



**GREATER
DANDENONG**
City of Opportunity

AGENDA

ORDINARY COUNCIL MEETING

MONDAY 8 JULY 2019
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)

1.2 OFFERING OF PRAYER

As part of Council's commitment to recognising the cultural and spiritual diversity of our community, the prayer this evening will be offered by Imam Muhammed Sezgin from the Turkish Islamic Mosque, a member of the Greater Dandenong Interfaith Network.

1.3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting of Council held 24 June 2019.

Recommendation

That the minutes of the Ordinary Meeting of Council held 24 June 2019 be confirmed.

1.4 ASSEMBLIES OF COUNCIL

The following assemblies of Council occurred in the period 20 June to 3 July 2019:

Date	Meeting Type	Councillors Attending	Councillors Absent	Topics Discussed & Disclosures of Conflict of Interest
24/06/19	Pre-Council Meeting	Roz Blades AM, Youhorn Chea, Tim Dark (part), Matthew Kirwan, Angela Long, Zaynoun Melhem, Sean O'Reilly, Maria Sampey, Loi Truong (part)	Apologies - Jim Memeti, Sophie Tan	- Status of Council's planned website upgrade. - Council's policy regarding neighbour disputes. - Agenda items for the Council Meeting of 24 June 2019.

1.4 ASSEMBLIES OF COUNCIL (Cont.)

Date	Meeting Type	Councillors Attending	Councillors Absent	Topics Discussed & Disclosures of Conflict of Interest
1/07/19	Councillor Briefing Session	Roz Blades AM, Youhorn Chea, Tim Dark (part), Matthew Kirwan, Zaynoun Melhem, Sean O'Reilly, Maria Sampey, Sophie Tan, Loi Truong	Apologies - Angela Long, Jim Memeti	<ul style="list-style-type: none">- Status of central Dandenong revitalisation program from Development Victoria.- Proposed Greaves Reserve Events Master Plan.- Cycling in the south-east region.- Proposed planning application for a solar farm in the Springvale area.- Proposed reforms under the Local Government Bill 2019.- Service review action plans.- Victorian Electoral Commission's representation review submission from Council.- Recent line marking in Corrigan Road, Noble Park and its impacts on residents.- Requests for memorials on Council land and consistent treatment of these requests going forward.- Agenda items for the Council Meeting of 8 July 2019.

Recommendation

That the assemblies of Council listed above be noted.

1.5 DISCLOSURES OF INTEREST

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of Interest legislation is detailed in sections 77A, 77B, 78, 78A-E & 79 of the Local Government Act 1989. This legislation can be obtained by contacting the Greater Dandenong Governance Unit on 8571 5216 or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au.

If a Councillor discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- complete a disclosure of interest form prior to the meeting.
- advise the chairperson of the interest immediately before the particular item is considered (if attending the meeting).
- leave the chamber while the item is being discussed and during any vote taken (if attending the meeting).

The Councillor will be advised to return to the chamber or meeting room immediately after the item has been considered and the vote is complete.

1.6 CONFIRMATION OF MINUTES OF AUDIT ADVISORY COMMITTEE MEETING

The Audit Advisory Committee held a meeting on 14 June 2019. Minutes of this meeting are presented to Council for adoption.

Recommendation

That the unconfirmed minutes of the Audit Advisory Committee meeting held on 14 June 2019 be adopted.

1.6 CONFIRMATION OF MINUTES OF AUDIT ADVISORY COMMITTEE MEETING (Cont.)

- | Item | Audit Advisory Committee Meeting Agenda Topic |
|-------------|---|
| 1. | Group Manager Greater Dandenong Business, Paul Kearsley provided an update on this area of Council. |
| 2. | The Risk Management report was tabled to the Committee providing an update on several aspects of risk, including the status of Council's insurances and claims. |
| 3. | The Audit Advisory Committee received an update from Councils Auditor-General agent (Justin Brook – DMG Audit & Advisory) in respect of the VAGO Interim Management letter for the Financial Year Ending 30 June 2019. |
| 4. | Councils Internal Auditor Crowe Horwath presented a status update on the Internal Audit program, which included a progress report and a summary of recent reports and publications which may have an impact on local government. The Audit Advisory Committee further considered the forward internal audit plan for 2019-20. Finally, Crowe Horwath tabled Internal Audit Reports on Financial Controls and Information Technology – Security and Access Controls for the Audit Advisory Committees consideration. |
| 5. | The outcomes of the March 2019 quarterly financial report were tabled. |
| 6. | An update was provided to the Committee on Councils Municipal Emergency Management self-assessment report. |
| 7. | A report was presented to the Committee on the outcomes of the recent IT Annual Penetration test results. |
| 8. | The Audit Advisory Committee considered and recommended to Council the updates to the Fixed Asset Accounting Policy 2019. |
| 9. | The Audit Advisory Committee received annual reports in respect of the travel and gift registers. |
| 10. | The Committee considered and endorsed Councils draft Privacy Data Breach protocol. |

2 OFFICERS' REPORTS

2.1 DOCUMENTS FOR TABLING

2.1.1 Petitions and Joint Letters

File Id:	qA228025
Responsible Officer:	Director Corporate Services
Attachments:	Petitions and Joint Letters

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 Meeting Procedure Local Law. These are also tabled.

2.1.1 Petitions and Joint Letters (Cont.)

Petitions and Joint Letters Tabled

Council received no new petitions, no joint letters and no petition updates prior to the Council Meeting of 8 July 2019.

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.

Recommendation

That the listed items detailed in Attachment 1, and the current status of each, be received and noted.

2.1.1 Petitions and Joint Letters (Cont.)

DOCUMENTS FOR TABLING

PETITIONS AND JOINT LETTERS

ATTACHMENT 1

PETITIONS AND JOINT LETTERS

PAGES 3 (including cover)

If the details of the attachment are unclear please contact Governance on 8571 1000.

2.1.1 Petitions and Joint Letters (Cont.)

Date Received	Petition Text (Prayer)	No. of Petitioners	Status	Responsible Officer Response

If the details of the attachment are unclear please contact Governance on 8571 1000.

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 1000.

2.2 FINANCE AND BUDGET

2.2.1 General Valuation 2019 Return

File Id:	A5013681
Responsible Officer:	Director Corporate Services
Attachments:	General Valuation 2019: VG Recommendation to Minister – Generally True & Correct

Report Summary

Pursuant to Section 13DH (3) of the Valuation of Land Act 1960, the General Valuation 2019 of all rateable property within the City of Greater Dandenong is hereby returned to Council. The new valuation measures property values as at 1 January 2019 and Council will use the valuation to calculate rates effective 1 July 2019. The valuation will also be used in future years by the State Revenue Office for land tax purposes, and South East Water for drainage rate purposes.

Recommendation Summary

This report recommends that pursuant to the provisions of Section 13DH (3) of the Valuation of Land Act 1960, Council notes the Return of the 2019 General Valuation.

2.2.1 General Valuation 2019 Return (Cont.)

Background

A General Valuation of all rateable property in Victoria is now required to be made every year, or as determined by the Valuer General and the Minister. The previous General Valuation level date was January 2018. All rateable properties within the municipality of CGD have now been valued at levels pertaining to that type of property as at the prescribed date 1 January 2019.

The General Valuation is carried out using market evidence including the collation and analysis of sales, rentals and expenses of properties which is then applied to each particular property, taking into account the different characteristics of the property. It also includes relevant evidence from surrounding municipalities as required.

Financial Implications

Rates will be levied based on the valuations with Council's adopted rates in the dollar for the year 2019-20. A detailed summary of valuation movements by category type is included and reported on in the 2019-20 Annual Budget.

Valuation Summary

Category	Site Valuation \$	Capital Improved Val. \$	Nett Annual Valuation \$
General	22,362,252,000	32,577,413,000	1,633,278,450
Commercial	1,847,011,800	4,167,525,000	275,455,009
Industrial	5,798,607,440	11,239,176,000	794,483,885
Vacant Residential	514,483,000	514,483,000	25,724,150
Farm	299,780,000	309,668,000	15,483,400
Non-rateable	1,621,257,200	1,928,868,500	102,816,925
Total	32,443,391,440	50,737,133,500	2,847,241,819

Summary of all categories

Valuation	Site Valuation \$	Capital Improved Val. \$	Nett Annual Valuation \$
Existing Valuation	33,067,164,320	51,182,190,200	2,875,933,455
Valuation 2019	32,443,391,440	50,737,133,500	2,847,241,819
Change in \$	-623,772,880	-445,056,700	-28,691,636

2.2.1 General Valuation 2019 Return (Cont.)

Percentage Change	-0.53%	-0.86%	-0.10%
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The Valuer General's contract valuers ProVal (Vic) Pty Ltd and the specialist valuers have consulted neighbouring council's and the Valuer General's Department and sourced all necessary information before finalising the Return of the General Valuation 2019. Customer Service staff and Property Revenue staff have been briefed on the impacts of the General Valuation to provide assistance to ratepayers who may have queries.

Recommendation

That pursuant to the provisions of Section 13DH (3) of the Valuation of Land Act 1960, Council notes the Return of the 2019 General Valuation.

2.2.1 General Valuation 2019 Return (Cont.)

FINANCE AND BUDGET

GENERAL VALUATION 2019 RETURN

ATTACHMENT 1

**GENERAL VALUATION 2019: DECLARATION
BY MINISTER**

PAGES 2 (including cover)

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

2.2.1 General Valuation 2019 Return (Cont.)



Department of Environment,
Land, Water & Planning

Valuer-General Reference: GD06.19.4

Valuer-General Victoria
Level 4, 1 Little Collins Street
Melbourne Victoria 3000
GPO Box 527
Melbourne Victoria 3001
Telephone: 03 7004 1491

Mr John Bennie
Chief Executive Officer
Greater Dandenong City Council
PO Box 200
DANDENONG VIC 3175

Dear Mr Bennie,

Re: 2019 General Valuation – Certification recommended to the Minister

Please be advised the 2019 General Valuation for the Greater Dandenong City Council is finalised and attached is the Form 2 summarising the valuation totals. It is recommended that council review the valuation totals of the Form 2 document and reconcile with the preliminary valuation figures used for rate budgeting purposes.

Auditing throughout the valuation cycle has shown that the general valuation of all rateable land and non rateable leviable land in the Greater Dandenong City Council has been made in accordance with the 2019 Valuation Best Practice Specification Guidelines.

In accordance with Section 7AD of the Valuation of Land Act 1960 (the Act), I certify the General Valuation to be generally true and correct.

I will be reporting to the Minister that the 2019 General Valuation of your municipality is generally true and correct with respect to each of the bases of value.

Once the Minister has made his declaration under Section 7AF of the Act that the valuation is suitable to be adopted and used for the purposes of any rating authority allowed to use the valuation, a copy of the declaration will be forwarded to your municipality.

Should you have any questions, please contact Mark Sanderson on (03) 7004 0431.

Yours faithfully

ROBERT MARSH
Valuer-General
21/05/2019

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2.3 POLICY AND STRATEGY

2.3.1 Amendment C207 - Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale - Consideration of Panel Report and Adoption

File Id:	A5798633
Responsible Officer:	Director City Planning Design & Amenity
Attachments:	Greater Dandenong Amendment C207 Panel Report

Report Summary

Planning Scheme Amendment C207 seeks to rezone the land at 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale from General Residential Zone – Schedule 1 to Public Park and Recreation Zone.

At its meeting on 12 March 2019, Council resolved to request the Minister for Planning to appoint an independent Planning Panel to consider the submissions received in response to the exhibition of Amendment C207 pursuant to the requirements of the *Planning and Environment Act 1987*.

A Planning Panel was appointed under Section 153 of the *Planning and Environment Act 1987*. The Panel, appointed by the Minister for Planning, conducted the Panel Hearing at their offices on Tuesday, 7 May 2019.

The Panel then recommended that the Greater Dandenong Planning Scheme Amendment C207 be adopted as exhibited.

This report further discusses the findings of the Panel's report and recommends that Amendment C207 be adopted as per the Panel's recommendations and forwarded to the Minister for Planning for approval.

Recommendation Summary

This report recommends that Council adopt Amendment C207 to the Greater Dandenong Planning Scheme in the form as recommended by the Panel and forward Amendment C207 to the Minister for Planning for approval.

2.3.1 Amendment C207 - Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale - Consideration of Panel Report and Adoption (Cont.)

Background

6-8 Fifth Avenue, Dandenong (the Dandenong site) (Lot 17 and 18 on LP14377) is owned by Council and was the site of the former Dandenong West Kindergarten which is now co-located with the Dandenong West Primary School. The site is approximately 1,241m² with access from Fifth Avenue, and is enclosed by residential fencing on 3 sides (including the northern, western and southern boundaries). The site is across the road from, and thus, within walking distance (approx. 20 metres) to the 'Fifth Avenue Day Care Centre'.

90 Gove Street, Springvale (the Springvale site) (Lot RES 1 on PS446123) is owned by Council and was the site of the former Sandown Park Kindergarten which is now co-located with the Springvale Rise Primary School (Heights Campus). The site is approximately 914m² and is located on a corner, offering access from Gove Street (north-western boundary) and Garnsworthy Street (north-eastern boundary). The site is across the road, thus within walking distance (approx. 50 metres) to the Garnsworthy Street local shops.

Both sites are considered surplus to Council requirements and were originally recommended for sale by officers, however at its meeting on 27 August 2018, Council adopted the following:

That Council (minute 768):

1. *Does not proceed with the sale of 6-8 Fifth Avenue, Dandenong on the basis of the land being retained by Council for the purposes of open space; and*
2. *Commences a rezoning of the subject land to designate the land as 'Public Park and Recreation Zone'.*

And;

That Council (minute 772):

1. *Does not proceed with the sale of 90 Gove Street, Springvale on the basis of the land being retained by Council for the purposes of open space; and*
2. *Commences a rezoning of the subject land to designate the land as 'Public Park and Recreation Zone'.*

The retention of the two sites offers the opportunity to provide green space for passive recreation and relaxation, whilst contributing to the amenity of the locality for nearby residents. Given the proximity to the local shops (Garnsworthy Street) and a day care facility (Fifth Avenue Child Care Centre), it is expected that these parks will mostly provide benefits to local residents.

Amendment C207 (as exhibited) proposes to rezone the Dandenong and Springvale sites from General Residential Zone 1 to Public Parks and Recreation Zone.

More specifically, Amendment C207 proposes to:

- Rezone 90 Gove Street, Springvale from General Residential Zone 1 to Public Park and Recreation Zone.

2.3.1 Amendment C207 - Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale - Consideration of Panel Report and Adoption (Cont.)

- Rezone 6-8 Fifth Avenue, Dandenong from General Residential Zone 1 to Public Park and Recreation Zone.
- Amend Planning Scheme Map 1 and 5.

Amendment C207 was placed on public exhibition from 22 November to 21 December 2018, as per the statutory requirements. A total of 3 submissions were received. One submission objected to the rezoning of the Dandenong site and for the Springvale site, one submission objected to the rezoning and one submission supported the rezoning.

Planning Panel

At its meeting on 12 March 2019, Council resolved to request the Minister for Planning to appoint an independent Planning Panel to consider submissions received during exhibition. As a result, a Planning Panel was appointed by the Minister for Planning to consider the Amendment under Section 153 of the *Planning and Environment Act 1987* on 25 March 2019.

A Directions Hearing was held in relation to the Amendment on 8 April 2019. There were two submitters listed for the Panel Hearing, one being an objector to the Springvale site, and the other being Council.

The Panel Hearing was held on 7 May 2019 to hear submissions. Council was represented by its lawyers on the day. The second submitter objected to the rezoning of the Springvale site on the basis that the amendment was inconsistent with State and Local planning policies, inconsistent with the Open Space and Asset Management strategies and was not a suitable site for open space.

Panel Report

Amendment C207 Panel Report was received by Council on 31 May 2019 and is provided at Attachment 1.

The Panel advised that all written submissions made in response to the exhibition of the Amendment, observations from site visits, submissions and other material presented to it during the Hearing have been considered.

The Panel concluded that the Amendment is supported by, and implements the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. It also aligns suitably with adopted strategies of Council. The Panel determined 'the Amendment is well founded and strategically justified and should be progressed.'

Overall, the Panel found that the Public Park and Recreation Zone suitably reflects the ownership and Council's future intentions for the sites. The Panel noted there is a need for forward thinking on open space planning by authorities and agreed that despite their compact size, the sites would provide more diverse and accessible opportunities, especially in the suburbs of Dandenong and Springvale where there is an increasing demand for public open space.

The Panel recommends that the Greater Dandenong Planning Scheme Amendment C207 be adopted as exhibited.

2.3.1 Amendment C207 - Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale - Consideration of Panel Report and Adoption (Cont.)

Community Plan 'Imagine 2030' and Council Plan 2017-21 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted to see for themselves and the City in 2030, the result was the Greater Dandenong Community Plan 'Imagine 2030'. This report is consistent with the following community visions:

Community Plan 'Imagine 2030'

After consultation with the Greater Dandenong community on what kind of future they wanted to see for themselves and the City in 2030, the result was the Greater Dandenong Community Plan 'Imagine 2030'. This report is consistent with the following community visions:

Community Plan 'Imagine 2030'

People

- *Pride* – Best place best people
- *Outdoor Activity and Sports* – Recreation for everyone

Place

- *Sense of Place* – One city many neighbourhoods
- *Safety in Streets and Places* – Feeling and being safe
- *Appearance of Places* – Places and buildings

Council Plan 2017-21

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 goals:

People

- A vibrant, connected and safe community

Place

- A healthy, liveable and sustainable city
- A city planned for the future

Opportunity

- An open and effective Council

The strategies and plans that contribute to these outcomes are as follows:

- Open Space Strategy 2009 (currently under review)
- Asset Management Strategy

2.3.1 Amendment C207 - Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale - Consideration of Panel Report and Adoption (Cont.)

Related Council Policies

- Asset Management Policy

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

The proposed rezoning should result in a reduction in officer time required for the assessment of future planning permit applications under the current zoning of General Residential Zone 1.

In regards to the cost of developing the two sites as public parks, this will need to be considered by Council in the relevant annual budget process.

Consultation

Notification of the Amendment was given in accordance with the requirements of the Planning and Environment Act 1987.

Amendment C207 was formally exhibited and submissions sought from the public for a period of four weeks from 22 November to 21 December 2018.

Letters were sent to owners and occupiers, referral authorities, prescribed Ministers and other stakeholders who may have an interest in the Amendment.

In addition, the Amendment was advertised to the broader community through:

- Formal notice in the local newspapers (Dandenong Journal and Dandenong Leader) and Government Gazette;
- Notice on Council's website; and
- Explanatory folders at all Council Customer Service Centres.

As stated above, three submissions were received during this exhibition period.

All submitters were invited to participate in the Panel Hearing process.

Conclusion

The Panel concluded that Amendment C207, as exhibited, is well founded and is strategically justified. Further, that Amendment C207, as exhibited, is supported by and implements the relevant sections of the Planning Policy Framework and aligns with adopted strategies of Council.

The Panel recommended that Greater Dandenong Planning Scheme Amendment C207 be adopted as exhibited.

2.3.1 Amendment C207 - Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale - Consideration of Panel Report and Adoption (Cont.)

Recommendation

That Council:

1. receives the Panel Report prepared in response to submissions made to Amendment C207 to the Greater Dandenong Planning Scheme and considers its recommendation in accordance with Section 27(1) of the *Planning and Environment Act 1987* as outlined in this report;
2. adopts the position recommendation of the Panel Report as set out in this report;
3. adopts Amendment C207 to the Greater Dandenong Planning Scheme, as exhibited, in accordance with Section 29(1) of the *Planning and Environment Act 1987*;
4. forwards the documentation for Amendment C207 to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*; and
5. advises all submitters accordingly.

2.3.1 Amendment C207 - Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale - Consideration of Panel Report and Adoption (Cont.)

POLICY AND STRATEGY

**AMENDMENT C207 REZONE 6-8 FIFTH AVENUE, DANDENONG AND 90
GOVE STREET, SPRINGVALE CONSIDERATION OF PANEL REPORT AND
ADOPTION**

ATTACHMENT 1

**GREATER DANDENONG PLANNING SCHEME
AMENDMENT C207 PANEL REPORT**

PAGES 26 (including cover)

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

2.3.1 Amendment C207 - Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale - Consideration of Panel Report and Adoption (Cont.)

Planning and Environment Act 1987

Panel Report

**Greater Dandenong Planning Scheme Amendment C207
Proposed rezoning of 6-8 Fifth Avenue, Dandenong and 90
Gove Street, Springvale**

31 May 2019

2.3.1 Amendment C207 - Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale - Consideration of Panel Report and Adoption (Cont.)

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Greater Dandenong Planning Scheme Amendment C207

Proposed rezoning of 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale

31 May 2019



Dalia Cook, Chair

2.3.1 Amendment C207 - Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale - Consideration of Panel Report and Adoption (Cont.)

Greater Dandenong Planning Scheme Amendment C207 | Panel Report | 31 May 2019

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Appendix A Document list

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2.3.1 Amendment C207 - Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale - Consideration of Panel Report and Adoption (Cont.)

Greater Dandenong Planning Scheme Amendment C207 | Panel Report | 31 May 2019

Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
Amendment	Amendment C207 to the Greater Dandenong Planning Scheme
Council	Greater Dandenong City Council
DELWP	Department of Environment, Land, Water and Planning
GRZ	General Residential Zone
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
PPF	Planning Policy Framework
Strategy	<i>Open Space Strategy 2009</i>
VPP	Victoria Planning Provisions

2.3.1 Amendment C207 - Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale - Consideration of Panel Report and Adoption (Cont.)

Greater Dandenong Planning Scheme Amendment C207 | Panel Report | 31 May 2019

Overview

Amendment summary	
The Amendment	Greater Dandenong Planning Scheme Amendment C207
Common name	Proposed rezoning of 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale
Brief description	Rezone two properties owned by Council from General Residential Zone to Public Park and Recreation Zone to reflect their intended use as local parks
Subject land	6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale
The Proponent & Planning Authority	Greater Dandenong City Council
Authorisation	22 October 2018
Exhibition	22 November – 21 December 2018
Submissions	Angelique Miller, Donovan and Rosalyn O'Bediah, Debbie Sayaphet

Panel process	
The Panel	Dalia Cook, Member
Directions Hearing	Planning Panels Victoria, 8 April 2019
Panel Hearing	Planning Panels Victoria, 7 May 2019
Site inspection	Unaccompanied, 28 May 2019
Appearances	Ms Briana Eastaugh, Solicitor, Maddocks on behalf of Greater Dandenong City Council Ms Angelique Miller, submitter
Citation	Greater Dandenong PSA C207 [2019] PPV
Date of this Report	31 May 2019

2.3.1 Amendment C207 - Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale - Consideration of Panel Report and Adoption (Cont.)

Greater Dandenong Planning Scheme Amendment C207 | Panel Report | 31 May 2019

Executive summary

Two properties owned by Greater Dandenong City Council are proposed to be rezoned from General Residential Zone (Schedule 1) to Public Park and Recreation Zone. Each site was formerly used as a kindergarten but is now proposed to be used for recreation as a small local park. The rezoning is proposed to provide greater certainty for the future proposed use and development of these properties.

Council submitted that the Amendment is strategically justified by reference to local and state planning policies. Council's strategic work also identified that there is a need for more open space in Dandenong and Springvale given projected population increases and relative amounts of open space compared to preferred benchmarks.

Council considered that the properties were suitably located to provide a local open space function. Although compact, it considered both properties were fit for purpose - identified for passive recreation.

The Amendment was exhibited. In response, some submissions expressed qualified support subject to raising the potential for antisocial behaviour and requesting ameliorating works. Some also suggested the proposed rezoning may have the potential to impact property values negatively.

In addition, a detailed submission opposed the rezoning of the Springvale site, suggesting that:

- the use of the land for the purpose of a small local park is not supported by the Greater Dandenong Planning Scheme, Council strategies and asset management policies
- the land is unsuitable for open space purposes
- nearby public open space assets are sufficient to meet the needs of the local population, and conversion of the site to open space would result in a comparative oversupply relative to other areas of the municipality.

