



**GREATER
DANDENONG**
City of Opportunity

MINUTES

COUNCIL MEETING

MONDAY 10 JULY 2023
Commencing at 7:00 PM

COUNCIL CHAMBERS
225 Lonsdale Street, Dandenong VIC 3175

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1 MEETING OPENING

1.1 ATTENDANCE

Apologies

Cr Angela Long (Leave of Absence), Cr Jim Memeti (Leave of Absence).

Councillors Present

Cr Eden Foster (Mayor/Chair)

Cr Tim Dark, Cr Lana Formoso (Deputy Mayor), Cr Rhonda Garad, Cr Richard Lim OAM, Cr Bob Milkovic, Cr Sean O'Reilly, Cr Sophie Tan, Cr Loi Truong.

Officers Present

Jacqui Weatherill, Chief Executive Officer; Jody Bosman, Director City Planning, Design and Amenity; Peta Gillies, Director Community Strengthening; Kevin Van Boxtel, Acting Director Business, Engineering and Major Projects; Michelle Hansen, Executive Manager Finance and Information Technology; Kylie Sprague, Executive Manager Communications and Customer Service; Lisa Roberts, Manager Governance.

1.2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS OF THE LAND

We acknowledge the Traditional Custodians of this land, the Bunurong People, and pay respect to their Elders past and present.

We recognise and respect their continuing connections to climate, Culture, Country and waters and we also pay our respect and acknowledge all Aboriginal and Torres Strait Islander peoples and their Elders present here today, in acknowledging their journey.

Cr Lana Formoso entered the Meeting at 7.01 pm

1.3 OFFERING OF PRAYER, REFLECTION OR AFFIRMATION

All remained standing as Imam Ismet Purdic Efendija from the Islam Bosnian Herzegovinian Mosque, a member of the Greater Dandenong Interfaith Network, read the following:

*"Our Lord, give us in this world that which is good and in the hereafter that which is good,
and protect us from the punishment of the fire.*

Our Lord, we have wronged ourselves, and if you don't forgive us and have mercy upon us, we will surely be among the losers.

Our Lord, forgive us our sins, and remove from us our misdeeds, enclose us today among the righteous.

Our Lord, grant us from yourself mercy, and prepare for us from our faith, right guidance.

Our Lord perfect for us, our light and forgive us indeed you are over all things competent."

The Mayor acknowledged the attendance of members of the Young Leaders Program.

1.4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Meeting of Council held 26 June 2023.

Recommendation

That the minutes of the Meeting of Council held 26 June 2023 be confirmed.

MINUTE 807

Moved by: Cr Loi Truong

Seconded by: Cr Lana Formoso

That the minutes of the Meeting of Council held 26 June 2023 be confirmed.

CARRIED

1.5 DISCLOSURES OF INTEREST

Nil.

1.6 ADOPTION OF THE AUDIT AND RISK COMMITTEE MEETING MINUTES

The Audit and Risk Committee held a meeting on 16 June 2023 and Minutes of this meeting, as summarised in the following table, are presented to Council for adoption.

Item	Topic
1.	<p>The Audit and Risk Committee reviewed, discussed and noted the following reports with Council officers and the internal auditor:</p> <ul style="list-style-type: none">• Status of Internal Audit Actions;• Strategic Internal Audit Plan Update;• Review of Financial Controls - AP, AR and Payroll (Data Analytics only); and• Review of Relevance, Veracity & Effectiveness of Outstanding Actions.
2.	<p>The Audit and Risk Committee discussed the External Audit Update and Interim Audit Management Letter with the external auditor, RSD Audit.</p>
3.	<p>The Audit and Risk Committee reviewed its Annual Work Plan and Council's Rolling Internal Control Environment Plan.</p>
4.	<p>The Audit and Risk Committee reviewed, discussed and noted a number of internal Council reports in relation to:</p> <ul style="list-style-type: none">• Risk management;• VAGO Swimming Pools Audit Response and Other Building Matters;• IT vulnerability assessment and annual penetration testing;• Financial reporting for the period 1 January 2023-31 March 2023; and• Update on Long Term Financial Plan 2024-2033.
5.	<p>The Audit and Risk Committee (ARC) also reviewed and discussed the following items:</p> <ul style="list-style-type: none">• Fixed Asset Policy 2023-24 (including Disposal or Sale of Council Assets);• Update on Council's Fixed Asset Valuations 2022-23;• Integrity Body Reports relevant to Council;• Investment Policy Update;• ARC Self-Assessment 2023; and• Council's Conflicts of Interest Register - Annual Report.
6.	<p>The Audit and Risk Committee discussed the ARC Charter review.</p>

1.6 ADOPTION OF THE AUDIT AND RISK COMMITTEE MEETING MINUTES (Cont.)

Recommendation

That the unconfirmed minutes of the Audit and Risk Committee meeting held on 16 June 2023 be adopted.

MINUTE 808

Moved by: Cr Rhonda Garad
Seconded by: Cr Tim Dark

That the unconfirmed minutes of the Audit and Risk Committee meeting held on 16 June 2023 be adopted.

CARRIED

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2 OFFICERS' REPORTS - PART ONE

2.1 DOCUMENTS FOR TABLING

2.1.1 Petitions and Joint Letters

File Id:	qA228025
Responsible Officer:	Manager Governance
Attachments:	Petitions and Joint Letters

1. Report Summary

Council receives a number of petitions and joint letters on a regular basis that deal with a variety of issues which have an impact upon the City.

Issues raised by petitions and joint letters will be investigated and reported back to Council if required.

A table containing all details relevant to current petitions and joint letters is provided in Attachment 1. It includes:

1. the full text of any petitions or joint letters received;
2. petitions or joint letters still being considered for Council response as pending a final response along with the date they were received; and
3. the final complete response to any outstanding petition or joint letter previously tabled along with the full text of the original petition or joint letter and the date it was responded to.

Note: On occasions, submissions are received that are addressed to Councillors which do not qualify as petitions or joint letters under Council's current Governance Rules. These are also tabled.

2. Recommendation Summary

This report recommends that the listed items in Attachment 1, and the current status of each, be received and noted.

2.1.1 Petitions and Joint Letters (Cont.)

3. Petitions and Joint Letters Tabled

Council received no new petitions and no joint letters prior to the Council Meeting of 10 July 2023.

N.B: Where relevant, a summary of the progress of ongoing change.org petitions and any other relevant petitions/joint letters/submissions will be provided in the attachment to this report.

4. Recommendation

That this report and Attachment be received and noted.

MINUTE 809

Moved by: Cr Sophie Tan
Seconded by: Cr Richard Lim OAM

That this report and Attachment be received and noted.

CARRIED

2.1.1 Petitions and Joint Letters (Cont.)

DOCUMENTS FOR TABLING

PETITIONS AND JOINT LETTERS

ATTACHMENT 1

PETITIONS AND JOINT LETTERS

PAGES 6 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.1.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
23/05/23	<p>Please see this petition that 1,933 (now 1990) members of the community have signed: https://www.change.org/p/save-the-lunar-drive-in-make-it-a-heritage-site?redirect=false</p> <p>The petition is a call for Heritage Victoria to list the Lunar Drive-In as a heritage site, to ensure that it cannot be demolished in the years to come. With nearly two thousand community members having signed the petition, it is clear that the Lunar Drive-In means a lot to people and I am sure everyone that has signed would be devastated to see it demolished. Additionally, I am sure there are many people that frequent the Drive-In that have not seen the petition or do not use a computer. This is an urgent plea as the site has been sold and the soon to be owner intends on bulldozing the Drive-In to build factories. The council can support the case for the Drive-In to be listed as a heritage site. Lunar Drive-In is one of three drive ins left in Victoria and Heritage Victoria should ensure to protect the site as it has historical significance.</p> <p>Alternatively, the Council must take other action to preserve the Drive-In. It has been stated that the Council refused the Drive-In owner's pleas to reduce the land tax, putting the owner in a difficult position financially. The Council could stop the sale of the land and reduce the land tax to enable to current owner to continue operating the Drive-In.</p> <p>Lunar Drive-In is a popular destination for locals, as well as people from other areas. Therefore, the Council should do everything they can to ensure the Drive-In is not closed as it draws people into the area to boost the local economy.</p> <p>The below email was received by Council from the head petitioner on 28/05/23. It was provided to Council as additional information in support of the petition:</p> <p>Firstly, I would like to point out that the petition is continuing to increase in supporters, with now 1,977 members of the community having signed it. I would also like to draw the Council's attention to the signatories comments on the petition.</p>	<p>1990</p> <p>2033 as at 14/06/23</p> <p>2049 as at 21/06/23</p> <p>2053 as at 28/06/23</p> <p>2059 as at 05/07/23</p>	In Progress	<p>Responsible Officer: Director, City Planning, Design & Amenity.</p> <p>Acknowledgement letter sent 26/05/2023 to the head petitioner.</p> <p>Further response provided 05/06/2023 by Manager Strategic & Environmental Planning as below:</p> <p>"Thank you for your email regarding the Lunar Drive-In. I can advise that Council officers are currently investigating the potential options that Council could take in relation to this matter.</p> <p>Once we have completed this, and have a Council direction, I will provide a further update."</p>

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.1.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
	<p>• Petition Text (Prayer)</p> <p>These are linked here: https://www.change.org/p/save-the-lunar-drive-in-make-it-a-heritage-site/c and include comments such as "My whole life, I have had good times with family and friends at this relaxed and fun venue. I am horrified to hear that the government of all people are trying to shut it down. Lunar Drive-In may be privately owned, but it belongs to the people of the Greater Dandenong area. The site should absolutely retain its place in history and achieve heritage status" and "I love this place. I quite happily take the hour and a bit drive from my house with my kids to enjoy the atmosphere and movie deals they hold. Please don't close it there's not to many places like this around anymore." These comments, and all of the other comments, clearly show the community's support of the Drive-In and the outcry to prevent the Drive-In from closing down.</p> <p>Further, I have reviewed the criteria for Victorian heritage listing and believe that the Lunar Drive-In could potentially satisfy two of these. The two criteria I am referring to are:</p> <p>Criterion B - as there is a clear association to a time period of importance in Victoria's cultural history. The Drive-In is an example for future generations to see one of the most popular destinations for families in the 1950s-1980s. It was established before television. This is evident in the physical fabric of the Drive-In as it clearly demonstrates how movies were watched during this time period. Further, the place is rare and uncommon. There are only three drive-ins remaining in Victoria (there was once 22 of them), so there are very few places like this to demonstrate the important phase in our history. They are endangered to the point of rarity due to economic pressures on such places.</p> <p>AND</p> <p>Criterion G - there is a community who share a common interest and experience who live or meet in the same locality, either for the reason to experience the culturally significant drive in or to be in a social and family environment. It is clear from the uproar of this community (group of people) of the drive in potentially closing down that the attachment to the place is of high intensity. There is both a long time depth of attachment, as the drive in has been frequented by this community for several decades, as well as a more recent time depth of the attachment, which has been evident from the community's reaction to the closure.</p>			

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.1.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
	<p>The place is under threat so the attachment has become more prominent in the community. There is social value at the state level, which is evidenced by the community of people attached to the Drive-In not merely located in the local area, but also from all over Victoria. The drive in is associated with Victoria's identity due to its cultural significance but also because it is emerging in recent years as a popular destination for the younger generations. Many members of the community that are attached to this place would consider it part of Victoria's identity.</p> <p>I have also looked at the nomination process for Victorian heritage listing and am unsure as to how I am to provide some of the supporting documentation required, for example the title search. This would, I believe, require a fee to obtain. Therefore, I am hoping to gain some assistance in completing the submission. I am also requesting the Council to support the application. I have checked the current Victorian heritage listing database and have noticed that Dromana Drive-In is listed. The reasons provided for heritage listing of the Dromana Drive-In are all equally applicable to the Lunar Drive-In. Therefore, I see no reason as to why the application would be rejected. However, I am in need of assistance to ensure a timely submission of the application and I am sure the local Council's support would assist in the process.</p> <p>Alternatively, I am aware that places are able to be listed as local heritage, which is the responsibility of the local council to oversee. In addition to applying for the Lunar Drive-In to be listed on the Victorian heritage database, I would like the Council to consider listing the Lunar Drive-In as local heritage. I understand that places with heritage significance to a local area can be protected by a Heritage Overlay, which I believe should be done for the Lunar Drive-In. The reasons the Lunar Drive-In could satisfy the Victoria Heritage criteria are also reasons for satisfying the local heritage criteria.</p> <p>Additionally, I would like to provide the social media post that the Lunar Drive-In made recently announcing their closure as further support of the need to act. This can be found here: https://www.facebook.com/photo/?fbid=637023651791674&set=a.556216816539025 and include comments from members of the community such as "It's so sad there is an official closing date now. This was how I manages to see movies with my kids. The cinema is way too expensive. We will miss this place" and "I am so sad and blessed that I've had the opportunity to experience the Lunar drive in for the last 40 years" and "This absolutely breaks my heart."</p>			

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.1.1 Petitions and Joint Letters (Cont.)

Date Received	• Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response
	<p>Have been taking my children here since they were little. Still in disbelief that you're closing down. Once again government greed takes over." It is abundantly clear that members of the Greater Dandenong City Council rely on the Lunar Drive-In as a social and family outing that is within their price range and will be devastated if it is closed. Also, as pointed out by other commenters, it is one of the few options available for many people with disabilities to go out and enjoy themselves in a public environment where they can be comfortable. In my personal experience, I am on the autism spectrum and do not feel comfortable going to the cinemas but frequently go to the Lunar Drive-In as it is a much different environment. I have seen comments from other members of the community on the petition and on the Drive-In's facebook posts that are identical to my scenario.</p> <p>A further option for the Council would be to assist the current owner in exiting the contract for the sale of land and offering the current owner a land tax reduction or exemption so that operating the Drive-In is financially sustainable. In my view, this should have happened long ago, and should be essentially a simple fix to this issue. The local Council has the duty to represent the members of the local community, to listen to them, and to act in their best interests. I believe for the Council to satisfy this duty, it must act to ensure the Drive-In remains open and is protected for generations to come. There are several reasons for this, including the Drive-In's historical significance and the importance it evidently has to the community. The view of the local community in this situation is not ambiguous - every comment on any post, petition or article is expressing the same thing in essence - that we want the Lunar Drive-In to remain open and be protected for everyone to enjoy. With all of my research on this issue I have not come across any alternative view or wish from the community. The local community is asking its Council representatives to truly represent us and act on our behalf in keeping the Lunar Drive-In open.</p>			

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.1.1 Petitions and Joint Letters (Cont.)

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If the details of the attachment are unclear please contact Governance on 8571 5235.

2.2 STATUTORY PLANNING APPLICATIONS

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063)

File Id:	304270
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Submitted Plans Location of Objectors

Application Summary

Applicant:	ASL Pty Ltd C/- Songbowden Planning Pty Ltd
Proposal:	Use and development of the land for a childcare centre, to display business identification signage and to create access to a Transport Zone 2
Zone:	General Residential Zone - Schedule 1
Overlay:	Design and Development Overlay – Schedule 3
Ward:	Cleeland

This application has been brought to a Council meeting as it has received eight (8) objections.

The application proposes the use and development of the land for a childcare centre, to display business identification signage and to create access to a Transport Zone 2.

A permit is required pursuant to:

- Clause 32.08-2 (General Residential Zone): A permit is required to use the land for a child care centre.
- Clause 32.08-9 (General Residential Zone): A permit is required to construct buildings and works associated with a Section 2 use.
- Clause 52.05-13 (Signs): A permit is required to display business identification signage.
- Clause 52.29-2 (Land Adjacent to the Principal Road Network): A permit is required to create or alter access to a road in a Transport Zone 2.

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

Objectors Summary

The application was advertised to the surrounding area through the erection of a notice on-site and the mailing of notices to adjoining and surrounding owners and occupiers. Eight (8) objections were received to the application.

Issues raised generally relate to matters of:

- Increased traffic; and
- Commercial competition.

Assessment Summary

The subject site is well suited for the use and development of the land for a child care centre given its location within a residential area and access to a main road.

The development is considered to be respectful of the preferred neighbourhood character subject. Sufficient parking has been provided on site and the proposed building sits well within the context of the adjoining and surrounding land uses.

The use of varying building materials and finishes to the external walls provides a level of articulation when viewed from the streetscape and adjoining residential properties.

Conditions would be included on any permit to be granted to protect the amenity of the area from noise, lighting and rubbish.

Recommendation Summary

As assessed, officers consider this proposal to be highly compliant with all of the relevant provisions of the Greater Dandenong Planning Scheme. All grounds of objection have been considered, and Council officers are of the view that on balance, the proposal's degree of compliance with the Planning Scheme justifies that the application should be supported.

Therefore, it is recommended that a Notice of Decision (which provides appeal rights to objectors) to grant a permit be issued subject to the conditions as set out in the recommendation.

If the application was to be appealed to VCAT, it is the officer's view that it is highly likely that VCAT would also issue a planning permit for this proposal.

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

Subject Site and Surrounds

Subject Site

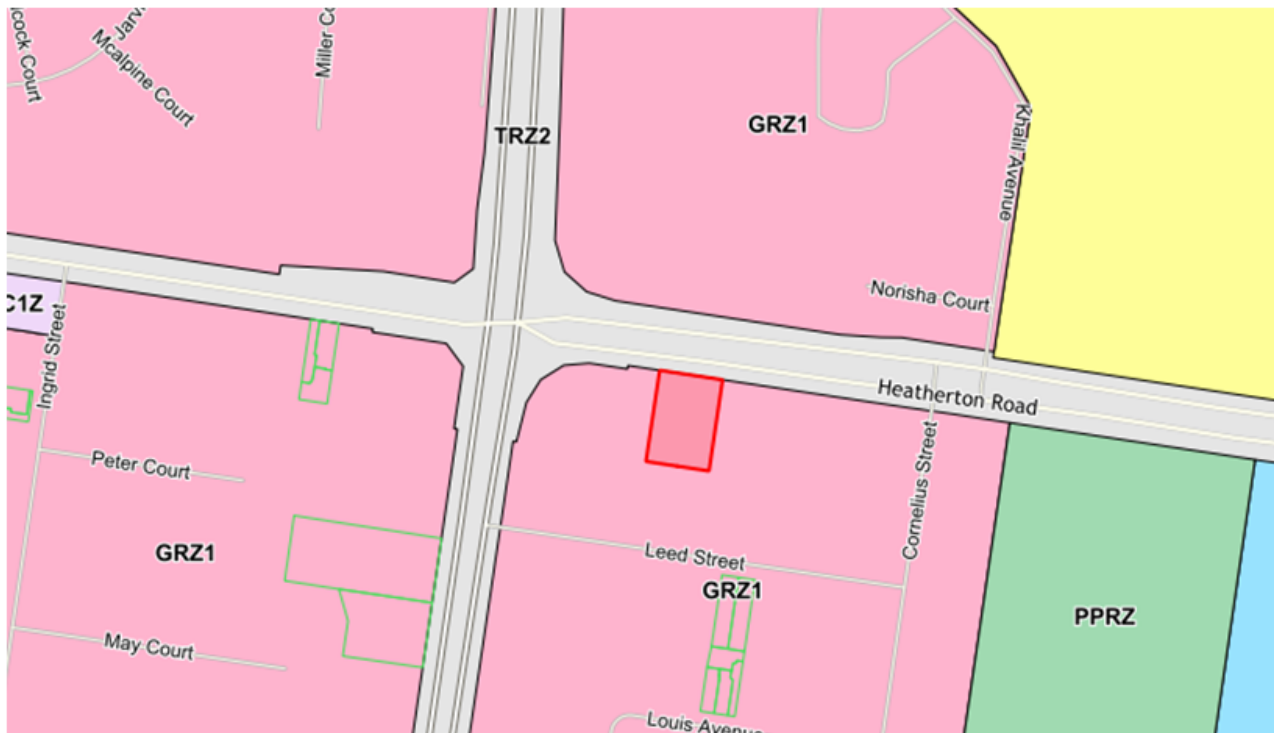
- The subject site is located on the southern side of Heatherton Road.
- The land is rectangular in shape with a frontage of 33.94 metres, a length of 48.69 metres and a total land area of 1,652 square metres (and occupies two (2) lots).
- The site is currently vacant.
- The site was formerly used as a foster care centre which ceased operation in 2018.
- Vehicle access to the site is via two (2) existing crossovers on Heatherton Road comprising a 3 metre wide crossover and a 5 metre wide crossover.
- There were sixteen (16) trees on the site when the Arboricultural Construction Impact Assessment was prepared in December 2021. Eleven (11) of the existing trees on the site were removed in July 2022. The remaining trees have low to medium value but do not require a planning permit for removal.
- A 1.7 metre wide drainage and sewerage easement is located along the rear boundary.
- The site has a slope of 1.75 metre from the rear to the front.


Surrounding Area

- The subject site and surrounding land to the south, east and west is located within the General Residential Zone – Schedule 1. The site adjoins a Transport Zone 2 to the north (Heatherton Road). The land opposite the site to the north is within a General Residential Zone – Schedule 1.
- The site is bounded by:
 - North: Heatherton Road. Opposite Heatherton Road is a restaurant, gaming centre and bowls club.
 - South: Two (2) residential sites that have frontages facing Leed Street. One (1) of the residential sites contains a double storey dwelling and the other residential site contains a single storey dwelling;
 - East: A residential site containing a single storey dwelling; and
 - West: A residential site containing a single storey dwelling with semi basement garages.
- Surrounding development is predominantly single and double storey in height.
- A service station and convenience store is located 17 metres to the west at the corner of Heatherton Road and Stud Road.
- A child care centre is located 76 metres to the east at the corner of Heatherton Road and Cornelius Street.
- Multiple bus routes run along Stud Road and Heatherton Road, with the closest bus stop located 110 metres (walking distant) from the subject site.

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

Locality Plan



 Subject Site

Melway Map 90 G3

North ↑

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

Aerial photo of the site (from Nearmap April 2023)



Background

Previous Applications

A search of Council records revealed that the following planning applications were considered for the site:

- Planning Permit TP96/217 was issued on 18/06/1996 for the use of an existing building for the purpose of a Foster Care Centre and the construction of additions to the existing building.
- Planning Permit PLN02/0036 was issued on 02/08/2002 for Buildings and works (extension to an existing Foster Care Centre).
- Planning Permit PLN07/0310 was issued on 07/09/2007 for Buildings and works comprising the construction of outdoor play equipment.
- Planning Permit PLN17/0110 was issued on 19/5/2017 for buildings and works comprising the construction of an atrium over an existing timber decked area.
- Planning Application PLN21/0444 was submitted on 5/8/2021 for the use and development of the land for a child care centre and to display associated business identification signage. The application lapsed.

Proposal

The application proposes the use and development of the land for a childcare centre, to display business identification signage and to create access to a Transport Zone 2.

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

Details of the application are as follow:

Use

- The site would be used as a child care centre.
- A maximum of 91 children are proposed on the site.
- Proposed hours of operation are as follows:
 - Monday to Friday, 6:30am to 6:30pm.

Development

- Construct a new single storey child care centre.
- The proposed building has a total floor area of 583 square metres and a maximum height of 4.7 metres.
- The premises consists of six (6) children's rooms, three (3) children's water closet, kitchen, staff rooms, office, reception area, bathroom facilities, bin store and a waste storage area.
- The proposed building (including the covered play area) would be setback 12.8 metres from the front boundary, 9 metres from the rear boundary, 3.34 metres from the east side boundary and 3 metres from the west side boundary.
- Five (5) shade sails are proposed comprising two (2) shade sails within the front setback and three (3) shade sails to the rear of the site. The shade sails are between 2.4 metres to 3.6 metres high.
- 20 car spaces would be provided.
- A 1.8m high acoustic fence is proposed along the side and rear boundaries.
- Due to the slope of the land of 1.75m from the rear to the front, retaining walls are proposed along the side and rear boundaries as follow:
 - maximum height of 0.6m along the east boundary,
 - maximum height of 1m along the west boundary and
 - maximum height of 1.1m along the south boundary.

Signage

- A business identification sign (including the sign board) measuring 0.6 metres high x 3 metres wide (total size is 1.8 square metres) is proposed mounted above the proposed building entry facing Heatherton Road. The sign is not illuminated.

Access

- The two (2) existing crossovers from Heatherton Road would be removed and a new 6.1 metre wide crossover is proposed from Heatherton Road.

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

Trees

- Sixteen (16) trees on the site are proposed to be removed. Eleven (11) of these were removed in July 2022, and only five (5) are currently remaining. The remaining trees have a low to medium value and do not require a planning permit for their removal.
- There are twelve (12) trees on the adjoining properties that are located in proximity to the subject site and would be retained and protected.
- The proposed landscape plan submitted with the application shows that seventeen (17) new trees would be provided comprising fifteen (15) native trees and two (2) exotic trees.

A copy of the submitted plans is included as Attachment 1.

Victorian Charter of Human Rights and Responsibilities

The Victorian Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to its contents.

Financial Implications

No financial resources are impacted by this report.

Planning Scheme and Policy Frameworks

Pursuant to the Greater Dandenong Planning Scheme, a planning permit is required under the following provisions:

- Clause 32.08-2 (General Residential Zone): A permit is required to use the land for a child care centre.
- Clause 32.08-9 (General Residential Zone): A permit is required to construct buildings and works associated with a Section 2 use.
- Clause 52.05-13 (Signs): A permit is required to display business identification signage.
- Clause 52.29-2 (Land Adjacent to the Principal Road Network): A permit is required to create or alter access to a road in a Transport Zone 2.

The relevant controls and policies are as follows:

Zoning Controls

The subject site is located in a General Residential Zone – Schedule 1, as is the surrounding land to the south, east and west. The adjoining land to the north is within a Transport Zone 2 (Heatherton Road). The land opposite the site to the north is within a General Residential Zone – Schedule 1.

The purpose of the General Residential Zone outlined at Clause 32.08 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.08-2, a permit is required to use the land for a child care centre. A permit is also required under Clause 32.08-9 to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.

Overlay Controls

The subject site is affected by Design and Development Overlay Schedule 3 – Dandenong Hospital Flight Path Protection (Outer).

The design objectives of DDO3 are:

- *To ensure that the height of new building and works does not encroach on the flight paths associated with the Dandenong Hospital's Emergency Medical Services (EMS) helicopter landing site.*
- *To ensure that the height of new development avoids creating a hazard to aircraft using the Dandenong Hospital's Emergency Medical Services (EMS) helicopter landing site and to facilitate safe emergency medical service helicopter operations.*
- *To implement the Airfields Policy set out in the State Planning Policy Framework of this planning scheme.*

A permit is not required to construct a building or construct or carry out works, which have a height of less than 62.9 metres above the Australian Height Datum (AHD).

The proposed development has an overall building height of 4.7 metres above natural ground level or 46.7 metres to AHD, well under 62.9 metres AHD. As such, a permit is not required under the DDO3.

Planning Policy Framework

The **Operation of the Planning Policy Framework** outlined at Clause 71.02 seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

In order to achieve these objectives, there are a number of more specific objectives contained within the Planning Policy Framework that need to be considered under this application.

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Clause 11 Settlement

Clause 11 (Settlement) encourages planning to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services. It also encourages planning to contribute towards diversity of choice, energy efficiency, a high standard of urban design and amenity, and land use and transport integration.

Further guidance is provided by **Clause 11.01-1S (Settlement)**, which seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. It includes strategies to develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services and ensure retail, office-based employment, community facilities and services are concentrated in central locations.

Clause 13 Environmental Risks and Amenity

Clause 13.05-1S Noise abatement is relevant to the proposal. The strategy of this policy is 'Ensure that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area'.

Clause 13.07-1S Land Use compatibility is relevant to the proposal to ensure that the proposed use and development is appropriate to the character of the area through use of building design.

Clause 15 Built Environment and Heritage

Clause 15 (Built Environment and Heritage) states that planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

It adds that planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context. Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.

According to the clause, planning should promote excellence in the built environment and create places that:

- *Are enjoyable, engaging and comfortable to be in.*
- *Accommodate people of abilities, ages and cultures.*
- *Contribute positively to local character and sense of place.*
- *Reflect the particular characteristics and cultural identity of the community.*
- *Enhance the function, amenity and safety of the public realm.*

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These overall objectives are reinforced by a number of sub-clauses, including **Clause 15.01-1S (Urban design)** and **Clause 15.01-1R (Urban design – Metropolitan Melbourne)**, which seek to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Clause 15.01-2S (Building design) aims to achieve building design outcomes that contribute positively to the local context and enhance the public realm, while **Clause 15.01-5S (Neighbourhood character)** has an objective to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 15.01-4S (Healthy neighbourhoods) has an objective to achieve neighbourhoods that foster healthy and active living and community wellbeing. **Clause 15.01-4R (Healthy neighbourhoods - Metropolitan Melbourne)** reinforces this, with a strategy to create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.

Clause 18 Transport

Clause 18.01-1S (Land use and transport planning) has a strategy to plan urban development to make jobs and community services more accessible by ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.

Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) includes the Municipal Strategic Statement (MSS) and Local Policies.

The MSS is contained within Clause 21 of the Scheme.

A **Vision for Greater Dandenong** is outlined at **Clause 21.03**. Included in the vision are the following points of relevance:

- A municipality where central Dandenong functions as the sustainable economic heart of the City for retail, commercial and residential development complemented by a number of activity, where a range of high quality, appropriate, well-designed affordable high to medium density housing exists in harmony with a thriving retail and commercial sector and where sustainable modes of transport are highly accessible resulting in significantly less journeys by car.

The objectives and strategies of the MSS are under four (4) main themes including: land use; built form; open space and natural environment; and infrastructure and transportation (considered individually under Clauses 21.04 to 21.07). Of particular relevance to this application are Clauses 21.04 (Land Use) and 21.05 (Built Form).

Clause 21.04 Land Use, contains the objectives, strategies and implementation for land use issues under the themes of:

- Housing and community;

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- Retail, commerce and entertainment;
- Industrial; and
- Green Wedge

With relevance to the proposal, Clause 21.04-1 (Housing and community) includes the following objective and strategies:

5. *To protect the amenity of residential areas adjacent to particular uses and protect sensitive particular uses from residential development.*
2. *Encourage incorporation of acoustic attenuation measures in new residential developments within Mixed Use Zones and Commercial Zones to protect occupants from external noise.*
3. *Discourage non-residential uses except along main roads or collector roads or on corner sites.*

Clause 21.05 Built Form contains the following objectives and strategies which are of relevance to the current application:

1. *To facilitate high quality building design and architecture.*
 1. *Ensure building design is consistent with the identified future character of an area and fully integrates with surrounding environment.*
 2. *Encourage high standards of building design and architecture, which allows for flexibility and adaptation in use.*
 3. *Encourage innovative architecture and building design.*
 4. *Encourage development to incorporate sustainable design elements that enhance occupant comfort and environmental performance.*
2. *To facilitate high quality development, which has regard for the surrounding environment and built form.*
 1. *Promote views of high-quality landscapes and pleasing vistas from both the public and private realm.*
 2. *Promote all aspects of character – physical, environmental, social and cultural.*
 3. *Encourage planting and landscape themes, which complement and improve the environment.*
 4. *Encourage developments to provide for canopy trees.*
6. *To ensure that design of the public and private environment supports accessibility and healthy living.*
 1. *Encourage new developments to provide for well-connected cycle and pedestrian paths.*

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2. *Encourage new developments to provide for safe environments.*
3. *Ensure that all new developments accord with and embrace universal design principles outlined in Council's 'Access and Inclusion Strategy for people with Disabilities 2004-2008'.*
7. *To protect and improve streetscapes.*
 1. *Ensure that new developments improve streetscapes through generous landscape setbacks and canopy tree planting.*
 2. *Ensure landscaping within private property that complements and improves the streetscapes and landscaping of public areas.*
 3. *Ensure that signs do not detract from the streetscape.*
8. *To ensure landscaping that enhances the built environment.*
 1. *Encourage new developments to establish a landscape setting, which reflects the local and wider landscape character.*
 2. *Encourage landscaping that integrates canopy trees and an appropriate mix of shrubs and ground covers and complements and integrates with existing or proposed landscaping in public areas.*
9. *To ensure a co-ordinated approach to sign design and placements, in commercial, industrial, residential areas and along road corridors.*
 1. *Ensure that the design and placement of new signs considers the cumulative impact of existing signs on the host building, adjoining buildings and the streetscape.*
 2. *Encourage signs in appropriate areas to include English and one (1) other language reflecting the cultural aspect of the locality.*
 3. *Ensure major promotion and sky signs along road corridors are appropriately spaced so as not to dominate the overall setting and to minimise impact on viewing corridors/major view lines.*
 4. *Ensure signs in residential areas do not dominate the building, the site and the streetscape.*

Clause 22.11 – Advertising signs policy. Advertising signs play an important role within the built environment to identify premises, advertise a product or to promote a business. A balance between the extent of signage and size of the signs and built form is critical to prevent a clustering of signage which can degrade the character of streetscapes and public spaces.

The objective of Clause 22.11 is;

- *To ensure that signs are designed, positioned and displayed in an appropriate and attractive manner.*

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Particular Provisions

Clause 52.05 Signs

The purposes of this provision are:

- *To regulate the display of signs and associated structures.*
- *To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*

Clause 52.05-2 notes that Clauses 52.05-11 to 52.05-14 specify categories of advertising control. These categories each contain three (3) sections, sign types not requiring permits, those requiring permits, and those that are prohibited.

Clause 52.05-13 – Category 3 (High Amenity Areas) – medium limitation. The following purpose is noted:

- *To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.*

Pursuant to Clause 52.05-13, a planning permit is required to display business identification.

Clause 52.06 Car parking

The purpose of this provision are:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

The table to Clause 52.06-5 (Car parking – Number of car parking spaces required under Table 1) contains car parking ratios for different uses. The subject site is within the Principal Public Transport Network map area. Therefore, Column B of Clause 52.06-5 is applicable.

A Child Care Centre requires 0.22 car parking spaces to each child. There are 91 children proposed, thereby requiring twenty (20) car spaces. Twenty (20) car parking spaces are provided on site.

The proposal complies with the number of car parking required in Clause 52.06-5 and does not seek planning permission for a reduction in car parking.

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Clause 52.29 Land Adjacent to the Principal Road Network

The purpose of this provision are:

- *To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.*

A permit is required to:

- to alter access to roads in a Transport Zone 2.

The proposal includes the removal of the existing 3 metre and 5 metre wide crossovers on Heatherton Road and reinstatement of the kerb and channel. A new 6.1 metre wide crossover is proposed on Heatherton Road.

An application to create or alter access to, among other things, must be referred to the Roads Corporation under Section 55 of the *Planning and Environment Act 1987*.

Clause 52.34 - Bicycle Facilities

The purpose of this Clause is:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

Clause 52.34-1 states that a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

Under Clause 52.34-2 states that a permit may be granted to vary, reduce or waive the requirements of Clause 52.34-3 and Clause 52.34-4. An application is exempt from the notice and decision requirements and appeal rights of some sections of the Act.

Clause 52.34-5 sets out the number of bicycle space required for different uses. A child care centre is not listed under this Clause. Therefore, no bicycle facility is required.

General Provisions

Clause 65 – Decision Guidelines needs to be considered, as is the case with all applications. For this application the requirements of Clause 65.01 for the approval of an application or plan is of relevance. This Clause outlines the requirements that the responsible authority must consider when determining the application.

Proposed Planning Scheme Amendments

There is no Planning Scheme Amendment relevant to this application.

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Restrictive Covenants

There are no Restrictive Covenants or Section 173 Agreements applicable to the site.

Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. In accordance with the commitment in Council's Annual Plan, all applications are considered on their merits.

Diversity (Access & Equity)

It is not considered that the proposal raises any diversity issues affecting the planning assessment of this application.

Community Safety

It is considered that there would be no adverse community safety implications in permitting the proposal.

Safe Design Guidelines

Consideration of the relevant requirements of these Guidelines has been undertaken within the Assessment of this application.

Referrals

External

The application was referred to the following external authorities pursuant to Section 55 of the Planning and Environment Act 1987.

External Referrals	
Head, Transport for Victoria	No objections, subject to conditions on permit.

Internal

The application was internally referred to the following Council departments for their consideration. The comments provided have been considered in the assessment of the application.

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

Internal Referrals	
Civil Development	No objections, subject to conditions on permit.
Transport Planning	No objections, subject to conditions on permit.
Sustainability Planning	No objections.
Community Services	No objections.
Bushland and Garden (including Arborist)	No objections, subject to conditions on permit.

Advertising

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Sending notices to the owners and occupiers of adjoining and surrounding land.
- Placing one (1) sign on site facing Heatherton Road.

The notification had been carried out correctly.

Eight (8) objections were received.

The location of the objectors are shown in Attachment 2. Note that only one (1) of the objectors is shown on the attachment as the other objectors are not from the immediate area around the site, thus, cannot be shown on the map.

Summary of Grounds of Submissions/Objections

The objections are summarised below (**bold**), followed by the Town Planner's Response (in *italics*).

- **Increased Traffic**

The subject site is located on the south side of Heatherton Road. A 6.1 metre wide two-way crossover is proposed accessible from Heatherton Road.

The applicant has provided a Traffic Report prepared by a qualified traffic engineer. The report concludes that the proposed use will only marginally increase traffic along Heatherton Road during peak periods and will not adversely affect any passing traffic on this road.

The application was referred to Councils Transport Planning team and to Transport for Victoria with no concerns raised in relation to alterations to access, traffic volumes or car parking (subject to conditions).

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

The proposal has also provided the number of car parking spaces required under Clause 52.06 of the Greater Dandenong Planning Scheme and does not seek a reduction in the car parking requirement.

- **Commercial competition**

Whilst it is acknowledged that there are already a number of existing child care centres within the immediate area, commercial competition is not a valid planning consideration when assessing the application.

Assessment

The application has been assessed against all relevant provisions of the Greater Dandenong Planning Scheme.

Overall, the proposal is considered to be adequate on the basis that it complies broadly with the Planning Policy Framework and Local Planning Policy Framework for land use and built form.

Use

It is proposed to use the land for a child care centre.

One of the strategies within Clause 21.04 (Land Use) is to, 'discourage non-residential uses in residential zones except along main roads or collector roads.' Heatherton Road is a main road and a Transport Zone 2. Thus, the location of the site is considered suitable for a commercial use and consistent with the strategy of Clause 21.04.

In addition, there are many commercial uses along Heatherton Road within the General Residential Zone including a restaurant, gaming centre and bowls club located opposite the site, a service station located 17 metres to the west and a child care centre located 76 metres to the east.

With regards to the potential amenity impact to the surrounding properties, the proposal would provide a 1.8 metre high acoustic fence along the south, east and west boundaries.

It is noted that the restaurant and gaming premises located opposite the site operates from 8:45am to 2am Monday to Wednesday and from 8:45am to 3am Thursday to Sunday. In light of this, the proposed hours of operation for the child care centre, are not considered excessive and would not result in late night noise disturbances to the surrounding properties.

Whilst the application proposes a non-residential use on residentially zoned land, applications require a balance of sometimes competing policies to achieve a desirable outcome that is one of net community benefit.

The proposed building is sufficiently setback from boundaries and conditions can be placed on any permit issued in relation to restrictions in terms of hours of operation and number of children to ensure the amenity of the surrounding residential area is maintained.

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Development

It is proposed to develop the land for a child care centre. The proposed building would be single storey with a maximum height of 4.7 metres. The proposed building (including the covered play area) would be setback 12.8 metres from the front boundary, 9 metres from the rear boundary, 3.34 metres from the east side boundary and 3 metres from the west side boundary.

The development is of a contemporary design reflective of the intended use of the site whilst also being mindful of the surrounding residential built form. The building has been designed with a mixture of external finishes and colours providing an appropriate degree of visual interest whilst also providing elements of articulation which minimize the perception of bulk and provide a level of visual interest to the street interfaces.

The shade sails at the rear would be located over the easement. The shade sails are lightweight and could easily be removed if access to the easement is required. A condition should also be included on any permit to be granted requiring the developer to obtain consent from the relevant authorities to construct over the easement.

An underground rainwater tank would be located within the easement. It should be located clear of the easement. This could be conditioned if a permit is issued.

A landscape plan has been provided incorporating canopy trees throughout the site including over the easement. An amended landscape plan should be requested requiring the canopy trees to be located clear of the easement. This could be conditioned.

The design and built form of the development is sustainable, appropriately responding to the character of its location whilst also providing a sense of community.

It is considered that the proposed development is consistent with the objectives and strategies of Clause 15.01-2S (Building design), the decision guidelines of Clause 32.08-13 (General Residential Zone) and the decision guidelines of Clause 65 (Decision guidelines).

Signage

A business identification sign (including the sign board) measuring 0.6 metres high x 3 metres wide (1.8sqm) is proposed mounted above the proposed building entry facing Heatherton Road. The sign is not illuminated.

The proposed signage on the building is considered respectful of the surrounding signage character of the area, noting that when compared to the overall scale of the building, the signage is modest in presentation and not dominant or excess on the façade.

It is considered that the proposed signage would be respectful of the character of the area and is consistent with Clauses 22.11 – Advertising Signs Policy and Clause 52.05 – Signs of the Greater Dandenong Planning Scheme.

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

Car Parking

The table to Clause 52.06-5 (Car parking – Number of car parking spaces required under Table 1) contains car parking for different uses. The subject site is within the Principle Public Transport Network map area. Therefore, Column B of Clause 52.06-5 is applicable.

A child care centre requires 0.22 car parking spaces to each child. There are 91 children proposed. The car parking requirements are demonstrated in the table below:

Use	Size	Scheme requirement	Required	Provided
Child care centre	91 children	0.22 spaces per child	20	20

The proposal would provide twenty (20) on-site car spaces including one (1) accessible car space.

The proposal provides the required number of car parking spaces on site in accordance with Clause 52.06 of the Greater Dandenong Planning Scheme.

The seven (7) internal tandem car spaces (Car spaces No. 14 to 20) would be allocated for staff. The Traffic Report submitted with the application states, *'Staff typically arrive at the site before parents and therefore, it is appropriate for them to utilise these spaces to enable parents to park behind.'*

Council's Transport Planning team has reviewed the proposal and has no objection to the number of car spaces proposed or the car parking layout provided.

The proposal meets the car parking requirement of Clause 52.06 of the Greater Dandenong Planning Scheme.

Vegetation & Tree Impact (Site & Surrounds)

There were sixteen (16) trees on the site when the Arboricultural Construction Impact Assessment was prepared in December 2021. Eleven (11) of the existing trees on the site were removed in July 2022. The remaining trees are proposed to be removed. The majority of the trees are exotic planted trees and have low to medium value. The trees do not require a planning permit for their removal.

There are twelve (12) trees on the adjoining properties that are located in proximity to the subject site and would be impacted by the proposed development. The application was referred to Council's Bushland and Garden (Arborist) team who has no objection to the proposal subject to a Tree Protection and Management Plan to be provided to protect the trees on the adjoining properties. This could be conditioned if a permit is issued.

The proposed landscape plan submitted with the application shows that seventeen (17) new trees would be provided comprising fifteen (15) native trees and two (2) exotic trees. This will assist in softening the appearance of built form when viewed from surrounding properties and the streetscape whilst contributing to the landscape qualities of the site and surrounding area.

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

Land adjacent to the Principal Road Network

Pursuant to Clause 52.29-2 of the Greater Dandenong Planning Scheme, a planning permit is required to create or alter access to a road in a Transport Zone 2. Heatherton Road is a Transport Zone 2, thus, a permit is required to alter access to Heatherton Road.

The site has two (2) existing crossovers comprising a 3 metre wide and a 5 metre wide crossovers from Heatherton Road. The existing crossovers would be removed and a new dual width (6.1 metre wide) two-way crossover accessible from Heatherton Road is proposed.

Pursuant to Clause 52.29-4 an application under this clause is required to be referred to Transport for Victoria. They had no objection to the proposed access alterations subject to the following conditions requiring a corner splay that complies with Clause 52.06-9 to be annotated signage to be installed on the property such as “Left-out only” sign facing to the exiting traffic from the development and placed within the subject land. These have been included as conditions.

It is considered that the proposed use and development of the land would not result in adverse traffic impacts to Heatherton Road or the surrounding road networks.

Other matters

Sustainability Planning

The application was referred to Council's Sustainability Planning team who has no objection to the application nor any condition to be included on any permit to be granted. However, Council's Sustainability Planning team suggested that the rainwater tank should be connected to toilet flushing. An underground rainwater with a capacity of 16,000 litres would be provided at the rear of the site and within the easement. The rainwater tank is not clearly annotated nor any notation that it is connected to toilet flushing.

It is recommended that the rainwater tank should be located clear of the easement and clearly annotated as underground and connect to toilet flushing. This could be conditioned.

Conclusion

The application has been assessed against the relevant sections of the Greater Dandenong Planning Scheme, including the Planning Policy Framework, Local Planning Policy Framework, Municipal Strategic Statement, zones, overlays, particular provisions and Clause 65.

Overall, it is considered that the proposal is appropriate having regard to the site's location being adjacent to a Transport Zone 2 within a General Residential Zone Schedule 1 and the proposed built form, and overall compliance with the Greater Dandenong Planning Scheme.

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

Recommendation

That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as 1536-1538 Heatherton Road DANDENONG VIC 3175

(Lots 6 & 7 LP 28449 Vol 8055 Fol 380), for ‘the use and development of the land for a child care centre, to display business identification signage and to create access to a Transport Zone 2’, subject to the following conditions:

- 1. Before the development or use starts, amended plans must be submitted to the Responsible Authority for approval. No buildings or works must be commenced until the plan/s have been approved and endorsed by the Responsible Authority. The endorsed copy of the plan/s forms part of this permit.**

The plans must be in accordance with the plans submitted with the application but modified to show:

- 1.1 The location of the easement along the rear boundary;**
- 1.2 The rainwater tank located clear of the easement, annotated as underground and connected to toilet flushing;**
- 1.3 An amended landscape plan in accordance with Condition 2 (Landscape Plan);**
- 1.4 Any alterations required by Condition 3 (Tree Protection and Management Plan); and**
- 1.5 Any alterations required by Condition 34 (Conditions from Transport for Victoria).**

All to the satisfaction of the Responsible Authority.

