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Council Meeting - Minutes

Held on Monday 11 July 2022

**Council Chamber, Malvern Town Hall
Corner Glenferrie Road & High Street, Malvern**



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The Council meeting commenced at 7:00pm.

Councillors Present:

Cr Jami Klisaris, Mayor (Chair)
Cr Marcia Griffin
Cr Kate Hely
Cr Matthew Koce
Cr Polly Morgan
Cr Mike Scott

Apologies:

Cr Melina Sehr, Deputy Mayor (Leave of Absence)
Cr Nicki Batagol (Leave of Absence)
Cr Alexander Lew (Leave of Absence)

Council Officers Present:

Jacqui Weatherill	Chief Executive Officer
Cath Harrod	Director Community & Wellbeing
Ian McLauchlan	Manager Transport & Parking
David Thompson	Executive Manager Legal & Governance
Julia Gallace	Chief Financial Officer
Judy Hogan	Civic Support Officer
Alexandra Kastaniotis	Manager Statutory Planning
Mark Spaziani	Best Value Lead

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1 Reading of the Statement of Reconciliation

The Mayor, Cr Jami Klisaris read the following Statement of Reconciliation:

We acknowledge we are meeting on the Traditional Lands of the Wurundjeri Woi Wurrung and Bunurong peoples of the East Kulin Nations and pay our respect to their Elders past, present and emerging.

We extend that respect to all Aboriginal and Torres Strait Islander peoples. We acknowledge their living connection to Country, relationship with the land and all living things extending back tens of thousands of years.

2 Reading of the Statement of Commitment

The Mayor, Cr Jami Klisaris read the following Statement of Commitment:

We are reminded that as Councillors we are bound by our Oath of Office to undertake the duties of Councillor in the best interests of the people of the City of Stonnington and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the Local Government Act and any other relevant Act.

3 Introduction of Councillors & Executive Staff

The Mayor, Cr Jami Klisaris introduced the Councillors and the Chief Executive Officer introduced the Council officers present.

4 Apologies

The Mayor, Cr Jami Klisaris noted apologies and leave of absence had previously been granted to Councillors Melina Sehr, (Deputy Mayor), Cr Nicki Batagol and Cr Alexander Lew for the meeting.

PROCEDURAL MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Kate Hely

That the apology received from Cr Marcia Griffin for non-attendance at the Council Meeting to be held on 25 July 2022 be accepted and leave of absence granted.

Carried

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5 Confirmation of the Minutes of the previous meeting**5.1 Minutes of the Council Meeting held on 14 June 2022**

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Marcia Griffin

That the Minutes of the Meeting of the Council held on Tuesday 14 June 2022 be confirmed as an accurate record of the proceedings.

Carried**6 Disclosure of Conflicts of Interest**

There were no disclosures of conflict of interest submitted to the meeting.

7 Questions From the Community

There were no questions submitted to the Council from members of the community.

8 Business**8.1 Planning Application 0935/21 - 961-963 High Street, Armadale**

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Marcia Griffin

That the Council AUTHORISE Officers to issue a Notice of Decision to Grant a Planning Permit No: 935/21 for the land located at 961-963 High Street, Armadale under the Stonnington Planning Scheme for the use of the land for the sale and consumption of liquor (Restaurant and Café Liquor Licence) in association with the use of the land as a food and drinks premises (as-of-right use) subject to the following conditions:

- 1. Before the commencement of the development, one copy of plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans prepared by Insite Architects, Drawing No: TP01, Council date stamped 21 February 2022, but modified to show:***
 - a) The outdoor dining area deleted.***
 - b) An area for the storage of waste receptacles identified within the property.******All to the satisfaction of the Responsible Authority.***
- 2. The plans endorsed to accompany the permit must not be amended without the written consent of the Responsible Authority.***

3. ***A maximum number of 80 patrons may be housed on the premises at any one time to the satisfaction of the Responsible Authority***
4. ***Without the prior written consent of the Responsible Authority, the sale and consumption of liquor shall only occur within the licenced area between the hours of 7am and 10pm.***
5. ***The predominant activity carried out at all times on the licensed premises must be the preparation and serving of meals to be consumed on the premises to the satisfaction of the Responsible Authority.***
6. ***Tables and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons in each area at any one time, to the satisfaction of the Responsible Authority.***
7. ***There must be no patron queueing outside the venue to the satisfaction of the Responsible Authority.***
8. ***No speakers are to be located externally.***
9. ***Noise emanating from the subject land must comply with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Environment Protection Authority, November 2020), to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels from the premises are in compliance with this policy must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.***
10. ***The provision of music and entertainment on the premises must be limited to background music or entertainment by performers using non-amplified instruments unless with the written consent of the Responsible Authority.***
11. ***Bottles and rubbish must not be removed from within the premises to the waste storage area between the hours of 11pm and 7am the following day.***
12. ***The collection of wastes and recyclables from the premises (other than normal Stonnington City Council collection) must be in accordance with Council's General Local Laws.***
13. ***Prior to the commencement of the use, a Noise and Amenity Action Plan must be submitted to and approved by the Responsible Authority containing the following information:***

The identification of all noise sources associated with the licensed premises.

- a) ***Hours of operation for all parts of the premises.***
- b) ***The identification of noise sensitive areas including residential uses and accommodation in close proximity to the licensed premises.***
- c) ***Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.***
- d) ***Details of staffing arrangements including numbers and working hours of all security staff.***
- e) ***Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the responsible authority or an officer of the liquor licensing authority.***

- f) Location of lighting within the boundaries of the site, security lighting outside the licensed premises and any overspill of lighting.*
- g) Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.*
- h) Any other measures to be undertaken to ensure minimal impacts from the licensed premises.*
- i) Location and operation of air-conditioning, exhaust fan systems and security alarms.*

The approved Noise and Amenity Action Plan will form part of the permit and the use must operate in accordance with it to the satisfaction of the Responsible Authority.

- 14. This permit will expire if one of the following circumstances applies:**
- a) The use is not started within two years from the date of this permit.*
 - b) The use is discontinued for a period of two years or more.*
- In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing within the prescribed timeframes, where the use allowed by the permit has not yet started.*

NOTES

- A.** *This permit is for the use of the land and/or buildings and does not constitute any authority to conduct a business requiring Health Act/Food Act registration without prior approval from the Council's Health Services.*
- B.** *This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.*
- C.** *Unless a permit is not required under the Stonnington Planning Scheme, signs must not be constructed or displayed without a further planning permit.*
- D.** *Background music level, in relation to premises, means a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial level.*
- E.** *This permit does not give any authority to occupy the footpath for trading without prior approval from Council's Local Laws department. A permit must be obtained for footpath trading and it must accord with the relevant Footpath Trading Code.*
- F.** *At the permit issue date, Section 69 of the Planning and Environment Act 1987 stated that the Responsible Authority may extend the periods referred to if a request is made in writing within the following timeframes:*
 - i. Before or within 6 months after the permit expiry date, where the development allowed by the permit has not yet started; and*
 - ii. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.*

Carried

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8.2 Volunteer Award Program 2022

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Mike Scott

That the Council:

- 1. APPROVE the Volunteer Awards Program Policy.***
- 2. NOTE the Volunteer Awards Program 2022 nominations will open on 31 July 2022 and close on 31 August 2022 with the Volunteer Awards Event to be held on 26 October, 2022.***
- 3. CONVENE the Volunteer Awards Evaluation Panel 2022 with The Mayor, Cr Jami Klisaris, Cr Marcia Griffin and Cr Mike Scott as the nominated Council representatives.***

Carried

8.3 Official Openings - 2022-23 Plaque Approval

MOTION:

MOVED: Cr Polly Morgan

SECONDED: Cr Kate Hely

That the Council:

- 1. APPROVE the purchase of standard design plaques to commemorate future official openings of six (6) new and redeveloped Council facilities as outlined in the report.***
- 2. NOTE that should any of the anticipated project completion dates vary, the opening date may be varied accordingly.***

Carried

8.4 Service Performance Program

MOTION:

MOVED: Cr Kate Hely

SECONDED: Cr Polly Morgan

That the Council:

- 1. ENDORSE the Service Performance Program and Pilot Service Review, including the principles, selection/prioritisation and governance structure;***
- 2. RECEIVE a report on the results of the Pilot Service Review, and***
- 3. NOTE that the Service Performance Program Framework aligns with the Local Government Act 2020 and Council Plan (Principle 3.4.2).***

Carried

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DIVISION

Cr Matthew Koce called for a division.

Voting For the motion: Cr Jami Klisaris, Cr Kate Hely, Cr Matthew Koce,
Cr Mike Scott and Cr Polly Morgan

Voting Against the motion: Cr Marcia Griffin

The Mayor, Cr Jami Klisaris declared the motion **Carried**

8.5 Transport Policy

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Matthew Koce

That the Council

- 1. APPROVE the updated Transport Policy.***

Carried

8.6 Walking Action Plan 2022-2030

MOTION:

MOVED: Cr Marcia Griffin

SECONDED: Cr Polly Morgan

That the Council:

- 1. NOTE the feedback received on the Draft Walking Action Plan 2022-2030 and changes made as a result.***
- 2. APPROVE the Walking Action Plan 2022-2030, Snapshot and Appendices to guide investment and programs to support and further grow walking within the municipality.***

Carried

8.7 Brookville Road, Toorak - Review of Parking Restrictions

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Kate Hely

That the Council:

- 1. NOTE that trial restrictions were in place for 2 uninterrupted school terms, and that consultation has occurred with properties abutting Brookville Road, Toorak after this trial period.***
- 2. APPROVE the following restrictions in Brookville Road, Toorak:***

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- a. **Install NO STOPPING restrictions on the south side of Brookville Road, operating 8-9:30am, 2:30-4pm SCHOOL DAYS, for the length of the existing PERMIT ZONE, between the east property boundary of 6 Brookville Road and Mathoura Road; and**
 - b. **Alter the hours of operation of the existing NO PARKING and NO STOPPING restrictions in Brookville Road, which currently operate 8:15-9:15am, 3-4pm SCHOOL DAYS, to now operate 8-9:30am, 2:30-4pm SCHOOL DAYS, on both sides of the street where applicable.**
3. **NOTE that officers will notify those properties consulted of the decision made.**

Carried

8.8 CitiPower Recoverable Work Contract - Mount Street Masterplan Implementation - Regent Street, Prahran

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Matthew Koce

That the Council:

1. **AWARD Recoverable Works Contract (RWC), to CitiPower Pty Ltd ABN 76 064 651 056 for undergrounding powerlines and electrical asset relocation works in Regent Street, Prahran, stage 1, for a contract duration of 10 months;**
2. **AUTHORISE the Chief Executive Officer to execute the contract agreements with the above contractor;**
3. **NOTE that expenditure under this contract is in accordance with the Council's Budget for Financial Year [2022/23] and provisions will be made accordingly for the associated future budget periods for this contract.**
4. **NOTE that the lead petitioner in Regent Street, Prahran will be contacted prior to finalising the agreement with Citipower.**

Carried

8.9 Flag Protocol

MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Polly Morgan

That the Council:

1. **ADOPT the revised Flag Protocol.**

Carried

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DIVISION

Cr Polly Morgan called for a division.

Voting For the motion: Cr Jami Klisaris, Cr Kate Hely, Cr Matthew Koce,
Cr Mike Scott and Cr Polly Morgan

Voting Against the motion: No votes were recorded

The Mayor, Cr Jami Klisaris declared the motion **Carried**

9 Correspondence

There was no correspondence tabled at the meeting.

10 Tabling of Petitions and Joint Letters

Cr Mike Scott tabled a petition from residents requesting *"that the parking in Eastbourne Street, Windsor be converted to permit zone parking only for residents on both sides of the street at all times."*

PROCEDURAL MOTION:

MOVED: Cr Mike Scott

SECONDED: Cr Marcia Griffin

That the Council resolve:

- 1. The petition be received and noted.***
- 2. The petition be referred to the Director Environment & Infrastructure for consideration.***
- 3. The first named signatory to the petition be advised of the Council decision.***

Carried

11 Notices of Motion

There were no notices of motion presented to the meeting.

12 Reports by Councillors

Cr Polly Morgan reported she had attended the NAIDOC week event held at the Malvern Town Hall, which was attended by Wurundjeri Elder, Aunty Diane Kerr, and included an afternoon tea and a dance performance from Nhanbu Togip.

Cr Polly Morgan as the Council delegate to the Metropolitan Waste Forum reported the body had been restructured and now reports to Recycling Victoria.

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Cr Mike Scott made the following statement in relation to the Prahran Mechanics Institute Victorian History Library:

"I am stepping down from the board of the PMI Victorian History Library, effective July 2022. Over the 2 years I sat on the committee as Deputy President, the committee undertook a substantial program of work which included:

- moving the Institute from an Act of Parliament to being an Incorporated Association (a governance mind field)*
- invested significant capital in Chapel St properties, enabling them to be leased to retail businesses that have enhanced the image of Chapel St and shored up sustainable income for the PMI*
- underwent major internal review of staffing, policies, and procedures to bring the Institute in line with good governance processes*

I would like to take a moment and recognise the hard work of the volunteer committee, now volunteer Board of the PMI Victorian History Library, it's staff and over 40 volunteers who contribute their skills, time, and passion for the betterment of one of the very few remaining Mechanics Institutes in Victoria.

I would like to pay respect and congratulate ex-President Dr. Michelle Cleary, who navigated a tough agenda during her tenure as president and Board Secretary, Denys Correll, who brought a deep understanding of governance and process that enabled us to deliver PMI as an incorporated association. I would like to encourage our community to pay the library a visit, join up as a member and access the significant and substantial record of our state's history.

Cr Matthew Koce reported he had chaired the Stonnington Community Recovery Committee meeting on 5 July, 2022 where a range of COVID 19 pandemic issues were discussed.

12.1 Minutes of the Audit & Risk Advisory Committee Meeting held on 2 June 2022

MOTION:

MOVED: Cr Jami Klisaris

SECONDED: Cr Matthew Koce

That the Council:

- 1. NOTE the minutes of the meeting of the Audit & Risk Advisory Committee held on 2 June, 2022.**

Carried

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12.2 Record of Councillor Briefing Session held on 4 July 2022

MOTION:

MOVED: Cr Matthew Koce

SECONDED: Cr Marcia Griffin

That the Council RECEIVE the Record of the Councillor Briefing Session held on 4 July 2022.

Carried**13 Questions to Council Officers**

Cr Matthew Koce asked the following question of the Chief Executive Officer.

Can a letter be sent from the Mayor, Cr Jami Klisaris on behalf of the Council expressing condolences over the assassination of former Japanese Prime Minister Shinzo Abe to the Japanese Consul General?

The Mayor, Cr Jami Klisaris indicated she would attend to this request from Cr Matthew Koce.

Cr Marcia Griffin asked the following question of the Chief Executive Officer.

Noting the Victorian Government \$20m fund for living local projects is open, is Stonnington planning to make an application for a grant and if so, for what project?

The Chief Executive Officer responded.

14 Urgent Business

There were no items of urgent business admitted to the meeting.

15 General Business

Cr Mike Scott reported back to his councillor colleagues on his attendance at the 2022 Australian Local Government Association National General Assembly, held in Canberra from 19-22 June 2022.

Cr Mike Scott made the following remarks:

“Local government leaders from around Australia gathered in Canberra from 20 - 22 June 2022 for the 28th National General Assembly of Local Government (NGA). This event was held on the traditional lands of the Ngunnawal people, and 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.

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Around 1,000 delegates welcomed and congratulated the Albanese Government on being elected and thanked the many federal members of parliament who attended and spoke at the NGA or associated events, including Minister King, Minister McBain, Minister Watt, Minister Burney, Minister Rowland, Leader of the National Party David Littleproud, and Zali Steggall OAM.

All reaffirmed the importance of local government, and councils look forward to seeing action through better partnerships. Local governments asked for a Minister in Cabinet and we welcome the appointment of Cabinet Minister King supported by former Bega Valley Shire Mayor Minister McBain. The Assembly welcomed the announcement from Minister King that she would work with Minister McBain to re-establish the Australian Council of Local Governments and was encouraged by the Government's willingness to engage and partner with local councils.

In keeping with the theme of the Assembly 'Partners in Progress', councillors committed to partnering with the Australian Government to progress critical reforms, including national productivity, climate change transition, Closing the Gap, housing affordability including increased social housing, appropriate road safety reforms, restoring integrity of federal funding to local government, and improved local delivery of community services.

The Assembly committed to progressing the next step of Closing the Gap and passed a motion supporting the Uluru Statement from the Heart. The Assembly heard from leading economists that local government is the most productive level of government yet collects just 4% of national taxation revenue. The Assembly agreed that councils need more sustainable and transparent formula-based funding to restore integrity to federal funding of local government.

Further, they noted the essential federal funding support to local communities and called on the Government to review Financial Assistance Grants and restore them to at least 1 percent of Commonwealth taxation revenue.

Delegates and speakers recognised the protracted challenges of the COVID pandemic, unprecedented droughts, bushfires, and recent floods, and commended the work of local councils, local communities and government agencies on their work on emergency response and recovery. A number of flood affected leaders also met personally with the Prime Minister, and highlighted ways to better work together to prevent and prepare for natural disasters.

The Assembly warmly received Governor-General David Hurley and his comments on the vital role councils are playing supporting disaster impacted communities and will need to play in the future. The Assembly noted however that more needs to be done on mitigation and the prevention of climate induced natural disasters.

The Assembly discussed the global challenges to democracy and the critical importance of local government. The Assembly reaffirmed its commitment to strong local leadership, transparency and public accountability, free and fair elections and local democracy.

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After a stirring address from the Ukraine Ambassador, the Assembly passed a unanimous motion supporting the Ukraine people and their legitimate and democratically elected governments.

Other critical issues addressed at the Assembly included migration between cities and regions, housing affordability and the role councils can play in social housing in particular, critical workforce challenges and road safety. Delegates agreed to continue to meet with their local federal members to highlight the importance of sustainable and transparent funding for local governments, and better partnerships that will help support progress in every community.

Convened by the Australian Local Government Association (ALGA) the NGA is the largest national gathering of democratically elected representatives in the nation. ALGA is the national voice of local government and will review more than 106 policy initiatives adopted by resolution of the Assembly in the coming months”.

Cr Marcia Griffin informed her colleagues and Council officers she had received numerous emails from residents expressing concern about the surface of Como Park and the water laying around Como Park.

16 Confidential Business

There were no items of confidential business considered at the meeting.

The meeting concluded at 8:18pm.

Confirmed on 25 July 2022.

.....
CR JAMI KLISARIS, MAYOR

INTERNAL ARBITRATION PROCESS – STONNINGTON CITY COUNCIL

In the matter of an application by Cr. Mike Scott concerning Cr. Alexander Lew

**HEARING PURSUANT TO DIVISION 5 OF PART 6 OF THE
LOCAL GOVERNMENT ACT (2020)**

Applicant: Councillor Mike Scott
Respondent: Councillor Alexander Lew
Date of Hearing: 24th May 2022
Arbiter: Noel Harvey OAM

DETERMINATION

13th July 2022.

1. I, Noel Harvey OAM find there has been a breach of the prescribed standards of conduct contained in Regulation 11(1) by the Respondent (Cr Lew) in that he failed to show respect, and fairness to the Applicant (Cr Scott) in his submission and presentation to the Audit and Risk Committee 26th August 2021.
2. Pursuant to Section 147(1) of the Local Government Act (2020) I therefore make a finding of misconduct against the Respondent.

STATEMENT OF REASONS FOR DECISION

The Application

1. The 'Application for an internal arbitration Process' is dated 31st October 2021
2. In the Application, the applicant seeks a finding of misconduct against the respondent in relation to alleged breaches of the prescribed standards of conduct
3. The alleged breaches are said to have occurred on 26th August 2021 and relate specifically to the respondents written and verbal submission to the City of Stonnington Audit and Risk Committee.

Arbiter's Jurisdiction

4. Section 143 of the *Local Government Act 2020* provides that an Arbiter may hear an application that alleges misconduct by a councillor.
5. The Arbiter was appointed pursuant to section 144 of the Act.
6. Pursuant to section 147 of the Act, an Arbiter may determine whether a councillor has engaged in misconduct.
7. Misconduct is defined in section 3 of the Act as ".....any breach by a councillor of the prescribed standards of conduct included in the Councillor Code of Conduct".
8. The "prescribed standards of Conduct" are set out in schedule 1 to the *Local Government (Governance and Integrity) Regulations 2020*". A copy of the standards is attached as Attachment 1.
9. The relevant standards which the Applicant alleges the respondent breached are:
 - Clause 1(a)
 - Clause 1(c)
 - Clause 1(d)
 - Clause 2(b)
 - Clause 4(1)
 - Clause 4(2)
10. These standards are included in the Stonnington City Council, Councillors Code of Conduct under clause 5.1, 6.1 and 10.1. The Code was adopted and signed by all council members on 15th March 2021.

Hearings in this matter

11. The internal arbitration process comprised Directions given on 24th Mar 2022. At the directions hearing the applicant and the respondent (through his representative) agreed it may be possible for the matter to be considered on the documents provided.
12. Mr Amendola acting on behalf of the respondent sought for the matter to be discontinued pursuant to s.143 of the Local Government Act due to the Application being outside the required time frame.
13. Mr Amendola further sought to discontinue the hearing pursuant to regulation 11(3)(c)(i) of the regulations claiming the application is "vexatious, misconceived, frivolous and lacking in substance".
14. The Arbiter agreed to give consideration to these matters before proceeding.
15. The applicant indicated he wished to table additional documents and agreed to do so by 31st March.
16. It was agreed that both parties would make their submissions to the additional information at which time a decision regarding a full hearing would be made.
17. The arbiter considered the submission by Mr. Amendola that the application does not meet the criteria set out in Sec 143(3) of the *Local Government Act 2020*.
18. Whilst the application documents provide a significant amount of "background material" and refers to a number of earlier claimed breaches, it is clear the alleged breaches referred to in this application are said to have occurred on 26th August 2021 and relate specifically to the respondents written and verbal submission to the City of Stonnington Audit and Risk Committee.
19. The Arbiter believes the application was therefore submitted within the timeframes set out in Sec 143(3) of the *Local Government Act 2020*.
20. The Arbiter further considered the submission from Mr. Amendola that the application should be discontinued on the basis that it is frivolous, vexatious, misconceived or lacking in substance.
21. Based on the documents and submissions and information provided, the Arbiter considers the alleged breach to be a serious matter and does not accept the submission that the application is frivolous, vexatious, misconceived or lacking in substance.
22. The matter should proceed to a formal consideration.

23. The respondent's representative indicated he wished to proceed with a full hearing.
24. A hearing date was set for Tuesday May 17th in the Council Chamber, Malvern Town Hall.
25. At the request of both parties the hearing was delayed until 24th May.
26. On 13th May the respondent requested that the application be temporarily stayed on the basis that the allegations being considered in this matter are encompassed in a Serious Misconduct Application being determined elsewhere by a Councillor Conduct Panel. It was indicated that "in the event that a stay is not granted, we advise that it is our intention to file an injunction in the Supreme Court early next week to stop the matter being heard".
27. No satisfactory information was provided to support this request and the arbiter indicated the matter would proceed as planned on 24th May 2022.
28. No injunction was filed.

Evidence provided.Evidence of the Applicant

29. The applicant provided extensive written evidence and background information. Numerous emails, documents, media clippings, and supporting statements were contained in the application. Further documents and written responses were provided prior to the hearing.
30. A significant amount of the material had little relevance to the matter under consideration, that is, the submission by the respondent to the Audit and Risk Committee on 24th August 2021. It did however provide some valuable context.
31. In the application it was claimed the respondent's presentation to the Audit and Risk Committee breached numerous standards on several occasions due to its many inaccurate and misleading statements. 1(a) on 2 occasions, 1(c) on 4 occasions, 1(d) on 2 occasions, 2(b) on 3 occasions, 4(1) on 8 occasions, and 4(2) on 14 occasions.
32. The applicant provided oral statements at the hearing in support of his claim.

Evidence of the respondent

33. Again, a vast number of documents were submitted by the respondent's representative including several submissions regarding the process and claims made by the applicant.

34. A witness statement was provided by Cr. Griffin, and Cr. Griffin was called to provide information and support regarding the respondent's submission and presentation to the Audit and risk committee. The witness was questioned by the applicant.
35. The respondent's representative questioned the applicant regarding his claims, particularly regarding the specific breaches outlined.
36. It was emphasised that the Internal audit report prepared by Mann Judd following the presentation by the respondent, was a valuable document that Stonnington has adopted and is implementing. This was agreed by all parties.
37. The respondent tabled a recent report from VAGO which underlines the importance of the issues raised by the respondent with the Audit and Risk Committee.

Findings of the Arbiter

38. The Arbiter is satisfied that the respondent has breached the generally prescribed standard in that he failed to treat the applicant with "..... dignity, fairness, objectivity, courtesy, and respect....." in his presentation to the Audit and Risk Committee.
39. The Arbiter does not find the specific breaches claimed by the applicant of 1(a) on 2 occasions, 1(c) on 4 occasions, 1(d) on 2 occasions, 2(b) on 3 occasions, 4(1) on 8 occasions, and 4(2) on 14 occasions can be supported.
40. There is clearly a long-standing tension between the applicant and the respondent. Whilst both parties participated in an earlier mediation process that resulted in an apology and joint agreement, the agreement was not complied with by either party in this case.
41. The Arbiter acknowledges the actions of the respondent has resulted in important changes to council processes, however no finding of any improper action by the applicant was identified.
42. It appears to the Arbiter that the desire on the part of the respondent to ensure transparency, was clouded by the personal tensions that clearly exists between the two parties.

Sanction

43. In considering an appropriate penalty I have taken into account the following factors:
44. The actions of the Defendant in raising the matter of concern with the Audit and Risk Committee was appropriate.
45. The subsequent investigation by Mann Judd has resulted in important changes within the City of Stonnington.
46. There was no justification for the respondent to make the matters of concern personal.
47. I note that the respondent has been required to undertake further induction training.
48. I believe the misconduct to be at the lower end of offence.
49. However, given the finding of misconduct the sanction imposed is that the respondent.
 - i) Be required to provide a written, meaningful apology to Cr. Scott, acknowledging that the personal nature of his submission to the Audit and Risk Committee on 26th August 2021 has caused offence and potentially damaged the reputation of Cr. Scott.
 - ii) The apology must be read to the council meeting immediately following receipt of this report and recorded in the minutes of the meeting.
 - iii) The apology should also advise council that the respondent will seek to be more considered in his actions in the future.

COUNCILLOR CONDUCT PANEL

In the matter of an Application by Councillor Kate Hely
concerning Councillor Alexander Lew
of the Stonnington City Council

HEARING PURSUANT TO PART 6 OF THE *LOCAL GOVERNMENT ACT 2020*

Applicant: Councillor Kate Hely, represented by Ms Corrina Dowling,
Barry Nilsson Lawyers

Respondent: Councillor Alexander Lew, represented by Ms Rachel Walsh of
Counsel, instructed by Kingston Reid

Date of Hearing: 9 and 10 May 2022

Panel Members: The Hon Shane Marshall AM (Chairperson)
Mr Matt Evans

DETERMINATION

Pursuant to section 167(1)(d) of the *Local Government Act 2020* the Panel dismisses the Application

Shane Marshall
Chairperson

Matt Evans
Panel Member

15 July 2022

STATEMENT OF REASONS FOR DECISION

Introduction

1. The matter before the Panel is an application by Cr Kate Hely of Stonnington City Council ("the Council") against Cr Alexander Lew, also of the Council, for the Panel to make a finding of serious misconduct against Cr Lew. The application was made pursuant to s 154 of the *Local Government Act 2020* ("the Act"). Section 154(1) of the Act empowers a Panel to hear an application that alleges serious misconduct by a councillor. In this case the application was made by another councillor under s 154(2)(b) of the Act. The Principal Councillor Conduct Registrar considered the application and referred it to this Panel for hearing (see s 155(1) and s 156 of the Act).
2. In s 3 of the Act, "serious misconduct" is defined to include in paragraph (f) of the definition:
"bullying by a Councillor of another Councillor or member of council staff."

"Bullying" is also defined in s 3 of the Act as:
"by a Councillor means the Councillor repeatedly behaves unreasonably towards another Councillor or a member of Council staff and that behaviour creates a risk to the health and safety of that other Councillor or member of Council staff."
3. Councillor Hely's allegations were confined by the commencement of the hearing of the application to three major matters of concern described in a document setting out issues that remained live.

Scheme of the legislation

4. The purpose of the Act is to provide for local government as a distinct and essential tier of government, in effect a third tier after Federal and State government for each municipal district (see s 1). It is a tier of government with councillors democratically elected and accountable to their local communities (see s 4). The role of each Council is to provide good governance for the benefit and well being of each municipal community (see s 8). The overarching governing principles referred to in s 9; include (2)(c):
"the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted."

Under s 18, the Mayor is to chair Council meetings and to be the principal spokesperson for the Council. Section 20 deals with the circumstances in which a Mayor ceases to become Mayor. It is the role of a Councillor to represent the interests of the municipal community in the decision making in which councillors participate. Section 28(2)(c) of the Act obliges councillors to "acknowledge and support the role of the Mayor".
5. Councillors are also required to act in accordance with the standards of conduct referred to in s 139(3)(a) of the Act; see s 28(2)(e) of the Act. Those standards appear in regulations made pursuant to the Act; see Reg 12 of the *Local Government (Governance and Integrity) Regulations 2020* ("the Regulations"). The standards are set out in Schedule 1 to the Regulations. Clause 1 of Schedule 1 is headed "Treatment of others". It requires councillors to treat other councillors,

amongst others, with “dignity, fairness, objectivity, courtesy and respect.” “Abusive behaviour” is enjoined in clause (1)(c). Under Cl 4 there is a responsibility on councillors not to engage in behaviour which would bring discredit on Council. Clause 4(2) states that “(i)n performing the role of a Councillor, a Councillor must not deliberately mislead ... the public about any matter related to the performance of their public duties”.

No limitation on robust public debate

6. Clause 5 of Schedule 1 to the Regulations provides that “(n)othing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.” From the tenor of the standards of conduct provided for by the Act and Regulations, robust political debate about issues is to be engaged in, but not robust insulting, threatening or humiliating behaviour. In the context of the scope of the implied freedom of political communication in the Commonwealth Constitution the following remarks of Kirby J in *Coleman v Power* (2004) 220 CLR 1; [2004] HCA 39 must be borne in mind:

“One might wish for more rationality, less superficiality, diminished invective and increased logic and persuasion in political discourse. But those of that view must find another homeland. From its earliest history, Australian politics has regularly included insult and emotion, calumny and invective, in its armoury of persuasion... They are part and parcel of the struggle of ideas. Anyone in doubt should listen for an hour or two to the broadcasts that bring debates of the Federal Parliament to the living rooms of the nation. This is the way present and potential elected representatives have long campaigned in Australia for the votes of constituents and the support of their policies. It is unlikely to change...”

7. Having regard to the standards of conduct referred to in the Act, in the local government context, political debate can be robust but at the very least it must not involve behaviour towards another councillor which involves repeated unreasonable behaviour, which also constitutes a risk to the health and safety of another councillor. Unreasonable behaviour was held by the Panel in *O'Reilly v Toms* 5 September 2019, to mean behaviour that a reasonable person would regard in the circumstances as unreasonable. In the local government context, the Act also requires civility set out in the standards of conduct, the breach of which may result in an arbiter or Panel finding misconduct or serious misconduct.

Allegation 1 - The splitting of a motion

8. Councillor Hely's first allegation is that Cr Lew's behaviour in respect of an issue of splitting a motion before Council was unreasonable.
9. The first incident referred to in order to make good the Cr Hely's claim concerned Cr Lew's request at a Council meeting on 3 May 2021 that a motion on the agenda be split, his conduct in the debate on the procedure and his comment about the performance of an Acting Chair when dissent was moved in a ruling of Cr Hely.
10. In order to consider this matter the Panel has viewed the video of the Council meeting on 3 May 2021. We observed that a speech of Cr Lew in support of parts of the motion being split from the remainder and dealt with separately involved Cr Lew engaging in a wide ranging discussion which went beyond the terms of his motion. He then moved dissent in the chair for accepting a

point of order. Cr Lew later raised a point of order which appeared to be grandstanding to a sympathetic audience in the public gallery. The Mayor engaged in robust discussion in response. Another councillor, Cr Koce expressed disappointment in the tone of Cr Lew.

11. Councillor Lew accused Cr Hely of acting in an “uneducated manner” in ruling the way she did about the motion being split and not in the way requested by Cr Lew. In the course of that debate, Cr Lew engaged in what might be colloquially described as a “dummy spit” by ungraciously offering Cr Hely a copy of his rule book on Council procedure and suggesting that one rule applied to everyone except her. The matters before the Chair were complicated for a first time Mayor and on the occasions when dissent in the chair was moved, Cr Klisaris took the chair and it was evident that she had previous experience in so doing. In the course of the discussion, Cr Hely said that she was “learning so much tonight”. Cr Griffin, a political ally of Cr Lew, said to Cr Hely towards the end of the meeting that she handled matters “with great grace.” Cr Lew told Cr Klisaris that she had done “a terrific job chairing” when in the chair during points of order. Cr Hely would have been justified in considering that the last comment was meant to contrast her performance in Cr Lew’s eyes. It was definitely “a bit of a dig” in colloquial terms. While the conduct of Cr Lew at the 3 May meeting on the issue of splitting the motion involved ungracious and hostile behaviour towards Cr Hely it was in the context of a topic on which there were strong views. While disrespectful and in some respects peurile we do not consider that the conduct of Cr Lew on this occasion rose to being unreasonable. He engaged in robust debate on meeting procedure because the way the motion was dealt with was critical to the way he considered the issue before the Council should be determined. It was understandable that an inexperienced chair like Cr Hely might have thought that Cr Lew was targeting her, but to react strongly to her ruling and hurt her feelings did not arise from any deliberate desire in Cr Lew to do so independently of his desire to advocate for his views on the matter under discussion. We do not consider his behaviour, while in some respects discourteous (especially the “uneducated” comment) rose to the level of being unreasonable. It was a reaction to the chairing of the meeting by a Mayor inexperienced in meeting procedure which frustrated Cr Lew’s attempt to achieve his desired outcome. No doubt he would have reflected on the behaviour and considered it unwise to attack the person and not the issue with the throw away adjective, “uneducated”. Cr Hely alleges that Cr Lew slammed down his copy of the governance rules during the course of the meeting. We did not observe any “slamming down” from the video of the meeting.
12. The second aspect of the splitting issue was said to be Cr Lew’s request for legal advice about whether the meeting procedure adopted by Cr Hely on 3 May 2021 was valid and whether it affected the validity of the resolution made. Although the Council had obtained advice from Maddocks (a law firm) that the procedure adopted was valid, we consider that it cannot be said to be unreasonable for Cr Lew to obtain his own legal advice.
13. Councillor Hely next relies on the fact that “the Age” newspaper reported on the 3 May 2022 meeting in an article on 5 May 2022. The article referred to Cr Lew getting Cr Hely “turfed out of the chair on two occasions”. It was open to Cr Lew to move dissent in the chair. We do not consider that the fact that his behaviour in that regard was reported in a daily newspaper means that Cr Lew’s behaviour was unreasonable.

14. Councillor Hely next, on this issue, relied on an email sent on 16 May 2021 by Cr Lew and to the Deputy Mayor (Cr Klisaris). The email suggested, in effect, that Cr Klisaris chair the next meeting of the Council and that Cr Hely observe to see how it is done properly. The email was inappropriate. It would have been preferable for Cr Lew to approach Cr Hely on the topic and discuss it privately if he thought it would be a useful idea to help Cr Hely. By involving Cr Klisaris he embarrassed Cr Hely unnecessarily. His behaviour in this respect was taking the issue of his concern with the way the 3 May meeting was chaired to a puerile level. It was insulting behaviour and in combination with the events that preceded it was unhelpful. However we do not consider that it was so offensive that it amounted to unreasonable behaviour in the context of a robust dispute about the meeting which underpinned the discussions and differences of opinion about the relevant motion at the 3 May meeting.
15. The next incident relied on by Cr Hely on the topic of splitting of a motion was the fact that Cr Lew tabled counsel's advice sought by him. Cr Lew did so in a Council meeting on 17 May 2021. In tabling the advice which was critical of the way Cr Hely dealt with the splitting of the motion, and disagreeing with the Maddock's advice to the contrary, Cr Lew concluded by saying "So I'd ask that you Madame Mayor read that legal advice because we all make mistakes from time to time, but it is important that we learn from those mistakes". That comment while insensitive was part of the discourse between Cr Lew and Cr Hely concerning the manner of dealing with Council procedure. Although unnecessary and unhelpful it did not amount to unreasonable behaviour. It was little more than an unwise rhetorical flourish, dressed up as purported friendly advice.
16. Councillor Batagol considered the comments "belittling" and Cr Morgan considered them patronising. However in our view they, objectively, do not rise beyond ungracious asides designed to help Cr Lew bolster his own position rather than an attempt to humiliate or belittle Cr Hely.
17. While we have concerns about the disrespectful nature of some of the behaviour of Cr Lew with respect to the role of Cr Hely concerning the "splitting issue" we do not consider that the behaviour of Cr Lew on this issue taken as a whole, to be behaviour which a reasonable person would consider to be unreasonable in the circumstances, in the context of robust political debate.

Allegation 2 - The urgent COVID motion

18. The second allegation relied on by Cr Hely to argue that Cr Lew engaged in unreasonable behaviour towards her was related to Cr Lew's conduct in the course of proposing an urgent motion at a Council meeting on 7 June 2021. The motion sought that the Council write to the State Government in support of ending the COVID related lockdown in Stonnington because of its effect on the large number of small businesses in Stonnington. During the reply comments on his motion (referred to as "summing up") Cr Lew engaged in an unwarranted attack on Cr Hely. This occurred one day after the two Councillors had met to discuss ways of working together in the future. Councillor Lew accused Cr Hely of putting "any left wing woke issue front and centre", including "LGBTI" and "indigenous" issues. The Mayor (Cr Hely) was just one of six Councillors who did not support the motion. There was no reason to attack her for not doing so and especially no reason to compare her lack of support for the motion to support for "woke issues". Cr Lew's comments in that regard were appalling. They disregarded normal

respectful discourse and played the person not the issue. However it must be borne in mind that this was in the context of an issue, being assistance to small business, that was close to Cr Lew's heart making him emotional on the issue. Rather than being demeaning to Cr Hely it was in some respect an unintended compliment that she is considered to be a person concerned about social justice for the LGBTQI and indigenous people. This was not a case of deliberately unreasonable behaviour but an example of vigorous political discourse. Although being conduct which is to be discouraged, in the context of a "hot button" political issue it was not behaviour which was unreasonable, especially having regard to the consequences for Cr Lew of such a finding. Whether it was misconduct or not (as distinct from serious misconduct) is not an issue which the Panel needs to concern itself with for reasons discussed later. Even so issues may have arisen about the timing of the conduct on 7 June 2021 being more than 3 months before the filing of the application on 14 September 2021.

19. The second matter on this topic relied on by Cr Hely is the Facebook post of Cr Lew made on 8 June 2021 in which he expressed disappointment that Cr Hely "voted with the Greens to defeat the motion". Cr Hely complains that the Facebook post misstated the wording of the motion. We do not see that it is unreasonable to use social media to present an opinion about the characterisation in political terms concerning the effect of a Councillor taking a particular position on a motion which coincided with the position taken by those belonging to a political party.
20. The next issue raised by Cr Hely in this respect concerns two emails sent by Cr Lew to her on 6 June 2021 about her failure to support the motion. The emails contain personal advice to Cr Hely on how she should position herself politically. Councillor Lew supported Cr Hely to become Mayor and expressed disappointment that her positions on various issues were to the left of his. In our view those emails concerned political "puffery" and do not reveal unreasonable behaviour but an attempt to seek to draw Cr Hely closer to the preferred political positions favoured by Cr Lew and considered by him to have been abandoned by her.
21. The next matter relied on by Cr Hely was the email sent by Cr Lew to Cr Hely on 9 June 2021 to confirm whether a mediation previously arranged between them was proceeding. Councillor Hely decided to go ahead with the mediation in light of what she considered to be attacks on her by Cr Lew the previous day. The email from Cr Lew claimed that Cr Hely was using the continuation of the mediation processes to stymie dissent. In all the circumstances in the ongoing robust debate we see nothing unreasonable in Cr Lew's response despite it being an unhelpful one if he desired a return to civil relations between the two Councillors.
22. The next matter complained about by Cr Hely on this topic was Cr Lew's Facebook post on 10 June 2021 about the failed motion concerning the COVID lockdown. Councillor Lew was still aggrieved at Cr Hely's lack of support for the motion and said in the social media post:-

"As left-wing "independent" Mayor Kate Hely was arguing that it was "not her role" to email the Victorian Government urging them to end the Lockdown."
23. Although Cr Lew's post appeared to contravene Council's social media policy against personal criticism of fellow councillors, in the context of a robust debate about whether Cr Hely should have supported the motion, it was not an unreasonable post. The wisdom of it is an entirely different matter. The categorisation of Cr Hely as "left" only serves to identify Cr Lew's leaning as being "right" and someone who vilifies anyone more progressive than him as "left". It also

reveals some inadequacy of reasoning on Cr Lew's behalf in strongly pressing for an end to a lockdown which the State Government had no interest in prolonging and was taking health advice from the Chief Health Officer in relation to the same. One might also query the effectiveness of a "Stonnington only" early end to the lockdown or the suitability of such an approach.

24. Also complained about under this heading is a comment Cr Hely alleges that Cr Lew made in "Councillor Only Time" on 15 June 2021. Cr Lew allegedly told the group of Councillors that he was attacking Cr Hely on social media because of him being, in effect, forced through a mediation process. Accepting for the purposes of argument that so much was said, we do not consider that it adds anything to any of the robust debate between the two Councillors about one's insistence on continuing mediation and the other's belief that mediation is being weaponised against him in the context of the debate about the urgent motion. We see no unreasonableness in the comment as it was made in the context of the dispute between two local government politicians.
25. The final aspect of the alleged unreasonableness on this issue is the allegation that Cr Lew varied the Council's Wikipedia page to alter the characterisation of the political leaning of Councillors including Cr Hely.
26. The City of Stonnington's Wikipedia page is one that is capable of alteration by anyone using Wikipedia given it operates under open source software. If one looked at the Wikipedia page today information can be discovered about the political affiliations of Councillors. Today's page merely mentions each particular Councillor with party affiliation or independent status listed next to them. Councillors Hely and Batagol were listed as independents and Cr Koce as a Liberal. Someone without authorisation of the affected Councillors or the Council had previously changed Cr Hely's affiliation and Cr Batagol's affiliation to "left leaning independent" and Cr Koce to "left leaning Liberal Party member who votes with the Greens".
27. Councillor Hely asserts that this alteration was done by Cr Lew. Councillor Hely considered herself independent and described herself in evidence before the Panel as a "centrist independent". Councillor Hely says that combined with the Facebook page description of her, Cr Lew was attempting to have her identified in the minds of the public as left leaning, a description which she contends to be false.
28. Whoever performed the alteration was engaged in a puerile political stunt, childish in the extreme. It was not directed solely at Cr Hely but at two other Councillors as well.
29. Counsel for Cr Lew submitted that there is no evidence, or no satisfactory evidence, to blame Cr Lew for the changes. She also noted that the Wikipedia entry is not the property of Council or of any Councillor and is open to be changed by anyone. She also observed that the source of the edit was not the subject of evidence from a computer expert. In any event, the changes made are no more than an expression of opinion by the person making the alterations of his or her views of the Councillors. It would have been open to any of the affected Councillors to similarly alter the characterisation of Cr Lew to refer to him as an "ultra conservative right-wing Liberal". We did not consider the changes even if made by Cr Lew, unreasonable. At the worst it is again puerile conduct in the heat of a political battle.

30. It is critical in our above analysis that Cr Hely was not singled out for attention but that Cr Lew was expressing disappointment with Councillors who did not hold opinions held by him when he considered that they should have held those opinions. That was simply part of the robust political struggle on Council.

Allegation 3 - The Spill Motion

31. The third allegation of unreasonable behaviour by Cr Lew concerned his desire to have the position of Mayor spilled to remove Cr Hely as Mayor. It is not, of itself, unreasonable for a councillor, who considers himself a political opponent of a Mayor to agitate among other councillors for that Mayor no longer to be the Mayor. It depends, however, on how it is done. Under Council procedure the only way a Mayor can cease to be the Mayor is to stand down and call for a spill of the position.
32. The first alleged instance of unreasonable behaviour on this topic relates to comments Cr Hely said Cr Lew made to her on 20 July 2021 during Councillor Only Time. These comments appear to relate to concerns about Cr Hely's mother liking a Facebook post of a member of the public who Cr Lew has engaged in a bitter dispute with and who is a person who appeared to use anti-semitic language. We consider that there is nothing unreasonable in Cr Lew asking why Cr Hely's mother would like a Facebook post of such a nature. A simple google search of Cr Hely's mother identifies her as having that relationship.
33. The second alleged instance of unreasonable behaviour is the sharing of comments about Cr Hely by Cr Lew with the Stonnington Ratepayers Association's Facebook page. That, in our view, is no more than Cr Lew expressing his outrage through his supporters that the post of such a person could be liked by the Mayor's mother. We find nothing unreasonable in that conduct.
34. Councillor Hely next relied on an email dated 27 July 2021 sent by Cr Lew to Cr Morgan but copied to Cr Hely and Cr Sehr. In the email Cr Lew complained that Cr Hely was chairing meetings in a biased fashion against him. He was entitled to express that opinion, even if it was wrong. It is not an example of unreasonable behaviour.
35. The next matter relied on by Cr Hely is an email of 30 July 2021 from Cr Lew to all Councillors. It expressed dissatisfaction with Cr Hely's ability to chair meetings and called for the position of Mayor to be vacated and a new Mayor elected.
36. While embarrassing for Cr Hely, and critical of her, in urging her to "vacate" the position of Mayor, it is a political position Cr Lew was entitled to take as a political opponent of Cr Hely and, no doubt, was tinged with disappointment as he had originally supported the Council resolution proposing that Cr Hely be Mayor when she first joined Council. We do not consider the email to be evidence of unreasonable conduct. However we note that the reference to Council purchasing a new car for Cr Hely to "combat your personal embarrassment of driving a non-electric vehicle, after declaring your support for the "Climate Emergency"" was false and misleading. Although not of itself constituting serious misconduct it may have constituted "misconduct" although as we later refer to in these reasons that was not a matter pressed before us.