The Panel engaged in a process to seek party input as to which matters they regarded as relevant considerations within the scope of the Amendment; and which were beyond it (even if potentially relevant).

An assessment of whether the land is surplus to Council needs and a consequential decision whether to sell or retain it in Council ownership are clearly relevant to the future of these properties. However, these are matters of governance beyond the remit of the Panel. Likewise, financial decisions involving asset management – including the potential future provision of facilities on these properties – are matters for Council in its capacity as land owner and municipal authority.

Clearly, the Amendment needs sufficient strategic justification to warrant Panel support. The Panel finds that the Amendment is consistent with strategic policy directions to facilitate public open space commensurate with community needs, especially in the suburbs of Dandenong and Springvale.

The Panel considers that the ownership, strategic context and broader setting are of key relevance in evaluating the appropriateness of the proposed zoning. The Panel should also

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be satisfied at an in-principle level that both properties are capable of being used for a public or recreation purpose based on their physical characteristics, consistent with the purpose of the zone and the table of uses.

The Panel concludes that the Public Park and Recreation Zone more suitably reflects Council ownership of these properties and its future intentions for them compared with current residential zoning.

Both properties are reasonably capable of being used for small local parks. They would increase the diversity of existing public open space nearby and each is suitably located to service surrounding land uses. The fact they may not be prime candidates for new open space provision as identified in Council's *Open Space Strategy 2009* is not consequential, especially since the properties are already in Council ownership and their conversion to open space is unlikely to prejudice the provision or improvement of other public open space.

Recommendation

Based on the reasons set out in this Report, the Panel recommends that Greater Dandenong Planning Scheme Amendment C207 be adopted as exhibited.

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1 Introduction

1.1 The Amendment

(i) Amendment description

The Amendment applies to two properties described as:

- Lot RES 1 on PS446123 (6-8 Fifth Avenue, Dandenong)
- Lots 17 and 18 on LP14377 (90 Gove Street, Springvale).

The Amendment proposes to rezone these properties from General Residential Zone 1 (GRZ1) to Public Park and Recreation Zone (PPRZ) under the Greater Dandenong Planning Scheme (planning scheme). This would be reflected in amended planning scheme Maps 1 and 5 as exhibited.

(ii) The subject land

The two properties encompassed by the Amendment are shown below. These maps also show existing public open space within the vicinity of each property.

Figure 1 Site context map identifying 6-8 Fifth Avenue, Dandenong



Source: Council Part A submission, Attachment 3

Council advised that 6-8 Fifth Avenue, Dandenong was formerly used for the Dandenong West Kindergarten which is now co-located with the Dandenong West Primary School. The land has an area of approximately 1,241m² with access from Fifth Avenue and is enclosed by

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paling fences on three sides. The property has a conventional suburban residential setting and is opposite the Fifth Avenue Day Care Centre.

Figure 2 Site context map identifying 90 Gove Street, Springvale



Source: Council Part A submission, Attachment 3

90 Gove Street, Springvale was formerly used for Sandown Park Kindergarten which is now co-located with the Springvale Heights Primary School. The land has an area of approximately 914m² and is located on a corner, offering access from Gove Street and Garnsworthy Street. The site is opposite the Garnsworthy Street local shops which are in the Mixed Use Zone.

1.2 Background

The kindergarten uses concluded on each property in 2015. The two properties were initially considered surplus to Council requirements. Council officers recommended that they be sold following an internal assessment.

However, at its Meeting on 27 August 2018, Council supported an alternate motion and resolved in respect of each site respectively, that Council:

1. Does not proceed with the sale of 6-8 Fifth Avenue, Dandenong on the basis of the land being retained by Council for the purposes of open space; and
2. Commences a rezoning of the subject land to designate the land as 'Public Park and Recreation Zone'.
1. Does not proceed with the sale of 90 Gove Street, Springvale on the basis of the land being retained by Council for the purposes of open space; and
2. Commences a rezoning of the subject land to designate the land as 'Public Park and Recreation Zone'.

This Amendment progresses these resolutions.

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1.3 Submissions

The Amendment was publicly exhibited.

Three submissions were received, summarised by Council in its Part A submission as follows:

- Concern that the amendment is inconsistent with the Planning Framework, Council's Open Space Strategy 2009, and Council policies relating to Asset Management.
- Concern that 90 Gove Street is not fit for purpose and is too small to adequately accommodate design principles as per the Open Space Strategy 2009.
- Concern that 90 Gove St does not fall into an open space gap area.
- Potential for antisocial behaviour.
- Effects on the Fifth Avenue Child Care Centre.
- Concerns regarding fence height, more particularly, a desire to deter users from jumping fences of adjoining properties, or throwing things into neighbouring backyards.
- Concern that funding has not been allocated to the design, development and maintenance of the new parks.

Some submitters also suggested the rezoning may have the potential to impact property values negatively.

At the Hearing, Ms Miller specifically requested the Panel to recommend that the Amendment be abandoned in respect of the Springvale property so the land would remain within the General Residential Zone. She considered this would permit the future disposal of that property by Council.¹

1.4 The Panel's approach

(i) Background

The Panel asked the parties what they regarded as the legitimate scope for assessing the Amendment. These issues were explored at the Directions Hearing and full Hearing.

(ii) Relevant considerations

Council submitted that relevant matters included:

- Whether the Amendment is strategically supported by the policies and directions of the Planning Scheme
- The function and useability of the sites for the purposes of open space.

The Panel agrees with Council's first dot point and elaborates on its approach, but takes a somewhat narrower view of its second dot point.

The Panel concludes that the ownership, physical characteristics of the land and broader setting are of key relevance in evaluating the appropriateness of the proposed zoning.

¹ Page 10 of her Assessment Report.

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These should be evaluated in the context of strategic policies and directions of the planning scheme.

The Panel should also be satisfied at an in-principle level that both properties are at least capable of being used for a public or recreation purpose (or some other permitted purpose in the zone), consistent with the purpose of the zone and the table of uses.

The Panel's approach is aimed at an overall analysis of whether the proposed zone purposes, table of uses and controls represent a 'suitable fit'. This is potentially less demanding than needing to be satisfied of the functionality or useability of the properties for the purposes of open space as suggested by Council.

(iii) Irrelevant considerations

Submissions

Some submissions raised concerns about:

- whether the land should be sold by Council as surplus to its needs
- the extent of Council funding needed to develop the two properties as local parks (noting that no specific funding allocation has been made as yet)
- potential property devaluation
- how the use of the properties for local parks may affect safety or local amenity.

More specifically, Ms Miller submitted that the use of the Springvale property for public open space purposes would be contrary to Council's Asset Management Policy.

Council submitted the following matters were not relevant in assessing the Amendment²:

- Design features and concept plans for the parks, including Council's means to address any potential for anti-social behaviour.
- Council's Asset Management Strategy 2015-2022 and the Asset Management Policy, which Council considers to be outside the scope of a planning assessment of the Amendment.
- Property values.
- Funding allocation for the design, development and maintenance of the parks.
- Internal financial arrangements for open space.

Discussion

Planning scheme amendments are often one step in a process that involves a series of other related decisions or actions before land can be used or developed in a certain way. This is especially the case where the amendment concerns land owned by a local council.

The Panel concludes that options for the management of these two Council sites, such as whether to retain them, sell them or develop them, are not relevant considerations when evaluating this Amendment. These matters do not require a planning scheme amendment, and could be effected under existing controls.

² Para 35 Part A submission.

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Council made a fair concession about the extent of the interrelationship between its Asset Management Policy and open space planning, as follows³:

Council acknowledges that there is some relationship between the Asset Management Policy and Strategy, and open space planning. More particularly for example, a clear classification system in the open space strategy will assist Council in determining the infrastructure required for assets, and to meet the service levels nominated in the Asset Management Strategy. It is correct that open space, as an asset, must have quantifiable and measurable attributes to allow Council to make sound decisions about investments (including capital investments in the delivery of new open space). However, the key means of determining those attributes, and whether the open space will serve the community, is found within the strategic planning exercise and in an examination of the Scheme.

Beyond this, the Panel reaches a similar conclusion about the potential application of Council's Asset Management Strategy. The proper management of Council's assets and funding allocation are not matters for the Panel in this Amendment – either property could be currently converted to public open space without a change to the planning scheme.

Both are substantially matters for Council governance. Relevant resolutions have been made in respect of these properties as a baseline for progressing this Amendment. It is not for the Panel to revisit these.

Likewise, any further development of these sites and the potential management of their residential interfaces could be addressed by Council in its capacity as land owner or manager of public open space.

Even the manner in which the land may be used is only of potentially limited relevance (beyond the basic threshold identified below), since the proposed use would not require a planning permit under the proposed zone controls. Therefore, the precise details of the use do not need to be known and evaluated by the Panel. Instead, it should be satisfied that the land is reasonably capable of meeting the purposes of the zone and that the associated table of uses and controls are generally appropriate for the future of these properties.

Almost invariably, property values have been held not to be relevant considerations for independent panels considering planning scheme amendments. In any case, no relevant evidence was presented here.

(iv) Approach to this Report

The Panel considered all written submissions in response to exhibition of the Amendment, observations from its site visit, submissions and other material presented to it during the Hearing.

The Panel has also assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

³ Para 13 Part B submission.

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This Report deals with the issues under the following headings:

- Planning context
- Is the Amendment strategically justified?
- Appropriateness of the Public Park and Recreation Zone?

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2 Planning context

2.1 Planning Policy Framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework.

Council provides and manages a network of public open space across the municipality. There are numerous elements of state and local planning policy that support the provision of public open space to meet community needs and to provide broad health and recreation benefits.

Other policies in the planning scheme relating to urban design, specifically, the enhancement of the public realm and appearance and functionality of residential and mixed use areas, are also generally relevant to this Amendment.

Victorian planning objectives

Section 4(1) of the *Planning and Environment Act 1987* (Act) includes objectives:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land; ...
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (g) to balance the present and future interests of all Victorians.

State planning policy

Clause 15.01-4R seeks to create healthy neighbourhoods and references the notion of the 20-minute neighbourhood.

Clause 19.02-6R seeks to strengthen the integrated metropolitan open space network.

Clause 21 Municipal Strategic Statement (MSS)

Council regards the Amendment as consistent with the MSS by:

- contributing to the improvement of the visual amenity and image of the City, promoting a sense of place and creating health-promoting environments (Clause 21.03)
- assisting the provision of high quality open spaces and ensuring equitable provision and access to open space (Clause 21.06).

Council also referred to its Local Planning Policies at Clause 22.01 relating to the Chain of Parks and Clause 22.09 relating to Residential Development and Neighbourhood Character.

Plan Melbourne

Plan Melbourne 2017-2050 includes a Direction (5.4) relating to the delivery of local parks and green neighbourhoods in collaboration with communities. A network of accessible, high-quality, local open spaces is sought.

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2.2 Planning scheme provisions

A consistent purpose of zones and overlays is to implement the Municipal Planning Strategy and the Planning Policy Framework.

Current zoning

The two properties are currently in the General Residential Zone (Clause 32.08). A principal purpose of the zone is to encourage a diversity of housing types and housing growth in suitable locations which respects neighbourhood character. A limited range of non-residential uses serving community needs may be permitted.

The use of the land for a dwelling does not require a planning permit. Likewise, the use of land for informal outdoor recreation (passive park) can be carried out without a permit.

Considering realistic options for Council-owned land, most other potentially suitable uses would require a planning permit for their use, such as a child care centre, library, maternal and child health centre, place of assembly, education facility or the like.

Proposed zoning

The Public Park and Recreation Zone can only apply to Crown land or land owned, vested in or controlled by a Minister, government department, public authority or (in this case), municipal council.⁴

The Public Park and Recreation Zone (Clause 36.02) provides the following key purposes:

- To recognise areas for public recreation and open space.
- To protect and conserve areas of significance where appropriate.

It also provides scope for commercial use where appropriate.

This zone provides substantial flexibility for land uses to be carried out without a planning permit where they are conducted by or on behalf of a public land manager under the *Local Government Act 1989* (at this stage, it is unclear whether Council would be acting in this capacity in respect of this land). It also enables a number of land uses to be considered if they are associated with a public land use.

A Practitioner's Guide to Victorian Planning Schemes, October 2018 explains that the PPRZ forms part of the suite of public land zones. These zones are not intended to identify the legal status of the land or indicate existing land use. Rather, they are intended to establish appropriate requirements for the use or development of the land in addition to relevant legislative requirements relating to land management. A key impetus for using the PPRZ appears to be when other zones and overlays do not "appropriately recognise the purpose for which the land is reserved".

⁴ *A Practitioner's Guide to Victorian Planning Schemes*, October 2018, page 31.

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2.3 Relevant strategies

Council referred to its *Open Space Strategy 2009* (Strategy) which is an adopted policy referenced in the planning scheme. It considered that the Strategy supports the need for a broad range of recreational and leisure opportunities, including passive and active open space, to meet the needs of local residents.

The Strategy presents a hierarchy of open space, under which the properties would be developed with 'Local Passive Parks'.⁵ The Strategy provides that such areas (less than 1,000m²) are not generally considered appropriate for further public open space in areas of standard residential densities because of the "limited open space function that they serve and the cost to purchase and maintain such facilities".⁶ At the same time, it notes that such parks may be suitable within activity centres to provide civic spaces and to service higher density development.

The Strategy undertakes a municipal open space analysis. Relevant to this Amendment, it provides that Dandenong has declining amounts of parks per 1,000 residents although, at present, goals are met for all types of parks. Some areas are recognised as having reduced walking access to parks.

This strategic document also indicates that Springvale has a substantially lower provision of parks compared with the preferred municipal benchmark, with deficiencies in primary function of reserves and their distribution.

Council explained that the Strategy is undergoing current, comprehensive strategic review and replacement. It advised that it had prepared a *Draft Open Space Analysis and Discussion Paper*, SJB Urban, April 2019⁷. This document is in the process of being refined to take to Council for its consideration, with an intent to form the basis of a new strategy involving a fulsome public exhibition process.

As part of the strategic work underpinning that document, Council explained that Springvale is projected to grow by 7,500 people and Dandenong would grow by 21,800 people in the next 20 years. This is expected to significantly increase demand on the provision, quality and function of open space. Council explained that⁸:

the current provision is estimated at 4.2 hectares per 1,000 residents. This is projected to decrease by 26% to 3.1 hectares per 1,000 people by 2031, with the most significant decreases in Dandenong, Springvale and Noble Park.

For the relevant suburbs, the predictions are as follows:

- Dandenong is expected to reduce from 50.8sqm per person to 29.8sqm by 2031
- Springvale is expected to reduce from 13.8sqm per person to 10.3sqm by 2031.

⁵ As explained at the Hearing, the definitions of different types of small open space are not in any way material to the Panel's consideration of the substance of this Amendment.

⁶ Page 11 of the Strategy.

⁷ A copy was provided to the Panel.

⁸ Paras 58 and 59, Part A submission.

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Council confirmed that no new open space has been provided in either Dandenong or Springvale since the existing Strategy was adopted.

In light of the above figures, Council submitted that *"it will be increasingly important for Council to seize opportunities to utilise existing assets for the delivery of services to the community wherever possible"*.

Council explained that the new Draft Analysis and Discussion Paper adopted a more sophisticated analysis of accessibility, so the numeric assessment of gaps in accessibility may be slightly reduced compared with earlier methods of assessment. However, this does not affect the area of enquiry applying to these specific sites, where a more qualitative assessment has been undertaken by the Panel.

2.4 Ministerial Directions and Practice Notes

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). The Panel largely supports these explanations.

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3 Is the Amendment strategically justified?

3.1 Background

Ms Miller made detailed submissions in respect of the Springvale property. She was concerned the Amendment was not consistent with elements of the planning scheme as well as strategies prepared or adopted by Council.⁹

The Panel regards the strategic issues identified by Ms Miller as appropriate considerations for both properties.

3.2 Consistency with policy and the *Open Space Strategy 2009*

(i) Submissions

Ms Miller considered that the Springvale property is not specifically located in a 'gap area' under Council's Strategy. She submitted that residents in proximity to the Springvale property are already well served by existing public open space, including out of hours use of local public school facilities.

She also mentioned that further public open space may be made available when the Sandown Racecourse is redeveloped. Ms Miller requested that the Panel recommend that Council seek provision of open space from the proponent for that land as part of strategic planning for the Sandown Racecourse.

Ms Miller was concerned that the provision of a new local park may create a comparative 'oversupply' of public open space, resulting in an inequity of distribution across the municipality.

A core element of Ms Miller's submission was that it would be inconsistent with the provisions of the Strategy for Council to provide public open space at such a confined scale. She also regarded this as contrary to the direction in Plan Melbourne to provide "*high quality*" open space since the property did not provide good passive surveillance or recreation opportunities. The latter submission is considered in more detail in Chapter 4.2.

Council resisted these submissions. It considered that the provision of two additional small parks would be generally consistent with relevant policies and strategies.

At the Panel's request, Council provided mapping indicating all types of public open space local to each property (Figures 1 and 2 above). It explained that the areas surrounding both the Springvale and Dandenong properties are well served by large regional reserves (Warner Reserve and Greaves Reserve) and a further reserve principally for sporting purposes (Hemmings Park Reserve) in the case of the Dandenong context. The Botanical Cemetery also provides areas of open space in Springvale (although it is separated by a highway and does not offer conventional open space opportunities).

⁹ Identified in her Assessment Report at page 3.

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Council submitted that the mapping demonstrates there are only few opportunities for more localised passive public open space within reasonable walking distance of either property, with no small local parks within 300 metres of either site.

In these circumstances, Council considered that the provision of these properties for public open space would provide variety and increased accessibility in line with policy since¹⁰:

The retention of the sites for open space will provide alternative green space for passive recreation and will contribute to the amenity of the locality for nearby residents.

Given their proximity to local shops and a child care facility, it is expected these parks will mostly provide passive recreational benefits to local residents.

The sites will provide an alternative to larger, busier reserves with active recreation functions, for quiet reflection and leisure activities.

Council responded that the Strategy does not prevent it from using an *existing* compact Council asset to deliver an open space benefit to the local community. It also considered that it would not contravene Council's documented standards for open space since smaller local spaces can reasonably deliver public open space to local neighbourhoods in conjunction with larger spaces elsewhere.

(ii) Discussion

The Amendment seeks to advance high level objectives for planning for Victoria on a localised scale, to improve the local environment for users. Fair access to public open space is emphasised in state and local policies.

The Panel accepts Council's submissions that the Amendment is generally consistent with policy directions seeking the provision of open space or recreation facilities to meet the needs of users, particularly where projected increased demand is forecast for Dandenong and Springvale.

There is a need for open space planning by authorities to be forward thinking, especially given the time it takes for Amendments to progress and for subsequent action to be taken to achieve outcomes 'on the ground'.

Submissions that the provision of two small parks in either area could result in an oversupply or inequitable distribution are not substantiated. While the provision of two new compact local parks may not fundamentally increase the overall provision of public open space in either suburb, it would provide more diverse and accessible opportunities for likely users.

In general, a planning authority should not place weight on 'informal' opportunities for public open space (as referred to by Ms Miller, for example) especially if they cannot be secured on an ongoing basis. For example, while the use of school facilities after hours may be beneficial for members of the public, this cannot be guaranteed or relied on as part of

¹⁰ Paras 65-69, Part A submission.

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Council's management of public open space. It is also mapped for a different purpose in the planning scheme.

Likewise, the future redevelopment of the Sandown Racecourse is not currently known,¹¹ with master planning underway. It is far from certain that it will provide accessible *public* open space, as distinct from open space areas principally to serve future residents.

Neither option can be relied on in a calculation of existing or projected supply.

The Sandown Racecourse is not a property before the Panel as part of the Amendment. Therefore, the Panel is unable to entertain Ms Miller's request to make a recommendation in respect of it. In any event, this issue will need to be considered as part of any redevelopment proposal under applicable statutory provisions.

The Panel also agrees with Council's assessment that there is strategic support for the rezoning these properties notwithstanding their compact size.

The Strategy is a local resource and guide for future planning and decision making. It provides some flexibility as to the form, location, size and characteristics of open space to be provided. The Panel does not accept that the conversion of either property to public open space would be inconsistent with the Strategy.¹² Even the 'minimum' size of open space is expressed as a preference in that document, rather than a requirement.

To the extent that the Strategy makes mention of Council's *Asset Management Strategy* 2015, this is understandable because it proposes practical implementation as part of a suite of council policies. However, this reference does not alter the Panel's view above that issues of asset management are beyond its remit when considering the Amendment.

For completeness, the Panel confirms that it is not persuaded that Council's *Housing Strategy* 2014-2024 is of particular relevance to this Amendment or that it would discourage the outcomes sought.

3.3 Conclusion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with relevant Ministerial Directions and Practice Notes. It also aligns suitably with adopted strategies of Council.

The Amendment is well founded and strategically justified and should be progressed.

¹¹ Council explained that this site could potentially accommodate up to 7,500 additional dwellings.

¹² Although it accepts that there is a preference expressed for larger dimensions of public open space (in the order of 2,500m² and above), especially where acquisition is involved.

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4 Appropriateness of the Public Park and Recreation Zone

4.1 Site context and potential benefits of rezoning

(i) Submissions

Ms Eastaugh on behalf of Council explained that under the existing General Residential zoning, each site could be used for public open space (Informal outdoor recreation) as a section 1, no permit required use. Similarly, any buildings and works for such use would not require a permit under the zone controls.¹³

Notwithstanding, Council submitted that the proposed use and development of the land for public open space would align more directly with the purpose of the PPRZ *“to recognise areas for public recreation and open space”*.

It also explained that if the land was included in the PPRZ, additional protection would be provided under the *Subdivision Act 1988* since it would become “public open space” for the purposes of that Act. If the land was sold pursuant to section 20(1), its proceeds would need to be dedicated to public open space purposes.

Another potential benefit identified by Council is that the properties would be managed in line with its adopted public open space strategy and policies, and identified as public open space in planning scheme mapping.

These propositions were not seriously opposed by any submitters. Rather, Ms Miller submitted that it was preferable for the existing zoning to remain. In her view, this would enable Council to sell the property in Springvale and would facilitate its future development consistent with current zone purposes (for residential use and development).

Council also considered that the residential and commercial context of the properties supported their future use for open space purposes. The properties are identified in policy terms in Incremental Change Areas¹⁴, where medium density residential development is the preferred housing type.

The Springvale property is directly opposite the Garnsworthy Street Local Shop Node (zoned Mixed Use). That centre currently has a high vacancy rate and has been identified by the *Neighbourhood Centre Planning Framework 2016* (Hill PDA and AECOM) as offering significant redevelopment potential.

Council submitted that the redevelopment of 90 Gove Street represents an opportunity to improve the amenity of the area as part of its broader revitalisation and to consolidate the shopping node as a local retail and residential centre.

¹³ And would presumably otherwise be exempt under Clause 62.02-1 of the planning scheme in any event because they could be characterised as public works on behalf of a municipal authority under \$1m.

¹⁴ Per Clauses 21.04 and 22.09.

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By contrast, Ms Miller highlighted the decline in popularity and commercial viability of the Garnsworthy Local Shop Node as indicating that this was an unsuitable location for new public open space.

The Dandenong property is in close proximity to the Hemming Street Neighbourhood Centre (zoned Commercial 1) and its large asphalted at-grade parking area. The *Neighbourhood Centre Planning Framework* identifies the catchment of this centre as making it likely to experience significant future demand. Other streetscape improvements are currently planned for this centre, including a very confined pocket park within the existing public car parking area. The Residential Growth Zone (Schedule 1) also extends to the Dandenong Declared Area and Urban Renewal area nearby, identified for substantial change.¹⁵

(ii) Discussion

A central role of the Panel is to consider whether the planning scheme 'tools' proposed in an Amendment are sound, having particular regard to submissions referred to it.

The Panel notes that the proposed use or development of both properties for public open space could be facilitated within the current zoning.

That said, in circumstances where the rezoning is opposed, the more pertinent issue is to consider the suitability of the current zoning in all respects compared with the proposed zoning. The starting point is that both properties are owned by Council and are proposed to be used for recreation.