- 2. Prior to the endorsement of the plans required by Condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:**

- 2.1 plans to accord with Condition 1 of this permit;**

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- 2.2** the site at a scale of 1:100/200, including site boundaries, existing and proposed buildings, neighbouring buildings, car parking, access and exit points, indicative topography and spot levels at the site corners, existing and proposed vegetation, nature strip trees, easements and landscape setbacks;
- 2.3** details of the proposed layout, type and height of fencing;
- 2.4** legend of all plant types, surfaces, materials and landscape items to be used including the total areas of garden and lawn;
- 2.5** a plant schedule giving a description of botanical name, common name, mature height and spread, pot size, purchase height (if a tree) and individual plant quantities;
- 2.6** native canopy trees located clear of the easement;
- 2.7** tree protection measures in accordance with Condition 3.

When approved, the amended landscape plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the landscape plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping in accordance with the endorsed landscaping plan and schedule must be completed before the building is occupied.

Prior to the endorsement of the plans under Condition 1, a Tree Protection and Management Plan must be provided to the satisfaction of the responsible authority and must include the following;

- 3.1** redesign of the retaining wall for protection of neighbouring tree 21;
- 3.2** construction methodologies and protection measures to ensure the ongoing viability of neighbouring trees (Trees 4, 5, 6, 17, 18, 19, 20, 21, 24, 27 and 28).

- 4.** Prior to the commencement of the use, the acoustic fence must be provided along the south, east and west boundaries in accordance with the endorsed acoustic report, to the satisfaction of the Responsible Authority.

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

- 5. The layout of the site and size, design, location and use of the buildings and works permitted must always be in accordance with the endorsed plans, unless with the written consent of the Responsible Authority.**
- 6. Once the development has started, it must be continued and completed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.**
- 7. The use of land for a child care centre must only operate during the following hours:**
 - 7.1 Monday to Friday, 6:30am to 6:30pm**
Unless with the written consent of the Responsible Authority.
- 8. The number of children on the site within the child care centre at any time must not exceed ninety-one (91), unless with the written consent of the Responsible Authority.**
- 9. The amenity of the area must not be detrimentally affected by the use or development on the land, through the:**
 - 9.1 Transport of materials, goods or commodities to or from the land.**
 - 9.2 Appearance of any building, works or materials.**
 - 9.3 Adverse behaviour of patrons on, to or from the premises; and**
 - 9.4 Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste-water, waste products, grit or oil.**
 - 9.5 Presence of vermin.****All to the satisfaction of the Responsible Authority.**
- 10. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.**
- 11. Noise levels emanating from the land must not exceed the permissible noise levels stipulated in the Environment Protection Regulations under the Environment Protection Act 2017 and the Incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time to the satisfaction of the Responsible Authority.**
- 12. The site shall be kept in a neat and tidy condition at all times, all to the satisfaction of the Responsible Authority.**

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

- 13. All plant and equipment must be installed and located so that it does not adversely affect the amenity of the area due to the emission of noise, to the satisfaction of the Responsible Authority.**
- 14. All rubbish from the premises must be immediately collected and disposed of in an appropriate receptacle to the satisfaction of the Responsible Authority.**
- 15. Bins or other receptacles for any form of rubbish or refuse may not be placed or allowed to remain in the view of the public, and no adverse odour shall be emitted from any such receptacle.**
- 16. The operator under this permit must make all reasonable attempts to ensure that no vehicle under the operators control, or the operator's staff, are parked in the streets nearby, all to the satisfaction of the Responsible Authority.**
- 17. Provision must be made for the drainage for proposed development including landscaped and paved areas, all to the satisfaction of the Responsible Authority.**
- 18. The connection of the internal drainage infrastructure to the legal point of discharge must be to the satisfaction of the Responsible Authority.**
- 19. Collected stormwater must be retained onsite and discharged into the drainage system at pre-development peak discharge rates as stated in the legal point of discharge approval letter. Approval of drainage plan including any retention system within the property boundary is required.**
- 20. Access to the site and any associated roadwork must be constructed, all to the satisfaction of the Responsible Authority.**
- 21. Standard concrete vehicular crossing/s must be constructed to suit the proposed driveway/s in accordance with the Council's standard specifications. Any vehicle crossing no longer required must be removed and the land, footpath and kerb and channel reinstated, to the satisfaction of the Responsible Authority.**
- 22. Prior to the use commencing, all parking areas and accessways must be:**
 - 22.1 constructed and available for use in accordance with the plan approved by the responsible authority;**

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

- 22.2** formed to such levels and drained so that they can be used in accordance with the plan; and
- 22.3** line-marked or provided with some other adequate means of showing the car parking spaces
- 23.** The car parking provided on the land must always be kept available for its intended purpose at all times. No measures must be taken to restrict access to the car park.
- 24.** The car parking area must be lit if in use during the hours of darkness and all lights must be designed and fitted with suitable baffles. The lighting must be positioned to prevent any adverse effect on adjoining land and must not be considered excessive for the area, all to the satisfaction of the Responsible Authority.
- 25.** No buildings or works may be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.
- 26.** Before the development starts, an application must be made for the consolidation of Lots 6 and 7 on Plan of Subdivision 28449 on Title (Volume 8055 Folio 380). Within three (3) months of registration of the plan of consolidation, a copy of the new certificate of title for the land must be submitted to the Responsible Authority.

Signage conditions

- 27.** The location, type and dimensions of the signage as shown on the endorsed plan/s must not be altered unless with the written consent of the Responsible Authority.
- 28.** Bunting, streamers, flags, windvanes or similar material must not be displayed except with the prior written consent of the Responsible Authority.
- 29.** The sign must only contain an advertisement which provides or supplies information relating to the business conducted on the land.
- 30.** The approved sign must not be animated in part or whole and flashing, intermittent or moving light/s must not be displayed.
- 31.** The approved sign must not be floodlit or illuminated by internal or external light.

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

- 32. The signage must be wholly located within the subject property. That is, no part of the sign may encroach into the road reserve.**
- 33. The signage must be constructed and maintained to the satisfaction of the Responsible Authority.**

Conditions from Transport for Victoria

- 34. Prior to the endorsement of plans, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans date stamped 29/05/2021 and annotated A.201 B but modified to show:**
 - 34.1 A corner splay that complies with Clause 52.06-9 of the City of Greater Dandenong Planning Scheme.**
 - 34.2 Signage to be installed on the property such as “Left-out only” sign facing to the exiting traffic from the development and placed within the subject land.**
- 35. Prior to the occupation of the development, the crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.**
- 36. Vehicles must enter and exit the land in a forward direction at all times.**

Expiry date

- 37. This permit will expire if:**
 - 37.1 The development does not start within two (2) years of the date of this permit; or**
 - 37.2 The development is not completed within four (4) years of the date of this permit; or**

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

37.3 The use does not start within one (1) year of the completion of the development; or

37.4 The use is discontinued for a period of two (2) years.

Before the permit expires or within six (6) months afterwards, the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

The owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date to complete the development or a stage of the development if:

- a. the request for the extension is made within twelve (12) months after the permit expires; and**
- b. the development or stage started lawfully before the permit expired.**

38. This permit expires fifteen (15) years from the date of this permit for the approved signage. Before this permit expires, the approved sign and any supporting structure must be removed and the land and/or building surface made good to the satisfaction of the Responsible Authority.

Permit Notes

A Building Approval is required prior to the commencement of the approved development. This planning permit does not constitute any building approval.

Any works undertaken within the road reservation and easements will require the developer to obtain a Civil Works Permit from Council.

Prior to works commencing the developer will need to obtain an Asset Protection Permit from Council.

A drainage plan approval fee is to be paid to Council prior to the issue of approved drainage plans. Please contact the Civil Development department for the current schedule of fees.

Approval of any retention system within the property boundary is required by the relevant building surveyor.

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

Before commencement of the development occurs, the applicant should contact the City of Greater Dandenong's Civil Development and Design Unit regarding legal point of discharge, new crossings, building over easements, etc.

As this is an established site, the proposed internal drainage should be connected to the existing legal point of discharge. The applicant may apply for local drainage information, if available; otherwise on site verification should be undertaken by the applicant.

A Vehicle Crossing Permit must be obtained from Council for all vehicular crossings prior to construction of the crossings.

Note from Transport for Victoria

- **The proposed development requires works within the road reserve. Separate approval under the Road *Management Act 2004* for this activity is required from the Head, Transport for Victoria. Please contact the Department of Transport (Roads) prior to commencing any works.**

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

MINUTE 810

Moved by: Cr Lana Formoso
Seconded by: Cr Tim Dark

That Council resolves to issue a Notice of Decision to grant a permit in respect of the land known and described as 1536-1538 Heatherton Road DANDENONG VIC 3175

(Lots 6 & 7 LP 28449 Vol 8055 Fol 380), for ‘the use and development of the land for a child care centre, to display business identification signage and to create access to a Transport Zone 2’, subject to the following conditions:

- 1. Before the development or use starts, amended plans must be submitted to the Responsible Authority for approval. No buildings or works must be commenced until the plan/s have been approved and endorsed by the Responsible Authority. The endorsed copy of the plan/s forms part of this permit.**

The plans must be in accordance with the plans submitted with the application but modified to show:

- 1.1 The location of the easement along the rear boundary;**
- 1.2 The rainwater tank located clear of the easement, annotated as underground and connected to toilet flushing;**
- 1.3 An amended landscape plan in accordance with Condition 2 (Landscape Plan);**
- 1.4 Any alterations required by Condition 3 (Tree Protection and Management Plan); and**
- 1.5 Any alterations required by Condition 34 (Conditions from Transport for Victoria).**

All to the satisfaction of the Responsible Authority.

- 2. Prior to the endorsement of the plans required by Condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:**

- 2.1 plans to accord with Condition 1 of this permit;**

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

- 2.2** the site at a scale of 1:100/200, including site boundaries, existing and proposed buildings, neighbouring buildings, car parking, access and exit points, indicative topography and spot levels at the site corners, existing and proposed vegetation, nature strip trees, easements and landscape setbacks;
- 2.3** details of the proposed layout, type and height of fencing;
- 2.4** legend of all plant types, surfaces, materials and landscape items to be used including the total areas of garden and lawn;
- 2.5** a plant schedule giving a description of botanical name, common name, mature height and spread, pot size, purchase height (if a tree) and individual plant quantities;
- 2.6** native canopy trees located clear of the easement;
- 2.7** tree protection measures in accordance with Condition 3.

When approved, the amended landscape plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the landscape plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping in accordance with the endorsed landscaping plan and schedule must be completed before the building is occupied.

Prior to the endorsement of the plans under Condition 1, a Tree Protection and Management Plan must be provided to the satisfaction of the responsible authority and must include the following;

- 3.1** redesign of the retaining wall for protection of neighbouring tree 21;
 - 3.2** construction methodologies and protection measures to ensure the ongoing viability of neighbouring trees (Trees 4, 5, 6, 17, 18, 19, 20, 21, 24, 27 and 28).
- 4.** Prior to the commencement of the use, the acoustic fence must be provided along the south, east and west boundaries in accordance with the endorsed acoustic report, to the satisfaction of the Responsible Authority.
 - 5.** The layout of the site and size, design, location and use of the buildings and works permitted must always be in accordance with the endorsed plans, unless with the written consent of the Responsible Authority.

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

- 6. Once the development has started, it must be continued and completed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.**
- 7. The use of land for a child care centre must only operate during the following hours:**
 - 7.1 Monday to Friday, 6:30am to 6:30pm**

Unless with the written consent of the Responsible Authority.
- 8. The number of children on the site within the child care centre at any time must not exceed ninety-one (91), unless with the written consent of the Responsible Authority.**
- 9. The amenity of the area must not be detrimentally affected by the use or development on the land, through the:**
 - 9.1 Transport of materials, goods or commodities to or from the land.**
 - 9.2 Appearance of any building, works or materials.**
 - 9.3 Adverse behaviour of patrons on, to or from the premises; and**
 - 9.4 Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste-water, waste products, grit or oil.**
 - 9.5 Presence of vermin.**

All to the satisfaction of the Responsible Authority.
- 10. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.**
- 11. Noise levels emanating from the land must not exceed the permissible noise levels stipulated in the Environment Protection Regulations under the Environment Protection Act 2017 and the Incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time to the satisfaction of the Responsible Authority.**
- 12. The site shall be kept in a neat and tidy condition at all times, all to the satisfaction of the Responsible Authority.**
- 13. All plant and equipment must be installed and located so that it does not adversely affect the amenity of the area due to the emission of noise, to the satisfaction of the Responsible Authority.**
- 14. All rubbish from the premises must be immediately collected and disposed of in an appropriate receptacle to the satisfaction of the Responsible Authority.**

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

- 15. Bins or other receptacles for any form of rubbish or refuse may not be placed or allowed to remain in the view of the public, and no adverse odour shall be emitted from any such receptacle.**
- 16. The operator under this permit must make all reasonable attempts to ensure that no vehicle under the operators control, or the operator's staff, are parked in the streets nearby, all to the satisfaction of the Responsible Authority.**
- 17. Provision must be made for the drainage for proposed development including landscaped and paved areas, all to the satisfaction of the Responsible Authority.**
- 18. The connection of the internal drainage infrastructure to the legal point of discharge must be to the satisfaction of the Responsible Authority.**
- 19. Collected stormwater must be retained onsite and discharged into the drainage system at pre-development peak discharge rates as stated in the legal point of discharge approval letter. Approval of drainage plan including any retention system within the property boundary is required.**
- 20. Access to the site and any associated roadwork must be constructed, all to the satisfaction of the Responsible Authority.**
- 21. Standard concrete vehicular crossing/s must be constructed to suit the proposed driveway/s in accordance with the Council's standard specifications. Any vehicle crossing no longer required must be removed and the land, footpath and kerb and channel reinstated, to the satisfaction of the Responsible Authority.**
- 22. Prior to the use commencing, all parking areas and accessways must be:**
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2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

- 25. No buildings or works may be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.**
- 26. Before the development starts, an application must be made for the consolidation of Lots 6 and 7 on Plan of Subdivision 28449 on Title (Volume 8055 Folio 380). Within three (3) months of registration of the plan of consolidation, a copy of the new certificate of title for the land must be submitted to the Responsible Authority.**

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- 32. The signage must be wholly located within the subject property. That is, no part of the sign may encroach into the road reserve.**
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Conditions from Transport for Victoria

- 34. Prior to the endorsement of plans, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans date stamped 29/05/2021 and annotated A.201 B but modified to show:**
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2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

35. Prior to the occupation of the development, the crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
36. Vehicles must enter and exit the land in a forward direction at all times.

Expiry date

37. This permit will expire if:
- 37.1 The development does not start within two (2) years of the date of this permit; or
 - 37.2 The development is not completed within four (4) years of the date of this permit; or
 - 37.3 The use does not start within one (1) year of the completion of the development; or
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Before the permit expires or within six (6) months afterwards, the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

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Permit Notes

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2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

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Before commencement of the development occurs, the applicant should contact the City of Greater Dandenong's Civil Development and Design Unit regarding legal point of discharge, new crossings, building over easements, etc.

As this is an established site, the proposed internal drainage should be connected to the existing legal point of discharge. The applicant may apply for local drainage information, if available; otherwise on site verification should be undertaken by the applicant.

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Note from Transport for Victoria

- **The proposed development requires works within the road reserve. Separate approval under the Road *Management Act 2004* for this activity is required from the Head, Transport for Victoria. Please contact the Department of Transport (Roads) prior to commencing any works.**

CARRIED

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION - No. 1536-1538 HEATHERTON
(PLANNING APPLICATION No. PLN22/0063)**

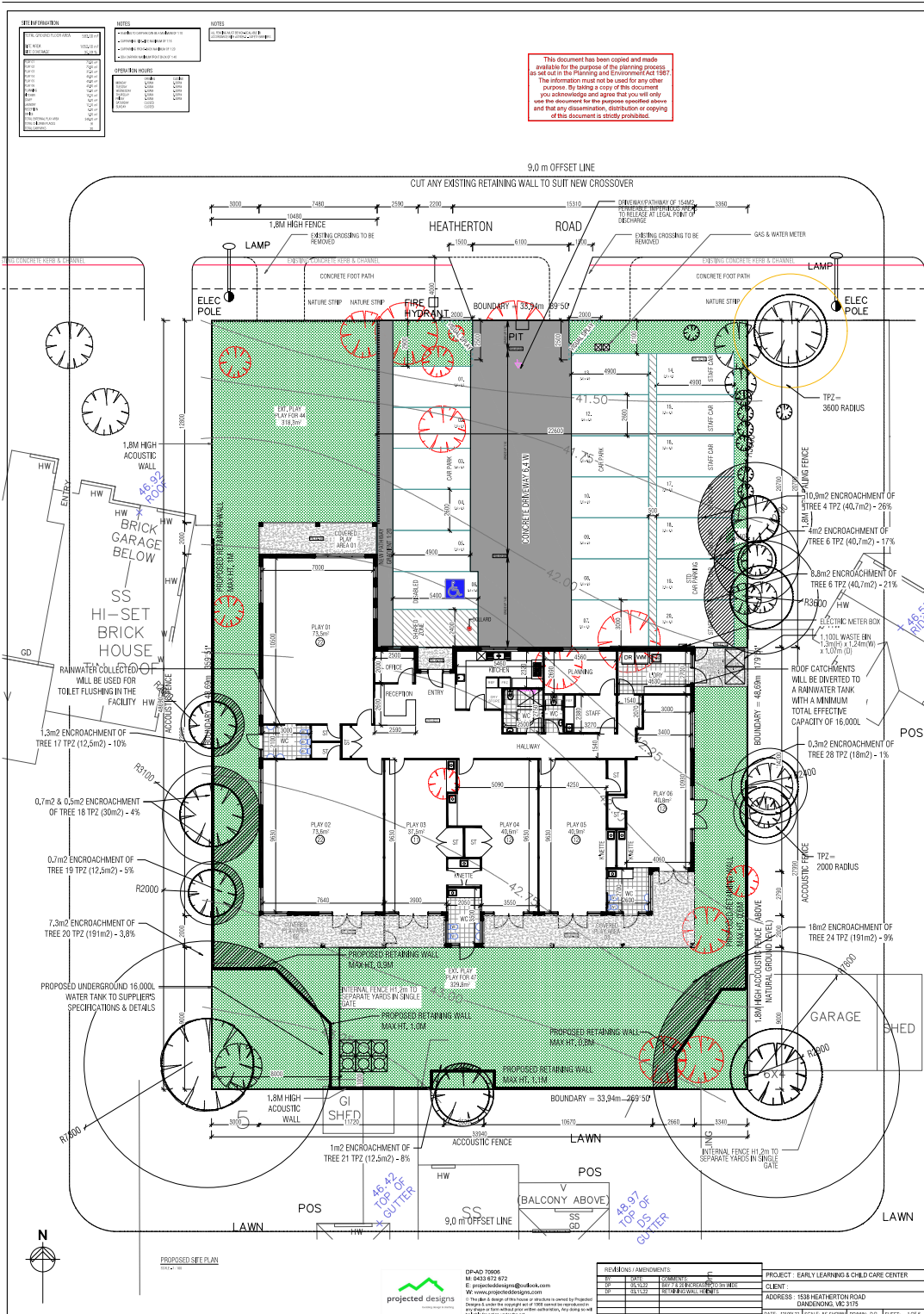
ATTACHMENT 1

SUBMITTED PLANS

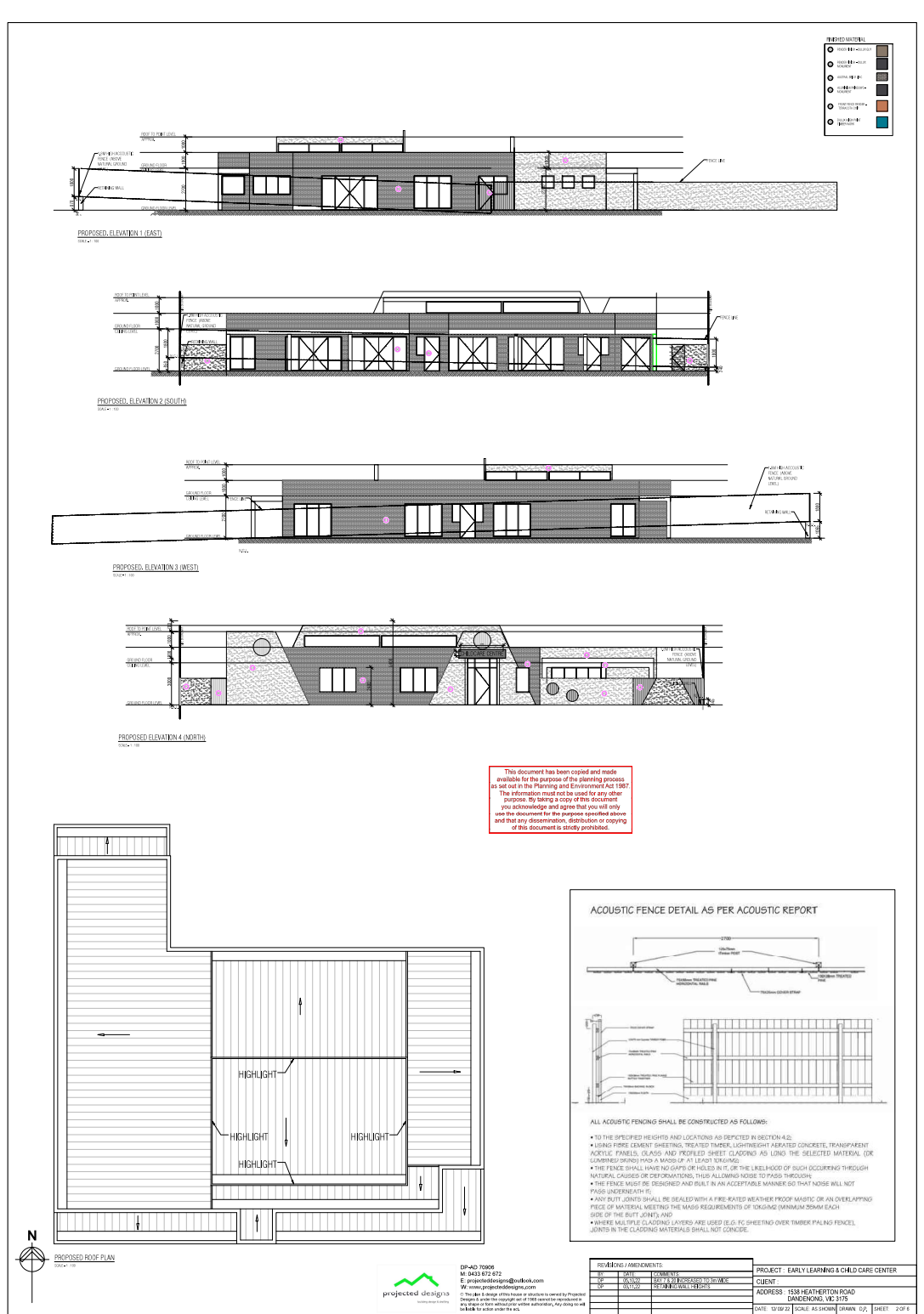
PAGES 8 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

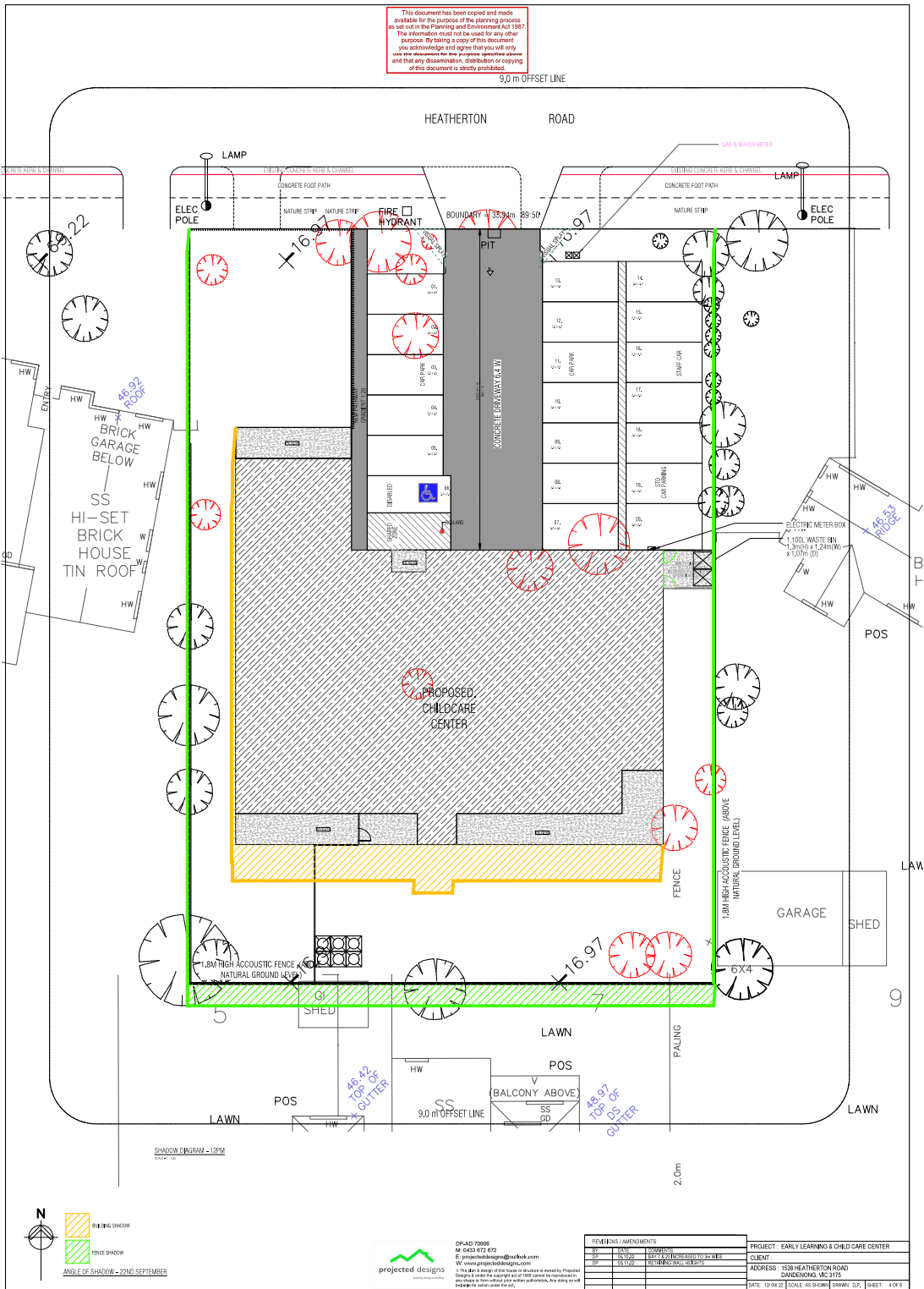


2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)



[illegible]

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)



[illegible]

REVISION HISTORY

NO.	REVISION	DATE
A	TOWN PLANNING	22/09/21
A1	TPZ CALCULATIONS	28/09/21
A2	TPZ ENCROACHMENT	11/10/21
A3	TPZ ENCROACHMENT	23/12/21
A4	UPDATE ARCHITECTURAL	04/05/22
A5	UPDATE ARCHITECTURAL	14/10/22

REVISION

The location of services are indicated and must be proven to the satisfaction of the Council.

Contractor to verify all dimensions on site and report any discrepancies to the Designer.

Planting dimensions to be taken in preference to scaling from drawings.

This drawing provides the property of Package Landscapes P/L. It is not to be used for any other purpose without the written consent of Package Landscapes P/L.

PACKAGE LANDSCAPES AUSTRALIA

10 Industrial Drive
Merton, VIC 3157
Phone: 1300 799 914
Email: info@packagegardens.com.au
www.packagegardens.com.au

LANDSCAPE ARCHITECT

10 Industrial Drive
Merton, VIC 3157
Phone: 1300 799 914
Email: info@packagegardens.com.au
www.packagegardens.com.au

PROJECT ADDRESS

1536-1538 HEATHERTON ROAD, DANDENONG VIC 3175

PROJECT NO.

L101 - LANDSCAPE PLAN - A1

CLIENT / PROJECT

ASL / DANDENONG

DATE

14/10/2022

SHEETS

1 of 1

PROJECT NO.

5797

REVISION NO.

A5

DATE

14/10/2022

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SHEETS

2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)

STATUTORY PLANNING APPLICATIONS

**TOWN PLANNING APPLICATION - No. 1536-1538 HEATHERTON
(PLANNING APPLICATION No. PLN22/0063)**

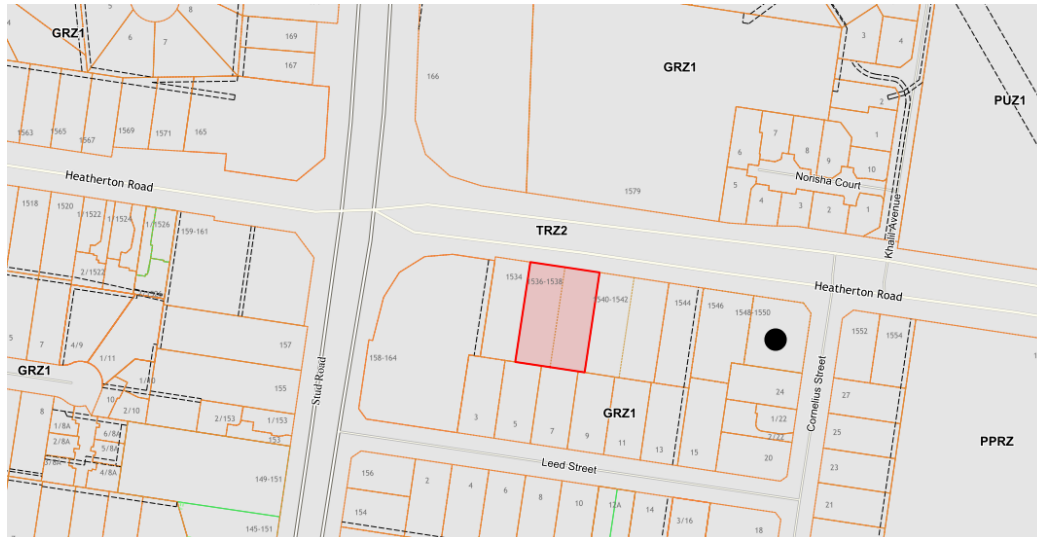
ATTACHMENT 2

LOCATION OF OBJECTORS

PAGES 2 (including cover)

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2.2.1 Town Planning Application – No. 1536-1538 Heatherton Road, Dandenong (Planning Application No. PLN22/0063) (Cont.)



NORTH



Subject Site



LOCATION OF OBJECTOR

MELWAY MAP REF: 90 – G3



3 QUESTION TIME - PUBLIC

Question

Zoe Mohl, Springvale

I am a Greater Dandenong City (CGD) resident who loves trees. There is no doubt that trees serve a vastly important role in the health and wellbeing of our community. Just go stand peacefully for some time in the Church that is the Tatterson Park, Keysborough bush and wetland area. I do not think I need to mention all the ways trees are an asset to us, as I know Council understands their value. Advocacy for trees pertains to many of Council's action plans, and to protect our remaining tree canopy coverage. It is a no-brainer that Council should be adopting the proposed Tree Protection on Private Land plan and nothing less. Climate is changing, knowledge base is growing, environmentalism is on the rise. We know better than to turn a blind eye on all those backyard trees currently being cut down. Ones that could have been saved had the resident known more about its importance.

Assuming Council does what is right and approves the proposed Tree Protection report, can the new policy be launched alongside a community education campaign, advising residents to do their very best not to remove harmless trees on their property for reasons such as: trees make shade, they provide habitat and food source for species vital to the Web of Life, they absorb ground water, and help clean the air? Backyard fruiting trees also represent a localized, low food-miles food source that should be tapped into. When we know better, we do better. What steps can Council take to ensure CGD residents have the best shot at fully understanding the roles trees play in our lives before they make the decision to cut one down?

Response

Jody Bosman, Director City Planning, Design & Amenity

The Tree Protection on Private Land Local Law is proposed to work alongside the wider program of the Urban Forest Strategy 2021-28, to increase canopy coverage across the municipality. With the canopy cover within the municipality at around 9%, more protection is needed. The Tree Protection Local Law primarily seeks to protect significant trees on private land, as they are the trees that provide most benefit from an environmental, aesthetic, social and financial perspective to our community.

The proposed Local Law is one tool in a suite of tools contained in the Urban Forest Strategy 2021-28 where the key initiative is community engagement and educational focus.

Council will engage with our community and educate on:

- improving the perception and knowledge of trees
- improving landscaping outcomes
- including canopy trees in new developments
- understanding the benefits of reducing the Urban Heat Island
- better understanding the link between health and trees.

It is understood that a community that understands the benefits of trees is more likely to retain existing trees and plant new vegetation.

3 QUESTION TIME - PUBLIC (Cont.)

Question

Ashley Morgan – Shae, Upper Ferntree Gully

I submitted a question to 26th of June Meeting and have not received an answer so I ask again: Council's Cat Survey Consultation in March 2023, was open Australia-wide allowing multiple responses from a person using different browsers or different devices anonymously.

How many of the respondents were anonymous, and of those who were not anonymous what steps were taken to ensure they are legitimate, individual responses, for example: were the names and addresses checked against electoral rolls; if not, how is this a credible 'community' survey?

Please note that a Community Cat Program cannot be run successfully with a curfew. Curfews worsen the problem of homeless stray cats, also costing all residents over six times more, trapping and killing. A Community Cat is outside at night, and the program reduces homeless cats quickly, worldwide it is scientific best practice' to save cats and wildlife. I include links to the scientific research published in the international journal 'Animals', with the main points in 'The Conversation', Key Issues, video link on Community Cat Programs in Australia.

Animals: <https://www.mdpi.com/2076-2615/13/11/1771>

<https://theconversation.com/australian-shelters-and-pounds-kill-50-000-mostly-healthy-cats-and-kittens-in-a-year-theres-a-way-to-prevent-this-pointless-killing-201947>

<https://petwelfare.org.au/2022/09/02/key-issues-to-consider-related-to-mandated-24-7-cat-containment/>
<https://www.youtube.com/watch?v=PQbK3R36Xjg>

Response

Jody Bosman, Director City Planning, Design & Amenity

I do believe that these issues were canvassed when the matter was tabled before Council and within the officer report. Community consultation was open to the community from 27 February 2023 to 31 March 2023, where a total of 356 official submissions were received. All 356 submissions received were considered to be legitimate submissions and there were no anonymous submissions amongst them. Council ran a comprehensive community consultation program during this time reaching a large portion of the community utilising many techniques including:

- Have Your Say survey
- Three Drop-in sessions held at Dandenong, Springvale and Keysborough
- Greater Dandenong Council News magazine
- Distribution of A5 flyers (mailing lists)
- Distribution of colour posters
- Advertising on interactive screens within Dandenong and Springvale Civic Centre's
- Social Media (targeted)
- Media releases
- Information and survey on Council's Website
- Meeting attendance and presentations
- Direct engagement with many community groups.

3 QUESTION TIME - PUBLIC (Cont.)

It was a very extensive and bespoke engagement exercise. The key consideration throughout this engagement was to ensure as many opportunities as possible for all members of our community to provide their feedback.

Debate and consideration on opposition to the Cat Curfew was had on the night and at the meeting on 26 June 2023, Council resolved to implement a dusk to dawn curfew.

Question

Kelvin Granger & Dean Hurlston

Can Council please advise the dollar amount of "cost shifting from State Government" they estimate they incurred in 2022-23 Financial Year?

Response

Jacqui Weatherill, Chief Executive Officer

Cost shifting from the Federal and more significantly from the Victorian State Government has been a major financial issue for several years. It poses a serious risk to both the ability to deliver services and Local Governments' financial sustainability. The current economic climate has also seen an increase in the cost of services and infrastructure and reduced grants making cost shifting a heightened issue once again. Traditional areas where cost shifting continues to occur are:

- Libraries
- School crossing supervision
- Maternal child health.

We are also experiencing an expansion into non-traditional areas such as:

- Compliance, building services and Victorian Building Authority requirements
- CCTV systems
- Waste services – significant increases in the landfill levy
- Climate change and response mitigations
- Disaster recovery.

Whilst the quantum is not yet available for 2022-23, cost shifting that is currently known has been taken into consideration in the current budget and long-term financial plan. It is expected that cost shifting will continue to put pressure on future budgets, in a rate capped environment and this will be collectively considered as Council undergoes a service review improvement program and revenue optimisation strategy.

Council continues to monitor the impacts of cost shifting and will advocate to the Municipal Association of Victoria as this is a broader sector wide concern.

3 QUESTION TIME - PUBLIC (Cont.)

Question

Andrew Hamer, Dandenong South

Since the last meeting, the Level Crossing Removal Project (LXRP) have gone to contract on the Progress Street Crossing closure and diversion of all traffic down Fowler Road, Dandenong South. As outlined previously, local businesses have significant concerns about the safety and congestion of this option and requested a genuinely independent traffic impact study. Given that Council will have to take over Fowler Road at the completion of the LXRP works, and the concerns of all the businesses in Nathan and Fowler Roads that this will not be adequate, did Council endorse, in any way, the use of Fowler Road to become what is going to be a trunk connector road? Does Council accept the LXRP's assertion that the solution will not cause the serious safety and congestion issues identified by the community? If so, on what evidence?

Response

Kevin Van Boxtel, Acting Director Business, Engineering & Major Projects

The Minister for Planning designated this project under section 95 of the *Major Transport Projects Facilitation Act* 2009, on 10 March 2023. There is no requirement for Council to endorse plans or any works within the declared project area.

Council has not formally endorsed or accepted any aspects of this project, and we would not typically expect this to occur for such declared projects.

The Level Crossing Removal Project Team has been liaising with Council officers through some of the early stages of design to share data, Council design standards and respond to queries raised by our officers.

Council has sought an urgent briefing by the Authority for our Councillors to discuss all relevant matters which will then inform Council's position.

Our expectation is that the Project Team will continue to consider and respond to concerns raised by both Council and members of our community.

4 OFFICERS' REPORTS - PART TWO

4.1 POLICY AND STRATEGY

4.1.1 Review of Council Policies - Investment Policy 2023

File Id:	A9879718
Responsible Officer:	Manager Governance
Attachments:	Investment Policy for adoption Investment Policy marked up

1. Report Summary

Council policies are in place to ensure accordance with relevant legislation, regulations and best practices. They provide a consistent approach to Council's operational requirements and promote accountability and transparency of Council decisions and actions.

Council adopted a revised Investment Policy in September 2020 with the provision of reviewing the policy after a three (3) year period. The policy has been reviewed to ensure currency and compliance with relevant legislation and Council's current operational requirements and is now presented to Council for readoption.

2. Recommendation Summary

This report recommends that the Investment Policy as provided in Attachment 1 to this report be approved.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

3. Background

Essentially, policies developed by Council are aimed at ensuring good governance and decision-making processes, as well as the effective and efficient management of community resources and the day-to-day business of Council. They help govern how Council operates and provide a clear set of principles that provide a definite direction for Council.

Each policy is developed in order to address specific matters and objectives as outlined in the Council Plan 2021-2025 or as required by legislation. Policies promote consistency across the organisation and enable the community to be familiar with the principles behind administrative and Council decisions.

Existing Council policies are subject to an ongoing review process to ensure they remain up-to-date and comply with current legislation. Policies should be reviewed and updated if legislation requires it, or when Council's functions, structure or activities change; or when technological advances or new systems are implemented.

Council policies should be read in conjunction with any related legislation, relevant internal policies, codes of practice or guidelines. A Council policy is automatically revoked upon readoption of the latest version of that policy.

Council's Investment Policy provides a framework within which the investment of Council funds is to be undertaken by authorised Council officers. It provides a credit framework to ensure that investment management of surplus cash funds is made with prudence, consideration of acceptable risk and relevant applicable legislation. This limits the percentage of the portfolio exposed to any particular credit rating category and requires financial diversification. The aim is also to safeguard Council's cash assets, ensure there are sufficient funds to meet cash requirements and to meet Council's objectives in generating maximum value to ratepayers.

Council's current 'average' cash investment balance during the 2021-22 year was approximately \$165 million. The below points summarise the changes made to the policy within this review:

The policy has been updated to reflect:

- Revised maximum investment portfolio thresholds based on credit ratings and the maximum allowed with an individual authorised deposit taking institution (ADI). These thresholds aim to maximise returns whilst still maintaining an acceptable level of risk to Council. The former policy allowed no more than 35 per cent to be with one (1) institution (except for Council's banking service provider).

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

S&P Long Term Rating	Investment portfolio maximum by credit rating	Individual Institution (ADI) limits
AAA Category	100%	60%
AA Category or Major Banks* (AA+, AA and AA-)	100%	50%
A Category (A+, A and A-)	60%	40%
BBB Category (BBB+ to BBB-)	40%	30%
Unrated ADI category	0%	0%

- In addition, minimum and maximum thresholds have been included based on the terms to maturity of Council's investment funds. To ensure that Council holds sufficient funds in at call investments so that cash is available to meet short-term needs if required and allows part of the investment portfolio to be invested for longer periods to maximise interest returns.

Maturity category	Time to maturity	Minimum allocation of total funds	Maximum allocation of total funds
At call	0 months	\$5 million	30%
Short term portfolio	0 to 3 months	0%	100%
Medium term portfolio	3 to 12 months	0%	75%
Long term portfolio	Greater than 12 months	0%	30%

- A list of prohibited investment products due to the unacceptable risk to Council, such as derivative based instruments, mortgages of land, the use of borrowed money to invest and securities with underlying futures, options, swaps, etc.
- Categorisation of risk types and further detail added in relation to the risks and mitigation procedures in relation to investments.
- Details of 'responsible investment' and green term deposits.
- Changed references from Coordinator Financial Accounting to the Financial Accounting function to provide flexibility in administering investments to more than one (1) position. There is no change to the requirement that all investment recommendations are to be approved by the Manager Financial Services or Executive Manager Finance and IT (as per the sub-delegation of this authority from the Chief Executive Officer).
- References to the *Local Government Act 2020*.
- Removed section on COVID-19 and Economic Outlook.
- The policy has been transferred to the new Council Policy template.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

4. Proposal

It is proposed that the updated Investment Policy be approved by Council.

5. Financial Implications

No financial resources are impacted by this report. An appropriate investment policy is however required as part of sound and prudent financial management framework. The policy also provides for Council to, where appropriate, maximise its return from investment funds whilst maintaining its principal in a secure fashion.

6. Consultation

As part of this policy review, the draft Investment Policy was tabled to the 16 June 2023 Audit and Risk Committee. The Committee has recommended that Council adopts the revised policy per Attachment 1.

7. Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted for themselves and our city, the Greater Dandenong People's Panel developed a new Community Vision for 2040:

*The City of Great Dandenong is a home to all.
It's a city where you can enjoy and embrace life through celebration and equal opportunity.
We harmonise the community by valuing multiculturalism and the individual.
Our community is healthy, vibrant, innovative and creative.
Our growing city is committed to environmental sustainability.
Welcome to our exciting and peaceful community.*

7.1 Community Vision 2040

This report is consistent with the Community Vision 2040 and its accompanying principles:

- Sustainable environment

7.2 Council Plan 2021-25

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. This report is consistent with the following strategic objectives:

- A Council that demonstrates leadership and a commitment to investing in the community.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

8. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles.

The Investment Policy considers the overarching governance principles outlined in section 9 of the *Local Government Act 2020* and has taken the financial management principles in section 101 into account.

The policy is predominantly administrative in nature and outlines the considerations and requirements regarding investment of Council funds. It does not impact on existing and future budgets.

9. Victorian Charter of Human Rights and Responsibilities

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of this report but is not relevant to its content. The policy is purely administrative in its nature and does not have the potential to influence human rights and responsibilities.

10. The *Gender Equality Act 2020*

The *Gender Equality Act 2020* has been considered in the preparation of the Investment Policy but is not relevant to its contents. The policy is purely administrative in its nature and does not have the potential to influence broader social norms and gender roles.

11. Consideration of Climate Change and Sustainability

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted. In January 2020, this Council joined a growing number of cities around Australia and declared a "Climate and Ecological Emergency" and committed this Council to emergency action on climate change.

Council has developed a Climate Change Emergency Strategy and Action Plan 2020-30 to help the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of changing climate. The Investment Policy is purely administrative in its nature and does not have the potential to influence future asset planning or sustainability, climate or energy.

12. Conclusion

A review of the Investment Policy was conducted and is now presented for Council consideration. The principal objectives of the review were to ensure that the policy is current with legislative requirements, applies a risk management approach and remains relevant and up-to-date.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

13. Recommendation

That Council approve the updated Investment Policy provided in Attachment 1 to this report.

MINUTE 811

Moved by: Cr Richard Lim OAM

Seconded by: Cr Sophie Tan

That Council approve the updated Investment Policy provided in Attachment 1 to this report.

CARRIED

For Motion: Cr Sean O'Reilly, Cr Loi Truong, Cr Rhonda Garad, Cr Sophie Tan, Cr Lana Formoso, Cr Richard Lim OAM, Cr Eden Foster.

Against Motion: Cr Tim Dark, Cr Bob Milkovic.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

POLICY AND STRATEGY

REVIEW OF COUNCIL POLICY – INVESTMENT POLICY

ATTACHMENT 1

INVESTMENT POLICY (for adoption)

PAGES 14 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)



Investment Policy

Policy Endorsement:	Endorsement required by Council		
Policy Superseded by this Policy:	Not applicable		
Directorate:	Corporate Services		
Responsible Officer:	Manager Financial Services		
Policy Type:	Discretionary		
File Number:	A9821113	Version No:	004
1 st Adopted by Council	Minute No. 118 14 April 2009	Last Adopted by Council:	Minute No. 1582 14 September 2020
Review Period:	Every 3 years	Next Review:	September 2026

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

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4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

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4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

1. POLICY OBJECTIVE

The Investment Policy (the policy) provides a framework within which the investment of Council funds is to be undertaken by authorised Council officers. It provides a set of guidelines to ensure that investment management of surplus cash funds is made with prudence, consideration of acceptable risk and relevant applicable legislation. It also aims to safeguard Council's cash assets and meet Council's objectives in generating maximum value to ratepayers.