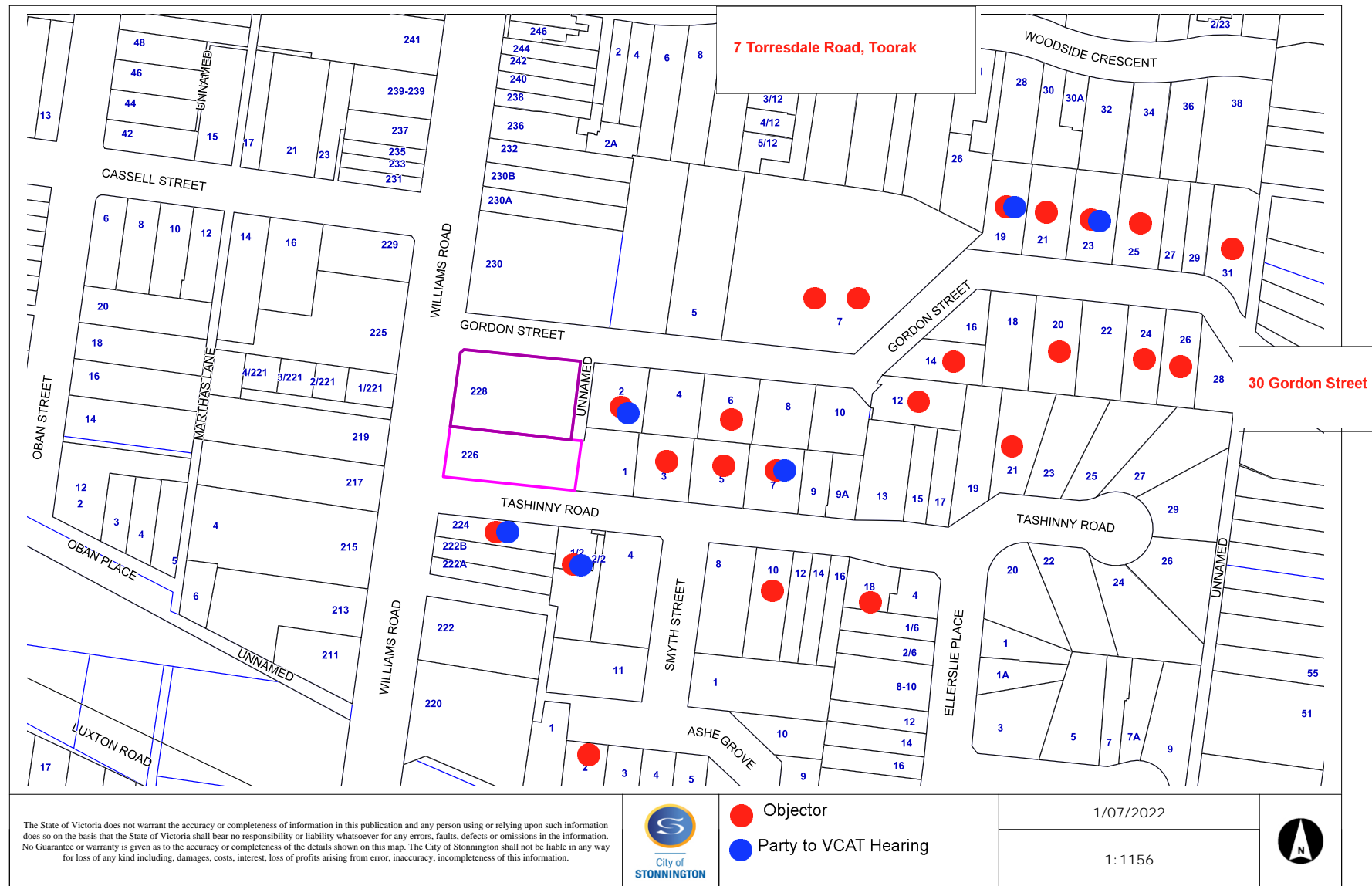
37. The next matter relied on by Cr Hely was a series of events on 2 April 2021. The first was a telephone call from Cr Lew to Cr Hely telling her about his belief that she had no support from other Councillors to remain as Mayor. The second was a radio interview conducted by Mr Tom Elliott of 3AW with Cr Lew on the afternoon of 2 April 2021. In that interview Cr Lew initially claimed that there would be a spill of the position of Mayor as the other Councillors had lost confidence in Cr Hely but later conceded that it was up to the Mayor to stand down and that she could not be removed in the way he originally suggested. Councillor Lew joined in with radio commentator, Mr Elliott, in factually incorrect comments about the circumstances in which the Mayor had an electric car purchased for her by Council. The interview involved character assassination of Cr Hely. It is something that is part and parcel of the usual denigration of political opponents in Federal and State politics. Councillor Codes of Conduct strongly discourage this type of behaviour by Councillors and label it as misconduct. However as we discuss later in this decision we are not required to make any finding about "misconduct" as distinct from "serious misconduct". The disinformation about the car failed to acknowledge that it was within the budget for the purchase of a Mayor's car and that Cr Hely had never said that it was purchased because she was embarrassed to drive a petrol fuelled car given that Council had previously declared a climate emergency. These accusations by Cr Lew, embarrassingly joined in by Mr Elliott, were false. But many radio commentators thrive on sensational accusations some of which bear no resemblance to the truth.
38. The third matter raised by Cr Hely on the topic of the spill of the Mayor's position was an email Cr Lew sent, following the radio interview, to all Stonnington Councillors supporting the spill. This occurred just before the Council meeting of 2 August 2021. The next matter relied on was that Cr Lew attended that Zoom meeting of Council on Council premises near where Cr Hely was present and that was meant to intimidate her. We see nothing unreasonable in Cr Lew foreshadowing a position he would take at the meeting by a pre-meeting email. We also see nothing unreasonable in Cr Lew being on Council premises for the Zoom meeting. It is not as if he and Cr Hely were in the same room.
39. The next matter on this topic concerns Cr Lew's behaviour at the 2 August 2021 meeting. We have viewed the video of the meeting. We did not observe Cr Hely to look intimidated by Cr Lew. In exchanges with Cr Lew, Cr Hely "gave as good as she got" in colloquial terms. Cr Lew's procedural motions were dealt with appropriately by her. Clearly he was attempting to make chairing of the meeting difficult for her in his efforts to convince others that she should not rerun as Mayor. She held her ground and resisted his political gamesmanship successfully. We see nothing unreasonable in his conduct. It was part of legitimate political discourse as was everything that occurred on 2 April 2021, with the exception of the Tom Elliott interview. While being an example of inappropriate character assassination as well as disinformation, on its own, the interview may be considered as part of a robust political campaign to unseat the Mayor, which failed. It was not in itself unreasonable to behave like that in a robust manner but it was, conduct which in all likelihood breached the standards of conduct expected of a Councillor. However as explained below that is not a matter for our present consideration.
40. Additionally on this topic, Cr Hely relies on an email of 4 August 2021 by Cr Lew. That email contained matters of legitimate political discourse and contained nothing unreasonable.

41. Extra reliance was placed on the media coverage of Cr Lew's attempts to replace the Mayor. The media reporting is not something that lies at the feet of Cr Lew, with the exception of the radio interview. It was up to the media to report the issue of the tensions on Council in a responsible way, which it mostly did. To the extent that it did not, that is not a matter for which Cr Lew bears responsibility.
42. The next matter raised was Cr Lew's Facebook post of 4 August which was the subject of a paid promotion, between 4 and 8 August 2021. The Facebook post claimed that Cr Hely had lost the confidence of most of the Councillors and the Stonnington community. That statement was one of Cr Lew's belief. It was one from his subjective point of view, not demonstrably untrue. It was part of his efforts in the robust political debate he was having with the Mayor. The single vice in the Facebook page was the distribution of the radio interview with Mr Elliott which, as noted above, contained critical errors of fact. The Facebook post and its attachment were in effect, political propaganda in the course of robust discourse.
43. The next issue raised on this topic was the phone call from Cr Lew to Cr Hely on 26 August 2021 in which Cr Lew hinted at raising an issue about Mayoral overspending before an internal arbiter. We see nothing unreasonable in that conduct. In the same vein Cr Hely referred to Cr Lew's behaviour at an Audit and Risk Committee meeting. Again we see nothing occurring in that meeting which goes beyond legitimate political discourse.
44. Also relied on by Cr Hely is an alleged statement made by Cr Lew in a Councillor Briefing on 30 August 2021. The alleged comment was made by Cr Lew to Cr Sehr, that she should talk to the media rather than Cr Hely given Cr Sehr, "does such a good job of it," We see this as part of a political strategy to undermine Cr Hely but not to be unreasonable in the context of legitimate robust political discourse.
45. Next relied on by Cr Hely is a telephone call on 1 September 2021 from Cr Lew to Cr Hely concerning a matter to do with his family's safety. We see no basis for it being relied on as part of unreasonable behaviour on Cr Lew's part. Similarly not an arguable matter of unreasonableness is a claim by Cr Lew to be an expert on harassment and bullying.
46. The penultimate matter relied on is Cr Lew's conduct at a Council meeting on 6 September 2021. We viewed a video of that meeting. In that meeting questions were put by Councillors to Council officers. Councillor Lew behaved with a lack of grace in that meeting, referring to the Mayor's ruling as "made up" by her and engaged in ad hominem humorous asides. While childish and aggressive behaviour it was conduct that reflected poorly on Cr Lew not Cr Hely. However in the circumstances of a robust political debate in the third tier of government it was not so objectionable as to be considered unreasonable behaviour.

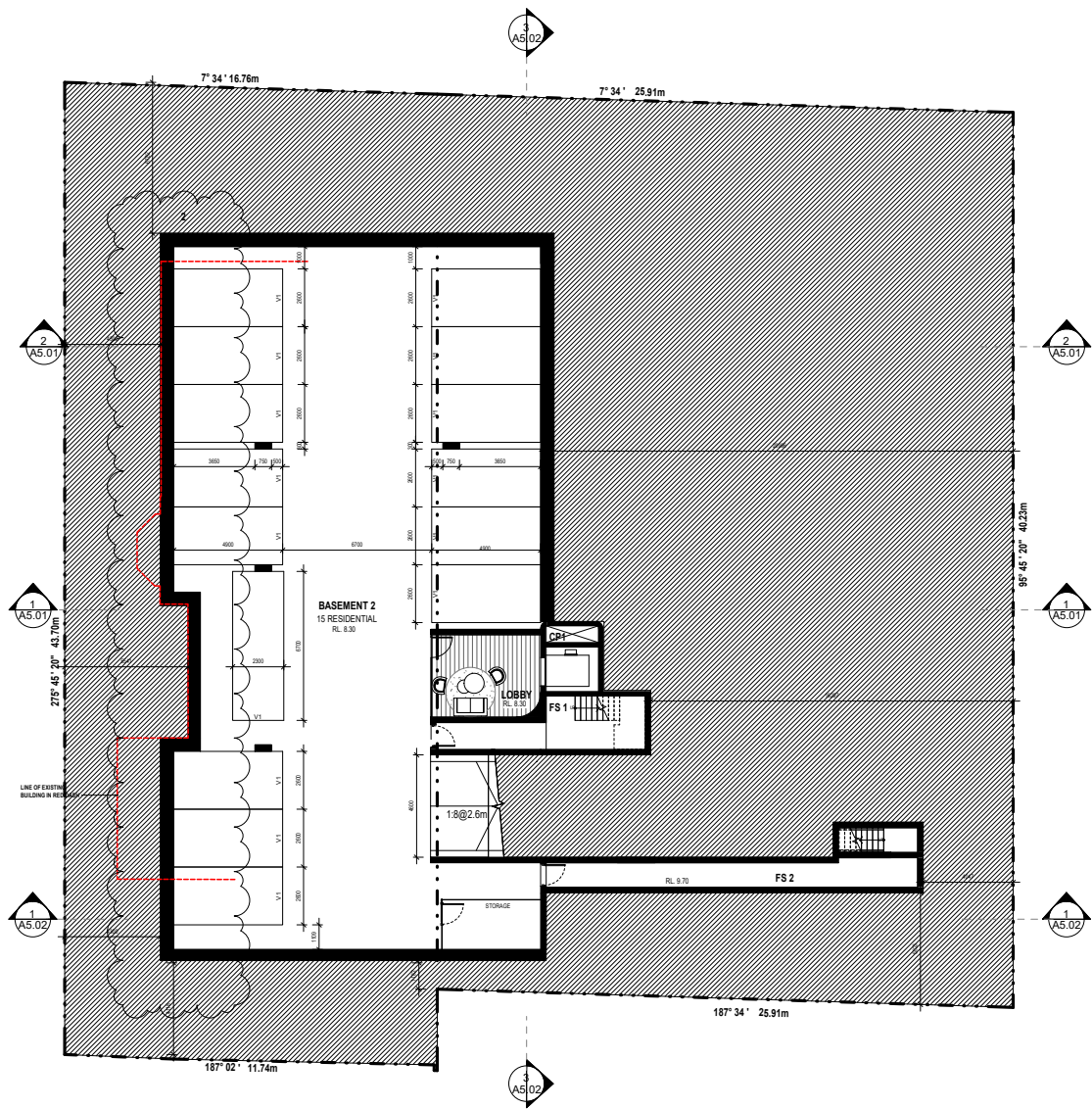
Conclusion on serious misconduct

47. We have carefully considered all the matters raised by Cr Hely said to constitute Cr Lew engaging in serious misconduct. Although we have concerns about the Tom Elliot interview of 2 April 2021 as being a misleading attempt to unfairly undermine Cr Hely we do not consider that matter, in isolation, to be bullying as described in the definition of that term in the Act. It was a relatively isolated incident of relevant poor behaviour which reflects adversely on Cr Lew but of itself is unlikely to have generated a risk for the health and safety of Cr Hely.

48. Consequentially we make no finding of serious misconduct or bullying in accordance with section 167(1)(a) of the Act. Accordingly we dismiss the application under section 167(1)(d) of the Act. That is our determination. We were not invited by the applicant to act under section 167(1)(b) to consider whether Cr Lew has breached one or more of the prescribed standards of conduct in relation to the matters occurring between 14 May and 14 September 2021 (the date of the application), including the events of 2 August 2021, and in particular the radio interview. As Cr Lew was informed by counsel for Cr Hely that no issue of "misconduct" would be pursued against him in the course of the hearing before the Panel it would constitute a denial of natural justice if we considered that matter.
49. Our determination is that the application is dismissed.



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NOTES

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- CORRIDORS, COMMON AREAS WILL HAVE MOTION SENSORS.
- EXTERNAL LIGHTING TO PATHS AND DRIVEWAYS/ CARPARKS WILL HAVE A DAYLIGHT SENSOR.
- CARBON MONOXIDE MONITORING TO BASEMENT CARPARK.
- CLOTHES DRYING RAILS IN ALL LAUNDRIES
- ALL EXTERNAL GLAZING - CLEAR DOUBLE GLAZING
- 20,000L RAINWATER TANK CONNECTED TO ALL TOILETS.
- TAP AND FLOOR WASTE TO ALL BALCONY AND COURTYARD.

AMENDMENTS

1. Retention of Tree 13, 14 and 21.
2. Adjustment of basement southern wall to be within existing building footprint in consideration of Tree 21.
3. Adjustment of UG01 and UG06 courtyard fencing to locate within existing building footprint in consideration of Tree 21.
4. Relocation of access driveway from Gordon Street to Tashinny Road. Replacement of Tree 5. Redistribution of floor area and rationalisation of planning layouts.
5. Relocation of booster and utility meters.
6. Shift of B17 setback line measured from boundary in lieu of centre of lane from original proposal. Reduction in building form.
7. Reduction in building height at North-East corner.
8. Building entry and entry path raised to avoid T21 root zone.

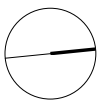
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NOMINATED ARCHITECT: TONY LEUNG NSW 7133

Rev	Description	Date
B	FOR COORDINATION	11/10/2021
C	FOR COORDINATION - TRAFFIC	18/10/2021
D	RESPONSE TO ADDITIONAL INFORMATION	11/11/2021
E	ISSUE FOR INFORMATION	14/04/2021
F	ISSUE FOR COMPULSORY CONFERENCE	05/05/2022
G	UPDATED ARCHITECTURAL SET	10/06/2022

Project Name
226-228 WILLIAMS RD, TOORAK, VIC

Client Name
SUN PROPERTY



Drawing Title
BASEMENT 2

SCALE
1:100 @ A1
1:200 @ A3

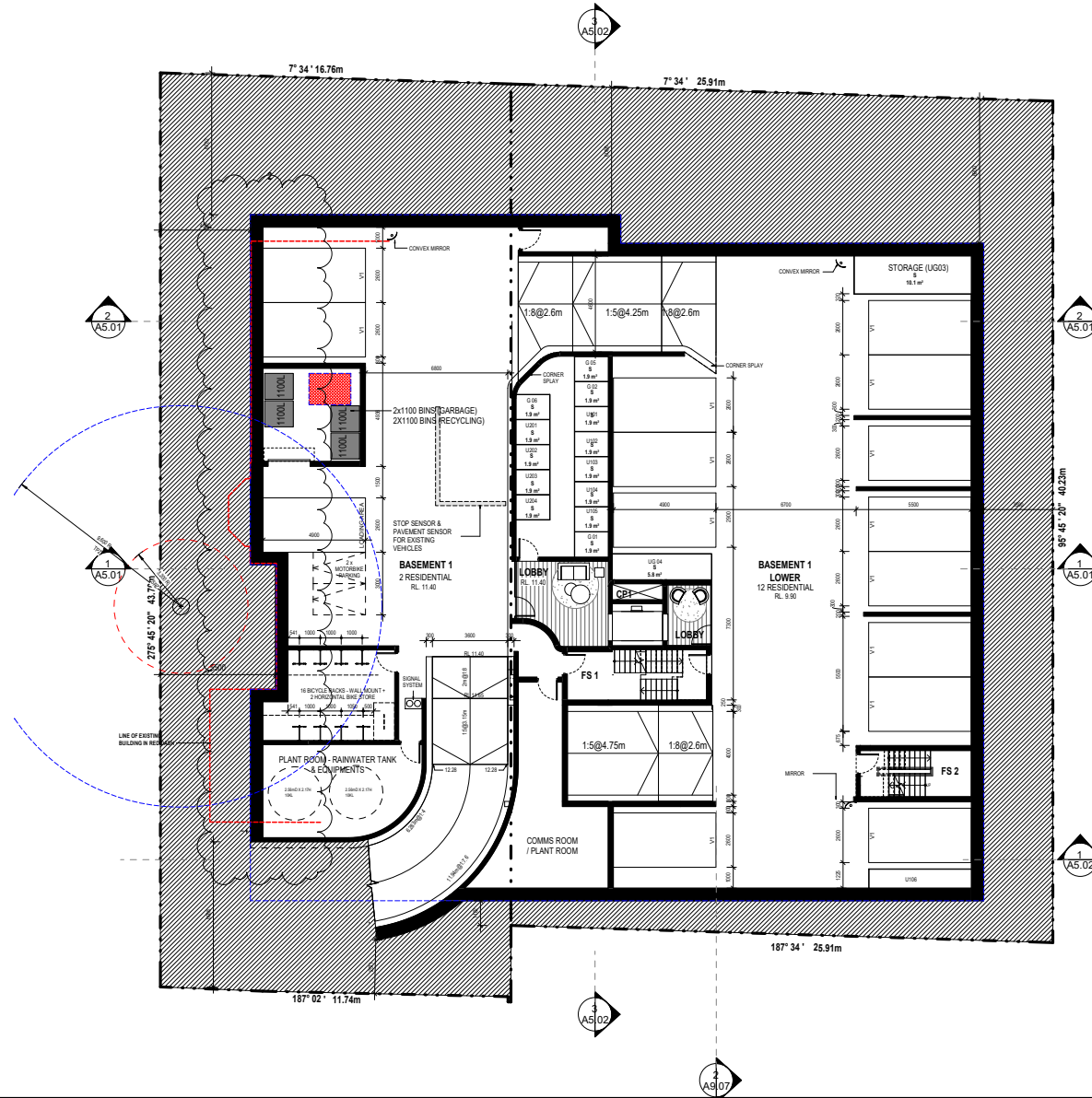
Project No.
A20085

Drawing no:
A3.01

ISSUE
G

CAT Plans Received 24/06/2022

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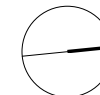
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Rev	Description	Date
B	FOR COORDINATION	11/10/2021
C	FOR COORDINATION - TRAFFIC	18/10/2021
D	RESPONSE TO ADDITIONAL INFORMATION	11/11/2021
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G	UPDATED ARCHITECTURAL SET	10/06/2022

Project Name
226-228 WILLIAMS RD, TOORAK, VIC

Client Name
SUN PROPERTY



Drawing Title
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Drawing no:

A3.02

Project No.
A20085

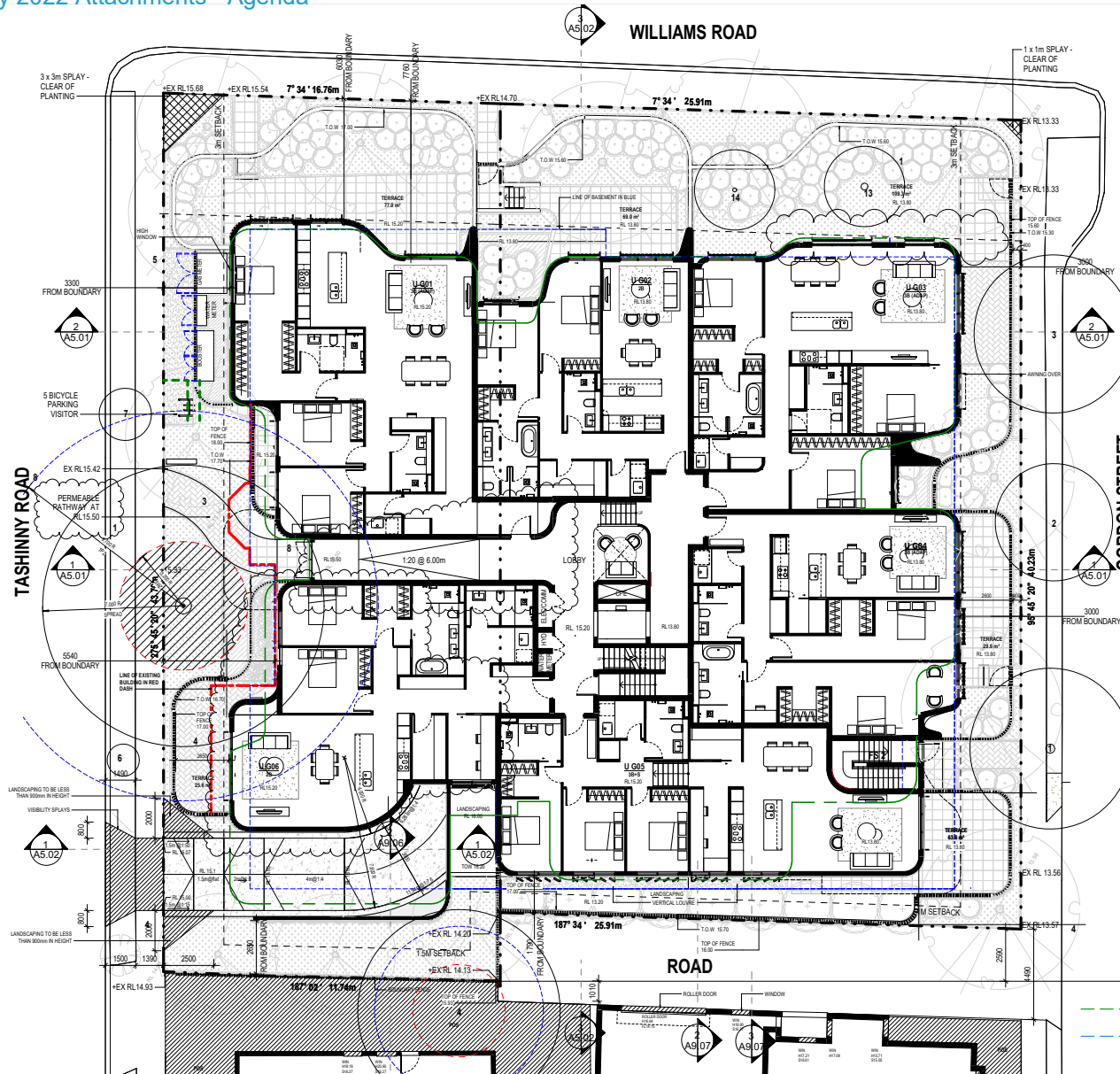
ISSUE

G

CAT Plans Received 24/06/2022

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- LEGEND**
- EXISTING TREE TO BE RETAIN
 - TREE PROTECTION ZONE
 - STRUCTURAL ROOT ZONE



NOTES

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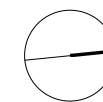
LEGEND

- ADVERTISED BUILDING FOOTPRINT
- ADVERTISED BALCONY/TERRACE FOOTPRINT

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Rev	Description	Date
C	FOR COORDINATION	11/10/2021
D	FOR COORDINATION - ESD	18/10/2021
E	RESPONSE TO ADDITIONAL INFORMATION	11/11/2021
F	ISSUE FOR INFORMATION	14/04/2021
G	ISSUE FOR COMPULSORY CONFERENCE	05/05/2022
H	UPDATED ARCHITECTURAL SET	10/06/2022

Project Name
226-228 WILLIAMS RD, TOORAK, VIC
Client Name
SUN PROPERTY



Drawing Title
GROUND LEVEL

SCALE

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1:200 @ A3

Drawing no:

A3.03

Project No.

A20085

ISSUE

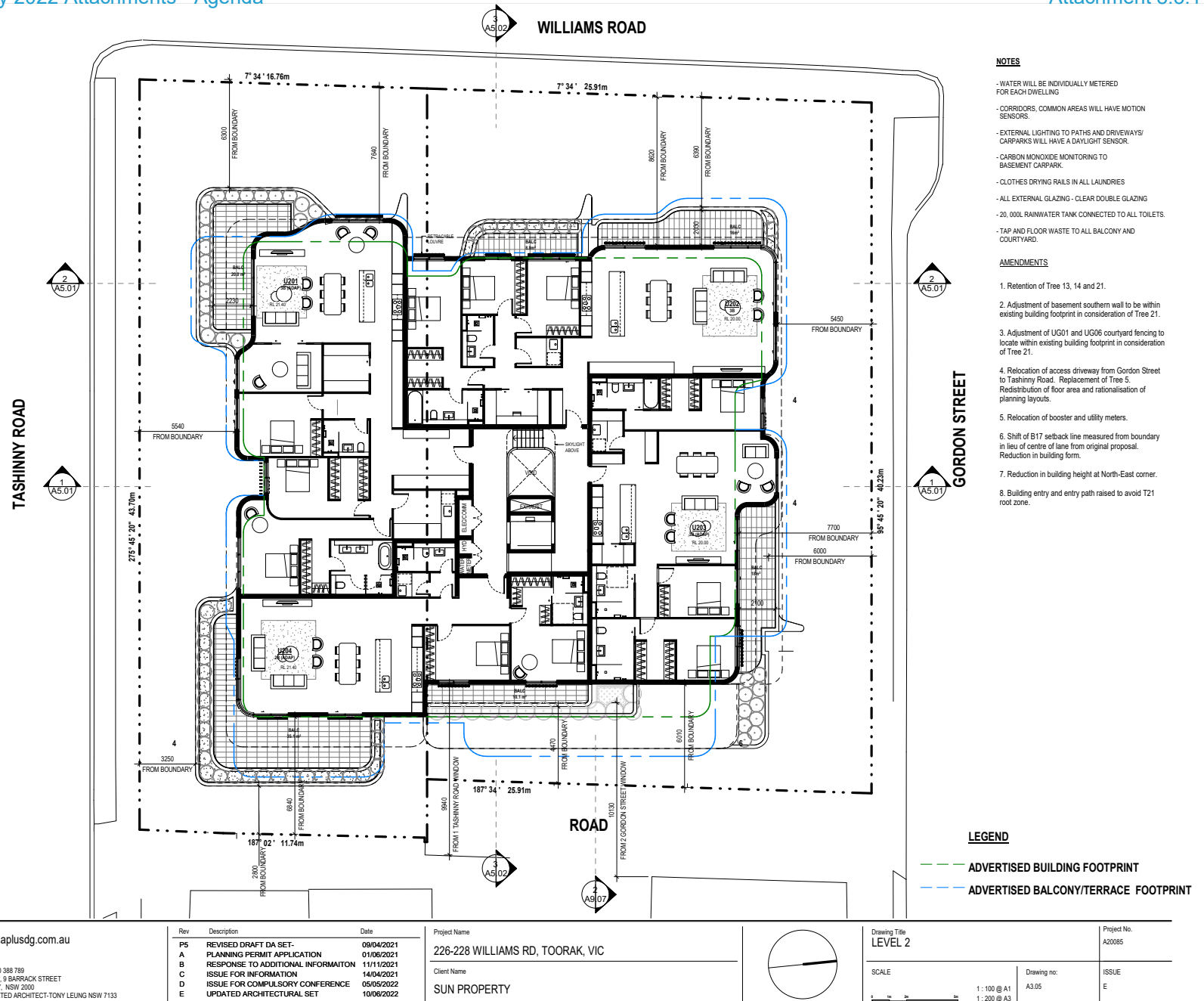
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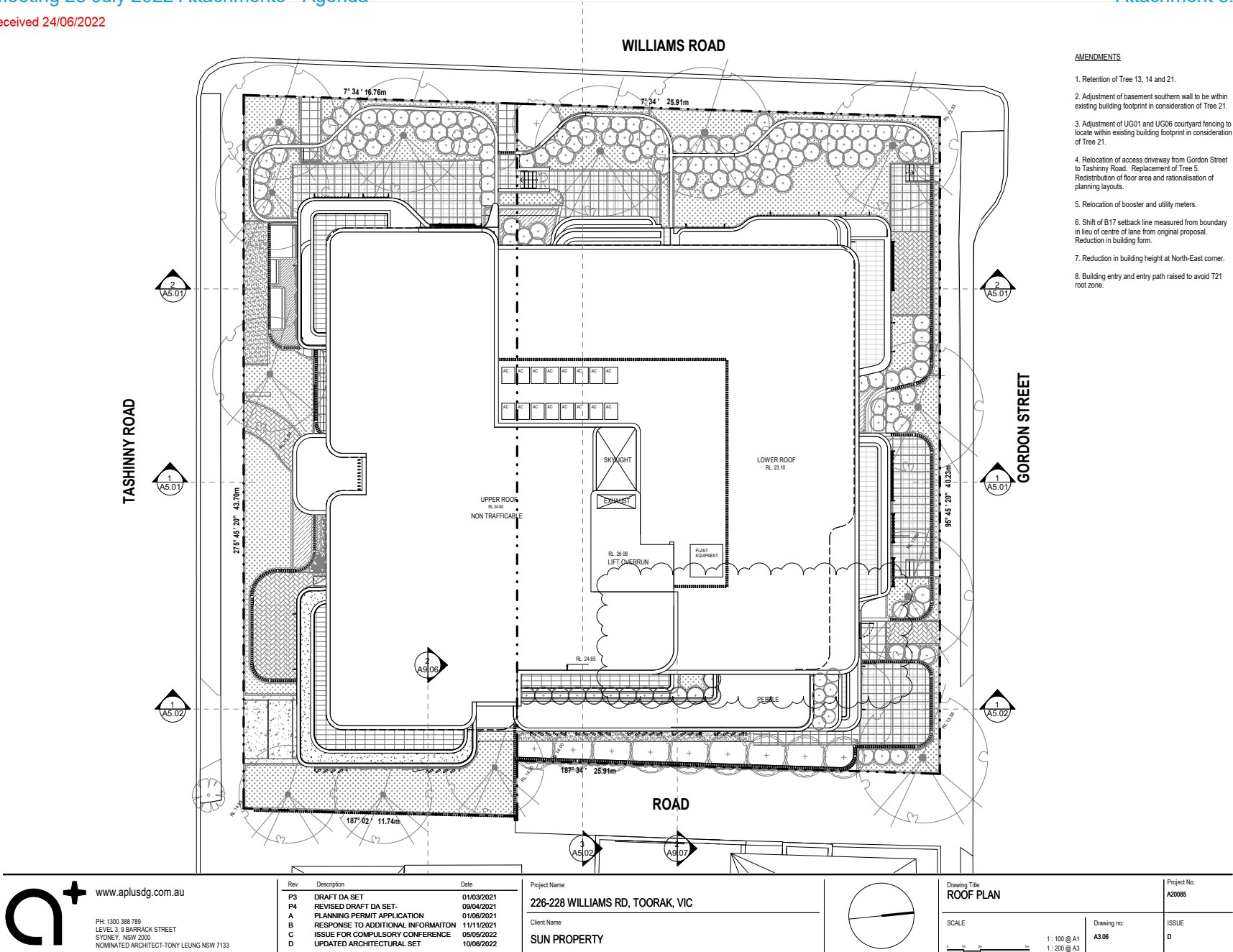
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OPERABLE WINDOWS

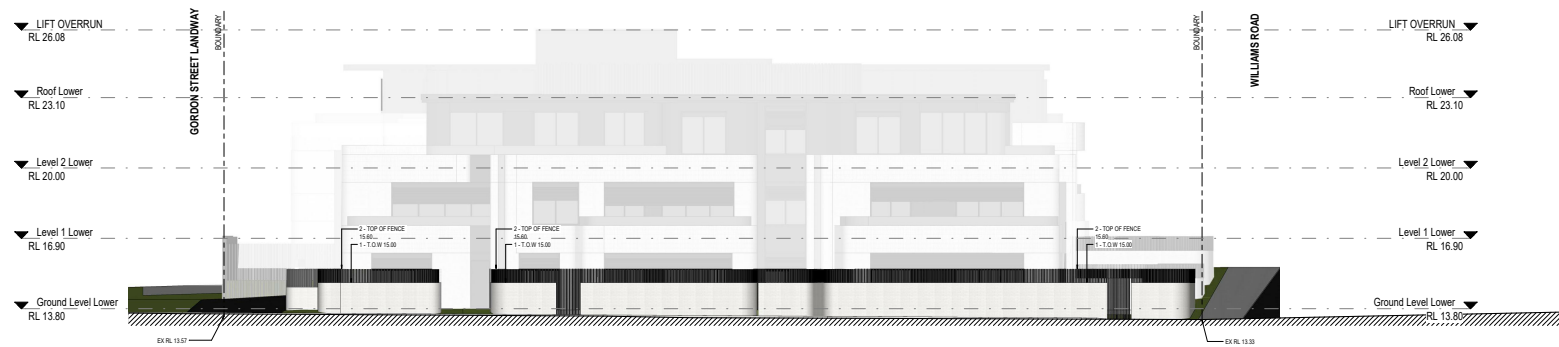
A - AWNING WINDOW
F - FIXED WINDOW
SD - SLIDING DOOR
RL - RETRACTABLE LOUVRE
VL - FIXED VERTICAL ALUMINIUM SCREEN (NO MORE THAN 20% TRANSPARENCY)

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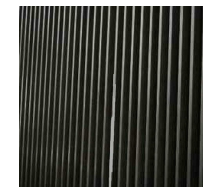
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2
1:100



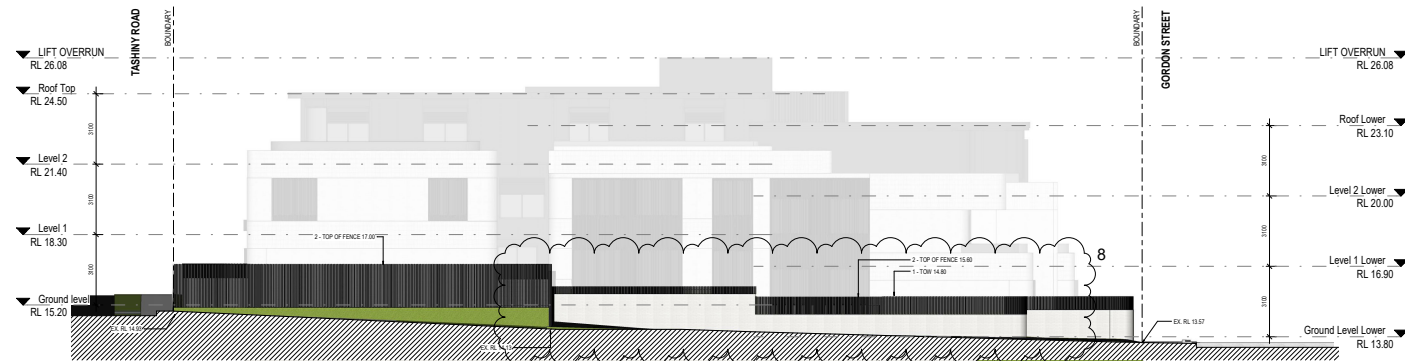
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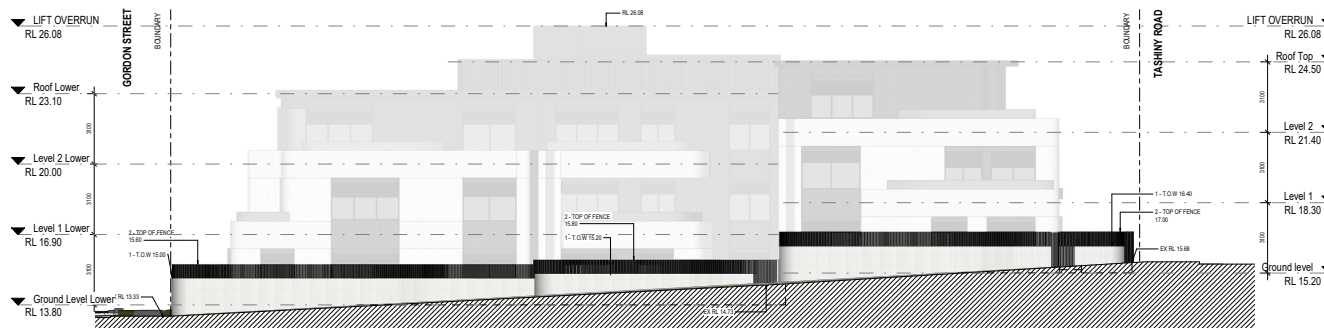
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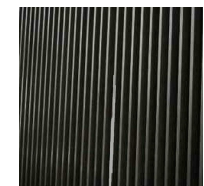
CAT Plans Received 24/06/2022



1 EAST ELEVATION_Boundary Fence
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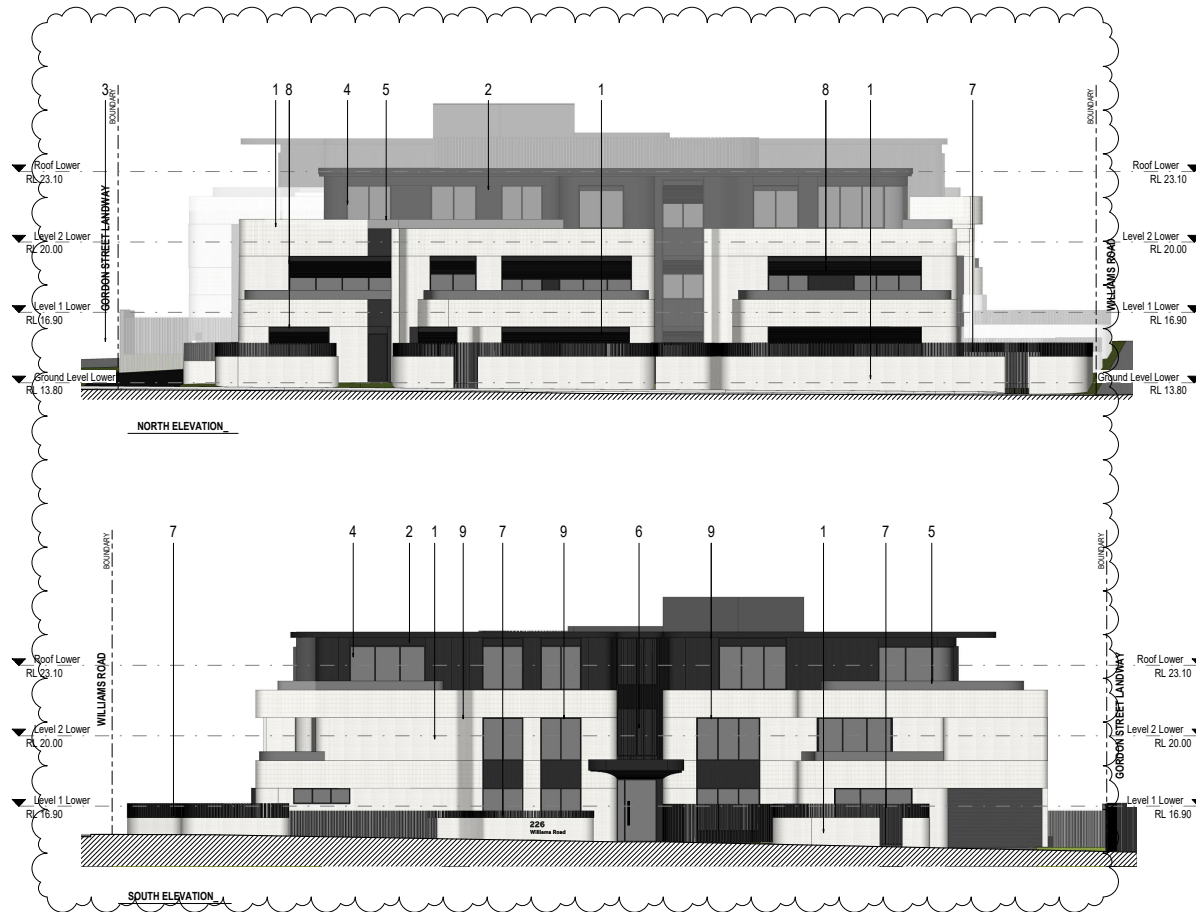


2 WEST ELEVATION_Boundary Fence
1 : 100



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1. PGH MORADA CENIZA



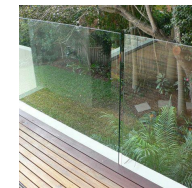
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3. BLACK TIMBER FENCE



4. BLACK ALUMINIUM FRAMED GLAZING



5. FRAMELESS GLASS BALUSTRADE



6. VERTICAL ALUMINIUM SCREEN



7. VERTICAL ALUMINIUM SCREEN



8. MOTORISED RETRACTABLE LOUVRES



9. METAL EXTRUSION FRAME



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Rev	Description	Date
P1	DRAFT DA SET	01/03/2021
P2	REVISED DRAFT DA SET	09/04/2021
A	PLANNING PERMIT APPLICATION	01/06/2021
B	RESPONSE TO ADDITIONAL INFORMATION	11/11/2021
C	ISSUE FOR COMPULSORY CONFERENCE	05/05/2022
D	UPDATED ARCHITECTURAL SET	10/06/2022

Project Name
226-228 WILLIAMS RD, TOORAK, VIC

Client Name
SUN PROPERTY

Drawing Title
SCHEDULE OF MATERIALS & FINISHES

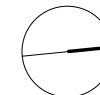
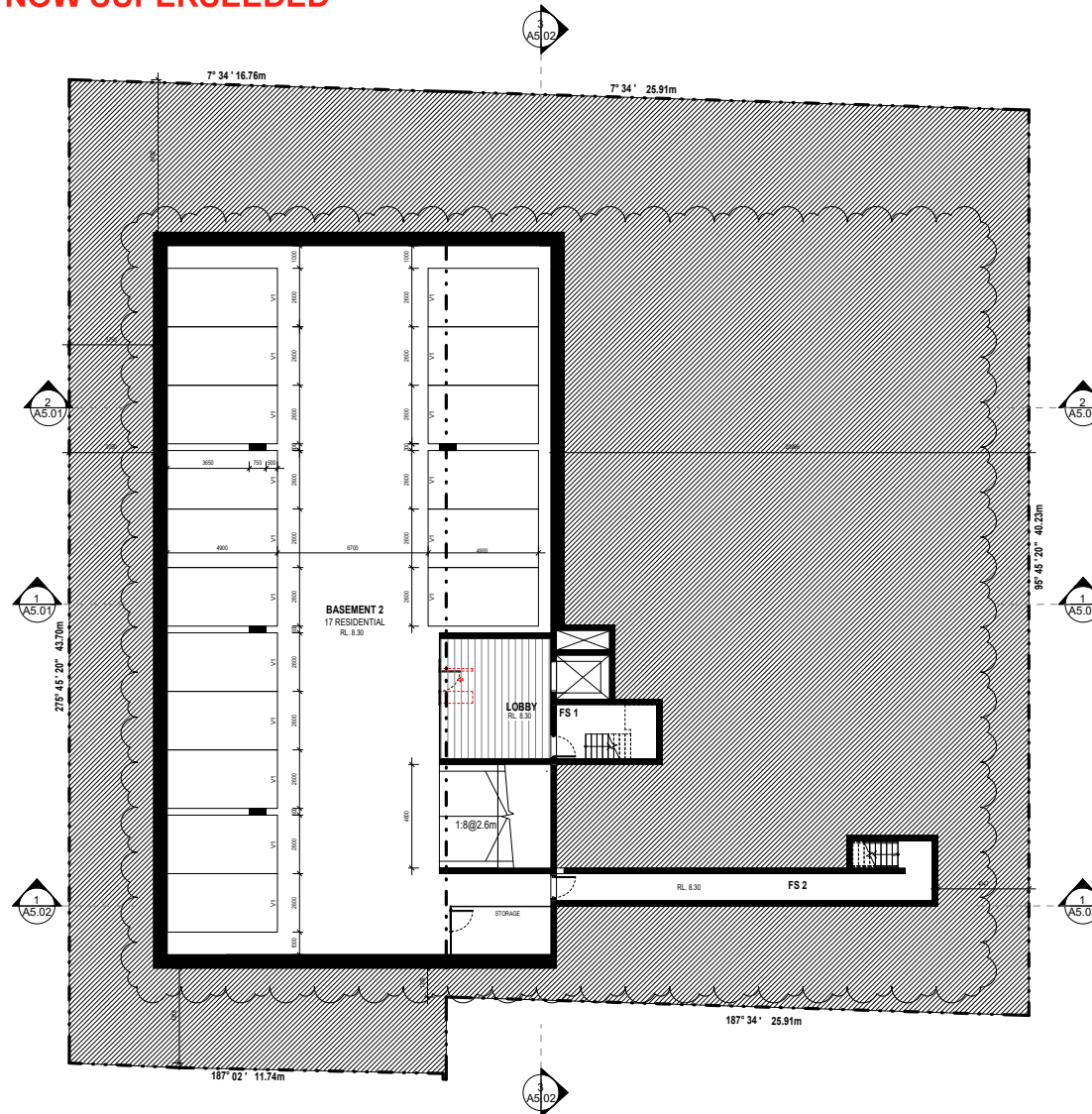
Drawing no:
A7.01

Project No.
A20085

ISSUE
D

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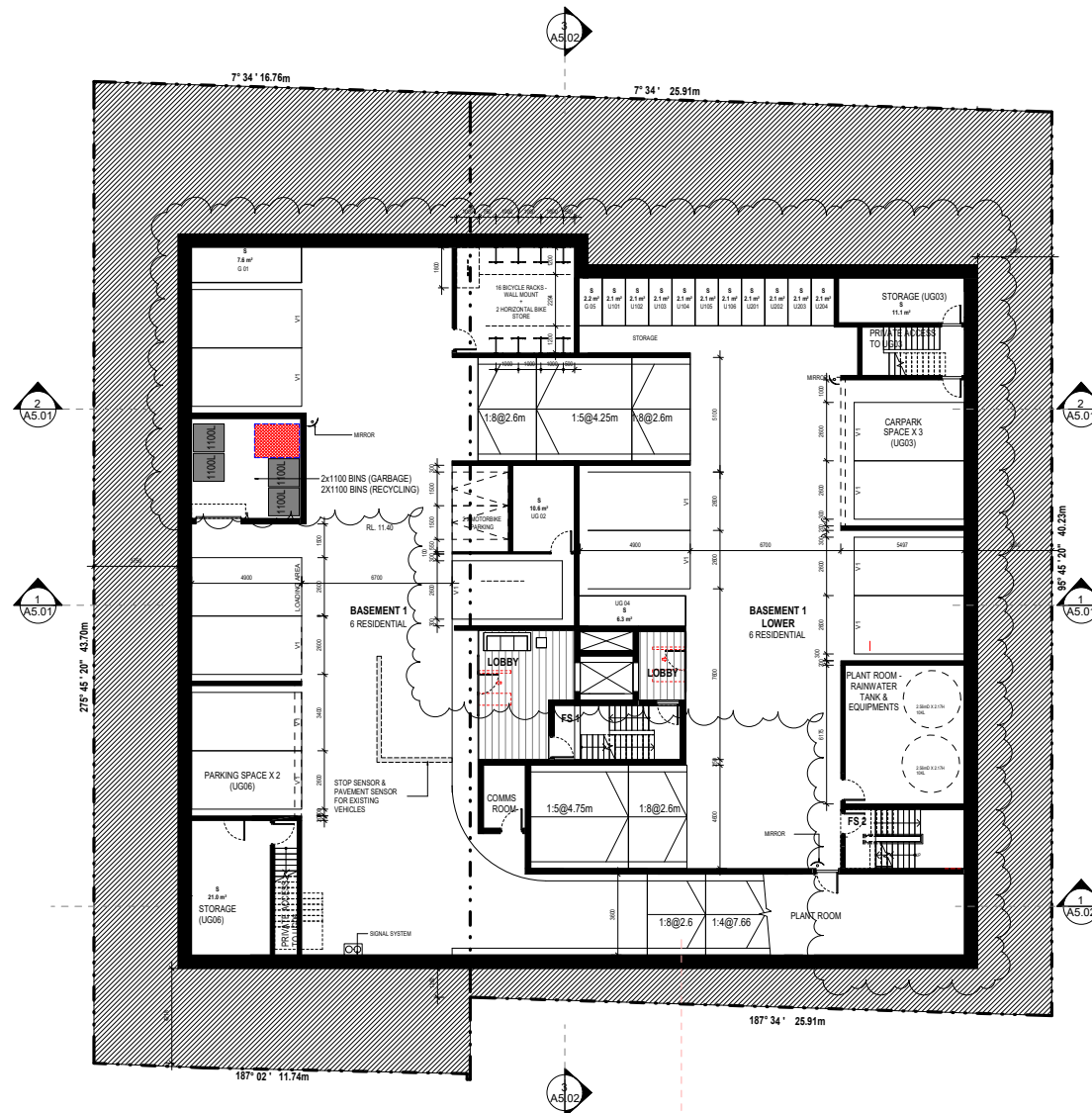
Advertised Document page 276 of 310, Nov 2021



