZ(9)                         | Function of receiving the fee simple in the land  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the development agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the collecting agency  |
| s 46GZA(1)                        | Duty to keep proper and separate accounts and records   | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is a development agency under an approved infrastructure contributions plan  |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                                   |  |
|-----------------------------------|--|-----------------------------------|--|
| Column 1                          | Column 2   | Column 3                          | Column 4   |
| PROVISION                         | THING DELEGATED  | DELEGATE                          | CONDITIONS & LIMITATIONS   |
| s 46GZA(2)                        | Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is a development agency under an approved infrastructure contributions plan  |
| s 46GZB(3)                        | Duty to follow the steps set out in s 46GZB(3)(a) – (c)  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is a development agency under an approved infrastructure contributions plan  |
| s 46GZB(4)                        | Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | If the VPA is the collecting agency under an approved infrastructure contributions plan<br><br>Where Council is a development agency under an approved infrastructure contributions plan |
| s 46GZD(2)                        | Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)   | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the development agency under an approved infrastructure contributions plan  |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                                   |   |
|-----------------------------------|---|-----------------------------------|---|
| Column 1                          | Column 2  | Column 3                          | Column 4  |
| PROVISION                         | THING DELEGATED   | DELEGATE                          | CONDITIONS & LIMITATIONS  |
| s 46GZD(3)                        | Duty to follow the steps set out in s 46GZD(3)(a) and (b)   | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan  |
| s 46GZD(5)                        | Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan  |
| s 46GZE(2)                        | Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the development agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the collecting agency |
| s 46GZE(2)                        | Function of receiving the unexpended land equalisation amount   | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan<br><br>This duty does not apply where Council is also the development agency |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                                   |  |
|-----------------------------------|---|-----------------------------------|--|
| Column 1                          | Column 2  | Column 3                          | Column 4   |
| PROVISION                         | THING DELEGATED   | DELEGATE                          | CONDITIONS & LIMITATIONS   |
| s 46GZE(3)                        | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)   | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan   |
| s 46GZF(2)                        | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the development agency under an approved infrastructure contributions plan  |
| s 46GZF(3)                        | Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)   | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the development agency under an approved infrastructure contributions plan  |
| s 46GZF(3)                        | s 46GZF(3)(a) function of receiving proceeds of sale  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collection agency under an approved infrastructure contributions plan<br><br>This provision does not apply where Council is also the development agency |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                                   |  |
|-----------------------------------|--|-----------------------------------|--|
| Column 1                          | Column 2   | Column 3                          | Column 4   |
| PROVISION                         | THING DELEGATED  | DELEGATE                          | CONDITIONS & LIMITATIONS   |
| s 46GZF(4)                        | Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5) | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZF(6)                        | Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZH                           | Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZI                           | Duty to prepare and give a report to the Minister at the times required by the Minister  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is a collecting agency or development agency                                 |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                                   |  |
|-----------------------------------|--|-----------------------------------|--|
| Column 1                          | Column 2   | Column 3                          | Column 4   |
| PROVISION                         | THING DELEGATED  | DELEGATE                          | CONDITIONS & LIMITATIONS                                   |
| s 46GZK                           | Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council   | Not delegated                     | Where Council is a collecting agency or development agency |
| s 46LB(3)                         | Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2) | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF |  |
| s 46N(1)                          | Duty to include condition in permit regarding payment of development infrastructure levy   | Specific Planning Officers        |  |
| s 46N(2)(c)                       | Function of determining time and manner for receipt of development contributions levy  | Specific Planning Officers        |  |
| s 46N(2)(d)                       | Power to enter into an agreement with the applicant regarding payment of development infrastructure levy   | Specific Planning Officers        |  |
| s 46O(1)(a) & (2)(a)              | Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit   | Specific Planning Officers        |  |
| s 46O(1)(d) & (2)(d)              | Power to enter into agreement with the applicant regarding payment of community infrastructure levy  | Specific Planning Officers        |  |
| s 46P(1)                          | Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured   | Specific Planning Officers        |  |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                                   |   |
|-----------------------------------|---|-----------------------------------|---|
| Column 1                          | Column 2  | Column 3                          | Column 4  |
| PROVISION                         | THING DELEGATED   | DELEGATE                          | CONDITIONS & LIMITATIONS  |
| s 46P(2)                          | Power to accept provision of land, works, services or facilities in part or full payment of levy payable  | DCAL<br>DPPS<br>MPI<br>MUP<br>MCF |   |
| s 46Q(1)                          | Duty to keep proper accounts of levies paid   | Specific Planning Officers        |   |
| s 46Q(1A)                         | Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency | Specific Planning Officers        |   |
| s 46Q(2)                          | Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc                             | DCAL<br>DPPS<br>MUP<br>MCF        |   |
| s 46Q(3)                          | Power to refund any amount of levy paid if it is satisfied the development is not to proceed  | DPPS<br>MUP<br>MCF                | Only applies when levy is paid to Council as a 'development agency' |



| PLANNING AND ENVIRONMENT ACT 1987 |   |  |   |
|-----------------------------------|---|--|---|
| Column 1                          | Column 2  | Column 3                                 | Column 4  |
| PROVISION                         | THING DELEGATED   | DELEGATE                                 | CONDITIONS & LIMITATIONS  |
| s 46Q(4)(c)                       | Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a) | DPPS<br>MUP <sup>PO</sup><br>MCF         | Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister |
| s 46Q(4)(d)                       | Duty to submit to the Minister an amendment to the approved development contributions plan  | Specific Planning Officers               | Must be done in accordance with Part 3  |
| s 46Q(4)(e)                       | Duty to expend that amount on other works etc.  | DPPS                                     | With the consent of, and in the manner approved by, the Minister  |
| s 46QC                            | Power to recover any amount of levy payable under Part 3B   | Specific Planning Officers               |   |
| s 46QD                            | Duty to prepare report and give a report to the Minister  | <b>DCAL</b><br>DPPS<br>MPI<br>MUP<br>MCF | Where Council is a collecting agency or development agency  |
| s 46V(3)                          | Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available   | PCESO<br>Specific Planning Officers      |   |
| s 46Y                             | Duty to carry out works in conformity with the approved strategy plan   | Specific Planning Officers               |   |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                                     |                          |
|-----------------------------------|--|-------------------------------------|--------------------------|
| Column 1                          | Column 2   | Column 3                            | Column 4                 |
| PROVISION                         | THING DELEGATED  | DELEGATE                            | CONDITIONS & LIMITATIONS |
| s 47                              | Power to decide that an application for a planning permit does not comply with that Act                | Specific Planning Officers          |                          |
| s 49(1)                           | Duty to keep a register of all applications for permits and determinations relating to permits         | PCESO<br>Specific Planning Officers |                          |
| s 49(2)                           | Duty to make register available for inspection in accordance with the public availability requirements | PCESO<br>Specific Planning Officers |                          |
| s 50(4)                           | Duty to amend application  | Specific Planning Officers          |                          |
| s 50(5)                           | Power to refuse to amend application   | Specific Planning Officers          |                          |
| s 50(6)                           | Duty to make note of amendment to application in register  | PCESO<br>Specific Planning Officers |                          |
| s 50A(1)                          | Power to make amendment to application   | PCESO<br>Specific Planning Officers |                          |
| s 50A(3)                          | Power to require applicant to notify owner and make a declaration that notice has been given           | Specific Planning Officers          |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                                     |                          |
|-----------------------------------|---|-------------------------------------|--------------------------|
| Column 1                          | Column 2  | Column 3                            | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE                            | CONDITIONS & LIMITATIONS |
| s 50A(4)                          | Duty to note amendment to application in register   | PCESO<br>Specific Planning Officers |                          |
| s 51                              | Duty to make copy of application available for inspection in accordance with the public availability requirements   | PCESO<br>Specific Planning Officers |                          |
| s 52(1)(a)                        | Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person | Specific Planning Officers          |                          |
| s 52(1)(b)                        | Duty to give notice of the application to other municipal council where appropriate   | Specific Planning Officers          |                          |
| s 52(1)(c)                        | Duty to give notice of the application to all persons required by the planning scheme   | Specific Planning Officers          |                          |
| s 52(1)(ca)                       | Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant                     | Specific Planning Officers          |                          |
| s 52(1)(cb)                       | Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant        | Specific Planning Officers          |                          |
| s 52(1)(d)                        | Duty to give notice of the application to other persons who may be detrimentally effected   | Specific Planning Officers          |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                            |                          |
|-----------------------------------|---|----------------------------|--------------------------|
| Column 1                          | Column 2  | Column 3                   | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE                   | CONDITIONS & LIMITATIONS |
| s 52(1AA)                         | Duty to give notice of an application to remove or vary a registered restrictive covenant   | Specific Planning Officers |                          |
| s 52(3)                           | Power to give any further notice of an application where appropriate  | Specific Planning Officers |                          |
| s 53(1)                           | Power to require the applicant to give notice under s 52(1) to persons specified by it  | Specific Planning Officers |                          |
| s 53(1A)                          | Power to require the applicant to give the notice under s 52(1AA)   | Specific Planning Officers |                          |
| s 54(1)                           | Power to require the applicant to provide more information  | Specific Planning Officers |                          |
| s 54(1A)                          | Duty to give notice in writing of information required under s 54(1)  | Specific Planning Officers |                          |
| s 54(1B)                          | Duty to specify the lapse date for an application   | Specific Planning Officers |                          |
| s 54A(3)                          | Power to decide to extend time or refuse to extend time to give required information  | Specific Planning Officers |                          |
| s 54A(4)                          | Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)   | Specific Planning Officers |                          |
| s 55(1)                           | Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme | Specific Planning Officers |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                                     |                          |
|-----------------------------------|---|-------------------------------------|--------------------------|
| Column 1                          | Column 2  | Column 3                            | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE                            | CONDITIONS & LIMITATIONS |
| s 57(2A)                          | Power to reject objections considered made primarily for commercial advantage for the objector          | DPPS<br>MUP<br>MCF<br>CUP           |                          |
| s 57(3)                           | Function of receiving name and address of persons to whom notice of decision is to go                   | Specific Planning Officers          |                          |
| s 57(5)                           | Duty to make a copy of all objections available in accordance with the public availability requirements | Specific Planning Officers          |                          |
| s 57A(4)                          | Duty to amend application in accordance with applicant's request, subject to s 57A(5)                   | Specific Planning Officers          |                          |
| s 57A(5)                          | Power to refuse to amend application  | Specific Planning Officers          |                          |
| s 57A(6)                          | Duty to note amendments to application in register  | PCESO<br>Specific Planning Officers |                          |
| s 57B(1)                          | Duty to determine whether and to whom notice should be given  | Specific Planning Officers          |                          |
| s 57B(2)                          | Duty to consider certain matters in determining whether notice should be given                          | Specific Planning Officers          |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                                     |                          |
|-----------------------------------|---|-------------------------------------|--------------------------|
| Column 1                          | Column 2  | Column 3                            | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE                            | CONDITIONS & LIMITATIONS |
| s 57C(1)                          | Duty to give copy of amended application to referral authority  | PCESO<br>Specific Planning Officers |                          |
| s 58                              | Duty to consider every application for a permit   | Specific Planning Officers          |                          |
| s 58A                             | Power to request advice from the Planning Application Committee   | DPPS<br>MUP<br>MCF                  |                          |
| s 60                              | Duty to consider certain matters  | Specific Planning Officers          |                          |
| s 60(1A)                          | Duty to consider certain matters  | Specific Planning Officers          |                          |
| s 60(1B)                          | Duty to consider number of objectors in considering whether use or development may have significant social effect | Specific Planning Officers          |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                            |  |
|-----------------------------------|--|----------------------------|--|
| Column 1                          | Column 2   | Column 3                   | Column 4   |
| PROVISION                         | THING DELEGATED  | DELEGATE                   | CONDITIONS & LIMITATIONS   |
| s 61(1)                           | Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application | Specific Planning Officers | <p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>a) there have been no more than five objections lodged;</li> <li>b) the application has not been referred to the Council or the Delegated Planning Forum for determination; and</li> <li>c) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>a) an application is for use of land for a brothel; or</li> <li>b) an application is for use of land for gaming machines.</li> </ul> <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>a) the application is contrary to law; or</li> <li>b) the application is inconsistent with policy; or</li> <li>c) a referral authority has directed refusal; or</li> <li>d) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul> |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                    |  |
|-----------------------------------|--|--------------------|--|
| Column 1                          | Column 2   | Column 3           | Column 4   |
| PROVISION                         | THING DELEGATED  | DELEGATE           | CONDITIONS & LIMITATIONS   |
| S 61(1)                           | Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application | DPPS<br>MUP<br>CUP | <p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>a) the delegation may only be exercised where there have been more than five objections but no more than 15 objections lodged;</li> <li>b) the delegation may only be exercised at a Delegated Planning Forum (including a Delegated Planning Forum conducted virtually); and</li> <li>c) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>a) an application is for use of land for a brothel; or</li> <li>b) an application is for use of land for gaming machines.</li> </ul> <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act</i> 2006.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>a) the application is contrary to law; or</li> <li>b) the application is inconsistent with policy; or</li> <li>c) a referral authority has directed refusal; or</li> <li>d) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act</i> 1987 or Planning Scheme.</li> </ul> |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                            |                          |
|-----------------------------------|--|----------------------------|--------------------------|
| Column 1                          | Column 2   | Column 3                   | Column 4                 |
| PROVISION                         | THING DELEGATED  | DELEGATE                   | CONDITIONS & LIMITATIONS |
| s 61(2)                           | Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit                           | Specific Planning Officers |                          |
| s 61(2A)                          | Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit                     | Specific Planning Officers |                          |
| s 61(3)(a)                        | Duty not to decide to grant a permit to use coastal Crown land without Minister's consent  | Specific Planning Officers |                          |
| s 61(3)(b)                        | Duty to refuse to grant the permit without the Minister's consent  | Specific Planning Officers |                          |
| s 61(4)                           | Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant                                    | Specific Planning Officers |                          |
| s 62(1)                           | Duty to include certain conditions in deciding to grant a permit   | Specific Planning Officers |                          |
| s 62(2)                           | Power to include other conditions  | Specific Planning Officers |                          |
| s 62(4)                           | Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)   | Specific Planning Officers |                          |
| s 62(5)(a)                        | Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan | Specific Planning Officers |                          |