2. BACKGROUND

The policy was developed to provide guidance to staff undertaking investment of Council funds.

3. SCOPE

This policy will apply to all funds invested on behalf of Greater Dandenong City Council.

4. DEFINITIONS

<i>ADI</i>	Authorised Deposit-taking Institutions
<i>Credit rating</i>	Assessment of the creditworthiness or risk associated with an investment or a borrower.
<i>Principal Accounting Officer</i>	Manager Financial Services of Council.
<i>Responsible investment</i>	Is a process that takes into account environmental, social and governance (ESG) and ethical issues into the investment process of research, analysis, selection and monitoring of investments.
<i>S&P</i>	<p>S&P Global Ratings is an American credit rating agency who issue credit ratings for the debt of public and private companies as well as for governments and government entities.</p> <p>S&P Global Ratings is the largest of the credit rating agencies and is a nationally and internationally recognised statistical rating organisation.</p> <p>S&P long-term investment grade ratings comprise:</p> <ul style="list-style-type: none">AAA – extremely strong capacity to meet financial obligations. This is the highest issued rating by S&P.AA – very strong capacity to meet financial obligations. Very low credit risk and not significantly vulnerable to foreseeable events.A – high credit rating with expectation of low credit risk. However somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions compared to AAA and AA rated organisations.BBB - good credit quality with an expectation of low credit risk. However adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to meet financial commitments.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

5. POLICY

5.1 Investment Objectives

In investing Council funds, Council must meet the following objectives:

1. Safety of principal – the preservation of capital and protection of principal is the foremost objective of the investment program. Investments made by Council shall be undertaken in accordance with the approved investments and with regard to ensuring the protection of Council funds; and
2. Return on investment – within the boundaries of meeting the safety objective, Council will seek to maximize the return-on-investment funds; and
3. Maintenance of liquidity – investment decisions will at all times have regard for the future liquidity requirements of Council and maintain flexibility for Council to meet its short-term funding requirements.

Where the above three criteria can be met, Council may seek to invest a portion of its investment portfolio in a responsible investment approach, and which meets the goals and objectives of Council.

5.2 Approved Investments

Council will invest its surplus funds within the guidelines and restrictions contained in section 103 of the Local Government Act 2020.

Section 103 of the Local Government Act 2020 states that “Council may invest money in:

- a) in Government securities of the Commonwealth; and
- b) in securities guaranteed by the Government of Victoria; and
- c) with an ADI; and
- d) with any financial institution guaranteed by the Government of Victoria; and
- e) on deposit with an eligible money market dealer within the meaning of the Corporations Act; and
- f) in any other manner approved by the Minister, either generally or specifically, to be an authorised manner of investment for the purposes of this section.” For example, the Victorian Funds Management Corporation was deemed an approved investment product¹.

Council will invest in any of the investments listed above subject to the limits mentioned in this policy, and subject to the specific requirements of the Act. Different investment products will have differing levels of use, practicality and desirability at different times of the economic cycle. The decision regarding investment types will be made with regard to the prevailing economic and market conditions, the liquidity requirements of Council and the rates of return applicable at the time.

¹ Local Government Victoria Bulletin 38/2022 – Approval of Investments with Victorian Funds Management Corporation 21 June 2022.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

Federal Government Bank Guarantee

The Australian Government has issued a Permanent Guarantee on all deposits in ADI's up to \$250,000. The Financial Claims Scheme (FCS) is an Australian Government scheme that was established during the 2008 global financial crisis to provide financial protection for consumers in the unlikely event of a failure of a bank, credit union, building society or general insurer. The FCS provides protection for depositors of banks, credit unions and building societies that are incorporated in Australia (also known as ADIs), for deposits up to \$250,000 per account holder per ADI. The scheme aims to return deposits to account holders within seven days of activation of the FCS. The FCS can be activated by the Australian Government in the unlikely event that an ADI or general insurer fails. Once activated, the FCS will be administered by the Australian Prudential Regulation Authority (APRA).

The objectives of the FCS are to:

- Protect depositors of ADIs, and claimants of general insurers, from potential loss in the unlikely event of the failure of these institutions.
- Provide depositors with prompt access to their deposits that are protected under the FCS.
- Support the stability of the Australian financial system.

Responsible investment

Council seeks to preference its investments with ADI's identified as environmentally and socially responsible in line with Council's vision and values.

Council will preference fossil fuel free ADIs, provided they can demonstrate:

- The rate of return on investment is equivalent to the average rates of other ADI's while complying with Council's investment policy and availability; and
- The avoidance of funding fossil fuel use in the investment product; and
- That the ADI and product are compliant with this Investment Policy.

Green term deposits are generally certified by the Climate Bonds Standard and are associated with a defined pool of eligible assets and/or projects such as renewable energy, low carbon transport, low carbon buildings and water infrastructure.

Council may invest in such complying products provided they comply with the objectives and risk covenants in this Policy.

Prohibited investments

The following investments are prohibited as they place an unacceptable risk to Council (refer Risk Management criteria in the following section).

- Derivative based instruments
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind
- Mortgage of land
- Leveraged investing – using borrowed money to invest.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

5.3 Risk Management

Council will actively manage the different types of risks relating to investments as follows:

Table 5.3.1

Type of risk	Details and mitigation procedures
Credit risk	The risk that a party or guarantor to a transaction will fail to fulfil its obligations. In the context of this policy, it relates to the risk of loss due to the failure of an institution/entity with which an investment is held to pay the interest and/or repay the principal of an investment. Manage this by matching rate of return expectations with levels of risk by seeking investments with the highest S&P rating with regard to investment return.
Diversity risk	Place Council funds in a broad range of products and entities (subject to acceptable credit ratings) to avoid overexposure to a single sector of the investment market.
Management risk	Maintain the segregation of investment functions – no Council officer will both approve and invest funds.
Market risk	The risk that fair value or future cash flows will fluctuate due to changes in market prices, or benchmark returns (see Table 5.4.2) will unexpectedly overtake the investment's return.
Maturity risk	Managing the length of term to maturity of the investment portfolio. Longer-term investments have greater exposure to market volatility and changes to interest rate return. Set maturity limits for different investments and counterparties to a maximum of 5 years, unless approved by Council.
Performance risk	Monitor investment performances against the benchmark for that category of investments. Investments that consistently perform below benchmark (see Table 5.4.2) will be invested in alternative instruments. Monitor credit ratings of counterparties regularly.
Preservation of investment principal (capital)	Avoiding investments that may place Council invested cash at risk of loss, such as speculative instruments.
Rollover risk	The need to balance Council's cash flow needs with the objective of maximising investment returns. Shorter term investments are more likely to ensure investment funds are readily available to meet Council's financial obligations as they fall due. However longer-term investments are more likely to optimise interest income return.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

5.4 Diversification of Investments by Credit Rating and Financial Institution

Council will control the credit quality of the investment portfolio by applying the following credit framework. Exposure to individual financial institutions will be restricted by their rating so that single entity exposure is limited as detailed in Table 5.4.1 below (excludes Government guaranteed investments).

Percentage holdings shown in the table below should be restricted to average investment holdings excluding at-call amounts.

Table 5.4.1

S&P Long Term Rating	Investment portfolio maximum by credit rating	Individual Institution (ADI) limits
AAA Category	100%	60%
AA Category or Major Banks* (AA+, AA and AA-)	100%	50%
A Category (A+, A and A-)	60%	40%
BBB Category (BBB+ to BBB-)	40%	30%
Unrated ADI category	0%	0%

* Major Banks are defined as the ADI deposits or senior guaranteed principal and interest ADI securities issued by the major Australian banking groups (including ADI subsidiaries whether or not explicitly guaranteed and brands:

- Commonwealth Bank of Australia (CBA)
- National Australia Bank Limited (NAB)
- Westpac Banking Corporation (WBC)
- Australia and New Zealand Banking Group Limited (ANZ)

Investments are subject to the prudential standards of the Australian Prudential Regulation Authority (APRA). A listing of the approved ADI's is available online (click [here](#)).

Where the exposure limit of an investment category is exceeded as a result of an investment being redeemed, the exposure limits will be re-balanced at the next available opportunity.

If any of the investments are downgraded such that they no longer fall within this investment policy, they will be divested as soon as practicable.

Table 5.4.2 – Benchmarks

Council will use the following benchmarks to analyse the risk and return of the investment portfolio to understand how it is performing.

Investment category	Benchmark
At call	Official Reserve Bank of Australia (RBA) cash rate (< 1 month)
Term deposits and other authorised investments	Applicable RBA Bond Index plus 0.25% (> 1 month)

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

5.5 Investment Maturity

Investments are to be structured with regard to maturity dates in order to satisfy income and liquidity requirements.

Once the primary aim of liquidity is met, Council will diversify its maturity profile as this will ordinarily be a low-risk source of additional return as well as reducing the volatility of Council's income. However, Council always retains the flexibility to invest as short as required by internal requirements or the economic outlook.

The factors and/or information used by Council to determine minimum allocations to the shorter durations include:

- Council's liquidity requirements to cover both regular payments as well as sufficient buffer to cover reasonably foreseeable contingencies.
- Medium term financial plans and major capital projects forecasts.
- Known grants, asset sales or similar one-off inflows.
- Seasonal patterns to Council's investment balances.

Maturity will also be laddered to provide for interest rate fluctuations and to minimise investment interest risk.

Investments are to be guided by the following terms to maturity targets:

Table 5.5.1

Maturity category	Time to maturity	Minimum allocation *	Maximum allocation *
Working capital - at call	0 months	\$5 million	30%
Working capital - short term	0 to 3 months	0%	100%
Short-medium term	3 to 12 months	0%	75%
Long term	Greater than 12 months	0%	30%

* Allocation of total investment funds.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

5.6 Quotations for Investments

- Not less than three (3) quotations shall be obtained from authorised institutions whenever a direct investment is proposed and ideally quotes should be received from a larger range of ADI.
- When evaluating potential investments Council will consider financial institutions (ADIs) that are committed to sustainable and responsible practices including:
 - the offering of suitable 'fossil fuel free' investment options; and/or
 - the offering of suitable ethical investment options; and/or
 - a commitment to adding value to the Greater Dandenong community.
- The selection, however, must also consider and not be in conflict with the other objectives of the Investment Policy.
- The best quote on the day will be successful after allowing for administrative and banking costs, as well as having regard to the limits set in this policy.
- Investment recommendations are required to be approved by either the Manager Financial Services or the Executive Manager Finance and IT.
- The physical transfer of funds will require two authorised officers registered with Council's financial institution.

5.7 Cash Management

The following principles apply to ensure efficient management of Council's cash resources:

- Cash flows and cash balances will be reviewed daily. The investment register shall be updated daily and monitored for compliance with the diversification requirements of this policy.
- An interest earning, at call account shall also be used to maximise earnings on funds whilst investment decisions are pending. Consideration of investment placements is predicated on the operating account maintaining a minimum credit balance of \$500,000 at all times, and the At Call account maintaining a \$5 million balance to cover any urgent additional cashflow requirements.
- The balance of funds considered to be surplus to the Council's immediate cash requirements will be invested in accordance with the guidelines in this policy.
- All investments including rolling movements will be recorded in Council's investment register.

5.8 Investments Advisor

An investment advisor, if appointed, must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

6. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

This policy considers the overarching governance principles outlined in section 9 of the *Local Government Act 2020* and has taken the financial management principles in section 101 into account. This policy is predominantly administrative in nature and outlines the considerations when placing Council funds into investment products. It impacts on future budgets in relation to interest revenue. The policy is required to comply with the Local Government Act 2020 and Australian Accounting Standards. This policy is reviewed every three years ensuring the transparency of Council decisions, actions and information in relation to investments.

This policy also satisfies the requirement in section 102 of the Local Government Act 2020 for Council to prepare and adopt financial policies that give effect to the financial management principles.

7. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT

The Victorian Charter of Human Rights and Responsibilities Act 2006 has been considered in relation to whether any human right under the Charter is restricted or interfered with in any way by enacting any part of this policy. It is considered that this policy is consistent with the rights outlined in the Charter.

8. RESPONSE TO THE GENDER EQUALITY ACT 2020

The Gender Equality Act 2020 has been considered in the preparation of this policy but is not relevant to its contents. The policy relates to financial investments and does not have the potential to influence broader social norms and gender roles.

9. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 and the requirements of the Local Government Act 2020 in relation to the overarching governance principle on climate change and sustainability have been considered in the preparation of this policy.

This policy promotes 'Responsible investments' which is a process that takes into account environmental, social and governance (ESG) and ethical issues into the investment process of research, analysis, selection and monitoring of investments.

The policy provides for investment in 'green term deposits' which are generally certified by the Climate Bonds Standard and are associated with a defined pool of eligible assets and/or projects such as renewable energy, low carbon transport, low carbon buildings and water infrastructure. Council may invest in such complying products provided they offer equivalent investment returns and comply with the objectives and risk covenants in this policy.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

10. RESPONSIBILITIES

- The Chief Executive Officer has delegated the day-to-day management and authority to invest Council's surplus funds to the Executive Manager Finance and IT and the Manager Financial Services who must ensure adequate skill, support and oversight².
- This Financial Accounting function is responsible for investment recommendations and administration of investment funds under the direction and approval of the Manager Financial Services. This includes responsibility for having cash available to meet day-to-day demands and to invest all excess cash into appropriate investments as per this policy.

11. REPORTING, MONITORING AND REVIEW

A quarterly report will be provided to the Council. The report will detail the investment portfolio in terms of holdings and impact of changes in market value since the previous report. The report will also detail the investment performance against the applicable benchmark, investment income earned versus budget year to date and confirm compliance of Council's investments within legislative and policy limits. Council or the Chief Executive Officer may nominate additional content for reporting.

Council will comply with relevant Accounting Standards in valuing its investments, quantifying its investment returns and financial statement disclosures.

Documentary evidence must be held for each investment, and the details thereof maintained in an investment register. The documentary evidence must provide Council legal title to the investment.

For audit purposes, certificates must be obtained from the banks/fund managers/custodian confirming the amounts of investment held on Council's behalf at 30 June each year.

Investment balances, transactions and internal controls will be subject to external and/or internal audit review.

This Policy will be reviewed every three years or as required in the event of legislative change or as a result of significantly changed economic/market conditions. The Policy may also be changed as a result of other amendments that are to the advantage of Council. Any amendment to this Policy must be by Council resolution.

² Instrument of Sub-Delegation by Chief Executive Officer to Members of Council Staff

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

12. REFERENCES AND RELATED DOCUMENTS

Legislation

- Charter of Human Rights and Responsibilities Act 2006
- Gender Equality Act 2020
- Local Government Act 2020
- Local Government (Planning and Reporting) Regulations 2020

Accounting Standards

- AASB 7 Financial Instruments: Disclosures
- AASB 13 Fair Value Measurement
- AASB 132 Financial Instruments: Presentation
- AASB 136 Impairment of Assets
- AASB 139 Financial Instruments: Recognition and Measurement

Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- Greater Dandenong City Council Annual Report
- Greater Dandenong City Council Annual Budget
- Greater Dandenong City Council Climate Change Emergency Strategy and Action Plan 2020-30
- Greater Dandenong City Council Long Term Financial Plan
- Ministerial Guidelines and Circulars

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

POLICY AND STRATEGY

REVIEW OF COUNCIL POLICY – INVESTMENT POLICY

ATTACHMENT 2

INVESTMENT POLICY (marked up)

PAGES 17 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)



Investment Policy

Policy Endorsement:	Endorsement required by Council		
Policy Superseded by this Policy:	Not applicable		
Directorate:	Corporate Services		
Responsible Officer:	Manager Financial Services		
Policy Type:	Discretionary		
File Number:	A9821113	Version No:	004
1 st Adopted by Council	Minute No. 118 14 April 2009	Last Adopted by Council:	Minute No. 1582 14 September 2020
Review Period:	Every 3 years	Next Review:	September 202 3 <u>6</u>

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

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4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

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4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

1. POLICY OBJECTIVE

The ~~is~~ Investment Policy (the policy) provides a framework within which the investment of Council funds is to be undertaken by authorised Council officers. It provides a set of guidelines to ensure that investment management of surplus cash funds is made with prudence, consideration of acceptable risk and relevant applicable legislation. It ~~is~~ also aims to safeguard Council's cash assets and meet Council's objectives in generating maximum value to ratepayers.

2. BACKGROUND

The policy was developed to provide guidance to staff undertaking investment of Council funds.

3. SCOPE

This policy will apply to all funds invested on behalf of Greater Dandenong City Council.

4. DEFINITIONS

<u>ADI</u>	<u>Authorised Deposit-taking Institutions</u>
<u>Credit rating</u>	<u>Assessment of the creditworthiness or risk associated with an investment or a borrower.</u>
<u>Principal Accounting Officer</u>	Manager Financial Services and IT of Council.
<u>Responsible investment</u>	Is a process that takes into account environmental, social and governance (ESG) and ethical issues into the investment process of research, analysis, selection and monitoring of investments.
<u>S&P</u>	<p><u>S&P Global Ratings is an American credit rating agency who issue credit ratings for the debt of public and private companies as well as for governments and government entities.</u></p> <p><u>S&P Global Ratings is the largest of the credit rating agencies and is a nationally and internationally recognised statistical rating organisation.</u></p> <p><u>S&P long-term investment grade ratings comprise:</u></p> <ul style="list-style-type: none">○ <u>AAA – extremely strong capacity to meet financial obligations. This is the highest issued rating by S&P.</u>○ <u>AA – very strong capacity to meet financial obligations. Very low credit risk and not significantly vulnerable to foreseeable events.</u>○ <u>A – high credit rating with expectation of low credit risk. However somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions compared to AAA and AA rated organisations.</u>○ <u>BBB - good credit quality with an expectation of low credit risk. However adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to meet financial commitments.</u>

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

5. POLICY

5.1 Investment Objectives

In investing Council funds, Council must meet the following objectives:

1. Safety of principal – the preservation of capital and protection of principal is the foremost objective of the investment program. Investments made by Council shall be undertaken in accordance with the approved investments and with regard to ensuring the protection of Council funds; and
2. Return on investment – within the boundaries of meeting the safety objective, Council will seek to maximize the return on investment funds; and
3. Maintenance of liquidity – investment decisions will at all times have regard for the future liquidity requirements of Council and maintain flexibility for Council to meet its short-term funding requirements.

Where the above three criteria can be met, Council may seek to invest a portion of its investment portfolio in a responsible investment approach and which meets the goals and objectives of Council.

5.2 Approved Investments

Council will invest its surplus funds within the guidelines and restrictions contained in ~~S-143~~ [section 103](#) of the Local Government Act [2020](#).

[Section 103 of the Local Government Act 2020 states that “Council may invest money in:](#)

- [a\) in Government securities of the Commonwealth; and](#)
- [b\) in securities guaranteed by the Government of Victoria; and](#)
- [c\) with an ADI; and](#)
- [d\) with any financial institution guaranteed by the Government of Victoria; and](#)
- [e\) on deposit with an eligible money market dealer within the meaning of the Corporations Act; and](#)
- [f\) in any other manner approved by the Minister, either generally or specifically, to be an authorised manner of investment for the purposes of this section.” For example, the Victorian Funds Management Corporation was deemed an approved investment product¹\).](#)

Council will invest in any of the investments listed ~~below~~ [above](#) subject to the limits mentioned in this policy, and subject to the specific requirements of the Act. Different investment products will have differing levels of use, practicality and desirability at different times of the economic cycle. The decision regarding investment types will be made with regard to the prevailing economic and market conditions, the liquidity requirements of Council and the rates of return applicable at the time.

¹ [Local Government Victoria Bulletin 38/2022 – Approval of Investments with Victorian Funds Management Corporation 21 June 2022.](#)

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

Federal Government Bank Guarantee

The Australian Government has issued a Permanent Guarantee on all deposits in ADI's up to \$250,000.

The Financial Claims Scheme (FCS) is an Australian Government scheme that was established during the 2008 global financial crisis to provide financial protection for consumers in the unlikely event of a failure of a bank, credit union, building society or general insurer. The FCS provides protection for depositors of banks, credit unions and building societies that are incorporated in Australia (also known as ADIs), for deposits up to \$250,000 per account holder per ADI. The scheme aims to return deposits to account holders within seven days of activation of the FCS. The FCS can be activated by the Australian Government in the unlikely event that an ADI or general insurer fails. Once activated, the FCS will be administered by the Australian Prudential Regulation Authority (APRA).

The objectives of the FCS are to:

- protect depositors of ADIs, and claimants of general insurers, from potential loss in the unlikely event of the failure of these institutions;
- provide depositors with prompt access to their deposits that are protected under the FCS; and
- support the stability of the Australian financial system.

Table 5.2.1

Investment	Description	Features	Benchmark	Horizon*
At-call deposit	Cash funds invested on overnight deposit.	Ready access to funds. No fees. Interest rate usually 0.10% below the Reserve Bank cash rate.	Reserve Bank cash rate less 0.10% (10 basis points)	ST
Floating-rate notes	FRNs are available for terms ordinarily of 1-3 years with regular coupons (interest) usually paid quarterly.	Interest rate is set at the beginning of the period and is paid in arrears. It is normally set at a margin over the 90-day Bank Bill Swap Rate (BBSW).	90-day BBSW + appropriate margin (agreed at the time of investment)	LT
Government and Semi-Government bonds	Long dated maturities with a sovereign debt rating. Considered to be the most resilient investments in regards to adverse market movements.	As a result of the extremely high credit ratings, these bonds have a low return in terms of yield.	UBSA Composite Bond Index	LT

**ST refers to investment horizons up to 12 months and LT over 12 months.*

When considering investments in managed funds, enquiries will be made regarding the investments made by the fund and independent external advice will be sought.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

Responsible investment

Council seeks to preference its investments with ADI's identified as environmentally and socially responsible in line with Council's vision and values.

Council will preference fossil fuel free ADIs, provided they can demonstrate:

- The rate of return on investment is equivalent to the average rates of other ADI's while complying with Council's investment policy and availability; and
- The avoidance of funding fossil fuel use in the investment product; and
- That the ADI and product are compliant with this Investment Policy.

Green term deposits are generally certified by the Climate Bonds Standard and are associated with a defined pool of eligible assets and/or projects such as renewable energy, low carbon transport, low carbon buildings and water infrastructure.

Council may invest in such complying products provided they comply with the objectives and risk covenants in this Policy.

Prohibited investments

The following investments are prohibited as they place an unacceptable risk to Council (refer Risk Management criteria in the following section).

- Derivative based instruments
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind
- Mortgage of land
- Leveraged investing – using borrowed money to invest.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

5.3 Risk Management

Council will actively manage the different types of risks relating to investments as follows:

Table 5.3.1

<u>Type of risk</u>	<u>Details and mitigation procedures</u>
<u>Credit risk</u>	<u>The risk that a party or guarantor to a transaction will fail to fulfil its obligations. In the context of this policy it relates to the risk of loss due to the failure of an institution/entity with which an investment is held to pay the interest and/or repay the principal of an investment. Manage this by matching rate of return expectations with levels of risk by seeking investments with the highest S&P rating with regard to investment return.</u>
<u>Diversity risk</u>	<u>Place Council funds in a broad range of products and entities (subject to acceptable credit ratings) to avoid overexposure to a single sector of the investment market.</u> <u>Diversification – across asset classes and within asset classes subject to limitations contained in the Act</u> <u>Diversification – across counterparties, thereby limiting exposure to individual counterparties/institutions, subject to acceptable credit ratings</u>
<u>Management risk</u>	Maintain the segregation of investment functions – no Council officer will both approve and invest funds.
<u>Market risk</u>	<u>The risk that fair value or future cash flows will fluctuate due to changes in market prices, or benchmark returns (see Table 5.4.2) will unexpectedly overtake the investment's return.</u>
<u>Maturity risk</u>	<u>Managing the length of term to maturity of the investment portfolio. Longer-term investments have greater exposure to market volatility and changes to interest rate return.</u> Set maturity limits for different investments and counterparties to a maximum of 5 years, unless approved by Council.
<u>Performance risk</u>	Monitor investment performances against the benchmark for that category of investments. Investments that consistently perform below benchmark (see Table 5.4.2) will be invested in alternative instruments. Monitor credit ratings of counterparties regularly.
<u>Preservation of investment principal (capital)</u>	Avoiding investments that may place Council invested cash at risk of loss, such as speculative instruments.
<u>Rollover risk</u>	<u>The need to balance Council's cash flow needs with the objective of maximising investment returns. Shorter term investments are more likely to ensure investment funds are readily available to meet Council's financial obligations as they fall due. However longer-term investments are more likely to optimise interest income return.</u>

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

5.4 Diversification of Investments by Credit Rating and Financial Institution

Council will control the credit quality of the investment portfolio by applying the following credit framework. Exposure to individual financial institutions will be restricted by their rating so that single entity exposure is limited as detailed in Table 5.4.1 below (excludes Government guaranteed investments). This limits the percentage of the portfolio exposed to any credit rating category. In making investment decisions, the below ratings apply based on the term of the investment.

Percentage holdings shown in the table below should be restricted to average investment holdings excluding at-call amounts.

Table 5.4.1

<u>S&P Long Term Rating</u>	<u>Investment portfolio maximum by credit rating</u>	<u>Individual Institution (ADI) limits</u>
<u>AAA Category</u>	<u>100%</u>	<u>60%</u>
<u>AA Category or Major Banks* (AA+, AA and AA-)</u>	<u>100%</u>	<u>50%</u>
<u>A Category (A+, A and A-)</u>	<u>60%</u>	<u>40%</u>
<u>BBB Category (BBB+ to BBB-)</u>	<u>40%</u>	<u>30%</u>
<u>Unrated ADI category</u>	<u>0%</u>	<u>0%</u>

<u>Investment Grade</u>	<u>S&P Short-Term Rating</u>	<u>S&P Long-Term Rating</u>	<u>Investment—Maximum %</u>
<u>Extremely strong</u>	<u>A1+</u>	<u>AAA</u>	<u>100%</u>
<u>Strong</u>	<u>A1</u>	<u>AA+, AA & AA-</u>	<u>80%</u>
<u>Satisfactory</u>	<u>A2</u>	<u>A+, A & A-</u>	<u>60%</u>

* Major Banks are defined as the ADI deposits or senior guaranteed principal and interest ADI securities issued by the major Australian banking groups (including ADI subsidiaries whether or not explicitly guaranteed and brands:

- Commonwealth Bank of Australia (CBA)
- National Australia Bank Limited (NAB)
- Westpac Banking Corporation (WBC)
- Australia and New Zealand Banking Group Limited (ANZ)

Investments are subject to the prudential standards of the Australian Prudential Regulation Authority (APRA). A listing of the approved ADI's is available online ([click here](#)).

The current short-term rating table issued by rating agency Standard and Poor's is:

A-1—A short-term obligation rated 'A-1' is rated in the highest category by Standard and Poor's. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

~~A-2—A short-term obligation rated "A-2" is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitment on the obligation is satisfactory.~~

~~When placing an investment, no single institution / corporation shall comprise more than 35% of the total investment portfolio, unless the investment is with the Council's transaction banker.~~ Where the exposure limit of an investment category is exceeded as a result of an investment being redeemed, the exposure limits will be re-balanced at the next available opportunity.

If any of the investments are downgraded such that they no longer fall within this investment policy, they will be divested as soon as practicable.

Table 5.4.2 – Benchmarks

Council will use the following benchmarks to analyse the risk and return of the investment portfolio to understand how it is performing.

Investment category	Benchmark
At call	Official Reserve Bank of Australia (RBA) cash rate (< 1 month)
Term deposits and other authorised investments	Applicable RBA Bond Index plus 0.25% (> 1 month)

5.5 Investment Maturity

Investments are to be structured with regard to maturity dates in order to satisfy income and liquidity requirements.

Once the primary aim of liquidity is met, Council will diversify its maturity profile as this will ordinarily be a low-risk source of additional return as well as reducing the volatility of Council's income. However, Council always retains the flexibility to invest as short as required by internal requirements or the economic outlook.

The factors and/or information used by Council to determine minimum allocations to the shorter durations include:

- Council's liquidity requirements to cover both regular payments as well as sufficient buffer to cover reasonable foreseeable contingencies.
- Medium term financial plans and major capital projects forecasts.
- Known grants, asset sales or similar one-off inflows.
- Seasonal patterns to Council's investment balances.

Maturity Limitations

Any longer term investment must align with expected future cash outflows.

Short Term Portfolio

Investment maturities for operating funds shall be scheduled to coincide with projected cash flow needs.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

Maturity will also be laddered to provide for interest rate fluctuations and to minimise investment interest risk. ~~Careful monitoring of interest rate fluctuations will provide a basis for evaluating risk and return.~~

Long Term Portfolio

~~For the purpose of this policy, investments with a maturity date past one year are classified as long term. The purpose of such investments is to take advantage of rate movements at different times of the economic cycle.~~

Investments are to be guided by the following terms to maturity targets:

Table 5.5.1

<u>Maturity category</u>	<u>Time to maturity</u>	<u>Minimum allocation *</u>	<u>Maximum allocation *</u>
<u>Working capital - at call</u>	<u>0 months</u>	<u>\$5 million</u>	<u>30%</u>
<u>Working capital - short term</u>	<u>0 to 3 months</u>	<u>0%</u>	<u>100%</u>
<u>Short-medium term</u>	<u>3 to 12 months</u>	<u>0%</u>	<u>75%</u>
<u>Long term</u>	<u>Greater than 12 months</u>	<u>0%</u>	<u>30%</u>

* Allocation of total investment funds.

COVID-19 and Economic Outlook

During April 2020 – Major ratings agencies downgraded its outlook for Australia's banking system to 'negative' from 'stable' as the coronavirus is expected to hit profitability via increases for loan losses and record low interest rates. This downturn could trigger future downgrades for the major banks Commonwealth Bank of Australia, Westpac Banking Corp Australia and New Zealand Banking Group and National Australia Bank Ltd. This is due to the challenging environment that the banks are operating in due to the COVID-19 pandemic.

If credit quality downgrades occur to the major Australian banks, the maximum investment limits applied to each of the credit rating categories in Table 2 will default to the next level. For example, A1 will be 100% and A2 will be 80%. Any deterioration in credit quality due to the pandemic will continually be monitored.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

5.6 ~~Selection-Quotations~~ effor Investments

- Not less than three (3) quotations shall be obtained from authorised institutions whenever a direct investment is proposed and ideally quotes should be received from a larger range of ADI.
- When evaluating potential investments Council will consider financial institutions (ADIs) that are committed to sustainable and responsible practices including:
 - the offering of suitable 'fossil fuel free' investment options; and/or
 - the offering of suitable ethical investment options; and/or
 - a commitment to adding value to the Greater Dandenong community.
- The selection, however, must also consider and not be in conflict with the other objectives of the Investment Policy.
- The best quote on the day will be successful after allowing for administrative and banking costs, as well as having regard to the limits set in this policy.
- ~~At least three (3) quotes are to be obtained from authorised financial institutions for any new investment, unless alternatives are not available.~~
- ~~The Coordinator Financial Accounting is to prepare i~~Investment recommendations are required to be approved for approval by either the Manager Finance ~~and IT~~ial Services or the ~~Director Corporate Services~~ Executive Manager Finance and IT.
- ~~Following approval the Coordinator Financial Accounting is to prepare documentation for funds transfer.~~
- ~~Any proposal to transfer funds to an investment account must be approved by two authorising officers.~~The physical transfer of funds will require two authorised officers registered with Council's financial institution.
- ~~Selection and acceptance of an investment offer will have regard to types allowed within this policy, rate of return, term, administrative costs, cash flow requirements and also the need for diversity in investment of Council funds.~~
- ~~Where primary investment objectives of safety, return and liquidity can be met, Council may seek to invest a portion of its investment portfolio in responsible investment products.~~

5.7 Cash Management

The following principles apply to ensure efficient management of Council's cash resources:

- Cash flows and cash balances will be reviewed daily.
- ~~The investment register shall be updated daily and monitored for compliance with the diversification requirements of this policy. The Financial Accounting Coordinator and Manager Finance and IT shall determine funds to be placed on investment.~~

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

- An interest earning, at call account shall also be used to maximise earnings on funds whilst investment decisions are pending. Consideration of investment placements is predicated on the operating account maintaining a minimum credit balance of \$500,000 at all times, and the At Call account maintaining a \$5 million balance to cover any urgent additional cashflow requirements.
- The balance of funds considered to be surplus to the Council's immediate cash requirements will be invested in accordance with the guidelines in this policy.
- All investments including rolling movements will be recorded in Council's investment register.

5.8 Investments Advisor

An investment advisor, if appointed, must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended.

~~5.9 Annual Review~~

~~The Coordinator Financial Accounting will maintain a system of written internal controls, which shall be reviewed and tested by the internal auditor at least annually or upon any extraordinary event, i.e. turnover of key personnel, the discovery of any inappropriate activity. The Principal Accounting Officer shall also act in an internal control capacity.~~

~~5.10 Performance and monitoring and reporting:~~ Moved to section 11

~~5.11 Investment Maturity~~ Moved to section 5.5

~~5.12 Review~~

~~This policy is reviewable after 3 years of its adoption or earlier in the event of legislative changes.~~

6. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

This policy considers the overarching governance principles outlined in section 9 of the *Local Government Act 2020* and has taken the financial management principles in section 101 into account. This policy is predominantly administrative in nature and outlines the considerations when placing Council funds into investment products. It impacts on future budgets in relation to interest revenue. The policy is required to comply with the *Local Government Act 2020* and *Australian Accounting Standards*. This policy is reviewed every three years ensuring the transparency of Council decisions, actions and information in relation to investments.

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9. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 and the requirements of the Local Government Act 2020 in relation to the overarching governance principle on climate change and sustainability have been considered in the preparation of this policy.

This policy promotes 'Responsible investments' which is a process that takes into account environmental, social and governance (ESG) and ethical issues into the investment process of research, analysis, selection and monitoring of investments.

The policy provides for investment in 'green term deposits' which are generally certified by the Climate Bonds Standard and are associated with a defined pool of eligible assets and/or projects such as renewable energy, low carbon transport, low carbon buildings and water infrastructure. Council may invest in such complying products provided they offer equivalent investment returns and comply with the objectives and risk covenants in this policy.

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

10. RESPONSIBILITIES

- The Chief Executive Officer has delegated the day-to-day management and authority to invest Council's surplus funds to the Executive Manager Finance and IT and the Manager Financial Services who must ensure adequate skill, support and oversight².
- **Coordinator Financial Accounting:** Responsibility for the investment program is held by Council and delegated by the Principal Accounting Officer to the Coordinator Financial Accounting. This Financial Accounting function Coordinator Financial Accounting is responsible for investment decisions and activities recommendations and administration of investment funds under the direction and approval of the Manager Financial Services and IT. This includes Coordinator Financial Accounting is responsible for having cash available to meet day-to-day demands and to invest all excess cash into appropriate investments as per this policy.

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A quarterly report will be provided to the Council. The report will detail the investment portfolio in terms of holdings and impact of changes in market value since the previous report. The report will also detail the investment performance against the applicable benchmark, investment income earned versus budget year to date and confirm compliance of Council's investments within legislative and policy limits. Council or the Chief Executive Officer may nominate additional content for reporting.

Council's quarterly financial reporting will include a section on investments including:

- Investments held.
- Investment ratings.
- Investment performance against relevant benchmarks and investment maturity dates.

Council will comply with relevant Accounting Standards in valuing its investments, quantifying its investment returns and financial statement disclosures. Council will account for its investments in accordance with these Standards. They also require Council to disclose its exposure to risk, and provide guidelines for valuation of investments, and reporting Council's performance of its investment funds.

Documentary evidence ~~will~~ must be held for each investment, and the details thereof maintained in an investment register. The documentary evidence must provide Council legal title to the investment.

For audit purposes, certificates must be obtained from the banks/fund managers/custodian confirming the amounts of investment held on Council's behalf at 30 June each year.

Investment balances, transactions and internal controls will be subject to external and/or internal audit review.

This Policy will be reviewed every three years or as required in the event of legislative change or as a result of significantly changed economic/market conditions. The Policy may also be changed as a result of other amendments that are to the advantage of Council. Any amendment to this Policy must be by Council resolution. Every three years the policy will be reviewed and updated to ensure compliance with Local Government legislation and that the policy directions remain appropriate, or earlier in the event of legislative change.

² Instrument of Sub-Delegation by Chief Executive Officer to Members of Council Staff

4.1.1 Review of Council Policies - Investment Policy 2023 (Cont.)

12. REFERENCES AND RELATED DOCUMENTS

Legislation

- [Charter of Human Rights and Responsibilities Act 2006](#)
- [Gender Equality Act 2020](#)
- [Local Government Act 1989-2020 \("the Act"\)](#) – ~~Sections 136 requires Council to “manage its financial risks prudently with due regard to economic circumstances”. Section 143 gives guidelines on the specific types of financial instruments that Council could invest in.~~

~~There are transitional arrangements from the Local Government Act 1989 to the Local Government Act 2020. From 1 July 2021 the above mentioned Sections 136 and Section 143 will be repealed and replaced with Section 101 and 103 respectively of the Local Government Act 2020. This policy also complies with the replaced sections.~~

- [Local Government \(Planning and Reporting\) Regulations 2020](#)

Accounting Standards

- [AASB 7 Financial Instruments: Disclosures](#)
- [AASB 13 Fair Value Measurement](#)
- [AASB 132 Financial Instruments: Presentation](#)
- [AASB 136 Impairment of Assets](#)
- [AASB 139 Financial Instruments: Recognition and Measurement](#)

Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- [Greater Dandenong City Council Annual Report](#)
- [Greater Dandenong City Council Annual Budget](#)
- [Greater Dandenong City Council Climate Change Emergency Strategy and Action Plan 2020-30](#)
- [Greater Dandenong City Council Long Term Financial Plan](#)
- [Financial Management Policy](#)
- ~~Local Government Act 1989~~
- ~~Local Government Act 2020 transitional arrangements~~
- [Ministerial Guidelines and Circulars](#)

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024

File Id:	A9870004
Responsible Officer:	Manager Governance
Attachments:	Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 – Marked Up

1. Report Summary

Council policies are in place to ensure accordance with relevant legislation, regulations and best practices. They provide a consistent approach to Council's operational requirements and promote accountability and transparency of Council decisions and actions. The Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 is designed to provide guidance regarding expenditure that is to be capitalised, the requirements regarding sale/disposal of land and assets with a carrying amount >\$50,000 and the associated accounting treatment for non-current assets in Council's Fixed Asset Register. The policy is reviewed annually and is required to comply with the *Local Government Act 2020*, *Local Government (Planning and Reporting) Regulations 2020* and Australian Accounting Standards. The revised Fixed Asset Policy (including Disposal or Sale of Council assets) 2023-2024 will become effective immediately upon adoption of this report.

2. Recommendation Summary

This report recommends that the Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 as provided in Attachment 1 to this report be adopted.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

3. Background

Essentially, policies developed by Council are aimed at ensuring good governance and decision-making processes, as well as the effective and efficient management of community resources and the day-to-day business of Council. They help govern how Council operates and provide a clear set of principles that provide a definite and consistent direction for Council and address specific objectives as outlined in the Council Plan 2021-25 or as required by legislation.

The Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 is designed to provide guidance regarding expenditure that is to be capitalised, the requirements regarding sale/disposal of assets with a carrying amount >\$50,000 and the associated accounting treatment for non-current assets in Council's Fixed Asset Register and should be read in conjunction with the relevant legislation and the Fixed Asset Accounting Guidelines. A Council policy is considered to be automatically revoked upon readoption of the last version of that policy. In this case, the revised The Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 provided in Attachment 1 to this report, will become effective upon its readoption and the previous version (Fixed Asset Accounting Policy) revoked.

4. Proposal

It is proposed that the Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 be readopted by Council. This policy is updated each financial year and the changes made in the 2023-2024 version are highlighted in red in Attachment 2 to this report. A summary of the changes are as follows:

Incorporation of 'Disposal or Sale of Council Assets and Land' Policy

The content of the 'Disposal or Sale of Council Assets and Land' Policy has now been incorporated into the 'Fixed Asset Accounting' Policy and renamed to 'Fixed Asset Policy (including Disposal or Sale of Council Assets)'.

The content was included in section 5.7 of the attached policy and was not changed upon incorporation, except for updating some legislative references to the *Local Government Act 2020* and clarification that the disposal section of this Fixed Asset Policy relates to land assets and assets with a carrying value >\$50,000. The disposal processes for assets with a carrying value <\$50,000 are included in the 'Fixed Asset Guidelines'.

Building components

The Australian Accounting Standard AASB 116 Property, Plant and Equipment requires that each part of an item of property, plant and equipment with a cost that is significant in relation to the total cost of the item be depreciated separately.

This update of the Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 sees building assets being split into three (3) components. Separately identifying, recognising and depreciating each significant component will provide more accurate and relevant information. Please see the breakdown of the components summarised below with further details provided on page 1 of Appendix A of the attached policy.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Building Component	2022-23 Capitalisation Threshold (\$)	2023-24 Capitalisation Threshold (\$)	2022-23 Useful Life (years)	2023-24 Useful Life (years)
Superstructure	\$5,000	\$10,000	50-100	100
Ancillary Services	\$5,000	\$5,000	50-100	20
Fitout and Fittings	\$5,000	\$5,000	50-100	20

Due to the different components, we are unable to estimate the financial impact of the change in capitalisation threshold for the 'superstructure' component or the change in useful lives in the 'ancillary services' and 'fitout and fittings' components. This is because the existing data is not available at the component level. However, it is not anticipated to have a material impact in the Financial Statements.

5. Financial Implications

The financial impact of the proposed changes to the policy is not expected to be material. The buildings class annual depreciation expense is expected to increase based on the ancillary services and fitout and fittings component being depreciated over 20 years instead of 50-100 years (this is a non-cash fixed asset accounting entry).

6. Consultation

Prior to reporting to Council, the Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 was reviewed and evaluated by:

- Council's Executive Team;
- Council's Asset Management Team; and
- RSD Audit (External Auditors).

As part of the review process, the draft Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 was tabled to the 16 June 2023 Audit and Risk Committee. The Committee has recommended to Council the adoption of the revised policy as per Attachment 1.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

7. Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted for themselves and our city, the Greater Dandenong People's Panel developed a new Community Vision for 2040:

*The City of Great Dandenong is a home to all.
It's a city where you can enjoy and embrace life through celebration and equal opportunity.
We harmonise the community by valuing multiculturalism and the individual.
Our community is healthy, vibrant, innovative and creative.
Our growing city is committed to environmental sustainability.
Welcome to our exciting and peaceful community.*

7.1 Community Vision 2040

This report is consistent with the Community Vision 2040 and its accompanying principles:

- Sustainable environment

7.2 Council Plan 2021-25

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four years. This report is consistent with the following strategic objectives:

- A Council that demonstrates leadership and a commitment to investing in the community.

8. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the Local Government Act 2020 states that a Council must in the performance of its role give effect to the overarching governance principles.

The Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 considers the overarching governance principles outlined in section 9 of the *Local Government Act 2020* and has taken the financial management principles in section 101 into account.

The policy is predominantly administrative in nature and outlines the accounting treatment and assumptions regarding asset transactions. It does not impact on existing and future budgets.

The policy is required to comply with the *Local Government Act 2020*, *Local Government (Planning and Reporting) Regulations 2020* and relevant Australian Accounting Standards.

The annual review and approval of the Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 ensures the transparency of Council decisions, actions and information in relation to fixed asset accounting transactions.

Council is required to prepare financial statements pursuant to section 98 of the *Local Government Act 2020*; and section 14 of the *Local Government (Planning and Reporting) Regulations 2020*.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

9. Victorian Charter of Human Rights and Responsibilities

Council, Councillors and members of Council staff are a public authority under the *Charter of Human Rights and Responsibilities Act 2006* and, as such, are all responsible to act in accordance with the Victorian Charter of Human Rights and Responsibilities 2006 (the Charter).

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of The Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 but is not relevant to its content. The policy is purely administrative in its nature and does not have the potential to influence human rights and responsibilities.

10. The Gender Equality Act 2020

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services.

The *Gender Equality Act 2020* has been considered in the preparation of The Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 but is not relevant to its contents. The policy is purely administrative in its nature and does not have the potential to influence broader social norms and gender roles.

11. Consideration of Climate Change and Sustainability

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a "Climate and Ecological Emergency" and committed this Council to emergency action on climate change. Council has developed a Climate Change Emergency Strategy and Action Plan 2020-30 to help the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of changing climate.

The Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 is purely administrative in its nature and does not have the potential to influence future asset planning or sustainability, climate or energy.

12. Related Council Policies, Strategies or Frameworks

The Greater Dandenong City Council Fixed Asset Accounting Guidelines are relevant to the content of the policy and are designed to provide consistency regarding the classification and capitalisation of Council's assets.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

13. Recommendation

That:

- 1. the changes to the Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 highlighted in Attachment 2 to this report be noted and the policy provided in Attachment 1 to the report be adopted; and**
- 2. in consideration of the Disposal or Sale of Council Assets and Land Policy being incorporated in the Fixed Asset Policy, the Disposal of Council Assets and Land Policy be abolished as a separate policy.**

MINUTE 812

Moved by: Cr Rhonda Garad
Seconded by: Cr Richard Lim OAM

That:

- 1. the changes to the Fixed Asset Policy (including Disposal or Sale of Council Assets) 2023-2024 highlighted in Attachment 2 to this report be noted and the policy provided in Attachment 1 to the report be adopted; and**
- 2. in consideration of the Disposal or Sale of Council Assets and Land Policy being incorporated in the Fixed Asset Policy, the Disposal of Council Assets and Land Policy be abolished as a separate policy.**

CARRIED

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

POLICY AND STRATEGY

**REVIEW OF COUNCIL POLICY – FIXED ASSET POLICY (INCLUDING
DISPOSAL OR SALE OF COUNCIL ASSETS) 2023-2024**

ATTACHMENT 1

**FIXED ASSET POLICY (INCLUDING
DISPOSAL OR SALE OF COUNCIL ASSETS)
2023-2024 POLICY (for adoption)**

PAGES 24 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)



Fixed Asset Policy (including Disposal or Sale of Council Assets)

Policy Endorsement:	Endorsement required by Council		
Policy Superseded by this Policy:	Not applicable		
Directorate:	Corporate Services		
Responsible Officer:	Manager Financial Services		
Policy Type:	Discretionary		
File Number:	A4266134	Version No:	009
1 st Adopted by Council	Minute No. 225 24 June 2013	Last Adopted by Council:	Minute No. 489 27 June 2022
Review Period:	Annually	Next Review:	June 2024

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)



1. POLICY OBJECTIVES (OR PURPOSE)

This policy is designed to provide guidance regarding expenditure that is to be capitalised and the associated accounting treatment of non-current assets in Council's fixed asset register.