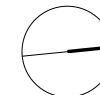
ADVERTISED PLAN - NOW SUPERSEDED

Advertised Document page 277 of 310, Nov 2021

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**NOTES**

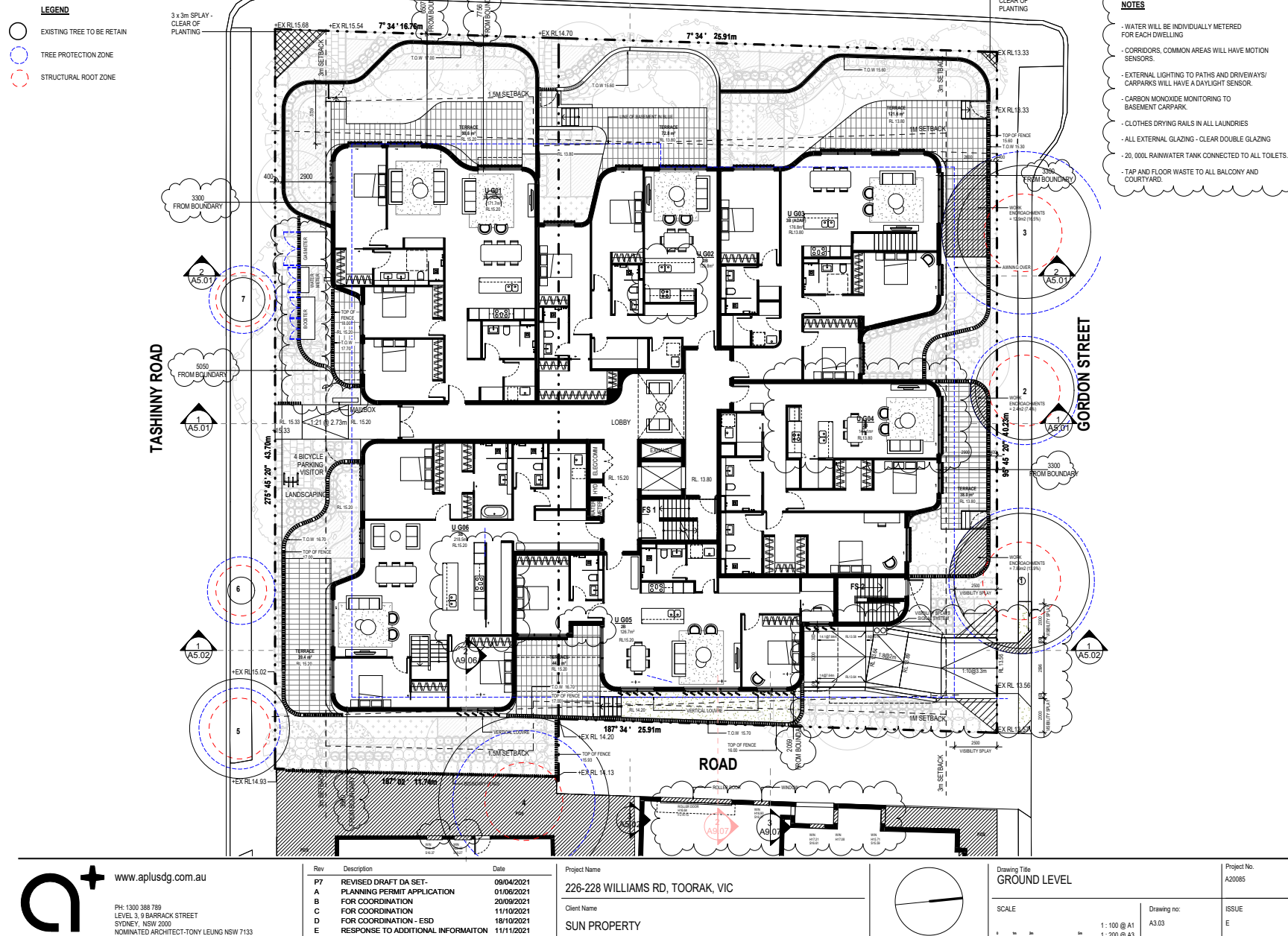
- WATER WILL BE INDIVIDUALLY METERED FOR EACH DWELLING
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ADVERTISED PLAN - NOW SUPERSEDED

Advertised Document page 278 of 310, Nov 2021

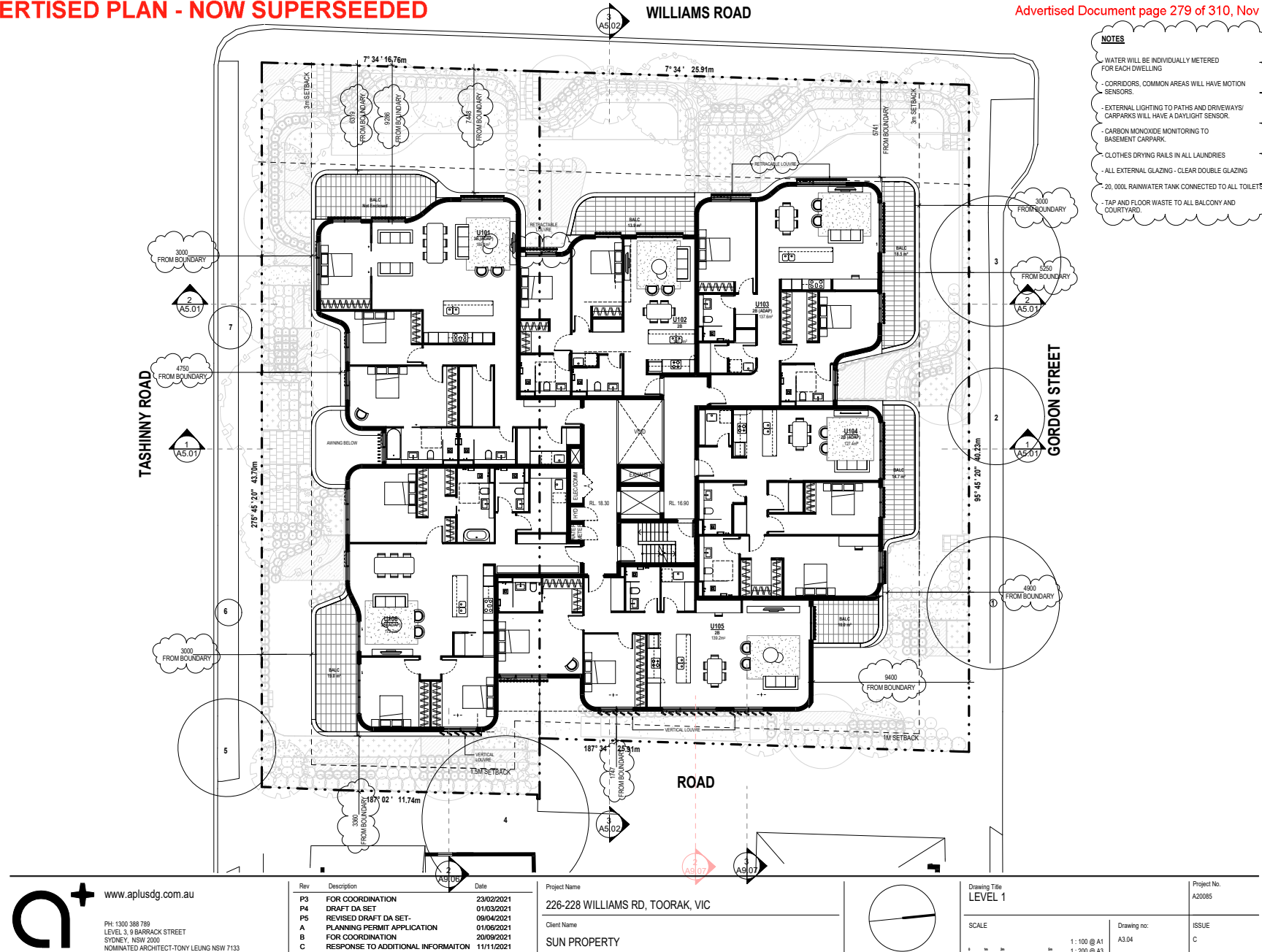
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ADVERTISED PLAN - NOW SUPERSEDED

Advertised Document page 279 of 310, Nov 2021

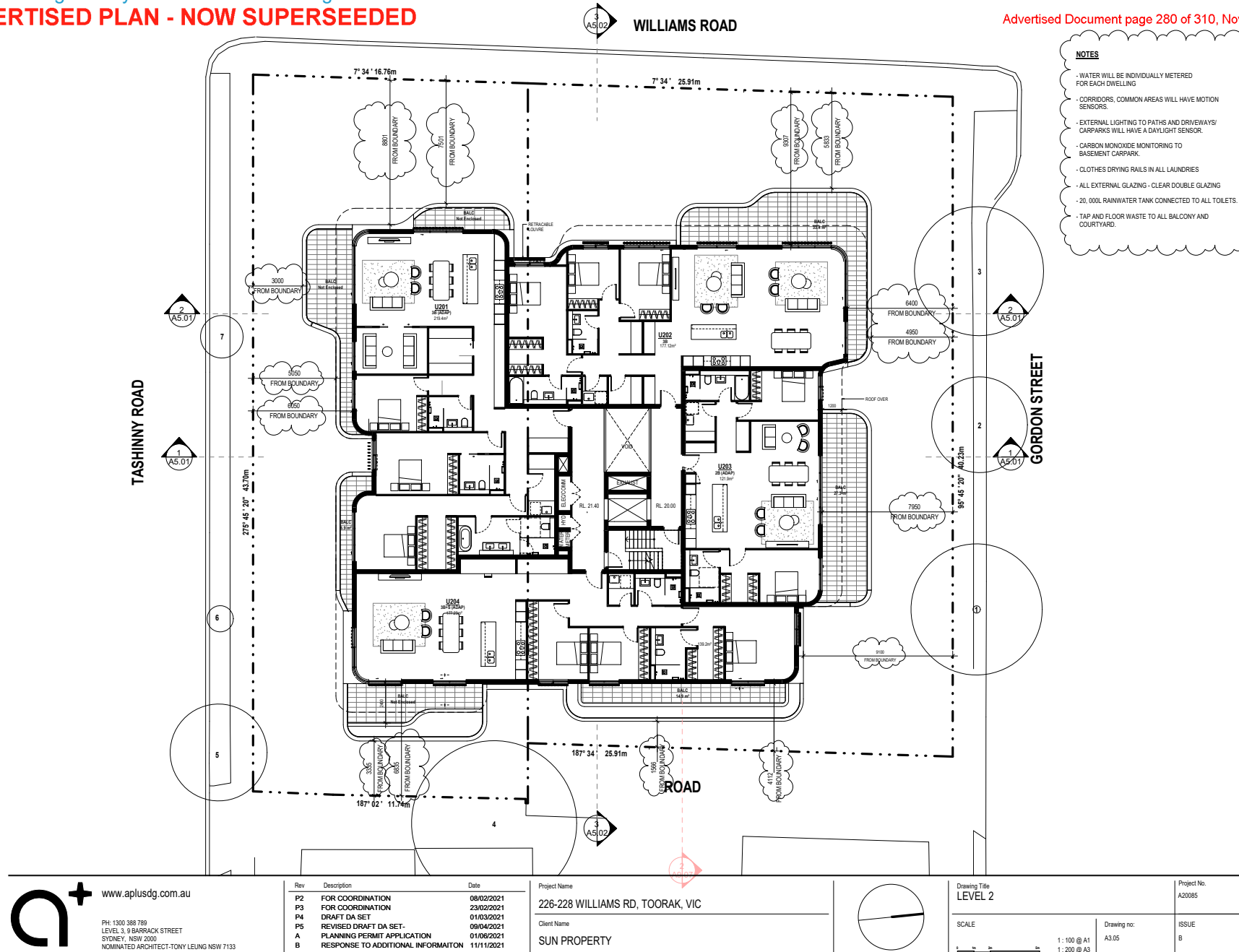
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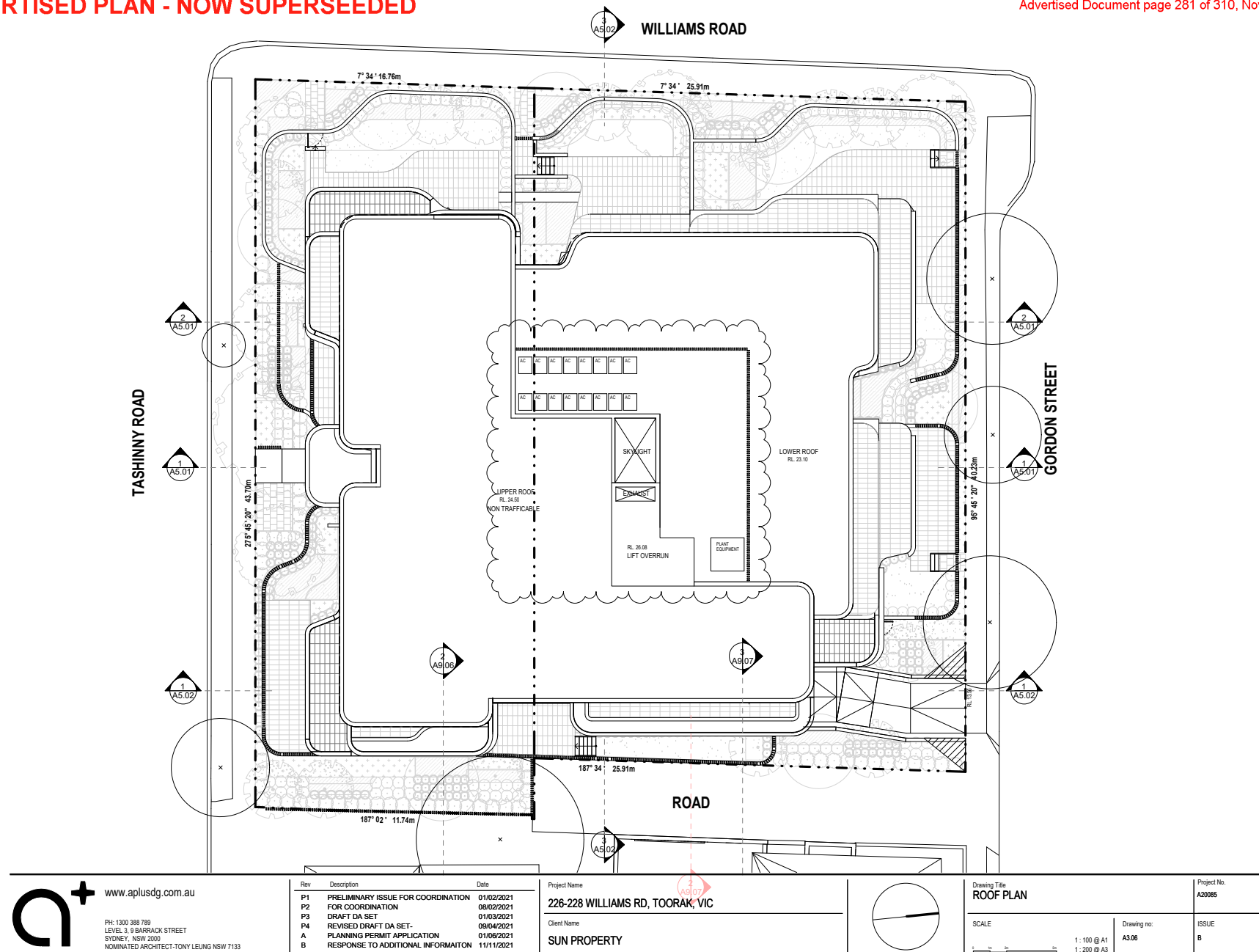
Advertised Document page 280 of 310, Nov 2021

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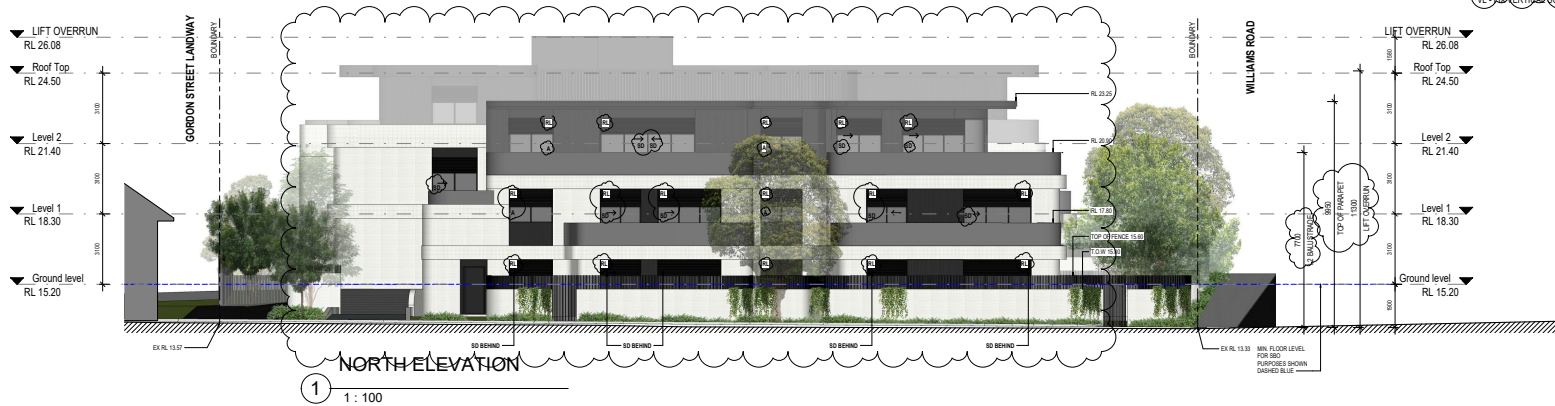
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Advertised Document page 282 of 310, Nov 2021

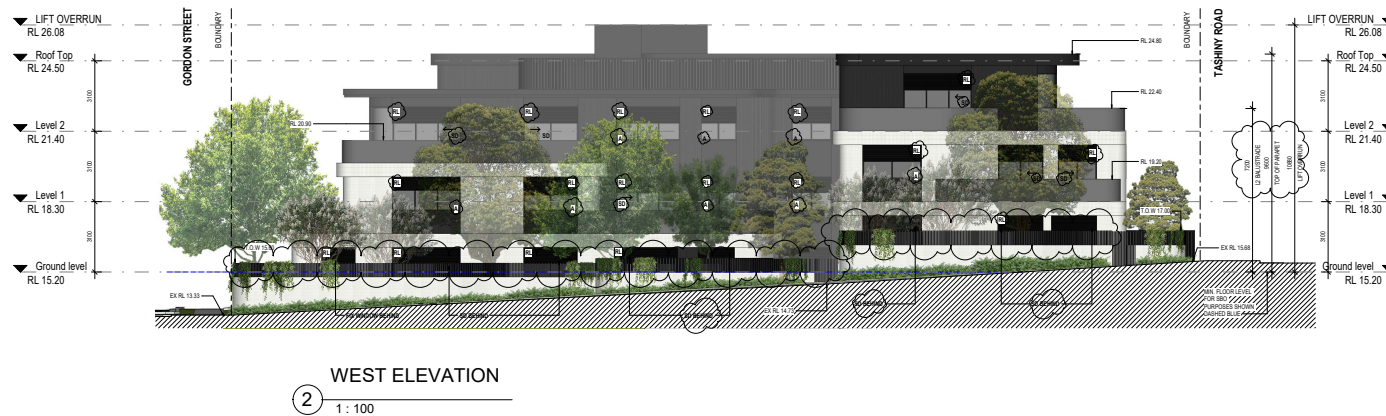
OPERABLE WINDOWS
A - AWNING WINDOW
F - FIXED WINDOW
SD - SLIDING DOOR
RL - RETRACTABLE LOUVER
VL - VERTICAL LOUVER



ADVERTISED PLAN - NOW SUPERSEDED

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VL - FIX VERTICAL SCREEN



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NOMINATED ARCHITECT-TONY LEUNG NSW 7133

Rev	Description	Date
P1	PRELIMINARY ISSUE FOR COORDINATION	01/02/2021
P2	DRAFT DA SET	01/03/2021
P3	REVISED DRAFT DA SET	09/04/2021
A	PLANNING PERMIT APPLICATION	01/06/2021
B	RESPONSE TO ADDITIONAL INFORMATION	11/11/2021

Project Name
226-228 WILLIAMS RD, TOORAK, VIC
Client Name
SUN PROPERTY

Drawing Title
EAST AND WEST ELEVATIONS

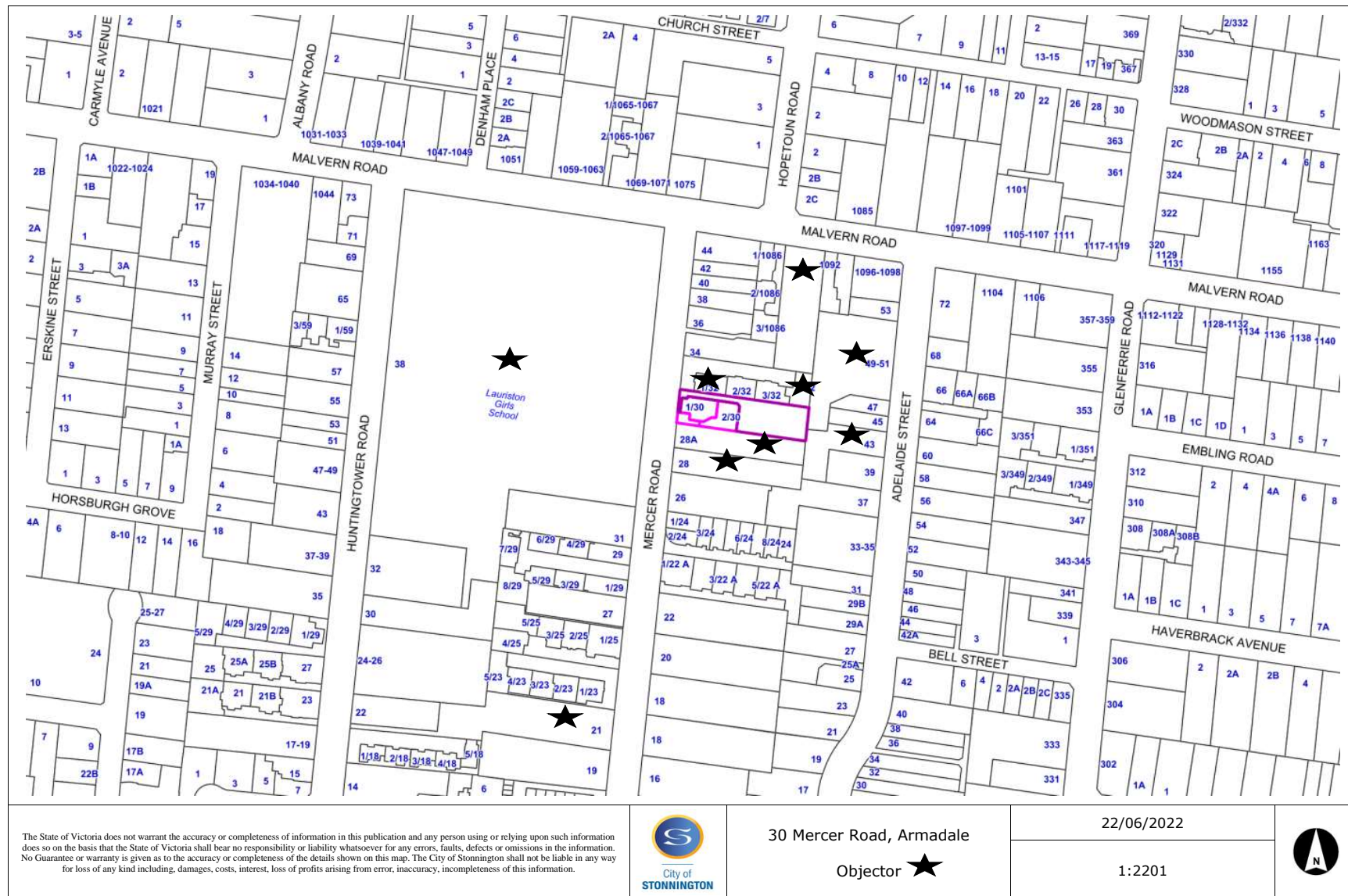
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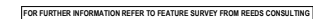
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Drawing no:
A4.02

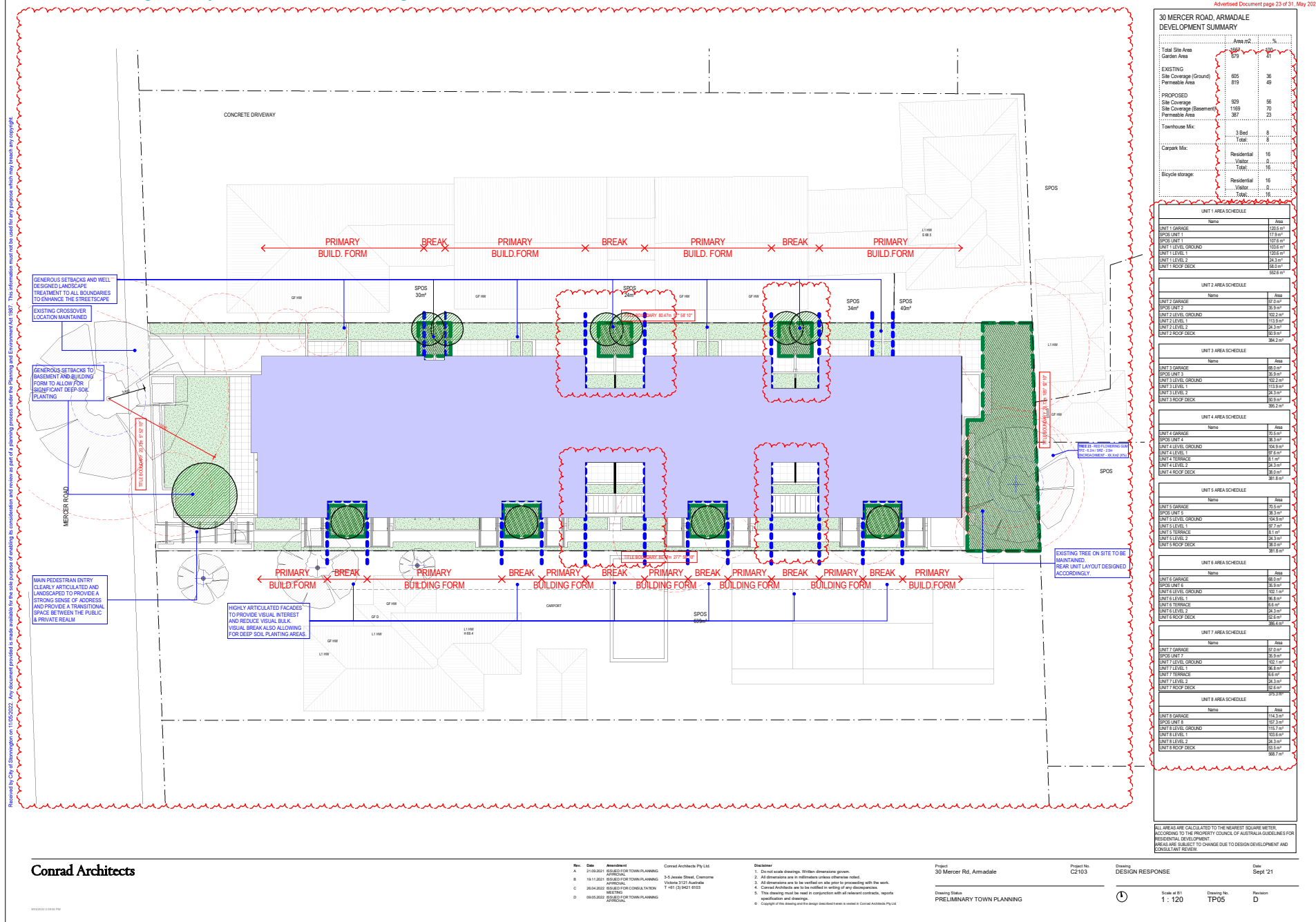
Project No.
A20085

ISSUE
8

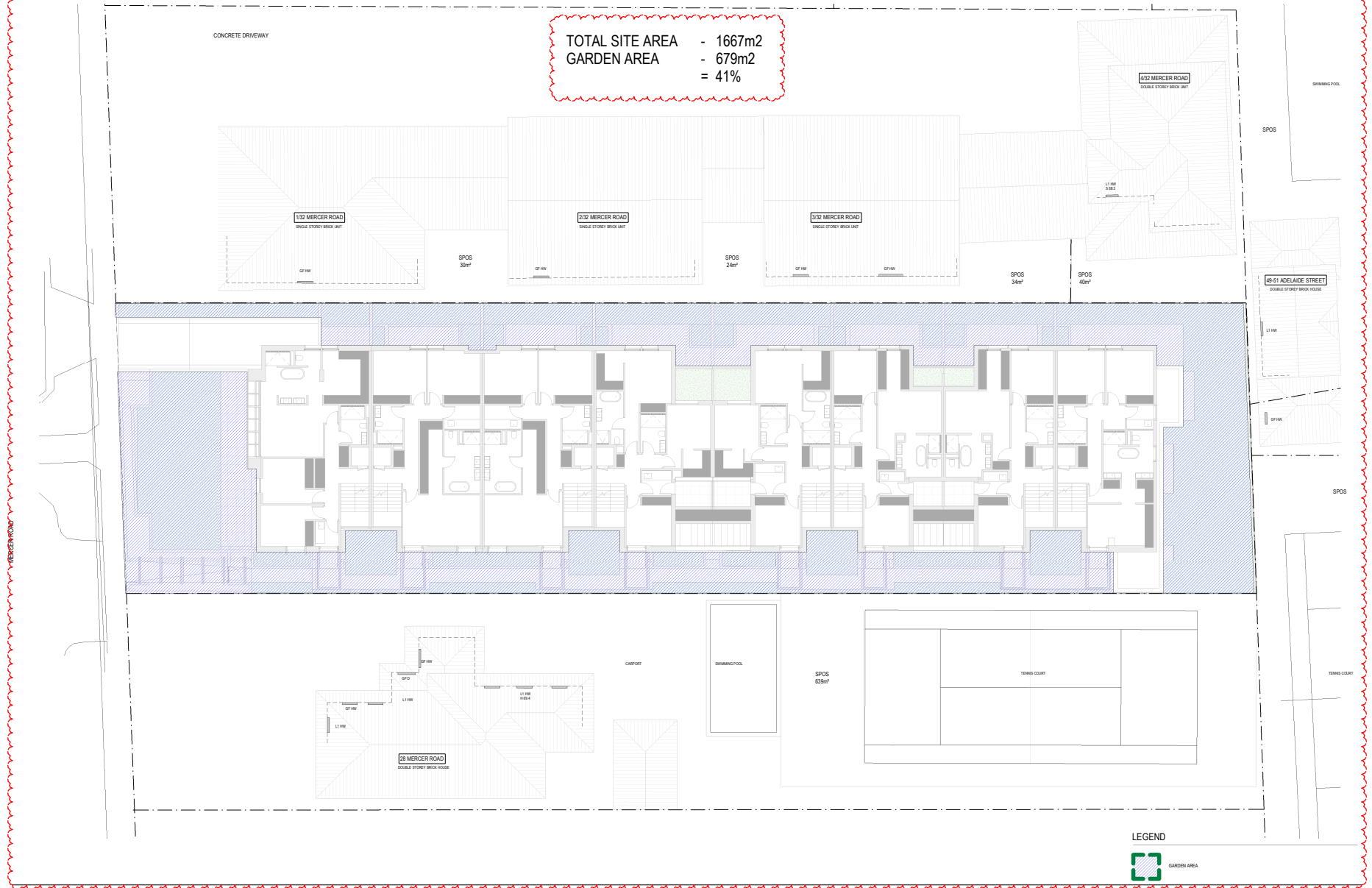




Drawing No.	Revision
TP04	D



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Conrad Architects

A	21/03/2021	DESIGN FOR TOWN PLANNING APPROVAL
B	18/11/2021	DESIGN FOR TOWN PLANNING APPROVAL
C	05/04/2022	DESIGN FOR TOWN PLANNING MEETING
D	08/05/2022	DESIGN FOR TOWN PLANNING APPROVAL

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2. All dimensions are in millimetres unless otherwise noted.
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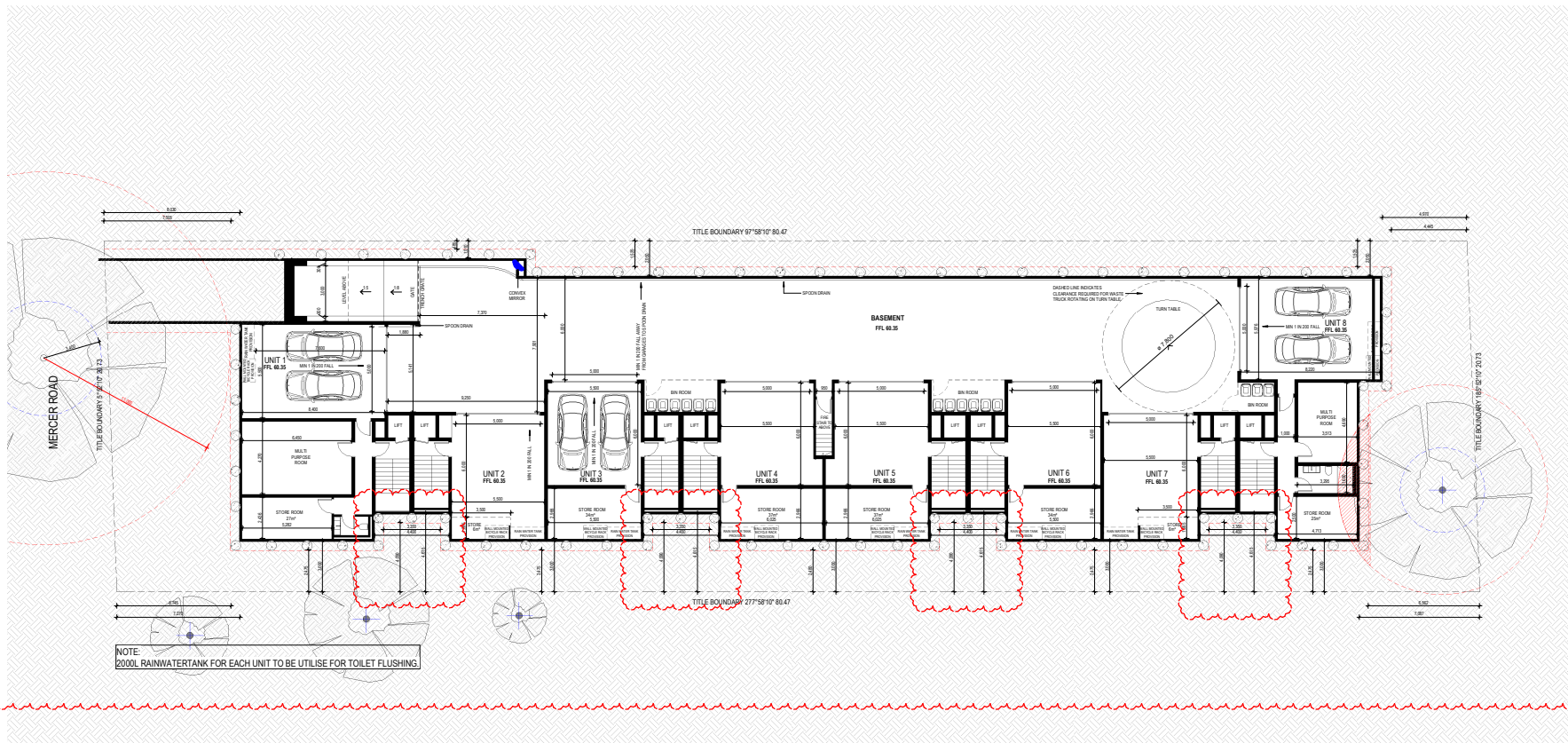
30 Mercer Rd, Armadale
Drawing Title
PRELIMINARY TOWN PLANNING



GARDEN AREA PLAN

Scale of 1:100
Drawing No. TP06
Revision D

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Conrad Architects

Rev.	Date	Amendment	Conrad Architects Pty Ltd
A	21/09/2021	DESIGN FOR TOWN PLANNING APPROVAL	3-5 Jesse Street, Cammerie
B	08/11/2021	DESIGN FOR TOWN PLANNING APPROVAL	Vision 3121 Australia
C	26/04/2022	DESIGN FOR TOWN PLANNING MEETING	1-401 (3) 9401 8103
D	08/05/2022	DESIGN FOR TOWN PLANNING APPROVAL	

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 2. All dimensions are in millimetres unless otherwise noted.
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Project
30 Mercer Rd, Armadale

Drawing Status
PRELIMINARY TOWN PLANNING

Project No.
C2103

Drawing
BASEMENT PLAN

Date
Sept '21



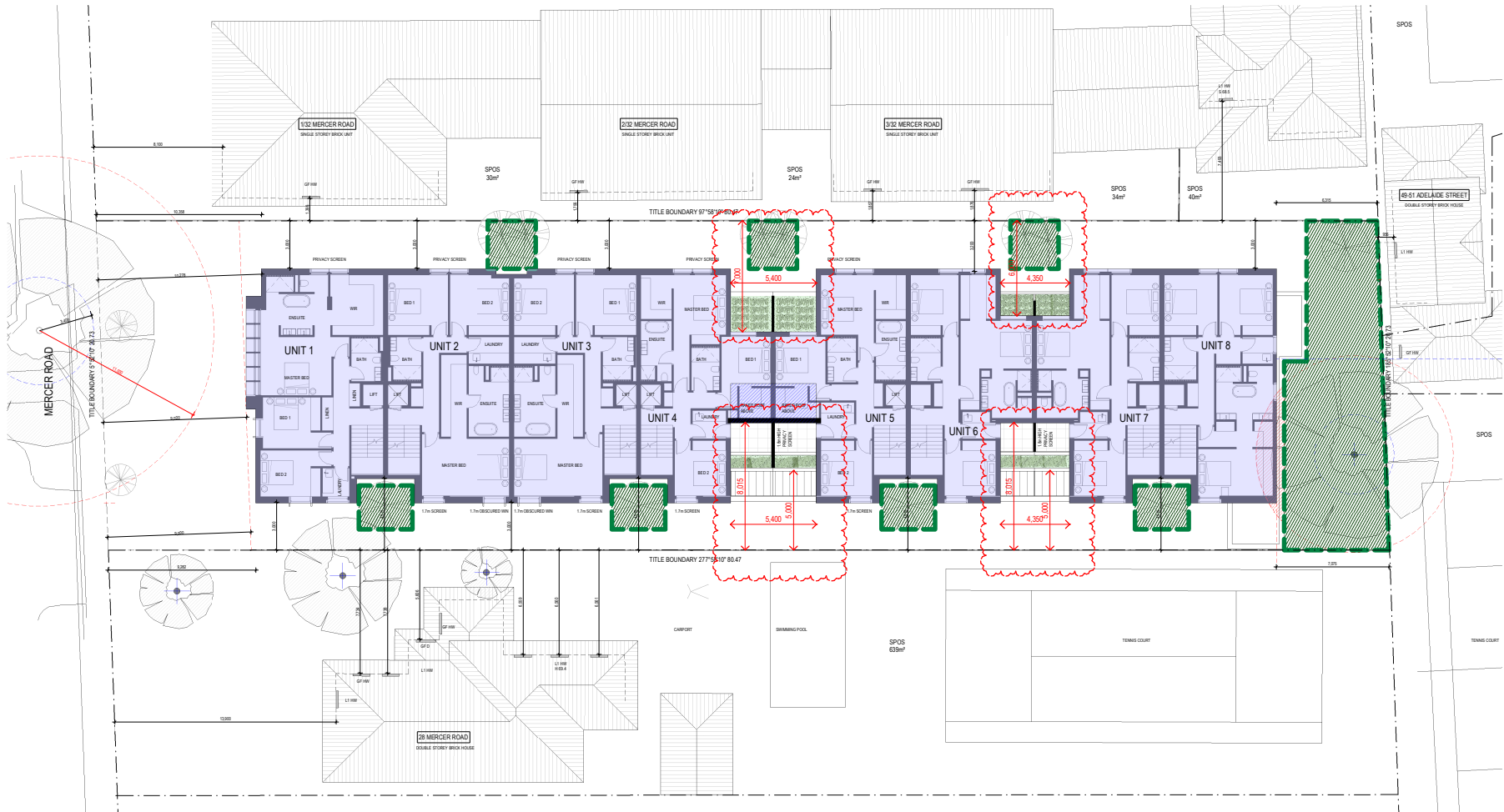
Scale at D1
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Drawing No.
TP09

Revision
D



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Conrad Architects

19/05/2022 1:00:00 PM

19/05/2022 1:00:00 PM
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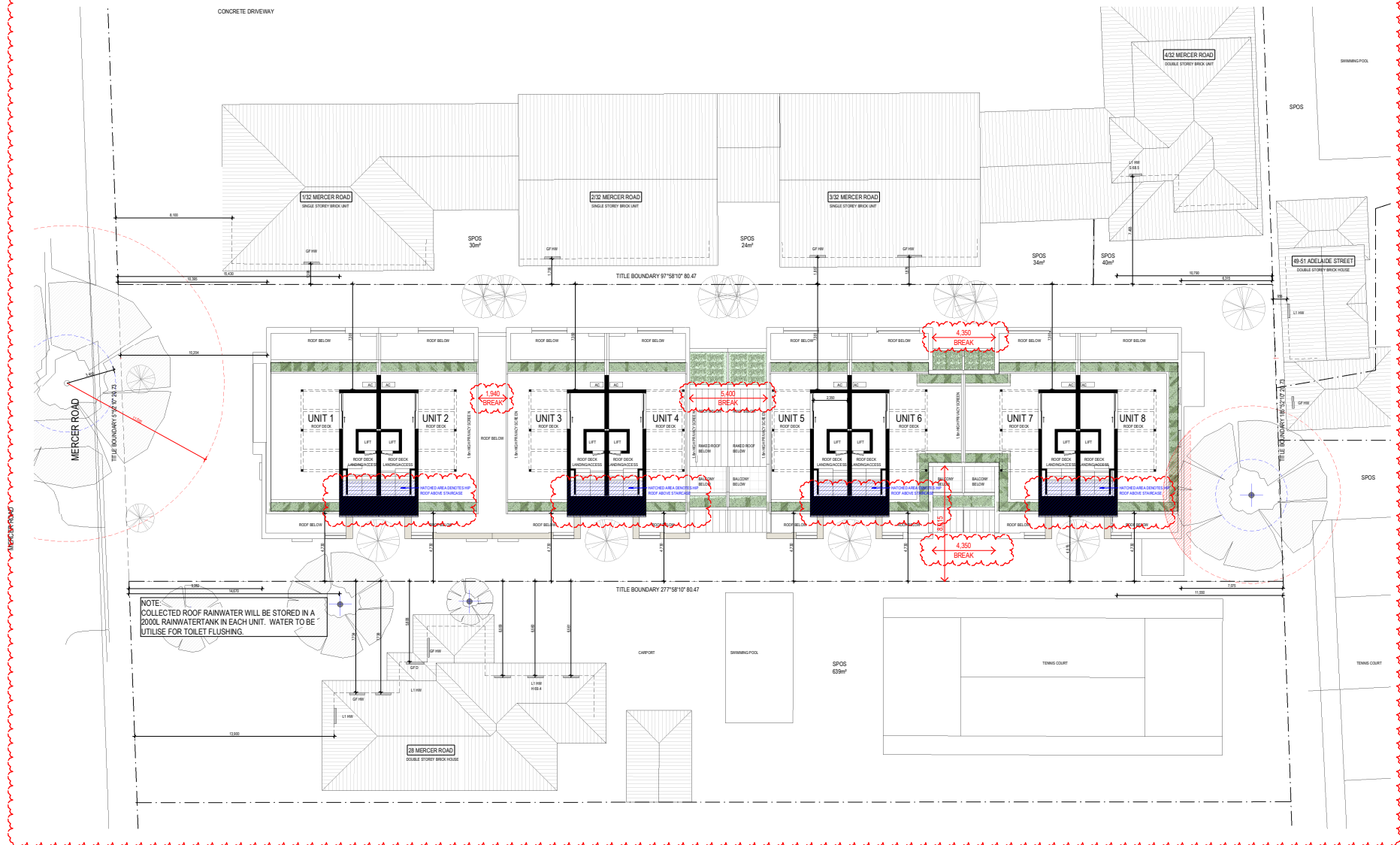
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30 Mercer Rd, Adelaide
Project
C2103
Drawing
LEVEL 1 PLAN
Date
Sept '21

LEGEND
DEEP PLANTING AREA

Scale of 1:100
Drawing No. TP11
Revision E

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Rev. Date Amendment
 B 18.11.2021 SUBMITTED FOR TOWN PLANNING APPROVAL
 C 17.03.2022 SUBMITTED FOR TOWN PLANNING APPROVAL
 D 26.04.2022 SUBMITTED FOR CONSULTATION MEETING
 E 08.05.2022 SUBMITTED FOR TOWN PLANNING APPROVAL

Conrad Architects Pty Ltd
 3-5 Adelaide Street, Cammerie
 Victoria 3121 Australia
 T +61 (0) 3 9401 8100

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Project
 30 Mercer Rd, Adelaide

Project No.
 C2103

Drawing
 ROOF DECK PLAN

Date
 Sept '21

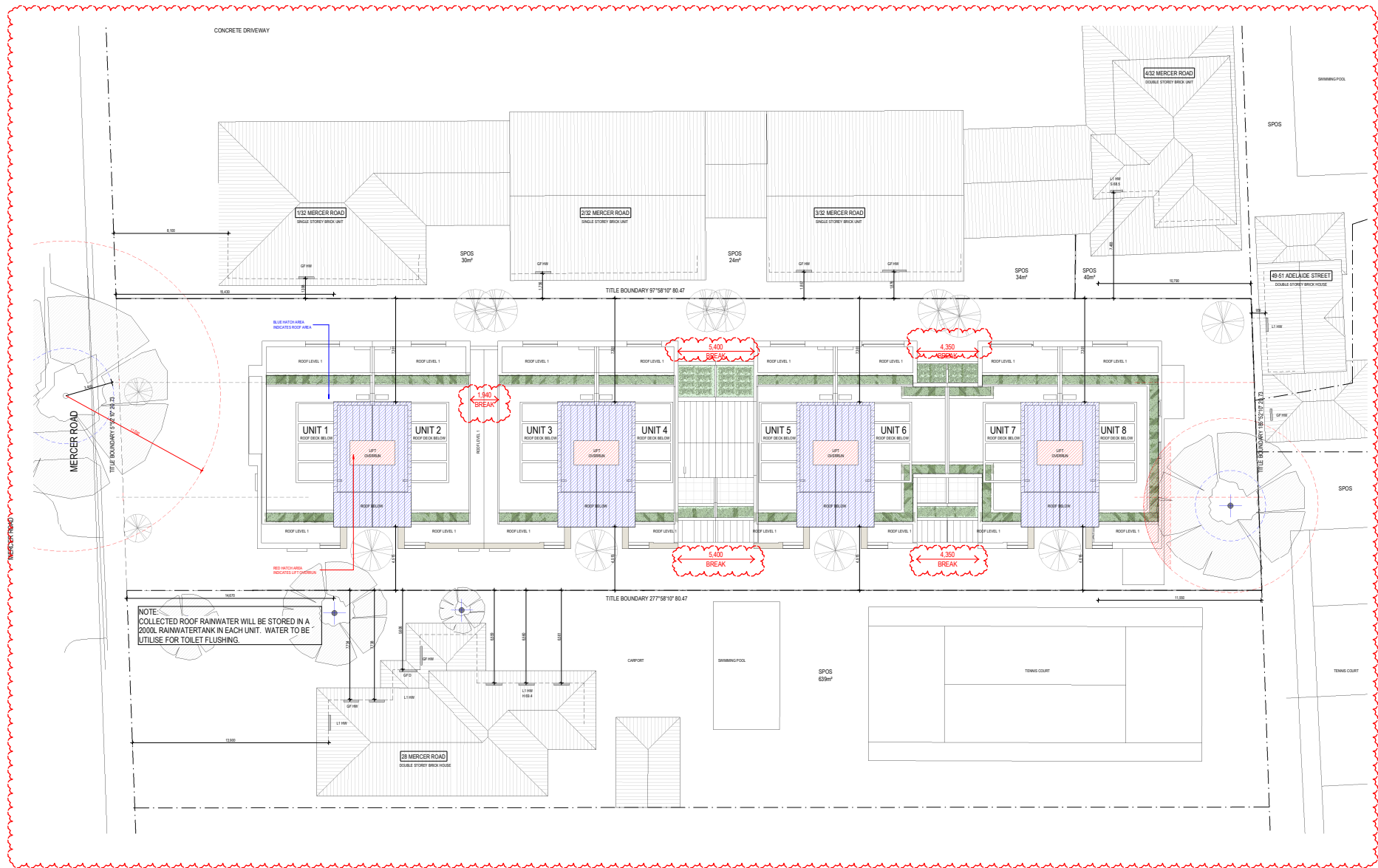
Drawing Status
 PRELIMINARY TOWN PLANNING

Scale as B1
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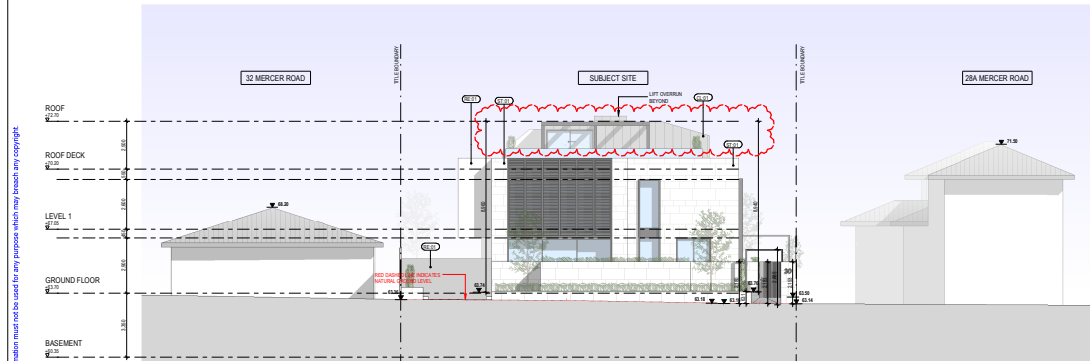
Drawing No.
 TP12

Revision
 E

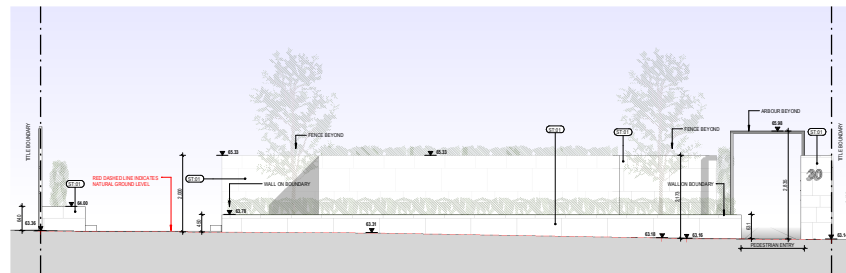
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Conrad Architects			Project 30 Mercer Rd, Adelaide		Project No. C2103	Drawing ROOF PLAN	Date Sept '21
Revised: 11/05/2022			Drawing Status PRELIMINARY TOWN PLANNING		Scale at D1: 1:100		Revision D
Rev. Date Amendment			Client/Owner 30 Mercer Rd, Adelaide		Drawing No. TP13		Revision D
A. 11/05/2022 SUBMITTED FOR TOWN PLANNING APPROVAL			Client/Owner 30 Mercer Rd, Adelaide		Drawing No. TP13		Revision D
B. 11/05/2022 SUBMITTED FOR TOWN PLANNING APPROVAL			Client/Owner 30 Mercer Rd, Adelaide		Drawing No. TP13		Revision D
C. 11/05/2022 SUBMITTED FOR TOWN PLANNING APPROVAL			Client/Owner 30 Mercer Rd, Adelaide		Drawing No. TP13		Revision D
D. 11/05/2022 SUBMITTED FOR TOWN PLANNING APPROVAL			Client/Owner 30 Mercer Rd, Adelaide		Drawing No. TP13		Revision D

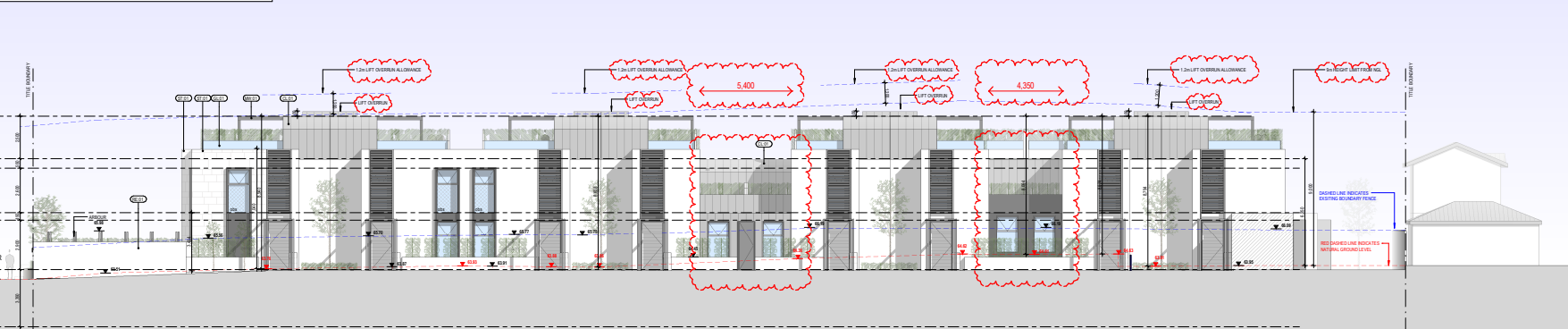


TP WEST ELEVATION



TP FRONT FENCE ELEVATION

NOTE: 1.7M PRIVACY FIXED SCREEN TO HAVE 25% MAXIMUM TRANSPARENCY.