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| Column 1                          | Column 2   | Column 3                   | Column 4   |
| PROVISION                         | THING DELEGATED  | DELEGATE                   | CONDITIONS & LIMITATIONS   |
| s 62(5)(b)                        | Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement  | Specific Planning Officers |  |
| s 62(5)(c)                        | Power to include a permit condition that specified works be provided or paid for by the applicant  | Specific Planning Officers |  |
| s 62(6)(a)                        | Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)  | Specific Planning Officers |  |
| s 62(6)(b)                        | Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a) | Specific Planning Officers |  |
| s 63                              | Duty to issue the permit where made a decision in favour of the application (if no one has objected)   | Specific Planning Officers |  |
| s 64(1)                           | Duty to give notice of decision to grant a permit to applicant and objectors   | Specific Planning Officers | This provision applies also to a decision to grant an amendment to a permit – see s 75 |
| s 64(3)                           | Duty not to issue a permit until after the specified period  | Specific Planning Officers | This provision applies also to a decision to grant an amendment to a permit – see s 75 |
| s 64(5)                           | Duty to give each objector a copy of an exempt decision  | Specific Planning Officers | This provision applies also to a decision to grant an amendment to a permit – see s 75 |



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|-----------------------------------|---|----------------------------|---|
| Column 1                          | Column 2  | Column 3                   | Column 4  |
| PROVISION                         | THING DELEGATED   | DELEGATE                   | CONDITIONS & LIMITATIONS  |
| s 64A                             | Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit | Specific Planning Officers | This provision applies also to a decision to grant an amendment to a permit – see s 75A   |
| s 65(1)                           | Duty to give notice of refusal to grant permit to applicant and person who objected under s 57  | Specific Planning Officers |   |
| s 66(1)                           | Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities   | Specific Planning Officers |   |
| s 66(2)                           | Duty to give a recommending referral authority notice of its decision to grant a permit   | Specific Planning Officers | If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority |
| s 66(4)                           | Duty to give a recommending referral authority notice of its decision to refuse a permit  | Specific Planning Officers | If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit                             |
| s 66(6)                           | Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65  | Specific Planning Officers | If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit                             |



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|-----------------------------------|--|-------------------------------------|--------------------------|
| Column 1                          | Column 2   | Column 3                            | Column 4                 |
| PROVISION                         | THING DELEGATED  | DELEGATE                            | CONDITIONS & LIMITATIONS |
| s 69(1)                           | Function of receiving application for extension of time of permit                      | Specific Planning Officers          |                          |
| s 69(1A)                          | Function of receiving application for extension of time to complete development        | Specific Planning Officers          |                          |
| s 69(2)                           | Power to extend time   | Specific Planning Officers          |                          |
| s 70                              | Duty to make copy permit available in accordance with public availability requirements | PCESO<br>Specific Planning Officers |                          |
| s 71(1)                           | Power to correct certain mistakes  | Specific Planning Officers          |                          |
| s 71(2)                           | Duty to note corrections in register   | PCESO<br>Specific Planning Officers |                          |



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| Column 1                          | Column 2   | Column 3                   | Column 4  |
| PROVISION                         | THING DELEGATED  | DELEGATE                   | CONDITIONS & LIMITATIONS  |
| s 73                              | Power to decide to grant amendment subject to conditions | Specific Planning Officers | <p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>a) there have been no more than five objections lodged; and</li> <li>b) the application/amending plan has not been referred to the Council or the Delegated Planning Forum for determination; and</li> <li>c) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>a) an application/amending plan is for use of land for a brothel; or</li> <li>b) an application/amending plan is for use of land for gaming machines.</li> </ul> <p>The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i></p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>a) the application is contrary to law; or</li> <li>b) the application is inconsistent with policy; or</li> <li>c) a referral authority has directed refusal; or</li> <li>d) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul> |

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| Column 1                          | Column 2   | Column 3           | Column 4   |
| PROVISION                         | THING DELEGATED  | DELEGATE           | CONDITIONS & LIMITATIONS   |
| S 73                              | Power to decide to grant amendment subject to conditions | DPPS<br>MUP<br>CUP | <p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>a) the delegation may only be exercised where there have been more than five objections, but no more than 15 objections lodged;</li> <li>b) the delegation may only be exercised at a Delegated Planning Forum (including a Delegated Planning Forum conducted virtually); and</li> <li>c) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>a) an application is for use of land for a brothel; or</li> <li>b) an application is for use of land for gaming machines.</li> </ul> <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act</i> 2006.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>a) the application is contrary to law; or</li> <li>b) the application is inconsistent with policy; or</li> <li>c) a referral authority has directed refusal; or</li> <li>d) <i>iv</i>) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act</i> 1987 or Planning Scheme.</li> </ul> |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                                     |   |
|-----------------------------------|--|-------------------------------------|---|
| Column 1                          | Column 2   | Column 3                            | Column 4  |
| PROVISION                         | THING DELEGATED  | DELEGATE                            | CONDITIONS & LIMITATIONS  |
| s 74                              | Duty to issue amended permit to applicant if no objectors  | Specific Planning Officers          |   |
| s 76                              | Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit   | Specific Planning Officers          |   |
| s 76A(1)                          | Duty to give relevant determining referral authorities copy of amended permit and copy of notice   | PCESO<br>Specific Planning Officers |   |
| s 76A(2)                          | Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit  | Specific Planning Officers          | If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority |
| s 76A(4)                          | Duty to give a recommending referral authority notice of its decision to refuse a permit   | Specific Planning Officers          | If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit                             |
| s 76A(6)                          | Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76 | Specific Planning Officers          | If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit                             |
| s 76D                             | Duty to comply with direction of Minister to issue amended permit  | Specific Planning Officers          |   |
| s 83                              | Function of being respondent to an appeal  | Specific Planning Officers          |   |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                            |                          |
|-----------------------------------|--|----------------------------|--------------------------|
| Column 1                          | Column 2   | Column 3                   | Column 4                 |
| PROVISION                         | THING DELEGATED  | DELEGATE                   | CONDITIONS & LIMITATIONS |
| s 83B                             | Duty to give or publish notice of application for review | Specific Planning Officers |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                           |  |
|-----------------------------------|---|---------------------------|--|
| Column 1                          | Column 2  | Column 3                  | Column 4   |
| PROVISION                         | THING DELEGATED   | DELEGATE                  | CONDITIONS & LIMITATIONS   |
| s 84(1)                           | Power to decide on an application at any time after an appeal is lodged against failure to grant a permit | DPPS<br>MUP<br>MCF<br>CUP | <p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>a) there have been no more than five objections lodged; and</li> <li>b) the application/amending plan has not been referred to the Council or the Delegated Planning Forum for determination; and</li> <li>c) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>a) an application/amending plan is for use of land for a brothel; or</li> <li>b) an application/amending plan is for use of land for gaming machines.</li> </ul> <p>The amended permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>a) the application is contrary to law; or</li> <li>b) the application is inconsistent with policy; or</li> <li>c) a referral authority has directed refusal; or</li> <li>d) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act 1987</i> or Planning Scheme.</li> </ul> |

