



**GLEN EIRA CITY COUNCIL**  
**ORDINARY COUNCIL MEETING**  
**TUESDAY 9 JUNE 2026**

**AGENDA**

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

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

- S8(1) Local Government Act 2020

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

**Chief Executive Officer:** Lucy Roffey



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**1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

**2. APOLOGIES**

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

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

**PROCEDURAL MOTION**

That Council:

1. where meetings are held in-person, can continue the meeting if the livestream of the meeting fails;
2. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem where a Councillor is participating virtually; and
3. where a Councillor is participating virtually and the meeting cannot be resumed within 30 minutes from the commencement of the technical problem, the meeting is to be reconvened on Monday 15 June 2026 at 7.30pm.

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

Copies of Minutes previously circulated.

**RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on 19 May 2026 be confirmed.

**7. RECEPTION AND READING OF PETITIONS AND JOINT LETTERS****7.1 JOINT LETTER: POLLUTER PAYS MOTION TO SUPPORT A CLIMATE COMPENSATION FUND**

A joint letter containing **310** signatures was submitted to the Council Meeting. The joint letter read as follows:

We the undersigned residents request that Council:

Support coal, oil and gas corporations paying their fair share for the costs of climate change. Local councils and residents shouldn't be left holding the bill while corporations pocket the profits.

We call on City of Glen Eira to pass a Polluter Pays motion to support a Climate Compensation Fund, which would help protect local services, strengthen and repair infrastructure, and fund disaster response and preparedness – ensuring our community can stay safe and thrive.

Council should formally call on the Australian Federal Government to:

- Establish a Climate Compensation Fund, paid for by a levy on major coal, oil and gas export corporations – not ratepayers and taxpayers;
- Earmark funds for local councils to cover the rising costs of climate adaptation, disaster recovery and resilience;
- Provide sustained, legislated funding so councils can plan for the future with certainty; and
- Prioritise protecting ratepayers and taxpayers from bearing the escalating costs of climate damage.

**Why is this important?**

The “Polluter Pays” principle is simple – if you make a mess, you should clean it up.

Communities like ours are already paying the price of climate change through higher insurance premiums and increasing disaster recovery bills. Meanwhile, big coal, oil and gas corporations are making billions exporting Australia's resources, often while paying no tax and pocketing huge government subsidies.

Our community is already experiencing the impacts of climate pollution – from floods and bushfires to heatwaves and coastal erosion. Local councils are on the frontline, responsible for roads, drainage, community facilities and emergency response – but right now the costs of disasters are rising faster than council revenue.

**A Climate Compensation Fund could help pay for:**

- Disaster response and preparedness
- Insurance relief for disaster-hit communities

- Flood-proofed homes centres
- Upgraded community halls and evacuation centres
- Shaded streets and cool public spaces
- Well-resourced emergency services
- Support for a just transition for workers and their families and much more...

**We will deliver this** petition to City of Glen Eira asking them to table it as part of a successful Polluter

Pays motion with other Councils.

### **RECOMMENDATION**

That Council:

1. receives and notes this joint letter; and
2. refers this to Council officers for further investigation including a detailed response to the submitter.

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

**9. REPORTS FROM COMMITTEES AND RECORDS OF ASSEMBLY****9.1 Advisory Committees****9.1.1 ADVISORY COMMITTEE MINUTES**

**Author:** *Kylie Hill, Executive Management Officer*

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

**Trim No:** *26/1145430*

**Attachments:** 1. *Minutes- Environmental Stewardship Advisory Committee meeting- 11 May 26* [↓](#)

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**RECOMMENDATION**

That the minutes of the Advisory Committee meetings as shown below be received and noted:

1. Environmental Stewardship Committee - 11 May 2026.



**GLEN EIRA  
ENVIRONMENTAL STEWARDSHIP  
ADVISORY COMMITTEE MEETING**

**MINUTES**

**The Environmental Stewardship meeting commenced at 6.00pm.**

**Monday 11 May 2026  
6.00pm – 8.00pm**

***Yarra Yarra Room,  
Glen Eira Town Hall, corner Glen Eira and Hawthorn Roads, Caulfield***

**Present:**

<i>Councillors:</i>	Cr Arabella Daniel (Chair)	Councillor committee member
	Cr Li Zhang	Councillor committee member

*Community*

<i>Representatives:</i>	Simon Campbell	Community committee member
	Stephanie Epp	Community committee member
	Helen Fischer	Community committee member
	Eva Godnjavec	Community committee member
	Andiope Hatzis	Community committee member
	Jane Knight	Community committee member
	Sue Pennicuik	Community committee member
	Tamara Taylor	Community committee member
	Neshika Pillay (online)	Community committee member

<i>Council Officers:</i>	Niall McDonagh	Director Sustainability, Assets and Leisure
	Damien Connell	Head of Climate and Circular Economy
	Bruce Paton	Coordinator Climate and Sustainability
	Melissa Burrage	Strategic Program Manager
	Jess van der Werff	Manager Parks Services
	Jarrold Knight	Coordinator Urban Forest
	Natalie Mreulje	Management Assistant

**Absent:**

	Cr Dr Simone Zmood	Councillor committee member
	Mark Wallace	Community committee member

**1. Welcome and Acknowledgement of Country** Cr Arabella Daniel (Chair)

Cr Arabella Daniel (Chair) welcomed the committee and acknowledged Traditional Owners and Custodians.

**2. Apologies** Cr Arabella Daniel (Chair)

No apologies received.

**3. Conflicts of Interest Declaration** Cr Arabella Daniel (Chair)

Members were reminded of their obligations under the Local Government Act 2020 and Council's Governance Rules. No conflicts of interest were declared.

**4. Action Items – Updates from last committee meeting** Cr Arabella Daniel (Chair)

Chair noted all items are closed – no questions from members.

Members provided feedback on recent governance training, noting it was well delivered and informative. An item of interest included the historical amalgamation of councils in 1995 and its impact on staffing.

Members who could not attend can listen to the recording and view the presentation slides circulated.

The Sir David Attenborough 100th birthday event was discussed, with Chair honoured to speak at the event and see committee members in attendance especially Tamara who initiated the idea. Members noting its emotional impact and commending officers for its delivery.

**5. Summary of meeting minutes from previous meeting** Cr Arabella Daniel (Chair)

Meeting minutes from meeting held on Monday 16 February 2026 were adopted at the 17 March 2026 Ordinary Council Meeting (OCM).

There were no recommendations from the previous meeting for Council to consider at the OCM.

Member had requested further information on the item regarding the circular economy and the discussion around opportunities to work more closely with schools and businesses to reduce waste. Officers provided additional information under General Business.

**6. Items for Discussion:****6.1 Council progress in key focus areas**

Damian Connell

Notes:

Officers provided updates across multiple strategic projects:

**Integrated Water Management:**

- Elster Creek Action Plan endorsed
- Ongoing water quality monitoring and litter audits
- Caulfield Park stormwater harvesting under feasibility review

**Circular Economy Plan:**

- New plan in development (due October 2026)
- Based on extensive community engagement (~21,000 responses)

**Climate and Emissions:**

- Major de-gasification project underway at GESAC
- Additional projects progressing across council facilities
- Community emissions mapping currently in development

**Air Quality:**

- Desktop study underway with EPA peer review planned

Members noted the scale of work underway and the importance of aligning these initiatives.

Recommendation:

No recommendations made

**6.2 ELC (Electrical Line Clearance)**

Jess van der Werff  
Jarrod Knight

Notes:

Officers presented on regulatory requirements for electrical line clearance. Key discussion points included:

- Mandatory pruning distances under current legislation
- Review of state regulations and Council submission
- Advocacy for reduced clearance distances to support canopy growth

Members raised concerns regarding harsh pruning impacts on tree health and aesthetics. Officers explained increased regulatory enforcement as a contributing factor.

Questions raised:

- Cost savings from reduced pruning (expected but not quantified)
- Basis of safety requirements (noted as largely anecdotal)
- Opportunities to improve planting strategies under powerlines

Members encourage and support Council's continued advocacy for evidence-based regulation reform and reduced clearance requirements.

Recommendation:

No recommendations made

**6.3 Urban Forest Strategy Refresh**

Jess van der Werff  
Jarrod Knight  
Bruce Paton

Melissa Burrage

Notes:

**Vision for 2040:**

Members participated in a facilitated exercise to define success. Themes included:

- Increased canopy cover and biodiversity
- Indigenous planting and habitat restoration
- Active, engaged and proactive community
- Equitable access to green space (including 3, 30, 300 rule)
- Climate resilience and urban cooling
- Reduced reliance on cars and increased active transport

Topics highlighted in the discussion included:

- The importance of community mindset change
- Desire for stronger planning controls to support green infrastructure
- The connection between achieving a healthy urban forest and other sustainability outcomes
- Glen Eira's place in our wider landscape, which will require us to work with other councils and stakeholders.

**Achievements:**

Officers outlined progress over the past five years, including:

- 7,000+ trees planted and over 43,000 indigenous understory plants
- Significant maintenance and auditing programs
- Implementation of canopy protection local law
- Community planting programs and education initiatives

**Challenges:**

Discussion acknowledged key barriers:

- Limited physical space for planting
- High costs in hard infrastructure environments
- Climatic impacts on species viability
- Limited nursery stock availability
- Community attitudes toward green infrastructure

Indigenous vs Native Species Discussion:

Members debated the balance between indigenous and other suitable species. Officers acknowledged that while indigenous species are preferred where suitable, site constraints and climate resilience considerations mean this is not always achievable. A right plant, right place approach is used, recognising that both native and non-indigenous species can deliver valuable canopy and ecosystem benefits, including habitat for wildlife

**Prioritisation Exercise:**

Members allocated a hypothetical budget across planting priorities. This exercise highlighted trade-offs and informed future strategic direction. Results are compiled and included in attachment.

**Private Land Engagement:**

Recognizing that 70% of land is privately owned, members discussed strategies to influence outcomes, including:

- Incentives and recognition programs
- Stronger compliance and enforcement
- Behavior change initiatives (e.g. No Mow May)
- Education and sharing of plant survivability data
- Developer contributions and planning controls

Further notes can be found in attachment.

Action: Officers to develop a program logic framework incorporating workshop inputs and circulate for further feedback.

Recommendation:

No recommendations made.

**7. General Business:**

Cr Arabella Daniel (Chair)

- Circular Economy and Schools/Business engagement

Discussion focused on improving collaboration with schools and businesses to reduce waste.

Officers clarified that Council supports schools through facilitation rather than delivering curriculum-based programs. Existing initiatives such as ResourceSmart Schools were highlighted, along with opportunities to expand participation.

Members raised concerns about food waste in local businesses. Officers outlined current programs (e.g. Bin Trim), noting that uptake is limited due to business capacity and awareness challenges.

Key points raised by members included:

- Importance of better education and awareness for businesses
- Opportunity to broaden participation across sectors

Key priorities identified:

- Leadership and education
- Facilitation of existing programs
- Advocacy for systemic change

Members acknowledged the importance of partnerships and ongoing communication.

**8. Forward Meeting Schedule**

Cr Arabella Daniel (Chair)

<b>Date</b>	<b>Items</b>	<b>Officer/Member</b>
10 August 2026	To be determined by the Committee	TBC
16 November 2026	To be determined by the Committee	TBC

**9. Next meeting**

10 August 2026

**10. Closure of Meeting:**

Group photo was taken.

The meeting closed at 8.07pm.

Minutes to be confirmed at the next Ordinary Council Meeting on 9 June 2026.

- Action summary from this meeting**

<b>Title/Item</b>	<b>Action</b>	<b>Update</b>	<b>Responsible Officer</b>	<b>Active/Closed</b>
<b>Share Urban Forest Strategy Workshop notes</b>	Collate and share notes from workshop activities and invite feedback/additions from committee members		Kylie Hill	Closed
<b>Develop program logic framework for Urban Forest strategy</b>	Using outcomes from workshop activities, develop program logic framework for Urban Forest Strategy. To be shared at next meeting for committee feedback.		Bruce Paton	Active
<b>Share presentations from today's meeting with committee members</b>	Include workshop activity notes and PowerPoint presentations when sharing meeting minutes.		Kylie Hill	Closed

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

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

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

**Trim No:** 26/1150557

**Attachments:** 1. 5 May 2026 - Assembly [↓](#)  
2. 12 May 2026 - Assembly [↓](#)  
3. 19 May 2026 - Pre-meeting [↓](#)

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**RECOMMENDATION**

That Council notes the Records of Assemblies for:

1. 5 May 2026 Assembly;
2. 12 May 2026 Assembly; and
3. 19 May 2026 Pre-meeting.

**Assembly of Councillors – Record of Assembly**

5 May 2026

Assembly due to commence at 5.00pm

<b>Councillors Present:</b> Mayor, Cr Simone Zmood Cr Arabella Daniel Cr Margaret Esakoff Cr Jane Karslake Cr Sam Parasol Cr Luca Ragni Cr Kay Rimbaldo Cr Kimberley Young Cr Li Zhang	<b>Officers Present:</b> Lucy Roffey (CEO) Kellie Vise Niall McDonagh Jane Price Rosa Zouzoulas John Vastianos Diana Vaynrib Karling Colomiere	Andrea Pogue Leigh Northwood Geoff Hills Fiona Banks Kelly Naughton Sarah Finlay (online) Sophie Paterson Ally Saltis Stacey Murphy Matt Slavin
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1. Acknowledgement
2. Apologies & Conflicts of Interest - Nil
3. Strategic Asset Reserve Implementation Update

*5.07pm – Cr Young arrived**5.15pm – Cr Ragni arrived*

4. Draft Community Infrastructure Plan Part A

*6.05pm – Cr Daniel left the meeting room**6.08pm – Cr Daniel returned to the meeting room*

5. State election briefing (PRESENTATION ONLY)
6. Council's commitment to preventing and responding to homelessness - briefing
7. Antisemitism Strategy 2026-2028: Draft Strategy and Community Engagement Plan
8. Draft OCM Agenda Review – 19 May 2026

**12. General Business:**

- Councillor Business - Calendar updates
- Director Sustainability, Assets and Leisure Niall
- Cr Ragni – Abandoned Trolleys
- Cr Parasol – Dumped Vehicles
- Cr Parasol – Open space discussion
- Cr Young – Local Government Working Group on Gambling Update
- Cr Daniel – Eastern Alliance for Greenhouse Action Update
- Director Community Wellbeing – Event Update
- Cr Karslake - Gambling Education through Sports Clubs Discussion
- Cr Karslake – Heritage Discussion

**13. Councillor / CEO only time (Cr Parasol)**

- Meeting Debrief

**Assembly concluded at 9.42pm**

**Assembly of Councillors – Running Sheet**

12 May 2026

**Assembly commenced at 4.33pm**

<b>Councillors Present:</b> Mayor, Cr Simone Zmood Cr Arabella Daniel Cr Margaret Esakoff Cr Jane Karlake Cr Sam Parasol (online) Cr Kay Rimbardo Cr Kimberley Young Cr Li Zhang	<b>Officers Present:</b> Lucy Roffey (CEO) Kellie Vise Niall McDonagh Jane Price Rosa Zouzoulas John Vastianos Mary Lennon Cheyenne Thygesen-Sutton	Leigh Northwood Harley Moraitis Ruth Hennell Eliza Levi Geoff Hills Fiona Banks Sophie Paterson Sarah Finlay (online) Jess Wingad Damian Connell Jennifer Shin Ryan Hughes Lauren Richardson
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1. Acknowledgement
2. Apologies & Conflicts of Interest  
Apology – Cr Ragni  
4.34pm – Cr Daniel arrived
3. Community Infrastructure Plan Early Years Network Plan  
4.35pm – Cr Zhang arrived  
4.45pm – Cr Karlake arrived
4. Antisemitism Royal Commission Councillor workshop  
7.15pm – Cr Parasol left the hybrid meeting  
7.25pm – Cr Parasol returned to the hybrid meeting
5. Draft Advocacy Priorities 2026–27 for refinement  
7.55pm – Cr Zhang left the room  
7.59pm – Cr Zhang returned to the room
6. Municipal Association of Victoria May 2026 State Council Voting Recommendations
7. Development of Circular Economy Plan 2026 - 2030  
8.50pm – Cr Young left the room  
8.52pm – Cr Esakoff left the room  
8.54pm – Cr Esakoff returned to the room  
8.56pm – Cr Young returned to the room
8. Update to Canopy Tree Protection Local Law Policy
9. Draft OCM Agenda Check-in – 19 May 2026
10. General Business  
- Cr Zhang – Advisory Committee query  
- Cr Daniel – event praise, GESAC membership query, parking query
11. Councillor / CEO only time (Cr Zhang)  
- Meeting debrief

**Assembly concluded at 9.45pm**

**OCM Pre-meeting – Record of Assembly**

19 May 2026

**Pre-meeting commenced at 6.45pm**

<b>Councillors Present:</b> Mayor, Cr Simone Zmood Cr Arabella Daniel Cr Margaret Esakoff Cr Jane Karlake Cr Sam Parasol Cr Luca Ragni Cr Kay Rimbaldo Cr Kimberley Young Cr Li Zhang	<b>Officers Present:</b> Lucy Roffey (CEO) Kellie Vise Niall McDonagh Jane Price Rosa Zouzoulas John Vastianos Karling Colomiere Cheyenne Thygesen-Sutton
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1. Acknowledgement
2. Apologies and Conflicts of Interest - Nil
3. Written Public Questions to Council
4. Any questions or discussion on any of tonight's items? – Cr Daniel item 10.2
5. General Business
  - ESC outcome
  - Director Community Wellbeing – reminders for Councillors
  - Cr Daniel - Police Academy tour
  - Cr Ragni - Murrumbena Netball Court
  - Cr Young - Immunisations
  - Cr Young - Peninsula Community Legal Centre visit
  - Cr Zhang - Community planting event
  - Cr Karlake - Active Transport Plan
  - Cr Parasol - Police Academy tour
  - Cr Parasol - 5 Star Food Awards
  - Cr Parasol - Advocacy for small shopping strip upgrades
  - Cr Rimbaldo - Moorleigh Village
  - Cr Zmood - 5 Star Food Awards

**Pre-meeting concluded at 7:11pm**

## 10. OFFICER REPORTS (AS LISTED)

### 10.1 ROYAL COMMISSION ON ANTISEMITISM AND SOCIAL COHESION – SUBMISSION

**Author:** *Fiona Banks, Senior Coordinator Wellbeing and Social Policy*

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

**Trim No:** *26/1141767*

**Attachments:** 1. *Royal Commission on Antisemitism and Social Cohesion – Submission*  
[↓](#)

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#### EXECUTIVE SUMMARY

Council has prepared a submission to the Royal Commission on Antisemitism and Social Cohesion providing a local government perspective on antisemitism and its impacts on community safety, participation and social cohesion.

Drawing on direct experience, community engagement and service data, the submission outlines how antisemitism is experienced locally and identifies opportunities to strengthen prevention, coordination and response across all levels of government.

Rather than proposing new Council programs or commitments, it clarifies Council's role, highlights system gaps and advocates for coordinated national action, including clearer roles, better information sharing and dedicated resourcing for place-based responses.

Endorsement of the submission supports Council's advocacy role and alignment with existing work on social cohesion and community safety.

#### RECOMMENDATION

That Council endorse the submission (Attachment 1) to the Royal Commission on Antisemitism and Social Cohesion.

#### BACKGROUND

The Royal Commission has been established to examine the nature and prevalence of antisemitism in Australia, its impacts on the community, and opportunities to strengthen prevention and response.

Glen Eira is home to one of Australia's largest and most established Jewish communities. Antisemitism is experienced locally both through direct incidents and through broader impacts on perceptions of safety, belonging and participation in community life.

Recent data highlights the scale of the issue locally, with a high proportion of reported antisemitic incidents across Victoria occurring within Glen Eira, alongside an increase in offensive graffiti and related reporting.

Residents and community organisations regularly raise concerns with Council, particularly where issues arise in public spaces or community settings.

#### ISSUES AND DISCUSSION

##### Purpose and value of the submission

Developed to provide a clear and evidence-based local government perspective to the Royal Commission, the submission identifies practical, place-based responses within Council's role and highlights where action from other levels of government is required.

The submission advocates for:

- stronger national leadership and coordination.
- clearer roles and responsibilities across government.
- improved information sharing and escalation pathways.
- dedicated funding and capability support for local government.
- investment in prevention, education and community cohesion initiatives.

This approach supports a coordinated response across government and community partners.

### **Council's role and limits**

Council plays an important but limited role in responding to antisemitism.

Its role centres on maintaining safe and welcoming public places, supporting community cohesion, responding to concerns raised through Council services, and referring matters to appropriate authorities where required.

Law enforcement, intelligence and criminal investigation remain the responsibility of State and Commonwealth agencies. Council does not investigate criminal matters and cannot resolve the underlying drivers of antisemitism on its own.

As a result, Council's role is primarily preventative and place-based, with a focus on early intervention, community connection and local coordination.

### **Local experience and impacts**

Antisemitism is experienced locally across public and community settings, including graffiti and vandalism, verbal abuse and intimidation, and threatening communications to community organisations.

Community feedback indicates that these experiences influence how people engage with public life, including decisions about safety, visibility and participation in community activities.

Impacts are often cumulative and may extend beyond direct incidents, affecting perceptions of safety and trust in public institutions. These impacts are particularly significant in a municipality with a visible and established Jewish community, where residents participate in local schools, places of worship and community organisations.

Council also sees how national and international events can directly impact local conditions, contributing to periods of heightened concern and increased demand for reassurance and support.

### **System gaps and challenges**

Council's experience highlights several system-wide challenges, including limited access to timely information from State and Commonwealth agencies, unclear escalation pathways and role boundaries, and inconsistent guidance on how local governments should respond to complex community safety issues.

In practice, these gaps can affect Council's ability to plan, coordinate responses and provide consistent and informed communication to the community, particularly during periods of heightened tension.

Without clear shared arrangements across different levels of government, councils are often required to respond to complex issues without the necessary tools, information or authority.

**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

While this submission does not have direct implications for emissions reduction or other specific actions under Council's *Climate Emergency Response Strategy*, it complements the Strategy's broader vision for safe, healthy and liveable places. By supporting inclusion, connection and community wellbeing, the submission contributes to local resilience and reinforces Council's wider strategic focus on strong, adaptive and connected communities.

**FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS****Financial and resource implications**

There are no direct financial implications associated with endorsing the submission. Its focus is on advocacy and alignment with existing Council work rather than the creation of new programs or commitments.

Future financial impacts will depend on decisions by State and Federal governments in relation to funding and policy settings.

**Risk management**

The submission relates to a sensitive and complex issue that may heighten community concern. Without clear framing, there is a risk that the submission could contribute to misunderstanding or increase community tension. It may also create misaligned expectations about Council's ability to prevent or respond to antisemitism. There is also a risk that ongoing antisemitism and related community concern may increase demand on Council services and staff, particularly in customer-facing and place-based roles.

These risks are consistent with Council's broader operational risks relating to community safety, service demand, staff wellbeing and the delivery of clear and trusted public information. Clear framing of Council's role, supported by advocacy for stronger coordination and support from other levels of government, helps mitigate these risks.

Further mitigation relies on clear communication with the community and stakeholders, alignment with Council's broader work on social cohesion and community safety, and ongoing collaboration with relevant agencies and partners. While the submission supports stronger system arrangements, Council cannot fully control or resolve these risks on its own.

**Asset management implications**

Antisemitism in public spaces, including graffiti and vandalism, can create additional maintenance and asset management demands. These impacts are currently managed within existing resources and operational processes.

**POLICY AND LEGISLATIVE IMPLICATIONS**

The submission has been informed by relevant legislation, policy settings and emerging best practice, including:

- *Local Government Act 2020* (Vic)
- *Public Health and Wellbeing Act 2008* (Vic)
- *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- *Equal Opportunity Act 2010* (Vic)
- *Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025* (Vic)
- *Victorian Anti-Racism Strategy 2024-2029*
- *National Plan to Combat Antisemitism (2025)*

- Jewish Community Council of Victoria *10 Point Plan to Combat Antisemitism in Victoria*
- *Local Government Antisemitism Action Plan 2025*
- Monash Initiative for Rapid Research into Antisemitism *in the Cultural and Creative Industries 2025*

Together, these frameworks support Council's role in maintaining safe public spaces, supporting community wellbeing and responding to discrimination in ways that are proportionate, evidence-based and within local government's remit. This policy and legislative context also align with the development of the draft *Glen Eira Antisemitism Strategy* and Council's broader work on community safety and social cohesion.

## COMMUNICATION AND ENGAGEMENT

The submission draws on:

- engagement with local Jewish organisations.
- community feedback and service data.
- collaboration with neighbouring councils and sector partners.

The submission has also been informed by the concurrent development of the draft *Glen Eira Antisemitism Strategy*, as well as the Glen Eira Social Cohesion Taskforce, the Glen Eira Community Safety Committee, the Glen Eira Community Safety, Cohesion, Health and Wellbeing Advisory Committee, and Council's representation on the Victorian Government's Local Escalation and Help Group (LEAH). These insights will continue to guide communication and engagement.

## LINK TO COUNCIL PLAN

Strategic Direction 1: Community Safety, Cohesion, Health and Wellbeing  
Our community feels safer.

This submission aligns with Council's commitment to a safe, inclusive and connected community and supports existing work on community safety and social cohesion.

## 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 submission provides a clear, evidence-based local government perspective on antisemitism and its impacts within Glen Eira.

It reinforces Council's role in prevention and community connection while highlighting the need for coordinated national action.

Endorsement supports Council's advocacy role and contribution to a broader response across all levels of government.

[Date of submission]

# Submission by Glen Eira City Council to the Royal Commission on Antisemitism and Social Cohesion



GLEN EIRA  
CITY COUNCIL

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

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## Acknowledgement of Country

Glen Eira City Council acknowledges the Boon Wurrung/Bunurong and the Wurundjeri Woi Wurrung peoples of the Kulin Nation, as the Traditional Owners and Custodians, and pays respect to their Elders past and present.

We acknowledge and uphold the Traditional Owners' continuing relationship to the land and waterways.

Council extends its respect to all Aboriginal and Torres Strait Islander peoples.



## Executive summary

### **Glen Eira City Council's submission provides a local government perspective on antisemitism and social cohesion, grounded in direct community experience and place-based practice.**

It outlines how antisemitism is experienced locally, the impacts on community safety and participation, and practical, preventative responses within our role, while also calling on other levels of government to take appropriate action within their responsibilities.

Glen Eira is home to Australia's largest and most established Jewish community and has long been recognised as a place where people of many cultures, faiths and backgrounds live and participate together.

Through the delivery of more than 120 essential services, and through ongoing engagement and feedback from residents and community organisations, we are aware that antisemitism impacts both physical safety risks and sense of safety within the community. Both have significant consequences for wellbeing, participation in public life and trust in public institutions.

While reported incidents are an important indicator of local experience, they are likely to understate the full extent of antisemitism, particularly in relation to online hate, unreported incidents, and differences between incidents that are reported, recorded and substantiated. Our local experience indicates that national and international events, including periods of heightened protest activity and social tension, can have immediate and lasting impacts on sense of safety and social cohesion.

Responsibility for law enforcement, intelligence and criminal investigation sits with State and Commonwealth agencies. Local government's role is focused on prevention, early intervention, community education, place-based responses and fostering trust between communities and government.

This submission responds to Parts (a)(i), (a)(ii), (a)(iii) and (a)(iv) of the Terms of Reference. Drawing on our local government experience, it provides observations and practical considerations to support coordinated, preventative and place-based approaches to addressing antisemitism and strengthening social cohesion.

In setting out this perspective, we have drawn on our adopted policies and definitions, including the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, as a tool to support understanding, education and prevention.



## Summary of recommendations

Glen Eira City Council recommends that the Australian Government:

1. Establish a nationally led *Social Cohesion Framework* with a strong and explicit focus on antisemitism, including shared definitions, principles and measures.
2. Clearly articulate roles and responsibilities across all levels of government as part of the proposed *Framework* noted above.
3. Establish a formal partnership across Australian, Victorian and local governments to support coordinated prevention, information sharing, clear escalation pathways and consistent responses.
4. Support national capability-building for local government, including guidance, training and resources to support safe and consistent responses to antisemitism.
5. Support locally delivered intercultural, interfaith and community cohesion initiatives.
6. Enable structured collaboration and shared learning between local governments through nationally supported mechanisms, recognising the Australian Government's role in coordination and funding.
7. Initiate and fund a national civic education and prevention program.
8. Develop nationally consistent public communication principles.
9. Provide dedicated national funding to support council-led, place-based responses to antisemitism and social cohesion.
10. Establish nationally consistent guidance for local governments on responding to requests for private security in public settings.