TP SOUTH ELEVATION

EXTERNAL MATERIALS SCHEDULE

STONE PLASTER	STONE PLASTER	STONE PLASTER	STONE PLASTER	STONE PLASTER
STONE PLASTER	STONE PLASTER	STONE PLASTER	STONE PLASTER	STONE PLASTER
STONE PLASTER	STONE PLASTER	STONE PLASTER	STONE PLASTER	STONE PLASTER
STONE PLASTER	STONE PLASTER	STONE PLASTER	STONE PLASTER	STONE PLASTER
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Rev.	Date	Amendment
A	21/03/2021	DESIGN FOR TOWN PLANNING APPROVAL
B	18/11/2021	SUBJECT FOR TOWN PLANNING APPROVAL
C	26/04/2022	DESIGN FOR TOWN PLANNING APPROVAL
D	08/05/2022	SUBJECT FOR TOWN PLANNING APPROVAL

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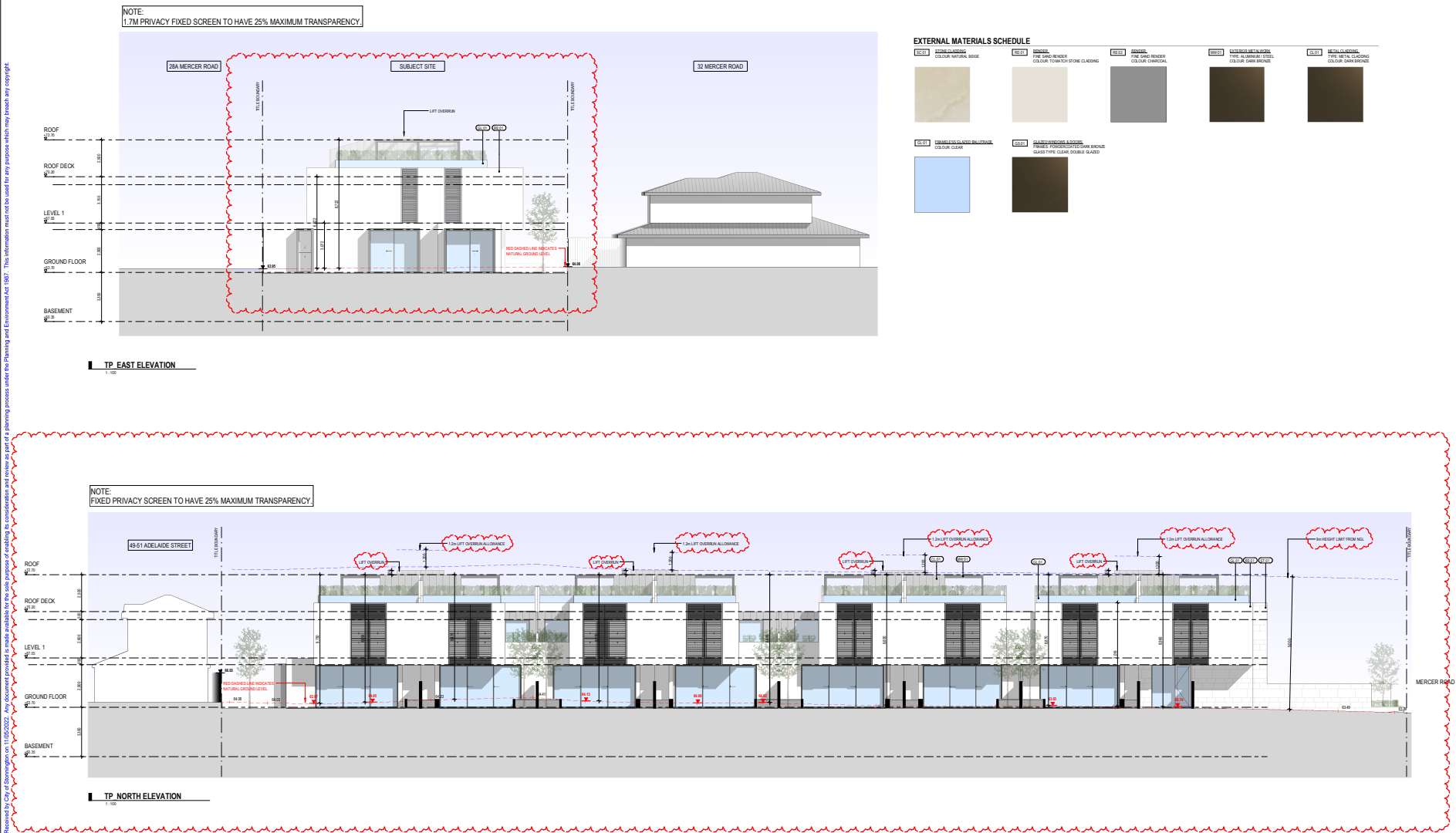
Project
30 Mercer Rd, Armadale
Drawing Status
PRELIMINARY TOWN PLANNING

Project No.
C2103
Drawing
ELEVATIONS - SHEET 1

Scale at B1
As indicated

Drawing No.
TP16

Date
Sept '21
Revision
D



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**ROAD SAFETY
STRATEGY
2018 – 2022**

'Towards Zero'



The City of Stonnington's 'Towards Zero' Road Safety Strategy, will guide road user and pedestrian safety initiatives across the city.

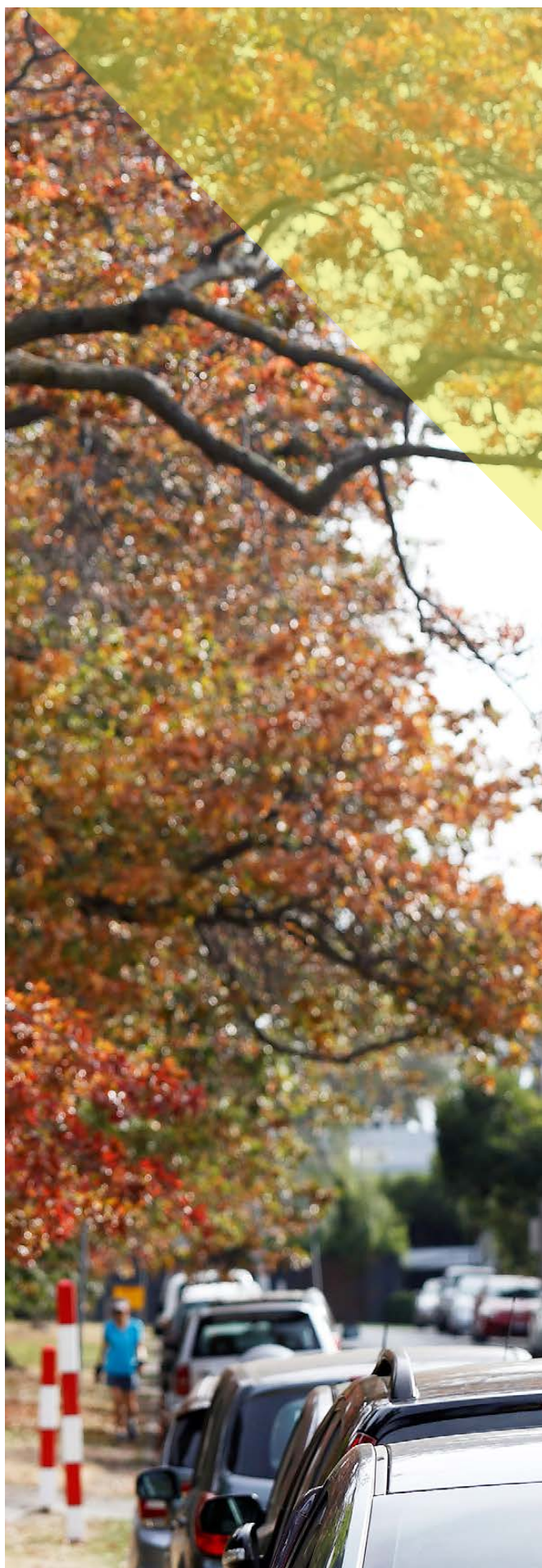
With the aim of reducing serious injury and fatal accidents on Stonnington roads, our Strategy goals will be achieved by:

- » infrastructure improvements to address identified problems,
- » implementing behavioural and education campaigns, and

- » adopting the globally recognised 'Safe System' principles: safe roads, safe speeds, safe people and safe vehicles.

Through the implementation of our Strategy initiatives, Council will continue to play an important role in keeping people safe on and around our roads.

Cr Steve Stefanopoulos
Mayor of Stonnington



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Purpose

'Towards Zero' Road Safety Strategy 2018–2022

02

This strategy sets out the results of a project undertaken to develop a new road safety strategy for the City of Stonnington, for the five-year period 2018 – 2022. The new strategy is named the 'Towards Zero' Road Safety Strategy 2018 – 2022, as a way of declaring publicly the city's commitment to the eventual elimination of death and serious injury from all roads within the municipality.

THE VISION

The City of Stonnington is committed to creating an inclusive, healthy, creative, sustainable and road smart community.

THE 'TOWARDS ZERO' ROAD SAFETY STRATEGY OBJECTIVE

To promote safe road-based travel and to align with targets set under the Victorian Government's Towards Zero Action Plan (2017 – 2022), to ultimately achieve zero road deaths and serious injuries on Stonnington roads.

The approach to creating safe travel on roads within Stonnington

03

To achieve the 'Towards Zero' Road Safety Strategy objective, the City of Stonnington commits to the globally recognised Safe System approach to achieve its **ultimate** safety objective of zero road deaths and serious injuries.

The key principles underpinning the Safe System approach are:

- » the health and well-being of our community is paramount,
- » as humans, we all make mistakes, and
- » we are very vulnerable; our biomechanical tolerance to sustaining serious injury is low relative to the speeds at which we commonly travel.

The indicative risk of being killed in a road crash is depicted in Figure 1. It depicts, at various impact speeds, the risk of death from three of our most threatening crash types: impacts with pedestrians, vehicle-to-vehicle side-impacts at intersections and vehicle-to-vehicle head-on collisions. While only three of our major crash types are depicted in Figure 1, we recognise that cyclists and motorcyclists are among our most vulnerable road users.

In the absence of specific evidence on the risks of being killed in a crash, as a function of impact speed, we use the pedestrian risk relationship to best represent the risks of these three largely unprotected groups. While every crash has unique aspects, recognising these indicative risk relationships is central to our ability to eventually eliminate death and serious injury from our roads.

We need to progressively develop a transport system that accommodates our mistakes and, in so doing, share in the responsibility of creating a vastly safer way of leading our lives as we move about.

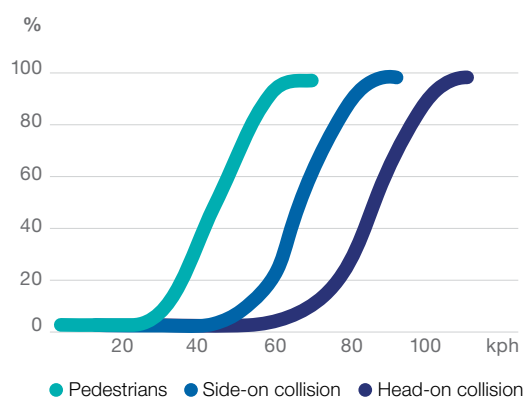
Internationally, the 'Safe System' is acknowledged as the most advanced and effective, long-term approach to eliminating road trauma. The Safe System guides us to address safety through the following five key pillars:

- » in vehicles,
- » on roads,
- » by better matching and managing speeds,
- » through behaviour change involving community engagement, education and enforcement support, and
- » through good governance and management.

The Safe System approach, previously adopted by Stonnington, is the foundation of both the national road safety plan, and Victoria's road safety strategy and action plan: Towards Zero 2016–2020.

Figure 1
Risk of being killed

The risk of death in a traffic crash, as a function of impact speed for three common crash types – pedestrians, side-impacts at intersections and head-on collisions (Source: SALAR, 1999).



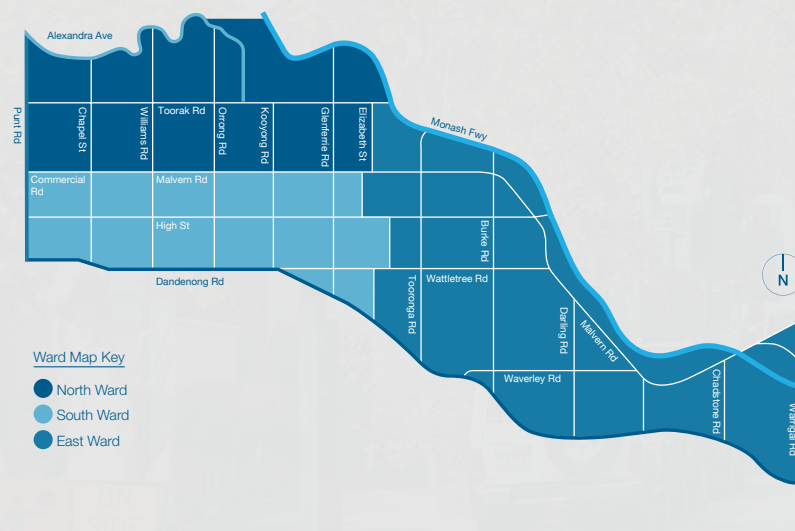
04

CITY OF STONNINGTON AT A GLANCE

The City of Stonnington community is predominately young single people and mature-aged adults with families. The former are more strongly attracted to locations such as South Yarra, Prahran and Windsor, where rental accommodation is available, and tertiary institutes, public transport options and entertainment precincts are located. While there are no clear lines of demarcation, families seem more likely to gravitate towards the central and eastern parts of the municipality (refer Figure 2).

Stonnington's population continues to grow, with an estimated increase of 26 per cent over the next two decades (refer Figure 3). In keeping with global trends, the age-profile of Stonnington's population is projected to change markedly. The proportion of older residents over 75 years will rise from 7.5 per cent in 2016 to an estimated 9.2 per cent by 2036. This means there will be disproportionate growth in the demand for services for older people and the city will continue to adapt to accommodate these changing needs. This includes the way it designs and manages its transport system.

Figure 2 Map of Stonnington



As shown in Figure 4, Stonnington's population is expected to grow, from the 2017 base-year, by around 9 per cent over the lifetime of the 'Towards Zero' Road Safety Strategy (at the end of 2022).

With increased population comes increased demand on the traffic network, however road space availability is finite with little capacity to be extended to any significant degree.

In keeping with the city's vision and numerous plans for enhancing city life (including the Stonnington Health and Wellbeing Plan 2017–2021, Sustainable Transport Policy, Cycling Strategy 2019–2024, Children, Youth and Family Strategy 2018–2028, Chapel Street Masterplan 2013, Council Plan 2017–2021, Access and Inclusion Plan 2019–2022, Cultural Diversity Policy 2015–2019, Sustainable Environment Strategy 2018–2022, Positive Ageing Strategy 2018–2021 and the Open Space Strategy), the

challenge is to promote and facilitate active trips through increased walking, cycling and use of public transport options, while enhancing the safety of our most vulnerable road users.

Figure 3
Changing population statistics
for the City of Stonnington
(source forecast.id)

Population 2017

114,991

Population 2036

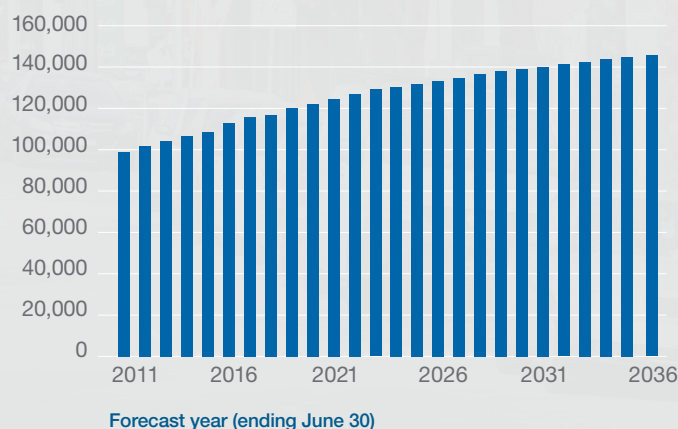
145,333

Change 2017–36

↑ 26.39%

Figure 4 Forecast population

Population forecasts for the City of Stonnington prepared at November 2016
(source – .id the population experts) collisions (Source: SALAR, 1999).





06

OUR HIGHEST PRIORITIES

Council will use all available road safety resources to reduce the risk of severe road trauma during the life of the Strategy. A key part of our approach will involve focusing on the highest priority problems that most commonly contribute to death or serious injury. A necessary prerequisite to successfully addressing key road safety problems, is to build a thorough understanding of the nature, diversity and extent of the serious injury crash problem. As a result, a comprehensive review of the incidence of serious road injuries was undertaken for Stonnington over the five-year period July 2011 to June 2016.

In setting priorities, the relative levels of vulnerability of different road user groups was considered. The vulnerability scale depicted in Figure 5 is well-aligned with the priorities that support liveability, sustainable transport, residential amenity and healthy, active forms of transport.

Appendix A to the Strategy provides a detailed account of the problem of serious injuries on roads within the City of Stonnington. The key challenges are:

» The overall problem

A total of 10 fatalities and 642 serious injuries occurred on Stonnington's roads over the five-year period July 2011 to June 2016 (refer Figure 6). There has been a gradual increase in serious injuries over this period. No reliable trend is evident for fatalities.

» The problem by age

While the adult age ranges contribute most to the serious road injury picture, the 15–24 years, 25–39 years and those aged 75 years and older are all over-represented relative to their percentage of the population.

» The problem by speed zone

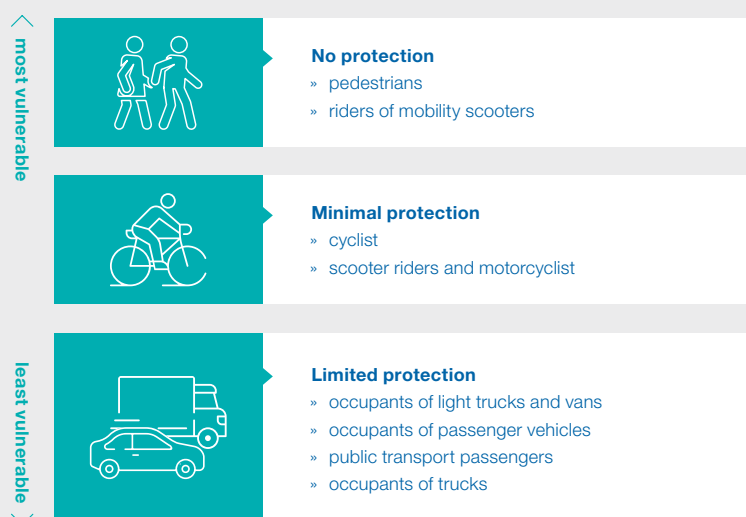
Speed zones of 60 km/h claimed most serious injuries (45 per cent), while 40 or 50 km/h zones accounted for some 30 per cent.

» The problem by road class

The highly-trafficked arterial roads accounted for 72 per cent of all serious injuries, while 9 per cent occurred on CityLink and 19 per cent on local streets.

Figure 5
The challenge of vulnerability

Depiction of the relative vulnerabilities of various road user groups





07

» **The problem by road user type**

A majority of serious injuries (62 per cent) arose from 'vehicle to vehicle' collisions, including where motorised vehicles collided with cyclists. Pedestrians comprised 17 per cent of all serious injuries.

» **The problem among the most vulnerable**

Pedestrians, cyclists and motorcyclists are our most vulnerable road users and comprised the majority (56 per cent) of serious injuries in Stonnington. Over the five-year period 2012 – 2016, there were:

- » 141 (22 per cent) serious injuries involving motorcyclists,
- » 107 (17 per cent) involving pedestrians, and
- » 104 (16.5 per cent) involving cyclists.

» **The problem involving roadside hazards**

There have been 90 serious injuries (14 per cent) resulting from vehicles striking roadside poles, trees, and other rigid objects, or losing control.

» **The problem at intersections**

Serious injuries at intersections comprise 53 per cent of the total that have occurred across the city. The vast majority (85 per cent) of these serious injuries occurred at intersections on the arterial network. Many occurred at intersections which already have traffic signals and the majority involved vehicles moving between arterials and local streets.

» **The problem along tram routes**

Serious injuries predominate along Stonnington tram routes, with Malvern Road standing out as having a higher spatial concentration with 65 serious casualties (10 per cent) occurring on this one route.

» **The problem of loss of control**

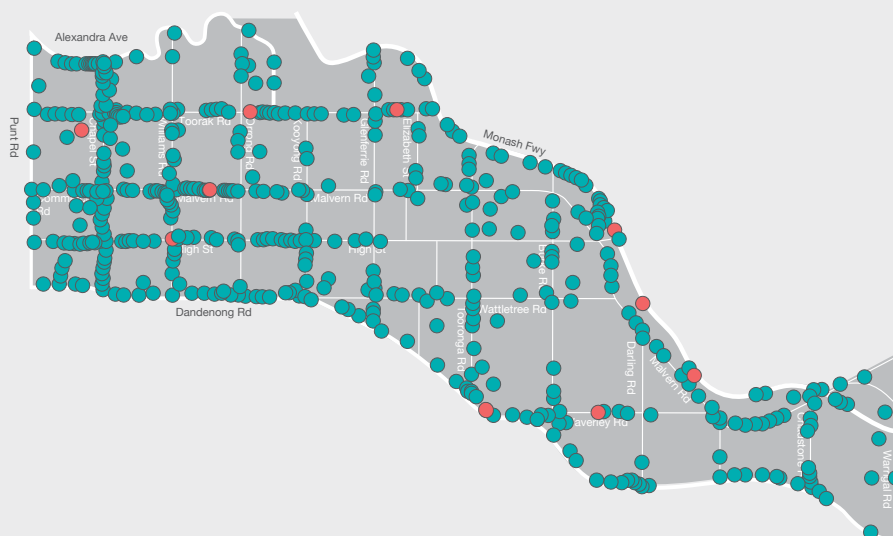
Forty six (71 per cent) involved the most vulnerable of road users, pedestrians, cyclists and motorcyclists. Loss of control crashes (including situations where a cyclist or motorcyclist loses control after swerving to avoid a car door) were common.

Figure 6
Deaths and serious injuries

The spatial distribution of the 10 fatalities and 642 serious injuries that occurred on Stonnington roads over the five-year period 2012–2016.

KEY

- deaths
- serious injuries





Key strategic directions

The following key strategic directions form the core of the City of Stonnington 'Towards Zero' Road Safety Strategy.

01 SAFE SYSTEM THINKING

Ensure Safe System thinking is included within Stonnington's range of policies and programs that intersect with road safety interests:

- » establish a cross-disciplinary steering group to coordinate road safety and social improvement activities (primarily internal, but involve external stakeholders where appropriate) in order to maximise positive impact on local communities.
- » enhance Council policies and programs as they are progressively updated to reflect Safe System thinking in areas that intersect with safety on Stonnington roads.
- » agree on and monitor a set of safety performance indicators that link Council actions with death and serious injury on the road
- » build in safety-assured contract provisions for providers of transport services to Council and Council staff.

02 SAFE SYSTEM MEASURES

Identify and introduce Safe System-compatible measures either temporarily or permanently:

Stonnington will be subject to major construction works over the coming five years, including the construction of the new Melbourne Metro Rail project. The impact on surroundings that inevitably accompanies such change can afford opportunities to improve

amenity and safety aligned with Safe System principles. For example:

- » collaborate with VicRoads and Melbourne Metro Rail Authority (MMRA) to minimise the safety impacts of the MMRA project within Stonnington. This would likely involve working closely on the new Human Impact Route Assessment (HIRA) tool.

Key strategic directions continued

10

03 COMMUNITY ENGAGEMENT

Communicate with the Stonnington community through program delivery to inform, explain and respond to concerns:

- » conduct community engagement programs that promote the value of slower speeds in terms of safety, liveability, active transport and health and wellbeing. Focus especially on where improved amenity and safety are planned.
- » implement new materials being developed (with translations) under the Victorian Towards Zero Strategy banner to support enhanced program delivery to older persons.
- » actively pursue the L2P program subject to future funding being secured under the Towards Zero Strategy (2016–2020).
- » support through local community channels the message to completely separate drinking from driving.
- » build on existing forms of communication with the Stonnington community by including targeted safety messages suited to each group.
- » promote the use by community of the 'Walk this Way' app to objectively assess safety needs in high risk areas, such as around schools and where older citizens gather.

04 VULNERABLE ROAD USERS

Ensure the greatest emphasis is placed on protecting those who are most vulnerable when using Stonnington roads:

- » identify and support cycle links between principal bike routes.
- » support low risk walking and cycling by reviewing the designs of existing roundabouts within the city for the potential to retro-fit raised pedestrian crossings (as used successfully in the City of Port Phillip – see photo right) and identify opportunities to build new roundabouts with this safety feature.
- » investigate, scope and develop pedestrian priority treatments at T-intersections.
- » employ the 'Walk this Way' risk-assessment app to objectively star-rate pedestrian safety needs and prioritise investment in safety improvements.



05 INFRASTRUCTURE AND SPEED LIMITS

Reconfigure speed limits and infrastructure to align the traffic system with Safe System principles:

- » continue to roll out 40 km/h in local streets and, in partnership with VicRoads, identify and implement 40 km/h speed limits around public transport hubs to support safe travel support with community education and traffic-calming, where appropriate. Where communities are supportive, lower limits should be introduced to make further substantial reductions in the risk of injury to our most vulnerable road users.
- » with a view to expanding the program, subject to the trial outcome and to community acceptance, trial a 20 or 30 km/h speed limit in a conducive local traffic area, with a supportive community.
- » identify and plan for installing more traffic-calming measures in local and collectors streets (e.g. roundabouts with speed platforms) to support safer local travel.
- » in partnership with VicRoads, encourage the implementation at major intersections of advance profile treatments, fully controlled right turn signals and dwell-on-red functionality.



Key strategic directions continued

12

06 INNOVATION AND DEMONSTRATION PROJECTS

Promote and actively support innovation and demonstration projects that align with Safe System thinking:

Chapel Street Safe System Demonstration – ensure Safe System principles are built into the Chapel Street Masterplan to protect all users, especially pedestrians and cyclists; potential measures include:

- » 30 km/h with lower speed shared space provisions.
- » improved separation of cyclists from vehicular traffic, especially the opening of the doors of parked cars.
- » main intersection treatments including fully controlled right turns, dwell-on-red, hook turns for cyclists and entry profiles to moderate speeds.
- » trial left-in/left-out management of traffic at intersections on a designated arterial road segment in partnership with VicRoads. Intersections on routes with 60 km/h or higher speed limits and low-risk turning provisions would be candidates for a trial.
- » identify a tram route in collaboration with VicRoads where a reduction in the speed limit to below 60 km/h is trialed and assessed.
- » explore the feasibility of working with the Alcohol and Drug Foundation (ADF) and local police to identify opportunities to implement best practice to reduce intoxication, drug-taking, assaults, drink-walking and drink-driving.

07 SAFER VEHICLES

Advocate and promote the purchase and use of vehicles with best available levels of crash avoidance and injury prevention:

- » update Stonnington's Safe Vehicle Purchase/Lease policy, specifying proven new safety technologies such as Lane Keep Assist and Auto-emergency Braking.
- » liaise with Council's economic development department to encourage the adoption of 'Towards Zero' Safe Travel policies/practices among local businesses.
- » build in safety-assured contract provisions for providers to Council in relation to both safe vehicles and safe behaviours.
- » promote to residents links to safe new and used car websites (e.g. [howsafeisyourcar.com.au](https://www.howsafeisyourcar.com.au)).



13

08 PARTNERSHIPS

Partner with key agencies to maximise safety impact and access to supporting resources:

- » establish a constructive dialogue and relationship with VicRoads regionally; these are critical to the City being able to comprehensively address key safety risks for all road users, across all of its road classes.
- » establish a productive dialogue and relationship with the Safe System Road Infrastructure Team, given the Team's aim of helping to transform Victoria's road network to a vastly safer form, as well as its role as a funding agent.
- » work closely with Yarra Trams, Public Transport Victoria, Victoria Police and VicRoads to ensure that a sharply focussed and coordinated approach is mounted to address the most pressing safety problems within Stonnington.
- » work closely with operational police with regard to targeting key safety risks including speeding and drug-drink-drive enforcement, driven by evidence-based intelligence and local knowledge.

14

A FRAMEWORK FOR MANAGING ACHIEVEMENT AGAINST SAFETY PERFORMANCE INDICATORS (SPIS)

The implementation plan includes a selection of SPIS, chosen to match actions with the proposed directions and actions of the Strategy. The concept is outlined in Figure 7.

Figure 7
Framework
for SPIS

Indicative process for establishing Key Performance Indicators and Safety Performance Indicators for the 'Towards Zero' Road Safety Strategy 2018–2022.

INPUTS	OUTPUTS	SAFETY PERFORMANCE INDICATORS (SPIS)	OUTCOMES
<ul style="list-style-type: none"> » People » Budget » Equipment » Vehicles » Technology » Buildings 	<ul style="list-style-type: none"> » 30 or 40 km/h speed limits » New local area traffic management devices aimed at improving safety (e.g. roundabouts, speed) » Safety platforms at intersection signals » Hours of speed enforcement* » Hours of Random Breath Testing* » L2P program supported through Stonnington Youth Services** 	<ul style="list-style-type: none"> » Speeds in residential areas » Speeds through intersections » Per cent complying with speed limits* » Per cent of drivers unimpaired by alcohol* 	<p>Reductions in deaths and in serious injuries among:</p> <ul style="list-style-type: none"> » All road users » Pedestrians » Cyclists » Motorcyclists » Older road users » Vehicle occupants

* To be negotiated by partners Victoria Police

** L2P – Learners to probationary drivers licence program

Appendix A



Appendix A

Description of the serious injury problem within the City of Stonnington (July 2011 – June 2016)

16

TRENDS OVER TIME

A total of 10 deaths and 642 serious injuries occurred on Stonnington's roads over the five-year period July 2011 to June 2016. There has been a gradual increase in serious injuries over this period. No reliable trend is evident for deaths.

AGE PROFILES

While the adult-age ranges contribute most to the serious injury picture, the young (15–24 years), the 25–39 years age-group and those aged 75 years and older are all over-represented relative to their percentages in the population.

Figure 8
Deaths and serious injuries by year
for the City of Stonnington for five-year period July 2011 to June 2016

KEY

- deaths
- serious injuries

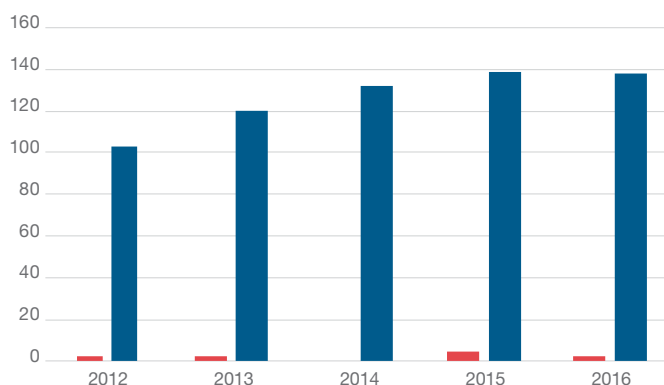
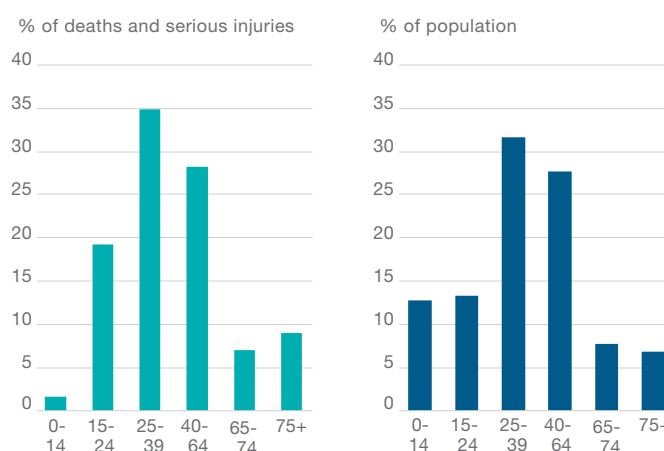


Figure 9
Deaths and serious injuries by age group and population
for the City of Stonnington for five-year period July 2011 to June 2016



Persons aged 75 years and older

make up 61 of 642 serious injuries (almost 10 per cent), with 67 per cent involved as vehicle occupants and 26 per cent as pedestrians. This age group is over-represented according to population rates, and is at elevated risk due to factors such as increasing physical frailty and declining agility.

**Persons aged between 15 and 24 years**

comprise 123 (19 per cent) of the city's serious injuries. Substantial numbers of this age group were seriously injured or killed as vehicle occupants (47 per cent), motorcyclists (23 per cent), cyclists (15 per cent) and pedestrians (13 per cent). Actions will be targeted to the particular risk factors and the locations where these types of serious injury predominate.

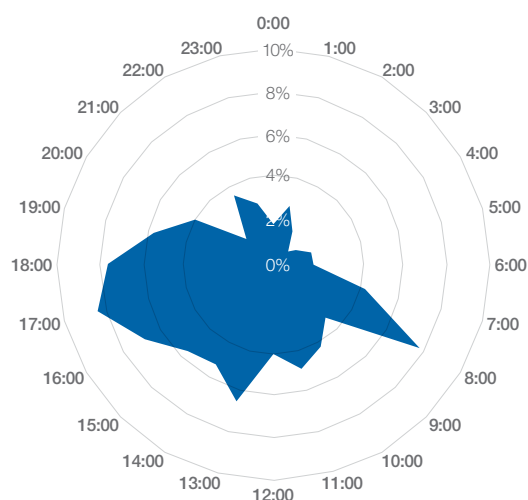
**Persons aged between 25 and 39 years**

account for 225 (35 per cent) of the 642 serious injuries across Stonnington. Substantial numbers were seriously injured or killed as vehicle occupants (40 per cent), motorcyclists (26 per cent), cyclists (22 per cent) and pedestrians (12 per cent). Actions will be directed at high risk locations and routes, as well as at the factors that heighten risk for this age group.

**TIME OF DAY PROFILES**

Serious injury numbers rise sharply in the morning peak but have an extended over-representation from around mid-afternoon to after 6pm. This profile of occurrence is not unusual in that it tends to follow the patterns of travel and activity.

Figure 10
Deaths and serious injuries by time of day
for the City of Stonnington for five-year period July 2011 to June 2016



Appendix A

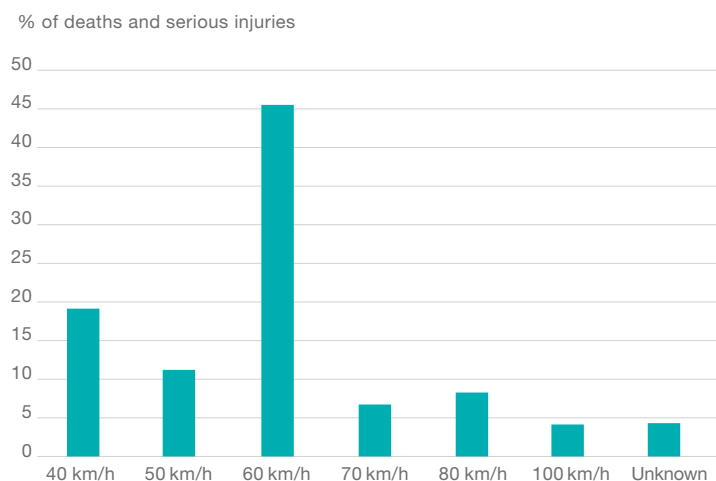
continued

18

SPEED ZONES

Speed zones of 60 km/h claimed most serious injuries (45 per cent), while 40 or 50 km/h zones accounted for some 30 per cent.

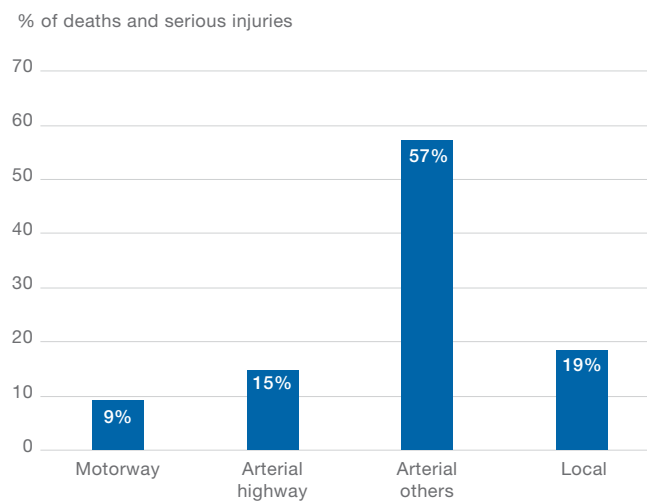
Figure 11
Deaths and serious injuries by speed zone
for the City of Stonnington for the five-year period July 2011 to June 2016



ROAD CLASS

The highly-trafficked arterials accounted for 72 per cent of all serious injuries, while 9 per cent occurred on CityLink and 19 per cent on local streets.

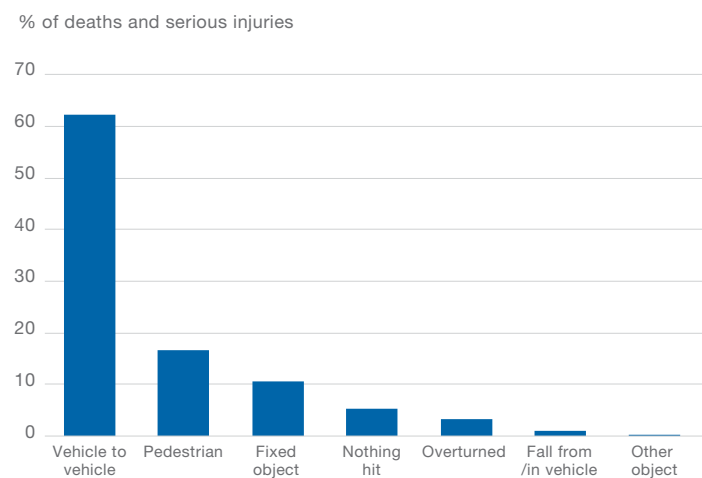
Figure 12
Deaths and serious injuries by road class
for the City of Stonnington for the five-year period July 2011 to June 2016



MAJOR CRASH TYPES

A majority of serious injuries (62 per cent) arose from 'vehicle to vehicle' collisions, including where motorised vehicles collided with cyclists. Pedestrians comprised 17 per cent of all serious injuries.

Figure 13
Deaths and serious injuries by crash type
for the City of Stonnington for the five-year period July 2011 to June 2016



Appendix A

continued

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IN MORE DETAIL

Our most vulnerable road users

Pedestrians, cyclists and motorcyclists comprised the majority (56 per cent) of serious injuries in Stonnington. There were 141 (22 per cent) serious injuries involving motorcyclists, 107 (17 per cent) involving pedestrians and 104 (16.5 per cent) involving cyclists, over the five-year period 2012 – 2016. The locations of the crashes producing these serious injuries are shown below in Figures 14–16.

Motorcyclists

Motorcyclist serious injuries align strongly with the main east-west arterials and account for four of ten fatalities – more than any other road user group.

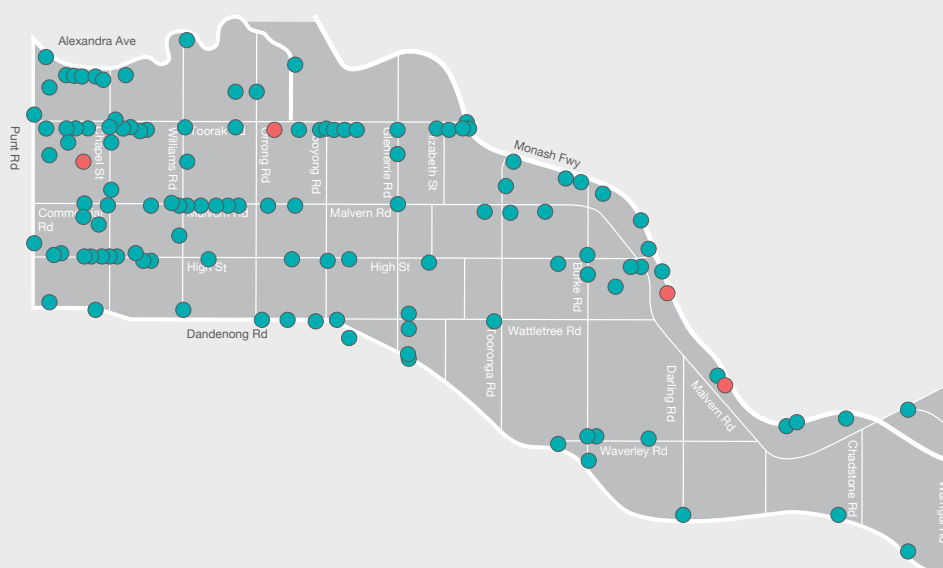


Figure 14
Motorcyclist
deaths and
serious injuries

The spatial distribution of 141 (22 per cent) motorcyclist serious injuries for the five-year period 2012–2016.

KEY

- deaths
- serious injuries



Pedestrians

Pedestrian serious injuries are widely spread across the municipality, with a predominance along major east-west arterials, as well as Chapel Street.

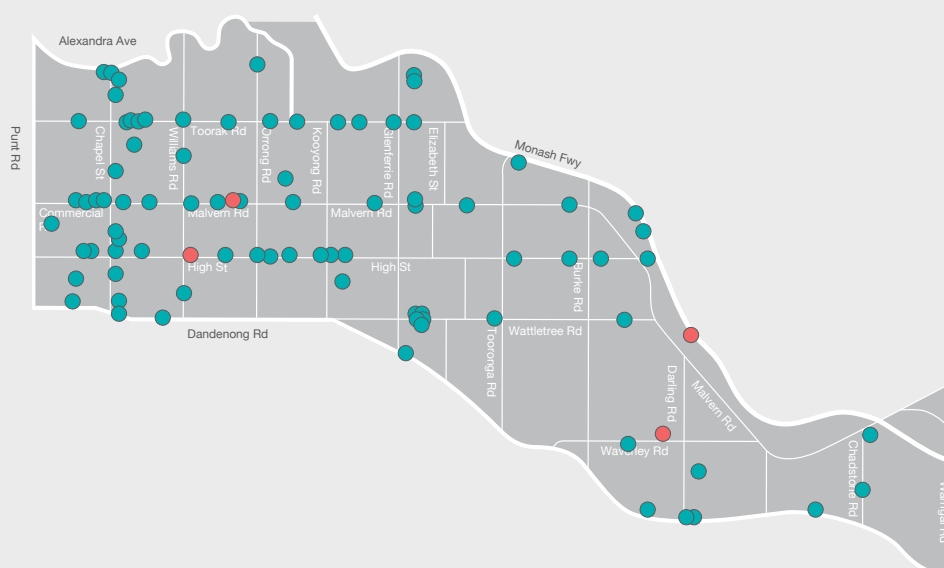


Figure 15
Pedestrian
deaths and
serious injuries

The spatial distribution of 107 (17 per cent) pedestrian serious injuries for the five-year period 2012–2016.

KEY

- deaths
- serious injuries



Appendix A
continued

22

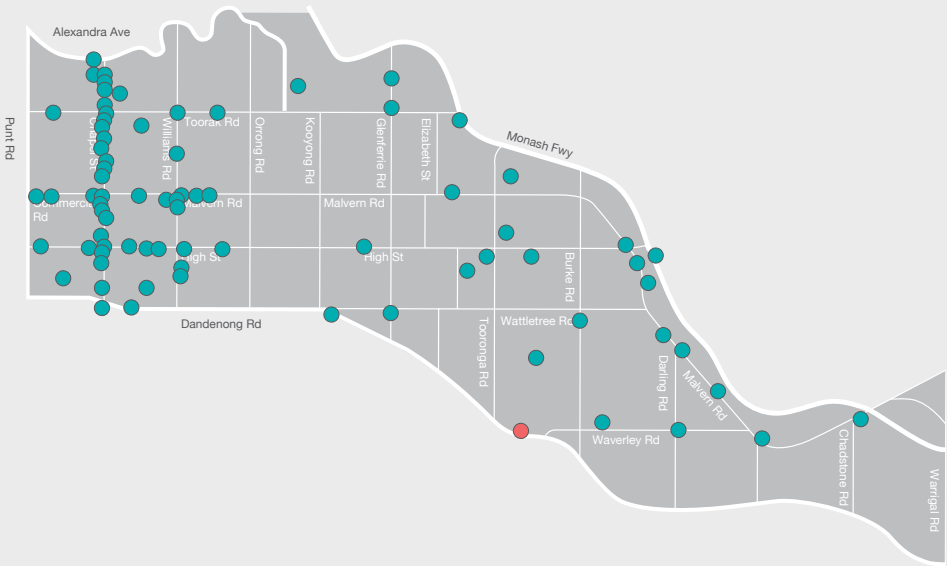
Cyclists

Cyclist serious injuries are concentrated within activity centres such as Chapel Street and the main intersecting roads. Some cyclist serious injuries occur on local streets and a number are aligned along the Dandenong Road boundary.



