

AGENDA

Mid Month Meeting of Council

To be held at the

Civic Centre

511 Burwood Highway

Wantirna South

On

Monday 12 August 2024 at 7:00 PM

This meeting will be conducted as a hybrid meeting

knox
your city



Order of Business

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Bruce Dobson
Chief Executive Officer

1 Apologies and Requests for Leaves of Absence

2 Declarations of Conflict of Interest

3 Confirmation of Minutes

Confirmation of Minutes of Mid Month Meeting of Council on Monday 8 July 2024

4 Officer Reports

4.1 New Child Safety and Wellbeing Policy

Final Report Destination:	Council
Paper Type:	For Decision
Author	Child Safe Advisor, Becky van Dam
Manager:	Manager Family and Children's Services, Sarah Kleine
Executive:	Director Customer and Performance, Greg Curcio

SUMMARY

This report outlines significant changes made to Knox's Child Safe Policy and Child Safe Code of Conduct to align with amendments to Victoria's child safe legislation. The Child Safe Policy is a fundamental component of Knox's child safe governance and organisational approach to child safeguarding principles.

The changes have been made in response to amendments to Child Safety and Wellbeing legislation and recommendations from the audit conducted by Crowe Audit and Assurance in October 2022.

This is a public-facing organisational policy, previously endorsed by the Executive Leadership Team (ELT). It is the intent to now seek Council support of the Chief Executive Officer's approval of the Policy and Code of Conduct and endorsement of the organisation's position and stance on child safety, to meet the Commission for Children and Young People's minimum requirements to ensure "governance arrangements facilitate implementation of the Child Safety and Wellbeing Policy at all levels" (Standard 2.2). It is important to note this Policy and Code of Conduct relate to Knox City Council staff and there are no changes to the Councillors' Code of Conduct.

RECOMMENDATION

That Council resolve to:

1. Support the approval of the revised Child Safety and Wellbeing Policy and Staff Code of Conduct by the Chief Executive Officer
2. Endorse the position and stance the organisation takes in relation to child safety and wellbeing.
3. Note that officers will report high level metrics and data regarding the Policy via the Audit & Risk Committee.

1. DISCUSSION

Background

Following the amendments to the Child Safety and Wellbeing Act 2005, all Victorian organisations working with children and young people are required to hold a current Child Safe Policy (Attachment 1) and Child Safe Code of Conduct (Attachment 2) to outline their guiding principles to keep children safe and expectations of staff, volunteers and contractors when working with children. The current Child Safe Policy was originally developed in 2018 to align with the Victorian Child Safe Standards and is due to expire in June 2025.

In July 2022, the Victorian Child Safe Standards were legislated to align with the National Child Safe Principals, with an additional Standard focusing on the protection of Aboriginal children and young people being added and the expansion of the previous seven Standards.

A desktop review conducted by lawyers from Moores in July 2022 and the Child Safe internal audit by Crowe (Council's auditor), released in March 2023, identified several recommendations to ensure the Policy fully outlines Knox's approach to meeting the Child Safe Standards. The revised Policy (Attachment 3) and Child Safe Code of Conduct (Attachment 4) have been included in this report for review.

Significant Amendments

The proposed amendments to the current Child Safe Policy aim to increase staff, volunteers, and contractors' awareness of Council's organisation-wide approach to keep children safe and to bring the Policy and Code of Conduct in line with the legislative requirements.

The changes include a title change to the Policy to align with the relevant Victorian legislation, additional context to support application of the Policy and linkage to the revised Child Safe Code of Conduct, which should be read in conjunction with the Policy, outlining expected behaviours of staff, volunteers and contractors.

Additional definition has been provided within the Child Safe Code of Conduct, to ensure Council have practical guidelines for responding to child safe incidents within the organisation.

Effort has also been made to ensure the Policy clearly communicates Council's expectations in relation to Child Safe matters in a clear and concise way.

A notable change to the Policy is the inclusion of the Victorian 11 Child Safe Standards, which came into effect in July 2022. Key changes in the Standards include additional guidelines for working with families and communities, a greater focus on the safety of Aboriginal children and young people and considerations for safeguarding children in online environments.

The revision of the Policy and Code of Conduct has considered and addressed the findings and opportunities provided by Moores during the desktop review in July 2022.

Whilst the previous version of this Policy was endorsed by ELT, it is proposed to seek Council support of the Chief Executive Officers approval of the policy and endorsement of the organisation's position and stance on child safety.

This is to align with the Commission for Children and Young People's framework for adopting a whole of organisation approach to Child Safety as referenced in Standard 2 which stipulates "a child safe culture is championed and modelled at all levels of the organisation from the top down and bottom up".

Multiple Council policies and procedures have been reviewed and updated to align with the 11 Standards over the past year and this revision of the current Child Safe Policy consolidates best practice and creates constructive interaction across other Council documents.

Table of Amendments

#	Current	Revised	Revision and reason for change	Page No.
	Child Safe Policy	Child Wellbeing & Safety Policy	Title: Alignment with legislation (<i>Child Wellbeing & Safety Act 2005</i>)	1
1	Purpose	Our Commitment to child safety	The KCC Commitment Statement to child safety outlines our organisational position and child safe responsibilities.	1
2	Application of policy	Scope	Scope defines more broadly how the Policy should be applied and to whom. This also addresses spectrum of Council members and their required application of the Policy and where this work may be cross-referenced. Scope also includes definition of child.	1
3	Definitions	Purpose	Linkage to <i>UN Convention on the Rights of the Child</i> and <i>Royal Commission into Institutional Responses to Child Sexual Abuse</i> . Guiding values have also been included here- which further outline the purpose of our child safe organisational responsibilities. Definitions have been moved to the end of the Policy (section 11). Definitions have been elaborated to assist the policy reader and provide further information on child abuse definitions, reporting and vulnerable groups.	2
4	Our commitment	Policy context	'Our Commitment' is now outlined in our organisational Child Safe Commitment Statement and has been moved to the top of the document. Policy context provides the legislative context on the standards in relation to the Royal Commission into Institutional Responses to Child Sexual Abuse. The eleven Victorian Child Safe Standards which came into force in July 2022 are also listed in this section.	2
5	KCC's approach to child safety	Child safe code of conduct	KCC's approach to child safety has been included in Purpose. The Child Safe Code of Conduct references the expectations of Council people in accordance with the Child Safe Policy and the law.	3
6	Child Safe Code of Conduct	Supporting equity and diversity	Section moved and additional context provided to Standard 5 requirements.	4
7	Recruitment and training	Reporting child safety concerns	The child safe reporting and incident management procedure (2023) has been referenced. Updated information has been provided in relation to reporting at KCC. The Reportable Conduct Scheme and KCC's mandatory reporting requirements have been detailed in this section.	4
8	Reporting child safety concerns or	Safer recruitment	Information has been provided about child safe recruitment and updates to the Working with Children Check (WWCC) processes at Knox and	5

#	Current	Revised	Revision and reason for change	Page No.
	incidents		linkage has been provided to the KCC Recruiting and Selecting for Excellence Policy.	
9	New section added	Risk Identification, Assessment and Management	This section has been added in response to feedback from Moores and covers several mechanisms that have been added to Knox's child safety approach such as a detailed governance framework and an organisational child safe risk register to provide further information on roles and responsibilities at Council pertaining to child safeguarding and reporting.	6

Knox Child Safe Achievements

Over the past 18 months, Council has made excellent headway to meet the recommendations of the internal audit including:

- Embedding a new child safe reporting platform and developing an organisational reporting procedure.
- Significant updates to align recruitment and screening processes, update position descriptions and assess where Working with Children Checks are required.
- Extensive staff training to over 350 Knox employees and community training to community organisations, sports clubs, and other community service providers.
- Cultural safety of children addressed in Knox's Reconciliation Action Plan.
- Clarification around child safe processes in procurement, tendering grants and working with suppliers.

Organisational efforts over the past 18 months will be further embedded through the Policy's endorsement.

Council Endorsement Approach

Whilst this is an organisational policy to be approved by the Chief Executive Officer, to meet the Commission for Children and Young People's minimum requirements to ensure "governance arrangements facilitate implementation of the Child Safety and Wellbeing Policy at all levels", we are seeking Council support of the Chief Executive Officer's approval of the Policy and Code of Conduct and endorsement of the organisation's position and stance on child safety.

2. ENGAGEMENT

Once adopted by Council, the Policy will be a public-facing document and will be published on our website; however, its purpose is to provide a guiding framework for conducting child safe matters within the business.

Consultation has been sought both operationally and strategically through our Child Safe Contact Officers and Child Safe Strategic Committee and other internal stakeholders.

Feedback and collaboration will be conducted across a spectrum of child safe actions including the development of a child-friendly child safe policy, of which children and young people's input will be sought.

3. SOCIAL IMPLICATIONS

Council is a prescribed organisation, required to embed the Child Safe Standards. By embedding a child safe culture within the workplace and advocating for children's safety in Knox more broadly, we champion and raise awareness of child safe practice to those working in partnership with us and the broader community. Ensuring child voice is considered when we plan services that impact children and young people is an opportunity to develop and provide robust, fit-for-purpose services to children, young people, and families.

4. CLIMATE CHANGE CONSIDERATIONS

Implementation of the recommendation is considered to have no direct implications or has no direct impacts upon Council's Net Zero 2030 target, the Community Net Zero 2040, exposure to climate risks or climate change adaptation.

5. ENVIRONMENTAL IMPLICATIONS

There are no anticipated environmental or amenity considerations or implications arising from this report.

6. FINANCIAL AND RESOURCE IMPLICATIONS

Whilst the Policy's adoption does not have any direct financial or resource implications, failure to have a policy in place creates financial risk as outlined below.

Council has a legal responsibility to comply with the Child Safe Standards. Failure to comply with the Child Safe Standards may result in financial sanctions, including facing fines of up to \$23,000. The Child Wellbeing and Safety (*Child Safe Compliance and Enforcement*) Amendment Act 2021 outlines the regulatory approach and new powers available to the Commission for Children and Young People to ensure organisations meet requirements. Certain services offered by Council are regulated by co-regulators including the Department of Education (Quality Assessment and Regulation Division), overseeing early childhood services and the Department of Health, which regulates maternal and child health services.

Child Safe Standard 2 stipulates "Child safety and wellbeing is embedded in organisational leadership, governance, and culture." Minimum requirements to comply with this standard include:

- The Child Safety and Wellbeing Policy sets out the organisation's expectations and practices in relation to each of the Standards (2.3).
- A Code of Conduct sets out expectations regarding behaviour of staff and volunteers with children and in promoting and maintaining child safety and wellbeing (2.4).

Furthermore, failure to embed child safe practices in organisations that work with children and young people increases the risk of harm to children and other child safe incidents, which may result in financial costs to the organisation in litigation and damages.

7. RISKS

As highlighted above, failure to have systematic procedures and clear governance frameworks in place to meet the Standards increases the risk of harm or abuse to children and young people. Outcomes include failures to respond to allegations of harm effectively, a failure to report abuse, unclear decision-making power and accountabilities, poor record keeping and information management and lack of awareness of key principles to keep children safe.

A suite of child safe policies and procedures embedded and socialised within an organisation, alongside a clear Governance Reporting Framework, mitigate these risks and promote a zero-tolerance for abuse culture. The Child Safety and Wellbeing Policy and Code of Conduct set out Councils' commitment to child safety and expectations of staff, volunteers, and contractors.

8. KNOX COMMUNITY AND COUNCIL PLAN 2021-2025

Connection, Resilience & Wellbeing

Strategy 4.2 - Foster inclusivity, equality, belonging and safety within the community.

9. CONFLICT OF INTEREST

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

10. STATEMENT OF COMPATIBILITY

Relevant child safe considerations have been addressed as child safeguarding is the subject of this report.

11. CONFIDENTIALITY

There is no content in this report that meets the definition of confidential information in the Local Government Act 2020.

ATTACHMENTS

1. Attachment 1 - Child Safe Policy 2022 Final - 2022-07-14 [4.1.1 - 6 pages]
2. Attachment 2 - Child Safe Code of Conduct 2022 Final - 2022-07-14 [4.1.2 - 2 pages]
3. Attachment 3 - Policy - Child Safety and Wellbeing 2024 [4.1.3 - 14 pages]
4. Attachment 4 - Child Safe Code of Conduct 2024 [4.1.4 - 11 pages]



Child Safe Policy

Policy Number:	2018/03	Directorate:	People, Culture & Development
Approval by:	EMT	Responsible Officer:	Chief People Officer
Approval Date:	28 June 2022	Version Number:	2
Review Date:	28 June 2025	KX reference:	D22-180802

1. Purpose

Knox City Council is committed to complying with the Child Safe Standards (Standards) introduced by the Victorian Government, which set out the compulsory minimum standards for organisations that provide services for children and young people (or where services and facilities are used by children and young people), to help protect them from harm.

This policy is intended to ensure that all employees, volunteers and contractors (staff) engaged by Council are aware of its commitment to create and maintain a child safe environment that meets the Standards.

2. Application of policy

This policy applies to all staff and to the broad range of situations where interaction with children and young people may occur in the delivery of Council services.

3. Definitions

Child means a child or young person under the age of 18 years.

Child abuse means

- a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded
- sexual misconduct, committed against, with or in the presence of, a child
- physical violence committed against, with or in the presence of, a child
- any behaviour that causes significant emotional or psychological harm to a child or significant neglect of a child.



4. Our commitment

This policy affirms our commitment to providing a child safe and child friendly environment for all children and young people who engage with Council services.

Knox City Council recognises, respects and promotes its responsibilities to keep children safe from abuse from those associated with Council, and commits to ensuring the safety of children as a first priority.

Knox values diversity and will not tolerate child abuse or discriminatory practices.

We pay particular attention to the safety and cultural safety of the following groups of children, in recognition of their increased vulnerability, and diverse and unique identities and experiences:

- Aboriginal and/or Torres Strait Islander children and young people;
- children from culturally and/or linguistically diverse backgrounds;
- children with a disability;
- children who identify as lesbian, gay, bisexual, trans and/or intersex;
- children who are non-binary or gender diverse;
- children who have experienced out of home care and youth justice settings.

5. Knox City Council's approach to child safety

In continuing to implement and promote a child safe system of work, we will:

- develop an environment in which children feel listened to, valued and their concerns are acted upon, including encouraging and allowing children to participate in decisions important to them;
- consult with staff and other appropriate parties, including families and children;
- proactively assess and manage the risk of abuse to children who interact with Council, including through recruitment practices and in online environments;
- take a proactive approach to child safety, including fostering a culture of openness that supports all staff to report any concerns about child safety;
- report suspected abuse, neglect or mistreatment promptly to the appropriate authority, whether or not the law requires reporting;
- ensure children know the options available to them if they are concerned or feeling unsafe, and foster an environment where children are safe to raise such concerns;
- recruit staff who are suitable to work with children and provide high quality training, supervision and professional development to staff;
- have policies, procedures and supports in place to reflect these commitments, and review these on a regular basis.



6. Child Safety Code of Conduct

All staff are responsible for the safety and wellbeing of children and young people who engage with Council.

All staff are expected to act in accordance with Knox City Council's Child Safe Code of Conduct in their physical and online interactions with children and young people under the age of 18 years.

7. Recruitment and training

Knox's recruitment procedure, including advertising, reference checks and staff and volunteer pre-employment screening, has an emphasis on child safety and wellbeing in line with the commitment to promote child safety.

Knox has robust recruitment and selection processes, to ensure the recruitment of suitable staff to minimise the risk of recruiting individuals who may commit child abuse. All relevant staff must have current Working with Children Checks to support the ongoing culture of child safety.

Council staff may require a current police check at the time of employment and may be required to update this information from time to time.

Council is committed to ensuring that staff have access to appropriate induction and ongoing training in relation to their child safety responsibilities, including child safety and wellbeing policies and procedures, external reporting obligations (e.g. mandatory reporting) and the Child Safe Code of Conduct.

In addition to the inclusion of Child Safe in Council's suite of compliance training modules, and position-specific training requirements, training will be available to staff who are likely to come into regular contact with children and young people. This training will include how to identify, assess and minimise risks of child abuse and detecting potential signs of child abuse.

8. Reporting child safety concerns or incidents

As Victorians working in local government, all Knox staff, whether working directly with children or not, have an ethical and legal obligation to protect children and young people and report all forms of child abuse.

Staff must act as soon as an incident is witnessed or when a reasonable belief is formed that a child or young person has been abused or is at risk of being abused.

Staff must follow all Council policies and procedures in relation to child safety and the reporting of abuse.

Immediate Danger

If you have witnessed an incident or believe a child is in immediate danger you should:

- Take all practicable steps to protect the safety of the child and remove the risk.



- Contact 000 for urgent police assistance if the person who is alleged to be involved in the abuse of a child poses an immediate risk to the health and safety of the child or any other person.

Not all child safety matters involve immediate danger, however, any incidents or concerns should be reported to the relevant line manager or another appropriate Council manager, or a Child Safe Officer or a Senior HR Business Partner as soon as possible after witnessing an incident, or receiving information, or forming a belief that a child is at risk.

The process for reporting child safety concerns and incidents is outlined on Council's Child Safety intranet page <http://erik/Docs/PoliciesProceduresForms/Pages/Child-Safe-Committee.aspx> An incident form can be used and is also embedded on the Child Safe home page [link to be updated]

Council will receive, respond to and investigate complaints of child harm or abuse in a manner that prioritises the safety and wellbeing of children and young people.

Knox also works to ensure all children and young people, families and staff understand their obligations and know who to tell if they observe abuse, are a victim, or if they notice inappropriate behaviour.

Reportable Conduct

The Child Safe Standards and the Reportable Conduct Scheme impose distinct sets of responsibilities on organisations, including Knox City Council. The Standards and the Reportable Conduct Scheme have been designed to complement one another.

The Reportable Conduct Scheme focusses on staff conduct and requires additional organisational responses and actions.

Reportable Conduct includes the following incidents of staff conduct, that must be reported:

- a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded; or
- sexual misconduct, committed against, with or in the presence of, a child; or
- physical violence committed against, with or in the presence of, a child; or
- any behaviour that causes significant emotional or psychological harm to a child; or
- significant neglect of a child.

If a staff member has a reasonable belief that Reportable Conduct may have occurred, then they must report the incident to the relevant line manager or another appropriate Council manager, or a Child Safe Officer or a Senior HR Business Partner directly and immediately.

If the incident potentially involves a criminal offence, the incident must also be reported to the local police station or by calling 000, after first consulting with a Child Safe Officer, if reasonably practicable, before contacting police.



Where a law enforcement agency undertakes to investigate a child safety matter, staff members must cooperate to the best of their ability. Where such an agency (e.g. Victoria Police) takes action, this will likely take precedence over any organisational responses and may delay, but will not replace or eliminate required organisational responses and actions.

Senior Human Resources staff will coordinate organisational responses and actions, including notifying and liaising with the Commission for Children and Young People (CCYP) in relation to reportable conduct matters. Relevant Human Resources staff can be contacted on (03)9298 8779 or (03)9298 8871 for any questions or concerns.

9. Related legislation, regulation, policy, procedures and other resources

- *Child Wellbeing and Safety Act (Vic) 2005*
- *Child Wellbeing and Safety Regulations (Vic) 2017*
- *Commission for Children and Young People Act (Vic) 2012*
- *Charter of Human Right and Responsibilities Act (Vic) 2006*
- Victorian Child Safe Standards (updated 1 July 2022)
- National Principles for Child Safe Organisations (2019)
- Victorian Reportable Conduct Scheme
- United Nations Convention on the Rights of the Child
- National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030
- Early Childhood Australia Code of Ethics
- *Privacy and Data Protection Act (Vic) 2014*
- *Privacy Act (C'th) 1988*
- *Disability Act (Vic) 2006*
- Knox City Council Staff Code of Conduct
- Knox City Council Councillor Code of Conduct
- Knox City Council Child Safe Code of Conduct
- Knox City Council Disciplinary Policy and Procedure
- Knox City Council Councillor Child Safe Policy
- Knox City Council Councillor Child Safe Procedure



10. Administrative updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.



Child Safe Code of Conduct

Policy Number:		Directorate:	People, Culture & Development
Approval by:	EMT	Responsible Officer:	Chief People Officer
Approval Date:	28 June 2022	Version Number:	1
Review Date:	28 June 2025	KX reference:	D22-180812

1. Purpose

- 1.1 This Child Safe Code of Conduct sets out Knox City Council's commitment to ensure it discharges the obligations and expectations contained in Child Safe Standard 2 - Child safety and wellbeing is embedded in organisational leadership, governance and culture, and Child Safe Standard 3 - Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.
- 1.2 The requirements of the Child Safe Code of Conduct apply to all employees, volunteers and contractors (staff) engaged by Knox City Council. This Code supplements the Staff Code of Conduct and is to be read in conjunction with the other applicable codes.
- 1.3 Staff are required to comply with the Child Safe Code of Conduct by observing and adhering to the outlined expectations of appropriate behaviour.

2. Child Safe Code of Conduct

- 2.1 Knox City Council recognises, respects and promotes its responsibilities to keep children safe from abuse, and commits to ensuring the safety of children as a first priority. Knox values diversity and will not tolerate child abuse or discriminatory practices.
- 2.2 The Child Safe Code of Conduct aims to protect children and reduce opportunities for child abuse or harm to occur. It is intended to complement and be consistent with other related policies and procedures.
- 2.3 The Child Safe Code of Conduct applies to the broad range of situations where interaction with children and young people may occur in the delivery of Knox services and the operation of Council facilities, including through digital technology and social media.
- 2.4 Knox City Council staff meet the Child Safety Code of Conduct by:
 - 2.4.1 adhering to the Child Safe Policy at all times;
 - 2.4.2 taking all reasonable steps to protect children from abuse and harm;



- 2.4.3 treating everyone with respect
- 2.4.4 working to prevent discrimination and actively promoting the participation and inclusion of all children, recognising in particular:
 - a) Aboriginal and/or Torres Strait Islander children and young people;
 - b) children from culturally and/or linguistically diverse backgrounds;
 - c) children with a disability;
 - d) children who identify as lesbian, gay, bisexual, trans and/or intersex;
 - e) children who are non-binary or gender diverse;
 - f) children in and out of home care and youth justice.
- 2.4.5 modelling appropriate adult behaviour;
- 2.4.6 listening to children and responding to their needs appropriately;
- 2.4.7 reporting any allegations of child abuse;
- 2.4.8 working with children in an open and transparent way;
- 2.4.9 encouraging children to participate in matters important to them.

- 2.5 Staff must not:
 - 2.5.1 discriminate against any child or young person, including because of age, gender, race, culture, vulnerability, sexuality, ethnicity or disability;
 - 2.5.2 seek to use children in any way to meet the needs of adults;
 - 2.5.3 ignore or disregard any concerns, suspicions or disclosure of child abuse or harm;
 - 2.5.4 use discriminatory or oppressive behaviour or language with children;
 - 2.5.5 initiate unnecessary physical contact with children or do things of a personal nature that children can do for themselves e.g. toileting or changing clothes;
 - 2.5.6 develop 'special' relationships with specific children or show favouritism through provision of gifts or inappropriate attention;
 - 2.5.7 exchange personal contact details such as phone numbers, social networking sites or email addresses with children; or
 - 2.5.8 have unauthorised contact with children and young people in person, online or by phone.

3. Consequences of breaching the Child Safe Code of Conduct

- 3.1 A breach of the Child Safe Code of Conduct by Knox staff may result in disciplinary action being taken against them in accordance with the Disciplinary Policy and Procedure, including possible termination of employment.



Child Wellbeing & Safety Policy

Policy Number:		Directorate:	People, Strategy & Development
Approval by:	Councillors	Responsible Officer:	Chief People Officer, People, Strategy & Development
Approval Date:		Version Number:	1
Review Date:		KX reference:	

1. Our Commitment to child safety

The Council is committed to providing children with a safe, inclusive and supportive environment in which they can thrive.

The Council supports, values and respects all children, and is committed to their safety, wellbeing, participation and empowerment.

The Council has zero tolerance for all forms of child abuse or risk of harm to children. All allegations, concerns, suspicions and reports of child abuse or risk of harm will be treated seriously in accordance with this Policy and the Child Safe Reporting and Incident Management Procedure.

The Council is committed to the cultural safety of Aboriginal and Torres Strait Islander children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability, children who cannot live at home, LGBTIQ+ children and children who are vulnerable.

The Council will take into account the diversity of all children, including the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, children who cannot live at home, LGBTIQ+ children and children who are vulnerable, and make reasonable efforts to accommodate them.

The Council will openly communicate with children, families and communities about its approach to Child Safety and ensure that information about Child Safety including information about making a complaint is readily available and accessible.

The safety, welfare and best interests of the child are paramount. All children and young people who access our services, programs, events and facilities have the right to feel safe and be safe. This includes spaces owned or managed by Council.

All employees, contractors, Councillors and volunteers of the Council are responsible for ensuring children and young people are valued, heard and protected from abuse.



2. Definitions

Child or young person means person who is under 18 years of age, unless otherwise defined by law or noted in this Policy or the Child Safe Reporting and Incident Management Procedure.

Child abuse or risk of harm means conduct and/or the risk of conduct towards, against, with or in the presence of a child, including:

- (a) physical violence or harm (including family violence);
- (b) sexual misconduct;
- (c) sexual offences (including sexual abuse and/or grooming a child);
- (d) significant emotional or psychological harm;
- (e) significant neglect of a child.

Child-related work means work which usually involves (or is likely to involve) direct contact with a child, irrespective of whether that contact is supervised or not, and in child-related occupational fields including (but not limited to) education and care services, educational institutions, religious organisations, counselling or other support services for children.

Child Safety means matters related to Council's duty of care to children in its care, protecting all children from harm, promoting the safety and wellbeing of children, managing child abuse or risk of harm, taking steps to prevent the occurrence or reduce the occurrence of child abuse or risk of harm, providing support to a child at risk of child abuse, and responding to incidents, allegations, concerns, suspicions and reports of child abuse or risk of harm.

Child Safety Officers or CSOs means people appointed by the Council to listen, discuss and clarify issues raised by Workers and children in relation to actual or suspected child abuse or risk of harm, including [insert positions].

Council means Knox City Council

Council Environment means all physical and online environments and places made available or authorised by the Council for use by a child, including but not limited to:

- (a) the offices of the Council;
- (b) a premises owned and/or operated by the Council
- (c) online Council Environments (including email, portals, intranet systems, telecommunication, social media and other online communications); and
- (d) other premises and facilities provided by the Council for a child's use

Grooming means an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult, unless otherwise defined by law or noted in this Policy or the Child Safe Reporting and Incident Management Procedure.

LGBTIQ+ means lesbian, gay, bisexual, transgender, intersex and queer.



Reportable Conduct Scheme means the reportable conduct scheme under the *Child Wellbeing and Safety Act 2005* (Vic), which imposes obligations on the heads of organisations to report allegations of child abuse and misconduct.

Sexual misconduct includes behaviour, physical contact, gestures, speech or other communication of a sexual nature, inappropriate touching, grooming behaviour and voyeurism, unless otherwise defined by law or the Child Safe Reporting and Incident Management Procedure.

Sexual offence means a sexual offence committed against, with or in the presence of a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded, unless otherwise defined by law or the Child Safe Reporting and Incident Management Procedure.

Workers means all employees, Councillors, contractors, students and volunteers of the Council.

WWCC means a Working with Children Check issued pursuant to the *Worker Screening Act 2020* (Vic).

3. Scope

This Policy applies to all Council Workers (i.e. employees, contractors, volunteers, students and Councillors engaged by Council) and their conduct both within and outside of work, irrespective of whether they work with or have direct contact with children or young people. This includes:

- (a) physical contact,
- (b) face-to-face contact;
- (c) communications with children and young people (whether verbal, written or electronic, including via email, social media).

Third parties engaged by Council, including contractors, agency staff and funded bodies (e.g. grant recipients), are required to comply with this Policy as part of their contractual agreements with Council.

4. Purpose

The Child Safety and Wellbeing Policy (**Policy**) outlines how the Council will prioritise the safety and wellbeing of children and young people, and the child safe practices that Council will implement to create a culture where the safety of children and young people is promoted, child abuse is prevented, and allegations of child abuse are taken seriously and acted upon.

This policy supports our international obligations under the *United Nations Convention on the Rights of the Child*, the Victorian Child Safe Standards and is aligned with the *Australian Human Rights Commission National Principles for Child Safe Organisations*.