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| PLANNING AND ENVIRONMENT ACT 1987 |   |                           |   |
|-----------------------------------|---|---------------------------|---|
| Column 1                          | Column 2  | Column 3                  | Column 4  |
| PROVISION                         | THING DELEGATED   | DELEGATE                  | CONDITIONS & LIMITATIONS  |
| S 84(1)                           | Power to decide on an application at any time after an appeal is lodged against failure to grant a permit | DPPS<br>MUP<br>MCF<br>CUP | <p>The exercise of this power is limited to the following circumstances:</p> <ul style="list-style-type: none"> <li>a) the delegation may only be exercised where there have been more than 5 objections but no more than 15 objections lodged;</li> <li>b) the delegation may only be exercised at a Delegated Planning Forum (including a Delegated Planning Forum conducted virtually); and</li> <li>c) the application has not been called-in by a Councillor for determination at a Council meeting.</li> </ul> <p>The power cannot be exercised where:</p> <ul style="list-style-type: none"> <li>a) an application is for use of land for a brothel; or</li> <li>b) an application is for use of land for gaming machines.</li> </ul> <p>The permit must not be inconsistent with a Cultural Heritage Management Plan under the <i>Aboriginal Heritage Act</i> 2006.</p> <p>The power to refuse a permit can only be exercised where the delegate considers that:</p> <ul style="list-style-type: none"> <li>a) the application is contrary to law; or</li> <li>b) the application is inconsistent with policy; or</li> <li>c) a referral authority has directed refusal; or</li> <li>d) the applicant has failed to carry out a direction pursuant to the <i>Planning and Environment Act</i> 1987 or Planning Scheme.</li> </ul> |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                                    |                          |
|-----------------------------------|---|------------------------------------|--------------------------|
| Column 1                          | Column 2  | Column 3                           | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE                           | CONDITIONS & LIMITATIONS |
| s 84(2)                           | Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit    | Specific Planning Officers         |                          |
| s 84(3)                           | Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit | Specific Planning Officers         |                          |
| s 84(6)                           | Duty to issue permit on receipt of advice within 3 working days   | Specific Planning Officers         |                          |
| s 84AB                            | Power to agree to confining a review by the Tribunal  | Specific Planning Officers         |                          |
| s 86                              | Duty to issue a permit at order of Tribunal within 3 working days   | Specific Planning Officers         |                          |
| s 87(3)                           | Power to apply to VCAT for the cancellation or amendment of a permit  | DPPS<br>MUP<br>MCF<br>CCSPP<br>CUP |                          |
| s 90(1)                           | Function of being heard at hearing of request for cancellation or amendment of a permit   | Specific Planning Officers         |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                            |                          |
|-----------------------------------|---|----------------------------|--------------------------|
| Column 1                          | Column 2  | Column 3                   | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE                   | CONDITIONS & LIMITATIONS |
| s 91(2)                           | Duty to comply with the directions of VCAT  | Specific Planning Officers |                          |
| s 91(2A)                          | Duty to issue amended permit to owner if Tribunal so directs  | Specific Planning Officers |                          |
| s 92                              | Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90        | Specific Planning Officers |                          |
| s 93(2)                           | Duty to give notice of VCAT order to stop development   | Specific Planning Officers |                          |
| s 95(3)                           | Function of referring certain applications to the Minister  | Specific Planning Officers |                          |
| s 95(4)                           | Duty to comply with an order or direction   | Specific Planning Officers |                          |
| s 96(1)                           | Duty to obtain a permit from the Minister to use and develop its land   | Specific Planning Officers |                          |
| s 96(2)                           | Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land | DPPS                       |                          |
| s 96A(2)                          | Power to agree to consider an application for permit concurrently with preparation of proposed amendment          | Specific Planning Officers |                          |
| s 96C                             | Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C | Specific Planning Officers |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                            |                          |
|-----------------------------------|--|----------------------------|--------------------------|
| Column 1                          | Column 2   | Column 3                   | Column 4                 |
| PROVISION                         | THING DELEGATED  | DELEGATE                   | CONDITIONS & LIMITATIONS |
| s 96F                             | Duty to consider the panel's report under s 96E  | Not delegated              |                          |
| s 96G(1)                          | Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> ) | Specific Planning Officers |                          |
| s 96H(3)                          | Power to give notice in compliance with Minister's direction   | Specific Planning Officers |                          |
| s 96J                             | Power to issue permit as directed by the Minister  | Specific Planning Officers |                          |
| s 96K                             | Duty to comply with direction of the Minister to give notice of refusal  | Specific Planning Officers |                          |
| s 96Z                             | Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate   | Specific Planning Officers |                          |
| s 97C                             | Power to request Minister to decide the application  | Not delegated              |                          |
| s 97D(1)                          | Duty to comply with directions of Minister to supply any document or assistance relating to application  | Specific Planning Officers |                          |
| s 97G(3)                          | Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister  | Specific Planning Officers |                          |
| s 97G(6)                          | Duty to make a copy of permits issued under s 97F available in accordance with public availability requirements  | Specific Planning Officers |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                                     |                          |
|-----------------------------------|---|-------------------------------------|--------------------------|
| Column 1                          | Column 2  | Column 3                            | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE                            | CONDITIONS & LIMITATIONS |
| s 97L                             | Duty to include Ministerial decisions in a register kept under s 49   | PCSSO<br>Specific Planning Officers |                          |
| s 97MH                            | Duty to provide information or assistance to the Planning Application Committee   | Specific Planning Officers          |                          |
| s 97MI                            | Duty to contribute to the costs of the Planning Application Committee or subcommittee                                     | DPPS<br>MUP<br>MCF                  |                          |
| s 97O                             | Duty to consider application and issue or refuse to issue certificate of compliance                                       | Specific Planning Officers          |                          |
| s 97P(3)                          | Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate | Specific Planning Officers          |                          |
| s 97Q(2)                          | Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate                        | Specific Planning Officers          |                          |
| s 97Q(4)                          | Duty to comply with directions of VCAT  | Specific Planning Officers          |                          |
| s 97R                             | Duty to keep register of all applications for certificate of compliance and related decisions                             | Specific Planning Officers          |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |   |   |                          |
|-----------------------------------|---|---|--------------------------|
| Column 1                          | Column 2  | Column 3  | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE  | CONDITIONS & LIMITATIONS |
| s 98(1)&(2)                       | Function of receiving claim for compensation in certain circumstances                                     | Specific Planning Officers                                |                          |
| s 98(4)                           | Duty to inform any person of the name of the person from whom compensation can be claimed                 | Specific Planning Officers                                |                          |
| s 101                             | Function of receiving claim for expenses in conjunction with claim  | Specific Planning Officers                                |                          |
| s 103                             | Power to reject a claim for compensation in certain circumstances   | DPPS<br>MUP   |                          |
| s 107(1)                          | Function of receiving claim for compensation  | Specific Planning Officers                                |                          |
| s 107(3)                          | Power to agree to extend time for making claim  | DPPS<br>MUP   |                          |
| <a href="#">s 113(2)</a>          | <a href="#">Power to request a declaration for land to be proposed to be reserved for public purposes</a> | <a href="#">DPPS</a><br><a href="#">MUP<del>XXX</del></a> |                          |



|             |   |   |  |
|-------------|---|---|--|
| s 114(1)    | Power to apply to the VCAT for an enforcement order                       | Specific Planning<br>Officers<br><br>CPE<br><br>PCO |  |
| s 117(1)(a) | Function of making a submission to the VCAT where objections are received | Specific Planning<br>Officers<br><br>CPE<br><br>PCO |  |



| PLANNING AND ENVIRONMENT ACT 1987 |   |  |                          |
|-----------------------------------|---|--|--------------------------|
| Column 1                          | Column 2  | Column 3                                 | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE                                 | CONDITIONS & LIMITATIONS |
| s 120(1)                          | Power to apply for an interim enforcement order where s 114 application has been made | Specific Planning Officers<br>CPE<br>PCO |                          |
| s 123(1)                          | Power to carry out work required by enforcement order and recover costs               | DPPS<br>MUP                              |                          |
| s 123(2)                          | Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)  | DPPS<br>MUP                              | Except Crown Land        |
| s 129                             | Function of recovering penalties  | Specific Planning Officers<br>CPE<br>PCO |                          |
| s 130(5)                          | Power to allow person served with an infringement notice further time                 | Specific Planning Officers<br>CPE<br>PCO |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |   |  |  |
|-----------------------------------|---|--|--|
| Column 1                          | Column 2  | Column 3                                 | Column 4   |
| PROVISION                         | THING DELEGATED   | DELEGATE                                 | CONDITIONS & LIMITATIONS                         |
| s 149A(1)                         | Power to refer a matter to the VCAT for determination   | Specific Planning Officers<br>CPE<br>PCO |  |
| s 149A(1A)                        | Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement  | Specific Planning Officers<br>CPE<br>PCO |  |
| s 156                             | Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4) | DPPS<br>MUP<br>MCF                       | Where Council is the relevant planning authority |
| s 171(2)(f)                       | Power to carry out studies and commission reports   | Specific Planning Officers               |  |



| PLANNING AND ENVIRONMENT ACT 1987 |   |  |  |
|-----------------------------------|---|--|--|
| Column 1                          | Column 2  | Column 3   | Column 4   |
| PROVISION                         | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS   |
| s 171(2)(g)                       | Power to grant and reserve easements  | DPPS<br><b>DCAL</b><br>MUP<br>MCF<br>MPI<br>CUP<br>ESC<br>PUPS |  |
| s 172C                            | Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan   | Not delegated  | Where Council is a development agency specified in an approved infrastructure contributions plan   |
| s 172D(1)                         | Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)   | Not delegated  | Where Council is a collecting agency specified in an approved infrastructure contributions plan    |
| s 172D(2)                         | Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4) | Not delegated  | Where Council is the development agency specified in an approved infrastructure contributions plan |
| s 173(1)                          | Power to enter into agreement covering matters set out in s 174   | <b>DCAL</b><br>DPPS<br>MUP<br>MCF<br>MPI                       |  |



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| s 173(1A) | Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing | DPPS<br>MUP<br>MCF | Where Council is the relevant responsible authority; and<br>Except for where the agreement forms part of a planning scheme amendment or proposed planning scheme amendment |
|-----------|---|--------------------|--|



| PLANNING AND ENVIRONMENT ACT 1987 |   |   |                          |
|-----------------------------------|---|---|--------------------------|
| Column 1                          | Column 2  | Column 3  | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE  | CONDITIONS & LIMITATIONS |
| ---                               | Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority | Specific Planning Officers<br><b>DCAL</b><br>ESC<br>MPI<br>CPE<br>PCO |                          |
| ---                               | Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority           | Specific Planning Officers<br><b>DCAL</b><br>ESC<br>MPI<br>CPE<br>PCO |                          |
| s 177(2)                          | Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9  | <b>DCAL</b><br>DPPS<br>MUP<br>MCF<br>MPI                              |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                                   |                          |
|-----------------------------------|--|-----------------------------------|--------------------------|
| Column 1                          | Column 2   | Column 3                          | Column 4                 |
| PROVISION                         | THING DELEGATED  | DELEGATE                          | CONDITIONS & LIMITATIONS |
| s 178                             | Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9 | DCAL<br>DPPS<br>MUP<br>MCF<br>MPI |                          |
| s 178A(1)                         | Function of receiving application to amend or end an agreement   | Specific Planning Officers        |                          |
| s 178A(3)                         | Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)   | Specific Planning Officers        |                          |
| s 178A(4)                         | Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal   | Specific Planning Officers        |                          |



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| s 178A(5) | Power to propose to amend or end an agreement | <b>DCAL</b><br>DPPS<br>MUP<br>MCF<br>MPI |  |
|-----------|---|--|--|



| PLANNING AND ENVIRONMENT ACT 1987 |   |  |   |
|-----------------------------------|---|--|---|
| Column 1                          | Column 2  | Column 3                                 | Column 4  |
| PROVISION                         | THING DELEGATED   | DELEGATE                                 | CONDITIONS & LIMITATIONS  |
| s 178B(1)                         | Duty to consider certain matters when considering proposal to amend an agreement  | Specific Planning Officers               |   |
| s 178B(2)                         | Duty to consider certain matters when considering proposal to end an agreement  | Specific Planning Officers               |   |
| s 178C(2)                         | Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end | Specific Planning Officers               |   |
| s 178C(4)                         | Function of determining how to give notice under s 178C(2)  | Specific Planning Officers               |   |
| s 178E(1)                         | Duty not to make decision until after 14 days after notice has been given   | Specific Planning Officers               |   |
| s 178E(2)(a)                      | Power to amend or end the agreement in accordance with the proposal   | DCAL<br>DPPS<br>MUP<br>MCF<br>MPI<br>CUP | If no objections are made under s 178D<br>Must consider matters in s 178B |
| s 178E(2)(b)                      | Power to amend or end the agreement in a manner that is not substantively different from the proposal   | DCAL<br>DPPS<br>MUP<br>MCF<br>MPI<br>CUP | If no objections are made under s 178D<br>Must consider matters in s 178B |

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| Column 1                          | Column 2  | Column 3                                 | Column 4  |
| PROVISION                         | THING DELEGATED   | DELEGATE                                 | CONDITIONS & LIMITATIONS  |
| s 178E(2)(c)                      | Power to refuse to amend or end the agreement   | DCAL<br>DPPS<br>MUP<br>MCF<br>MPI<br>CUP | If no objections are made under s 178D<br>Must consider matters in s 178B |
| s 178E(3)(a)                      | Power to amend or end the agreement in accordance with the proposal                                   | DCAL<br>DPPS<br>MUP<br>MCF<br>MPI<br>CUP | After considering objections, submissions and matters in s 178B           |
| s 178E(3)(b)                      | Power to amend or end the agreement in a manner that is not substantively different from the proposal | DCAL<br>DPPS<br>MUP<br>MCF<br>MPI<br>CUP | After considering objections, submissions and matters in s 178B           |



|              |   |   |   |
|--------------|---|---|---|
| s 178E(3)(c) | Power to amend or end the agreement in a manner that is substantively different from the proposal | <b>DCAL</b><br>DPPS<br>MUP<br>MCF<br><br>MPI<br><br>CUP | After considering objections, submissions and matters in s 178B |
|--------------|---|---|---|



| PLANNING AND ENVIRONMENT ACT 1987 |  |  |   |
|-----------------------------------|--|--|---|
| Column 1                          | Column 2   | Column 3                                 | Column 4  |
| PROVISION                         | THING DELEGATED  | DELEGATE                                 | CONDITIONS & LIMITATIONS  |
| s 178E(3)(d)                      | Power to refuse to amend or end the agreement  | DCAL<br>DPPS<br>MUP<br>MCF<br>MPI<br>CUP | After considering objections, submissions and matters in s 178B |
| s 178F(1)                         | Duty to give notice of its decision under s 178E(3)(a) or (b)  | Specific Planning Officers               |   |
| s 178F(2)                         | Duty to give notice of its decision under s 178E(2)(c) or (3)(d)   | Specific Planning Officers               |   |
| s 178F(4)                         | Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn | Specific Planning Officers               |   |
| s 178G                            | Duty to sign amended agreement and give copy to each other party to the agreement  | DCAL<br>DPPS<br>MUP<br>MCF<br>MPI        |   |