Figure 16
Cyclist
deaths and
serious injuries

The spatial distribution of 104 (16.5 per cent) cyclist serious injuries for the five-year period 2012–2016.



KEY
● deaths
● serious injuries

Collisions with roadside hazards and loss-of-control crashes

There have been 90 serious injuries (14 per cent) resulting from vehicles striking roadside poles, trees, and other rigid objects, or losing control. The extent and spatial spread of this problem is shown in Figure 17 below. Both fatalities involved motorcyclists striking rigid objects.

Of the 22 loss-of-control serious injuries, 20 (91 per cent) involved motorcyclists and two (9 per cent) involved cyclists. Many of these loss-of-control serious injuries have occurred along tram routes.

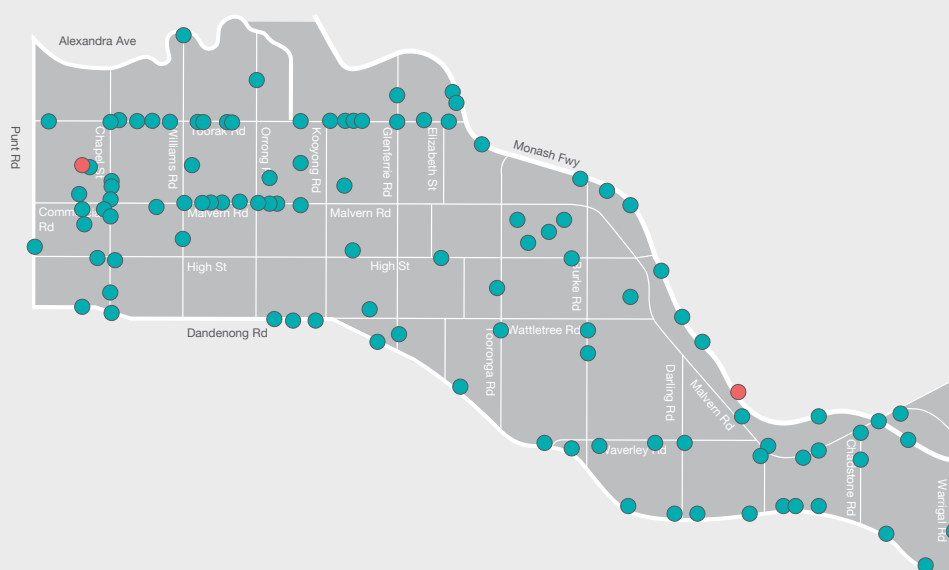


Figure 17
Hit fixed object
or loss of control
deaths and
serious injuries

The spatial distribution of 90 (14 per cent) hit fixed object or loss of control serious injuries for the five-year period 2012–2016

KEY

- deaths
- serious injuries



Appendix A

continued

24

Collisions at intersections

Serious injuries at intersections comprise 53 per cent of the total that occurred across the City. The vast majority (85 per cent) of these serious injuries occurred at intersections on the arterial network. While many occurred at intersections which already have traffic signals, the majority involved vehicles moving between arterials and local streets. In 46 per cent of these serious injuries, a driver or passenger was injured. Among the remaining serious injuries, 22 per cent involved a motorcyclist, 18 per cent, a pedestrian and 13 per cent, a cyclist. The spatial distribution of these intersection serious injuries that occurred on arterials is shown in Figure 18 below.

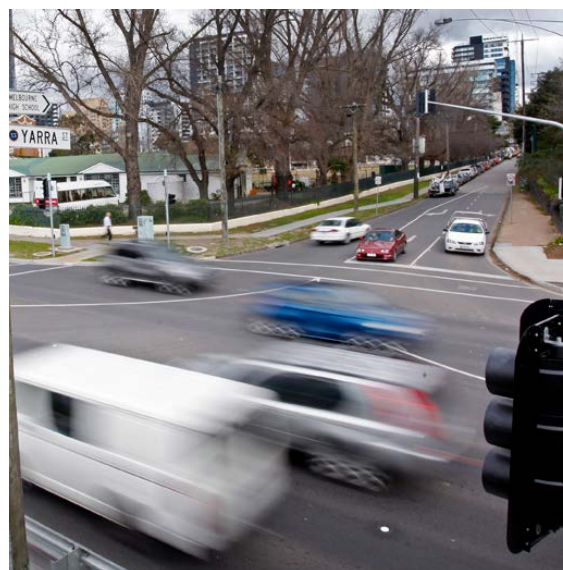


Figure 18
Intersections
deaths and
serious injuries

The spatial distribution of 290 (45 per cent) serious injuries at intersections along arterial roads for the five-year period 2012–2016.



Tram routes in Stonnington

Serious injuries predominate along Stonnington tram routes. Malvern Road stands out as having a higher spatial concentration with 65 serious casualties (10 per cent) on this one route. If an innovative solution can be found for Malvern Road, there is potential to adapt and apply it to like-routes such as High Street and Toorak, Wattletree, Burke and Glenferrie roads. While there is a mix of crash types, 46 (71 per cent) involved the most vulnerable of road users – pedestrians, cyclists and motorcyclists. Loss of control crashes among the latter two groups were common. The spatial distribution of these serious injuries is shown in Figure 19.

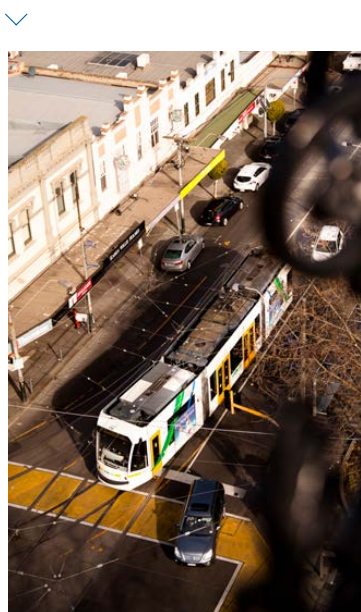


Figure 19
Malvern road
tram deaths and
serious injuries

The spatial distribution of 65 (10 per cent) serious injuries along Malvern Road for the five-year period 2012–2016.

KEY

- deaths
- serious injuries



Five year implementation plan

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DIRECTIONS AND ACTIONS	Who benefits?	Factors for consideration	Road safety potential	Funding source	
1 Ensure Safe System thinking is included within Stonnington's range of policies and programs that intersect with road safety interests					
Establish a cross-disciplinary steering group to coordinate road safety and social improvement activities (primarily internal, but involve external stakeholders where appropriate) in order to maximise positive impact on local communities.	Local communities.	Identify areas with potential for synergistic benefits.	Enabling	Internal	
Enhance Council policies and programs as they are progressively updated to reflect Safe System thinking in areas that intersect with safety on Stonnington's roads.	Local communities and road users in general.	Opportunistic integration of Safe System approach within new policy development.	Enabling	Internal	
Agree on and monitor a set of Safety Performance Indicators that link Council actions with death and serious injury on the road.	Road users in general as well as identified high risk groups.	Finalise a set of Safety Performance Indicators matched to the Towards Zero Road Travel Safety Strategy and actions.	★★★★	Internal	
Build in safety-assured contract provisions for providers of transport services to Council and Council staff.	All road users, direct users of services and transport providers.	Contract revisions can opportunistically take place within the first year of the strategy and continue progressively over five years.	★★★	Internal	
2 Identify and introduce Safe System-compatible measures either temporarily or permanently					
Stonnington will be subject to major construction works over the coming five years, including the construction of the new Melbourne Metro Rail project; the impact on surroundings that inevitably accompanies such change can provide opportunities to improve amenity and safety aligned with Safe System principles, for example: Collaborate with VicRoads and Melbourne Metro Rail Authority (MMRA) to minimise the safety impacts of the MMRA project within Stonnington. This would likely involve working closely on the new Human Impact Route Assessment (HIRA) tool.	All road users, especially pedestrians and cyclists.	Advocate for new building projects to promote low impact route choices, low-risk travel speeds around, and separation of, vulnerable road users, installation of vehicle safety features (e.g. side-under-run barriers) etc., both during and after construction.	★★★★	Mainly external	

	Stakeholder involvement	Who are our external Success Partners	Potential Safety Performance Indicators	Other considerations?	Timeline Financial year beginning				
	As appropriate	To be identified during the process.	Establishment of internal cross disciplinary committee. Number and types of discipline impacted. Designed to drive achievement of the Towards Zero Road Travel Safety Strategy and actions.	To meet every two months, at least initially until a process is well established. Beneficial to integrate with existing stakeholders and community safety issues.	1	2	3	4	5
	As appropriate		Number of policies and programs updated annually.		1	2	3	4	5
	Involve key partners, such as Victoria Police, VicRoads, TAC, PTV/Yarra Trams, etc.	Victoria's road safety partners and transport stakeholders (e.g. Victoria Police, VicRoads, TAC, PTV/Yarra Trams, etc.).			1	2	3	4	5
	As appropriate. Internal stakeholders (Infrastructure and Projects team).	TAC through support for advice on safety-assured contract provisions.	Percentage of safety-assured contracts of total.		1	2	3	4	5
	Melbourne Metro Rail Authority, VicRoads and various others (will be project dependent).	Melbourne Metro Rail Authority and VicRoads.		Potentially limited ability of City of Stonnington to have influence over outcomes. Opportunities to influence route choice through new assessment tool developed by VicRoads.	1	2	3	4	5
					1	2	-	-	-

Five year implementation plan continued

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DIRECTIONS AND ACTIONS	Who benefits?	Factors for consideration	Road safety potential	Funding source
3 Communicate with the Stonnington community through program delivery to inform, explain and respond to concerns				
Conduct community engagement programs (using Stonnington Connect) that promote the value of slower speeds in terms of safety, liveability, active transport and health and wellbeing; focus especially on where improved amenity and safety are planned.	All road users, especially pedestrians, cyclists and public transport users.	Building community understanding can assist with smooth implementation. Implementation of slower speeds subject to community consultation.	Enabling	Internal with potential support from TAC grants schemes.
Implement new materials being developed (with translations) under the banner of the Victorian Towards Zero Strategy to support enhanced program delivery to older persons.	Ethnic groups and older road users.	Dependent on VicRoads production of support materials targeting ethnic groups and older road users.	★ ★	Internal with potential support from VicRoads.
Actively pursue the L2P (learners to probationary licence) program subject to future funding being secured under the Towards Zero Strategy (2016–2020); work with Fit2Drive to ensure the implementation of the program for year 11 students. Inform schools of the new VicRoads Road Smart driving program for year 10s launching in 2018. Research other educational programs for schools.	Disadvantaged youth as drivers; younger drivers.	Continued involvement by Stonnington in a program targeting the safety needs of disadvantaged youth.	★ ★ ★ ★	VicRoads full funding.
Support through local community channels the message to completely separate drinking from driving.	Drink drivers and their immediate families and friends.	Utilise direct access to residents based on demographics to provide targeted evidence-based, persuasive messaging.	★ ★ ★	Internal
Build on existing forms of communication with the Stonnington community by including targeted safety messages suited to each group.	All road users, especially the young/at risk groups.		★ ★	Internal
Update app and promote the use by community of the 'Walk this Way' app to objectively assess safety needs in high risk areas, such as around schools and where older citizens gather.	All pedestrians, with benefits for all other road users.	A means of empowering local government and local communities (e.g. parents/schools, older residents) to advocate for improved conditions for all pedestrians, especially the young and old.	Enabling	Internal with possibility of trial supported by SSRIP.

Stakeholder involvement	Who are our external Success Partners	Potential Safety Performance Indicators	Other considerations?	Timeline Financial year beginning				
Key stakeholder partners (including VicHealth, Heart Foundation, etc.) with community.	Victoria's road safety partners and transport stakeholders (e.g. Victoria Police, VicRoads, TAC, PTV/Yarra Trams, etc.).	Number of engagements conducted per annum.	Many Melbourne and regional LGAs are pursuing similar goals. Scope exists to share knowledge and resources. TAC also likely to be supportive.	-	2	3	4	5
VicRoads	VicRoads	Number of new initiatives introduced per annum.		-	2	3	4	5
Potential commercial sponsors and community volunteers.	VicRoads	Increasing take up of programs across the municipality.		1	2	3	4	5
Liaison with Victoria Police and education sector.		Reduction in drink-driving in Stonnington, especially among its residents.		1	2	3	4	5
	Number of programs run per annum. Number of attendees per annum.			1	2	3	4	5
Parents of school age children, older residents, VicRoads, SSRIP.	SSRIP Team, VicRoads SE Metro Region.	Number of sites assessed with 'Walk this Way' app Changes in 'Walk this Way' star-rating profiles.	May need to have 'Walk this Way' updated for latest iOS version.	1	2	3	4	5

Five year implementation plan continued

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DIRECTIONS AND ACTIONS	Who benefits?	Factors for consideration	Road safety potential	Funding source	
4 Ensure that the greatest emphasis is placed on protecting those who are most vulnerable when using Stonnington roads					
Identify and support cycle links between principal bike routes.	Cyclists	Identify and prioritise candidate routes.	★★★★	Internal and SSRIP	
Support low risk walking and cycling by reviewing the design of existing roundabouts within the city for the potential to retro-fit raised pedestrian crossings (as used successfully in the City of Port Phillip) and identify opportunities to build new roundabouts with this safety feature.	Users of local street road users, especially collectors.	Identification of candidate sites in terms of safety, traffic function, pedestrian and cyclist activity, and geometric conditions.	★★★★	Internal and SSRIP	
Investigate, scope and develop pedestrian priority treatments at t-intersections.	Pedestrians, especially the young and the older age groups.	The need to ensure regulatory support and affordable costs per treatment.	★★★	Internal and SSRIP	
Update and implement the 'Walk this Way' risk-assessment app to objectively star-rate pedestrian safety needs and prioritise investment in safety improvements.	All pedestrians, with benefits for all other road users.	A means of objectively assessing risk by local government and local communities (e.g. parents/schools, older residents) to identify and prioritise investment in improved conditions for all pedestrians, especially the young and ageing.	Enabling	Internal with possibility of a trial supported by SSRIP	
5 Reconfigure speed limits and infrastructure to align the traffic system with Safe System principles					
Continue to roll out 40 km/h in local streets and, in partnership with VicRoads, identify and implement 40 km/h speed limits around public transport hubs to support safe travel; support with community education and traffic-calming, where appropriate. Where communities are supportive, lower limits should be introduced to make further substantial reductions in the risk of injury to our most vulnerable road users.	All local street road users, especially the most vulnerable.	Selective use of traffic calming where street geometry is not conducive to lower speeds. Ideally, traffic calming designs should maintain or enhance amenity and property values.	★★★★	Internal and SSRIP	

	Stakeholder involvement	Who are our external Success Partners	Potential Safety Performance Indicators	Other considerations?	Timeline Financial year beginning				
	VicRoads, TAC, Bicycle Network, Stonnington Cycle Reference Group, community.	SSRIP team, VicRoads SE Metro Region.	Number of new cycle links implemented per annum.		-	2	3	4	5
	SSRIP, VicRoads, TAC, Bicycle Network, Stonnington Cycle Reference Group, community.	SSRIP Team, VicRoads SE Metro Region.	Number of roundabouts with raised pedestrian crossings constructed annually.	Note the successes experienced by the neighbouring municipality City of Port Phillip.	-	2	3	4	5
	SSRIP, VicRoads, TAC community.	SSRIP Team, VicRoads SE Metro Region.	Number of treatments implemented per annum.	Could draw upon European practices, linked in with perceived European culture of Stonnington.	-	-	3	4	5
	Parents of school age children, older residents, VicRoads, SSRIP.	SSRIP Team, VicRoads SE Metro Region.	Number of sites assessed with 'Walk this Way' app. Changes in 'Walk this Way' star-rating profiles.	May need to have 'Walk this Way' app updated for latest iOS version.	1	2	3	4	5
	SSRIP, VicRoads, TAC and community.	SSRIP, VicRoads, TAC and community.	Percentage of local traffic areas with 40 km/h and supportive traffic calming.	There are strong contributions from this action to liveability, health and the amenity of residential areas.	1	2	3	-	-

Five year implementation plan continued

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DIRECTIONS AND ACTIONS	Who benefits?	Factors for consideration	Road safety potential	Funding source
5 Reconfigure speed limits and infrastructure to align the traffic system with Safe System principles continued				
With a view to expanding the program, subject to the trial outcome and to community acceptance, trial a 20 or 30 km/h speed limit in a conducive local traffic area, with a supportive community.	All local street road users.	Judicious selection of location where road geometry and community sentiment are supportive.	★★★★★	Internal and SSRIP
Continue to identify and plan for increasingly installing more traffic-calming measures in local and collector streets (e.g. roundabouts with speed platforms) to support safer local travel.	All local street road users.	Identification of candidate sites in terms of safety, traffic function, pedestrian and cyclist activity, and geometric conditions.	★★★★	Internal and SSRIP
In partnership with VicRoads, encourage the implementation at major intersections of advance profile treatments, fully controlled right turn signals and dwell-on-red functionality.	All road users at intersections.	Potential to incorporate within a demonstration project of Safe System along Malvern Road (see below).	★★★★	SSRIP
6 Promote and actively support innovation and demonstration projects that align with Safe System thinking				
Chapel Street Safe System Demonstration – ensure Safe System principles are built into the Chapel Street Masterplan to protect all users but especially pedestrians and cyclists; potential measures include:	All road users in and around Chapel Street, with high emphasis on pedestrian, cyclist and PT user safety.	Liaise with Urban and Infrastructure Projects Department and SSRIP in relation to Chapel Street Masterplan with a view to transforming Chapel Street into an environment where pedestrians and cyclist are afforded priority (i.e. place over movement), while also developing a treatment concept with wider application. Alternative car-based travel routes to be identified.	★★★★★	Internal, potentially State Government and SSRIP
30 km/h with lower speed shared space provisions	All road users in Chapel Street.			
improved separation of cyclists from vehicular traffic, especially the opening of the doors of parked car, and	All cyclists in Chapel Street.			
main intersection treatments including fully controlled right turns, dwell-on-red, hook turns for cyclists and entry profiles to moderate speeds.	All road users in or crossing Chapel Street.			

	Stakeholder involvement	Who are our external Success Partners	Potential Safety Performance Indicators	Other considerations?	Timeline Financial year beginning				
	SSRIP, VicRoads, TAC and community.	SSRIP, VicRoads, TAC and community.	Number of locations receiving 30 km/h (or 20 km/h) trials. Effect on speed behaviour. Community sentiment.		-	2	3	4	-
	Internal and SSRIP	SSRIP, VicRoads, TAC, Bicycle Network, Stonnington Cycle Reference Group, community.	Number of traffic-calming projects implemented. Number of roundabouts with raised pedestrian crossings constructed.	Liaise with neighbouring City of Port Phillip on its experience with platform roundabouts.	1	2	3	-	-
	SSRIP, VicRoads, TAC, PTV, Yarra Trams and community.	SSRIP, VicRoads, TAC, PTV, Yarra Trams and community.	Number of trials of innovative intersection treatments at major intersections. Effect of trials on speed behaviour.		1	2	3	-	-
	SSRIP, VicRoads, TAC, PTV, Yarra Trams, traders and community.	SSRIP, VicRoads, TAC, PTV, Yarra Trams, traders and community.	Change in speed behaviour along Chapel Streett, frequency of serious car dooring conflicts for cyclists, changes in intersection conflicts along Chapel Street.		1	2	3	4	5
					-	2	3	4	5
					-	-	3	4	5
					1	2	3	-	-

Five year implementation plan continued

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DIRECTIONS AND ACTIONS	Who benefits?	Factors for consideration	Road safety potential	Funding source
6 Promote and actively support innovation and demonstration projects that align with Safe System thinking continued				
Trial left-in/left-out management of traffic at intersections on a designated arterial road segment in partnership with VicRoads. Intersections on routes with 60 km/h or higher speed limits and low risk turning provisions would be candidates for a trial.	All road users along the treated segment/s.	By restricting turning movements, it is important to provide safe and convenient alternative facilities for u-turns or for the use of alternative routes.	★ ★ ★	SSRIP/ VicRoads
Identify a tram route in collaboration with VicRoads where a reduction in the speed limit to below 60 km/h is trialled and assessed.	All road users, especially pedestrians, cyclists and PT users (on board and while boarding or alighting trams).	Potential to be included in a demonstration of Safe System along Malvern Road (see above). Will need extensive consultation with VicRoads, PTV and Yarra Trams. Would include an evaluation of impacts.	★ ★ ★ ★	SSRIP/ VicRoads
Discuss and explore with Council's Community Safety Committee, the feasibility of working with Alcohol and Drug Foundation (ADF) and local police to identify opportunities to implement best practice to reduce intoxication, drug-taking, assaults, drink-walking and drink-driving.	All road users, especially intending drink-drivers and drink-walkers.	An ambitious project of this type is dependent on funding support and the agreement of licensees, Victoria Police and organisations such as the ADF and VicHealth to collaborate on its development and evaluation. Collaboration with Economic Development will also be important to success.	★ ★ ★ ★	Potential funders include TAC and VicHealth
7 Advocate and promote the purchase and use of vehicles with best available levels of crash avoidance and injury prevention				
Liaise with Physical Operations department to update Stonnington's Safe Vehicle Purchase/Lease policy, specifying proven new safety technologies such as Lane Keep Assist and Auto-emergency Braking.	All road users, especially employees of Stonnington.	Review current policy with respect to vehicle purchase or lease and update in accordance with new safety technologies and developments. TAC can support with up-to-date safe travel policy.	★ ★ ★	Internal
Liaise with Economic Development department to encourage adoption of Towards Zero Safe Travel policies/practices among local businesses.	All road users, especially employees of local businesses.	Opportunities are significant for companies with sizeable fleets adopting this policy.	★ ★ ★ ★	Internal
Liaise with Physical Operations department to build in safety-assured contract provisions for providers to Council in relation to both safe vehicles and safe behaviours.	All vehicle occupants and transport providers.	See above – mainstreaming Safe System thinking.	★	Internal

Stakeholder involvement	Who are our external Success Partners	Potential Safety Performance Indicators	Other considerations?	Timeline Financial year beginning				
SSRIP, VicRoads, TAC, PTV, Yarra Trams and community.	SSRIP, VicRoads, TAC, PTV, Yarra Trams and community.	Reduction in conflicts at intersections along treated segment/s.	Avoid undesirable diversion of traffic.	-	2	3	4	5
SSRIP, VicRoads, TAC, PTV, Yarra Trams and community.	SSRIP, VicRoads, TAC, PTV, Yarra Trams and community.	Percentage of km of tram route with 50 km/h trial speed limits. Effect of trial on speed behaviour.	Evaluation to address impacts on tram operations, including changes in falls among passengers.	-	2	3	4	-
Local licensees, TAC, Victoria Police, ADF, State Department of Health and Human Services, and VicHealth.	Local licensees, TAC, Victoria Police, ADF, State Department of Health and Human Services, and VicHealth	Changes in drink-driving levels in Stonnington and changes in various forms of alcohol related violence (domestic assaults, street assaults, etc).		1	2	3	-	-
Liaise with TAC and VicRoads in terms of best practice.	TAC	Percentage of Council new vehicle purchases with five star ratings.	Important for Council to demonstrate leadership and commitment before encouraging others to step up.	1	-	-	-	-
Liaison with TAC in terms of best practice.	TAC	Percentage of local business new vehicle purchases with five star ratings.	Liaise for support with National Road Safety Partnership Program.	-	2	-	-	-
As appropriate.	TAC and private sector transport providers.	Percentage of safety-assured contracts of total.	Liaise for support with National Road Safety Partnership Program.	1	2	3	4	5

Five year implementation plan continued

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DIRECTIONS AND ACTIONS	Who benefits?	Factors for consideration	Road safety potential	Funding source
7 Advocate and promote the purchase and use of vehicles with best available levels of crash avoidance and injury prevention continued				
Promote to residents links to safe new and used car websites (e.g. howsafeisyourcar.com.au).	All road users, especially Stonnington residents.	Utilise existing contact opportunities between Stonnington and its residents, especially those with young adults.	★ ★ ★	Internal with information support from TAC
8 Partner with key agencies to maximise safety impact and access to supporting resources				
Continue constructive dialogue and relationship with VicRoads regionally; these are critical to the city being able to comprehensively address key safety risks for all road users, across all road classes.	All road users	About 80 per cent of serious injuries occur on VicRoads managed roads and VicRoads controls approvals for speed limit setting and many of the key infrastructure design fields.	Enabling	Internal
Establish a productive dialogue and relationship with the Safe System Road Infrastructure Team, given the team's aim of helping to transform Victoria's road network to a vastly safer form, as well as its role as a funding agent.	All road users	SSRIP investment provides a unique funding opportunity to implement innovative and effective Safe System solutions to address key trauma problems.	Enabling	Internal
Continue to work closely with Yarra Trams, PTV, Victoria Police and VicRoads to ensure that a sharply focussed and coordinated approach is mounted to address the most pressing safety problems within Stonnington.	All road users, especially those using public transport.	Much of Stonnington's serious injury problem occurs on tram routes so the support of PTV and Yarra Trams will be vital to making the required improvements.	Enabling	Internal
Continue to work closely with operational police with regard to targeting key safety risks, including speeding and drug-/drink-drive enforcement, driven by evidence-based intelligence and local knowledge.	All road users, especially those who speed and drink- or drug-drive.	Victoria Police, through its enforcement operations, contributes significantly to the safety of users on Stonnington's roads. A coordinated approach to tackling speeding, drink-driving and other key high risk behaviours is fundamentally important.	Enabling	Internal

Stakeholder involvement	Who are our external Success Partners	Potential Safety Performance Indicators	Other considerations?	Timeline Financial year beginning				
As appropriate	TAC	Surveys of reported take up of suggestion and how useful was it.	TAC may be able to provide data on site visits by postcode.	1	2	-	-	-
Primarily VicRoads, in consultation with other Victorian LGAs.	SSRIP Team and VicRoads SE Metro Region.	Establishment and maintenance of period meetings with SSRIP Team and SE Metro Region.	SSRIP Team would be highly supportive of Stonnington's general aims.	1	2	3	4	5
Primarily SSRIP, VicRoads SE Metro Region and other stakeholders, depending on the specific project.	SSRIP Team, VicRoads SE Metro Region and community.	Number of SSRIP funded projects per annum and average SSRIP investment in Stonnington per annum.	Monitor SSRIP Team priorities and seek areas of common ground.	1	2	3	4	5
SSRIP Team, Yarra Trams, PTV, Victoria Police and VicRoads SE Metro Region.	SSRIP Team, Yarra Trams, PTV, Victoria Police and VicRoads SE Metro Region.	Establishment and maintenance of period meetings with external success partners.		1	2	3	4	5
Primarily Victoria Police and local licensees.	Primarily Victoria Police and local licensees	Hours of road policing per month devoted to speed enforcement and to drink-/drug driving.	Other SPIs can be developed as required through ongoing analysis of serious injuries data for Stonnington.	1	2	3	4	5



Project Partners



City of Stonnington

T 8290 1333

F 9521 2255

council@stonnington.vic.gov.au

PO Box 58, Malvern Victoria 3144

Service Centres

311 Glenferrie Road, Malvern

Corner Chapel and Greville Streets, Prahran

293 Tooronga Road, Malvern

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[StonningtonNews](https://twitter.com/StonningtonNews)

Attachment 1

Toy Library Benchmarking

Municipality	Funding term	Funding amount (total)
Stonnington	2021/22 service agreement	\$65,000
	Previous year (2020/21) community grant	\$50,000
Boroondara	Annual grant	\$29,161.75 (Per site: \$9,199.95, \$9,982.94, \$9,977.85)
Glen Eira	Annual grant	\$6,000 (Per site \$3,000)
Port Phillip	Operating grant	\$19,566 (Per site: \$1,342) Low income subsidy \$94.35 or \$12.12 general per member
Kingston	Annual grant	\$12,000 (Up to \$10,000 for projects/events. Up to \$2,000 for equipment)
Monash	Annual grant	\$6,500
Yarra	Recurrent (four year) grant	\$48,000 (\$12,000 annually for four years)
Frankston	Recurrent (four year) grant	\$26,700 (2022-23 and prior) \$15,000 (2023-24 and 2024-25)

Attachment 2

Toy Library Benchmarking

Municipality	Service Offering	Total Members	Membership fees
Stonnington	1 location Winter St (peppercorn lease)	458	\$135 - \$150 Concession \$70 - \$75
Boroondara	3 Locations Kew, Canterbury, Pied Piper	565	\$100 - \$160 3mth trial \$30
Glen Eira	2 Locations Carnegie (lease agreement ~\$1000 per year) Moorabbin (peppercorn lease)	400	\$95 - \$120 Concession \$55 - \$70
Port Phillip	4 locations Elwood (lease agreement \$10p/m) Port Melbourne, Middle Park, South Melbourne (license fee \$104)	405	\$100 - \$130 Concession \$30 - \$40
Kingston	1 location Mordialloc	-	\$80 - \$100 \$170 non-volunteer
Monash	4 locations Glen Waverley, Jordanville, Mulgrave, Oakleigh (in-kind hall hire)	335	\$40 - \$70
Yarra	2 locations and 1 mobile Collingwood, Richmond (peppercorn rent)	675	\$40 - \$120 Concession \$45
Frankston	1 location Frankston (Peppercorn rent – large room at a Council-owned community centre)	161	\$95 Concession \$80 6mth \$50

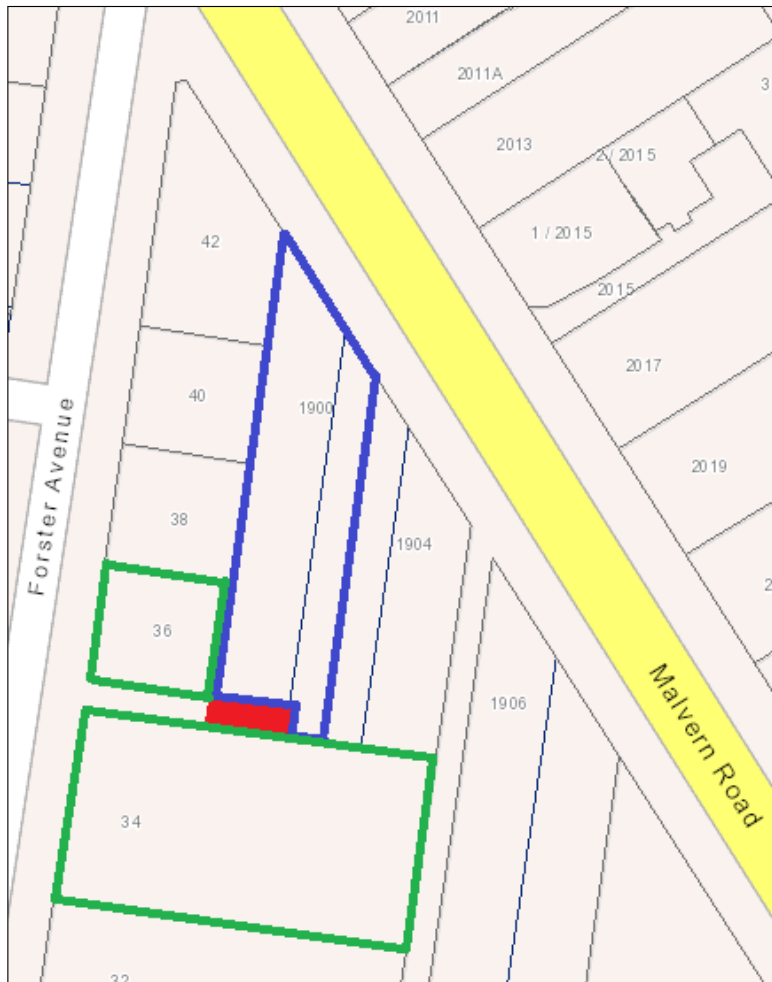
Attachment 3

Toy Library Benchmarking

Municipality	Staffing	Total opening hours	Volunteer Hours Per Month
Stonnington	1.5	15	80
Boroondara	0.7	23.5	324
Glen Eira	0.5	13	72
Port Phillip	1.15	11.5	144
Kingston	-	8	-
Monash	No paid staff	6	144
Yarra	1	53	212
Frankston	0.78	24	192

TITLE PLAN				EDITION 1	TP969113T	
Location of Land County : BOURKE Parish : PARISH OF PRAHRAN AT GARDINER Township : Section : Crown Allotment : Crown Portion : 162 (PART) Last Plan Reference : LP2915 Derived from : Depth Limitation : NIL				Notations WARNING : This plan represents an expected division of land. The lot in the diagram below may not have been created. Check the Lot/Plan Index for current information		
Easement Information					THIS PLAN HAS BEEN PREPARED FOR LAND REGISTRY TITLE DIAGRAM PURPOSES Checked by..... Date / / Assistant Registrar of Titles	
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited In Favour Of		
E-1	As provided for in Sec. 207C LGA	3.05	Sec. 207C LGA	City of Stonnington		
E-1	Sewerage	3.05	This plan	Yarra Valley Water		
LENGTHS ARE IN METRES		SCALE 1: 100	ORIGINAL SHEET SIZE: A3	FILE NO :		
BRIAN WATSON SURVEYING P/L <small>Office Address: 45A Princes Road, East Prahran, VIC 3181 Tel: 03 9594 1111 Fax: 03 9594 1111 Email: info@briansurveying.com.au Website: www.briansurveying.com.au</small>		SURVEYORS FILE REF: 9197 BRIAN WATSON VERSION 1		DEALING CODE : LGA	Sheet 1 of 1	

Site Plan





CEO Delegation Paper Minutes

Friday 18 March 2022



CEO Delegation Paper 18 March 2022 - Minutes

CEO Delegation Paper Minutes Friday 18 March 2022

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CEO Delegation Paper 18 March 2022 - Minutes

1.1 Proposed Discontinuance and Sale of Road Adjoining 1900-1902 Malvern Road, Malvern**Property Coordinator: Greg Phippen****Chief Financial Officer: Julia Gallace****Purpose of Report**

This report seeks authority to commence statutory procedures pursuant to the *Local Government Act 1989* (Vic) (**Act**) to consider the discontinuance and sale of the part of the road adjoining 1900-1902 Malvern Road, Malvern, shown as lot 1 on the plan contained in Schedule 1 to this report, being part of the land contained in certificate of title volume 2250 folio 856 (**Road**), to the adjoining owners of the land known as 1900-1902 Malvern Road, Malvern, shown outlined blue on the site plan contained in Schedule 2 to this report (**Adjoining Land**).

The Chief Executive Officer as Council's delegate has the authority to determine this matter.

Officer Recommendation

The Chief Executive Officer as Council's delegate acting under clause 3 of Schedule 10 of the Local Government Act 1989 ("Act"):

- 1. RESOLVES that the statutory procedures be commenced to discontinue the part of the road adjoining 1900-1902 Malvern Road, Malvern, shown marked as lot 1 on the plan contained in Schedule 1 of this report, being part of the land contained in certificate of title volume 2250 folio 856 (Road);***
- 1. NOTES and directs that under sections 207A and 223 of the Act, public notice of the proposed discontinuance of the Road be given in the Herald Sun newspaper;***
- 2. RESOLVES that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the land to the adjoining owner of the property at 1900-1902 Malvern Road, Malvern; and***
- 3. APPOINTS a Committee of Council to consider any submissions received pursuant to section 223 of the Act at a meeting to be held at a place, time and date to be advised.***

Decision

The Chief Executive Officer as Council's delegate acting under clause 3 of Schedule 10 of the Local Government Act 1989 ("Act"):

- 1. RESOLVES that the statutory procedures be commenced to discontinue the part of the road adjoining 1900-1902 Malvern Road, Malvern, shown marked as lot 1 on the plan contained in Schedule 1 of this report, being part of the land contained in certificate of title volume 2250 folio 856 (Road);***
- 1. NOTES and directs that under sections 207A and 223 of the Act, public notice of the proposed discontinuance of the Road be given in the Herald Sun newspaper;***

CEO Delegation Paper 18 March 2022 - Minutes

2. **RESOLVES** that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the land to the adjoining owner of the property at 1900-1902 Malvern Road, Malvern; and
3. **APPOINTS** a Committee of Council to consider any submissions received pursuant to section 223 of the Act at a meeting to be held at a place, time and date to be advised.

Executive Summary

To commence procedures to undertake a road discontinuance and sale of the part of the road adjoining 1900-1902 Malvern Road, Malvern, and sell the land to the adjoining landowners.

Background

The Road is shown coloured red on the site plan contained in Schedule 2 to this report (**Site Plan**).

Amy and Mark Haddock (**Applicants**) are the registered proprietors of the Adjoining Land. The Applicants have requested that Council consider the discontinuance and sale of the Road to the Applicants.

The Road is constructed as a no-through-road laneway which is accessible from Forster Avenue, Malvern. The Road is primarily used for pedestrian and vehicular access to the Adjoining Land and the Applicants have installed a gate at the entrance to the laneway at Forster Avenue. The gate ensures that access is prohibited outside of business hours. It is otherwise left unlocked and open. Should the discontinuance process proceed, the gate will be removed as a condition of sale.

The Road does not currently provide physical pedestrian or vehicle access to the adjoining properties at 34 and 36 Forster Avenue, Malvern, shown outlined green on the Site Plan.

The Applicants have agreed to pay Council's costs and disbursements associated with the proposed discontinuance and sale of the Road to the Applicants.

Key Issues and Discussion

Road Status

The Road is constructed as a no-through-road laneway and is shown as a 'road' on title. The Road is therefore a 'road' for the purposes of section 3(1) of the Act. Accordingly, Council has the power to discontinue the Road pursuant to clause 3 of Schedule 10 of the Act. If the Road is discontinued, the Road will vest in Council.

It is considered that the Road is no longer reasonably required for general public use as:

- the Road is primarily used by the owners of the Adjoining Land for rear access to the Adjoining Land; and
- the Road is not used as a thoroughfare for traffic.

Adjoining Owners

CEO Delegation Paper 18 March 2022 - Minutes

The Applicants have obtained written consent to the proposed discontinuance and sale from the two adjoining owners of the Road, being the registered proprietors of 34 and 36 Forster Avenue, Malvern.

Copies of the written consent are contained in Schedule 3 of this report.

Site Inspection

A site inspection was conducted by Brian Watson Surveying on 22 July 2020 and the appropriate plans were prepared for the proposed discontinuance and sale of the Road. The plan at Schedule 1 shows the Road in the format required for a public notice.

The site inspection notes that:

- the Road is not open and available for use by the public;
- there is evidence of the Road being used for pedestrian or vehicular access;
- there is a lockable gate at the western end of the laneway adjoining Forster Avenue which closes the Road off to the public. This gate remains intact but would need to be removed if access is prohibited during normal business hours. The paling fence for 34 Forster Avenue, Malvern, being the fence on the southern side of the Road, encroaches onto the Road by 0.25m-0.26m (**Encroachment**).

A copy of the site inspection report is attached to this report as Schedule 4.

Upon discovering the Encroachment, Council requested that the Applicants and the owner of 34 Forster Avenue, Malvern (**34 Forster Owner**) reach an agreement on how they propose to deal with the Encroachment.

The Applicants and 34 Forster Owner have agreed that, if Council resolves to discontinue and sell the Road:

1. the Applicants will acquire the whole of Road on the condition that they will enter a formal contract of sale with Council under which the Applicants acknowledge the existence of the Encroachment and agree not to make any claims against Council regarding the Encroachment; and
2. the 34 Forster Owner consents to the proposed discontinuance and sale of the Road based on this agreement.

If Council resolves to discontinue and sell the Road to the Applicants on the above basis, the Encroachment will become a private matter between the Applicants and the 34 Forster Owner.

Public Authorities

In addition to Council, the following statutory authorities have been advised of the proposed discontinuance of the Road and have been asked to respond to the question of whether they have any existing assets in the Road, which should be saved under section 207C of the Act:

- South East Water, Yarra Valley Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA, AusNet and NBN.

Melbourne Water, United Energy, Multinet Gas, Telstra, Optus, AusNet, NBN and Council have advised that they do not have assets in or above the Road and/or do not object to the proposed discontinuance and sale of the Road.

CEO Delegation Paper 18 March 2022 - Minutes

South East Water, CitiPower and APA advised that the Road does not fall within their respective service areas.

Yarra Valley Water advised that it has a sewer main in the Road and requires an easement to protect its asset. Copy of the Yarra Valley Water correspondence is contained in Schedule 5 to this report.

Any rights to existing assets which are required by the statutory authorities to be saved under section 207C of the Act, will be saved in any transfer of the Road.

Public Notice

Before proceeding with the discontinuance, Council must give public notice of the proposed discontinuance in accordance with section 223 of the Act. The Act provides that a person may, within the date specified in the public notice, being a date that is not less than 28 days after the date of publication of the public notice, lodge a written submission regarding the proposed discontinuance.

Where a person has made a written submission to Council requesting that he or she be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council or the Committee which has delegated authority to hear those submissions, giving reasonable notice of the day, time and place of the meeting.

After hearing any submissions made, Council must determine whether the Road is reasonably required as a road for public use, in order to decide whether the Road should be discontinued.

Conditions of discontinuance and sale

If Council resolves to discontinue and sell the Road, the Applicants will be required to enter a formal contract of sale to Council's satisfaction as a condition of sale which provides that:

1. the Applicants acknowledge the existence of the Encroachment and agree not to make any claims against Council regarding the Encroachment; and
2. the Applicants must consolidate the title to the Road with the title to the Adjoining Land within 12 months of the date of transfer of the Road to the Applicants, at their own cost.

The terms and conditions of the sale of the Road must be to the satisfaction of Council's Chief Executive Officer.

Conclusion

For the reasons set out in this report, it is considered reasonable to commence the statutory process to consider whether or not to discontinue and sell the Road to the Applicants.

Governance Compliance

Policy Implications

Council must seek public submissions on the proposed lease in accordance with Sections 207A and 223 of the Act. Submissions will be invited for a period no less than 28 days and referred to an elected Committee of Council for consideration. The appointed Committee will consider and report all findings to Council for its final recommendation at its next available meeting.

CEO Delegation Paper 18 March 2022 - Minutes

Financial and Resource Implications

The Applicants have agreed to acquire the Road for current market value (plus GST) (**Purchase Price**). If Council resolves to commence the procedures to discontinue the Road, it will need to obtain a valuation of the Road in accordance with the Act.

In addition to the Purchase Price of the Road, the Applicants have agreed to pay Council's costs and disbursements associated with the proposed discontinuance and sale of the Road.

Conflicts of Interest Disclosure

No Council Officer and/or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Legal / Risk Implications

Council's legal representatives have prepared all documentation to ensure that Council's interests are protected as part of the proposal.

Environmental Implications

There are no environmental implications relevant to this report.

Stakeholder Consultation

Council must seek public submissions on the proposed lease in accordance with Section 206 and 223 of the Local Government Act 2020.

An advertisement will be placed in the Herald Sun and Council's website, requesting that submissions be received within 28 days of the publication of the notice.

Human Rights Consideration

This recommendation complies with the Victorian Charter of Human Rights and Responsibilities Act 2006.

Attachments

1. Plan of Road (1) [1.1.1 - 1 page]
2. Site Plan [1.1.2 - 1 page]
3. Written consent from owner of 34 Forster [1.1.3 - 1 page]
4. Written consent from owner of 36 Forster [1.1.4 - 2 pages]
5. YVW correspondence [1.1.5 - 3 pages]
6. Surveyor's report [1.1.6 - 9 pages]

Joe Kozlowski

From: Amy Haddock <amy.haddock@icloud.com>
Sent: Thursday, 5 December 2019 1:03 PM
To: Rachel Grant
Subject: Fwd: Lane way

Begin forwarded message:

From: Neil Sellars <neilsellars1@bigpond.com>
Subject: Lane way
Date: 20 November 2019 at 11:19:01 am AEDT
To: Amy.haddock@icloud.com

34 Forster Av
Malvern East
Vic 3145

Hi Amy

We don't have any objection to your proposed purchase of part of our adjoining lane as shown on your plan this being a total of 28m2 which finishes at the fence line of your adjoining property.

Regards

Neil & Keren Sellars

Joe Kozlowski

From: Amy Haddock <amy.haddock@icloud.com>
Sent: Thursday, 5 December 2019 1:02 PM
To: Rachel Grant
Subject: Fwd: ROW

Begin forwarded message:

From: jan clancy <janclancy@hotmail.com>
Subject: Re: ROW
Date: 22 November 2019 at 2:40:09 pm AEDT
To: Amy Haddock <amy.haddock@icloud.com>

Dear Amy
Apologies

I Jan Clancy of 36 Forster Avenue Malvern East.
Give my permission to purchase up to the fence
line of the property of Mark and Amy Haddock

Regards Jan Clancy

Sent from my iPad

On 19 Nov 2019, at 09:41, Amy Haddock <amy.haddock@icloud.com> wrote:

Begin forwarded message:

From: Amy Haddock <amy.haddock@icloud.com>
Subject: ROW
Date: 19 November 2019 at 9:36:34 am AEDT
To: Jan Clancy <janclancy@hotmail.com.au>

Hi Jan,
Sorry we have been in touch with the council and we need to
provide written evidence via email or text that you have no
objection to us purchasing the portion of the laneway up to
your fence line (as discussed).

I think all it needs to say is your name and address and that as
discussed with Amy and Mark Haddock you have no objection to us
purchasing 28m2 of the ROW which goes up to the fence line of the
property next door (as pictured below)

Thank you for your help in the matter.

Kind Regards

Amy Haddock 0423678806
Mark Haddock 0427198255

<image001.png>





BRIAN WATSON SURVEYING

Office Address: 454 Waverley Rd, Malvern East, 3145

Mailing Address: PO Box 113, Carnegie, 3163

Phone: 9572 3122 **Fax:** 9572 3144

Email: admin@brianwatsonsurveying.com.au

Brian Watson Surveying Pty Ltd.

ABN: 51 618 637 522

Maddocks

Our Ref: 9197

Attention: Rachel Grant

By email : Rachel.Grant@maddocks.com.au

3 August, 2020

Dear Rachel,

RE: Surveyor's report: 1900-1902 Malvern Road, Malvern East - Client: Amy & Mark Haddock

The relationship between proposed Title Plan and occupation (refer to our record of survey Ref : 9197) is as follows:

South boundary:

A paling fence (age estimated at 10 years) encroaches by 0.26m at the west end and by 0.25m at the east end. An old timber garage also encroaches by 0.32m at the east end.

East boundary:

A timber garage (age estimated at 30+ years) encroaches by 0.25 at the south end and by 0.24m at the north end.

North boundary:

A picket fence (age estimated at 5-10 years) sits north of title by 0.45m at the east end and by 0.35m at the north end with a significant northward bend in the middle.

West boundary:

Not fenced.

Yours faithfully,

BRIAN WATSON SURVEYING



Maddocks

Ref: MAN:RGRA:8067486

Maddocks
Lawyers
Collins Square, Tower Two
Level 25, 727 Collins Street
MELBOURNE 3000

Stonnington City Council
Proposed discontinuance of road at rear 1900-1902 Malvern Road, Malvern

DATE OF INSPECTION:

22/ 07 /2020

PHOTOGRAPHS OF THE ROAD: Attached at Annexure A

IS THE ROAD OPEN AND AVAILABLE FOR USE BY THE PUBLIC? Yes ☐ No ☒

WHAT OBSTRUCTIONS ARE OVER OR IN THE ROAD?

Fencing	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Vegetation*	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Rubbish	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Services*#	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Other*	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	(# Including fire hydrants/plugs.)				

* Provide Details: A sewer manhole exists at the entrance to the road where it adjoins Forster Avenue.

THE MATERIAL WITH WHICH THE ROAD IS CONSTRUCTED:

<input type="checkbox"/> Nil	<input type="checkbox"/> Bitumen
<input type="checkbox"/> Bluestone	<input checked="" type="checkbox"/> Other <u>Stone (unmade)</u>

EVIDENCE OF THE ROAD BEING USED:

<input type="checkbox"/> Nil	<input checked="" type="checkbox"/> Gates opening onto the road
<input checked="" type="checkbox"/> Tyre marks	<input type="checkbox"/> Garages opening onto the road
<input type="checkbox"/> Worn grass	<input type="checkbox"/> Other _____

TYPE OF TRAFFIC:

<input checked="" type="checkbox"/> Pedestrian	<input checked="" type="checkbox"/> Vehicular	<input type="checkbox"/> Animal	<input type="checkbox"/> Nil
------------------------------------------------	-----------------------------------------------	---------------------------------	------------------------------

WHAT IS THE ROAD PROVIDING ACCESS TO?

<input type="checkbox"/> Adjoining properties @	<input type="checkbox"/> Reserve/Park
<input type="checkbox"/> Main Road	<input type="checkbox"/> Shops

[8067486: 26797481_1]



Maddocks

☐ Other _____

@ Specify which properties _____

DETAILS OF OTHER SUITABLE MEANS OF ACCESS NEARBY.

There is no other means of vehicular access to the property. _____

DETAILS OF FENCES, BUILDINGS AND/OR LANDSCAPING PLACED ON OR OVER
ANY PORTION OF THE ROAD BY ABUTTING PROPERTY OWNERS, AND THE EXTENT OF
SUCH ENCROACHMENT.