In keeping children and young people safe, the following values are a mechanism for guiding our actions and assisting in decision making. In continuing to implement and promote a child safe system of work, we will:

- ensure the safeguarding of children and young people is a shared responsibility, reliant on all individuals within our organisation working to keep children and young people safe in our care;
- empower children and young people by informing them of their rights and responsibilities and support them to speak up about matters of importance to them, including if something goes wrong.



- develop an environment in which children feel listened to, valued and their concerns are acted upon, including encouraging and allowing children to participate in decisions important to them;
- proactively assess and manage the risk of abuse to children who interact with Council, including through recruitment practices and in online environments;
- take a proactive approach to child safety, including fostering a culture of openness that supports all Workers to report any concerns about child safety;
- report all forms of suspected abuse, neglect, racism or mistreatment promptly to the appropriate authority, and take action upon report of any suspected harmful or abusive behaviours;
- ensure children know the options available to them if they are concerned or feeling unsafe, and foster an environment where children are safe to raise such concerns;
- recruit Workers who are suitable to work with children and provide high quality training, supervision and professional development to Workers; and
- have policies, procedures and supports in place to reflect these commitments, and review these on a regular basis.

5. Policy context

In 2013, following the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations and the subsequent Royal Commission into Institutional Responses to Child Sexual Abuse, the Child Safe Standards were introduced via amendment to the *Child Safety and Wellbeing Act 2005*.

From 2017, all Victorian organisations, providing services to children and young people were required to comply with the Standards. In July 2022, the Standards were legislated to align with the National Child Safe Principals, with an additional Standard focusing on the protection of Aboriginal children and young people.

The Standards promote the safety of children, prevent child abuse, and ensure organisations have effective processes in place to respond to and report all allegations of child abuse. The Standards require changes in organisational culture – embedding child safety in everyday thinking and practice.

Child Safe Standard 1	Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued
Child Safe Standard 2	Child safety and wellbeing is embedded in organisational leadership, governance and culture
Child Safe Standard 3	Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously
Child Safe Standard 4	Families and communities are informed, and involved in promoting child safety and wellbeing
Child Safe Standard 5	Equity is upheld and diverse needs respected in policy and practice



Child Safe Standard 6	People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice
Child Safe Standard 7	Processes for complaints and concerns are child focused
Child Safe Standard 8	Workers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training
Child Safe Standard 9	Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed
Child Safe Standard 10	Implementation of the Child Safe Standards is regularly reviewed and improved
Child Safe Standard 11	Policies and procedures document how the organisation is safe for children and young people

6. Child Safe Code of Conduct

The Council's Child Safe Code of Conduct aims to ensure that children and young people who engage with our services are safe. It clearly outlines the expected behaviour for all Workers in their interaction with or in the presence of children and young people.

The Child Safety Code of Conduct helps ensure that all Workers are aware of acceptable and unacceptable behaviours towards or in the presence of children and young people, and those behaviours that support child safety.

Our Child Safe Code of Conduct is available on our website and shared with children, young people and families we work with as well as with Workers. This promotes child safety through ensuring awareness of the behavioural and environmental standards that we expect our Workers to maintain.

7. Supporting equity and diversity

This Policy affirms our commitment to providing a child safe and child friendly environment for all children and young people who engage with Council services.

The Council recognises, respects and promotes its responsibilities to keep children safe from abuse from those associated with Council, and commits to ensuring the safety of children as a first priority.

The Council values diversity and will not tolerate child abuse or discriminatory practices.

We pay particular attention to the safety and cultural safety of the following groups of children, in recognition of their increased vulnerability, and diverse and unique identities and experiences:

- Aboriginal and/or Torres Strait Islander children and young people;
- children from culturally and/or linguistically diverse backgrounds;
- children with a disability;
- children who identify as lesbian, gay, bisexual, trans and/or intersex;
- children who are non-binary or gender diverse;



- children who have experienced out of home care and youth justice settings.

8. Reporting child safety concerns or incidents

As Victorians working in local government, all Council Workers, whether working directly with children or not, have an ethical and legal obligation to protect children and young people and report all forms of child abuse.

Workers must act as soon as an incident is witnessed or when a reasonable belief is formed that a child or young person has been abused or is at risk of being abused.

Indicators of child abuse or risk of harm can be behavioural or physical and can co-occur with multiple types of child abuse or risk of harm. Examples include, but are not limited to:

<p>Physical violence or harm</p> <ul style="list-style-type: none"> • unexplained bruises, burns, welts, cuts grazes or scratches (or vague or unlikely explanations) for the child or their family members; • avoidance of physical contact, or disproportionate reactions or limited emotion displayed; • unexplained absences and decline in academic performance; • wearing clothing that is unsuitable for the weather conditions (to hide injuries); • substance abuse, self-harm or suicide attempts.
<p>Conduct of a sexual nature, including a sexual offence, sexual abuse, sexual misconduct and/or grooming a child</p> <ul style="list-style-type: none"> • signs of pain, itching or discomfort in the genital or rectal area; • sexualised behaviours; • withdrawal, low self-esteem, suicidal ideation, self-harm; • manifestation of psychological diagnoses including anxiety, depression and substance misuse; • presence of sexually transmitted diseases; • frequent urinary tract infections; • pregnancy (actual or suspected);



<ul style="list-style-type: none"> • self-mutilation; • displaying age-inappropriate sexual behaviour or knowledge; • inappropriate expressions of affection; • sudden fears of specific places or particular adults; • obsessive and compulsive washing; • complaining of headaches, stomach pains or nausea; • sleeping difficulties; • poor self-care or personal hygiene; • regressive behaviours such as bedwetting and speech loss; • substance abuse, self-harm or suicide attempts.
<p>Emotional or psychological harm</p>
<ul style="list-style-type: none"> • delays in emotional, mental or physical development; • speech impairments such as stuttering or being selectively mute; • rocking, thumb-sucking or other infantile behaviours; • eating disorders; • exhibiting high anxiety or symptoms of stress; • poor self-image or low self-esteem; • displaying aggressive, demanding or attention-seeking behaviour; • compulsive lying or stealing; • unexplained mood swings or depression; • poor social and interpersonal skills; • excessive neatness or cleanliness; • substance abuse, self-harm or suicide attempt.
<p>Neglect of a child</p>



- frequent hunger, or stealing or begging for food;
- poor hygiene;
- lack adequate or suitable clothing;
- refusal or reluctance to go home;
- appearing dirty and unwashed;
- unattended health problems;
- appearing pale and weak;
- inadequate shelter or unsanitary living conditions;
- aggressive or self-destructive behaviour;
- involvement in criminal activity;
- poor, irregular or non-attendance at school;
- limited positive interaction with parents, carers or guardians;
- poor academic performance; and
- substance abuse.

9. Responsibilities

The safety and wellbeing of children is everyone's responsibility. The responsibilities of Council Workers may vary depending on their role. A failure to comply with the responsibilities in this Policy, the Child Safety Code of Conduct or the Child Safe Reporting and Incident Management Policy, may lead to disciplinary action up to and including the immediate termination of a Worker's engagement.

All Workers

All Workers:

- have a shared responsibility for contributing to the safety of children from child abuse or risk of harm;
- are responsible for identifying child abuse or risk of harm, and taking steps to prevent, reduce or eliminate child abuse or risk of harm to the greatest extent possible;
- must promote Child Safety at all times and provide a safe environment for all children; and



- must telephone 000 if they believe there is a serious or immediate risk of child abuse or risk of harm.

All Workers are required to:

- read and comply with this Policy, the Child Safety Code of Conduct and the Child Safe Reporting and Incident Management Policy;
- take all reasonable steps to maintain an environment that is safe and prevents child abuse or risk of harm;
- respond to a child disclosing an incident of child abuse or risk of harm in a sensitive and supportive manner that prioritises their health and wellbeing;
- participate in Child Safety induction and training as directed by the Council and request further assistance if further training is required;
- report any allegations, concerns, suspicions and reports of child abuse or risk of harm in accordance with the Child Safe Reporting and Incident Management Procedure, and are strongly encouraged to report those concerns to a CSO or CEO. This includes conduct that may fall under the Reportable Conduct Scheme or *Crimes Act 1958* (Vic) including the failure to disclose and failure to protect offences;
- promptly record any concerns, suspicions and reports of child abuse or risk of harm on Council's reporting system Elumina, with support from a CSO as needed;
- report any breach or suspected breach of this Policy, the Child Safety Code of Conduct and the Child Safe Reporting and Incident Management Procedure as soon as possible to a CSO or CEO.

The Councillors

The Councillors have ultimate responsibility for ensuring that Council complies with the Victorian Child Safe Standards, including:

- ensuring Council has appropriate systems in place to effectively identify and prevent child abuse or risk of harm;
- ensuring the Council has appropriate and effective internal control systems and processes in place to respond to child abuse or risk of harm, including regular reviews;
- modelling and championing a child safe culture and making a public commitment to Child Safety;
- ensuring the Council has effective Child Safety policies, procedures and codes of conduct in place to prevent child abuse or risk of harm;
- ensuring that the Council equips Workers with appropriate training and information to identify, prevent and respond to child abuse or risk of harm, consistent with their obligations; and
- ensuring that the Council empowers children, families and communities with information about their rights and opportunity to input on the Council's approach to Child Safety or risk of harm.

The CEO



The CEO of Council is responsible for:

- appointing, managing and overseeing the response and investigation of reports of child abuse or risk of harm to children;
- preventing, identifying and mitigating Child Safety risks, including child abuse or risk of harm within all Council Environments;
- reporting concerns of child abuse or risk of harm consistent with relevant legal obligations under the Reportable Conduct Scheme;
- ensuring Workers are aware of:
 - this Child Safety Policy, the Child Safety Code of Conduct, the Child Safe Reporting and Incident Management Procedure and their Child Safety obligations, including the obligation to report suspected child abuse or risk of harm;
 - their responsibilities to create and maintain Child Safe environments;
 - acceptable and unacceptable behaviour in relation to children;
 - The Council’s commitment to empowering children about their rights including the right to feel safe, be informed and participate in decisions affecting them;
 - ensuring that the Council has effective internal control measures in place to detect child abuse or risk of harm;
 - appointing CSOs and ensuring that they are provided with training or information to perform their role effectively;
 - providing support for Workers in undertaking their Child Safety obligations;
 - ensuring that this Child Safety Policy, the Child Safety Code of Conduct and the Child Safe Reporting and Incident Management Procedure is reviewed and updated every two years (or earlier after a Child Safety incident); and
 - monitoring and reporting to the Councillors on compliance with this Child Safety Policy, the Child Safety Code of Conduct and the Child Safe Reporting and Incident Management Procedure.

People Leaders

All managers or supervisors must:

- promote and model Child Safety at all times;
- assess the risk to Child Safety, including child abuse or risk of harm, within their area of control and take steps to reduce or eliminate any risk to the extent possible;
- educate Workers about identifying and preventing child abuse or risk of harm;
- make a record of Child Safety risks and incidents on Elumina and specify the action(s) the Council will take to reduce or remove the risks (i.e. risk controls) when a Worker notifies them of an identified risk;
- facilitate the reporting of any concerns regarding Child Safety including reports or disclosures of child abuse or risk of harm, as soon as possible; and



- report any allegations, concerns, suspicions and reports of child abuse or risk of harm in accordance with the Child Safe Reporting and Incident Management Procedure as soon as possible, and are strongly encouraged to report those concerns to a CSO or CEO.

PX Partners (People, Culture and Development)

The Human Resources Manager must:

- sight, verify and record all WWCCs and identify and monitor those that require renewal;
- not allow Workers to work with children without a valid WWCC, or when a WWCC has expired or a negative notice is received, unless the Worker has applied for a WWCC and is legally permitted to work with children while their WWCC application is being processed;
- notify People Leaders of any suspension, withdrawal or negative notice about a Worker's WWCC;
- collect, document and store information from applicants and their referees to assess their suitability for child-connected work, including the information set out in this Policy;
- ensure that Incident Reports and actions taken to address allegations, concerns, suspicions and reports of child abuse or risk of harm are promptly recorded and securely stored on Elumina;
- ensure Workers receive training and/or information at induction and annually thereafter as set out in this Policy;
- ensure Workers are informed about this Child Safety Policy, the Child Safety Code of Conduct and the Child Safe Reporting and Incident Management Procedure;
- ensure Workers provide written acknowledgment that they have read, understood and agree to comply with this Child Safety Policy, the Child Safety Code of Conduct and the Child Safe Reporting and Incident Management Procedure; and
- undertake the recruitment strategies set out in this Policy.

Child Safety Officers (CSOs)

CSOs are available to listen, discuss and clarify issues confronting Workers in relation to child abuse or risk of harm.

The Council's CSOs are responsible for:

- responding to, managing and overseeing the investigation of complaints and disclosures under this Policy, as directed by the CEO;
- reporting any risks to Child Safety, including child abuse or risk of harm to the HR Manager and CEO;
- promptly recording allegations, concerns, suspicions and reports of child abuse or risk of harm on Elumina, and specify the action(s) the Council will take to reduce or remove the risks (i.e. risk controls) when the Council is notified of child abuse or risk of harm;
- supporting Workers to promptly record allegations, concerns, suspicions and reports of child abuse or risk of harm in an Incident Report on Elumina where requested;



- reporting child abuse or the risk of harm on behalf of the Council, consistent with their authority and any directions by the CEO (which may include supporting Workers to meet their reporting obligations);
- maintaining adequate records of all complaints, decisions and actions taken in relation to any allegation, concern, suspicion or report of child abuse or risk of harm; and
- being familiar with the types of child abuse or risk of harm and be alert to any indications of such conduct, including harm caused by children.

10. Safer Recruitment

The Council's recruitment procedure, including advertising, reference checks and worker pre-employment screening, has an emphasis on child safety and wellbeing in line with the commitment to promote child safety.

The Council has robust recruitment and selection processes, to ensure the recruitment of suitable Workers to minimise the risk of recruiting individuals who may commit child abuse.

Council Workers may require a current police check and WWCC, or evidence of being exempt from the requirement to hold a WWCC, at the time of employment and may be required to update this information from time to time.

Council is committed to ensuring that Workers have access to appropriate induction and ongoing training in relation to their child safety responsibilities, including child safety and wellbeing policies and procedures, external reporting obligations (e.g. mandatory reporting and under the Reportable Conduct Scheme) and the Child Safe Code of Conduct.

In addition to the inclusion of Child Safety in Council's suite of compliance training modules, and position-specific training requirements, training will be available to Workers who are likely to come into regular contact with children and young people. This training will include how to identify, assess and minimise risks of child abuse and detecting potential signs of child abuse.

Further information for People Leaders regarding child safe recruitment is included in the Knox Recruiting and Selecting for Excellence Policy.

Working with Children Clearances (WWCCs)

Designated Workers are required to have a current Working with Children Clearance (WWCC). These roles have been selected based on legislative requirements and Child Safe Standards risk assessment. They cover those who:

- work/volunteer in services and programs that care for/educate/support children whether supervised or unsupervised (e.g. school crossing supervisors, maternal child health and immunisation nurses) OR
- are required to work with or visit a child-based service (childcare centre, kindergarten, school) on a regular basis (e.g. contractor for a child related facility) OR



- are not engaged in work that is specifically child-related but do have direct contact with children (e.g. library staff, home support staff where child family members may be present in the home in the home environment, playground maintenance staff) AND
- may be expected to come into direct contact with children on a regular basis during the course of their work or whilst representing Council. This includes attendance at community event where children or families are participating.

11. Related legislation, regulation, policy, procedures and other resources

- Child Wellbeing and Safety Act 2005 (Vic)
- Child Wellbeing and Safety Regulations 2017 (Vic)
- Commission for Children and Young People Act 2012 (Vic)
- Charter of Human Rights and Responsibilities Act (Vic) 2006
- Crimes Amendment (Protection of Children) Act 2014
- Victorian Child Safe Standards (updated 1 July 2022)
- National Principles for Child Safe Organisations (2019)
- Victorian Reportable Conduct Scheme
- United Nations Convention on the Rights of the Child
- National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030
- Early Childhood Australia Code of Ethics
- Privacy and Data Protection Act 2014 (Vic)
- Privacy Act 1988 (Cth)
- Disability Act 2006 (Vic)
- Knox City Council Staff Code of Conduct
- Knox City Council Councillor Code of Conduct
- Knox City Council Child Safe Code of Conduct
- Knox City Council Disciplinary Policy and Procedure
- Knox City Council Councillor Child Safe Policy
- Knox City Council Councillor Child Safe Procedure
- Knox City Council Child Safe Reporting and Incident Management Procedure

12. Administrative updates



From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.



Child Safe Code of Conduct

Policy Number:	Issued by Governance	Directorate:	People, Culture and Development
Approval by:	Council	Responsible Officer:	Chief People Officer
Approval Date:	12 August 2024	Version Number:	2
Review Date:	3 Years from Meeting Date		

1. Purpose

Knox City Council (**the Council**) has zero-tolerance for the abuse and neglect of children and young people. We are committed to the rights of all children and young people to feel safe and be safe when participating in Council's activities, services, and programs.

This Code has the objective of promoting child safety and wellbeing in the Council's environment and safeguarding children and young people who come into contact with the Council against sexual, physical, psychological and emotional abuse, neglect, and family violence.

This Code aims to:

- set clear expectations of behaviour towards and in the presence of children;
- clarify acceptable and unacceptable behaviour towards, with or in the presence of children for Council workers, including employees, volunteers and contractors in their interactions as part of their role with Council, and certain behaviours outside their role;
- assist Council workers to identify and report conduct that may be inconsistent with this Code.

2. Definitions

Term	Meaning
Aboriginal & Torres Strait Islander Children	Persons under the age of 18 who identify as Aboriginal and/or Torres Strait Islander.
Child	a person who is under the age of 18.
Child abuse	includes: <ul style="list-style-type: none"> • sexual offences (against, with or in the presence of, a child) • sexual misconduct (against, with or in the presence of, a child) • physical violence (against, with or in the presence of, a child) • behaviour that is likely to cause significant emotional or psychological harm • significant neglect • experience or witnessing family violence
Child-related work	Refers to roles in which there is direct contact with a child/children. Direct contact includes any access or contact with children and young people when a parent or



Term	Meaning
	<p>guardian is not present, and the employee, administrator, contractor, or volunteer is completing their normal duties.</p> <p>This expands on the definition from the Department of Justice and Community Safety, which indicates</p> <p>Work within one or more of the occupational fields defined in the Working with Children Act 2005 where the contact with children is direct, unsupervised, and part of a person's duties, not incidental to their work.</p> <p>Incidental contact with children and young people is where the contact is rare, one off and when the parent or guardian is present. Direct contact with children includes face to face, physical, oral, and electronic communication, including</p> <ul style="list-style-type: none"> • Employees and Managers working with children and young people (up to 18 years) • Employees in contact with children and young people via email and all forms of social media • Employees who view CCTV footage • All roles who supervise work experience students, volunteers, and employees (up to 18 years) including trainees and apprentices.
Child safety	Matters related to Council's duty of care to children in its care, protecting all children from harm, promoting the safety and wellbeing of children, managing child abuse or risk of harm, taking steps to prevent the occurrence or reduce the occurrence of child abuse or risk of harm, providing support to a child at risk of child abuse, and responding to incidents, allegations, concerns, suspicions and reports of child abuse or risk of harm.
Emotional or Psychological	Serious emotional or psychological abuse occurs when harm is inflicted on a child through repeated rejection, isolation, or by threats or violence. It can include derogatory name-calling and put-downs, or persistent and deliberate coldness from a person, to the extent where the behaviour of the child is disturbed, or their emotional development is at serious risk of being impaired. Serious emotional or psychological abuse could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risk behaviours.
Failure to Disclose	Requires any adult who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16) must disclose that information to police. Applies to everyone in the community, not just mandated professionals.
Failure to Protect	Applies to people who hold a position of authority within organisations who know of a risk of child sexual abuse by someone in the organisation and have the authority to reduce or remove the risk, but negligently fail to do so.
Family Violence	<p>Family violence is:</p> <ul style="list-style-type: none"> • behaviour by a person towards a family member of that person if that behaviour; <ul style="list-style-type: none"> - is physically or sexually abusive; or - is emotionally or psychologically abusive; or - is economically abusive; or - is threatening; or



Term	Meaning
	<ul style="list-style-type: none"> - is coercive; or - in any other way controls or dominates the family member and - causes that family member to feel fear for the safety or wellbeing of that family member or another person; or • behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in the paragraph above.
Grooming	<p>An adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult, unless otherwise defined by law or noted in this Policy or the Child Safe Reporting and Incident Management Procedure. Grooming can take place in any setting where a relationship is formed, such as leisure, sport, music, or in internet chatrooms, in social media or by other technological channels.</p>
Mandatory Reporters	<p>Professionals required under the <i>Children, Youth and Families Act 2005 (Vic.)</i> to protect children from harm relating to physical and sexual abuse.</p> <ul style="list-style-type: none"> • A registered medical practitioner • a nurse or midwife • A person who is registered as a teacher or early childhood teacher under the <i>Education and Training Reform Act 2006</i> • A person in religious ministry • On and from the relevant date, the approved provider or nominated supervisor of, or a person with a post-secondary qualification in the care, education or minding of children who is employed by, a children's service to which the <i>Children Services Act 1996</i> applies • the approved provider or nominated supervisor of, or a person with a post-secondary qualification in the care, education or minding of children who is employed or engaged by an education and care service within the meaning of the <i>Education and Care Services National Law (Victoria)</i>; • a person with a post-secondary qualification in youth, social or welfare work who works in the health, education or community or welfare services field; • a person employed under Part 3 of the <i>Public Administration Act 2004</i> to perform the duties of a youth and child welfare worker; • a registered psychologist
Neglect	<p>Serious neglect is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention, or adequate supervision, to the extent that the child's health, safety and/or development is, or likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life-threatening situations.</p>
Physical Violence	<p>Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or use or weapons (such as, belts and paddles).</p>
Reasonable belief	<p>If an adult has a reasonable belief that an incident has occurred, then they must report the incident. Factors contributing to reasonable belief may be:</p>



Term	Meaning
	<ul style="list-style-type: none"> • A child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves) • Behaviour consistent with that of an abuse victim is observed • Someone else has raised a suspicion of abuse but is unwilling to report it • Observing suspicious behaviour.
Sexual offences	<p>A sexual offence committed against, with or in the presence of a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded, unless otherwise defined by law or the Child Safe Reporting and Incident Management Procedure.</p> <p>Sexual offences occur when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to their age and development.</p>

3. Scope

This Code applies to Councillors, Council employees (including permanent, casual and fixed term staff), volunteers, students, agency staff workers and contractors engaged by the Council. For the purpose of this Code, these people will be referred to as '**Council workers**'.

This Code applies in all operating environments (physical and online), and wherever children and young people are participating in Council's activities, programs, services and/or attending our facilities. This includes:

- (a) the offices of the Council;
- (b) a premises owned and/or operated by the Council (e.g. a library, aquatic centre and early learning centre);
- (c) online Council Environments (including email, portals, intranet systems, telecommunication, social media and other online communications); and
- (d) other premises and facilities provided by the Council for a child's use (including, without limitation, locations used for [camps, excursions, competitions, and other events]).

In addition, this Code also considers the external environment, whereby Council workers are alert to incidents of child abuse and neglect including physical, sexual, psychological, emotional harm and experiencing or witnessing family violence.

This Code is to be read in conjunction with the associated Codes of Conduct that directly applies to Council workers including;

- Councillor Code of Conduct
- Staff Code of Conduct
- Volunteer Handbook

It is also to be read in conjunction with Council's policies, procedures and guidelines which support Councillors, Council employees, volunteers, agency staff workers and contractors to ensure Council is a Child Safe organisation and to meet the Victorian Child Safe Standards. This includes the Child Safety Policy and Child Safe Reporting and Incident Management Procedure.

4. Responsibilities



Council is committed to being a child safe organisation and has zero tolerance for child abuse. We recognise that it is our legal and moral responsibility to keep our children and young people safe from harm and always promote their best interest.

Council workers must maintain the highest standards of professional conduct in their attitude, behaviour and interactions with children and young people. This includes adhering to the Council's Child Safety Policy, Child Safe Reporting and Incident Management Procedure, this Code, and other applicable policies and procedures, as amended from time to time, at all times.

We will uphold the rights and best interests of the child in all decision making, supporting the safety, participation, wellbeing, and empowerment of children.

A child refers to a person who is under the age of 18. Council adheres to the Victorian [Child Safe Standards](#), and legislation including our obligations under the Reportable Conduct Scheme and in relation to criminal offences such as a [Failure to Disclose](#), [Failure to Protect](#) and [Grooming](#) offences.

Council workers, regardless of their role or level of responsibility, are to act to safeguard children and young people from such harm by:

- adopting appropriate safeguarding practices and behaviours set out in this Code and Knox policies and procedures, when carrying out their roles;
- listening and responding to the views and concerns of children, particularly if they disclose that they are or another child has been abused or that they are worried about their safety or the safety of another child;
- reporting any abuse and neglect of which they become aware to our management and/or to external authorities responsible for safeguarding children or to police, regardless of whether that abuse is being perpetrated by Council workers within our organisation, or by those outside our organisation including those from the child's family, extended family, their family's extended network or strangers;
- respecting the confidentiality and privacy of children and young people and act in accordance with the Council's Privacy Policy;
- exercising prudent judgement and intervention consistent with the Council's policies when children engage in harmful behaviour towards others e.g. bullying, harassment, discrimination, or vilification.

Council workers are to promote equity and respect by:

- actively anticipating children and young people's diverse circumstances and responding effectively to those with additional vulnerabilities.
- informing children and young people of their rights and giving all children and young people access to information, support, and complaints processes.
- respecting the rights of children and young people to participate in decision making, paying appropriate attention to the needs of the following groups:
 - Aboriginal and Torres Strait Islanders
 - Children and young people with a disability
 - Children and young people from culturally and linguistically diverse backgrounds
 - LGBTQI+ (Lesbian, gay, bisexual, transgender, queer, and intersex)
 - Children and young people who are unable to live at home.



5. Required behaviours

Safeguarding children and young people is a shared responsibility within Council. We expect all Council workers regardless of their role or level or responsibility, to safeguard children and young people from harm by adopting the appropriate safeguarding behaviours set within this Code.

All Council workers:

- must conduct themselves in a manner consistent with their position and act as a role model to children and young people;
- are required to adhere to the professional boundaries of their role and should not act outside of these boundaries in the delivery of programs and services;
- familiarize themselves with and adhere to this Code and Council’s Child Safe policies and procedures, including legal obligations to report any incidents or allegations of child abuse or risk of harm to children and young people;
- are responsible for avoiding the appearance of inappropriate conduct in their dealings with children and young people;
- performing child-related work are required to obtain and maintain an appropriate and up to date ‘Working with Children Check’ clearance;
- must immediately notify the CEO or their delegate if they become the subject of any investigation in relation to their conduct towards children, are charged with any offence related to children or family violence, are named as a respondent on a family violence intervention order or personal safety intervention order, or are subjected to orders in the Children’s Court;
- must comply with any lawful and reasonable direction by the Council; and
- must cooperate with any child safety investigation by the Council or any regulatory authority.

If a child or young person requires assistance that is beyond the confines of a Council worker’s role, or beyond the scope of Council’s usual service, they should at the earliest opportunity, seek advice from their People Leader or Supervisor, or Council’s Child Safety Officer.

Additionally, Council workers must comply with the following requirements at all times.