The policy also details the process of disposing/selling Council owned assets >\$50,000 carrying amount and land assets that are no longer required by Council for strategic or operational purposes as well as the acceptable use of asset sale proceeds, including legislative requirements.

This policy endorses the approach that the proceeds from any sale of Council assets should be directly used in the acquisition of new assets or the enhancement of existing assets, and that asset sale proceeds may not be utilised for recurrent/operational purposes.

This revision of the Fixed Asset Policy is effective from 1 July 2023.

2. BACKGROUND

Accounting standards, including AASB 116 Property, Plant and Equipment, require a distinction to be made between expenditure that is consumed immediately in operations (or within one financial year) and expenditure on fixed assets that will provide service over more than one financial year.

Accounting and Guideline issues

Local Government (Planning and Reporting) Regulations 2020

The Local Government (Planning and Reporting) Regulations 2020 require the financial statements of Council to be prepared in accordance with the Local Government Model Financial Report (LGMFR). The LGMFR specifies certain fixed asset categories and classes in the Statement of Capital Works and fixed asset disclosure notes. Refer to **Appendix A** for a list of the asset categories and classes and the measurement basis of each asset class.

Land Under Roads (LUR)

Council's accounting policy regarding the treatment of LUR is to recognise all land under roads post 1 July 2008 using the cost method of valuation.

3. SCOPE

This policy includes the accounting treatment of all Council's non-current assets.

The disposal section of this policy applies only to fixed assets >\$50,000 carrying amount or property no longer required by Council for strategic or operational purposes and which have been identified for potential sale, transfer, exchange or disposal. Specific disposal processes relating to land and buildings, public open space, discontinued roads and plant and equipment and other assets with a carrying value >\$50,000 are included in this policy (Section 5.7). The Fixed Asset Guidelines contain disposal processes for assets with a carrying amount <\$50,000.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)



4. DEFINITIONS

Unless otherwise specified within this policy, the following words and phrases are defined to mean the following in terms of this policy.

<i>Assets</i>	Resources controlled by Council as a result of past events and from which future economic benefits or service potential are expected to flow to Council beyond one year.
<i>Capitalisation threshold</i>	The new, upgrade or renewal value of an asset, below which the project cost is normally expensed and above which it is normally capitalised.
<i>Capital expenditure</i>	Expenditure on a non-current asset which meets the adopted recognition criteria for the Asset Class or Asset Component.
<i>Useful life</i>	The time period over which an asset is expected to be available for use by Council.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)



5. POLICY

5.1 CAPITALISATION

Capitalisation of fixed assets is determined by a materiality threshold at which items of expenditure will be recognised as assets in Council's Balance Sheet.

The useful life of each asset class forms the basis of the calculation of annual depreciation charges and assessment of an assets written down replacement value (refer Appendix A).

Appendix A details the asset categories and classes required in the Local Government Model Financial Report (LGMFR).

Expenditure is to be capitalised when:

- It is probable that the future economic benefits embodied in an asset will eventuate.
- The item of expenditure is in excess of the asset capitalisation threshold (refer Appendix A).
- In limited circumstances, where the value of individual assets falls below the asset threshold for capitalisation, but the assets form part of a bulk purchase (such as office furniture), the aggregate value of the bulk purchase will be recognised where it exceeds the capitalisation threshold (refer to section 7.2.5 of the Fixed Asset Guidelines).
- Acquisition costs of assets with less than these capitalisation threshold values will be treated as operating expenses.
- All capitalised expenditure is to be recorded in Council's fixed asset register. For each asset, a determination shall be made of its total life, remaining useful life, cost for accounting purposes and method of depreciation.

Note - certain costs are not capitalised when incurred and are charged as an expense in the period in which they are incurred (for example, Christmas decorations, IT software upgrades and building audits).

5.2 ACQUISITION OF ASSETS

Assets acquired by Council are to be recorded based on acquisition or construction cost (fair value) plus costs incidental to acquisition including architect's fees, engineering fees and all other costs incurred in preparing the asset ready for use.

5.3 GIFTED ASSETS (ACQUIRED FOR NIL CONSIDERATION)

Assets which are gifted or contributed to Council by developers or other bodies (i.e. - acquired for nil consideration) are to be recorded at fair value at the date of acquisition, based on currently assessed replacement rates or developer costs (whichever is the best information source at the time).

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

5.4 REVALUATION OF NON-CURRENT ASSETS

All infrastructure assets (except recreational, leisure and community facilities and parks, open space and streetscapes) and property assets (land and buildings excluding land under roads and leasehold improvements) shall be revalued on a regular basis such that the carrying values are not materially different from fair value where fair value is determined to be the current replacement cost of the asset less accumulated depreciation. Appendix A identifies the basis for measurement for each asset class.

5.5 INTERNALLY CONSTRUCTED ASSETS

The cost of assets constructed by Council shall include the cost of all materials used in construction, direct labour employed and an appropriate proportion of variable and fixed overheads.

5.6 FIXED ASSETS REGISTER

The fixed assets register is to record individual assets in sufficient detail as to permit their identification and control. The fixed assets register is to be updated at least annually. The fixed assets register is to be used for the purpose of revaluing and depreciating assets.

5.7 DISPOSAL OR SALE OF COUNCIL ASSETS AND LAND

Council will over time, carry out a strategic review of its asset and property holdings and may make a determination that some assets are surplus to Council's needs.

In identifying any potential surplus Council owned assets (land or assets >\$50,000), a report shall be presented to Council providing all relevant information regarding the asset identified for potential sale including environmental and planning issues and shall include a proposed process for undertaking both consultative and/or statutory processes under the *Local Government Act 1989* or 2020 (whichever is applicable), including provisions for Council to hear submissions from the community related to the proposed sale.

Table 5.7.1: Disposal Policy Definitions

<i>Carrying value</i>	The asset carrying value (also known as written down value) is the asset value (cost or fair value) less any accumulated depreciation and accumulated impairment loss.
<i>Council-owned land</i>	Includes vacant land, including discontinued roads, and any building and development thereon.
<i>Open space planning, development and improvements reserve</i>	Is a reserve set aside for any funds received from the sale of public open space which includes any land set aside in a plan or land in a plan zoned or reserved under a planning scheme for public recreation or public resort; or as parklands; or for similar purposes as defined in the Subdivision Act 1988.
<i>Right of way (ROW)</i>	Means a road as defined in section 3 of the Local Government Act 1989.
<i>Road</i>	Means a road as defined in section 3 of the Local Government Act 1989. The term 'road' includes, but is not limited to a ROW, a street, a laneway or a footpath.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)



Sale of Council Owned Land

All sales, exchanges and transfers of land are required to comply with the provisions of the Local Government Act 2020 (LGA 2020) or Local Government Act 1989 (LGA 1989), whichever is applicable. Sales are to be conducted through a public process (i.e. public auction, public tender or by registration of expressions of interest) unless circumstances exist that justify an alternative method of sale (for example the sale or exchange of land by private treaty).

Section 116 of the LGA 2020 states that Council can transfer, exchange or lease any land with or without consideration to the Crown, a Minister, any public body, trustees appointed under any Act to be held on trust for public or municipal purposes or a public hospital within the meaning of the *Health Services Act 1988* or other not-for-profit hospital.

Where section 116 is not applicable, section 114 of the LGA 2020 requires Council to:

- At least 4 weeks prior to selling or exchanging the land, publish notice of intention to do so on Council's internet site and in any other manner prescribed by the regulations;
- Undertake a community engagement process in accordance with its community engagement policy; and
- Obtain a valuation of the land which is not more than 6 months prior to the sale or exchange, by an appropriately qualified person as per section 13DA(2) of the Valuation of Land Act 1960.

The intent of the legislative requirements is to ensure that Council:

- consults with the community on any proposal to sell or exchange land; and
- provides the community with the opportunity to have their views heard; and
- obtains a current valuation for the land that is proposed for sale or exchange.

Ideally all sales and exchanges of land should occur at not less than the market value assessed by Council's contract valuer.


Land will not be sold for less than the market value, unless there are some alternate community benefits derived by the sale of the land. Any proposal to sell the land at a reduced sale price must be reported to Council for consideration, providing commentary of the alternate benefits derived by a sale at a reduced sale price. Such benefits may include the achievement of planning and development goals, educational or medical benefits to the community, or some other strategic goal of Council.

The purchase price may be set at a lower amount, if it is considered that the benefits accruing to the community would not be reasonably obtained unless a lower price is charged. In this instance a resolution of Council to sell, transfer or exchange land at less than its market value is required.

Open Space Land

In addition to the requirements under the LGA 2020, Council is required to comply with section 20 of the Subdivision Act 1988 when selling public open space. Refer to Table 5.7.3 'Application of Sale Proceeds' for further details.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)



Discontinued Roads

The sale of land that forms part of a road that has been discontinued is subject to the provisions of the LGA 1989. The public consultation process for road discontinuance is provided for under clause 3, Schedule 10 by way of a notice published in the Government Gazette.

Prior to considering the discontinuance and sale or transfer of roads or right-of-ways (ROWS) or the removal of reserve status and the subsequent sale, transfer or exchange of land, officers will consider if land is required for any of the following purposes:

- there is an ongoing need for the land to provide either vehicular or pedestrian access.
- the land has strategic value to Council or the community.
- the land provides recreational linkages or linked paths.
- the land increases public open space.
- the land is required for public works or flood mitigation.
- the land is generally required for a municipal purpose.

The benefits in discontinuing and selling or transferring a road or ROW or removing the status of a reserve and selling, transferring or exchanging land that is no longer required are:

- it provides an additional source of income.
- there will be a reduction in Council's financial liability in terms of the ongoing maintenance costs of unused and surplus land.
- there is the potential for increased rate revenue.
- there is improved security for unused portions of land.
- Council can formalise any illegal occupation of public land.

The general principles that Council will apply in considering selling or transferring a road or ROW are:

- Council discourages the unauthorised occupation of roads, ROWs and reserves and will take steps to remove such illegal occupation.
- Council will encourage the sale or transfer of such land that is not being used for pedestrian or vehicular access or is no longer required for a strategic or public use.
- Council will only sell or transfer such land holdings to abutting property owners, unless the land is able to be sold or transferred to a third party for the community's benefit.
- All abutting owners will be given an equal opportunity to purchase any land that abuts their property. Accordingly, officers will attempt to divide land equally. However, Council will acknowledge and give preferential allocation rights to abutting property owners who can demonstrate continuous exclusive occupation of the land for more than 15 years (i.e. occupation that would otherwise give rise to an adverse possession claim).
- Council will recover all costs incurred in the application of this policy.
- Council reserves the right to retain any portion of land if Council has title to such land if it is considered to be appropriate. This land may be retained to:
 - o meet a strategic need or
 - o protect Council's rights of ownership or
 - o sell in the future in accordance with this policy.
- Council has the right to place an easement, covenant, or create an easement on, or over, the land parcel in order to protect existing rights or future requirements. If there is a requirement by service authorities to relocate any assets located within the land (e.g. drains, power lines, etc), then all costs will be borne by the purchaser.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

In relation to the sale of roads, ROWs or minor reserves, if a property owner can demonstrate continuous exclusive occupation of the land for 15 years or longer and they have a right to claim the land by adverse possession, consideration may be given to discounting the purchase price by up to 25% of the current market value.

Costs Associated with the Sale

The costs associated with the discontinuance and sale, transfer or exchange of roads, ROW's or minor reserves are to be borne by the purchaser or shared by the purchasers (see table 5.7.2). Council officers will endeavour to keep all costs borne by the purchaser(s) to a minimum and will seek to reduce costs if the portion of land is to be sold or transferred to a number of purchasers.

Table 5.7.2

Direct Costs	Relocation Costs
<ul style="list-style-type: none">Legal fees (Council officers will use Council appointed legal contractors for any legal advice sought)	<ul style="list-style-type: none">Relocation of fences
<ul style="list-style-type: none">Surveyor's fees	<ul style="list-style-type: none">Service authority assets such as those belonging to water, gas or telecommunications organisations
<ul style="list-style-type: none">Land registry fee – Transfer of Land	<ul style="list-style-type: none">Re-useable materials as determined by Council which may remain the property of Council
<ul style="list-style-type: none">Stamp duty	<ul style="list-style-type: none">Replacement drainage or new storm water drainage
<ul style="list-style-type: none">Advertising	
<ul style="list-style-type: none">Consolidation	
<ul style="list-style-type: none">Planning permit application fees	

GST

In accordance with the provisions of the Goods and Services Tax Act 1999, the sale, transfer or exchange of Council property, including the sale, transfer or exchange of discontinued ROWs, roads, minor or major Reserves or other land parcels will attract GST. Council will ensure that GST is added to the sale price or that the sale price is inclusive of GST.

Terms of Payment

The full purchase price will be paid to Council at the time of settlement, except at the discretion of the responsible officer. If purchasers of roads, ROWs and minor reserves meet the requirements of Council's Rates and Charges Hardship Policy, terms may be extended to allow equal payments over a three year period. In relation to term payments, an additional service charge will be applied to cover any administration costs. The transfer of land will not be passed onto the purchaser until the purchase price plus any costs or additional amounts are paid in full.

Terms of payments associated with the sale of major reserves or other significant land parcels will be considered on a case-by-case basis and any deferment of payment will be considered in light of the market valuation.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Sale of Assets (>\$50,000 carrying value)

The sale or disposal of major plant and equipment and assets (other than land with a carrying value >\$50,000) is subject to the following guidelines:

- trading the equipment to suppliers; or
- obtaining expressions of interest from interested buyers; or
- selective tender from an identified group of buyers; or
- public tender – openly seeking buyers using the tender process; or
- public auction - advertisement for auction through the local paper and, where appropriate, a paper circulating in the State, or procuring the services of an auctioneer.

The selection process is to give consideration to:

- the method likely to return the higher value net of disposal costs; and
- the current written down value (book value) of the asset; and
- compliance with relevant statutory obligations.


The sale of each item of Plant and Equipment is to be subject to a minimum reserve price to be approved by the Manager Infrastructure Services and Planning.

Application of Sale Proceeds

Table 5.7.3

Asset Type	Application of Sale Proceeds
Plant and Equipment and Assets other than Land >\$50,000	To the purchase of new plant and equipment, or the establishment of a new asset or refurbishment of an existing asset.
Council-owned Land	<p>To be transferred to the Major Projects Reserve for Council consideration for allocation to future new asset creation / or major asset refurbishment. The proceeds allocated will be net of all expenditure including advertising, agent's fees, legal costs and other sale costs.</p> <p>All reports on the sale of Council owned land must include a section on whether Council wishes to allocate a maximum of 10% of the sale proceeds into an Affordable Housing Fund dedicated to the development of future affordable housing projects. The Council resolution to sell land must include a resolution on the amount (if any) to be allocated to this fund.</p>
Public Open Space Council-owned Land	<p>Where the land is Public Open Space, the proceeds are required to be used in accordance with the Subdivision and Planning Environment Acts and must be allocated to Council's Open Space Planning and Development Reserve.</p> <p>Section 20 of the Subdivision Act 1988 requires that the proceeds from the sale of public open space land be used to:</p> <ul style="list-style-type: none">• buy land for use for public recreation or public resort, as parklands or for similar purposes; or• improve land already set aside, zoned or reserved (by the council, the Crown, a planning scheme or otherwise) for use for public recreation or public resort, as parklands or for similar purposes; or• with the approval of the Minister administering the LG Act, improve land (whether set aside on a plan or not) used for public recreation or public resort, as parklands or for similar purposes.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)



Allocation of asset sale proceeds to an appropriate capital project can only occur via either an Annual Budget process or Mid-Year Budget process where the highest and best use of funds can be determined in reference to all potential capital projects.

Proceeds from the sale of assets must be received by Council prior to the expenditure allocation being determined.

5.8 IMPAIRMENT OF ASSETS

Fixed assets will be reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount (which is the higher of the present value of future cash outflows or value in use).

For assets whose economic benefits are not dependent on the ability to generate cash flows, and where the future economic benefits would be replaced if Council were deprived thereof, the value in use (infrastructure assets) is the depreciated replacement cost.

5.9 INVESTMENT PROPERTY

Investment property, comprising retail complexes, are held to generate long-term rental yields. Investment property is measured initially at cost, including transaction costs. Cost incurred subsequent to initial acquisition are capitalised when it is probable that future economic benefit in excess of the originally assessed performance of the asset will flow to the Council. Subsequent to initial recognition at cost, investment property is carried at fair value, determined annually by independent valuers. Changes to fair value are recorded in the Comprehensive Income Statement in the period that they arise. Investment property are not subject to depreciation. Rental income from the leasing of investment properties is recognised in the Comprehensive Income Statement on a straight line basis over the lease term.

5.10 LEASED/RIGHT-OF-USE (ROU) ASSETS

Leased assets relate mainly to information technology (IT) and office related equipment, as well as a number of property leases. As a lessee, Council recognises a ROU asset and a lease liability at the lease commencement date (unless the lease term is less than 12 months or the ROU asset is low-value (under \$10,000)). The ROU asset is initially measured at cost and is subsequently depreciated using the straight-line method from the commencement date to the earlier of the end of the useful life of the ROU asset or the end of the lease term.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)



6. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

This policy considers the overarching governance principles outlined in section 9 of the *Local Government Act 2020* and has taken the financial management principles in section 101 into account. This policy is predominantly administrative in nature and outlines the accounting treatment and assumptions regarding asset transactions. It does not impact on existing and future budgets. The policy is required to comply with the *Local Government Act 2020*, *Local Government (Planning and Reporting) Regulations 2020* and relevant Australian Accounting Standards. The annual review and approval of this policy ensures the transparency of Council decisions, actions and information in relation to fixed asset accounting transactions.

Of particular relevance to this policy, Council is required to:

Prepare financial statements pursuant to:

- Section 98 of the *Local Government Act 2020*
- Section 14 of the *Local Government (Planning and Reporting) Regulations 2020*

Sell or dispose of land in accordance with:

- Clause 3 of schedule 10 of the *Local Government Act 1989*.
- Division 4 of the *Local Government Act 2020*.

7. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of this policy but is not relevant to its contents.

The policy is purely administrative in its nature and does not have the potential to influence human rights and responsibilities.

8. RESPONSE TO THE GENDER EQUALITY ACT 2020

The *Gender Equality Act 2020* has been considered in the preparation of this policy but is not relevant to its contents.

The policy is purely administrative in its nature and does not have the potential to influence broader social norms and gender roles.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)



9. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

Acknowledge that this policy has no impact on Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability and why it does not have any impact.

The policy is purely administrative in its nature and does not have the potential to influence future asset planning or sustainability, climate or energy.

10. RESPONSIBILITIES

Council is responsible for ensuring this policy remains consistent with the Greater Dandenong Council Plan and Strategic Resource Plan.

The Chief Executive Officer is responsible for ensuring overall compliance with relative legislation.

The Asset Management team in Engineering Services (with the assistance of the Financial Services department in Corporate Services) are responsible for maintaining, capturing and recording fixed assets in the asset register in Council's asset management system. The Financial Services department are responsible for recording asset transactions in Council's general ledger and reconciling the general ledger to the asset register.

The minimum reserve prices from the disposal or sale of assets (other than land) >\$50,000 is required to be approved by the Manager Infrastructure Services and Planning.

All Council staff are responsible for compliance with this policy and the requirements within it.

This policy will be reviewed and updated annually by the Financial Services department.

Consultation on proposed changes to the policy each year will occur with:

- Asset Management team and Manager Infrastructure Services and Planning in Engineering Services directorate.
- External auditors.

11. REPORTING, MONITORING AND REVIEW

The current policy complies with Local Government legislation and Australian Accounting Standards and has been subject to internal and external audits.

Each year the policy will be reviewed and updated to ensure compliance with Local Government legislation and Australian Accounting Standards is maintained and that policy directions remain relevant.

The success of the policy will be measured by its compliance with the relevant legislation and Accounting Standards and a clear external audit opinion.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)



12. REFERENCES AND RELATED DOCUMENTS

Legislation

- Australian Accounting Standards
- *Local Government Act 1989*
~ Under clause 3 of schedule 10 of the Local Government Act 1989, Council has the authority to discontinue a road or ROW, or part thereof, and sell it to a third party or retain it for municipal purposes.
- *Local Government Act 2020*
~ Under Division 4 of the Local Government Act 2020, Council has the authority to sell land to a third party. This may include discontinued roads and/or reserves and other Council properties.
- *Local Government (Planning and Reporting) Regulations 2020*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Gender Equality Act 2021*
- *Planning and Environment Act 1987*
- *Subdivision Act 1988*
~ Under section 24A of the Subdivision Act 1988, Council has the authority to initiate procedures to remove and vest in itself all, or part, of a drainage reserve or sell it to a third party.
~ Under section 20 of the Subdivision Act 1988, Council may sell land set aside as public open space but must abide by the legislation in relation to the use of funds derived from the sale.

Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- Greater Dandenong City Council Fixed Asset Guidelines
- City of Greater Dandenong Council Plan
- City of Greater Dandenong Asset Plan
- City of Greater Dandenong Asset Management Policy

Other Guidance

- *Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land 2009 – Department of Planning and Community Development.*

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

13. APPENDIX A – BASIS OF MEASUREMENT, CAPITALISATION THRESHOLDS AND USEFUL LIVES

Asset class	Description	Measurement Basis	CAP THRESHOLD		USEFUL LIFE	
			2022-23	2023-24	2022-23	2023-24
			\$	\$	Years	Years
PROPERTY						
Land	Land owned or controlled by Council. Land either has a fair value classification of level 3 - 'specialised land' or level 2 - 'non-specialised land'.	Fair value (indep val'n)	0	0	N/A	N/A
	Land under roads (LUR) (excluding lanes, private roads and Council roads in parks and reserves) acquired after 1 July 2008. All LUR have a fair value level 3 classification - 'specialised land'.	Cost	0	0	N/A	N/A
Land improvements	Not applicable - allocated to other asset classes such as 'Recreational, leisure and community facilities' and 'Parks, open space and streetscapes'.	N/A	N/A	N/A	N/A	N/A
Buildings	Buildings include Class 1 to Class 9 buildings as defined in the Building Code of Australia including all corporate, community and commercial buildings managed / controlled / owned by Council and multi-story car park buildings. This includes both habitable and non-habitable buildings. Non-habitable buildings as defined in class 10A of the Building Code of Australia. Examples include workshops, kiosks, stand-alone administration buildings/offices, public conveniences, stores, undercroft car parking, sporting pavilions and sporting clubrooms. Building assets and improvements will be separated into the following three components with different useful lives:					
	Superstructure Includes the foundations, external walls (including paint) and roof of buildings (including attached stormwater drainage and guttering).	Fair value (indep val'n)	5,000	10,000	50-100	100
	Ancillary Services - Security (e.g., card reader, electronic security system, surveillance system, CCTV, access control system) - Electrical and gas (e.g., electrical distribution board, antenna fitting, cabling/internal wiring, meter boxes, exit signs, lighting, solar panels) - Hydraulics (e.g., plumbing systems, rainwater collection system, heat pump, boiler, water pump, water supply and sewerage, indoor swimming pools) - Mechanical (e.g., cool room, rangehood, lift, escalators, HVAC system, cranes, hoists, sanitary plumbing, specialist kitchen services (ovens, dishwashers, etc) and building management system) - Fire services (e.g., fire alarm system, heat detectors, fire extinguishers, fire hose reels, smoke detectors, valves (fire system)) - Other structures that link or are attached to the building (e.g., fences, paths, access ramps or steps, verandas, coaches boxes, pergolas, garages, carports, toilets and shade shelters). Only totally freestanding structures will be considered separate assets and recorded in the relevant asset class.	Fair value (indep val'n)	5,000	5,000	50-100	20
	Fitout and Fittings Includes floor coverings, cabinetry and cupboards, sinks and toilets, sporting equipment fixed to the building.	Fair value (indep val'n)	5,000	5,000	50-100	20

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Asset class	Description	Measurement Basis	CAP THRESHOLD		USEFUL LIFE	
			2022-23	2023-24	2022-23	2023-24
			\$	\$	Years	Years
PROPERTY						
Building Improvements	Not applicable - included in buildings above.	N/A	N/A	N/A	N/A	N/A
Leasehold Improvements	Land improvements, buildings and other improvements to property assets leased by Council or on land leased by Council. Leasehold improvements to buildings include fit-outs, security enhancements and/or renovations of leased office accommodation or leased property. Examples are recarpeting, immovable fixtures such as the installation of air-conditioning or CCTV, and structural improvements to a leased property upon commencement of a lease (initial office/residential fit-out), and any subsequent refurbishment of office/residential leased accommodation.	Cost	5,000	5,000	Lease term	Lease term
Heritage buildings	Not applicable - defined as heritage buildings as listed on the Victorian Heritage Register.	Fair value (indep val'n)	N/A	N/A	N/A	N/A

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Asset class	Description	Measurement Basis	CAP THRESHOLD		USEFUL LIFE	
			2022-23	2023-24	2022-23	2023-24
			\$	\$	Years	Years
PLANT AND EQUIPMENT						
Heritage plant and equipment	Not applicable.	N/A	N/A	N/A	N/A	N/A
Plant, machinery and equipment	Heavy plant and equipment (such as graders, trucks, tractors, tipplers, scissor lifts and loaders).	Cost	3,000	3,000	7	7
	Buses, quads and trailers.	Cost	3,000	3,000	10	10
	Light plant and equipment (such as rollers, mowers, tools and blowers), passenger vehicles, light commercial vehicles (<= 3 tonne). Also includes lifters, generators, powersaws, floor polishers, steam cleaners, sweepers, winches, compressors, surveying equipment, people counting systems, rotators, outdoor cleaning equipment and submersible pumps.	Cost	3,000	3,000	5	5
Fixtures, fittings and furniture	Office furniture and equipment (workstations, mobile shelving, chairs, office bins, lockers, tables, desks, filing cabinets), kitchen appliances and equipment (fridges), hand dryers, display units/stands, dividers/privacy screens, safes, podiums, trolleys and other miscellaneous fixtures, fittings (eg - window furnishings) and furniture. Excludes Christmas decorations (not capital).	Cost	3,000	3,000	6	6
	Musical instruments.	Cost	3,000	3,000	20	20
	Art works (paintings, pictures, murals, heritage).	Cost	3,000	3,000	N/A	N/A
Computers and telecomms	Hardware, servers, hubs, cabling, faxes, printers, telephones, mobile phones/devices, photocopiers, computers, laptops, microwave links, wireless links, firewall, scanners, GPS, Book-a-Court system and audio visual equipment (such as stereos, speakers, amplifiers, antenna, cameras, video recorders, microphones, televisions, DVD players, electronic whiteboards, two way radios, hearing loop, projectors, etc).	Cost	3,000	3,000	5	5
Library resources	Includes library books, CDs, DVDs and tapes, hard copy e-books and e-audio books (excludes downloaded/subsription based digital content such as e-books and e-audio books, annual online licences or subscriptions, annual platform access to e-formats, periodicals and newspapers - these items are expensed as they generally have a life of one year or less).	Cost	0	0	5	5

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Asset class	Description	Measurement Basis	CAP THRESHOLD		USEFUL LIFE	
			2022-23	2023-24	2022-23	2023-24
			\$	\$	Years	Years
INFRASTRUCTURE						
Roads	Road seal (surface) comprises the wearing surface of a road pavement or laneway. Reconstruction, resurfacing (asphalt overlays and spray seals), wearing course and rehabilitation of road seal are capital. Surface patching treatments (major or minor) such as pothole repairs, crack sealing or repairs, slurry seals are considered maintenance treatments aimed at ensuring the road seal asset reaches its intended useful life (expensed). Linemarking, tactile and omnirete are capital for new assets, but expensed when subsequently replaced. Sub-categories include:					
	Seal/surface (spray seal).					
	Seal/surface (asphalt, concrete, brick, granite setts and gravel).					
	Road substructure (pavement). Road substructure is the constructed material layer(s) beneath the wearing surface of a road pavement or laneway. Usually unaffected by periodic replacements of the wearing surface and would normally only be created where a new pavement was built or an existing pavement was totally reconstructed/rehabilitated.	Fair value	20,000		12	12
		Fair value	20,000	20,000	20	20
		Fair value	20,000	20,000	100	100
	Kerb and channel. Includes concrete, bluestone and asphalt kerb and channel on local roads. Also includes kerb laybacks (which are part of crossings), usually provided for vehicle, bicycle or pedestrian access across the kerb and channel.	Fair value	5,000	5,000	80	80
	On street car parks (seal) - asphalt, brick paves, concrete and gravel). On-street car parks include car parks located within the road reserve (ie – indented parking bays, parallel parking bays, etc).	Fair value	5,000	5,000	20-25	20-25
	On street car parks (substructure).	Fair value	5,000	5,000	100	100
	Local Area Traffic Management (LATM) - splitter islands, roundabouts, speed humps.	Fair value	2,000	2,000	20	20
		Fair value	2,000	2,000	5	5
		Fair value	2,000	2,000	15	15
	LATM - traffic signal controller.	Fair value	2,000	2,000	30	30
	LATM - traffic signal hardware.					

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Asset class	Description	Measurement Basis	CAP THRESHOLD		USEFUL LIFE	
			2022-23	2023-24	2022-23	2023-24
			\$	\$	Years	Years
Bridges	Includes major culverts, deck and substructure. Bridges include all structures which convey a road, footpath or cycleway across another physical feature (including waterways and other roads) and includes major culverts. Bridge components include the foundation, column, girder, decking, wearing course, railing, paths and guardrails. Items such as lighting, signage and paths are not included. Boardwalks are also included in this asset class (constructed pathways above ground either in steel/concrete or timber).	Fair value	5,000	5,000	20 - 100	20 - 100
Footpaths and cycleways	Footpaths (concrete, brick/pavers and granite). Footpaths and cycleways includes footpaths leading to bridges, and pedestrian access features, ramps, pram crossings, path widenings and linemarking on new footpath assets. Paths in playgrounds that provide a direct access between playground items are not considered part of the path asset class (included in playgrounds).	Fair value	5,000	5,000	50	50
	Footpaths (asphalt).	Fair value	5,000	5,000	25	25
	Footpaths (gravel, granitic).	Fair value	5,000	5,000	10	10
Drainage	Underground drainage/stormwater pipes.	Fair value	5,000	5,000	100	100
	Drainage pits	Fair value	2,000	2,000	100	100
	Gross pollutant traps (GPTs).	Fair value	5,000	5,000	50	50

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Asset class	Description	Measurement Basis	CAP THRESHOLD		USEFUL LIFE	
			2022-23	2023-24	2022-23	2023-24
			\$	\$	Years	Years
Recreational, leisure & community facilities	Recreational equipment and facilities. Recreation equipment includes sports and leisure equipment at recreation centres such as bench seats, TV cardio and aerobic stereos, pool cover rollers, gym equipment, pool vacuums, diving curtains, internal scoreboards, cleaning equipment, aquatic equipment, various items of smaller transportable pool equipment, thermal blankets and gym mats.	Cost	3,000	3,000	10 - 20	10 - 20
	Major outdoor LED screens (ie - 'the big screen').	Cost	3,000	3,000	5	5
	Minor outdoor electronic screens and scoreboards, electronic variable message signs/sensors.	Cost	3,000	3,000	10 - 20	10 - 20
	Sportsgrounds, sports fields, sporting grass (turf), courts (eg - netball, basketball, tennis), athletic tracks, wickets, hardstand, general sporting surfaces. Note - Turf installed on a sportsground is capital, turf in general areas is not considered capital (expensed).	Cost	3,000	3,000	10 - 20	10 - 20
	Sporting structures and equipment (such as goal posts, cricket nets, outdoor exercise equipment, skate ramps/park, basketball towers/backboards, rebound walls), structures without walls (such as bike sheds and racks, display and information shelters, gazebos, picnic shelters, rotundas and stages without a roof), or structures that are stand alone and not attached to a buildings such as sheds, coaches boxes, garages and canopies/shade structures).	Cost	3,000	3,000	10 - 20	10 - 20
	Playgrounds (outdoor and indoor). Playgrounds such as swing sets or climbing apparatus. Also includes interconnecting paths between equipment and path edging. Fixed play items associated with a playing surface (such as goal posts) are considered part of the playing surface they relate to and are not recorded as a playground item. Other assets in or near playgrounds (whether enclosed by a fence or not) such as drink fountains, bins, signs, picnic tables, seats or shade structures are considered part of their respective asset class and not a playground item asset unless their primary function is as a piece of play equipment. Mulch and softfall are capitalised when part of a new playground. Ongoing mulch/softfall works - rubber softfall (capitalised), bark or plastic mulch (expensed).	Cost	3,000	3,000	15	15
	Irrigation, sports field drainage, controllers, sensors, water tanks/pumps and water systems.	Cost	3,000	3,000	10 - 20	10 - 20
	Outdoor pools	Cost	3,000	3,000	50	50
Waste management	Not applicable.	N/A	N/A	N/A	N/A	N/A

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Asset class	Description	Measurement Basis	CAP THRESHOLD		USEFUL LIFE	
			2022-23	2023-24	2022-23	2023-24
			\$	\$	Years	Years
Parks, open space and streetscapes	Open space furniture (street furniture such as bicycle racks, tree guards, planter boxes, seats and park furniture such as seats, drinking fountains, tables, root barriers/guards and BBQ's).	Cost	3,000	3,000	10	10
	Open space furniture (bus shelters).	Cost	3,000	3,000	20	20
	Open space furniture (litter bins).	Cost	3,000	3,000	12	12
	Open space furniture (tree pits).	Cost	N/A	3,000	N/A	100
	Signs (unless attached to another asset such as a building or playground, includes heritage markers).	Cost	3,000	3,000	20	20
	Landscaping, passive grass/surface and gardens.	Cost	3,000	3,000	10 - 20	10 - 20
	Water quality devices - wetlands, rain gardens and bioretention swales.	Cost	3,000	3,000	10	10
	Surface drainage - formed open drains (generally made of concrete, eg - spoon drains, open invert).	Cost	3,000	3,000	50	50
	Surface drainage - unformed open drains and agriculture (ag) pipes.	Cost	3,000	3,000	10	10
	Flood prevention - retarding/detention basins.	Cost	3,000	3,000	20	20
	Lighting (public, flood lights, solar, car parks, sportsground, security and street) including light poles and any attached CCTV.	Cost	3,000	3,000	10 - 20	10 - 20
	Fencing, bollards, gates, retaining walls and poles.	Cost	3,000	3,000	10 - 50	10 - 50
	Parking meters, ticket machines and equipment.	Cost	3,000	3,000	10	10
	Public art (memorials, monuments, murals, plaques, sculptures and statues).	Cost	3,000	3,000	50	50
	Guard rails.	Cost	3,000	3,000	20	20
Off street car parks	Off street car park and access road (asphalt, brick paved, concrete, gravel).	Fair value	5,000	5,000	20 - 25	20 - 25
	Off street car park and access road (substructure/pavement).	Fair value	5,000	5,000	100	100
	Off street car park and access road (kerb and channel).	Fair value	5,000	5,000	80	80
Other infrastructure	Not applicable. Marine assets - piers, jetties, groins, sea walls, caravan parks, markets and saleyards.	N/A	N/A	N/A	N/A	N/A

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Asset class	Description	Measurement Basis	CAP THRESHOLD		USEFUL LIFE	
			2022-23	2023-24	2022-23	2023-24
			\$	\$	Years	Years
WORK IN PROGRESS						
Work in progress	Capital expenditure on projects not yet completed.	Cost	N/A	N/A	N/A	N/A
INVESTMENT PROPERTY						
Investment property	Land and buildings	Fair value	5,000	5,000	N/A	N/A
INTANGIBLES						
Computer software	Software (implementation only not subsequent upgrades). Items that can be capitalised as computer software include software licenses, interworking, configuration support, implementation planning, database planning, quality planning and acceptance testing. Software items to be expensed include software maintenance, data conversion/migration, training, helpdesk support and website costs. Note - Implementation or upgrade costs relating to cloud computing arrangements (Software as a Service - SaaS) where Council does not control the software is not capital in nature and will be expensed.	Cost	3,000	3,000	3	3
LEASED ASSETS						
Right-of-use (ROU) assets	Includes information technology (IT) equipment such as monitors, desktop computers and laptops, office related equipment and property leases.	Cost	10,000	10,000	Earlier of end of useful life of ROU assets or lease term	Earlier of end of useful life of ROU assets or lease term

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

POLICY AND STRATEGY

**REVIEW OF COUNCIL POLICY – FIXED ASSET POLICY (INCLUDING
DISPOSAL OR SALE OF COUNCIL ASSETS) 2023-2024**

ATTACHMENT 2

**FIXED ASSET POLICY (INCLUDING
DISPOSAL OR SALE OF COUNCIL ASSETS)
2023-2024 POLICY (Marked Up)**

PAGES 24 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)



Fixed Asset ~~Accounting~~ Policy (including Disposal or Sale of Council Assets)

Policy Endorsement:	Endorsement required by Council		
Policy Superseded by this Policy:	Not applicable		
Directorate:	Corporate Services		
Responsible Officer:	Manager Financial Services		
Policy Type:	Discretionary		
File Number:	A4266134	Version No:	009
1 st Adopted by Council	Minute No. 225 24 June 2013	Last Adopted by Council:	Minute No. 489 27 June 2022
Review Period:	Annually	Next Review:	June 202 3 ⁴

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

1. POLICY OBJECTIVES (OR PURPOSE)

This policy is designed to provide guidance regarding expenditure that is to be capitalised and the associated accounting treatment ~~offer~~ non-current assets in Council's fixed asset register.

The policy also details the process of disposing/selling Council owned assets >\$50,000 carrying amount and land assets that are no longer required by Council for strategic or operational purposes as well as the acceptable use of asset sale proceeds, including legislative requirements.

This policy endorses the approach that the proceeds from any sale of Council assets should be directly used in the acquisition of new assets or the enhancement of existing assets, and that asset sale proceeds may not be utilised for recurrent/operational purposes.

This revision of the Fixed Asset ~~Accounting~~ Policy is effective from 1 July 2023~~2~~.

2. BACKGROUND

Accounting standards, including AASB 116 Property, Plant and Equipment, require a distinction to be made between expenditure that is consumed immediately in operations (or within one financial year) and expenditure on fixed assets that will provide service over more than one financial year.

Accounting and Guideline issues

Local Government (Planning and Reporting) Regulations 2020

The Local Government (Planning and Reporting) Regulations 2020 require the financial statements of Council to be prepared in accordance with the Local Government Model Financial Report (LGMFR). The LGMFR specifies certain fixed asset categories and classes in the Statement of Capital Works and fixed asset disclosure notes. Refer to **Appendix A** for a list of the asset categories and classes and the measurement basis of each asset class.

Land Under Roads (LUR)

Council's accounting policy regarding the treatment of LUR is to recognise all land under roads post 1 July 2008 using the cost method of valuation.

3. SCOPE

This policy includes the accounting treatment of all Council's non-current assets.

The disposal section of this policy applies only to fixed assets >\$50,000 carrying amount or property no longer required by Council for strategic or operational purposes and which have been identified for potential sale, transfer, exchange or disposal. Specific disposal processes relating to land and buildings, public open space, discontinued roads and plant and equipment and other assets with a carrying value >\$50,000 are included in this policy (Section 5.7). The Fixed Asset Guidelines contain disposal processes for assets with a carrying amount <\$50,000.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)



4. DEFINITIONS

Unless otherwise specified within this policy, the following words and phrases are defined to mean the following in terms of this policy.

<i>Assets</i>	Resources controlled by Council as a result of past events and from which future economic benefits or service potential are expected to flow to Council <u>beyond one year</u> .
<i>Capitalisation threshold</i>	The new, upgrade or renewal value of an asset, below which the project cost is normally expensed and above which it is normally capitalised.
<i>Capital expenditure</i>	Expenditure on a non-current asset which meets the adopted recognition criteria for the Asset Class or Asset Component.
<i>Useful life</i>	The time period over which an asset is expected to be available for use by Council.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

5. POLICY

5.1 CAPITALISATION

Capitalisation of fixed assets is determined by a materiality threshold at which items of expenditure will be recognised as assets in Council's Balance Sheet.

The useful life of each asset class forms the basis of the calculation of annual depreciation charges and assessment of an assets written down replacement value (refer Appendix A).

Appendix A details the asset categories and classes required in the Local Government Model Financial Report (LGMFR).

Expenditure is to be capitalised when:

- It is probable that the future economic benefits embodied in an asset will eventuate.
- The item of expenditure is in excess of the asset capitalisation threshold (refer Appendix A).
- In limited circumstances, where the value of individual assets falls below the asset threshold for capitalisation, but the assets form part of a bulk purchase (such as office furniture), the aggregate value of the bulk purchase will be recognised where it exceeds the capitalisation threshold (refer to section 7.2.5 of the Fixed Asset ~~Accounting~~ Guidelines).
- Acquisition costs of assets with less than these capitalisation threshold values will be treated as operating expenses.
- All capitalised expenditure is to be recorded in Council's fixed asset register. For each asset, a determination shall be made of its total life, remaining useful life, cost for accounting purposes and method of depreciation.

Note - certain costs are not capitalised when incurred and are charged as an expense in the period in which they are incurred (for example, Christmas decorations, IT software upgrades and building audits).

5.2 ACQUISITION OF ASSETS

Assets acquired by Council are to be recorded based on acquisition or construction cost (fair value) plus costs incidental to acquisition including architect's fees, engineering fees and all other costs incurred in preparing the asset ready for use.

5.3 GIFTED ASSETS (ACQUIRED FOR NIL CONSIDERATION)

Assets which are gifted or contributed to Council by developers or other bodies (i.e. - acquired for nil consideration) are to be recorded at fair value at the date of acquisition, based on currently assessed replacement rates or developer costs (whichever is the best information source at the time).

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

5.4 REVALUATION OF NON-CURRENT ASSETS

All infrastructure assets (except recreational, leisure and community facilities and parks, open space and streetscapes) and property assets (land and buildings excluding land under roads and leasehold improvements) shall be revalued on a regular basis such that the carrying values are not materially different from fair value where fair value is determined to be the current replacement cost of the asset less accumulated depreciation. Appendix A identifies the basis for measurement for each asset class.

5.5 INTERNALLY CONSTRUCTED ASSETS

The cost of assets constructed by Council shall include the cost of all materials used in construction, direct labour employed and an appropriate proportion of variable and fixed overheads.

5.6 FIXED ASSETS REGISTER

The fixed assets register is to record individual assets in sufficient detail as to permit their identification and control. The fixed assets register is to be updated at least annually. The fixed assets register is to be used for the purpose of revaluing and depreciating assets.

5.7 DISPOSAL OR SALE OF COUNCIL ASSETS AND LAND

Council will over time, carry out a strategic review of its asset and property holdings and may make a determination that some assets are surplus to Council's needs.

In identifying any potential surplus Council owned assets (land or assets >\$50,000), a report shall be presented to Council providing all relevant information regarding the asset identified for potential sale including environmental and planning issues and shall include a proposed process for undertaking both consultative and/or statutory processes under the Local Government Act 1989 or 2020 (whichever is applicable), including provisions for Council to hear submissions from the community related to the proposed sale.

Table 5.7.1: Disposal Policy Definitions

<u>Carrying value</u>	<u>The asset carrying value (also known as written down value) is the asset value (cost or fair value) less any accumulated depreciation and accumulated impairment loss.</u>
<u>Council-owned land</u>	<u>Includes vacant land, including discontinued roads, and any building and development thereon.</u>
<u>Open space planning, development and improvements reserve</u>	<u>Is a reserve set aside for any funds received from the sale of public open space which includes any land set aside in a plan or land in a plan zoned or reserved under a planning scheme for public recreation or public resort; or as parklands; or for similar purposes as defined in the Subdivision Act 1988.</u>
<u>Right of way (ROW)</u>	<u>Means a road as defined in section 3 of the Local Government Act 1989.</u>
<u>Road</u>	<u>Means a road as defined in section 3 of the Local Government Act 1989. The term 'road' includes, but is not limited to a ROW, a street, a laneway or a footpath.</u>

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Sale of Council Owned Land

All sales, exchanges and transfers of land are required to comply with the provisions of the Local Government Act 2020 (LGA 2020) or Local Government Act 1989 (LGA 1989), whichever is applicable. Sales are to be conducted through a public process (i.e. public auction, public tender or by registration of expressions of interest) unless circumstances exist that justify an alternative method of sale (for example the sale or exchange of land by private treaty).

Section 116 of the LGA 2020 states that Council can transfer, exchange or lease any land with or without consideration to the Crown, a Minister, any public body, trustees appointed under any Act to be held on trust for public or municipal purposes or a public hospital within the meaning of the Health Services Act 1988 or other not-for-profit hospital.

Where section 116 is not applicable, section 114 of the LGA 2020 requires Council to:

- At least 4 weeks prior to selling or exchanging the land, publish notice of intention to do so on Council's internet site and in any other manner prescribed by the regulations;
- Undertake a community engagement process in accordance with its community engagement policy; and
- Obtain a valuation of the land which is not more than 6 months prior to the sale or exchange, by an appropriately qualified person as per section 13DA(2) of the Valuation of Land Act 1960.

The intent of the legislative requirements is to ensure that Council:

- consults with the community on any proposal to sell or exchange land; and
- provides the community with the opportunity to have their views heard; and
- obtains a current valuation for the land that is proposed for sale or exchange.

Ideally all sales and exchanges of land should occur at not less than the market value assessed by Council's contract valuer.