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| s 178H | Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement | <b>DCAL</b><br>Specific Planning<br>Officers<br>MPI |  |
|--------|---|---|--|



| PLANNING AND ENVIRONMENT ACT 1987 |   |  |                          |
|-----------------------------------|---|--|--------------------------|
| Column 1                          | Column 2  | Column 3   | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS |
| s 178I(3)                         | Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land   | Specific Planning Officers<br><br><b>DCAL</b><br><br>MPI |                          |
| s 179(2)                          | Duty to make a copy of each agreement available in accordance with the public availability requirements         | <b>DCAL</b><br>MPI<br>Specific Planning Officers         |                          |
| s 181                             | Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General | <b>DCAL</b><br>MPI<br>Specific Planning Officers         |                          |
| s 181(1A)(a)                      | Power to apply to the Registrar of Titles to record the agreement   | <b>DCAL</b><br>MPI<br>Specific Planning Officers         |                          |
| s 181(1A)(b)                      | Duty to apply to the Registrar of Titles, without delay, to record the agreement                                | <b>DCAL</b><br>MPI<br>Specific Planning Officers         |                          |

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| Column 1                          | Column 2  | Column 3  | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE  | CONDITIONS & LIMITATIONS |
| s 182                             | Power to enforce an agreement   | DCAL<br>MPI<br>Specific Planning Officers<br>CPE<br>PCO |                          |
| s 183                             | Duty to tell Registrar of Titles of ending/amendment of agreement   | DCAL<br>MPI<br>Specific Planning Officers               |                          |
| s 184F(1)                         | Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision                           | DCAL<br>DPPS<br>MUP<br>MCF<br>MPI<br>CUP                |                          |
| s 184F(2)                         | Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement | DCAL<br>MPI<br>Specific Planning Officers               |                          |



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| s 184F(3) | Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement | <b>DCAL</b><br>MPI<br>Specific Planning Officers |  |
| s 184F(5) | Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision  | <b>DCAL</b><br>MPI<br>Specific Planning Officers |  |



| PLANNING AND ENVIRONMENT ACT 1987 |  |   |                          |
|-----------------------------------|--|---|--------------------------|
| Column 1                          | Column 2   | Column 3                                  | Column 4                 |
| PROVISION                         | THING DELEGATED  | DELEGATE                                  | CONDITIONS & LIMITATIONS |
| s 184G(2)                         | Duty to comply with a direction of the Tribunal                        | DCAL<br>MPI<br>Specific Planning Officers |                          |
| s 184G(3)                         | Duty to give notice as directed by the Tribunal                        | DCAL<br>MPI<br>Specific Planning Officers |                          |
| s 198(1)                          | Function to receive application for planning certificate               | PCESO<br>Specific Planning Officers       |                          |
| s 199(1)                          | Duty to give planning certificate to applicant                         | PCESO<br>Specific Planning Officers       |                          |
| s 201(1)                          | Function of receiving application for declaration of underlying zoning | Specific Planning Officers                |                          |
| s 201(3)                          | Duty to make declaration   | Specific Planning Officers                |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                            |                          |
|-----------------------------------|--|----------------------------|--------------------------|
| Column 1                          | Column 2   | Column 3                   | Column 4                 |
| PROVISION                         | THING DELEGATED  | DELEGATE                   | CONDITIONS & LIMITATIONS |
| -                                 | Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council        | Specific Planning Officers |                          |
|                                   | Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council | Specific Planning Officers |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                            |                          |
|-----------------------------------|---|----------------------------|--------------------------|
| Column 1                          | Column 2  | Column 3                   | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE                   | CONDITIONS & LIMITATIONS |
| -                                 | Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit | Specific Planning Officers |                          |
| -                                 | Power to give written authorisation in accordance with a provision of a planning scheme   | Specific Planning Officers |                          |



| PLANNING AND ENVIRONMENT ACT 1987 |  |                    |  |
|-----------------------------------|--|--------------------|--|
| Column 1                          | Column 2   | Column 3           | Column 4   |
| PROVISION                         | THING DELEGATED  | DELEGATE           | CONDITIONS & LIMITATIONS   |
| -                                 | Power to request that the Minister prepare, adopt and approve amendments to a planning scheme in relation to Interim Heritage Overlays, including by exercising powers under section 20(4) | DPPS<br>MUP<br>MCF | <p>This power can only be exercised in relation to Interim Heritage Overlays, and where all of the following requirements are met:</p> <ul style="list-style-type: none"> <li>(a) a relevant citation for the site or precinct has been prepared;</li> <li>(b) the heritage project forms part of a heritage review previously approved by Council;</li> <li>(c) a request for demolition has been submitted to Council under section 29A of the <i>Building Act</i> 1993 or a planning application has been submitted which involves demolition or substantial alterations to building and/or works; the proposed demolition or planning application is for a proposed heritage place, including an individually significant building or a contributory building within a proposed or revised heritage precinct; and</li> <li>(d) the proposed demolition or planning application will have an adverse impact on the cultural heritage significance of the site/precinct and is considered to have the potential to undermine the approval of the proposed heritage overlay.</li> </ul> |
| -                                 | Power to request that the Minister prepare, adopt and approve prescribed amendments to a planning scheme as set out in section 20A, including by exercising powers under section 20(4)     | CEO                |  |



| PLANNING AND ENVIRONMENT ACT 1987 |   |                                     |                          |
|-----------------------------------|---|-------------------------------------|--------------------------|
| Column 1                          | Column 2  | Column 3                            | Column 4                 |
| PROVISION                         | THING DELEGATED   | DELEGATE                            | CONDITIONS & LIMITATIONS |
| s 201UAB(1)                       | Function of providing the Victoria Planning Authority with information relating to any land within municipal district | PCESO<br>Specific Planning Officers |                          |
| s 201UAB(2)                       | Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible      | PCESO<br>Specific Planning Officers |                          |



| PLANNING AND ENVIRONMENT REGULATIONS 2015 |   |                                     |  |
|---|---|-------------------------------------|--|
| Column 1                                  | Column 2  | Column 3                            | Column 4   |
| PROVISION                                 | THING DELEGATED   | DELEGATE                            | CONDITIONS AND LIMITATIONS   |
| r 6                                       | Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme  | PCESO<br>Specific Planning Officers | Where Council is not the planning authority and the amendment affects land within its municipal district; or<br>Where the amendment will amend the planning scheme to designate Council as an acquiring authority.       |
| r 21                                      | Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act | Specific Planning Officers          |  |
| r 25(a)                                   | Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge  | PCESO<br>Specific Planning Officers | Where Council is the responsible authority   |
| r 25(b)                                   | Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge  | PCESO<br>Specific Planning Officers | Where Council is not the responsible authority but the relevant land is within Council's municipal district  |
| r 42                                      | Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application   | PCESO<br>Specific Planning Officers | Where Council is not the planning authority and the amendment affects land within Council's municipal district; or<br>Where the amendment will amend the planning scheme to designate Council as an acquiring authority. |



| PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016 |   |                                     |                            |
|--|---|-------------------------------------|----------------------------|
| Column 1   | Column 2  | Column 3                            | Column 4                   |
| PROVISION  | THING DELEGATED   | DELEGATE                            | CONDITIONS AND LIMITATIONS |
| r 19   | Power to waive or rebate a fee relating to an amendment of a planning scheme  | CCSPP<br>CUP<br>DPPS<br>MUP<br>MCF  |                            |
| r20  | Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme                               | CCSPP<br>CUP<br>DPPS<br>MUP<br>MCF  |                            |
| r 21   | Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20 | PCESO<br>Specific Planning Officers |                            |



| GLEN EIRA PLANNING SCHEME   |   |                            |   |
|---|---|----------------------------|---|
| Column 1  | Column 2  | Column 3                   | Column 4  |
| PROVISION   | THING DELEGATED   | DELEGATE                   | CONDITIONS & LIMITATIONS  |
| All provisions of the Glen Eira Planning Scheme unless otherwise identified | Exercise Council's powers, discretions and authorities, CARRY OUT Council's duties and perform Council's functions  | Specific Planning Officers | Delegate must comply with any conditions or limitations imposed by Council where the action involves exercising a power, duty or function delegated under the Planning and Environment Act 1987 or regulations under that Act.                      |
| 43.04-4   | Power to approve a development plan   | Not delegated              |   |
| 43.04-4   | Power to allow a development plan to be prepared and implemented in stages<br>Power to amend a development plan   | DPPS<br>MUP<br>CUP         |   |
| 52.06-1   | Power to reduce or waive carparking<br>Power to decide on an adequate number of car spaces to be provided for uses which are not specified in the table at clause 52.06-5 | Specific Planning Officers | The power to reduce or waive car parking in the table in Clause 52.06-5 is limited to a reduction of up to ten car spaces.<br><br>An application involving a reduction of more than ten car spaces may only be determined by DPPS, MUP, MCF or CUP. |
| 52.28   | Power to grant a permit for gaming machines   | Not delegated              |   |
| 53.03   | Power to grant a permit for brothels  | Not delegated              |   |



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***S6 Instrument of Delegation - Members of Staff***

**Glen Eira City Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**



## Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:

| Reference | Meaning   |
|-----------|---|
| CCC       | Coordinator Civic Compliance                                  |
| CEO       | Chief Executive Officer                                       |
| CSBS      | Coordinator Statutory Building Services                       |
| CPH       | Coordinator Public Health                                     |
| CTE       | Coordinator Traffic Engineering                               |
| DCS       | Director Corporate Services                                   |
| DCAL      | Director Community Assets and Leisure                         |
| DMBS      | Deputy Municipal Building Surveyor                            |
| DPPS      | Director Planning, Place and Sustainability                   |
| EHO       | Environmental Health Officer                                  |
| MPI       | Manager Projects and Infrastructure                           |
| MBPSBS    | Manager Buildings, Properties and Statutory Building Services |
| SIPL      | Strategic Infrastructure Planning Lead                        |
| MCSC      | Manager Community Safety and Compliance                       |
| MPS       | Manager Parks Services  |
| MWD       | Manager Works Depot   |
| PRC       | Prosecutions Coordinator or Deputy Prosecutor                 |
| TLPH      | Team Leader Public Health                                     |

3. declares that:
  - 3.1 this instrument of Delegation is authorised by resolution of Council passed on ~~3 November 2021~~ 26 April 2022; and
  - 3.2 the delegation:
    - 3.2.1 comes into force immediately after the passing of the resolution of Council described in part 3.1;
    - 3.2.2 remains in force until varied or revoked;
    - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
    - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and



- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
  - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
    - (a) policy; or
    - (b) strategyadopted by Council;
  - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
  - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.