Only public land can be considered for inclusion in the Public Park and Recreation Zone, but it may not necessarily be appropriate to include all public land within this zone just because it is proposed to be used for some form of public open space.

Two key elements derive from the planning controls and lead the Panel to support the proposed rezoning of these properties.

The first is that the ownership and proposed use of the land directly aligns with the purposes and controls within the PPRZ. While it could potentially achieve a broader purpose of the General Residential Zone to provide for "*recreation...to serve local community needs in appropriate locations*", it can fairly be acknowledged that this is not the key purpose of the zone.

The second element lending support is that the table of uses of the General Residential Zone is principally geared to residential use. Recognising the land's municipal ownership, control and future intentions, it would be generally undesirable for the current range of residential uses to continue to be permitted on these properties in the absence of a permit.

By comparison, the use of land for public open space would sit comfortably with the purpose and table of uses in the PPRZ as a no-permit-required use.

¹⁵ As above.

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For these reasons, the Panel also regards the rezoning as a *preferable* outcome compared with the existing zoning although this is not a necessary precursor to its support for the acceptability of the Amendment.

(iii) Conclusions

The Panel concludes:

- It is appropriate and preferable to rezone the properties to Public Park and Recreation Zone. Such rezoning would suitably (and better) reflect Council ownership and future intentions to use and potentially develop the properties for public open space.
- Although it would possible to use each property as a small park (constituting Informal outdoor recreation) within the current zoning without a planning permit for use or development, their continued inclusion in the General Residential Zone does not suitably reflect their public ownership or proposed future use. It would also continue to apply a table of uses that is tailored towards residential and aligned uses rather than use by the public.

4.2 Is each property reasonably capable of being used for recreation, public open space or another purpose that may be permitted under the proposed zone provisions?

(i) Submissions

Council's Strategy recognises that public open space should be 'fit for purpose'.

Ms Miller submitted that the proposed rezoning was not consistent with planning policy seeking high quality, accessible public open space. She contended that the property in Gove Street, Springvale was poorly suited to use for public open space and that it could not cater for a range of recreational pursuits. She emphasised the compact size of the land (approximately 900 square metres in area), the fact that it lacks active frontages (being fenced on two sides) and the lack of passive surveillance of a portion of the land. Ms Miller also considered there were minimal opportunities for circulation paths for people of all abilities.

Council pointed to a number of attributes that would, in its view, render each property suitable for a small local park. This included features of the property and broader setting.

In respect of the Springvale property:

- it is opposite the Garnsworthy Local Shop Node with identified potential for redevelopment for alternative land uses, including residential
- it is a corner site with two open street frontages
- it is reasonably sized for passive recreation.

In respect of the Dandenong property:

- it is within approximately 200 metres of a neighbourhood activity centre identified for significant growth
- it is opposite a day care centre

2.3.1 Amendment C207 - Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale - Consideration of Panel Report and Adoption (Cont.)

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- it is proximate to the Residential Growth Zone to the east, which is an identified urban renewal area
- it has an area of approximately 1,200m² which would enable basic facilities to potentially be considered in future.

(ii) Discussion

In the Panel's opinion, a basic threshold for rezoning is whether the land is potentially capable of being used for a use that is facilitated or permitted by the new zone controls.

This is deliberately a different question whether such use of the land is its 'highest and best use', which is not ordinarily a threshold for a planning scheme amendment involving rezoning.

Different public open spaces will offer differing opportunities for users. Not every public open space asset will offer the same level of quality, amenity or functionality.

The Panel accepts Council's submissions that both properties could reasonably be used for public open space or recreation more broadly. Likewise, it accepts that the provision of these areas as open space would:

- be suitably located to service existing residential properties and other commercial or mixed use opportunities
- contribute to the diversity of the local open space offer by providing two small spaces intended mainly for passive recreation
- improve access to local open space for proximate residents, workers and visitors. Larger existing reserves in the broader area tend to comprise substantial open space facilities with a range of recreation opportunities but are not always located a convenient distance from all properties within the anticipated catchments more local to these properties
- incrementally increase the overall amount of public open space within these suburbs.

To the extent that safety and surveillance issues may arise if the properties were converted to public open space, these are not insurmountable problems given the conventional suburban setting. Appropriate measures could be considered by Council in its capacity as land owner or manager.

(iii) Conclusion

The Panel concludes:

- Both properties encompassed by the Amendment are eminently capable of being used for recreation or public open space sufficient to demonstrate that the proposed rezoning is suitable.

2.3.1 Amendment C207 - Rezone 6-8 Fifth Avenue, Dandenong and 90 Gove Street, Springvale - Consideration of Panel Report and Adoption (Cont.)

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Appendix A Document list

No.	Date	Description	Provided by
1	29/04/2019	Council Part A submission with folder of attachments	Council
2	07/05/2019	Folder of Hearing documents	Council
3	07/05/2019	Maps including location of submitters	Council
4a	07/05/2019	Zoning map – Dandenong site	Council
4b	07/05/2019	Zoning map – Springvale site	Council
5	07/05/2019	Assessment report (submission)	A Miller

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy

File Id:

Responsible Officer:

Director Corporate Services

Attachments:

Councillor Support, Reimbursement and
Accountability Policy for Readoption
Councillor Support, Reimbursement and
Accountability Policy – Marked Up

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 the revised Councillor Support, Reimbursement and Accountability Policy in August 2015 with the provision of reviewing the policy. This policy has now been reviewed to ensure currency and compliance with relevant legislation and Council's current operational requirements and is now presented to Council for readoption.

Recommendation Summary

This report recommends that the Councillor Support, Reimbursement and Accountability Policy be readopted as per Attachment 1.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

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 2017-21 or as required by legislation. Policies promote consistency across the organisation and also 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 considered to be automatically revoked upon re-adoption of the latest version of that policy. Policies that are superseded or superfluous to Council's needs require formal abolition by Council.

Proposal

It is proposed that Councillor Support, Reimbursement and Accountability Policy be re-adopted by Council with the following changes:

- Minor grammatical changes throughout the document;
- Minor changes to section 5.5, 5.10 and 5.11 ; and
- Future review period of two years.

The changes proposed are highlighted in Attachment 2.

Community Plan 'Imagine 2030' and Council Plan 2017-21 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted to see for themselves and the City in 2030, the result was the Greater Dandenong Community Plan 'Imagine 2030'. This report is consistent with the following community visions:

Community Plan 'Imagine 2030'

People

- *Pride* – Best place best people

Opportunity

- *Education, Learning and Information* – Knowledge
- *Leadership by the Council* – The leading Council

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

Council Plan 2017-21

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 goals:

Opportunity

- An open and effective Council

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.

Consultation

Prior to reporting to council the Councillor Support, Reimbursement and Accountability Policy was reviewed and evaluated by the:

- Manager, Governance; and
- Executive Management Team.

Conclusions

A review of the Councillor Support, Reimbursement and Accountability Policy was conducted and is now presented to Council for re-adoption.

The principal objective of the review was to ensure that the policy is current with legislative requirements, good governance practices as well as remaining relevant and up-to-date.

Recommendation

That the Councillor Support, Reimbursement and Accountability Policy be re-adopted as per Attachment 1.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

POLICY AND STRATEGY

**REVIEW OF COUNCIL POLICY – COUNCILLOR SUPPORT,
REIMBURSEMENT AND ACCOUNTABILITY POLICY**

ATTACHMENT 1

**COUNCILLOR SUPPORT,
REIMBURSEMENT AND ACCOUNTABILITY
POLICY – FOR READOPTION**

PAGES 27 (including cover)

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

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)



Greater Dandenong Policy

Councillor Support, Reimbursement and Accountability Policy

Policy Endorsement:	Endorsement required by Council		
Policies superseded by this policy:	Not applicable		
Directorate:	Corporate		
Responsible Officer:	Manager Governance		
Policy Type:	Legislative and Discretionary		
File Number:	A1294051	Version No:	006
1 st Adopted by Council:	29 June 2009, Minute No. 194	Last Adopted by Council:	
Review Period:	Two Years	Next Review:	July 2021

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

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2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

1 Purpose

This policy summarises the provisions of the *Local Government Act 1989* in respect to Councillor allowances, expenses and support. It also confirms the facilities and support that may be provided to Councillors to assist them in performing or discharging their official functions and duties.

This policy is guided by the following principles:

- Councillors should not be out-of-pocket as a result of performing and discharging their Council functions and duties;
- any reimbursements claimed by Councillors must be for expenses actually and necessarily incurred in performing and discharging their official council functions and duties; and
- the payment of Councillor allowances and the reimbursement of expenses must be accountable and transparent to the community.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

2 Background

There is increasing emphasis placed on the provision of adequate support and training to assist Councillors in the performance of their official council functions and duties.

Under the *Local Government Act 1989* (LGA), sections 75, 75A, 75B and 75C outline that Councillors are entitled to resources and facilities support, and reimbursement of expenses related to their duties as a Councillor.

Section 75B of the *Local Government Act 1989* states:

1. A Council must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees.
2. A policy adopted by Council under this section must be consistent with:
 - (a) the prescribed types of Councillor out-of-pocket expenses that must be reimbursed if the expenses are reasonable and bonafide; and
 - (b) the prescribed procedures to be followed by Councils in relation to the reimbursement of out-of-pocket expenses.
3. A Council must keep a copy of the policy adopted and maintained under this section available for inspection at the office of the Council.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

3 Scope

This policy applies to the Mayor and Councillors and is made in pursuant to Section 75 of the *Local Government Act* 1989.

This policy indicates that payment of expenses and reimbursements to Councillors shall be limited to:

- traveling expenses including use of private vehicle use for Council related activities;
- family care and child care costs where appropriate; and
- costs paid by/for Councillors pertaining to the functions of civic office.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

4 References

- Originally Adopted at the Ordinary Council Meeting on 29 June 2009 – re-adopted with changes 28 June 2010 ,14 May 2012, 28 October 2013 and 10 August 2015
- Catering and Civic Support Policy (CGD)
- Code of Conduct – Councillors (CGD)
- Department of Planning and Community Development – *Mayor and Councillors Entitlements Information Guide*, November 2008
- Fraud Prevention and Control Policy (CGD)
- Guidelines for Community Forums (CGD)
- Guidelines for Ward Meetings (CGD)
- *Local Government Act 1989*
- Travel Policy (CGD)
- *Victorian Local Authorities Award 2001*

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

5 Council Policy

Council's facilities and support services, as detailed in this policy, are available to the Mayor and Councillors while performing or discharging their official duties. These facilities and services are not available for use by members of a Councillor's family unless the use is directly related to the Councillor's civic duties.

Recognising the special role of the Office of Mayor, this policy also provides for expenses, facilities and support services specific to that office.

Councillors are personally responsible for any expenditure that does not fall within the criteria set out in this policy. The Manager, Governance is available to assist Councillors and ensure they understand their entitlements and responsibilities.

5.1 COUNCILLOR ALLOWANCES

The *Local Government Act 1989* provides for Councillor allowances to be fixed by an Order in Council, within upper and lower limits determined by the Minister. This flexibility enables Councils to set a level appropriate to the municipality, taking into consideration the differentiation of the role of Councillors in various municipalities.

The Mayor and Councillor allowances are noted in December each year at the Annual Statutory Meeting. Currently the allowances are the maximum available within the Category 3 range (the Mayoral allowance is inclusive of the Councillor allowance).

Payment Procedure

Payments for Councillor Allowances will be made through Council's Electronic Payroll system, either on a fortnightly or monthly basis at the agreement of individual Councillors. Deductions to the Australian Taxation Office will only occur following a written request to the Payroll Office from individual Councillors.

Payment in Advance

Where a Councillor is required to undertake interstate or overseas travel as part of their civic duties, that Councillor may request payment of their allowance in advance in anticipation of expenses that will be incurred during the course of the travel.

Corporate Credit Card

Each Councillor will be issued with a corporate credit card that can be used in conjunction with the undertaking of civic functions and duties when other forms of payment are not available. A receipt must be signed (by the Councillor) and provided to the Mayor and Councillors Executive Assistant for every credit card purchase. If the receipt is lost or not available, then a *Claim for General Expenses Form* must be completed and signed by the Councillor (see Appendix 1).

5.2 TRAVEL

Where travel costs are borne by Council, it is expected that, where practicable, all travel be by the most direct route, and vehicles are shared where more than one Councillor attends the same function.

Use of Private Vehicles

Reimbursement of expenses is available for Councillors who use their own private vehicle, and shall be in accordance with the Victorian Local Authorities Award 2001 as varied from time to time, and as set out below. (For further details contact Organisational Development).

The reimbursement is payable for the use of a private vehicle for:

ORDINARY COUNCIL MEETING - AGENDA

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

- attendance at Ordinary or Special Meetings of Council, Council Advisory, Reference Group or Committee Meetings, Ordinary, Committee or Sub-Committee Meetings of State, regional or local organisations where the Councillor has been elected as a Council's representative or liaison by Council resolution;
- attendance at conferences and seminars where such attendance by a Councillor has been approved by Council, the Mayor, the Chief Executive Officer or such other authorised Committee designated by Council;
- attendance at inspections and meetings and functions within or outside the City relative to the duties of Office as a Councillor;
- to and from the airport, rail or bus station, or other point from where travel to conferences and seminars commences; and
- attendance at official Council functions.

Where a Councillor uses his/her car to attend an approved interstate meeting, conference, seminar or engagement the total claim for use of a vehicle shall not exceed the cost of economy class air travel and transfers to the relevant destination.

Reimbursement Procedure for Private Vehicle Usage

- All claims for reimbursement of travel shall be made on a monthly basis (within 30 days from end of month).
- Details of kilometers and purpose of travel must be recorded by the relevant Councillor.
- Councillors must complete a Councillor *Claim for Travelling Expenses Form* (Appendix 2) and submit it to the Manager, Governance for authorisation.
- Payments will be made through Council's Electronic Payroll System.
- It is the responsibility of Councillors to ensure that claims for reimbursement occur within the monthly time frame. Claims not submitted in a timely manner may be refused reimbursement at the discretion of the Mayor and Chief Executive Officer.
- All payments will be paid in arrears.

Cabcharge

Each Councillor may request a "Cab-Charge" voucher from Council for the payment of taxi service for events and activities as listed above. Cabcharge vouchers are available from the Mayor and Councillors Executive Assistant.

Council Vehicles

Where practicable, and by prior arrangement through the Chief Executive Officer, a Council vehicle may be made available to Councillors for travel outside the City where use of private vehicles or other means of transport is not available or convenient. The use of a Council vehicle is limited to 24 hours continuous use and the vehicle must be driven by the Councillor at all times.

Public Transport

Councillors may use public transport to travel to Council business related events, or to assist them to carry out their duties.

Reimbursement Procedure for Public Transport

For reimbursement of travel expenses incurred from use of public transport, Councillors must complete a *Claim for General Expenses Form* (Appendix 1) and submit it the Manager, Governance for authorisation and processing. All payments will be made in arrears.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

5.3 CHILD AND FAMILY CARE

Council will reimburse child and family care expenses when the care is necessary to allow the Councillor to attend:

- Ordinary or Special Meetings of Council, Council Advisory, Reference Group or Committee Meetings, Ordinary, Committee or Sub-Committee Meetings of State, regional or local organisations where the Councillor has been elected as a Council's representative or liaison by Council resolution;
- inspections, meetings, Councillor Briefing Sessions, civic ceremonies and functions, conferences and training within or outside the City relative to the duties of Office as a Councillor; and
- a meeting or function or other official role when deputising for, or representing, the Mayor.

Child care and family carer expenses may consist of hourly fees, agency booking fees and/or reasonable traveling expenses. Fees are payable per hour or part of an hour subject to any minimum period, which is part of the provider's usual terms.

A receipt from the care provider (including their ABN) is required for the direct reimbursement of any expenses claimed.

Reimbursement will not be made to a person who:

- has a familial or similar relationship with the Councillor; or
- resides either permanently or temporarily with the Councillor; or
- has a relationship with the Councillor or his or her partner such that it would be inappropriate for Council to reimburse monies paid to the care provider.

Reimbursement Procedure for Child or Family Care

- All claims for reimbursement of child or family care shall be made on a monthly basis (within 30 days from end of month).
- Councillors must complete a *Claim for Child/Family Care Form* (Appendix 3) and submit it to the Manager, Governance and Commercial Property for authorisation and processing.
- It is the responsibility of Councillors to ensure that claims for reimbursement occur within the monthly time frame.
- Payments will be made through the Finance Unit.
- All payments will be made in arrears.

Variation to care – extenuating circumstances

A Councillor may make a written request to the Mayor and Chief Executive Officer, on the basis of extenuating circumstances (including unique familial care knowledge and experience) that the basis of any care be varied and thereby reimbursed.

Appeals

A Councillor is entitled to make a complaint or appeal in writing to the Mayor and Chief Executive Officer against any decision regarding a reimbursement.

5.4 DINNERS AND OTHER NON-COUNCIL FUNCTIONS

Attendance at Dinners and Other Non-Council Functions

Council will meet the cost of a Councillor's attendance at non-Council functions to which they have been invited where they are attending in their role as Councillors and where topics pertain to matters concerning local government or where local government representation is relevant to Council.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

If an invitation to a relevant non-Council function was not received and a Councillor wishes to attend, it will be at the Mayor's discretion and Mayoral approval will be sought via the Mayor and Councillors Executive Assistant.

Invitations outside of these parameters must be paid for by individual Councillors attending.

Council will meet the cost of the Mayor/Councillor's partner attending a non-Council function or dinner. Costs associated with either a Councillor or Councillor's partner attending functions will be monitored by the Mayor and Councillors Executive Assistant and will be reported on the Mayoral and Councillors Expenses Spreadsheet (see Expenses Reporting).

Local Fundraising and Charitable Events

Council will cover the cost of ticketed events for Councillors invited by written invitation to attend Local Fundraiser/Charitable Events, where the event benefits the City of Greater Dandenong.

The CEO in consultation with the Mayor, will determine appropriate events for Council to purchase 'a table', if invited to do so. A table will only be purchased if 50% or more Councillors are able to attend. Councillor attendance must have a demonstrated benefit to the local community.

All ticketed events must be paid for in advance of the event. Payment can be arranged by contacting the Manager, Governance.

5.5 INFORMATION TECHNOLOGY

Mobile Phone

Council will provide a mobile telephone, which is compatible with Council's network, to all Councillors to facilitate communication for official purposes. Council will pay all connection, service and rental charges and will provide a maximum call charge (usage) allowance of \$100 per month for those on the Optus Corporate Plan and \$135 per month for those on the Telstra Corporate Plan.

The maximum limit per month provided within this policy is a reasonable usage allowance that provides Councillors with the ability to fulfill their official civic duties and for an incidental level of personal use.

Any call charges that exceed this usage limit will be deemed as beyond reasonable use and the amount will need to be reimbursed to Council, unless supporting evidentiary documentation is provided that verifies the amount as being relevant to a Councillor performing their official functions and civic duties. Usage over the limit and not reimbursed to Council will be reported on the Mayoral and Councillors Expenses Spreadsheet (see Expenses Reporting).

Where unique circumstance exist that prevent a Councillor from performing their official civic duties within the \$100 per month usage limit, the Mayor and Chief Executive Officer can authorise an increase to this limit. Authorisation of an increase to the usage limit will be made on a case-by-case basis.

Councillors attending approved overseas travel may have their coverage upgraded to include international roaming for the duration of the trip in accordance with Council's Travel Policy. In this instance, reasonable usage will be determined by the Chief Executive Officer based on the destination and duration of the trip.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

Payment Procedures for Private Use of Mobile Phones

If the usage level exceeds \$100 (Optus) or \$135 (Telstra), the Councillor involved will be provided with a copy of their monthly mobile phone account attached to a *Mobile Phone Account Memo*. Any personal calls considered beyond reasonable usage must be highlighted and reimbursed to Council within 30 days of receipt of the memo.

Any discrepancies found on mobile phone accounts must be brought to the attention of the Mayor and Councillors Executive Assistant immediately. A Councillor can request an itemised bill at any time, if they wish to reimburse any personal calls regardless of the above.

See also section 5.14 Councillors Reimbursing Council.

Computer

Councillors will be provided with a lap top computer and docking station with the current Greater Dandenong City Council software configuration to allow access to Council's network and the Internet. Support services to maintain functionality and access to the City of Greater Dandenong network can be accessed in accordance with the following hours of operation:

Business Hours: Phone ITSERVICEDESK on 9239 5102
After Hours: 6.00pm – 10pm Monday to Friday
9.00am – 5.00pm Saturday & Sunday
Phone On-Call IT Support on 8571 5137

An IT Support officer will call and discuss any issues and the various options that can remedy the situation. This may include an on-site visit if the problem is critical and prevents a Councillor from carrying out Council duties. Council will provide the necessary maintenance and consumable products required for the operation of the equipment, upon request to the Mayor and Councillors Executive Assistant.

Ipad (optional)

Council will provide an Ipad with Wifi and 4G access to all Councillors to facilitate communication and document management for official Council purposes. Council is currently not charged for connection or usage fees for this resource however, if individual Councillor usage exceeds (1) terabyte per month (equivalent to one million megabytes per month), then usage charges will apply. Councillors will be alerted if their usage looks like exceeding this amount in any month.

Email and Internet Usage

Use of email and internet is to be in accordance with the City of Greater Dandenong Code of Conduct – Councillors and as outlined in this document.

The email address supplied to Councillors is owned by the City of Greater Dandenong and will cease to exist at the end of a Councillor's term in office.

Facsimile/Telephone Equipment

Council will provide at either the residence of a Councillor or other designated location a multifunctional device for printing, scanning, copying as well as sending and receiving facsimiles (optional) to facilitate the transmission of information relating to the Councillor's duties of office. Council will provide the necessary maintenance and consumable products required for the operation of the equipment upon request to the Mayor and Councillors Executive Assistant.

Council will arrange for the installation of the necessary telephone lines and associated equipment and meet all connection costs including, where necessary, power supply. The equipment will remain at all times at the residence of the Councillor, or such other designated location, during their term of office.

Other Communication Sources

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

Where a councillor has chosen not to take up the offer of a Council provided mobile telephone they may choose to use a portion of the mobile phone allowance on other relative communication media ie. home delivery of the Age and/or Herald Sun following approval by the Director Corporate Services.

Communication and Information Expenses Reporting

All expenses relating to communication and information will be reported on the Mayoral and Councillor Expenses Spreadsheet on Council's website. This spreadsheet will detail all costs associated with mobile telephone usage over \$100 per month, attendance at conferences and training, airfares, taxi/train fares, accommodation and meals, child and family care, vehicle/mileage and any other expenses claimed. Generic costs for the provision of services such as installation and line rental will not be listed on this spreadsheet. This will be updated monthly.

See also section 5.11 Reporting and Disclosure

5.6 CIVIC SUPPORT, EQUIPMENT AND FACILITIES

Council will provide the following support, equipment and facilities to assist Councillors in carrying out their duties of office. All equipment provided shall remain the property of Council and shall be returned within two weeks of retirement or termination of office

Stationery and Office Equipment

Each Councillor will be provided with a supply of the following stationery and office equipment that can be replenished/obtained upon request by contacting the Mayor and Councillors Executive Assistant.

- A4 'Councillor Office' letterhead and plain A4 paper
- corporate business cards
- name badge
- filing cabinet
- shredder (small model)
- diary, planner or equivalent
- minor stationery items.

In addition, Councillors are entitled to claim reimbursement for the acquisition of a desk/chair/bookcase to the combined value of \$600 in any one Council term. Councillors should note that these items remain the property of Council during the term(s) of the Councillor. Upon retiring or leaving Council, Councillors may opt to purchase this equipment back from Council.

Reimbursement/Payment of Stationery and Office Equipment

For reimbursement of expenses incurred from the direct purchase of equipment, Councillors must:

- complete the 'Claim for General Expenses' form (Appendix 1); or
- contact the Mayor and Councillors Executive Assistant to arrange a purchase order.

See also section 5.17 Procedures for Councillor Reimbursement of Expenses.