Land will not be sold for less than the market value, unless there are some alternate community benefits derived by the sale of the land. Any proposal to sell the land at a reduced sale price must be reported to Council for consideration, providing commentary of the alternate benefits derived by a sale at a reduced sale price. Such benefits may include the achievement of planning and development goals, educational or medical benefits to the community, or some other strategic goal of Council.

The purchase price may be set at a lower amount, if it is considered that the benefits accruing to the community would not be reasonably obtained unless a lower price is charged. In this instance a resolution of Council to sell, transfer or exchange land at less than its market value is required.

Open Space Land

In addition to the requirements under the LGA 2020, Council is required to comply with section 20 of the Subdivision Act 1988 when selling public open space. Refer to Table 5.7.3 'Application of Sale Proceeds' for further details.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Discontinued Roads

The sale of land that forms part of a road that has been discontinued is subject to the provisions of the LGA 1989. The public consultation process for road discontinuance is provided for under clause 3, Schedule 10 by way of a notice published in the Government Gazette.

Prior to considering the discontinuance and sale or transfer of roads or right-of-ways (ROWs) or the removal of reserve status and the subsequent sale, transfer or exchange of land, officers will consider if land is required for any of the following purposes:

- there is an ongoing need for the land to provide either vehicular or pedestrian access.
- the land has strategic value to Council or the community.
- the land provides recreational linkages or linked paths.
- the land increases public open space.
- the land is required for public works or flood mitigation.
- the land is generally required for a municipal purpose.

The benefits in discontinuing and selling or transferring a road or ROW or removing the status of a reserve and selling, transferring or exchanging land that is no longer required are:

- it provides an additional source of income.
- there will be a reduction in Council's financial liability in terms of the ongoing maintenance costs of unused and surplus land.
- there is the potential for increased rate revenue.
- there is improved security for unused portions of land.
- Council can formalise any illegal occupation of public land.

The general principles that Council will apply in considering selling or transferring a road or ROW are:

- Council discourages the unauthorised occupation of roads, ROWs and reserves and will take steps to remove such illegal occupation.
- Council will encourage the sale or transfer of such land that is not being used for pedestrian or vehicular access or is no longer required for a strategic or public use.
- Council will only sell or transfer such land holdings to abutting property owners, unless the land is able to be sold or transferred to a third party for the community's benefit.
- All abutting owners will be given an equal opportunity to purchase any land that abuts their property. Accordingly, officers will attempt to divide land equally. However, Council will acknowledge and give preferential allocation rights to abutting property owners who can demonstrate continuous exclusive occupation of the land for more than 15 years (i.e. occupation that would otherwise give rise to an adverse possession claim).
- Council will recover all costs incurred in the application of this policy.
- Council reserves the right to retain any portion of land if Council has title to such land if it is considered to be appropriate. This land may be retained to:
 - o meet a strategic need or
 - o protect Council's rights of ownership or
 - o sell in the future in accordance with this policy.
- Council has the right to place an easement, covenant, or create an easement on, or over, the land parcel in order to protect existing rights or future requirements. If there is a requirement by service authorities to relocate any assets located within the land (e.g. drains, power lines, etc), then all costs will be borne by the purchaser.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

In relation to the sale of roads, ROWs or minor reserves, if a property owner can demonstrate continuous exclusive occupation of the land for 15 years or longer and they have a right to claim the land by adverse possession, consideration may be given to discounting the purchase price by up to 25% of the current market value.

Costs Associated with the Sale

The costs associated with the discontinuance and sale, transfer or exchange of roads, ROW's or minor reserves are to be borne by the purchaser or shared by the purchasers (see table 5.7.2). Council officers will endeavour to keep all costs borne by the purchaser(s) to a minimum and will seek to reduce costs if the portion of land is to be sold or transferred to a number of purchasers.

Table 5.7.2

<u>Direct Costs</u>	<u>Relocation Costs</u>
<ul style="list-style-type: none">• <u>Legal fees (Council officers will use Council appointed legal contractors for any legal advice sought)</u>	<ul style="list-style-type: none">• <u>Relocation of fences</u>
<ul style="list-style-type: none">• <u>Surveyor's fees</u>	<ul style="list-style-type: none">• <u>Service authority assets such as those belonging to water, gas or telecommunications organisations</u>
<ul style="list-style-type: none">• <u>Land registry fee – Transfer of Land</u>	<ul style="list-style-type: none">• <u>Re-useable materials as determined by Council which may remain the property of Council</u>
<ul style="list-style-type: none">• <u>Stamp duty</u>	<ul style="list-style-type: none">• <u>Replacement drainage or new storm water drainage</u>
<ul style="list-style-type: none">• <u>Advertising</u>	
<ul style="list-style-type: none">• <u>Consolidation</u>	
<ul style="list-style-type: none">• <u>Planning permit application fees</u>	

GST

In accordance with the provisions of the Goods and Services Tax Act 1999, the sale, transfer or exchange of Council property, including the sale, transfer or exchange of discontinued ROWs, roads, minor or major Reserves or other land parcels will attract GST. Council will ensure that GST is added to the sale price or that the sale price is inclusive of GST.

Terms of Payment

The full purchase price will be paid to Council at the time of settlement, except at the discretion of the responsible officer. If purchasers of roads, ROWs and minor reserves meet the requirements of Council's Rates and Charges Hardship Policy, terms may be extended to allow equal payments over a three year period. In relation to term payments, an additional service charge will be applied to cover any administration costs. The transfer of land will not be passed onto the purchaser until the purchase price plus any costs or additional amounts are paid in full.

Terms of payments associated with the sale of major reserves or other significant land parcels will be considered on a case-by-case basis and any deferment of payment will be considered in light of the market valuation.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Sale of Assets (>\$50,000 carrying value)

The sale or disposal of major plant and equipment and assets (other than land with a carrying value >\$50,000) is subject to the following guidelines:

- trading the equipment to suppliers; or
- obtaining expressions of interest from interested buyers; or
- selective tender from an identified group of buyers; or
- public tender – openly seeking buyers using the tender process; or
- public auction - advertisement for auction through the local paper and, where appropriate, a paper circulating in the State, or procuring the services of an auctioneer.

The selection process is to give consideration to:

- the method likely to return the higher value net of disposal costs; and
- the current written down value (book value) of the asset; and
- compliance with relevant statutory obligations.

The sale of each item of Plant and Equipment is to be subject to a minimum reserve price to be approved by the Manager Infrastructure Services and Planning.

Application of Sale Proceeds

Table 5.7.3

<u>Asset Type</u>	<u>Application of Sale Proceeds</u>
<u>Plant and Equipment and Assets other than Land >\$50,000</u>	<u>To the purchase of new plant and equipment, or the establishment of a new asset or refurbishment of an existing asset.</u>
<u>Council-owned Land</u>	<p><u>To be transferred to the Major Projects Reserve for Council consideration for allocation to future new asset creation / or major asset refurbishment. The proceeds allocated will be net of all expenditure including advertising, agent's fees, legal costs and other sale costs.</u></p> <p><u>All reports on the sale of Council owned land must include a section on whether Council wishes to allocate a maximum of 10% of the sale proceeds into an Affordable Housing Fund dedicated to the development of future affordable housing projects. The Council resolution to sell land must include a resolution on the amount (if any) to be allocated to this fund.</u></p>
<u>Public Open Space Council-owned Land</u>	<p><u>Where the land is Public Open Space, the proceeds are required to be used in accordance with the Subdivision and Planning Environment Acts and must be allocated to Council's Open Space Planning and Development Reserve.</u></p> <p><u>Section 20 of the Subdivision Act 1988 requires that the proceeds from the sale of public open space land be used to:</u></p> <ul style="list-style-type: none"> • <u>buy land for use for public recreation or public resort, as parklands or for similar purposes; or</u> • <u>improve land already set aside, zoned or reserved (by the council, the Crown, a planning scheme or otherwise) for use for public recreation or public resort, as parklands or for similar purposes; or</u> • <u>with the approval of the Minister administering the LG Act, improve land (whether set aside on a plan or not) used for public recreation or public resort, as parklands or for similar purposes.</u>

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Allocation of asset sale proceeds to an appropriate capital project can only occur via either an Annual Budget process or Mid-Year Budget process where the highest and best use of funds can be determined in reference to all potential capital projects.

Proceeds from the sale of assets must be received by Council prior to the expenditure allocation being determined.

5.58 IMPAIRMENT OF ASSETS

Fixed assets will be reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount (which is the higher of the present value of future cash outflows or value in use).

For assets whose economic benefits are not dependent on the ability to generate cash flows, and where the future economic benefits would be replaced if Council were deprived thereof, the value in use (infrastructure assets) is the depreciated replacement cost.

5.89 INVESTMENT PROPERTY

Investment property, comprising retail complexes, are held to generate long-term rental yields. Investment property is measured initially at cost, including transaction costs. Cost incurred subsequent to initial acquisition are capitalised when it is probable that future economic benefit in excess of the originally assessed performance of the asset will flow to the Council. Subsequent to initial recognition at cost, investment property is carried at fair value, determined annually by independent valuers. Changes to fair value are recorded in the Comprehensive Income Statement in the period that they arise. Investment property are not subject to depreciation. Rental income from the leasing of investment properties is recognised in the Comprehensive Income Statement on a straight line basis over the lease term.

5.910 LEASED/RIGHT-OF-USE (ROU) ASSETS

Leased assets relate mainly to information technology (IT) and office related equipment, as well as a number of property leases. As a lessee, Council recognises a ROU asset and a lease liability at the lease commencement date (unless the lease term is less than 12 months or the ROU asset is low-value (under \$10,000)). The ROU asset is initially measured at cost and is subsequently depreciated using the straight-line method from the commencement date to the earlier of the end of the useful life of the ROU asset or the end of the lease term.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

6. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

This policy considers the overarching governance principles outlined in section 9 of the *Local Government Act 2020* and has taken the financial management principles in section 101 into account. This policy is predominantly administrative in nature and outlines the accounting treatment and assumptions regarding asset transactions. It does not impact on existing and future budgets. The policy is required to comply with the *Local Government Act 2020*, *Local Government (Planning and Reporting) Regulations 2020* and relevant Australian Accounting Standards. The annual review and approval of this policy ensures the transparency of Council decisions, actions and information in relation to fixed asset accounting transactions.

Of particular relevance to this policy, Council is required to:

~~P~~repare financial statements pursuant to:

- Section 98 of the *Local Government Act 2020*
- Section 14 of the *Local Government (Planning and Reporting) Regulations 2020*

Sell or dispose of land in accordance with:

- Clause 3 of schedule 10 of the *Local Government Act 1989*.
- Division 4 of the *Local Government Act 2020*.

7. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of this policy but is not relevant to its contents.

The policy is purely administrative in its nature and does not have the potential to influence human rights and responsibilities.

8. RESPONSE TO THE GENDER EQUALITY ACT 2020

The *Gender Equality Act 2020* has been considered in the preparation of this policy but is not relevant to its contents.

The policy is purely administrative in its nature and does not have the potential to influence broader social norms and gender roles.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

9. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

Acknowledge that this policy has no impact on Council's Declaration on a Climate and Ecological Emergency, Council's Climate Change Emergency Strategy 2020-2030 or the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability and why it does not have any impact.

The policy is purely administrative in its nature and does not have the potential to influence future asset planning or sustainability, climate or energy.

10. RESPONSIBILITIES

Council is responsible for ensuring this policy remains consistent with the Greater Dandenong Council Plan and Strategic Resource Plan.

The Chief Executive Officer is responsible for ensuring overall compliance with relative legislation.

The Asset Management team in Engineering Services (with the assistance of the Financial Services department in Corporate Services) are responsible for maintaining, capturing and recording fixed assets in the asset register in Council's asset management system. The Financial Services department are responsible for recording asset transactions in Council's general ledger and reconciling the general ledger to the asset register.

The minimum reserve prices from the disposal or sale of assets (other than land) >\$50,000 is required to be approved by the Manager Infrastructure Services and Planning.

All Council staff are responsible for compliance with this policy and the requirements within it.

This policy will be reviewed and updated annually by the Financial Services department.

Consultation on proposed changes to the policy each year will occur with:

- Asset Management team and Manager Infrastructure Services and Planning in Engineering Services directorate.
- External auditors.

11. REPORTING, MONITORING AND REVIEW

The current policy complies with Local Government legislation and Australian Accounting Standards and has been subject to internal and external audits.

Each year the policy will be reviewed and updated to ensure compliance with Local Government legislation and Australian Accounting Standards is maintained and that policy directions remain relevant.

The success of the policy will be measured by its compliance with the relevant legislation and Accounting Standards and a clear external audit opinion.

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

12. REFERENCES AND RELATED DOCUMENTS

Legislation

- Australian Accounting Standards
- [Local Government Act 1989](#)
~ Under clause 3 of schedule 10 of the Local Government Act 1989, Council has the authority to discontinue a road or ROW, or part thereof, and sell it to a third party or retain it for municipal purposes.
- [Local Government Act 2020](#)
Under Division 4 of the Local Government Act 2020, Council has the authority to sell land to a third party. This may include discontinued roads and/or reserves and other Council properties.
- [Local Government \(Planning and Reporting\) Regulations 2020](#)
- [Charter of Human Rights and Responsibilities Act 2006](#)
- [Gender Equality Act 2021](#)
- [Planning and Environment Act 1987](#)
- [Subdivision Act 1988](#)
~ Under section 24A of the Subdivision Act 1988, Council has the authority to initiate procedures to remove and vest in itself all, or part, of a drainage reserve or sell it to a third party.
~ Under section 20 of the Subdivision Act 1988, Council may sell land set aside as public open space but must abide by the legislation in relation to the use of funds derived from the sale.

Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- Greater Dandenong City Council Fixed Asset ~~Accounting~~ Guidelines
- [City of Greater Dandenong Council Plan](#)
- [City of Greater Dandenong Asset Plan](#)
- [City of Greater Dandenong Asset Management Policy](#)

Other Guidance

- [Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land 2009 – Department of Planning and Community Development.](#)

4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

13. APPENDIX A – BASIS OF MEASUREMENT, CAPITALISATION THRESHOLDS AND USEFUL LIVES

Asset class	Description	Measurement Basis	CAP THRESHOLD		USEFUL LIFE	
			2022-23	2023-24	2022-23	2023-24
			\$	\$	Years	Years
PROPERTY						
Land	Land owned or controlled by Council. Land either has a fair value classification of level 3 - 'specialised land' or level 2 - 'non-specialised land'.	Fair value (indep val'n)	0	0	N/A	N/A
	Land under roads (LUR) (excluding lanes, private roads and Council roads in parks and reserves) acquired after 1 July 2008. All LUR have a fair value level 3 classification - 'specialised land'.	Cost	0	0	N/A	N/A
Land improvements	Not applicable - allocated to other asset classes such as 'Recreational, leisure and community facilities' and 'Parks, open space and streetscapes'.	N/A	N/A	N/A	N/A	N/A
Buildings	Buildings include Class 1 to Class 9 buildings as defined in the Building Code of Australia including all corporate, community and commercial buildings managed / controlled / owned by Council and multi-story car park buildings. This includes both habitable and non-habitable buildings. Non-habitable buildings as defined in class 10A of the Building Code of Australia. Examples include garages , workshops, kiosks, stand-alone administration buildings/offices, public conveniences, sheds , stores, undercroft car parking, sporting pavilions and sporting clubrooms. Building assets and improvements will be separated into the following three components with different useful lives:					
	Superstructure Includes the foundations, external walls (including paint) and roof of buildings (including attached stormwater drainage and guttering).	Fair value (indep val'n)	5,000	10,000	50-100	100
	Ancillary Services - Security (e.g., card reader, electronic security system, surveillance system, CCTV, access control system) - Electrical and gas (e.g., electrical distribution board, antenna fitting, cabling/internal wiring, meter boxes, exit signs, lighting, solar panels) - Hydraulics (e.g., plumbing systems, rainwater collection system, heat pump, boiler, water pump, water supply and sewerage, indoor swimming pools) - Mechanical (e.g., cool room, rangehood, lift, escalators, HVAC system, cranes, hoists, sanitary plumbing, specialist kitchen services (ovens, dishwashers, etc) and building management system) - Fire services (e.g., fire alarm system, heat detectors, fire extinguishers, fire hose reels, smoke detectors, valves (fire system)) - Other structures that link or are attached to the building (e.g., fences, paths, access ramps or steps, verandas, coaches boxes, pergolas, garages, carports, toilets and shade shelters). Only totally freestanding structures will be considered separate assets and recorded in the relevant asset class.	Fair value (indep val'n)	5,000	5,000	50-100	20
	Fixture and Fittings Includes floor coverings, cabinetry and cupboards, sinks and toilets, sporting equipment fixed to the building.	Fair value (indep val'n)	5,000	5,000	50-100	20

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Asset class	Description	Measurement Basis	CAP THRESHOLD		USEFUL LIFE	
			2022-23	2023-24	2022-23	2023-24
			\$	\$	Years	Years
PROPERTY						
Building improvements	Not applicable - included in buildings above.	N/A	N/A	N/A	N/A	N/A
Leasehold improvements	Land improvements, buildings and other improvements to property assets leased by Council or on land leased by Council. Leasehold improvements to buildings include fit-outs, security enhancements and/or renovations of leased office accommodation or leased property. Examples are recarpeting, immovable fixtures such as the installation of air-conditioning or CCTV, and structural improvements to a leased property upon commencement of a lease (initial office/residential fit-out), and any subsequent refurbishment of office/residential leased accommodation.	Cost	5,000	5,000	Lease term	Lease term
Heritage buildings	Not applicable - defined as heritage buildings as listed on the Victorian Heritage Register.	Fair value (indep val'n)	N/A	N/A	N/A	N/A

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Asset class	Description	Measurement Basis	CAP THRESHOLD		USEFUL LIFE	
			2022-23	2023-24	2022-23	2023-24
			\$	\$	Years	Years
PLANT AND EQUIPMENT						
Heritage plant and equipment	Not applicable.	N/A	N/A	N/A	N/A	N/A
Plant, machinery and equipment	Heavy plant and equipment (such as graders, trucks, tractors, tipplers, scissor lifts and loaders).					
	Buses, quads and trailers.	Cost	3,000	3,000	7	7
	Light plant and equipment (such as rollers, mowers, tools and blowers), passenger vehicles, light commercial vehicles (<= 3 tonne). Also includes lifters, generators, powersaws, floor polishers, steam cleaners, sweepers, winches, compressors, surveying equipment, people counting systems, rotators, outdoor cleaning equipment and submersible pumps.	Cost	3,000	3,000	10	10
Fixtures, fittings and furniture	Office furniture and equipment (workstations, mobile shelving, chairs, office bins, lockers, tables, desks, filing cabinets), kitchen appliances and equipment (fridges), hand dryers, display units/stands, dividers/privacy screens, safes, podiums, trolleys and other miscellaneous fixtures, fittings (eg - window furnishings) and furniture. Excludes Christmas decorations (not capital).	Cost	3,000	3,000	5	5
	Musical instruments.	Cost	3,000	3,000	20	20
	Art works (paintings, pictures, murals, heritage).	Cost	3,000	3,000	N/A	N/A
Computers and telecomms	Hardware, servers, hubs, cabling, faxes, printers, telephones, mobile phones/devices, photocopiers, computers, laptops, microwave links, wireless links, firewall, scanners, GPS, Book-a-Court system and audio visual equipment (such as stereos, speakers, amplifiers, antenna, cameras, video recorders, microphones, televisions, DVD players, electronic whiteboards, two way radios, hearing loop, projectors, etc).	Cost	3,000	3,000	5	5
Library resources	Includes library books, CDs, DVDs and tapes, hard copy e-books and e-audio books (excludes downloaded/subsription based digital content such as e-books and e-audio books, annual online licences or subscriptions, annual platform access to e-formats, periodicals and newspapers - these items are expensed as they generally have a life of one year or less).	Cost	0	0	5	5

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Asset class	Description	Measurement Basis	CAP THRESHOLD		USEFUL LIFE	
			2022-23	2023-24	2022-23	2023-24
			\$	\$	Years	Years
INFRASTRUCTURE						
Roads	Road seal (surface) comprises the wearing surface of a road pavement or laneway. Reconstruction, resurfacing (asphalt overlays and spray seals), wearing course and rehabilitation of road seal are capital. Surface patching treatments (major or minor) such as pothole repairs, crack sealing or repairs, slurry seals are considered maintenance treatments aimed at ensuring the road seal asset reaches its intended useful life (expensed). Linemarking, tactile and omniconcrete are capital for new assets, but expensed when subsequently replaced. Sub-categories include:					
	Seal/surface (spray seal).	Fair value	20,000	20,000	12	12
	Seal/surface (asphalt, concrete, brick, granite setts and gravel).	Fair value	20,000	20,000	20	20
	Road substructure (pavement). Road substructure is the constructed material layer(s) beneath the wearing surface of a road pavement or laneway. Usually unaffected by periodic replacements of the wearing surface and would normally only be created where a new pavement was built or an existing pavement was totally reconstructed/rehabilitated.	Fair value	20,000	20,000	100	100
	Kerb and channel. Includes concrete, bluestone and asphalt kerb and channel on local roads. Also includes kerb laybacks/ appexes (which are part of 'crossings/ driveways ') usually provided for vehicle, bicycle or pedestrian access across the kerb and channel.	Fair value	5,000	5,000	80	80
	On street car parks (seal) - asphalt, brick paves, concrete and gravel). On-street car parks include car parks located within the road reserve (ie – indented parking bays, parallel parking bays, etc).	Fair value	5,000	5,000	20-25	20-25
	On street car parks (substructure).	Fair value	5,000	5,000	100	100
	Local Area Traffic Management (LATM) - splitter islands, roundabouts, speed humps.	Fair value	2,000	2,000	20	20
	LATM - slow points.	Fair value	2,000	2,000	5	5
	LATM - traffic signal controller.	Fair value	2,000	2,000	15	15
	LATM - traffic signal hardware.	Fair value	2,000	2,000	30	30

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Asset class	Description	Measurement Basis	CAP THRESHOLD		USEFUL LIFE	
			2022-23	2023-24	2022-23	2023-24
			\$	\$	Years	Years
INFRASTRUCTURE						
Bridges	Includes major culverts, deck and substructure. Bridges include all structures which convey a road, footpath or cycleway across another physical feature (including waterways and other roads) and includes major culverts. Bridge components include the foundation, column, girder, decking, wearing course, railing, paths and guardrails. Items such as lighting, signage and paths are not included. Boardwalks are also included in this asset class (constructed pathways above ground either in steel/concrete or timber).	Fair value	5,000	5,000	20 - 100	20 - 100
Footpaths and cycleways	Footpaths (concrete, brick/pavers and granite). Footpaths and cycleways includes footpaths leading to bridges, and pedestrian access features, ramps, pram crossings, path widenings and linemarking on new footpath assets. Paths in playgrounds that provide a direct access between playground items are not considered part of the path asset class (included in playgrounds).	Fair value	5,000	5,000	50	50
	Footpaths (asphalt).	Fair value	5,000	5,000	25	25
	Footpaths (gravel, granitic).	Fair value	5,000	5,000	10	10
Drainage	Underground drainage/stormwater pipes.	Fair value	5,000	5,000	100	100
	Drainage pits	Fair value	2,000	2,000	100	100
	Gross pollutant traps (GPTs).	Fair value	5,000	5,000	50	50

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Asset class	Description	Measurement Basis	CAP THRESHOLD		USEFUL LIFE	
			2022-23	2023-24	2022-23	2023-24
			\$	\$	Years	Years
INFRASTRUCTURE						
Recreational, leisure & community facilities	Recreational equipment and facilities. Recreation equipment includes sports and leisure equipment at recreation centres such as bench seats, TV cardio and aerobic stereos, pool cover rollers, gym equipment, pool vacuums, dividing curtains, internal scoreboards, cleaning equipment, aquatic equipment, various items of smaller transportable pool equipment, thermal blankets and gym mats.	Cost	3,000	3,000	10 - 20	10 - 20
	Major outdoor LED screens (ie - 'the big screen').	Cost	3,000	3,000	5	5
	Minor outdoor electronic screens and scoreboards, electronic variable message signs/sensors.	Cost	3,000	3,000	10 - 20	10 - 20
	Sportsgrounds, sports fields, sporting grass (turf), courts (eg - netball, basketball, tennis), athletic tracks, wickets, hardstand, general sporting surfaces. Note - Turf installed on a sportsground is capital, turf in general areas is not considered capital (expensed).	Cost	3,000	3,000	10 - 20	10 - 20
	Sporting structures and equipment (such as goal posts, cricket nets, outdoor exercise equipment, skate ramps/park, basketball towers/backboards, rebound walls), structures without walls (such as bike sheds and racks, display and information shelters, gazebos, picnic shelters, rotundas and stages without a roof), or structures that are stand alone and not attached to a buildings such as sheds, coaches boxes, garages and canopies/shade structures).	Cost	3,000	3,000	10 - 20	10 - 20
Waste management	Playgrounds (outdoor and indoor). Playgrounds such as swing sets or climbing apparatus. Also includes interconnecting paths between equipment and path edging. Fixed play items associated with a playing surface (such as goal posts) are considered part of the playing surface they relate to and are not recorded as a playground item. Other assets in or near playgrounds (whether enclosed by a fence or not) such as drink fountains, bins, signs, picnic tables, seats or shade structures are considered part of their respective asset class and not a playground item asset unless their primary function is as a piece of play equipment. Mulch and soffitfall are capitalised when part of a new playground. Ongoing mulch/soffitfall works - rubber soffitfall (capitalised), bark or plastic mulch (expensed).	Cost	3,000	3,000	15	15
	Irrigation, sports field drainage, controllers, sensors, water tanks/pumps and water systems.	Cost	3,000	3,000	10 - 20	10 - 20
	Outdoor pools	Cost	3,000	3,000	50	50
	Not applicable.	N/A	N/A	N/A	N/A	N/A

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Asset class	Description	Measurement Basis	CAP THRESHOLD		USEFUL LIFE	
			2022-23	2023-24	2022-23	2023-24
			\$	\$	Years	Years
INFRASTRUCTURE						
Parks, open space and streetscapes	Open space furniture (street furniture such as bicycle racks, tree guards, planter boxes, seats and park furniture such as seats, drinking fountains, tables, root barriers/guards and BBQ's).	Cost	3,000	3,000	10	10
	Open space furniture (bus shelters).	Cost	3,000	3,000	20	20
	Open space furniture (litter bins).	Cost	3,000	3,000	12	12
	Open space furniture (tree pits).	Cost	N/A	3,000	N/A	100
	Signs (unless attached to another asset such as a building or playground, includes heritage markers).	Cost	3,000	3,000	20	20
	Landscaping, passive grass/surface and gardens.	Cost	3,000	3,000	10 - 20	10 - 20
	Water quality devices - wetlands, rain gardens and bioretention swales.	Cost	3,000	3,000	10	10
	Surface drainage - formed open drains (generally made of concrete, eg - spoon drains, open invert).	Cost	3,000	3,000	50	50
	Surface drainage - unformed open drains and agriculture (ag) pipes.	Cost	3,000	3,000	10	10
	Flood prevention - retarding/detention basins.	Cost	3,000	3,000	20	20
	Lighting (public, flood lights, solar, car parks, sportsground, security and street) including light poles and any attached CCTV.	Cost	3,000	3,000	10 - 20	10 - 20
	Fencing, bollards, gates, retaining walls and poles.	Cost	3,000	3,000	10 - 50	10 - 50
	Parking meters, ticket machines and equipment.	Cost	3,000	3,000	10	10
	Public art (memorials, monuments, murals, plaques, sculptures and statues).	Cost	3,000	3,000	50	50
	Guard rails.	Cost	3,000	3,000	20	20
Off street car parks	Off street car park and access road (asphalt, brick paved, concrete, gravel).	Fair value	5,000	5,000	20 - 25	20 - 25
	Off street car park and access road (substructure/pavement).	Fair value	5,000	5,000	100	100
	Off street car park and access road (kerb and channel).	Fair value	5,000	5,000	80	80
Other Infrastructure	Not applicable. Marine assets - piers, jetties, groins, sea walls, caravan parks, markets and saleyards.	N/A	N/A	N/A	N/A	N/A

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4.1.2 Review of Council Policies - Fixed Asset Accounting Policy (including Disposal or Sale of Council Assets) 2023 - 2024 (Cont.)

Asset class	Description	Measurement Basis	CAP THRESHOLD		USEFUL LIFE	
			2022-23	2023-24	2022-23	2023-24
			\$	\$	Years	Years
WORK IN PROGRESS						
Work in progress	Capital expenditure on projects not yet completed.	Cost	N/A	N/A	N/A	N/A
INVESTMENT PROPERTY						
Investment property	Land and buildings	Fair value	5,000	5,000	N/A	N/A
INTANGIBLES						
Computer software	Software (implementation only not subsequent upgrades). Items that can be capitalised as computer software include software licenses, interworking, configuration support, implementation planning, database planning, quality planning and acceptance testing. Software items to be expensed include software maintenance, data conversion/migration, training, helpdesk support and website costs. Note - Implementation or upgrade costs relating to cloud computing arrangements (Software as a Service - SaaS) where Council does not control the software is not capital in nature and will be expensed.	Cost	3,000	3,000	3	3
LEASED ASSETS						
Right-of-use (ROU) assets	Includes information technology (IT) equipment such as monitors, desktop computers and laptops, office related equipment and property leases.	Cost	10,000	10,000	Earlier of end of useful life of ROU assets or lease term	Earlier of end of useful life of ROU assets or lease term

4.2 OTHER

4.2.1 Community Support Grants Program 2023 - Round 1

File Id:	A9865427
Responsible Officer:	Director Community Services
Attachments:	Arts, Festivals and Events Grants -Round One 2023 Community Development Grants - Round One 2023

1. Report Summary

Council offers fit-for-purpose funding programs to support community-led responses to emerging needs and facilitate community inclusion, place activation and broad participation.

This report outlines the assessment of applications submitted to two grant categories under the 2023 Community Support Grants Program:

- Arts, Festivals and Events Grants – Round 1
- Community Development Grants – Round 1

All applications have been checked for eligibility by Council Officers and assessed by an independent Community Grants Assessment Panel. The Panel recommendations are presented in this report

2. Recommendation Summary

This report recommends that Council endorses the recommendations for Community Support Grants as outlined in the Attachments to this report.

4.2.1 Community Support Grants Program 2023 - Round 1 (Cont.)

3. Background

The Community Support Grants Program policy contains two (2) grant categories:

1. Arts, Festivals and Events Grants
2. Community Development Grants.

Under the program there are two (2) funding rounds per annum. This report considers Round One applications.

3.1 Eligibility Check

Applications made to the Community Support Grants Program undergo an eligibility check by Council officers to ensure that applicants are incorporated non-profit organisations (unless auspiced), are meeting key compliance requirements of Consumer Affairs Victoria, and have met past grant acquittal reporting requirements of Council.

Applications deemed eligible are progressed for assessment. Ineligible applications do not progress and officers will advise applicants of this outcome upon endorsement of this report.

3.2 Community Grants Assessment Panels

Community Grants Assessment Panels include councillors, community representatives, and Council officers with broad experience and diverse knowledge.

Panel members are governed by a Terms of Reference and a signed Code of Conduct. Each member completed an induction process and throughout the training and assessment process were supported by Council officers.

For each grant category individual panel members were tasked to complete an initial online assessment. These assessment scores were then consolidated and presented to a scheduled panel meeting for qualitative discussion and final recommendations

3.3 Round One of the 2023 Community Support Grants

Round One of the 2023 Community Support Grants was opened online on 8 February 2023 and closed 27 March 2023.

The round was highly promoted via electronic and printed material, through Council networks and social media.

Grant information and writing workshops were offered in person and via online platforms. Applicants also had opportunity to access face-to-face and remote support from Council officers to assist them develop grant applications

4.2.1 Community Support Grants Program 2023 - Round 1 (Cont.)

3.4 Arts, Festivals and Events Grants

This grant category offers single year grants of up to \$10,000 to support projects that promote community connection, cross cultural exchange and appreciation of cultural diversity. Individual artists may apply for funding of up to \$5,000 for projects with high artistic merit that attract new audiences, are accessible and inclusive, and activate public spaces.

A total of 28 applications were submitted to the Arts, Festivals and Events Grants category. One (1) application was ruled ineligible and three (3) applications were withdrawn by the applicants.

This left a total of 24 applications to be assessed seeking total funding of \$203,533.

The Community Grants Assessment Panel members individually assessed applications online between 18 May – 5 June 2023. The Panel convened on 6 June 2023 to qualitatively discuss the consolidated applications and make final recommendations. Following this it is recommended that 12 applications be funded a total of \$57,000.

A list of all applications recommended for funding through the Arts, Festivals and Events category is provided in Attachment One.

3.5 Community Development Grants

This grant category offers single year grants of up to \$10,000 to support projects that build community capacity, foster social inclusion, community harmony and participation.

A total of 65 applications were submitted to the Community Development category. Seven applications were ruled ineligible and three applications were withdrawn by the applicants.

This left a total of 53 applications to be assessed seeking total funding of \$438,853.50.

The Community Grants Assessment Panel members individually assessed applications online between 18 May – 7 June 2023. The Panel convened on 8 June 2023 to qualitatively discuss the consolidated applications and make final recommendations. Following this it is recommended that 20 applications be funded a total of \$109,124.75.

A list of all applications recommended for funding through the Community Development category is provided in Attachment Two.

3.6 Support for Unsuccessful Applicants

All unsuccessful applicants will be contacted by officers and offered feedback and assistance to support them to submit an application to the 2023 Community Support Grants Round Two.

This round is scheduled to open on 17 July 2023.

4.2.1 Community Support Grants Program 2023 - Round 1 (Cont.)

3.7 Grant Acquittal Reports

Grant recipients are required to submit a grant acquittal report within one month of the project being completed. The report will include a description of the activities delivered and outcomes achieved by the grant recipient, and detail on how the funds were spent.

4. Proposal

It is proposed that Council endorse the recommendations as shown in Attachments One and Two for funding through the following grant categories:

- Attachment 1 – Arts, Festivals and Events Grants – Round 1.
- Attachment 2– Community Development Grants – Round 1.

For the 2023 Arts, Festivals and Events Grant Round One there are 12 applications recommended for funding as listed in Attachment One.

For the 2023 Community Development Grant Round Two there are 20 applications recommended for funding as listed in Attachment Two.

5. Financial Implications

The financial implications associated with this report are a one-off cost of \$166,124.75 with no ongoing costs in future year budgets.

The Community Support Grants Program has a Budget of \$320,000 for the 2023/24 financial year. This leaves \$153,875.25 to be allocated in Round Two.

6. Consultation

During the assessment process Council Officers consulted with staff from across the organisation to seek information and advice regarding the merits of all funding applications.

Officers conducted extensive eligibility checks of applications including compliance documentation, financial reports, past grants acquittal history and other matters where relevant.

All eligible applications were assessed by Community Grants Assessment Panels. Panels included councillors, community representatives who submitted expressions of interest, and council officers with broad experience and diverse knowledge.

Community Grants Assessment Panels' recommendation of eligible applications for funding are presented for endorsement.

4.2.1 Community Support Grants Program 2023 - Round 1 (Cont.)

7. Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted for themselves and our city, the Greater Dandenong People's Panel developed a new Community Vision for 2040:

The City of Greater Dandenong is a home to all.
It's a city where you can enjoy and embrace life through celebration and equal opportunity.
We harmonise the community by valuing multiculturalism and the individual.
Our community is healthy, vibrant, innovative and creative.
Our growing city is committed to environmental sustainability.
Welcome to our exciting and peaceful community.

7.1 Community Vision 2040

This report is consistent with the Community Vision 2040 and its accompanying principles:

- Safe and peaceful community
- Embrace diversity and multiculturalism
- Mind, Body and Spirit
- Art and Culture

7.2 Council Plan 2021-25

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four (4) years. This report is consistent with the following strategic objectives:

- A socially connected, safe and healthy city
- A city that respects and celebrates diversity, our history and the arts
- A city of accessible, vibrant centres and neighbourhoods
- A Council that demonstrates leadership and a commitment to investing in the community.

8. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles.

Applications to both categories of the Community Support Grants were assessed by an independent Community Grants Assessment Panel including Councillors, community representatives and council officers with broad experience and diverse knowledge.

4.2.1 Community Support Grants Program 2023 - Round 1 (Cont.)

Panel members assess grants against specific criteria for each grant category as listed in the grand guidelines. These criteria ensure grants align with Council's Community Vision and Council Plan. Qualitative discussion of applications ensured that Council funds are prudently allocated to deliver responsive outcomes at good value for the community.

The assessment process ensures that grants are assessed in compliance with overarching governance principles of the *Local Government Act 2020*.

9. Victorian Charter of Human Rights and Responsibilities

Council, Councillors and members of Council staff are a public authority under the *Charter of Human Rights and Responsibilities Act 2006* and, as such, are all responsible to act in accordance with the *Victorian Charter of Human Rights and Responsibilities 2006* (the Charter).

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of this report but is not relevant to its contents.

10. The Gender Equality Act 2020

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services.

The Community Support Grants Program aims to promote access and inclusion of individuals or groups that may experience exclusion, including because of their gender. To deliver this outcomes gender equality and promoting diversity, access and equity is embedded in every stage of the program.

The grant assessment criteria explicitly includes criteria on whether the application specifically targets groups who may be at risk of experiencing exclusion.

Grant Assessment Panels are formed with an aim to represent the diversity of the community.

11. Consideration of Climate Change and Sustainability

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a "Climate and Ecological Emergency" and committed this Council to emergency action on climate change. Council has developed a Climate Change Emergency Strategy and Action Plan 2020-30 to help the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of changing climate.

The Community Support Grants Program explicitly encourages submission of applications that achieve environmental and sustainability outcomes.

4.2.1 Community Support Grants Program 2023 - Round 1 (Cont.)

12. Related Council Policies, Strategies or Frameworks

The strategies and plans that contribute to the grant recommendations in this report include:

- Council Plan 2021-25
- Community Vision 2040
- Children's Plan 2021-26.
- Disability Action Plan 2017-23
- Community Safety Plan 2015-22
- Greater Dandenong People Seeking Asylum and Refugee Action Plan 2018-21
- Make Your Move Physical Activity Strategy 2020-2030
- Reconciliation Action Plan 2021-23
- Youth and Family Strategy 2021-26.

The related Council policies that contribute to the grant recommendations in this report include:

- Community Support Grants Program Policy
- Community Engagement Policy and Framework 2021-25
- Diversity, Access and Equity Policy 2021-25.

13. Conclusion

This report recommends funding of the 2023 Community Support Grants Program – Round One.

These recommendations are presented to Council for endorsement

4.2.1 Community Support Grants Program 2023 - Round 1 (Cont.)

14. Recommendation

That Council endorses the recommendations as detailed in:

- 1. Arts, Festivals and Events Grants – Round 1 as provided in Attachment 1 to this report.**
- 2. Community Development Grants – Round 1 as provided in Attachment 2 to this report.**

MINUTE 813

Moved by: Cr Lana Formoso
Seconded by: Cr Sophie Tan

That Council endorses the recommendations as detailed in:

- 1. Arts, Festivals and Events Grants – Round 1 as provided in Attachment 1 to this report.**
- 2. Community Development Grants – Round 1 as provided in Attachment 2 to this report.**

CARRIED

4.2.1 Community Support Grants Program 2023 - Round 1 (Cont.)

OTHER

COMMUNITY SUPPORT GRANTS PROGRAM 2023 - ROUND 1

ATTACHMENT 1

**ARTS FESTIVALS AND EVENTS 2023 –
Round 1**

PAGES 2 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.2.1 Community Support Grants Program 2023 - Round 1 (Cont.)

Community Support Grants 2023 Round 1 - ATTACHMENT 1

Arts, Festivals and Events Grants – Round 1

Organisation	Project Title	Recommended Amount
Aurora Bengali Association Inc.	Celebration of Women Empowerment, Diversity and Indian Culture in Australia	\$2,000
Australian Vietnamese Arts Inc.	2023 Springvale Moon Festival	\$5,000
Casey Tamil Manram	Aadi Pirappu 2023	\$7,000
Connection Arts Space	Youth-Run Art Workshops and Public Programs	\$5,000
Keysborough Bowls Club Inc.	Rowley Allan Reserve Community Mural	\$5,000
Malyalee Association of Victoria Inc.	MAV Onam Festival at Springvale City Hall	\$5,000
Melbourne 7 Melody Notes	Mid-Autumn Festival	\$2,000
Nguvu Moja	Nguvu Moja presents: The Wiz	\$7,000
Somaliland Union of Victoria	Greater Dandenong Youth Empowerment & Soccer Tournament & EID FESTIVAL	\$6,000
Southern Migrant and Refugee Centre	Unity in Diversity Festival	\$5,000
The Australian Indian Innovations Inc.	AIII DIWALI FESTIVAL OF LIGHTS	\$4,000
The Keysie Market	The Keysie Market	\$4,000
Total		\$57,000

4.2.1 Community Support Grants Program 2023 - Round 1 (Cont.)

OTHER

COMMUNITY SUPPORT GRANTS PROGRAM 2023 - ROUND 1

ATTACHMENT 2

COMMUNITY DEVELOPMENT GRANTS

PAGES 2 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.2.1 Community Support Grants Program 2023 - Round 1 (Cont.)

COMMUNITY SUPPORT GRANTS ATTACHMENT 2

Community Development Grants - Round 1

Organisation	Project Title	Recommended Amount
Afri-Aus Care Inc.	The UBUNTU Youth Garden Project	\$5,000
Australian Skateboarding Federation	Learn to Skate Dandenong	\$3,181.75
Bright Moon Buddhist Society	Buddhist Society Recovery and Resilience	\$8,640
Cornerstone Contact Centre Inc.	Barista Training and Employment Pathways for Disadvantaged	\$8,000
Dandenong Community and Learning Centre Inc.	Parenting Educational and Improvement Program for CALD Families	\$5,000
Friends of Refugees Inc.	Women Empowered Against Fraud	\$4,987
Interfaith Network of the City of Greater Dandenong	"United Nations International Year of Millets: The Magic Within"	\$6,204
Lighthouse Foundation	Support for vulnerable youth with a disability in Greater Dandenong	\$6,000
Lions Club Lyndhurst & District Inc.	Lions District 201v5 Annual AGM & Convention	\$3,000
Noble Park Community Centre	Seniors say 'Move it before we lose it'	\$3,200
Project Respect Incorporated	Improving inclusion for women with experience in the sex industry	\$10,000
Road Safety Education Limited	Road Safety Education for Greater Dandenong Young Vulnerable Drivers	\$2,000
SEHCP Incorporated (trading as enliven Victoria)	Grow Food - Food from Home	\$8,192
Serbian Social Services and Support Inc.	Serbian Social Services and Support Inc. Planned Group Activities	\$5,000
Springvale Learning and Activities Centre Inc.	Reading for Freedom (RFF)	\$4,220
Springvale Neighbourhood House	Support for Senior Public Housing Tenants	\$5,000
Springvale Rise Primary School (Community Hub)	Annual Women's Health Forum 2023	\$4,500
United Cultural Support Inc	Fitness and Volleyball for Youth	\$5,000
Victorian Afghan Associations Network	Refugee Week 2024	\$4,000
Windana Drug and Alcohol Recovery Limited	Art Therapy Community Studio	\$8,000
Total		\$109,124.75

4.2.2 Leave of Absence - Councillor Tim Dark

File Id: A9860518
Responsible Officer: Manager Governance
Attachments:

1. Report Summary

Councillor (Cr) Tim Dark requests a leave of absence for the period 17 August – 17 September 2023.

2. Recommendation Summary

This report recommends that a leave of absence be granted to Cr Dark requested and outlined in this report.

4.2.2 Leave of Absence - Councillor Tim Dark (Cont.)

3. Background

This report is submitted in conjunction with Council's Governance Rules which state that any Councillor may request a leave of absence in writing submitted to the Chief Executive Officer or Mayor and state the dates they require the leave and the reason for which it is sought.

Further, under section 35(4) of the *Local Government Act 2020*, Council must grant any reasonable request for leave.

The leave of absence requested by Cr Tim Dark is for personal reasons and covers the period 17 August to 17 September inclusive. This period will include the:

- scheduled Council Meetings of 28 August and 11 September 2023 and the Pre-Council Meetings before each of these;
- scheduled Councillor Briefing Sessions of 21 August and 4 September 2023; and
- any further Councillor Briefing Sessions or meetings organised during the requested period of absence.

4. Financial Implications

There are no financial implications associated with this report.

5. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. In relation to this report, the following overarching governance principles have been considered:

- a. Council decisions have been made and actions taken in accordance with the relevant law; and
- b. the transparency of Council decisions, actions and information has been ensured

6. Victorian Charter of Human Rights and Responsibilities

Council, Councillors and members of Council staff are a public authority under the *Charter of Human Rights and Responsibilities Act 2006* and, as such, are all responsible to act in accordance with the *Victorian Charter of Human Rights and Responsibilities 2006* (the Charter).

All matters relevant to the Victorian Human Rights Charter have been considered in the preparation of this report and are consistent with the standards set by the Charter.

4.2.2 Leave of Absence - Councillor Tim Dark (Cont.)

7. The *Gender Equality Act 2020*

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services.

Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this report but are not relevant to its contents. It is purely administrative in nature and does not have a direct impact on members of the Greater Dandenong community. A gender impact assessment is therefore not required

8. Recommendation

That Council grants a leave of absence to Councillor Tim Dark for the period 17 August to 17 September 2023 (inclusive) which includes the Council Meetings of 28 August and 11 September 2023 and notes Cr Dark's apology for each of those meetings.

MINUTE 814

Moved by: Cr Rhonda Garad
Seconded by: Cr Loi Truong

That Council grants a leave of absence to Councillor Tim Dark for the period 17 August to 17 September 2023 (inclusive) which includes the Council Meetings of 28 August and 11 September 2023 and notes Cr Dark's apology for each of those meetings.

CARRIED

4.2.3 List of Registered Correspondence to Mayor and Councillors

File Id:	qA283304
Responsible Officer:	Manager Governance
Attachments:	Correspondence Received 19-30 June 2023

Report Summary

Subsequent to resolutions made by Council on 11 November 2013 and 25 February 2014 in relation to a listing of incoming correspondence addressed to the Mayor and Councillors, Attachment 1 provides a list of this correspondence for the period 19-30 June 2023.