<p>Adherence to professional role boundaries</p>	<p>Council workers should not, of their own volition or at the request of a service user, act outside of their role when helping to deliver our programs and services.</p> <p>Council workers must not:</p> <ul style="list-style-type: none"> • engage in activities with children or young people who are engaged in our organisation outside authorised activities associated with their role at Council; • accept an invitation to attend any private social function at the request of a child or young person*; • initiate contact (in an online or physical environment) with any child or young person that is not connected with Council or a specific requirement of their role at Council; or • develop a ‘special’ relationship with a child to the exclusion of others or show favouritism. <p>*There may be circumstances where a relationship with a child or young person engaged in Council activities and/or their family exists outside of Council. Council</p>
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	<p>workers should manage this relationship by upholding the rights and best interest of the child or young person at all times. A declaration to the supervisor should be made to confirm the nature of this relationship (via a declaration form).</p>
<p>Sexual Misconduct</p>	<p>Council workers must not engage in any form of sexual conduct with, or in the presence of children or young people participating in any of our activities, programs, services and / or facilities.</p> <p>Sexual behaviour is interpreted widely and includes but is not limited to:</p> <ul style="list-style-type: none"> • contact behaviours - such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution; and • non-contact behaviours - such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.
<p>Physical contact</p>	<p>Council workers must ensure that all physical contact with children and young people is appropriate to the delivery of our activities, programs, and services such as administering first aid, giving a ‘high 5’ as a greeting and based on the needs of the child or young person such as to assist or comfort a distressed.</p> <p>Council workers are required to report to management any physical contact initiated by a child or young person that is sexual and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the child or young person, our Council workers, and any other participants.</p> <p>Under no circumstances should any Council workers have contact with children or young people participating in our activities, programs, and services that:</p> <ul style="list-style-type: none"> • Involves touching: <ul style="list-style-type: none"> - of genitals; - of buttocks; or - of the breast area (female children and young people) that is other than as part of delivering medical or allied health services; • would appear to a reasonable observer to have a sexual connotation; • is intended to cause pain or distress to the child or young person – for example corporal punishment; • is overly physical – e.g. wrestling, horseplay, tickling or other roughhousing • is unnecessary – e.g. assisting with toileting when a child does not require assistance; • is initiated against the wishes of the child or young person, except if such contact may be necessary to prevent injury to the child/young person or to others, in which case: <ul style="list-style-type: none"> - physical restraint should be a last resort ; - the level of force used must be appropriate and reasonable to the specific circumstances; and - no more force is used than is absolutely necessary. • Council workers should be aware of cultural norms and the needs of Aboriginal and Torres Strait Islander children and young people, children with a disability, children from culturally and linguistically diverse backgrounds, children who are unable to live at home, and lesbian, gay, bisexual, trans and gender diverse,



	intersex and queer (LGBTIQ+) children that may influence the interpretation of your behaviour or what is acceptable in terms of personal space.
Alcohol and/or drugs	<p>The possession, use or supply of illegal drugs to any person and/or alcohol to a child or young person is strictly prohibited at any Council location or in the provision of any council activities or services in line with the law.</p> <p>Council workers are not permitted to smoke, consume alcohol or illicit drugs, or be substance affected when working with children and young people.</p>
One-to-one supervision	<p>Council workers are required to:</p> <ul style="list-style-type: none"> • avoid one-to-one unsupervised situations (including unsupervised online activities, such as one-to-one online tutorials or meetings) with children and young people to whom we provide services; and • (wherever possible) conduct all activities and/or discussions with children and young people in view of other Council workers.
Gift giving	<p>Council workers are prohibited from providing gifts to a child or group of children in connection with Council services and activities which could be demonstrated as showing favouritism or developing a 'special' relationship. This does not include gifts that are provided as part of delivering a service or program including recognition of service.</p>
Transporting Children	<p>Council workers must not transport children and young people as part of any service or activity of Council, unless in the event of an emergency. If Council workers are required to transport children or young people as part of their role at Council, they will need to seek permission from the parent or guardian providing written authorisation for children under the age of 18 years.</p> <p>It is prohibited to have unnecessary and/or inappropriate physical contact with children or young people while in vehicles.</p> <p>Children and young people should be transported directly to their destination. No stops should be made other than those that are reasonably scheduled for meals or comfort stops.</p>
Positive Guidance	<p>We strive to ensure that children and young people participating in our activities, programs, services and / or facilities are aware of the acceptable limits of their behaviour so that we can provide a positive experience for all participants. Under no circumstances are our Council workers to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening, or humiliating.</p>
Language and Tone of Voice	<p>Language and tone of voice used towards children and young people should provide clear direction, boost their confidence, and be encouraging and affirming.</p> <p>At no time should harmful language be used towards or in the presence of children or young people. This includes language that is:</p> <ul style="list-style-type: none"> • derogatory, belittling, or negative; • intended to threaten or frighten; • profane or sexual; and • otherwise mature or adult nature that would not be suitable to discuss in the presence of children.



	Council workers must not condone or make self-disclosures about past or present participation in illegal or unsafe behaviours when speaking to or in the presence of a child.
Promoting Equity and Diversity	<p>Workers must ensure that their approach and interactions with children and young people are sensitive, respectful, and inclusive of all backgrounds and abilities. Council workers must actively anticipate children and young people's diverse circumstances and respond effectively to those with additional vulnerabilities.</p> <p>Where Council is involved with children and young people who are Aboriginal or Torres Strait Islander, from culturally and/or linguistically diverse backgrounds, have a disability, LGBTQI and those who are unable to live at home, workers are required to promote their safety (including cultural safety), participation and empowerment.</p>
Discrimination	There are anti-discrimination, equal opportunity and sexual harassment laws that support fairness, equity, diversity, and inclusion. These laws apply to how we treat other employees and our service users. Council also has policies and procedures to support these principles. All employees are required to be aware of the relevant laws and Council's policies and procedures and comply with them.
Electronic and online communication	<p>We prohibit all online and electronic communication between Council workers and children and young people which is not directly related to providing a service or program or related to their role at Council.</p> <p>All communication between Council workers and children and young people is to occur via Council allocated phones, computers, or other equipment in accordance with their duties.</p> <p>Council workers are required to ensure appropriate monitoring of children and young people when they use Council's online and electronic communication equipment to prevent exposure to pornographic material and to ensure that they do not inadvertently place themselves at risk of abuse or exploitation via social networking sites, gaming sites or through web searches, or inappropriate phone or email communication.</p>
Photography and Images of Children	<p>Council only permits organisational filming and photography by council authorised Workers within their role and for a purpose directly related to the Council's services or professional purposes. All filming and photography of a child or young person must be approved by the parent or guardian, providing written authorisation for children under the age of 18 years.</p> <p>Images of children and young people are not to be distributed (including as an attachment to an email) to anyone outside our organisation other than the child photographed or their parent/care giver without management knowledge and approval.</p>
Bathroom/Change Room Arrangements	<p>Supporting children and young people to use a bathroom or change room must only occur as part of Council workers conducting their duties as per their employee role description, and always while adhering to child safe practices and procedures.</p> <p>Changing and showering facilities or arrangements for adults must be separate from facilities or arrangements for children and young people and Council workers must not shower or change in front of children or young people.</p>



	Council workers are required to ensure that any contact they have with a child or young person while using/or working at a Council facility including public bathrooms, playgrounds and during Council events is child safe, age appropriate and adheres to Child Safe policies and procedures.
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6. Confidentiality

When children or young people have a written or verbal interaction with Council workers, that interaction is confidential to the Council and not to the Council worker. This means that Council worker is able to talk with other Council workers in a way that identifies the child or young person. That said, where possible, the privacy of the child or young person should be respected at all times. When considering interfering with a child or young person's privacy, who and how many people are told should be based on what is believed to be in the best interests of the child or young person. In all cases, the advice of a Child Safety Officer should be sought before discussing with other Council workers.

Council workers should not discuss confidential matters about children or young people with people outside the Council in a way that identifies that child or young person except when they have the express consent of the child or young person or their parent or guardian, or the disclosure complies with the Child Safe Reporting and Incident Management Procedure.

In circumstances where Council workers believe there is not enough knowledge within the Council to provide the best possible assistance to a child or young person, they are able to seek expertise external to the Council. When communicating with people outside the Council, the child or young person's identity should be protected.

It is the responsibility of the Council to communicate the limits of confidentiality to children and young people who are likely to have an ongoing relationship with the Council. These guidelines should be published in an accessible place for children and young people.

7. Reporting obligations

All Council workers are expected to make a report immediately to their people leader or designated child safety person/s (i.e., before the end of the person's session of work) if:

- they become aware of any allegations of child abuse
- they have a concern for the safety of a child or young person in our services
- they notice any Council members whose practice or behaviour is contrary to the expectations of behaviour set out in this Code.

8. Breaches of this code

Council workers must:

- Act in accordance this Code;
- Not condone behaviour that breaches the Code; and
- Report any breaches of the Code.

Council workers are expected to abide by Council's policies and procedures as well as local, state, and federal legislation. Breaking these laws or policies may bring Council into disrepute and be considered a breach of this Code.



A breach of this Code may result action under Council’s Disciplinary Policy and may have consequences for Worker’s up to and including the termination of the Council worker’s engagement, dependent upon the seriousness of the misconduct.

Contractors, agency staff workers, volunteers will be managed in line with the terms of their engagement with Council and may result in the cessation of this relationship.

For any questions about this Code or need more information, it is the responsibility of Council workers to find answers. Workers are encouraged to speak with their People Leader or PX Partner.

People Leaders at all levels must promote and enforce this Code in their work area. Service providers, representatives and agents must make sure their Council workers are aware of this Code and do not breach its principles and directions when performing duties on behalf of the Council.

The many different laws that govern Council’s activities are often complex, however misunderstanding or being unaware of laws does not relieve Council workers of an obligation to comply.

If Council workers think a decision or action does not reflect this Code, they have the right and responsibility to raise that concern.

Council workers do not need to be directly affected by an issue to raise it.

9. References

Each of the following headings must be completed. Examples are provided below each heading.

5.1 Community & Council Plan 2022-2025

5.2 Relevant Legislation

- Children, Youth and Families Act 2005 (Vic);
- Child Wellbeing and Safety Act 2005 (Vic)
- Crimes Act 1958 (Vic)
- Education and Training Reform Act 2006 (Vic)
- Local Government Act 1989 – Conflict and Interest Provisions

5.3 Charter of Human Rights

- This policy has been assessed against and complies with the charter of Human Rights.

5.4 Related Council Policies

- Election Period Policy
- Councillor Code of Conduct

5.5 Related Council Procedures

- Nil

10. Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.

4.2 Knox City Council Attendance at the Australian Local Government Association National General Assembly 2024

Final Report Destination:	Council
Paper Type:	For Noting
Author:	Director Customer and Performance, Greg Curcio
Director:	Director Customer and Performance, Greg Curcio
Executive:	Chief Executive Officer, Bruce Dobson

SUMMARY

This report seeks to brief Council on the activities and learnings from the 2024 Australian Local Government Association (ALGA) National General Assembly and the Australian Council for Local Government (ACLG), held in Canberra from 2 July to 5 July 2024.

RECOMMENDATION

That Council receive and note the report on the Australian Local Government Association's National General Assembly 2024 and the Australian Council of Local Government.

1. DISCUSSION

Mayor Jude Dwight, Deputy Mayor Sorina Grasso, Councillor Darren Pearce and Greg Curcio, Director Customer and Performance, attended and represented Knox City Council at the 2024 Australian Local Government Association (ALGA) National General Assembly and the Australian Council of Local Government in Canberra.

The General Assembly is convened annually and is the peak annual event for Local Government in Australia. The Assembly attracts representations from the 527 Councils across Australia, attracting well more than 1,000 delegates.

The General Assembly is an important development forum for Councillors and officers. It also provides an invaluable opportunity for Local Government to engage directly with the Federal Government to develop national policy and learn about industry best practice.

The theme of the Conference was "Building Community Trust" and focused on current and emerging issues particularly in housing, roads and transport, jobs and skills, and financial sustainability. Additionally, the Australian Council of Local Government convened on 5 July 2024 to celebrate achievements and to further strengthen relationships between the sector and the Federal Government.

Speakers included Local Government leaders, national political leaders and leading Australian experts and academics from fields of interest and relevance to Local Government.

Attachment 1 provides the 2024 NGA Communique, endorsed by delegates on the final day of the conference.

1.1 Keynote Speakers and Panel Discussions

The Conference Opening gave attendees an opportunity to view exhibitions from sponsors and vendors and commence topical conversations on roads and transport, social and affordable housing, emergency management and disaster response.

The three days provided informative sessions across a range of topics, including keynote speakers on politics, housing, population & demographics, local and regional issues of significance, climate action, financial sustainability and building trust within the community. Panel discussions also delved into specific topics that included innovation, livability and resilience, and concurrent sessions on technology, recycling and delivering for communities.

Speakers included the Prime Minister, Ministers and members of the Opposition, with some notable highlights:

- Prime Minister Anthony Albanese, who spoke about respect and appreciation for Local Government and the positive difference the sector makes to social cohesion, strengthened by our community groups and the services that are provided.
- Governor General, Sam Mostyn, who talked about communities craving kindness, care and empathy, as well as a desire for unity and optimism.
- Catherine King, Minister for Infrastructure, Transport and Regional Development, who re-affirmed the doubling of Roads to Recovery funding and recognised the need for community enabling infrastructure to assist in the social housing programs.
- Bridget McKenzie, Shadow Minister for Infrastructure, Transport and Regional Development providing statements of commitment to strengthen the relationship between federal and local governments.
- Annabel Crabb from the ABC discussing the changing media technologies that have disrupted ways in which Councils interact with communities, and the need to ensure further information is gathered to support decision making.
- A variety of discussions were held on the importance of asset maintenance and the need to continually invest to ensure community facilities are fit-for-purpose and safe.
- Demographic changes in the workforce will impact service delivery and the need to proactively attract and retain employees for the benefit of the community.
- The discussions around well-planned neighborhoods that can assist in reducing mental health impacts. This can be achieved through “walkable” cities where amenities can be reached without the need for long travel.

In addition to keynote speakers there were several panels focusing on:

- Addressing intergenerational trust, that centered around projects and initiatives to build community resilience, connections, and services for the most vulnerable.
- Functional open spaces are critical to engagement and connection.
- The need for diversity in housing density.
- Connectivity will drive productivity, and Local Government is instrumental in providing knowledge about gaps in telecommunication networks.
- Reliability of renewable energy.

1.2 Advocacy

The two motions endorsed by Knox Council were put to and carried by the National General Assembly. The first being the rising cost of insurance, uninsurable properties and the consequent risk to residents and councils. The second focuses on the challenges for vulnerable people to obtain digital IDs. In subsequent conversations, a lot of interest was shown in particularly the first motion, with numerous people in leadership positions really starting to wrestle with this emerging problem and not yet seeing a viable solution. (Please refer to **Attachment 2**).

More than 160 motions were tabled at the Assembly with an overwhelming majority speaking to the many pressing infrastructure and services LGAs are struggling to provide for their communities. Several motions called on the Federal Government to increase funding of the Federal Assistant Grants to 1% of the total Commonwealth taxation revenue, which would go a long way to providing the many projects and services asked for in subsequent motions.

Mayor Jude Dwight, Deputy Mayor Sorina Grasso and Director Greg Curcio also met with the member for Aston Mary Doyle MP, presenting the Greater South East Melbourne (GSEM) Jobs and Skills Roadmap, and re-affirming our Lewis Park advocacy.

On 5 July, Deputy Mayor Sorina Grasso and Director Greg Curcio met with Catherine King, Minister for Infrastructure, Transport and Regional Development, to discuss different avenues for funding Lewis Park via the number of grants available.

1.3 Follow-Up Meetings from Exhibitors at the Conference

There were several exhibitors which are being followed-up on that could have application within Knox on current issues. Of particular interest were:

- A company specialising in data visualisation for capital works programs.
- A group who encourages younger citizens to get more involved with Council.
- Advocacy groups to support women in Local Government.
- Jobs and skills groups who may help attract and retain talent for Knox.
- Tech products to enable better citizen and employee experiences.

1.4 Next Steps

- Continue with advocacy efforts for Lewis Park funding by investigating various Federal infrastructure grants that may be available.
- Arrange demonstrations for various technology innovations that may assist with customer and employee experiences. Note that a follow-up meeting has already occurred with Mayor Dwight with CityGreen (Tree Canopy solutions in high-trafficked public areas).
- Arrange follow-up meetings, where possible, with Federal Government contacts on the next steps of Knox's motions which were passed.

2. ENGAGEMENT

No public consultation was undertaken.

3. SOCIAL IMPLICATIONS

No direct social implications from this report.

4. CLIMATE CHANGE CONSIDERATIONS

Implementation of the recommendation is considered to have no direct implications or has no direct impacts upon Council's Net Zero 2030 target, the Community Net Zero 2040, exposure to climate risks or climate change adaptation.

5. ENVIRONMENTAL IMPLICATIONS

No direct environmental implications from this report.

6. FINANCIAL AND RESOURCE IMPLICATIONS

The total cost of the Council's attendance at the General Assembly was approximately \$11,000, inclusive of travel, accommodation, meals and Conference Registration, and will be finalised once all expense claims are processed.

7. RISKS

No direct risk implications from this report.

8. KNOX COMMUNITY AND COUNCIL PLAN 2021-2025

Connection, Resilience & Wellbeing

Strategy 4.2 - Foster inclusivity, equality, belonging and safety within the community.

Civic Engagement & Integrity

Strategy 5.2 - Manage our resources effectively to ensure financial sustainability and improved customer experience.

Strategy 5.3 - Ensure our processes are transparent and decisions are accountable.

9. CONFLICT OF INTEREST

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

10. STATEMENT OF COMPATIBILITY

There are no legislative obligations under the Human Rights Charter, Child Safe Standards or the Gender Equity Act that are incompatible with the recommendation in this report.

11. CONFIDENTIALITY

There is no content in this report that meets the definition of confidential information in the Local Government Act 2020.

ATTACHMENTS

1. Attachment 1 - 2024 NGA Communique [4.2.1 - 3 pages]
2. Attachment 2 - KCC Motions to ALGA Conference [4.2.2 - 3 pages]



Communique

National General Assembly 2024

More than 1,200 local government leaders from across Australia gathered in Canberra from 2-4 July for the 30th National General Assembly of Local Government (NGA).

We were welcomed to country by Ngunnawal, Kambri and Ngambri custodian Paul Girrawah House. The Assembly recognised the Ngunnawal and Ngambri peoples as traditional custodians of the ACT and recognised any other people or families with connection to the lands of the ACT and region. The Assembly paid its respects to their elders past, present and emerging, and acknowledged the vital and ongoing contributions First Nations peoples continue to make to our nation.

Opening the NGA, and speaking in her first major public address, Her Excellency the Honourable Ms Sam Mostyn AC, Governor General of the Commonwealth of Australia, spoke about increasing civic engagement with our future leaders and the importance of kindness and care in our leadership.

We welcomed and thanked the many federal members of parliament who attended and spoke at the NGA or associated events, including the Hon Catherine King, the Hon Kristy McBain, Senator the Hon Bridget McKenzie, the Hon Darren Chester, and Luke Gosling OAM MP.

Delegates received a presentation on new local government financial sustainability research, which highlighted that sustainable federal funding to



councils would deliver a \$7 billion increase to Australia's GDP. The 2024 National State of the Assets report was also launched, outlining the condition of one third of Australia's public infrastructure, which is part of the \$643 billion worth of assets councils manage. This new research reinforces the urgent need for federal Financial Assistance Grants to local government to be restored to at least one percent of Commonwealth taxation revenue.

Across two days, numerous presenters spoke on the theme of building community trust, and how local government is integral to holding and building this trust.

This year's NGA included new listening sessions on housing and community infrastructure, emergency management, roads and transport and energy transition, that provided a free-flowing exchange of ideas between councils, the federal public service, and other stakeholders.

This year's Assembly program included consideration of 160 motions submitted by councils, outlining opportunities for the Federal Government to better support councils and Australian communities.

These motions included solutions to address the financial sustainability of councils, support councils to deliver cost of living relief, facilitate more affordable housing, maintain safe and productive local roads, cycleways and footpaths, better prepare for and recover from natural disasters, and Close the Gap between Indigenous and non-Indigenous Australians.

In the lead up to the next federal election, ALGA will work with our state and territory member associations, and Australia's 537 local governments, to



advocate for critical Financial Assistance Grants to be restored to at least one percent of Commonwealth taxation revenue, and for local government to be restored as a full voting member of National Cabinet.

These are critical to ensuring that local government continues to play a role in the ongoing sustainability and liveability of every community.

**AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CONFERENCE
2 TO 5 JULY 2024**

KNOX MOTIONS THAT WERE CARRIED

Motion 1 – Community Services Access and Personal Identification

This National General Assembly calls on the Australian Government to investigate, and where possible, implement reforms aimed at assisting the vulnerable when required to provide personal identification requirements that require access to critical digital community services and obtaining a phone number and/or data SIM card.

Specifically, the reforms could investigate the requirements for personal identification documents as per The Identity Verification Services Act 2023 and in consultation with the Australian Communications and Media Authority.

Why is this a national issue and why should this be debated at the NGA?

This motion links to theme #7 Community Services, with a strong dependency with theme #9 Data, Digital Technology and Cyber Security.

Importantly, this motion aligns with the following NGA considerations:

- Focus on practical programs that can strengthen the system of Local Government nationally to provide the services and infrastructure required to support and strengthen our communities; and
- New program ideas that that would help the Local Government sector to deliver the Australian Government’s objectives.

Access to the internet is essential in today’s world. Many services and programs are being digitised, including booking social housing, and applying for jobs. As the process of digitising increases, those without access to the internet will be further left behind.

Although there are many issues in accessing services, including obtaining hardware and SIM cards, the practical issue comes down to having access and providing personal identification documentation – which many vulnerable and homeless community members do not have access to.

This issue must be debated as the identification policy requirements are doing harm to those seeking to get out of poverty, at the expense of the relatively small risks that this cohort presents.

Background Information and Supporting Arguments

Telecommunication service providers require ID for data and a phone number based on the Australian Communications and Media Authority: <https://www.acma.gov.au/acmas-rules-id-checks-prepaid-mobiles> and The Identification Verification Services Act 2023 <https://www.legislation.gov.au/C2023A00115/latest/text>.

Telstra has indicated there are some early discussions happening in providing relief for this cohort, and/or to obtain an exception for this group. However, there needs to be change at a policy level to allow the telecommunication companies to change internal business processes to service this group in the community.

Importantly, this change will allow the telecommunication companies to work with community support groups to enable them to service vulnerable community members to gain access to the internet with minimal or no identification requirements.

Motion 2 – Insurance Affordability and Availability

This National General Assembly calls on the Australian Government to investigate and set measures to assist the affordability and availability of insurance for properties in areas, including, Council owned land and assets, that are likely impacted by natural disasters.

Why is this a national issue and why should this be debated at the NGA?

This motion links to theme #4 Emergency Management.

Importantly, this motion aligns with the following NGA consideration:

- New program ideas that that would help the Local Government sector to deliver the Australian Government’s objectives.

With the increasing prevalence of natural disasters impacting properties, community members are being priced out of insurance. Also, insurance coverage and availability for properties built prior to the changes in insurance assessment mean more households and businesses are forced to go uninsured.

Background Information and Supporting Arguments:

In 2022 alone, 46 disasters were declared across Australia, covering more than 300 different Council areas. In recent years, almost every Australian Council has been impacted in some way by fires, floods, or cyclones, and other extreme weather events.

Last year’s flooding caused a damage bill of approximately \$3.8 billion to local roads across Queensland, New South Wales, Victoria, and South Australia. This was just a fraction of the total disaster costs incurred by Governments across the country.

From an insurance perspective and trend over time:

- Home insurance claims rose by 25% between the financial years 2020–21 and 2021–22 (source: ASIC Report 768 August 2023).
- The total cost of finalised claims increased by around 35% from an average of \$310 million per annum over 2009 to 2013, to an average of \$420 million per annum over 2014 to 2021 (source: APRA NCPD Analysis May 2023).

4.3 Proposed Sale of Council Land - 566R Boronia Rd Wantirna

Final Report Destination:	Council
Paper Type:	For Decision
Author	Manager Strategic Property & Procurement, Shelley Starrenburg
Manager:	Manager Strategic Property & Procurement, Shelley Starrenburg
Executive:	Director, City Liveability, Matt Kelleher

SUMMARY

This report is to inform the Council that the statutory processes required under Section 114 of the *Local Government Act 2020* for the proposed divestment of the parcel of land at 566R Boronia Road, Wantirna, are now complete.

Consultation has been undertaken and it is recommended that Council proceed with the sale of the property.

The Council owned property located at 566R Boronia Road, Wantirna is a 1,028 sqm parcel of land zoned RGZ1 (Residential Growth Zone 1); being reserve 3 on Plan of Subdivision 095895 and is part of the land in certificate of title volume 09121 folio 341. The land is described as a tree reserve on LP095895.

The parcel of land at 566R Boronia Road, Wantirna, has been identified as surplus to Council needs and therefore proposed for divestment. The land is not utilised to the extent that other parcels of open space are and has not been identified for future purposes, including recreational, social, intergenerational needs, and has no known heritage or cultural value.

The land falls within the definition of 'public open space' (Reserves) as set out in Section 3 of the *Subdivision Act 1988*. The Act defines 'public open space' as land set aside in a plan or land in a plan zoned or reserved under a planning scheme:

- a. For public recreation or public resort; or
- b. As parklands; or
- c. For similar purposes.

Divestment of an Open Space Contribution is subject to the conditions in Section 20(4) of the *Subdivision Act 1988* which requires Council to:

1. Allocate the proceeds from the sale of the open space to purchase replacement open space or improve land already set aside for open space; and
2. Provide for replacement public open space.

On 18 December 2023, Council resolved to commence the statutory process of undertaking community consultation, in line with the *Local Government Act 2020* and Council Policy, for the divestment of this site. This report summarises the feedback received from community consultation, completed in accordance with Section 114(2)(b) of the *Local Government Act 2020*. Community consultation on the proposed sale identified community concerns regarding impact to wildlife habitat and vegetation (including loss of tree canopy); retention of public open space; increased development; and proximity to the adjacent petrol station.

Officers have assessed the proposal against the Sale of Council Land and Buildings Policy Principles and the Sale of Tree Reserves. These assessments are available at Attachment 1 and Attachment 2.

RECOMMENDATION

That Council:

1. Note the feedback received during the community consultation and contained within the report for the proposed sale of 566R Boronia Road, Wantirna.
2. Having complied with the requirements of Section 114 of the *Local Government Act 2020*, resolve to sell 566R Boronia Road, Wantirna.
3. Authorise the Chief Executive Officer (or such other person that the Chief Executive Officer appoints for the purpose of giving effect to this resolution) to subdivide the subject site into two lots, consisting of a main parcel (847 sqm) and the Tree Reserve (181 sqm) as per the officer report.
4. Authorise the Chief Executive Officer (or such other person that the Chief Executive Officer appoints for the purpose of giving effect to this resolution) to proceed with the sale of the main parcel of land created from a future subdivision of 566R Boronia Road, Wantirna (Reserve 3 on Plan of Subdivision 095895, Certificate of Title Volume 09121, Folio 341):
 - a. Initially by public auction, with the reserve prices as set out in Confidential Attachment 1; and
 - b. If the land remains unsold after auction, by negotiation to the highest bidder in accordance with Confidential Attachment 1; and /or
 - c. If the land remains unsold, by private treaty until 24 January 2025, in accordance with Confidential Attachment 1.
5. Authorises the Chief Executive Officer (or such other person that the Chief Executive Officer appoints for the purpose of giving effect to this resolution) to sign the Contract of Sale and all other necessary documents associated with the sale of 566R Boronia Road, Wantirna, including any documentation to give effect to the proposed subdivision.
6. Pursuant to Section 125 of the *Local Government Act 2020*, to authorise the confidential information in the officers' report and these resolutions to be publicly available for the limited purpose of communicating the effect of this Resolution to the extent necessary to give effect to it.
7. To authorise the Chief Executive Officer (or such person the Chief Executive Officer selects) to communicate the effect of these resolutions to the extent necessary at their discretion, including for the purpose of informing the community about the content of the report or Council's decision.

1. DISCUSSION

1.1 Divestment of Open Space

566R Boronia Road, Wantirna is defined 'public open space' under the *Subdivision Act 1988*, pursuant to section 20(2) of the Act. Council must therefore apply the proceeds from the sale of the Reserves to acquiring or improving public open space.

Should Council proceed with the divestment of this land, the proceeds of sale would be allocated to Council's Open Space Reserve. The Open Space Reserve fund is exclusively used for the purpose

of improving Council's Open Space areas, which supports either acquisition of land for open space, or Council's capital program in the improvement of existing open space.

The *Subdivision Act* 1988 also determines that Council must not sell land that is defined as 'public open space' unless Council has provided replacement public open space, in accordance with Section 20(4).

In September 2021, Council resolved to purchase two parcels of land, known as 1155 Burwood Highway, Upper Ferntree Gully (Site 1: Lot 37 TP622705D, Volume 11842 Folio 776 (1,298 sqm)) and 1183 Burwood Highway, Upper Ferntree Gully (Site 2: Lot 38 TP422542V Volume 02039 Folio 718 (2,001 sqm)).