Administrative Assistance

Typing/administrative assistance will be made available to Councillors for work directly related to the duties of office. All such work will be coordinated through the Mayor and Councillors Executive Assistant.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

Mail

Each Councillor may leave standard mail items of Council designated business for postage through the external mail system. Such mail shall be contained within Council envelopes and coordinated through the Mayor and Councillors Executive Assistant.

Mail posted directly via Australia Post will require stamps to be affixed and will be at the Councillor's own cost. Councillors will not be reimbursed for this expenditure.

Courier Service

Council will provide a courier service for delivery of the Council agenda and other papers to Councillors on a weekly basis or as required. Items delivered will be contained within a satchel and Councillors will be expected to return these satchels at the next Councillor Briefing Session.

Council will, upon request, provide specific mailboxes at a Councillor's place of residence, or other location nominated by Councillors, for secure delivery of such documents.

Councillor's Work Area

Councillors will be provided with a furnished office on a shared basis at Council's Civic Centre in Dandenong. This will incorporate access to Council's IT network, the internet, printer, furniture, photocopier, fax and telephone and facilitate the following activities:

- letter writing
- interviewing
- small meetings
- reading and research
- other business activities relating directly to civic office.

Meeting Rooms

Councillors can book a meeting room at Council's offices to facilitate meetings by contacting the Mayor and Councillors Executive Assistant.

After business hours access to general office areas other than designated Councillors work areas is only permitted subject to the approval of the responsible Director or Chief Executive Officer.

Building Access and Car Parking

Each Councillor receives a swipe card allowing access to the councillor offices and chambers at the Civic Centre.

Limited parking spaces are available for Councillors at the Civic Centre offices (car identification permits are required). Permits will be made available by contacting the Mayor and Councillors Executive Assistant.

Website

Each Councillor will be provided with a page on Council's web site – containing a Councillor photo, Councillor profile, contact details, and ward map.

Meals/Refreshments

Where Council or Committee meetings are held at times which extend through normal meal times, Council will provide suitable meals served on the premises in accordance with Council's Catering and Civic Support Policy

Tea/Coffee facilities are available to Councillors undertaking their duties at Council offices.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

Memberships

Council will arrange and pay for collective Council/Councillor membership to peak Australian Local Government industry bodies as follows:

- Municipal Association of Victoria (MAV)
- Victorian Local Government Association (VLGA)
- Australian Local Government Association (ALGA)
- Australian Local Government Women's Association (ALGWA)

Publications

Councillors will be entitled to subscribe to relevant publications subject to the approval of the Chief Executive Officer.

Councillors will also be supplied upon request with appropriate links to the *Local Government Act 1989*, *Planning and Environment Act 1987* and any other legislation as requested.

5.7 PROFESSIONAL DEVELOPMENT

Training and Education

Wherever possible, when required but not limited to, Councillors will be provided with training in the competency areas such as:

- Federal, state and local government relationships;
- Councillors' statutory roles;
- Financial management;
- Councillor and staff relationships;
- Community representation;
- Meetings procedures for Council and committees;
- Councillors' performance;
- Media training; and
- Ongoing projects and major issues within the City and surrounding municipalities.

Upon request, Councillors will be provided with any necessary training/education/resources that will assist them in the use of equipment/software supplied by Council or the acquisition of information necessary in undertaking their duties as a Councillor.

Seminars and Conferences

Council will provide the following to Councillors attending conferences or seminars which have been authorised by Council, other Committees designated by Council, the Mayor or the CEO as set out in Council's Travel Policy:

- Registration fees for attendance at conferences and seminars;
- Conference dinner/meals within reasonable limits for the duration of the conferences/seminar;
- Accommodation where Councillor requires an overnight stay for the purpose of attendance;
- Transportation to, from and during conferences and seminars. Councillors may choose the mode of transport which is most appropriate to their particular circumstances and in accordance with Council's Travel Policy;
- Corporate Credit Card for the purpose of incidentals that may occur during the duration of the conference/seminar; and
- Carparking fees such as airport or hotel parking.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

5.8 OTHER SUPPORT

Expenses and Facilities for Councillors with Disabilities

For any Councillor with a disability, council will provide reasonable additional facilities and associated expenses in order to allow that councillor to perform their civic duties

Cultural Diversity

In acknowledging its cultural diversity, Council will endeavour to meet any specific cultural needs of Councillors.

Insurance

Section 76A of the *Local Government Act 1989* states that Council must take out insurance cover for Councillors

Councillors are covered by the following Council Insurance Policies on a 24 hour basis while discharging the duties of civic office including attendance at meetings of external bodies as Council's representative.

- Personal Accident Insurance;
- Public Liability Insurance;
- Professional Indemnity Insurance; and
- Councillors and Officers Liability Insurance.

Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's Insurers, or admitted under Council's self-insurance program, whether defended or not.

The Mayor's partner will be covered under these insurance policies whilst carrying out the duties associated with the civic and ceremonial role of the Mayor.

Further details as to the extent of cover and conditions in respect to any of the above cover can be obtained from Council's Team Leader, Risk Management and OHS.

5.9 COMMUNITY FORUMS AND WARD MEETINGS

Council may hold community forums or ward meetings in different locations throughout the year if an issue of significant interest to a particular suburb would benefit from a discussion time with Council in the local area (determined by Councillors). The Guidelines for Community Forums and Ward Meetings are available on Council's website.

The Mayor of the Day will determine how and when they can make themselves available to meet with members of the community. As a general guide, appointments are best arranged through the Mayor and Councillors Executive Assistant. The availability of the Mayor will be dependent on their respective commitments.

5.10 ADDITIONAL SUPPORT AND FACILITIES FOR THE MAYOR

The Office of the Mayor operates to facilitate and enable the Mayor to represent the views and directions of Council in performing various roles and duties best carried out by the Mayor.

Mayoral Vehicle

Council will provide, at its expense, a fully registered, insured, maintained and fuelled vehicle for use by the Mayor for official duties and for private use. Council will also meet the cost of cleaning the Mayoral vehicle.

Unless approved by Council, the mayoral vehicle shall be driven by the Mayor or by the Mayor's spouse/family member, a Councillor or a council officer on the Mayor's behalf while the Mayor is in the vehicle.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

Council will also provide an allotted parking space for the Mayor's vehicle at its Municipal offices.

Office Facilities

Council will provide the following Mayoral office facilities:

- private office at Council's Civic Centre in Dandenong suitably equipped with computer and printer; with the current City of Greater Dandenong configuration to allow access to Council's network and the Internet, furniture and shelving, including desk and meeting table; facsimile; digital telephone connected to the Council's phone system with direct in-dial and direct line facilities; and
- Executive Assistance and Administrative Support during normal office hours and at other times by arrangement with the Manager Governance.

Other Facilities

The Mayor may be provided with other necessary assistance to enable him or her to carry out the duties of civic office. Such assistance may include, but is not limited to, the following:

- a Corporate Credit Card made available to the Mayor for use while carrying out the duties and functions of the office;
- for the purpose of civic functions/ceremonies, ceremonial clothing including Mayoral robes and chains of office.

5.11 REPORTING AND DISCLOSURE

Under the LGA, and in the interest of transparency and accountability, the following documents and registers relating to Councillors duties will be made available for public inspection upon request:

- Councillor Support, Reimbursement & Accountability Policy. Details of current allowances fixed for the Mayor and Councillors; and
- Council's Travel Register.

In accordance with Items 5.2-5.7 above, the following details of Councillor expenditure will be published on Council's website as soon as practicable after the information is available:

- Mobile phone usage charges in excess of \$100 per month;
- Training/conferences;
- Travel;
- Accommodation and meals;
- Child/family care;
- Equipment; and
- Functions and events.

Councillors will be required to sign off on an annual statement, confirming that the individual Councillor expenses as published on Council's website during the corresponding financial year are true and correct (Appendix 4) within 90 days following the end of each financial year.

Councillors should be aware that Accounting Standard AAS22 requires the disclosure of the names and remuneration paid to the directors of an entity. Councillors are required to adhere to this Standard which also requires the disclosure of certain types of transactions. Broadly, these transactions are those that could be perceived as affecting the independence of the elected member. The disclosure required is a listing of transactions and any other beneficial interests between Council and individual Councillors and their related businesses and parties. It is each Councillor's responsibility to ensure that details of such related party transactions are supplied to the Mayor and Councillors Executive Assistant for reporting purposes.

Councillors should note that details of any expenses which are reimbursed will be subject to public scrutiny via any Freedom of Information requests received by Council.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

5.12 LOST OR STOLEN PROPERTY

Lost items will be replaced by Council upon receipt of a Statutory Declaration from the Councillor by the Manager Governance. Where items are lost or destroyed more than once per year, Councillors may be required to personally fund the replacement. All decisions to replace lost or stolen property will be made at the discretion of the Manager, Governance.

Stolen items should also be reported to the police and the Manager, Governance provided with a copy of the Victorian Police incident report. Replacement of the stolen council property will be made following receipt of a copy of the official police report.

Faulty items will be replaced as soon as practical.

5.13 ACQUISITION AND RETURN OF EQUIPMENT AND FACILITIES

The equipment remains the property of Council and is recorded on Council's Assets Register.

Upon completion of a Councillor term in office, extended leave of absence or at the cessation of civic duties, all equipment and facilities must be returned to Council within two weeks. Arrangements are to be made through the Mayor and Councillors Executive Assistant.

Councillors who complete their term in office will be given the opportunity to purchase equipment previously allocated to them at an agreed fair market price.

5.14 COUNCILLORS REIMBURSING COUNCIL

A Councillor can only reimburse Council for personal expenses paid for by Council via:

- A written authorisation to deduct the amount from their next Councillor allowance payment (notification via e-mail is acceptable); or
- Direct payment to Council's cashing service (Customer Service). A copy of the receipt must be forwarded to the Mayor and Councillors Executive Assistant for recording purposes.

Councillors reimbursing Council for personal telephone calls must complete the 'Mobile Phone Account Memo' which is forwarded to them with a copy of their account and sign off on its correctness.

5.15 CARETAKER PERIOD

Special conditions for expenses, facilities and resources for Councillors apply during the caretaker period prior to an election. The caretaker period is defined in the *Local Government Act 1989* as the period from entitlement day, when the voters roll close, until Election Day.

It is an established democratic principle that public resources must not be used in a way that would influence the way people vote in elections, except to support the actual election process. Council therefore commits to the principle that it will ensure that resources are not used inappropriately during a Council election as outlined in the City of Greater Dandenong Councillor Code of Conduct and Section 55(D) of the LGA.

Caretaker period applies to all Councillors whether they are seeking re-election or not.

Nothing in this policy shall preclude a Councillor from performing their job as a Councillor during the designated caretaker period or inhibit them from representing the interests of the city

Councillors may not use Council offices or property for any election related purposes.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

5.16 EXCLUSIONS

Any expenses arising from a breach of road, traffic, parking or other regulations or laws will not be reimbursed or funded by Council in any way.

Any expenses for a Councillor's spouse or partner not expressly included within this policy or the Travel Policy will not be reimbursed or funded in any way.

Any expenses incurred by third parties cannot be claimed.

5.17 PROCEDURE FOR REIMBURSEMENT OF GENERAL EXPENSES

Councillors must provide all relevant documentation as set out in this policy, including detailed original receipts, for all expense claims. Credit card receipts or statements alone are not sufficient. In the case of any internet-online purchases, a copy of the confirmation must be attached to the claim. If a receipt cannot be produced, Councillors may be required to provide a Statutory Declaration.

If a Councillor does not claim a particular expense or use a particular facility within the specified time, they cannot be offset against a claim for another amount for some other expense or facility, unless otherwise stipulated in this policy.

Expenses must be charged to the financial year in which they occurred. Expenses cannot be carried forwarded to different years.

Councillors should not obtain private benefit from the provision or equipment and facilities, however it is acknowledged that incidental use of council equipment and facilities may occur from time to time.

Claims for facilities and expenses other than those included in this document will be subject to Council resolution.

Councillors must sign off all receipts with original signatures. Stamps or electronic signatures will not be accepted.

Procedure for Reimbursement of General Expenses

All claims for reimbursement of expenditure shall be made on a monthly basis (within 30 days from end of month):

- Councillors must obtain a receipt for any expenditure for which they wish to claim a reimbursement from Council;
- Complete a 'Claim for General Expenses' form (Appendix 1);
- Attach the relevant receipt/invoice to the form and forward it to the Manager Governance;
- The claim, if in accordance with this policy, will be authorised by the Manager Governance for reimbursement. It is the responsibility of Councillors to ensure that claims for reimbursement occur within the monthly time frame (30 days, from end of month);
- Payments under \$50 will be reimbursed through Petty Cash. Payments over \$50 will be processed through Council's Finance Department and a cheque forwarded to the relevant Councillor or via Payroll.

5.18 COUNCILLOR MENTOR AND LEGAL SUPPORT

Support will be provided for Councillors which encompasses both mentoring and legal support if their conduct as a Councillor is called into question. It is important to note that Councillors and staff are treated equally in this respect. (There are policies and provisions for staff that are already in place which reflect the support they would be given in different situations that occur within the workplace.) This policy aims to reflect the different levels of support afforded to Councillors in different situations and while general principles will apply, each situation will be considered on its own merits. The general principles applying to Councillor mentor and legal support are as follows:

ORDINARY COUNCIL MEETING - AGENDA

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

1. Where a Councillor is prosecuted by an **external** individual in respect of matters/actions/behaviours that were undertaken in the course of their role as a Councillor, then they will be afforded legal and mentor support from Council unless or until it is clearly evident that the Councillor has acted in breach of the *Local Government Act 1989*.
2. Where the **Councillor is the litigant** and not the defendant then no legal or mentor support would be provided – unless by resolution of Council, where it is determined that such support is in Council's interest.
3. Where the matter relates to **action undertaken by Council** (as the organisation as distinct to an individual Councillor) against a Councillor, then support is provided to the Councillor in the form of limited hour mentor support.
4. Where the action is undertaken by Local Government Victoria, Ombudsman Victoria or the Independent Broad-Based Anti-Corruption Commission (IBAC), mentor support is provided during the investigation period only. No legal support is provided unless Council resolves to do so.

Some examples are provided below which indicate a base line response as to whether a Councillor is entitled to legal or mentoring support that is paid for by Council. As stated, it is not always clear when a Councillor is entitled to paid legal support and each case that arises should be considered on its merits. In any instance of uncertainty or sustained required support, Council would resolve on whether to use public funds to support the actions of a Councillor. Councillors also have the right to submit Notices of Motions to Council Meeting Agendas for consideration by Council provided they meet the requirements of Council's current Meeting Procedure Local Law.

Example Scenario	Responsible for Investigation	Mechanism/Support
A Councillor is civilly (independently) sued by any person for defamation, i.e. the 'plaintiff' is using their own resources to sue the Councillor (it is understood that the Councillor was not negligent in their actions).	External sources	Under this policy, legal support would be provided to the Councillor. Councillor/s have access to limited hour mentor support.
A Councillor physically abuses another Councillor in a public meeting.	Mayor	Under this Policy, no legal support would be provided to the Councillor as litigant during investigation. Legal support provided to Councillor as defendant. Councillor as litigant is in breach of Code of Conduct. Legal support provided to Council as organisation if required. Both Councillors have access to limited hour mentor support.
A staff member makes a complaint to their Manager about a Councillor's behaviour towards them. The Manager must advise their Director who must advise the CEO immediately.	CEO will investigate allegation internally and discuss with the Mayor as to what action to be taken if allegation is found to be true.	Mayor to handle internally. Under this policy, no legal support would be provided to Councillor, however they would have access to limited hour mentor support.
A Councillor sues Council (as an organisation) or takes Council to VCAT or another authority, where Council, or the CEO, acting on Council's behalf, is the defendant.		Under this policy, legal support would be provided to Council as an organisation. No legal support would be provided to the Councillor, however they would have access to limited hour mentor support.
An investigation is initiated by the Mayor, acting on Council's behalf, into the behaviour and conduct of a particular Councillor(s).	Mayor	Code of Conduct – Conflict/Dispute resolution process as provided. Councillor/s have access to limited hour mentor support.
Councillor has initiated a complaint regarding a staff member. (That complaint must be made to the CEO.)	CEO investigates and takes action as appropriate and within boundaries permitted under EBA and legislation. CEO will report back to Mayor and Councillor.	This is a staff matter solely handled by the CEO as legislated by the <i>Local Government Act 1989</i> . If Councillor(s) not happy with outcome, then they are able to take that up with CEO directly through ongoing performance management process.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

A current listed panel of practitioners who can provide mentor support to Councillors will be maintained by the Governance Business Unit in consultation with the Mayor and Councillors.

Limited hour mentor support equates to ten hourly sessions per year. If a qualified mentor considers that more support time is required for a particular Councillor's wellbeing, then this will be further considered by Council.

5.19 COUNCILLOR DISPUTE MEDIATORS

The Code of Conduct – Councillors provides a dispute resolution process for the possibility of a dispute or conflict arising between two individual Councillors, between one Councillor and a group of Councillors, between two or more different groups of Councillors or between a Councillor and a staff member. Within the process, mediators or conciliators may be required and Councillors who are parties in a dispute or conflict have the right to choose who those mediators/conciliators may be. In this respect, mediators and conciliators can be selected by the parties from a current listed panel of practitioners maintained by the Governance Business Unit in consultation with the Mayor and Councillors.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

6 Responsibilities

Councillors are responsible for:

- the general care of all equipment and furniture provided by the Council or purchased with Council funds;
- complying with this policy in conjunction with Council's Travel Policy;
- ensuring that details of such related party transactions are supplied to the Mayor and Councillors Executive Assistant for reporting purposes;
- providing true and correct information when completing reimbursement forms referenced in this policy; and
- seeking their own financial and taxation advice.

Manager, Governance is responsible for:

- approving reimbursement claim forms submitted by Councillors;
- advising Councillors if any claim appears to breach this policy or is inappropriate;
- assisting Councillors in understanding their entitlements;
- ensuring a copy of this policy and Council's travel register are available for public inspection when requested; and
- review of this policy.

Mayor and Councillors Executive Assistant is responsible for:

- providing administrative support to the Mayor and Councillors in accordance with this policy;
- processing Councillor requests for reimbursement of expenses; and
- relevant bookings on behalf of Councillors ie. meeting rooms, conferences.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

7 Related Documents

- Catering and Civic Support Policy (CGD)
- Travel Policy (CGD)
- Code of Conduct – Councillors (CGD)
- Fraud Prevention and Control Policy (CGD)
- Guidelines for Community Forums (CGD)
- Guidelines for Ward Meetings (CGD)
- *Local Government Act 1989*
- Mobile Phone Account Memo (CGD)
- Appendix 1 - General Expenses Claim Form
- Appendix 2 - Travel Claim Form
- Appendix 3 - Child/Family Care Claim Form
- Appendix 4 – Councillor Annual Statement Sign Off

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

8 Appendices



Appendix 1 - Members of Council
 Claim for General Expenses

Councillor Name: _____	
<p>All requests for reimbursement must include original itemized receipt/invoice identifying date of purchase, goods/service purchased and cost. Credit card receipts or statements are not acceptable as support for any expenditure. Requests for reimbursement without support proof will be paid upon the completion of a Statutory Declaration.</p>	
Vendor/Supplier Name & Address: _____	
Description of Expenses: <p style="text-align: center;">Affix receipt in this area if possible otherwise staple to back of form</p>	
Amount to be reimbursed: _____	
Reimbursement Instructions: <input type="checkbox"/> Petty Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Via Payroll	
Reason for Expense: _____ _____ <input type="checkbox"/> Business Meeting <input type="checkbox"/> Constituents Meeting <input type="checkbox"/> Training <input type="checkbox"/> Travel <input type="checkbox"/> Civic Function <input type="checkbox"/> Other: _____	
I declare that the expenses detailed in this document were incurred whilst discharging my duties as a Councillor for the City of Greater Dandenong and that this reimbursement claim is in accordance with the Councillor Support, Reimbursement & Accountability Policy as adopted by the Greater Dandenong City Council.	
Councillor Signature: _____	Date: _____
Approved by the Manager, Governance	
Signature: _____	Date: _____

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)



**Appendix 3 - Members of Council
 Claim for Child/Family Care**

Councillor Name:	
All requests for reimbursement must include original invoice identifying date of service and fees payable. Request for reimbursement without supporting proof will be paid upon the completion of a Statutory Declaration.	
Service Provider Name & Address:	
Description of Expenses: Affix a copy of the invoice in this area if possible otherwise staple to back of form	
Amount to be reimbursed: _____	
Reimbursement Instructions: <input type="checkbox"/> Petty Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Via Payroll	
Type of care provided: <input type="checkbox"/> Child <input type="checkbox"/> Family	
I declare that the expenses detailed in this document were incurred whilst discharging my duties as a Councillor for the City of Greater Dandenong and that this reimbursement claim is in accordance with the Councillor Support, Reimbursement & Accountability Policy as adopted by the Greater Dandenong City Council.	
Councillor Signature:	Date:
Acknowledged by the Manager, Governance	
Signature:	Date:

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

Appendix 4

Annual Statement of Councillor Expenses for the
year ending 30 June 20**



Councillor Name: _____

Type of Expense	Amount Claimed
Mobile Phone	
Training & Conferences	
Airfares	
Taxi/Train Fares	
Accommodation & Meals	
Family Care	
Vehicle Mileage	
Stationery	
Equipment	
Functions	
Other	
Total	

I declare that the above statement of expenses were incurred whilst discharging my duties as a Councillor for the City of Greater Dandenong and that the information provided is true and correct and in accordance with the City of Greater Dandenong's Councillor Support, Reimbursement & Accountability Policy.

Signature: _____ Date: _____

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

POLICY AND STRATEGY

**REVIEW OF COUNCIL POLICIES – COUNCILLOR SUPPORT,
REIMBURSEMENT AND ACCOUNTABILITY POLICY**

ATTACHMENT 2

**COUNCILLOR SUPPORT,
REIMBURSEMENT AND ACCOUNTABILITY
POLICY – MARKED UP**

PAGES 27 (including cover)

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

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)



Greater Dandenong Policy

Councillor Support, Reimbursement and Accountability Policy

Policy Endorsement:	Endorsement required by Council		
Policies superseded by this policy:	Not applicable		
Directorate:	Corporate		
Responsible Officer:	Manager Governance		
Policy Type:	Legislative and Discretionary		
File Number:	A1294051	Version No:	006
1 st Adopted by Council:	29 June 2009, Minute No. 194	Last Adopted by Council:	
Review Period:	Two Years	Next Review:	July 2021

File Number:	A3276092	Authority:	Council
Directorate:	Corporate Services	Responsible Officer:	Director Corporate Services
Policy Type:	Legislative and Discretionary	Version No:	05
1 st Adopted by Council:	29 June 2009, Minute No. 194	Last Adopted by Council:	10 August 2015, Minute No. 1043
Review Period:	Two years	Next Review:	June 2017

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

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2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

1 Purpose

This policy summarises the provisions of the *Local Government Act 1989* in respect to Councillor allowances, expenses and support. It also confirms the facilities and support that may be provided to Councillors to assist them in performing or discharging their official functions and duties.

This policy is guided by the following principles:

- Councillors should not be out-of-pocket as a result of performing and discharging their Council functions and duties;
- any reimbursements claimed by Councillors must be for expenses actually and necessarily incurred in performing and discharging their official council functions and duties; and
- the payment of Councillor allowances and the reimbursement of expenses must be accountable and transparent to the community.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

2 Background

There is increasing emphasis placed on the provision of adequate support and training to assist Councillors in the performance of their official council functions and duties.

Under the *Local Government Act 1989* (LGA), sections 75, 75A, 75B and 75C outline that Councillors are entitled to resources and facilities support, and reimbursement of expenses related to their duties as a Councillor.

Section 75B of the *Local Government Act 1989* states:

1. A Council must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees.
2. A policy adopted by Council under this section must be consistent with:
 - (a) the prescribed types of Councillor out-of-pocket expenses that must be reimbursed if the expenses are reasonable and bonafide; and
 - (b) the prescribed procedures to be followed by Councils in relation to the reimbursement of out-of-pocket expenses.
3. A Council must keep a copy of the policy adopted and maintained under this section available for inspection at the office of the Council.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

3 Scope

This policy applies to the Mayor and Councillors and is made in pursuant to Section 75 of the *Local Government Act* 1989.