# Our City

The City of Glen Eira is located approximately 10 kilometres southeast of Melbourne’s central business district, and forms part of Melbourne’s inner south-east region.

The municipality covers an area of 39 square kilometres and includes the suburbs of Bentleigh, Bentleigh East, Carnegie, Caulfield, Caulfield East, Caulfield North, Caulfield South, Elsternwick, Gardenvale, Glen Huntly, McKinnon, Murrumbeena, Ormond and parts of Brighton East and St Kilda East. Adjoining municipalities include the cities of Bayside, Kingston, Monash, Port Phillip and Stonnington.



Glen Eira’s population is expected to reach 176,389 by 2036. Glen Eira is a diverse community made up of people with different backgrounds, culture, family type, age, and occupation.

Glen Eira City Council provides a wide range of services to its residents, including waste management, planning, building regulations, public parks, recreation facilities, libraries, and a range of community services. It also works closely with local businesses and community organisations to promote economic development and social wellbeing in the area.

## Council’s position on the Terms of Reference

This submission focuses on those Terms of Reference most relevant to local government, drawing on Glen Eira City Council’s role, responsibilities and local context, while highlighting broader implications for councils nationally.

## Term of Reference (a)(i): The nature and prevalence of antisemitism in institutions and society<sup>1</sup>

Statewide data aligns with Council's local experience and provides an important indicator of prevalence. The *2025 Victorian Antisemitism Report* by the Jewish Community Council of Victoria and Community Security Group recorded 564 antisemitic incidents across Victoria in 2025 — the highest number recorded. Of those, 240 incidents were recorded in Glen Eira, representing 43 per cent of all reported incidents statewide.

At a local level, antisemitism most commonly presents as patterns of behaviour in public spaces and community facilities, including:

- antisemitic graffiti and vandalism in public places.
- verbal abuse and intimidation in public spaces such as shopping precincts and on public transport interchanges.
- threatening communications to community organisations.

Council service data reflects this pattern. Reports of offensive graffiti increased from 142 incidents in the 2024–25 financial year to 213 incidents in the 2025–26 financial year (as at 5 May 2026). A significant proportion of these reports include direct or indirect references to antisemitism or related themes, including references to Jewish identity, Israel or Palestine, Nazi symbolism and swastikas. Fourteen incidents involving swastikas were recorded in 2024–25, with a further three incidents reported to date in 2025–26. Reporting also shows recurring geographic patterns, with incidents concentrated in a small number of particular suburbs, streets, activity centres and transport corridors.


These figures represent reported incidents only and should be understood as partial indicators rather than a complete measure of prevalence. They are likely to understate the scale of antisemitism, particularly in relation to online conduct, unreported incidents and differences in how incidents are recorded or substantiated.

As the closest level of government to the community, Council becomes aware of antisemitism through multiple channels. This includes correspondence from residents, ongoing engagement with local Jewish and interfaith organisations, participation in and convening of relevant local, regional and sector wide forums and networks, and issues raised in relation to Council facilities, events and public spaces.

Local experience also indicates that antisemitism is shaped by factors beyond the municipality. National and international events, protest activity, online misinformation and broader social polarisation can have immediate and lasting impacts on local safety and cohesion. Community harm may also arise from individuals entering Glen Eira during periods of heightened tension or organised activity.

<sup>1</sup>“(a) tackling antisemitism by:

(i) *investigating the nature and prevalence of antisemitism in institutions and society, and examining its key drivers in Australia, including religious and ideologically motivated extremism and radicalisation, including in the lead up to the antisemitic Bondi terrorist attack on 14 December 2025;”*



The impact of antisemitism is reflected in community behaviour and participation. In a municipality with a visible and well-established Jewish community, as well as a range of schools, places of worship and community organisations, the impacts of antisemitism are observed through changes in how people use public spaces, attend events and engage with Council services. These include increased and more visible security measures at schools, places of worship and community facilities, and reduced participation in public life due to safety concerns.

While this submission focuses on antisemitism, these patterns are not experienced in isolation. Other cultural and faith communities report similar experiences of hostility and exclusion, reinforcing that antisemitism has broader implications for social cohesion and community safety.

Council does not investigate criminal matters. Responsibility for law enforcement, intelligence and criminal investigation rests with State and Commonwealth agencies. Local government's role is focused on prevention, early intervention, education and maintaining safe and welcoming public spaces through local laws, facility management and referral to appropriate authorities where required.

### **RECOMMENDATION:**

That the Australian Government:

**1. Establish a nationally led *Social Cohesion Framework* with a strong and explicit focus on antisemitism that:**

- provides shared definitions, principles and measures for understanding and monitoring antisemitism across Australian society, drawing on established and widely adopted definitions, including the IHRA working definition, informed by institutional and community settings and supporting consistent adoption across Commonwealth and State Government institutions.
- is co-designed in partnership with local government, recognising councils as trusted, place-based institutions with direct insight into community impacts, risks and prevention opportunities.
- includes mechanisms for evaluation, reporting and continuous improvement to ensure national policy remains responsive to emerging risks and lived community experience.

**2. Clearly articulates roles and responsibilities across all levels of government**, including practical guidance for local government on escalation thresholds, referral pathways and appropriate responses within councils' municipal remit.

## Term of Reference (a)(ii): Opportunities to enhance the responses of governments to antisemitism<sup>2</sup>

Our experience responding to antisemitism locally highlights opportunities to strengthen timely, structured and sustained communication across Australian, Victorian and local governments, including access to relevant situational information to prepare for emerging risks, clear escalation pathways, and consistent communication before, during and after major trigger events.

Local governments are often responding to heightened community concern without timely access to information held by Victorian or Australian government agencies. Where appropriate, timely updates for councils — such as information about planned public activities near community facilities or increased risks to places of worship and schools — would support local decision-making and coordination with community organisations and Victoria Police.

The *2025 Victorian Antisemitism Report* identifies that spikes in antisemitic incidents are frequently linked to major or international ‘trigger events’, with impacts often extending beyond immediate crisis periods. Councils require advance notice, clear escalation pathways and sustained coordination to respond effectively.

Clear and practical escalation pathways should include guidance on evidence capture, referral thresholds, consistent public messaging, and coordination with police, emergency services and community organisations. These arrangements would support councils to respond confidently within their municipal remit while ensuring matters are escalated appropriately.

Beyond information sharing and escalation, there are opportunities to strengthen collaboration across the local government sector itself. Structured mechanisms for councils to share practice and collectively build capability across the local government sector would support more consistent place-based responses and reduce duplication of effort.


At the community level, investment in local programs that bring people together, encourage understanding between cultures, and support young people are critical parts of prevention. Approaches informed by trauma-informed community development, which recognise the widespread and cumulative impact of trauma on residents, help build community resilience over time. For Glen Eira, this includes locally delivered education and bystander programs, capacity building for community leaders, and initiatives that strengthen relationships between communities through shared civic participation.

There is also ongoing value in continued, coordinated advocacy to Victorian and Australian governments on the role of local government in addressing antisemitism. This includes advocating for clear policy settings, shared responsibilities and adequate resourcing to enable councils to respond effectively and safely, supported through partnerships with peak

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<sup>2</sup>“(a) tackling antisemitism by:

(ii) identifying any opportunities to enhance the responses of governments to antisemitism including, but not limited to, best practice approaches to de-radicalisation and strengthening social cohesion;”



bodies such as the Municipal Association of Victoria (MAV) and the Australian Local Government Association (ALGA).

**The following examples illustrate how these opportunities can be realised in practice at the local level, within Council's roles and responsibilities**

In response to community concerns, we established a Social Cohesion Taskforce to coordinate our approach to combatting antisemitism in partnership with key community stakeholders, alongside progressing the development of a dedicated *Antisemitism Strategy*. These actions demonstrate the role local government can play in identifying emerging issues early and initiating place-based responses, within its roles and responsibilities.


Collaboration with neighbouring municipalities, including the City of Port Phillip, has supported a more coordinated response to local incidents and emerging community tensions. For example, following the Adass Israel firebombing incident on 6 December 2024, existing relationships with neighbouring councils and sector partners were used to share situational awareness, coordinate with relevant agencies, and align local communications and community-facing responses where appropriate.

On 26 February 2026, in partnership with the City of Port Phillip, we hosted the *Victorian Local Government Antisemitism and Social Cohesion Forum*. This forum enabled councils to exchange insights from incidents, strengthen response capabilities, and hear from a range of speakers, including Jewish peak bodies and research organisations. In the context of increased antisemitism nationally and locally, this cross-council collaboration supports more timely, consistent and place-based responses, helping ensure affected residents and community organisations experience clear and coordinated support.

**RECOMMENDATION:**

That the Australian Government:

- 3. Commit to implementing a formal partnership across all levels of government**, including local government. The nationally led framework should embed structured collaboration and shared learning between Australian, Victorian and local governments, recognising councils as key place-based partners in prevention, education and early intervention.
- 4. Support national capability-building for local government** as part of the nationally led framework. It should include access to evidence informed training, guidance and resources to support councils and elected representatives to respond to antisemitism safely, confidently and consistently, recognising that councils are the closest level of government to the community.
- 5. Support locally delivered intercultural, interfaith and community cohesion initiatives**, including community events, arts programming, early-years education and leadership development for community organisations, to strengthen relationships and reduce prejudice across communities.
- 6. Enable structured collaboration and shared learning between local governments through nationally supported mechanisms**. This should



include formal networks, communities of practice and mechanisms to share data, practice insights and emerging risks, recognising the Australian Government's role in coordination and funding.

### **Term of Reference (a)(iii): Recommendations to counteract and prevent antisemitism<sup>3</sup>**

Based on our experience responding to antisemitism locally, effective prevention emphasises early intervention, education, sustained community partnerships and meaningful intercultural engagement. In practice, this requires:

- measures across schools, universities, youth settings, sporting clubs, cultural organisations, libraries, arts settings and wider community venues
- education and awareness initiatives that build understanding of antisemitism, Jewish identity and the impacts of hate.
- support for locally led social cohesion strategies that are responsive to the community and developed in partnership with affected communities.

This work should be supported by sustained investment in community education, bystander and upstander initiatives, early-years learning, and leadership development for community organisations as part of a long-term prevention approach.


Locally led social cohesion initiatives should promote meaningful engagement and relationship-building across communities, not only awareness raising, in order to strengthen trust, resilience and shared civic participation. These include inclusive community events, library programming and resources, community grants, youth and family services, and collaboration with schools and community organisations to promote respectful engagement and challenge harmful stereotypes. Examples include Courage to Care and Upstander programs delivered in schools, which would benefit from sustained Victorian Government funding and broader promotion.

Effective prevention requires sustained investment and should be embedded in formal policy and strategy settings, supported by dedicated funding. This includes using community grants and social cohesion funding to support locally delivered initiatives that strengthen inter-community connections, build resilience and respond to emerging issues.

In Glen Eira, this approach is being progressed through our Social Cohesion Taskforce, comprising ten cross-sector leaders. The Taskforce monitors emerging community tensions, provides advice on immediate risks and responses, co-designs local prevention initiatives and builds partnerships across local government and community organisation sectors. This work is complemented by Council's Community Safety Committee, which supports information sharing and coordination across local partners, including Victoria Police and key community organisations, to strengthen situational awareness and align responses.

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<sup>3</sup> "(a) tackling antisemitism by:  
(iii) making recommendations to counteract and prevent manifestations of antisemitism;"



Prevention efforts must also respond to the role of misinformation and disinformation, conspiracy theories and wider social division, including online discourse that can spill into local community settings. Effective responses to misinformation and disinformation require a structured approach across three phases: anticipatory (early detection and risk identification), active (real-time response and communication), and recovery (community reassurance and rebuilding trust).

This requires more than digital literacy alone and should include coordinated counter-misinformation capability across communities and institutions. There is also value in guidance and education that supports responsible public communication, including in media settings, to reduce harmful framing, victim-blaming and inflammatory reporting that can further damage social cohesion.

Practical measures within a local government role include clear codes of conduct for Council-run events and venues, staff training on responding to complaints and hate incidents, rapid removal of graffiti and vandalism from public assets, and consistent communications that reinforce community standards. Ensuring that local governments are adequately resourced to, respond to issues raised by residents, support affected community members and coordinate place-based responses, is critical to the effectiveness of these measures.

#### **RECOMMENDATION:**

That the Australian Government:

- 7. Initiates and funds a national civic education and prevention program** that is embedded within formal national policy and strategy settings and delivered in partnership with local councils and community partners, with implementation across schools, universities, sporting clubs, cultural institutions and broader community settings. The program should include digital literacy, counter-misinformation capability and bystander education.
- 8. Develop nationally consistent public communication principles**, including guidance for public institutions and media settings, to support accurate reporting, reduce harmful framing and misinformation, and promote community confidence during periods of heightened tension.



## Term of Reference (a)(iv): The impact of antisemitism on the daily life of Jewish Australians<sup>4</sup>

Engagement with residents and community organisations indicates that antisemitism influences daily decision-making for Jewish community members, particularly decisions about safety, visibility and participation in public life. These impacts relate both to direct safety threats and to sense of safety, each of which can affect confidence, wellbeing and willingness to participate in community settings. These impacts are particularly relevant for children, young people and young adults, including in schools, universities, online environments and other community settings where identity, belonging and safety are negotiated.

In Glen Eira, where many residents participate in school, worship, sport, recreation and cultural life locally, concerns can arise about travel routes, visibility of religious or cultural identifiers, and participation in Council-run or Council-hosted activities. These concerns generate operational pressures for councils, including requests for event security planning, risk assessments, physical infrastructure, coordination with police and emergency services, and practical reassurance measures for affected communities. This has included requests for enhanced security arrangements at Council-facilitated or public events, including requests to permit private security providers such as Community Security Group (CSG) to be armed in public or civic settings.

These requests raise complex governance, safety and role clarity considerations for local government, particularly where expectations extend beyond a council's statutory role, create inconsistencies with state legislation or public safety frameworks, or require decisions beyond Council's expertise and authority.

As land managers and permit authorities, councils are required to conduct and document their own risk assessments in relation to the use of public land and facilities and cannot rely solely on Victoria Police advice. This includes setting clear permit conditions and maintaining appropriate records to evidence due diligence. Embedding these considerations within local government risk assessment and approval processes supports governance, legal and safety obligations, while maintaining appropriate role boundaries.


The evidence before the Commission identifies a need for structured and well-documented planning and risk arrangements for public-facing, higher-risk events involving the Jewish community, including festivals, community events and High Holy Days. Council's experience indicates that responsibility for approvals and security planning rests primarily with event organisers, with Victoria Police involvement primarily focused on public order considerations.

For many community members, the impacts of antisemitism are cumulative and may also carry intergenerational dimensions. This can lead to a greater need for reassurance, practical support and visible support from public institutions like councils. If left

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<sup>4</sup> "(a) tackling antisemitism by:

(iv) *assessing the impact of antisemitism on the daily life of Jewish Australians including with respect to security, physical and mental health and wellbeing;*"



unaddressed, the cumulative effect of these experiences risks eroding trust in public institutions and weakening social cohesion. This underscores the importance of clear, consistent and supportive responses by local government within their role, including maintaining safe and welcoming public spaces, supporting participation in community life, and working with Victorian and Australian government agencies and community groups to ensure concerns are heard and passed on appropriately.

### **RECOMMENDATION:**

That the Australian Government:

- 9. Provide dedicated, evidence-based funding to support council-led, place-based responses,** with resourcing calibrated to local incidence, community impact and service demand, including in municipalities experiencing disproportionately high levels of antisemitic incidents.
- 10. Work with States and Territories to develop a clear, nationally consistent** position to guide local government in responding to requests from the Jewish community to use private security and armed guards in public and civic settings.



## Conclusion

Glen Eira City Council welcomes the Royal Commission as a critical opportunity to strengthen national leadership and coordination in responding to antisemitism. We remain committed to supporting social cohesion, community safety and inclusive civic participation, and to working collaboratively with all levels of government to prevent antisemitism and strengthen community trust.

This submission demonstrates that antisemitism has tangible and ongoing impacts at the local level. In Glen Eira, these impacts are reflected through community members reporting experiences of unsafety, reduced participation in public and civic life, heightened security concerns, and increased demands on community support and local government resources. Antisemitism is not an abstract issue. It manifests in everyday community settings and requires urgent and sustained attention.

Our experience highlights that antisemitism is driven by a combination of direct behaviours and broader systemic factors, including misinformation, global and national events experienced locally, limited understanding of Jewish identity and history, and increasing social polarisation. These drivers extend well beyond the influence of any single organisation or level of government and require coordinated, preventative and long-term action across Australian, Victorian and local governments.

Local government is the closest level of government to the community and plays an important role in supporting prevention, education, community connection and early intervention. But councils cannot respond effectively without clear roles, timely information, consistent guidance and adequate resourcing from other levels of government.

We are calling for national prioritisation of these issues and a nationally led framework that provides leadership, consistency and sustained funding. National leadership must be matched by coordinated State and local action, recognising that effective prevention and response must occur across multiple community settings and institutions.

In the absence of national leadership and clear role definition, local governments are left to manage the impacts of antisemitism without the preventative systems, structures and tools required to respond effectively. Addressing antisemitism effectively requires action not only on individual incidents, but also on the broader systems and environments that enable harm, including misinformation, social polarisation and uneven access to resources. A broader social cohesion approach should remain explicit about antisemitism while also contributing to safer, more inclusive and more resilient communities for all.



# Contact us

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## National Relay Service

If you are deaf, hearing-impaired, or speech-impaired, we ask that you call us via the National Relay Service and then ask for (03) 9524 3333.

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## 10.2 COUNCIL'S COMMITMENT TO PREVENTING AND RESPONDING TO HOMELESSNESS

**Author:** Kelly Naughton, Senior Wellbeing and Social Policy Advisor

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

**Trim No:** 26/187210

**Attachments:** 1. [Our commitment to preventing and responding to homelessness](#) [↓](#)

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### EXECUTIVE SUMMARY

Council's *Commitment to Preventing and Responding to Homelessness* (the *Commitment*) has been developed outlining Council's values and role in relation to homelessness. It formalises existing practice and provides a clear organisational position to support consistent, safe and lawful responses across Council services and the community.

The *Commitment* does not create new programs, services or targets. Instead, it clarifies what Council can and cannot do, how we collaborate with partners, and how concerns about rough sleeping will be responded to in a way that is human centred, respectful, safe and realistic.

A key element of the *Commitment* is a community-facing homelessness response protocol. The protocol gives clear guidance for community members who are concerned about someone sleeping rough, including when and how to seek support. It aims to reduce unsafe or well-intentioned, but inappropriate responses.

Endorsing the *Commitment* supports clarity, consistency and expectation management, strengthens staff confidence and safety, and positions Council to respond appropriately to community requests and work effectively with homelessness services, Victoria Police and other partners.

### RECOMMENDATION

That Council endorse the *Commitment* (Attachment 1) to preventing and responding to homelessness.

### BACKGROUND

Homelessness is an increasing issue across Victoria, driven by housing affordability pressures, cost-of-living impacts, family violence and broader social disadvantage. It exists across a spectrum of experiences, including people sleeping rough, living in crisis or temporary accommodation, couch surfing, or living in insecure, overcrowded or unsafe housing. For many people, homelessness is hidden, fluid and shaped by compounding pressures rather than a single event.

While rough sleeping is the most visible expression of homelessness, it represents only a small proportion of people experiencing housing instability, contributing to a public perception that does not reflect the broader system or typical pathways into homelessness.

In Glen Eira, homelessness most often comes to Council's attention through its visible expression as a small number of people sleeping rough in well-used public places. These situations are typically long-term and place-based, with people remaining in the same locations for extended periods.

Glen Eira has a comparatively low presence of specialist homelessness services within the municipality, with most entry points and outreach services located in neighbouring areas. Identified service gaps, particularly in outreach and crisis responses, limit the options available locally when concerns arise.

As a result, Council is often the most visible point of contact for community concerns about homelessness, despite responsibility for housing, outreach and case management sitting primarily with State-funded services. Increasing community concern over the past 12 to 18 months has highlighted the need for clearer role definition, consistent staff guidance and shared community messaging.

## **ISSUES AND DISCUSSION**

### **Council's role and limits**

Council plays an important but limited role in preventing and responding to homelessness.

Council's role focuses on public space management, safety and amenity, referring concerns to appropriate services, coordinating with partners and advocating for improved service access where gaps are identified.

Council does not deliver housing, outreach or case management services and does not control access to accommodation, these functions sit within the State-funded homelessness service system. Council also cannot compel people to engage with support.

Council has limited enforcement powers under local laws. These powers may only be used where there is a clear legal, safety or public health trigger and are not designed to manage or resolve homelessness. Enforcement is exercised proportionately and only as a last resort.

### **Purpose and value of the Commitment**

Without a clear organisational position, community expectations can exceed Council's role and capacity, leading to frustration and uncertainty for staff and residents. The *Commitment* has been developed to address this gap.

The *Commitment* provides a shared reference point for the community and Council staff. It clearly distinguishes between actions within Council's control and outcomes that depend on external systems and services. This clarity supports lawful, proportionate and humane responses, protects staff safety and helps manage community expectations.

### **Relationship to wider work**

Included within the *Commitment* is the community-facing homelessness response protocol, which provides clear guidance on safe and respectful responses when someone is sleeping rough, including when to seek professional or emergency support. It addresses frequent community requests for advice and aims to reduce unsafe or unintended harm.

## **CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

People experiencing homelessness are particularly vulnerable to climate-related risks such as heatwaves, storms and poor air quality. The *Commitment* supports Council's *Climate Emergency Response Strategy* by reinforcing awareness of climate vulnerability and Council's role in supporting at-risk community members during extreme weather events through coordination, referral and safety responses.

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

### **Financial and resource implications**

The *Commitment* can be implemented within existing budgets. Homelessness-related work impacts multiple areas of Council, including the Community and Economic Development,

Community Safety and Compliance and Works Depot as well as other customer-facing services.

These activities include triaging reports, liaising with service providers and Victoria Police, coordinating internal responses and managing ongoing enquiries related to place-based rough sleeping. While no new funding is required at this stage, these support requests compete with other operational priorities. In response, the *Commitment* is intended to support more efficient use of staff time through role clarity, standardised responses and reduced ad hoc effort.

### **Risk management**

The key risks associated with the *Commitment* include misaligned community expectations, staff safety concerns and the potential for the *Commitment* to be misinterpreted as guaranteeing outcomes beyond Council's control. These align with existing risks in the Operational Risk Register, particularly:

- OR-198 A project is not supported by the community and/or stakeholder groups.
- OR-249 Failure to safely undertake Council business in the community (i.e. meetings, events, community consultation, etc.).
- OR-250 Failure to deliver on committed plans, policies, projects and procedures.

These risks are mitigated through:

- clearly articulating Council's role and limits
- avoiding language that implies control over housing or service outcomes
- reinforcing that homelessness services are delivered by external providers
- promoting the community-facing protocol to discourage unsafe direct intervention
- maintaining ongoing engagement with service partners and Victoria Police.

### **Asset management implications**

Rough sleeping in public places and, at times, within Council facilities can create additional cleaning, maintenance and waste management demands. Belongings may need to be managed in line with legal and human rights requirements, requiring coordination across teams. These activities are managed within existing resources but may inform future operational considerations.

## **POLICY AND LEGISLATIVE IMPLICATIONS**

The *Commitment* aligns with Victoria's homelessness and housing policy directions and supports our obligations under the *Local Government Act 1989* (Vic), the *Public Health and Wellbeing Act 2008* (Vic) and emergency management frameworks.

The *Glen Eira Community Local Law 2019* provides limited regulatory powers to support the safe and shared use of public spaces. These powers are exercised only where necessary to address safety, public health or serious amenity impacts, and are not intended to manage or resolve homelessness. Any application of local laws is proportionate, a last resort, and undertaken in line with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

## **COMMUNICATION AND ENGAGEMENT**

A coordinated communication and engagement approach is proposed, with a strong focus on community awareness and expectation setting. A targeted community communications campaign will be delivered to coincide with National Homelessness Week in early August.

The campaign will:

- explain Council's role, values and limits in preventing and responding to homelessness
- include local examples that reflect different experiences and pathways into homelessness, not only rough sleeping
- build awareness that homelessness often affects people who are not visibly sleeping rough, including cohorts more likely to experience housing instability, such as older women and people impacted by family violence
- promote the community-facing homelessness response protocol as a clear guide for safe, respectful and appropriate responses
- reinforce messages about dignity, consent and referral, rather than direct intervention.

Aligning communications with National Homelessness Week provides a recognised and appropriate platform for community education, reduces the risk of reactive messaging and supports consistent, values-based engagement.

Alongside community communications, staff guidance and intranet updates will be provided to ensure consistent internal understanding of the *Commitment*. This will support frontline staff to respond confidently and safely, using shared messages and clear escalation pathways.

Continued engagement with service providers, Victoria Police and neighbouring councils will remain a priority. This will support shared understanding of roles, coordination of responses where appropriate, and opportunities for aligned messaging and joint advocacy on systemic issues beyond Council's direct control.

### **LINK TO COUNCIL PLAN**

Strategic Direction 1: Community Safety, Cohesion, Health and Wellbeing  
Our community has a strong sense of connection and belonging

The *Commitment* supports delivery of Council Plan Action 1.4.2 to partner with local providers and community groups to help people experiencing homelessness access essential services.

### **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 *Commitment* provides Council with a clear, realistic and human centred position on homelessness that supports staff, Councillors and the community. It strengthens consistency and safety within Council's existing role, improves expectation management and reinforces Council's contribution to a broader system response without expanding our remit or creating unfunded commitments.

## OFFICIAL

# Our commitment to preventing and responding to homelessness

**Homelessness touches individuals, families and our whole community. This Commitment sets out the values that guide us, the role we can play in prevention, early intervention and response, and the way we will show up — with compassion, respect and a focus on keeping people safe, connected and supported.**

## Understanding homelessness

Homelessness is broader and more complex than many people realise. It does not only refer to people sleeping in public places. Homelessness describes a range of situations where people do not have safe, secure or stable housing. This can include:

- 'Rough sleeping' in tents, swags, or public spaces
- Staying in crisis accommodation like a refuge or in temporary housing
- 'Couch surfing' or staying with family and friends
- Living out of a car or vehicle
- Living in an overcrowded or unsafe house
- Staying in insecure accommodation like a boarding or rooming house.

People may move between these situations over time, and homelessness is often hidden from view.

Homelessness is a growing reality for many people from all walks of life, including younger people, those who are employed, families with children and older people. For some people homelessness can be a brief experience, and for others it can be chronic or recurring. Homelessness is rarely a choice.

## What does 'at risk of homelessness' mean?

An increasing number of people are one crisis (like an injury or illness, relationship breakdown, or financial shock) away from homelessness. People who currently have a safe, secure, and stable place to call home may be considered at risk of homelessness if they are experiencing:

- housing stress or unaffordable rent
- family violence or relationship breakdown
- mental health challenges or ill health
- financial hardship, poverty or sudden loss of income
- insecure work, temporary visas or limited access to support systems.

While early support and connection to services can make a difference, there is no single pathway out of homelessness, and outcomes are not guaranteed. People experiencing homelessness retain autonomy and may choose whether or not to accept offers of accommodation or support. Access to housing and health services is shaped by availability, eligibility and individual circumstances, and compulsory intervention only applies in limited situations where there is a serious risk of harm.

## OFFICIAL

### Who is most vulnerable?

Homelessness can affect anyone, but some people are particularly vulnerable due to structural and systemic factors or are over-represented in homelessness data. This includes:

- women and children
- older people over 55 years of age
- young people under 24 years of age
- those leaving State care or institutions (including correctional facilities or hospitals)
- people with a disability
- people from culturally and linguistically diverse communities
- Aboriginal and Torres Strait Islander peoples
- people who identify as LGBTQAI+.

Climate-related events such as extreme heat or flooding can further increase risk for people experiencing homelessness or housing insecurity, particularly older people, people with disability, and those with existing health conditions. These vulnerabilities often overlap, increasing the risk of homelessness and making recovery more complex.