These two parcels total 3073 sqm (1127 sqm & 1946 sqm respectively), far exceed the area of 566R Boronia Road, Wantirna. Post the subdivision, the 'public open space' area considered for divestment at 566R Boronia Road, Wantirna, will total 847 sqm. Before subdivision, the total area of 566R Boronia Road, Wantirna is 1,028 sqm.

1.2 Proposed Subdivision

The site currently has a Reserve status and is L-shaped with drainage and sewerage easements on the south and eastern boundaries as shown on the dashed lines in Image 1 below. The site is zoned RGZ1 (residential Growth Zone 1) and abuts a petrol station to the West side (570 Boronia Road, Wantirna), two residential properties to the East (562, 564 Boronia Road) and one to the south (3 Albany Ct) (see Image 1).



Image 1: Aerial map of 566R Boronia Road, Wantirna

Officers recommend that the land is subdivided into two areas – a main parcel comprising 847 sqm, and a tree reserve comprising 181 sqm, as demonstrated in Image 2 below:

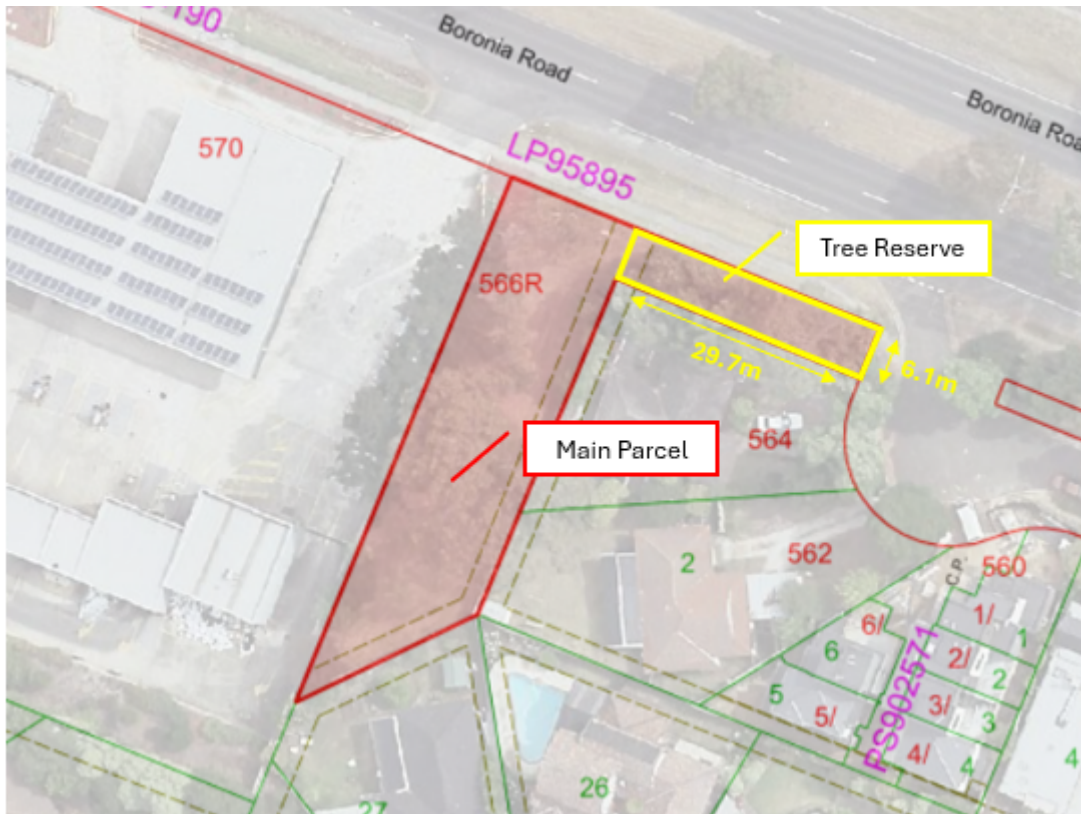


Image 2: Proposed subdivision and tree reserve

The officer proposal to create a tree reserve, which would be retained by Council, provides the following benefits:

- Preservation of 10 trees: one high retention value, 4 medium retention trees and 5 low retention trees;
- Retention of canopy coverage along the street and pedestrian pathway along Boronia Rd; and
- Opportunity to continue beautification and tree planting by Council.

The small area, proposed to be retained as a tree reserve, provides no additional benefit to the potential buyer, as the tree reserve is undevelopable - given its size and position. The subdivision and retention of the tree reserve provides a net community benefit with limited impact on the proposed sale's outcome.

Following Council's December 2023 resolution, officers have completed the community consultation, with 42% of the 24 responses supportive of the sale. Further detail, including a discussion of the key themes from the feedback are included in Section 2 below.

1.3 Community Consultation

Council officers conducted community consultation between 18 February 2024 and 15 March 2024 in accordance with the *Local Government Act 2020* requirements and Council's Community Engagement Policy.

The consultation provided residents and community stakeholders the opportunity to comment on the proposed sale of the land through:

- Council’s ‘Have Your Say’ website;
- In writing via post or email;
- Via phone call; or
- In person at the Civic Centre.

At the conclusion of the consultation period, a total of 24 responses were received:

- 21 from ‘Have Your Say’; and
- 3 direct emails.

Detailed information on the consultation is provided at Attachment 5. The feedback regard support for the divestment of 566R Boronia Road, Wantirna, is summarised in Table 1, below:

Table 1: Consultation Summary

Submissions Received	24
Supportive of Sale	42%
Opposed to Sale	58%
Not Stated	0%

Council officers have reviewed the feedback received during the consultation period and collated into themes where appropriate.

These items are tabled, below:

Table 2: Community Consultation and Feedback

1. Concern over the future of the trees, in particular:

- No protection for trees on the main parcel to be sold;
- Loss of tree canopy; and
- The loss of mature trees.

There are currently no protections available for these trees under the planning scheme and they do not require a permit for their removal.

In preparing this property for consideration of divestment, officers proposed establishing a portion of this site as a tree reserve through subdivision of land. The proposed tree reserve will protect 10 trees (1 high retention, 4 medium retention and 4 low retention). The tree reserve would be retained by Council and provide opportunities to improve the streetscape and environmental benefits.

Under the Knox Residential Design Guidelines for the Activity Area designation. Any potential future development would need to include one canopy tree per 250 sqm, resulting in a need for 3 canopy trees on the main parcel. The Design Guidelines note that retention of existing trees is preferred over replacement vegetation options.

Council does not currently own mapping software for measurement and management of tree canopy covers. The 18% canopy cover measurement was calculated from mapping exercises completed in 2021, and it is estimated to have reduced further. At the February 2024 storm event, it is estimated Knox lost over 600 trees.

Council's Biodiversity Resilience Strategy has identified and committed to the action of increasing canopy cover to 30%, from 18% by 2050. If Council proceeds with the divestment of this land, Council intends to protect these trees through the creation of the proposed tree reserve.

The property has not been identified as a strategic biodiversity site. There are several pockets of state and regional biological significance within 2km of the site to the north and west along the Dandenong Creek Trail and local bushland.

2. The land should be retained and vegetated with more trees for continued resident use:

- Canopy loss;
- Wildlife impacts;
- Health and wellbeing impacts to local residents;
- Scarcity of small reserves/vacant land in residential areas; and
- Council's declaration of the Climate Emergency.

The trees located on the main parcel consist of 2 high retention trees, 1 medium retention tree and 15 low retention trees.

The impact on vegetation will be mitigated by the proposed subdivision. Establishing the tree reserve parallel to Boronia Rd (as shown in draft subdivision plans at Attachment 6), retaining 1 high retention tree, 4 medium retention trees and 4 low retention trees, provides options for future planting and beautification.

A review of wildlife accessing the parcel was provided in the December Council report, utilizing the State Government database, NatureKit. The data demonstrated sightings of 23 distinct species, none endangered. The assessment is available at Attachment 4. The Knox Biodiversity Resilience Strategy has considered habitat connectivity mapping, and this land was not identified as a key connectivity corridor. To note, the Resilient Tree Framework discussed within the Strategy supports increasing street tree canopy and wildlife habitat connectivity, which could be considered for funding from the proceeds of sale.

Project 4 of the Biodiversity Resilience Strategy suggests an objective of greater collaboration across council to achieve effective outcomes through shared objectives, which provides an opportunity to consider competing policy positions.

Community consultation advised that the parcel of land is used for recreation purposes. The land, which may be considered a pocket park, was not designed as a passive recreation space and therefore has no amenities (lighting, toilets, seating etc.), and a lower maintenance regime. Given the location, amenities and design, this parcel is not passive recreation. Nearby residents have access to other nearby reserves which were created and maintained for these reasons (such as Albany Court, Eton Square, Smithfield and Courtney Square playgrounds and reserves, and the larger Schultz Reserve). Small, successful pocket parks have four key attributes: they are accessible, allow people to engage in activities, and are comfortable and enjoyable spaces that allow for sociable space. The subject site at 566R Boronia Road Wantirna is immediately adjacent to a petrol station and a main road and therefore does not meet all these criteria.

3. Increased development:

- Concern over lack of parking and traffic for high density living;
- Increased density.

The Residential Growth Zone 1 (RGZ1) zoning reflects the intended built form character for this corridor along Boronia Rd as part of the 'Activity Area' Neighbourhood Type in the Knox Housing Strategy 2015. This designation balances the retention of the green and leafy character while allowing more intensive residential development. Preferred dwelling types are villa units, townhouses and apartments/mixed use, with detached dwelling and dual occupancy permissible but not preferred.

The sale of the land can therefore support increased density of residential development. There is a clear emerging character of higher density development, consistent with the Housing Strategy, along Boronia Road; particularly in the service road to the east. The zone allows for a maximum of 13.5m residential height, while the controls require a character transition to the neighbouring lower density areas.

Previous planning approvals in the vicinity have been for three storey townhouses with two storey development to the rear of lots. This provides transition to the adjacent Neighbourhood Residential Zone (NRZ) and identifies the emerging character for the neighbourhood.

It is anticipated the main parcel, if approved for sale, will be developed in line with this trend given its location and zoning (subject to Council approval). As with all new subdivisions, this site will require connection to utilities.

The Traffic and Transport team were consulted about traffic resulting from any proposed future development, noting that traffic volume increases would depend on what was proposed for the land. Advice received from the Traffic & Transport team, assuming that access to the site is via Boronia Road, is that the additional traffic volume from a proposed development would be minor compared to the traffic volume in Boronia Road. It is unlikely that any local streets, including the service road, would experience extra traffic resulting from development at the site because there is no direct access to the site from the local street network.

4. Proximity to the petrol station:

- Traffic management;
- Flammable materials.

The owners of Fast Fuel at 570 Boronia Road, adjacent to 566R Boronia Road, Wantirna, expressed concern regarding potential development of the site and traffic safety.

A traffic report was provided with the Fast Fuel submission. The report indicates potential negative traffic impacts and safety concerns for access off both Boronia Road and the service road (noting that access from the service road to the subject site would be in replacement of the proposed tree reserve subdivision). (refer Confidential Attachment 3).

The traffic report has been considered by Council's Traffic and Transport Team. The Council Traffic and Transport team advise there is sufficient space for a single standard width (6 metre) vehicle crossing to Boronia Rd between the west boundary and the existing power pole (10-meter frontage). The Traffic Team also advises that direct access onto Boronia Rd may be approved by DTP. There are many examples of the road network with residential vehicle crossings upstream of a commercial vehicle crossing on a major road, like this proposal.

The Salt report suggests the current gravel shoulder should be sealed. Council's Traffic Team considered that since DTP did not require the service station to provide a sealed left turn lane, it is not likely to require an adjacent development - with less traffic generation than the service station - to provide a sealed turning lane to the subject site.

Officers have also received initial feedback from the Department of Transport and Planning (DTP) indicating it is likely that DTP would support a new vehicle access to this site although they noted there were some operational challenges regarding the number of vehicle crossovers along this arterial section of Boronia Road. DTP also advised that appropriate expert technical advice would need to be sought in due course to demonstrate that a new access point can be provided at this location without impacting the operation and safety of the arterial road and safe entry point to Fast Fuel. This would be managed within the planning application process of any future development proposed.

By Subdividing and retaining the tree reserve on the north side of 564 Boronia Road, vehicle access to 566R Boronia Road from the service road is unachievable. Therefore, the comments in the Salt Report regarding access from the service road are not pertinent - traffic from the proposed site would not impact on the service road.

The feedback also highlighted the location of an LP gas tank approximately 1m from the property boundary (on the Fast Fuel premises, West of the subject site). If the site is to be developed, consideration during the planning process may be required to ensure there is appropriate proximity from the tank for any dwellings proposed.

The owners of Fast Fuel have indicated that they would consider purchasing the site, to reduce the risks to their business (which is unclear in the correspondence). The feedback also noted the impact of easements, mature trees and setbacks which suggests that if they were to purchase the site, they would seek to do so at a reduced price.

5. Habitat impacts:

- Use of land as a habitat stepping stone;
- Wildlife using the land (birds, black cockatoos); and
- Pocket parks (for habitat).

The land was assessed for habitat usage which showed that this parcel of land is not utilised by habitat to the same degree as other Council owned land. It also does not provide connection to other open spaces as a habitat steppingstone.

In Item 2, above, the Biodiversity Resilience Strategy does not consider the land to be a key habitat connectivity area (see image below).

In September 2021, Council resolved to purchase two parcels of land (1155 Burwood Highway, Upper Ferntree Gully and 1183 Burwood Highway, Upper Ferntree Gully) with the specific goal to conserve an area of biodiversity with known habitat corridor links to the Ferntree Gully Quarry Reserve. These two parcels total 3299 sqm and have known habitat links and are

identified as a key connectivity corridor. These sites provide greater positive habitat impact compared with 566R Boronia Road, Wantirna (size 847 sqm, post proposed subdivision). A comparison of the subject site to the two land lots in Upper Ferntree Gully, is available at Attachment 4.



Map showing ecological connectivity corridors within the City of Knox.

Image 3: Knox Connectivity Corridors – taken from Knox Biodiversity Resilience Strategy

6. Use of proceeds from any future sale:

- Put towards the Biodiversity Resilience Strategy;
- Reinvestment in other worthy community projects;
- Council is running at a surplus;
- Put towards underfunded bushland projects.

The *Subdivision Act* 1988 stipulates that the funds acquired from the sale of any open space must be held in the Council’s Open Space Reserve fund.

The Open Space Reserve Fund can be used for:

- Purchase of land for use as public open space;
- Enhancement of soft and hard landscaping of open space;

- Carrying out any work, including using or placing materials/constructing fixtures on open space, which increases amenity, conservation or open space value;
- Carrying out work to open space, including earthworks or drainage works (excluding maintenance or renewal works); and
- Improving existing capital works on the open space or other aspects of public open space, upgrading existing facilities and provision of new facilities.

Allocating funds specifically to the Biodiversity Resilience Strategy or funding bushland projects can be investigated in accordance with the provisions within the Subdivision Act.

An operating surplus indicates Council is able to fund its annual operations and capital renewal expenditure from renewable income sources. An operating surplus represents funding available to pay for capital works, loan principal repayments, leases and movement between reserves. Achieving a long term positive operating surplus is a key measure of long-term sustainability.

The proceeds from the sale of this site are identified in the 24/25 Adopted Budget. Should the subject site not progress for divestment, the loss of anticipated proceeds from the sale of this site will require review of committed projects from the capital program to offset the unrealised proceeds.

Allocation of funds from the Open Space Reserve Fund is considered via internal prioritization processes, annually.

7. History of the land, specifically:

- Why does Council own this parcel;
- Why wasn't this originally absorbed into the development of the area.

The parcel of land at 566R Boronia Road was transferred to Knox City Council in 1975 as part of an open space contribution when the area was developed. The contribution ensures open space is provided to the city alongside developments.

As Knox has grown, planning schemes have evolved. As the need for housing has increased, it has become more important that open space delivers on multiple perspectives. Habitat corridors and steppingstones, green space and canopy cover, passive and active recreational space are all carefully considered.

The *Subdivision Act* 1988 requires that if land, given to Council as an open space contribution, is sold, Council must make a provision to replace it or enhance other open space areas. Knox City Council previously acquired two parcels in Upper Ferntree Gully (see information above in item 5) which improved biodiversity outcomes and overall open space in the municipality.

The municipality is therefore benefiting from additional open space (3299 sqm in Upper Ferntree Gully compared with 847 sqm in Wantirna).

The proceeds received from the sale of this parcel will be allocated to the Open Space Reserve to support other Open Space projects.

1.5 Next Steps

Following Council approval to proceed with the sale of the main property via a publicly advertised process, the following steps can commence immediately:

- Subdivide the subject site into two lots, consisting of a main parcel (847 sqm) and the Tree Reserve (181 sqm). This process entails:
 - Applying for a planning permit to:
 - remove the reserve status (planners will need to be satisfied that that all public open space obligations have been met) on the main parcel (847 sqm);
 - Ensure the smaller lot of 181 sqm has a Tree Reserve status;
 - Consolidation of easements on the main parcel and apply for certification of the plan (anticipated timeline 2-3 months);
 - Service connection points (water supply, sewerage, electricity and telecommunications, stormwater); and
 - Prepare and register a plan of subdivision pursuant to Section 24A of the Act
 - Once the above conditions have been met, Council can issue a statement of compliance for lodgment with Land Victoria.

Once the land is unencumbered and subdivided, Council can then proceed to sale.

2. SOCIAL IMPLICATIONS

The proposed sale of this land and the social implications are considered throughout this report and responded to in detail. The policy assessment is also completed and reattached to this report as previously presented in December 2023.

The community engagement highlighted that for some time the land has been used for inappropriate and anti-social behaviours (intravenous drug use, smoking and drinking), and more recently by people sleeping rough. This is an area positioned off a main road, with no lighting or amenities, and not well positioned for passive surveillance to ward off anti-social behaviors which places our community at risk.

Divesting the subject site for development will resolve this inappropriate activity and risk to the community and neighbouring residents.

3. CLIMATE CHANGE CONSIDERATIONS

The divestment of this parcel will have a direct impact on the Council's Net Zero 2030 target and the Community Net Zero 2040 through loss of vegetation and tree canopy.

Council has a 30% tree canopy target by 2050, and currently 44% of the 18% of current tree canopy located on public land. Council is relying on data from 2021, and it is estimated that this percentage is now lower; there was a loss of over 600 trees during the last storm events, which affects our canopy target. The greatest challenge is when we divest land such as this, it reduces our ability to mitigate tree canopy loss and find areas to plant to increase canopy.

The proposed subdivision for establishing a main parcel and tree reserve will preserve some vegetation. No permit is required for the removal of vegetation within the proposed main parcel. Under the Knox Residential Design Guidelines (Activity Area type), any potential future development would need to include one canopy tree per 250sqm, resulting in a need for 3 canopy trees.

If the land was to be sold, the most likely outcome is development, which would likely result in the removal of vegetation onsite. The vegetation has been assessed by an independent arborist and is available at Attachment 3.

Council did acquire a larger, more valuable biodiversity site in Upper Ferntree Gully in 2019. As the Knox municipality continues to infill with housing development to cater for future housing needs, there will be incremental loss of tree canopy from private land, which will be unable to be replaced. These small pockets of land will provide the opportunity for tree canopy retention and future revegetation, to provide for localised urban cooling and habitat refuge for local wildlife.

The Design Guidelines note that retention of existing trees is preferred.

4. ENVIRONMENTAL IMPLICATIONS

Environmental implications have been considered in the Assessment against Policy Principles for Sale of Land and Buildings (Attachment 1) and Sale of Council Tree Reserves (Attachment 2). Environmental impacts considered and explored throughout this report include, but are not limited to, biodiversity of the site, tree assessments, fauna, carbon impacts and public utilisation.

Council officers have considered the community open space requirements and the impact of the sale of the site. Best practice guidelines suggest that residents should have access to open space within 500 meters of their home. The image below shows the open space available to the area. The proposed sale of this site does not compromise this amenity.

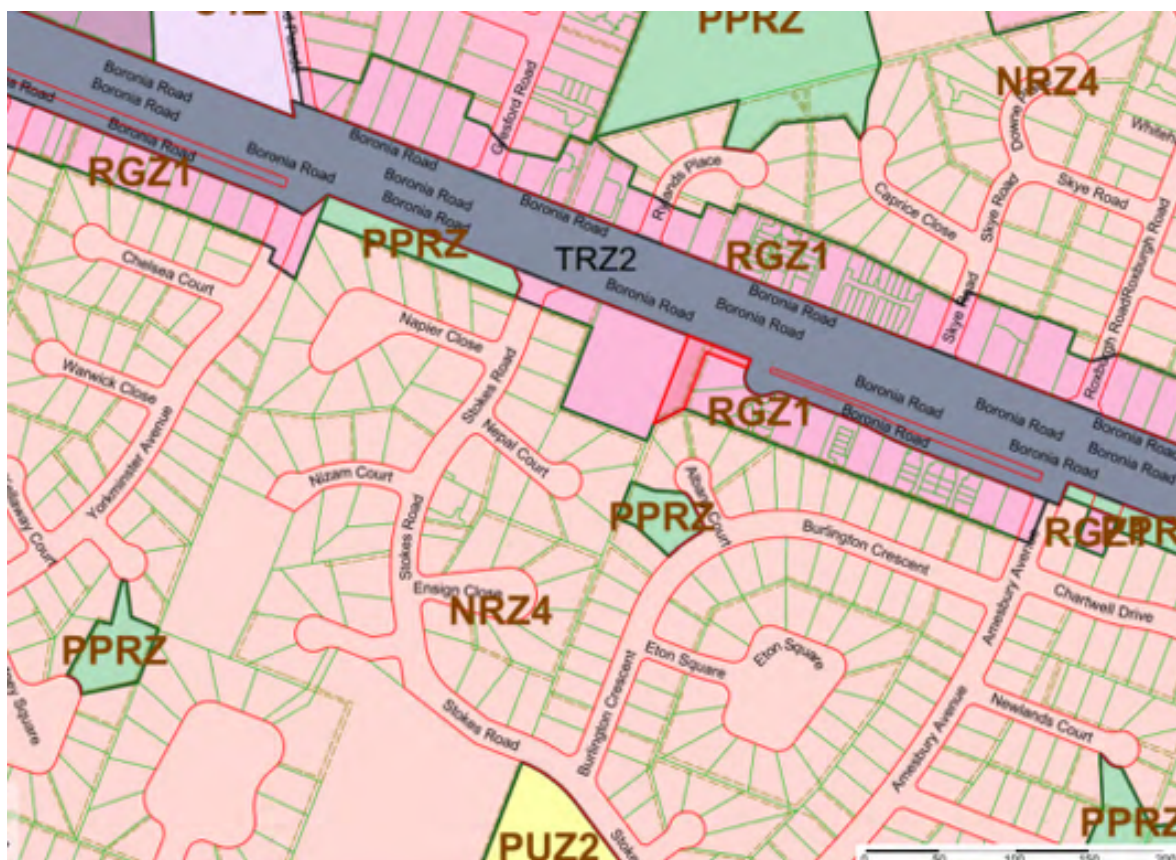


Image 4: Map of Public Space near 566R Boronia Rd, Wantirna

5. FINANCIAL AND RESOURCE IMPLICATIONS

The property of 566R Boronia Road, Wantirna, is identified on the Council Long Term Financial Plan (LTFP), with proceeds of the sale anticipated in the 2023/2024 financial year.

Public Open Space

As the land is considered Public Open Space, the proceeds from the sale of Public Open Space land are subject to the requirements of the Subdivision Act 1988 and must be held in Council's Open Space Reserve fund.

The Open Space Reserve funds can be used for:

- Purchase of land for use as public open space;
- Enhancement of soft and hard landscaping of open space;
- Carrying out any work on the land, including using or placing materials/constructing fixtures on the open space, which increases amenity, conservation or open space value;
- Carrying out any work to the open space, including earthworks or drainage works (excluding maintenance or renewal works); and
- Improving existing capital works on the open space or other aspects of public open space, upgrading existing facilities and provision of new facilities.

Capital budget otherwise allocated to these activities could therefore be reallocated from the Open Space Reserve fund to the value achieved through the proposed sale of the land at 566R Boronia Road, Wantirna.

Valuation

A valuation of the site, undertaken by an independent valuer, is provided at Confidential Attachment 2. The valuation addresses the value of the proposed subdivision (main parcel proposed to be sold).

The proposed subdivision of the land into two lots, comprising a 'main parcel' (approximately 847 sqm), and a Tree Reserve, (approximately 181 sqm), reduces the revenue to Council by an estimated 3-4%.

The final subdivision position and lot sizes would be determined through survey; however, the proposed subdivision included in this report is recommended (refer Attachment 6).

Compared to a valuation undertaken earlier this year (29 March 2024) a new valuation (25 July 2024) determined that the stated the future subdivided main parcel of land (847 sqm) has decreased by approximately 3.6%. The valuer has advised this reduction in value is due to the ongoing softening of the residential development market, economic outlook uncertainty, inflation and interest rate impacts, higher land holding and construction costs impacting developer returns and a subsequent reduced demand for development sites.

Windfall Gains Tax

Introduced in the 2021-22 Victorian State Budget, the *Windfall Gains Tax Act 2021* establishes a new tax on the uplift in land value resulting from a planning scheme amendment which changes the zoning of land on or after 1 July 2023. The WGT is triggered where the taxable value uplift of the subject land is more than \$100,000 and is calculated based on valuations on the pre-zoning value and the post zoning value of the subject land, with the difference between the two representing the uplift of the land (if any).

The Boronia Rd Wantirna site was zoned Residential Growth Zone 1 (RGZ1) prior to the implementation of Windfall Gains Tax; therefore, Windfall Gains Tax does not apply in this instance.

6. RISKS

Risks associated with this report have been considered and responded to in the table below.

Table 3: Risk Assessment Table for the Proposed Divestment of 566R Boronia Rd, Wantirna

Risk	Rating	Treatment
Financial risk – if the proceeds of sale are not realised in line with the Councils Long Term Financial Plan, then Councils funding of near-term projects may be affected.	Moderate	Council to determine the risk versus benefit of the land sale, considering the financial impacts. Consider options to connect services, while completing the public process to sale.
People & possible anti-social use of the land – if the land is not sold, then the land may continue to be used for anti-social purposes, placing our community at risk.	Minor - Moderate	Council would have to consider options to manage this land. Passive surveillance can be increased by removal of trees (impacting environment).
Environment and Climate – if the land is divested, then there will be an assumed loss of trees and canopy cover.	Minor	Subdividing and retaining a tree reserve with many mature trees will preserve multiple trees and canopy cover as much as possible.
Reputation – if Council does not provide responsible stewardship of public land and transparent decision making, then the community may lose confidence in Council management and decisions.	Moderate	Provide transparency for: <ul style="list-style-type: none"> • Reasons for considering divestment; • Consultation feedback received; • Responses to consultation feedback; • Ultimate decision of land held or divested; • Publicly advertised sale process.

<p>Legal / regulatory - if the legal / regulatory requirements are not complied with then Council could be in breach resulting in possible fines, litigation and investigation</p>	<p>Moderate</p>	<p>Legal advice has been received on all aspects of the proposed divestment, including probity advice.</p> <p>Experts (surveyors, valuers, and legal) have been involved in the process to ensure all aspects have been considered.</p>
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7. KNOX COMMUNITY AND COUNCIL PLAN 2021-2025

Civic Engagement & Integrity

Strategy 5.1 - Provide opportunities for all people in Knox to have their say.

Strategy 5.3 - Ensure our processes are transparent and decisions are accountable.

8. CONFLICT OF INTEREST

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

The Chief Financial Officer has declared a conflict of interest in relation to this matter in accordance with their obligations under Section 130 of the *Local Government Act 2020* and Chapter 5 of the Governance Rules. Appropriate measures have been put in place to manage the conflict, including transferring Executive responsibility for this matter to the Director City Liveability.

9. STATEMENT OF COMPATIBILITY

There are no legislative obligations under the Human Rights Charter, Child Safe Standards or the Gender Equity Act that are incompatible with the recommendation in this report.