## SCHEDULE

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| DOMESTIC ANIMALS ACT 1994 |   |             |   |
|---------------------------|---|-------------|---|
| Column 1                  | Column 2                                    | Column 3    | Column 4  |
| PROVISION                 | THING DELEGATED                             | DELEGATE    | CONDITIONS AND LIMITATIONS                                      |
| s 41A(1)                  | Power to declare a dog to be a menacing dog | MCSC<br>CCC | Council may delegate this power to a Council authorised officer |



| FOOD ACT 1984 |   |                    |   |
|---------------|---|--------------------|---|
| Column 1      | Column 2  | Column 3           | Column 4  |
| PROVISION     | THING DELEGATED   | DELEGATE           | CONDITIONS & LIMITATIONS  |
| s 19(2)(a)    | Power to direct by written order that the food premises be put into a clean and sanitary condition  | CPH<br>TLPH        | If s 19(1) applies  |
| s 19(2)(b)    | Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable   | CPH<br>TLPH        | If s 19(1) applies  |
| s 19(3)       | Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process | CPH<br>TLPH        | If s 19(1) applies<br><br>Only in relation to temporary food premises or mobile food premises |
| s 19(4)(a)    | Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise  | CEO<br>CPH<br>TLPH | If s 19(1) applies  |
| s 19(6)(a)    | Duty to revoke any order under s 19 if satisfied that an order has been complied with   | CEO<br>CPH<br>TLPH | If s 19(1) applies  |



| FOOD ACT 1984 |  |                    |  |
|---------------|--|--------------------|--|
| Column 1      | Column 2   | Column 3           | Column 4   |
| PROVISION     | THING DELEGATED  | DELEGATE           | CONDITIONS & LIMITATIONS   |
| s 19(6)(b)    | Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with   | CEO<br>CPH<br>TLPH | If s 19(1) applies   |
| s 19AA(2)     | Power to direct, by written order, that a person must take any of the actions described in (a)-(c).  | CEO<br>CPH<br>TLPH | Where Council is the registration authority  |
| s 19AA(4)(c)  | Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises | CEO<br>CPH<br>TLPH | Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution |
| s 19AA(7)     | Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with  | CEO<br>CPH<br>TLPH | Where Council is the registration authority  |
| s 19CB(4)(b)  | Power to request copy of records   | CEO<br>CPH<br>TLPH | Where Council is the registration authority  |

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| FOOD ACT 1984    |   |   |  |
|------------------|---|---|--|
| Column 1         | Column 2  | Column 3                                | Column 4   |
| PROVISION        | THING DELEGATED   | DELEGATE                                | CONDITIONS & LIMITATIONS   |
| s 19E(1)(d)      | Power to request a copy of the food safety program  | CPH<br>TLPH<br><u>EHO</u>               | Where Council is the registration authority  |
| <u>s 19EA(3)</u> | <u>Function of receiving copy of revised food safety program</u>  | <u>CPH</u><br><u>TLPH</u><br><u>EHO</u> | <u>Where Council is the registration authority</u>   |
| s 19GB           | Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor | CPH<br>TLPH<br>EHO                      | Where Council is the registration authority  |
| <u>s 19IA(1)</u> | <u>Power to form opinion that the food safety requirements or program are non-compliant</u>   | <u>CPH</u><br><u>TLPH</u><br><u>EHO</u> | <u>Where Council is the registration authority</u>   |
| <u>s 19IA(2)</u> | <u>Duty to give written notice to the proprietor of the premises</u>  | <u>CPH</u><br><u>TLPH</u>               | <u>Where Council is the registration authority</u><br><br><u>Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s19IA(3))</u> |

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|                          |  |  |  |
|--------------------------|--|--|--|
| s 19M(4)(a) & (5)        | Power to conduct a food safety audit and take actions where deficiencies are identified        | CPH<br>TLPH  | Where Council is the registration authority  |
| <a href="#">s 19N(2)</a> | <a href="#">Function of receiving notice from the auditor</a>                                  | <a href="#">CPH</a><br><a href="#">TLPH</a><br><a href="#">EHO</a> | <a href="#">Where Council is the registration authority</a>  |
| s 19NA(1)                | Power to request food safety audit reports   | CPH<br>TLPH<br>EHO   | Where Council is the registration authority  |
| s 19U(3)                 | Power to waive and vary the costs of a food safety audit if there are special circumstances    | CPH<br>TLPH  |  |
| s 19UA                   | Power to charge fees for conducting a food safety assessment or inspection                     | CPH<br>TLPH  | Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39 |
| s 19W                    | Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB | CPH<br>TLPH  | Where Council is the registration authority  |



| FOOD ACT 1984 |  |             |  |
|---------------|--|-------------|--|
| Column 1      | Column 2   | Column 3    | Column 4   |
| PROVISION     | THING DELEGATED  | DELEGATE    | CONDITIONS & LIMITATIONS   |
| s 19W(3)(a)   | Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction  | CPH<br>TLPH | Where Council is the registration authority  |
| s 19W(3)(b)   | Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises | CPH<br>TLPH | Where Council is the registration authority  |
| ---           | Power to register <u>or</u> ; renew <u>or transfer the</u> registration <u>of a food premises</u>  | CPH<br>TLPH | Where Council is the registration authority<br>Refusal to grant <u>or</u> /renew/ <u>transfer the</u> registration must be ratified by Council or the CEO (see s 58A(2)) |
| s 36A         | Power to accept an application for registration or notification using online portal  | CPH<br>TLPH | Where Council is the registration authority  |
| s 36B         | Duty to pay the charge for use of online portal  | CPH<br>TLPH | Where Council is the registration authority  |
| s 38AA(5)     | Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt   | CPH<br>TLPH | Where Council is the registration authority  |



| FOOD ACT 1984 |  |                    |   |
|---------------|--|--------------------|---|
| Column 1      | Column 2   | Column 3           | Column 4                                    |
| PROVISION     | THING DELEGATED  | DELEGATE           | CONDITIONS & LIMITATIONS                    |
| s 38AB(4)     | Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1) | CPH                | Where Council is the registration authority |
| s 38A(4)      | Power to request a copy of a completed food safety program template  | CPH<br>TLPH<br>EHO | Where Council is the registration authority |
| s 38B(1)(a)   | Duty to assess the application and determine which class of food premises under s 19C the food premises belongs    | CPH<br>TLPH<br>EHO | Where Council is the registration authority |
| s 38B(1)(b)   | Duty to ensure proprietor has complied with requirements of s 38A  | CPH<br>TLPH        | Where Council is the registration authority |
| s 38B(2)      | Duty to be satisfied of the matters in s 38B(2)(a)-(b)   | CPH<br>TLPH        | Where Council is the registration authority |
| s 38D(1)      | Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39     | CPH<br>TLPH        | Where Council is the registration authority |
| s 38D(2)      | Duty to be satisfied of the matters in s 38D(2)(a)-(d)   | CPH<br>TLPH        | Where Council is the registration authority |

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| FOOD ACT 1984         |   |                           |  |
|-----------------------|---|---------------------------|--|
| Column 1              | Column 2  | Column 3                  | Column 4   |
| PROVISION             | THING DELEGATED   | DELEGATE                  | CONDITIONS & LIMITATIONS   |
| s 38D(3)              | Power to request copies of any audit reports  | CPH<br>TLPH               | Where Council is the registration authority  |
| s 38E(2)              | Power to register the food premises on a conditional basis  | CPH<br>TLPH               | Where Council is the registration authority;<br>not exceeding the prescribed time limit defined under s 38E(5) |
| s 38E(4)              | Duty to register the food premises when conditions are satisfied  | CPH<br>TLPH               | Where Council is the registration authority  |
| s 38F(3)(b)           | Power to require proprietor to comply with requirements of this Act   | CPH<br>TLPH               | Where Council is the registration authority  |
| s 38G(1)              | Power to require notification of change of the food safety program type used for the food premises                                  | CPH<br>TLPH               | Where Council is the registration authority  |
| <u>s 38G(2)</u>       | <u>Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises</u> | <u>CPH</u><br><u>TLPH</u> | <u>Where Council is the registration authority</u>   |
| s 38G( <del>4</del> ) | Power to require the proprietor of the food premises to comply with any requirement of the Act                                      | CPH<br>TLPH               | Where Council is the registration authority  |



|                          |   |   |  |
|--------------------------|---|---|--|
| <a href="#">s 39(2)</a>  | <a href="#">Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed</a> | <a href="#">CPH</a><br><a href="#">TLPH</a> | <a href="#">Where Council is the registration authority</a>                                    |
| s 39A                    | Power to register <u>or</u> renew <a href="#">the registration</a> <u>or transfer</u> <a href="#">of</a> food premises despite minor defects              | CPH<br>TLPH                                 | Where Council is the registration authority<br>Only if satisfied of matters in s 39A(2)(a)-(c) |
| <a href="#">s 39A(6)</a> | <a href="#">Duty to comply with a direction of the Secretary</a>  | <a href="#">CPH</a><br><a href="#">TLPH</a> | <a href="#">Where Council is the registration authority</a>                                    |
| <a href="#">s 40(1)</a>  | <a href="#">Duty to give the person in whose name the premises is to be registered a certificate of registration</a>                                      | <a href="#">CPH</a><br><a href="#">TLPH</a> | <a href="#">Where Council is the registration authority</a>                                    |



| FOOD ACT 1984         |   |  |   |
|-----------------------|---|--|---|
| Column 1              | Column 2  | Column 3   | Column 4  |
| PROVISION             | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS                                    |
| s 40(2)               | Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i> | CPH<br>TLPH  |   |
| s 40C(2)              | Power to grant or renew the registration of food premises for a period of less than 1 year  | CPH<br>TLPH  | Where Council is the registration authority                 |
| s 40D(1)              | Power to suspend or revoke the registration of food premises  | CEO  | Where Council is the registration authority                 |
| <a href="#">s 40E</a> | <a href="#">Duty to comply with direction of the Secretary</a>  | <a href="#">CEO</a><br><a href="#">CPH</a><br><a href="#">TLPH</a> |   |
| s 40F                 | Power to cancel registration of food premises   | CPH<br>TLPH  | Where Council is the registration authority                 |
| <a href="#">s 43</a>  | <a href="#">Duty to maintain records of registration</a>  | <a href="#">CPH</a><br><a href="#">TLPH</a><br><a href="#">EHO</a> | <a href="#">Where Council is the registration authority</a> |



|                        |  |   |   |
|------------------------|--|---|---|
| s 43F(6)               | Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business | CPH<br>TLPH                                 | Where Council is the registration authority |
| s 43F(7)               | Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements      | CPH<br>TLPH                                 | Where Council is the registration authority |
| <a href="#">s 45AC</a> | <a href="#">Power to bring proceedings</a>   | <a href="#">CPH</a><br><a href="#">TLPH</a> |   |



| FOOD ACT 1984 |   |             |   |
|---------------|---|-------------|---|
| Column 1      | Column 2  | Column 3    | Column 4                                    |
| PROVISION     | THING DELEGATED   | DELEGATE    | CONDITIONS & LIMITATIONS                    |
| s 46(5)       | Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged | CPH<br>TLPH | Where Council is the registration authority |



| HERITAGE ACT 2017 |  |             |   |
|-------------------|--|-------------|---|
| Column 1          | Column 2   | Column 3    | Column 4  |
| PROVISION         | THING DELEGATED  | DELEGATE    | CONDITIONS & LIMITATIONS  |
| s 116             | Power to sub-delegate Executive Director's functions, duties or powers | CEO<br>DPPS | Must first obtain Executive Director's written consent<br>Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation |



| LOCAL GOVERNMENT ACT1989 |   |                  |                          |
|--------------------------|---|------------------|--------------------------|
| Column 1                 | Column 2  | Column 3         | Column 4                 |
| PROVISION                | THING DELEGATED   | DELEGATE         | CONDITIONS & LIMITATIONS |
| s 185L(4)                | Power to declare and levy a cladding rectification charge | CEO <sup>1</sup> |                          |

<sup>1</sup> The only member of staff who can be a delegate in Column 3 is the CEO.