This policy indicates that payment of expenses and reimbursements to Councillors shall be limited to:

- traveling expenses including use of private vehicle use for Council related activities;
- family care and child care costs where appropriate; and
- costs paid by/for Councillors pertaining to the functions of civic office.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

4 References

- Originally Adopted at the Ordinary Council Meeting on 29 June 2009 – re-adopted with changes 28 June 2010 ,14 May 2012, 28 October 2013 and 10 August 2015
- Catering and Civic Support Policy (CGD)
- Code of Conduct – Councillors (CGD)
- Department of Planning and Community Development – *Mayor and Councillors Entitlements Information Guide*, November 2008
- Fraud Prevention and Control Policy (CGD)
- Guidelines for Community Forums (CGD)
- Guidelines for Ward Meetings (CGD)
- *Local Government Act 1989*
- Travel Policy (CGD)
- *Victorian Local Authorities Award 2001*

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

5 Council Policy

Council's facilities and support services, as detailed in this policy, are available to the Mayor and Councillors while performing or discharging their official duties. These facilities and services are not available for use by members of a Councillor's family unless the use is directly related to the Councillor's civic duties.

Recognising the special role of the Office of Mayor, this policy also provides for expenses, facilities and support services specific to that office.

Councillors are personally responsible for any expenditure that does not fall within the criteria set out in this policy. The Manager, Governance and Commercial Property is available to assist Councillors and ensure they understand their entitlements and responsibilities.

5.1 COUNCILLOR ALLOWANCES

The *Local Government Act* 1989 provides for Councillor allowances to be fixed by an Order in Council, within upper and lower limits determined by the Minister. This flexibility enables Councils to set a level appropriate to the municipality, taking into consideration the differentiation of the role of Councillors in various municipalities.

The Mayor and Councillor allowances are noted in December each year at the Annual Statutory Meeting. Currently the allowances are the maximum available within the Category 3 range (the Mayoral allowance is inclusive of the Councillor allowance).

Payment Procedure

Payments for Councillor Allowances will be made through Council's Electronic Payroll system, either on a fortnightly or monthly basis at the agreement of individual Councillors. Deductions to the Australian Taxation Office will only occur following a written request to the Payroll Office from individual Councillors.

Payment in Advance

Where a Councillor is required to undertake interstate or overseas travel as part of their civic duties, that Councillor may request payment of their allowance in advance in anticipation of expenses that will be incurred during the course of the travel.

Corporate Credit Card

Each Councillor will be issued with a corporate credit card that can be used in conjunction with the undertaking of civic functions and duties when other forms of payment are not available. A receipt must be signed (by the Councillor) and provided to the Mayor and Councillors Executive Assistant for every credit card purchase. If the receipt is lost or not available, then a *Claim for General Expenses Form* must be completed and signed by the Councillor (see Appendix 1).

5.2 TRAVEL

Where travel costs are borne by Council, it is expected that, where practicable, all travel be by the most direct route, and vehicles are shared where more than one Councillor attends the same function.

Use of Private Vehicles

Reimbursement of expenses is available for Councillors who use their own private vehicle, and shall be in accordance with the Victorian Local Authorities Award 2001 as varied from time to time, and as set out below. (For further details contact Organisational Development).

The reimbursement is payable for the use of a private vehicle for:

ORDINARY COUNCIL MEETING - AGENDA

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

- attendance at Ordinary or Special Meetings of Council, Council Advisory, Reference Group or Committee Meetings, Ordinary, Committee or Sub-Committee Meetings of State, regional or local organisations where the Councillor has been elected as a Council's representative or liaison by Council resolution;
- attendance at conferences and seminars where such attendance by a Councillor has been approved by Council, the Mayor, the Chief Executive Officer or such other authorised Committee designated by Council;
- attendance at inspections and meetings and functions within or outside the City relative to the duties of Office as a Councillor;
- to and from the airport, rail or bus station, or other point from where travel to conferences and seminars commences; and
- attendance at official Council functions.

Where a Councillor uses his/her car to attend an approved interstate meeting, conference, seminar or engagement the total claim for use of a vehicle shall not exceed the cost of economy class air travel and transfers to the relevant destination.

Reimbursement Procedure for Private Vehicle Usage

- All claims for reimbursement of travel shall be made on a monthly basis (within 30 days from end of month).
- Details of kilometers and purpose of travel must be recorded by the relevant Councillor.
- Councillors must complete a Councillor *Claim for Travelling Expenses Form* (Appendix 2) and submit it to the Manager, Governance ~~and Commercial Property~~ for authorisation.
- Payments will be made through Council's Electronic Payroll System.
- It is the responsibility of Councillors to ensure that claims for reimbursement occur within the monthly time frame. Claims not submitted in a timely manner may be refused reimbursement at the discretion of the Mayor and Chief Executive Officer.
- All payments will be paid in arrears.

Cabcharge

Each Councillor may request a "Cab-Charge" voucher from Council for the payment of taxi service for events and activities as listed above. Cabcharge vouchers are available from the Mayor and Councillors Executive Assistant.

Council Vehicles

Where practicable, and by prior arrangement through the Chief Executive Officer, a Council vehicle may be made available to Councillors for travel outside the City where use of private vehicles or other means of transport is not available or convenient. The use of a Council vehicle is limited to 24 hours continuous use and the vehicle must be driven by the Councillor at all times.

Public Transport

Councillors may use public transport to travel to Council business related events, or to assist them to carry out their duties.

Reimbursement Procedure for Public Transport

For reimbursement of travel expenses incurred from use of public transport, Councillors must complete a *Claim for General Expenses Form* (Appendix 1) and submit it the Manager, Governance ~~and Commercial Property~~ for authorisation and processing. All payments will be made in arrears.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

5.3 CHILD AND FAMILY CARE

Council will reimburse child and family care expenses when the care is necessary to allow the Councillor to attend:

- Ordinary or Special Meetings of Council, Council Advisory, Reference Group or Committee Meetings, Ordinary, Committee or Sub-Committee Meetings of State, regional or local organisations where the Councillor has been elected as a Council's representative or liaison by Council resolution;
- inspections, meetings, Councillor Briefing Sessions, civic ceremonies and functions, conferences and training within or outside the City relative to the duties of Office as a Councillor; and
- a meeting or function or other official role when deputising for, or representing, the Mayor.

Child care and family carer expenses may consist of hourly fees, agency booking fees and/or reasonable traveling expenses. Fees are payable per hour or part of an hour subject to any minimum period, which is part of the provider's usual terms.

A receipt from the care provider (including their ABN) is required for the direct reimbursement of any expenses claimed.

Reimbursement will not be made to a person who:

- has a familial or similar relationship with the Councillor; or
- resides either permanently or temporarily with the Councillor; or
- has a relationship with the Councillor or his or her partner such that it would be inappropriate for Council to reimburse monies paid to the care provider.

Reimbursement Procedure for Child or Family Care

- All claims for reimbursement of child or family care shall be made on a monthly basis (within 30 days from end of month).
- Councillors must complete a *Claim for Child/Family Care Form* (Appendix 3) and submit it to the Manager, Governance and Commercial Property for authorisation and processing.
- It is the responsibility of Councillors to ensure that claims for reimbursement occur within the monthly time frame.
- Payments will be made through the Finance Unit.
- All payments will be made in arrears.

Variation to care – extenuating circumstances

A Councillor may make a written request to the Mayor and Chief Executive Officer, on the basis of extenuating circumstances (including unique familial care knowledge and experience) that the basis of any care be varied and thereby reimbursed.

Appeals

A Councillor is entitled to make a complaint or appeal in writing to the Mayor and Chief Executive Officer against any decision regarding a reimbursement.

5.4 DINNERS AND OTHER NON-COUNCIL FUNCTIONS

Attendance at Dinners and Other Non-Council Functions

Council will meet the cost of a Councillor's attendance at non-Council functions to which they have been invited where they are attending in their role as Councillors and where topics pertain to matters concerning local government or where local government representation is relevant to Council.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

If an invitation to a relevant non-Council function was not received and a Councillor wishes to attend, it will be at the Mayor's discretion and Mayoral approval will be sought via the Mayor and Councillors Executive Assistant.

Invitations outside of these parameters must be paid for by individual Councillors attending.

Council will meet the cost of the Mayor/Councillor's partner attending a non-Council function or dinner. Costs associated with either a Councillor or Councillor's partner attending functions will be monitored by the Mayor and Councillors Executive Assistant and will be reported on the Mayoral and Councillors Expenses Spreadsheet (see Expenses Reporting).

Local Fundraising and Charitable Events

Council will cover the cost of ticketed events for Councillors invited by written invitation to attend Local Fundraiser/Charitable Events, where the event benefits the City of Greater Dandenong.

The CEO in consultation with the Mayor, will determine appropriate events for Council to purchase 'a table', if invited to do so. A table will only be purchased if 50% or more Councillors are able to attend. Councillor attendance must have a demonstrated benefit to the local community.

All ticketed events must be paid for in advance of the event. Payment can be arranged by contacting the Manager, Governance ~~and Commercial Property~~.

5.5 INFORMATION TECHNOLOGY

Mobile Phone

Council will provide a mobile telephone, which is compatible with Council's network, to all Councillors to facilitate communication for official purposes. Council will pay all connection, service and rental charges and will provide a maximum call charge (usage) allowance of \$100 per month for those on the Optus Corporate Plan and \$135 per month for those on the Telstra Corporate Plan.

The maximum limit per month provided within this policy is a reasonable usage allowance that provides Councillors with the ability to fulfill their official civic duties and for an incidental level of personal use.

Any call charges that exceed this usage limit will be deemed as beyond reasonable use and the amount will need to be reimbursed to Council, unless supporting evidentiary documentation is provided that verifies the amount as being relevant to a Councillor performing their official functions and civic duties. Usage over the limit and not reimbursed to Council will be reported on the Mayoral and Councillors Expenses Spreadsheet (see Expenses Reporting).

Where unique circumstance exist that prevent a Councillor from performing their official civic duties within the \$100 per month usage limit, the Mayor and Chief Executive Officer can authorise an increase to this limit. Authorisation of an increase to the usage limit will be made on a case-by-case basis.

Councillors attending approved overseas travel may have their coverage upgraded to include international roaming for the duration of the trip in accordance with Council's Travel Policy. In this instance, reasonable usage will be determined by the Chief Executive Officer based on the destination and duration of the trip.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

Payment Procedures for Private Use of Mobile Phones

If the usage level exceeds \$100 (Optus) or \$135 (Telstra), the Councillor involved will be provided with a copy of their monthly mobile phone account attached to a *Mobile Phone Account Memo*. Any personal calls considered beyond reasonable usage must be highlighted and reimbursed to Council within 30 days of receipt of the memo.

Any discrepancies found on mobile phone accounts must be brought to the attention of the Mayor and Councillors Executive Assistant immediately. A Councillor can request an itemised bill at any time, if they wish to reimburse any personal calls regardless of the above.

See also section 5.14 Councillors Reimbursing Council.

Computer

Councillors will be provided with a lap top computer and docking station with the current Greater Dandenong City Council software configuration to allow access to Council's network and the Internet. Support services to maintain functionality and access to the City of Greater Dandenong network can be accessed in accordance with the following hours of operation:

Business Hours: Phone ITSERVICEDESK on 9239 5102
After Hours: 6.00pm – 10pm Monday to Friday
9.00am – 5.00pm Saturday & Sunday
Phone On-Call IT Support on 8571 5137

An IT Support officer will call and discuss any issues and the various options that can remedy the situation. This may include an on-site visit if the problem is critical and prevents a Councillor from carrying out Council duties. Council will provide the necessary maintenance and consumable products required for the operation of the equipment, upon request to the Mayor and Councillors Executive Assistant.

Ipad (optional)

Council will provide an Ipad with Wifi and 34G access to all Councillors to facilitate communication and document management for official Council purposes. ~~ITunes vouchers for downloading relevant applications for the Ipad can be obtained from the Manager Governance and Commercial Property.~~ Council is currently not charged for connection or usage fees for this resource however, if individual Councillor usage exceeds (1) terabyte per month (equivalent to one million megabytes per month), then usage charges will apply. Councillors will be alerted if their usage looks like exceeding this amount in any month.

Email and Internet Usage

Use of email and internet is to be in accordance with the City of Greater Dandenong Code of Conduct – Councillors and as outlined in this document.

The email address supplied to Councillors is owned by the City of Greater Dandenong and will cease to exist at the end of a Councillor's term in office.

Facsimile/Telephone Equipment

Council will provide at either the residence of a Councillor or other designated location a multifunctional device for printing, scanning, copying as well as sending and receiving facsimiles (optional) to facilitate the transmission of information relating to the Councillor's duties of office. Council will provide the necessary maintenance and consumable products required for the operation of the equipment upon request to the Mayor and Councillors Executive Assistant.

Council will arrange for the installation of the necessary telephone lines and associated equipment and meet all connection costs including, where necessary, power supply. The equipment will remain at all times at the residence of the Councillor, or such other designated location, during their term of office.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

Other Communication Sources

Where a councillor has chosen not to take up the offer of a Council provided mobile telephone they may choose to use a portion of the mobile phone allowance on other relative communication media ie. home delivery of the Age and/or Herald Sun following approval by the Director Corporate Services.

Communication and Information Expenses Reporting

All expenses relating to communication and information will be reported on the Mayoral and Councillor Expenses Spreadsheet on Council's website. ~~(This was previously reported under Council's ATA Charter.)~~ This spreadsheet will detail all costs associated with mobile telephone usage over \$100 per month, attendance at conferences and training, airfares, taxi/train fares, accommodation and meals, child and family care, vehicle/mileage and any other expenses claimed. Generic costs for the provision of services such as installation and line rental will not be listed on this spreadsheet. This will be updated monthly.

See also section 5.11 Reporting and Disclosure

5.6 CIVIC SUPPORT, EQUIPMENT AND FACILITIES

Council will provide the following support, equipment and facilities to assist Councillors in carrying out their duties of office. All equipment provided shall remain the property of Council and shall be returned within two weeks of retirement or termination of office

Stationery and Office Equipment

Each Councillor will be provided with a supply of the following stationery and office equipment that can be replenished/obtained upon request by contacting the Mayor and Councillors Executive Assistant.

- A4 'Councillor Office' letterhead and plain A4 paper
- corporate business cards
- name badge
- filing cabinet
- shredder (small model)
- diary, planner or equivalent
- minor stationery items.

In addition, Councillors are entitled to claim reimbursement for the acquisition of a desk/chair/bookcase to the combined value of \$600 in any one Council term. Councillors should note that these items remain the property of Council during the term(s) of the Councillor. Upon retiring or leaving Council, Councillors may opt to purchase this equipment back from Council.

Reimbursement/Payment of Stationery and Office Equipment

For reimbursement of expenses incurred from the direct purchase of equipment, Councillors must:

- complete the 'Claim for General Expenses' form (Appendix 1); or
- contact the Mayor and Councillors Executive Assistant to arrange a purchase order.

See also section 5.17 Procedures for Councillor Reimbursement of Expenses.

Administrative Assistance

Typing/administrative assistance will be made available to Councillors for work directly related to the duties of office. All such work will be coordinated through the Mayor and Councillors Executive Assistant.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

Mail

Each Councillor may leave standard mail items of Council designated business for postage through the external mail system. Such mail shall be contained within Council envelopes and coordinated through the Mayor and Councillors Executive Assistant.

Mail posted directly via Australia Post will require stamps to be affixed and will be at the Councillor's own cost. Councillors will not be reimbursed for this expenditure.

Courier Service

Council will provide a courier service for delivery of the Council agenda and other papers to Councillors on a weekly basis or as required. Items delivered will be contained within a satchel and Councillors will be expected to return these satchels at the next Councillor Briefing Session.

Council will, upon request, provide specific mailboxes at a Councillor's place of residence, or other location nominated by Councillors, for secure delivery of such documents.

Councillor's Work Area

Councillors will be provided with a furnished office on a shared basis at Council's **Civic Centre in Dandenong Municipal Building**. This will incorporate access to Council's IT network, the internet, printer, furniture, photocopier, fax and telephone and facilitate the following activities:

- letter writing
- interviewing
- small meetings
- reading and research
- other business activities relating directly to civic office.

Meeting Rooms

Councillors can book a meeting room at Council's offices to facilitate meetings by contacting the Mayor and Councillors Executive Assistant.

After **business** hours access to general office areas other than designated Councillors work areas is only permitted subject to the approval of the responsible Director or Chief Executive Officer.

Building Access and Car Parking

Each Councillor receives a swipe card allowing access to the councillor offices and chambers at the Civic Centre.

Limited parking spaces are available for Councillors at the Civic Centre offices (car identification permits are required). Permits will be made available by contacting the Mayor and Councillors Executive Assistant.

Website

Each Councillor will be provided with a page on Council's web site – containing a Councillor photo, Councillor profile, contact details, and ward map.

Meals/Refreshments

Where Council or Committee meetings are held at times which extend through normal meal times, Council will provide suitable meals served on the premises in accordance with Council's Catering and Civic Support Policy

Tea/Coffee facilities are available to Councillors undertaking their duties at Council offices.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

Memberships

Council will arrange and pay for collective Council/Councillor membership to peak Australian Local Government industry bodies as follows:

- Municipal Association of Victoria (MAV)
- Victorian Local Government Association (VLGA)
- Australian Local Government Association (ALGA)
- Australian Local Government Women's Association (ALGWA)

Publications

Councillors will be entitled to subscribe to relevant publications subject to the approval of the Chief Executive Officer.

Councillors will also be supplied upon request with appropriate links to the *Local Government Act 1989*, *Planning and Environment Act 1987* and any other legislation as requested.

5.7 PROFESSIONAL DEVELOPMENT

Training and Education

Wherever possible, when required but not limited to, Councillors will be provided with training in the competency areas such as:

- Federal, state and local government relationships;
- Councillors' statutory roles;
- Financial management;
- Councillor and staff relationships;
- Community representation;
- Meetings procedures for Council and committees;
- Councillors' performance;
- Media training; and
- Ongoing projects and major issues within the City and surrounding municipalities.

Upon request, Councillors will be provided with any necessary training/education/resources that will assist them in the use of equipment/software supplied by Council or the acquisition of information necessary in undertaking their duties as a Councillor.

Seminars and Conferences

Council will provide the following to Councillors attending conferences or seminars which have been authorised by Council, other Committees designated by Council, the Mayor or the CEO as set out in Council's Travel Policy:

- Registration fees for attendance at conferences and seminars;
- Conference dinner/meals within reasonable limits for the duration of the conferences/seminar;
- Accommodation where Councillor requires an overnight stay for the purpose of attendance;
- Transportation to, from and during conferences and seminars. Councillors may choose the mode of transport which is most appropriate to their particular circumstances and in accordance with Council's Travel Policy;
- Corporate Credit Card for the purpose of incidentals that may occur during the duration of the conference/seminar; and
- Carparking fees such as airport or hotel parking.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

5.8 OTHER SUPPORT

Expenses and Facilities for Councillors with Disabilities

For any Councillor with a disability, council will provide reasonable additional facilities and associated expenses in order to allow that councillor to perform their civic duties

Cultural Diversity

In acknowledging its cultural diversity, Council will endeavour to meet any specific cultural needs of Councillors.

Insurance

Section 76A of the *Local Government Act 1989* states that Council must take out insurance cover for Councillors

Councillors are covered by the following Council Insurance Policies on a 24 hour basis while discharging the duties of civic office including attendance at meetings of external bodies as Council's representative.

- Personal Accident Insurance;
- Public Liability Insurance;
- Professional Indemnity Insurance; and
- Councillors and Officers Liability Insurance.

Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's Insurers, or admitted under Council's self-insurance program, whether defended or not.

The Mayor's partner will be covered under these insurance policies whilst carrying out the duties associated with the civic and ceremonial role of the Mayor.

Further details as to the extent of cover and conditions in respect to any of the above cover can be obtained from Council's Team Leader, Risk Management and OHS.

5.9 COMMUNITY FORUMS AND WARD MEETINGS

Council may hold community forums or ward meetings in different locations throughout the year if an issue of significant interest to a particular suburb would benefit from a discussion time with Council in the local area (determined by Councillors). The Guidelines for Community Forums and Ward Meetings are available on Council's website.

The Mayor of the Day will determine how and when they can make themselves available to meet with members of the community. As a general guide, appointments are best arranged through the Mayor and Councillors Executive Assistant. The availability of the Mayor will be dependent on their respective commitments.

5.10 ADDITIONAL SUPPORT AND FACILITIES FOR THE MAYOR

The Office of the Mayor operates to facilitate and enable the Mayor to represent the views and directions of Council in performing various roles and duties best carried out by the Mayor.

Mayoral Vehicle

Council will provide, at its expense, a fully registered, insured, maintained and fuelled vehicle for use by the Mayor for official duties and for private use. ~~The vehicle type shall be of the same standard provided to the Chief Executive Officer.~~ Council will also meet the cost of cleaning the Mayoral vehicle.

Unless approved by Council, the mayoral vehicle shall be driven by the Mayor or by the Mayor's spouse/family member, a Councillor or a council officer on the Mayor's behalf while the Mayor is in the vehicle.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

Council will also provide an allotted parking space for the Mayor's vehicle at its Municipal offices.

Office Facilities

Council will provide the following Mayoral office facilities:

- private office at **Council's Civic Centre in Dandenong Municipal offices** suitably equipped with computer and printer; with the current City of Greater Dandenong configuration to allow access to Council's network and the Internet, furniture and shelving, including desk and meeting table; facsimile; digital telephone connected to the Council's phone system with direct in-dial and direct line facilities; and
- Executive Assistance and Administrative Support during normal office hours and at other times by arrangement with the Manager Governance **and Commercial Property**.

Other Facilities

The Mayor may be provided with other necessary assistance to enable him or her to carry out the duties of civic office. Such assistance may include, but is not limited to, the following:

- a Corporate Credit Card made available to the Mayor for use while carrying out the duties and functions of the office;
- for the purpose of civic functions/ceremonies, ceremonial clothing including Mayoral robes and chains of office.

5.11 REPORTING AND DISCLOSURE

Under the LGA, and in the interest of transparency and accountability, the following documents and registers relating to Councillors duties will be made available for public inspection upon request:

- Councillor Support, Reimbursement & Accountability Policy (~~accompanied by the Department of Planning and Community Development's Mayor and Councillor Entitlements, Information Guide – November 2008~~);
- Details of current allowances fixed for the Mayor and Councillors; and
- Council's Travel Register.

In accordance with Items 5.2-5.7 above, the following details of Councillor expenditure will be published on Council's website as soon as practicable after the information is available:

- Mobile phone usage charges in excess of \$100 per month;
- Training/conferences;
- Travel;
- Accommodation and meals;
- Child/family care;
- Equipment; and
- Functions and events.

Councillors will be required to sign off on an annual statement, confirming that the individual Councillor expenses as published on Council's website during the corresponding financial year are true and correct (Appendix 4) within 90 days following the end of each financial year.

Councillors should be aware that Accounting Standard AAS22 requires the disclosure of the names and remuneration paid to the directors of an entity. Councillors are required to adhere to this Standard which also requires the disclosure of certain types of transactions. Broadly, these transactions are those that could be perceived as affecting the independence of the elected member. The disclosure required is a listing of transactions and any other beneficial interests between Council and individual Councillors and their related businesses and parties. It is each Councillor's responsibility to ensure that details of such related party transactions are supplied to the Mayor and Councillors Executive Assistant for reporting purposes.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

Councillors should note that details of any expenses which are reimbursed will be subject to public scrutiny via any Freedom of Information requests received by Council.

5.12 LOST OR STOLEN PROPERTY

Lost items will be replaced by Council upon receipt of a Statutory Declaration from the Councillor by the Manager Governance ~~and Commercial Property~~. Where items are lost or destroyed more than once per year, Councillors may be required to personally fund the replacement. All decisions to replace lost or stolen property will be made at the discretion of the Manager Governance ~~and Commercial Property~~.