10. CONFIDENTIALITY

Some attachments to this report contain confidential information pursuant to Council's Governance Rules and Section 66 of the *Local Government Act 2020*, as the information relates to Council business information, that could prejudice Council's position negotiating the sale of property; and legal privileged information regarding the sale of property which would be privileged from production.

ATTACHMENTS

1. Attachment 1 - Sale of Council Land and Building Policy Assessment [4.3.1 - 2 pages]
2. Attachment 2 - Sale of Council Tree Reserves Policy Assessment [4.3.2 - 2 pages]
3. Attachment 4 - NatureKit Assessment of 566R Boronia Rd and 1155 Burwood Highway [4.3.3 - 36 pages]
4. Attachment 3 - Preliminary Arboriculture Report - 566 R Boronia Road Wantirna - 2023-07-10 [4.3.4 - 24 pages]
5. Attachment 5 - Consultation Feedback 2024 03 25 [4.3.5 - 6 pages]
6. Attachment 6 - Draft Plan of Subdivision [4.3.6 - 2 pages]

Attachment 1 – Sale of Council Land and Building Policy Assessment

Principle	Council considerations against principle
Economic - Council evaluation of surplus property will consider the value of the land as well as the cost of retaining the land; utilities and any foregone revenue; as well as any potential return available from sale for alternative purposes.	The land is currently being maintained by Council's Ops team. Maintenance includes mowing and tree maintenance at an estimated cost of \$936 per year which includes 13 visits per year for mowing, brush cutting, spray blowing, rubbish and small limb collection.
Change in Service Delivery Needs - Does not or will not support, facilitate or contribute to current or future service delivery outcomes as identified in the Council Plan.	Not applicable (vacant land).
Building Condition - Council will consider the current building asset condition, maintenance, renewal and upgrade considerations.	Not applicable (vacant land).
Environment - Council will consider the sale of surplus land where retention will not enhance or protect its environmental value.	<p>The site is not covered by any vegetation protection overlays and there are limited planning mechanisms in place to prevent the removal of existing vegetation on site. Considering configuration of the site, if developed under RGZ1 it is likely that the vegetation will be removed to achieve a viable development design.</p> <p>A third-party arboricultural report is available at Attachment 4, which shows three high retention trees, and five medium retention trees.</p> <p>The existing tree reserve which runs parallel to Boronia Rd and currently forms part of the parcel under consideration, is recommended to be subdivided from the parcel, to retain the tree reserve, which includes one high retention tree and four medium retention trees.</p> <p>No trees onsite require a permit for their removal.</p>
Physical Works - Council will consider the sale of surplus land where it has not been identified in the Council Plan for the development of new assets or the improvements of existing assets.	This piece of land has not been considered in the Council Plan for development of new assets or improvement of existing assets.
Recreation - Council will consider the sale of surplus land where it is not required by the Council Plan for recreational purposes.	There is no specific recreational use for this piece of land.
Land Use Planning - Council will consider the sale of surplus land where there are no compelling land use planning grounds for retention.	There are no land use planning requiring this parcel is retained.
Social - Council will consider the sale of surplus land where alternative social uses have not been identified.	No other social uses from Council service delivery have been identified.

Principle	Council considerations against principle
	The land however offers an opportunity for it to be considered for social housing due to its location as it takes advantage of the principle public transport route (901 smart bus) and the current zoning (RGZ1).
Intergenerational needs (future needs) - Council will consider social, environmental and economic future needs of the asset (10-year and 20-year impacts) by considering how the land sale today benefits current and future generations in the municipality.	The land has not been identified for any future Council plans.
Heritage and Cultural Value - Council will consider the assets heritage and cultural values to the community.	There are no heritage or cultural values associated with this site.
Risk - Identify and assess risks associated with holding or disposing of the asset.	There are no identified risks in holding or disposing of this parcel of land.

Attachment 2 – Sale of Council Tree Reserves Policy Assessment

Criteria	Officer response to criteria
Public safety and security issues – e.g. will it result in the creation of ‘blind areas’ not visible to the public? Will it sever a shared pathway? Will it result in increased natural surveillance?	No, the parcel of land is not in a position where it will create blind areas or safety concerns. There will be no shared paths affected, as the tree reserve which runs parallel to Boronia Rd will be removed from the title to remain in Council ownership.
Traffic management – e.g. do VicRoads object to access? Will it create traffic safety issues? Is the reserve required for future road widening? Will it result in additional crossovers? Consider access issues it could introduce.	A desktop evaluation suggests the sale of this tree reserve will not cause any traffic safety issues; the Department of Transport have indicated that this is achievable. Consultation with VicRoads would be undertaken within the planning permit phase for any proposed development on the site.
Neighbourhood Character – Would it allow development that supports the preferred neighbourhood or ‘bush boulevard’ streetscape character?	The tree reserve that runs parallel to Boronia Rd and is currently incorporated into the parcel's title would be subdivided from this parcel and retained by Council. This would allow Council to maintain the streetscape character. The built character in the area is high density being in a growth zone, so any future development is likely to suit the neighbourhood character, as determined through considering proposed developments in a future planning application.
Open space – e.g. what is the current role or potential of the land to contribute towards a public open space network?	The current role is of passive open space. Due to its location, small space and no current assets that encourage its use, such as street furniture, its public use is low. This parcel is considered to contribute to habitat stepping stones along Boronia Rd, however it has not been able to be objectively substantiated.
Street trees – What is the significance of any street trees located within the reserve? Are there native vegetation or net gain/offset issues?	There are three high retention trees on the property. A preliminary tree assessment is included in the report attachments.
Existing infrastructure – e.g. will it result in additional infrastructure (footpaths, drains) or maintenance costs for Council?	Footpath connection already exists along this section.

Criteria	Officer response to criteria
Potential or proposed future infrastructure – e.g. How does it support or hinder potential or proposed future infrastructure such as shared pathways, drainage, landscaping, etc? Does it impact on infrastructure that runs through the reserve, below ground or above?	The area is zoned RGZ1 and is a well-established, developed area. At this stage of the assessment, there are no unforeseen impacts to future infrastructure.
Flora and fauna – e.g. do they involve the potential loss of significant vegetation and/or fauna habitat?	If the parcel of land were to be sold, the parcel is likely to lose all vegetation on site (excluding the tree reserve at the front of the property). There are no protections over any of the vegetation on this site, and any vegetation removal would not require a permit. A preliminary vegetation assessment is included at Attachment 3 of this report. Assessment of flora and fauna on the site and in the immediate area has been undertaken and is provided in Attachment 4 of this report.
Council strategies, policies and plans – e.g. is it consistent with and assist in the implementation of relevant Council policies and plans, including any structure plan, zone or overlay, and all Related Documents in Section 6 (as relevant)?	The area is zoned RGZ1 so the proposed use of the site is consistent with the character of the area, and Council’s intention for the RGZ1.
Existing access – e.g. is the current level of road access to the site to benefit from the proposed purchase of the tree reserve already adequate?	The reserve has street access to Boronia Rd. A crossover would need to be created either by Council, or the future owner.

Attachment 4 – NatureKit Assessment of 566R Boronia Rd and 1155 Burwood Highway

NatureKit Assessment of 566R Boronia Rd Wantirna and 1155 Burwood Highway Upper Ferntree Gully – date 14/09/2023

Vegetation Classes

566R – None

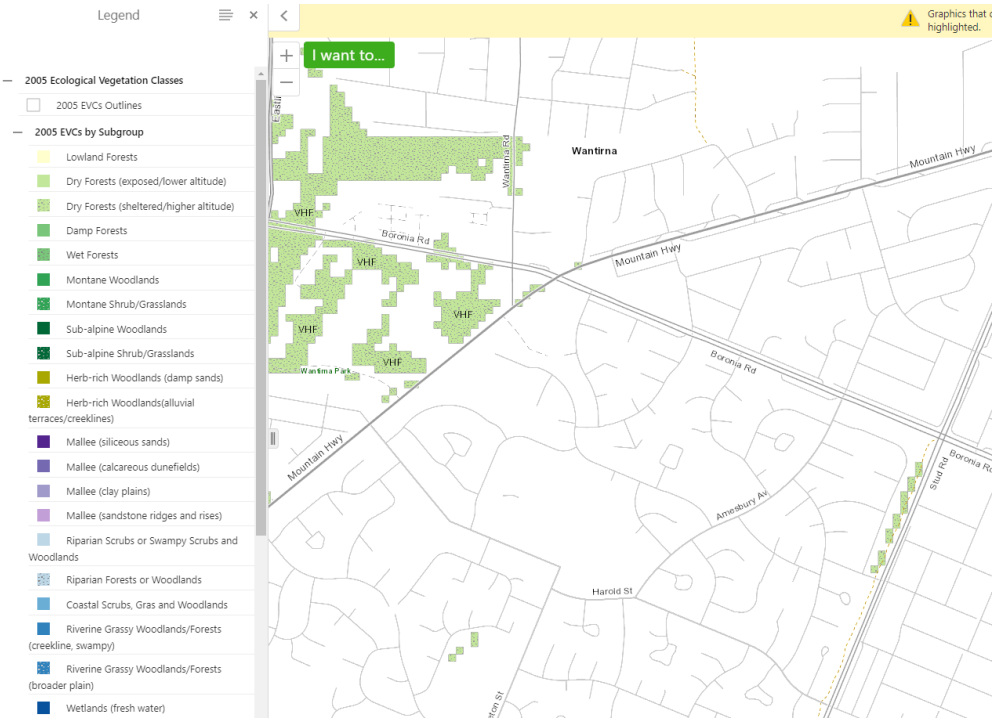


Figure 1: NatureKit Assessment - Vegetation Class – 566R Boronia Rd

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1155 Burwood Highway – swampy woodland



Figure 2: NatureKit Assessment - Vegetation Class - 1155 Burwood Highway

Strategic Biodiversity Values - Higher values indicate areas that have greater biodiversity value, and lower values indicate the opposite.

566R Boronia Rd – rank 16

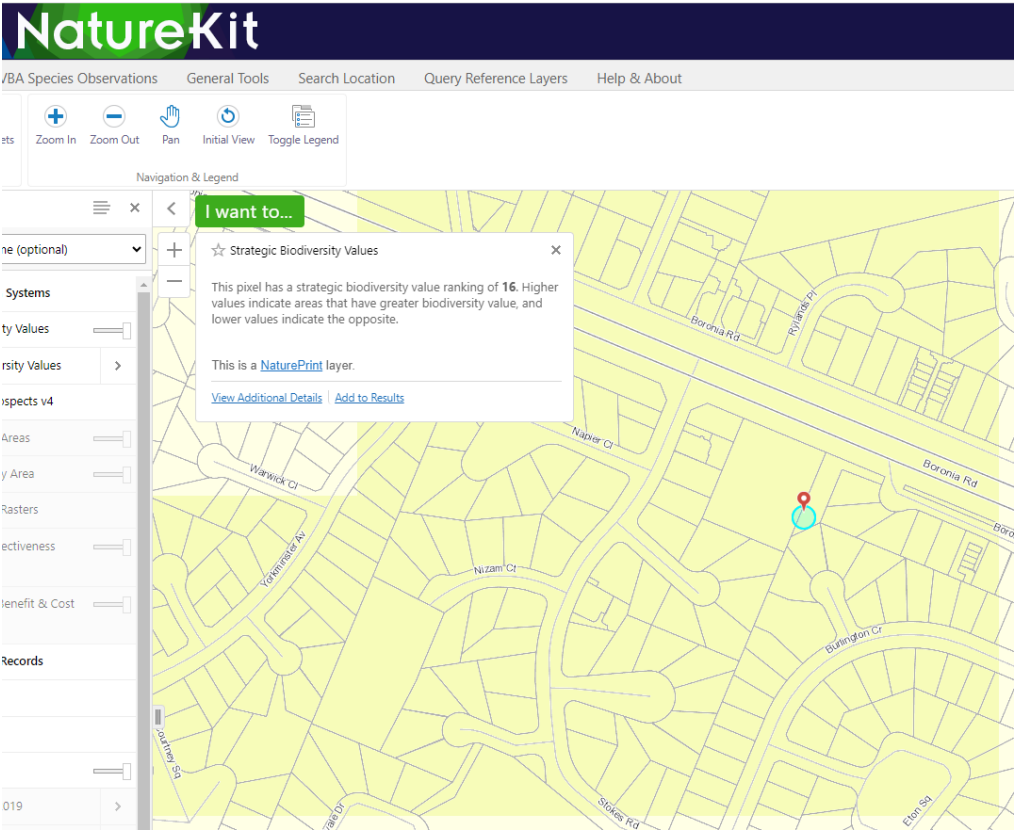


Figure 3: NatureKit Assessment - Strategic Biodiversity Values - 566R Boronia Rd

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1155 Burwood Highway – rank 21

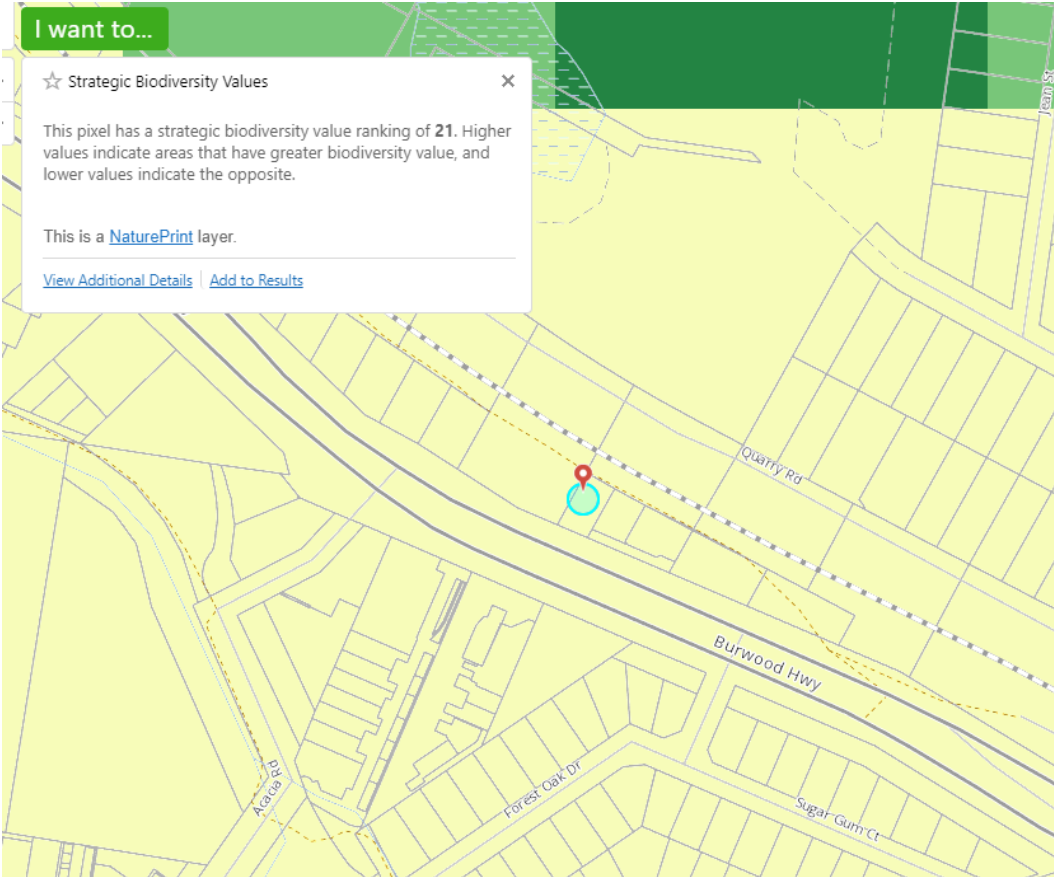


Figure 4: NatureKit Assessment - Strategic Biodiversity Values - 1155 Burwood Highway

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Biodiversity Rank - The layer was developed from DELWP's Strategic Management Prospects revegetation benefit model that considers biodiversity benefits from revegetation using the benefits to 4,200 species while referencing connectivity across the Victorian landscape.

Key:
5 - Very high value
4 - High value
3 - Moderate value
2 - Low value
1 - Very low value
0 - Existing native vegetation

566R Boronia Rd – Rank 0

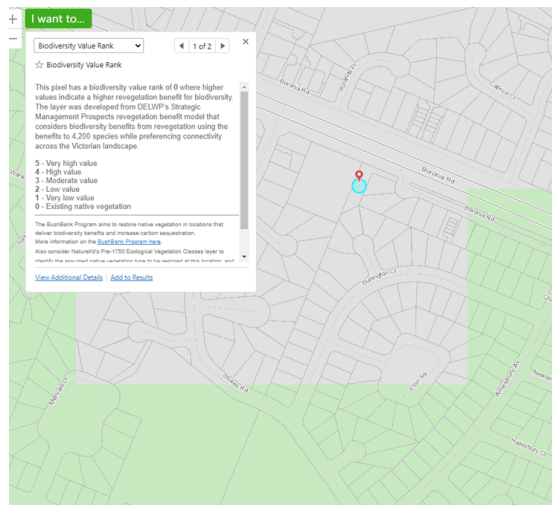


Figure 5: NatureKit Assessment - Biodiversity Rank - 566R Boronia Rd

1155 Burwood Highway – Rank 2-3

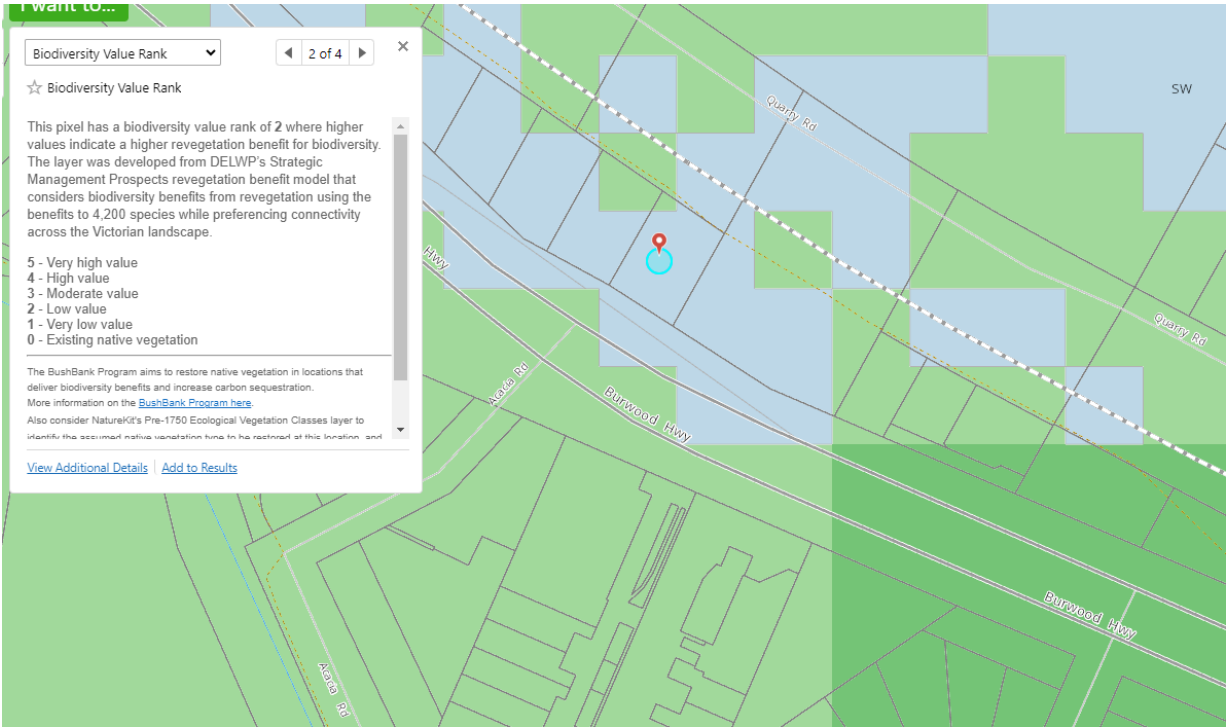


Figure 6: NatureKit Assessment - Biodiversity Rank - 1155 Burwood Highway

Benefit Revegetation - Benefit considered for the specific location, relative to all actions across all locations

Scale of 1 (low) to 100 (high).

566R Boronia – rank 2

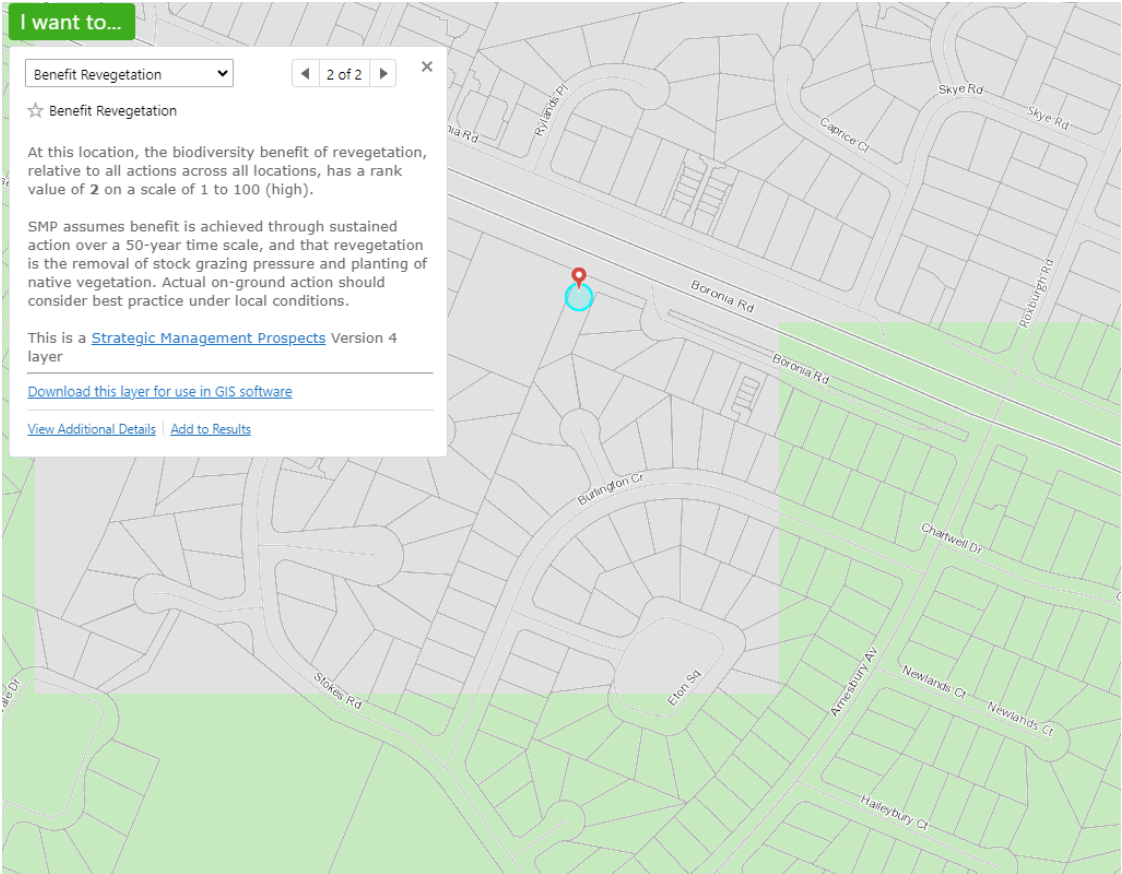


Figure 7: NatureKit Assessment - Benefit Revegetation - 566R Boronia Rd

1155 Burwood Highway – rank 36

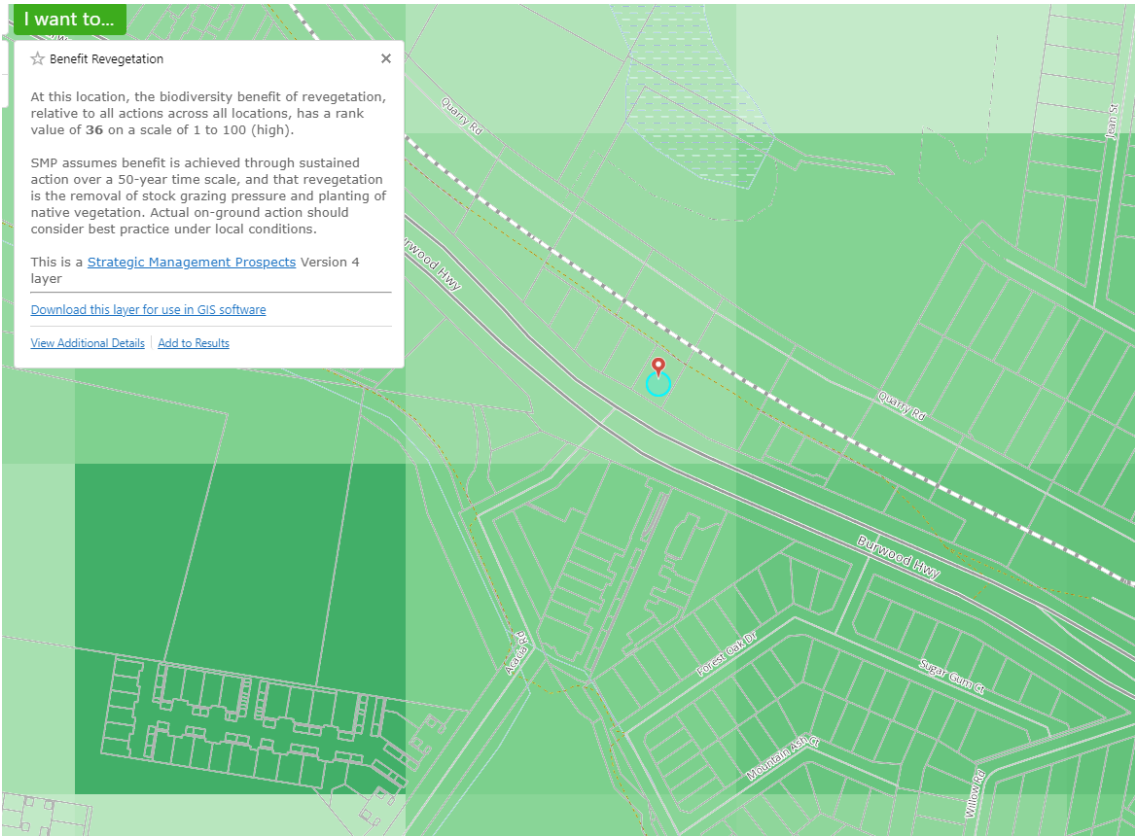


Figure 8: NatureKit Assessment - Benefit Revegetation - 1155 Burwood Highway

Mean Cost Effectiveness Rating - Locations with the highest mean cost-effectiveness ranks generally have multiple actions that achieve cost-effective biodiversity benefits, relative to other actions across the state. Some locations with moderate mean cost-effectiveness ranks may still have individual actions that are highly cost-effective. Use the Benefit-cost layers to see the cost-effectiveness ranks for individual actions at this location, and the Results Table link in the Summary Areas Layer to see which actions are most cost-effective in the surrounding area.

Scale of 1 (low) to 100 (high), where 100 is the top 1% of cost-effective actions in Victoria.