Recommendation

That the listed items provided in Attachment 1 for the period 19-30 June 2023 be received and noted.

MINUTE 815

Moved by: Cr Rhonda Garad
Seconded by: Cr Sophie Tan

That the listed items provided in Attachment 1 for the period 19-30 June 2023 be received and noted.

CARRIED

4.2.3 List of Registered Correspondence to Mayor and Councillors (Cont.)

OTHER

**LIST OF REGISTERED CORRESPONDENCE TO
MAYOR AND COUNCILLORS**

ATTACHMENT 1

**CORRESPONDENCE RECEIVED
19-30 JUNE 2023**

PAGES 3 (including cover)

If the details of the attachment are unclear, please contact Governance on 8571 5235.

4.2.3 List of Registered Correspondence to Mayor and Councillors (Cont.)

Objective

CONNECTED COLLABORATIVE COMMUNITY

Correspondences addressed to the Mayor and Councillors received between 19/06/23 & 30/06/23 - for officer action - total = 0

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Currently Assigned
No correspondence received.				

NB: Users assigned may have changed by the time of the Council Meeting. Correct at time of report production only.

4.2.3 List of Registered Correspondence to Mayor and Councillors (Cont.)



Objective Correspondences addressed to the Mayor and Councillors received between 19/06/23 & 30/06/23 - for information only - total = 4

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Currently Assigned
A complaint from a Springvale resident regarding the lack of signage within the Number 8 multideck carpark and appreciation for the recent improvements.	19-Jun-23	20-Jun-23	A9897536	Mayor and Councillors EA
Advice from Melbourne University regarding its website featuring UniMelb Voice to Parliament events and VoiceFACTS.	21-Jun-23	21-Jun-23	A9901869	Mayor and Councillors EA
Advice from Brisbane City Council to Councillors Lim and O'Reilly regarding the 2023 Asia Pacific Cities Summit and Mayors' Forum in October 2023.	21-Jun-23	21-Jun-23	A9901790	Mayor and Councillors EA
A card of thanks to the Mayor, Councillors and staff of Greater Dandenong from the Bergman Family.	26-Jun-23	28-Jun-23	A9921357	Mayor and Councillors EA

NB: Users assigned may have changed by the time of the Council Meeting. Correct at time of report production only.

4.2.4 Tree Protection on Private Land Local Law

File Id:	A9850474
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Tree Protection on Private Land Policy Tree Protection on Private Land Local Law Tree Protection on Private Land Policy – Tracked Change Version Tree Protection on Private Land Local Law – Tracked Change Version

1. Report Summary

The City of Greater Dandenong Urban Forest Strategy 2021-28 aims to create a healthy, green and resilient urban forest that is well managed, protected and provides benefits to the community. That strategy affects Council-owned land. A key aspect missing from this strategy is the management of tree protection on private land.

In November 2021, Council supported in principle the development of a Local Law to include tree protection on private land, so as to protect mature tree canopy across our municipality. Greater Dandenong has arguably the lowest tree canopy coverage of any metropolitan council and it is necessary to protect existing canopy in Council's aspirations to see that canopy increase in the years ahead. Per NoM No 85 Council Resolved on 24/08/2020 "That in recognition of the essential role of protecting large trees on private land in tackling climate change and protecting the health and wellbeing of residents, that the public consultation on the draft Urban Forest Strategy includes seeking public views on developing a municipal wide Local Law regarding the protection of large canopy trees with a diameter of 40cm to 50cm or more at base height (approx. height of 7m to 10m)."

The purpose of this report is to provide an update on that Community Consultation, and recommendation to proceed with implementation of a Local Law to include Tree Protection on Private Land (Attachment 2) and endorse the Tree Protection on Private Land Policy (Attachment 1).

2. Recommendation Summary

This report recommends that Council notes the feedback received through community consultation, endorses the Tree Protection on Private Land Policy, support the introduction of Tree Protection on Private Land Local Law and initiates the statutory process of establishing the Tree Protection on Private Land Local Law.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

3. Background

Council has committed to providing high-quality living environments for residents, ratepayers and visitors. The urban forest makes an important contribution to ecosystem services and regulation of environmental conditions, local amenity, sense of place, neighbourhood character, landscape values and cultural heritage. Tree canopy cover enhances local climatic conditions by providing shade, wind protection and reduction of the urban heat island effect. Trees also contribute to native fauna habitat and local biodiversity. These are all elements vital to human health and wellbeing.

The Tree Protection on Private Land Policy (Attachment 1) aims to minimise the loss of urban character and ecosystem services by regulating tree removal on private property. Recent research has confirmed that tree canopy is being removed at a high rate in urban areas. Large trees are being lost due to land development, risk aversion, infrastructure and property maintenance, climate variability, natural attrition, pests and disease.

Currently Council has only 9% tree canopy cover in the municipality, with the goal to increase this to 15% by 2028. This Policy and Local Law are crucial as a suite of mechanisms to achieving this goal.

The Policy and associated Local Law will require the property owner with a protected tree (with a stem diameter equal to or greater than 40 centimetres measured at 1.4 metres above ground level) to obtain a permit to remove the tree. Particular exemptions apply. Details of the Policy can be found in Attachment 1.

Community consultation on the proposed Policy and Local Law was undertaken between 13 February 2023 and 31 March 2023. The purpose of this engagement was to obtain feedback from the community and their local needs, knowledge, and experience to make informed decisions for the future Tree Protection on Private Land Policy in City of Greater Dandenong.

Through community consultation a total of 226 submissions were received with 63% of respondents in support of the Tree Protection on Private Land Policy and Local Law. Full details of this consultation can be found within this report under the heading **Consultation**.

After reviewing community feedback, it is recommended by officers to endorse the Tree Protection on Private Land Policy as well as the Tree Protection on Private Land Local Law and to commence the statutory process of establishing the Local Law.

This policy will aim to support a framework for managing the urban forest, improving Greater Dandenong's resiliency to climate change, cooling through greening our city, improving the health of our community and engaging and educating our community about the importance of trees.

4. Financial Implication

The Tree Protection on Private Land Local Law can be established within current budget. However, consideration needs to be given to staff resources to ensure its administration and enforcement can be adequately met, as well as that complaints and enquiries can be responded to.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

The permit application fee was originally proposed at \$120. After community consultation it is now proposed to strike a \$75 permit application fee to ensure the fee does not become a disincentive for the community to support the protection of trees on private land. This can be reviewed at a future date.

5. Consultation

Community consultation is key to ensuring we deliver programs and initiatives that support our communities' vision for the future. City of Greater Dandenong is the most culturally diverse local government area in Australia, with residents from over 150 different birthplaces, of which nearly two-thirds were born overseas. A key consideration throughout this engagement was to ensure as many opportunities as possible for all members of our community to provide their feedback.

In line with Councils Community Engagement Policy under the Local Government Act 2020, Community consultation was undertaken between 13 February 2023 and 31 March 2023. Community engagement opportunities were made to the community via:

- Have Your Say survey (226 responses)
- Three (3) Drop-in sessions held at Dandenong, Springvale and Keysborough
- Greater Dandenong Council News magazine
- Distribution of A5 flyers (mailing list)
- Distribution of colour posters
- Advertising on interactive screens within Dandenong and Springvale Civic Centre's
- Social Media (targeted)
- Media releases
- Information and survey on Council's Website
- Meeting attendance and presentations
- Direct engagement with community groups including:
 - Councils Local Partnership monthly meeting (presentation given)
 - Bunurong People (attendance and presentation given at monthly meeting)
 - Youth Support and Advocacy Services (YSAS)
 - Afghan Australian Women & Youth Association (AAWYA)
 - Afghan Australian Association of Victoria Inc.
 - Victorian Afghan Associations Network (VAAN)
 - Eastern and Central African Communities of Victoria Inc.
 - Federation of South Sudanese Associations in Victoria Inc.
 - Arkan Rohingya Community of Australia (ARCA)
 - Cambodian Association of Victoria
 - South Eastern Melbourne Vietnamese Association Council (SEMVAC Helps)
 - Chinese Association of Victoria
 - Vietnamese Catholic Families Mutual Association Network

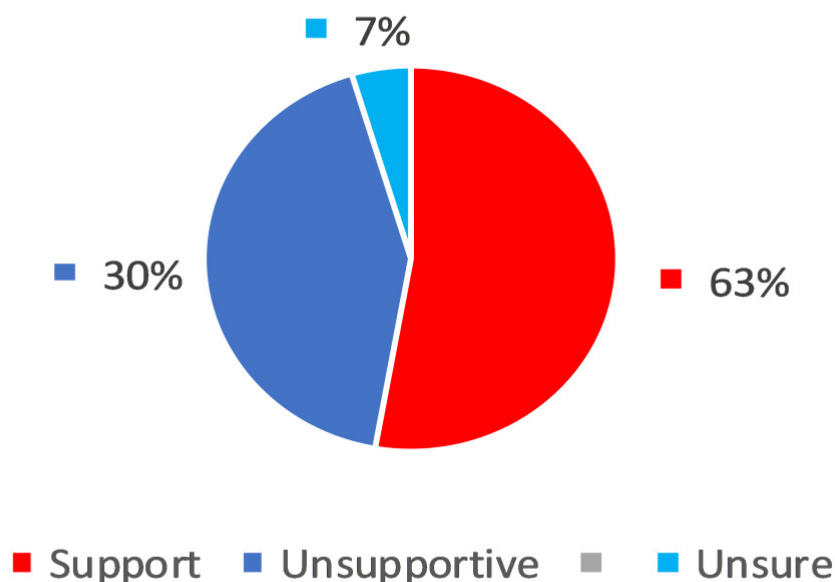
4.2.4 Tree Protection on Private Land Local Law (Cont.)

- Lost Dogs Home
- Australian Animal Protection Society
- Victorian Referral Hospital
- Local Veterinary Clinics
- Animal Management Victoria

Respondents were asked if they supported the new Tree Protection on Private Land Local Law:

- 63% of respondents supported the tree Policy and the Local Law, with 30% unsupportive and 7% unsure.

Tree Protection Local Law



Feedback from the community included:

"We need the local laws to protect trees on private land but the local law proposed needs to be as strong as the local laws in Frankston and Kingston. Noxious trees provide coverage and should be protected. Council should not be excluded from following the laws. Planting a tree after illegally removing trees is a cop-out. The permit should be reduced to \$50 NOT \$220 if you really want to have people follow the laws."

4.2.4 Tree Protection on Private Land Local Law (Cont.)

"I understand more needs to be done to protect trees and make our communities better but I think the council needs to plant better trees on the nature strips (not olive trees and other none native species) More needs to be done to stop builders and developers from taking every tree off property's and replacing it with concrete."

"I say yes because we need the trees to help our planet and keep our neighbourhood cooler. Make it better though, save more of the trees and all of the introduced trees too."

"This is good but it would be better if it was much stronger. It should protect all trees, even non-indigenous and non-native trees, it should protect smaller and younger trees and the permit should be less."

"Trees have a direct impact on the lives of us residents; we should protect them, and having a law that requires/gets people to think twice before they remove a beautiful tree is needed and welcome!"

"Trees give good oxygen and it's very important for human life. Don't cut trees."

"We must keep the greeneries around us alive!!! We need to think about our future generations' wellbeing and also do the right thing for the environment!!!"

"It's a great start and I would love to see the Local Law for tree protection to be even stronger than this proposal. Maybe even as strong as the Local Laws for tree protection in other councils that have it - I think Kingston is the one I'm thinking of. Also, I think the permit should be heaps cheaper, like 50 bucks."

"It's appropriate as part of a broader protection of the environment. Plenty of other councils already have these requirements in place."

"It's essential to keep canopy cover on private land. The City of Greater Dandenong really lags on this."

When considering the Tree Protection on Private Land Policy and Local Law, it is important to have a clear plan to communicate the importance of this policy to all land owners and developers and support the broader community to do their part in ensuring a green future in the City of Greater Dandenong.

5.1 Officer Response to Common Questions.

While the community survey was designed to fundamentally solicit a response of support or opposition to the establishment of a Tree Protection on Private Land Local Law, a number of comments and questions have been submitted as both part of the survey process as well as at a number of Council meetings. It is important to provide a response to some of these questions (paraphrased) as this could assist in a more informed understanding of the proposed Policy and related Local Law, and thereby also assist in the decision-making on the recommendations within this report.

1. Question: How many councils have implemented tree protection local laws?

Nine (9) of seventy six (76) councils benchmarked have an existing tree protection local law. Greater Dandenong proposes to become the tenth Council to implement such a local law.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

2. Question: What other councils propose 40cm diameter as the trigger at which the tree is protected?

A table of the councils which currently have a tree protection local law, and their relevant triggers is shown below;

	Diameter (cm)	Circumference (cm)	Height measured (m)	Height of Tree
Dandenong	40	125.6	1.4	N/A
Frankston	35	110	Ground level	N/A
Bayside	49.3	155	1.0	N/A
Darebin	31.8	100	1.5	Over 8m
Boroondara	35	110	1.5	N/A
Kingston	35	110	Ground level	N/A
Port Phillip	47.7	150	1.0	N/A
Stonnington	44.5	140	1.4	N/A
Yarra	40	125.6	1.5	N/A
Hobsons Bay	45	141	1.5	N/A

3. Question: At what height is tree protection triggered?

The height of a tree is not factored in the triggering of the proposed tree protection. Only one (1) of the nine (9) councils with tree protection local laws uses height as a trigger. Tree height is a variable among different species, for example a Spotted Gum can be upwards of 10 m with a stem diameter of only 20 cm but a Willow Myrtle rarely exceeds 6 m but can have a stem diameter of over 80 cm. Height is therefore not a good indicator of tree canopy volume (and therefore benefits) so has not been used as a measure for the local law or policy.

Measuring tree canopy volume directly is difficult and there are not many tools available to do this. It would be nearly impossible for a property owners to measure the total volume of a tree's canopy, and therefore the diameter measurement is the next best thing to determine the benefits provided by the tree.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

4. Question: Why is the proposed Local Law for Greater Dandenong not stricter, such as those for Kingston and Frankston?

A number of submitters have suggested that the 40cm diameter trigger should be changed to 35cm, thereby triggering 'younger' trees. As can be seen from the table provided above, some councils have less stringent diameter triggers (i.e. greater than 40cm) and others such as Kingston and Frankston have diameter triggers that are more stringent (i.e. less than 40cm). While both Kingston and Frankston measure the 35cm diameter at ground level, the CGD proposal of 40cm at 1.4m above ground level is itself comparatively strict. Firstly, no councils other than Frankston and Kingston are using ground level measurement, and in using 40cm measured at 1.4m above ground level, we are similar to the triggers used by Stonnington Council. However, at 40cm at 1.4m above ground level CGD are still 'stricter' than Stonnington's 44.5cm diameter, and 'stricter' than all of the other councils be they be measured at 1.0m or 1.5m above ground as their diameters are at between 40cm and 49.3cm.

Professional advice obtained in the preparation of the proposed Policy and Local Law is that 40 cm is a good indication of a tree that is appropriately mature; already providing a large number of benefits and has sequestered a large volume of carbon to be of this size.

Much consideration has been given to determining the proposed trigger point/s and 40cm at a 1.4m height is considered to be an appropriate balance.

Measuring at 1.4 m is also in-keeping with the Australian Standard *AS 4970-2009 Protection of trees on development sites* and is a measurement that arborists will take during a standard tree inspection.

5. Question: Why are people who illegally remove a tree (including a dead tree) exempt from fines or prosecution if they replace the tree with a new tree?

They are not exempt. Residents who illegally remove or cause damage to a protected tree will not be exempt from enforcement. Protection exists for what might be considered a dead tree as well., as they too provide environmental benefits.

Replanting may be sought in addition to a fine or prosecution. When removing a tree illegally one could end up with a trifecta of enforcement. Council will investigate all potential matters of non-compliance with the local law, and may issue fines, prosecute and as well as require the replanting of vegetation where appropriate. Certainly, the idea that you can get away with removing a tree bar simply planting a tree in place of the one illegally removed is not one of the options in our local law.

6. Question: There are trees that require pruning or need to be removed because they are unsafe and the local law is impractical and an unfair financial burden.

A permit is not required for maintenance and pruning of trees. It is also recognised that there are occurrences where tree removal may need to be undertaken as a priority due to imminent risk of failure – that is, a tree that has or is likely to fail without any additional load applied. In these instances, it is not always practical to wait for a permit application to be approved and therefore it would be unreasonable to impose.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

7. What percentage of trees on private land will be protected by the local law?

While a rough estimate in the range of 2-7% of trees on private land could be protected by virtue of this proposed local law, it is practically impossible to say how many trees are going to be protected. Unless we send somebody out to every single private property and we count those trees on the land, there is no practical way of knowing how many trees are going to be protected.

Without the Tree Protection on Private Land Local Law it is indisputable that a number of valuable trees will be lost, and every single tree that is saved in the process or as a consequence of the Tree Protection Local Law, would be a tree worth saving.

8. Why are trees deemed Noxious Weeds exempted? They shouldn't be, as they also provide benefits.

Some trees are considered to do far more damage than good and can cause both environmental and economic harm. Trees that have been proclaimed under the Catchment and Land Protection (CaLP) Act 1994 should be actively removed and therefore it would be unreasonable to require a permit. In Victoria there is only a single species of tree (a species of Willow tree) that is captured by this provision.

5.2 Minor Changes to Exhibited documents

Minor changes were made to both the exhibited draft Policy document and the draft Local Law document, being mainly in terms of formatting and grammatical changes.

In the draft Policy document an extra provision on the meaning of a protected tree was added, which now includes multi-stemmed trees (and how they are measured) as well as including any tree required by a replanting condition of a permit issued for the removal of a protected tree.

In the draft Local Law, apart from formatting and grammatical changes the most noticeable change is the addition of section 17 (5) which makes both the owner of the land and the person who actually interfered with the tree/ breached the Local Law guilty of an offence, unless the owner can prove that the interference was undertaken by another party without the authorisation of the owner.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

6. Community Vision 2040 and Council Plan 2021-25 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted for themselves and our city, the Greater Dandenong People's Panel developed a new Community Vision for 2040:

The City of Greater Dandenong is a home to all.
It's a city where you can enjoy and embrace life through celebration and equal opportunity.
We harmonise the community by valuing multiculturalism and the individual.
Our community is healthy, vibrant, innovative and creative.
Our growing city is committed to environmental sustainability.
Welcome to our exciting and peaceful community.

6.1 Community Vision 2040

This report is consistent with the Community Vision 2040 and its accompanying principles:

- Safe and peaceful community
- Education, training, entrepreneurship and employment opportunities
- Sustainable environment.
- Embrace diversity and multiculturalism
- Mind, Body and Spirit
- Art and Culture

6.2 Council Plan 2021-25

The Council Plan describes the kind of future the Council is working for, and how Council will do this over four (4) years. This report is consistent with the following strategic objectives:

- A socially connected, safe and healthy city
- A city that respects and celebrates diversity, our history and the arts
- A city of accessible, vibrant centres and neighbourhoods
- A green city committed to a sustainable future
- A city that supports entrepreneurship, quality education and employment outcomes
- A Council that demonstrates leadership and a commitment to investing in the community.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

7. The Overarching Governance Principles of the *Local Government Act 2020*

Section 9 of the Local Government Act 2020 (the LGA 2020) states that a Council must in the performance of its role give effect to the overarching governance principles. When a tender process is undertaken it is fundamentally underpinned by the following overarching governance principles:

- Section 9(a) of the LGA2020 - Council decisions are to be made and actions taken in accordance with the relevant law;
- Section 9(b) of the LGA2020 - Priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- Section 9(c) of the LGA2020 - the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- Section 9(e) of the LGA 2020 - innovation and continuous improvement is to be pursued;
- Section 9(f) of the LGA 2020 - collaboration with other councils and governments and statutory bodies is to be sought;
- Section 9(g) of the LGA2020 - the ongoing financial viability of the Council is to be ensured; and
- Section 9(i) of the LGA2020 - the transparency of Council decisions, actions and information is to be ensured.

8. Victorian Charter of Human Rights and Responsibilities

Council, Councillors and members of Council staff are a public authority under the *Charter of Human Rights and Responsibilities Act 2006* and, as such, are all responsible to act in accordance with the *Victorian Charter of Human Rights and Responsibilities 2006* (the Charter).

The *Charter of Human Rights and Responsibilities Act 2006* has been considered in the preparation of this report but is not relevant to its contents.

9. The *Gender Equality Act 2020*

The *Gender Equality Act 2020* came into operation on 31 March 2021 and requires councils to take positive action towards achieving workplace gender equality and to promote gender equality in their policies, programs and services.

Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this report but are not relevant to its contents. The content of this report is purely administrative in nature and does not benefit any one gender group over any other.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

10. Consideration of Climate Change and Sustainability

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a “Climate and Ecological Emergency” and committed this Council to emergency action on climate change. Council has developed a Climate Change Emergency Strategy and Action Plan 2020-30 to help the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of changing climate.

The Policy and the Local Law are both designed to support Council’s action on climate change and sustainability by protecting significant trees on private land.

The protection of these trees will contribute to improving the impacts of living in an urban environment, including reducing the rate of stormwater runoff into drains, reducing air temperatures and urban heat islands, capturing dust particles and pollutants, increasing property values, providing natural protection from the sun, contributing to both psychological and physiological wellbeing, and providing habitat for local fauna.

Council’s Declaration on a Climate and Ecological Emergency, Council’s Climate Change Emergency Strategy 2020-2030 and the requirements of the *Local Government Act 2020* in relation to the overarching governance principle on climate change and sustainability have been considered in the preparation of this report.

11. Recommendation

That Council:

1. notes the feedback received through Community Consultation on the draft *Tree Protection on Private Land Policy* and on the draft *Tree Protection on Private Land Local Law*
2. adopts the *Tree Protection on Private Land Policy*
3. endorses the *Tree Protection on Private Land Local Law 2023*
4. resolves to commence the statutory process for the formal adoption of the *Tree Protection on Private Land Local Law 2023*

4.2.4 Tree Protection on Private Land Local Law (Cont.)

MINUTE 816

Moved by: Cr Tim Dark
Seconded by: Cr Loi Truong

That Councillor Bob Milkovic be granted a 2 minute extension to speak to the item.

CARRIED

MINUTE 817

Moved by: Cr Rhonda Garad
Seconded by: Cr Richard Lim OAM

That Council:

1. **notes the feedback received through Community Consultation on the draft *Tree Protection on Private Land Policy* and on the draft *Tree Protection on Private Land Local Law***
2. **adopts the *Tree Protection on Private Land Policy***
3. **endorses the *Tree Protection on Private Land Local Law 2023***
4. **resolves to commence the statutory process for the formal adoption of the *Tree Protection on Private Land Local Law 2023***

CARRIED

For Motion: Cr Sean O'Reilly, Cr Loi Truong, Cr Rhonda Garad, Cr Sophie Tan, Cr Lana Formoso, Cr Richard Lim OAM, Cr Eden Foster.

Against Motion: Cr Tim Dark, Cr Bob Milkovic.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

POLICY AND STRATEGY

TREE PROTECTION ON PRIVATE LAND LOCAL LAW

ATTACHMENT 1

**TREE PROTECTION ON PRIVATE LAND
POLICY**

PAGES 16 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.2.4 Tree Protection on Private Land Local Law (Cont.)



Tree Protection on Private Land Policy

Policy Endorsement:	Council		
Policy Superseded by this Policy:	Not applicable		
Directorate:	City Planning, Design & Amenity		
Responsible Officer:	Manager Regulatory Services		
Policy Type:	Discretionary		
File Number:		Version No:	
1 st Adopted by Council	Minute No.	Last Adopted by Council:	Minute No.
Review Period:	In three years	Next Review:	September 2025

4.2.4 Tree Protection on Private Land Local Law (Cont.)



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DRAFT

4.2.4 Tree Protection on Private Land Local Law (Cont.)

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4.2.4 Tree Protection on Private Land Local Law (Cont.)

1. POLICY OBJECTIVE (OR PURPOSE)

This policy aims to minimise the loss of urban character and ecosystem services by regulating tree removal on private land. It also aims to:

- aid with achieving the goals and targets of Greater Dandenong City Council's Urban Forest Strategy; the Greening Our Neighbourhoods Strategy, and the Greening Our City Urban Tree Strategy;
- protect and expand the tree canopy on private land;
- protect natural beauty and environmental benefits provided by trees;
- provide and enhance neighbourhood amenity and ecosystem services provided by trees;
- mitigate the impact of climate change and provide adaptive benefits in response to climate change;
- provide a sustainable environment; and
- encourage replacement planting for a net gain of tree canopy cover, but not at the expense of protecting existing trees or enforcing the illegal removal of trees.

The Greater Dandenong Planning Scheme Vegetation Protection Overlays (VPOs); Environmental Significance Overlays (ESOs); Heritage Overlays (HOs); Particular Provisions (Native Vegetation), and Tree Protection on Private Land Local Law all assist Council to protect and expand the tree canopy of the entire municipality. Council's aim to increase tree canopy cover to 15 per cent by 2028 is directly affected by the implementation of these planning controls and the local law.

This policy is intended to provide guidance with regard to assessing Local Law permits for protected trees on private land in accordance with the Tree Protection on Private Land Local Law and ensure trees suitable for retention are protected. A person, without a permit, must not remove, damage, destroy or lop, or allow to be removed, damaged, destroyed or lopped, any protected trees on any private land.

A person must also not carry out, or direct, authorise or allow to be carried out, any works near a protected tree or vegetation contrary to the guidelines in the *Australian Standard AS4970-2009 Protection of Trees on Development Sites*.

A permit is not required:

- if the tree does not meet the definition of a protected tree; or
- if the removal of a tree requires a planning permit under the Greater Dandenong Planning Scheme and a permit has been obtained; or
- for pruning, where the pruning is carried out by a minimum AQF level 3 Arborist and is in accordance with Australian Standard AS 4373-2007 *Pruning of amenity trees*, and the Arborist has provided their qualifications, and the property owner has kept photographs of trees before and after the work; or
- in an emergency, any part of a tree that is an immediate hazard to life and/or property as determined by a minimum AQF level 5 Arborist may be pruned; or
- the tree is a *salix* spp (Willow) declared a noxious weed under the *Catchment and Land Protections Act 1994*.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

2. BACKGROUND

Data shows that with increasing density of urban development the number of large trees on private land is decreasing, therefore protecting the health and sustainability of these trees is becoming increasingly important.

Trees can be long-lived and provide a sense of character and identity to an area. They also contribute to improving the impacts of living in an urban environment, including reducing the rate of stormwater runoff into drains, reducing air temperatures and urban heat islands, capturing dust particles and pollutants, providing natural protection from the sun, contributing to psychological wellbeing, providing habitat for local fauna and can also increase property values.

Decisions made in respect to tree removal permits must consider the property owner's desires, the risk of injury or damage to persons or property and the impact of the tree removal on people, the environment and local amenity.

3. SCOPE

This policy is limited in its application to trees that are protected under the Tree Protection on Private Land Local Law 2023.

A protected tree is a tree with a stem diameter equal to or greater than 40 centimetres measured at 1.4 metres above ground level. The diameter of trees with multiple stems is calculated in accordance with Australian Standard AS 4970-2009 *Protection of Trees on Development Sites*. This excludes the *salix* spp (Willow) species which is declared a noxious weed (Victorian Noxious Weed List) or where a tree is an immediate hazard to life and or property as determined by a minimum AQF level 5 Arborist, with removal being the only option to mitigate the risk.

This policy does not apply to exemptions and determinations made by the Responsible Authority regarding trees protected by the Greater Dandenong Planning Scheme. This includes, but is not limited to:

- Heritage Overlays;
- Environmental Significant Overlays;
- Particular Provisions (Native vegetation); and
- Vegetation Protection Overlays.

This policy also does not apply to vegetation on land owned or managed by Council.

Where a planning permit is not required to remove a protected tree proposed for removal as part of a development on site, a Tree Protection Local Law Permit will still be required to remove the tree(s).

4. DEFINITIONS

TERM	MEANING
Authorised Officer	a person appointed to a statutory position, who has certain powers by virtue of that position.
Cultivars	a plant or tree that has been bred by humans to have desired traits, using selective breeding
Exotic tree	species whose natural habitat is exclusively outside of Australia.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

Immediate hazard	a tree or tree part that has started to, or is most likely to, fail in the near future without significant or increased load.
Indigenous tree	native species that were present in the original vegetation communities of the suburb, excluding cultivars and varieties thereof.
Minor pruning	minor pruning or pruning for regular maintenance that is carried out in accordance with Australian Standard (AS 4373–2007 <i>Pruning of amenity trees</i>) by a minimum AQF Level 3 Arborist and does not result in the damage or destruction of a protected tree on private land.
Native tree	species that are native to Australia. This may include indigenous species (including cultivars and varieties of indigenous species).
Noxious weed	plant or salix spp (Willow) tree that is declared a noxious weed under the <i>Catchment and Land Protections Act 1994</i> .
Protected tree	<p>a tree with a stem diameter equal to or greater than 40cm measured at 1.4m above ground level. The diameter of trees with multiple stems is calculated in accordance with Australian Standard AS 4970–2009 <i>Protection of trees on development sites</i>. The definition excludes salix spp (Willow) which is declared a noxious weed under the <i>Catchment and Land Protections Act 1994</i>.</p> <p>Where a tree has been removed without a permit, for enforcement purposes, a protected tree is a tree with a stump diameter equal to or greater than 50cm at ground level.</p>
Tree	Any perennial plant having one or more permanent, woody, self-supporting trunks and with branches forming a crown, and includes all parts of the plant whether above or below ground.

5. POLICY

In January 2020, City of Greater Dandenong joined a growing number of cities around Australia and declared a “Climate and Ecological Emergency” committing to emergency action on climate change and biodiversity loss.

Council has developed a Climate Emergency Strategy and Action Plan 2020-30 to assist the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of the changing climate. Council has developed the Urban Forest Strategy, as well as the Greening Our Neighbourhoods Strategy, and Greening Our City: Urban Tree Strategy collectively to actively manage the urban forest and its vital role in mitigating climate change and biodiversity loss.

Council has committed to providing high-quality living environments for residents, ratepayers and visitors. The urban forest makes an important contribution to ecosystem services and regulation of environmental conditions, health and wellbeing, local amenity, sense of place, neighbourhood character, landscape values and cultural heritage. Tree canopy cover enhances local climatic conditions by providing shade, wind protection and reduction of the urban heat island effect. Trees also contribute to native fauna habitat and local biodiversity.

Greater Dandenong City Council is committed to protecting and enhancing tree canopy cover because it is regarded as integral to municipal identity and underlying land values and provides innumerable ecosystem and health and wellbeing benefits.

Recent research has confirmed that tree canopy in urban areas is being removed at a high rate. Large trees are being lost due to land development, risk aversion, infrastructure and property

4.2.4 Tree Protection on Private Land Local Law (Cont.)

maintenance, climate variability, natural attrition, pests and disease.

A proactive approach to protecting tree canopy cover is required in order to maintain the high levels of amenity and distinctive character of Greater Dandenong's suburbs and to protect ecosystem services for liveability within Greater Dandenong.

Council applies a range of regulatory and operational measures aimed at protecting tree canopy cover on both private and public land. In relation to private land, two legal instruments facilitate tree protection and replacement:

- Tree Protection on Private Land Local Law 2023
- *Greater Dandenong Planning Scheme* (under provisions listed in Section 3 of this policy and through the use of planning permit conditions).

5.1 TREE WORKS PERMIT

A permit is required to remove a tree described in the Tree Protection on Private Land Local Law 2023. Applications are made in writing or online using a standard template and must be adequately supported with the nominated information.

Tree removal applications must include supporting information, such as an arborist report. Refer to Attachment A for guidance with different types of supporting information.

The property owner should seek arboricultural advice while undertaking a preliminary tree assessment, which includes an inspection of tree health and structure. This information can be used by the property owner's arborist to determine the suitability of intervention methods for tree or habitat retention. Permits may be granted to remove trees where no suitable intervention could be applied for tree or habitat retention. Refer to Attachment A, *Guidelines for Assessing Applications*.

5.2 PRUNING PROTECTED TREES ON PRIVATE LAND

Pruning of protected trees must be carried out by a minimum AQF Level 3 Arborist and in accordance with Australian Standard AS 4373–2007 *Pruning of Amenity Trees*.

A permit is not required for pruning, so long as the following conditions are met:


- where the pruning is carried out by a qualified arborist in accordance with *Australian Standard AS 4373–2007 Pruning of Amenity Trees*:
 - and the Arborist has provided their qualifications; and
 - and the property owner has kept photographs of trees before and after the work; or
- in an emergency, where any part of a tree is an immediate hazard to life and or property, as determined by a minimum AQF Level 5 Arborist, it may be pruned.

Pruning of trees is usually undertaken by those with advanced skill and knowledge, with the ability and equipment to perform these works. Pruning of a protected tree by a suitably qualified person in accordance with the Australian Standard does not require a permit, with the cost of maintaining these trees thus being no greater than prior to the introduction of the Local Law.

5.3 TREE WORK IN EMERGENCY CIRCUMSTANCES

In an emergency, the part of a protected tree that is an immediate hazard to cause injury,

4.2.4 Tree Protection on Private Land Local Law (Cont.)



damage or disruption as determined in an assessment by a minimum AQF Level 5 Arborist, may be pruned or removed without a permit. A brief written assessment from the property owner's Arborist and before and after photos should be kept by the property owner if verification of the work is requested by Council. The Arborist must provide their qualifications in the assessment to ensure that they meet the minimum requirement to undertake the work.

5.4 DECISION MAKING FOR TREE WORKS PERMITS

Permit assessments relating to sections 5.1 and 5.2 are undertaken by an Authorised Officer of Council with minimum AQF level 5 arboricultural qualifications. The Authorised Officer will inform the applicant of the decision made by Council.

6. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

Section 9 of the *Local Government Act 2020* states that a Council must, in the performance of its role, give effect to the overarching governance principles. As such, the overarching governance principles of the *Local Government Act 2020* have been considered in the preparation of this policy in the following regard:

- Council decisions have been made and actions will be taken in accordance with the relevant law;
- this policy ensures that priority is given to protecting significant trees to achieve the best outcomes for the municipal community and future generations;
- this policy will promote social and environmental sustainability of the municipal district, including mitigation of and planning for climate change risks;
- innovation and continuous improvement will be pursued;
- consultation with other councils and statutory bodies has been undertaken and considered;
- regional and state plans and policies were taken into account in the policy's development; and
- permit applications will be assessed and determined in a transparent manner.

7. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT

Council, Councillors and members of Council staff are a public authority under the *Charter of Human Rights and Responsibilities Act 2006* and, as such, are all responsible to act in accordance with the *Victorian Charter of Human Rights and Responsibilities 2006* (the Charter).

The Victorian Charter of Human Rights and Responsibilities 2006 has been considered in the preparation of this policy which is considered to be consistent with the standards set by the Charter.

8. RESPONSE TO THE GENDER EQUALITY ACT 2020

The *Gender Equality Act 2020* came into operation on 31 March 2021. It requires that councils take positive action towards achieving workplace gender equality and promote gender equality in their policies, programs and services.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this policy but are not relevant to its contents, as the policy is purely administrative in nature and does not benefit any one gender group over any other.

9. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation of and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a "Climate and Ecological Emergency" and committed this Council to emergency action on climate change.

Council has developed a Climate Emergency Strategy and Action Plan 2020-30 to assist the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of the changing climate. Council has developed the Urban Forest Strategy, as well as the Greening Our Neighbourhoods Strategy, and the Greening Our City: Urban Tree Strategy to collectively and actively manage the urban forest, and its vital role in mitigating climate change and biodiversity loss.

You can find these strategies and action plans at the following links:

- <https://www.greaterdandenong.vic.gov.au/climate-emergency-strategy-and-action-plan-2020-30>
- <https://www.greaterdandenong.vic.gov.au/urban-forest-strategy-2021-28>
- <https://www.greaterdandenong.vic.gov.au/greening-our-neighbourhoods-strategy-2021-28>
- <https://www.greaterdandenong.vic.gov.au/greening-our-city-urban-tree-strategy>

This policy supports Council's action on climate change and sustainability by protecting significant trees on private land.

The protection of these trees will contribute to improving the impacts of living in an urban environment, including reducing the rate of stormwater runoff into drains, reducing air temperatures and urban heat islands, capturing dust particles and pollutants, increasing property values, providing natural protection from the sun, contributing to psychological and physiological wellbeing, and providing habitat for local fauna.

10. RESPONSIBILITIES

ROLE	RESPONSIBILITY
Policy Development	Manager Regulatory Services Manager Planning and Design Parks Service Unit Leader
Policy Implementation	Manager Regulatory Services
Policy Evaluation	Manager Regulatory Services
Policy Review	Manager Regulatory Services Parks Service Unit Leader

4.2.4 Tree Protection on Private Land Local Law (Cont.)

Decision Making – Tree pruning and removal permits	As per section 5.4
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11. REPORTING, MONITORING AND REVIEW

The effectiveness of the management of the *Tree Protection on Private Land Policy* will be reviewed by Council's Parks Service Unit in conjunction with the Regulatory Services Department and will consider input from community stakeholders. Information on applications and decisions will be maintained in Council's record management system.

A review of the Tree Protection on Private Land Local Law and this policy will be undertaken following three years of its inception.

12. REFERENCES AND RELATED DOCUMENTS

Legislation

- *Catchment and Land Protections Act 1994*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Gender Equality Act 2020*
- *Greater Dandenong Planning Scheme*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*

Standards

- *Australian Standard AS 4970–2009 Protection of trees on development sites*
- *Australian Standard AS 4373–2007 Pruning of amenity trees*

Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- Greater Dandenong City Council Access, Diversity and Equity Policy
- Greater Dandenong City Council Climate Change Emergency Strategy and Action Plan 2020-30
- Greater Dandenong City Council Garden Policy
- Greater Dandenong City Council Greening Our City: Urban Tree Strategy 2021-28
- Greater Dandenong City Council Greening Our Neighbourhoods Strategy 2021-28
- Greater Dandenong City Council Urban Forest Strategy 2021-28
- Greater Dandenong City Council Satisfaction Procedure and Form

4.2.4 Tree Protection on Private Land Local Law (Cont.)

13. ATTACHMENTS

13.1 ATTACHMENT A - GUIDELINES FOR ASSESSING APPLICATIONS

These Guidelines require that, in the assessment of a permit application, Council considers three key elements. These are:

- a) the health, structure and identified and potential hazard status of the tree; and
- b) the canopy and habitat value of the tree; and
- c) the reasons for the request to remove or lop a protected tree.

Assessments are to be guided by the overarching principle of the Tree Protection on Private Land Local Law 2023, which is to retain protected trees where practicable to do so, while also considering the right of the landowner to the reasonable use of their property.

The Local Law uses a measurement of tree trunk diameter to determine whether it is classified as a protected tree. The larger the trees are, the more benefits they provide and a measurement of equal to, or greater than 40cm, measured at 1.4m high from the ground on the tree's stem is a tree considered protected under the Local Law.

A protected tree also means any:

- a multi-stemmed tree where the diameter of its exterior stems measured at 1.4m is equal to or greater than 40 cm, calculated in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites.
- a tree planted as required by a replanting condition of a permit issued for the removal of a protected tree

Hierarchy of Need

Council, when assessing applications for permits, will have regard to a hierarchy of need which has been established in relation to the most common improvements undertaken on home sites. The purpose of this hierarchy is to allocate decreasing levels of significance to the different kinds of improvements undertaken, from the construction of new dwellings to the addition of recreational facilities to existing dwellings. The hierarchy of need is:

- a) New dwellings;
- b) Building repairs;
- c) Alterations and additions to existing dwellings (including extensions to the dwelling, and structures such as garages and carports);
- d) Swimming pools;
- e) Pergolas; and
- f) Covered patios and decks.

Where an improvement other than those listed above is proposed as part of an application, Council will allocate it to a suitable level in the hierarchy of need based on its similarity to one of the improvements listed above.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

Nominated information

The following information must be included within the permit application:

- a) Completed application form;
- b) Applicant details;
- c) Property details;
- d) Application fee;
- e) Tree details: species name, common name, health and structure assessment and diameter measured at 1.4m;
- f) Tree location details: a map or aerial image, with the tree(s) clearly identified;
- g) Reasons for requesting tree removal;
- h) Supporting information – which should include an arborist report confirming the need to remove the tree(s); and
- i) Property owner(s) name and signature.

Applications

When Council receives a permit application, it will be assessed as follows:

- a) The application will be referred to Council's Arborist for assessment;
- b) If required, the Arborist may involve an Independent Arborist hired by Council for the purpose of assessing the health and significance of the tree which is the subject of the application. The Arborist will make recommendations as to whether the tree can and/or should be removed, or other appropriate action should be undertaken;
- c) The Arborist will consider all supporting documentation from a suitably qualified professional (e.g. structural engineers, arborists, other relevant specialist professionals, etc) and will consult with other Council Officers as appropriate and
- d) The Arborist will then assess and determine the application, taking into account:
 - (i) the recommendations and comments, if any, of the Independent Arborist;
 - (ii) any other reports provided or comments from other relevant Council Officers;
 - (iii) the hierarchy of need;
 - (iv) any other reasons for the proposal to remove, damage, destroy or lop a protected tree;
 - (v) the effect of the proposed removal or lopping of a protected tree on the surrounding area and those living within it;
 - (vi) whether the tree has caused, is causing, or is likely to cause, substantial property damage or an unacceptable risk to the safety of any person;
 - (vii) whether the tree is a recognised as a *salix* spp (Willow) as defined under the *Catchment and Land Protection Act 1994*;
 - (viii) any legislative requirements imposed by any Act, regulation or other legislative instrument; and
 - (ix) any other matter relevant to the circumstances of the application.

If deemed necessary by Council, the Arborist and other relevant persons may conduct a site inspection to assist in the determination of the application.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

Planning applications and protected trees

Where a protected tree, that does not require a planning permit for removal, is identified for removal as part of a planning application, the following will occur:

- a) The planning application 'Request for Further Information' letter will require the applicant to either apply for a Local Law permit to remove the Protected Tree, or provide evidence that the tree is not a Protected Tree;
- b) If a Local Law permit is required, a decision must be made on that permit prior to further consideration of the planning application; and
- c) If the Local Law permit refuses the removal of the tree, the planning application will need to be redesigned to retain the tree.

Tree Removal

Council will require the retention of all trees where it is appropriate and possible to do so. The preservation of protected trees is of prime importance to Council and it will encourage the use of practical techniques to maintain the health and longevity of trees.

In some circumstances, however, the removal of trees may be necessary and by recognising those circumstances and permitting removal where appropriate, Council can protect property and public safety within the municipality to an acceptable level.

Reasons for approving an application for removal of a protected tree include:

- a) The tree is damaged, diseased, dead or in an advanced state of decline and further remedial action is unlikely to be effective in saving or retaining the tree.


Note: In the event that vandalism to, or poisoning of, a tree is suspected by persons known or unknown, provided that the tree does not present an unacceptable risk to people or property, the application will not be determined until an investigation into the cause of damage to, or death of, the tree has been completed, or Council is otherwise satisfied that the application should be determined sooner;
- b) The tree has a significant structural fault, identified by a minimum AQF Level 5 qualified arborist, that cannot be remedied by appropriate techniques;
- c) The tree is an immediate hazard to life and or property, as determined by the property owner's arborist with a minimum AQF Level 5, or poses a serious health risk and cannot be rectified by pruning or other methods;

Note: Where it is claimed that a tree poses a serious health risk, evidence that has been documented by an immunologist is required to substantiate this claim.

- d) The tree has caused, is causing, or is likely to cause, substantial damage to property (including that of public utilities) and the estimated cost of ongoing repairs outweighs the value of the tree and there is no reasonable alternative to solve the problem;

Note: Where it is claimed that a tree is causing substantial damage, evidence to support this claim must be provided. For instance, if the claim is of building damage, a Structural

4.2.4 Tree Protection on Private Land Local Law (Cont.)



Engineer's report that is not based on the anecdotal zone of influence would be required to substantiate this claim.

- e) The works must be carried out in order to comply with any obligation imposed at law (e.g. an Act, Court order, etc.);
- f) The tree has been identified in a property development plan approved by the Council as requiring removal in order to implement that plan; and
- g) Construction of one or more new buildings on a site where the applicant can demonstrate to the Council's satisfaction that:
 - (i) the proposed works cannot be redesigned, or the use of particular building techniques are not feasible in order to protect the buildings; and
 - (ii) that appropriate arboricultural techniques as detailed in the submission of an Arborist report cannot be employed in order to retain the tree.

Reasons for refusing an application for removal of a protected tree might include:

- a) The tree is in good condition, suitable to the site, and has not caused, is not causing, and is unlikely to cause substantial damage to property, or evidence to substantiate these claims is insufficient;
- b) The tree is to be removed from private land only to facilitate the construction of tennis courts, patios, decks, garages, carports, swimming pools, or similar facilities unless a planning permit has been approved which requires removal in order to implement the permit;
- c) The tree is to be removed only to address common issues, including but not limited to tree litter and/or leaf fall, bird droppings and bird noise or wildlife complaints


Note: these are not considered a nuisance issue and form part of general maintenance and acceptable living environments.

- d) The tree is to be removed to address an unsubstantiated and perceived danger that a tree might fall or drop branches in a weather event.

Note: If such a claim is made, a Tree Risk Assessment completed by a minimum AQF Level 5 Arborist, using an industry accepted risk assessment method, is required to substantiate this claim. Council will also engage an arborist to conduct its own enquiries into the tree;

- e) The tree is to be removed only to facilitate a desire to re-landscape or for turf growth;
- f) The tree is to be removed only to facilitate access for solar panels;
- g) The tree has caused, is causing, or is likely to cause problems for swimming pool installation and/or maintenance because of interference by roots and/or falling debris; and

4.2.4 Tree Protection on Private Land Local Law (Cont.)

- 
- h) The tree must be removed to facilitate the repair of underground services (e.g. water, gas etc.) when all other options have not yet been considered (e.g. sleeving sewerage pipes, realignment of services etc.).

Note: In these instances, tree owners must consider hydro-excavation and other non-destructive excavation methods.