### A shared responsibility

Homelessness is shaped by broader social and economic systems, including housing supply and affordability, income security, health services and community supports. Preventing and responding to homelessness requires coordinated action across all levels of government, specialist services, community organisations and the broader community. This Commitment recognises homelessness as a shared responsibility and sets out our role in contributing to prevention, support and dignity within its remit.

This Commitment strongly aligns to our *Community Vision*, which is for a thriving and empowered community working together for an inclusive and sustainable future. Homelessness is everybody's business and a complex social challenge that cannot be solved alone.

Although just one player in a system of stakeholders, we are committed to continuing and strengthening our contribution where we can, and in ways that work for our community. We are at the forefront of community life, playing an important role in managing public environments and community services in ways that promote safety, dignity and inclusion for everyone.

As part of this shared responsibility, this Commitment includes practical guidance to support the community to respond safely, respectfully and appropriately when people experience or are at risk of homelessness.

### Our role: what we do (and what we don't do)

Homelessness is a complex issue with social, economic and structural causes. Preventing and responding to homelessness requires coordinated action across all levels of government, specialist services, community organisations and the broader community. We have an important role to play—but it is defined and limited.

#### Our role includes:

- Advocating to other levels of government on issues that affect housing security and homelessness.
- Working with local services to support coordinated responses and shared understanding of available support pathways.
- Delivering and funding community-based initiatives that contribute to wellbeing and prevention.

## OFFICIAL

- Managing public spaces and facilities to ensure safety, amenity and inclusion.
- Building organisational and community understanding of our role and approach.

### Our role does not include:

- Delivering specialist homelessness, housing or case management services.
- Managing individual housing allocations or eligibility.
- Replacing State or Commonwealth responsibilities for housing and support systems.
- Using fines or enforcement in response to homelessness itself. We may take compliance action in limited circumstances to manage safety risks or significant impacts in shared spaces.

## Our Commitment in practice

Our commitment to preventing and responding to homelessness is reflected in how we advocate, partner, provide, educate and, where required, enforce within our existing roles and responsibilities, including early intervention and prevention. This includes contributing to housing security through our policy, planning and service functions, and supporting community members to access information, services and support before issues escalate. Our approach recognises homelessness as a complex social issue shaped by structural factors such as housing affordability, health, family violence and cost of living pressures, and affirms that our role is to contribute alongside others, not to replace specialist systems.

### Advocate

We consistently advocate for structural reforms and investment to prevent and reduce homelessness.

This includes long-standing advocacy to Victorian and Australian governments for increased social and affordable housing supply, improved access to mental health and community services, and policy responses to housing stress and cost-of-living pressures. We have raised homelessness and housing affordability through formal advocacy channels including Municipal Association of Victoria (MAV) and Australian Local Government Association (ALGA) motions, submissions and intergovernmental forums, recognising these as issues beyond the capacity of local government to resolve alone. These advocacy efforts aim to address the structural drivers of homelessness, including housing supply, affordability and access to support.

Advocacy is also embedded in our strategic planning and policy positions, including support for housing diversity and improved social and affordable housing outcomes through land-use planning and housing strategy implementation. We use local data, community engagement insights and lived experience to inform advocacy priorities and works alongside neighbouring councils and peak bodies to amplify shared concerns.

### Partner

We work in partnership with specialist homelessness, housing, legal, health and community services that are best placed to provide direct and ongoing support to people experiencing or at risk of homelessness.

This includes maintaining strong relationships with local and regional service providers such as Better Health Network, Launch Housing, Victoria Police and other specialist homelessness services, community legal centres, family violence services, youth services, mental health providers and multicultural organisations. Through these partnerships, we support coordinated responses by sharing information about available services and supporting awareness of appropriate pathways, early support and intervention where it can reduce the risk of homelessness.

We also play a convening role, bringing together services that intersect with homelessness – including housing, health, justice, family violence, ageing, disability and youth – to strengthen collaboration, reduce duplication and improve local system navigation.

## OFFICIAL

### Provide

Within our remit, we deliver services and fund community organisations that support people to meet basic needs, stay connected and reduce the risk of housing instability and homelessness.

We administer community grants that support not-for-profit organisations delivering assistance to people experiencing vulnerability and housing stress. This includes funding organisations such as Peninsula Community Legal Centre and Community Information and Support Victoria (CISVic) member agencies, which provide legal assistance, financial counselling, tenancy advice, advocacy and information that can prevent homelessness or resolve issues early and avoid housing loss.

We also provide access to inclusive, low-barrier community spaces such as libraries, leisure facilities, community centres and neighbourhood venues, which offer safety, dignity, connection and access to information. Libraries and community hubs in particular function as important places of respite, learning and social connection for people experiencing disadvantage.

Our broader services also contribute to homelessness prevention by supporting people to stay housed and navigate challenges before they escalate, including seniors support (such as low-cost independent living units for financially disadvantaged older people), youth services, community support programs that address isolation, financial hardship and wellbeing risks. We provide information about local services and support pathways, helping people understand what support is available, recognising that access to housing and support depends on availability and eligibility, and that early connection to support can help prevent issues from escalating. Together, these services help address isolation, financial hardship and wellbeing risks that can contribute to housing insecurity.

### Educate

We build understanding across the organisation and the community to ensure responses to homelessness are informed, consistent and grounded in dignity and respect.

Internally, this includes supporting staff through training, internal guidance and clear role definition so that responses to homelessness and rough sleeping are trauma-informed, human-rights based and aligned with our values. Education supports staff across regulatory, customer service and community-facing roles to respond safely and appropriately, while understanding the limits of our responsibilities.

Externally, we play a role in community education and awareness-raising through communications, engagement and public information. This includes promoting understanding of homelessness as a systemic issue, reducing stigma, and supporting respectful use of public spaces. Education is also embedded in our broader health, wellbeing, equity and inclusion work, recognising housing security as a key social determinant of health.

### Enforce (where required)

We have a responsibility to uphold local laws and manage public spaces to ensure safety and amenity for everyone.

Our regulatory functions may include matters such as public health, amenity, use of public land, access to buildings and community safety. These responsibilities exist to manage shared spaces and reduce risks, not to respond to homelessness itself. Enforcement is not a response to homelessness itself and is never used as a substitute for housing, health or support services. Where enforcement action is required, it is applied proportionately, consistently and in accordance with legislation, and only as a last resort where there are genuine safety risks or significant amenity impacts that cannot be resolved through engagement or support based responses. Our approach prioritises safety, dignity and wellbeing, and seeks to avoid actions that criminalise or exacerbate vulnerability.

4

## OFFICIAL

## How we respond in public spaces

We understand that some people experiencing homelessness or rough sleeping may spend time in public spaces, and that community members may have questions or concerns when they see this.

This section focuses on public spaces, where Council has a defined role. Responses in private settings, including private buildings or residences, sit primarily with property owners, emergency services, or specialist support providers.

Our approach in public spaces is guided by care, respect and safety. When our staff become aware of someone sleeping rough, the focus is on engaging respectfully, checking on wellbeing where appropriate, and responding in a way that recognises the person's dignity and circumstances.

During extreme weather events, such as heatwaves or severe storms, Council's focus in public spaces is on wellbeing checks, safety and appropriate referral, consistent with our role and responsibilities.

We do not treat homelessness as a nuisance or a behaviour to be punished. Responses are proportionate and seek to balance the needs of people experiencing homelessness with the shared use of public spaces by the wider community.

We also recognise that staff across different roles may encounter homelessness in public spaces. Staff are supported to respond consistently, within clear boundaries, and in line with our responsibilities and values.

We maintain internal operational guidance to support staff in responding to rough sleeping in a manner that prioritises safety, dignity and wellbeing, consistent with a human-rights-based approach.

## OFFICIAL

## How you can support people experiencing or at risk of homelessness

### Community protocol for safe, respectful and appropriate responses

Homelessness is a shared community issue, and many people want to help when they see someone who may be sleeping rough or experiencing hardship. There are simple, practical ways community members can respond safely and respectfully.

#### If someone appears to need urgent support

If you are concerned about a person's immediate safety or wellbeing — for example, if they appear unwell, distressed, injured, or at risk — contact emergency services by calling **000**. If the situation is not urgent but you are worried about someone's welfare, you can request a welfare check through **Victoria Police**.

#### If you see someone sleeping rough

Seeing someone sleeping rough can be confronting, and it is natural to want to help. Rough sleeping is not illegal, and people experiencing homelessness have the same rights as anyone else to dignity and respect.

Homelessness, and particularly rough sleeping, is often a very isolating experience. Simple actions like making eye-contact and giving a nod or smile of acknowledgement can go a long way in making people feel seen and respected.

If the situation is appropriate, and you feel safe and comfortable to do so, a simple, respectful check-in — such as asking if they are okay — can be helpful. People may choose whether or not to engage, and that choice should be respected.

#### If someone asks you for help or information

If a person asks what support is available, you can help by pointing them toward services that specialise in housing, health and social support. You do not need to have all the answers — simply helping someone connect with the right service can make a difference.

If you are unsure what support is available, you can share information about local services, such as:

- **Ask Izzy** for local community services, allowing people seeking support to search for the kind of support needed (like food relief, or housing support) [www.askizzy.org.au](http://www.askizzy.org.au)
- **Glen Eira Community Information and Support Victoria (CISVic)** for local advice and referrals to services such as community legal centres, financial counselling services, housing support services and community health organisations (**03 9571 7644**).

Council can also receive reports about concerns in public spaces so they can be responded to appropriately. Reports should focus on location and safety concerns, not personal details.

#### Supporting dignity and inclusion

Small actions matter. Treating people with respect, avoiding assumptions, and recognising homelessness as a complex social issue, not a personal failure, helps create a safer and more inclusive community for everyone. If you are unsure what to do, it is okay to pause, seek advice, or contact us for guidance (**03 9524 3333**).

### 10.3 AGED CARE POLICIES

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

**Trim No:** 26/1119764

- Attachments:**
1. Residential Care Services for Older Persons Policy (original) [↓](#)
  2. Residential Care Services for Older Persons Policy (tracked changes) [↓](#)
  3. Residential Care Access and Fee Policy 2026 (updated and with new title) [↓](#)
  4. Independent Living Units for Older Persons Policy (original) [↓](#)
  5. Independent Living Units for Older Persons Policy (tracked changes) [↓](#)
  6. Independent Living Units for Older Persons Policy 2026 Final [↓](#)
  7. Residential Aged Care Liquidity Management Policy (original) [↓](#)
  8. Residential Aged Care Liquidity Management Policy (tracked changes) [↓](#)
  9. Residential Aged Care Liquidity Management Policy 2026 Final [↓](#)
  10. Fees for Community Care Services Policy (original) - To be revoked [↓](#)
  11. Fees for Independent Living Services Policy (original) - To be revoked [↓](#)
  12. Residential Aged Care Accommodation Bonds or Refundable Accommodation Deposits Policy (original) - To be revoked [↓](#)
  13. Client Contributions for Commonwealth Home Support Program (CHSP) Funded In-Home and Social Support Services Policy - New Policy 2026 [↓](#)
  14. Client Contributions HACCPYP for Funded In-Home and Social Support Services Policy [↓](#)
  15. Residential Aged Care Management and Refunds of Refundable Accommodation Deposits Policy [↓](#)

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### EXECUTIVE SUMMARY

This report presents a suite of updated, revoked and new policies relating to Council's aged care services.

The policy review has been undertaken in response to both scheduled policy review requirements and the introduction of the Aged Care Act 2024, which commenced on 1 November 2025 and introduced significant changes to governance, funding and financial management arrangements.

While some policies were due or approaching review, others have been reviewed earlier than scheduled to respond to these legislative changes.

As a result, a number of policies are proposed to be updated, revoked or replaced to ensure Council's policies reflect current legislative requirements, Commonwealth funding arrangements and operational practice.

### RECOMMENDATION

That Council

1. Adopts the following updated policies:
  - a) Residential Care Access and Fee Policy (previous title - Residential Care Services for Older Persons) (*Attachments 1, 2 and 3*);

- b) Independent Living Units for Older Persons Policy (Attachments 4, 5 and 6); and*
  - c) Residential Aged Care Liquidity Management Policy (Attachments 7, 8 and 9).*
2. Revokes the following policies:
  - a) Fees for Community Care Services Policy (Attachment 10);*
  - b) Fees for Independent Living Services Policy (Attachment 11); and*
  - c) Residential Aged Care Accommodation Bonds or Refundable Accommodation Deposits Policy (Attachment 12).*
3. Adopts the following new policies:
  - a) Client Contributions for Commonwealth Home Support Program (CHSP) Funded In-Home and Social Support Services Policy (Attachment 13);*
  - b) Client Contributions for Home and Community Care Program for Younger People (HACC PYP) Policy (Attachment 14); and*
  - c) Residential Aged Care Management and Refunds of Refundable Accommodation Deposits Policy (Attachment 15).*

## BACKGROUND

Council delivers a range of aged care and healthy ageing services, including residential aged care, independent living units and in-home and social support services funded through Commonwealth programs.

Council's policy framework supports consistent, transparent and compliant service delivery across these areas.

This review has been driven by two key factors:

- Policy lifecycle requirements, including policies that were due or approaching review.
- The introduction of the Aged Care Act 2024, which represents a significant reform to the aged care system, with implications for governance, financial management and service delivery.

While some policies were not yet due for review, early review was required to ensure alignment with these legislative changes.

## ISSUES AND DISCUSSION

A comprehensive review of Council's aged care and healthy ageing policies has been undertaken to ensure they reflect current requirements and how services operate today.

A number of existing policies have been updated to improve clarity and reflect current practice, including the Residential Care Access and Fee Policy, Independent Living Units for Older Persons Policy, and Residential Aged Care Liquidity Management Policy. These updates do not change intent but strengthen alignment with current legislative and operational settings.

Several policies are proposed to be revoked as they no longer reflect current service delivery or funding arrangements. In particular, older fee-based policies have been superseded by Commonwealth funding frameworks, and the Residential Aged Care Accommodation Bonds Policy has been replaced due to changes in legislative and prudential requirements.

To address this, new policies have been developed to provide clear and consistent guidance in areas now governed by updated frameworks. These include client contribution policies for

CHSP and HACC PYP services, and a new policy governing the management and refund of refundable accommodation deposits.

Overall, these changes remove outdated policies and ensure Council's policies reflect changes introduced through the Aged Care Act 2024, including stronger requirements around oversight and financial management.

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

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

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

The updated and new policies will be implemented within existing resources and do not introduce additional financial impacts.

Updating these policies is important to ensure Council remains aligned with legislative requirements under the Aged Care Act 2024 and continues to manage financial, governance and reputational risks, particularly in relation to residential aged care financial arrangements.

The updated liquidity management and accommodation deposit policies strengthen financial oversight and support Council's prudential obligations.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

The proposed policy updates, revocations and new policies ensure alignment with relevant legislation and funding frameworks, including the Aged Care Act 2024 and the Aged Care Rules 2025, which came into effect on 1 November 2025.

They support Council's compliance obligations and ensure policies reflect current legal and operational requirements, while also helping manage financial, governance and reputational risks, particularly in relation to residential aged care financial arrangements.

The policies will be reviewed every four years, or earlier if required due to Commonwealth changes.

### **COMMUNICATION AND ENGAGEMENT**

Following adoption, the updated and new policies will be published on Council's website in accordance with the Public Transparency Policy.

Relevant staff will be informed to ensure consistent implementation.

### **LINK TO COUNCIL PLAN**

Strategic Direction 4: Innovation and financial sustainability  
Our community is informed and engaged

### **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 proposed policy updates, revocations and new policies respond to changes under the Aged Care Act 2024 and Aged Care Rules 2025 and ensure Council's policies reflect current requirements and how services are delivered.

Adoption of these changes will support compliance and provide clear and consistent guidance for service delivery.



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MURRUMBEENA  
ORMOND  
ST KILDA EAST

# GLEN EIRA CITY COUNCIL RESIDENTIAL CARE SERVICES FOR OLDER PERSONS

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**Date first adopted:** 12 August 2002

**Dates amended:** 21 May 2007  
17 May 2022

**Next review date:** June 2023

**Position title of responsible business unit Manager:** Manager Aged Care and Independent Living  
**Approved by:** Council

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## OFFICIAL

## 1. TITLE

Residential Care Services for Older Persons.

## 2. OBJECTIVES

To provide a framework that sets out how Council will manage applications for residential aged care services, including eligibility, waitlist priority, fees and charges.

## 3. DEFINITIONS

Term	Meaning
Accommodation payments	An amount that some people may pay to either contribute towards or cover the full cost of their room, depending on their means assessment.
Additional service fees	An amount that some people may pay for tailored additional services that residents may wish to be provided, such as paid TV services or hairdressing.
Basic daily care fee	An amount that residents pay for the day-to-day services they will receive at the residential aged care home.
Care Fees	A "means tested" care fee and basic daily care fee.
Council	Means Glen Eira City Council.
Fees and Charges Schedules for Residential Aged Care Services	Means the Commonwealth Department of Health Fees and Charges Schedules for Residential Aged Care Services published by the Commonwealth Government, that registered providers of aged care services must follow.  The Commonwealth Department of Health reviews the fees schedule every six months.
Means tested care fee	A contribution that some people pay towards the cost of their care, determined by a means assessment.

## 4. POLICY

4.1 To be eligible for a Council residential aged care place, an applicant must be assessed by the Commonwealth Government's Aged Care Assessment Service (**Assessment Service**). This is organised through the Commonwealth's "My Aged Care Portal". The Assessment Service will determine whether the applicant will be eligible for respite and/or permanent placement in a residential aged care facility.

4.2 Council will maintain a waiting list for its residential aged care places in order of date of application received.

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4.3 Should the residential aged care facility be fully booked, allocation of places will be according to the priority of need. The following factors will be used to assess the priority of need by the Manager Residential Aged Care or Delegate: -

- i) Place or length of time on the waiting list;
- ii) Extent of deterioration of health and well-being of the applicant;
- iii) Level of support systems currently in place;
- iv) Assessed care needs of the applicant and appropriateness of the services available;
- v) Suitability of the environment;
- vi) Security of current living circumstances, including hospitalisations;
- vii) A past or present resident of Glen Eira or having a close relative living in Glen Eira.

**Fees and Charges***Accommodation payments*

4.4 Council will charge *accommodation payments* according to the *Aged Care Act 1997* and the Fees and Charges Schedules for Residential Aged Care Services.

*Care Fees*

4.5 Council will charge Care Fees according to the *Aged Care Act 1997* and the Fees and Charges Schedule for Residential Aged Care Services.

4.6 Council will charge Care Fees at the maximum level permissible by the Pension Supplement Eligibility Rate determined by the Commonwealth Department of Health.

*Additional Service Fees*

4.7 Council may set Additional Service Fees through its annual budget process.

*Legislation and Compliance*

4.8 Council will comply with legislative, funding and quality assurance requirements as stipulated by legislation pertaining to the provision of aged care residential services.

**5. HUMAN RIGHTS CHARTER COMPATIBILITY**

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

## OFFICIAL

## 6. ASSOCIATED INTERNAL DOCUMENTS

- Residential Aged Care Accommodation Bonds Policy.
- Residential Aged Care Liquidity Management Policy.

## 7. EXTERNAL REFERENCES/RESOURCES

- Aged Care Act 1997 (Commonwealth).
- Quality of Care Principles (Schedule 1).
- Accreditation Standards (Schedule 2).
- Residential Care Standards (Schedule 3).
- Food Act 1984.



GLEN EIRA  
CITY COUNCIL

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# GLEN EIRA CITY COUNCIL

## RESIDENTIAL ACCESS

## AND FEES POLICY~~CARE~~

## ~~SERVICES FOR OLDER~~

## ~~PERSONS~~

Date first adopted: 12 August 2002

Dates amended: 9 June 2026  
 21 May 2007  
 17 May 2022

9 June 2026  
 Next review date: 30 June 2032

Position title of responsible business unit Manager: ~~Manager Aged Care and Independent Living~~ Manager Life Stages

Approved by: Council

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OFFICIAL

1. TITLE

~~Residential Care Services for Older Persons~~ Residential Care Access and Fee Policy

2. OBJECTIVES

To provide a framework for managing access to Council’s residential aged care service (Warrawee) that sets out how Council will manage applications for residential aged care services, including eligibility, waitlist priority, fees and charges in accordance with the Aged Care Act 2024, Aged Care Rules 2025 and the Strengthened Aged Care Quality Standards.

3. DEFINITIONS

Term	Meaning
Accommodation payments	An amount that <del>some people</del> <u>residents</u> may pay to either contribute towards or cover the full cost of their room, depending on their means assessment.
Additional service fees	An amount that <del>some people</del> <u>residents</u> may pay for tailored additional services that residents may wish to be provided, such as paid TV services or hairdressing.
Basic daily care fee	An amount that residents pay for the day-to-day services they will receive at the residential aged care home.
Care Fees	A “means tested” care fee and basic daily care fee.
Council	<del>Means</del> Glen Eira City Council.
Fees and Charges Schedules for Residential Aged Care Services	<del>Means</del> <del>†</del> The Commonwealth Department of Health, <u>Disability, and Ageing</u> -Fees and Charges Schedules for Residential Aged Care Services published by the Commonwealth Government, that registered providers of aged care services must follow.  The Commonwealth Department of Health, <u>Disability, and Ageing</u> -reviews the fees schedule every six months.
Means tested care fee	A contribution that some people pay towards the cost of their care, determined by a means assessment.
<u>Strengthened Aged Care Quality Standards</u>	<u>The care and governance standards that aged care providers must meet from 1 November 2025.</u>
<u>AN-ACC</u>	<u>Australian National Aged Care Classification – funding model for residential care.</u>

## OFFICIAL

## 4. POLICY

~~4.1 To be eligible for a Council residential aged care place, an applicant must be assessed by the Commonwealth Government's Aged Care Assessment Service (Assessment Service). This is organised through the Commonwealth's "My Aged Care Portal". The Assessment Service will determine whether the applicant will be eligible for respite and/or permanent placement in a residential aged care facility.~~

~~4.2 Council will maintain a waiting list for its residential aged care places in order of date of application received.~~

Individual assessment and approval of residential aged care places (respite or permanent care) is via the Commonwealth Government's My Aged Care system.

Prospective residents or their representatives may contact Warrawee to express interest in securing a room at Warrawee. If Warrawee can meet the care needs of the prospective resident but there are no available rooms, Council will maintain a register of expression of interest and make an offer of admission once a room is vacant and the individual has a valid Commonwealth place. Facility Manager, Clinical Care Manager or Delegate are responsible for the assessment of applications and the following factors will be used to assess the priority of need: -

~~4.3 Should the residential aged care facility be fully booked, allocation of places will be according to the priority of need. The following factors will be used to assess the priority of need by the Manager Residential Aged Care or Delegate:--~~

- ~~i) Place on the waiting list in order of the date of application received;~~
- ~~ii) Length of time on the waiting list;~~
- ~~i) Place or length of time on the waiting list;~~
- ~~ii)iii) Extent of deterioration of health and well-being of the applicant;~~
- ~~iii)iv) Level of support systems currently in place;~~
- ~~iv)v) Assessed care needs of the applicant and appropriateness of the services available;~~
- ~~v)vi) Suitability of the environment;~~
- ~~vi)vii) Security of current living circumstances, including hospitalisations;~~
- ~~vii)viii) A past or present resident of Glen Eira or having a close relative living in Glen Eira.~~

5. FEES AND CHARGES*Accommodation payments*

1. Council will apply accommodation payments and care fees in accordance with the Aged Care Act 2024, Aged Care Rules 2025, the AN-ACC funding model and the Residential Aged Care Fees and Payment Schedule published by the Commonwealth Department of Health, Disability and Ageing.

~~Council will charge accommodation payments according to the Aged Care Act 1997 and the Fees and Charges Schedules for Residential Aged Care Services.~~

*Care Fees*

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2. Council will charge Care Fees according to the *Aged Care Act 2024, Aged Care Rules 2025* and the Fees and Charges Schedule for Residential Aged Care Services.

~~Council will charge Care Fees according to the *Aged Care Act 1997* and the Fees and Charges Schedule for Residential Aged Care Services.~~

~~Council will charge Care Fees at the maximum level permissible by the Pension Supplement Eligibility Rate determined by the Commonwealth Department of Health.~~

*Additional Service Fees*

1-3. Additional service fees (eg entertainment, hairdressing) will be reviewed and adopted annually as part of Council's budget process. Council may set Additional Service Fees through its annual budget process.

*Legislation and Compliance*

- ~~a. Council will comply with legislative, funding and quality assurance requirements as stipulated by legislation pertaining to the provision of aged care residential services.~~

6. HUMAN RIGHTS CHARTER COMPATIBILITY/LEGISLATIVE COMPLIANCE

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

6.1 Gender Impact Assessment

In line with the Gender Equality Act 2020, a Gender Impact Assessment has been completed for this policy. To ensure fair outcomes for all community members, Council will take the following steps:

- (a) Council will monitor and review the demographic profile of applicants and residents to ensure equitable access and inform ongoing policy improvement.
- ~~(b) Council takes steps to ensure information about this policy is accessible to all eligible community members, including those from diverse backgrounds~~

## 7. ASSOCIATED INTERNAL DOCUMENTS

- Residential Aged Care – Management and Refunds of Refundable Accommodation Deposits/Accommodation Bonds Policy.
- Residential Aged Care Liquidity Management Policy.

## 8. EXTERNAL REFERENCES/RESOURCES

- Aged Care Act 2024 (Commonwealth)
- Aged Care Rules 2025

## OFFICIAL

- Strengthened Aged Care Quality Standards

~~Aged Care Act 1997 (Commonwealth).~~

~~Quality of Care Principles (Schedule 1).~~

~~Accreditation Standards (Schedule 2).~~

~~Residential Care Standards (Schedule 3).~~

~~Food Act 1984.~~



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# GLEN EIRA CITY COUNCIL

## RESIDENTIAL ACCESS AND FEES POLICY

**Date first adopted:** 12 August 2002

**Dates amended:** 9 June 2026  
21 May 2007  
17 May 2022  
9 June 2026

**Next review date:** 30 June 2030

**Position title of responsible business unit Manager:** Manager Life Stages

**Approved by:** Council

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## OFFICIAL

## 1. TITLE

Residential Care Access and Fee Policy

## 2. OBJECTIVES

To provide a framework for managing access to Council's residential aged care service (Warrawee) including eligibility, waitlist priority, fees and charges in accordance with the Aged Care Act 2024, Aged Care Rules 2025 and the Strengthened Aged Care Quality Standards.

## 3. DEFINITIONS

Term	Meaning
Accommodation payments	An amount that residents may pay to either contribute towards or cover the full cost of their room, depending on their means assessment.
Additional service fees	An amount that residents may pay for tailored additional services that residents may wish to be provided, such as paid TV services or hairdressing.
Basic daily care fee	An amount that residents pay for the day-to-day services they will receive at the residential aged care home.
Care Fees	A "means tested" care fee and basic daily care fee.
Council	Glen Eira City Council.
Fees and Charges Schedules for Residential Aged Care Services	The Commonwealth Department of Health, Disability, and Ageing Fees and Charges Schedules for Residential Aged Care Services published by the Commonwealth Government, that registered providers of aged care services must follow.  The Commonwealth Department of Health, Disability, and Ageing reviews the fees schedule every six months.
Means tested care fee	A contribution that some people pay towards the cost of their care, determined by a means assessment.
Strengthened Aged Care Quality Standards	The care and governance standards that aged care providers must meet from 1 November 2025.
AN-ACC	Australian National Aged Care Classification – funding model for residential care.

## 4. POLICY

Individual assessment and approval of residential aged care places (respite or permanent care) is via the Commonwealth Government's My Aged Care system.

Prospective residents or their representatives may contact Warrawee to express interest in securing a room at Warrawee. If Warrawee can meet the care needs of the

## OFFICIAL

prospective resident but there are no available rooms, Council will maintain a register of expression of interest and make an offer of admission once a room is vacant and the individual has a valid Commonwealth place. Facility Manager, Clinical Care Manager or Delegate are responsible for the assessment of applications, and the following factors will be used to assess the priority of need:

- i) Place on the waiting list in order of the date of application received.
- ii) Length of time on the waiting list.
- iii) Extent of deterioration of health and well-being of the applicant.
- iv) Level of support systems currently in place.
- v) Assessed care needs of the applicant and appropriateness of the services available.
- vi) Suitability of the environment.
- vii) Security of current living circumstances, including hospitalisations.
- viii) A past or present resident of Glen Eira or having a close relative living in Glen Eira.