Stolen items should also be reported to the police and the Manager Governance ~~and Commercial Property~~ provided with a copy of the Victorian Police incident report. Replacement of the stolen council property will be made following receipt of a copy of the official police report.

Faulty items will be replaced as soon as practical.

5.13 ACQUISITION AND RETURN OF EQUIPMENT AND FACILITIES

The equipment remains the property of Council and is recorded on Council's Assets Register.

Upon completion of a Councillor term in office, extended leave of absence or at the cessation of civic duties, all equipment and facilities must be returned to Council within two weeks. Arrangements are to be made through the Mayor and Councillors Executive Assistant.

Councillors who complete their term in office will be given the opportunity to purchase equipment previously allocated to them at an agreed fair market price.

5.14 COUNCILLORS REIMBURSING COUNCIL

A Councillor can only reimburse Council for personal expenses paid for by Council via:

- A written authorisation to deduct the amount from their next Councillor allowance payment (notification via e-mail is acceptable); or
- Direct payment to Council's cashing service (Customer Service). A copy of the receipt must be forwarded to the Mayor and Councillors Executive Assistant for recording purposes.

Councillors reimbursing Council for personal telephone calls must complete the 'Mobile Phone Account Memo' which is forwarded to them with a copy of their account and sign off on its correctness.

5.15 CARETAKER PERIOD

Special conditions for expenses, facilities and resources for Councillors apply during the caretaker period prior to an election. The caretaker period is defined in the *Local Government Act 1989* as the period from entitlement day, when the voters roll close, until Election Day.

It is an established democratic principle that public resources must not be used in a way that would influence the way people vote in elections, except to support the actual election process. ~~The~~ Council therefore commits to the principle that it will ensure that resources are not used inappropriately during a Council election as outlined in the City of Greater Dandenong Councillor Code of Conduct and Section 55(D) of the LGA.

Caretaker period applies to all Councillors whether they are seeking re-election or not.

Nothing in this policy shall preclude a Councillor from performing their job as a Councillor during the designated caretaker period or inhibit them from representing the interests of the city

Councillors may not use Council offices or property for any election related purposes.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

5.16 EXCLUSIONS

Any expenses arising from a breach of road, traffic, parking or other regulations or laws will not be reimbursed or funded by Council in any way.

Any expenses for a Councillor's spouse or partner not expressly included within this policy or the Travel Policy will not be reimbursed or funded in any way.

Any expenses incurred by third parties cannot be claimed.

5.17 PROCEDURE FOR REIMBURSEMENT OF GENERAL EXPENSES

Councillors must provide all relevant documentation as set out in this policy, including detailed original receipts, for all expense claims. Credit card receipts or statements alone are not sufficient. In the case of any internet-online purchases, a copy of the confirmation must be attached to the claim. If a receipt cannot be produced, Councillors may be required to provide a Statutory Declaration.

If a Councillor does not claim a particular expense or use a particular facility within the specified time, they cannot be offset against a claim for another amount for some other expense or facility, unless otherwise stipulated in this policy.

Expenses must be charged to the financial year in which they occurred. Expenses cannot be carried forwarded to different years.

Councillors should not obtain private benefit from the provision or equipment and facilities, however it is acknowledged that incidental use of council equipment and facilities may occur from time to time.

Claims for facilities and expenses other than those included in this document will be subject to Council resolution.

Councillors must sign off all receipts with original signatures. Stamps or electronic signatures will not be accepted.

Procedure for Reimbursement of General Expenses

All claims for reimbursement of expenditure shall be made on a monthly basis (within 30 days from end of month):

- Councillors must obtain a receipt for any expenditure for which they wish to claim a reimbursement from Council;
- Complete a 'Claim for General Expenses' form (Appendix 1);
- Attach the relevant receipt/invoice to the form and forward it to the Manager Governance;
- The claim, if in accordance with this policy, will be authorised by the Manager Governance for reimbursement. It is the responsibility of Councillors to ensure that claims for reimbursement occur within the monthly time frame (30 days, from end of month);
- Payments under \$50 will be reimbursed through Petty Cash. Payments over \$50 will be processed through Council's Finance Department and a cheque forwarded to the relevant Councillor or via Payroll.

5.18 COUNCILLOR MENTOR AND LEGAL SUPPORT

Support will be provided for Councillors which encompasses both mentoring and legal support if their conduct as a Councillor is called into question. It is important to note that Councillors and staff are treated equally in this respect. (There are policies and provisions for staff that are already in place which reflect the support they would be given in different situations that occur within the workplace.) This policy aims to reflect the different levels of support afforded to Councillors in different situations and while general principles will apply, each situation will be considered on its own merits. The general principles applying to Councillor mentor and legal support are as follows:

ORDINARY COUNCIL MEETING - AGENDA

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

1. Where a Councillor is prosecuted by an **external** individual in respect of matters/actions/behaviours that were undertaken in the course of their role as a Councillor, then they will be afforded legal and mentor support from Council unless or until it is clearly evident that the Councillor has acted in breach of the *Local Government Act 1989*.
2. Where the **Councillor is the litigant** and not the defendant then no legal or mentor support would be provided – unless by resolution of Council, where it is determined that such support is in Council's interest.
3. Where the matter relates to **action undertaken by Council** (as the organisation as distinct to an individual Councillor) against a Councillor, then support is provided to the Councillor in the form of limited hour mentor support.
4. Where the action is undertaken by Local Government Victoria, Ombudsman Victoria or the Independent Broad-Based Anti-Corruption Commission (IBAC), mentor support is provided during the investigation period only. No legal support is provided unless Council resolves to do so.

Some examples are provided below which indicate a base line response as to whether a Councillor is entitled to legal or mentoring support that is paid for by Council. As stated, it is not always clear when a Councillor is entitled to paid legal support and each case that arises should be considered on its merits. In any instance of uncertainty or sustained required support, Council would resolve on whether to use public funds to support the actions of a Councillor. Councillors also have the right to submit Notices of Motions to Council Meeting Agendas for consideration by Council provided they meet the requirements of Council's current Meeting Procedure Local Law.

Example Scenario	Responsible for Investigation	Mechanism/Support
A Councillor is civilly (independently) sued by any person for defamation, i.e. the 'plaintiff' is using their own resources to sue the Councillor (it is understood that the Councillor was not negligent in their actions).	External sources	Under this policy, legal support would be provided to the Councillor. Councillor/s have access to limited hour mentor support.
A Councillor physically abuses another Councillor in a public meeting.	Mayor	Under this Policy, no legal support would be provided to the Councillor as litigant during investigation. Legal support provided to Councillor as defendant. Councillor as litigant is in breach of Code of Conduct. Legal support provided to Council as organisation if required. Both Councillors have access to limited hour mentor support.
A staff member makes a complaint to their Manager about a Councillor's behaviour towards them. The Manager must advise their Director who must advise the CEO immediately.	CEO will investigate allegation internally and discuss with the Mayor as to what action to be taken if allegation is found to be true.	Mayor to handle internally. Under this policy, no legal support would be provided to Councillor, however they would have access to limited hour mentor support.
A Councillor sues Council (as an organisation) or takes Council to VCAT or another authority, where Council, or the CEO, acting on Council's behalf, is the defendant.		Under this policy, legal support would be provided to Council as an organisation. No legal support would be provided to the Councillor, however they would have access to limited hour mentor support.
An investigation is initiated by the Mayor, acting on Council's behalf, into the behaviour and conduct of a particular Councillor(s).	Mayor	Code of Conduct – Conflict/Dispute resolution process as provided. Councillor/s have access to limited hour mentor support.
Councillor has initiated a complaint regarding a staff member. (That complaint must be made to the CEO.)	CEO investigates and takes action as appropriate and within boundaries permitted under EBA and legislation. CEO will report back to Mayor and Councillor.	This is a staff matter solely handled by the CEO as legislated by the <i>Local Government Act 1989</i> . If Councillor(s) not happy with outcome, then they are able to take that up with CEO directly through ongoing performance management process.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

A current listed panel of practitioners who can provide mentor support to Councillors will be maintained by the Governance Business Unit in consultation with the Mayor and Councillors.

Limited hour mentor support equates to ten hourly sessions per year. If a qualified mentor considers that more support time is required for a particular Councillor's wellbeing, then this will be further considered by Council.

5.19 COUNCILLOR DISPUTE MEDIATORS

The Code of Conduct – Councillors provides a dispute resolution process for the possibility of a dispute or conflict arising between two individual Councillors, between one Councillor and a group of Councillors, between two or more different groups of Councillors or between a Councillor and a staff member. Within the process, mediators or conciliators may be required and Councillors who are parties in a dispute or conflict have the right to choose who those mediators/conciliators may be. In this respect, mediators and conciliators can be selected by the parties from a current listed panel of practitioners maintained by the Governance Business Unit in consultation with the Mayor and Councillors.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

6 Responsibilities

Councillors are responsible for:

- the general care of all equipment and furniture provided by the **City Council** or purchased with **City-Council** funds;
- complying with this policy in conjunction with Council's Travel Policy;
- ensuring that details of such related party transactions are supplied to the Mayor and Councillors Executive Assistant for reporting purposes;
- providing true and correct information when completing reimbursement forms referenced in this policy; and
- seeking their own financial and taxation advice.

Manager Governance **and Commercial Property** is responsible for:

- approving reimbursement claim forms submitted by Councillors;
- advising Councillors if any claim appears to breach this policy or is inappropriate;
- assisting Councillors in understanding their entitlements;
- ensuring a copy of this policy and Council's travel register are available for public inspection when requested; and
- review of this policy.

Mayor and Councillors Executive Assistant is responsible for:

- providing administrative support to the Mayor and Councillors in accordance with this policy;
- processing Councillor requests for reimbursement of expenses; and
- relevant bookings on behalf of Councillors ie. meeting rooms, conferences.

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

7 Related Documents

- Catering and Civic Support Policy (CGD)
- Travel Policy (CGD)
- Code of Conduct – Councillors (CGD)
- Fraud Prevention and Control Policy (CGD)
- Guidelines for Community Forums (CGD)
- Guidelines for Ward Meetings (CGD)
- *Local Government Act 1989*
- Mobile Phone Account Memo (CGD)
- Appendix 1 - General Expenses Claim Form
- Appendix 2 - Travel Claim Form
- Appendix 3 - Child/Family Care Claim Form
- Appendix 4 – Councillor Annual Statement Sign Off

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

8 Appendices



Appendix 1 - Members of Council
 Claim for General Expenses

Councillor Name: _____	
<p>All requests for reimbursement must include original itemized receipt/invoice identifying date of purchase, goods/service purchased and cost. Credit card receipts or statements are not acceptable as support for any expenditure. Requests for reimbursement without support proof will be paid upon the completion of a Statutory Declaration.</p>	
Vendor/Supplier Name & Address: _____	
Description of Expenses: <p style="text-align: center;">Affix receipt in this area if possible otherwise staple to back of form</p>	
Amount to be reimbursed: _____	
Reimbursement Instructions: <input type="checkbox"/> Petty Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Via Payroll	
Reason for Expense: _____ _____ <input type="checkbox"/> Business Meeting <input type="checkbox"/> Constituents Meeting <input type="checkbox"/> Training <input type="checkbox"/> Travel <input type="checkbox"/> Civic Function <input type="checkbox"/> Other: _____	
I declare that the expenses detailed in this document were incurred whilst discharging my duties as a Councillor for the City of Greater Dandenong and that this reimbursement claim is in accordance with the Councillor Support, Reimbursement & Accountability Policy as adopted by the Greater Dandenong City Council.	
Councillor Signature: _____	Date: _____
Approved by the Manager Governance and Commercial Property	
Signature: _____	Date: _____

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)



Appendix 3 - Members of Council
 Claim for Child/Family Care

Councillor Name:	
All requests for reimbursement must include original invoice identifying date of service and fees payable. Request for reimbursement without supporting proof will be paid upon the completion of a Statutory Declaration.	
Service Provider Name & Address:	
Description of Expenses: Affix a copy of the invoice in this area if possible otherwise staple to back of form	
Amount to be reimbursed: _____	
Reimbursement Instructions: <input type="checkbox"/> Petty Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Via Payroll	
Type of care provided: <input type="checkbox"/> Child <input type="checkbox"/> Family	
I declare that the expenses detailed in this document were incurred whilst discharging my duties as a Councillor for the City of Greater Dandenong and that this reimbursement claim is in accordance with the Councillor Support, Reimbursement & Accountability Policy as adopted by the Greater Dandenong City Council.	
Councillor Signature:	Date:
Acknowledged by the Manager Governance and Commercial Property	
Signature:	Date:

2.3.2 Review of Council Policies - Councillor Support, Reimbursement & Accountability Policy (Cont.)

Appendix 4

Annual Statement of Councillor Expenses for the
year ending 30 June 20**



Councillor Name: _____

Type of Expense	Amount Claimed
Mobile Phone	
Training & Conferences	
Airfares	
Taxi/Train Fares	
Accommodation & Meals	
Family Care	
Vehicle Mileage	
Stationery	
Equipment	
Functions	
Other	
Total	

I declare that the above statement of expenses were incurred whilst discharging my duties as a Councillor for the City of Greater Dandenong and that the information provided is true and correct and in accordance with the City of Greater Dandenong's Councillor Support, Reimbursement & Accountability Policy.

Signature: _____ Date: _____

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy

File Id:

Responsible Officer:

Director Corporate Services

Attachments:

Leasing and Licensing of Commercial Properties
Policy – for Readoption
Leasing and Licensing of Commercial Properties
Policy – Marked Up

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 the Leasing and Licensing of Commercial Properties Policy in September 2014 with the provision of reviewing the policy. This policy has now been reviewed to ensure currency and compliance with relevant legislation and Council's current operational requirements and is now presented to Council for readoption.

Recommendation Summary

This report recommends that the Leasing and Licensing of Commercial Properties Policy be readopted as per Attachment 1.

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy (Cont.)

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 2017-21 or as required by legislation. Policies promote consistency across the organisation and also 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 considered to be automatically revoked upon re-adoption of the latest version of that policy.

Policies that are superseded or superfluous to Council's needs require formal abolition by Council.

Proposal

It is proposed that Leasing and Licensing of Commercial Properties Policy be re-adopted by Council with the following changes:

- Additional text provided in section 7.1 "*Council will not guarantee any tenant that another premises in the same centre or arcade will not be leased to a similar type or operator*"; and
- Future review period of four years.

The changes proposed are highlighted in Attachment 2.

Community Plan 'Imagine 2030' and Council Plan 2017-21 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted to see for themselves and the City in 2030, the result was the Greater Dandenong Community Plan 'Imagine 2030'. This report is consistent with the following community visions:

Community Plan 'Imagine 2030'

Opportunity

- *Jobs and Business Opportunities* – Prosperous and affordable

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy (Cont.)

Council Plan 2017-21

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 goals:

Opportunity

- A diverse and growing economy

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.

Consultation

Prior to reporting to council the Leasing and Licensing of Commercial Properties Policy was reviewed and evaluated by the:

- Manager, Governance; and
- Executive Management Team.

Conclusions

A review of the Leasing and Licensing of Commercial Properties was conducted and is now presented to Council for readoption.

The principal objective of the review was to ensure that the policy is current with legislative requirements and remained relevant and up-to-date.

Recommendation

That the Leasing and Licensing of Commercial Properties Policy be readopted as per Attachment 1.

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy (Cont.)

POLICY AND STRATEGY

**REVIEW OF COUNCIL POLICIES – LEASING AND LICENSING OF
COMMERCIAL PROPERTIES POLICY**

ATTACHMENT 1

**LEASING AND LICENSING
OF COMMERCIAL PROPERTIES POLICY –
FOR READOPTION**

PAGES 7 (including cover)

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

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy (Cont.)



Greater Dandenong Policy

Policy - Leasing and Licensing of Commercial Properties

Policy Endorsement:	Endorsement required by Council		
Policy superseded by this policy:	Not applicable		
Directorate:	Corporate Services		
Responsible Officer:	Manager Governance		
Policy Type:	Discretionary		
File Number:	A2177213	Version No:	002
1 st Adopted by Council	Minute No. 699 8 September 2014	Last Adopted by Council:	
Review Period:	Every 4 Years	Next Review:	March 2023

1. Purpose

This policy provides an equitable and consistent approach for the leasing and licensing of Council owned commercial property which is consistent with Council's Corporate Plan.

It aims to ensure the maximum commercial return and financial benefit to Council for its commercial assets and to ensure consistent, responsible and transparent property management practices.

2. Background

Council owns a number of properties, many of which are required for community or municipal purposes. There are also a number of properties that have been purchased for strategic or other purposes and are not, at the time, required for a municipal purpose. As such, they are available for lease or licence under commercial terms (commercial properties).

This policy outlines the principles when granting lease or licence agreements for Council owned commercial properties. These principles include:

- maximising the use and financial return of Council's commercial properties assuming they are not required for any other Council use or community use;
- standardisation of commercial property agreements where possible;
- ensuring best-practice and transparent commercial property management practices for all commercial property assets; and
- ensuring highest and best use of Council's commercial properties without compromising revenue return.

3. Scope

This policy applies to the lease or licence of any Council owned commercial property to another party. This policy excludes all Council community property assets. This policy also excludes the Dandenong Market which is managed by Dandenong Market Pty Ltd.

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy (Cont.)



Greater Dandenong Policy

4. Human Rights and Responsibilities Charter – Compatibility Statement

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

5. References and Related Documents

The following legislation and documents relate to this policy:

- *Local Government Act 1989*
- *Retail Leases Act 2003*
- *Occupational Health and Safety Act 2004*
- *Residential Tenancies Act 1997*
- *Planning and Environment Act 1987*
- *Health Act 1958*
- Fact Sheet – Leasing of Retail Spaces at Council's Civic Centre
- Procedures – Leasing and Licensing of Commercial Properties

6. Definitions

In this policy the following definitions apply:

- **Lease** - A lease is a right granted by the owner of land to an occupant to have the exclusive use of that land in consideration for a payment, known as rent. A commercial property lease may be either a commercial or business lease or a retail lease under the *Retail Leases Act 2003* for which a landlord and tenant have particular responsibilities.

A lease creates an interest in land. An interest in land is binding on third parties and capable of being assigned.

A lease is also a contractual agreement between the landlord and the tenant under which each party has certain contractual obligations.

Council is prohibited under section 190 of the *Local Government Act 1989* (LGA) from entering into a lease exceeding 50 years. The LGA requires that Council gives public notice of its intention to enter into a lease where:

- the lease is one year or more and the rent exceeds \$50,000 per annum for any year of the lease;
- the lease is one year or more and the current market rental value of the land is \$50,000 or more a year;
- the lease term is 10 years or more; or
- the lease is a building or improving lease (which is a lease that includes the construction of a premises by either party).

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy (Cont.)



Greater Dandenong Policy

A lease agreement will generally be used where the site is fully occupied for a specific purpose or where a tenant has made substantial financial contributions to the development.

- **Licence** - a licence gives the licensee a right to occupy land (not exclusively).

A licence does not create any interest in the land. The rights created by a licence are personal and do not run with the land.

A licence cannot be assigned and will terminate where the owner of the land ceases to own the land.

A licence agreement will be used when an occupier shares a facility or the premises. This creates the potential for the facility to be shared promoting greater use of Council assets.

7. Council Policy

7.1 Tenants/Licensees

Council will consider all genuine and realistic offers made to it for rental of its commercial properties.

The following factors are to be considered when accepting a tenant/licensees:

- All commercial property tenants/licensees will be fully reference checked to ensure the performance of the agreement and that the premises/land will be properly maintained and rentals paid on time.
- Appropriate insurance coverage will be procured by the tenant/licensees at the commencement of any commercial property agreement and is continually made current during the term of the occupation as specified in the agreement. Specifically, these are:
 - public liability insurance, noting Council as an interested party, or in joint names of the tenant/licensees and Council. A minimum cover of \$10 million must be provided for areas leased up to and including 100sqm. A minimum cover of \$20 million must be provided for areas leased over 100sqm and within the Dandenong Civic Centre unless otherwise agreed by Council;
 - plate glass insurance, if plate glass forms part of the premises; and
 - contents insurance.

Tenants/licensees will be required to annually provide current certificates of currency to Council for all insurances taken out in relation to any Council premises.

- In the instance where Council has a number of properties in one area, such as within an arcade or civic centre, Council will not guarantee exclusivity in respect to proposed use, to any prospective tenants/licensees in any of its commercial properties., i.e Council will not guarantee any tenant that another premises in the same centre or arcade will not be leased to a similar type of operator.
- Subletting or assigning a lease will only be permitted with the prior written consent of the Council and such a decision must ensure the new tenant is capable of meeting the

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy (Cont.)



Greater Dandenong Policy

requirements of the policy. Assignment of a licence is not permitted as a licence is a right provided to the Licensee and doesn't run with the land.

7.2 Agreement and Terms

An agreement will be used in all commercial leases and licenses.

Standard leasing agreements have been developed by Council's solicitors for Council's major commercial properties, in particular for property leases that fall within section 190 of the LGA. For commercial properties of a smaller nature, standard commercial REIV (Real Estate Institute of Victoria) leases are used by Council's managing agents. All leases that are considered to be "retail lease" agreements will be made according to the legal requirements of the *Retail Leases Act 2003*.

The terms of any agreement will depend upon many factors including the following:

- the tenant's proposed use of the property to determine if it is captured by the *Retail Leases Act 2003*;
- the ongoing need for provided use;
- any strategic need for the premises;
- the stability of the tenant/licensee and the suitability of the business or proposed use to the area;
- the suitability of the premises to the tenant/licensee;
- the proposed length of the lease/licence. Council will endeavour to maximise the security of tenure for most leases/licences to provide for an acceptable level of return for any investment outlay in commencing the occupancy; and
- whether the tenant/licensee expects Council to contribute to any fit-out costs or consider a rent-free period in lieu of fit-out costs. Council will always endeavour to minimise any financial impacts to Council in regard to these negotiations.

Lease/licence agreements undertaken by Council do not release a tenant/licencee from seeking any other approvals or permits that may be required by Council as a planning, building, health or regulatory authority. It is the tenant's/licencee's responsibility to ensure they have any permits and approvals required by Council or any other statutory authority, prior to using the premises for its specified purpose.

The tenants/licensees may install a security system, at their own cost (prior written consent is required from Council). Security codes and subsequent changes to codes must be given immediately after installation to Council. This also applies to any new key system introduced by the tenant/licencee and Council must be supplied with a copy of any new keys to premises within seven days of locks being changed (banks are excluded).

Maintenance requirements for commercial property tenants/licensees will be specified in the agreement and will be agreed to between the parties prior to signing the documentation. Regular condition audits of Council's commercial properties will be undertaken by both Council and the tenant/licencee as outlined in the agreement.

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy (Cont.)



Greater Dandenong Policy

Generally, any improvements made by a tenant/licencee will revert to Council upon termination of a lease/licence. However, if required by the Council, the tenant/licencee must remove any improvements made to the premises by or for the tenant/licencee and make good any damage caused by their removal. This process will be carried out by mutual agreement.

Council, or its managing agents, will inspect premises prior to the termination of a lease/licence. The tenant/licencee must provide vacant possession of the premises in a condition agreed to by Council. Overholding clauses will generally be included in agreements to allow continued use of the premises by tenant/licencee, in the situation where new agreements have not been prepared, negotiations for a new lease/licence are underway or when Council is unable to guarantee another set term of lease/licence for strategic reasons. Where a clear termination of an agreement is to occur and the tenant/licencee is to vacate premises no overholding clauses will be included in agreements.

7.3 Rental and Outgoings

Commercial property leases/licences will pay a commercial market rental or licence fee derived from a market tested process or valuations in the current market. Any reduction in rental/licence fees shall only be considered in special cases dependant on the commercial property condition and/or tenants/licencees contribution to capital improvements during the term of the agreement which are of a benefit to Council.

All tenants/licencees must pay GST on rental at a level determined by the Federal Government. GST is payable in addition to the rental evaluated.

Council will review the rental for any lease/licence every year of the agreement and in accordance with the specific condition in the agreement. This can be via CPI adjustment or a set percentage. The most likely method of review is by commercial CPI reviews. A market review will be performed at the commencement of each agreement and at specified periods throughout the term of the agreement i.e. at the end of the first term and prior to a further term.