566R – No ranking



Figure 9: NatureKit Assessment - Mean Cost Effectiveness Rating - 566R Boronia Rd

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1155 Burwood Highway – ranking of 42

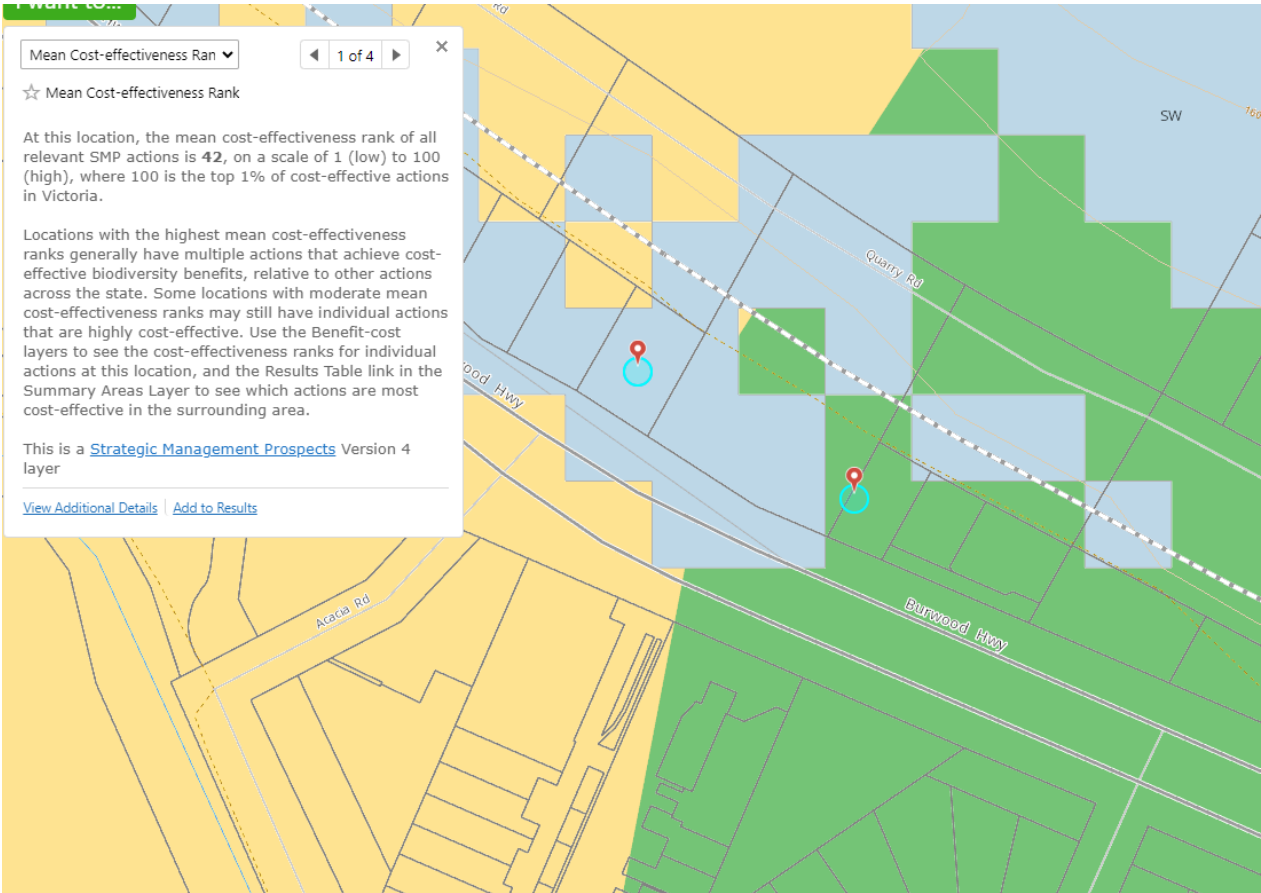
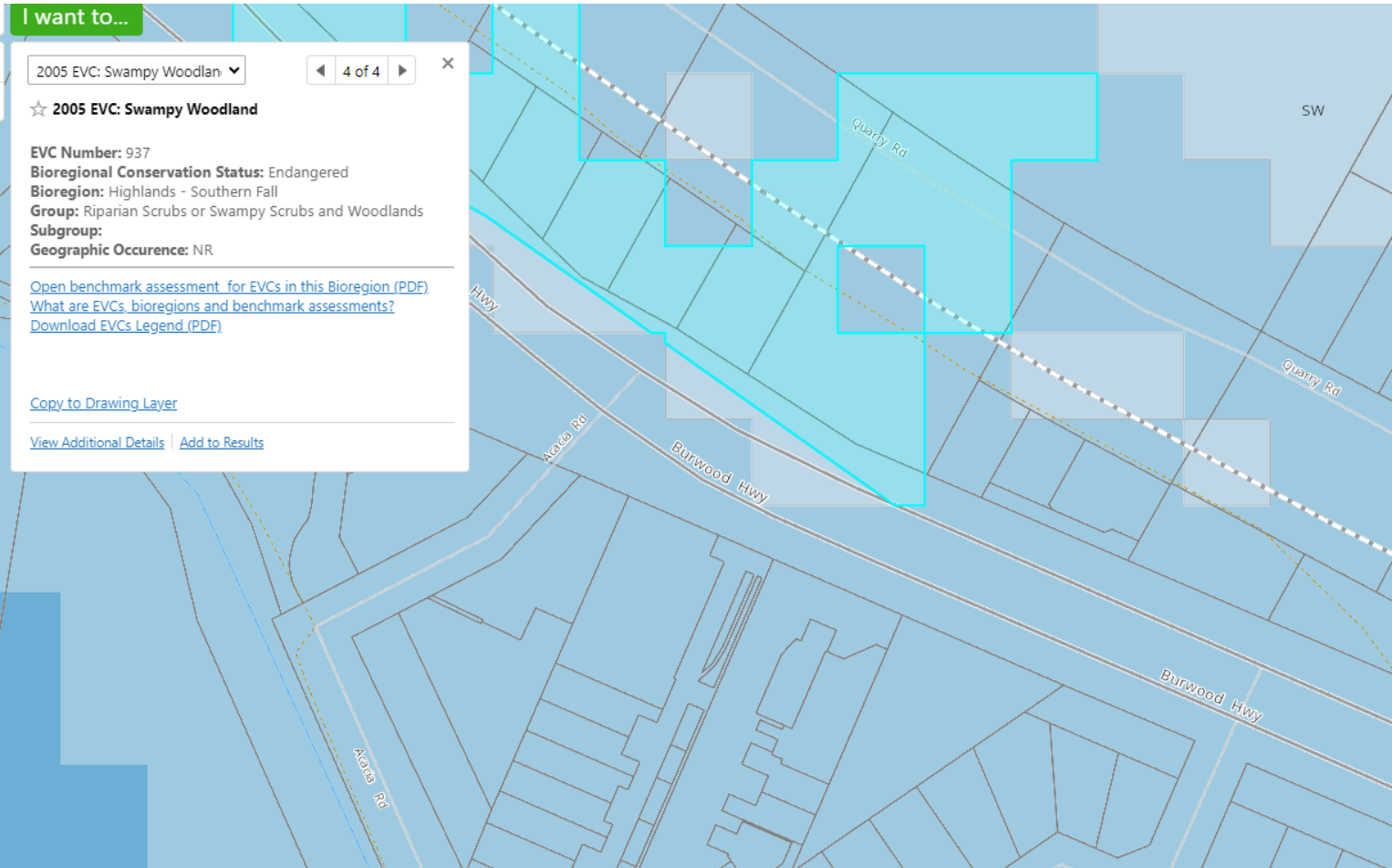


Figure 10: NatureKit Assessment - Mean Cost Effectiveness Rating - 1155 Burwood Highway

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Land Cover 2015-2019

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566R Boronia Rd – Urban Area

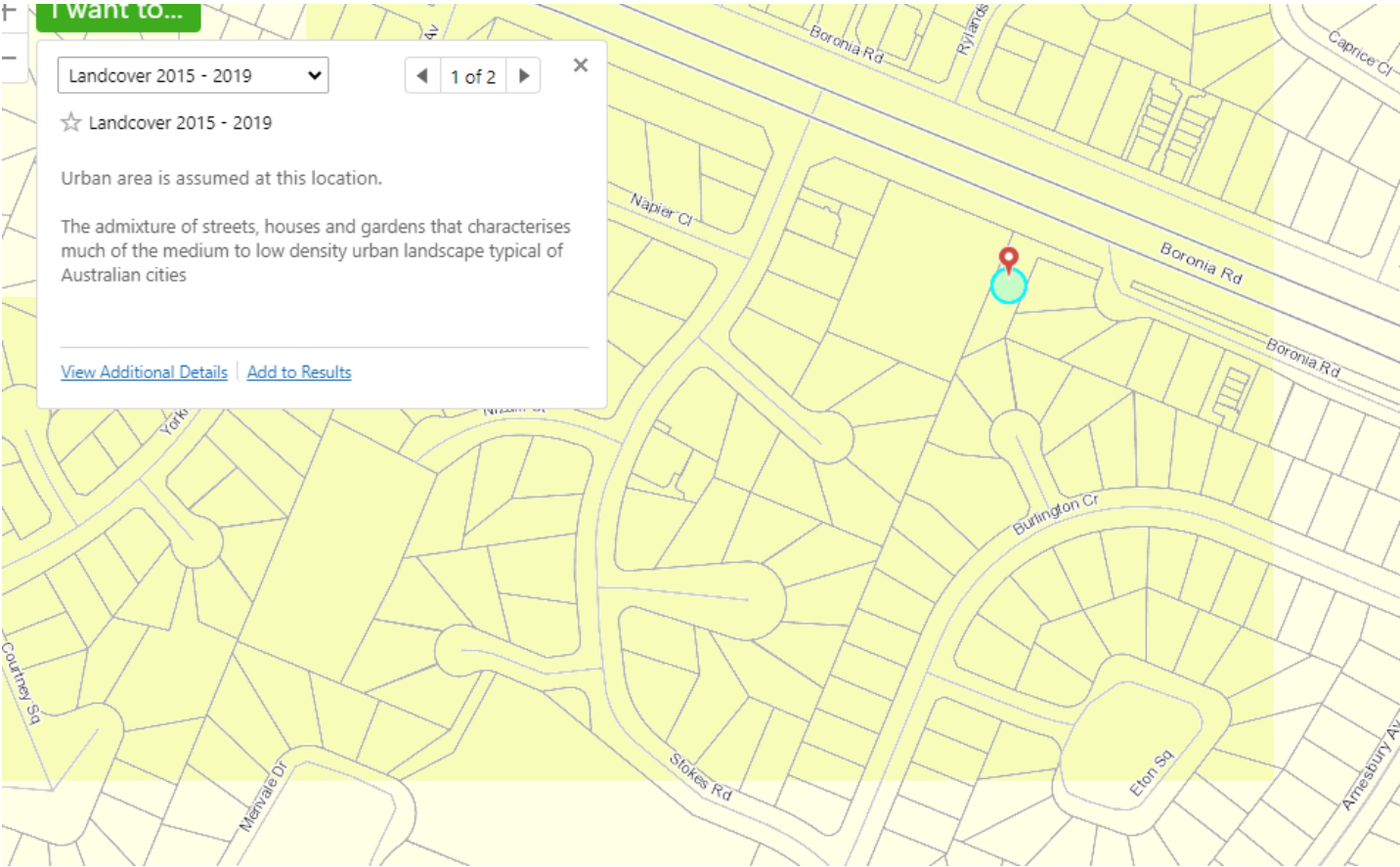


Figure 11: NautreKit Assessment - Land Cover 2015-2019 - 566R Boronia Rd

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1155 Burwood Highway – Treed Native Vegetation

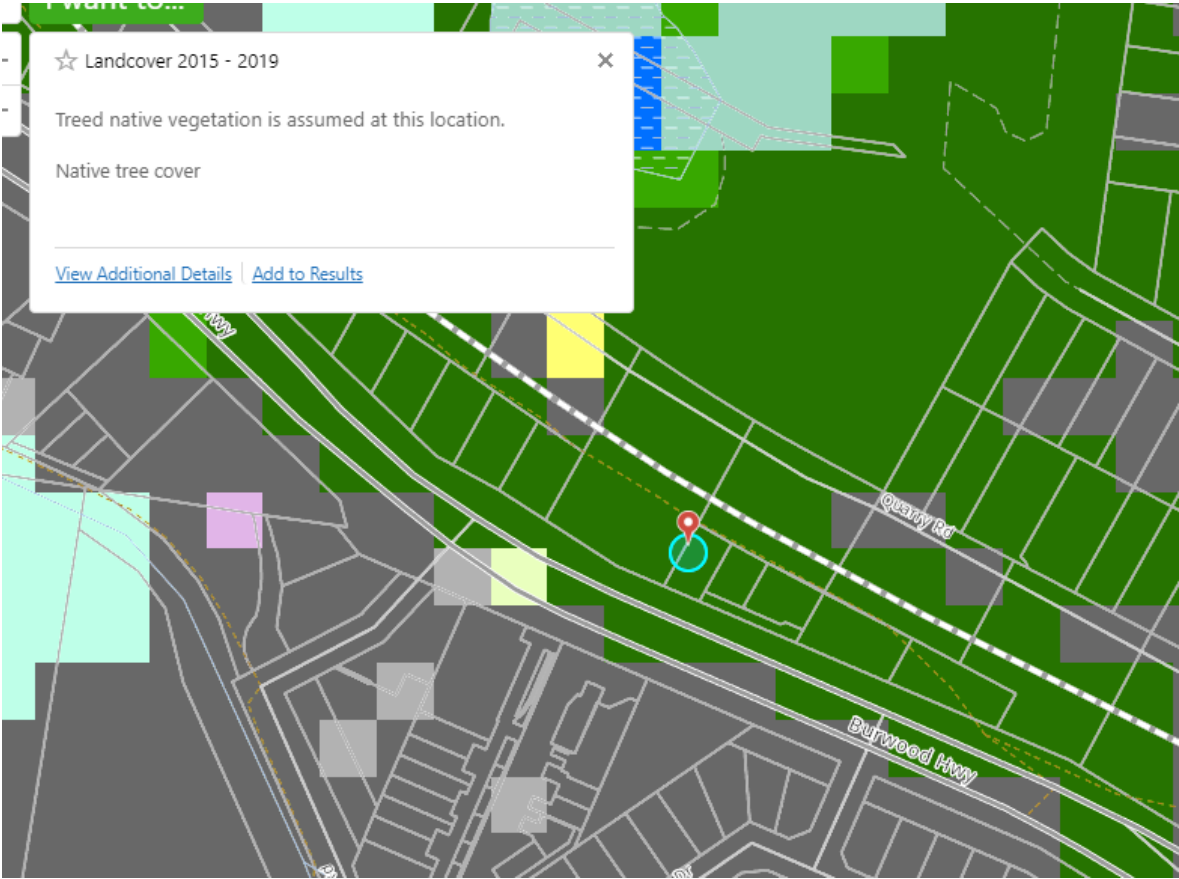


Figure 12: NatureKit Assessment - Land Cover 2015-2019 - 1155 Burwood Highway

Carbon Value Rank - The carbon value rank was developed from the carbon sequestration and storage potential of different vegetation types. Within a rank, revegetation will deliver a greater carbon benefit than assisted regeneration or supplementary planting to restore degraded native vegetation.

Key:
5 - Very high value
4 - High value
3 - Moderate value
2 - Low value
1 - Very low value
0 - Negligible value

566R Boronia – rank 4

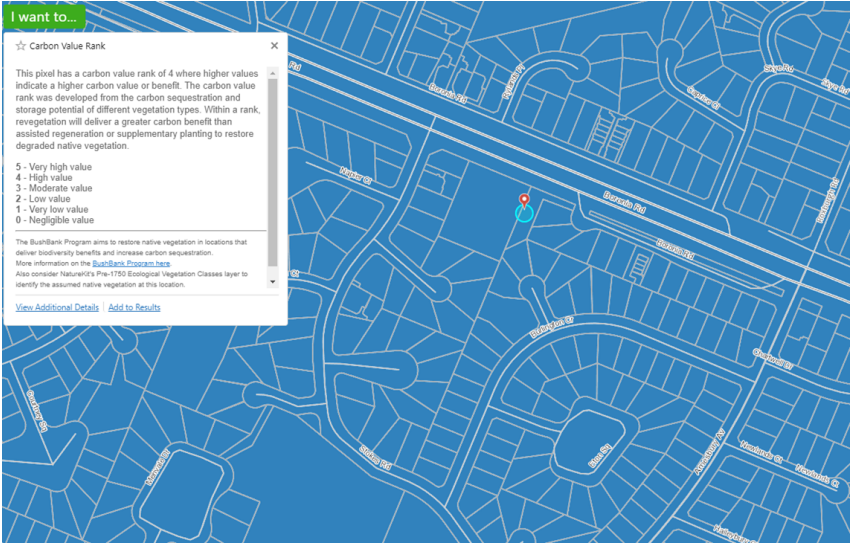


Figure 13: NatureKit Assessment - Carbon Value Rank - 566R Boronia Rd

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1155 Burwood Highway – rank 2

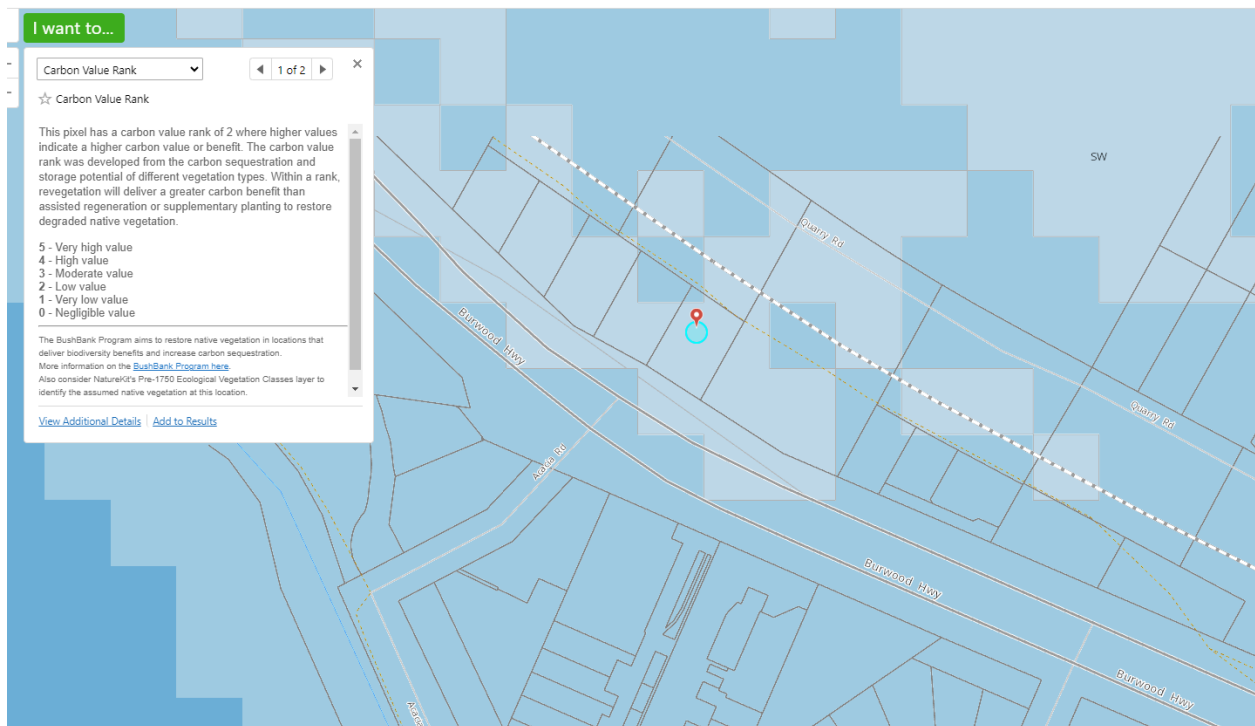


Figure 14: NatureKit Assessment - Carbon Value Rank - 1155 Burwood Highway

Target Landscapes - Cleared private land in Victoria is ranked according to its potential to concurrently deliver biodiversity and carbon benefits. A very high rank means that revegetation in that location will deliver very high benefits for carbon and very high benefits for biodiversity. Revegetation in a moderate rank location will deliver at least moderate benefits for carbon and biodiversity but may deliver higher benefits for one or the other and this should be considered when selecting sites within a project. This ranking was developed from the BushBank Carbon Value Rank and Biodiversity Value Rank maps.

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566R Boronia Rd – Very Low

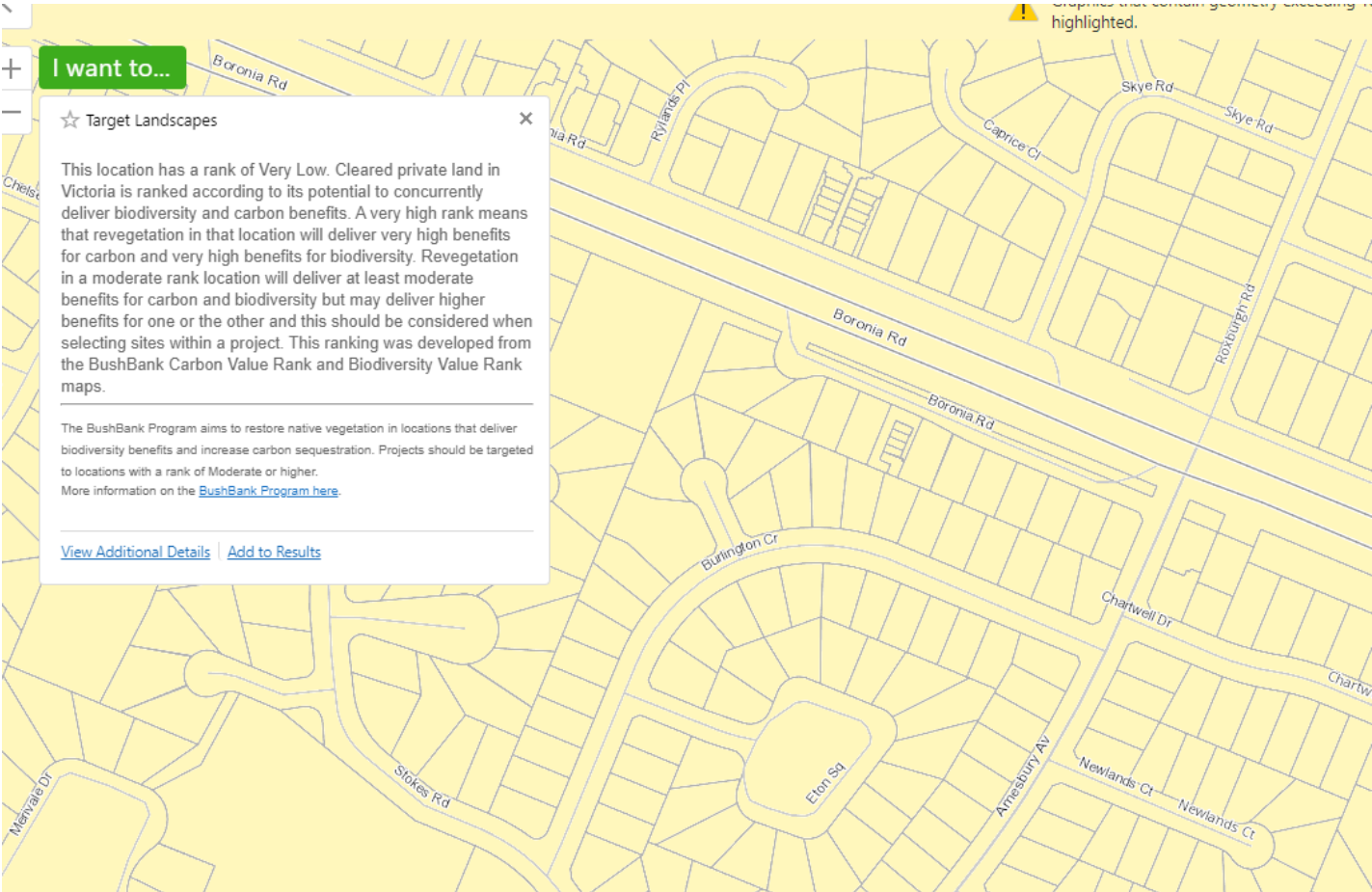


Figure 15: NatureKit Assessment - Target Landscapes - 566R Boronia Rd

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1155 Burwood Highway – Moderate

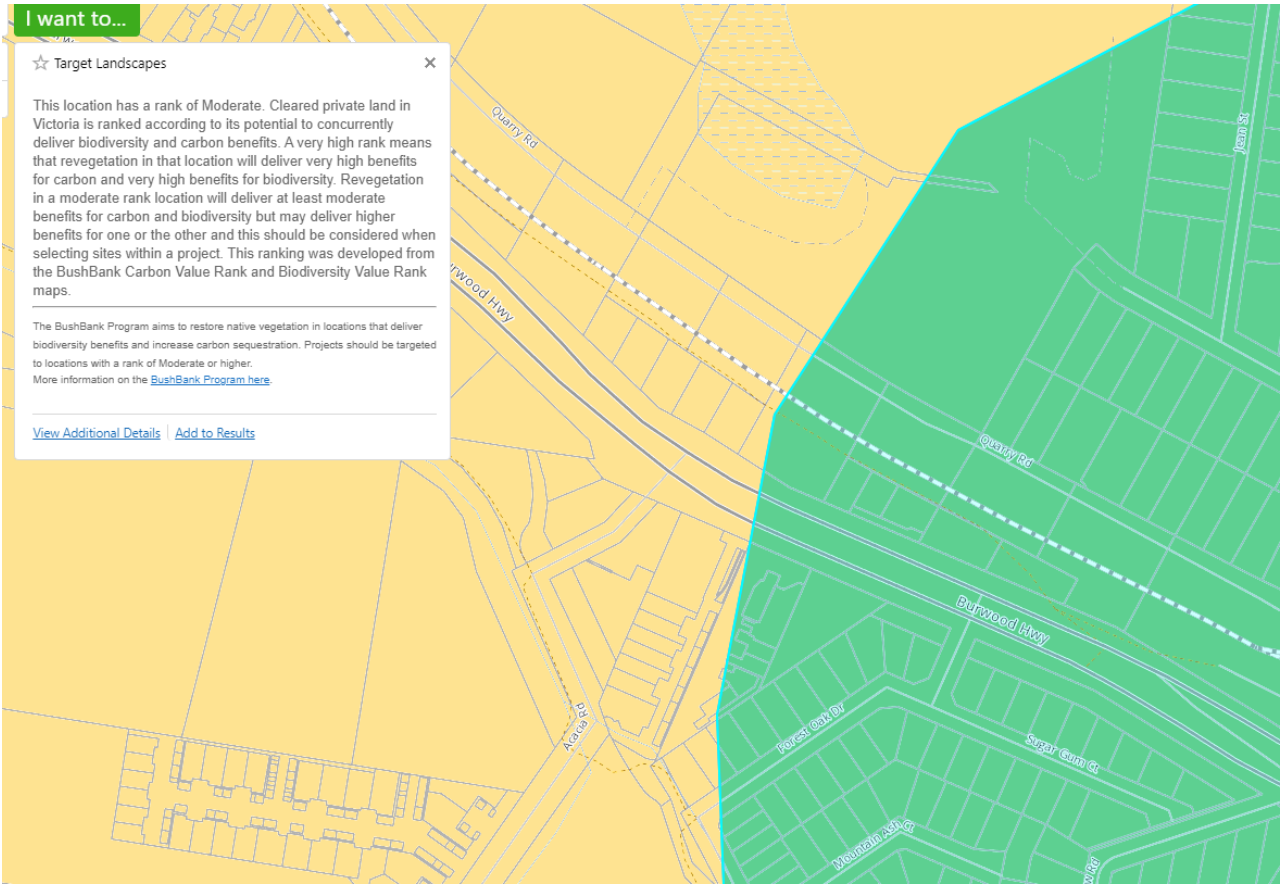


Figure 16: NautreKit Assessment - Target Landscapes - 1155 Burwood Highway

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Fauna Assessments – The Victorian Biodiversity Atlas (VBA) is a dataset for species occurrence observations, which includes a snapshot recording a presence or abundance of the species identified and have been vetted by species specialists. Due to the large amount of observations, the list only includes threatened sensitive and non-sensitive observations.