## 5. FEES AND CHARGES

### 5.1 Accommodation payments

Council will apply accommodation payments and care fees in accordance with the Aged Care Act 2024, Aged Care Rules 2025, the AN-ACC funding model and the Residential Aged Care Fees and Payment Schedule published by the Commonwealth Department of Health, Disability and Ageing.

### 5.2 Care Fees

Council will charge Care Fees according to the *Aged Care Act 2024, Aged Care Rules 2025* and the Fees and Charges Schedule for Residential Aged Care Services.

### 5.3 Additional Service Fees

Additional service fees (e.g. entertainment, hairdressing) will be reviewed and adopted annually as part of Council's budget process.

## 6. LEGISLATIVE COMPLIANCE

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

### 6.1 Gender Impact Assessment

In line with the Gender Equality Act 2020, a Gender Impact Assessment has been completed for this policy. To ensure fair outcomes for all community members, Council will take the following steps:

- (a) Council will monitor and review the demographic profile of applicants and residents to ensure equitable access and inform ongoing policy improvement.
- (b) Council takes steps to ensure information about this policy is accessible to all eligible community members, including those from diverse backgrounds.

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## 7. ASSOCIATED INTERNAL DOCUMENTS

- Residential Aged Care – Management and Refunds of Refundable Accommodation Deposits Policy
- Residential Aged Care Liquidity Management Policy

## 8. EXTERNAL REFERENCES/RESOURCES

- Aged Care Act 2024 (Commonwealth)
- Aged Care Rules 2025
- Strengthened Aged Care Quality Standards



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# GLEN EIRA CITY COUNCIL INDEPENDENT LIVING UNITS FOR OLDER PERSONS

---

**Date first adopted:** 12 August 2002

**Dates amended:** 14 Aug 2007  
8 Apr 2014  
17 May 2022

**Next review date:** 30 June 2027

**Position title of  
responsible unit  
Manager:** Manager Aged Care and  
Independent Living

**Approved by:** Council

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## 1. TITLE

Independent Living Units for Older Persons

## 2. OBJECTIVES

- 2.1 To provide affordable independent living units for financially and socially disadvantaged older persons living in Glen Eira.
- 2.2 To support older residents by enabling their 'ageing in place' with limited-service support, if required, to maintain independent living.

## 3. DEFINITIONS

Term	Meaning
Affordable	Low-cost rental accommodation
Ageing in place	Support provided to older people to assist them to remain living in the local community

## 4. POLICY

**4.1 Information to prospective applicants**

Council will provide prospective applicants for Council's independent living units with information on:

- a) eligibility criteria;
- b) length of the waiting list and criteria for priority of access;
- c) allocation procedures; and
- d) applicable fees and charges, including the annual rent adjustment procedures.

**4.2 Eligibility**

To be eligible for Council's independent living units, an applicant must:

- (a) be at least 60 years of age;
- (b) be capable of long-term independent living;
- (c) be in receipt of either a full Centrelink or Department of Veterans Affairs income support pension;
- (d) have been a resident of Glen Eira for a minimum of two years; and
- (e) own personal assets, the value of which does not exceed \$30,000 (according to a Centrelink income statement).

**4.3 Allocation of housing**

- a) Council will administer a waiting list of applicants for Council's independent living units who meet the eligibility criteria in order that the applications were received.

**OFFICIAL**

- b) Council will give priority to applicants on the waiting list if they are homeless or at risk of becoming homeless.

**4.4 Fees and charges**

## 4.4.1 Maximum rent

- a) Council will establish a maximum rent, based on a market appraisal by a qualified real estate agent.
- b) The full amount of this rent will be shown on the applicable tenancy agreement and is payable in full other than when a person applies for and is eligible for a rebated amount of rent in accordance with paragraph 4.4.2 of this Policy.

## 4.4.2 Rental rebates

- a) For persons in receipt of a Department of Veteran Affairs or Centrelink income support pension or benefit payment, rental fees will be charged at an amount equivalent to that individual's eligibility for the maximum Centrelink rental assistance plus an assessment of 25% of that individual's total household income. Any rental amount calculated as being payable using this formula must not exceed the maximum rent as established under section 4.4.1 of this Policy.
- b) Council will review the rental rebate amounts every six months following pension adjustments in March and September.

**4.5 Audits**

Council will carry out periodic audits to ensure the regular maintenance and upgrade of buildings and amenities.

**4.6 Service for residents**

Council will provide services to residents to assist with the maintenance of independent living, including:

- (a) ongoing home maintenance; and
- (b) referrals to appropriate agencies for personal support.

**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. EXTERNAL REFERENCES/RESOURCES**

- *Residential Tenancy Act (1997)*



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# GLEN EIRA CITY COUNCIL INDEPENDENT LIVING UNITS FOR OLDER PERSONS

**Date first adopted:** 12 August 2002

**Dates amended:** 14 Aug 2007  
8 Apr 2014  
17 May 2022

**9 June 2026**

**Next review date:** 30 June 203027

**Position title of  
responsible unit  
Manager:  
Approved by:**

~~Manager Aged Care and  
Independent Living~~ **Manager Life Stages**

~~Category 2 Policy – Discretionary Council Policy  
Council~~

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OFFICIAL

1. TITLE

Independent Living Units for Older Persons Policy

2. OBJECTIVES

To provide a framework that sets out how Council will manage access to Council-owned Independent Living Units, including eligibility, application and assessment processes, waitlist priority, and fees and charges, to support eligible older residents to age in place and maintain independent living. ~~To provide affordable independent living units for financially and socially disadvantaged older persons living in Glen Eira.~~

~~2.~~

~~To support older residents by enabling their 'ageing in place' with limited service support, if required, to maintain independent living.~~

3. DEFINITIONS

Term	Meaning
Affordable	Low-cost rental accommodation
Ageing in place	Support provided to older people to assist them to remain living in the local community

4. POLICY

**4.1 Information ~~to~~ for prospective applicants**

Council will provide prospective applicants for Council’s independent living units with information on:

- a) eligibility criteria;
- b) length of the waiting list and criteria for priority of access;
- c) allocation procedures; and
- d) applicable fees and charges, including the annual rent adjustment procedures.

**4.2 Eligibility**

To be eligible for Council's independent living units, an applicant must:

- a) be at least 60 years of age;
- b) be capable of long-term independent living;
- c) be in receipt of either a full Centrelink or Department of Veterans Affairs income support pension;
- d) have been a resident of Glen Eira for a minimum of two years; and
- e) own personal assets, the value of which does not exceed \$30,000 (according to a Centrelink income statement).

**4.3 Allocation of housing**

- a) Council will administer a waiting list of applicants for Council’s independent living units who meet the eligibility criteria in order that the applications were received.

## OFFICIAL

- b) Council will give priority to applicants on the waiting list if they are homeless or at risk of becoming homeless.

**4.4 Fees and charges****4.4.1 Maximum rent**

- a) Council will establish a maximum rent, based on a market appraisal by a qualified real estate agent.
- b) The full amount of this rent will be shown on the applicable tenancy agreement and is payable in full other than when a person applies for and is eligible for a rebated amount of rent in accordance with paragraph 4.4.2 of this Policy.

**4.4.2 Rental ~~Assistance~~ rebates**

- a) For persons in receipt of a Department of Veteran Affairs or Centrelink income support pension or benefit payment, rental fees will be charged at an amount equivalent to that individual's eligibility for the maximum Centrelink rental assistance plus an assessment of 25% of that individual's total household income. Any rental amount calculated as being payable using this formula must not exceed the maximum rent as established under section 4.4.1 of this Policy.
- b) Council will review the rental rebate amounts every six months following pension adjustments in March and September.

**4.5 Audits**

Council will carry out periodic audits to ensure the regular maintenance and upgrade of buildings and amenities.

**4.6 Service for residents**

Council will provide services to residents to assist with the maintenance of independent living, including:

- a) ongoing home maintenance; and
- b) referrals to appropriate agencies for personal support.

**5. ~~HUMAN RIGHTS CHARTER COMPATIBILITY~~ LEGISLATIVE COMPLIANCE**

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

In line with the Gender Equality Act 2020, a Gender Impact Assessment has been completed for this policy.

To ensure fair outcomes for all community members, Council will take the following steps:

- a) Monitor and review the demographic profile of applicants and residents to ensure equitable access and inform ongoing policy improvement.
- b) Ensure information about this policy is accessible to all eligible community members, including those from diverse backgrounds

**6. EXTERNAL REFERENCES/RESOURCES**

- Residential Tenancy Act (1997)



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# GLEN EIRA CITY COUNCIL INDEPENDENT LIVING UNITS FOR OLDER PERSONS POLICY

**Date first adopted:** 12 August 2002

**Dates amended:** 14 Aug 2007  
 8 Apr 2014  
 17 May 2022  
 9 June 2026

**Next review date:** 30 June 2030

**Position title of responsible unit**      **Manager Life Stages**

**Manager:**

**Approved by:**

Category 2 Policy – Discretionary Council Policy

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## OFFICIAL

## 1. TITLE

Independent Living Units for Older Persons Policy

## 2. OBJECTIVES

To provide a framework that sets out how Council will manage access to Council-owned Independent Living Units, including eligibility, application and assessment processes, waitlist priority, and fees and charges, to support eligible older residents to age in place and maintain independent living.

## 3. DEFINITIONS

Term	Meaning
Affordable	Low-cost rental accommodation
Ageing in place	Support provided to older people to assist them to remain living in the local community

## 4. POLICY

**4.1 Information for prospective applicants**

Council will provide prospective applicants for Council's independent living units with information on:

- a) eligibility criteria;
- b) length of the waiting list and criteria for priority of access;
- c) allocation procedures; and
- d) applicable fees and charges, including the annual rent adjustment procedures.

**4.2 Eligibility**

To be eligible for Council's independent living units, an applicant must:

- a) be at least 60 years of age;
- b) be capable of long-term independent living;
- c) be in receipt of either a full Centrelink or Department of Veterans Affairs income support pension;
- d) have been a resident of Glen Eira for a minimum of two years; and
- e) own personal assets, the value of which does not exceed \$30,000 (according to a Centrelink income statement).

**4.3 Allocation of housing**

- a) Council will administer a waiting list of applicants for Council's independent living units who meet the eligibility criteria in order that the applications were received.
- b) Council will give priority to applicants on the waiting list if they are homeless or at risk of becoming homeless.

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**4.4 Fees and charges**

## 4.4.1 Maximum rent

- a) Council will establish a maximum rent, based on a market appraisal by a qualified real estate agent.
- b) The full amount of this rent will be shown on the applicable tenancy agreement and is payable in full other than when a person applies for and is eligible for a rebated amount of rent in accordance with paragraph 4.4.2 of this Policy.

## 4.4.2 Rental Assistance

- a) For persons in receipt of a Department of Veteran Affairs or Centrelink income support pension or benefit payment, rental fees will be charged at an amount equivalent to that individual's eligibility for the maximum Centrelink rental assistance plus an assessment of 25% of that individual's total household income. Any rental amount calculated as being payable using this formula must not exceed the maximum rent as established under section 4.4.1 of this Policy.
- b) Council will review the rental rebate amounts every six months following pension adjustments in March and September.

**4.5 Audits**

Council will carry out periodic audits to ensure the regular maintenance and upgrade of buildings and amenities.

**4.6 Service for residents**

Council will provide services to residents to assist with the maintenance of independent living, including:

- a) ongoing home maintenance; and
- b) referrals to appropriate agencies for personal support.

**5. LEGISLATIVE COMPLIANCE**

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

In line with the Gender Equality Act 2020, a Gender Impact Assessment has been completed for this policy.

To ensure fair outcomes for all community members, Council will take the following steps:

- a) Monitor and review the demographic profile of applicants and residents to ensure equitable access and inform ongoing policy improvement.
- b) Ensure information about this policy is accessible to all eligible community members, including those from diverse backgrounds.

**6. EXTERNAL REFERENCES/RESOURCES**

- *Residential Tenancy Act (1997)*



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# GLEN EIRA CITY COUNCIL RESIDENTIAL AGED CARE LIQUIDITY MANAGEMENT

**Date first adopted:** October 2009

**Dates amended:** July 2013  
September 2018  
17 May 2022

**Next review date:** 30 June 2023

**Position title of responsible business unit Manager:** Manager Aged Care and Independent Living and Chief Financial Officer

**Approved by:** Council

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## OFFICIAL

## 1. TITLE

Residential Aged Care – Liquidity Management.

## 2. BACKGROUND &amp; OBJECTIVES

The *Aged Care Act 1997* established prudential arrangements requiring improvements to the management of residents' Refundable Accommodation Deposits to reduce the risk that a provider will be unable to meet refunds as they fall due.

Section 44(1) of the *Fees and Payments Principles 2014 (No 2)* requires Glen Eira City Council to have a liquidity management strategy. This policy sets out Council's liquidity management strategy.

The objectives of this policy are to:

- maintain sufficient liquidity to ensure that Glen Eira City Council can refund Refundable Accommodation Deposit balances (including remaining Accommodation Bonds) as they fall due.
- as an Approved Provider, demonstrate compliance with the provisions of the *Fees and Payments Principles 2014 (No:2)*; and
- demonstrate compliance with Council's governance, audit and management requirements.

## 3. DEFINITIONS

Term	Meaning
Aged Care Funding Instrument	The Commonwealth Government funds a proportion of the costs of running residential aged care facilities. The Aged Care Funding Instrument is the tool used to determine the amount of Commonwealth subsidy for each resident based on their care needs.
<i>Fees and Payments Principles 2014 (No 2)</i>	means the Fees and Payments Principles 2014 (No. 2) made under section 96-1 of the <i>Aged Care Act 1997 (Cth)</i> .
Liquidity	A measure of the extent to which an organisation has the cash to meet immediate and short-term obligations or assets that can be quickly converted to do this.
Refundable Accommodation Deposit	means refundable accommodation deposit (after 30 June 2014) or accommodation bond (pre-1 July 2014) and refers to payment for accommodation provided with residential aged care that does not accrue daily and is paid as a lump sum.

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## 4. POLICY

4.1 **Compliance**

As per the *Fees and Payments Principles 2014 (No. 2)*, an approved provider that holds one or more Refundable Accommodation Deposit balances must implement and maintain a written liquidity management strategy that sets out:

- (a) the amount (expressed as an amount of whole dollars) required to ensure that the approved provider has sufficient liquidity for the purposes of section 44 of the *Fees and Payments Principles 2014 (No:2)* (the minimum level of liquidity).
- (b) the factors that the approved provider had regard to in determining the minimum level of liquidity; and
- (c) the form in which the approved provider will maintain the minimum level of liquidity.

4.2 **Minimum level of liquidity**

Council is committed to maintaining sufficient liquidity to ensure Refundable Accommodation Deposit balances can be refunded in a timely manner (including pre-1997 entry contributions) as they fall due over the following 12 months.

Council has determined that the minimum level of liquidity required to meet its obligation is currently equivalent to 30 per cent of the Refundable Accommodation Deposit that it holds in trust or \$3 million, whichever is the greater. The liquidity requirement has been established based on the factors summarised at point 7.4 below, and it is recognised that Council may need to adjust this minimum level subject to factors outlined in point 7.6.

4.3 **Form in which liquidity is maintained**

Refundable Accommodation Deposits received by Council are to be invested in cash and term deposits.

In order to achieve the objective of this policy, Council requires that the following amounts be invested in the manner described below in compliance with this policy:

- A minimum amount equivalent to 30 per cent of the Refundable Accommodation Deposit balance as of 1 July of each financial year to be invested in cash, on-call deposits or term deposits, or at least \$3 million (whichever is greater);
- The remaining balance of Refundable Accommodation Deposit monies be invested in cash or term deposits; and
- The above investments are to be made in accordance with Council's Investment policy.

**OFFICIAL****4.4 Factors to be included in determining the minimum level of liquidity**

The following factors are to be taken into consideration when determining the minimum level of liquidity for this policy:

- a) total value of Refundable Accommodation Deposits held at financial year-end;
- b) total number of Refundable Accommodation Deposit held;
- c) average refund amount;
- d) amount of liquidity as a percentage of the total value of Refundable Accommodation Deposit held;
- e) total value of Refundable Accommodation Deposit refunds made for the financial year;
- f) total number of Refundable Accommodation Deposit refunds made for the financial year;
- g) average payout;
- h) largest Refundable Accommodation Deposit held;
- i) average Refundable Accommodation Deposit;
- j) average waiting list which the service maintains;
- k) occupancy rate is also considered; and
- l) other factors that have influenced the policy include monitoring of the Aged Care Funding Instrument (ACFI) of residents, the average time taken in the past to replace departing residents and the expected number and amount of Refundable Accommodation Deposits that new residents will pay.

**4.5 Responsibility**

Council's Chief Financial Officer is principally responsible for the financial management of the Refundable Accommodation Deposit balances held by Council. The Chief Financial Officer will further ensure that this policy is continuously reviewed, kept up to date with legislative changes and is compliant.

**4.6 Review of Liquidity Management Policy**

The Liquidity Management Policy shall be reviewed on an annual basis. However, an earlier review will be conducted when one of the following events has occurred:

- a) the net outflow of Refundable Accommodation Deposits in a financial year exceeds 30 per cent of the balance at the beginning of the financial year;
- b) changes in legislative requirements; and
- c) acquisition or divestment of residential services by Council.

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## 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

Council Policies:

- Investment Policy.
- Residential Aged Care Accommodation Bonds Policy.

## 7. EXTERNAL REFERENCES AND RESOURCES

- Aged Care Act 1997.
- Fees and Payments Principles 2014 (No: 2).



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MURRUMBEENA  
ORMOND  
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# GLEN EIRA CITY COUNCIL RESIDENTIAL AGED CARE LIQUIDITY MANAGEMENT

**Date first adopted:** October 2009

**Dates amended:** July 2013  
September 2018  
17 May 2022  
**9 June 2026**

**Next review date:** 30 June 2023

**Position title of responsible business unit Manager:** ~~Manager Aged Care and Independent-Living Life Stages~~ and Chief Financial Officer

**Approved by:** ~~Category 2 Policy – Discretionary Council Policy~~ Council

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1. TITLE

Residential Aged Care – Liquidity Management.

2. BACKGROUND ~~& OBJECTIVES~~

Under the Aged Care Act 2024 and Aged Care Rules 2025, Council must maintain a written liquidity management strategy to ensure it can meet refundable accommodation deposit refund obligations as they fall due.

Parts 2 (Financial and prudential management), 3 (Liquidity) and 4 (Investment) of the Aged Care Financial and Prudential Standards 2025 do not apply to a registered provider that is a local government authority. Accordingly, Council is not required to apply the prescribed liquidity ratio in Rule 11(2) of the Aged Care Financial and Prudential Standards 2025. This policy sets out Council’s liquidity management strategy.

~~The Aged Care Act 1997 established prudential arrangements requiring improvements to the management of residents’ Refundable Accommodation Deposits to reduce the risk that a provider will be unable to meet refunds as they fall due.~~

~~Section 44(1) of the Fees and Payments Principles 2014 (No 2) requires Glen Eira City Council to have a liquidity management strategy. This policy sets out Council’s liquidity management strategy.~~

3. OBJECTIVES

The objectives of this policy are to:

- maintain sufficient liquidity to ensure that ~~Glen Eira City~~ Council can refund Refundable Accommodation Deposit balances ~~(including remaining Accommodation Bonds)~~ as they fall due.
- as a registered ~~n-Approved~~ provider, demonstrate compliance with the provisions of the Aged Care Act 2024 and the Aged Care Rules 2025~~Fees and Payments Principles 2014 (No:2); and.~~
- demonstrate compliance with Council’s governance, audit and management requirements.

4. SCOPE

This policy applies to all Refundable Accommodation Deposits that are held by Council.

3-5. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
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<del>Aged Care Funding Instrument</del>	<del>The Commonwealth Government funds a proportion of the costs of running residential aged care facilities. The Aged Care Funding Instrument is the tool used to determine the amount of Commonwealth subsidy for each resident based on their care needs.</del>
<del>Fees and Payments Principles 2014 (No. 2)</del>	<del>means the Fees and Payments Principles 2014 (No. 2) made under section 96-1 of the Aged Care Act 1997 (Cth).</del>
<del>Australian National Aged Care Classification funding (ANACC)</del>	<del>The Commonwealth Government funds a proportion of the costs of running residential aged care facilities. ANACC is the measure used by the Commonwealth to assess residents' care needs and ascertain the level of funding.</del>
Liquidity	A measure of the extent to which an organisation has the cash to meet immediate and short-term obligations or assets that can be quickly converted to do this.
Refundable Accommodation Deposit	<del>An accommodation payment that does not accrue daily and is paid as a lump sum (as defined in Section 7 of the Aged Care Act 2024) means refundable accommodation deposit (after 30 June 2014) or accommodation bond (pre 1 July 2014) and refers to payment for accommodation provided with residential aged care that does not accrue daily and is paid as a lump sum.</del>
Registered Provider	<del>An entity registered under the Aged Care Act 2024 to provide aged care.</del>

4.6. POLICY**6.1 Compliance**

In accordance with the Aged Care Act 2024 and the Aged Care Rules 2025, this policy sets out:

- the amount of liquidity that Council will maintain (the minimum level of liquidity).
- the factors that Council has regard to in determining the minimum level of liquidity.
- the form in which liquidity will be held.

Council will also ensure that reporting and disclosure obligations relating to Refundable Accommodation Deposits are complied with in accordance with the Aged Care Act 2024 and the Aged Care Rules 2025.

~~As per the Fees and Payments Principles 2014 (No. 2), an approved provider that holds one or more Refundable Accommodation Deposit balances must~~

## OFFICIAL

~~implement and maintain a written liquidity management strategy that sets out:~~

- ~~(a) the amount (expressed as an amount of whole dollars) required to ensure that the approved provider has sufficient liquidity for the purposes of section 44 of the *Fees and Payments Principles 2014 (No:2)* (the minimum level of liquidity);~~
- ~~(b) the factors that the approved provider had regard to in determining the minimum level of liquidity; and~~
- ~~(c) the form in which the approved provider will maintain the minimum level of liquidity.~~

**6.2 Minimum level of liquidity**

Council is committed to maintaining sufficient liquidity to ensure it can meet both day-to-day expenses and refund obligations to residents if required.

While Rule 11(2) of the Aged Care Financial and Prudential Standards 2025 prescribes a default minimum liquidity calculation for registered providers, Part 3 of those Standards does not apply to local government authorities. Council has therefore adopted its own prudential benchmark, requiring a minimum liquidity level equivalent to 30% of the refundable accommodation deposits it holds, or \$3 million, whichever is greater.

The minimum liquidity requirement has been established based on the factors summarised in point 5.4 below, and it is recognised that Council may need to adjust this minimum level, subject to factors outlined in point 5.6.

Council is committed to maintaining sufficient liquidity to ensure Refundable Accommodation Deposit balances can be refunded in a timely manner (including pre-1997 entry contributions) as they fall due over the following 12 months.

Council has determined that the minimum level of liquidity required to meet its obligation is currently equivalent to 30 per cent of the Refundable Accommodation Deposit that it holds in trust or \$3 million, whichever is the greater. The liquidity requirement has been established based on the factors summarised at point 7.4 below, and it is recognised that Council may need to adjust this minimum level subject to factors outlined in point 7.6.

**6.3 Form in which liquidity is maintained**

Refundable Accommodation Deposits received by Council are to be invested in cash and term deposits.

In order to achieve the objective of this policy, Council requires that the following amounts be invested in the manner described below:

## OFFICIAL

- A minimum amount equivalent to 30 per cent of the Refundable Accommodation Deposit balance as of 1 July of each financial year or at least \$3 million (whichever is greater) is to be invested in cash, on-call deposits or term deposits.
- The remaining balance of the Refundable Accommodation Deposit monies will be invested in cash or term deposits.

The above investments:

- are to be made in accordance with Council's Investment policy.
- must comply with permitted use requirements in Section 310 of the Aged Care Act 2024 and Rules 310-5 to 310-30 of the Aged Care Rules 2025.

Refundable Accommodation Deposits received by Council are to be invested in cash and term deposits.

In order to achieve the objective of this policy, Council requires that the following amounts be invested in the manner described below in compliance with this policy:

- ~~▪ A minimum amount equivalent to 30 per cent of the Refundable Accommodation Deposit balance as of 1 July of each financial year to be invested in cash, on-call deposits or term deposits, or at least \$3 million (whichever is greater);~~
- ~~▪ The remaining balance of Refundable Accommodation Deposit monies be invested in cash or term deposits; and~~
- ~~▪ The above investments are to be made in accordance with Council's Investment policy.~~

**6.4 Factors to be included in determining the minimum level of liquidity**

The following factors are to be taken into consideration when determining the minimum level of liquidity for this policy:

- a) The default minimum liquidity amount in Rule 11(2) of the Aged Care Financial and Prudential Standards 2025 (noting that this amount does not apply to Council and is therefore considered as guidance only).
- b) Total value of Refundable Accommodation Deposits held at financial year-end.
- c) Total number of Refundable Accommodation Deposits held.
- d) Average refund amount.
- e) Amount of liquidity as a percentage of the total value of Refundable Accommodation Deposit held.
- f) Total value of Refundable Accommodation Deposit refunds made for the financial year.
- a)g) Total number of Refundable Accommodation Deposit refunds made for the financial year.

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- h) Average payout.
- i) Largest Refundable Accommodation Deposit held.
- j) Average Refundable Accommodation Deposit.
- k) Average waiting list that the service maintains.
- l) Occupancy rate is also considered.
- m) Other factors that have influenced the policy include monitoring of the ANACC Funding of residents, the average time taken in the past to replace departing residents and the expected number and amount of Refundable Accommodation Deposits that new residents will pay.

~~The following factors are to be taken into consideration when determining the minimum level of liquidity for this policy:~~

- ~~a) total value of Refundable Accommodation Deposits held at financial year end;~~
- ~~b) total number of Refundable Accommodation Deposit held;~~
- ~~c) average refund amount;~~
- ~~d) amount of liquidity as a percentage of the total value of Refundable Accommodation Deposit held;~~
- ~~e) total value of Refundable Accommodation Deposit refunds made for the financial year;~~
- ~~f) total number of Refundable Accommodation Deposit refunds made for the financial year;~~
- ~~g) average payout;~~
- ~~h) largest Refundable Accommodation Deposit held;~~
- ~~i) average Refundable Accommodation Deposit;~~
- ~~j) average waiting list which the service maintains;~~
- ~~k) occupancy rate is also considered; and~~
- ~~l) other factors that have influenced the policy include monitoring of the Aged Care Funding Instrument (ACFI) of residents, the average time taken in the past to replace departing residents and the expected number and amount of Refundable Accommodation Deposits that new residents will pay.~~

### **6.5 Responsibility**

Council's Chief Financial Officer is principally responsible for the financial day-to-day liquidity management of the Refundable Accommodation Deposit balances held by Council. ~~The Chief Financial Officer will further ensure that this policy is continuously reviewed, kept up to date with legislative changes and is compliant.~~

### **6.6 Review of Liquidity Management Policy**

The Liquidity Management Policy shall be reviewed on an annual basis by the Chief

## OFFICIAL

Financial Officer to ensure this policy is kept up to date with legislative changes and is compliant. However, an earlier review will be conducted when one of the following events has occurred:

- a) The net outflow of Refundable Accommodation Deposits in a financial year exceeds 30 per cent of the balance at the beginning of the financial year.
- b) Changes in legislative requirements ; and
- c) Acquisition or divestment of residential services by Council.

## 7. LEGISLATIVE COMPLIANCE ~~HUMAN RIGHTS CHARTER COMPATIBILITY~~

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

This policy also supports Council's compliance with relevant provisions of the Aged Care Act 2024 and the Aged Care Rules 2025.

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

## 8. ASSOCIATED INTERNAL DOCUMENTS

Council Policies:

- Investment Policy
- Residential Aged Care - Management and Refunds of Refundable Accommodation Deposits ~~Bonds~~ Policy

## 9. EXTERNAL REFERENCES AND RESOURCES

- Aged Care Act 2024
- Aged Care Rules 2025
- Financial & Prudential Standards 2025
- ~~Aged Care Act 1997~~
- ~~Fees and Payments Principles 2014 (No: 2)~~



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MURRUMBEENA  
ORMOND  
ST KILDA EAST

# GLEN EIRA CITY COUNCIL RESIDENTIAL AGED CARE LIQUIDITY MANAGEMENT POLICY

**Date first adopted:** October 2009

**Dates amended:** July 2013  
September 2018  
17 May 2022  
9 June 2026

**Next review date:** 30 June 2030

**Position title of responsible business unit Manager:** Manager Life Stages and Chief Financial Officer

**Approved by:** Category 2 Policy – Discretionary Council Policy

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## 1. TITLE

Residential Aged Care – Liquidity Management.