All tenants/licencees must pay a security bond of at least two months rental +GST to Council or its agent or provide a bank guarantee to the value of at least two months rental + GST in the name of Council. A bond (plus any interest accrued) or bank guarantee, or parts thereof, will be returned to the tenant/licencee on termination of any agreement but will be subject to the property being vacated on the agreed terms.

All user service charges including Council rates and levies, State levies and taxes, water, sewerage, telephone, commercial garbage, electricity and other service charges are to be paid directly to the charging authority by the tenant/licencee. If a premises is shared and separate meters are not in place then the costs will be shared equitably between the tenants/licencees based on usage at the premises. The tenants/licencees may arrange to have separate meters installed at their own cost.

Council will not charge any tenant/licencee legal fees if Council's is preparing the agreement using a standard lease/licence document. Legal costs generated as a result of a new lease/licence or major variations to a standard agreement will be split equally between Council and the tenant/licencee, if the relevant legislation allows. Council's costs that may arise as a result of a breach of this agreement by the tenant/licencee are to be paid on a solicitor-own client basis by

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy (Cont.)



Greater Dandenong Policy

the tenant/licensee unless otherwise specified in the agreement. Any lease or licence variation as a result of a tenant's/licensee's request will be charged to the tenant/licensee at full cost.

7.4 Use of Council's Commercial Properties

Council has a Smoke Free Environment in Council Owned and Managed Buildings Policy and adherence to this policy is strictly required.

Liquor sales within Council commercial premises will only be permitted if the necessary permits and liquor licenses have been obtained through Council and any other statutory authorities, and permission is first sought from Council as the landlord of the premises.

Gaming will only be permitted in specific Council premises if the necessary permits and licences have been obtained from Council and any other statutory authorities, and permission is first sought from Council as the landlord of the premises. Council must approve any additional or changed use of a leased/licensed premises. Council reserves the right to review the rent or any other lease/licence provisions when providing this consent or the termination of the agreement.

Tenants/licensees will be required to have emergency/evacuation plans in place.

Council recognises its rights and obligations, and the rights and obligations of its tenants, under the *Retail Leases Act 2003*.

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy (Cont.)

POLICY AND STRATEGY

**REVIEW OF COUNCIL POLICIES – LEASING AND LICENSING OF
COMMERCIAL PROPERTIES POLICY**

ATTACHMENT 2

**LEASING AND LICENSING
OF COMMERCIAL PROPERTIES POLICY –
MARKED UP**

PAGES 7 (including cover)

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

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy (Cont.)



Greater Dandenong Policy

Policy - Leasing and Licensing of Commercial Properties

Policy Endorsement:	Endorsement required by Council		
Policy superseded by this policy:	Not applicable		
Directorate:	Corporate Services		
Responsible Officer:	Manager Governance		
Policy Type:	Discretionary		
File Number:	A2177213	Version No:	002
1 st Adopted by Council	Minute No. 699 8 September 2014	Last Adopted by Council:	Minute No. 699 8 September 2014
Review Period:	Every 4 Years	Next Review:	March 2023

File Number:	A2177213	Authority:	Council
Directorate:	Corporate Services	Responsible Officer:	Manager Governance and Commercial Property
Policy Type:	Discretionary	Version No:	001
1 st Adopted by Council:	Minute No. 699 8 September 2014	Last Adopted by Council:	Minute No. 699 8 September 2014
Review Period:	Triennially	Next Review:	August 2017

1. Purpose

This policy provides an equitable and consistent approach for the leasing and licensing of Council owned commercial property which is consistent with Council's Corporate Plan.

It aims to ensure the maximum commercial return and financial benefit to Council for its commercial assets and to ensure consistent, responsible and transparent property management practices.

2. Background

Council owns a number of properties, many of which are required for community or municipal purposes. There are also a number of properties that have been purchased for strategic or other purposes and are not, at the time, required for a municipal purpose. As such, they are available for lease or licence under commercial terms (commercial properties).

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy (Cont.)



Greater Dandenong Policy

This policy outlines the principles when granting lease or licence agreements for Council owned commercial properties. These principles include:

- maximising the use and financial return of Council's commercial properties assuming they are not required for any other Council use or community use;
- standardisation of commercial property agreements where possible;
- ensuring best-practice and transparent commercial property management practices for all commercial property assets; and
- ensuring highest and best use of Council's commercial properties without compromising revenue return.

3. Scope

This policy applies to the lease or licence of any Council owned commercial property to another party. This policy excludes all Council community property assets. This policy also excludes the Dandenong Market which is managed by Dandenong Market Pty Ltd.

4. Human Rights and Responsibilities Charter – Compatibility Statement

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

5. References and Related Documents

The following legislation and documents relate to this policy:

- *Local Government Act 1989*
- *Retail Leases Act 2003*
- *Occupational Health and Safety Act 2004*
- *Residential Tenancies Act 1997*
- *Planning and Environment Act 1987*
- *Health Act 1958*
- Fact Sheet – Leasing of Retail Spaces at Council's Civic Centre
- Procedures – Leasing and Licensing of Commercial Properties

6. Definitions

In this policy the following definitions apply:

- **Lease** - A lease is a right granted by the owner of land to an occupant to have the exclusive use of that land in consideration for a payment, known as rent. A commercial property lease may be either a commercial or business lease or a retail lease under the *Retail Leases Act 2003* for which a landlord and tenant have particular responsibilities.

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy (Cont.)



Greater Dandenong Policy

A lease creates an interest in land. An interest in land is binding on third parties and capable of being assigned.

A lease is also a contractual agreement between the landlord and the tenant under which each party has certain contractual obligations.

Council is prohibited under section 190 of the *Local Government Act 1989* (LGA) from entering into a lease exceeding 50 years. The LGA requires that Council gives public notice of its intention to enter into a lease where:

- o the lease is one year or more and the rent exceeds \$50,000 per annum for any year of the lease;
- o the lease is one year or more and the current market rental value of the land is \$50,000 or more a year;
- o the lease term is 10 years or more; or
- o the lease is a building or improving lease (which is a lease that includes the construction of a premises by either party).

A lease agreement will generally be used where the site is fully occupied for a specific purpose or where a tenant has made substantial financial contributions to the development.

- **Licence** - a licence gives the licensee a right to occupy land (not exclusively).

A licence does not create any interest in the land. The rights created by a licence are personal and do not run with the land.

A licence cannot be assigned and will terminate where the owner of the land ceases to own the land.

A licence agreement will be used when an occupier shares a facility or the premises. This creates the potential for the facility to be shared promoting greater use of Council assets.

7. Council Policy

7.1 Tenants/Licensees

Council will consider all genuine and realistic offers made to it for rental of its commercial properties.

The following factors are to be considered when accepting a tenant/licensees:

- All commercial property tenants/licensees will be fully reference checked to ensure the performance of the agreement and that the premises/land will be properly maintained and rentals paid on time.
- Appropriate insurance coverage will be procured by the tenant/licensees at the commencement of any commercial property agreement and is continually made current during the term of the occupation as specified in the agreement. Specifically, these are:

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy (Cont.)



Greater Dandenong Policy

- public liability insurance, noting Council as an interested party, or in joint names of the tenant/licensees and Council. A minimum cover of \$10 million must be provided for areas leased up to and including 100sqm. A minimum cover of \$20 million must be provided for areas leased over 100sqm and within the Dandenong Civic Centre unless otherwise agreed by Council;
- plate glass insurance, if plate glass forms part of the premises; and
- contents insurance.

Tenants/licensees will be required to annually provide current certificates of currency to Council for all insurances taken out in relation to any Council premises.

- In the instance where Council has a number of properties in one area, such as within an arcade or civic centre, Council will not guarantee exclusivity in respect to proposed use, to any prospective tenants/licensees in any of its commercial properties., **i.e Council will not guarantee any tenant that another premises in the same centre or arcade will not be leased to a similar type of operator.**
- Subletting or assigning a lease will only be permitted with the prior written consent of the Council and such a decision must ensure the new tenant is capable of meeting the requirements of the policy. Assignment of a licence is not permitted as a licence is a right provided to the Licensee and doesn't run with the land.

7.2 Agreement and Terms

An agreement will be used in all commercial leases and licenses.

Standard leasing agreements have been developed by Council's solicitors for Council's major commercial properties, in particular for property leases that fall within section 190 of the LGA. For commercial properties of a smaller nature, standard commercial REIV (Real Estate Institute of Victoria) leases are used by Council's managing agents. All leases that are considered to be "retail lease" agreements will be made according to the legal requirements of the *Retail Leases Act 2003*.

The terms of any agreement will depend upon many factors including the following:

- the tenant's proposed use of the property to determine if it is captured by the *Retail Leases Act 2003*;
- the ongoing need for provided use;
- any strategic need for the premises;
- the stability of the tenant/licensee and the suitability of the business or proposed use to the area;
- the suitability of the premises to the tenant/licensee;
- the proposed length of the lease/licence. Council will endeavour to maximise the security of tenure for most leases/licences to provide for an acceptable level of return for any investment outlay in commencing the occupancy; and
- whether the tenant/licensee expects Council to contribute to any fit-out costs or consider a rent-free period in lieu of fit-out costs. Council will always endeavour to minimise any financial impacts to Council in regard to these negotiations.

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy (Cont.)



Greater Dandenong Policy

Lease/licence agreements undertaken by Council do not release a tenant/licencee from seeking any other approvals or permits that may be required by Council as a planning, building, health or regulatory authority. It is the tenant's/licencee's responsibility to ensure they have any permits and approvals required by Council or any other statutory authority, prior to using the premises for its specified purpose.

The tenants/licencees may install a security system, at their own cost (prior written consent is required from Council). Security codes and subsequent changes to codes must be given immediately after installation to Council. This also applies to any new key system introduced by the tenant/licencee and Council must be supplied with a copy of any new keys to premises within seven days of locks being changed (banks are excluded).

Maintenance requirements for commercial property tenants/licencees will be specified in the agreement and will be agreed to between the parties prior to signing the documentation. Regular condition audits of Council's commercial properties will be undertaken by both Council and the tenant/licencee as outlined in the agreement.

Generally, any improvements made by a tenant/licencee will revert to Council upon termination of a lease/licence. However, if required by the Council, the tenant/licencee must remove any improvements made to the premises by or for the tenant/licencee and make good any damage caused by their removal. This process will be carried out by mutual agreement.

Council, or its managing agents, will inspect premises prior to the termination of a lease/licence. The tenant/licencee must provide vacant possession of the premises in a condition agreed to by Council. Overholding clauses will generally be included in agreements to allow continued use of the premises by tenant/licencee, in the situation where new agreements have not been prepared, negotiations for a new lease/licence are underway or when Council is unable to guarantee another set term of lease/licence for strategic reasons. Where a clear termination of an agreement is to occur and the tenant/licencee is to vacate premises no overholding clauses will be included in agreements.

7.3 Rental and Outgoings

Commercial property leases/licences will pay a commercial market rental or licence fee derived from a market tested process or valuations in the current market. Any reduction in rental/licence fees shall only be considered in special cases dependant on the commercial property condition and/or tenants/licencees contribution to capital improvements during the term of the agreement which are of a benefit to Council.

All tenants/licencees must pay GST on rental at a level determined by the Federal Government. GST is payable in addition to the rental evaluated.

Council will review the rental for any lease/licence every year of the agreement and in accordance with the specific condition in the agreement. This can be via CPI adjustment or a set percentage. The most likely method of review is by commercial CPI reviews. A market review will be performed at the commencement of each agreement and at specified periods throughout the term of the agreement i.e. at the end of the first term and prior to a further term.

2.3.3 Review of Council Policies - Leasing and Licensing of Commercial Properties Policy (Cont.)



Greater Dandenong Policy

All tenants/licencees must pay a security bond of at least two months rental +GST to Council or its agent or provide a bank guarantee to the value of at least two months rental + GST in the name of Council. A bond (plus any interest accrued) or bank guarantee, or parts thereof, will be returned to the tenant/licencee on termination of any agreement but will be subject to the property being vacated on the agreed terms.

All user service charges including Council rates and levies, State levies and taxes, water, sewerage, telephone, commercial garbage, electricity and other service charges are to be paid directly to the charging authority by the tenant/licencee. If a premises is shared and separate meters are not in place then the costs will be shared equitably between the tenants/licencees based on usage at the premises. The tenants/licencees may arrange to have separate meters installed at their own cost.

Council will not charge any tenant/licencee legal fees if Council's is preparing the agreement using a standard lease/licence document. Legal costs generated as a result of a new lease/licence or major variations to a standard agreement will be split equally between Council and the tenant/licencee, if the relevant legislation allows. Council's costs that may arise as a result of a breach of this agreement by the tenant/licencee are to be paid on a solicitor-own client basis by the tenant/licencee unless otherwise specified in the agreement. Any lease or licence variation as a result of a tenant's/licencee's request will be charged to the tenant/licencee at full cost.

7.4 Use of Council's Commercial Properties

Council has a Smoke Free Environment in Council Owned and Managed Buildings Policy and adherence to this policy is strictly required.

Liquor sales within Council commercial premises will only be permitted if the necessary permits and liquor licenses have been obtained through Council and any other statutory authorities, and permission is first sought from Council as the landlord of the premises.

Gaming will only be permitted in specific Council premises if the necessary permits and licences have been obtained from Council and any other statutory authorities, and permission is first sought from Council as the landlord of the premises. Council must approve any additional or changed use of a leased/licensed premises. Council reserves the right to review the rent or any other lease/licence provisions when providing this consent or the termination of the agreement.

Tenants/licencees will be required to have emergency/evacuation plans in place.

Council recognises its rights and obligations, and the rights and obligations of its tenants, under the *Retail Leases Act 2003*.

2.4 OTHER

2.4.1 List of Registered Correspondence to Mayor and Councillors

File Id:	qA283304
Responsible Officer:	Director Corporate Services
Attachments:	Correspondence Received 3-14 June 2019

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 3-14 June 2019.

Recommendation

That the listed items provided in Attachment 1 for the period 3-14 June 2019 be received and noted.

2.4.1 List of Registered Correspondence to Mayor and Councillors (Cont.)

OTHER

**LIST OF REGISTERED CORRESPONDENCE TO
MAYOR AND COUNCILLORS**

ATTACHMENT 1

**CORRESPONDENCE RECEIVED
3-14 JUNE 2019**

PAGES 2 (including cover)

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

2.4.1 List of Registered Correspondence to Mayor and Councillors (Cont.)

Objective

CONNECTED. COLLABORATIVE. COMMUNITY.

Correspondences addressed to the Mayor and Councillors received between 03/06/19 & 14/06/19 - for officer action - total = 4

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Assigned
A complaint from Foundation House regarding anti-social behaviour at a property in Foster Street, Dandenong urging Council to act on the issue.	31-May-19	05-Jun-19	fA164662	Mayor & Councillors EA
A complaint from Dandenong North Primary School regarding a parking infringement issued to one of its bus drivers from Berwick Bus Lines.	04-Jun-19	05-Jun-19	fA164663	Mayor & Councillors EA
A request from a Noble Park resident for a reduction in rates.	05-Jun-19	07-Jun-19	fA166518	Mayor & Councillors EA
A request for advice from the Federal Member for Bruce about any grants or other funding that South Sudanese Australian Youth United may be eligible to apply for.	11-Jun-19	13-Jun-19	fA166746	Mayor & Councillors EA

Objective

CONNECTED. COLLABORATIVE. COMMUNITY.

Correspondences addressed to the Mayor and Councillors received between 03/06/19 & 14/06/19 - for information only - total = 2

Correspondence Name	Correspondence Dated	Date Record Created	Objective ID	User Assigned
A letter of acknowledgement from the Minister for Police in response to Mayor's letter regarding anti-social behaviour occurring in Dandenong South.	05-Jun-19	11-Jun-19	A5811750	Mayor & Councillors EA
Letter of thanks from the Federal Minister for Local Government and Decentralisation to the Mayor.	12-Jun-19	12-Jun-19	A5817291	Mayor & Councillors EA

NB: Users assigned may have changed by the time of the Council Meeting. Correct at time of report production only.

2.4.2 Minutes of Disability Advisory Committee Meeting - 18 February 2019 and 20 May 2019

File Id:

Responsible Officer:

Director Community Services

Attachments:

Minutes of Disability Advisory Committee Meeting
on 18 February 2019
Minutes of Disability Advisory Committee Meeting
on 20 May 2019

Report Summary

At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution was in relation to allowing interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.

Recommendation Summary

This report recommends that the Minutes of the Disability Advisory Committee meeting provided in Attachments to this report be noted and endorsed by Council.

2.4.2 Minutes of Disability Advisory Committee Meeting - 18 February 2019 and 20 May 2019 (Cont.)

Background

Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Statutory Meeting and is available via Council's website.

The resolution of Council made on 23 April 2018 provides for Minutes of meetings held by Advisory Committees and Reference Groups to be submitted to Council for noting and endorsing.

As such, the Minutes are provided as attachments to this report.

Proposal

Community Plan 'Imagine 2030' and Council Plan 2017-2021 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted to see for themselves and the City in 2030, the result was the Greater Dandenong Community Plan 'Imagine 2030'. This report is consistent with the following community visions:

Community Plan 'Imagine 2030'

People

- *Pride* – Best place best people
- *Cultural Diversity* – Model multicultural community
- *Lifecycle and Social Support* – The generations supported

Opportunity

- *Education, Learning and Information* – Knowledge
- *Leadership by the Council* – The leading Council

Council Plan 2017-2021

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 goals:

People

- A creative city that respects and embraces diversity

Opportunity

- An open and effective Council

2.4.2 Minutes of Disability Advisory Committee Meeting - 18 February 2019 and 20 May 2019 (Cont.)

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

There are no financial implications associated with this report.

Consultation

Advisory Committees and Reference Groups have been advised of the need to submit minutes of meetings to Council for noting and endorsement.

Recommendation

That Council notes and endorses the Minutes of meetings for the Disability Advisory Committee as provided in Attachment No. 1 and Attachment No. 2 to this report.

2.4.2 Minutes of Disability Advisory Committee Meeting - 18 February 2019 and 20 May 2019 (Cont.)

OTHER

MINUTES OF DISABILITY ADVISORY COMMITTEE MEETING

ATTACHMENT 1

**DISABILITY ADVISORY COMMITTEE
MEETING HELD ON
18 FEBRUARY 2019**

PAGES 3 (including cover)

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

2.4.2 Minutes of Disability Advisory Committee Meeting - 18 February 2019 and 20 May 2019 (Cont.)

Advisory Committee or Reference Group Name: Disability Advisory Committee

Date of Meeting: 18 February 2019

Time of Meeting: 4pm - 5.30pm

Meeting Location: Room 2NE/NW
City of Greater Dandenong Civic Centre
225 Lonsdale Street, Dandenong

Attendees:

Cr Angela Long (part), Estell (Stella) Carew, Julie Clarke, Leigh Ducane (part), Lionel Gee (part), Pradeep Hewavitharana, Jennifer La Brooy, Phillip Toovey, Mandy Gatliff, Jayne Kierce, Chris Stewart.

Apologies:

Cr Roz Blades

Guests:

Julie Trigg (City of Greater Dandenong – NDIS Project Officer)
Candice McCarthy (City of Greater Dandenong – Sport & Recreation Development Officer)

Minutes:

Item No.	Item	Action	Action By
1.	Welcome and Introductions Welcome from the Chair and guest speakers were introduced		
2.	Previous Minutes & Business Arising <ul style="list-style-type: none">Apologies Noted		
3.	Sports and Active Recreation Strategy consultation <ul style="list-style-type: none">An officer from Council's Sport and Recreation team presented on the development of a new Sport and Recreation Strategy. Input was sought from the Committee about people with a disability's participation in sporting and recreational activities including barriers and opportunities. This feedback will inform the development of the new Sport and Active Recreation Strategy.Committee members were requested to complete the online or paper survey and to share this with their networks.	Committee members to complete survey and encourage others	DAC members

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

ORDINARY COUNCIL MEETING - AGENDA

2.4.2 Minutes of Disability Advisory Committee Meeting - 18 February 2019 and 20 May 2019 (Cont.)

4.	<p>NDIS update</p> <ul style="list-style-type: none"> An officer from Council's Community Care team provided the Committee with information about client experiences transitioning to NDIS. The Committee discussed the continued need to support people in the community transitioning to NDIS and ensure that people with disabilities who are not NDIS eligible continue to receive necessary services. 	Committee members to continue advising Council about NDIS transition	DAC members
5.	<p>International Day Celebration 2019</p> <ul style="list-style-type: none"> Discussed plans to acknowledge International Day of Persons with a Disability with an art based program in partnership with local services. The Committee supported this. 	Continue planning activity and seek further input from Committee at next meeting.	Coordinator Community Access
6.	<p>All-Abilities Playground Consultation</p> <ul style="list-style-type: none"> Discussed the consultation approach for the All-Abilities Playground and Committee members invited to participate in the survey when available and in other consultation activities. 	Send survey to Committee members when finalised	Coordinator Community Access
7.	<p>Feedback on Disability eNews</p> <ul style="list-style-type: none"> Feedback was sought on Council's disability eNews as part of a larger review of the newsletter including frequency and relevance of information. 	Report back to Committee following completion of review	Coordinator Community Access
8.	<p>Aged Care Royal Commission</p> <ul style="list-style-type: none"> The Aged Care Royal Commission into Aged Care was discussed and Committee members provided input into issues. 	Committee members to provide input into Royal Commission as relevant	DAC members
9.	<p>Other Business</p> <ul style="list-style-type: none"> The committee was advised that all Council Advisory Committees will now take a similar approach in their minute taking to ensure more consistency across all advisory committees. 	For noting	
10.	Meeting closed at 5.30pm		

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

2.4.2 Minutes of Disability Advisory Committee Meeting - 18 February 2019 and 20 May 2019 (Cont.)

OTHER

MINUTES OF DISABILITY ADVISORY COMMITTEE MEETING

ATTACHMENT 2

**DISABILITY ADVISORY COMMITTEE
MEETING
HELD ON 20 MAY 2019**

PAGES 5 (including cover)

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

2.4.2 Minutes of Disability Advisory Committee Meeting - 18 February 2019 and 20 May 2019 (Cont.)

Advisory Committee or Reference Group Name: Disability Advisory Committee Meeting

Date of Meeting: Monday 20 May 2019

Time of Meeting: 4 – 5.30pm

Meeting Location: Room 2NE/NW
 City of Greater Dandenong Civic Centre
 225 Lonsdale Street, Dandenong

Attendees:

Cr Angela Long, Cr Maria Sampey (Part), Estell (Stella) Carew, Lionel Gee, Sharon Harris (Part), Pradeep Hewavitharana, Phillip Toovey, Mandy Gatliff, Jayne Kierce, Dianne Hebard (minute taker)

Apologies:

Marg Harvey, Chris Stewart, Cr Roz Blades, Julie Clarke, Leigh Ducane

Guests:

Emma Michie (City of Greater Dandenong – Community and Social Infrastructure Strategic Planner)
 Warren Woods (City of Greater Dandenong – Team Leader Strategic Planning)

Minutes:

Item No.	Item	Action	Action By
1.	Welcome and Introductions Welcome from the Chair and guest speakers were introduced		
2.	Previous Minutes & Business Arising <ul style="list-style-type: none"> • Apologies noted • Sports and Active Recreation Strategy consultation – has now closed 		
3.	Aquatic Strategy Consultation Council's Community and Social Infrastructure Strategic Planner presented Council's draft Aquatic Strategy, covering Oasis and the Noble Park Aquatic Centre. Following an initial consultation in 2017, the draft strategy is now being released for further community consultation. Council is seeking Disability Advisory Committee (DAC)'s input about the future direction of the strategy. Discussion was held regarding: <ul style="list-style-type: none"> - open and enclosed pools - proposed range of temperatures of the pool - a committee member stated Port Phillip have a cool water pool. Council officers have noted that feedback and will make enquiries - ramps into pools - Council officers confirmed that all pools will have a ramp. Discussed ramps for a spa, noting that it is not yet at design stage, however a ramp is part of the universal design. 	Provide input to the draft Aquatic Strategy	DAC members