- i) The tree is to be removed simply because it is considered dead.
Note: Unless the tree presents an unacceptable risk to people or property as determined by a minimum AQF Level 5 qualified arborist, a dead tree meeting the dimensions of a Protected Tree could nonetheless be required for retention if it continues to provide fauna and ecosystem benefits.

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4.2.4 Tree Protection on Private Land Local Law (Cont.)

POLICY AND STRATEGY

TREE PROTECTION ON PRIVATE LAND LOCAL LAW

ATTACHMENT 2

**TREE PROTECTION ON PRIVATE LAND
LOCAL LAW**

PAGES 8 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

**CITY OF GREATER DANDENONG
Tree Protection on Private Land Local Law
NO. 01 of 2022**

PART ONE - PRELIMINARY PROVISIONS

1. Title

This is the *Tree Protection on Private Land Local Law* No.01 of 2023.

2. Objectives

The objectives of this Local Law are to ensure that the urban forest is healthy, safe, provides amenity. Mitigates the impact of climate change and provides adaptative benefits in response to climate change, provides habitat for biodiversity and increases liveability for the community by:

- (a) prohibiting, regulating and controlling activities that could be a risk or endanger protected trees in the Municipal District; and
- (b) applying controls which will complement other controls being applied by the Council to maintain and protect trees in the Municipal District.

3. Authorising Provision

This Local Law is made under Section 71(1) of the Local Government Act 2020.

4. Commencement and revocation

This Local Law:

- (a) commences on XXXXXX and
- (b) ends on the 10th anniversary of the day on which it commenced operation.
- (c) is reviewed at 3 year intervals

5. Area of Operation

This Local Law operates throughout the whole Municipal District.

6. Incorporated Documents

- (1) This Local Law incorporates by reference documents containing Council Policy, standards or guidelines that apply to specific uses or activities which are intended to assist in achieving the objectives of this Local Law.
- (2) It is intended that where an incorporated document is applied to a use or activity a person must comply with any or all of the requirements specified for that use or activity.

7. Interpretation and Definitions

- (1) In this Local Law the following words have the meaning given to them unless stated otherwise:

4.2.4 Tree Protection on Private Land Local Law (Cont.)

"Act"	means the Local Government Act 2020 .
"Authorised Officer"	means a person appointed as an Authorised Officer under section 224 of the Local Government Act 1989 for the purposes of this Local Law.
"Council"	means the City of Greater Dandenong.
"Council land"	means land, buildings and facilities which are owned, occupied or vested in the Council or in respect of which the Council has the care and management and to which the public has access whether an entry fee is paid or not and includes a public place.
"Minor Pruning"	means pruning for maintenance that is carried out in accordance with Australian Standard AS 4373–2007 <i>Pruning of amenity trees</i> by a minimum AQF level 3 arborist, and does not result in the damage or destruction of a protected tree on private property.
"Municipal District"	means the Municipal District of the Council.
"Noxious Weeds"	has the same meaning as in the Land Catchment and Protection Act 1994.
"Private Land"	means any land that is not Council Land or land in the ownership or under the management or control of another public body.
"Penalty Unit"	means the amount prescribed by section 110(2) of the Sentencing Act 1991 .
"Policy"	means a policy made by the Council or that Council is required to comply with in relation to its activities and where those specified activities and uses are regulated by this Local Law.
"Protected Tree"	<p>means</p> <p>(a) any tree with a trunk diameter equal to or greater than 40 cm measured at 1.4 meters above ground level.</p> <p>(b) any tree planted as required by a replanting condition of a permit issued for the removal of a protected tree.</p> <p>The diameter of trees with multiple stems is calculated in accordance with Australian Standard AS 4970–2009 <i>Protection of trees on development sites</i>.</p> <p>The definition includes exotic species but excludes the salix spp (Willow) that are declared Noxious Weeds under the Catchment and Land Protections Act 1994.</p> <p>Where a tree has been removed without a permit, for enforcement purposes a Protected Tree is a tree with a stump diameter equal to or greater than 50 cm at ground level.</p>

- (2) The provisions of the *Interpretation of Legislation Act 1984* will be applied in aid of interpreting this Local Law and in facilitating the achievement of the objectives of this Local Law.
- (3) Unless the context requires otherwise, a reference to "the Council" in this Local Law includes a reference to an Authorised Officer who has been appointed and delegated the power to administer and enforce this Local Law and to exercise any discretion when required by this Local Law.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

PART TWO – PROTECTION OF TREES

8. Permit Requirement

- (1) A person must not without a permit:
- (a) remove, damage, kill or destroy, or lop a Protected Tree; or
 - (b) direct, authorise or allow a Protected Tree to be removed, damaged, killed, destroyed, or lopped.
 - (c) cut, trim, lop or prune any protected tree or allow to be cut, trimmed, lopped or pruned any protected tree contrary to the guidelines recommended in the Australian Standard AS 4373-2007 Pruning of amenity trees.

Penalty: 20 Penalty Units

- (2) In addition to complying with any conditions of a permit, a person who has obtained a permit under subclause (1) must comply with the requirements of the Council's current *Local Law Tree Protection on Private Land Policy 2023*.

Penalty: 20 Penalty Units

- (3) In determining whether or not to grant a permit, an Authorised Officer will have regard to:
- (a) written evidence of the owner's consent if the applicant is not the owner of the private land; and
 - (b) the Council's current *Local Law Tree Protection on Private Land Policy 2023* (as amended from time to time); and
 - (c) information submitted by the applicant as to the health and structure and identified & potential hazard status of the tree; and
 - (d) the type of tree and its value and impact to both people and the surrounding environment; and
 - (e) reasonable measures explored by the applicant to retain or replace the tree; and
 - (f) any other matter relevant to the circumstances of the application.

9. Exemptions

A permit is not required under this Local Law:

- (a) if the removal of a tree requires a permit under the Greater Dandenong Planning Scheme and a permit has been obtained; or
- (b) if works are pruning only, and undertaken by a minimum AQF level 3 arborist and in accordance with *AS 4373-2007 Pruning of amenity trees*; or
- (c) if the owner of the private property has notified Council that a protected tree or part of a protected tree poses an immediate risk to people or property and has been

4.2.4 Tree Protection on Private Land Local Law (Cont.)

assessed by a minimum AQF level 5 arborist, with removal being the only option to mitigate the risk; or

- (d) the tree is a salix ssp (Willow) declared a Noxious Weed under the Catchment and Land Protections Act 1994.

PART THREE – ADMINISTRATION AND ENFORCEMENT

10. Exercise of Discretion

In exercising any discretion contained in this Local Law, an Authorised Officer must have regard to:

- (a) the objectives of this Local Law and any applicable Policy, Standard or Guideline incorporated by reference in this Local Law;
- (b) any operating procedures applicable to the Local Law; and
- (c) other relevant matter.

11. Permits

- (1) The Council or an Authorised Officer may grant or refuse to grant a permit under this Local Law.
- (2) An application for a permit must be made in the form and accompanied by the fee prescribed by Council.
- (3) The Council or an Authorised Officer may waive payment of any fee for a permit.
- (4) The Council or an Authorised Officer will require that an applicant give notice of the application to any person that may be affected by the proposed use or activity.
- (5) The Council or an Authorised Officer may require an applicant to provide more information before the Council or Authorised Officer determines the application.
- (6) A permit may be issued with conditions.

12. Correction of Permit

The Council or an Authorised Officer may correct a permit issued if the permit contains:

- (a) a clerical mistake or an error arising from any accident, slip or omission;
- (b) an evident and material miscalculation of figures; or
- (c) a mistake in the description of any person, thing or property referred to in the permit.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

13. Grounds for Cancellation or Amendment of Permits

- (1) The Council or an Authorised Officer may cancel or amend any permit if they consider that there has been:
 - (a) material misstatement, false representation or concealment of facts in relation to the application for a permit;
 - (b) any material mistake in relation to the use of the permit;
 - (c) any material change of circumstances which has occurred since the issue of the permit;
 - (d) a failure to comply with the conditions of the permit; or
 - (e) a failure to comply with the time specified in the Notice to Comply.
- (2) The Council or an Authorised Officer must give written notification to the holder of a permit of the intention to cancel or amend the permit and provide the permit holder with an opportunity to make a written submission which must be made to the Council or Authorised Officer within the time specified in the notice.
- (3) The Council or an Authorised Officer may require that the permit holder cease the use or activity allowed by the permit until the written submission has been considered by the Council or an Authorised Officer.
- (4) The Council or an Authorised Officer must make a final decision to cancel or amend the permit within 30 days from the date of the written submission from the holder of the permit under subclause (2).
- (5) If the Council or an Authorised Officer determines to cancel or amend the permit, the Council or Authorised Officer must advise the permit holder in writing.

14. Powers of Authorised Officers

- (1) If an Authorised Officer considers on reasonable grounds that there has been a breach of this Local Law, the Authorised Officer may take any or all of the actions provided in this Local Law and may:
 - (a) enter the private land for the purpose of inspecting a protected tree;
 - (b) warn the person who is breaching the Local Law, which may also be an official warning issued in accordance with the requirements of the *Infringements Act 2006*;
 - (c) direct the person to cease the activity breaching the Local Law;
 - (d) serve a Notice to Comply to remedy the breach; or
 - (e) issue an infringement notice.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

15. Notice to Comply

- (1) Where an Authorised Officer considers that there is a breach of this Local Law, a Notice to Comply may be served on any owner, occupier or other relevant person to remedy the breach.
- (2) A Notice to Comply to remedy a breach of this Local Law may require, amongst other things, that the person on whom the Notice to Comply is served:
 - (a) plant by way of replacement one or more trees of a type and in a location specified by Council or the Authorised Officer;
 - (b) preserve an area to an extent by which one or more trees may be planted in the future, as specified by Council or the Authorised Officer.
- (3) A Notice to Comply issued in accordance with this Local Law must state the time and date by which the thing must be remedied.
- (4) The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
 - (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant matter.
- (5) A person served with a Notice to Comply who fails to remedy the breach in accordance with the Notice to Comply within the time specified in the Notice is guilty of an offence under this Local Law.

Penalty: 20 Penalty Units

- (6) If any owner, occupier, or other relevant person served with a Notice to Comply fails to carry out any work stipulated in a Notice to Comply, Council or an Authorised Officer may carry out the work itself or appoint another person to carry out the work and recover the cost of performing the work from the owner or appointed agent.
- (7) An owner, occupier, or other relevant person may make representations to the Council about matters contained in the Notice to Comply.

16. Infringement Notices and Fixed Penalties

- (1) Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, the Authorised Officer will issue and serve on that person an infringement notice as an alternative to prosecution for the offence.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

- (2) Where an infringement notice is issued, the penalty fixed for infringement purposes is:
- (a) where an offence relates to a tree which in the opinion of an Authorised Officer is dead – 20 penalty units for each offence;
 - (b) for any other offence – 20 penalty units.

17. Offences

- (1) A person who:
- (a) fails to comply with any requirement of this Local Law;
 - (b) fails to comply with the conditions of a permit;
 - (c) fails to comply with a Notice to Comply;
 - (d) provides misleading or false information in relation to an application for a permit;
 - (e) fails to comply with requirements in a Policy or Guidelines applied or incorporated in this Local Law -

is guilty of an offence under this Local Law.

- (2) The penalty for an offence against this Local Law that appears at the foot of a provision in this Local Law is the maximum amount that may be imposed by a Court.
- (3) After a finding of guilt for an offence under a provision of this Local Law, any person who continues in contravention of that provision is liable to an additional penalty of 2 Penalty Units for each day after a finding of guilt during which the contravention continues.
- (4) A person who is guilty of a second or subsequent offence against the same provision in this Local Law is liable to an additional penalty not exceeding 20 Penalty Units.
- (5) If there is a breach of this local law, the *owner* of any private property on which the protected tree is located is guilty of an offence, whether or not the person who actually interfered with the *protected tree* is identified or prosecuted, unless the *owner* can prove that the interference was undertaken by another party without the authorization of the *owner*.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

POLICY AND STRATEGY

TREE PROTECTION ON PRIVATE LAND LOCAL LAW


ATTACHMENT 3

**TREE PROTECTION ON PRIVATE LAND
POLICY – TRACKED CHANGE VERSION**

PAGES 16 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.2.4 Tree Protection on Private Land Local Law (Cont.)



Tree Protection on Private LandProperty Policy

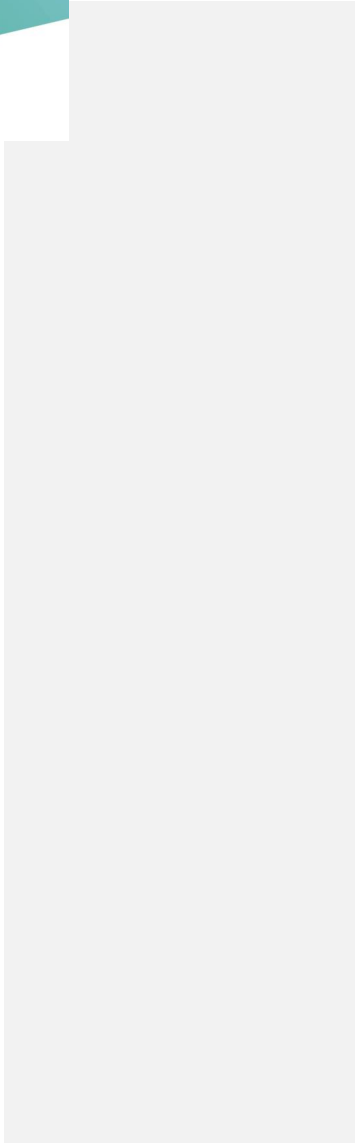
Policy Endorsement:	Council		
Policy Superseded by this Policy:	Not applicable		
Directorate:	City Planning, Design & Amenity		
Responsible Officer:	Manager Regulatory Services		
Policy Type:	Discretionary		
File Number:		Version No:	
1 st Adopted by Council	Minute No.	Last Adopted by Council:	Minute No.
Review Period:	In three years	Next Review:	September 2025

4.2.4 Tree Protection on Private Land Local Law (Cont.)



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4.2.4 Tree Protection on Private Land Local Law (Cont.)

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4.2.4 Tree Protection on Private Land Local Law (Cont.)

1. POLICY OBJECTIVE (OR PURPOSE)

This policy aims to minimise the loss of urban character and ecosystem services by regulating tree removal on private LandProperty. It also aims to:

- aid with achieving the goals and targets of Greater Dandenong City Council's Urban Forest Strategy and the Greening Our Neighbourhoods and Greening Our City Urban Tree Strategies;
- protect and expand the tree canopy on private land;
- protect natural beauty and environmental benefits provided by trees;
- provide and enhance neighbourhood amenity and ecosystem services provided by trees;
- mitigate the impact of climate change and provide adaptive benefits in response to climate change;
- provide a sustainable environment; and
- encourage replacement planting for a net gain of tree canopy cover, but not at the expense of protecting existing trees or enforcing the illegal removal of trees.

Commented [LM1]: Wording change

Commented [LM2]: Additional objective added

Commented [LM3]: Additional objective added

The Greater Dandenong Planning Scheme Vegetation Protection Overlays (VPOs), Environmental Significance Overlays (ESOs), Heritage Overlays (HOs), Particular Provisions (Native Vegetation), and Tree Protection on Private LandProperty Local Law assist Council to protect and expand the tree canopy of the entire municipality. Council's aim to increase tree canopy cover to 15 per cent by 2028 is directly affected by the implementation of these planning controls and the local law.

Commented [LM4]: Wording change

This policy is intended to provide guidance with regard to assessing Local Law permits for protected trees on private property in accordance with the Tree Protection on Private LandProperty Local Law 2023² and ensure trees suitable for retention are protected. A person, without a permit, must not remove, damage, destroy or lop, or allow to be removed, damaged, destroyed or lopped, any protected trees on any private LandProperty.

A person must not carry out, or direct, authorise or allow to be carried out, any works near a protected tree or vegetation contrary to the guidelines in the Australian Standard AS4970-2009 Protection of Trees on Development Sites.

Commented [LM5]: Additional objective added

A permit is not required:

- if the tree does not meet the definition of a protected tree; or
- if the removal of a tree requires a planning permit under the Greater Dandenong Planning Scheme and a permit has been obtained; or
- for pruning, where the pruning is carried out by a minimum AQF level 3 Arborist and is in accordance with Australian Standard AS 4373-2007 *Pruning of amenity trees*, and the Arborist has provided their qualifications, and the property owner has kept photographs of trees before and after the work; or
- in an emergency, any part of a tree that is an immediate hazard to life and/or property as determined by a minimum AQF level 5 Arborist may be pruned; or
- the tree is a salix spp (Willow) declared a noxious weed under the *Catchment and Land Protections Act 1994*.

Commented [LM6]: Specific species named as exclusion (exemption). Noxious weed list no longer applies

4.2.4 Tree Protection on Private Land Local Law (Cont.)

2. BACKGROUND

Data shows that with increasing density of urban development the number of large trees on private land is decreasing, therefore protecting the health and sustainability of these trees is becoming increasingly important.

Trees can be long-lived and provide a sense of character and identity to an area. They also contribute to improving the impacts of living in an urban environment, including reducing the rate of stormwater runoff into drains, reducing air temperatures and urban heat islands, capturing dust particles and pollutants, providing natural protection from the sun, contributing to psychological wellbeing, providing habitat for local fauna and can also increase property values.

Decisions made in respect to tree removal permits must consider the property owner's needs, the risk of injury or damage to persons or property and the impact of the tree removal on people, the environment and local amenity.

3. SCOPE

This policy is limited in its application to trees that are protected under the Tree Protection on Private ~~Land-Property~~ Local Law 2023³².

A protected tree is a tree with a stem diameter equal to or greater than 40 centimetres measured at 1.4 metres above ground level. The diameter of trees with multiple stems is calculated in accordance with Australian Standard AS 4970-2009 *Protection of trees on development sites*. This excludes ~~the salix spp (Willow)~~ species which are declared noxious weeds (Victorian Noxious Weed List) or where a tree is an immediate hazard to life and or property as determined by a minimum AQF level 5 Arborist, with removal being the only option to mitigate the risk.

Commented [LM7]: Specific species named as exclusion (exemption). Noxious weed list no longer applies

This policy does not apply to exemptions and determinations made by the Responsible Authority regarding trees protected by the Greater Dandenong Planning Scheme. This includes, but is not limited to:

- Heritage Overlays;
- Environmental Significant Overlays;
- Particular Provisions (Native vegetation); and
- Vegetation Protection Overlays.

This policy also does not apply to vegetation on land owned or managed by Council.

Where a planning permit is not required to remove a protected tree proposed for removal as part of a development on site, a Tree Protection Local Law Permit will still be required to remove the tree(s).

4. DEFINITIONS

TERM	MEANING
Authorised Officer	a person appointed to a statutory position, who has certain powers by virtue of that position.
Cultivars	a plant or tree that has been bred by humans to have desired traits, using selective breeding
Exotic tree	species whose natural habitat is exclusively outside of Australia.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

Immediate hazard	a tree or tree part that has started to, or is most likely to, fail in the near future without significant or increased load.
Indigenous tree	native species that were present in the original vegetation communities of the suburb, excluding cultivars and varieties thereof.
Minor pruning	minor pruning or pruning for regular maintenance that is carried out in accordance with Australian Standard (AS 4373-2007 <i>Pruning of amenity trees</i>) by a minimum AQF Level 3 Arborist and does not result in the damage or destruction of a protected tree on private land property.
Native tree	species that are native (better word may be native) to Australia. This may include indigenous species (including cultivars and varieties of indigenous species).
Noxious weed	plant or salix spp. (Willow) tree that is declared a noxious weed under the <i>Catchment and Land Protections Act 1994</i> .
Protected tree	a tree with a stem diameter equal to or greater than 40cm measured at 1.4m above ground level. The diameter of trees with multiple stems is calculated in accordance with Australian Standard AS 4970-2009 <i>Protection of trees on development sites</i> . The definition excludes salix spp. (Willow) species that are declared noxious weeds under the <i>Catchment and Land Protections Act 1994</i> . Where a tree has been removed without a permit, for enforcement purposes, a protected tree is a tree with a stump diameter equal to or greater than 50cm at ground level.
Tree	Any perennial plant having one or more permanent, woody, self-supporting trunks and with branches forming a crown, and includes all parts of the plant whether above or below ground.

Commented [LM8]: Definition change. Specific species named as exclusion (exemption). Noxious weed list no longer applies

Commented [LM9]: Definition change. Specific species named as exclusion (exemption). Noxious weed list no longer applies

5. POLICY

In January 2020, City of Greater Dandenong joined a growing number of cities around Australia and declared a "Climate and Ecological Emergency" committing to emergency action on climate change and biodiversity loss.

Council has developed a Climate Emergency Strategy and Action Plan 2020-30 to assist the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of the changing climate. Council has developed an Urban Forest Strategy, ~~as well as the and~~ Greening Our Neighbourhoods and Greening Our City Urban Tree Strategies ~~collectively~~ to actively manage the urban forest and its vital role in mitigating climate change and biodiversity loss.

Commented [LM10]: Wording change

Commented [LM11]: Wording change

Council has committed to providing high-quality living environments for residents, ratepayers and visitors. The urban forest makes an important contribution to ecosystem services and regulation of environmental conditions, health and wellbeing, local amenity, sense of place, neighbourhood character, landscape values and cultural heritage. Tree canopy cover enhances local climatic conditions by providing shade, wind protection and reduction of the urban heat island effect. Trees also contribute to native fauna habitat and local biodiversity.

Greater Dandenong City Council is committed to protecting and enhancing tree canopy cover because it is regarded as integral to municipal identity and underlying land values and provides innumerable ecosystem and health and wellbeing benefits.

Recent research has confirmed that tree canopy ~~in urban areas~~ is being removed at a high rate. Large trees are being lost due to land development, risk aversion, infrastructure and property

Commented [LM12]: Additional wording added

4.2.4 Tree Protection on Private Land Local Law (Cont.)

maintenance, climate variability, natural attrition, pests and disease.

A proactive approach to protecting tree canopy cover is required in order to maintain the high levels of amenity and distinctive character of Greater Dandenong's suburbs and to protect ecosystem services for liveability within Greater Dandenong.

Council applies a range of regulatory and operational measures aimed at protecting tree canopy cover on both private and public land. In relation to private land, two legal instruments facilitate tree protection and replacement:

- Tree Protection on Private Land ~~Property~~ Local Law 2023³²
- Greater Dandenong Planning Scheme (under provisions listed in Section 3 of this policy and through the use of planning permit conditions).

Commented [LM13]: Wording changed

5.1 TREE WORKS PERMIT

A permit is required to remove a tree described in the Tree Protection on Private Land Local Law 2023³². Applications are made in writing or online using a standard template and must be adequately supported with the nominated information.

Tree removal applications must include supporting information, such as an arborist report. Refer to Attachment A for guidance with different types of supporting information.

The property owner should seek arboricultural advice while undertaking a preliminary tree assessment, which includes an inspection of tree health and structure. This information can be used by the property owner's arborist to determine the suitability of intervention methods for tree or habitat retention. Permits may be granted to remove trees where no suitable intervention could be applied for tree or habitat retention. Refer to Attachment A, *Guidelines for Assessing Applications*.

5.2 PRUNING PROTECTED TREES ON PRIVATE LAND ~~PROPERTY~~

Pruning of protected trees must be carried out by a minimum AQF Level 3 Arborist and in accordance with Australian Standard AS 4373-2007 *Pruning of amenity trees*.

A permit is not required for pruning, so long as the following conditions are met:

- where the pruning is carried out by a qualified arborist in accordance with *Australian Standard AS 4373-2007 Pruning of amenity trees*:
 - and the Arborist has provided their qualifications; and
 - and the property owner has kept photographs of trees before and after the work; or
- in an emergency, where any part of a tree is an immediate hazard to life and or property, as determined by a minimum AQF Level 5 Arborist, it may be pruned.

Pruning of trees is usually undertaken by those with advanced skill and knowledge, with the ability and equipment to perform these works. Pruning of a protected tree by a suitably qualified person in accordance with the Australian Standard does not require a permit, so the cost of maintaining these trees ~~thus being no greater is not any more~~ than prior to the introduction of the Local Law.

Commented [LM14]: Wording change

4.2.4 Tree Protection on Private Land Local Law (Cont.)

5.3 TREE WORK IN EMERGENCY CIRCUMSTANCES

In an emergency, the part of a protected tree that is an immediate hazard to cause injury, damage or disruption as determined in an assessment by a minimum AQF Level 5 Arborist, may be pruned or removed without a permit. A brief written assessment from the property owner's Arborist and before and after photos should be kept by the property owner if verification of the work is requested by Council. The Arborist must provide their qualifications in the assessment to ensure that they meet the minimum requirement to undertake the work.

5.4 DECISION MAKING FOR TREE WORKS PERMITS

Permit assessments relating to sections 5.1 and 5.2 are undertaken by an Authorised Officer of Council with minimum AQF level 5 arboricultural qualifications. The Authorised Officer will inform the applicant of the decision made by Council.

6. RESPONSE TO THE OVERARCHING GOVERNANCE PRINCIPLES OF THE LOCAL GOVERNMENT ACT 2020

Section 9 of the *Local Government Act 2020* states that a Council must, in the performance of its role, give effect to the overarching governance principles. As such, the overarching governance principles of the *Local Government Act 2020* have been considered in the preparation of this policy in the following regard:

- Council decisions have been made and actions will be taken in accordance with the relevant law;
- this policy ensures that priority is given to protecting significant trees to achieve the best outcomes for municipal community and future generations;
- this policy will promote social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks;
- innovation and continuous improvement will be pursued;
- consultation with other councils and statutory bodies has been undertaken and considered;
- regional and state plans and policies were taken into account in the policy's development; and
- permit applications will be assessed and determined in a transparent manner.

7. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 – COMPATIBILITY STATEMENT

Council, Councillors and members of Council staff are a public authority under the *Charter of Human Rights and Responsibilities Act 2006* and, as such, are all responsible to act in accordance with the *Victorian Charter of Human Rights and Responsibilities 2006* (the Charter).

The Victorian Charter of Human Rights and Responsibilities 2006 has been considered in the preparation of this policy which is considered to be consistent with the standards set by the Charter.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

8. RESPONSE TO THE GENDER EQUALITY ACT 2020

The *Gender Equality Act 2020* came into operation on 31 March 2021. It requires that councils take positive action towards achieving workplace gender equality and promote gender equality in their policies, programs and services.

Council's Diversity, Access and Equity Policy and the *Gender Equality Act 2020* have been considered in the preparation of this policy but are not relevant to its contents, as the policy is purely administrative in nature and does not benefit any one gender group over any other.

9. CONSIDERATION OF CLIMATE CHANGE AND SUSTAINABILITY

One of the overarching governance principles of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

In January 2020, this Council joined a growing number of cities around Australia and declared a "Climate and Ecological Emergency" and committed this Council to emergency action on climate change.

Council has developed a Climate Emergency Strategy and Action Plan 2020-30 to assist the City of Greater Dandenong become a resilient, net zero carbon emission city with an active community prepared for the challenges of the changing climate. Council has developed an Urban Forest Strategy, as well as the and Greening Our Neighbourhoods and Greening Our City Urban Tree Strategies to collectively and actively manage the urban forest, and its vital role in mitigating climate change and biodiversity loss.

Commented [LM15]: Wording change

Commented [LM16]: Wording change

You can find these strategies and action plans at the following links:

- <https://www.greaterdandenong.vic.gov.au/climate-emergency-strategy-and-action-plan-2020-30>
- <https://www.greaterdandenong.vic.gov.au/urban-forest-strategy-2021-28>
- <https://www.greaterdandenong.vic.gov.au/greening-our-neighbourhoods-strategy-2021-28>
- <https://www.greaterdandenong.vic.gov.au/greening-our-city-urban-tree-strategy>

This policy supports Council's action on climate change and sustainability by protecting significant trees on private land.

The protection of these trees will contribute to improving the impacts of living in an urban environment, including reducing the rate of stormwater runoff into drains, reducing air temperatures and urban heat islands, capturing dust particles and pollutants, increasing property values, providing natural protection from the sun, contributing to psychological and physiological wellbeing, and providing habitat for local fauna.

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10. RESPONSIBILITIES

ROLE	RESPONSIBILITY
Policy Development	Manager Regulatory Services Manager Planning and Design Parks Service Unit Leader

4.2.4 Tree Protection on Private Land Local Law (Cont.)

Policy Implementation	Manager Regulatory Services
Policy Evaluation	Manager Regulatory Services
Policy Review	Manager Regulatory Services Parks Service Unit Leader
Decision Making – Tree pruning and removal permits	As per section 5.4

11. REPORTING, MONITORING AND REVIEW

The effectiveness of the *Management of Tree Protection on Private Land* ~~Policy~~ *Policy* will be reviewed by Council's Parks Service Unit ~~in conjunction with~~ and the Regulatory Services Department and will consider input from community stakeholders. Information on applications and decisions will be maintained in Council's record management system.

Commented [LM18]: Wording change

A review of the Tree Protection on Private Land Local Law and this policy will be undertaken following three years of ~~inception implementation~~.

Commented [LM19]: Wording change

12. REFERENCES AND RELATED DOCUMENTS

Legislation

- *Catchment and Land Protections Act 1994*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Gender Equality Act 2020*
- *Greater Dandenong Planning Scheme*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*

Standards

- *Australian Standard AS 4970–2009 Protection of trees on development sites*
- *Australian Standard AS 4373–2007 Pruning of amenity trees*

Related Council and Other Policies, Procedures, Strategies, Protocols, Guidelines

- Greater Dandenong City Council Access, Diversity and Equity Policy
- Greater Dandenong City Council Climate Change Emergency Strategy and Action Plan 2020-30
- Greater Dandenong City Council Garden Policy
- Greater Dandenong City Council Greening Our City: Urban Tree Strategy 2021-28
- Greater Dandenong City Council Greening Our Neighbourhoods Strategy 2021-28
- Greater Dandenong City Council Urban Forest Strategy 2021-28
- Greater Dandenong City Council Satisfaction Procedure and Form

4.2.4 Tree Protection on Private Land Local Law (Cont.)

13. ATTACHMENTS

13.1 ATTACHMENT A - GUIDELINES FOR ASSESSING APPLICATIONS

These Guidelines require that, in the assessment of a permit application, Council considers three key elements. These are:

- the health, structure and identified and potential hazard status of the tree; and
- the ~~canopy and habitat value of the tree; and type of tree and its value to both people and the surrounding environment; and~~
- the reasons for the request to remove, prune or lop a protected tree.

Commented [LM20]: Assessment criteria wording altered

Commented [LM21]: Wording change – removal of damage and destroy

Assessments are to be guided by the overarching principle of the Tree Protection on Private Land Local Law 2023³², which is to retain protected trees where practicable to do so, while also ~~considering seeking to safeguard~~ the right of the landowner to the reasonable use of their property.

Commented [LM22]: Wording change

The Local Law uses a measurement of tree ~~trunkstem~~ diameter to determine whether it is classified as a protected tree. The larger the trees are, the more benefits they provide and a measurement of equal to, or greater than 40cm, measured at 1.4m high from the ground on the tree's ~~trunkstem~~ is a tree considered protected under the Local Law. ~~A handy tool exists that can be used to convert circumference to diameter, and calculate diameter for trees with multiple stems at 1.4m. See the following link for guidance: <https://as4970calculator.web.app/>~~

Commented [LM23]: Definition change

Commented [LM24]: Definition change

Commented [LM25]: Circumference/diameter tool removed

A protected tree also means any:

- a multi-stemmed tree where the diameter of its exterior stems measured at 1.4m is equal to or greater than 40cm, calculated in accordance with Australia Standard AS 4970-2009 Protection of Trees on Development Sites;
- A tree planted as required by a replanting condition of a permit issued for the removal of a protected tree.

Commented [LM26]: Assessment criteria point added to cover multi-stemmed tree

Commented [LM27]: Assessment criteria point added to cover existing replanting conditions from a permit issued

Hierarchy of Need

Council, when assessing applications for permits, will have regard to a hierarchy of need which has been established in relation to the most common improvements undertaken on home sites. The purpose of this hierarchy is to allocate decreasing levels of significance to the different kinds of improvements undertaken, from the construction of new dwellings to the addition of recreational facilities to existing dwellings. The hierarchy of need is:

- New dwellings;
- Building repairs;
- Alterations and additions to existing dwellings (including extensions to the dwelling, and structures such as garages and carports);
- Swimming pools;
- ~~Pergolas~~ Patios and decks;
- ~~Covered patios and decks~~ Landscaping and paving; and
- Recreational facilities ~~(eg tennis courts)~~

Commented [LM28]: Definitions of structures changed within the hierarchy of need

4.2.4 Tree Protection on Private Land Local Law (Cont.)

Where an improvement other than those listed above is proposed as part of an application, Council will allocate it to a suitable level in the hierarchy of need based on its similarity to one of the improvements listed above.

Nominated information

The following information must be included within the permit application:

- a) Completed application form;
- b) Applicant details;
- c) Property details;
- d) Application fee;
- e) Tree details: species name, common name, health and structure assessment and diameter measured at 1.4m;
- f) Tree location details: a map or aerial image, with the tree(s) clearly identified;
- g) Reasons for requesting tree removal;
- h) Supporting information – which should include an arborist report confirming the need to remove the tree(s); and
- i) Property owner(s) name and signature.

Applications

When Council receives a permit application, it will be assessed as follows:

- a) The application will be referred to Council's Arborist for assessment;
- b) If required, the Arborist may involve an Independent Arborist ~~hired by Council~~ for the purpose of assessing the health and significance of the tree which is the subject of the application. The Arborist will make recommendations as to whether the tree can and/or should be removed, or other appropriate action should be undertaken;
- c) The Arborist will consider all supporting documentation from a suitably qualified professional (e.g. structural engineers, arborists, other relevant specialist professionals, etc) and will consult with other Council Officers as appropriate and
- d) The Arborist will then assess and determine the application, taking into account:
 - (i) the recommendations and comments, if any, of the Independent Arborist;
 - (ii) any other reports provided or comments from other relevant Council Officers;
 - (iii) the hierarchy of need;
 - (iv) any other reasons for the proposal to remove, damage, destroy or lop a protected tree;
 - (v) the effect of the proposed removal, damage, destruction or lopping of a protected tree on the surrounding area and those living within it;
 - (vi) whether the tree has caused, is causing, or is likely to cause, substantial property damage or an unacceptable risk to the safety of any person;
 - ~~(vii) whether the tree which is the subject of the proposal has caused, is causing, or is likely to cause a significant nuisance that cannot be alleviated with other forms of tree management;~~
 - ~~(viii)~~ ^(vii) whether the tree is a recognised as a ~~salix spp (Willow) noxious weed~~ as defined under the *Catchment and Land Protection Act 1994*;
 - ~~(ix)~~ ^(viii) any legislative requirements imposed by any Act, regulation or other legislative instrument; and

Commented [LM29]: Wording added

Commented [LM30]: Permit assessment criteria altered. Removal of nuisance as a contributing factor

Commented [LM31]: Definition change. Specific species named as exclusion (exemption). Noxious weed list no longer applies

4.2.4 Tree Protection on Private Land Local Law (Cont.)

(*)/x) any other matter relevant to the circumstances of the application.

If deemed necessary by Council, the Arborist and other relevant persons may conduct a site inspection to assist in the determination of the application.

Planning applications and protected trees

Where a protected tree, that does not require a planning permit for removal, is identified for removal as part of a planning application, the following will occur:

- a) The planning application 'Request for Further Information' letter will require the applicant to either apply for a Local Law permit to remove the Protected Tree, or provide evidence that the tree is not a Protected Tree;
- b) If a Local Law permit is required, a decision must be made on that permit prior to further consideration of the planning application; and
- c) If the Local Law permit refuses the removal of the tree, the planning application will need to be redesigned to retain the tree.

Tree Removal

Council will ~~require the retention of~~ retain all trees where it is appropriate and possible to do so. The preservation of protected trees is of prime importance to Council and it will encourage the use of practical techniques to maintain the health and longevity of trees.

Commented [LM32]: Stronger wording relating to the retention of trees

In some circumstances, however, the removal of trees may be necessary and by recognising those circumstances and permitting removal where appropriate, Council can protect property and public safety within the municipality to an acceptable level.

Reasons for approving an application for removal of a protected tree include:

- a) The tree is damaged, diseased, dead or in an advanced state of decline and further remedial action is unlikely to be effective in saving or retaining the tree.
Note: In the event that vandalism to, or poisoning of, a tree is suspected by persons known or unknown, provided that the tree does not present an unacceptable risk to people or property, the application will not be determined until an investigation into the cause of damage to, or death of, the tree has been completed, or Council is otherwise satisfied that the application should be determined sooner;
- b) The tree has a significant structural fault, identified by a minimum AQF Level 5 qualified arborist, that cannot be remedied by appropriate techniques;
- c) The tree is an immediate hazard to life and or property, as determined by the property owner's arborist with a minimum AQF Level 5, or poses a serious health risk and cannot be rectified by pruning or other methods;
Note: Where it is claimed that a tree poses a serious health risk, evidence that has been documented by an immunologist is required to substantiate this claim.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

- d) The tree has caused, is causing, or is likely to cause, substantial damage to property (including that of public utilities) and the estimated cost of ongoing repairs outweighs the value of the tree and there is no reasonable alternative to solve the problem;
- Note:** Where it is claimed that a tree is causing substantial damage, evidence to support this claim must be provided. For instance, if the claim is of building damage, a Structural Engineer's report that is not based on the anecdotal zone of influence would be required to substantiate this claim.
- e) The works must be carried out in order to comply with any obligation imposed at law (e.g. an Act, Court order, etc.);
- f) The tree has been identified in a property development plan approved by the Council as requiring removal in order to implement that plan; and
- g) Construction of one or more new buildings on a site where the applicant can demonstrate to the Council's satisfaction that:
- (i) the proposed works cannot be redesigned, or the use of particular building techniques are not feasible in order to protect the buildings; and
 - (ii) that appropriate arboricultural techniques as detailed in the submission of an Arborist report cannot be employed in order to retain the tree.

Reasons for refusing an application for removal of a protected tree might include:

- a) The tree is in good condition, suitable to the site, and has not caused, is not causing, and is unlikely to cause substantial damage to property, or evidence to substantiate these claims is insufficient;
- b) The tree is to be removed from private ~~land/property~~ only to facilitate the construction of tennis courts, patios, decks, garages, carports, swimming pools, or similar facilities unless a planning permit has been approved which requires removal in order to implement the permit;
- c) The tree is to be removed only to address common issues, including but not limited to tree litter and/or leaf fall, bird droppings and bird noise or wildlife complaints
- Note:** these are not considered a nuisance issue and form part of general maintenance and acceptable living environments.
- d) The tree is to be removed to address an unsubstantiated and perceived danger that a tree might fall or drop branches in a weather event.
- Note:** If such a claim is made, a Tree Risk Assessment completed by a minimum AQF Level 5 Arborist, using an industry accepted risk assessment method, is required to substantiate this claim. Council might also engage an arborist to conduct its own enquiries into the tree;
- e) The tree is to be removed only to facilitate a desire to re-landscape or for turf growth;

Commented [LM33]: Word change

4.2.4 Tree Protection on Private Land Local Law (Cont.)

- f) The tree is to be removed only to facilitate access for solar panels;
- g) The tree has caused, is causing, or is likely to cause problems for swimming pool installation and/or maintenance because of interference by roots and/or falling debris; and

h) The tree must be removed to facilitate the repair of underground services (e.g. water, gas etc.) when all other options have not yet been considered (e.g. sleeving sewerage pipes, realignment of services etc.).

i) Note: In these instances, tree owners must consider hydro-excavation and other non-destructive excavation methods.

j) The tree is to be removed simply because it is considered dead.

k) Note: Unless the tree presents an unacceptable risk to people or property as determined by a minimum AGF Level 5 qualified arborist, a dead tree meeting the dimensions of a Protected Tree could nonetheless be required for retention if it continues to provide fauna and ecosystem benefits.

Note: In these instances, tree owners must consider hydro-excavation and other non-destructive excavation methods.

Commented [LM34]: Additional methods added

Commented [LM35]: Additional criteria added to included dead trees requiring a permit

4.2.4 Tree Protection on Private Land Local Law (Cont.)

POLICY AND STRATEGY

TREE PROTECTION ON PRIVATE LAND LOCAL LAW

ATTACHMENT 4

**TREE PROTECTION ON PRIVATE LAND
LOCAL LAW – TRACKED CHANGE VERSION**

PAGES 10 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 5235.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

CITY OF GREATER DANDENONG
Tree Protection on Private Property Local Law
NO. 01 of 2023³²

PART ONE - PRELIMINARY PROVISIONS

1. Title

This is the *Tree Protection on Private Property Local Law* No.01 of 2023³².

Commented [LM2]: Change to current year

2. Objectives

The objectives of this Local Law are to ensure that the urban forest is healthy, safe, provides amenity, ~~Mitigates the impact of climate change and provides adaptive benefits in response to climate change, provides habitat for biodiversity and increases and increases~~ liveability for the community by:

Commented [LM3]: Additional wording

- (a) prohibiting, regulating and controlling activities that could be a risk or endanger protected trees in the Municipal District; and
- (b) applying controls which will complement other controls being applied by the Council to maintain and protect trees in the Municipal District.

3. Authorising Provision

This Local Law is made under Section 71(1) of the Local Government Act 2020.

4. Commencement and revocation

This Local Law:

- (a) commences on ~~XXXXXXX~~ and

~~(b) Ends of the 10th anniversary of the day on which it commenced operation, unless it is revoked sooner, this Local Law ceases to operate on XXXXXXX.~~

Commented [LM4]: Change to wording

~~(b)(c) Is reviewed at 3 year intervals~~

Commented [LM5]: Review cycle added

5. Area of Operation

This Local Law operates throughout the whole Municipal District.

6. Incorporated Documents

- (1) This Local Law incorporates by reference documents containing Council Policy, standards or guidelines that apply to specific uses or activities which are intended to assist in achieving the objectives of this Local Law.
- (2) It is intended that where an incorporated document is applied to a use or activity a person must comply with any or all of the requirements specified for that use or activity.

7. Interpretation and Definitions

- (1) In this Local Law the following words have the meaning given to them unless stated

4.2.4 Tree Protection on Private Land Local Law (Cont.)

otherwise:

"Act"	means the Local Government Act 2020.
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4.2.4 Tree Protection on Private Land Local Law (Cont.)

"Authorised Officer"	means a person appointed as an Authorised Officer under section 224 of the Local Government Act 1989 for the purposes of this Local Law.
"Council"	means the City of Greater Dandenong.
"Council land"	means land, buildings and facilities which are owned, occupied or vested in the Council or in respect of which the Council has the care and management and to which the public has access whether an entry fee is paid or not and includes a public place.
"Minor Pruning"	means pruning for maintenance that is carried out in accordance with Australian Standard AS 4373-2007 <i>Pruning of amenity trees</i> by a minimum AQF level 3 arborist, and does not result in the damage or destruction of a protected tree on private property.
"Municipal District"	means the Municipal District of the Council.
"Noxious Weeds"	has the same meaning as in the Land Catchment and Protection Act 1994.
"Private Land"	means any land that is not Council Land or land in the ownership or under the management or control of another public body.
"Penalty Unit"	means the amount prescribed by section 110(2) of the Sentencing Act 1991 .
"Policy"	means a policy made by the Council or that Council is required to comply with in relation to its activities and where those specified activities and uses are regulated by this Local Law.
"Protected Tree"	<p>means</p> <p>(a) Any tree tree with a trunkstem diameter equal to or greater than 40 cm measured at 1.4 meters above ground level.</p> <p>(b) <u>Any tree planted as required by a replanting condition of a permit issued for the removal of a protected tree.</u></p> <p>The diameter of trees with multiple stems is calculated in accordance with Australian Standard AS 4970-2009 <i>Protection of trees on development sites</i>.</p> <p>The definition includes exotic species but excludes the salix spp (Willow) species that are declared Noxious Weeds under the Catchment and Land Protections Act 1994.</p> <p>Where a tree has been removed without a permit, for enforcement purposes a Protected Tree is a tree with a stump diameter equal to or greater than 50 cm at ground level.</p>

Commented [LM6]: Additional wording

Commented [LM7]: Definition change – stem to trunk

Commented [LM8]: Additional definition added requiring replanting

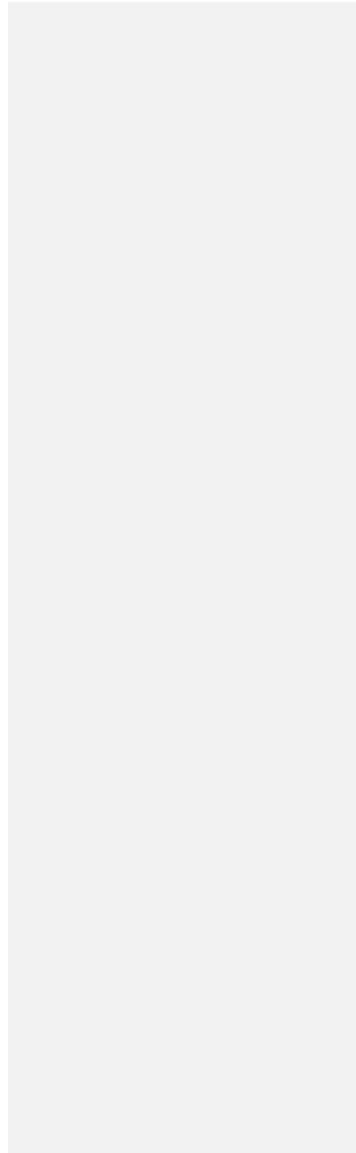
Commented [LM9]: Specific species named as exclusion (Exemption). Noxious weed list no longer applies

(2) The provisions of the *Interpretation of Legislation Act 1984* will be applied in aid of interpreting this Local Law and in facilitating the achievement of the objectives of this Local Law.

(3) Unless the context requires otherwise, a reference to "the Council" in this Local Law includes a reference to an Authorised Officer who has been appointed and delegated the power to administer and enforce this Local Law and to exercise any discretion when required by this Local Law.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

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4.2.4 Tree Protection on Private Land Local Law (Cont.)