| RESIDENTIAL TENANCIES ACT 1997 |   |   |   |
|--------------------------------|---|---|---|
| Column 1                       | Column 2  | Column 3  | Column 4  |
| PROVISION                      | THING DELEGATED   | DELEGATE  | CONDITIONS & LIMITATIONS  |
| <del>s 91ZU(1)</del>           | <del>Power to give a renter a notice to vacate rented premises</del>                        | <del>DCS-<br/>MBPSBS</del>  | <del>Where Council is a public statutory authority engaged in the provision of housing</del>                      |
| <del>s 91ZZC(1)</del>          | <del>Power to give a renter a notice to vacate rented premises</del>                        | <del>DCS-<br/>MBPSBS</del>  | <del>Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes</del> |
| <del>s 91ZZE(1)</del>          | <del>Power to give a renter a notice to vacate rented premises</del>                        | <del>DCS-<br/>MBPSBS</del>  | <del>Where Council is a public statutory authority engaged in the provision of housing</del>                      |
| <del>s 91ZZE(3)</del>          | <del>Power to publish Council's criteria for eligibility for the provision of housing</del> | <del>DCS-<br/>MBPSBS</del>  | <del>Where Council is a public statutory authority engaged in the provision of housing</del>                      |
| <del>s 142D</del>              | <del>Function of receiving notice regarding an unregistered rooming house</del>             | <del>MBPSBS<br/><br/>MBS<br/><br/>MCSC-<br/>CPH-<br/>CSBS-<br/>DMBS-<br/>TLPH<br/>EHO</del> |   |



| RESIDENTIAL TENANCIES ACT 1997 |   |  |                          |
|--------------------------------|---|--|--------------------------|
| Column 1                       | Column 2  | Column 3   | Column 4                 |
| PROVISION                      | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS |
| s 142G(1)                      | Duty to enter required information in Rooming House Register for each rooming house in municipal district | MBPSBS<br>MCSC<br>CPH<br>CSBS<br>DMBS<br>TLPH<br>EHO |                          |
| s 142G(2)                      | Power to enter certain information in the Rooming House Register  | MBPSBS<br>MCSC<br>CPH<br>CSBS<br>DMBS<br>TLPH<br>EHO |                          |



| RESIDENTIAL TENANCIES ACT 1997 |   |  |                          |
|--------------------------------|---|--|--------------------------|
| Column 1                       | Column 2  | Column 3   | Column 4                 |
| PROVISION                      | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS |
| <del>s 142I(2)</del>           | <del>Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry</del> | <del>MBPSBS<br/>MCSC<br/>CPH<br/>CSBS<br/>TLPH<br/>EHO</del> |                          |
| <del>s 206AZA(2)</del>         | <del>Function of receiving written notification</del>   | <del>MBPSBS<br/>MCSC<br/>CPH<br/>CSBS</del>                  |                          |
| <del>s 207ZE(2)</del>          | <del>Function of receiving written notification</del>   | <del>MBPSBS<br/>MCSC<br/>CPH<br/>CSBS</del>                  |                          |



| RESIDENTIAL TENANCIES ACT 1997 |   |  |                          |
|--------------------------------|---|--|--------------------------|
| Column 1                       | Column 2  | Column 3   | Column 4                 |
| PROVISION                      | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS |
| <del>s 311A(2)</del>           | <del>Function of receiving written notification</del>   | <del>DPPS-<br/>MBPSBS<br/>MCSC-<br/>CSBS-<br/>DMBS<br/>CPH</del> |                          |
| <del>s 317ZDA(2)</del>         | <del>Function of receiving written notification</del>   | <del>DPPS-<br/>MBPSBS<br/>MCSC-<br/>CSBS-<br/>DMBS<br/>CPH</del> |                          |
| s 518F                         | Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements | MBPSBS<br>CSBS<br>DMBS   |                          |



| RESIDENTIAL TENANCIES ACT 1997 |   |  |                          |
|--------------------------------|---|--|--------------------------|
| Column 1                       | Column 2  | Column 3   | Column 4                 |
| PROVISION                      | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS |
| s 522(1)                       | Power to give a compliance notice to a person   | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |
| s 525(2)                       | Power to authorise an officer to exercise powers in s526 (either generally or in a particular case) | CEO<br>MBPSBS<br>MCSC<br>DMBS<br>CSBS<br>CPH         |                          |
| s 525(4)                       | Duty to issue identity card to authorised officers  | MCSC<br>CPH  |                          |
| s 526(5)                       | Duty to keep record of entry by authorised officer under s 526                                      | MCSC<br>CPH  |                          |

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| RESIDENTIAL TENANCIES ACT 1997 |   |                    |                          |
|--------------------------------|---|--------------------|--------------------------|
| Column 1                       | Column 2  | Column 3           | Column 4                 |
| PROVISION                      | THING DELEGATED   | DELEGATE           | CONDITIONS & LIMITATIONS |
| s 526A(3)                      | Function of receiving report of inspection  | MCSC<br>CPH        |                          |
| s 527                          | Power to authorise a person to institute proceedings (either generally or in a particular case) | CEO<br>MCSC<br>CPH |                          |



| ROAD MANAGEMENT ACT 2004 |   |               |  |
|--------------------------|---|---------------|--|
| Column 1                 | Column 2  | Column 3      | Column 4   |
| PROVISION                | THING DELEGATED   | DELEGATE      | CONDITIONS & LIMITATIONS   |
| s 11(1)                  | Power to declare a road by publishing a notice in the Government Gazette                            | Not delegated | Obtain consent in circumstances specified in s 11(2)   |
| s 11(8)                  | Power to name a road or change the name of a road by publishing notice in Government Gazette        | Not delegated |  |
| s 11(9)(b)               | Duty to advise Registrar  | DCAL          |  |
| s 11(10)                 | Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc. | DCAL          | Subject to s 11(10A)   |
| s 11(10A)                | Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person | DCAL          | Where Council is the coordinating road authority   |
| s 12(2)                  | Power to discontinue road or part of a road   | DCAL          | Where Council is the coordinating road authority   |
| s 12(4)                  | Duty to publish, and provide copy, notice of proposed discontinuance                                | DCAL          | Power of coordinating road authority where it is the discontinuing body<br>Unless s 12(11) applies |
| s 12(5)                  | Duty to consider written submissions received within 28 days of notice                              | DCAL          | Duty of coordinating road authority where it is the discontinuing body<br>Unless s 12(11) applies  |



| ROAD MANAGEMENT ACT 2004 |  |          |  |
|--------------------------|--|----------|--|
| Column 1                 | Column 2   | Column 3 | Column 4   |
| PROVISION                | THING DELEGATED  | DELEGATE | CONDITIONS & LIMITATIONS   |
| s 12(6)                  | Function of hearing a person in support of their written submission          | DCAL     | Function of coordinating road authority where it is the discontinuing body<br>Unless s 12(11) applies  |
| s 12(7)                  | Duty to fix day, time and place of meeting under s 12(6) and to give notice  | DCAL     | Duty of coordinating road authority where it is the discontinuing body<br>Unless s 12(11) applies  |
| s 12(10)                 | Duty to notify of decision made  | DCAL     | Duty of coordinating road authority where it is the discontinuing body<br>Does not apply where an exemption is specified by the regulations or given by the Minister |
| s 13(1)                  | Power to fix a boundary of a road by publishing notice in Government Gazette | DCAL     | Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate   |
| s 14(4)                  | Function of receiving notice from the Head, Transport for Victoria           | DCAL     |  |
| s 14(7)                  | Power to appeal against decision of the Head, Transport for Victoria         | DCAL     |  |



| ROAD MANAGEMENT ACT 2004 |  |                     |  |
|--------------------------|--|---------------------|--|
| Column 1                 | Column 2   | Column 3            | Column 4   |
| PROVISION                | THING DELEGATED  | DELEGATE            | CONDITIONS & LIMITATIONS                         |
| s 15(1)                  | Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport | DCAL                |  |
| s 15(1A)                 | Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority   | DCAL                |  |
| s 15(2)                  | Duty to include details of arrangement in public roads register  | DCAL<br>MPI<br>SIPL |  |
| s 16(7)                  | Power to enter into an arrangement under s 15  | DCAL                |  |
| s 16(8)                  | Duty to enter details of determination in public roads register  | DCAL                |  |
| s 17(2)                  | Duty to register public road in public roads register  | DCAL<br>MPI<br>SIPL | Where Council is the coordinating road authority |



| ROAD MANAGEMENT ACT 2004 |   |                             |   |
|--------------------------|---|-----------------------------|---|
| Column 1                 | Column 2  | Column 3                    | Column 4  |
| PROVISION                | THING DELEGATED   | DELEGATE                    | CONDITIONS & LIMITATIONS  |
| s 17(3)                  | Power to decide that a road is reasonably required for general public use                           | DCAL<br>DPPS<br>MPI<br>SIPL | Where Council is the coordinating road authority  |
| s 17(3)                  | Duty to register a road reasonably required for general public use in public roads register         | DCAL<br>MPI<br>SIPL         | Where Council is the coordinating road authority  |
| s 17(4)                  | Power to decide that a road is no longer reasonably required for general public use                 | DCAL<br>DPPS                | Where Council is the coordinating road authority  |
| s 17(4)                  | Duty to remove road no longer reasonably required for general public use from public roads register | DCAL<br>MPI<br>SIPL         | Where Council is the coordinating road authority  |
| s 18(1)                  | Power to designate ancillary area   | DCAL<br>MPI<br>SIPL         | Where Council is the coordinating road authority, and obtain consent in circumstances specified in s18(2) |



| ROAD MANAGEMENT ACT 2004 |   |                     |  |
|--------------------------|---|---------------------|--|
| Column 1                 | Column 2  | Column 3            | Column 4   |
| PROVISION                | THING DELEGATED   | DELEGATE            | CONDITIONS & LIMITATIONS                             |
| s 18(3)                  | Duty to record designation in public roads register   | DCAL<br>MPI<br>SIPL | Where Council is the coordinating road authority     |
| s 19(1)                  | Duty to keep register of public roads in respect of which it is the coordinating road authority | DCAL<br>MPI<br>SIPL |  |
| s 19(4)                  | Duty to specify details of discontinuance in public roads register                              | DCAL<br>MPI<br>SIPL |  |
| s 19(5)                  | Duty to ensure public roads register is available for public inspection                         | DCAL<br>MPI<br>SIPL |  |
| s 21                     | Function of replying to request for information or advice                                       | DCAL                | Obtain consent in circumstances specified in s 11(2) |
| s 22(2)                  | Function of commenting on proposed direction  | DCAL                |  |



| ROAD MANAGEMENT ACT 2004 |  |                            |                          |
|--------------------------|--|----------------------------|--------------------------|
| Column 1                 | Column 2   | Column 3                   | Column 4                 |
| PROVISION                | THING DELEGATED  | DELEGATE                   | CONDITIONS & LIMITATIONS |
| s 22(4)                  | Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report. | DCAL<br>MPI<br>SIPL        |                          |
| s 22(5)                  | Duty to give effect to a direction under s 22  | DCAL<br>MPI<br>SIPL        |                          |
| s 40(1)                  | Duty to inspect, maintain and repair a public road.  | DCAL<br>MPI<br>MWD<br>SIPL |                          |
| s 40(5)                  | Power to inspect, maintain and repair a road which is not a public road                                  | DCAL<br>MPI<br>MWD<br>SIPL |                          |



| ROAD MANAGEMENT ACT 2004 |  |                            |   |
|--------------------------|--|----------------------------|---|
| Column 1                 | Column 2   | Column 3                   | Column 4  |
| PROVISION                | THING DELEGATED  | DELEGATE                   | CONDITIONS & LIMITATIONS  |
| s 41(1)                  | Power to determine the standard of construction, inspection, maintenance and repair  | DCAL<br>MPI<br>SIPL<br>MWD |   |
| s 42(1)                  | Power to declare a public road as a controlled accessroad  | Not delegated              | Power of coordinating road authority and sch 2 also applies   |
| s 42(2)                  | Power to amend or revoke declaration by notice published in Government Gazette   | DCAL                       | Power of coordinating road authority and sch 2 also applies   |
| s 42A(3)                 | Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified   | DCAL                       | Where Council is the coordinating road authorityIf road is a municipal road or part thereof   |
| s 42A(4)                 | Power to approve Minister's decision to specify aroad as a specified freight road  | DCAL                       | Where Council is the coordinating road authority<br>If road is a municipal road or part thereof and whereroad is to be specified a freight road |
| s 48EA                   | Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport) | DCAL                       | Where Council is the responsible road authority, infrastructure manager or works manager  |
| s 48M(3)                 | Function of consulting with the relevant authority for purposes of developing guidelines under s 48M   | DCAL                       |   |