Fauna Assessment – 566R Boronia Rd Wantirna – Total 23 species observations since 1998

No.	Scientific Name	Common Name	Survey Type	Extra Information	Location Description	Origin
1	<i>Corvus mellori</i>	Little Raven	Birds Australia incidental search		SCHULTZ RESERVE Auto generated from coordinates: Wantirna	
2	<i>Anthochaera carunculata</i>	Red Wattlebird	Incidental		Centre about Wantirna VIC Melbourne VIC, Australia	
3	<i>Anthochaera carunculata</i>	Red Wattlebird	Birds Australia 500m area search		Cnr Boronia Road and Mountain Hwy	
4	<i>Spilopelia chinensis</i>	Spotted Dove	Birds Australia 500m area search		Cnr Boronia Road and Mountain Hwy	Introduced
5	<i>Sturnus vulgaris</i>	Common Starling	Birds Australia 500m area search		Cnr Boronia Road and Mountain Hwy	Introduced
6	<i>Manorina melanophrys</i>	Bell Miner	Birds Australia 500m area search		Cnr Boronia Road and Mountain Hwy	
7	<i>Acridotheres tristis</i>	Common Myna	Birds Australia 500m area search		Cnr Boronia Road and Mountain Hwy	Introduced
8	<i>Manorina melanocephala</i>	Noisy Miner	Birds Australia incidental search		SCHULTZ RESERVE Auto generated from coordinates: Wantirna	
9	<i>Gymnorhina tibicen</i>	Australian Magpie	Birds Australia 500m area search		Cnr Boronia Road and Mountain Hwy	
10	<i>Acridotheres tristis</i>	Common Myna	Birds Australia incidental search		SCHULTZ RESERVE Auto generated from coordinates: Wantirna	Introduced
11	<i>Hirundo neoxena</i>	Welcome Swallow	Birds Australia 500m area search		Cnr Boronia Road and Mountain Hwy	
12	<i>Turdus merula</i>	Common Blackbird	Birds Australia 500m area search		Cnr Boronia Road and Mountain Hwy	Introduced

No.	Scientific Name	Common Name	Survey Type	Extra Information	Location Description	Origin
13	Columba livia	Domestic Pigeon	Birds Australia 500m area search		Cnr Boronia Road and Mountain Hwy	Introduced
14	Wallabia bicolor	Black-tailed Wallaby	Incidental		Victoria, AU Victoria, AU	
15	Sericornis frontalis	White-browed Scrubwren	Birds Australia 500m area search		Cnr Boronia Road and Mountain Hwy	
16	Eolophus roseicapilla	Galah	Birds Australia incidental search		SCHULTZ RESERVE Auto generated from coordinates: Wantirna	
17	Platycercus elegans	Crimson Rosella	Birds Australia incidental search		SCHULTZ RESERVE Auto generated from coordinates: Wantirna	
18	Cacatua galerita	Sulphur-crested Cockatoo	Birds Australia incidental search		SCHULTZ RESERVE Auto generated from coordinates: Wantirna	
19	Gymnorhina tibicen	Australian Magpie	Birds Australia incidental search	Breeding	SCHULTZ RESERVE Auto generated from coordinates: Wantirna	
20	Corvus coronoides	Australian Raven	Birds Australia 500m area search		Cnr Boronia Road and Mountain Hwy	
21	Trichoglossus molucannus	Rainbow Lorikeet	Birds Australia incidental search		SCHULTZ RESERVE Auto generated from coordinates: Wantirna	
22	Grallina cyanoleuca	Magpie-lark	Birds Australia 500m area search		Cnr Boronia Road and Mountain Hwy	
23	Rhipidura leucophrys	Willie Wagtail	Birds Australia 500m area search		Cnr Boronia Road and Mountain Hwy	

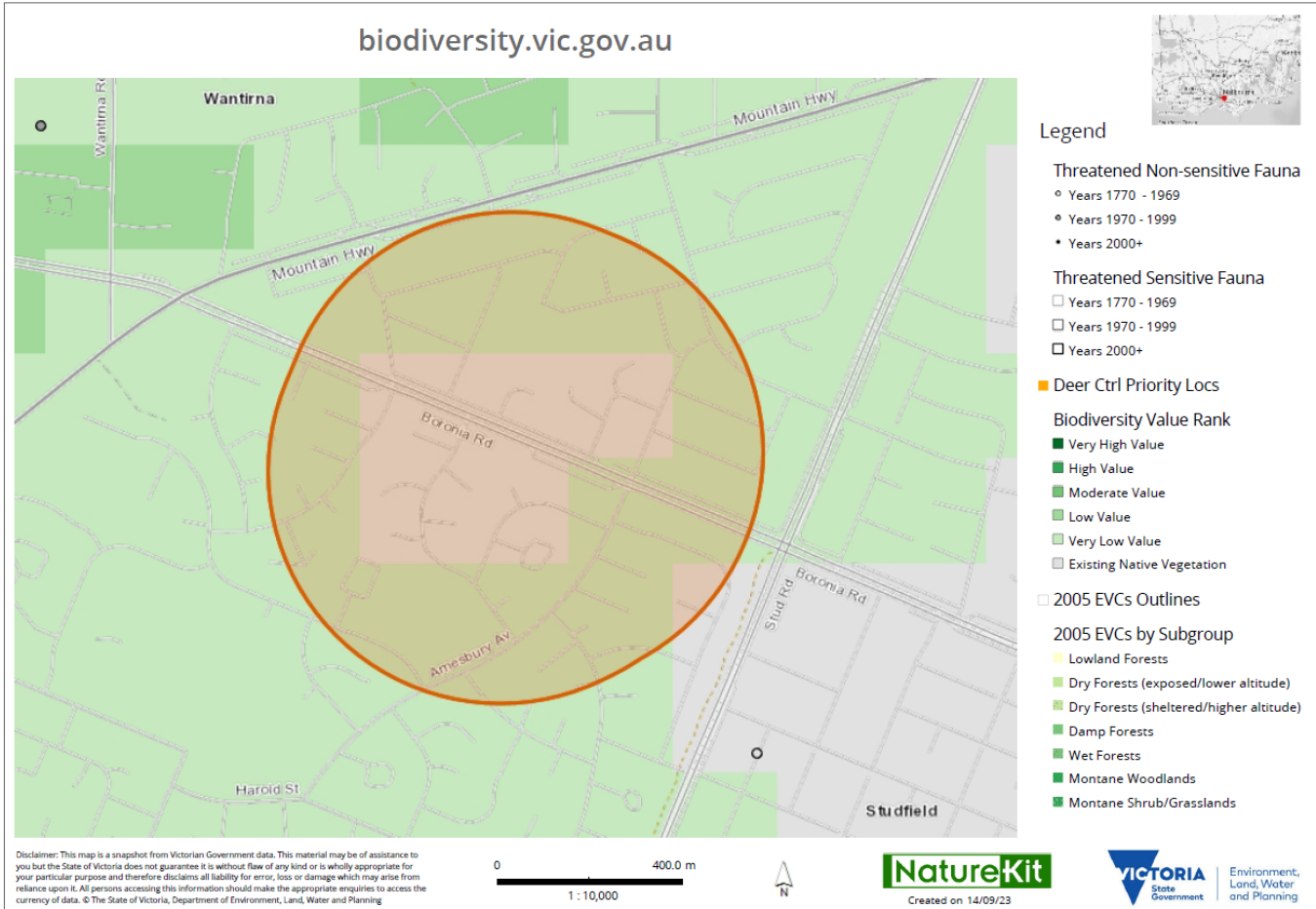


Figure 17: NatureKit - Fauna Assessment Map - 566R Boronia Rd

Fauna Assessment – 1155 Burwood Highway Upper Ferntree Gully – Total 46 observations since 2000

No.	Scientific Name	Common Name	Survey Type	Extra Information	Location Description	Origin
1	<i>Dacelo novaeguineae</i>	Laughing Kookaburra	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
2	<i>Menura novaehollandiae</i>	Superb Lyrebird	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
3	<i>Cormobates leucophaea</i>	White-throated Treecreeper	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
4	<i>Rhipidura albiscapa</i>	Grey Fantail	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
5	<i>Anthochaera carunculata</i>	Red Wattlebird	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
6	<i>Tyto tenebricosa</i>	Sooty Owl	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	Endangered
7	<i>Aegotheles cristatus</i>	Australian Owlet-nightjar	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
8	<i>Platycercus elegans</i>	Crimson Rosella	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
9	<i>Phylidonyris pyrrhopterus</i>	Crescent Honeyeater	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
10	<i>Eopsaltria australis</i>	Eastern Yellow Robin	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
11	<i>Cacatua galerita</i>	Sulphur-crested Cockatoo	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
12	<i>Acanthorhynchus tenuirostris</i>	Eastern Spinebill	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
13	<i>Psophodes olivaceus</i>	Eastern Whipbird	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
14	<i>Acanthiza pusilla</i>	Brown Thornbill	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	

No.	Scientific Name	Common Name	Survey Type	Extra Information	Location Description	Origin
15	<i>Sericornis frontalis</i>	White-browed Scrubwren	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
16	<i>Ninox boobook</i>	Southern Boobook	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
17	<i>Turdus merula</i>	Common Blackbird	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
18	<i>Strepera versicolor</i>	Grey Currawong	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
19	<i>Strepera graculina</i>	Pied Currawong	Birds Australia 500m area search		Ferntree Gully Forest: Dandenong Ranges NP 1km N of Ferntree Gully	
20	<i>Falco peregrinus</i>	Peregrine Falcon	General observations	Breeding	Quarry Road: Ferntree Gully Vic	
21	<i>Spilopelia chinensis</i>	Spotted Dove	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	
22	<i>Turdus merula</i>	Common Blackbird	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	
23	<i>Parvipsitta pusilla</i>	Little Lorikeet	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	
24	<i>Alisterus scapularis</i>	Australian King-Parrot	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	
25	<i>Rhipidura leucophrys</i>	Willie Wagtail	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	
26	<i>Acanthiza lineata</i>	Striated Thornbill	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	
27	<i>Dacelo novaeguineae</i>	Laughing Kookaburra	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	
28	<i>Psophodes olivaceus</i>	Eastern Whipbird	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	
29	<i>Acridotheres tristis</i>	Common Myna	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	

No.	Scientific Name	Common Name	Survey Type	Extra Information	Location Description	Origin
30	<i>Acanthiza chrysorrhoa</i>	Yellow-rumped Thornbill	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	
31	<i>Eolophus roseicapilla</i>	Galah	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	
32	<i>Manorina melanocephala</i>	Noisy Miner	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	
33	<i>Anthochaera carunculata</i>	Red Wattlebird	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	
34	<i>Grallina cyanoleuca</i>	Magpie-lark	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	
35	<i>Rhipidura albiscapa</i>	Grey Fantail	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	
36	<i>Cormobates leucophaea</i>	White-throated Treecreeper	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	
37	<i>Cacatua galerita</i>	Sulphur-crested Cockatoo	Birds Australia 500m area search		Upper Ferntree Gully Upper Ferntree Gully	
38	<i>Gymnorhina tibicen</i>	Australian Magpie	Incidental		Victoria, AU Victoria, AU	
39	<i>Vanellus miles</i>	Masked Lapwing	Incidental		Victoria, AU Victoria, AU	
40	<i>Anas superciliosa</i>	Pacific Black Duck	Incidental		Victoria, AU Victoria, AU	
41	<i>Anas superciliosa</i>	Pacific Black Duck	Incidental		Centre about Ferntree Gully VIC Ferntree Gully VIC 3156, Australia	
42	<i>Gymnorhina tibicen</i>	Australian Magpie	Incidental		Centre about Upper Ferntree Gully VIC (1km) Upper Ferntree Gully VIC 3156, Australia	
43	<i>Fulica atra</i>	Eurasian Coot	Incidental		Centre about Ferntree Gully VIC (1km) Ferntree Gully VIC 3156, Australia	
44	<i>Platycercus eximius</i>	Eastern Rosella	Birds Australia incidental search		QUARRY RESERVE Auto generated from coordinates: Ferntree Gully	
45	<i>Gymnorhina tibicen</i>	Australian Magpie	Birds Australia incidental search		QUARRY RESERVE Auto generated from coordinates: Ferntree Gully	

No.	Scientific Name	Common Name	Survey Type	Extra Information	Location Description	Origin
46	Platycercus elegans	Crimson Rosella	Birds Australia incidental search		QUARRY RESERVE Auto generated from coordinates: Ferntree Gully	

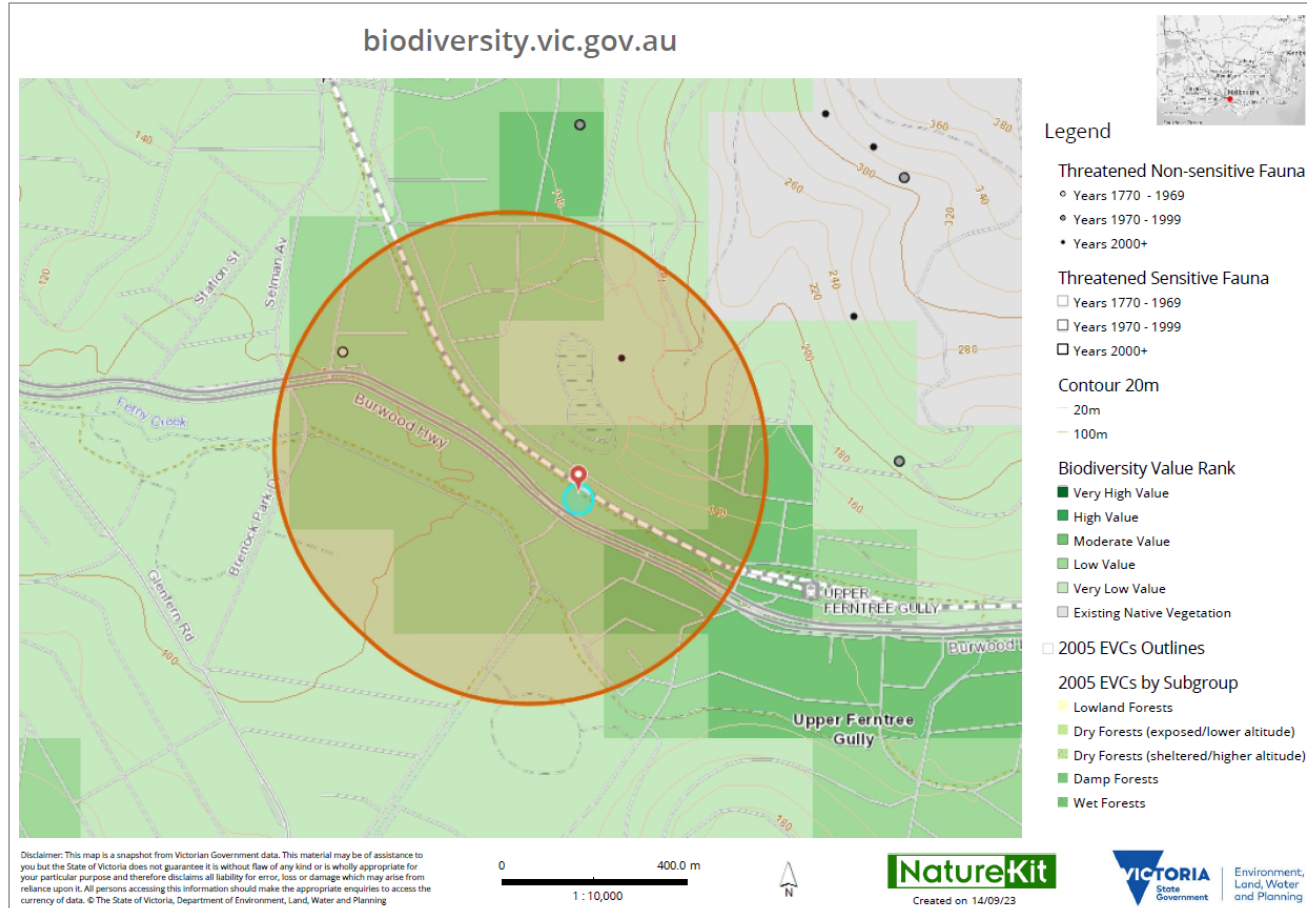


Figure 18: NatureKit - Fauna Assessment Map - 1155 Burwood Highway

**Attachment 3 - Preliminary Arboriculture
Report - 566R Boronia Road Wantirna**

Preliminary Arboricultural Assessment



Site Address:
566R Boronia Road, Wantirna

Prepared for:
Knox City Council

Prepared by:
Matthew P James
Melbourne Tree Care

MUrbanHort (studying)

GradCertArb

DipArb

Submitted: 10/07/2023



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Introduction

Melbourne Tree Care was contracted by Knox City Council to undertake a preliminary arboricultural assessment for trees located within the boundaries of 556R Boronia Road, Wantirna.

Aim of report

The intention of this report is to:

- Assess trees located within the subject site.
- State the permit requirements for tree removal.
- State the retention value for each tree.
- State the Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) of all trees.

Methodology

- Matthew P James of Melbourne Tree Care attended site on the 3rd of July, 2023.
- Data acquired is based on a Visual Tree Inspection (VTA) from the ground (Mattheck and Breloer, 1994).
- Trees within the subject site with a mature height greater than five metres were assessed.
- Data collected for each tree was their current size (DBH, DaB, crown spread, height), condition (health and structure), ULE (useful life expectancy), retention value, TPZ, and SRZ.
- DBH (Diameter at Breast Height) was measured at 1.4 metres using a diameter tape.
- DaB (Diameter at Base) was measure above the root flare using a diameter tape.
- Tree height and canopy spread were estimated.
- Tree locations are estimates.
- Data was recorded using Tree Plotter.
- TPZ's and SRZ's were calculated in accordance with Australian Standard 4970-2009 Protection of trees on development sites.



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Planning Controls

The subject site is located in Knox City Council Residential Growth Zone – Schedule 1 (RGZ1). No planning overlays are present.

Table 1. Tree Permit Status

Tree Id	Botanical Name	Retention Value	Permit Required
1	<i>Eucalyptus pellita</i>	Low	No
2	<i>Eucalyptus camaldulensis</i>	High	No
3	<i>Corymbia sp.</i>	Medium	No
4	<i>Eucalyptus robusta</i>	Medium	No
5	<i>Eucalyptus robusta</i>	Medium	No
6	<i>Kunzea sp.</i>	Low	No
7	<i>Kunzea sp.</i>	Low	No
8	<i>Eucalyptus robusta</i>	Low	No
9	<i>Lophostemon confertus</i>	Medium	No
10	<i>Corymbia maculata</i>	Low	No
11	<i>Melaleuca armillaris</i>	Low	No
12	<i>Casuarina cunninghamiana</i>	Medium	No
13	<i>Eucalyptus camaldulensis</i>	High	No
14	<i>Pittosporum undulatum</i>	Low	No
15	<i>Eucalyptus camaldulensis</i>	High	No
16	<i>Pittosporum undulatum</i>	Low	No
17	<i>Prunus cerasifera</i>	Low	No
18	<i>Prunus cerasifera</i>	Low	No
19	<i>Ficus carica</i>	Low	No
20	<i>Solanum mauritianum</i>	Low	No
21	<i>Pinus radiata</i>	Low	No
22	<i>Pinus radiata</i>	Low	No
23	<i>Pinus radiata</i>	Low	No
24	<i>Pinus radiata</i>	Low	No
25	<i>Pinus radiata</i>	Low	No
26	<i>Pinus radiata</i>	Low	No
27	<i>Pinus radiata</i>	Low	No



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Observations

A total of 27 individual trees were assessed for this report (Figure 1) See **Appendix A** for tree locations. Detailed observations for individual trees are listed in **Appendix B**, and see **Appendix C** for glossary of terms.



Figure 1. Site overview and tree locations

Tree Population Overview

The trees assessed are mature (63% of the tree population), semi mature (33%), and one tree is juvenile in age. The trees are a mix of exotic (41%), Australian native (33%), and Victorian native species (26%). The population is comprised of 14 different species, with *Pinus radiata* (Monterey Pine) the most extensively planted species. Two species could only be identified to a genus level due to a lack of identifiable features (leaves, flowers, fruit). See **Appendix A** for individual tree locations and **Appendix B** for individual tree data.



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Health

The health of the trees is assessed as fair (81%), good (11%), and poor (8%). Most trees are presenting with good leaf size and colour, crown density, and branch elongation; all of which are indicators of good vigour and vitality.

Structure

The structure of the trees is assessed as fair (74%), and poor (26%). Most trees present with strong branch and stem attachments and are generally free of any above-ground defects.

Tree Retention Value

Three trees were found to have a high retention value due to their large size, good to fair health, and high amenity value. Five trees have a medium retention value, and the remaining 19 trees have a low retention value. See **Table 2** below.

Table 2. Tree Retention Values

Retention Value	Tree Id
High	2, 13, 15
Medium	3, 4, 5, 9, 12
Low	1, 6, 7, 8, 10, 11, 14, 16-27





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Tree Protection Zones

A Tree Protection Zone (TPZ), as stated by the Australian Standard AS4970: 2009, Protection of trees on development sites, is the principal means of protection of trees on development site. The TPZ is a combination of the root area and crown area requiring protection. It is an area isolated from construction disturbance, so that the tree remains viable.

The Australian Standard AS4970: 2009 is being used in assessing the protection areas for each tree as it describes the best practices for the planning and protection of trees on development sites.

Table 3. Individual TPZ's and SRZ's

Tree Id	DBH (cm)	TPZ Radius (m)	DaB (cm)	SRZ Radius (m)
1	61	7.32	72	2.88
2	79	9.48	98	3.28
3	26	3.12	35	2.13
4	50	6	58	2.63
5	32	3.84	37	2.18
6	12	2	18	1.61
7	11	2	23	1.79
8	15	2	20	1.68
9	43	5.1	58	2.63
10	35	4.2	47	2.41
11	36	4.27	49	2.45
12	20	2.4	28	1.94
13	42	5.04	52	2.51
14	25	3	34	2.1
15	107	12.84	134	3.74
16	5	2	7	1.5
17	5	2	8	1.5
18	24	2.88	24	1.82
19	12	2	16	1.53
20	6	2	8	1.5
21	63	7.56	74	2.92
22	63	7.56	70	2.85
23	69	8.23	77	2.97
24	40	4.8	48	2.43
25	56	6.72	60	2.67
26	56	6.72	64	2.74
27	64	7.68	71	2.87

DBH – Diameter at Breast Height; DaB – Diameter At Base; Cm – Centimetre; M – Metre



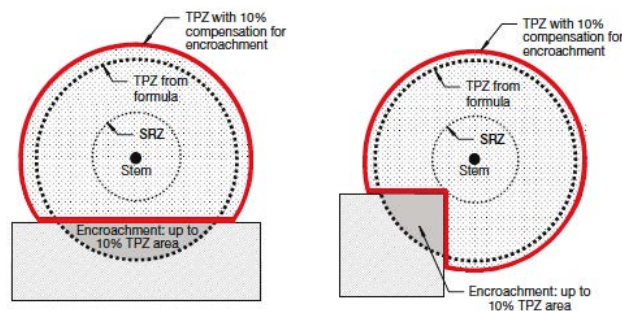
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In calculating the radius for the Tree Protection Zones (TPZ), the DBH, measured at 1.4m from the ground, is multiplied by 12. The TPZ requirements are as follows:

- If the TPZ is encroached by less than 10%, the Australian Standard AS4970: 2009 states: *detailed root investigations should not be required.*
- If the TPZ is encroached by more than 10%, the Australian Standard AS4970: 2009 states: *the project Arborist must demonstrate that the tree(s) would remain viable. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ.*



The Structural Root Zone (SRZ) is the area around the base of the tree required for stability in the ground. These roots are fundamental for the trees structure and health. The standard states:

“The area around the base of a tree required for the tree’s stability in the ground. The woody root growth and soil cohesion in this area are necessary to hold the tree upright. The SRZ is nominally circular with the trunk at its centre and is expressed by its radius in metres. This zone considers a tree’s structural stability only, not the root zone required for a tree’s vigour and long-term viability, which will usually be a much larger area.” (AS4970)

To calculate the SRZ, the equation is $(D \times 50)^{0.42} \times 0.64$, where D is the Diameter at Base (DAB).

The effects of root loss or damage by any means could include:

- Loss of stability if structural woody roots or even lower order woody roots are cut
- Reduction in water and nutrient uptake
- An eventual loss of leaves, reduced photosynthesis and thus sugar production
- Decay as a result of wounding
- Predisposition to soil borne pathogens



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Conclusion

A total of 27 individual trees were assessed for this report. The main findings of the assessment were:

- The trees are generally present with fair to good health and structure.
- Three trees were assessed as having a high retention value.
- Five trees have been assessed as having a medium retention value.
- No trees onsite require a permit for their removal.





Coordinate Reference System (CRS)
 EPSG: 38355 GDA94/MGA Zone 55

Tree locations are approximate

**Melbourne Tree Care
 Preliminary Arboricultural
 Assessment**

566R Boronia Rd, Wantirna

Appendix A: Tree Locations



Legend

Orange outline: Cadastre

Grey line: Road

Retention Value

Green dot: High

Yellow dot: Medium

Red dot: Low



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Appendix B: Individual Tree Data

Tree ID	1	Origin	Aus. Native		
Botanical Name	<i>Eucalyptus pellita</i>	Age	Mature		
Common Name	Large-fruited Red Mahogany	DBH (cm)	61		
Tree Height (m)	10	Canopy Spread (m)	8		
Health	Fair	Structure	Poor		
ULE	Short	Location	Onsite		
Observations	Previous failures. Acute codominant stems. Epicormics. Borer				
Retention Value	Low	TPZ (m)	7.32		
Tree ID	2	Origin	Vic. Native		
Botanical Name	<i>Eucalyptus camaldulensis</i>	Age	Mature		
Common Name	River Red Gum	DBH (cm)	79		
Tree Height (m)	16	Canopy Spread (m)	12		
Health	Fair	Structure	Fair		
ULE	Medium	Location	Onsite		
Observations	Previous failures. Pruned for power line clearance.				
Retention Value	High	TPZ (m)	9.48		
Tree ID	3	Origin	Aus. Native		
Botanical Name	<i>Corymbia sp.</i>	Age	Semi mature		
Common Name	Bloodwood	DBH (cm)	26		
Tree Height (m)	12	Canopy Spread (m)	2		
Health	Fair	Structure	Fair		
ULE	Medium	Location	Onsite		
Observations	Pruned for power line clearance				
Retention Value	Medium	TPZ (m)	3.12		



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Tree ID	4	Origin	Aus. Native
Botanical Name	<i>Eucalyptus robusta</i>	Age	Semi mature
Common Name	Swamp Mahogany	DBH (cm)	50
Tree Height (m)	9	Canopy Spread (m)	8
Health	Fair	Structure	Fair
ULE	Medium	Location	Onsite
Observations	Wounds		



Retention Value	Medium	TPZ (m)	6
Tree ID	5	Origin	Aus. Native
Botanical Name	<i>Eucalyptus robusta</i>	Age	Semi mature
Common Name	Swamp Mahogany	DBH (cm)	32
Tree Height (m)	9	Canopy Spread (m)	4
Health	Fair	Structure	Fair
ULE	Medium	Location	Onsite
Observations	Pruned for power line clearance		



Retention Value	Medium	TPZ (m)	3.84
Tree ID	6	Origin	Aus. Native
Botanical Name	<i>Kunzea sp.</i>	Age	Mature
Common Name	Burgan	DBH (cm)	12
Tree Height (m)	5	Canopy Spread (m)	3
Health	Fair	Structure	Poor
ULE	Short	Location	Onsite
Observations	In decline. Included codominant stems		



Retention Value	Low	TPZ (m)	2
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Tree ID	7	Origin	Aus. Native
Botanical Name	<i>Kunzea sp.</i>	Age	Mature
Common Name	Burgan	DBH (cm)	11
Tree Height (m)	5	Canopy Spread (m)	3
Health	Fair	Structure	Poor
ULE	Short	Location	Onsite
Observations	In decline. Previous failures. Decay.		