PART TWO – PROTECTION OF TREES

8. Permit Requirement

(1) A person must not without a permit:

(a) remove, damage, ~~kill or destroy~~, or lop a Protected Tree; or

(b) direct, authorise or allow a Protected Tree to be removed, damaged, destroyed, or lopped.

~~(b)(c)~~ Cut trim, lop or prune any protected tree or allow to be cut, trimmed, lopped or pruned and protected tree contrary to the guidelines recommended in the Australian Standard AS 4373-2007 Pruning of amenity trees.

Commented [LM10]: Additional wording – kill or added

Commented [LM11]: Additional permit requirement added to cover trim, lop or prune

Penalty: 20 Penalty Units

(2) In addition to complying with any conditions of a permit, a person who has obtained a permit under subclause (1) must comply with the requirements of the Council's current *Local Law Tree Protection on Private Land* ~~Policy~~ *2023*.

Commented [LM12]: Change to current year

Penalty: 20 Penalty Units

(3) In determining whether or not to grant a permit, an Authorised Officer will have regard to:

(a) written evidence of the owner's consent if the applicant is not the owner of the private land; and

(b) the Council's current *Local Law Tree Protection on Private Land* ~~Policy~~ *2023* (as amended from time to time); and

Commented [LM13]: Change to current year

(c) information submitted by the applicant as to the health and structure and identified & potential hazard status of the tree; and

(d) the type of tree and its value and impact to both people and the surrounding environment; and

(e) reasonable measures explored by the applicant to retain or replace the tree; and

(f) any other matter relevant to the circumstances of the application.

9. Exemptions

A permit is not required under this Local Law:

(a) if the removal of a tree requires a permit under the Greater Dandenong Planning Scheme and a permit has been obtained; or

(b) if works are pruning only, and undertaken by a minimum AQF level 3 arborist and in accordance with AS 4373-2007 *Pruning of amenity trees*; or

(c) if the owner of the private property has notified Council that a protected tree or part of a protected tree poses an immediate risk to people or property and has been

4.2.4 Tree Protection on Private Land Local Law (Cont.)

assessed by a minimum AQF level 5 arborist, with removal being the only option to mitigate the risk; or

- (d) the tree is a salix ssp (Willow) declared a Noxious Weed under the Catchment and Land Protections Act 1994.

Commented [LM14]: Specific species named as exclusion (exemption). Noxious weed list no longer applies

PART THREE – ADMINISTRATION AND ENFORCEMENT

10. Exercise of Discretion

In exercising any discretion contained in this Local Law, an Authorised Officer must have regard to:

- (a) the objectives of this Local Law and any applicable Policy, Standard or Guideline incorporated by reference in this Local Law;
- (b) any operating procedures applicable to the Local Law; and
- (c) other relevant matter.

11. Permits

- (1) The Council or an Authorised Officer may grant or refuse to grant a permit under this Local Law.
- (2) An application for a permit must be made in the form and accompanied by the fee prescribed by Council.
- (3) The Council or an Authorised Officer may waive payment of any fee for a permit.
- (4) The Council or an Authorised Officer may require that an applicant give notice of the application to any person that may be affected by the proposed use or activity.
- (5) The Council or an Authorised Officer may require an applicant to provide more information before the Council or Authorised Officer determines the application.
- (6) A permit may be issued with conditions.

12. Correction of Permit

The Council or an Authorised Officer may correct a permit issued if the permit contains:

- (a) a clerical mistake or an error arising from any accident, slip or omission;
- (b) an evident and material miscalculation of figures; or
- (c) a mistake in the description of any person, thing or property referred to in the permit.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

13. Grounds for Cancellation or Amendment of Permits

- (1) The Council or an Authorised Officer may cancel or amend any permit if they consider that there has been:
 - (a) material misstatement, false representation or concealment of facts in relation to the application for a permit;
 - (b) any material mistake in relation to the use of the permit;
 - (c) any material change of circumstances which has occurred since the issue of the permit;
 - (d) a failure to comply with the conditions of the permit; or
 - (e) a failure to comply with the time specified in the Notice to Comply.
- (2) The Council or an Authorised Officer must give written notification to the holder of a permit of the intention to cancel or amend the permit and provide the permit holder with an opportunity to make a written submission which must be made to the Council or Authorised Officer within the time specified in the notice.
- (3) The Council or an Authorised Officer may require that the permit holder cease the use or activity allowed by the permit until the written submission has been considered by the Council or an Authorised Officer.
- (4) The Council or an Authorised Officer must make a final decision to cancel or amend the permit within 30 days from the date of the written submission from the holder of the permit under subclause (2).
- (5) If the Council or an Authorised Officer determines to cancel or amend the permit, the Council or Authorised Officer must advise the permit holder in writing.

14. Powers of Authorised Officers

- (1) If an Authorised Officer considers on reasonable grounds that there has been a breach of this Local Law, the Authorised Officer may take any or all of the actions provided in this Local Law and may:
 - (a) enter the private land for the purpose of inspecting a protected tree;
 - (b) warn the person who is breaching the Local Law, which may also be an official warning issued in accordance with the requirements of the *Infringements Act 2006*;
 - (c) direct the person to cease the activity breaching the Local Law;
 - (d) serve a Notice to Comply to remedy the breach; or
 - (e) issue an infringement notice.

4.2.4 Tree Protection on Private Land Local Law (Cont.)

15. Notice to Comply

- (1) Where an Authorised Officer considers that there is a breach of this Local Law, a Notice to Comply may be served on any owner, occupier or other relevant person to remedy the breach.
- (2) A Notice to Comply to remedy a breach of this Local Law may require, amongst other things, that the person on whom the Notice to Comply is served:
 - (a) plant by way of replacement one or more trees of a type and in a location specified by Council or the Authorised Officer;
 - (b) preserve an area to an extent by which one or more trees may be planted in the future, as specified by Council or the Authorised Officer.
- (3) A Notice to Comply issued in accordance with this Local Law must state the time and date by which the thing must be remedied.
- (4) The time required by a Notice to Comply served under this Local Law must be reasonable in the circumstances and what will be reasonable will vary depending on the matters to be remedied, but should take into account, if applicable:
 - (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other necessary items;
 - (d) climatic conditions;
 - (e) the degree of risk or potential risk; and
 - (f) any other relevant matter.
- (5) A person served with a Notice to Comply who fails to remedy the breach in accordance with the Notice to Comply within the time specified in the Notice is guilty of an offence under this Local Law.

Penalty: 20 Penalty Units

- (6) If any owner, occupier, or other relevant person served with a Notice to Comply fails to carry out any work stipulated in a Notice to Comply, Council or an Authorised Officer may carry out the work itself or appoint another person to carry out the work and recover the cost of performing the work from the owner or appointed agent.
- (7) An owner, occupier, or other relevant person may make representations to the Council about matters contained in the Notice to Comply.

16. Infringement Notices and Fixed Penalties

- (1) Where an Authorised Officer reasonably believes that a person has committed an offence against this Local Law, the Authorised Officer ~~will~~ may issue and serve on that person an infringement notice as an alternative to prosecution for the offence.

Commented [LM15]: Wording alteration from may to will

4.2.4 Tree Protection on Private Land Local Law (Cont.)

(2) Where an infringement notice is issued, the penalty fixed for infringement purposes is:

- (a) where an offence relates to a tree which in the opinion of an Authorised Officer is dead – ~~55~~ penalty units for each offence;
- (b) for any other offence – 20 penalty units.

Commented [LM16]: Penalty alteration

17. Offences

(1) A person who:

- (a) fails to comply with any requirement of this Local Law;
- (b) fails to comply with the conditions of a permit;
- (c) fails to comply with a Notice to Comply;
- (d) provides misleading or false information in relation to an application for a permit;
- (e) fails to comply with requirements in a Policy or Guidelines applied or incorporated in this Local Law -

is guilty of an offence under this Local Law.

(2) The penalty for an offence against this Local Law that appears at the foot of a provision in this Local Law is the maximum amount that may be imposed by a Court.

(3) After a finding of guilt for an offence under a provision of this Local Law, any person who continues in contravention of that provision is liable to an additional penalty of 2 Penalty Units for each day after a finding of guilt during which the contravention continues.

Commented [LM17]: Additional wording for continuation of offences

(4) A person who is guilty of a second or subsequent offence against the same provision in this Local Law is liable to an additional penalty not exceeding 20 Penalty Units.

Commented [LM18]: Additional wording for continuation of offences

(4)(5) If there is a breach of this local law, the owner of any private property on which the protected tree is located is guilty of an offence, whether or not the person who actually interfered with the protected tree is identified or prosecuted, unless the owner can prove that the interference was undertaken by another party without the authorisation of the owner.

Commented [LM19]: Additional offence added placing liability on landowner

5 NOTICES OF MOTION

5.1 Notice of Motion 31 – Preparedness of Impacts of Climate Related Events in Summer 2023-24

File Id:

Responsible Officer:

Manager People, Culture and Innovation

Author:

Cr Rhonda Garad

Preamble

A 2022 position paper by the Municipal Association of Victoria ((MAV) emphasized the crucial role Victorian councils play in emergency management and highlighted persistent capacity and capability gaps despite recent reforms.

[Ref: https://www.mav.asn.au/_data/assets/pdf_file/0012/30351/MAV-Position-Paper-Role-of-Local-Government-in-Emergency-Management-in-Victoria-June-2022.pdf]

Context:

The upcoming year will be influenced by several significant factors impacting Australia's weather. Rising temperatures have led to more frequent extreme weather events, exacerbated by an intensifying El Niño and other natural climate patterns. Global ocean temperatures have reached unprecedented highs, and Antarctic Sea ice growth lags. There is a high probability (80%) that Australia will experience extreme heat temperatures, sustained heatwaves and poor air quality due to bushfires.

Greater Dandenong City Council acknowledges the urgent need to address climate change impacts and prioritize the safety and well-being of its residents.

Accordingly, the following motion is proposed:

Motion:

1. Greater Dandenong City Council will compile a comprehensive report assessing its capability to respond to the expected extreme climate events during the upcoming summer in 2023. The report will include (but will not be limited to):

- a) approximate percentage of residents living in housing vulnerable to severe heat, power outages and smoke pollution;**
- b) percentage of residents in the City of Greater Dandenong considered vulnerable due to age, low health literacy, low socio-economic status, chronic health conditions or disability;**
- c) details of a direct and timely communication strategy from Council and emergency management organisations, with residents during climate-related events, including those not active on social media;**

5.1 Notice of Motion 31 – Preparedness of Impacts of Climate Related Events in Summer 2023-24 (Cont.)

d) assessment of the capacity of Council's emergency shelters to accommodate vulnerable residents;

e) identification of any existing gaps in the Council's ability to protect residents during climate-related events in the upcoming summer;

f) recommendations outlining strategies and timelines to address identified gaps; and

g) details of the establishment and activation of community networks to monitor and support vulnerable individuals in the community.

2. A distribution strategy for the report will also be included in the report and additionally, the report shall be published in plain language.

3. The comprehensive report shall be presented to Council during the second Council Meeting scheduled in October 2023 so that results and learnings from Council's Community Emergency Risk Assessment (CERA) on 22 August 2023 and Council's Heatwave Scenario Emergency Management Test on 19 September 2023 can be considered in the report.

MINUTE 818

Moved by: Cr Rhonda Garad

Seconded by: Cr Loi Truong

Motion:

1. Greater Dandenong City Council will compile a comprehensive report assessing its capability to respond to the expected extreme climate events during the upcoming summer in 2023. The report will include (but will not be limited to):

a) approximate percentage of residents living in housing vulnerable to severe heat, power outages and smoke pollution;

b) percentage of residents in the City of Greater Dandenong considered vulnerable due to age, low health literacy, low socio-economic status, chronic health conditions or disability;

c) details of a direct and timely communication strategy from Council and emergency management organisations, with residents during climate-related events, including those not active on social media;

d) assessment of the capacity of Council's emergency shelters to accommodate vulnerable residents;

e) identification of any existing gaps in the Council's ability to protect residents during climate-related events in the upcoming summer;

f) recommendations outlining strategies and timelines to address identified gaps;

5.1 Notice of Motion 31 – Preparedness of Impacts of Climate Related Events in Summer 2023-24 (Cont.)

g) details of the establishment and activation of community networks to monitor and support vulnerable individuals in the community; and

h) all existing emergency events.

2. A distribution strategy for the report will also be included in the report and additionally, the report shall be published in plain language.

3. The comprehensive report shall be presented to Council during the second Council Meeting scheduled in October 2023 so that results and learnings from Council's Community Emergency Risk Assessment (CERA) on 22 August 2023 and Council's Heatwave Scenario Emergency Management Test on 19 September 2023 can be considered in the report.

CARRIED

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS

Comment

Cr Sean O'Reilly

On Saturday 1 July 2023, I attended the Dandenong Historical Society anniversary with Mayor Eden Foster. It was a very interesting event that you cannot get by staying at home and watching television. There were many presentations that went through the unusual history of Dandenong. I congratulate the Historical Society and the leadership at that event. It is good to see that they are going strong.

Comment

Cr Loi Truong

During the last two weeks I have assisted Council to distribute Rapid Antigen Test's (RAT) and face masks. Between 3 July 2023 and 5 July 2023, we provided over 46,000 RATs and 5,900 face masks, along with hand sanitiser. I have provided Council with the contact details of the businesses that I delivered these products to.

Question

Cr Rhonda Garad

In The Age article on the proposed Keysborough South rezoning on 6 July 2023, it was stated that Council has accepted the offer of the Sporting Hub in Bangholme from the developer.

Could Council clarify the decision-making process for accepting this gift from the developer? Specifically, I am interested in knowing when this decision was made and by whom.

Response

Jody Bosman, Director City Planning, Design & Amenity

It is relevant to note that no decision has been made on this. Council has not accepted the club's proposal or the club's offer of land in Bangholme. It remains at this stage, a proposal by the club. It is completely independent of, and separate to, the club's proposed re-zoning and it will be dealt with in due course and with due process, should that remain a proposal from the club, for consideration in the future.

Question

Cr Rhonda Garad

I seek to understand the usual procedure for accepting land in this situation, particularly given that the proposed land is closely situated next to the Urban Floodway Zone. Is it customary for us to proceed with land acceptance without conducting feasibility, hydrology, environmental and cost assessments?

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Response

Jody Bosman, Director City Planning, Design & Amenity

In due course, should the club's proposal of the land and infrastructure progress to the point of Council considering it, all due diligence, including the hydrology, environmental and cost assessments will form part of the process. Part of that process includes a recommendation report brought to Council for decision.

Question

Cr Rhonda Garad

In the Age article, Jody Bosman, Director City Planning, Design & Amenity mentions that despite accepting the gift of land, which was reported, Council has not yet made a decision on if it will support the rezoning of the urban growth boundary.

To provide clarity and transparency, could you please outline the specific criteria upon which Council will decide to support the re-zoning application, or not?

Response

Jody Bosman, Director City Planning, Design & Amenity

Any future application by the club to shift the Urban Growth Boundary, and any related proposed rezoning would be expected to include many supporting reports and analyses, including a range of environmental, traffic, transport, civil infrastructure, responsibilities for providing both social and civil infrastructure. Council officers will assess these at that time and where it needs to, will engage the services of the necessary consultant expertise to assist if that is not available in-house. The process of assessment is usually a lengthy and iterative one which can take years to finalise, often requiring the re-work of supporting documentation or the submission of further information. The process requires that reports are presented to open Council at particular stages, and ultimately the decision on whether or not to support a change to the Urban Growth Boundary or whether or not to support a rezoning is taken by resolution of Council.

As previously advised, there is currently no application documentation lodged on the proposal to move the Urban Growth Boundary, which is a decision for the State government.

Further Question

Cr Rhonda Garad

If the reports came back unfavourable to outcomes in terms of environmental, hydrology, social and a broad range of other metrics, then the recommendation would be made to Council not to support the re-zoning. Is that correct?

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Response

Jody Bosman, Director City Planning, Design & Amenity

If all those things were unfavourable, I do not see how one would come up with a recommendation to go ahead with it. You will never get 100 per cent on everything and there is always going to be trade-offs and competing agendas or interests. The sum of all things within the proposed re-zoning would need to show that there is community benefit to support it.

Question

Cr Rhonda Garad

I would like to request an update on the proposed pedestrian overpass connecting Abercrombie Avenue to the Keysborough South shopping centre on Hutton Road, Keysborough.

- a) Could you please confirm the planned location of the pedestrian overpass?
- b) At what stage is the design process currently? Have any discussions or decisions been made with Melbourne Water regarding this project?
- c) Can you provide an estimated timeframe for the delivery of this pedestrian overpass?

Response

Kevin Van Boxtel, Acting Director Business, Engineering & Major Projects

- a) The exact location for the pedestrian bridge connecting Abercrombie Avenue to the shopping centre is still being determined. We anticipate that this will be close to the bend on Abercrombie Avenue and that this will connect to a new path which will run south towards Hutton Road, connecting into the Eastern side of the shopping centre.
- b) Our officers have reached out to Melbourne Water, who own the land, to discuss this project but detailed discussions are yet to occur.
- c) Until these discussions have taken place, we will not be able to accurately estimate delivery timelines for the infrastructure.

Question

Cr Sophie Tan

Regarding the Leonard Avenue and Buckley Street Streetscape Redevelopment Project, are there any updates after the underground work complications that occurred a few weeks ago?

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Response

Kevin Van Boxtel, Acting Director Business, Engineering & Major Projects

The Leonard Avenue Streetscape works are progressing. We have addressed the underground services issue that was delaying works on the western side of the street. The footpaths and car parks are now reopened to public use. There are still some remaining works with lighting and street furniture that will cause some limited disruption. The main concerns raised by the traders have been responded to.

We do have the other side of the street to complete, the eastern footpath. The contractor is starting there this week. We have been working closely with the contractor and the traders to come up with a staging scenario that minimises the impact on the loss of parking and maintains the width of the footpath to its maximum for as long as possible. We are hopeful that those new arrangements will mean less disruption to the traders' customer base. However, staging of the works in the way we are now considering is likely to add a small length of additional time to the project. We think that the merits of retaining more parking will be ultimately beneficial to the traders.

Question

Cr Sophie Tan

Currently there is no work happening on the Harold and Corrigan Road Traffic Signals Upgrade, Noble Park. Are there any updates on this project?

Response

Kevin Van Boxtel, Acting Director Business, Engineering & Major Projects

Question taken on notice.

Question

Cr Sophie Tan

The Noble Park Community Safety Forum will be conducted on 25 July 2023, from 6.30pm-8.30pm at the Paddy O'Donoghue Centre, 18-34 Buckley Street, Noble Park. I have seen some ads on Facebook, but would like to know what other advertising has Council done?

There are a lot of people in our municipality that do not speak English, so it would be great if you can advertise in different languages. I recommend advertising mainly through our website, community centre and libraries, so that residents know more about this.

Response

Lisa Roberts, Manager Governance

We were discussing with Jacqui Weatherill, Chief Executive Officer today about doing translations, and they will be out by the end of the week. Currently, there are flyers up in the Civic Centre, Dandenong, it was advertised in the Council news for July, it is on our social media accounts and on our website.

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Comment

Cr Lana Formoso, Deputy Mayor

One of the fantastic events that I attended was the SisterWorks fundraiser, celebrating Refugee Week at the Holiday Inn, Dandenong. The new facilities there are incredible. The organisation is doing great work, and Greater Dandenong City Council were gifted a certificate for our contribution.

I want to congratulate South East Leisure's first year of operations. They are doing a fantastic job at looking after our facilities and improving physical outcomes in this community. I am very passionate about this and proud to be on the board as a Council representative.

Question

Cr Lana Formoso, Deputy Mayor

I was invited to a senior citizens group last week at the Memorial Hall, Dandenong. It is not in the best of conditions. There are basic cosmetics that could be done there. Simple things like hand soap dispensers are not there. Can we have a look at that to improve it? The public toilets next to the hall are the worst I have seen in our municipality. I have photos which I will send to the relevant officer.

Response

Peta Gillies, Director Community Strengthening

We will investigate that. Depending on what the specific lease arrangements are for the property, there will be different roles and responsibilities in terms of Council and our tenants. We do want to make sure that the amenities for the community are appropriate.

Question

Cr Lana Formoso, Deputy Mayor

There are many complaints regarding the Dandenong North East Kindergarten. There is drug paraphernalia, rubbish and they found faeces in the car park this morning when staff arrived. You can imagine how disgusted they are with what is happening in this space. Council did a brilliant job at resurfacing the footpath and they did say they have seen a lot more police patrolling in the area. However, there are a lot of issues still happening. I asked Council to look at putting a mobile CCTV camera there and was told that we were not able to do so. I also asked Victoria Police (VicPol) to look at putting a camera there on our behalf, and our officers were going to get back to me in terms of letting me know whether that was viable. That has not yet occurred. I was told by Council that there was a privacy issue because the kindergarten is there, but the way that we place and position the cameras would prevent any visibility of the kindergarten itself.

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Response

Peta Gillies, Director Community Strengthening

If anyone has members of the community or community groups calling up with an issue, please let us know straight away so we can get the cleansing team out there to make sure that the premises are clean, safe and secure. We have spoken to VicPol already about increasing patrols in that area, which I believe has occurred. I am not aware of the previous request for CCTV, but we can look into that. The CCTV trailer that local police use is getting a lot of usage and we will check where that is in terms of the priority listing. I do agree, they can place them in a way that does not impinge on people's privacy.

If constituents are calling up with issues on the day, it is best that they call straight through to Council, so that we can get the cleansing team to respond straight away, so that their staff and families do not have to experience that sort of welcome upon arrival.

Comment

Cr Lana Formoso, Deputy Mayor

I appreciate that, and I will do that. I think they find it easier to go straight to Councillors because they often get a run-around through the customer service process. I request that we do a cleanse at some stage tomorrow, because faeces and those sorts of things would be unpleasant for the staff and the parents dropping off their kids.

Question

Cr Tim Dark

I had a phone call from a resident in Keysborough as they are having issues with the footpath at the front of their property. There is a big tree where the root system has caused damage.

There was an auction on the weekend of a neighbouring property and a person tripped over because of the state of the footpath. Can the relevant officer go out and have a look?

Response

Kevin Van Boxtel, Acting Director Business, Engineering & Major Projects

We will get that location inspected and take appropriate action to address any tripping hazards.

Question

Cr Tim Dark

At the back of the Domain Estate off Stanley Road, Keysborough, there are some large gum trees on Melbourne Water land that overshadow several properties. Council provides financial remuneration for those residents to clean their gutters out. I have had a call that there are branches that have been dumped next to the tree as they have been cut back. Could we please have those branches collected?

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Response

Kevin Van Boxtel, Acting Director Business, Engineering & Major Projects

We will investigate that further. If the branches are on Melbourne Water land, it may be their responsibility, but if not, we will address it accordingly.

Question

Cr Tim Dark

The Liverpool Drive resurfacing works started about six months ago. The road had crocodile cracking along the street, and the infrastructure was getting past its use by date. There has been resurfacing up the North end towards Darren Road, but on the South end, this still has not been completed, months later. The lines have not been marked, the gravel is easily picked up with cars driving by, and it looks the worse for wear. Can we please get an update on where the roadworks are at, when the estimated completion is going to be and if we could please notify the residents of exactly where things are at?

Response

Kevin Van Boxtel, Acting Director Business, Engineering & Major Projects

We will follow that up. The wet weather has delayed some of the final surfacing of some of our roads. We will get an update on that and see if we can get a notification out to the residents.

Question

Cr Tim Dark

I was sent a video over the weekend by two different people. One person who uses social media, a registered building inspector that dresses up, attended a site on Princess Highway, Springvale that was developed a couple of years ago by a prominently known Dandenong builder. The building is in a poor state. That video has ended up on LinkedIn. There is a lot of commentary regarding what is happening with the compliance or even approvals of these building projects.

This is a large townhouse development where the box gutters have been cut into, the drainage points are not there and there are issues with the building quality. Once a building surveyor itemises a report and we become aware that there are issues, what does this Council undertake in terms of the municipal building surveying strategy, to deal with the issues? Do we have any enforcement powers to have those works rectified?

Response

Jody Bosman, Director City Planning, Design & Amenity

We can have our Municipal Building Surveyor inspect this property. They do have enforcement powers and can take the matter away from the private building surveyor. The first step is for them to do an assessment on the site and decide which powers under the *Building Act* 1993 they would utilise and what orders, if necessary, can be issued. If you provide me with the relevant information, I will ensure that our Municipal Building Surveyor visits the site and takes the necessary action.

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Comment

Cr Richard Lim OAM

On Monday 26 June 2023, I had a meeting with Jacqui Weatherill, Chief Executive Officer, Meng Heang Tak MP and Mr Allan Crosthwaite, former Pharmacy Guild Director, regarding the shape of Springvale. Premier Daniel Andrews has promised to do something for our Springvale Activity Centre.

On Tuesday 27 June 2023, I had a meeting with Ron Fairchild, Director of Monash Health and his team around fundraising. We discussed a flower ceremony at the temple and a dinner dance. Over the last two months we have raised nearly \$4,500.

On Wednesday 28 June 2023, I had a meeting with Mr Patrick Lee and Julian Hill MP regarding the Voice to Parliament. Mr Lee has translated the Voice to Parliament in Cambodian for my community.

On Friday 30 June 2023, I had lunch with the Honourable Anthony Albanese, Prime Minister, hosted by Australian-Israel Chamber of Commerce at the Crown Palladium, Melbourne.

On Tuesday 4 July 2023, I attended a vegetarian dinner fundraiser for rebuilding of the Bright Moon Temple with Clare O'Neill MP and Meng Heang Tak MP.

On Wednesday 5 July 2023, I had an interview with SBS regarding COVID, cold and flu, and many other issues. Later that night, I attended a Health Seminar to discuss issues such as endometriosis and COVID.

On Friday 7 July 2023, I attended the 42nd anniversary of Springvale Italian Senior Citizens Club with Mayor Eden Foster.

Comment

Cr Eden Foster, Mayor

On Tuesday 27 June 2023, I attended the Multicultural and People Seeking Asylum Advisory Committee meeting. Later that day, I attended the SisterWorks Fundraiser and Networking event, celebrating Refugee Week at the Holiday Inn, Dandenong.

On Wednesday 28 June 2023, I attended the Mayoral Taskforce Supporting People Seeking Asylum meeting. It was a great opportunity following the Canberra trip, where many of us met with Federal Ministers, to then come together to discuss matters in relation to the Mayoral Taskforce and our advocacy. It was a good opportunity to hear from the other Mayors and Councillors and to build on the work of that taskforce even further.

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

On Thursday 29 June 2023, I attended the community food outreach service at the Dandenong Presbyterian Church, where they hand out food. Like many of our wonderful organisations in our community, late last year they began handing out food and other items to those less fortunate on a Thursday between 2 pm and 4 pm. Given the times that we are in with financial struggles, we are seeing more and more people needing these items and needing support. Spare a thought for our neighbours and community members. Consider if you do have any non-perishables, what you can donate to the number of community organisations in our municipality. They are stretched and a lot of them are finding that there is a greater need, particularly at this moment.

On Friday 30 June 2023, I had a meeting with the Noble Park Tennis Club.

On Saturday 1 July 2023, I attended, as was mentioned by Councillor Sean O'Reilly, the Dandenong and District Historical Society 60th birthday celebrations. A wonderful opportunity to hear so many stories about the history of Greater Dandenong. I do love to sit down and have a chat with people who know a lot about our community. Just ask my mum, when I was little, sitting around the table with all the adults hearing the wonderful stories of the past and that certainly has not changed for me. I love a bit of history.

On Sunday 2 July 2023, we celebrated NAIDOC Week and attended an event hosted by the Greater Dandenong City Council and the Dandenong Market with Councillor Rhonda Garad and Councillor Angela Long. Another opportunity to celebrate our Indigenous history, which makes our country very special. Later that day, I attended the Druze community event celebrating Eid al-Adha, a wonderful community who are soon to be opening their community centre. They are still waiting on certain facilities, but I would like to thank Council for giving them a permit for that day for the celebration.

On Friday 7 July 2023, I attended the Springvale Italian Senior Citizens Club 42nd anniversary. We share a bit of a birthday, 42, which is kind of a special connection there. The Italian community in Springvale have certainly contributed a lot to our municipality over the years.

Jacqui Weatherill, Chief Executive Officer tabled a listing of responses to questions taken on notice/requiring further action at the previous Council meeting. A copy of the responses is provided as an attachment.

6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

COUNCILLOR QUESTIONS TAKEN ON NOTICE/REQUIRING FURTHER ACTION

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
26/06/23 CQT1	Cr Tim Dark	Footpath Regent Street, Springvale I have received complaints regarding Regent Street, Springvale. The footpath is crumbling, it is in pieces. It has not been struck with anything that you can see, it has just been there for so long. If somebody was to go over it in a wheelchair, they would barely be able to make it to the other side. Can we please get somebody to have a look as a matter of urgency?	Director Business, Engineering & Major Projects	06/07/2023	Initial response provided 26/06/23: Please send me the details, we will get onto it straight away. Further response provided 06/07/23: Council Officers have inspected the footpath on both sides of Regent Street, Springvale. Some minor damage in several locations was identified and has now been programmed for grinding or replacement. The works are expected to be completed by the end of the month (July) weather permitting. We were not able to find any sections where the footpath was crumbling or inaccessible to a wheelchair. Council officers would be happy to meet with the residents or yourself on site if there is a specific address or location of particular concern.
26/06/23 CQT2	Cr Tim Dark	General unsightly area, Boileau Street, Keysborough I was in Boileau Street, Keysborough and there is rubbish along the nature strips. It looks untidy. I do understand it is an industrial area but there is a big difference from what it used to look like to now. There is steel crossing over footpaths, coming out of factories, cars double-parking and nature strips overgrown. Can we increase the	Director City Planning Design and Amenity	07/07/2023	COMPLETED Initial response provided 26/06/23: As there are parking and other maintenance issues involved I will liaise with Paul Kearsley, Director Business, Engineering & Major Projects and advise. Further response provided 07/07/23: Councils Planning Enforcement, Parking and Local Law Teams regularly patrol our industrial areas to both educate and enforce on the many issues this type of land use

Reports from Councillors/Delegates & Councillors' Questions – Questions Taken on Notice

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
		planning compliance level to ensure people understand the roles and responsibilities for our public assets?			presents. Our teams regularly work in collaboration where issues such as this crossover into many of the legislations we rely upon to deliver our services. In the case of Boileau Street, Keysborough our teams have been tasked to investigate the many issues that have been raised in the question above including parking, storage of items, litter and general amenity.
26/06/23 CQT3	Cr Tim Dark	Rubbish along sound barrier and bike trail path The Eastlink trail that runs from Chapel to Chandler Road, Keysborough has a significant amount of rubbish that has been accumulating in between the panels of the sound barriers, and from the path to back fences. Some residents have been opportunistic in terms of moving their fence line further out of their title boundary. Can we please investigate and write to the Department of Transport to ask them to clean up the rubbish?	Director Business, Engineering & Major Projects	06/07/2023	COMPLETED Initial response provided 26/06/23: We have had many issues in the past with the Department of Transport with regards to their waste collection or lack thereof. That is something we can bring to their attention. With regards to the property matter, we can also make that a reference point. Further response provided 06/07/23: Council officers inspected the area along the Dandenong Southern Trail (Dandenong Bypass) between Chapel and Chandler Roads and have confirmed there is a considerable amount of rubbish throughout the landscaped areas and in between the sound barrier panels. This is an ongoing issue that has been raised again with the Department of Transport and Planning (DTP) as the responsible road authority for action (reference number ETS02896149). DTP were unable to provide a timeline for when these works would be done, however we will continue to

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
26/06/23 CQT4	Cr Tim Dark	Upgrade works concern at Leonard Street, Dandenong I have received two phone calls and two messages from traders in Leonard Avenue, Noble Park to do with the upgrading of Leonard Avenue. There has been tape and banners put up to show that there is construction going on. The traders want the works completed because it is substantially affecting their trade. They have been speaking to the people who are running the project, which I believe is a State Government group, but there appears to be only one person that might turn up every couple of days and do some work. The barriers that they have put up make it very prohibitive to access the Bottle-O and the egg shop. Could a conversation with the traders and the construction group be had to gain a time frame of when the barriers will be taken down?	Director Business, Engineering & Major Projects	07/07/2023	COMPLETED Initial response provided 26/06/23: I have had one of our senior managers out there today meeting with three of the traders who have significant concerns. I too share those concerns with how the contractors have gone about it. They are contractors that we have appointed but the funding is from the State Government. I have asked for an urgent meeting in the next few days with the contractors. Unfortunately, the delays are also somewhat out of their control because it relates to some services under the road and the footpath that have affected the delivery of their program. One thing I am concerned about is the nature of how much of the road space, parking space and footpath, that the fencing is taking up. We are hoping to address that matter in the next 48 hours and make sure that it is tailored to better suit the works that are taking place. Further response provided 07/07/23: As a follow up to your question about having

Reports from Councillors/Delegates & Councillors' Questions – Questions Taken on Notice

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
					a conversation with the traders and the construction group regarding when the barriers will be taken down I can advise that this is now complete. The barriers on that west side of the road have been removed and the footpath and parking is fully operational. Consultation with the traders group will continue on an ongoing basis, with works on the east side expected to be completed in mid-August.
26/06/23 CQT5	Cr Tim Dark	Keysborough soccer club participation increase I had a phone call from the Keysborough Soccer Club regarding their growth over this season, which has been significant. They have been actively promoting for those residents who occupy the new part of Keysborough and getting them involved in soccer. As a result of that, they have had a couple of hundred juniors that are now getting involved. The club is experiencing growing pains, which I know is an issue that we have in this municipality. If the Director of Community Strengthening could please reach out to the club and organise a meeting as they are trying to see what options they have for a cage or shed to allow them to add additional materials.	Director Community Strengthening	10/07/2023	COMPLETED Initial response provided 26/06/23: That is fantastic news about the growth, we will reach out. Further response provided 10/07/23: Contact has been made with the club to discuss their growth and options for additional storage moving forward. COMPLETED

Reports from Councillors/Delegates & Councillors' Questions – Questions Taken on Notice

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
26/06/23 CQT6	Cr Richard Lim	61 Heyington Crescent, Noble Park North 61 Heyington Crescent, Noble Park North is in terrible condition, there is no electricity, no heaters and there is broken glass around. Would it be possible for Council to do a bit of work to make it look better for the Bakhtar organisation that uses this site as a distribution centre?	Director Community Strengthening	03/07/2023	Initial response provided 26/06/23: We have a meeting on Wednesday with the Bakhtar, there are many issues with the current location. We are looking to support the Bakhtar as best we can. We also need to make sure that we are fair and equitable in terms of how we support all community organisations. I will come back to you with further information after that meeting. Further response provided 03/07/23: Details of meeting held provided to Councillors. COMPLETED
26/06/23 CQT8	Cr Lana Formoso	Coolavin Reserve fitness equipment What is the completion date for the Coolavin Reserve fitness equipment, Noble Park? I have seen that it is up and almost running. There is temporary fencing around there currently, but it will likely be utilised over the school holidays.	Director Business, Engineering & Major Projects	03/07/2023	Initial response provided 26/06/23: Question taken on notice. Further response provided 03/07/23: Last week the formal handover over this project from the contractor to Council was completed. The fitness park and its equipment are now finished and available to the public. COMPLETED
26/06/23 CQT9	Cr Lana Formoso	Cleeland Street & David Street, Dandenong I drive to Dandenong High School daily and use Cleeland and David Street, Dandenong. There is chaos along that road during school drop-off and pick-up times. We are seeing shocking driver	Director City Planning Design and Amenity	05/07/2023	Initial response provided 26/06/23: The parking compliance officers can look at the parking issue and if anybody is double-parking there might be the opportunity to put different signage up. I will liaise with the traffic engineers in the Business, Engineering & Major Projects area about the

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
		behaviour and students are running out in front of cars rather than using the three or four supervised crossing points. I have video footage of parents doing a three-point turn in the middle of the road, stopping to let their kids out and then they run across the road. It is a huge concern. Cars are only doing 40kmph at that time because there is so much traffic, but it is a hazard. People are just leaving their vehicles and taking their kids in, which is preventing many vehicles from dropping off their children in a safe manner. Also educating the kids about how they are supposed to be crossing the road, so perhaps contacting the school about that. I recommend doing a similar system that we used at St Elizabeth Primary School, Dandenong North, which was the kiss and go.			<p>kiss and go. For bad driver behaviour, we probably need to engage with Highway Patrol as that is beyond my area of jurisdiction. Sometimes, just the fact that they see people in the area makes some change, but I think it is going to be a multi-agency approach to this. If there is any way Councilor, that you can speak with the school, have them educate their students and then the students can pass that on to their parents. The school went to a lot of trouble to get the speed limit brought down. We have got the pedestrian crossings, so I think we need to work in collaboration with the school.</p> <p>Further response proved 05/07/23: Council's Local Law and Parking teams are actively patrolling school areas daily throughout the school year. Media campaigns and addition social media posts are released during school holiday periods to ready parents, motorists and the general public for the return to schools. In relation to this question, our Local Laws team is working with Councils Traffic Management team to assess the area around the Dandenong High School. Within the assessment, officers will examine current parking restrictions, signage and traffic flow at different intervals to better determine suitable alternatives. Local Law officers, along with Victoria Police, will be present around our schools enforcing restrictions</p>

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
26/06/23 CQT11	Cr Lana Formoso	Browns Road Reserve, Noble Park North I have had a couple of residents contact me about the antisocial behaviour that is happening at Browns Road reserve, Noble Park North. They have been calling Victoria Police, but they are concerned that the lighting is insufficient. Can we perform a lighting audit?	Director Business, Engineering & Major Projects	06/07/2023	<p>from the beginning of the upcoming term with an emphasis road safety during drop off/pick up times.</p> <p>COMPLETED</p> <p>Initial response provided 26/06/23: We can undertake an overall audit to see what the lighting levels are and if not high enough, then depending on the nature of the ownership of the lights, we can act on that.</p> <p>Further response provided 06/07/23: Council's Asset Planning team will conduct a lux level audit for the public lighting located within the road reserve along the frontage of Browns Reserve. In accordance with our normal process which can take anywhere from 2-4 months if additional lights are required depending on extent of community consultation and coordination with utility company involved. We will provide you with a further update once the results of the audit are known.</p> <p>There is currently no public lighting (or electrical infrastructure) within Browns Reserve. Council's Open Space Strategy does allow for safety lighting in local reserves, however as lighting can impact the local flora and fauna, the lights would be on dimmers and timers and would be only done in conjunction with a safety program. Abutting residents can also often be sensitive to lighting in local parks due to</p>

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
					<p>potential light spill into dwellings. Lighting in local parks can also have an unintended effect, as it encourages groups to congregate late at night, rather than disperse anti-social behaviour. Additionally the cost tends to be prohibitive if there is no current electrical infrastructure in the reserve. The assessment for lighting within a public reserve is a separate (and longer) process from the standard street lighting audit as a result, and has already been referred onto Council's Open Space Planning team for consideration. If it is determined that lighting within the reserve is appropriate, a request for funding will then need to be made via the annual capital bid process.</p> <p>In the meantime, residents should continue to report any observations of anti-social behaviour in the reserve directly to VicPol.</p>
26/06/23 CQT12	Cr Sophie Tan	<p>Parking at Leonard Avenue, Noble Park</p> <p>The Leonard Avenue, Noble Park upgrade. When can we get this project going and what is the completion date? There is no disabled parking due to the construction, can we look at this? Currently, there are only two parking spots at the side of Chemist Warehouse. People with disabilities need to enter the gym for rehab but</p>	Director Business, Engineering & Major Projects	06/07/2023	<p>COMPLETED</p> <p>Initial response provided 26/06/23:</p> <p>As previously advised, I am hoping that there will be some resolution of those issues in the next 48 hours with the contractor. With regards to allocation of disabled car spaces, the best options we can look at would be relocating them at the time when the works are taking place where their current disabled parking is. We cannot not work there. It is a matter of finding an appropriate location close by that complies</p>

Reports from Councillors/Delegates & Councillors' Questions – Questions Taken on Notice

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
		there is nowhere for them to park. There is also no ramp for them to get up to the gym.			<p>with the standards to provide for access for people with disabilities to use their vehicle to then gain access. Once we get a better understanding from the contractor of what the timing is and how we can improve access to current shops, we will advise Councillors. When you build in a shopping centre that involves digging up and replacing the carparking area and the footpath, there is always going to be some level of impact. We are trying to minimise that as best we can.</p> <p>Further response provided 06/07/23: Prior to the streetscape works being undertaken there were no on-street accessible spaces provided within this area. With this in mind, the streetscape works will not be providing any new on-street accessible parking spaces.</p> <p>Whilst I am aware a local trader would like to see more accessible parking bays provided, this is not considered necessary at this time. This is due to there being existing bays located close by, in the off-street parking area adjacent to the Chemist Warehouse. Accessible parking facilities are better provided in off-street parking areas where space is usually more abundant, with level ground conditions and generally safer environment due to lower vehicle speeds within the car park as opposed to on-street.</p>

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
26/06/23 CQT13	Cr Sophie Tan	51A Douglas Street, Noble Park 51a Douglas Street, Noble Park development. Can Mayor Eden Foster write a letter to the Minister again? This is a major issue with many concerns from the residents. We know that the Minister has not contacted Council to discuss our 26 opposing recommendations on the planning report. There will be 97 apartments on that block, 61 with one bedroom, 36 with two bedrooms, they only provide 125 parking spaces, and there will be 800 square metres that will be retail shops. They will remove three of the river gums. There is a shortage of 17 retail parking spaces, 59 for residential. Jody Bosman, Director City Planning, Design & Amenities could also help to speak to the Minister about what we	Director City Planning Design and Amenities	05/07/2023	<p>As with all parking within activity centres, should demands substantially change the parking management can be reviewed and adjusted accordingly in consultation with nearby traders.</p> <p>Councils Traffic Engineers will continue to monitor the parking in and around the Noble Park activity centre, implementing any changes as necessary to ensure this valuable Council asset is providing the greatest benefit to the broader community.</p> <p>COMPLETED</p> <p>Initial response provided 26/06/23: The permit has already been issued. Once the Minister for Planning issues the order, Council has 10 days within which to issue that permit. There is no opportunity to revisit the design for Council to do anything. As of today, we have already written three times to the State Government asking for a please explain and expressing our very significant disappointment at the decision. All those issues that you mentioned are the issues that we raised in our detailed objection to the proposal. We want to know why they were ignored, if they were considered, what process was involved and did it go before an advisory committee. If you think that it might help to also have a letter under the hand of the Mayor, we can assist by drafting something if one has not already gone out.</p>

Reports from Councillors/Delegates & Councillors' Questions – Questions Taken on Notice

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
26/06/23 CQT14	Cr Rhonda Garad	<p>can do to amend the planning permit before they start construction.</p> <p>Gambling on local sporting games I want to raise a difficult and worrying issue about protection of our children on sporting grounds in Greater Dandenong City. Four Corners did an exposé on this a couple of weeks ago and it was the South Springvale Soccer Club that was featured on there. We have men sitting in cars, livestreaming data about that game to international gamblers with an insider on the program saying that millions of dollars are bet on these suburban games that no one knows about. People are completely unaware that they are being commercialised. Also at risk in terms of match fixing and by being immersed unwittingly and unknowingly in an international gambling syndicate. This is deeply concerning as they are on Council grounds.</p> <p>Will Council write to our local State and Federal members and ministers responsible for gambling to ask how they will protect the commercial exploitation of our children and protect them from the harmful predatory international gambling industry? What steps will Council take to raise</p>	Director Community Strengthening	04/07/2023	<p>Further response provided 05/07/23: Letter from Mayors office sent 05/07/2023.</p> <p>COMPLETED</p> <p>Initial response provided 26/06/23: Thank you for raising awareness around this concerning trend that is impacting the country. In July 2022 the Victorian Gambling and Casino Control Commission (VGCCC) were established as the new independent regulator of Victoria's gambling industry. They have stronger powers and a sharper purpose to ensure integrity, safety, and fairness for all.</p> <p>Council can write to the VGCCC, Sport and Rec Victoria, and relevant MPs, raising our concerns and seeking advice as to what mitigations have been put in place to safeguard our young people.</p> <p>Per our Council plan, Council are committed to supporting community-based initiatives to address gambling harm and inform residents about the impacts of gambling and sources of assistance. I will liaise with officers around identifying opportunities to raise awareness of the issue and education on how to mitigate the risk at a local level. I am aware that the VGCCC have developed a broad range of fact sheets to aid in harm minimisation, which we could also share. Then if appropriate, advocate for further educational resources on this issue</p>

Reports from Councillors/Delegates & Councillors' Questions – Questions Taken on Notice

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6 REPORTS FROM COUNCILLORS/DELEGATED MEMBERS AND COUNCILLORS' QUESTIONS (Cont.)

Date of Council Meeting	Question Asked By	Subject & Summary of Question	Responsible Officer	Date of Completion	Summary of Response
		awareness among parents, young athletes and the broader community about the risks and dangers that are posed? Will Council establish a reporting mechanism or hotline to allow people to alert Council of this activity? Will Council collaborate with other Councils and municipalities who are experiencing similar problems and to seek similar solutions?			<p>specifically.</p> <p>VGCCC have established a mechanism through which complaints and anonymous tipoffs can be made by concerned individuals of suspicious behaviour. While we can promote the existing mechanism, Greater Dandenong City Council establishing its own separate mechanism would require preparation of a report for Council identifying the options and related resources. In the meantime, we can promote the current mechanism that already exists.</p> <p>Per our Council plan, we are committed and will continue to work with other municipalities through the alliance for gambling reform with its advocacy campaigns on gambling trends. While this is not a specific submission that they have made at this point, very recently they have made a submission around child grooming in terms of gambling like features in computer games and mobile phones. They are attuned to there being many instances whereby our children and young people are being impacted by gambling and this is something that goes internationally as well.</p> <p>Further response provided 04/07/23: All follow-up actions are in progress.</p> <p>COMPLETED</p>

7 URGENT BUSINESS

No urgent business was considered.

The meeting closed at 9.09 PM.

Confirmed: / /