## 2. BACKGROUND

Under the Aged Care Act 2024 and Aged Care Rules 2025, Council must maintain a written liquidity management strategy to ensure it can meet refundable accommodation deposit refund obligations as they fall due.

Parts 2 (Financial and prudential management), 3 (Liquidity) and 4 (Investment) of the Aged Care Financial and Prudential Standards 2025 do not apply to a registered provider that is a local government authority. Accordingly, Council is not required to apply the prescribed liquidity ratio in Rule 11(2) of the *Aged Care Financial and Prudential Standards 2025*. This policy sets out Council's liquidity management strategy.

## 3. OBJECTIVES

The objectives of this policy are to:

- maintain sufficient liquidity to ensure that Council can refund Refundable Accommodation Deposit balances as they fall due.
- as a registered provider, demonstrate compliance with the provisions of the Aged Care Act 2024 and the Aged Care Rules 2025.
- demonstrate compliance with Council's governance, audit and management requirements.

## 4. SCOPE

This policy applies to all Refundable Accommodation Deposits that are held by Council.

## 5. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Australian National Aged Care Classification funding (ANACC)	The Commonwealth Government funds a proportion of the costs of running residential aged care facilities. ANACC is the measure used by the Commonwealth to assess residents' care needs and ascertain the level of funding.
Liquidity	A measure of the extent to which an organisation has the cash to meet immediate and short-term obligations or assets that can be quickly converted to do this.
Refundable Accommodation Deposit	An accommodation payment that does not accrue daily and is paid as a lump sum (as defined in Section 7 of the Aged Care Act 2024)
Registered Provider	An entity registered under the Aged Care Act 2024 to provide aged care.

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## 6. POLICY

## 6.1 Compliance

In accordance with the *Aged Care Act 2024 and the Aged Care Rules 2025*, this policy sets out:

- the amount of liquidity that Council will maintain (the minimum level of liquidity).
- the factors that Council has regard to in determining the minimum level of liquidity.
- the form in which liquidity will be held.

Council will also ensure that reporting and disclosure obligations relating to Refundable Accommodation Deposits are complied with in accordance with the *Aged Care Act 2024 and the Aged Care Rules 2025*.

## 6.2 Minimum level of liquidity

Council is committed to maintaining sufficient liquidity to ensure it can meet both day-to-day expenses and refund obligations to residents if required.

While Rule 11(2) of the Aged Care Financial and Prudential Standards 2025 prescribes a default minimum liquidity calculation for registered providers, Part 3 of those Standards does not apply to local government authorities. Council has therefore adopted its own prudential benchmark, requiring a minimum liquidity level equivalent to 30% of the refundable accommodation deposits it holds, or \$3 million, whichever is greater.

The minimum liquidity requirement has been established based on the factors summarised in point 5.4 below, and it is recognised that Council may need to adjust this minimum level, subject to factors outlined in point 5.6.

## 6.3 Form in which liquidity is maintained

Refundable Accommodation Deposits received by Council are to be invested in cash and term deposits.

In order to achieve the objective of this policy, Council requires that the following amounts be invested in the manner described below:

- A minimum amount equivalent to 30 per cent of the Refundable Accommodation Deposit balance as of 1 July of each financial year or at least \$3 million (whichever is greater) is to be invested in cash, on-call deposits or term deposits.
- The remaining balance of the Refundable Accommodation Deposit monies will be invested in cash or term deposits.

The above investments:

- are to be made in accordance with Council's Investment policy.
- must comply with permitted use requirements in Section 310 of the *Aged Care Act 2024* and Rules 310-5 to 310-30 of the *Aged Care Rules 2025*.

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## 6.4 Factors to be included in determining the minimum level of liquidity

The following factors are to be taken into consideration when determining the minimum level of liquidity for this policy:

- a) The default minimum liquidity amount in Rule 11(2) of the Aged Care Financial and Prudential Standards 2025 (noting that this amount does not apply to Council and is therefore considered as guidance only).
- b) Total value of Refundable Accommodation Deposits held at financial year-end.
- c) Total number of Refundable Accommodation Deposits held.
- d) Average refund amount.
- e) Amount of liquidity as a percentage of the total value of Refundable Accommodation Deposit held.
- f) Total value of Refundable Accommodation Deposit refunds made for the financial year.
- g) Total number of Refundable Accommodation Deposit refunds made for the financial year.
- h) Average payout.
- i) Largest Refundable Accommodation Deposit held.
- j) Average Refundable Accommodation Deposit.
- k) Average waiting list that the service maintains.
- l) Occupancy rate is also considered.
- m) Other factors that have influenced the policy include monitoring of the ANACC Funding of residents, the average time taken in the past to replace departing residents and the expected number and amount of Refundable Accommodation Deposits that new residents will pay.

## 6.5 Responsibility

Council's Chief Financial Officer is principally responsible for the day-to-day liquidity management of the Refundable Accommodation Deposit balances held by Council.

## 6.6 Review of Liquidity Management Policy

The Liquidity Management Policy shall be reviewed on an annual basis by the Chief Financial Officer to ensure this policy is kept up to date with legislative changes and is compliant. However, an earlier review will be conducted when one of the following events has occurred:

- a) The net outflow of Refundable Accommodation Deposits in a financial year exceeds 30 per cent of the balance at the beginning of the financial year.
- b) Changes in legislative requirements.
- c) Acquisition or divestment of residential services by Council.

## 7. LEGISLATIVE COMPLIANCE

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

**OFFICIAL**

This policy also supports Council's compliance with relevant provisions of the Aged Care Act 2024 and the Aged Care Rules 2025.

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

**8. ASSOCIATED INTERNAL DOCUMENTS**

Council Policies:

- Investment Policy
- Residential Aged Care - Management and Refunds of Refundable Accommodation Deposits Policy

**9. EXTERNAL REFERENCES AND RESOURCES**

- Aged Care Act 2024
- Aged Care Rules 2025
- Financial & Prudential Standards 2025



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## Fees for Community Care Services

<b>Date first adopted:</b>	<b>24 May 2004</b>
<b>Dates amended:</b>	<b>26 November 2013 February 2019</b>
<b>Next review date:</b>	<b>February 2024</b>
<b>Position Title of Responsible Business Unit Manager:</b>	<b>Manager Community Development and Care</b>
<b>Approved by:</b>	<b>Council</b>
<b>Internal external or both:</b>	<b>Both</b>

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**1. TITLE**

Fees for Community Care Services

**2. OBJECTIVE**

- 2.1 To provide a consistent framework for the charging of fees for In-home Support and Social Support Services, including domestic assistance, personal care, home maintenance, delivered meals and social support in accordance with the Victorian Home and Community Care Program for Younger People (HACC PYP) and the Commonwealth Home Support Programme (CHSP).
- 2.2 To ensure that fees are determined and collected in accordance with the fees policies of the Home and Community Care Program for Younger People (HACC-PYP) and Commonwealth Home Support (CHSP) Programme.

**3. DEFINITIONS AND ABBREVIATIONS**

Term	Meaning
Services	Domestic assistance, personal care, home maintenance, delivered meals and social support.
Home and Community Care Program for Younger People (HACC PYP)	Provides basic care and support services for people aged under 65, or under 50 for Aboriginal or Torres Strait Islander people and their unpaid carers who need support in daily living. Funded by the Victorian Government.
Commonwealth Home Support Programme (CHSP)	Provides entry-level support services to assist frail older people aged 65 years and over (50 years and over for Aboriginal and Torres Strait Islander people) and who have functional limitations (including cognitive), to remain living independently at home and in their community. Funded by the Commonwealth Government.

**4. POLICY**

- 4.1 Council will assess all users of Support Services to determine their income level and ability to pay, in accordance with the State HACC PYP Fees Policy and the Commonwealth Government CHSP Contribution Framework.
- 4.2 Council will set Support Service fees annually at a High, Medium and Low rate which aligns with the State HACC PYP and Commonwealth CHSP fee policies.
- 4.3 Where significant hardship can be demonstrated fees may be set at levels below the minimum fee for each income group.
- 4.4 Council will provide clients with reasonable notice of fee increases.
- 4.5 Council will actively follow up any clients who have an ability to pay a fee but who incur outstanding debt in accordance with the Outstanding Debts (non-rates) Policy.
- 4.6 Any client who is dissatisfied with an assessment about fees under this policy may complain to the Manager of Community Development and Care or their delegate.

**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**

Assessment for In Home Support Services Policy  
Community Care Living at Home Assessment Guidelines  
National Screening and Assessment Form (NSAF)  
Community Care Priority of Access and Service Allocation Guidelines  
Outstanding Debts (non-rates) Policy  
Reviews for In Home Support Services Policy

**7. REFERENCES/RESOURCES**

Charter of Human Rights and Responsibilities Act 2006  
Home and Community Care Act 1985 (Cth)  
Commonwealth Home Support Programme Manual 2015 as amended from time to time  
National Guide to the CHSP Client Contribution Framework (2016) as amended from time to time  
Victorian HACC Program Manual (2013) as amended from time to time  
Victorian HACC Fee Policy 2006 and Schedule of Fees 2016 as amended from time to time

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## Fees for Independent Living Services

<b>Date first adopted:</b>	24 May 2004
<b>Dates amended:</b>	26 November 2013 17 May 2022
<b>Next review date:</b>	30 June 2023
<b>Position title of responsible business unit Manager:</b>	Manager Aged Care and Independent Living
<b>Approved by:</b>	Council

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**1. TITLE**

Fees for Independent Living Services.

**2. OBJECTIVE**

To provide a consistent framework for charging fees for Independent Living Services (community care services), including home care, personal care, respite care, home maintenance, delivered meals and social support in accordance with the *Commonwealth Home Support Program*.

**3. DEFINITIONS AND ABBREVIATIONS**

Term	Meaning
<i>Commonwealth Home Support Program</i>	The Commonwealth Home Support program helps older persons access entry-level support services to live independently and safely at home.

**4. POLICY**

- 4.1 To be eligible for Council's independent living services, the potential client must be assessed by the Commonwealth Government's Regional Assessment Service team. This is organised through the Commonwealth's "My Aged Care Portal" The assessment team will determine the independent living services the client requires to live independently and safely at home. The income level is also assessed before commencement to determine the fee level the client will be charged (low, medium or high).
- 4.2 Council will set fees for high, medium and low-income groups, and, where significant hardship can be demonstrated, fees may be set at levels below the minimum fee for each income group.
- 4.3 All service recipients shall submit a signed self-declaration form to confirm income levels.
- 4.4 All clients will have the opportunity to seek a review of service fees should the financial circumstance of the client change.
- 4.5 Council may set fees for its Independent Living Services as part of the annual budget process and will provide Independent Living Service clients with reasonable notice of fee increases.
- 4.6 Council will actively follow up with any clients who can pay a fee but who incur outstanding debt in accordance with Council's Debt Collection process.
- 4.7 Clients will have the opportunity to seek internal review of a decision regarding the assessment or payment of fees.

**OFFICIAL****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**

Council's Debt Collection process.  
Reviews for In Home Support Services Guidelines.  
Glen Eira City Council Independent Living Services self-declaration form.

**7. REFERENCES/RESOURCES**

*Aged Care Act 1997.*  
*Commonwealth Home Support Program Manual.*



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# GLEN EIRA CITY COUNCIL RESIDENTIAL AGED CARE ACCOMMODATION BONDS or REFUNDABLE ACCOMMODATION DEPOSITS POLICY

Date first adopted: 2 July 2013

Date last amended: 17 May 2022

Next review date: June 2025

Position title of responsible business unit Manager: Director of Community Wellbeing and Chief Financial Officer

Approved by: Council

OFFICIAL: Sensitive

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**OFFICIAL: Sensitive****1. TITLE**

Residential Aged Care – Accommodation Bonds or Refundable Accommodation Deposits.

**2. OBJECTIVE**

The objective of this policy is to ensure that Accommodation Bonds provided to Council by residents of Council's Aged Care facilities are managed and accounted for in a manner that complies with the Act and the Fees and Payments Principles, Council's governance, prudential and disclosure requirements.

This policy establishes a governance system to ensure that Accommodation Bonds are, amongst other things:

- a) recorded when received from the resident or authorised representative and deposited into Council's nominated bank account.
- b) balances are only used by Council for permitted uses in accordance with Division 52N of the Act and Part 6 of the Fees and Payment Principles; and
- c) refunded to residents in accordance with section 52P-1 of the Act.

The governance system established by this policy provides for the following:

- a) allocating responsibilities to the key personnel of Council in relation to the management of Accommodation Bond balances held by Council.
- b) monitoring and controlling any delegation or outsourcing of the allocated responsibilities.
- c) reporting mechanisms for the allocated responsibilities that ensure that the key personnel who are responsible for the executive decisions of Council can effectively monitor and control the use of Accommodation Bonds.
- d) ensuring that the key personnel who are allocated responsibilities, and persons to whom responsibilities are delegated or outsourced, are aware of the requirements of the Act and these principles in relation to Accommodation Bonds.
- e) detecting, recording and responding to any failure to comply with the requirements referred to in paragraph (d).

**3. DEFINITIONS AND ABBREVIATIONS**

<b>Term</b>	<b>Meaning</b>
User Rights Principles	means that User Rights Principles 2014 as amended in 2019.
Act	means the Aged Care Act 1997 (Cth).
Register	means the Accommodation Bond Register maintained by Council.
Council	means Glen Eira City Council

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Accommodation Bond	means refundable accommodation deposit (after 30 June 2014), refundable deposit balances or accommodation bond balances (pre 1 July 2014).
Fees and Payment Principles	means the Fees and Payments Principles 2014 (No. 2) made under section 96-1 of the Aged Care Act 1997 (Cth).
Department	means the Commonwealth Department of Health.

**4. POLICY****4.1 Accommodation Bond Register**

- a. Council must establish and maintain an Accommodation Bond Register that includes the information in relation to Accommodation Bonds required by the Act and Sections 46 and 47 of the Fees and Payments Principles for each care recipient in respect of whom an Accommodation Bond is paid or refunded, or in respect of whom Council holds an Accommodation Bond.
- b. The Chief Financial Officer or delegate from the Finance Team is principally responsible for the maintenance of the Accommodation Bond Register and ensuring the requirements of the Records Standard are complied with.

**4.2 Accommodation Bond amount**

- a. The amount of the Accommodation Bond payable by new residents will be calculated in accordance with legislative requirements.
- b. Council's Chief Financial Officer or delegate from the Finance Team is principally responsible for the initial receipt of the Accommodation Bonds in Council's nominated bank account.

**4.3 Deductions from Accommodation Bonds**

Only deductions that are authorised by the Act and the Fees and Payments Principles will be deducted from the Accommodation Bonds in Council's custody.

**4.4 Refund of Accommodation Bonds**

Accommodation Bond refunds will be made in a timely manner and in accordance with the requirements of the Act.

**4.5 Permitted uses of Accommodation Bonds**

Council will use the Accommodation Bonds in accordance with the permitted uses as identified in section 52N-1 of Act and Part 6 of the Fees and Payment Principles.

**OFFICIAL: Sensitive****4.6 Disclosure requirements**

- a. Within 7 days after an accommodation agreement is entered into between Council and a care recipient, Council must notify the care recipient, in writing, that Council will give the care recipient, within 7 days of a request by the care recipient, the information and documents specified in Section 57(1) of the Fees and Payment Principles.
- b. If a care recipient who has paid an Accommodation Bond requests Council to give the care recipient the information and documents referred to in Section 57(1) of the Fees and Payment Principles, Council must give the care recipient the information and documents requested within 7 days after receiving the request.
- c. Within 4 months after the end of each financial year Council must give each care recipient who has paid an Accommodation Bond to Council for entry to the aged care service operated by Council:
  - i. a copy of the entry in the Accommodation Bond Register that relates to the care recipient as at the end of the financial year; and
  - ii. a written statement that Council will provide, within 7 days of a request by the care recipient, the information and documents referred to in Section 57(1) of the Fees and Payment Principles.
- d. Within seven (7) days of a request from a prospective care recipient (or a prospective care recipient's representative), Council will give the prospective care recipient (or the representative) the information and documents as set out in Section 57(1) of the Fees and Payment Principles.
- e. The Manager Residential Aged Care or delegate is principally responsible for ensuring requirements regarding the disclosure to care recipients and prospective care recipients are complied with.
- f. Council will maintain a register of information including requests received and date of provision of information to residents.
- g. The Manager Residential Aged Care or delegate is principally responsible for the maintenance of the register of information and ensuring the requirements of the Disclosure Standard are complied with.

**4.7 Investment of Accommodation Bond balances**

Accommodation Bonds received by Council are to be invested in accordance with Council's Residential Aged Care - Liquidity Management Policy.

**OFFICIAL: Sensitive****4.8 Annual Prudential Compliance Statement**

- a. Council is required to provide an annual prudential compliance statement to the Department for the financial year including certain information on Accommodation Bonds as set out in sections 52, 53, 54A, 55 of the Fees and Payment Principles.
- b. The annual prudential compliance statement must be supported by an independent audit.
- c. The Manager Residential Aged Care or delegate together with Council's Chief Financial Officer or delegate from the Finance Team are responsible for the preparation and completion of the annual prudential compliance statement and engaging the independent auditor.

**4.9 Delegation of Authority**

- a. The Chief Financial Officer or delegate from the Finance Team is principally responsible for the financial management of the Accommodation Bond balances held by Council.
- b. The Chief Financial Officer or delegate from the Finance Team and Manager Residential Aged Care or delegate will acknowledge their responsibilities by confirming receipt of a copy of this policy. This acknowledgement shall record the Chief Financial Officer or delegate from the Finance Team and Manager Residential Aged Care or delegate understands their obligations and the requirements of the Act and the Fees and Payment Principles in relation to Accommodation Bonds.
- c. Related training is to be undertaken following changes to the Act or as necessitated by a change in staff to a responsible position or the position responsibilities.
- d. Council will maintain appropriate delegated authorities to ensure effective delivery of services while ensuring compliance with the policy, governance and prudential requirements relating to the management of Accommodation Bonds in accordance with the Act and the Fees and Payment Principles.

**4.10 Reporting Mechanisms and Responding to Non-Compliance**

- a. The Chief Financial Officer and delegate from the Finance Team reports directly to the Director Corporate Services, ensuring Council can effectively monitor and control the use of Accommodation Bonds.
- b. The Chief Financial Officer or delegate from the Finance Team provides monthly reports of the Accommodation Bonds (by resident name and accommodation bond amount) which is sent to the Manager Residential Aged Care or delegate.

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- c. Following best accounting practice further ensures Council can quickly detect, record and respond to any failure to comply with the requirements of the Act and the Fees & Payment Principles.
- d. In the event that non-compliance has been identified, this must be reported to Council's Audit and Risk Committee to identify steps to most effectively rectify the non-compliance.
- e. Additional controls are provided by way of Council's Fraud and Corruption Policy and Procedure and Fraud Control Plan, which facilitates the reporting of any suspected wrongdoing by Council staff.

**4.11 Review of Policy**

This policy document will be reviewed and updated every 3 years or:

- a. when there are changes to the Act, User Rights Principles 2014 (amended 2019), Fees and Payment Principles affecting the management of Accommodation Bonds by Council; and
- b. if Council becomes aware that this policy no longer meets the objectives described in Part 2 [OBJECTIVE] of this Policy.

**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**

- Council Delegation of authority
- Investment Policy (updated April 2021)
- Residential Aged Care - Accommodation Bonds Policy
- Residential Aged Care - Liquidity Management Policy
- Residential Aged Care Services for Older Persons Policy

**7. EXTERNAL REFERENCES/RESOURCES**

- Aged Care Act 1997 (Commonwealth)  
<https://www.legislation.gov.au/Details/C2017C00241/Download>
- Fees and Payments Principles 2014 (No 2):  
<https://www.legislation.gov.au/Details/F2018C00751>
- Prudential standards  
<https://www.agedcarequality.gov.au/providers/prudential-standards>
- User Rights Principles 2014 (amended 2019)  
<https://www.legislation.gov.au/Details/F2019C00049>



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# GLEN EIRA CITY COUNCIL CLIENT CONTRIBUTIONS FOR COMMONWEALTH HOME SUPPORT PROGRAM (CHSP) FUNDED IN-HOME AND SOCIAL SUPPORT SERVICES POLICY

**Date first adopted:** 9 June 2026

**Date last amended:** [Click or tap here to enter text.](#)

**Next review date:** 30 June 2030

**Policy Owner:** Manager Life Stages

**Approved by:** Council

**Policy Category:** Category I Policy – Must be adopted by Council in accordance with legislative requirements

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## OFFICIAL

## 1. TITLE

Client contributions for Commonwealth Home Support Program (CHSP) for funded in-home and social support services

## 2. OBJECTIVES

To provide a consistent framework for determining, charging, collecting and reporting of client contributions for in-home and social support services contracted by the Commonwealth to Glen Eira City Council (Council) and delivered by Bayside City Council (Bayside) in accordance with the *Commonwealth Home Support Program*.

## 3. PRINCIPLES

Council adopts the national CHSP principles of:

## 3.1 Consistency

All clients who can afford to contribute to the cost of their care should do so. Client contributions should not exceed the actual cost of service provision.

## 3.2 Transparency

Policies should be in an accessible format and publicly available. CHSP providers should provide a copy of, and explain their policy to, all new and existing clients.

## 3.3 Hardship

Policies should include arrangements for clients who are unable to pay the requested contribution.

## 3.4 Reporting

Providers should report the dollar amount collected from client contributions to the Department of Health, Disability and Ageing as per the CHSP Grant Agreement.

## 3.5 Fairness

Policies should take into account the client's capacity to pay and should not exceed the actual cost of delivering the services. In administering this, providers need to take into account partnered clients, clients in receipt of compensation payments and bundling of services.

## 3.6 Sustainability

Revenue from client contributions should be used to support ongoing service delivery and expand the services that providers are currently funded to deliver.

## 4. SCOPE

This policy applies to all clients receiving Council-delivered in-home and social support services, subcontracted to Bayside, including:

- Domestic assistance / home care
- Personal care
- Respite care
- Home maintenance / modifications
- Delivered meals
- Social support (individual and group)
- Transport linked to social support.

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## 5. DEFINITIONS

Term	Meaning
Commonwealth Home Support Program (CHSP)	The Commonwealth Home Support Program helps older persons access entry-level support services to live independently and safely at home. From 1 November 2025, it is governed by the Aged Care Act 2024, Aged Care Rules 2025, and the Commonwealth Home Support Program (CHSP) 2025-27 Manual.
Client contribution/fee	The amount a client pays toward the cost of CHSP services agreed in writing between the provider and the client in accordance with the CHSP Client Contribution Framework.
Single Assessment System (SAS)	The Commonwealth's national assessment process for aged care programs, accessed through <i>My Aged Care</i> ( <a href="http://myagedcare.gov.au">myagedcare.gov.au</a> / 1800 200 422).

## 6. POLICY

**6.1** The eligibility and service needs of potential clients for Council's in-home and social support services (funded under the Commonwealth Home Support Program) must be assessed by the Commonwealth Government's Single Assessment System, which is accessed through the Commonwealth's "My Aged Care Portal."

The assessment is initiated by contacting My Aged Care (online at [myagedcare.gov.au](http://myagedcare.gov.au) or by calling 1800 200 422). A Commonwealth aged care assessor will determine the client's eligibility and the type of support services they require to live independently and safely at home.

**6.2** Following the Single Assessment System evaluation via the My Aged Care Portal, contribution amounts will be documented and agreed in writing with clients prior to the service. There is no formal means test for CHSP client contribution, and clients will not be refused services solely because they cannot pay.

**6.3** Where a client can demonstrate significant financial hardship Council, in conjunction with Bayside, may approve a reduced client contribution below the applicable category minimum.

**6.4** Clients may request a review of their assessed client contribution if there is a change in their financial circumstances. Requests must be made in writing and include relevant support material.

**6.5** Council will revise and set its in-home and social support services client contributions annually as part of the Council budget process, having regard to:

- Appendix E – CHSP National Unit Price Ranges and Guide to the National CHSP Client Contribution Framework

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- Local costs of service delivery
- Equity and affordability for clients.

**6.6** Council may not charge a client contribution:

- that is greater than the actual cost of the service
- for an exempt service.

**6.7** Clients will be given reasonable notice in writing of any changes to client contribution made in accordance with this policy.

**6.8** Council's in-home and social support services delivered by Bayside will be charged to clients in line with Glen Eira's client contribution set annually as part of the Council budget process.

**6.9** Council will work with Bayside to apply proportionate, fair debt-management practices (including payment plans) and will not refuse CHSP services solely due to non-payment where hardship applies.

**6.10** Bayside will actively follow up with any clients who can pay a client contribution but who incur outstanding debt in accordance with Bayside's Debt Collection process.

**6.11** Council will record and report aggregate client contribution data in accordance with CHSP grant reporting requirements and the Aged Care Rules 2025.

**7. LEGISLATIVE COMPLIANCE**

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

This policy is subject to, and must comply with, the Commonwealth Home Support Program (CHSP) 2025-27 Manual, the Aged Care Act 2024, and Aged Care Rules 2025 (including all current / future relevant Rules).

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

**8. ASSOCIATED COUNCIL DOCUMENT**

Not applicable.

**9. EXTERNAL REFERENCES/RESOURCES**

Aged Care Act 2024

Aged Care Rules 2025

Commonwealth Home Support Program (CHSP) 2025-27 Manual



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# GLEN EIRA CITY COUNCIL CLIENT CONTRIBUTIONS FOR HOME AND COMMUNITY CARE PROGRAM FOR YOUNGER PEOPLE (HACCPYP) FOR FUNDED IN-HOME AND SOCIAL SUPPORT SERVICES POLICY

**Date first adopted:** 9 June 2026.

**Date last amended:** [Click or tap here to enter text.](#)

**Next review date:** 2030

**Policy Owner:** Manager Life Stages

**Approved by:** Council

**Policy Category:** Category 2 Policy – Discretionary Council Policy

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## OFFICIAL

## 1. TITLE

Client contributions for the Home and Community Care Program for Younger People (HACCPYP) for Funded In-Home and Social Support Services Policy

## 2. OBJECTIVES

To provide a consistent framework for determining, charging, collecting, and reporting client contributions for in-home and social support services contracted by the State Government to Glen Eira City Council (Council) and delivered by Bayside City Council (Bayside) in accordance with the *Home and Community Care Program for Younger People (HACCPYP) guidelines*.

## 3. PRINCIPLES

Council adopts the Victorian HACCPYP principles in administering client contributions.

### 3.1 Equity

Clients who can afford to contribute to the cost of their care are encouraged to do so. Contributions must be fair, reasonable, and consider the client's capacity to pay.

### 3.2 Voluntary Contributions

Client contributions under HACCPYP are voluntary. Clients will not be refused services because they are unable or unwilling to pay a contribution.

### 3.3 Transparency

The Policy should be in an accessible format and publicly available. Clients will be informed of suggested contribution amounts and how these are applied before services commence.

### 3.4 Hardship

The Policy should include arrangements for clients who are unable to pay the requested contribution.

### 3.5 Consistency

Contribution arrangements will be applied consistently across comparable service types while allowing flexibility to respond to individual circumstances.

### 3.6 Sustainability

Revenue from client contributions will be used by Bayside to support the ongoing delivery and sustainability of services funded by HACCPYP.

### 3.7 Accountability and Reporting

Bayside will record and report client contribution information in accordance with Victorian Government HACCPYP funding and accountability requirements.

## 4. SCOPE

This Policy applies to all clients receiving Council-delivered in-home and social support services, subcontracted to Bayside, including:

- Community Care (i.e. domestic assistance, personal care)
- Property maintenance.

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## 5. DEFINITIONS

Term	Meaning
Home and Community Care Program for Younger People (HACCPYP)	The Home and Community Care Program for Younger People (HACCPYP) supports Victorians from birth to 65 years, and Aboriginal and Torres Strait Islander people from birth to 50 years if their capacity for independent living is at risk.
Client contribution/fee	The amount a client pays towards the cost of HACCPYP services is agreed in writing between the provider and the client.
Assessment	An assessment is undertaken by the provider to determine eligibility for HACCPYP services. Although Glen Eira is the contracted provider, this is subcontracted to Bayside City Council who undertake the assessment.