Retention Value	Low	TPZ (m)	2
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Tree ID	8	Origin	Aus. Native
Botanical Name	<i>Eucalyptus robusta</i>	Age	Semi mature
Common Name	Swamp Mahogany	DBH (cm)	15
Tree Height (m)	6	Canopy Spread (m)	4
Health	Fair	Structure	Poor
ULE	Short	Location	Onsite
Observations	Regrowth on old stump		



Retention Value	Low	TPZ (m)	2
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Tree ID	9	Origin	Aus. Native
Botanical Name	<i>Lophostemon confertus</i>	Age	Mature
Common Name	Queensland Brush Box	DBH (cm)	43
Tree Height (m)	9	Canopy Spread (m)	6
Health	Good	Structure	Fair
ULE	Medium	Location	Onsite
Observations			



Retention Value	Medium	TPZ (m)	5.1
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Tree ID	10	Origin	Vic. Native
Botanical Name	<i>Corymbia maculata</i>	Age	Semi mature
Common Name	Spotted Gum	DBH (cm)	35
Tree Height (m)	12	Canopy Spread (m)	8
Health	Poor	Structure	Fair
ULE	Short	Location	Onsite
Observations	In decline. Dieback. Sooty mould		
Retention Value	Low	TPZ (m)	4.2
Tree ID	11	Origin	Vic. Native
Botanical Name	<i>Melaleuca armillaris</i>	Age	Mature
Common Name	Giant Honey Myrtle	DBH (cm)	36
Tree Height (m)	8	Canopy Spread (m)	8
Health	Fair	Structure	Poor
ULE	Short	Location	Onsite
Observations	In decline. Previous codominant stem failure. Included codominant stems.		
Retention Value	Low	TPZ (m)	4.27
Tree ID	12	Origin	Aus. Native
Botanical Name	<i>Casuarina cunninghamiana</i>	Age	Semi mature
Common Name	River She-oak	DBH (cm)	20
Tree Height (m)	8	Canopy Spread (m)	4
Health	Fair	Structure	Fair
ULE	Medium	Location	Onsite
Observations			
Retention Value	Medium	TPZ (m)	2.4





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Tree ID	13	Origin	Vic. Native
Botanical Name	<i>Eucalyptus camaldulensis</i>	Age	Mature
Common Name	River Red Gum	DBH (cm)	42
Tree Height (m)	14	Canopy Spread (m)	8
Health	Fair	Structure	Fair
ULE	Medium	Location	Onsite
Observations			



Retention Value	High	TPZ (m)	5.04
Tree ID	14	Origin	Vic. Native
Botanical Name	<i>Pittosporum undulatum</i>	Age	Mature
Common Name	Sweet Pittosporum	DBH (cm)	25
Tree Height (m)	6	Canopy Spread (m)	8
Health	Poor	Structure	Fair
ULE	Short	Location	Onsite
Observations	Weed species		



Retention Value	Low	TPZ (m)	3
Tree ID	15	Origin	Vic. Native
Botanical Name	<i>Eucalyptus camaldulensis</i>	Age	Mature
Common Name	River Red Gum	DBH (cm)	107
Tree Height (m)	18	Canopy Spread (m)	25
Health	Fair	Structure	Fair
ULE	Medium	Location	Onsite
Observations			



Retention Value	High	TPZ (m)	12.84
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Tree ID	16	Origin	Vic. Native
Botanical Name	<i>Pittosporum undulatum</i>	Age	Juvenile
Common Name	Sweet Pittosporum	DBH (cm)	5
Tree Height (m)	2	Canopy Spread (m)	1
Health	Good	Structure	Fair
ULE	Short	Location	Onsite
Observations	Weed species		



Retention Value	Low	TPZ (m)	2
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Tree ID	17	Origin	Exotic
Botanical Name	<i>Prunus cerasifera</i>	Age	Semi mature
Common Name	Cherry Plum	DBH (cm)	5
Tree Height (m)	3	Canopy Spread (m)	3
Health	Fair	Structure	Fair
ULE	Short	Location	Onsite
Observations	Weed species		



Retention Value	Low	TPZ (m)	2
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Tree ID	18	Origin	Exotic
Botanical Name	<i>Prunus cerasifera</i>	Age	Mature
Common Name	Cherry Plum	DBH (cm)	24
Tree Height (m)	5	Canopy Spread (m)	6
Health	Fair	Structure	Poor
ULE	Short	Location	Onsite
Observations	Weed species		



Retention Value	Low	TPZ (m)	2.88
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Tree ID	19	Origin	Exotic
Botanical Name	<i>Ficus carica</i>	Age	Semi mature
Common Name	Common Fig	DBH (cm)	12
Tree Height (m)	4	Canopy Spread (m)	7
Health	Fair	Structure	Poor
ULE	Short	Location	Onsite
Observations	Poor location		
Retention Value	Low	TPZ (m)	2
Tree ID	20	Origin	Exotic
Botanical Name	<i>Solanum mauritianum</i>	Age	Semi mature
Common Name	Tree Tobacco	DBH (cm)	6
Tree Height (m)	3	Canopy Spread (m)	3
Health	Good	Structure	Fair
ULE	Short	Location	Onsite
Observations	Weed species		
Retention Value	Low	TPZ (m)	2
Tree ID	21	Origin	Exotic
Botanical Name	<i>Pinus radiata</i>	Age	Mature
Common Name	Monterey Pine	DBH (cm)	63
Tree Height (m)	14	Canopy Spread (m)	7
Health	Fair	Structure	Fair
ULE	Short	Location	Onsite
Observations	In decline		
Retention Value	Low	TPZ (m)	7.56





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Tree ID	22	Origin	Exotic
Botanical Name	<i>Pinus radiata</i>	Age	Mature
Common Name	Monterey Pine	DBH (cm)	63
Tree Height (m)	13	Canopy Spread (m)	7
Health	Fair	Structure	Fair
ULE	Short	Location	Onsite
Observations	In decline		



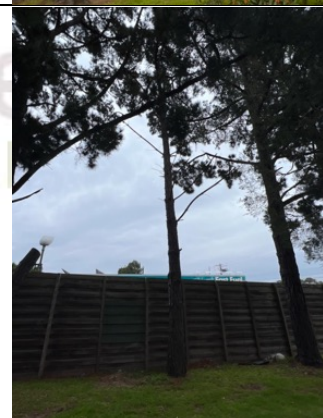
Retention Value	Low	TPZ (m)	7.56
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Tree ID	23	Origin	Exotic
Botanical Name	<i>Pinus radiata</i>	Age	Mature
Common Name	Monterey Pine	DBH (cm)	69
Tree Height (m)	12	Canopy Spread (m)	10
Health	Fair	Structure	Fair
ULE	Short	Location	Onsite
Observations	In decline		



Retention Value	Low	TPZ (m)	8.23
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Tree ID	24	Origin	Exotic
Botanical Name	<i>Pinus radiata</i>	Age	Mature
Common Name	Monterey Pine	DBH (cm)	40
Tree Height (m)	12	Canopy Spread (m)	4
Health	Fair	Structure	Fair
ULE	Short	Location	Onsite
Observations	In decline		



Retention Value	Low	TPZ (m)	4.8
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Tree ID	25	Origin	Exotic
Botanical Name	<i>Pinus radiata</i>	Age	Mature
Common Name	Monterey Pine	DBH (cm)	56
Tree Height (m)	14	Canopy Spread (m)	12
Health	Fair	Structure	Fair
ULE	Short	Location	Onsite
Observations	In decline		



Retention Value	Low	TPZ (m)	6.72
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Tree ID	26	Origin	Exotic
Botanical Name	<i>Pinus radiata</i>	Age	Mature
Common Name	Monterey Pine	DBH (cm)	56
Tree Height (m)	15	Canopy Spread (m)	6
Health	Fair	Structure	Fair
ULE	Short	Location	Onsite
Observations	In decline		



Retention Value	Low	TPZ (m)	6.72
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Tree ID	27	Origin	Exotic
Botanical Name	<i>Pinus radiata</i>	Age	Mature
Common Name	Monterey Pine	DBH (cm)	64
Tree Height (m)	15	Canopy Spread (m)	9
Health	Fair	Structure	Fair
ULE	Short	Location	Onsite
Observations	In decline		



Retention Value	Low	TPZ (m)	7.68
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Appendix C: Glossary of Terms

AGE

Juvenile	Juvenile or recently planted approximately 1-7 years.
Semi Mature	Tree actively growing.
Mature	Tree has reached expected size in situation.
Senescent	Tree is over mature and has started to decline.

USEFUL LIFE EXPECTANCY - ULE

The useful life of a tree is an estimate of how long a tree is likely to remain in the landscape based on health, amenity and risk.

Long ULE Trees that appear to be retainable with an acceptable level of risk for more than 40 years.

1. Structurally sound trees located in positions that can accommodate future growth.
2. Storm damaged or defective trees that could be made suitable for retention in the long term by remedial tree surgery.
3. Trees of special significance for historical, commemorative or rarity reasons that would warrant extraordinary efforts to secure their long-term retention.

Medium ULE Trees that appear to be retainable with an acceptable level of risk for 15 to 40 years.

1. Trees that may only live between 15 and 40 years.
2. Trees that may live for more than 40 years but would be removed to allow the safe development of more suitable individuals.
3. Trees that may live for more than 40 years but would be removed during the course of normal management for safety and nuisance reasons.
4. Storm damage or defective trees that can be made suitable for retention in the medium term by remedial work.

Short ULE Trees that appear to be retainable with an acceptable level of risk for 5 to 15 years.

1. Trees that may live for 5 to 15 years.
2. Trees that may live for more than 15 years but would be removed to allow the safe development of more suitable individuals.
3. Trees that may live for more than 15 years but would be removed during the course of normal management for safety and nuisance reasons.



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4. Storm damaged or defective trees that require substantial remedial work to make safe and are only suitable for retention in the short term.

Remove

- Trees with a high level of risk that would need removal within the next 5 years.
1. Dead trees.
 2. Dying or suppressed and declining trees through disease or inhospitable conditions.
 3. Dangerous trees through instability or recent loss of adjacent trees.
 4. Dangerous trees through structural defects including cavities, decay, included bark, wounds or poor form.
 5. Damaged trees that are considered unsafe to retain.
 6. Trees that will become dangerous after removal of other trees for the above reasons.

CONDITION

This is a combined indicator of 'health' and 'structure' based on the following descriptors:

HEALTH

- | | |
|---------------|---|
| Good | Foliage of tree is entire, with good colour, very little sign of pathogens and of good density. Growth indicators are good ie. Extension growth of twigs and wound wood development. Minimal or no canopy die back (deadwood). |
| Fair | Tree is showing one or more of the following symptoms; < 25% dead wood, minor canopy die back, foliage generally with good colour though some imperfections may be present. Minor pathogen damage present, with growth indicators such as leaf size, canopy density and twig extension growth typical for the species in this location. |
| Poor | Tree is showing one or more of the following symptoms of tree decline; > 25% deadwood, canopy die back is observable, discoloured or distorted leaves. Pathogens present, stress symptoms are observable as reduced leaf size, extension growth and canopy density. |
| Dead or dying | Tree is in severe decline; > 55% deadwood, very little foliage, possibly epicormic shoots, minimal extension growth. |



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STRUCTURE

Good	Trunk and scaffold branches show good taper and attachment with minor or no structural defects. Tree is a good example of the species with a well-developed form showing no obvious root problems or pests and diseases.
Fair	Tree shows some minor structural defects or minor damage to trunk eg. bark missing, there could be cavities present. Minimal damage to structural roots. Tree could be seen as typical for this species.
Poor	There are major structural defects, damage to trunk or bark missing. Co-dominant stems could be present or poor structure with likely points of failure. Girdling or damaged roots obvious. Tree is structurally problematic.

Retention Value

- High
 - A tree that is in good-fair health and structure with a long ULE
 - A tree that has cultural, botanical, or landscape significance
 - A tree that is not located within the subject site i.e. nature strip, adjoining properties.
- Medium
 - A tree that is in fair health and structure with a medium ULE
- Low
 - A tree that is in poor health and structure with a short ULE.
 - Weed species.
- Third Party
 - A tree that is located on adjoining properties
 - A tree that is located on a nature strip



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Appendix D: References

- Mattheck, C. and Breleor, H., 1994, *The body language of trees*, The Stationery Office, London, UK.
- Standards Australia 2009 SAI Global - *AS4970 Protection of Trees on Development Sites*

Appendix E: Qualifications and Experience

Matthew P James has the following qualifications and experience:

Master of Urban Horticulture (studying)

Graduate Certificate in Arboriculture

Diploma of Arboriculture

QTRA (Quantified Risk Assessment) registered user

Arboriculture Australia National Conference: 2016

Tree Anatomy Workshop (Mark Hartley) 2016

Cert Nutrition Farming 2015

15+ Years industry experience



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Appendix F: Report Limitations and Constraints

- The report is limited to the time of inspection.
- The report reflects the trees as found on the days of inspection. Any changes to site conditions or surroundings, such as construction works or landscape works may alter the findings of the report subject to conditions and recommendations as set out within the report.
- The report is based on the inspection and the material available at the time of inspection or that information further to the inspection found within the report.
- No soil samples were taken for laboratory analysis.
- Tree roots were not inspected below ground except where previously exposed and/or where otherwise stated within the report.
- Measurements may be approximates only and generally not to scale.
- All images supplied are interpretations only and should not be taken as true at time of inspection or indicative of tree condition or status at time of inspection or time of report release, inclusive of Google images if applicable

Appendix G: Disclaimer

Although MELBOURNE TREE CARE P.L. uses all due care and skill in providing you the information made available in this report, to the extent permitted by law MELBOURNE TREE CARE P.L. otherwise excludes all warranties of any kind, either expressed or implied. To the extent permitted by law, you agree that MELBOURNE TREE CARE P.L. is not liable to you or any other person or entity for any loss or damage caused or alleged to have been caused (including loss or damage resulting from negligence), either directly or indirectly, by your use of the information (including by way of example, Arboricultural advice) made available to you in this report. Without limiting this disclaimer, in no event will MELBOURNE TREE CARE P.L. be liable to you for any lost revenue or profits, or for special, indirect, consequential or incidental damage (however caused and regardless of the theory of liability) arising out of or related to your use of that information, even if MELBOURNE TREE CARE P.L. has been advised of the possibility of such loss or damage.

Attachment 5 – Consultation Feedback – Proposal to sale 566R Boronia Rd Wantirna

Date Submitted	Do you support the proposal to sell 566R Boronia Road, Wantirna		Share why you support/oppose the proposal
	Yes	No	
Mar 16, 2024, 04:19 PM		1	There is continuing loss of Knox tree canopy cover because of storms, removal, senescence. I believe in about 2014 the tree canopy cover was about 23% and now isn't it less than 18%. However are we ever going to meet our resilient tree canopy and vegetation cover? The land Council owns should not just be judged on how residents use it or the active and recreational value of a parcel or land, but look at these smaller but diminishing spaces with mature trees and canopy cover as a mini clean air manufacturing Knox substation. Residents don't have to be physically using the space to be benefiting from its being there. Can you tell me how you are going to find the space to use the funds from this sale to plant up to meet the resilient Melbourne targets please?
Mar 15, 2024, 09:49 AM	1		<p>Only because the proposal retains the tree reserve. You should be going further to improve native ground cover under the existing trees to better support their overall health and longevity.</p> <p>As Knox Council is committing to the destruction of the vegetation on the lot to be sold and forsaking the future opportunity to use that site as a habitat island or improve tree canopy, funds should only be directed to expanding the already underfunded bushland part of Knox's open space and not just funding more recreational open space.</p> <p>This is a perfect opportunity to properly fund the new Biodiversity Resilience Strategy and not having to re-prioritise budgets to the detriment of the other already lean biodiversity activities.</p>

Date Submitted		Do you support the proposal to sell 566R Boronia Road, Wantirna	Share why you support/oppose the proposal
Mar 14, 2024, 02:02 PM		1	Extensive open space is critical for community health and wellbeing. Open space provides the opportunity for passive recreation, but just as importantly, the capacity for Council to control the vegetation within the spaces which all contribute to the urban forest and important economic, social and environmental benefits. Council should be retaining all open space and adding to it - not selling off sections. Having hundreds of small pocket parks like this spread throughout the municipality provides massive urban greening benefits. While this property may not present enormous opportunities for passive recreation, it does present opportunities for more tree canopy, biodiversity, habitat and green space which is critical. The inclusion of some seating would then provide a nature link that provides essential ecosystem services, as well as a pause point for residents to enjoy some green space for mental health respite.
Mar 14, 2024, 10:34 AM		1	That could be a good bridging property for animals to travel between locations. Why not utilise it and make it a better nature and community connection? Sounds like a cop out.
Mar 13, 2024, 12:03 PM		1	We've been using this space for close to 40 years for picnics. We're also not the only ones that use the space – I've seen it used for Tai-Chi and even meditation. Also, a number of times a year, myself and others clean up any rubbish found on the property.
Mar 12, 2024, 05:22 PM		1	Parking and traffic in the service roads are already inadequate. The multiple dwellings and construction sites are not equipped with adequate infrastructure

Date Submitted	Do you support the proposal to sell 566R Boronia Road, Wantirna		Share why you support/oppose the proposal
Mar 02, 2024, 11:25 AM		1	I feel strongly believe in keeping vacant blocks of land open for the public to see & use even if taking a walk through it or around it. We need more trees as more pollution is being made everyday from more cars, trucks etc on the roads. Also do you know what wildlife live in those trees. We don't need anymore two storey homes, units etc are being built in the Knox Council Division I don't want to see anymore of these eyesore buildings going up we need more open trees spaces to relax in land developers are buying up older homes & building 2 storey units townhouses they don't fit in with the look of the housing area they put more strain on resources needing more car parking, utilities all this creating more noise pollution no one wants more noise in their lives families with young babies & children & the elderly it's definitely a NO from me
Feb 29, 2024, 08:16 AM		1	The land should be left alone and plant more trees in the vacant block so the black cockatoos and other birds have a place to be and not small three stories flats that you can't even park a car in your garage or move. Knox is looking like flat city.
Feb 23, 2024, 06:32 AM		1	<p>As I understand it Knox Council allows tree removal for development, requiring payments to be made by the developers which are to be used to secure other treed sites for the future. However I am concerned that this strategy may not prevent net overall loss of the tree canopy. There is little transparency around the loss of the tree canopy and I suspect the protection of trees may be securing areas not at risk of tree loss anyway. E.g. purchase of land from the state or commonwealth when already secured as reserves and subject to likely sale by Knox as surplus stock in the future.</p> <p>I would be interested in the history of this reserve and what may have been the intention for it when secured. Is this merely a circular process designed to facilitate development without genuine protections in place to prevent overall canopy loss?</p> <p>I oppose this sale due to potential loss of trees owned by Knox residents that are part of the tree canopy that must be protected because they are essential for wildlife, are contributing to the health of the environment and the wellbeing of the community.</p>

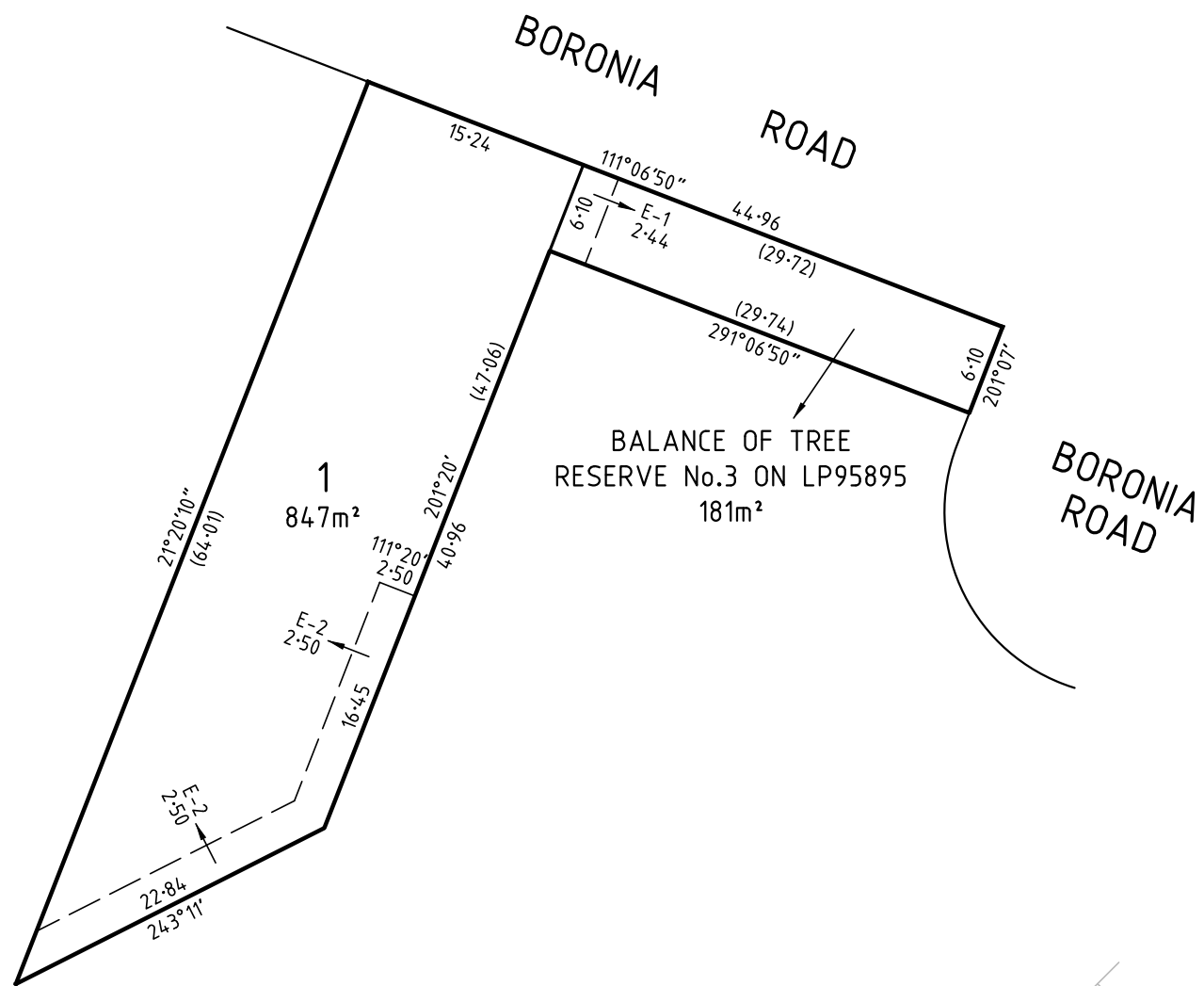
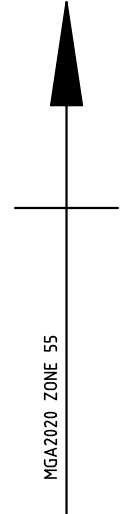
Date Submitted	Do you support the proposal to sell 566R Boronia Road, Wantirna		Share why you support/oppose the proposal
Feb 23, 2024, 05:39 AM	1		The land needs to be sold so that it may be used purposefully. It is not benefitting the community by holding on to it.
Feb 22, 2024, 08:06 PM	1		Minimal open space value to the Knox community, with minuscule biodiversity value compared to other potential sale or acquisition sites. Sell,sell,sell.
Feb 22, 2024, 04:30 PM	1		there need to be more option than Yes or No. for fence sitter or those un phased (like me) the real question is why is there this awkward peace of land. surely planning could of absorbed it in the surrounding blocks.
Feb 22, 2024, 12:04 PM		1	Vacant land in the suburbs encompassing this council are scarce. This land and other parcels of land with trees etc provide habitat and refuge for wildlife a small, yet necessary break up of buildings and roads to help cool the surrounding area and in general are just good for people too. The council runs at a surplus and there is ZERO need to sell this or any other property owned by the council.
Feb 21, 2024, 07:57 PM		1	I believe that there is more then enough dwellings and apartments along both sides of Boronia rd and that a green space and separation between the fuel outlet and housing would be beneficial to service apartments along Boronia rd .
Feb 20, 2024, 09:45 PM	1		I support the sale of this land. It doesn't have any wildlife protections and may be of use to someone.
Feb 20, 2024, 02:49 PM	1		I support the proposal as the funds from selling the land will go towards other Open park spaces that are more used by the public. I like that it will be subdivided to protect the small tree reserve.

Date Submitted	Do you support the proposal to sell 566R Boronia Road, Wantirna		Share why you support/oppose the proposal
Feb 19, 2024, 06:43 PM		1	<p>The consultant process, is insufficiently transparent. The information provide does not provide information on the zone of the to enable the community to assess it potential.future use. Is it a reduction of :-</p> <ol style="list-style-type: none"> 1. Public open space 2. Was it zone for public use. 3. What covenant to protect the vegetation and tree be put in place. 4. Is it proposed to rezone the land and if so for what future use? <p>These matters need to be included in the consultation to fairly enable the community to deliberate on the sale.</p> <p>Is a deliberative consultation proposed on the sale and then on how the proceeds are to be used to benefit the precinct adjacent to the subject land</p>
Feb 19, 2024, 05:51 PM	1		<p>Based on information provided this appears to be appropriate proposal to generate funding for other programs or land purchases, whilst maintain green spaces. Albeit I would strongly comment that the creating more green spaces should be prioritised not just meet to bare minimum.</p>
Feb 19, 2024, 03:11 PM		1	<p>My concern is what will happen to the large trees bordering the fence beside the petrol station - although the proposed tree reserve will protect the other trees the large trees on this block will have no protection if the block is subdivided.</p> <p>Secondly if this block is used as a walk through for locals what will be the alternate route - how will it impact pedestrian movements, how will it impact on alternate routes? The only alternate accesses are via Burlington Crescent to Stokes Road or Amesbury Avenue- both are much longer?</p>

Date Submitted	Do you support the proposal to sell 566R Boronia Road, Wantirna	Share why you support/oppose the proposal
Feb 19, 2024, 02:43 PM	1	Selling street '566R Boronia Road, Wantirna', could prove to be a good decision for the council for several reasons. Firstly, from my public knowledge as an individual living in the Boronia area, it is rarely used by local residents for any particular gatherings, selling it could generate revenue that could be reinvested into community projects or infrastructure improvements that actually benefit the local residents. Additionally, selling it could potentially lead to private development that could bring new businesses or amenities to the area, stimulating economic growth and enhancing the overall appeal of the neighbourhood. Furthermore, if the maintenance costs for the flora/fauna upkeep are high and outweigh any potential benefits, selling it could alleviate the financial burden on the council and allow resources to be allocated more efficiently to other areas in need. Overall, selling street 566R Boronia Road, Wantirna, could be a move that results in both short-term financial gain and long-term community development.
Feb 19, 2024, 01:09 PM	1	I believe there needs to be more housing opportunities for people and if this land is not used than this would be a good opportunity to provide those without a home.

PLAN OF SUBDIVISION UNDER SECTION 24A OF THE SUBDIVISION ACT 1988		EDITION 1	PS921088W	
LOCATION OF LAND PARISH: SCORESBY CROWN ALLOTMENT: 37AI (PART) TITLE REFERENCE: VOL.9121 FOL.341 (PART) LAST PLAN REFERENCE: LP95895, RESERVE No.3 POSTAL ADDRESS: 566R BORONIA ROAD (at time of subdivision) WANTIRNA, 3152 MGA CO-ORDINATES E: 344 890 ZONE: 55 (at approx centre of land N: 5809 250 GDA2020 in plan)		KNOX CITY COUNCIL <div style="font-size: 48px; opacity: 0.2; transform: rotate(-45deg); position: absolute; top: 50%; left: 50%; pointer-events: none;">DRAFT</div>		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON	PURPOSE OF THIS PLAN i) REMOVAL BY KNOX CITY COUNCIL OF THE RESERVATION FROM TREE RESERVE No.3 ON LP95895 CONTAINED IN VOL.9121 FOL.341, SHOWN AS LOT 1 ON THIS PLAN. ii) REMOVAL BY KNOX CITY COUNCIL OF ALL EASEMENTS AFFECTING TREE RESERVE No.3 ON LP95895 CONTAINED IN VOL.9121 FOL.341, SHOWN AS LOT 1 ON THIS PLAN. <u>GROUND FOR REMOVAL</u> AS DIRECTED BY KNOX CITY COUNCIL PLANNING PERMIT No.		
NIL	NIL			
NOTATIONS				
DEPTH LIMITATION DOES NOT APPLY				
SURVEY: This plan is based on survey STAGING This is not a staged subdivision Planning Permit No. This survey has been connected to permanent marks No(s). In Proclaimed Survey Area No. 21				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1 E-2	DRAINAGE & SEWERAGE SEWERAGE	2.44 2.50	LP95895 THIS PLAN	LOTS ON LP95895 SOUTH EAST WATER CORPORATION
Millar Merrigan Land Development Consultants M(03) 8720 9500 R (03) 5134 8611 www.millarmerrigan.com.au survey@millarmerrigan.com.au SAI GLOBAL Quality ISO 9001		SURVEYOR'S REF: 31017S1 16/01/2024 LICENSED SURVEYOR Christopher Morelli VERSION NO. 1 This is not a digitally signed plan.		ORIGINAL SHEET SIZE: A3 SHEET 1 OF 2

PS921088W



DRAFT

SCALE 1:400	<p>LENGTHS ARE IN METRES</p>
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<p>Millar Merrigan Land Development Consultants M(03) 8720 9500 R (03) 5134 8611 www.millarmerrigan.com.au survey@millarmerrigan.com.au SAI GLOBAL Quality ISO 9001</p>	<p>SURVEYOR'S REF: 31017S1 16/01/2024</p>	<p>ORIGINAL SHEET SIZE: A3</p>	<p>SHEET 2</p>
	<p>LICENSED SURVEYOR Christopher Morelli VERSION NO. 1 This is not a digitally signed plan.</p>		

5 Notices of Motion

6 Supplementary Items

7 Urgent Business

8 Confidential Items