The paling fence on the southern side of the road is encroaching into the road by 0.25m – 0.26m _____

IS THE ROAD REQUIRED FOR PUBLIC ACCESS?

Yes

☐ No☒

OTHER OBSERVATIONS:

The only gates opening onto the road are at the rear of 1900 – 1902 Malvern Road. The road is closed
off to public access by a lockable gate at the western end adjoining Forster Avenue (see photos at
Annexure A) _____

Signed: _____ Date: _____

Title/Position: Licensed Surveyor Company: Brian Watson Surveying

ATTACH ADDITIONAL PAGES IF THERE IS NOT ENOUGH SPACE ON THIS FORM



Maddocks

ANNEXURE A – Photographs



[8067486: 26797481_1]



Maddocks



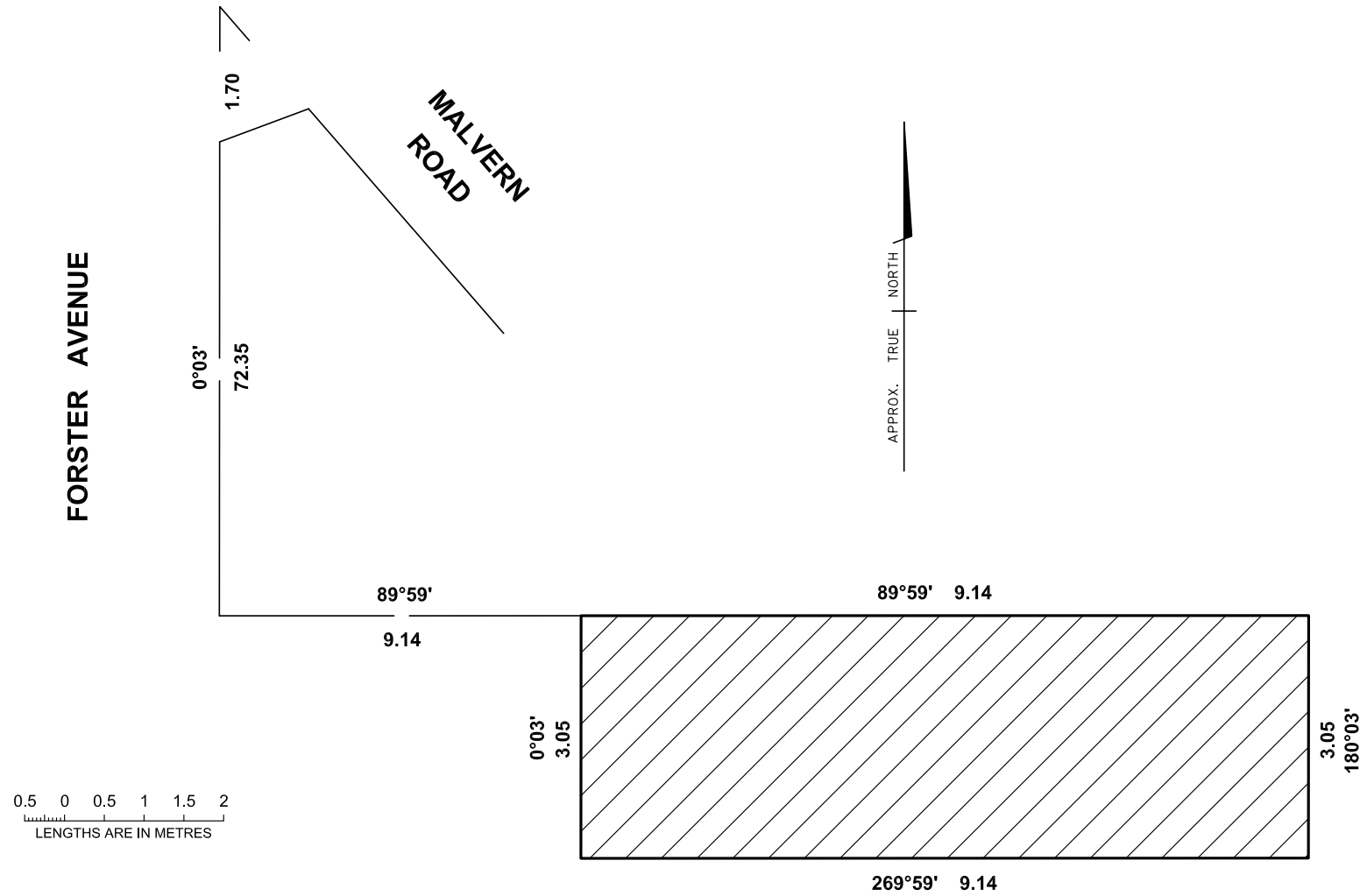
[8067486: 26797481_1]



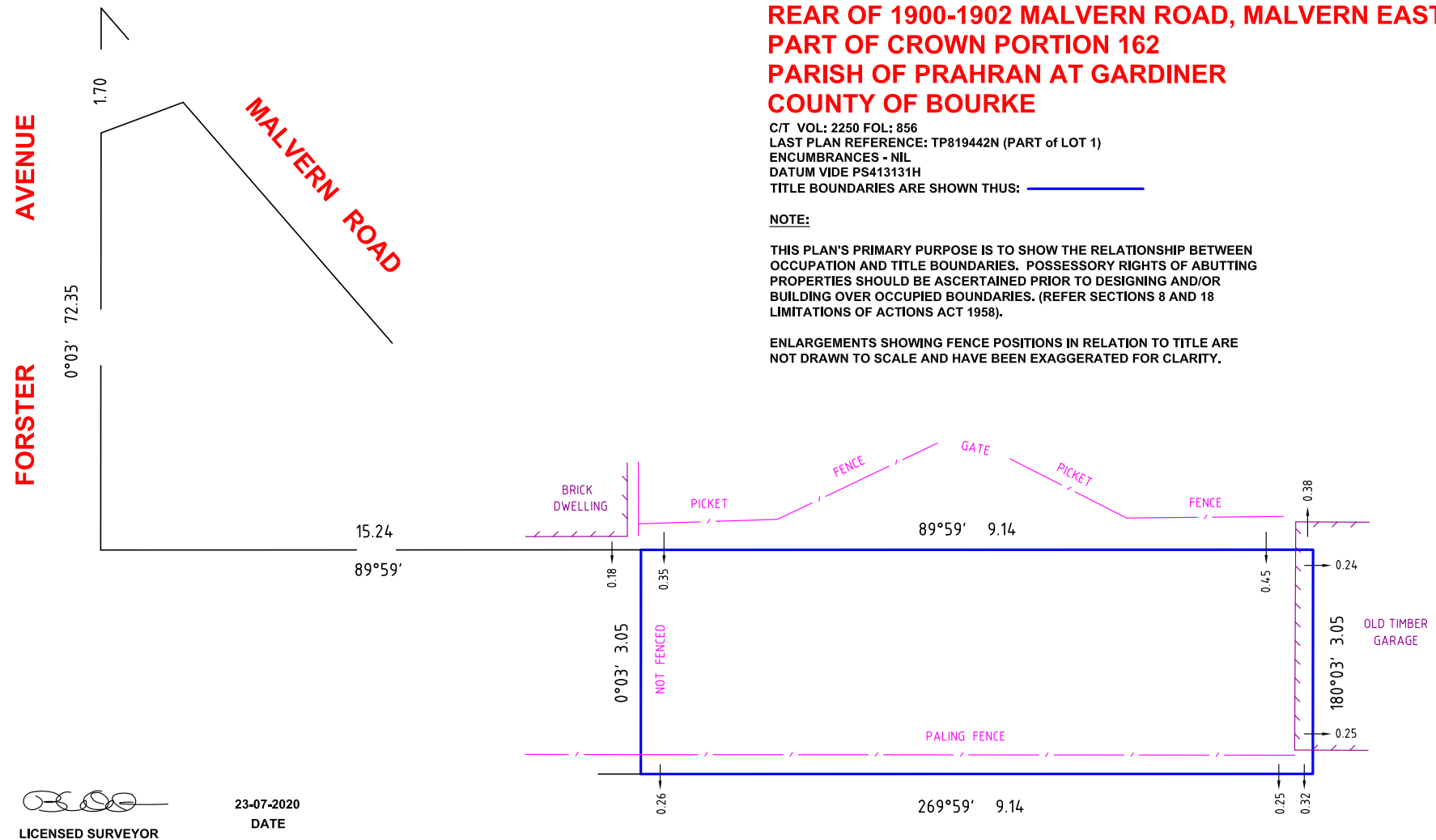
Maddocks



[8067486: 26797481_1]



TITLE PLAN				EDITION 1	TP969113T	
Location of Land County : BOURKE Parish : PARISH OF PRAHRAN AT GARDINER Township : Section : Crown Allotment : Crown Portion : 162 (PART) Last Plan Reference : LP2915 Derived from : Depth Limitation : NIL				Notations WARNING : This plan represents an expected division of land. The lot in the diagram below may not have been created. Check the Lot/Plan index for current information		
Easement Information					THIS PLAN HAS BEEN PREPARED FOR LAND REGISTRY TITLE DIAGRAM PURPOSES Checked by..... Date / / Assistant Registrar of Titles	
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefitted/In Favour Of		
E-1	As provided for in Sec. 207C LGA	3.05	Sec. 207C LGA	City of Stonnington		
E-1	Sewerage	3.05	This plan	Yarra Valley Water		
<p>The diagram shows a survey plot. To the west is Forster Avenue. To the north is Malvern Road. The plot's north-south boundary is 72.35m, and its west-east boundary is 15.24m. A rectangular easement area is shown to the east, with a width of 9.14m and a height of 3.05m. The total area of the plot is 28m². A north arrow is located to the right of the plot, pointing upwards and slightly to the right, with the text 'APPROX. TRUE NORTH'.</p>						
<p>1 0 1 2 3 4 LENGTHS ARE IN METRES</p>		SCALE 1: 100	ORIGINAL SHEET SIZE: A3	FILE NO :		
<p>BRIAN WATSON SURVEYING P/L Office Address: 454 Waverley Road, EAST MALVERN, 3145 Mailing Address: PO Box 113, CARNEGIE, 3163 Phone: 9572 3122 Fax: 9572 3144 Email: admin@brianwatsonsurveying.com.au ABN: 51 618 637 522</p>			SURVEYORS FILE REF: 9197 BRIAN WATSON VERSION 1		DEALING CODE : LGA	Sheet 1 of 1



REF: 9197


ORIGINAL A3 SCALE 1:50



BRIAN WATSON SURVEYING P/L

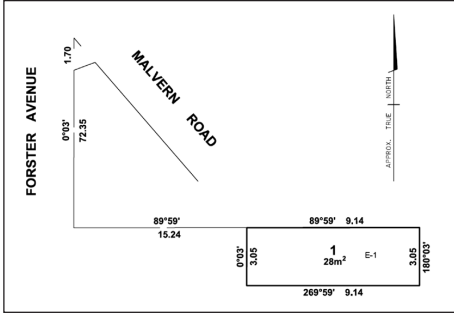
Office Address: 454 Waverley Road, EAST MALVERN, 3145
 Mailing Address: PO Box 113, CARNEGIE, 3163
 Phone: 9572 3122 Fax: 9572 3144
 Email: admin@brianwatsonsurveying.com.au ABN: 51 618 637 522

DocuSign Envelope ID: A7698398-63F5-47A0-938F-0DEF24B8F7BA


 City of
STONNINGTON

**STONNINGTON CITY COUNCIL
NOTICE OF INTENTION TO DISCONTINUE ROAD AND SELL LAND
PUBLIC NOTICE INVITING SUBMISSIONS UNDER SECTION 223**

Stonnington City Council (**Council**), acting under clause 3 of Schedule 10 to the *Local Government Act 1989 (Act)*, proposes to discontinue part of the road abutting 1900-1902 Malvern Road, Malvern, being part of land contained in certificate of title volume 2250 folio 856 and shown marked as lot 1 on the plan below (**Road**), and sell the land comprising the Road to the adjoining owner for market value.



In accordance with section 223 of the Act, any person wishing to make a submission on the proposal must do so in writing by **Wednesday 18 May 2022**. Please note that any submissions received may be made available on the public record. Submissions should be sent to:

Mr Greg Phippen
Stonnington City Council
P O Box 58
MALVERN VIC 3144

Written submissions will be considered in accordance with section 223 of the Act.

Any person requesting to be heard in support of his or her submission is entitled to be heard before Council (or a Committee established by Council for this purpose) or be represented by a person acting on his or her behalf and will be notified of the time and date of the hearing.

Following consideration of submissions, Council may resolve:

1. not to discontinue the Road; or
2. to discontinue the Road and sell the former Road to the adjoining owners.

Further information regarding the proposal may be obtained from Council's Property Coordinator, Greg Phippen on (03) 8290 1635.

Jacqui Weatherill
Chief Executive Officer
Stonnington City Council

MV1651

MV1651
18x3_96
Herald Sun

DocuSigned by:



12-04-2022 15:04 PM AEST

Joe Kozlowski

From: easyaccess@yvw.com.au
Sent: Tuesday, 17 March 2020 4:02 PM
To: Rachel Grant
Subject: Re: Stonnington City Council - Proposed discontinuance of road adjoining 1900-1902 Malvern Road, Malvern East [MADDOCKS-M.FID3731338]

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Settlements

Dear Rachel,

Thank you for your email.

As Yarra Valley Water has a sewer main running through this section of road, Yarra Valley Water would require a Section 22 referral with the proposed updated Plan of Subdivision to show an easement marked in favour of Yarra Valley Water covering the asset.

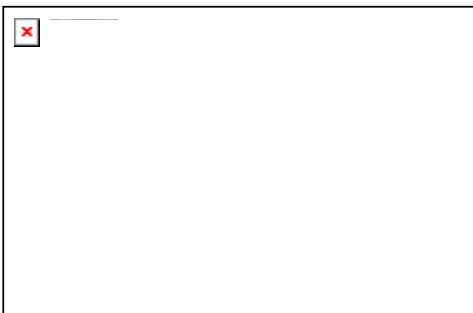
Once the referral has been received, Yarra Valley Water will be able to provide formal comment on the proposed consolidation/discontinuance of road.

If you have any additional questions or concerns please contact us on 1300 651 511

Kind regards

Katrina

Land Development Team
Development Services
Lucknow St, Mitcham, Victoria 3132
T: +1300 651 511
E: easyACCESS@yvw.com.au



On 17/03/2020 3:20 PM, Rachel Grant wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir/Madam,

Please see attached.

Kind regards,

Rachel Grant | Lawyer
Property
Direct +61 3 9258 3368
rachel.grant@maddocks.com.au



Collins Square | Tower Two, Level 25,
727 Collins Street, Melbourne VIC 3008
maddocks.com.au

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Melbourne - Tel: (61 3) 9258 3555 Fax: (61 3) 9258 3666
Sydney - Tel: (61 2) 9291 6100 Fax: (61 2) 9221 0872

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City of Stonnington

Governance Rules

Date resolved by Council:	19 July 2021
Commencement Date:	20 July 2021
Responsible Directorate:	Chief Executive Officer
Author:	Senior Governance Advisor Executive Manager Legal and Governance

City of Stonnington

Governance Rules

Document History

Version	Date	Author	Comments
1	4-18 August 2020	Civic Support Officer	Draft rules for community feedback
2	31 August 2020	Civic Support Officer	Adopted by Council
3	19 July 2021	Senior Governance Advisor	Adopted by Council

Document Authorisation

City of Stonnington	
Manager	David Taylor – Executive Manager, Governance & Integrity David Thompson – Executive Manager Legal and Governance
Signed	
Date	

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COMMITMENT

The Council seeks to apply good governance in order to:

- engage our community in decision making;
- achieve the best outcomes for the Stonnington community, including future generations;
- ensure transparency of Council decisions, actions and information;
- ensure the ongoing financial viability of the Council;
- improve our performance; and
- spend public monies wisely.

INTRODUCTION**1. Purpose**

These Governance Rules determine the way in which the Council will:

- make decisions:
 - in the best interests of the Stonnington community;
 - fairly and on the merits of the matter before the Council; and
 - in a way that ensures any person whose rights will be directly affected by any or all decisions, will be entitled to communicate their views and have their interests considered;
- elect its Mayor and Deputy Mayor;
- conduct meetings of the Council and Delegated Committees;
- give notice and make records of meetings;
- be informed in its decision making through community engagement and Council officer reports; and
- require the disclosure of all Councillor and management conflicts of interest.

These Governance Rules also include the Election Period Policy

2. Principles

The Council must, in the performance of its role, give effect to the overarching governance principles outlined in the Local Government Act 2020.

These principles are:

- (a) council decisions are to be made and actions taken in accordance with the relevant Act;
- (b) priority is to be given to achieving the best outcomes for the community, including future generations;
- (c) promote the economic, social and environmental sustainability of the municipality, including mitigation and planning for climate change risks;
- (d) the community is to be engaged in strategic planning and strategic decision making;
- (e) pursue innovation and continuous improvement;
- (f) collaborate with other councils, governments and statutory bodies;
- (g) ensure the ongoing financial viability of the Council;
- (h) consider regional, state and national plans and policies in strategic planning and decision making; and
- (i) maintain the transparency of Council decisions, actions and information.

To successfully implement the overarching governance principles, ~~the~~ Council must take into account the following:

- (a) community engagement;
- (b) public transparency;
- (c) strategic planning;
- (d) financial management; and
- (e) service performance.

3. Nature of Rules

These are the Governance Rules of the Stonnington City Council, made in accordance with section 60 of the Local Government Act 2020.

4. Date of Commencement

These Governance Rules commence on ~~4 September 2020~~ 2 September 2022.

5. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Disclosure of Conflicts Of Interest
Chapter 6	Miscellaneous
Chapter 7	Election Period Policy

6. Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

Act means the *Local Government Act 2020*.

agenda means the notice of a meeting setting out the business to be transacted at the meeting and includes a revised agenda.

attend, attending and in attendance include attend, attending or in attendance by electronic means.

authorised officer means a member of Council staff who is authorised by Council to carry out specific functions in relation to these Rules.

Chair means the Chair of a meeting and includes an acting, a temporary and a substitute Chair

Chief Executive Officer includes an Acting Chief Executive Officer.

Community Asset Committee means a Community Asset Committee established under section 65 of the Act.

Council means Stonnington City Council.

Council meeting has the same meaning as in the Act.

Delegated Committee means a Delegated Committee established under section 63 of the Act.

General Business means business of a minor or routine nature.

majority of the votes means the votes cast by a majority of the Councillors or members of the *Delegated Committee* present at the time the vote is taken.

Mayor means the Mayor of *Council*.

minute book means the collective record of the proceedings of the *Council*.

municipal district means the municipal district of the *Council*.

notice of motion means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting

notice of rescission means a notice of motion to rescind a resolution made by the *Council*.

these Rules means these Governance Rules.

Repetitious motion means:

- a) a motion moved that is to the same effect, even if it is in a different form, as a motion (with or without amendment) that has been rejected by the *Council* at the same meeting; or
- b) a motion that substantially covers the same ground as a motion or amendment already dealt with by the *Council* at the same meeting.

Urgent Business means a matter that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred until the next *Council* meeting or *Delegated Committee* meeting

visitor means any person (other than a Councillor, member of a *Delegated Committee*, or member of the *Council* staff) who is in attendance at a *Council* meeting or *Delegated Committee* meeting.

written includes duplicated, lithographed, photocopied, printed and typed.

CHAPTER 1 – GOVERNANCE FRAMEWORK**1. Context**

These Rules should be read in the context of and in conjunction with:

- (a) the overarching governance principles specified in section 9(2) of the Act; and
- (b) the following documents adopted or approved by the Council:
 - (i) Audit and Risk Committee Charter
 - (ii) Community Engagement Policy
 - (iii) Complaints Policy
 - (iv) Councillor Code of Conduct
 - (v) Councillor Expense Policy
 - (vi) Councillor Gift Policy
 - (vii) Public Transparency Policy
 - (viii) Mutual Respect Charter

Guidance and overview notes within these Rules are intended to be explanatory and included for guidance and do not form part of these Rules. These Rules will be monitored and updated to reflect changes to legislation or to assist interpretation and understanding.

2. Decision Making

- (a) In any matter in which a decision must be made by the Council (including persons acting with the delegated authority of the Council), the Council must consider the matter and make a decision:
 - (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
 - (ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- (b) The Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered).
- (c) Without limiting anything in paragraph (b) of this sub-Rule:
 - (i) before making a decision that will directly affect the rights of a person, the Council (including any person acting with the delegated authority of the Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which the Council must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
 - (ii) if a report to be considered at a Council meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
 - (iii) if a report to be considered at a Delegated Committee meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and

- (iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

CHAPTER 2 – MEETING PROCEDURE FOR COUNCIL MEETINGS**Part A – Introduction****1. Title**

This Chapter will be known as the "Meeting Procedure Chapter".

2. Purpose of this Chapter

The purpose of this Chapter is to:

- 2.1 provide for the election of the Mayor and any Deputy Mayor;
- 2.2 provide for the appointment of any Acting Mayor; and
- 2.3 provide for the procedures governing the conduct of Council meetings.

3. Definitions and Notes

- 3.1 In this Chapter unless the context suggests otherwise the definitions of words are to be taken to be the same as those outlined in Item 6 ('Definitions') of these Rules.

"agenda" means the notice of a meeting setting out the business to be transacted at the meeting;

"Chair" means the Chairperson of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the Act;

"municipal district" means the municipal district of the City of Stonnington;

"notice of motion" means a notice setting out the text of a motion, which is proposed to be moved at the next relevant meeting;

"notice of rescission" means a notice of motion to rescind a resolution made by the Council; and

- 3.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.

Part B – Election of Mayor

Introduction: This Part is concerned with the annual election of the Mayor. It describes how the Mayor is to be elected.

4. Election of the Mayor

The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.

5. Method of Voting

The election of the Mayor must be carried out by a show of hands or such other visual or audible means as the Chief Executive Officer determines.

6. Determining the Election of the Mayor

6.1 The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and invite nominations for the office of Mayor.

6.2 The process for the election of the Mayor is as follows:

6.2.1 the Chief Executive Officer must invite nominations for the office of the Mayor; and

6.2.2 the nomination must be seconded by another Councillor.

6.3 Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor:

Single Nomination

6.3.1 if there is only one nomination, the candidate nominated must be declared to be duly elected.;

Multiple Nominations and Candidates Elected On First Vote

6.3.2 if there is more than one nomination, the Chief Executive Officer, will invite the candidates to speak for 3 minutes in support of their nomination;

6.3.3 if there is more than one nomination, the Councillors present in attendance at the meeting must vote for one of the candidates;

6.3.4 in the event of a candidate receiving the votes of an absolute majority of ~~the votes~~ Councillors, that candidate is declared to have been elected.;

Three or More Nominations and No Candidate Obtaining Absolute Majority on First Vote

~~6.3.5 in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;~~

6.3.5 in the event that there are three or more candidates, no candidate receives the votes of an absolute majority of Councillors; and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors in attendance at the meeting will then vote for one of the remaining candidates.

- 6.3.6 if one of the remaining candidates receives the votes of an absolute majority of the votes of Councillors, that candidate is ~~they are~~ duly elected. If none of the remaining candidates receives the votes of an absolute majority of ~~the votes~~ Councillors and it is not resolved to conduct a new election at a later day and time, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives the votes of an absolute majority of ~~the votes~~ Councillors. That candidate must then be declared to have been duly elected;.

6.3.7 ~~for the purposes of sub-Rules 6.3.5 and 6.3.6 if no candidate can be determined to have the fewest number of votes due to in the event of two or more candidates having an equality of votes then the candidate who is to be declared a defeated candidate will be determined by lot, and one of them having to be declared:~~

~~(a) — a defeated candidate; and~~

~~(b) — duly elected~~

~~the declaration will be determined by lot;~~

6.3.8 if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:

(a) each candidate who has an equal number of votes with another candidate or candidates will draw one lot;

(b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and

(c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates until one of those candidates receives the votes of an absolute majority of Councillors, unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

Two Nominations or Two Remaining Candidates and No Candidate Obtaining an Absolute Majority On First Vote

6.3.9 in the event of two candidates being nominated or remaining, and neither candidate receiving the votes of an absolute majority of Councillors, the Councillors in attendance at the meeting will consider whether to resolve to conduct a new election at a later date and time.

6.3.10 if it is resolved to conduct a new election at a later date and time a new election will take place at the date, time and location resolved upon. In that event the provision of this Rule 6 will continue to govern the election of the Mayor, and ultimately any candidate whose nomination is the sole nomination or any candidate who receives the votes of an absolute majority of Councillors will be duly elected; and

6.3.11 if it is not resolved to conduct a new election at a later date and time Councillors must continue to vote until one of the candidates receives the votes of an absolute majority of Councillors, at which point that candidate will be duly elected. If, after two or more further votes are taken and neither candidate receives the votes of an absolute majority of Councillors, the provisions of sub-Rule 6.3.9, sub-Rule 6.3.10 and this sub-Rule 6.3.11 must again be followed.

~~6.3.10-6.4~~ After the election of the Mayor is determined, the Mayor must take the chair, and preside over the meeting pursuant to the Governance Rules.

7. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

- 7.1 any office of Deputy Mayor; or
- 7.2 Chair of a Delegated Committee

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:

- 7.3 Chief Executive Officer is a reference to the Mayor; and
- 7.4 Mayor is a reference to the Deputy Mayor or the Chair of the Delegated Committee (as the case may be).

8. Appointment of Acting Mayor

If the Council has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:

- 8.1 appointing the immediate past mayor; or
- 8.2 resolving that a specified Councillor be so appointed; or
- 8.3 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter,
at its discretion.

Part C – Meetings Procedure

Introduction: This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, and when and how business may be transacted at a meeting.

Division 1 – Notice of Meetings and Delivery of Business Papers

9. Dates and Times of Meetings Fixed by ~~the~~ Council

Subject to Rule ~~1144~~, ~~the~~ Council must from time to time fix the date, time and place of all Council meetings.

10. Council May Alter Meeting Dates

10.1 ~~The~~ Council may change the date, time and place of any Council meeting which has been fixed by it and must provide reasonable notice of the change to the public.

10.2 The Chief Executive Officer shall consult with the Mayor, before changing the date, time and place of any meeting which has been fixed.

11. Meetings Not Fixed by ~~the~~ Council (Unscheduled or Special Meetings)

11.1 The Mayor or at least 3 Councillors may by a written notice call a Council meeting.

11.2 The notice must specify the date and time of the Council meeting and the business to be transacted.

11.3 The Chief Executive Officer must convene the Council meeting as specified in the notice.

11.4 Unless all Councillors are present in attendance and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the Council meeting.

12. Notice of Meeting

12.1 A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered (whether personally, email or otherwise) or made available electronically to every Councillor for all Council meetings at least 48 hours before the meeting.

12.2 Notwithstanding sub-Rule ~~12.142-4~~, a notice of meeting need not be made available to any Councillor who has been granted leave of absence unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting during the period of their absence.

12.3 Reasonable notice of each Council meeting must be provided to the public. ~~The~~ Council may do this:

12.3.1 for meetings which it has fixed by preparing a schedule of meetings annually or from time to time, and arranging publication of such schedule in a newspaper generally circulating in the municipal district or on the Council website at various times throughout the year, or prior to each such Council meeting; and

12.3.2 for any meeting by giving notice on its website and in each of its Customer Service Centres and Council Libraries

Division 2 – Quorums

The quorum for ~~Council meetings or Special~~ Council meetings is the presence of a majority of the Councillors.

13. Inability to Obtain a Quorum

If after 30 minutes from the scheduled starting time of any Council meeting, a quorum cannot be obtained,

- 13.1 the meeting will be deemed to have lapsed;
- 13.2 the Mayor must convene another Council meeting, the agenda for which will be identical to the agenda for the lapsed meeting; and
- 13.3 the Chief Executive Officer must give all Councillors notice of the meeting convened by the Mayor.

14. Inability to Maintain a Quorum

- 14.1 If during any Council meeting, a quorum cannot be maintained then Rule 13 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 14.2 Sub-Rule 14.4.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

14.3 If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by the majority of Councillors, the Council must consider whether the decision can be made by dealing with the matter in an alternative manner as provided for by section 67 of the Act.

14.4 Subject to complying with any requirements under any other Act if a Council is unable to use an alternative manner, the Council may decide to establish a Delegated Committee to make the decision in regard to the matter consisting of:

- (a) All the Councillors who have not disclosed a conflict of interest in regard to the matter;
- (b) Any other person or persons that the Council considers suitable.

15. Adjourned Meetings

- 15.1 ~~The~~ Council may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.
- 15.2 The Chief Executive Officer must give notice to all Councillors and members of the public, of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 15.3 If it is impracticable for the notice given under sub-Rule ~~15.24.2~~ to be in writing, the Chief Executive Officer must give notice to each Councillor by telephone or in person.

16. Time limits for Meetings

- 16.1 A Council meeting must not continue after 11.00pm unless a majority of Councillors present who are in attendance vote in favour of it continuing.
- 16.2 A meeting cannot be continued for more than 30 minutes (or a further 30 minutes, if a majority of Councillors has already voted to continue it for 30 minutes).

- 16.3 If a matter before the meeting has not concluded by the time the 30 minute time extension has expired, the matter before the meeting may continue until such time as the matter has been resolved. No further matters may be considered after the conclusion of the matter before the meeting.
- 16.4 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the Chair immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules [15.245-2](#) and [15.3](#) apply.

17. Cancellation or Postponement of a Meeting

- 17.1 The Chief Executive Officer may, in the case of an emergency necessitating the cancellation or postponement of a Council meeting, cancel or postpone a Council meeting.
- 17.2 The Chief Executive Officer, after consulting the Mayor or Chair of a Delegated Committee, may cancel a meeting if there is no business to be transacted.
- 17.3 The Chief Executive Officer must present to the immediately following Council meeting a written report on any exercise of the power conferred by sub-Rule [17.147.4](#).

Division 3 – Business of Meetings**18. Agenda and the Order Of Business**

The agenda for and the order of business for a Council meeting is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government. In setting the order of business the Chief Executive Officer should have regard to:

- 18.1 the expected duration of the meeting;
- 18.2 potential implications for subsequent meetings or events
- 18.3 the sensitivity of any particular item;
- 18.4 the anticipated community interest in any particular item;
- 18.5 where practicable, feedback from the Mayor;
- 18.6 the urgency of any particular item; and
- 18.7 any other relevant factor which may impact on the processes and good governance of the Council.
- 18.8 The order of business of any Council meeting, must be as follows
 - 18.8.1 Reading of the Statement of Reconciliation ~~Statement~~
 - (a) The Chair will read the Statement of Reconciliation ~~Statement~~
 - 18.8.2 Reading of Statement of Commitment
 - (a) The Chair will read the Statement of Commitment
 - 18.8.3 Introductions of Councillors and Executive Staff
 - (a) The Chair will introduce the Councillors and the Chief Executive Officer present at the meeting.
 - (b) The Chief Executive Officer will introduce the Council Officers present at the meeting
 - 18.8.4 Apologies
 - 18.8.5 Confirmation of the Minutes of the Previous Meeting
 - 18.8.6 Disclosure of any Conflicts of Interest
 - ~~(a) In accordance with the Local Government Act 2020 – Division 2- Conflict of Interest~~
 - 18.8.7 Questions From the Community ~~—refer Section 54~~
 - 18.8.8 Business
 - 18.8.9 Correspondence
 - 18.8.10 Tabling of Petitions and Joint Letters ~~—refer Section 55~~
 - 18.8.11 Notices of Motion ~~—refer Section 23~~
 - 18.8.12 Reports by Councillors ~~—refer Chapter 6~~

18.8.13 Questions to Council Officers

18.8.14 Urgent Business- ~~refer Section 20~~

18.8.15 General Business

18.8.16 Confidential Business

~~(a) In accordance with the Local Government Act 2020 Section 66~~

19. Change to Order of Business

Once an agenda has been made available to Councillors, the order of business for that Council meeting may be altered:

19.1 prior to the meeting by the Chief Executive Officer by issuing a revised agenda in accordance with Rule ~~18+8~~; or

19.2 by resolution, or with the consent of ~~the~~ Council at the meeting.

20. Urgent Business

A Councillor proposing an item of Urgent Business, must, without speaking to it, ~~shortly~~briefly state its nature and intent. Business cannot be admitted as urgent business other than by resolution of Council and only then if it:

20.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and

20.2 cannot safely or conveniently be deferred until the next Council meeting.

21. General Business

21.1 When dealing with General Business on the Agenda, a Councillor may make a statement on an issue of concern to the City or to a Ward, ~~but, Only business of a minor or routine nature should be admitted as general business and~~ there shall be no debate or resolution arising from that statement.

21.2 A Councillor must not speak longer than 2 minutes, unless granted an extension by the Chair.

Division 4 – Motions and Debate**22. Councillors May Propose Notices of Motion**

Councillors may ensure that an issue is listed on an agenda by lodging a Notice of Motion [in accordance with Rule 23](#).

23. Notice of Motion

23.1 A Notice of Motion must be in writing signed by three Councillors, and be lodged with the Chief Executive Officer [\(whether personally, email or otherwise\)](#) ~~to allow sufficient time for them to include the Notice of Motion in agenda papers for a Council meeting and to give each Councillor at least 48 hours' notice of such Notice of Motion by 12 noon on a business day not less than five days prior to the next Council meeting at which the notice or motion may be considered. If a notice of motion is received after that time it must, unless withdrawn, be included in the agenda for the following Council meeting.~~

23.2 A Notice of Motion may be withdrawn by a request [in writing received \(whether personally, email or otherwise\)](#) from the three Councillors who signed the motion, prior to the publication of the agenda for which the Notice of Motion was intended. Otherwise, the item must be dealt with at a Council meeting.

~~23.3~~ [The Chief Executive Officer must make reasonable attempts to give Councillors notice of any notice of motion no less than 48 hours before the Council meeting at which the notice of motion is to be considered.](#)

~~23.3~~[23.4](#) The Chief Executive Officer may reject any Notice of Motion which:

~~23.3.1~~[23.4.1](#) is [potentially](#) defamatory

~~23.3.2~~[23.4.2](#) is objectionable in language or nature

~~23.3.3~~[23.4.3](#) is vague or unclear in intention

~~23.3.4~~[23.4.4](#) is [outside the powers of beyond the](#) Council's ~~power to pass~~; or

~~23.3.5~~[23.4.5](#) if passed would result in [the](#) Council otherwise acting invalidly

~~23.4~~[23.5](#) If a Notice of Motion is rejected under sub-Rule ~~23.4.23.4~~[23.5.1](#), the Chief Executive Officer must:

~~23.4.1~~[23.5.1](#) give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and

~~23.4.2~~[23.5.2](#) notify in writing the Councillor who lodged it of the rejection and the reasons for the rejection.

~~23.5~~[23.6](#) The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the agenda.

~~23.6~~[23.7](#) The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.

~~23.7~~[23.8](#) Except by leave of [the](#) Council, each Notice of Motion before any meeting must be considered in the order in which they were submitted.

~~23.8~~[23.9](#) If a Councillor who has given a Notice of Motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor may move the motion.

23.10 If a Notice of Motion is not moved at the Council meeting in accordance with sub-Rule 23.9, the Notice of Motion shall be deemed to have lapsed for want of a mover at which it is listed, it lapses.

23.11 The Chief Executive Officer may provide a report to the Council detailing the implications for the Council and the community in respect of any Notice of Motion which has been submitted for inclusion on the agenda paper.

24. Chair's Duty

Any motion [or amendment](#) which is determined by the Chair to be:

24.1 [potentially](#) defamatory;

24.2 objectionable in language or nature;

24.3 vague or unclear in intention;

[24.4](#) outside the powers of ~~the~~ Council; or

~~24.4~~[24.5](#) [if passed would result in the Council otherwise acting invalidly; or](#)

~~24.5~~[24.6](#) irrelevant to the item of business on the agenda and has not been admitted as [General Business](#) or ~~U~~[U](#)rgent [Business](#), or purports to be an amendment but is not,

~~must not be accepted by the Chair.~~

~~must not be accepted by the Chair.~~

25. Introducing a Report

25.1 Before a written report is considered by Council and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than 2 minutes:

25.1.1 its background; or

25.1.2 the reasons for any recommendation which appears.

25.2 Unless Council resolves otherwise, a member of Council staff need not read any written report to Council in full.

26. Introducing a Motion or an Amendment

The procedure for moving any motion or amendment is:

26.1 the mover must state the motion without speaking to it;

26.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;

26.3 if a motion or an amendment is moved and seconded, the Chair must ask the mover to speak to the motion;

26.4 after the mover has addressed the meeting, the seconder may address the meeting [\(the seconder may reserve their right to speak until later in the debate\);](#)

~~26.5~~ after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, ~~providing~~

~~26.6~~[26.5](#) [an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;](#) and

~~26.7~~[26.6](#) if, after the mover has addressed the meeting, the Chair has invited debate and no Councillor speaks to the motion, then the Chair must put the motion to the vote.

~~26.8~~26.7 no discussion on the item being considered may take place until such time as a motion is before the Chair. Questions of clarification may be asked of the Chair or members of Council staff present at the meeting.

27. Right of Reply

- 27.1 The mover of a motion, including an amendment once debate has been exhausted, has a right of reply to matters raised during debate. The mover of the motion cannot introduce new matters when exercising the right of reply.
- 27.2 After the right of reply has been taken but subject to any Councillor exercising their right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

28. Moving an Amendment

- 28.1 Subject to sub-Rule ~~28.2~~28.2 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 28.2 A motion to confirm a previous resolution of Council cannot be amended.
- 28.3 An amendment must not be directly opposite to the motion.

29. Who May Propose an Amendment

- 29.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 29.2 No Councillor can move more than two amendments in succession.
- 29.3 Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.
- 29.4 Debate on an amendment must be restricted to the terms of the amendment.

30. How Many Amendments May be Proposed

- 30.1 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time.
- 30.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

31. An Amendment Once Carried

- 31.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.
- 31.2 The mover of the original motion retains the right of reply to that motion.

32. Foreshadowing Motions

- 32.1 At any time during debate a Councillor may foreshadow a motion so as to inform the Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 32.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.

- 32.3 A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- 32.4 The Chief Executive Officer or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- 32.5 The Chair is not obliged to accept foreshadowed motions.

33. Withdrawal of Motions

- 33.1 Before any motion or amendment is put to the vote, it may be withdrawn by the mover and seconder with the leave of the Council.
- 33.2 If the majority of Councillors object to the withdrawal of the motion or amendment, it may not be withdrawn.

34. Separation of Motions

Where a motion contains more than one part, a Councillor may request the Chair to put the motion to the vote in separate parts.

35. Chair May Separate Motions

The Chair may decide to put any motion to the vote in several parts.

36. Priority of address

In the case of competition for the right ~~of~~to speak, the Chair must decide the order in which the Councillors concerned will be heard.

37. Motions in Writing

- 37.1 All motions, except procedural motions, should be in writing.
- 37.2 The Chair may adjourn the meeting while the motion is being written or the Council may defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

38. Repeating Motion and/or Amendment

The Chair may request a Council Officer to read the motion or amendment to the meeting before the vote is taken.

39. Debate Must be Relevant to the Motion

- 39.1 Debate must always be relevant to the motion or question before the Chair, and, if not, the Chair must request the speaker to confine debate to the motion or question.
- 39.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may direct the speaker to not speak further in respect of the motion then before the Chair.
- 39.3 A speaker to whom a direction has been given under sub-Rule ~~39.2~~39.2 must comply with that direction.

40. Speaking Time Limits

- 40.1 A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:
 - 40.1.1 the mover of a motion or an amendment which has been opposed: 5 minutes;

40.1.2 any other Councillor: 3 minutes; and

40.1.3 the mover of a motion exercising a right of reply: 2 minutes.

40.2 Only one extension is permitted for each speaker.

40.3 A motion to extend the speaking time cannot be moved:

40.3.1 until the original speaking time has expired; and

40.3.2 if another speaker has already commenced their contribution to the debate;

and must be seconded.

40.4 Any extended speaking time must not exceed 1 minute.

40.5 All speakers must be timed, and a warning signal sound when 30 seconds of the allocated time is remaining.

40.6 In relation to Public Submissions under the Community Engagement Policy and for all other purposes where otherwise not specified in the Rules a 3 minute time limit will apply.

41. Addressing the Meeting

If the Chair so determines:

41.1 any person addressing the Chair must refer to the Chair as Mayor or Chair, as the case may be;

41.2 all Councillors, other than the Mayor, must be addressed as

Councillor(family name)

41.3 all members of Council staff, must be addressed by the appropriate title

.....(family name) as appropriate or by their official position title.

42. Right to Ask Questions

42.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.

42.2 The Chair has the right to limit questions and direct that debate be commenced or resumed.

43. Questions From Councillors to Council Officers

43.1 An opportunity will be provided at each Council meeting for Councillors to direct questions to Council Officers on any matter relevant to a particular directorate.

43.2 A time limit of 3 minutes will apply to each Councillor.

Division 5 – Procedural Motions**~~43.44.~~ Procedural Motions**

~~43.144.1~~ Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.

~~44.2~~ Procedural motions require a seconder.

~~44.3~~ Procedural motions may only be moved and seconded by Councillors as specified in the Procedural Motions Table.

~~43.244.4~~ Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the Procedural Motions Table.~~following table:~~

PROCEDURAL MOTIONS TABLE

Procedural Motions Table

Procedural Motion	Form	Mover & Seconded	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm _and/or *date	Any Councillor	<u>Any matter</u>	(a) During the election of a Chair; (b) When another Councillor is speaking	Motion and amendment <u>amendments</u> postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor	<u>Any matter except:</u> <u>(a) election of a Chair</u>	(a) During the election of a Chair; (b) When another Councillor is speaking; or (c) When the motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
3. The closure	That the motion be _now put	Any Councillor who _has not moved or seconded <u>spoken to the original motion or otherwise spoken to the original motion any amendment of it</u>	<u>Any matter</u>	During nominations for Chair	Motion <u>The Chair must call on the mover of the original motion or amendment of it</u> in respect of which the closure <u>motion</u> is carried is to reply to the debate on the original motion or amendment and then immediately <u>put the original motion or amendment to the vote immediately without debate of this motion, subject to any Councillor exercising</u>	Debate continues unaffected	No

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their right to ask any question concerning or arising out of the motion. No further debate on, or amendment to the original motion or amendment is permitted

<u>Procedural Motion</u>	<u>Form</u>	<u>Mover & Seconder</u>	<u>Matter in Respect of Which Motion May be Moved</u>	<u>When Motion Prohibited</u>	<u>Effect if Carried</u>	<u>Effect if Lost</u>	<u>Debate Permitted on Motion</u>
<u>4. Laying a question on the table</u>	<u>That the question lie on the table</u>	<u>A Councillor who has not spoken to the motion or amendment of it</u>	<u>Any matter</u>	<u>(a) During the election of a Chair</u>	<u>Motion and amendments not further discussed or voted on until:</u> <u>(a) Council resolves to take the question from the table at the same meeting;</u> <u>(b) The matter is placed on an agenda and Council resolves to take the question from the table</u>	<u>Debate continues unaffected</u>	<u>No</u>
<u>5. Previous question</u>	<u>That the question be not now put</u>	<u>A Councillor who has not spoken to the motion or any amendment of it</u>	<u>Any matter except:</u> <u>(a) election of a Chair;</u>	<u>(a) During the election of a Chair;</u> <u>(b) When another Councillor is speaking;</u> <u>(c) When an amendment is before Council</u>	<u>(a) No vote or further discussion on the motion until it is placed on an agenda for a later meeting;</u> <u>(b) Proceed to next business</u>	<u>Motion (as amended up to that time) put immediately without further amendment or debate</u>	<u>Yes</u>

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<u>Procedural Motion</u>	<u>Form</u>	<u>Mover & Second</u>	<u>Matter in Respect of Which Motion May be Moved</u>	<u>When Motion Prohibited</u>	<u>Effect if Carried</u>	<u>Effect if Lost</u>	<u>Debate Permitted on Motion</u>
<u>6. Proceeding to next business</u>	<u>That the meeting proceed to the next Business: Note this Motion (a) May not be amended (b) May not be debated (c) Must be put to the vote as soon as Seconded</u>	<u>A Councillor who has not spoken to the motion or any amendment of it</u>	<u>Any matter except: (a) Election of Chair</u>	<u>(a) During the election of a Chair (b) When another Councillor is speaking</u>	<u>If carried in respect of: (a) An amendment – Council considers the motion without reference to the amendment: (b) A motion – no vote or further discussion on the motion until it is placed on an agenda for a later meeting</u>	<u>Debate continues unaffected</u>	<u>No</u>
<u>7. Repetitious motion</u>	<u>The motion is a repetitious motion</u>	<u>A Councillor who has not spoken to the motion or any amendment of it</u>	<u>Any matter except: (a) Election of a Chair</u>	<u>(a) During the election of a Chair (b) When another Councillor is speaking</u>	<u>(a) No vote or further discussion on the motion unless it is placed on an agenda for a latter meeting (b) Proceed to next business</u>	<u>Debate continues unaffected</u>	<u>Yes</u>
<u>8. Dissent from the Chair's ruling</u>	<u>That the Chair's ruling be dissented from</u>	<u>Any Councillor Once moved and seconded, the Chair must leave the Chair and a temporary Chair elected</u>	<u>Any ruling made by the Chair</u>		<u>If carried, the Chair must resume the Chair, reverse his or her previous</u>	<u>If lost, the Chair resumes the Chair and the meeting proceeds</u>	<u>No, other than that the mover and seconder may state the reasons for his or her dissent and the</u>

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		<u>The temporary Chair must invite the mover and seconder to state the reasons for his or her dissent and the Chair may then reply.</u>		<u>The motion must then be put</u>	<u>ruling and proceed.</u> <u>The motion is in no way a motion of censure or non-confidence, and should not be so regarded</u>	<u>Chair may then reply</u>
<u>9. Suspension of standing orders</u>	<u>That standing orders be suspended</u>	<u>Any Councillor</u>	<u>Any matter</u>		<u>1. The formalities of the meeting procedure are temporarily disposed of</u> <u>2. No motion can be accepted by the Chair or lawfully be dealt until standing orders are resumed</u>	<u>Yes</u> <u>The formalities of the meeting procedure remain in place</u>

<u>Procedural Motion</u>	<u>Form</u>	<u>Mover & Secunder</u>	<u>Matter in Respect of Which Motion May be Moved</u>	<u>When Motion Prohibited</u>	<u>Effect in Carried</u>	<u>Effect if Lost</u>	<u>Debate Permitted on Motion</u>
<u>10. Resumption of standing orders</u> _____ _____ _____ _____ _____ _____	<u>That standing orders be resumed</u>	<u>Any Councillor</u>	<u>Any matter</u>	<u>When standing orders have not been suspended</u>	<u>The formalities of the meeting procedure are reinstated</u>	<u>1. The formalities of the meeting procedure remain temporarily disposed of.</u> <u>2. No motion can be accepted by the Chair or lawfully be</u>	<u>Yes</u>

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						dealt until standing orders are resumed	
<u>11. Close the meeting to the public</u>	<u>That the meeting be closed to the public in accordance with section 66 of the Act to Consider.... Because....</u>	<u>Any Councillor</u>	<u>Any matter included in the definition of Confidential Information prescribed in section 3 of the Act</u>	<u>When the meeting is already closed to the public</u>	<u>The meeting is closed to the public</u>	<u>The meeting remains open to the public</u>	<u>Yes</u>
<u>12. Reopen the meeting to the public</u>	<u>That the meeting be reopened to the Public</u>	<u>Any Councillor</u>	<u>Any matter</u>	<u>When the meeting is already open to the public</u>	<u>The meeting is opened to the public</u>	<u>The meeting remains closed to the public</u>	<u>Yes</u>

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<u>Procedural Motion</u>	<u>Form</u>	<u>Mover & Second</u>	<u>Matter in Respect of Which Motion May be Moved</u>	<u>When Motion Prohibited</u>	<u>Effect if Carried</u>	<u>Effect if Lost</u>	<u>Debate Permitted on Motion</u>
<u>13. Continuance of Meeting</u>	<u>That the meeting continue to #.##pm</u>	<u>Any Councillor</u>	<u>Any matter</u>		<u>The time limit specified in Rule 16 is to be substituted with the time limit specified in the continuance motion</u>	<u>The meeting stands adjourned to a time, date and place to be then announced by the Chair</u>	<u>No</u>
<u>14. No recording of proceedings</u>	<u>That Council revokes consent for the recording of the Meeting</u>	<u>Any Councillor</u>	<u>A decision to record, or consent to recording of proceedings under Rule 69</u>		<u>Consent to record proceedings is revoked</u>	<u>The meeting continues unaffected</u>	<u>Yes</u>
<u>15. En bloc motions</u>	<u>That the following Items Be moved en bloc as per the Council Officers' recommendation</u>	<u>Any Councillor</u>	<u>Only for matters listed on the agenda under the heading 'Business'</u>	<u>Items relating to planning matters or that involve statutory third party rights</u>	<u>Move to next item of business</u>	<u>The meeting continues unaffected</u>	<u>Yes</u>

Division 6 – Rescission Motions**44-45. Notice of Rescission**

44-45.1 A Councillor may propose a motion to rescind or to vary a previous resolution of the Council by a notice of rescission provided:

45.1.1 the resolution proposed to be rescinded has not been acted on; and

44.1-145.1.2 it has been signed and dated by at least three Councillors;

44.1-245.1.3 the notice of rescission is delivered to the Chief Executive Officer within 24 hours of the resolution having been made setting out -

(a) the resolution to be rescinded; and

(b) the meeting and date when the resolution was carried.