## 6. POLICY

6.1 The eligibility and service needs of potential clients for Council's in-home and social support services funded under the HACCPYP and subcontracted to Bayside must be assessed by the service provider (Bayside).

6.2 Following the Assessment by the provider, contribution amounts will be documented and agreed in writing with clients. Fees will be in line with the Department of Health fees schedule and income ranges. The amount a client pays is based on a self-assessment of income and expenditure, relative to their condition. Those eligible for HACCPYP will not be refused services solely because they cannot pay.

6.3 Where a client can demonstrate significant financial hardship, Council, in conjunction with Bayside, may approve a reduced fee below the applicable category minimum.

6.4 Clients may request a review of their assessed client contribution if there is a change in their financial circumstances. Requests must be made in writing and include relevant support material.

6.5 Council will revise and set its HACCPYP contributions/fees annually as part of the Council budget process, having regard to:

- Department of Health - HACCPYP fees policy and schedule of fees
- Local costs of service delivery
- Equity and affordability for clients.

6.6 Council may not charge a client contribution/fee:

- that is greater than the actual cost of the service
- for an exempt service.

6.7 Clients will be given reasonable notice in writing of any changes to client contribution/fees made in accordance with this Policy.

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6.8 Council's in-home and social support services delivered by Bayside will be charged to clients in line with Glen Eira's client contribution which is set annually as part of the Council budget process.

6.9 Council will work with Bayside to apply proportionate, fair debt-management practices (including payment plans) and will not refuse HACCPYP services solely due to non-payment where hardship applies.

6.10 Bayside will actively follow up with any clients who can pay a client contribution/fee, but who incur outstanding debt in accordance with Bayside's Debt Collection process.

6.11 Council will record and report aggregate client contribution/fee data in accordance with HACCPYP grant reporting requirements.

**7. LEGISLATIVE COMPLIANCE**

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

This Policy is subject to and must comply with the Victorian Home and Community Care Program for Younger People Guide 2023.

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

**8. ASSOCIATED COUNCIL DOCUMENT**

Not applicable.

**9. EXTERNAL REFERENCES/RESOURCES**

Victorian Home and Community Care Program for Younger People Guide 2023



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# GLEN EIRA CITY COUNCIL RESIDENTIAL AGED CARE MANAGEMENT AND REFUNDS OF REFUNDABLE ACCOMMODATION DEPOSITS POLICY

**Date first adopted:** 9 June 2026

**Date last amended:** Not applicable

**Next review date:** June 2030

**Policy Owner:** Director of Community Wellbeing and Chief Financial Officer  
**Approved by:** Council

**Category:** Category 2 Policy – Discretionary Council Policy

OFFICIAL: Sensitive

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**OFFICIAL: Sensitive****1. TITLE**

Residential Aged Care – Management and Refunds of Refundable Accommodation Deposits.

**2. OBJECTIVE**

The objective of this policy is to ensure that Refundable Accommodation Deposits provided to Council by residents of Council's Aged Care Facility (Warrawee) are managed and accounted for in a manner that complies with the Aged Care Act 2024, the Aged Care Rules 2025, and Council's governance, prudential and disclosure requirements.

This policy establishes a governance system to ensure that Refundable Accommodation Deposits, amongst other things:

- a) are recorded when received from the resident or authorised representative and deposited into Council's nominated bank account.
- b) balances are only used by Council for permitted uses in accordance with the Act and Aged Care Rules 2025.
- c) are refunded to residents in accordance with the Act and the Aged Care Rules 2025.

The governance system established by this policy provides for the following:

- a) allocating responsibilities to the responsible persons of Council in relation to the management of Refundable Accommodation Deposit balances held by Council.
- b) monitoring and controlling any delegation or outsourcing of the allocated responsibilities.
- c) reporting mechanisms for the allocated responsibilities that ensure that the responsible persons who are responsible for the executive decisions of Council can effectively monitor and control the use of Refundable Accommodation Deposits.
- d) ensuring that the responsible persons who are allocated responsibilities, and persons to whom responsibilities are delegated or outsourced, are aware of the requirements of the Act and the Aged Care Rules 2025, in relation to Refundable Accommodation Deposits.
- e) detecting, recording, and responding to any failure to comply with the requirements referred to in paragraph (d).

**3. DEFINITIONS AND ABBREVIATIONS**

<b>Term</b>	<b>Meaning</b>
Act	means the Aged Care Act 2024 (Cth).
Refundable Deposit Register	means the refundable deposit register that must be maintained under Section 150A of the Aged Care Act 2024.
Council	means Glen Eira City Council.
Department	means the Commonwealth Department of Health, Disability and Ageing.
Commissioner	Aged Care Quality and Safety Commissioner.

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Refundable Accommodation Deposit	an accommodation payment that does not accrue daily and is paid as a lump sum (as defined in Section 7 of the Aged Care Act 2024).
Responsible Persons	A responsible person is an individual who has the authority and accountability to ensure an aged care provider complies with the Aged Care Act and related regulatory requirements.

**4. POLICY****4.1 Refundable Deposit Register**

- a) In accordance with section 150A of the Aged Care Act 2024 and Division 5 of the Aged Care Rules 2025, Council must establish and maintain a Refundable Deposit Register that includes all prescribed information and records relating to Refundable Accommodation Deposits and entry contributions.
- b) The Refundable Deposit Register must:
  - i. include all information required by Rules 150A-5 to 150A-35 of the Aged Care Rules 2025.
  - ii. be able to produce this information in a single, itemised document as required by Rule 150A-1 of the Aged Care Rules 2025.
  - iii. be maintained in a manner consistent with Section 168 of the Aged Care Act 2024 and Council's record management obligations.
- c) The Chief Financial Officer (or delegate from the Finance Team) is responsible for:
  - i. establishing and maintaining the Refundable Deposit Register.
  - ii. ensuring all entries are accurate, complete, and up to date.
  - iii. ensuring that the Refundable Deposit Register can be provided to the Commissioner if required or upon request.

**4.2 Refundable Accommodation Deposit amount**

- a) The maximum Refundable Accommodation Deposit amounts that may be charged by Council for rooms at Warrawee Aged Care Facility will be determined through Council's annual budget process. The budget must specify the Refundable Accommodation Deposit amounts for each house and room category, consistent with the requirements of the Aged Care Act 2024 and the Aged Care Rules 2025.
- b) The Refundable Accommodation Deposit amounts adopted through the budget process must not exceed the maximum accommodation payment amount determined by the System Governor under section 289 of the Act, unless Council has obtained approval from the Independent Health and Aged Care Pricing Authority under section 290 of the Act.
- c) Any approval to charge above the maximum accommodation payment amount must be sought, monitored, and renewed in accordance with the requirements of the Act and Rules. Responsibility for ensuring compliance rests with the Chief Financial Officer (or delegate from the Finance Team) in

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consultation with the Manager Life Stages and Facility Manager.

- d) Details of the Refundable Accommodation Deposit amounts and any approved pricing determinations will be published in accordance with Section 291 of the Act and Rule 155-80 of the Aged Care Rules 2025 (pricing information).
- e) Council's Chief Financial Officer (or a delegate from the Finance Team) is responsible for the initial receipt of the Refundable Accommodation Deposits in Council's nominated bank account.
- f) Council will also comply with section 305(1)(c) of the Act (minimum assets test), ensuring residents are not left below the statutory minimum asset threshold after paying a Refundable Accommodation Deposit.

#### 4.3 Deductions from Refundable Accommodation Deposits

- a) Only deductions that are authorised by the Act and the Aged Care Rules 2025 will be deducted from the Refundable Accommodation Deposits in Council's custody.
- b) For new residents who enter residential aged care from 1 July 2025, aged care providers will be able to retain two per cent per annum of the Refundable Accommodation Deposit (RAD) or similar lump sum accommodation payment. This retention is capped at a maximum of five years, meaning up to 10 per cent of the RAD could be retained over those five years.
- c) Council's annual budget will also confirm the retention arrangements permitted under the Act (currently 2 per cent per annum, capped at five years for new residents entering from 1 July 2025).

#### 4.4 Refund and Transfer of Refundable Accommodation Deposits

- a) Council will refund Refundable Accommodation Deposit balances strictly in accordance with Sections 311-313 of the Aged Care Act 2024 and the Aged Care Rules 2025.
- b) A Refundable Accommodation Deposit balance will be refunded:
  - within 14 days after being shown probate of the Will of the individual or letters of administration of the Estate of the individual, or other evidence acceptable under Rule 311-15, if the resident has died.
  - if the individual is to move to another approved residential care home to receive ongoing funded aged care services through the service group residential care.
  - on the day the resident is to move, if the resident gives more than 14 days' notice of transfer to another approved residential care home.
  - within 14 days after notice is given, if less than 14 days' notice of transfer is provided.
  - within 14 days after services cease, no prior notice of transfer is given.

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- within 14 days after a resident cancels an agreement to delay refunding of a Refundable Accommodation Deposit balance under Rule 311-20(3).
- c) Refunds will be made by cheque, bank cheque or electronic funds transfer.
- d) Where a Refundable Accommodation Deposit balance is transferred to another approved provider under section 312, Council will comply with the prescribed notice and transfer requirements, including provision of Refundable Accommodation Deposit register details and accrued interest.
- e) Council will pay interest on Refundable Accommodation Deposit balances in accordance with section 313 of the Act and Rules 313-5 and 313-10, being:
  - base interest if the refund is made within the prescribed refund period.
  - base interest plus Maximum Permissible Interest (MPIR) if the refund is made after the refund period.
- f) Responsibility for ensuring timely and compliant refunds rests with the Chief Financial Officer (or delegate) in conjunction with the Manager Life Stages and Facility Manager.

#### 4.5 Permitted uses of Refundable Accommodation Deposits

Council will use the Refundable Accommodation Deposits in accordance with the permitted uses as identified in the Act and the Aged Care Rules 2025.

#### 4.6 Disclosure requirements

- a) Under the Aged Care Act 2024, Councillors and the CEO are responsible persons with person accountability for prudential compliance in relation to refundable accommodation deposits.
- b) Council must:
  - i. within seven days after an accommodation agreement is entered into, notify the individual in writing that, within seven days of any request, Council will provide the information and documents listed in Rules 155-30(2)(a)-(h).
  - ii. on request, provide the information/documents within seven days.
  - iii. provide the individual's refundable deposit register entry:
    - when the individual (or to the legal representative/estate if deceased) ceases with Council.
    - when the individual moves to another residential care home.
- c) Within four months after the end of each financial year Council must give each care recipient, who has paid a Refundable Accommodation Deposit to Council for entry to the aged care service operated by Council:
  - i. a copy of the entry in the Refundable Deposit Register that relates to the care recipient as at the end of the financial year.
  - ii. a written statement that Council will provide, within seven days of a request by the care recipient, the information in Rule 155-30(2) of the Aged Care Rules 2025.

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- d) Within seven days of a request from a prospective care recipient (or a prospective care recipient's representative), Council will give the prospective care recipient (or the representative) the information and documents as set out in the Act and the Aged Care Rules 2025.
- e) The Manager Life Stages, Facility Manager or delegate, is principally responsible for ensuring requirements regarding the disclosure of care recipients and prospective care recipients are complied with.
- f) Council will maintain a register of information, including requests received and date of provision of information to residents.
- g) The Manager Life Stages, Facility Manager or delegate, is principally responsible for the maintenance of the register of information and ensuring the requirements of the Act and the Aged Care Rules 2025 are complied with.

#### 4.7 Investment of Refundable Accommodation Deposit balances

Refundable Accommodation Deposits received by Council are to be invested in accordance with Council's Residential Aged Care - Liquidity Management Policy.

#### 4.8 Annual Prudential Compliance Statement

- a) Council must provide an annual prudential compliance statement as required under section 166 of the Act and Rules.
- b) The annual prudential compliance statement must be supported by an independent audit.
- c) The Manager Life Stages, Facility Manager or delegate, together with Council's Chief Financial Officer or delegate from the Finance Team are responsible for the preparation and completion of the annual prudential compliance statement and engaging the independent auditor.

#### 4.9 Delegation of Authority

- a) The Chief Financial Officer or delegate from the Finance Team is principally responsible for the financial management of the Refundable Accommodation Deposit balances held by Council.
- b) The Chief Financial Officer or a delegate from the Finance Team and the Manager Life Stages, Facility Manager or a delegate will acknowledge their responsibilities by confirming receipt of a copy of this policy. This acknowledgement shall be recorded by the Chief Financial Officer or a delegate from the Finance Team and the Manager Life Stages, Facility Manager or delegate understands their obligations and the requirements of the Act and the Aged Care Rules 2025 in relation to Refundable Accommodation Deposits.
- c) Related training is to be undertaken following changes to the Act or as necessitated by a change in staff to a responsible position or the position's responsibilities.

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- d) Council will maintain appropriate delegated authorities to ensure effective delivery of services while ensuring compliance with the policy, governance and prudential requirements relating to the management of Refundable Accommodation Deposits in accordance with the Act and Aged Care Rules 2025.

#### 4.10 Reporting Mechanisms and Responding to Non-Compliance

- a) The Chief Financial Officer and a delegate from the Finance Team report directly to the CEO, ensuring Council can effectively monitor and control the use of Refundable Accommodation Deposits.
- b) The Chief Financial Officer or a delegate from the Finance Team provides monthly reports on the Refundable Accommodation Deposits (by resident name and Refundable Accommodation Deposit amount) which are sent to the Manager Life Stages, Facility Manager or delegate.
- c) Following best accounting practice ensures Council can quickly detect, record, and respond to any failure to comply with the requirements of the Act and the Aged Care Rules 2025.
- d) In the event that non-compliance has been identified, this must be reported to Council's Audit and Risk Committee to identify steps to most effectively rectify the non-compliance.
- e) Additional controls are provided by the Council's Fraud and Corruption Policy and Procedure and Fraud Control Plan, which facilitates the reporting of any suspected wrongdoing by Council staff.

#### 5. LEGISLATIVE COMPLIANCE

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

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

#### 6. ASSOCIATED COUNCIL DOCUMENTS

- Council Delegation of Authority
- Investment Policy
- Residential Aged Care - Liquidity Management Policy
- Residential Aged Care Access and Fee Policy

#### 7. EXTERNAL REFERENCES/RESOURCES

- Aged Care Act 2024 (Commonwealth)
- Aged Care Rules 2025
- Strengthened Aged Care Quality Standards



GLEN EIRA  
CITY COUNCIL

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## 10.4 UPDATE TO CANOPY TREE PROTECTION LOCAL LAW

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**Trim No:** 26/1124751

**Attachments:** 1. [Canopy tree protection Local Law Policy V4 DRAFT](#) [↓](#)  
2. [Canopy tree protection Local Law Assessment Guidelines 2024 v4 DRAFT](#) [↓](#)

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### EXECUTIVE SUMMARY

This report provides an update to Council on the administration of Glen Eira City Council's Canopy Tree Protection Local Law Policy and Guidelines following the commencement of new Statewide planning controls for canopy trees (Amendment VC289, effective 15 September 2025). This report recommends the introduction of a fee for Local Law permits so that canopy tree permit applications are treated consistently across approval pathways. Subsequently, should Council resolve to adopt a fee for these permits, then the Canopy Tree Local Law Policy and Assessment Guidelines will also be required to be updated to reflect this resolution.

Since the adoption of the Local Law in August 2024, Council has issued 662 canopy tree local law permits. Following Amendment VC289, officers introduced a customer triage portal, so applicants receive written advice and are directed to the correct pathway (planning permit, local law permit, or in some circumstances both). This supports a clearer, more consistent customer experience.

Officers propose introducing an application fee for canopy tree local law permits, set to align with the VicSmart planning permit fee for tree removal, with a discounted local law fee where both a planning permit and a local law permit are required. Updating the Local Law Policy and Guidelines is necessary to provide clear, consistent information to the community.

### RECOMMENDATION

That Council:

1. Resolve, pursuant to Clause 33(1) of the Canopy Tree Protection Local Law, to introduce a permit application fee in respect of permits required under Clause 23(2) of the Canopy Tree Protection Local Law;
2. Resolve, pursuant to Clause 33(3) of the Canopy Tree Protection Local Law, to reduce by 50% (rounded to the nearest whole dollar) the fee for the permit required under Clause 23(2) of the Canopy Tree Protection Local Law set in the Schedule of Fees and Charges by Council, where:
  - a) a planning permit is required under Clause 52.37-2 of the Glen Eira Planning Scheme for the removal, destruction or lopping of a canopy tree;
  - b) a permit is required for the carrying out of acts regulated by Clause 23(2) of the Canopy Tree Protection Local Law; and
  - c) both permits for (a) and (b) of this Part 2 are for the same site and are applied for concurrently by an applicant; and
3. Approve the update of the Canopy Tree Protection Local Law Policy (Attachment 1) and the Canopy Tree Protection Local Law Assessment Guidelines (Attachment 2).

**BACKGROUND**

Council amended the Canopy Tree Protection Local Law in August 2024 to expand protections to include all private trees above a certain size threshold.

On 15 September 2025, Amendment VC289 to Clause 52.37 of the Glen Eira Planning Scheme commenced, introducing new planning permit requirements for the removal, destruction or lopping of canopy trees in residential zones. This amendment established minimum canopy tree standards, application content requirements, exemptions, and streamlined decision pathways under the *Planning & Environment Act 1987*.

The table below illustrates the growing number of applications to date since the introduction of Local Law Permits in August 2024:

Local Law Permits issued before planning controls were introduced (up to 15 September 2025)	439
Local Law Permits issued since planning controls were introduced (between 15 September 2025 and 15 April 2026)	122 (55%)
Planning Permits issued to date (between 15 September 2025 and 15 April 2026)	101 (45%)
Total	662

Of the Local Law Permits that have been issued since being introduced, 103 of these were for pruning or carrying out of works in a TPZ, with the remainder being for tree removal. This equates to approximately 18% of Local Law Permits.

Whilst a planning permit is required for pruning of a boundary canopy tree pursuant to Clause 52.37, the exemption under this control allows for up to one third of the canopy to be pruned without a planning permit. This exemption is greater than that contained within the Local Law which allows pruning up to 10% of the canopy. As a result, no planning applications have been made just for pruning of a tree to date; all planning applications have been for tree removal.

The *Planning & Environment Act 1987* governs statutory planning decisions, and where a planning permit is required for canopy tree works, the Local Law does not apply. This delineation ensures that applicants are not subject to dual regulation under both regulatory frameworks for work on the same tree.

Since the commencement of the planning controls, all canopy tree pruning and removal enquiries and applications have been triaged by the Urban Planning team, so that customers are directed to the correct pathway. A portal page allows customers to upload key information and receive written advice confirming whether a planning permit, a local law permit, or (in some cases involving multiple trees across a site) both are required. This approach reduces confusion and supports consistent communication to the community. This written advice is currently being provided without charging a fee.

By aligning the local law application fee with the equivalent planning permit fee, this would further support consistent, equitable treatment for applicants regardless of which approval pathway applies.

**ISSUES AND DISCUSSION**

In the Ordinary Council report, which adopted the Canopy Tree Local Law (August 2024), it was noted that initial volumes were uncertain and the ongoing administration of the Local Law would need to be actively monitored and reviewed.

Council now has sufficient data to understand permit volumes under the Local Law as well as the impact of the new planning controls.

The application volumes demonstrate that canopy tree enquiries and applications are a significant, ongoing service for Council. Application volumes are broadly comparable to other councils that administer similar local laws.

The introduction of State planning controls, though, has created an inconsistent outcome for applicants, because a fee may apply under the planning permit pathway but not under the local law pathway for similar canopy tree works.

Depending on a tree’s location on the site and its size, the required permit pathway may differ, and this currently determines whether a fee is payable. For example, a tree with a trunk circumference of 140 centimetres located 5.5 metres from the front street currently requires a planning permit and attracts a fee of \$226.95. If the same tree is 6.1 metres from the front street, the approval may fall under the local law, and no fee is currently charged. The assessment effort is similar, yet the cost to the applicant is different. This is causing considerable frustration within the community.

This is visually represented below in Figure 1, which shows that trees that fall in the blue section are subject to planning permission and must pay a fee of \$226.95, and trees that fall in the green section are subject to local law requirements and are free; despite both permits requiring an almost identical assessment and both resulting in a “written permission” with conditions.

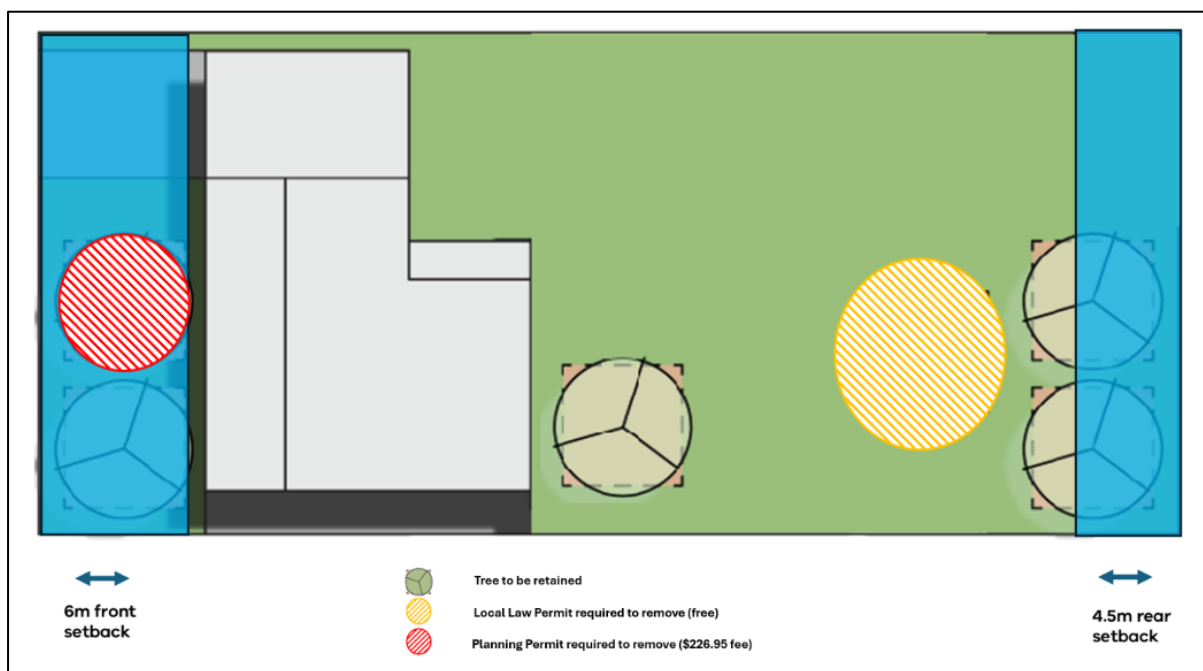


Figure 1 - Visual representation of the application of planning permits and local law permits across a development site

For these reasons, officers propose introducing a local law application fee to create consistent and equitable treatment for the community across canopy tree approval pathways, consistent with Council’s Financial Sustainability Strategy and Council Plan 2025-2029.

**CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS**

The proposed amendments to the Canopy Tree Protection Local Law Policy and Guidelines directly support Council’s Climate Emergency Response Strategy 2025-2029, particularly

Strategic Objective 3.1, which seeks to enhance urban greenery and biodiversity across Glen Eira, including on private land.

Canopy trees play a vital role in reducing urban heat, improving air quality, managing stormwater, and enhancing biodiversity. Their retention and protection are essential to building climate resilience across Glen Eira's urban landscape.

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

The proposed fee does not require a formal amendment to the local law itself. The local law currently states:

#### *33. Permit Fee*

*(1) Council may, by resolution, determine fees and charges for the purposes of this Local Law.*

*(2) In determining any fees and charges, Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.*

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

Clause 33 of the Local Law enables Council to determine fees and charges by resolution. However, the Local Law Policy and Guidelines currently state that no fee will be charged. To enable a fee to be charged, Council must first resolve to adopt a fee for the permit and then resolve that the Policy and Guidelines be updated to reference the fee and explain when it applies (including any discount arrangements where both permits are required).

Once Council resolves the fee, it can be administered through Council's usual annual fees and charges process.

#### Glen Eira Pricing Policy and Financial Sustainability Strategy

Council will soon be considering the adoption of the *Pricing Policy*, which will establish a clear, consistent and evidence based decision making framework to guide how we determine, review and adopt non-statutory fees and charges as part of the planning and budgeting process. Fees and charges are also a deliberate and necessary component of Council's broader *Financial Sustainability Strategy*.

The pricing methods outlined in the proposed *Pricing Policy* have been considered when determining possible fee options for the Canopy Tree Local Laws permits. The proposed fee does not constitute full cost recovery for the service that is provided in the assessment and issuing of Local Laws permits. Instead, the fee would represent a partial (subsidised) cost recovery methodology with Council still covering some of the costs of providing the permit service. The fee has also been determined using Market-based pricing, informed by benchmarking as outlined above.

Whilst each application will vary slightly in time for assessment, it is estimated that the cost to provide this service could range from between \$395 to \$595. This estimate factors in officer time from both Urban Planning and Parks Services, as well as a possible inspection by an Arborist in some circumstances.

Our *Financial Sustainability Strategy* sets a clear course to strengthen our financial position and protect our service provisions and infrastructure. One of the five strategic goals of this plan is to "Boost revenue and drive efficiency". For the reasons Officers have outlined in this report, it is important that we review how we charge for the service we are providing for canopy tree local law permits and look at introducing a fee which reflects our *Pricing Policy*. The proposed introduction of this fee does not seek full cost recovery, but it will go some way to offset the operational costs that are associated with the administration of the process.

### 2026-2027 Budget and Schedule of Fees and Charges

The proposed canopy tree local law permit fee was included in the draft 2026-27 Budget and draft Schedule of Fees and Charges, noting that the policy and guidelines to apply the fee is still subject to Council consideration and resolution.

Subject to Council resolving to introduce the fee, the proposed Local Law Permit application fee will be set at the same amount as the relevant planning permit, which is presently \$226.95.

This approach ensures that the introduction of the fee is transparent, appropriately authorised by Council, and still reflected through Council's formal budget adoption process.

### **POLICY AND LEGISLATIVE IMPLICATIONS**

The proposal is consistent with Council's legislative powers and policy framework. The Canopy Tree Protection Local Law was made under the *Local Government Act 2020* and Clause 33 of the Local Law expressly enables Council, by resolution, to determine, reduce or waive permit fees. The proposed introduction of a permit application fee does not require amendment to the Local Law itself and can be implemented through Council resolution and the annual Schedule of Fees and Charges.

Updating the Canopy Tree Protection Local Law Policy and Assessment Guidelines is required to reflect Council's resolution on the fee and to ensure clear, transparent information is provided to applicants. The proposal does not alter permit assessment criteria or fetter Council's discretion under the Local Law.

### **COMMUNICATION AND ENGAGEMENT**

Clear and timely communication is essential to implementation. The proposed amendments will support consistent messaging to the community about canopy tree applications and when an application fee applies.

If endorsed, Council will update website content, customer service materials and application forms/portals so the fee and any discount arrangements are clearly explained from the outset.

The existing triage process will continue to be used to confirm the correct permit pathway for each enquiry, supporting a consistent, customer-focused experience.

Overall, the proposed changes are intended to make application fees and their application clearer and more consistent for the community.

### **LINK TO COUNCIL PLAN**

Strategic Direction 4: Innovation and financial sustainability  
We are financially secure and sustainable

### **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**

To address inequity where similar canopy tree works attract a fee under the planning pathway but not under the local law pathway, it is recommended that Council introduce a local law permit fee and approve the related updates to the Policy and Assessment Guidelines.



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MCKINNON  
MURRUMBEENA  
ORMOND  
ST KILDA EAST

## GLEN EIRA CITY COUNCIL

# Canopy Tree Protection Local Law Policy

**Date first adopted:** 3 September 2020

**Date last amended:** ~~15 August 2024~~[tbc](#)

**Next review date:** 15 August 2029

**Policy Owner:** Jess van der Werff

**Approved by:** Council

**Policy Category:** Category 2 Policy – Discretionary Policy that requires Council approval

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**OFFICIAL: Sensitive****1. TITLE****Canopy Tree Protection Local Law Policy (Amended Classified Tree Policy)****2. OBJECTIVES**

The objective of this Policy is to effectively administer the process for permitting Canopy Trees and for the inclusion or delisting of trees from the Classified Tree Register.

