



Glen Eira City Council

Local Laws Advisory Committee

MINUTES

of the meeting held 5:00 pm, Tuesday 5 December 2023

Rippon Lea Room, Glen Eira Town Hall and on Teams

Present:

Councillors: Cr Anne-Marie Cade (Chair) Glen Eira Councillor Committee Member
Cr Margaret Esakoff Glen Eira Councillor Committee Member
Cr Sue Pennicuik Glen Eira Councillor Committee Member

Council Staff: Kellie Vise Director Customer and Community Experience
Niall McDonagh Director Sustainability Assets and Leisure
Paul Wood Interim Director Planning and Place
Brooke Ranken Manager Community Safety and Compliance
Diana Vaynrib Interim Manger Risk and Governance
Mark Dornau Manager Parks Services
Michael O'Connor Deputy Corporate Counsel
Bruce Allen Coordinator Civic Compliance
Jarrod Knight Coordinator Urban Forest
Christian Renaud Team Leader Urban Forest Planning

Apologies: Rebecca McKenzie Chief Executive Officer

Item 1: Appointment of Chairperson

Cr Esakoff nominated Cr Cade as Chairperson, seconded by Cr Pennicuik.

The nomination of Cr Cade as Chairperson was carried unanimously.

Item 2: Welcome and Acknowledgement

Cr. Cade opened the meeting at 5.04 pm.

Cr Cade welcomed attendees to the meeting.

Item 3: Development of the proposed Tree Protection Local Law

Mark Dornau

Mr Dornau provided background and rationale for the proposed local law.

Councillors raised a number of questions for further discussion at the meeting including:

- Cr Esakoff asked whether, under the proposal, a permit would be required for any work on a tree, including branch trimming over gutters.

Officers advised that in the proposed local law, there were various exemptions for the requirement to

obtain a permit, including minor pruning, i.e. no more than 10% of the tree canopy over 12 months and removing limbs no more than 10cm in circumference.

- Cr Esakoff queried who would determine what was 10% of the tree canopy.

Officers advised that the person undertaking the pruning would be required to assess that they removed at most 10% of the canopy.

- Cr Esakoff asked if residents must pay for a permit under the proposed local law.

Officers advised that there is no permit fee under the Classified Tree Local Law. Whilst there were no proposals to charge for a permit under the amended local law, it is a matter for Council to set fees for the permit.

- Cr Esakoff asked for further information regarding the process for applying for a permit, how long it took to be issued and whether a permit could be obtained in advance for pruning, which was proposed to take place at some point in the future. Cr Esakoff stated that the process needs to be as simple as possible so people don't ignore it – it needs to be not expensive, easy and straightforward.

Officers advised that the application for a permit would be via an online process. Timeframes for assessing a permit would depend on the complexity of the application. For example, removal may take longer than an application for pruning. Mr Dornau indicated that the removal may be until the permit expires and that pruning could last 12 months. Mr McDonagh stated that an updated policy will address details like how long a permit lasts.

- Cr Esakoff queried the measurements of a tree at 1.5 metres above the ground and a trunk circumference of 100cm. Cr Esakoff noted that different councils used different measurements. The circumference of 100cm appeared to be smaller than neighbouring councils. Cr Esakoff proposed alignment with the measurements used by neighbouring councils. Cr Esakoff questioned why not measure the circumference from ground level.

Officers advised that due to tree physiology, attempting to measure circumference at the ground will offer differing results. Officers advised that the current proposal for the height at which the tree's circumference was measured was aligned with the Australian Standards. The Australian Standards were the accepted practice in the industry. While we could vary the height at which a measurement is made, the measurement of the tree's circumference would also have to change.

- Cr Esakoff stated that she would like a larger measurement of a tree's circumference than 100cm and referred to the City of Port Philip advising that 1 meter up, measured 1.5m, was the best example she found online.

Mr Knight advised that benchmarking of other Council's local laws and the measurements of height and circumference in those local laws had been undertaken. Officers have proposed sizes in the local law that would protect those trees worth protecting to support Council meeting our 2040 target.

- Cr Pennicuik said we must save trees growing into the future. Councils like Port Philip may start changing their measurements. Cr Pennicuik advised that Council should be a leader in space.
- Cr Cade indicated she would like to be consistent with other councils.

Officers advised that consistency with the Australian Standard for the distance above ground level would be an appropriate standard.

5:30 pm Brooke Ranken left the room.

- Cr Esakoff said that she was seeking simplicity regarding the proposed rules, so the height and circumference should be the same.

Mr McDonagh clarified that the current proposal around measurements would be the subject of community consultation which Council would have the opportunity to consider before reaching a final view.

Item 4: Development of the proposed Local Law

Mr O'Connor outlined the process for making a local law, the requirement for compliance with the *Local Government Act 2020*, and the need for wide consultation.

The Committee was provided with a tracked change version of the Classified Tree Local Law, incorporating the proposed changes if the proposed amending local law was made.

The name of the amended Classified Tree Local Law was proposed to be the Urban Forest Canopy Protection Local Law.

- Cr Pennicuik proposed changing one objective and suggested wording for introducing Part 11 – Protection of Canopy Tree.

Mr O'Connor advised that the proposed changes would be considered and any changes circulated with the next draft of the proposed local law.

- Cr Pennicuik requested clarification regarding the dates in clauses 4 and 5 of the proposed local law.

Mr O'Connor advised that these dates referred to the coming into operation of the Classified Tree Local Law and its sunseting. The front cover sheet of the amended local law would contain further details of its amendment history.

- Cr Pennicuik requested clarification on using capital letters in the local law.

Mr O'Connor advised that this was to highlight that a term was defined within the local law.

Mr O'Connor spoke about the proposed timeframe for adopting the local law and the further work required by Council officers, such as preparing a Community Impact Statement before Council could consider making the local law. The Committee commented that finalising the process sooner would be preferable but acknowledged that we must follow the process in the Local Government Act.

Item 5: Future meetings

There was a discussion regarding dates for the next meeting of the Committee. The next meeting should occur after submissions on the proposed local law have been received in March 2024. Mr O'Connor will liaise with Councillor Business to identify a suitable date.

General Business

Ms Vise foreshadowed the review of the Governance Rules next year, which may require amendments to the Council Meeting Procedure Local Law, which this Committee will be required to consider.

The Committee noted this item.

The Chair closed the meeting at 5.46 pm.