44-245.2 The Chief Executive Officer or an appropriate member of Council staff, may implement a resolution at any time after the close of the meeting at which it was made. A resolution will be deemed to have been acted on if:

44.2-145.2.1 its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or

44.2-245.2.2 a statutory process has been commenced

so as to vest enforceable rights in or obligations on the Council or any other person.

44-345.3 The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:

44.3-145.3.1 has not been acted on; and

44.3-245.3.2 is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-Rule 45.1.3444-1.3,

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

45-46. If Lost

If a notice of rescission is lost, a similar motion may not be put before the Council for at least three months from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future meeting.

46-47. If Not Moved

If a motion for rescission is not moved at the meeting at which it is listed, it lapses and a similar motion may not be put before the Council for at least three months from the date on which it lapsed.

47-48. May be Moved by Any Councillor

A motion for rescission listed on an agenda may be moved by any Councillor present, but may not be amended.

48.49. When Not Required

48.149.1 Unless sub-Rule 49.248.2 applies, a motion for rescission is not required where the Council wishes to change policy.

48.249.2 The following standards apply if the Council wishes to change a policy:

48.2.149.2.1 if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission must be presented to the Council; and

48.2.249.2.2 any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

Division 7 – Points of Order**49-50. Chair to Decide**

The Chair must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.

50-51. Chair May Adjourn to Consider

50-451.1 The Chair may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

50-251.2 All other questions before the meeting are suspended until the point of order is decided.

51-52. Dissent From Chair's Ruling

51-452.1 A Councillor may move that the meeting disagree with the Chair's ruling on a point of order, by moving:

51-252.2 "That the Chair's ruling [setting out that ruling or part of that ruling] be dissented from".

51-352.3 When a motion in accordance with this Rule is moved and seconded, the Chair must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not ~~present~~ in attendance, temporary Chair elected by the meeting) must take their place.

51-452.4 The Deputy Mayor or temporary Chair must invite the mover and seconder to state the reasons for their dissent and the Chair may then reply.

51-552.5 The Deputy Mayor or temporary Chair must put the motion in the following form:

51-652.6 "That the Chair's ruling be dissented from."

51-752.7 If the vote is in the negative, the Chair resumes the Chair and the meeting proceeds.

51-852.8 If the vote is in the affirmative, the Chair must then resume the Chair, reverse or vary (as the case may be) their previous ruling and proceed.

51-952.9 The defeat of the Chair's ruling is in no way a motion of censure or non- confidence in the Chair, and should not be so regarded by the meeting.

52-53. Procedure for Point Of Order

A Councillor raising a point of order must:

52-453.1 state the point of order; and

52-253.2 state any section, Rule, paragraph or provision relevant to the point of order

53.54. Valid Points Of Order

~~53.1.54.1~~ ~~53.1~~ A point of order may be raised in relation to:

~~53.1.1~~ ~~54.1.1~~ a motion, which, under Rule ~~024~~, or a question which, under Rule ~~5455~~, should not be accepted by the Chair;

~~53.1.2~~ ~~54.1.2~~ a question of procedure;

~~53.1.3~~ ~~54.1.3~~ a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;

~~53.1.4~~ ~~54.1.4~~ debate that is irrelevant to the matter under consideration;

~~53.1.5~~ ~~54.1.5~~ constitutes a tedious repetition of something already said;

~~53.1.6~~ ~~54.1.6~~ a matter that is outside the powers of ~~the~~ Council;

~~53.1.7~~ ~~54.1.7~~ is offensive; or

~~53.1.8~~ ~~54.1.8~~ any act of disorder.

~~53.2~~ ~~54.2~~ A point of order may not be raised to express a mere difference of opinion or to contradict a speaker

Division 8 – Questions From the Community**~~54.55.~~ Question Time**

~~54.455.1~~ There must be a public question time at every Council meeting fixed under Rule 9 to enable members of the public to submit questions in writing to ~~the~~ Council.

~~54.255.2~~ Questions submitted to ~~the~~ Council:

~~54.2.455.2.1~~ must be in writing, state the name and address of the person submitting the question and the date;

~~54.2.255.2.2~~ must be received by the Chief Executive Officer prior to 12noon on the day of the Council meeting; and

~~54.2.355.2.3~~ will have the details of the authors verified as far as practicable

~~54.355.3~~ No person may submit more than five questions at any one meeting.

~~54.455.4~~ The Chair will read to those ~~present in attendance~~ at the meeting a summary of the questions which have been submitted in accordance with this Rule.

~~54.555.5~~ A question may be disallowed by the Chair if the Chair determines that it:

~~54.5.455.5.1~~ relates to a matter outside the duties, functions and powers of ~~the~~ Council;

~~54.5.255.5.2~~ is ~~potentially~~ defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

~~54.5.355.5.3~~ deals with a subject matter already answered;

~~54.5.455.5.4~~ is aimed at embarrassing a Councillor or a member of Council staff;

~~54.5.555.5.5~~ relates to personnel matters;

~~54.5.655.5.6~~ relates to the personal hardship of any resident or ratepayer;

~~54.5.755.5.7~~ relates to industrial matters;

~~54.5.855.5.8~~ relates to contractual matters;

~~54.5.955.5.9~~ relates to proposed developments;

~~54.5.1055.5.10~~ relates to legal advice;

~~54.5.1155.5.11~~ relates to matters affecting the security of Council property;

~~54.5.1255.5.12~~ relates to any other matter which ~~the~~ Council considers would prejudice ~~the~~ Council or any person; ~~or~~

~~54.5.1355.5.13~~ relates to electoral matter during an election period.

~~54.655.6~~ Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.

55.7 A written response to the questions, will be sent to the person who asked the question. A copy of the questions and responses, will be tabled and inserted into the minutes of the following Council meeting.

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Division 9 – Petitions and Joint Letters**~~55-56.~~ Petitions and Joint Letters**

~~55-4~~56.1 Unless ~~the~~ Council determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter or other like application until the next ~~fixed~~ Council meeting after that at which it has been presented.

~~55-2~~56.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language ~~which is~~ disrespectful ~~towards the~~ Council and that the contents do not violate a Local Law.

~~55-3~~56.3 Every Councillor presenting a petition or joint letter to ~~the~~ Council must:

~~55-3-1~~56.3.1 write or otherwise record their name at the beginning of the petition or joint letter; and

~~55-3-2~~56.3.2 confine themselves to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the preamble or request.

~~55-4~~56.4 Every petition or joint letter presented to Council must be in writing, and contain the request of the petitioners or signatories and be signed by at least ~~425~~ people.

~~55-5~~56.5 A petition ~~must~~ may include a preamble on every page of a petition, consisting of the following words: "We the undersigned hereby petition the Stonnington City Council...."

~~55-6~~56.6 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.

56.7 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by ~~the~~ Council.

~~55-7~~56.8 Electronic or online petitions, joint letters, memorials or like applications must contain the name and email address of each petitioner or signatory, which details will, for the purpose of this Rule 56, qualify as the address and signature of such petitioner or signatory.

56.9 If a petition, joint letter, memorial or other like application relates to an operational matter, ~~the~~ Council must refer it to the Chief Executive Officer for consideration.

Division 10 – Public Submissions**57. Public Submissions Under the Community Engagement Policy**

Where a person is given a right to make a submission under the Community Engagement Policy and requests to appear in person (or to be represented by a person specified in the submission) at a Council meeting to be heard in support of the submission, the time limit for such hearing shall be 3 minutes, except that the Chair may allow the hearing to exceed 3 minutes.

Division 11 – Voting**~~56-58.~~ How Motion Determined**

To determine a motion before a meeting, the Chair must first call for those in favour of the motion and then those opposed to the motion, and if required, identify a Councillor who has abstained from voting, and must then declare the result to the meeting.

~~57-59.~~ Silence

Subject to Rule 62. ~~V~~oting must take place in silence.

~~58-60.~~ Recount

The Chair may direct that a vote be recounted to satisfy themselves of the result.

~~59-61.~~ Casting Vote

61.1 In the event of a tied vote, the Chair must exercise a casting vote.

~~59-61.2~~ The Chair may adjourn a meeting to consider how their casting vote will be cast.

~~60-62.~~ By Show of HandsHow Votes Are Cast

Voting on any matter is by show of hands or such other visible or audible means as the Chair determines.

~~64-63.~~ Procedure for a Division

~~64-63.1~~ Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

~~64-263.2~~ When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.

~~64-363.3~~ When a division is called for, the Chair must:

~~64-3-463.3.1~~ first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of their hands. The Chair must then state, ~~any~~and an authorised officer must record, the names of those Councillors voting in the affirmative; and

~~64-3-263.3.2~~ then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of his or her hands. The Chair must then state, ~~any~~and an authorised officer must record, the names of those Councillors voting in the negative.

~~64-3-363.3.3~~ if required, then ask each Councillor wishing to abstain from voting to raise a hand and, upon such request being made, each Councillor wishing to abstain from voting must raise one of their hands. The Chair must then state, ~~any~~and an authorised officer must record, the names of those Councillors abstaining from voting.

62.64. No Discussion Once Declared

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

62.64.1 a Councillor requesting, before the next item of business is considered, that their opposition to a resolution be recorded in the minutes; or

62.64.2 foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

Division 11.12 – Minutes**63.65. Confirmation of Minutes**

~~63.4~~65.1 At every Council meeting the minutes of the preceding meeting(s) must be dealt with as follows:

~~63.1.1~~65.1.1 a copy of the minutes must be made available to each Councillor no later than 48 hours before the next meeting;

~~63.1.2~~65.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;

~~63.1.3~~65.1.3 if a Councillor indicates opposition to the minutes:

- (a) they must specify the item(s) to which they object;
- (b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;
- (c) the Councillor objecting must move accordingly without speaking to the motion;
- (d) the motion must be seconded;
- (e) the Chair must ask:
"Is the motion opposed?"
- (f) if no Councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule ~~65.1.3~~63.1.3(k)(4);
- (g) if a Councillor indicates opposition, then the Chair must call on the mover to address the meeting;
- (h) after the mover has addressed the meeting, the seconder may address the meeting;
- (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
- (j) if, after the mover has addressed the meeting, the Chair invites debate and no Councillor speaks to the motion, the Chair must put the motion; and
- (k) the Chair must, after all objections have been dealt with, ultimately ask:

"The question is that the minutes be confirmed" or

"The question is that the minutes, as amended, be confirmed",

and they must put the question to the vote accordingly;

~~63.1.4~~~~65.1.4~~ a resolution of ~~the~~ Council must confirm the minutes and the minutes must, if practicable, be signed by the Chair of the meeting at which they have been confirmed;

~~63.1.5~~~~65.1.5~~ the minutes must be collated annually and

~~63.1.6~~~~65.1.6~~ unless otherwise resolved or required by law, minutes of a Delegated Committee requiring confirmation by ~~the~~ Council must not be available to the public until confirmed by ~~the~~ Council.

~~64.66.~~ **No Debate on Confirmation of Minutes**

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

~~65.67.~~ **Deferral of Confirmation of Minutes**

~~The~~ Council may defer the confirmation of minutes until later in the Council meeting or until the next meeting if considered appropriate.

~~66.68.~~ **Form and Availability of Minutes**

~~66.1.68.1~~ The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council meeting, and those minutes must record:

~~66.1.1~~~~68.1.1~~ the date, place, time and nature of the meeting;

~~66.1.2~~~~68.1.2~~ the names of the Councillors ~~present in attendance~~ and the names of any Councillors who apologised in advance for their non-attendance;

~~66.1.3~~~~68.1.3~~ the names of the members of Council staff ~~present in attendance~~;

~~66.1.4~~~~68.1.4~~ any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5 and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest;

~~66.1.5~~~~68.1.5~~ arrivals and departures (including temporary departures) of Councillors during the course of the meeting;

~~66.1.6~~~~68.1.6~~ each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);

~~66.1.7~~~~68.1.7~~ the vote cast by each Councillor upon a division ~~and any abstention from voting~~;

~~66.1.8~~~~68.1.8~~ the vote cast by any Councillor who has requested that their vote be recorded in the minutes;

~~66.1.9~~~~68.1.9~~ questions upon notice;

~~66.1.10~~~~68.1.10~~ the failure of a quorum;

~~66.1.11~~~~68.1.11~~ any adjournment of the meeting and the reasons for that adjournment; and

~~66.1.12~~~~68.1.12~~ the time at which standing orders were suspended and resumed.

~~66-268.2~~ The Chief Executive Officer must ensure that the minutes of any Council meeting are:

~~66-2-168.2.1~~ published on ~~the~~ Council's website; and

~~66-2-268.2.2~~ available for inspection at ~~the~~ Council's office during normal business hours.

~~66-368.3~~ Nothing in sub-Rule ~~68.1.1266-268.2~~ requires ~~the~~ Council or the Chief Executive Officer to make public any minutes relating to a Council meeting or part of a Council meeting closed to members of the public in accordance with section 66 of the Act.

Division ~~42~~13 – Recording of Proceedings**~~67-69.~~ Recording of Proceedings**

~~67-4~~69.1 Subject to any resolution of ~~the~~ Council, the Chief Executive Officer (or other person authorised by the Chief Executive Officer) may record the proceedings of a Council meeting electronically.

~~67-2~~69.2 Subject sub-Rule ~~69.1~~67.4, a person must not operate photographic, audio or video recording equipment or any other recording device at any Council meeting without first obtaining the consent of the Chair. Such consent may at any time during the course of such meeting be revoked by the Chair or resolution of ~~the~~ Council.

Division ~~13~~14 – Behaviour**~~68-70.~~ Display of Placards and Posters**

~~68-470.1~~ A person must not display any placards or posters in the Council Chamber or in any building where a Council meeting or a Delegated Committee meeting is being or about to be held, other than outside the entrance to the building and even then only if it does not obstruct the entrance of the building.

~~68-270.2~~ A person must not:

- (a) display any offensive, indecent, insulting or objectionable item or words in the Council Chamber; or
- (b) obstruct the entrance to the Council Chamber or a building where a Council meeting or a Delegated Committee meeting is being or about to be held.

~~69-71.~~ Public Addressing the Meeting

~~69-471.1~~ Members of the public are not permitted to address ~~the~~ Council and may only do so with the consent of the Chair or by prior arrangement.

~~69-271.2~~ Any member of the public addressing ~~the~~ Council must extend due courtesy and respect to ~~the~~ Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.

~~69-371.3~~ A member of the public ~~present in attendance~~ at a Council meeting must not disrupt the meeting.

~~70-72.~~ Chair May Remove

The Chair may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule ~~71.2~~~~69.2~~.

~~74-73.~~ Chair May Adjourn Disorderly Meeting

If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council meeting, ~~they~~ ~~the Chair~~ may adjourn the meeting to a later time on the same day or to some later day as they think proper. In that event, the provisions of sub-Rules ~~15.2~~~~45.2~~ and ~~15.3~~~~45.3~~ apply.

~~72-74.~~ Suspensions

~~72-474.1~~ ~~The~~ Council may ~~via a resolution of the Council~~ suspend from a meeting any Councillor whose actions have disrupted the business of ~~the~~ Council, and have impeded its orderly conduct.

~~72-274.2~~ The duration of any suspension under this Rule shall be at ~~the~~ Council's discretion but shall not exceed the balance of the meeting.

~~73-75.~~ Removal From Chamber

~~73-475.1~~ The Chair ~~may~~ ~~must~~ order the removal of any Councillor who has been suspended by ~~the~~ Council in accordance with Rule ~~74~~~~74~~;

~~73-275.2~~ The Chair may order the removal of:

- ~~73-2-475.2.1~~ any person, who disrupts any meeting or fails to comply with a direction;

~~73.2.2~~75.2.2 any person, who the Chair reasonably believes has acted in breach of this Chapter; or

~~73.2.3~~75.2.3 any person who the Chair reasonably believes has acted in breach of the Summary Offences Act 1966;

~~73.3~~75.3 The Chair may issue a warning to any person before exercising the powers in sub-Rules ~~725.2~~75.2 and ~~725.4~~75.4.

~~73.4~~75.4 The Chair may ask an authorised officer, security guard or member of the Victoria Police to cause the removal of any person who is the subject of an order under sub-Rules ~~725.1~~75.1 or ~~725.2~~75.2.

Division ~~14~~15 – Additional Duties of Chair**~~74.76.~~ The Chair's Duties and Discretions**

In addition to the duties and discretions provided in this Chapter, the Chair:

~~74.4~~~~76.1~~ must not accept any motion, question or statement which:

~~74.1.1~~~~76.1.1~~ may reasonably be considered to be defamatory, derogatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance of any Councillor, member of Council staff, or member of the community;

~~74.1.2~~~~76.1.2~~ relates to a matter outside the duties, functions and powers of Council;

~~74.1.3~~~~76.1.3~~ is aimed at embarrassing a Councillor, a member of Council staff or member of the community; and

~~74.2~~~~76.2~~ must call to order any person who is disruptive or unruly during any meeting.

Division 4516 – Suspension of Standing Orders**75.77. Suspension of Standing Orders**

75.477.1 The Chair or any Councillor can move a motion which must be seconded (and the seconder must be a councillor other than the mover) may indicate a desire to suspend standing orders to expedite the business of a meeting. In which case:

75.4.477.1.1 the Chair may suspend standing orders with the support of the meeting;

75.4.277.1.2 standing orders may be suspended by procedural motion.

75.277.2 the suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.

75.377.3 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of the Council. An appropriate motion would be:

"That standing ~~order~~orders be suspended to enable discussion on....."

75.477.4 No motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders.

75.577.5 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

Division ~~16~~17 – ~~Miscellaneous~~Physical and Remote Attendance

~~On occasions where a significant event has occurred preventing the conduct of normal physical Council meetings, legislation may be introduced to enable meetings to be conducted virtually and in such instances it is imperative in order to maintain transparency that:~~

- ~~• all virtual Council meetings, where public access is required under the Act, must be publicly available;~~
- ~~• where the Council takes up the option to conduct virtual meetings, all Council and joint meetings of the Council with other municipalities, must be streamed live through the Council's website;~~
- ~~• where the Council experiences technical difficulties in being able to broadcast a meeting to the public, the meeting must be adjourned until the issue is resolved; and~~
- ~~• if the technical issues are unresolved at the time, the meeting must be postponed to another time and date and in accordance with these Governance Rules or any other meeting procedure of the Council.~~

~~These requirements would be in addition to any further directives issued at such time by the Minister or Local Government.~~

78. Mode of Attendance

78.1 Each notice of meeting must indicate whether the relevant Council meeting is to be conducted:

78.1.1 wholly in person;

78.1.2 wholly by electronic means; or

78.1.3 partially in person and partially by electronic means.

78.2 The indication in the notice of meeting must be consistent with any Resolution of Council that has expressed a preference for, or otherwise specified, when Council meetings are to be conducted:

78.2.1 wholly in person;

78.2.2 wholly by electronic means; or

78.2.3 partially in person and partially by electronic means.

78.3 If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.

78.4 Any request made under sub-Rule 78.3 must:

78.4.1 be in writing;

78.4.2 be given to the Chief Executive Officer no later than 3 hours prior to the scheduled commencement time of the relevant Council meeting; and

78.4.3 specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person.

78.5 The Chief Executive Officer must ensure that any request received in accordance with sub-Rule 78.4 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council meeting.

78.6 Council may approve and must not unreasonably refuse any request.

78.7 In considering whether to approve or refuse any request the Council must consider:

78.7.1 whether conducting the meeting partially by electronic means is physically and technically feasible;

78.7.2 the reason specified by the Councillor who has requested to attend by electronic means;

78.7.3 whether personal or other circumstances beyond the Councillor's control mean that it would be unjust to deny the Councillor attendance by electronic means; and

78.7.4 the effect which the Councillor's attendance by electronic means would have or be likely to have on the effective and efficient conduct of the meeting.

78.8 A Councillor who is attending a Council meeting by electronic means is responsible for ensuring that they are able to access such equipment and are present in such an environment that facilitates participation in the Council meeting.

78.9 Without detracting from anything said in sub-Rule 78.8, a Councillor who is attending a meeting by electronic means must be able to:

78.9.1 hear the proceedings;

78.9.2 be heard when they speak;

and should be able to:

78.9.3 see all Councillors and members of Council staff who are also attending the Council meeting, at least while a Councillor or member of Council staff is speaking;

78.9.4 be seen by all Councillors, members of Council staff and members of the public who are physically present at the Council meeting.

78.10 If the conditions of sub-Rule 78.9.1 and sub-Rule 78.9.2 cannot be met by one or more Councillors attending a Council meeting, whether because of technical difficulties or otherwise:

78.10.1 the Council meeting will nonetheless proceed as long as a quorum is present; and

78.10.2 the relevant Councillor (or Councillors) will be treated as being absent from the Council meeting or that part of the Council meeting

unless the Council meeting has been adjourned in accordance with these Rules.

78.11 Nothing in this Rule 78 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with sub-Rule 78.9 even if the Council meeting has already commenced or has continued in their absence.

76-79. Meetings Conducted Remotely

If:

~~76-79.1~~ 79.1 ~~by law a meeting may be conducted electronically; and the Council decides that a~~ meeting is to be conducted electronically, the Chair may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

Division 18 – Miscellaneous

77. Procedure not Provided in This Chapter

~~In all cases not specifically provided for by this Chapter, reference must be made to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to Council proceedings).~~

78-80. Criticism of Members of Council Staff

~~78-80.1~~ 80.1 The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a Councillor made at the Council meeting criticising them or any member of Council staff.

80.2 A statement under sub-Rule ~~80.1~~ 80.4 must be made by the Chief Executive Officer, through the Chair, as soon as it is practicable after the Councillor who made the statement has finished speaking.

81. Procedure not provided in this Chapter

~~In all cases not specifically provided for by this Chapter, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to Council proceedings).~~

CHAPTER 3 – MEETING PROCEDURE FOR DELEGATED COMMITTEES**1. Meeting Procedure Generally**

If the Council establishes a Delegated Committee:

- 1.1 all of the provisions of Chapter 2 apply to meetings of the Delegated Committee; and
- 1.2 any reference in Chapter 2 to:
 - 1.2.1 a Council meeting is to be read as a reference to a Delegated Committee meeting;
 - 1.2.2 a Councillor is to be read as a reference to a member of the Delegated Committee; and
 - 1.2.3 the Mayor is to be read as a reference to the Chair of the Delegated Committee.

2. Meeting Procedure can be Varied

Notwithstanding Rule 1, if the Council establishes a Delegated Committee that is not composed solely of Councillors:

- 2.1 the Council may; or
- 2.2 the Delegated Committee may, with the approval of the Council

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the Delegated Committee, in which case the provision or those provisions will not apply until the Council resolves, or the Delegated Committee with the approval of the Council resolves, otherwise.

CHAPTER 4 – MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEES**1. Introduction**

In this Chapter, “Instrument of Delegation” means an instrument of delegation made by the Chief Executive Officer under section 47(1)(b) of the Act.

2. Meeting Procedure

Unless anything in the Instrument of Delegation provides otherwise, the conduct of a meeting of a Community Asset Committee is in the discretion of the Community Asset Committee.

CHAPTER 5 – DISCLOSURE OF CONFLICTS OF INTEREST**3. ~~Introduction~~**

~~The following Rules in this Chapter apply only upon Division 1A of Part 4 of the Local Government Act 1989 being repealed.²~~

4.1. ~~Definition~~

In this Chapter:

~~4.1.1~~ “meeting conducted under the auspices of Council” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and

~~4.2.1.2~~ a member of a Delegated Committee includes a Councillor.

5.2. ~~Disclosure of a Conflict of Interest at a Council Meeting~~

A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which they:

~~5.2.1~~ are ~~present in attendance~~ must disclose that conflict of interest by explaining the nature of the conflict of interest to those ~~present in attendance~~ at the Council meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or

~~5.2.2~~ intend to ~~be present attend~~ must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:

~~5.2.2.1~~ advising of the conflict of interest;

~~5.2.2.2~~ explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and

~~5.2.2.3~~ detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:

- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- (c) nature of that other person’s interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those ~~present in attendance~~ that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

The Councillor must, in either event, leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

² ~~At the time of making these Rules the date on which Division 1A of Part 4 of the Local Government Act 1989 is expected to be repealed is 24 October 2020.~~

6.3. Disclosure of Conflict of Interest at a Delegated Committee Meeting

A member of a Delegated Committee who has a conflict of interest in a matter being considered at a Delegated Committee meeting at which they:

~~6.43.1~~ are [present in attendance](#) must disclose that conflict of interest by explaining the nature of the conflict of interest to those [present in attendance](#) at the Delegated Committee meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or

~~6.23.2~~ intend to [be present-attend](#) must disclose that conflict of interest by providing to the Chief Executive Officer before the Delegated Committee meeting commences a written notice:

~~6.2.43.2.1~~ advising of the conflict of interest;

~~6.2.23.2.2~~ explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and

~~6.2.33.2.3~~ detailing, if the nature of the conflict of interest involves a member of a Delegated Committee's relationship with or a gift from another person the:

- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

~~6.2.43.2.4~~ nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those [present in attendance](#) that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

The member of a Delegated Committee must, in either event, leave the Delegated Committee meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been dealt with.

7.4. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting

A Councillor who has a conflict of interest in a matter being considered at a Community Asset Committee meeting at which they:

~~7.44.1~~ are [present in attendance](#) must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Community Asset Committee meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or

~~7.24.2~~ intend to [be present-attend](#) must disclose that conflict of interest by providing to the Chief Executive Officer before the Community Asset Committee meeting commences a written notice:

~~7.2.44.2.1~~ advising of the conflict of interest;

~~7.2.24.2.2~~ explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and

~~7.2.34.2.3~~ detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:

- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

~~7.2.44.2.4~~ nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those [present in attendance](#) that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

The Councillor must, in either event, leave the Committee Asset Committee meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been dealt with.

~~8.5.~~ Disclosure at a Meeting Conducted Under the Auspices of Council

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of ~~the~~ Council at which they are present must:

~~8.45.1~~ disclose that conflict of interest by explaining the nature of the conflict of interest to those [present in attendance](#) at the meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest;

~~8.25.2~~ absent themselves from any discussion of the matter; and

~~8.35.3~~ as soon as practicable after the meeting concludes provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given to those [present in attendance](#) at the meeting.

~~9.6.~~ Disclosure by Members of Council Staff Preparing Reports for Meetings

~~9.46.1~~ A member of Council staff who, in ~~his or her~~ [their](#) capacity as a member of Council staff, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration of a:

~~9.1.46.1.1~~ Council meeting;

~~9.1.26.1.2~~ Delegated Committee meeting;

~~9.1.36.1.3~~ Community Asset Committee meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer disclosing the conflict of interest and explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.

~~9.26.2~~ The Chief Executive Officer must ensure that the Report referred to in sub-Rule ~~76.1~~ records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

~~9.36.3~~ If the member of Council staff referred to in sub-Rule ~~76~~.1 is the Chief Executive Officer:

~~9.3.16.3.1~~ the written notice referred to in sub-Rule ~~76~~.1 must be given to the Mayor; and

~~9.3.26.3.2~~ the obligation imposed by sub-Rule ~~76~~.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

~~10.7.~~ Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power

~~10.17.1~~ A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.

~~10.27.2~~ If the member of Council staff referred to in sub-Rule ~~87~~.1 is the Chief Executive Officer the written notice must be given to the Mayor.

~~11.8.~~ Disclosure by a Member of Council Staff in the Exercise of a Statutory Function

~~11.18.1~~ A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.

~~11.28.2~~ If the member of Council staff referred to in sub-Rule ~~98~~.1 is the Chief Executive Officer the written notice must be given to the Mayor.

~~12.9.~~ Retention of Written Notices

The Chief Executive Officer must retain all written notices received under this Chapter for a period of three years.

CHAPTER 6 – MISCELLANEOUS**1. Informal Meetings of Councillors**

If there is a meeting of Councillors that:

1.1 is scheduled or planned for the purpose of discussing the business of the Council or briefing Councillors;

4.41.2 is attended by a majority of councillors;

4.21.3 is attended by at least one member of Council staff; and

4.31.4 is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- (a) tabled at the next convenient Council meeting; and
- (b) recorded in the minutes of that Council meeting.

2. Confidential Information

2.1 ~~If, after the repeal of section 77(2)(c) of the Local Government Act 1989~~If the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.

2.2 Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

2.22.3 Nothing in sub-Rule 2.2 will, without more, mean that information designated by the Chief Executive Officer under sub-Rule 2.1 satisfies the definition of "confidential information" contained in section 3(1) of the Act.

CHAPTER 7 – ELECTION PERIOD POLICY**1. INTRODUCTION**

~~The Act provides that councils must adopt and keep in force, Governance Rules which must include an election period policy.~~

~~In summary, the Act provides that:~~

- ~~(a) a council must develop, adopt and keep in force Governance Rules (section 60);~~
- ~~(b) the Governance Rules must include an Election Period (Policy) (sections 60 (e) and 69 (1));~~
- ~~(c) there are various prohibitions on decision making during the election period (see the definition in Appendix 1 and section 69 (2)); and~~
- ~~(d) the powers of the Victorian Civil and Administrative Tribunal in relation to allegations of gross misconduct by a Councillor are suspended during the election period (section 173 (1)).~~

~~The detailed statutory requirements are set out in Appendix 2.~~

2. AUTHORISING PROVISION

~~This Policy was adopted by the Council on 31 August 2020 21 February, 2022 and replaces the previous Election Period Policy and Procedures adopted on 18 November 2019 31 August, 2020.~~

3. COMMENCEMENT DATE

~~This Policy is effective from 1 September 2020 22 February, 2022.~~

4. ACCESS TO THIS POLICY

~~This Policy will be published on the Council website and be available for inspection at Council's office(s), the Council Offices.~~

5. OBJECTIVE

~~The objective of this the Policy is to support and ensure the conduct of good governance for the Council and the organisation through the transparency and accountability of Councillors, Council officers Officers, and candidates during an election period.~~

6. POLICY PROVISIONS**6.1 PRE-ELECTION PERIOD**

~~During the pre-election period, Councillors should not engage in any activity which may be perceived as pre-election period campaigning where it involves the use of Council logos, publications, letterheads, photographs or other branding which may give the impression that it may be Council endorsed.~~

~~Councillors will not use their position as elected representatives or their access to Council staff and Council resources to gain media attention in support of an election campaign. This includes photographs or images taken or provided by the Council for past Council activities or events.~~

6.2 CONDUCT DURING THE ELECTION PERIOD

~~During the election period, Councillors:~~

- ~~(a) will continue to fulfil their duties (unless granted leave of absence);~~
- ~~(b) will continue to engage and communicate with the community in their Councillor role;~~
- ~~(c) must comply with the Act and the Councillor Code of Conduct, and~~
- ~~(d) must not use their position to influence Council officers, or access Council resources or information, in support of any election campaign or candidacy.~~

6.3 — DECISION LIMITATIONS

~~Section 69 of the Act imposes some restrictions on Council decision making during the election period.~~

~~Accordingly, the Council will not make a decision:~~

- ~~(a) relating to the employment or remuneration of a Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer;~~
- ~~(b) which commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or~~
- ~~(c) which the Council considers could be reasonably deferred until the next Council is in place; or~~
- ~~(d) which the Council considers should not be made during an election period.~~

6.4 — INAPPROPRIATE DECISIONS

~~In addition to complying with the statutory requirements, the Council will avoid decisions that could affect voting at an election or decisions that may unreasonably bind an incoming Council and could be deferred until after the election. Examples of such matters include:~~

- ~~(a) allocating community grants or other direct funding to community organisations;~~
- ~~(b) major planning scheme amendments;~~
- ~~(c) changes to strategic objectives and strategic plans;~~
- ~~(d) adopting policy; or~~
- ~~(e) advocating to other levels of government, parliamentarians or local government peak bodies.~~

6.5 — MINISTERIAL EXEMPTION

~~If the Council considers that there are extraordinary circumstances where the municipality or the local community would be significantly disadvantaged by the Council not making a particular decision, the Council may, by resolution, request an exemption from the Minister for Local Government, in accordance with section 177 of the Act.~~

7. MEETINGS DURING THE ELECTION PERIOD

7.1 COUNCIL MEETINGS

7.1.1 Webcasting

Council meetings will continue to be webcast during the Election Period.

7.1.2 Questions to Council from Members of the Public

Questions to the Council from members of the public will be suspended during the election period.

7.1.3 Notices of Motion

Notices of Motion will not be accepted during the election period.

7.2 MEETINGS OF DELEGATED COMMITTEES

Delegated committees[‡] can continue to meet during the election period subject to compliance with the spirit and relevant sections of this Policy (see Table 1).

7.3 MEETINGS OF COMMUNITY ASSET COMMITTEES

Community asset committees[‡] can continue to meet during the election period subject to compliance with the spirit and relevant sections of this Policy (see Table 1).

7.4 MEETINGS OF THE AUDIT AND RISK COMMITTEE

The Audit and Risk Committee can continue to meet during the election period subject to compliance with the spirit and relevant sections of this Policy (see Table 1).

7.5 OTHER COMMITTEES

Other committees can continue to meet during the election period subject to compliance with the spirit and relevant sections of this Policy (see Table 1).

7.6 OTHER MEETINGS

Briefings of Councillors Councillor Briefing Sessions can continue to be held during the election period.

7.7 WARD MEETINGS

Ward meetings will be suspended during the election period.

[‡] At the time of adopting this Policy, Stonnington did not have any delegated committees.

[‡] At the time of adopting this Policy, Stonnington did not have any community asset committees.

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APPLICATION TO COMMITTEES

The clauses of this Policy which relate to committees are shown in Table 1:

Clause	Topic
1	Introduction
2	Authorisation
3	Commencement Date
4	Access to the Policy
7.2 to 7.4	Meetings

Table 1

8. EVENTS**1. GENERAL**

2. Civic events will cease be suspended during this time the election period.

3. USE OF COUNCIL RESOURCES

4. The Council will ensure other Council resources are not used inappropriately in ways that may influence voting in an election. Any staff member who considers that a particular use of Council resources may influence voting in the election must advise their Director, the Executive Manager Governance and Integrity and the Chief Executive Officer Department Head, and obtain approval before authorising, using or allocating the resource.

5. MEETING ROOMS, STATIONERY AND EQUIPMENT

6. Council resources, including offices, support staff, hospitality services, equipment and stationery will be used exclusively for normal Council business during the election period, and will not be used for the personal advantage of any Councillor or candidate in connection with any election. No Council owned asset or resources such as logos, letterheads, business cards, photos or other Council branding will be used for, or linked in any way, to a candidate's election campaign.

7. Council funded equipment, including laptops, tablets, printers and mobile phones telephones are not to be used by Councillors for election purposes or in a manner that could be perceived as supporting or being connected with a candidate's election campaign.

~~8. MAYORAL VEHICLE~~

~~9. The Mayor may continue to use the mayoral vehicle in connection with official duties and for private use, but not in connection with any electoral or campaign matter (see the refer definition in Appendix 1).~~

~~10. SPEECHES~~

~~11. Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operations of the Council and such speeches will not be circulated or available for publication.~~

~~12. PHOTOGRAPHS AND IMAGES~~

~~13. Photographs and images paid for by the Council or taken by Council officers Officers are not to be used in electoral material for any candidate. This includes images of Councillors, Council events, and Council owned or maintained infrastructure.~~

~~14. PUBLICATIONS~~~~15. General~~

~~16. Council publications will continue to be updated and published/distributed during the election period providing that there is no reference to electoral matters.~~

~~17. Media releases~~

~~18. Media and social media responses and statements will only be issued during an election period in the name of the Chief Executive Officer.~~

~~19. Website~~

~~20. The only new material published on the Council's website or social media sites during an election period will be:~~

~~21. the agenda and minutes for any Council or delegated committee meetings;~~

~~22. the Annual Report;~~

~~23. operational information; and~~

~~24. information that is a statutory requirement.~~

~~25. Service information already published on the website will be reviewed to ensure it does not include anything that might be seen as likely to influence the election.~~

~~26. Information on the Council's website with regard to sitting Councillors will be limited to statements of facts about their roles and responsibilities and contact details. Biographical information will be removed.~~

~~27. ELECTION SIGNAGE~~

~~28. Permits will not be granted for election signage on Council land.~~

~~29. Candidates may apply for a permit to place election signage in a public place.~~

~~30. Failure to obtain a permit will result in the Council issuing a Notice to Comply to immediately remove the signage, issuing an infringement and/or removing/impounding the sign. Infringements~~

may be issued under the Council's General Local Law 2018 and/or the Environment Protection Act 1970 (EPA Act).

- 31. ~~Any costs incurred by the Council to remove signage and/or any costs caused by the signage, for example, damage to trees, may be charged to the candidate.~~
- 32. ~~Victoria Police will be contacted in the event of anyone attempting to obstruct Council officers Officers removing signage.~~
- 33. ~~The Council will report all instances of the display of electoral signage on Council land or without a permit in a public place, to the Victorian Electoral Commission.~~
- 34. ~~If election signage is displayed on public land in the municipality, the Council will contact the relevant government agency to request the signs signage be removed.~~
- 35. ~~In accordance with the EPA Act, advertising material/documents may not be affixed to any fixed structure e.g. light poles, traffic lights etc.~~

36. PUBLIC CONSULTATION

- 37. ~~Public consultation is an integral part of the Council's policy development process and operations, however, consultation undertaken close to a general election may become an issue in itself and influence voting.~~
- 38. ~~Council events in the lead up to an election can also raise concerns over the potential use of sitting Councillors using them for election purposes.~~
- 39. ~~If consultation must be undertaken or an event held during this time the election period, the Council will explain to the community the special circumstances making it necessary and how the risks influencing the election will be mitigated or prevented.~~
- 40. ~~Therefore, no public consultation will be undertaken during the election period in relation to:~~
- 41. ~~major policy decisions;~~
- 42. ~~significant issues which require public consultation pursuant to the Council's Community Engagement Policy, such as:~~
- 43. ~~a revised budget;~~
- 44. ~~a proposed local law;~~
- 45. ~~the Council Plan;~~
- 46. ~~the Financial Plan; or~~
- 47. ~~the Asset Plan.~~
- 48. ~~Consultation for the purpose of planning permit applications and operational issues such as canvassing residents' views on small-scale traffic treatments, installation of single trees and the like will be allowed as they are operational in nature and are unlikely to impact the conduct of the election.~~

49. POLICY REVIEW

- 50. ~~While there is no statutory requirement to review this the Policy, the Council will review the Policy:~~
- 51. ~~no sooner than six months before the next general election; and~~

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~~52. no later than three months before the next general election.~~

~~53. **POLICY AMENDMENTS**~~

~~54. Amendments to the Policy may be made by the Chief Executive Officer to reflect legislative or organisational changes. The Chief Executive Officer must notify the Councillors Council and members of Council appointed committees of any such amendments.~~

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[illegible]

56. APPENDICES**57. APPENDIX 1 – DEFINITIONS**

58. In this Policy, the following terms have the meaning indicated:

59. ~~committee~~ means a delegated committee, community asset committee, the Audit and Risk Committee and any other committee established by the Council;

60. ~~community asset committee~~ means a community asset committee established by the Council under section 65 of the LGA 2020;

61. ~~Councillor Code of Conduct~~ means the Councillor Code of Conduct developed by the Council under section 139 of the LGA 2020;

62. ~~delegated committee~~ means a delegated committee established by the Council under section 63 of the LGA 2020; and

63. ~~election period~~ means the period that starts at the time that nominations close on nomination day and ends at 6:00 pm on election day;

64. ~~electoral material~~ means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting;

65. ~~electoral matter~~ means matter which is intended or likely to affect voting in an election, but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election;

66. without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:

67. the election; or

68. a candidate in the election; or

69. an issue submitted to, or otherwise before, the voters in connection with the election;

70. ~~nomination day~~ means the last day on which nominations to be a candidate at a Council election may be received in accordance with this Act and the Regulations;

71. ~~Pre-election period~~ means the period three (3) months prior to the election period; and

72. ~~standards of conduct~~ means the standards of conduct prescribed under section 139(3)(a) to be included in ain Schedule 1 of the Local Government (Governance and Integrity) Regulations 2020 included in the Councillor Code of Conduct.

73.

74.

76. ~~APPENDIX 2 – STATUTORY REQUIREMENTS~~

77. ~~The detailed provisions of the Act are shown below.:~~

78. ~~Decision making during the election period~~

79. ~~Section 69(2):~~

80. ~~An election period policy must prohibit any Council decision during the election period for a general election that:~~

81. ~~relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or~~

82. ~~commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or~~

83. ~~the Council considers could be reasonably deferred until the next Council is in place; or~~

84. ~~the Council considers should not be made during an election period.~~

85. ~~Section 69(3):~~

86. ~~An election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's Council resources in a way that is intended to influence, or is likely to influence, voting at the election.~~

87. ~~Section 69(4):~~

88. ~~A Council decision made in contravention of subsection (2)(a) or (b) is invalid.~~

89. ~~Section 69(5):~~

90. ~~Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of subsection (4) is entitled to compensation from the Council for that loss or damage.~~

91. _____

92. _____

102._____

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~~103.~~ ~~Documents:~~

~~104.~~ ~~Councillor Code of Conduct~~

~~105.~~ _____

~~106.~~ _____

~~107.~~ _____

~~108.~~ _____

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[illegible]

~~110. APPENDIX 4 – RELEVANT LEGISLATION~~

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~~111. This Policy has been developed having regard to the:~~
~~112. Charter of Human Rights and Responsibilities Act 2006;~~
~~113. Local Government Act 1989;~~
~~114. Local Government Act 2020;~~
~~115. Privacy and Data Protection Act 2014; and~~
~~Local Government (Governance and Integrity) Regulations 2020~~

Chapter 7 – Election Period Policy

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1. Introduction

The *Local Government Act 2020* ('the Act') requires the Council to include and adopt an Election Period Policy (Policy) in its Governance Rules.

This Policy provides a framework for decisions prohibited by the Council during the election period in accordance with the Act, and the procedures to be applied by Council during the election period.

The 'election period' as defined by the Act for the 2024 local government elections will commence on 24 September 2024 and end at 6pm on election day, 26 October 2024.

This policy replaces the Election Period Policy adopted by the Council on 31 August 2020.

2. Purpose

This policy has been developed in accordance with the Act and to ensure the Stonnington City Council elections on Saturday 26 October 2024 (and subsequent elections) are conducted in a manner that is ethical; fair and equitable; and are publicly perceived as such.

The policy contains:

- (a) procedures intended to assist the Council in making appropriate decisions and using resources appropriately during the election period before an election;
- (b) guidelines on public consultation and the scheduling of Council events; and
- (c) procedures to ensure that access to information held by the Council is made equally available and accessible to candidates during the election.

3. Definitions

<u>TERM</u>	<u>DEFINITION</u>	<u>SOURCE</u>
<u>Advertising sign</u>	<p><u>Means any placard, board, poster, banner, sign, card, structure or other similar device, whether portable or affixed or attached to any land, building, vehicle, trailer, person or other thing, used for the purpose of soliciting goods or services or displaying information but excludes any placard, board, poster, banner, sign, card or similar device attached to or on any vehicle or trailer:</u></p> <p><u>(a) and used for the purpose of promoting a registered political party or a person's candidature or prospective candidature at an election; or</u></p> <p><u>(b) if the use of the vehicle or trailer is ancillary to another use connected with activities being carried out on land (such as the use of a vehicle or trailer in connection with building or commercial activities being carried out on land).</u></p>	<u>Policy</u>

<u>TERM</u>	<u>DEFINITION</u>	<u>SOURCE</u>
<u>Candidate</u>	<p>Means a person:</p> <ol style="list-style-type: none"> 1. <u>Who has nominated as a candidate for an election under section 256 of the Act.</u> 2. <u>Who has:</u> <ul style="list-style-type: none"> • <u>publicly expressed an intention to run as a candidate in the election; and or</u> • <u>a person who has formally nominated as a candidate in the election with the Election Manager.</u> <p><u>A candidate is a "known candidate" when a person has actual knowledge of the candidate's identity and that they meet the above definition.</u></p>	<p><u>Act s.3</u></p> <p><u>Policy</u></p>
<u>Chief Executive Officer (CEO)</u>	<p>Means:</p> <ol style="list-style-type: none"> (a) <u>The person appointed by a Council to be its Chief Executive Officer under section 44 of the Act or any person acting in that position; and/or</u> (b) <u>The Chief Executive Officer's delegate</u> (c) <u>Such other person that the Chief Executive Officer selects for the purpose of giving effect to this Policy.</u> 	<p><u>Act s.3</u></p> <p><u>Policy</u> <u>Policy</u></p>
<u>Council</u>	<u>Means the Stonnington City Council, whether constituted before or after the commencement of this Policy.</u>	<u>Policy</u>
<u>Council-controlled land</u>	<u>Means any land which Council, owns, occupies, manages, has leased or licensed to another person or is otherwise under Council's control and management, other than a road.</u>	<u>Policy</u>
<u>Councillor-Candidate</u>	<u>Means a current Councillor who has nominated, or is considering nominating for election in the 26 October 2024 Council elections.</u>	<u>Policy</u>
<u>Electioneering</u>	<u>Means any action, statement and or publication that contains material directly related to, or likely to influence, a Councillor's re-election or a candidate's election.</u>	<u>Policy</u>
<u>Election Manager</u>	<p>Means:</p> <ol style="list-style-type: none"> (a) <u>The Victorian Electoral Commission; or</u> (b) <u>The person appointed in writing by the Victorian Electoral Commission.</u> 	<u>Act s.3</u>

<u>TERM</u>	<u>DEFINITION</u>	<u>SOURCE</u>
<u>Electoral material</u>	Means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.	<u>Act s.3</u>
<u>Electoral matter</u>	<p>Matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the Election Manager for the purposes of conducting an election.</p> <p>Without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on -</p> <ul style="list-style-type: none"> (a) the election; or (b) a candidate in the election; or (c) an issue submitted to, or otherwise before, the voters in connection with the election. <p>Electoral matter includes material which:</p> <ul style="list-style-type: none"> • Publicises the strengths or weaknesses of a candidate • Advocates the policies of the Council or of a candidate • Responds to claims made by a candidate • Publicises the achievements of the elected Council. 	<u>Policy</u>
<u>Election Period</u>	<p>Means the period that:</p> <ul style="list-style-type: none"> • starts at the time that nominations close on nomination day; and • ends at 6 p.m. on election day; <p>[That is, 24 September 2024 through to 6pm on 26 October 2024.]</p>	<u>Act s.3</u>

[illegible]

<u>TERM</u>	<u>DEFINITION</u>	<u>SOURCE</u>
<u>Road</u>	<p>Road includes:</p> <ul style="list-style-type: none"> a) a street; and b) a right of way; and c) a public highway; and d) any land reserved or proclaimed as a street or road under the Crown Land (Reserves) Act 1978 or the Land Act 1958; and e) a public road under the Road Management Act 2004; and f) a passage; and g) a cul de sac; and h) a by-pass; and i) a bridge or ford; and j) a footpath, bicycle path or nature strip; and k) any culvert or kerbing or other land; and l) works forming part of the Road 	<u>Policy</u>
<u>Staff, Council staff or Staff member</u>	Means any employee of Council whether permanent or temporary or casual, and includes contractors, and volunteers carrying out work for or on behalf of Stonnington City Council.	<u>Policy</u>

4. Accountability

4.1. Council

Council will function in accordance with this Election Period Policy during the election period.

4.2. Chief Executive Officer

In addition to the Chief Executive Officer's statutory responsibilities, the Chief Executive Officer will:

- Ensure as far as possible, that all councillors and officers are informed of the application of this policy 30 days prior to the commencement of the election period.
- Ensure as far as possible, that matters of Council business requiring prohibited decisions are scheduled for Council to consider prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.
- Not include in the order of business for any Council meeting scheduled during the election period, any matters requiring prohibited decisions or matters that could be considered prohibited decisions.

The Chief Executive Officer may issue guidelines to staff on the role and responsibilities of staff in the implementation of this policy.

The Chief Executive Officer may also issue guidelines to councillors to inform them about changes to services, processes and procedures that may impact them in their role during the election period.

5. Decisions by Council

5.1 Decisions - Council and Delegated Committee Meetings

During the **election period** reports to **Council** and Delegated Committee meetings will be carefully vetted to avoid listing matters on the agenda which could foreseeably influence voters' intentions at the forthcoming election; or encourage **Councillor-candidates** to use the matter as part of their election platform.

Councillors commit to refrain from moving motions on, or raising matters at **Council** or Delegated Committee meetings that could potentially influence voting at the election.

5.2 Decisions - Delegates

The ordinary, day-to-day business of local government must continue throughout the election period. That business will be conducted by **Council**, its delegates and **staff** in a responsible and transparent manner, in accordance with statutory requirements.