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| ROAD MANAGEMENT ACT 2004 |  |                     |                          |
|--------------------------|--|---------------------|--------------------------|
| Column 1                 | Column 2   | Column 3            | Column 4                 |
| PROVISION                | THING DELEGATED  | DELEGATE            | CONDITIONS & LIMITATIONS |
| s 49                     | Power to develop and publish a road management plan  | DCAL                |                          |
| s 51                     | Power to determine standards by incorporating the standards in a road management plan                            | DCAL                |                          |
| s 53(2)                  | Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan | DCAL                |                          |
| s 54(2)                  | Duty to give notice of proposal to make a road management plan   | DCAL                |                          |
| s 54(5)                  | Duty to conduct a review of road management plan at prescribed intervals   | DCAL<br>MPI<br>SIPL |                          |
| s 54(6)                  | Power to amend road management plan  | DCAL<br>MPI<br>SIPL |                          |
| s 54(7)                  | Duty to incorporate the amendments into the road management plan   | DCAL<br>MPI<br>SIPL |                          |

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| ROAD MANAGEMENT ACT 2004 |  |   |  |
|--------------------------|--|---|--|
| Column 1                 | Column 2   | Column 3  | Column 4   |
| PROVISION                | THING DELEGATED  | DELEGATE  | CONDITIONS & LIMITATIONS                         |
| s 55(1)                  | Duty to cause notice of road management plan to be published in Government Gazette and newspaper   | DCAL  |  |
| s 63(1)                  | Power to consent to conduct of works on road   | DCAL<br>DPPS<br>MBPSB<br>SMCSC<br>CCC<br>CSBS<br>DMBS<br>MPI<br>SIPL<br>MPS | Where Council is the coordinating road authority |
| s 63(2)(e)               | Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency | DCAL<br>DPPS<br>MPI<br>MPS<br>MWD   | Where Council is the infrastructure manager      |



| ROAD MANAGEMENT ACT 2004 |                                    |   |  |
|--------------------------|------------------------------------|---|--|
| Column 1                 | Column 2                           | Column 3  | Column 4   |
| PROVISION                | THING DELEGATED                    | DELEGATE  | CONDITIONS & LIMITATIONS                                     |
| s 64(1)                  | Duty to comply with cl 13 of sch 7 | DCAL<br>DPPS<br>MPI<br>SIPL<br>MWD  | Where Council is the infrastructure manager or works manager |
| s 66(1)                  | Power to consent to structure etc  | DCAL<br>DPPS<br>MBPSB<br>SMCSC<br>MPI<br>SIPL<br>MWD<br>CSBS<br>DMBS<br>CCC | Where Council is the coordinating road authority             |



| ROAD MANAGEMENT ACT 2004 |  |   |  |
|--------------------------|--|---|--|
| Column 1                 | Column 2   | Column 3  | Column 4   |
| PROVISION                | THING DELEGATED  | DELEGATE  | CONDITIONS & LIMITATIONS                         |
| s 67(2)                  | Function of receiving the name & address of the person responsible for distributing the sign or bill | DPPS<br>DCAL<br>MPI<br>MCSC<br>SIPL<br>MWD<br>CCC | Where Council is the coordinating road authority |
| s 67(3)                  | Power to request information   | DPPS<br>DCAL<br>MPI<br>MCSC<br>SIPL<br>MWD<br>CCC | Where Council is the coordinating road authority |



| ROAD MANAGEMENT ACT 2004 |   |   |  |
|--------------------------|---|---|--|
| Column 1                 | Column 2  | Column 3  | Column 4   |
| PROVISION                | THING DELEGATED   | DELEGATE  | CONDITIONS & LIMITATIONS                         |
| s 68(2)                  | Power to request information                              | DPPS<br>DCAL<br>MPI<br>MCSC<br>SIPL<br>MWD<br>CCC | Where Council is the coordinating road authority |
| s 71(3)                  | Power to appoint an authorised officer                    | CEO<br>DCAL<br>DPPS                               |  |
| s 72                     | Duty to issue an identity card to each authorised officer | DCAL<br>DPPS                                      |  |
| s 85                     | Function of receiving report from authorised officer      | DCAL<br>DPPS<br>MPI<br>SIPL<br>MWD                |  |

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| ROAD MANAGEMENT ACT 2004 |  |                                    |                          |
|--------------------------|--|------------------------------------|--------------------------|
| Column 1                 | Column 2   | Column 3                           | Column 4                 |
| PROVISION                | THING DELEGATED                                  | DELEGATE                           | CONDITIONS & LIMITATIONS |
| s 86                     | Duty to keep register re s 85 matters            | DCAL<br>DPPS<br>MPI<br>SIPL<br>MWD |                          |
| s 87(1)                  | Function of receiving complaints                 | DCAL<br>DPPS<br>MPI<br>SIPL<br>MWD |                          |
| s 87(2)                  | Duty to investigate complaint and provide report | DCAL<br>DPPS<br>MPI<br>SIPL<br>MWD |                          |



| ROAD MANAGEMENT ACT 2004 |  |  |                          |
|--------------------------|--|--|--------------------------|
| Column 1                 | Column 2   | Column 3   | Column 4                 |
| PROVISION                | THING DELEGATED  | DELEGATE   | CONDITIONS & LIMITATIONS |
| <a href="#">s 96</a>     | <a href="#">Power to authorise a person for the purpose of instituting legal proceedings</a> | <a href="#">CEO</a>                                |                          |
| s 112(2)                 | Power to recover damages in court  | DCAL<br>DPPS<br>MCSC<br>PRC<br>CSBS<br>DMBS<br>CCC |                          |



|       |  |   |  |
|-------|--|---|--|
| s 116 | Power to cause or carry out inspection | DCAL<br>DPPS<br>MCSC<br>CSBS<br>DMBS<br>CCC |  |
|-------|--|---|--|



| ROAD MANAGEMENT ACT 2004 |  |   |                          |
|--------------------------|--|---|--------------------------|
| Column 1                 | Column 2   | Column 3                                  | Column 4                 |
| PROVISION                | THING DELEGATED  | DELEGATE                                  | CONDITIONS & LIMITATIONS |
| s 119(2)                 | Function of consulting with the Head, Transport for Victoria   | DCAL<br>DPPS<br>MPI<br>SIPL<br>CTE<br>MWD |                          |
| s 120(1)                 | Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)             | DCAL<br>MPI<br>CTE<br>SIPL<br>MWD         |                          |
| s 120(2)                 | Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1) | DCAL<br>CTE<br>SIP<br>MWD                 |                          |



| ROAD MANAGEMENT ACT 2004 |  |                                    |                          |
|--------------------------|--|------------------------------------|--------------------------|
| Column 1                 | Column 2   | Column 3                           | Column 4                 |
| PROVISION                | THING DELEGATED  | DELEGATE                           | CONDITIONS & LIMITATIONS |
| s 121(1)                 | Power to enter into an agreement in respect of works           | DCAL<br>MPI<br>CTE<br>MWD<br>SIPL  |                          |
| s 122(1)                 | Power to charge and recover fees                               | DCAL<br>DPPS<br>MWD<br>MPI<br>SIPL |                          |
| s 123(1)                 | Power to charge for any service                                | DCAL<br>MPI<br>SIPL<br>MWD         |                          |
| sch 2 cl 2(1)            | Power to make a decision in respect of controlled access roads | DCAL<br>DPPS                       |                          |
| sch 2 cl 3(1)            | Duty to make policy about controlled access roads              | Not delegated                      |                          |

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| ROAD MANAGEMENT ACT 2004 |  |                            |  |
|--------------------------|--|----------------------------|--|
| Column 1                 | Column 2   | Column 3                   | Column 4   |
| PROVISION                | THING DELEGATED  | DELEGATE                   | CONDITIONS & LIMITATIONS   |
| sch 2 cl 3(2)            | Power to amend, revoke or substitute policy about controlled access roads  | Not delegated              |  |
| sch 2 cl 4               | Function of receiving details of proposal from the Head, Transport for Victoria  | DCAL<br>DPPS               |  |
| sch 2 cl 5               | Duty to publish notice of declaration  | DCAL<br>DPPS               |  |
| sch 7 cl 7(1)            | Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve   | DCAL<br>DPPS<br>MPI<br>MWD | Where Council is the infrastructure manager or works manager   |
| sch 7 cl 8(1)            | Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road                                     | DCAL<br>DPPS<br>MPI<br>MWD | Where Council is the infrastructure manager or works manager   |
| sch 7 cl 9(1)            | Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works | DCAL<br>DPPS<br>MPI<br>MWD | Where Council is the infrastructure manager or works manager responsible for non-road infrastructure |

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| ROAD MANAGEMENT ACT 2004 |   |   |  |
|--------------------------|---|---|--|
| Column 1                 | Column 2  | Column 3                                  | Column 4   |
| PROVISION                | THING DELEGATED   | DELEGATE                                  | CONDITIONS & LIMITATIONS                                     |
| sch 7 cl 9(2)            | Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance | DCAL<br>DPPS<br>MPI<br>MWD                | Where Council is the infrastructure manager or works manager |
| sch 7 cl 10(2)           | Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected  | DCAL<br>DPPS<br>MPI<br>SIPL<br>CTE<br>MWD | Where Council is the infrastructure manager or works manager |
| sch 7 cl 12(2)           | Power to direct infrastructure manager or works manager to conduct reinstatement works  | DCAL<br>DPPS<br>MPI<br>SIPL<br>MWD        | Where Council is the coordinating road authority             |



| ROAD MANAGEMENT ACT 2004 |  |                                    |  |
|--------------------------|--|------------------------------------|--|
| Column 1                 | Column 2   | Column 3                           | Column 4   |
| PROVISION                | THING DELEGATED  | DELEGATE                           | CONDITIONS & LIMITATIONS                         |
| sch 7 cl 12(3)           | Power to take measures to ensure reinstatement works are completed           | DCAL<br>DPPS<br>MPI<br>MWD         | Where Council is the coordinating road authority |
| sch 7 cl 12(4)           | Duty to ensure that works are conducted by an appropriately qualified person | DCAL<br>DPPS<br>MPI<br>MWD         | Where Council is the coordinating road authority |
| sch 7 cl 12(5)           | Power to recover costs   | DCAL<br>DPPS<br>MPI<br>SIPL<br>MWD | Where Council is the coordinating road authority |



| ROAD MANAGEMENT ACT 2004 |   |                                    |  |
|--------------------------|---|------------------------------------|--|
| Column 1                 | Column 2  | Column 3                           | Column 4   |
| PROVISION                | THING DELEGATED   | DELEGATE                           | CONDITIONS & LIMITATIONS                         |
| sch 7 cl 13(1)           | Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2) | DCAL<br>DPPS<br>MPI<br>SIPL<br>MWD | Where Council is the works manager               |
| sch 7 cl 13(2)           | Power to vary notice period   | DCAL<br>DPPS<br>MPI<br>SIPL<br>MWD | Where Council is the coordinating road authority |
| sch 7 cl 13(3)           | Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)                               | DCAL<br>DPPS<br>MPI<br>SIPL<br>MWD | Where Council is the infrastructure manager      |



| ROAD MANAGEMENT ACT 2004 |   |                                    |   |
|--------------------------|---|------------------------------------|---|
| Column 1                 | Column 2                                      | Column 3                           | Column 4  |
| PROVISION                | THING DELEGATED                               | DELEGATE                           | CONDITIONS & LIMITATIONS  |
| sch 7 cl 16(1)           | Power to consent to proposed works            | DCAL<br>DPPS<br>MPI<br>SIPL<br>MWD | Where Council is the coordinating road authority  |
| sch 7 cl 16(4)           | Duty to consult                               | DCAL<br>DPPS<br>MPI<br>SIPL<br>CTE | Where Council is the coordinating road authority, responsible authority or infrastructure manager |
| sch 7 cl 16(5)           | Power to consent to proposed works            | DCAL<br>DPPS<br>MPI<br>MWD         | Where Council is the coordinating road authority  |
| sch 7 cl 16(6)           | Power to set reasonable conditions on consent | DCAL<br>DPPS<br>MPI                | Where Council is the coordinating road authority  |