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

ORDINARY COUNCIL MEETING - AGENDA

2.4.2 Minutes of Disability Advisory Committee Meeting - 18 February 2019 and 20 May 2019 (Cont.)

6.	<p>NDIS Update</p> <p>Council's NDIS Transition Officer advised the latest figures on transition of Council clients to NDIS: as at 30 April 2019 - 108 have commenced their NDIS plans. Previously there were 300 clients, hence approximately one third have transitioned to NDIS. Council's NDIS Transition Officer has provided good support to clients transitioning.</p> <p>There was then general discussion held regarding the NDIS, including:</p> <ul style="list-style-type: none"> • Talk back radio has covered a range of issues with NDIS • A Committee member advised 85% of their clients had transitioned and most people are in a better situation than before • A Committee member raised concerns of people not getting the quality of services from new service providers. Discussed unregistered providers, quality frameworks and workforce training. • The new Quality and Safeguards Committee commences in Victoria on 1 July 2019. Noted that there is a code of conduct that even unregistered providers need to follow. • A recent price review has seen a price increase for carer support. There are indications that there will be a further pricing structure review (including CPI), for example, for travel and transport support. • ILC Round 2 has not yet been announced • There is some advocacy about the workforce, but the peak industry body is thought not to be advocating as much as they could • Discussed that there are good and bad stories of NDIS and issues from the inexperience of planners 	<p>For noting</p> <p>For noting</p>	
7.	<p>Public Consultations</p> <ul style="list-style-type: none"> - Aged Care Royal Commission – <ul style="list-style-type: none"> o the Committee is urged to read one of our former resident's submission to the Royal Commission on her experience of moving into residential care. It was in this week's local paper. o Local Government's focus is more on information and access o Home Care Package (HCP) waiting lists is an issue - National Disability Strategy – <ul style="list-style-type: none"> o Discussed the need to be actively having input into this. Information from a recent local consultation was distributed to the Committee 	<p>For noting</p> <p>For committee member's consideration</p>	<p>DAC members</p>

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

ORDINARY COUNCIL MEETING - AGENDA

2.4.2 Minutes of Disability Advisory Committee Meeting - 18 February 2019 and 20 May 2019 (Cont.)

	<ul style="list-style-type: none"> - Royal Commission into Violence, Abuse, Neglect and Exploitation of people with a disability has been announced - Royal Commission into Mental Health has been announced. 	For noting	
8.	<p>Other Business</p> <ul style="list-style-type: none"> • Discussed plans for a sports day for people with a disability, including badminton. It is hoped to obtain ILC funding to resource events like that. • Discussed accessibility issues at polling booths • A Committee member raised a problem of the car parking at a gym on Scott Street, Dandenong, where cars are parked too far in over the footpath causing access problems. Bollards or similar were suggested. Council officers will investigate. • A Committee member queried whether there are any plans to expand parking at Dandenong Station carpark, such as high rise. Noted this is Railway property, not Council property. 	Investigate issue of carparking at location to keep pathway accessible	Council officers
9.	Meeting Closed at 5.05pm		
10.	<p>Next meetings for 2019:</p> <ul style="list-style-type: none"> • Monday 19 August 2019 (4-5.30pm) - Cr Long will be an apology • Monday 18 November (4-5.30pm) 		

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

2.4.3 Minutes of Positive Ageing Advisory Committee Meeting - 10 April 2019 and 9 May 2019

File Id:

Responsible Officer:

Director Community Services

Attachments:

Minutes of Positive Ageing Advisory Committee Meeting on 10 April 2019
Minutes of Positive Ageing Advisory Committee Meeting on 9 May 2019

Report Summary

At the Council meeting held 23 April 2018, Council resolved in part to *invite Advisory Committees and Reference Groups to submit meeting minutes for Council endorsement*. This resolution was in relation to allowing interested Councillors (and those that attend these Committees and Reference Groups) to speak to the meeting about items discussed at these meetings.

Recommendation Summary

This report recommends that the Minutes of the Positive Ageing Advisory Committee meeting provided in Attachments to this report be noted and endorsed by Council.

2.4.3 Minutes of Positive Ageing Advisory Committee Meeting - 10 April 2019 and 9 May 2019 (Cont.)

Background

Greater Dandenong Council is represented on a wide range of Committees, Reference Groups and Advisory Groups which frequently reflect the interests of individual Councillors in serving the broader community in their role. A full listing of these appointments is confirmed each November at Council's Statutory Meeting and is available via Council's website.

The resolution of Council made on 23 April 2018 provides for Minutes of meetings held by Advisory Committees and Reference Groups to be submitted to Council for noting and endorsing.

As such, the Minutes are provided as attachments to this report.

Proposal

Community Plan 'Imagine 2030' and Council Plan 2017-2021 – Strategic Objectives, Strategies and Plans

After consultation with the Greater Dandenong community on what kind of future they wanted to see for themselves and the City in 2030, the result was the Greater Dandenong Community Plan 'Imagine 2030'. This report is consistent with the following community visions:

Community Plan 'Imagine 2030'

People

- *Pride* – Best place best people
- *Cultural Diversity* – Model multicultural community
- *Lifecycle and Social Support* – The generations supported

Opportunity

- *Education, Learning and Information* – Knowledge
- *Leadership by the Council* – The leading Council

Council Plan 2017-2021

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 goals:

People

- A creative city that respects and embraces diversity

Opportunity

- An open and effective Council

2.4.3 Minutes of Positive Ageing Advisory Committee Meeting - 10 April 2019 and 9 May 2019 (Cont.)

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

There are no financial implications associated with this report.

Consultation

Advisory Committees and Reference Groups have been advised of the need to submit minutes of meetings to Council for noting and endorsement.

Recommendation

That Council notes and endorses the Minutes of meetings for the Positive Ageing Advisory Committee as provided in Attachment No. 1 and Attachment No. 2 to this report.

2.4.3 Minutes of Positive Ageing Advisory Committee Meeting - 10 April 2019 and 9 May 2019 (Cont.)

OTHER

**MINUTES OF POSITIVE AGEING ADVISORY COMMITTEE
MEETING**

ATTACHMENT 1

**POSITIVE AGEING ADVISORY
COMMITTEE MEETING
HELD ON 10 APRIL 2019**

PAGES 5 (including cover)

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

ORDINARY COUNCIL MEETING - AGENDA

2.4.3 Minutes of Positive Ageing Advisory Committee Meeting - 10 April 2019 and 9 May 2019 (Cont.)

Advisory Committee or Reference Group Name:	Positive Ageing Advisory Committee
Date of Meeting:	10 April 2019
Time of Meeting:	1.30 – 3pm
Meeting Location:	Community Care Office, 383-385 Springvale Road, Springvale

Attendees:

Committee: Julie Klok (Chair), Shirley Constantine, Maria Erdeg, Christine Green, Antoine (Claude) Joseph, Merle Mitchell, Erica Moulang

Councillors: Roz Blades

Council Officers: Mandy Gatliff, Vickie Lawless, Tracey Macleod, Dianne Hebard (minute taker)

Apologies:

Carol Drummond, Milena France, Morrie Hartman, Angela Kyriakopoulos, Jayne Kierce

Minutes:

Item No.	Item	Action	Action By
1.	Welcome and Introductions <ul style="list-style-type: none"> Welcome from the Chair Apologies noted 		
2.	Previous Minutes & Business Arising <ul style="list-style-type: none"> Draft March minutes were accepted by Shirley Constantine and seconded by Maria Erdeg Positive Ageing Strategy – deferred to May meeting 		
3.	Seniors Clubs and Groups visits by Positive Ageing Team Leader <ul style="list-style-type: none"> Introductory letter has been sent to all the seniors groups Council has on record, along with an invitation for a representative on the Seniors Festival Planning Committee Positive Ageing Team Leader has met with 11 groups so far, gathering information such as succession planning, website and email details Positive Ageing Team Leader also attended a Seniors Clubs Leadership Group meeting, noting they are planning a forum in September 2019 A list of Seniors clubs and groups will be sent to PAAC members who are asked to advise details of any groups missing from the list Committee member suggested local papers may be a source of information 	Send list of Seniors Groups for addition of any missing	Community Care staff / PAAC

ORDINARY COUNCIL MEETING - AGENDA

2.4.3 Minutes of Positive Ageing Advisory Committee Meeting - 10 April 2019 and 9 May 2019 (Cont.)

	<p>about seniors groups. Council has also been in contact with neighbourhood houses for details of groups</p> <ul style="list-style-type: none"> Discussed communications received by a Committee member, believed to be about a day being arranged in May by a service provider for people to put together submissions to the Royal Commission into Aged Care. Interpreters will be there to assist. Information will be sought and forwarded to the Committee. 	Obtain information on event for submissions and forward to Committee	Positive Ageing Team Leader
4.	<p>2019 Seniors Festival</p> <ul style="list-style-type: none"> Theme for this year's Victorian Seniors Festival is "Get Into It" Positive Ageing Team Leader is talking with seniors groups seeking representation on the Seniors Festival Planning Committee. Feedback is sought from the PAAC Committee from last year's festival and comments for this year's. Discussed feedback on last year's Seniors Festival Booklet and ideas for this year's festival. PAAC members asked to go back to groups they are part of for ideas, including events that could also promote for new members. Noted that Council will hold a Seniors Festival, not just a Seniors Week Feedback from last year's Seniors Multicultural Dance and Afternoon Dance was sought, as well as ideas for the future. Discussed ideas for assisting bringing groups of men together and having a speaker or other draw card, such as a military band, or Dandenong Band PAAC member was asked to be a representative on the Seniors Festival Planning Committee. Suitable dates for meetings will be confirmed. Progress will be reported back to each PAAC meeting 	<p>Provide Council officers with feedback and comments on Seniors Festival</p> <p>Seek ideas for events and advise Council officers</p> <p>Provide feedback from last year's dances</p> <p>Confirm Seniors Festival Planning Committee meeting dates</p> <p>Provide progress report back to PAAC meeting</p>	<p>PAAC members</p> <p>PAAC members</p> <p>PAAC members</p> <p>Positive Ageing Team Leader</p> <p>Coordinator Community Access</p>
5.	<p>Aged Care Navigator Project Update</p> <ul style="list-style-type: none"> First meeting of the Project Reference Group was held last week Coordinator has been appointed, who will work three days a week (including using funds from the Andrews Foundation). She commences next week and will link in with various volunteer coordinators in the municipality. Discussed the project, which is an Information Hub. It is believed the Commonwealth Government will provide software to COTA for record keeping. 		

ORDINARY COUNCIL MEETING - AGENDA

2.4.3 Minutes of Positive Ageing Advisory Committee Meeting - 10 April 2019 and 9 May 2019 (Cont.)

	<ul style="list-style-type: none"> Regular updates will be provided to PAAC The outcome of the project will help inform further advocacy from Council as well as the future of such projects. 	Provide regular updates to PAAC	Manager Community Care
6.	<p>Community Transport Update</p> <ul style="list-style-type: none"> Discussed results of last year's Transport Survey. Generally, the community felt that medical transport had the greatest unmet need. However it is not the responsibility of Council alone- other levels of government and the local community need to work together to find a solution. Discussed the different models of medical transport – “not for profit” and “for profit” services, and how we can better coordinate them Also discussed changes in the Taxi Directorate and issues of public transport for people with disabilities Discussed issues around Council's Community Transport service and seniors clubs Discussed other trends from last year's transport survey Discussed information program regarding public transport run by RACV. Council officers will review this for inclusion in the Seniors Festival. 	Review information program for Seniors Festival	Manager Community Care
7.	<p>Other Business</p> <ul style="list-style-type: none"> Regional Assessment Service (RAS) – Municipal Association of Victoria (MAV) has advised that the RAS contract will be rolled over to June 2020. There may also be a merger of RAS and Aged Care Assessment Service (ACAS), resulting in single point for all assessments Commonwealth Home Support Programme (CHSP) – our contract for in home support will be extended to June 2022, giving three years of certainty training for the new Standards will be undertaken by Council's Community Care staff Community Care realignment – the final phase of staff recruitment is being completed, with the appointment of the Positive Ageing Support Officer Recruitment for PAAC – the process is about to start Home Care Packages delays – discussed, including outcome from Federal Budget. Discussed possible changes to Level 1 and in home support Committee member stated to be happy with the response received from Council's Parks department regarding a query on trees Housing and older person's 		

ORDINARY COUNCIL MEETING - AGENDA

2.4.3 Minutes of Positive Ageing Advisory Committee Meeting - 10 April 2019 and 9 May 2019 (Cont.)

	<p>homelessness –</p> <ul style="list-style-type: none"> ○ The Mayor discussed this issue and advised there will be a Mayoral forum around housing and homelessness. ○ A representative of Council's Planning Department will be invited to a PAAC meeting to discuss implications from a planning perspective. 	<p>Invite representative from Council's Planning department to a PAAC meeting</p>	<p>Coordinator Community Access</p>
8.	Meeting closed 3pm		

2.4.3 Minutes of Positive Ageing Advisory Committee Meeting - 10 April 2019 and 9 May 2019 (Cont.)

OTHER

**MINUTES OF POSITIVE AGEING ADVISORY COMMITTEE
MEETING**

ATTACHMENT 2

**POSITIVE AGEING ADVISORY
COMMITTEE MEETING ON
9 MAY 2019**

PAGES 4 (including cover)

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

2.4.3 Minutes of Positive Ageing Advisory Committee Meeting - 10 April 2019 and 9 May 2019 (Cont.)

Advisory Committee or Reference Group Name: Positive Ageing Advisory Committee

Date of Meeting: 9 May 2019

Time of Meeting: 1.30 – 3pm

Meeting Location: Community Care Office, 383-385 Springvale Road, Springvale

Attendees:

Committee: Julie Klok (Chair), Shirley Constantine, Carol Drummond, Christine Green, Milena France, Morrie Hartman, Antoine (Claude) Joseph, Merle Mitchell

Councillors: Roz Blades

Council Officers: Mandy Gatliff, Jayne Kierce, Tracey Macleod, James Ayling, Dianne Hebard (minute taker)

Apologies:

Erica Moulang, Angela Kyriakopoulos, Cr Roz Blades, Cr Maria Sampey

Minutes:

Item No.	Item	Action	Action By
1.	Welcome and Introductions <ul style="list-style-type: none">Welcome from the ChairApologies notedWelcome to James Ayling, Council's new Positive Ageing Support OfficerAngela Kyriakopoulos has tendered her resignation from the committee due to work commitments. Letter of acceptance and thanks will be sent.	Send letter	Manager Community Care
2.	Previous Minutes & Business Arising <ul style="list-style-type: none">Draft April minutes were accepted - moved Milena France and seconded Shirley ConstantineSeniors Groups – List of groups are yet to be sent out for Committee to review for any other groups to be added.	Send list of Seniors Groups for addition of any missing	Community Care staff/PAAC
3.	Aquatic Strategy Consultation Deferred to next month pending finalisation of report	Add to agenda for May	Positive Ageing TL

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

ORDINARY COUNCIL MEETING - AGENDA

2.4.3 Minutes of Positive Ageing Advisory Committee Meeting - 10 April 2019 and 9 May 2019 (Cont.)

4.	<p>Positive Ageing Strategy 2017-25 2018 Update</p> <p>Coordinator Community Access presented on the Positive Ageing Strategy Actions, seeking input from the Committee.</p> <ul style="list-style-type: none"> Several of the objectives of the Positive Ageing Strategy were discussed, with committee members providing feedback into actions to date. It was agreed that the remaining objectives would be discussed at the next meeting. 	Continued discussion at June meeting	Coordinator Community Access
5.	<p>Aged Care Royal Commission</p> <ul style="list-style-type: none"> Positive Ageing Team Leader attended information session held by Southern Migrant Resource Centre (SMRC) which was well attended, by many parts of the community, and informative. Forms were provided to show how to submit a story/submission to the Commission. A copy was handed out at this meeting. Fiona at SMRC is available to take down a story if someone needs help. Council of the Ageing (COTA) and SMRC staff recorded and collated information that was raised at the information session. Stories can go back five years and are to be submitted to the Commission by 1 September 2019. A range of people, as well as service providers, can lodge a story about anything. Manager Community Care has been meeting regularly with Municipal Association Victoria (MAV) to receive updates and provide feedback about the Royal Commission PAAC member who put in a submission, and was interviewed by the Commissioners, gave some background on the process and the Committee viewed an extract of the interview video on the Commission's website General discussion was held regarding the Royal Commission. PAAC members are encouraged to put in submissions. 	<p>For committee members consideration</p> <p>For noting</p> <p>For noting</p> <p>Send submissions to the Royal Commission</p>	<p>PAAC members</p>

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

ORDINARY COUNCIL MEETING - AGENDA

2.4.3 Minutes of Positive Ageing Advisory Committee Meeting - 10 April 2019 and 9 May 2019 (Cont.)

7.	<p>Other Business</p> <ul style="list-style-type: none"> • Changes to the Aged Care Quality Standards commence 1 July 2019. The new Charter of Aged Care Rights will be discussed at the next meeting • Seniors Festival – first planning meeting has been held. Last year's festival was reviewed and it was decided to break into two planning meetings – The dances and the Festival. Also need representatives from PAAC. The next meeting is 21 May, then four weekly thereafter. If unable to attend, PAAC members requested to send any thoughts through. • Aged Care Navigator Program – Committee member nominated as a second representative. Draft brochure will be scanned and sent with the minutes • Committee to decide whether to increase meeting to 2 hours duration • Committee member raised awareness of MyGov online scams. Discussed and noted Scamwatch, which is a website where you can register to receive notifications of scams. 	<p>Add Charter to June agenda</p> <p>Invitation to attend planning meetings and/or send ideas to Council</p> <p>Send draft brochure to Committee Decide if meeting duration should change at next meeting</p>	<p>Positive Ageing Team Leader</p> <p>PAAC members</p> <p>Positive Ageing Team Leader PAAC members</p>
8.	Meeting closed 3.12pm		

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

2.4.4 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 11 & 13 June 2019

File Id: fA25545
Responsible Officer: Director Corporate Services

Report Summary

As part of Council's ongoing efforts to improve transparency in Council processes, matters discussed at Councillor Briefing Sessions & Pre-Council Meetings (other than those matters designated to be of a confidential nature) are reported on at ordinary Council meetings.

The matters listed in this report were presented to Councillor Briefing Sessions & Pre-Council Meetings in June 2019.

Recommendation Summary

This report recommends that the information contained within it be received and noted.

2.4.4 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 11 & 13 June 2019 (Cont.)

Matters Presented for Discussion

Item		Councillor Briefing Session/Pre-Council Meeting
1	General Discussion Councillors and Council officers briefly discussed the following topics: a) Proposed short and long term improvements to the Walker Street multi-deck carpark. b) Changes in operation at the Market Street Occasional Care Centre. c) Open space acquisitions update (CONFIDENTIAL) - Cr Dark disclosed a Conflict of Interest in this item and left the room during discussion. e) Agenda items for Council Meeting of 11 June 2019.	11 June 2019
2	Advanced Waste Processing – Confidential	13 June 2019
3	General Discussion Councillors and Council officers briefly discussed the following topics: a) Council's current and future membership of the South East Councils' Climate Change Alliance (SECCCA). b) Agenda items for Council Meeting of 24 June 2019.	13 June 2019

Apologies

- Councillor Zaynoun Melhem, Councillor Jim Memeti and Councillor Loi Troung submitted apologies for the Councillor Briefing Session on 11 June 2019.
- Councillor Jim Memeti submitted an apology for the Councillor Briefing Session on 13 June 2019.

2.4.4 Report on Matters Discussed at Councillor Briefing Sessions & Pre-Council Meetings - 11 & 13 June 2019 (Cont.)

Recommendation

That:

- 1. the information contained in this report be received and noted; and**
- 2. the information discussed at the above listed Councillor Briefing Sessions that was declared confidential in Items 1(c) & 2 by the Chief Executive Officer under Sections 77 and 89 of the *Local Government Act 1989* remains confidential until further advisement unless that information was the subject of a subsequent Council report.**

3 NOTICES OF MOTION

A notice of motion is a notice setting out the text of a motion proposed to be moved at the next relevant meeting. It must be in writing, signed by a Councillor, and be lodged with the Chief Executive Officer in sufficient time for him or her to give each Councillor at least 72 hours notice of such notice.

The guidelines for submitting a notice of motion to a Council meeting are included in the current Meeting Procedure Local Law.

3.1 Notice of Motion No.71 - Springvale North-East Quadrant

File Id:

Responsible Officer:

Director Engineering Services

Author:

Cr Sean O'Reilly

Preamble

Since the upgrade of Springvale Railway station, growing numbers of residents have found it highly difficult to exit the quadrant north-east of Springvale Railway Station. This is due to the lack of signalisation. Residents can **only** choose to exit this residential area via:

- right turn into the busy Lightwood Road (with no signalisation)
- right turn into the busy Springvale Road (with no signalisation)

This presents serious safety risks, particularly during peak times. A recent fatality at the intersection of Rosalie St and Springvale Road has highlighted the importance of gaining a better understanding of road safety and traffic issues in this precinct.

Motion

That:

1. **Council commences advocacy to State and Federal Governments seeking funding to address the current and expected future traffic issues in the Springvale north-east quadrant;**
 2. **the Mayor writes to local Members of Parliament and the State Minister for Roads seeking funding support; and**
-

3.1 Notice of Motion No.71 - Springvale North-East Quadrant (Cont.)

- 3. a report be presented to Council no later than 30 September 2019 that outlines an evidence base for advocacy of this issue to VicRoads and Victorian MPs, including;**

a population growth forecast;

traffic analyses;

traffic growth forecasts;

surveys of local residents about their experiences; and

recommended options and estimated costs to remediate issues.

4 REPORTS FROM COUNCILLORS/DELEGATES AND COUNCILLORS' QUESTIONS

At each Ordinary Meeting of Council all Councillors will have the opportunity to speak for exactly four (4) minutes on any meetings, conferences or events they have recently attended.

If a Councillor chooses to speak, the name of the conference/event and the Councillor will be noted in the Minutes for that meeting. If a Councillor requires additional information on the conference/event to be listed in the Minutes, they must submit it in writing to a Member of Governance by 9am the day following the meeting.

Question time is provided to enable Councillors to address questions to the Administration. The guidelines for asking questions at a Council meeting are included in the current Meeting Procedure Local Law.

5 QUESTION TIME - PUBLIC

Question Time at Council meetings provides an opportunity for members of the public in the gallery to address questions to the councillors and/or officers of the City of Greater Dandenong.

Questions from the Gallery

1. Members of the public may submit questions from the gallery by completing a '*Ask a Question at a Council meeting*' form available at Council meetings and at www.greaterdandenong.com under Council - Council Meetings. Questions are limited to a maximum of three (3) questions per individual and a maximum of 300 words per question including the preamble.

2. Questions will be read aloud and in most cases an answer will be given on the spot. However, sometimes a councillor/officer may indicate that they require further time to research an answer. In this case the answer will be made in writing to the person who asked the question and may also appear in the Question Time Responses section at www.greaterdandenong.com under Council - Council Meetings.

3. Questions will be answered unless the Chairperson and/or Chief Executive Officer has determined that the relevant question relates to:

- personnel matters,
- the personal hardship of any resident or ratepayers,
- industrial matters,
- contractual matters,
- proposed developments,
- legal advice,
- matters affecting the security of Council property,
- any other matter which Council considers would prejudice the Council or any person,
- a matter which may disadvantage Council or any person,
- a matter in respect of which Council has no power to act,
- a question that is defamatory, indecent, abusive or objectionable in language or substance and is asked to embarrass a Councillor or Council officer,
- a question that is repetitive of a question already answered (whether at the same or an earlier meeting).

No debate or discussion of a question or an answer shall be permitted other than for the purposes of clarification.

Every question will receive a written reply, even if it is answered at the meeting.

6 URGENT BUSINESS

No business may be admitted as urgent business unless it:

- a. Relates to or arises out of a matter which has arisen since distribution of the Agenda.
- b. Cannot safely or conveniently be deferred until the next ordinary meeting and unless agreed to by a majority of those Councillors present at the meeting.