**3. BACKGROUND**

Canopy trees can be very long-lived and contribute to the sense of character and identity of Glen Eira. Retention of canopy trees ensures that they continue to grow and mature increases the overall canopy cover of our urban forest. This benefits the community helping to reduce the impact of an increasingly urbanised environment, by storing and filtering stormwater, reducing the heat island effect and aiding in mitigating the impacts of climatic change, filtering of airborne pollutants thereby ensuring cleaner air, providing habitat for local fauna and contributing to the psychological well-being of the community.

The removal of canopy trees from private land is an issue that has the potential to impact on targets within the Glen Eira Urban Forest Strategy (UFS) and the outcomes of the Glen Eira Climate Emergency Strategies (CES). It is an issue that does not involve one simple solution but requires a multi-faceted approach that will not only see tree canopy protected and enhanced, but also see the community take ownership of the urban forest to ensure that Glen Eira remains a great place to live for current and future generations. As such, protection of private canopy trees is a critical element in this approach.

Council applies a range of regulatory and operational measures aimed at protecting vegetation, including trees, on both private and public land.

In relation to public and private land, clause 52.37 (Canopy Trees) of the Glen Eira Planning Scheme and the Vegetation Protection Overlay, Heritage Overlay and Significant Landscape Overlay of the Glen Eira Planning Scheme facilitate vegetation protection.

Glen Eira's Urban Forest Tree Management Guidelines 2024 protect and enhance the tree canopy located on Council owned and managed land. Clause 12 of the Community Local Law protects trees on Council land.

On private land the Canopy Tree Protection Local Law facilitates protection of both Canopy Trees that meet a specified size trigger, and Classified Trees that are trees that have been assessed as meeting the Categories of Significance and have been endorsed by Council onto the Glen Eira Classified Tree Register.

**4. SCOPE**

This Policy is limited in its application to trees that:

- meet the prescribed size trigger to be deemed a canopy tree as per clause 8 (1); or
- are nominated for inclusion in the Classified Tree Register; and
- listed on the Classified Tree Register.

**OFFICIAL: Sensitive****5. POLICY STATEMENT**

Council is committed to providing an attractive and sustainable, liveable environment for the municipal community and visitors to the municipality, as well as future generations. To this end Council have endorsed an Urban Forest Strategy that seeks to protect, maintain, and grow tree canopy across the municipality.

Canopy trees can be identified as trees that have attained a certain size and as such have been deemed to be adding a positive contribution to the overall urban forest. Protection of these trees is seen as a critical factor in ensuring that this contribution continues and the trees are able to grow and mature adding to Glen Eira's overall tree canopy.

Some canopy trees, through age, size, rarity of planting or association with historical events achieve a higher level of importance than others on public and private land, and Council is committed to acknowledging and documenting their existence because these trees are regarded as integral to Glen Eira's identity and in some cases also contribute to Melbourne as a whole. As such Council has developed the Glen Eira Classified Tree Register to ensure these trees are both documented, and their details made available to members of the public.

Research has confirmed that the tree canopy is gradually being eroded. Trees that are canopy trees are being lost due to land development, risk aversion, infrastructure and property maintenance, climate change, natural attrition, and pests and diseases.

A proactive approach to protecting and enhancing tree canopy is needed to maintain the high levels of amenity and the character of Glen Eira's suburbs.

**6. DEFINITIONS**

Unless the contrary intention appears in this Policy, words defined below have that meaning in this Policy.

- a) words have the same meaning as in clause 8 of the Glen Eira City Council Canopy Tree Protection Local Law; and
- b) words defined below have that meaning in this Policy.

<b>Term</b>	<b>Meaning</b>
AS 4373-2007	means Standards Australia, Pruning of Amenity Trees (AS 4373-2007) (or as updated/replaced by the equivalent Australian Standard).
AS4970-2025	means Standards Australia, Protection of Trees on Development Sites (AS 4970- 2025) (or as updated/replaced by the equivalent Australian Standard).
Local Law	means the Glen Eira City Council Canopy Tree Protection Local Law.

**OFFICIAL: Sensitive****7. POLICY****7.1. Permits****7.1.1. When is a Permit required?**

A Permit must be obtained as set out in subclause 23(2) of the Local Law including to remove or Prune a Canopy Tree or Classified Tree or to carry out Works within the Tree Protection Zone of a Canopy Tree or Classified Tree or a tree which requires to be planted as a condition of a Permit or a direction in a Notice to Comply.

The circumstances where a Permit is not required are set out in subclauses 23(3) - (9) of the Local Law, including:

- where Pruning is limited to 10% of the trees volume and branches less than 100 millimetres in circumference; or
- to control an immediate danger to life or property.

**7.1.2. Who can apply for a Permit?**

Anyone can apply for a Permit. If the applicant for a Permit is not the owner of the tree to which the Permit applies, then the consent of the owner must be provided with the application.

**7.1.3. Permit fee**

~~There is no Permit fee.~~

**Permit application fee**

Council has resolved under clause 33(1) of the Local Law to introduce a permit application fee for permits required under clause 23(2) of the Local Law. The amount of the permit application fee is set out in Council's Schedule of Fees and Charges, as adopted from time to time by Council as part of its annual budget process.

**Fee reduction**

Where, on the same site:

(a) a planning permit is required under Clause 52.37-2 of the Glen Eira Planning Scheme for the removal, destruction or lopping of a canopy tree; and

(b) a permit is also required under clause 23(2) of the Local Law for the carrying out of acts regulated by clause 23(2) of the Local Law; and

(c) both permits are applied for concurrently by an applicant.

Council has resolved, pursuant to clause 33(3) of the Local Law, to apply a 50% reduction (rounded to the nearest whole dollar) to the permit application fee payable under the Local Law, in accordance with the Schedule of Fees and Charges.

**OFFICIAL: Sensitive****7.1.4. Permit application form**

An application for a Permit must be made in writing through Council's electronic portal or via a permit application form available for download from Council's website or collection from Council's customer service centre.

**7.1.5. Decision making for Permits**

In determining whether to grant a Permit under the Local Law, Council must consider, to the extent it considers appropriate, the matters outlined in subclauses 36(1)(a) to (h) of the Local Law and the Canopy Tree Local Law Assessment Guidelines.

**7.1.6. Pruning trees on private land**

Pruning of a Canopy Tree or Classified Tree must be carried out in accordance with AS 4373-2007. This Australian Standard encourages pruning practices and procedures that reduce the potential for a tree hazard developing, branch failure, fungal infection, or premature tree death and to improve the overall health and structure of the tree.

**7.1.7. Internal Review**

If an applicant for a Permit is dissatisfied with the decision of an Authorised Officer made under clause 37(1) of the Local Law to refuse a Permit or to issue a Permit with conditions, the applicant may apply in writing for an internal review.

The internal review process ensures that decisions are reconsidered fairly, transparently, and on their merits, consistent with Council's obligations under the Local Law and the Assessment Guidelines.

The review will be carried out by a different Authorised Officer who will reconsider the matter as if making the decision for the first time. The reviewing officer will consider:

- all information that was before the original decision-maker; and
- any new or updated information provided by the applicant or obtained through the review.

All reviews will be conducted in accordance with Appendix 6 – Internal Review Procedure in the Policy and the Assessment Guidelines.

**7.2. Classified Tree Register****7.2.1. Who can nominate a tree for inclusion in the Classified Tree Register**

Anyone can nominate any tree located in the municipality for inclusion in the Register.

**7.2.2. Nomination fee**

There is no nomination fee.

**OFFICIAL: Sensitive****7.2.3. Nomination form**

Nominations can be made using Council's online form or in writing.

**7.2.4. Assessing eligibility for inclusion in the Classified Tree Register**

Nominations are assessed under Part 3 of the Local Law and the process in Appendix 3 of this policy. In summary, when a nomination is received, an Authorised Officer will consider whether the tree is potentially eligible for inclusion in the Register. One of the considerations in assessing eligibility for inclusion in the Register is the criteria in Appendix 1 of this Policy which is based on the criteria used by the National Trust of Australia (Victoria) for its register. If the tree is potentially eligible for inclusion, contact will be made with a relevant landholder to arrange, if required, an inspection of the tree to assist in determining if it has any of the Categories of Significance and any of the negative criteria listed in Appendix 2 of this policy.

If the inspection identifies the tree as potentially eligible for inclusion in the Register, an Authorised Officer must notify all the relevant landholders.

The Authorised Officer's assessment of the tree is subject to internal review.

If the assessment is that the tree is eligible for inclusion in the Register, a report will be prepared for Council with a recommendation for inclusion of the tree in the Register.

Council makes the final decision on whether to include a tree in the Register, notifies the person who nominated the tree and the relevant landholders of its decision and, if the tree is included in the Register, publishes a notice in the Government Gazette.

**7.2.5. Expedited assessment of a nomination for inclusion in the Classified Tree Register in extenuating circumstances**

If:

- land within all or part of the Tree Protection Zone of the nominated tree is marketed for sale after a valid nomination is received by Council; or an application is made for a planning permit which directly impacts land within the Tree Protection Zone of a nominated tree; or
- an interim protection order is granted under subclause 24(1) of the Local Law

then, if the nomination is still being assessed by an Authorised Officer, any request for internal review, as set out in Appendix 3, will be expedited to the Manager of Parks Services.

**7.2.6. Who can apply to delisting a Classified Tree from the Classified Tree Register**

An application to delist a Classified Tree from the Register may be made by any relevant landholder or Council may nominate a Classified Tree on its own initiative to be delisted from the register. An application must include reasons why the Classified Tree no longer meets any of the criteria in Appendix 1.

**7.2.7. Application fee**

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There is no application fee.

**7.2.8. Application form**

Applications may be made using Council's online form or in writing.

**7.2.9. Process for assessment of an application to delist a Classified Tree from the Classified Tree Register**

Applications are assessed under Part 4 of the Local Law and the process in Appendix 4 of this policy. In summary, when an application is received an Authorised Officer will determine whether the Classified Tree is potentially eligible for delisting from the Register.

Council assesses eligibility for delisting a tree from the Register using the criteria in Appendix 1 of this Policy which is based on the criteria used by the National Trust of Australia (Victoria) for its register. If the tree is potentially eligible for delisting, contact will be made with a relevant landholder to arrange, if required, an inspection of the Classified Tree to determine if it has any of the Categories of Significance.

If the inspection identifies the Classified Tree as potentially eligible for delisting from the Register, the Authorised Officer must notify all the relevant landholders. If the Authorised Officer determines that the Classified Tree is eligible for delisting from the Register, a report will be prepared for Council with a recommendation for delisting.

Council makes the final decision on whether to delist a Classified Tree from the Register, notifies the relevant landholders of its decision and, if the tree is delisted from the Register, publishes a notice in the Government Gazette.

**7.2.10. Further applications to delist a Classified Tree from the Register**

Council must not consider a further application to delist a Classified Tree from the Register within two years of the receipt of a valid request to delist the Classified Tree from the Register, unless there are exceptional circumstances relating to its condition.

**8. LEGISLATIVE COMPLIANCE**

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

**9. ASSOCIATED COUNCIL DOCUMENT**

*Canopy Tree Protection Local Law*  
*Canopy Tree Protection Local Law Assessment Guidelines*  
*Glen Eira Urban Forest Strategy*  
*Glen Eira Urban Forest Tree Management Plan*  
*Glen Eira Urban Forest Tree Management Guidelines*  
*Glen Eira Community Local Law*

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**10. EXTERNAL REFERENCE/RESOURCE***Planning and Environment Act 1987**Standards Australia, Pruning of Amenity Trees (AS 4373-2007)**Standards Australia, Protection of Trees on Development Sites (AS 4970-2025)***Appendix 1- Categories of Significance**

The Categories of Significance are based on the National Trust of Australia criteria for identification and classification of trees.

For a tree to be considered as eligible for inclusion in or to remain on the Classified Tree Register it must be an exceptional example as demonstrated by meeting one or more of the criteria in the table below.

No.	Criteria	Description	Example in Glen Eira
1	Horticultural or genetic value	Any tree which is of exceptional horticultural or genetic value and could be an important source of propagating stock, including specimens that are particularly resistant to disease or environmental conditions. This could include Australian native, locally indigenous or exotic tree species.	The River Red gum ( <i>Eucalyptus camaldulensis</i> ) located within the Outer Circle parks.
2	Unique location or context	A tree that occurs in a unique location or context and provides a major contribution to the landscape and trees which form part of a historic garden, park or town. This may include the blanket inclusion of trees of various sizes in parks.	Sections of Boyd Park where the significance of the tree(s) relates to the broader landscape context.

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3	Rare or localised distribution	Any tree of a species or variety that is rare or is of very localised distribution. This could include trees that are classified as threatened indigenous or endemic species within its locality or a rare exotic specimen.	The African Bush Willow ( <i>Combretum caffrum</i> ) in Hopetoun Gardens.
4	Particularly old specimen	Any tree that is a particularly old or venerable example of the species such as pre- colonial trees.	The large River Red gum ( <i>Eucalyptus camaldulensis</i> ) located within Greenmeadows Gardens.
5	Outstanding size (girth height spread)	The outstanding size of a tree will relate specifically to the tree species and may vary considerably depending on its height, trunk circumference or canopy.	The Holm Oak ( <i>Quercus ilex</i> ) located within Caulfield Park.
6	Aesthetic value	The tree is a particularly well-formed example of the species that is in a location that makes it striking in the landscape. The loss of a tree in this category would result in a substantial change to the local landscape and a loss of amenity for the community.	The Peppercorn ( <i>Schinus molle</i> ) located within The Wedge.
7	Curious growth habit	Any tree which exhibits a curious growth form or physical feature such as abnormal outgrowths.	A large Peppermint Gum ( <i>Eucalyptus nicholii</i> ) located in Gardenvale Park that is growing sideways along the ground.
8	Historical significance	Any tree commemorating a particular occasion, individual or associated with an important historical event may be considered in this category.	The Lone Pine Tree, Gallipoli, located in Caulfield Park.
9	Connection to Aboriginal culture	A tree associated with Aboriginal activities or culture such as Scarred trees or Corroboree trees.	Council has no records of trees on Council Land which are within this criterion.
10	An outstanding example of species	Any tree that is an outstanding example of the species at an International / National / State / Regional / Local level or of particular aesthetic value.	The large River Red gum ( <i>Eucalyptus camaldulensis</i> ) located within Booran Road Reserve.
11	Outstanding habitat and biodiversity	A tree that has outstanding value as habitat for indigenous wildlife, including providing breeding, foraging or roosting habitat, or forming a key part of a wildlife corridor.	The Eucalyptus species located within the Outer Circle parks as well as the Elster Creek Trail.

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## Appendix 2 - Negative assessment criteria

In determining whether a tree is ineligible for inclusion in the Register, an Authorised Officer must consider, to the extent the Authorised Officer considers appropriate, the criteria listed in the table below.

The Authorised Officer will first work out which criteria in the table below are relevant to the assessment of a nomination for inclusion in the Register, as not all of the criteria will be relevant for every nomination.

### 1. The condition of the tree, (such as, for example, its health, appearance and structural integrity)

A tree is ineligible for inclusion in the Register if it is:

- dead or it is dying and is unlikely to respond well to recommended arboricultural techniques to improve its health; or
- structurally unsound and it cannot be made safe through recommended arboricultural techniques to improve its structural integrity.

### 2. The appropriateness of the tree for its location on the property having regard to the existing buildings on the property.

An Authorised Officer must consider:

- The extent of the tree's Tree Protection Zone.
- The proximity of the tree to any buildings or areas of recreational open space on the property.
- Whether the tree can be Pruned to reduce any unreasonable impacts that it may be having on the property.

### 3. The appropriateness of the tree for its location on the property having regard to reasons of health or safety

A tree is ineligible for inclusion in the Register if it poses a health or safety risk which cannot be alleviated through recommended arboricultural techniques.

An Authorised Officer must consider:

- The risk presented by the tree to health and safety, as determined by a risk assessment undertaken by a suitably qualified and experienced arborist.
- History of any limb failures including the reasons for such limb failures.
- What is physically located beneath and surrounding the tree, including how the area is used.
- Whether fruit, litter or similar drop from the tree gives rise to any risks to health and safety or property damage.

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- Whether the tree is causing any property damage which gives rise to health and safety risk.
- Whether the tree can be Pruned to manage the health and safety risks presented by the tree.
- Whether any other steps can be taken to mitigate the health and safety risks presented by the tree.
- Any report from a licensed and/or qualified person in their field which provides evidence that the tree is causing a health or safety risk which can only be overcome by implementing a remedy that is unreasonable or greatly disproportionate to the value of the tree.

A tree is ineligible for inclusion in the Register if a certificate from a specialist dermatologist or clinical immunologist/allergy specialist demonstrating the cause and effect between the tree and the allergy. The Australasian Society of Clinical Immunology and Allergy website advises a skin prick test and/or blood allergen specific IgE test can be undertaken to determine an allergy link.

**4. Whether the tree has caused property damage, and the extent of the damage and cost of repair of the damage caused.**

The reference to 'property damage' in this criterion refers to damage occurring on the land on which the tree is located or on any other adjacent property.

An Authorised Officer must consider:

- Any evidence of property damage being caused.
- The extent of property damage being caused.
- Whether the property damage can reasonably be repaired without impacting on the viability of the tree. The estimated cost of repairing the property damage.
- If the tree's roots are blocking, breaking or otherwise damaging pipes, whether the pipes can be cleared and relined without removing the tree, or whether the pipes can be replaced without the digging of a trench.
- Whether the tree can be Pruned to reduce the property damage being caused.
- Any report from a licensed and/or qualified person in their field which provides evidence that the tree is causing structural damage to a building, services or infrastructure or is a risk to property, which cannot be alleviated through recommended arboricultural techniques and can only be overcome by implementing a remedy that is unreasonable or greatly disproportionate to the value of the tree.

An Authorised Officer must also consider whether to obtain the following information if the circumstances require:

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- Closed-circuit television footage of damage to underground pipes, collected by a suitably qualified person such as a licensed plumber.
- A report from a suitably qualified and experienced structural engineer detailing the extent of damage, the likely cause of the damage and detailing the range of options available in repairing the damage.
- A Tree Management Plan from a suitably qualified and experienced arborist assessing whether the property damage can reasonably be repaired without impacting on the viability of the tree.

**5. Whether the tree is causing a public nuisance or creating any other nuisance to relevant landholders**

An Authorised Officer must consider:

- The conditions beneath the tree.
- The species of tree, including the frequency and extent of litter, leaves, bark, fruit and similar dropped by the tree.
- Whether any fruit, litter or similar drop from the tree gives rise to any risk of property damage.
- Whether the conditions beneath the tree could reasonably be changed to reduce the impact of the nuisance.
- Whether the tree can be Pruned to reduce the nuisance being caused.

**6. Whether the tree is an environmental weed**

An Authorised Officer must consider:

- The Advisory list of environmental weeds in Victoria (as amended from time to time).
- Whether the tree is listed as a Noxious Weed.
- Whether the location of the tree and the specific context in which the tree is situated may be considered a weed, including the proximity of the tree to Public Land.
- The species in relation to its location. (Note: for example, some trees are only considered to be weeds in circumstances, such as if they are located close to waterways or near areas of environmental significance).
- Whether the tree is materially contributing to the spread of weed propagules.

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**7. Any other matter relevant to the circumstances associated with the nomination.**

An Authorised Officer must consider any demonstrated financial hardship and inability to conduct routine maintenance of the tree (financial hardship includes where the resident has no source of income to pay for the maintenance and is receiving Centrelink benefits.)

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### Appendix 3 - Nominating a tree for inclusion in the Classified Tree Register

#### Nominating a tree for inclusion in the Classified Tree Register

A person may nominate any tree within the Municipal District for inclusion in the Register.

#### Grounds to reject a nomination.

Council may reject a nomination if:

- the nominated tree is already listed on the Register; or
- the nominated tree was delisted from the Register; or
- land within all or part of the Tree Protection Zone of the nominated tree is directly impacted by proposed activities in a planning permit application received by Council prior to the date the nomination is received by Council; or
- is directly impacted by activities permitted by a planning permit which is issued by the responsible authority prior to the date the nomination is received by Council; or
- is marketed for sale as at the date the nomination is received by Council; or
- within the last five years, Council resolved not to include the nominated tree in the Register.

Council must notify the person who nominated the tree of the grounds for rejection.

#### Council's preliminary assessment of a nomination

The Authorised Officer will identify any relevant landholders and may conduct a preliminary assessment of the tree, including an inspection, to assess whether the tree meets any of the criteria in Appendixes 1 and 2.

If a preliminary assessment identifies the tree as ineligible for inclusion in the Register, notice will be provided to the owner of the tree and the person who nominated the tree.

If the preliminary assessment identifies the tree as eligible for inclusion in the Register, the Authorised Officer will place the tree on a list for trees that are eligible for inclusion in the Register (**the list of eligible nominations**) and will provide notice to the relevant landholders. Any relevant landholder may provide a written response following receipt of the notice from the Authorised Officer.

If a written response is received from a relevant landholder within 28 calendar days of receipt of the notice objecting to the inclusion of the tree in the list of eligible nomination, an independent consulting arborist will be engaged at Council's cost to assess the eligibility of the tree. If the independent consulting arborist identifies the tree as eligible for inclusion in the Register, the assessment may be included with the list of trees Council considers for inclusion of the tree in the Register. Council will then consider whether to endorse the recommendation to include the tree on the register or reject the nomination.

**OFFICIAL: Sensitive****Assessing eligibility for inclusion in the Classified Tree Register**

In determining whether a tree is potentially eligible for inclusion in the Register, Council must consider the following, to the extent it considers appropriate:

- a) the criteria in Appendix 1; and
- b) the criteria in Appendix 2; and
- c) any written submissions received by Council regarding the nominated tree.

**Notification of decision**

Council may:

- a) include a tree nominated in the Register; or
- b) not include a tree nominated in the Register.
- c) Council must notify the person who nominated the tree and all relevant landholders of its decision

Council must publish notice in the Government Gazette of its decision to include a tree in the Register.

**Classified Tree Audit**

Council must undertake an audit of trees in the Classified Tree Register every two years to ensure that they still meet one or more of the Categories of Significance.

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## Appendix 4 - Application to delist a Classified Tree from the Classified Tree Register

### Application for delisting

A relevant landholder may apply in writing to delist a Classified Tree from the Register.

The application must include reasons why the Classified Tree no longer meets any of the criteria in Appendix 1.

### Grounds to reject an application

Council may reject an application if within the previous two years Council determined that the Classified Tree meets one or more of the criteria in Appendix 1, unless there are exceptional circumstances relating to its condition.

If Council rejects an application, it must notify the applicant of the grounds of rejection.

### Council's preliminary assessment of an application for delisting

The Authorised Officer must identify any relevant landholders and may conduct a preliminary assessment of the Classified Tree, including an inspection, to assess whether the Classified Tree still meets one or more of the criteria in Appendix 1.

If a preliminary assessment identifies the Classified Tree as potentially ineligible for inclusion on the Register, the Authorised Officer will provide notice to the relevant landholders.

Any relevant landholder may provide a written response following receipt of the notice from the Authorised Officer.

If a written response is received from a relevant landholder within 28 calendar days of receipt of the notice of the preliminary assessment, the Authorised Officer will consider the written response, may request additional information from the relevant landholder as outlined in Appendix 5, and either provide further notice to the relevant landholder or indicate whether, subject to receipt of any application for review, the Authorised Officer proposes to place the Classified Tree on a list of trees that are ineligible for inclusion on the Register (**the list of ineligible Classified Trees**).

If any relevant landholder is dissatisfied with the Authorised Officer's notice, the relevant landholder may apply in writing for a review of the Authorised Officer's preliminary assessment. If no written response or application for review is received within 28 calendar days of receipt of the Authorised Officer's notice, the Authorised Officer may determine whether to place the Classified Tree on the list of ineligible Classified Trees. If placed on this list, Council notifies the person who nominated the Classified Tree and the landholders of its inclusion.

If an application for a review is received within 28 calendar days of receipt of the

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Authorised Officer's notice, the matter is referred to another Authorised Officer to conduct an assessment. If the Officer considers that the Classified Tree is ineligible for inclusion on the Register, a notice will be sent to relevant landholders.

Any relevant landholder may provide Council with a written submission in response to the secondary assessment notice. If a written response is received from any relevant landholder within 28 calendar days of receipt of the secondary assessment notice, the Authorised Officer

will consider the written response and may request additional information as outlined in Appendix 5. After considering any written responses from relevant landholders the authorised officer will determine whether to place the Classified Tree on the list of ineligible Classified Trees.

Council must notify the person who nominated the Classified Tree and the landholders of the decision to place the Classified Tree on the list of ineligible Classified Trees.

**Assessing eligibility to delist a Classified Tree from the Classified Tree Register**

In determining whether a tree is ineligible to remain on the Classified Tree Register, Council must consider, to the extent it considers appropriate, the criteria in Appendix 1 and any written submission received by Council.

**Notification of decision**

Council will decide whether to delist a Classified Tree from the Register.

Council must notify all relevant landholders of its decision.

Council must publish notice in the Government Gazette of a decision to delist a Classified Tree from the Register.

**OFFICIAL: Sensitive****Appendix 5- Obtaining additional information**

- (1) Council may request in writing any additional information which it requires to conduct a review from the landholder.
- (2) If Council makes a request under subclause (1), it must suspend the review until the earlier of:
  - a) 42 calendar days from the date specified in the document making the request as the date of the document; or
  - b) the date when the additional information is provided.
- (3) Within 28 calendar days of service of the request for additional information by Council, the landholder:
  - a) may provide the additional information; or
  - b) if additional time is required, may request in writing an extension of time to provide the additional information.
- (4) If the applicant requests additional time under subclause (3)(b), Council may:
  - a) refuse to extend the time for the provision of the additional information; or
  - b) grant an extension of time for that information to be provided.
- (5) If Council grants an extension of time under subclause (4)(b), Council must inform the landholder in writing of the period of the extension.
- (6) If a landholder fails to provide the information requested under subclause (1) to Council within the period specified in subclause (3) or, if an extension is granted under subclause (4)(b), within the period of that extension, Council:
  - a) may conduct a review without the additional information; or despite subclause (3)
    - if the landholder provides the additional information to Council out of time, may accept that late information; and
    - may conduct a review with that late information.

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## Appendix 6 – Internal Review Procedure

This Appendix sets out the process to be followed for internal reviews under Part 10 of the Canopy Tree Protection Local Law 2024.

### Scope and Purpose

This procedure applies to the following decisions made under the Local Law:

- refusal to issue a Permit;
- issue of a Permit subject to conditions;

It provides an open and transparent mechanism for applicants to seek reconsideration of such decisions.

### Eligibility

Only the original applicant for a Permit, or a person acting with the applicant's written consent, may request a review.

The review right applies to decisions made under clause 37(1)(a) or (b) to issue or refuse a Permit, including any conditions imposed under clause 38(1) of the Local Law.

### Lodgment Requirements

An application for internal review must:

- be made in writing to Council within 28 calendar days of the applicant becoming aware of the decision;
- state the grounds upon which the review is sought;
- include any new or supporting information; and
- be addressed to the Manager Park Services.

The internal review must be conducted by an Authorised Officer who was not involved in making the decision under review.

The Authorised Officer allocated the internal review by the Manager Park Services will acknowledge receipt in writing and confirm whether the application meets the requirements of clause 56 of the Local Law.

### Request for Additional Information

If additional information is required, Council will request it in writing under clause 57 of the Local Law.

Subject to any request for an extension of time to provide information by the applicant, the

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applicant may provide additional information within 28 days from the date which is specified in the document making the request.

The review process will be suspended until the earlier of 42 days from the date of the request for further information or the date the information is received.

The applicant may request an extension of time (within 28 days of the request). The Authorised Officer will confirm in writing whether the extension is granted.

If the information is not received within the specified or extended period, the Authorised Officer may proceed with the review without it or may, at its discretion, accept late information.

**Nature of the Review**

The Authorised Officer, when undertaking the review:

- they must stand in the shoes of the original decision-maker and make the *correct or preferable decision* on the merits;
- they must consider all information that was or ought to have been considered originally, and any new or updated information; and
- they must address, to the extent appropriate, each of the assessment matters set out in clause 36(1) of the Local Law, having regard to the Assessment Guidelines.

**Review Report**

The Authorised Officer may engage an independent arboricultural consultant to review the original assessment and provide a written report.