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| ROAD MANAGEMENT ACT 2004 |  |                            |  |
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| Column 1                 | Column 2   | Column 3                   | Column 4   |
| PROVISION                | THING DELEGATED  | DELEGATE                   | CONDITIONS & LIMITATIONS                         |
| sch 7 cl 16(8)           | Power to include consents and conditions   | DCAL<br>DPPS<br>MPI        | Where Council is the coordinating road authority |
| sch 7 cl 17(2)           | Power to refuse to give consent and duty to give reasons for refusal   | DCAL<br>DPPS<br>MPI        | Where Council is the coordinating road authority |
| sch 7 cl 18(1)           | Power to enter into an agreement   | DCAL                       | Where Council is the coordinating road authority |
| sch 7 cl 19(1)           | Power to give notice requiring rectification of works  | DCAL<br>DPPS<br>MPI<br>MWD | Where Council is the coordinating road authority |
| sch 7 cl 19(2) & (3)     | Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred | DCAL<br>DPPS<br>MWD        | Where Council is the coordinating road authority |



| ROAD MANAGEMENT ACT 2004 |  |                             |   |
|--------------------------|--|-----------------------------|---|
| Column 1                 | Column 2   | Column 3                    | Column 4  |
| PROVISION                | THING DELEGATED  | DELEGATE                    | CONDITIONS & LIMITATIONS  |
| sch 7 cl 20(1)           | Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure                                     | DCAL<br>DPPS<br>MPI<br>SIPL | Where Council is the coordinating road authority  |
| sch 7A cl 2              | Power to cause street lights to be installed on roads  | DCAL<br>DPPS<br>MPI         | Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road                                  |
| sch 7A cl 3(1)(d)        | Duty to pay installation and operation costs of streetlighting - where road is not an arterial road                                  | DCAL<br>MPI                 | Where Council is the responsible road authority   |
| sch 7A cl 3(1)(e)        | Duty to pay installation and operation costs of street lighting – where road is a service road on an arterialroad and adjacent areas | DCAL<br>MPI                 | Where Council is the responsible road authority   |
| sch 7A cl (3)(1)(f)      | Duty to pay installation and percentage of operationcosts of street lighting – for arterial roads in accordance with cls 3(2) and 4  | DCAL<br>MPI                 | Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs) |



| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 |   |  |                          |
|---|---|--|--------------------------|
| Column 1  | Column 2  | Column 3   | Column 4                 |
| PROVISION   | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS |
| r 7   | Function of entering into a written agreement with a caravan park owner | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |
| r10   | Function of receiving application for registration                      | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |

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| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 |   |  |                          |
|---|---|--|--------------------------|
| Column 1  | Column 2  | Column 3   | Column 4                 |
| PROVISION   | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS |
| r 11  | Function of receiving application for renewal of registration                                     | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |
| r12(1)  | Duty to grant the registration if satisfied that the caravan park complies with these regulations | MBPSBS<br>MCSC<br>DMBS<br>CSBS                       |                          |

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| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 |  |  |                          |
|---|--|--|--------------------------|
| Column 1  | Column 2   | Column 3   | Column 4                 |
| PROVISION   | THING DELEGATED  | DELEGATE   | CONDITIONS & LIMITATIONS |
| r12(1)  | Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations | MBPSBS<br>MCSC<br>DMBS<br>CSBS                       |                          |
| r12(2)  | Duty to renew the registration if satisfied that the caravan park complies with these regulations                | MBPSBS<br>MCSC<br>DMBS<br>CSBS<br>CPH<br>TLPH<br>EHO |                          |
| r12(2)  | Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH                |                          |

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| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 |   |  |                          |
|---|---|--|--------------------------|
| Column 1  | Column 2  | Column 3   | Column 4                 |
| PROVISION   | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS |
|   |   | TLPH<br>EHO  |                          |
| r12(3)  | Duty to have regard to matters in determining an application for registration or an application for renewal of registration | MBPSBS<br>MCSC<br>DMBS<br><br>CSBS<br>CPH<br>TLPH<br>EHO |                          |
| r 12(4) & (5)   | Duty to issue certificate of registration   | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO     |                          |

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| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 |  |  |                          |
|---|--|--|--------------------------|
| Column 1  | Column 2   | Column 3   | Column 4                 |
| PROVISION   | THING DELEGATED  | DELEGATE   | CONDITIONS & LIMITATIONS |
| r 14(1)   | Function of receiving notice of transfer of ownership    | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |
| r 14(3)   | Power to determine where notice of transfer is displayed | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |



| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 |   |  |                          |
|---|---|--|--------------------------|
| Column 1  | Column 2  | Column 3   | Column 4                 |
| PROVISION   | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS |
| r 15(1)   | Duty to transfer registration to new caravan park owner | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |
| r 15(2)   | Duty to issue a certificate of transfer of registration | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |

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| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 |   |  |                          |
|---|---|--|--------------------------|
| Column 1  | Column 2  | Column 3   | Column 4                 |
| PROVISION   | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS |
| r 15(3)   | Power to determine where certificate of transfer of registration is displayed                                     | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |
| r 16(1)   | Power to determine the fee to accompany applications for registration or applications for renewal of registration | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |



| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 |   |  |                          |
|---|---|--|--------------------------|
| Column 1  | Column 2  | Column 3   | Column 4                 |
| PROVISION   | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS |
| r 17  | Duty to keep register of caravan parks  | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |
| r 18(4)   | Power to determine where the emergency contact person's details are displayed | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |



| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 |  |  |                          |
|---|--|--|--------------------------|
| Column 1  | Column 2   | Column 3   | Column 4                 |
| PROVISION   | THING DELEGATED  | DELEGATE   | CONDITIONS & LIMITATIONS |
| r 18(6)   | Power to determine where certain information is displayed  | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |
| r 22(1)   | Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner | MCSC   |                          |
| r 22(2)   | Duty to consult with relevant emergency services agencies  | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |



| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 |  |  |                          |
|---|--|--|--------------------------|
| Column 1  | Column 2   | Column 3   | Column 4                 |
| PROVISION   | THING DELEGATED  | DELEGATE   | CONDITIONS & LIMITATIONS |
| r 23  | Power to determine places in which caravan park owner must display a copy of emergency procedures    | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |
| r 24  | Power to determine places in which caravan park owner must display copy of public emergency warnings | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |
| r 25(3)   | Duty to consult with relevant floodplain management authority  | MBPSBS<br>MCSC<br>CSBS<br>DMBS                       |                          |

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| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 |  |  |                          |
|---|--|--|--------------------------|
| Column 1  | Column 2   | Column 3   | Column 4                 |
| PROVISION   | THING DELEGATED  | DELEGATE   | CONDITIONS & LIMITATIONS |
|   |  | CPH<br>TLPH<br>EHO                                   |                          |
| r26   | Duty to have regard to any report of the relevant fire authority   | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |
| r28(c)  | Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling | CPH<br>TLPH<br>EHO                                   |                          |
| r 40  | Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe            | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH                |                          |

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| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 |   |  |                          |
|---|---|--|--------------------------|
| Column 1  | Column 2  | Column 3   | Column 4                 |
| PROVISION   | THING DELEGATED   | DELEGATE   | CONDITIONS & LIMITATIONS |
|   |   | TLPH<br>EHO  |                          |
| r 40(b)   | Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |
| r 41(4)   | Function of receiving installation certificate  | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |
| r 43  | Power to approve use of a non-habitable structure as a dwelling or part of a dwelling         | MBPSBS<br>MCSC                                       |                          |

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| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 |  |  |                          |
|---|--|--|--------------------------|
| Column 1  | Column 2   | Column 3   | Column 4                 |
| PROVISION   | THING DELEGATED  | DELEGATE   | CONDITIONS & LIMITATIONS |
|   |  | CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO                   |                          |
| sch 3 cl 4(3)   | Power to approve the removal of wheels and axles from unregistrable movable dwelling | MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CPH<br>TLPH<br>EHO |                          |



| RESIDENTIAL TENANCIES REGULATIONS 2021 |  |          |                          |
|--|--|----------|--------------------------|
| Column 1                               | Column 2   | Column 3 | Column 4                 |
| PROVISION                              | THING DELEGATED                                      | DELEGATE | CONDITIONS & LIMITATIONS |
| <del>sch 4 cl-<br/>3(a)(iii)</del>     | <del>Power to approve any other toilet system.</del> | MCSC     |                          |



| ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 |  |                     |  |
|--|--|---------------------|--|
| Column 1                                   | Column 2   | Column 3            | Column 4   |
| PROVISION                                  | THING DELEGATED  | DELEGATE            | CONDITIONS & LIMITATIONS                         |
| r 8(1)                                     | Duty to conduct reviews of road management plan  | DCAL<br>MPI<br>SIPL |  |
| r 9(2)                                     | Duty to produce written report of review of road management plan and make report available   | DCAL<br>MPI<br>SIPL |  |
| r 9(3)                                     | Duty to give notice where road management reviews completed and no amendments will be made (or no amendments for which notice is required) | DCAL                | Where Council is the coordinating road authority |
| r 10                                       | Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act        | DCAL<br>MPI<br>SIPL |  |
| r 13(1)                                    | Duty to publish notice of amendments to road management plan   | DCAL<br>MPI<br>SIPL | Where Council is the coordinating road authority |



| ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 |  |  |  |
|--|--|--|--|
| Column 1                                   | Column 2   | Column 3   | Column 4   |
| PROVISION                                  | THING DELEGATED  | DELEGATE   | CONDITIONS & LIMITATIONS                         |
| r 13(3)                                    | Duty to record on road management plan the substance and date of effect of amendment | DCAL<br>MPI<br>SIPL  |  |
| r 16(3)                                    | Power to issue permit  | DCAL<br>DPPS<br>MPI<br>MBPSBS<br>MCSC<br>CSBS<br>DMBS<br>CCC | Where Council is the coordinating road authority |
| r 18(1)                                    | Power to give written consent re damage to road                                      | DCAL   | Where Council is the coordinating road authority |
| r 23(2)                                    | Power to make submission to Tribunal   | DPPS<br>MBPSBS<br>MCSC<br>CSBS<br>DMBS                       | Where Council is the coordinating road authority |

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| ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 |  |  |  |
|--|--|--|--|
| Column 1                                   | Column 2   | Column 3   | Column 4   |
| PROVISION                                  | THING DELEGATED  | DELEGATE   | CONDITIONS & LIMITATIONS                         |
| r 23(4)                                    | Power to charge a fee for application under s 66(1) Road Management Act              | DCAL<br>DPPS<br>MBPSBS<br>MPI<br>MCSC<br>CSBS<br>DMBS<br>CCC     | Where Council is the coordinating road authority |
| r 25(1)                                    | Power to remove objects, refuse, rubbish or other material deposited or left on road | DCAL<br>DPPS<br>MBPSBS<br>MCSC<br>MPI MWD<br>CSBS<br>DMBS<br>CCC | Where Council is the responsible road authority  |



| ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 |  |              |   |
|--|--|--------------|---|
| Column 1                                   | Column 2   | Column 3     | Column 4  |
| PROVISION                                  | THING DELEGATED  | DELEGATE     | CONDITIONS & LIMITATIONS                        |
| r 25(2)                                    | Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3)) | DCAL<br>DPPS | Where Council is the responsible road authority |
| r 25(5)                                    | Power to recover in the Magistrates' Court, expenses from person responsible                                       | DCAL         |   |



| ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015 |  |          |   |
|---|--|----------|---|
| Column 1  | Column 2   | Column 3 | Column 4  |
| PROVISION   | THING DELEGATED  | DELEGATE | CONDITIONS & LIMITATIONS  |
| r 15  | Power to exempt a person from requirement under cl13(1) of sch 7 of the Act to give notice as to the completion of those works | DCAL     | Where Council is the coordinating road authority and where consent given under s 63(1) of the Act |
| r 22(2)   | Power to waive whole or part of fee in certain circumstances   | DCAL     | Where Council is the coordinating road authority  |



**9. URGENT BUSINESS**

**10. ORDINARY BUSINESS**

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

**10.2 Right of reply**

**10.3 Notice of Motion**

**10.4 Councillor questions**

**10.5 Written public questions to Council**

**11. CONFIDENTIAL ITEMS**

Nil

**12. CLOSURE OF MEETING**