The Authorised Officer will prepare a report (the Review Report) including:

- a description of the application and the decision under review;
- a summary of the applicant's grounds for review;
- the independent arboricultural consultant's assessment and recommendations (if obtained); and
- detailed consideration of each relevant matter under clause 36(1).

The Review Report will include a short compliance checklist confirming that only relevant considerations were taken into account, procedural requirements were followed, and the decision is reasonable and proportionate.

The Review Report and supporting documentation must be recorded in Council's records management system.

**OFFICIAL: Sensitive****Decision-Making Process**

The internal review will be determined by an Authorised Officer.

The Authorised Officer may, under clause 59(1):

- issue a Permit;
- refuse to issue a Permit; or
- determine that a Permit is not required.

A written notice of the decision will be provided to the applicant, including the reasons for the decision.

**Procedural Fairness and Administrative Law Obligations**

Council must ensure that:

- the review and decision are free from actual or perceived bias;
- the applicant is afforded procedural fairness, including:
  - o notice of the decision under review;
  - o an opportunity to provide written submissions;
- only relevant considerations are taken into account;
- irrelevant considerations are disregarded;
- all procedural requirements in the Local Law and Assessment Guidelines are met;
- and
- the decision is reasonable and proportionate in all the circumstances.

**Record-Keeping and Notification**

The Authorised Officer must:

- retain the full record of the internal review, including application, correspondence, and arboricultural report; and
- notify the applicant in writing of the decision under clause 59(2), including reasons and any conditions imposed.



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# GLEN EIRA

## CANOPY TREE PROTECTION LOCAL LAW ASSESSMENT GUIDELINES



GLEN EIRA  
CITY COUNCIL  
BENTLEIGH  
BRIGHTON EAST  
BENTLEIGH EAST  
CARNEGIE  
CAULFIELD  
ELSTERNWICK  
GARDENVALE  
GLEN HUNTLY  
MCKINNON  
MURRUMBREENA  
ORMOND  
ST KILDA EAST





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## 1. Introduction and Purpose

The purpose of these assessment guidelines (**the Guidelines**) is to provide information that must be considered by officers when assessing permit applications made under the Canopy Tree Protection Local Law 2024 (**the Local Law**).

These guidelines provide guidance to officers when considering each of the matters set out in the Local Law. Application of these guidelines is to ensure that decision making is consistent and equitable.

These guidelines require that, in the assessment of an application for a permit, the officer consider five key elements. These are:

1. the type of tree;
2. the location of the tree;
3. the health, condition and risk status of the tree;
4. the reason for the request to remove or prune the tree; and
5. all supporting information provided by an applicant.

Assessments are to be guided by the overarching principle of the Local Law, which is to retain classified trees and canopy trees where practicable, while also seeking to safeguard the rights of a property owner to the reasonable enjoyment of their property.

## 2. Canopy Tree and Classified Tree Permits

Where any provision within the local law requires that a person obtain a permit before engaging in a particular activity related to either a canopy or a classified tree, an offence is committed if that person engages in the activity or causes or permits any other person to engage in the activity, without an appropriate permit issued by a Council officer authorised under the local law.

### 2.1 Applying for a Permit

A person seeking to apply for a permit under the local law is required to apply for the Permit in writing to Council. This can be done through the relevant permit portal within Council's website or in writing by completing a permit application form available on Council's website or from Council's customer service centre.

### 2.2 Cost of a Permit

[There is no cost for the application of a Local Law permit.](#)

#### [Permit application fee](#)

[Council has resolved under clause 33\(1\) of the Local Law to introduce a permit application fee](#)

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[for permits required under clause 23\(2\) of the Local Law. The amount of the permit application fee is set out in Council's Schedule of Fees and Charges, as adopted from time to time by Council as part of its annual budget process.](#)

### **Fee Reduction**

[Where, on the same site:](#)

[\(a\) A planning permit is required under Clause 52.37-2 of the Glen Eira Planning Scheme for the removal, destruction or lopping of a canopy tree; and](#)

[\(b\) A permit is also required under clause 23\(2\) of the Local Law for the carrying out of acts regulated by clause 23\(2\) of the Local Law; and](#)

[\(c\) Both permits are applied for concurrently by an applicant](#)

[Council has resolved, pursuant to clause 33\(3\) of the Local Law, the apply a 50% reduction \(rounded to the nearest whole dollar\) to the permit application fee payable under the Local Law, in accordance with the Schedule of Fees and Charges.](#)

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## **2.3 Timeframe for a Permit Assessment**

All applications for permits will be assessed by Authorised Officers within 14 calendar days of the permit application being received.

## **2.4 Definition of Canopy and Classified Trees**

A **canopy tree** is defined under the local law as:

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

A **classified tree** is defined under the local law as a **tree**, or a **stand of trees** that:

- a) Has been assessed as meeting one of the Categories of Significance; and
- b) Has been endorsed by Council; and
- c) is recorded on the Glen Eira Classified Tree Register.

## **2.5 Trees Protected by the Local Law**

Protection of **canopy trees** and **classified trees** refers to any tree that:

- a) Is a classified tree; or

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- b) Is a canopy tree; and
- c) trees planted in satisfaction of a condition of a Permit; and
- d) trees planted in satisfaction of a direction in a Notice to Comply; inclusive of
- e) any of the above trees which are situated on private land irrespective of whether the tree extends beyond the boundary of the private land.

## 2.6 Permit Requirements under the Local Law

A permit **is required** if a person wishes to:

- a) remove, or direct the removal of a classified or a canopy tree; or
- b) prune or direct pruning of a classified tree or a canopy tree; or
- c) carry out, or direct works to be carried out within the Tree Protection Zone (TPZ) of a classified tree or a canopy tree; or
- d) remove, or direct the removal of a tree planted in satisfaction of a condition of a permit or a direction in a notice to comply; or
- e) prune or direct pruning of a classified tree or a canopy tree planted in satisfaction of a condition of a Permit or a direction in a notice to comply; or



- f) carry out, or direct works to be carried out within the Tree Protection Zone (TPZ) of a classified or canopy tree planted in satisfaction of a condition of a Permit or a direction in a Notice to Comply.

A permit **is not required** if:

- a) a person, whose actions are required by any other legislation or by any other statutory authority; or
- b) a person acting in accordance with an instruction or direction from an Authorised Officer; or
- c) a tree that is a noxious weed; or
- d) a tree that requires pruning or removal to control an immediate danger to life or property if Council is notified within 5 days of the works being carried out.
- e) pruning, which is carried out that is:
  - In accordance with Standards Australia AS4373 – 2007
  - Only branches of the tree that have a circumference of less than 100 millimetres at the point of contact with the larger branches or the trunk are removed.
  - A maximum of 10% of the tree's total volume is removed within 12 calendar months.

## 2.7 Granting of a Permit

### Canopy or Classified Tree removal permit

A permit will not be granted to remove a canopy or classified tree unless:

- it is dead or dying.
- it is structurally unsound and cannot be made safe through available arboricultural techniques.
- it poses an unreasonable risk which cannot be alleviated through means other than removal.
- it is causing structural damage to private or public assets, which cannot be alleviated through means other than removal.
- the works are to be carried out to comply with any other legislation.

Permits allowing removal of a canopy or classified trees may require replacement planting to Council's satisfaction (see guidelines for replacement tree planting below).

### Canopy or Classified Tree pruning permit

A permit will not be granted to prune a canopy or classified tree unless:

- the branch/es to be removed are dead or dying.
- the branch/es to be removed pose a risk which cannot be alleviated through means other than removal.



- the branch/es to be removed are causing structural damage to private or public assets, which cannot be alleviated through means other than removal.
- the pruning is to be carried out to comply with any other legislation.
- the pruning is necessary to maintain the tree's viability, having regard to Australian Standard AS 4373:2007 'Pruning of Amenity Trees' (or as updated/replaced by the equivalent Australian Standard).

Permits allowing pruning of a canopy or classified tree will include conditions which will require the tree to be pruned in accordance with Australian Standard AS 4373:2007 'Pruning of Amenity Trees' (or as updated/replaced by the equivalent Australian Standard).

#### **Permit for works in the Tree Protection Zone (TPZ) of a canopy or classified tree**

A permit will not be granted for works within the Tree Protection Zone (TPZ) of a canopy or classified tree, unless:

- the works to be carried out are proposed to alleviate damage being caused by the tree, which cannot be alleviated through any other means
- the works are to be carried out to comply with any other legislation
- a report by a suitably qualified and experienced arborist as part of the application demonstrates to Council's satisfaction that the proposed works will be carried out in such a way that the tree is not unreasonably impacted. This may include the requirement to undertake a non-destructive root excavation to determine the location, type and size of roots.

Permits allowing works within the TPZ of a canopy or classified tree will include conditions which will require that the works must be carried out in the presence of a qualified arborist and in accordance with the recommendations of an arborist report submitted with the application and approved by Council, or alternatively, in accordance with the recommendations of the determining Council officer.

### **3. Review of a Permit Decision**

If an applicant for a Permit is dissatisfied with the decision of an Authorised Officer made under clause 37(1) of the Local Law to refuse a Permit or to issue a Permit with conditions, the applicant may apply in writing for an internal review.

The internal review process ensures that decisions are reconsidered fairly, transparently, and on their merits, consistent with Council's obligations under the Local Law and these Assessment Guidelines.

The review will be carried out by a different Authorised Officer who will reconsider the matter as if making the decision for the first time. The reviewing officer will consider:

- all information that was before the original decision-maker; and  
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- any new or updated information provided by the applicant or obtained through the review.

All reviews will be conducted in accordance with Appendix 6 – Internal Review Procedure of the Canopy Tree Protection Local Law Policy and these Assessment Guidelines.

#### 4. Criteria for Granting a Permit in Clause 36 (1)

In determining whether to grant a permit under the Local Law, the Council or Authorised Officer must take the following into consideration, to the extent it considers appropriate:

- whether the tree is a canopy tree or a classified tree.
- the condition of the tree (such as, for example, its health, appearance, and structural integrity).
- the appropriateness of the tree for its location on the property, having regard to the existing buildings and conditions on the property.
- whether the proposed action is to be undertaken for reasons of health or safety.
- whether the tree has caused property damage, and the extent of the damage and cost of repair of the damage caused.
- whether the tree is causing any unreasonable public nuisance or creating any unreasonable nuisance to private property owners or occupiers.
- whether the tree is an environmental weed
- any legislative requirements.
- any other matter relevant to the circumstances associated with the application.

#### 5. Guidelines for Criteria for Granting a Permit

The following information sets out the matters the Authorised Officer must consider when assessing an application. These criteria exist to assist officers in exercising discretion when determining a decision under the Local Law. These criteria cannot change or supplant the criteria set out in Clause 36 (1) of the Local Law. Officers must first determine which criteria are relevant to the assessment of the application, as not all criteria will be relevant for every application.

##### a) Whether the tree is a canopy tree or a classified tree.

In assessing an application to remove or prune a private tree, officers must first determine if the tree is a canopy or classified tree, and as such offered protection under the Local Law.

##### b) The condition of the tree (such as, for example, its health, appearance, and structural integrity).



All applications will be assessed by a qualified and experienced arborist in accordance with industry best practice and will include an assessment of risk in accordance with an industry recognised methodology.

Officers must critically analyse any arborist reports provided by an applicant as supporting evidence. Arborist reports submitted with an application should be prepared by suitably qualified (AQF Level 5) arborists.

As part of their assessment, the assessing officer may deem it necessary to request further information from an applicant, such as an external consultant report that may include an aerial inspection, sonic tomograph testing, root plate stability testing or other testing as deemed relevant to the circumstances of a tree.

**c) The appropriateness of the tree for its location on the property, having regard to the existing buildings and conditions on the property.**

If the application has not been made because of proposed buildings or works on the property, officers must consider, as relevant to the application:

- the extent of the tree's canopy and TPZ.
- the proximity of the tree to any buildings or areas of recreational open space on the property.
- the growing conditions of the tree.
- whether the tree can be pruned to reduce any unreasonable impacts the tree may be having on the property.
- how recently the 'existing buildings and conditions on the property' were constructed, and whether the structure could have been designed to mitigate or prevent damage caused by the tree.

**Note:** this criterion only permits consideration of existing buildings and conditions on the property, not proposed buildings or conditions.

**d) Whether the proposed action is to be undertaken for reasons of health or safety.**

Officers must consider, as relevant to the application:

- the risk presented by the tree to human health and safety, as determined by a risk assessment undertaken by a qualified and experienced arborist in accordance with a relevant industry recognised methodology.
- whether fruit, flowers or litter from the tree gives rise to any risks that are unreasonable to manage.
- whether the tree is causing any property damage, which is consequently giving rise to a human health and safety risk that cannot be reasonably managed with repairs or alternative construction.
- whether routine monitoring or remedial works (e.g. pruning or cabling) can be



undertaken to manage the human health and safety risks presented by the tree.

- whether any other steps can be taken to mitigate the human health and safety risks presented by the tree.
- whether the applicant could have reasonably considered the human health and safety risks presented by the tree prior to purchase or occupancy of the property.

**e) Whether the tree has caused property damage, and the extent of the damage and the cost of repair of the damage caused.**

Officers must consider, as relevant to the application:

- any evidence of the property damage being caused.
- the extent of property damage being caused.
- whether the property damage can reasonably be repaired without impacting on the viability of the tree.
- the estimated cost of repairing the property damage.
- if the tree's roots are blocking, breaking or otherwise damaging pipes, whether the pipes can be cleared, relined, or replaced without removing the tree.
- whether the tree can be pruned to reduce the unreasonable property damage being caused.

Prior to considering an application under this criterion, officers can also consider whether to request further information from the applicant under the provisions of the Local Law, if the circumstances require. Further information may include:

- A report from a suitably qualified and licensed plumber which includes details of the extent of damage to underground services, the likely cause of damage, evidence of the role of the tree in the damage, CCTV footage of the damage, invoices for previous repairs, options/requirements for repair or replacement and/or quotes for future repairs.
- A report from a suitably qualified and experienced builder/engineer that includes what steps have already been taken to abate or rectify damage to a structure, and any evidence of the role of the tree in the damage. The report must address the condition of the structure, its age, foundations, and requirements for repair or replacement, including quotes if available, details of any root investigations, and soil moisture testing.

**Note:** This does not limit officers' discretion under the Local Law to request other information from the applicant if the circumstances require.

**f) Whether the Canopy tree is causing any public nuisance or creating any other nuisance to relevant landholders.**

Officers must consider, as relevant to the application:

- the conditions beneath the tree.



- the species of tree, including the frequency and extent of litter, leaves, bark, fruit and the like dropped by the tree.
- whether the conditions beneath the tree could reasonably be changed to reduce the impact of the nuisance.
- whether the tree can be pruned to reduce the unreasonable nuisance being caused.
- whether the applicant could have reasonably considered the potential nuisance issues presented by the tree prior to construction on the land.

Any supporting evidence provided by the applicant to demonstrate that the requirements or costs in manage issues of nuisance are unreasonable (for

example, invoices for maintenance or other extenuating circumstances such as disability, age).

**g) Whether the tree is an environmental weed.**

Officers must consider, as relevant to the application:

- whether the tree is listed in the *Victorian Noxious Weeds List* or a later equivalent document.
- of the tree and the specific context in which the tree may be considered a weed, including the proximity of the tree to waterways, public land and biodiversity corridors set out in the *Urban Biodiversity Strategy 2013-2023* or later equivalent document.
- the species in relation to its location.

**Note:** Some trees are only considered to be weeds in circumstances, such as if they are located close to waterways or near areas of environmental significance.

**h) Any legislative requirements.**

Officers must consider, as relevant to the application:

- whether the removal, pruning or works are required by legislation.
- whether the removal, pruning or works can be modified so that the tree remains viable.
- whether there is a Court Order requiring the removal, pruning or works, or a Court Order requiring buildings, demolition or works that would impact on the tree.

**i) Any other matter relevant to the circumstances associated with the application.**

- Any other matters as raised as part of the application process.

## 6. Tree Removal Applications for Construction Activities



Where removal of a canopy tree is proposed to facilitate construction works on land, the Council officer will exercise discretion in assessing permit applications that have been made due to a proposed dwelling or due to proposed improvements to an existing dwelling. Having considered all other criteria under Clause 36 (1) of the Local Law for an application to remove a canopy or classified tree, if officers have determined that the subject tree is in good condition, suitable to the site and is not causing any unreasonable property damage or unreasonable nuisance, the officer will give consideration to the current owners of the property and their rights to the reasonable enjoyment of that property, and the necessity of any construction works proposed.

The applicant must submit with their application a full set of fully dimensioned plans of the proposed works, drawn in relation to title boundaries and showing the location of the subject tree/s and the extent of its Tree Protection Zone (TPZ), having regard to the relevant Australian Standard. If the circumstances require, officers may request further information from the applicant as set out in these guidelines.

Officers should commence their assessment by considering whether the proposed works would be able to be constructed without necessitating the removal of the tree. In determining whether the proposed works cannot be redesigned and/or that appropriate arboricultural techniques cannot be employed to retain a tree, officers must have regard to the following guidelines:

- the siting of the dwelling or dwelling extension on the property, or other building work, relative to the location of the tree
- the impact of the site coverage and/or hard surface coverage on the health, condition and useful life expectancy of the tree
- whether the proposed building work can be reasonably designed or redesigned to successfully retain the tree, by, for example, decreasing site coverage, decreasing hard surface coverage, increasing setbacks, utilising root sensitive construction techniques, or minor amendments to the proposed layout.

Officers must consider whether to request further information from the applicant under the provisions of the Local Law, such as:

- A report from a suitably qualified and experienced arborist detailing whether appropriate arboricultural techniques could be employed to retain the tree. This may include the requirement to undertake a non-destructive root excavation to determine the location, type, and size of roots, to assist in determining the impact of the proposed building works on the tree.
- A report from a suitably qualified and experienced structural engineer detailing whether any construction techniques could be employed to retain the tree.
- A landscape plan to demonstrate whether appropriate tree planting can be provided on the property to compensate for the loss of any trees permitted for removal.

**Note:** This does not limit officers' discretion under the Local Law to request any other information from the applicant if the circumstances require.

If officers determine to grant a permit for the removal of a canopy or classified tree in  
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accordance with these guidelines, the permit may be subject to conditions, including but not limited to the following:

- That the permit will have no force or effect until a Building Permit for a development generally consistent with that depicted on the plans submitted with the application has been issued in accordance with the Building Act or later equivalent document.
- That the permit will have no force or effect until building work has been substantially commenced.
- That building work is to be substantially commenced within 12 months of the permit being issued, or it will have no force or effect.
- That building works must be undertaken in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites (or as updated/replaced by Guidelines applicable to works within the SRZ of a canopy tree).

## 7. Replacement Tree Planting

The officer will determine whether a canopy or classified tree is to be replaced during assessment of the application, in accordance with these guidelines.

The standard approach will be to require replacement planting of a canopy tree (planted at a height of 1.5 metres and capable of reaching a height of at least 13 metres and 7 metres spread at maturity) for each tree removed, with the species and replacement tree location selected by the applicant, subject to Council approval. Conditions should be worded to require that the replacement tree planting be to the satisfaction of Council and be planted within 12 months of the date of the permit, or 24 months for applications related to a new dwelling construction.

In determining to impose conditions requiring replacement tree planting differing from this standard approach, officers must consider whether:

- there is sufficient space for replacement canopy tree planting on the property.
- there are other existing canopy trees on the property.
- if the property's location or the circumstances of the application warrant it, require the replacement tree planting to be native, exotic or indigenous, or in a particular location on the property.
- in the case of the removal of a canopy or classified tree, the replacement tree must be a particular species or family of species, be higher than 1.5 metres high at the time of planting or be capable of reaching a certain height at maturity.

## 8. General Tree Maintenance Works

The officer will determine whether maintenance works to an existing tree(s) on the land is required instead of or in addition to replacement planting. In doing so, officers should consider whether the health, condition or appearance of the existing tree(s) would be improved by such maintenance works and would advance the objectives of the Local Law.



Such maintenance works could include (but are not limited to):

- remedial pruning.
- removal of dead branches.
- removal of vines or creepers growing on a tree.
- pruning or removal of other vegetation detrimentally affecting the condition of a tree.
- works to protect a tree during construction.
- works to improve the health of a tree (for example, mulch, fertilisation or decompaction).

### **9. Works Within the Tree Protection Zone (TPZ) of a Canopy or Classified Tree**

A permit will not be granted for works within the TPZ of a canopy tree, unless:

- the works to be carried out are proposed to alleviate damage being caused by the tree, which cannot be alleviated through any other means.
- the works are to be carried out to comply with any other legislation.
- a report by a suitably qualified and experienced arborist as part of the application demonstrates to Council's satisfaction that the proposed works will be carried out in such a way that the tree is not unreasonably impacted (This may include the requirement to undertake a non-destructive root excavation to determine the location, type, and size of roots).
- the works are to be carried out pursuant to, and in accordance with, a building permit, the implementation of which necessitates the removal of the tree.
- Permits allowing works within the TPZ of a canopy tree will require that the works must be carried out in the presence of a qualified arborist and in accordance with the recommendations of the arborist's report submitted with the application and approved by Council or in accordance with the recommendations of Council's assessing officer.

**10.5 TENDER 2026.7 PUBLIC TOILET CLEANING AND MAINTENANCE OF AUTOMATED PUBLIC TOILETS**

**Author:** Paul Duyvestyn, Coordinator Building Operations & Services

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

**Trim No:** 26/1117908

**Attachments:** 1. 2026.7\_Report on Conclusion of Evaluation Panel (CONFIDENTIAL)

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**EXECUTIVE SUMMARY**

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This report seeks Council approval to appoint a contractor under Tender 2026.7 – Public Toilet Cleaning and Maintenance of Automated Public Toilets.

The proposed contract will ensure the continued delivery of high-quality cleaning and maintenance services across Council’s public toilet network, supporting community health, safety, accessibility, and amenity. The service also aligns with Council’s sustainability objectives through environmentally responsible practices and efficient service delivery.

A competitive tender process was undertaken, with 17 submissions received and 16 conforming submissions were evaluated by a Tender Evaluation Panel (TEP) comprising of officers with expertise in procurement, building operations, and service delivery. Tenders were assessed against criteria including service capability, cost, sustainability, and workplace safety.

Following a comprehensive evaluation, Tenderer 11 was identified as the preferred contractor, offering the best overall value for money and demonstrating strong capability to deliver the required services. The recommended contract value is \$725,880.77 (excl. GST) per annum, equating to \$3,629,403.87 (excl. GST) over the full five-year term, which is within the allocated budget.

Council approval is sought to appoint Tenderer 11 and authorise the CEO to execute the contract, subject to satisfactory financial assessment.

**RECOMMENDATION**

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

1. Appoints Tenderer 11 as the contractor under Tender number 2026.7 - Public Toilet Cleaning and Maintenance of Automated Public Toilets for an amount of 725,880.77 exclusive of GST per annum and \$3,629,403.87 exclusive of GST over the 5 years life of the contract;
2. Prepares the contract once a financial assessment report has been received that gives a satisfactory score in accordance with the Conditions of Contract included in the tender;
3. Authorises the CEO 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;

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; and
6. Authorises Council officers to disclose the successful tenderer name in the meeting minutes for this item.

## **BACKGROUND**

### **Reason for Tender**

To provide public toilet cleaning and maintenance of automated public toilets across various Council locations throughout the Municipality. Council's existing contract for these services is required to be retendered. The new contract will continue to deliver the cleaning and maintenance of all public toilets, including automated public toilets.

### **Proposed Contract period**

The proposed initial term of the contract is 3 years with options on the part of Council to extend for two additional terms of one (1) year each.

## **TENDER PROCESS**

### **Advertising**

An invitation to submit tenders for the contract as described in the preceding section was advertised on Saturday 21 Feb 2026 in *The Age* newspaper Saturday edition (and Council's eTendering Portal on Monday 23 Feb 2026 and closed on Friday 20 March 2026.

### **Tenders Collected/Received**

69 tender documents were requested.

17 submissions were received by the closing date.

## **EVALUATION PROCESS**

### **Evaluation Criteria**

All conforming tenders were assessed against a set of weighted criteria to determine overall value for money.

The primary criterion considered each tenderer's ability to provide the specified works and services. This included an assessment of industry experience, including demonstrated knowledge of the sector, performance on previous contracts, and the quality of referee feedback where obtained. The Panel also evaluated the capability of each tenderer, including the experience and qualifications of proposed staff, availability of resources, and the suitability of vehicles, equipment, and cleaning products. Consideration was given to contingency planning and the tenderer's ability to maintain consistent service delivery.

Operational and transition planning formed a key component of this assessment, including the quality of proposed transition and operational plans, management systems, supervision and inspection processes, and quality assurance frameworks. The effectiveness of integrated management systems and procedures was also reviewed. In addition, the Panel considered each tenderer's approach to innovation and collaboration, including their commitment to continuous improvement and ability to work in partnership with Council.

The quality and functionality of the proposed cleaning portal system was also evaluated, including features such as GPS tracking, cleaning verification through photographic evidence, and reporting capability, to ensure it met the operational and reporting requirements of the contract.

The second criterion assessed the cost to Council, based on the total tendered price (exclusive of GST), with consideration given to overall value for money.

Tenders were also evaluated against sustainability considerations, including each tenderer's demonstrated commitment to economic, environmental, and social sustainability initiatives.

Finally, the Panel assessed each tenderer's ability to provide a safe workplace, including their demonstrated commitment to occupational health and safety and their capacity to deliver services in a safe and compliant manner

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

This contract supports the delivery of Council's *Our Climate Emergency Response Strategy 2025–2029* by embedding sustainable practices into the ongoing operation and maintenance of public amenities.

The provision of efficient and hygienic public toilet facilities contributes to community health, safety, and resilience, aligning with Council's objectives for safe, healthy and adaptable places. The contract also supports Council's commitment to reducing environmental impacts through the use of sustainable cleaning practices, including environmentally responsible products, water efficiency measures, and waste minimisation.

In addition, the contract reinforces Council's broader climate objectives by promoting operational efficiency, reducing resource consumption, and supporting safe and fair working conditions. These outcomes contribute to Council leading by example in minimising emissions, improving environmental performance, and delivering services that support community wellbeing in a changing climate.

Overall, the service aligns with Council's strategic intent to integrate climate action into all operations while maintaining high-quality, reliable service delivery for the community.

**FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS****COST VS BUDGET**

The budget funding for this project is \$765,000 excluding GST per annum (based on the 2025-2026 financial year).

Based on the Schedule of Rates submitted, accepting the tender of Tenderer 11 would result in a cost of \$725,880.77 per annum excluding GST. This represents a favourable variance of \$39,119.23 per annum below the approved budget, demonstrating that the tendered pricing is within established financial parameters and provides cost efficiencies.

Over the proposed five (5) year contract term, the estimated total contract value is \$3,629,403.85 (excluding GST). This estimate is based on the current Schedule of Rates and assumes no material changes to service scope, asset portfolio, or service frequency.

The financial assessment confirms that:

- Sufficient budget provision exists within the current Long Term Financial Plan to accommodate the service for the full contract term; and
- The pricing structure provides a reasonable level of cost certainty, subject to standard contractual provisions (including any agreed indexation, variations, or scope adjustments).

No additional funding is required, and no material financial risks have been identified at the point of tender evaluation. Any future cost pressures would be managed through standard contract management controls, including variation governance and annual budget review processes.

**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 2: Diverse, welcoming and accessible places  
Our vibrant and clean activity centres support a thriving local economy

Community Wellbeing

Public toilet cleaning contracts support community wellbeing by maintaining safe, hygienic, and accessible public amenities that protect public health, promote dignity and inclusion, and enable people to confidently use and enjoy shared public spaces.

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

**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

### Tender Evaluation Panel Conclusion

Following a competitive tender process and comprehensive evaluation against the approved criteria, the Tender Evaluation Panel has determined that Tenderer 11 represents the best overall value for money for Council.

Tenderer 11 demonstrated a strong capability to deliver the required cleaning and maintenance services across Council's public toilet network, supported by appropriate experience, systems, and resources. The tender also provides a cost-effective outcome within the approved budget and aligns with Council's service, sustainability, and safety expectations.

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

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

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

**11. URGENT BUSINESS**

**12. ORDINARY BUSINESS**

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

**12.2 Right of reply**

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

**12.4 Councillor questions**

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

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

**13.1 Aged Care Reforms - Warrawee (Confidential)**

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

- because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and
- contains commercial in confidence sensitive information

**14. CLOSURE OF MEETING**