Most **Council** decisions are not made at meetings of the **Council**. Significant decision - making power is formally delegated to **staff** and the decision of a delegate is 'deemed' to be a decision by **Council**. Because a delegate's decision is the same as a **Council** decision, the same constraints that apply to decisions made in **Council** and Delegated Committee meetings apply when delegates make decisions. Delegates should therefore give careful consideration to the exercise of their powers during the **election period**.

Should a delegate be required to make a decision(s) under delegation in the ordinary course of **Council** business during the **election period**, the delegate must satisfy themselves beforehand that the decision is not a **prohibited decision**.

The following matters may also be considered a **prohibited decision** during the **election period**:

- Allocation of community grants;
- Direct funding to community organisations;
- Major planning scheme amendments; or
- Changes to strategic objectives and strategies in the **Council Plan**.

5.3 Invalid Decisions

In accordance with section 69(4) of the Act, if the following decision are made during the **election period**, the decisions are invalid:

- relating to the appointment or remuneration of the **Chief Executive Officer**, but not the appointment or remuneration of an Acting **Chief Executive Officer**; and
- committing the **Council** to expenditure exceeding 1% of the **Council's** income from general rates, municipal charges and service rates and charges in the preceding financial year.

5.4. Compensation

In accordance with section 69(5) of the Act, any person who suffers any loss or damage as a result of acting in good faith on a **Council** decision that is an invalid decision, is entitled to compensation from the **Council** for that loss or damage.

6. Public Consultation

Consultation is an integral part of **Council's** policy development process and operations.

Surveys, blogs, invitations to put forward submissions, and other community engagement activities should be avoided during the **election period**.

Council will not continue or commence **public consultation** on **prohibited decisions**, contentious or politically sensitive matters after the commencement of the **election period**.

However, some **public consultation** activities may be necessary during the **election period** to facilitate the day-to-day business of **Council**.

Public consultation associated with activities and decisions which are the subject of statutory processes, for example:

- Applications under the Planning and Environment Act 1987 can be expected to continue through the **election period** to ensure **Council** does not breach its statutory obligations.

Public consultation not associated with activities and decisions which are the subject of statutory processes shall only proceed if prior approval is given by the **Chief Executive Officer**.

Where community engagement has occurred prior to the **election period** but the report has not yet proceeded to a **Council** or Delegated Committee meeting, results of the consultation will also not be provided to a **Council** or Delegated Committee meeting until the **election period** has concluded.

Any **public consultation** that does proceed during the **election period** will be vetted for **electoral matter** and express or implicit links to the election.

6 6.1 Postponing consultation

In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the **election period**, **Council** reserves the right where possible and practicable, to postpone **public consultation** and any associated decisions where the matter is considered likely to affect voting in the election.

7. Council Publications

7.1 Prohibition on Publishing Material during the Election Period

Council must not publish **electoral material** that contains **electoral matter**. The words "advertisement, handbill, pamphlet or notice" are to be interpreted broadly and will include, amongst other things:

- Brochures, pamphlets, handbills, flyers, magazines and books
- Newsletters and other circulars (hardcopy and/or electronic)
- New website material and social media posts
- Mass mail outs or letters to a large number of people
- Media releases
- Material to publicise a function or event
- Notices or posters placed on **Council** controlled property, including walls, noticeboards, and electronic noticeboards and screens

This does not apply to the publishing of any document published before the commencement of the **election period** or **publication** of any document required to be published in accordance with, or under, any Act or regulation.

7.2 Council Publications Including Councillor Information

References to councillors who are standing for re-election in **Council publications** printed, **published** or distributed during the **election period** could be considered **electoral matter** and will be carefully vetted during the certification process.

7.3 Existing Publications

Existing **publications** will be reviewed at the start of the **election period**.

Publications or material which is prominently displayed and might be regarded as likely to influence how people vote may be temporarily removed from display. Any material so removed may still be provided to members of the community upon request.

In the context of **Council's** website, prominently displayed means content visible on the City of Stonnington's website: www.stonnington.vic.gov.au and all pages contained within.

During the **election period** Councillor profile pages will be limited to names, contact details, date elected and councillor assignments. There will be no biographies or policy statements.

7.4 Annual Report

Council is required by the Act to produce its Annual Report. The 2023-24 Annual Report will be **published** during the **election period**. The Annual Report will not contain any material that could be regarded as overt **electioneering** or that inappropriately promotes individual councillors.

Any **publication** of an extract or summary of the Annual Report should not contain information that could be considered **electoral matter**.

7.5 Council and Delegated Committee Meetings

Council is required by the Governance Rules to:

- Give public notice of **Council** meetings and Delegated Committee meetings; and
- Produce and make available agendas and minutes of **Council** meetings and Delegated Committee meetings.

7.6 Social Media

At the start of the **election period** a message will be posted on **Council's** social media channels and website stating these channels will have no new content added until after the **election period** unless it relates to existing **Council** services.

Any new **publication** on social media sites including Facebook, Twitter, Instagram, blogs and wiki pages created by **Council** during the **election period** should not contain information that could be considered **electoral matter**.

As public comments posted on **Council's** social media sites could be considered **electoral matter**, staff responsible for administering social media sites will, where possible, disable public commenting. Where public commenting cannot be disabled, staff will monitor their respective sites during the **election period** and where possible, remove information that could be considered **electoral matter** as soon as reasonably practicable after it is posted.

8. Council Events

Where practicable, civic and ceremonial **Council** events should not be scheduled during the **election period**. Civic and ceremonial events do not include routine events and programs conducted as part of **Council's** day-to-day activities (e.g. immunisation sessions, gallery exhibitions, library programs).

Any civic or ceremonial **Council** event held during the **election period** should meet one or more of the following criteria:

- It is a planned event endorsed by the current Council Plan;
- It is routinely held at the same time of year;
- It is a commemorative or anniversary event held on or near the anniversary date;
- It demonstrates a clear community benefit, or serves an educational or welfare purpose; or
- It contributes to cultural development, social awareness or sense of community identity.

Councillors may attend events as required by their **Council** duties, but are not permitted to use these appearances for **electioneering**.

9. Council Resources

9.1 Application of Resources

Council resources, including offices, **staff**, hospitality, services (including phone, internet and email), property, equipment and stationary must be used exclusively for normal **Council** business during the **election period** and must not be used in connection with any election campaign or issue.

Councillor-candidates must not use **Council** resources in connection with any activities associated with their election campaigns, regardless of any entitlement to "reasonable personal use" of **Council** equipment under any other policy, protocol or terms of use.

Councillor-candidates should also be mindful to manage any perceived conflicts even where a direct expense isn't incurred, this may include for example:

- Where campaign-related emails are received in a **Council** email account, send any responses from a private email and encourage the correspondent to use that account in future.
- Where campaign-related calls are received on a **Council** device, provide and encourage the caller to use a non-council number for future calls.

9.2 Role of Governance staff

The Executive Assistant to the Mayor and Councillors, and other Legal and Governance **staff**, will not be asked to undertake any tasks connected directly or indirectly with the election campaign of a councillor standing for re-election.

9.3 Use of Council Equipment by Councillors

Councillors may continue to use any **Council** equipment provided to them to facilitate their performance of normal **Council** duties during the **election period**, subject to existing protocols and terms of use.

9.4 Councillors' Entitlement to Reimbursement

Reimbursements of councillors' out-of-pocket expenses during the **election period** will only apply to expenses incurred in the performance of normal **Council** duties, and not for expenses that support or are connected with a **candidate's** election campaign.

9.5 Council Branding

No **Council** logos, letterheads, **Council** taken photos or other Stonnington City Council branding may be used for, or linked in any way to, a **candidate's** election campaign.

9.6 Cessation of the Meet Your Councillors Program

The Meet Your Councillors Program and ward-specific **publications** will not be arranged by **Council** during the election period.

9.7 Councillor Correspondence

While the routine business of **Council** must continue, it is important that the administration is not perceived as providing **Councillor-candidates** any undue advantage whilst campaigning.

During the **election period**, any responses prepared by the administration in response to correspondence addressed to a **Councillor-candidate**, will therefore be signed by the **Chief Executive Officer** or relevant Director or Manager as appropriate. Such responses will acknowledge the administration is responding due to limitations imposed upon councillors during the **election period**.

9.8 Officers' Discretion

The **Council** will ensure that due propriety is observed in the use of all **Council** resources, and **Council staff** are required to exercise appropriate discretion in that regard.

Where the use of **Council** resources appears to relate to the election campaign of a councillor standing for re-election, the matter must be referred to the **Chief Executive Officer**.

10. Media Services

10.1 Restriction on Services

During the **election period**, **Council** resources must not be used in any way that might promote a councillor as an election **candidate**.

New **Council** publicity during the **election period** will be restricted to communicating normal **Council** activities and initiatives and subject to approval by the **Chief Executive Officer**.

10.2 Media Releases/Spokespersons

Media releases during the **election period** will minimise references to specific councillors and will not identify any councillor in a manner that could promote a councillor as an election **candidate**. Where it is necessary to identify a spokesperson, the **Chief Executive Officer** or their delegate will be consulted.

10.3 Councillors

Councillors must not use their position as an elected representative or their access to **Council staff** and other **Council** resources to gain media attention during the **election period** in support of an election campaign.

10.4 Council Employees

During the **election period** no **Council** employee may make any public statement that relates to an election issue unless prior approval from the **Chief Executive Officer** has been obtained.

11. Information

11.1 Candidates' Access to Information

Council recognises that all election **candidates** have certain rights to information relevant to their election campaigns from the **Council** administration subject to legislative constraints such as:

- Sections 123 of the Act which prohibit **Councillor-candidates** from misusing or inappropriately making use of their position; and
- the *Privacy and Data Protection Act 2014*.

Councillors will continue to receive information that is necessary to fulfil their existing elected roles. Beyond that, only information that is readily available to any member of the community will be provided to any **candidate**.

11.2 Information Request Register

An Information Request Register will be maintained by the Executive Manager Legal and Governance during the **election period**. This Register will be a public document and record requests by persons who identify themselves as **candidates** when seeking information relating to **electoral matters** or when making other general enquiries. The register will also record the responses provided.

Any **candidate** may, upon request, obtain information about the recorded requests made by another **candidate** as recorded in the Information Request Register and a copy of information given in response to the request.

The Executive Manager Legal and Governance may, at his or her discretion, automatically circulate to all **candidates**, the response to any request recorded in the Information Request Register.

12. Assistance to Candidates

All election related enquiries from **candidates**, whether sitting councillors or not, will be directed to the **Election Manager** or, where the matter is outside the responsibilities of the **Election Manager**, to the **Chief Executive Officer**.

12.1. Candidate Information

Council will provide **candidates** with a Councillor Candidate Information Kit to assist them in running and nominating for **Council**.

The Councillor Candidate Information Kit may include:

- Information about this policy;
- Information about nominating as a **candidate**;
- Information about other sources of information, including from the Victorian Electoral Commission and the **Election Manager**; or
- Information about election campaign donation returns.

12.2. Council staff

Upon becoming a **candidate** in a Stonnington City Council election, the **Council staff** member must:

- Inform the **Chief Executive Officer**;
- Take leave from their duties at least for the duration of the **election period** in accordance with sections 34 and 256 the Act;
- Return any **Council** equipment (including, but not limited to, motor vehicles, telephones and computers), documents or information that is not available to the public at least for the duration of the **election period**; and
- If elected, immediately resign from their employed position at Council, in accordance with sections 34 and 256 Act.

12.3. Member of Council Delegated or Advisory Committees

Upon becoming a **candidate**, any person who is a member of one of **Council's** Delegated committees or Advisory committees is expected to:

- Comply with this policy;
- Inform the **Chief Executive Officer**;
- Take leave from the Delegated committee or Advisory committee
- Return any **Council** equipment, documents or information which is not available to the public for the duration of their candidacy and/or the **election period**; and
- If elected, immediately resign from the Delegated committee or Advisory committee

13. Advertising Signage on Council-controlled Land

Candidates and their supporters are not permitted to affix, attach or place **advertising signs** on **Council-controlled land** or a **Council road** during election campaigns including during the **election period**.

14. Breaches

Sections 123 of the Act prohibits Councillors from misusing or inappropriately making use of their position. A breach of section 123 attracts serious penalties, including possible imprisonment. Allegations of breaches of the Act are independently received and investigated by the Local Government Inspectorate.

Section 304 of the Act prohibits Councillors or a member of **Council staff** from using resources in a way that is intended to or likely to affect the result of an election.

In addition, section 304 of the Act also prohibits Councillors or a member of **Council staff** from using **Council** resources to intentionally or recklessly print, **publish** or distribute or cause, permit or authorise to be printed, published or distributed any **electoral material** during the **election period** on behalf of, or purporting to be on behalf of, the **Council** unless the **electoral material** only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

15. Councillor Code of Conduct

Allegations of breaches of this Policy will be dealt with under the Dispute Resolution Procedures of the Councillor Code of Conduct. The **Chief Executive Officer** will take the place of the Mayor in managing complaints received under the Election Period Policy.

Complaints must be directed to the **Chief Executive Officer** in writing, providing details of the alleged contravention, when it occurred and who it involved.

The **Chief Executive Officer** will assess the information and follow the provisions of the Dispute Resolution Procedures of the Councillor Code of Conduct including, where necessary, the appointment of an external arbiter.

16. Review

Council will review and, if required, amend the policy not later than 12 months before the commencement of the next general **election period**.



City of Stonnington

Governance Rules

Date resolved by Council:

Commencement Date:

Responsible Directorate:

Chief Executive Officer

Author:

Executive Manager Legal and Governance

City of Stonnington

Governance Rules

Document History

Version	Date	Author	Comments
1	4-18 August 2020	Civic Support Officer	Draft rules for community feedback
2	31 August 2020	Civic Support Officer	Adopted by Council
3	19 July 2021	Senior Governance Advisor	Adopted by Council

Document Authorisation

City of Stonnington	
Manager	David Thompson – Executive Manager Legal and Governance
Signed	
Date	

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COMMITMENT

The Council seeks to apply good governance in order to:

- engage our community in decision making;
- achieve the best outcomes for the Stonnington community, including future generations;
- ensure transparency of Council decisions, actions and information;
- ensure the ongoing financial viability of the Council;
- improve our performance; and
- spend public monies wisely.

INTRODUCTION**1. Purpose**

These Governance Rules determine the way in which the Council will:

- make decisions:
 - in the best interests of the Stonnington community;
 - fairly and on the merits of the matter before the Council; and
 - in a way that ensures any person whose rights will be directly affected by any or all decisions, will be entitled to communicate their views and have their interests considered;
- elect its Mayor and Deputy Mayor;
- conduct meetings of the Council and Delegated Committees;
- give notice and make records of meetings;
- be informed in its decision making through community engagement and Council officer reports; and
- require the disclosure of all Councillor and management conflicts of interest.

These Governance Rules also include the Election Period Policy

2. Principles

The Council must, in the performance of its role, give effect to the overarching governance principles outlined in the Local Government Act 2020.

These principles are:

- (a) council decisions are to be made and actions taken in accordance with the relevant Act;
- (b) priority is to be given to achieving the best outcomes for the community, including future generations;
- (c) promote the economic, social and environmental sustainability of the municipality, including mitigation and planning for climate change risks;
- (d) the community is to be engaged in strategic planning and strategic decision making;
- (e) pursue innovation and continuous improvement;
- (f) collaborate with other councils, governments and statutory bodies;
- (g) ensure the ongoing financial viability of the Council;
- (h) consider regional, state and national plans and policies in strategic planning and decision making; and
- (i) maintain the transparency of Council decisions, actions and information.

To successfully implement the overarching governance principles, the Council must take into account the following:

- (a) community engagement;
- (b) public transparency;
- (c) strategic planning;
- (d) financial management; and
- (e) service performance.

3. Nature of Rules

These are the Governance Rules of the Stonnington City Council, made in accordance with section 60 of the Local Government Act 2020.

4. Date of Commencement

These Governance Rules commence on 2 September 2022.

5. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Disclosure of Conflicts of Interest
Chapter 6	Miscellaneous
Chapter 7	Election Period Policy

6. Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

Act means the *Local Government Act 2020*.

agenda means the notice of a meeting setting out the business to be transacted at the meeting and includes a revised agenda.

attend, attending and *in attendance* include attend, attending or in attendance by electronic means.

authorised officer means a member of Council staff who is authorised by Council to carry out specific functions in relation to *these Rules*.

Chair means the Chair of a meeting and includes an acting, a temporary and a substitute Chair

Chief Executive Officer includes an Acting Chief Executive Officer.

Community Asset Committee means a Community Asset Committee established under section 65 of the Act.

Council means Stonnington City Council.

Council meeting has the same meaning as in the Act.

Delegated Committee means a Delegated Committee established under section 63 of the Act.

General Business means business of a minor or routine nature.

majority of the votes means the votes cast by a majority of the Councillors or members of the *Delegated Committee* present at the time the vote is taken.

Mayor means the Mayor of *Council*.

minute book means the collective record of the proceedings of the *Council*.

municipal district means the municipal district of the *Council*.

notice of motion means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting

notice of rescission means a notice of motion to rescind a resolution made by the *Council*.

these Rules means these Governance Rules.

Repetitious motion means:

- a) a motion moved that is to the same effect, even if it is in a different form, as a motion (with or without amendment) that has been rejected by the *Council* at the same meeting; or
- b) a motion that substantially covers the same ground as a motion or amendment already dealt with by the *Council* at the same meeting.

Urgent Business means a matter that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred until the next *Council* meeting or *Delegated Committee* meeting

visitor means any person (other than a Councillor, member of a *Delegated Committee*, or member of the *Council* staff) who is in attendance at a *Council* meeting or *Delegated Committee* meeting.

written includes duplicated, lithographed, photocopied, printed and typed.

CHAPTER 1 – GOVERNANCE FRAMEWORK**1. Context**

These Rules should be read in the context of and in conjunction with:

- (a) the overarching governance principles specified in section 9(2) of the Act; and
- (b) the following documents adopted or approved by the Council:
 - (i) Audit and Risk Committee Charter
 - (ii) Community Engagement Policy
 - (iii) Complaints Policy
 - (iv) Councillor Code of Conduct
 - (v) Councillor Expense Policy
 - (vi) Councillor Gift Policy
 - (vii) Public Transparency Policy
 - (viii) Mutual Respect Charter

Guidance and overview notes within these Rules are intended to be explanatory and included for guidance and do not form part of these Rules. These Rules will be monitored and updated to reflect changes to legislation or to assist interpretation and understanding.

2. Decision Making

- (a) In any matter in which a decision must be made by the Council (including persons acting with the delegated authority of the Council), the Council must consider the matter and make a decision:
 - (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
 - (ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- (b) The Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered).
- (c) Without limiting anything in paragraph (b) of this sub-Rule:
 - (i) before making a decision that will directly affect the rights of a person, the Council (including any person acting with the delegated authority of the Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which the Council must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
 - (ii) if a report to be considered at a Council meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
 - (iii) if a report to be considered at a Delegated Committee meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and

- (iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

CHAPTER 2 – MEETING PROCEDURE FOR COUNCIL MEETINGS**Part A – Introduction****1. Title**

This Chapter will be known as the "Meeting Procedure Chapter".

2. Purpose of this Chapter

The purpose of this Chapter is to:

- 2.1 provide for the election of the Mayor and any Deputy Mayor;
- 2.2 provide for the appointment of any Acting Mayor; and
- 2.3 provide for the procedures governing the conduct of Council meetings.

3. Definitions and Notes

- 3.1 In this Chapter unless the context suggests otherwise the definitions of words are to be taken to be the same as those outlined in Item 6 ('Definitions') of these Rules.
- 3.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.

Part B – Election of Mayor

Introduction: This Part is concerned with the annual election of the Mayor. It describes how the Mayor is to be elected.

4. Election of the Mayor

The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.

5. Method of Voting

The election of the Mayor must be carried out by a show of hands or such other visual or audible means as the Chief Executive Officer determines.

6. Determining the Election of the Mayor

6.1 The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and invite nominations for the office of Mayor.

6.2 The process for the election of the Mayor is as follows:

6.2.1 the Chief Executive Officer must invite nominations for the office of the Mayor; and

6.2.2 the nomination must be seconded by another Councillor.

6.3 Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor:

Single Nomination

6.3.1 if there is only one nomination, the candidate nominated must be declared to be duly elected.

Multiple Nominations and Candidates Elected On First Vote

6.3.2 if there is more than one nomination, the Chief Executive Officer, will invite the candidates to speak for 3 minutes in support of their nomination;

6.3.3 if there is more than one nomination, the Councillors in attendance at the meeting must vote for one of the candidates;

6.3.4 in the event of a candidate receiving the votes of an absolute majority of Councillors, that candidate is declared to have been elected.

Three or More Nominations and No Candidate Obtaining Absolute Majority on First Vote

6.3.5 in the event that there are three or more candidates, no candidate receives the votes of an absolute majority of Councillors; and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors in attendance at the meeting will then vote for one of the remaining candidates.

- 6.3.6 if one of the remaining candidates receives the votes of an absolute majority of Councillors, that candidate is duly elected. If none of the remaining candidates receives the votes of an absolute majority of Councillors and it is not resolved to conduct a new election at a later day and time, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives the votes of an absolute majority of Councillors. That candidate must then be declared to have been duly elected.
- 6.3.7 for the purposes of sub-Rules 6.3.5 and 6.3.6 if no candidate can be determined to have the fewest number of votes due to two or more candidates having an equality of votes then the candidate who is to be declared a defeated candidate will be determined by lot.
- 6.3.8 if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
- (a) each candidate who has an equal number of votes with another candidate or candidates will draw one lot;
 - (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
 - (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates until one of those candidates receives the votes of an absolute majority of Councillors).

Two Nominations or Two Remaining Candidates and No Candidate Obtaining an Absolute Majority On First Vote

- 6.3.9 in the event of two candidates being nominated or remaining, and neither candidate receiving the votes of an absolute majority of Councillors, the Councillors in attendance at the meeting will consider whether to resolve to conduct a new election at a later date and time.
- 6.3.10 if it is resolved to conduct a new election at a later date and time a new election will take place at the date, time and location resolved upon. In that event the provision of this Rule 6 will continue to govern the election of the Mayor, and ultimately any candidate whose nomination is the sole nomination or any candidate who receives the votes of an absolute majority of Councillors will be duly elected; and
- 6.3.11 if it is not resolved to conduct a new election at a later date and time Councillors must continue to vote until one of the candidates receives the votes of an absolute majority of Councillors, at which point that candidate will be duly elected. If, after two or more further votes are taken and neither candidate receives the votes of an absolute majority of Councillors, the provisions of sub-Rule 6.3.9, sub-Rule 6.3.10 and this sub-Rule 6.3.11 must again be followed.
- 6.4 After the election of the Mayor is determined, the Mayor must take the chair, and preside over the meeting pursuant to the Governance Rules.

7. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

- 7.1 any office of Deputy Mayor; or
- 7.2 Chair of a Delegated Committee

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:

- 7.3 Chief Executive Officer is a reference to the Mayor; and
- 7.4 Mayor is a reference to the Deputy Mayor or the Chair of the Delegated Committee (as the case may be).

8. Appointment of Acting Mayor

If the Council has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:

- 8.1 appointing the immediate past mayor; or
- 8.2 resolving that a specified Councillor be so appointed; or
- 8.3 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.

Part C – Meetings Procedure

Introduction: This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, and when and how business may be transacted at a meeting.

Division 1 – Notice of Meetings and Delivery of Business Papers

9. Dates and Times of Meetings Fixed by the Council

Subject to Rule 11, the Council must from time to time fix the date, time and place of all Council meetings.

10. Council May Alter Meeting Dates

10.1 The Council may change the date, time and place of any Council meeting which has been fixed by it and must provide reasonable notice of the change to the public.

10.2 The Chief Executive Officer shall consult with the Mayor, before changing the date, time and place of any meeting which has been fixed.

11. Meetings Not Fixed by the Council (Unscheduled or Special Meetings)

11.1 The Mayor or at least 3 Councillors may by a written notice call a Council meeting.

11.2 The notice must specify the date and time of the Council meeting and the business to be transacted.

11.3 The Chief Executive Officer must convene the Council meeting as specified in the notice.

11.4 Unless all Councillors are in attendance and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the Council meeting.

12. Notice of Meeting

12.1 A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be delivered (whether personally, email or otherwise) or made available electronically to every Councillor for all Council meetings at least 48 hours before the meeting.

12.2 Notwithstanding sub-Rule 12.1, a notice of meeting need not be made available to any Councillor who has been granted leave of absence unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting during the period of their absence.

12.3 Reasonable notice of each Council meeting must be provided to the public. The Council may do this:

12.3.1 for meetings which it has fixed by preparing a schedule of meetings annually or from time to time, and arranging publication of such schedule in a newspaper generally circulating in the municipal district or on the Council website at various times throughout the year, or prior to each such Council meeting; and

12.3.2 for any meeting by giving notice on its website and in each of its Customer Service Centres and Council Libraries

Division 2 – Quorums

The quorum for Council meetings is the presence of a majority of the Councillors.

13. Inability to Obtain a Quorum

If after 30 minutes from the scheduled starting time of any Council meeting, a quorum cannot be obtained,

- 13.1 the meeting will be deemed to have lapsed;
- 13.2 the Mayor must convene another Council meeting, the agenda for which will be identical to the agenda for the lapsed meeting; and
- 13.3 the Chief Executive Officer must give all Councillors notice of the meeting convened by the Mayor.

14. Inability to Maintain a Quorum

- 14.1 If during any Council meeting, a quorum cannot be maintained then Rule 13 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 14.2 Sub-Rule 14.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.
- 14.3 If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by the majority of Councillors, the Council must consider whether the decision can be made by dealing with the matter in an alternative manner as provided for by section 67 of the Act.
- 14.4 Subject to complying with any requirements under any other Act if a Council is unable to use an alternative manner, the Council may decide to establish a Delegated Committee to make the decision in regard to the matter consisting of:
 - (a) All the Councillors who have not disclosed a conflict of interest in regard to the matter;
 - (b) Any other person or persons that the Council considers suitable.

15. Adjourned Meetings

- 15.1 The Council may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.
- 15.2 The Chief Executive Officer must give notice to all Councillors and members of the public, of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 15.3 If it is impracticable for the notice given under sub-Rule 15.2 to be in writing, the Chief Executive Officer must give notice to each Councillor by telephone or in person.

16. Time limits for Meetings

- 16.1 A Council meeting must not continue after 11.00pm unless a majority of Councillors who are in attendance vote in favour of it continuing.
- 16.2 A meeting cannot be continued for more than 30 minutes (or a further 30 minutes, if a majority of Councillors has already voted to continue it for 30 minutes).

- 16.3 If a matter before the meeting has not concluded by the time the 30 minute time extension has expired, the matter before the meeting may continue until such time as the matter has been resolved. No further matters may be considered after the conclusion of the matter before the meeting.
- 16.4 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the Chair immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 15.2 and 15.3 apply.

17. Cancellation or Postponement of a Meeting

- 17.1 The Chief Executive Officer may, in the case of an emergency necessitating the cancellation or postponement of a Council meeting, cancel or postpone a Council meeting.
- 17.2 The Chief Executive Officer, after consulting the Mayor or Chair of a Delegated Committee, may cancel a meeting if there is no business to be transacted.
- 17.3 The Chief Executive Officer must present to the immediately following Council meeting a written report on any exercise of the power conferred by sub-Rule 17.1.

Division 3 – Business of Meetings**18. Agenda and the Order Of Business**

The agenda for and the order of business for a Council meeting is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government. In setting the order of business the Chief Executive Officer should have regard to:

- 18.1 the expected duration of the meeting;
- 18.2 potential implications for subsequent meetings or events
- 18.3 the sensitivity of any particular item;
- 18.4 the anticipated community interest in any particular item;
- 18.5 where practicable, feedback from the Mayor;
- 18.6 the urgency of any particular item; and
- 18.7 any other relevant factor which may impact on the processes and good governance of the Council.
- 18.8 The order of business of any Council meeting, must be as follows
 - 18.8.1 Reading of the Statement of Reconciliation
 - (a) The Chair will read the Statement of Reconciliation
 - 18.8.2 Reading of Statement of Commitment
 - (a) The Chair will read the Statement of Commitment
 - 18.8.3 Introductions of Councillors and Executive Staff
 - (a) The Chair will introduce the Councillors and the Chief Executive Officer present at the meeting.
 - (b) The Chief Executive Officer will introduce the Council Officers present at the meeting
 - 18.8.4 Apologies
 - 18.8.5 Confirmation of the Minutes of the Previous Meeting
 - 18.8.6 Disclosure of any Conflicts of Interest
 - 18.8.7 Questions From the Community
 - 18.8.8 Business
 - 18.8.9 Correspondence
 - 18.8.10 Tabling of Petitions and Joint Letters
 - 18.8.11 Notices of Motion
 - 18.8.12 Reports by Councillors
 - 18.8.13 Questions to Council Officers
 - 18.8.14 Urgent Business-

18.8.15 General Business

18.8.16 Confidential Business

19. Change to Order of Business

Once an agenda has been made available to Councillors, the order of business for that Council meeting may be altered:

19.1 prior to the meeting by the Chief Executive Officer by issuing a revised agenda in accordance with Rule 18; or

19.2 by resolution, or with the consent of the Council at the meeting.

20. Urgent Business

A Councillor proposing an item of Urgent Business, must, without speaking to it, briefly state its nature and intent. Business cannot be admitted as urgent business other than by resolution of Council and only then if it:

20.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and

20.2 cannot safely or conveniently be deferred until the next Council meeting.

21. General Business

21.1 When dealing with General Business on the Agenda, a Councillor may make a statement on an issue of concern to the City or to a Ward. Only business of a minor or routine nature should be admitted as general business and there shall be no debate or resolution arising from that statement.

21.2 A Councillor must not speak longer than 2 minutes, unless granted an extension by the Chair.

Division 4 – Motions and Debate**22. Councillors May Propose Notices of Motion**

Councillors may ensure that an issue is listed on an agenda by lodging a Notice of Motion in accordance with Rule 23.

23. Notice of Motion

- 23.1 A Notice of Motion must be in writing signed by three Councillors, and be lodged with the Chief Executive Officer (whether personally, email or otherwise) by 12 noon on a business day not less than five days prior to the next Council meeting at which the notice or motion may be considered. If a notice of motion is received after that time it must, unless withdrawn, be included in the agenda for the following Council meeting.
- 23.2 A Notice of Motion may be withdrawn by a request in writing received (whether personally, email or otherwise) from the three Councillors who signed the motion, prior to the publication of the agenda for which the Notice of Motion was intended. Otherwise, the item must be dealt with at a Council meeting.
- 23.3 The Chief Executive Officer must make reasonable attempts to give Councillors notice of any notice of motion no less than 48 hours before the Council meeting at which the notice of motion is to be considered.
- 23.4 The Chief Executive Officer may reject any Notice of Motion which:
 - 23.4.1 is potentially defamatory
 - 23.4.2 is objectionable in language or nature
 - 23.4.3 is vague or unclear in intention
 - 23.4.4 is outside the powers of the Council; or
 - 23.4.5 if passed would result in the Council otherwise acting invalidly
- 23.5 If a Notice of Motion is rejected under sub-Rule 23.4, the Chief Executive Officer must:
 - 23.5.1 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - 23.5.2 notify in writing the Councillor who lodged it of the rejection and the reasons for the rejection.
- 23.6 The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the agenda.
- 23.7 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- 23.8 Except by leave of the Council, each Notice of Motion before any meeting must be considered in the order in which they were submitted.
- 23.9 If a Councillor who has given a Notice of Motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor may move the motion.
- 23.10 If a Notice of Motion is not moved at the Council meeting in accordance with sub-Rule 23.9, the Notice of Motion shall be deemed to have lapsed for want of a mover.

- 23.11 The Chief Executive Officer may provide a report to the Council detailing the implications for the Council and the community in respect of any Notice of Motion which has been submitted for inclusion on the agenda paper.

24. Chair's Duty

Any motion or amendment which is determined by the Chair to be:

- 24.1 potentially defamatory;
- 24.2 objectionable in language or nature;
- 24.3 vague or unclear in intention;
- 24.4 outside the powers of the Council; or
- 24.5 if passed would result in the Council otherwise acting invalidly; or
- 24.6 irrelevant to the item of business on the agenda and has not been admitted as General Business or Urgent Business, or purports to be an amendment but is not,

must not be accepted by the Chair.

25. Introducing a Report

- 25.1 Before a written report is considered by Council and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than 2 minutes:
 - 25.1.1 its background; or
 - 25.1.2 the reasons for any recommendation which appears.
- 25.2 Unless Council resolves otherwise, a member of Council staff need not read any written report to Council in full.

26. Introducing a Motion or an Amendment

The procedure for moving any motion or amendment is:

- 26.1 the mover must state the motion without speaking to it;
- 26.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
- 26.3 if a motion or an amendment is moved and seconded, the Chair must ask the mover to speak to the motion;
- 26.4 after the mover has addressed the meeting, the seconder may address the meeting (the seconder may reserve their right to speak until later in the debate);
- 26.5 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the Chair must invite debate by calling on any Councillor who wishes to speak to the motion; and
- 26.6 if, after the mover has addressed the meeting, the Chair has invited debate and no Councillor speaks to the motion, then the Chair must put the motion to the vote.
- 26.7 no discussion on the item being considered may take place until such time as a motion is before the Chair. Questions of clarification may be asked of the Chair or members of Council staff present at the meeting.

27. Right of Reply

- 27.1 The mover of a motion, including an amendment once debate has been exhausted, has a right of reply to matters raised during debate. The mover of the motion cannot introduce new matters when exercising the right of reply.
- 27.2 After the right of reply has been taken but subject to any Councillor exercising their right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

28. Moving an Amendment

- 28.1 Subject to sub-Rule 28.2 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 28.2 A motion to confirm a previous resolution of Council cannot be amended.
- 28.3 An amendment must not be directly opposite to the motion.

29. Who May Propose an Amendment

- 29.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 29.2 No Councillor can move more than two amendments in succession.
- 29.3 Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.
- 29.4 Debate on an amendment must be restricted to the terms of the amendment.

30. How Many Amendments May be Proposed

- 30.1 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time.
- 30.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

31. An Amendment Once Carried

- 31.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.
- 31.2 The mover of the original motion retains the right of reply to that motion.

32. Foreshadowing Motions

- 32.1 At any time during debate a Councillor may foreshadow a motion so as to inform the Council of their intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 32.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 32.3 A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.

32.4 The Chief Executive Officer or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

32.5 The Chair is not obliged to accept foreshadowed motions.

33. Withdrawal of Motions

33.1 Before any motion or amendment is put to the vote, it may be withdrawn by the mover and seconder with the leave of the Council.

33.2 If the majority of Councillors object to the withdrawal of the motion or amendment, it may not be withdrawn.

34. Separation of Motions

Where a motion contains more than one part, a Councillor may request the Chair to put the motion to the vote in separate parts.

35. Chair May Separate Motions

The Chair may decide to put any motion to the vote in several parts.

36. Priority of address

In the case of competition for the right to speak, the Chair must decide the order in which the Councillors concerned will be heard.

37. Motions in Writing

37.1 All motions, except procedural motions, should be in writing.

37.2 The Chair may adjourn the meeting while the motion is being written or the Council may defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

38. Repeating Motion and/or Amendment

The Chair may request a Council Officer to read the motion or amendment to the meeting before the vote is taken.

39. Debate Must be Relevant to the Motion

39.1 Debate must always be relevant to the motion or question before the Chair, and, if not, the Chair must request the speaker to confine debate to the motion or question.

39.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may direct the speaker to not speak further in respect of the motion then before the Chair.

39.3 A speaker to whom a direction has been given under sub-Rule 39.2 must comply with that direction.

40. Speaking Time Limits

40.1 A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:

40.1.1 the mover of a motion or an amendment which has been opposed: 5 minutes;

40.1.2 any other Councillor: 3 minutes; and

40.1.3 the mover of a motion exercising a right of reply: 2 minutes.

40.2 Only one extension is permitted for each speaker.

40.3 A motion to extend the speaking time cannot be moved:

40.3.1 until the original speaking time has expired; and

40.3.2 if another speaker has already commenced their contribution to the debate;

and must be seconded.

40.4 Any extended speaking time must not exceed 1 minute.

40.5 All speakers must be timed, and a warning signal sound when 30 seconds of the allocated time is remaining.

40.6 In relation to Public Submissions under the Community Engagement Policy and for all other purposes where otherwise not specified in the Rules a 3 minute time limit will apply.

41. Addressing the Meeting

If the Chair so determines:

41.1 any person addressing the Chair must refer to the Chair as Mayor or Chair, as the case may be;

41.2 all Councillors, other than the Mayor, must be addressed as

Councillor(family name)

41.3 all members of Council staff, must be addressed by the appropriate title

.....(family name) as appropriate or by their official position title.

42. Right to Ask Questions

42.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.

42.2 The Chair has the right to limit questions and direct that debate be commenced or resumed.

43. Questions From Councillors to Council Officers

43.1 An opportunity will be provided at each Council meeting for Councillors to direct questions to Council Officers on any matter relevant to a particular directorate.

43.2 A time limit of 3 minutes will apply to each Councillor.

Division 5 – Procedural Motions**44. Procedural Motions**

- 44.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.
- 44.2 Procedural motions require a seconder.
- 44.3 Procedural motions may only be moved and seconded by Councillors as specified in the Procedural Motions Table.
- 44.4 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the Procedural Motions Table.

Procedural Motions Table

Procedural Motion	Form	Mover & Second	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor	Any matter	(a) During the election of a Chair; (b) When another Councillor is speaking	Motion and amendments postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor	Any matter except: (a) election of a Chair	(a) During the election of a Chair; (b) When another Councillor is speaking	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
3. The closure	That the motion be now put	A Councillor who has not spoken to the motion or any amendment of it	Any matter	During nominations for Chair	The Chair must call on the mover of the original motion or amendment of it amendment in respect of which the closure motion is carried to reply to the debate on the original motion or amendment and then immediately put the original motion or amendment to the vote. No further debate on, or amendment to the original motion or amendment is permitted	Debate continues unaffected	No

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
4. Laying a question on the table	That the question lie on the table	A Councillor who has not spoken to the motion or amendment of it	Any matter	(a) During the election of a Chair	Motion and amendments not further discussed or voted on until: (a) Council resolves to take the question from the table at the same meeting; (b) The matter is placed on an agenda and Council resolves to take the question from the table	Debate continues unaffected	No
5. Previous question	That the question be not now put	A Councillor who has not spoken to the motion or any amendment of it	Any matter except: (a) election of a Chair;	(a) During the election of a Chair; (b) When another Councillor is speaking; (c) When an amendment is before Council	(a) No vote or further discussion on the motion until it is placed on an agenda for a later meeting; (b) Proceed to next business	Motion (as amended up to that time) put immediately without further amendment or debate	Yes

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
6. Proceeding to next business	That the meeting proceed to the next Business: Note this Motion (a) May not be amended (b) May not be debated (c) Must be put to the vote as soon as Seconded	A Councillor who has not spoken to the motion or any amendment of it	Any matter except: (a) Election of Chair	(a) During the election of a Chair (b) When another Councillor is speaking	If carried in respect of: (a) An amendment – Council considers the motion without reference to the amendment: (b) A motion – no vote or further discussion on the motion until it is placed on an agenda for a later meeting	Debate continues unaffected	No
7. Repetitious motion	The motion is a repetitious motion	A Councillor who has not spoken to the motion or any amendment of it	Any matter except: (a) Election of a Chair	(a) During the election of a Chair (b) When another Councillor is speaking	(a) No vote or further discussion on the motion unless it is placed on an agenda for a latter meeting (b) Proceed to next business	Debate continues unaffected	Yes

Procedural Motion	Form	Mover & Second	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
8. Dissent from the Chair's ruling	That the Chair's ruling be dissented from	Any Councillor Once moved and seconded, the Chair must leave the Chair and a temporary Chair elected The temporary Chair must invite the mover and seconder to state the reasons for his or her dissent and the Chair may then reply. The motion must then be put	Any ruling made by the Chair		If carried, the Chair must resume the Chair, reverse his or her previous ruling and proceed. The motion is in no way a motion of censure or non-confidence, and should not be so regarded	If lost, the Chair resumes the Chair and the meeting proceeds	No, other than that the mover and seconder may state the reasons for his or her dissent and the Chair may then reply
9. Suspension of standing orders	That standing orders be suspended	Any Councillor	Any matter		1. The formalities of the meeting procedure are temporarily disposed of 2. No motion can be accepted by the Chair or lawfully be dealt until standing orders are resumed	The formalities of the meeting procedure remain in place	Yes

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
10. Resumption of standing orders	That standing orders be resumed	Any Councillor	Any matter	When standing orders have not been suspended	The formalities of the meeting procedure are reinstated	1. The formalities of the meeting procedure remain temporarily disposed of. 2. No motion can be accepted by the Chair or lawfully be dealt until standing orders are resumed	Yes
11. Close the meeting to the public	That the meeting be closed to the public in accordance with section 66 of the Act to Consider.... Because....	Any Councillor	Any matter included in the definition of Confidential Information prescribed in section 3 of the Act	When the meeting is already closed to the public	The meeting is closed to the public	The meeting remains open to the public	Yes
12. Reopen the meeting to the public	That the meeting be reopened to the Public	Any Councillor	Any matter	When the meeting is already open to the public	The meeting is opened to the public	The meeting remains closed to the public	Yes

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
13. Continuance of Meeting	That the meeting continue to #.##pm	Any Councillor	Any matter		The time limit specified in Rule 16 is to be substituted with the time limit specified in the continuance motion	The meeting stands adjourned to a time, date and place to be then announced by the Chair	No
14. No recording of proceedings	That Council revokes consent for the recording of the Meeting	Any Councillor	A decision to record, or consent to recording of proceedings under Rule 69		Consent to record proceedings is revoked	The meeting continues unaffected	Yes
15. En bloc motions	That the following Items Be moved en bloc as per the Council Officers' recommendation	Any Councillor	Only for matters listed on the agenda under the heading 'Business'	Items relating to planning matters or that involve statutory third party rights	Move to next item of business	The meeting continues unaffected	Yes

Division 6 – Rescission Motions**45. Notice of Rescission**

- 45.1 A Councillor may propose a motion to rescind or to vary a previous resolution of the Council by a notice of rescission provided:
- 45.1.1 the resolution proposed to be rescinded has not been acted on; and
 - 45.1.2 it has been signed and dated by at least three Councillors;
 - 45.1.3 the notice of rescission is delivered to the Chief Executive Officer within 24 hours of the resolution having been made setting out -
 - (a) the resolution to be rescinded; and
 - (b) the meeting and date when the resolution was carried.
- 45.2 The Chief Executive Officer or an appropriate member of Council staff, may implement a resolution at any time after the close of the meeting at which it was made. A resolution will be deemed to have been acted on if:
- 45.2.1 its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or
 - 45.2.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on the Council or any other person.
- 45.3 The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:
- 45.3.1 has not been acted on; and
 - 45.3.2 is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-Rule 45.1.3,
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

46. If Lost

If a notice of rescission is lost, a similar motion may not be put before the Council for at least three months from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future meeting.

47. If Not Moved

If a motion for rescission is not moved at the meeting at which it is listed, it lapses and a similar motion may not be put before the Council for at least three months from the date on which it lapsed.

48. May be Moved by Any Councillor

A motion for rescission listed on an agenda may be moved by any Councillor present, but may not be amended.

49. When Not Required

- 49.1 Unless sub-Rule 49.2 applies, a motion for rescission is not required where the Council wishes to change policy.
- 49.2 The following standards apply if the Council wishes to change a policy:
 - 49.2.1 if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission must be presented to the Council; and
 - 49.2.2 any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

Division 7 – Points of Order**50. Chair to Decide**

The Chair must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.

51. Chair May Adjourn to Consider

- 51.1 The Chair may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- 51.2 All other questions before the meeting are suspended until the point of order is decided.

52. Dissent From Chair's Ruling

- 52.1 A Councillor may move that the meeting disagree with the Chair's ruling on a point of order, by moving:
- 52.2 "That the Chair's ruling [setting out that ruling or part of that ruling] be dissented from".
- 52.3 When a motion in accordance with this Rule is moved and seconded, the Chair must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not in attendance, temporary Chair elected by the meeting) must take their place.
- 52.4 The Deputy Mayor or temporary Chair must invite the mover and seconder to state the reasons for their dissent and the Chair may then reply.
- 52.5 The Deputy Mayor or temporary Chair must put the motion in the following form:
- 52.6 "That the Chair's ruling be dissented from."
- 52.7 If the vote is in the negative, the Chair resumes the Chair and the meeting proceeds.
- 52.8 If the vote is in the affirmative, the Chair must then resume the Chair, reverse or vary (as the case may be) their previous ruling and proceed.
- 52.9 The defeat of the Chair's ruling is in no way a motion of censure or non-confidence in the Chair, and should not be so regarded by the meeting.

53. Procedure for Point Of Order

A Councillor raising a point of order must:

- 53.1 state the point of order; and
- 53.2 state any section, Rule, paragraph or provision relevant to the point of order

54. Valid Points Of Order

- 54.1 A point of order may be raised in relation to:
- 54.1.1 a motion, which, under Rule 24, or a question which, under Rule 55, should not be accepted by the Chair;
- 54.1.2 a question of procedure;

- 54.1.3 a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;
 - 54.1.4 debate that is irrelevant to the matter under consideration;
 - 54.1.5 constitutes a tedious repetition of something already said;
 - 54.1.6 a matter that is outside the powers of the Council;
 - 54.1.7 is offensive; or
 - 54.1.8 any act of disorder.
- 54.2 A point of order may not be raised to express a mere difference of opinion or to contradict a speaker

Division 8 – Questions From the Community**55. Question Time**

- 55.1 There must be a public question time at every Council meeting fixed under Rule 9 to enable members of the public to submit questions in writing to the Council.
- 55.2 Questions submitted to the Council:
 - 55.2.1 must be in writing, state the name and address of the person submitting the question and the date;
 - 55.2.2 must be received by the Chief Executive Officer prior to 12noon on the day of the Council meeting; and
 - 55.2.3 will have the details of the authors verified as far as practicable
- 55.3 No person may submit more than five questions at any one meeting.
- 55.4 The Chair will read to those in attendance at the meeting a summary of the questions which have been submitted in accordance with this Rule.
- 55.5 A question may be disallowed by the Chair if the Chair determines that it:
 - 55.5.1 relates to a matter outside the duties, functions and powers of the Council;
 - 55.5.2 is potentially defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - 55.5.3 deals with a subject matter already answered;
 - 55.5.4 is aimed at embarrassing a Councillor or a member of Council staff;
 - 55.5.5 relates to personnel matters;
 - 55.5.6 relates to the personal hardship of any resident or ratepayer;
 - 55.5.7 relates to industrial matters;
 - 55.5.8 relates to contractual matters;
 - 55.5.9 relates to proposed developments;
 - 55.5.10 relates to legal advice;
 - 55.5.11 relates to matters affecting the security of Council property;
 - 55.5.12 relates to any other matter which the Council considers would prejudice the Council or any person; or
 - 55.5.13 relates to electoral matter during an election period,
- 55.6 Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.
- 55.7 A written response to the questions, will be sent to the person who asked the question. A copy of the questions and responses, will be tabled and inserted into the minutes of the following Council meeting.

Division 9 – Petitions and Joint Letters**56. Petitions and Joint Letters**

- 56.1 Unless the Council determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter or other like application until the next fixed Council meeting after that at which it has been presented.
- 56.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language which is disrespectful towards the Council and that the contents do not violate a Local Law.
- 56.3 Every Councillor presenting a petition or joint letter to the Council must:
 - 56.3.1 write or otherwise record their name at the beginning of the petition or joint letter; and
 - 56.3.2 confine themselves to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the preamble or request.
- 56.4 Every petition or joint letter presented to Council must be in writing, and contain the request of the petitioners or signatories and be signed by at least 5 people.
- 56.5 A petition may include a preamble on every page of a petition, consisting of the following words: "We the undersigned hereby petition the Stonnington City Council...."
- 56.6 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 56.7 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by the Council.
- 56.8 Electronic or online petitions, joint letters, memorials or like applications must contain the name and email address of each petitioner or signatory, which details will, for the purpose of this Rule 56, qualify as the address and signature of such petitioner or signatory.
- 56.9 If a petition, joint letter, memorial or other like application relates to an operational matter, the Council must refer it to the Chief Executive Officer for consideration.

Division 10 – Public Submissions**57. Public Submissions Under the Community Engagement Policy**

Where a person is given a right to make a submission under the Community Engagement Policy and requests to appear in person (or to be represented by a person specified in the submission) at a Council meeting to be heard in support of the submission, the time limit for such hearing shall be 3 minutes, except that the Chair may allow the hearing to exceed 3 minutes.

Division 11 – Voting**58. How Motion Determined**

To determine a motion before a meeting, the Chair must first call for those in favour of the motion and then those opposed to the motion, and if required, identify a Councillor who has abstained from voting, and must then declare the result to the meeting.

59. Silence

Subject to Rule 62, voting must take place in silence.

60. Recount

The Chair may direct that a vote be recounted to satisfy themselves of the result.

61. Casting Vote

61.1 In the event of a tied vote, the Chair must exercise a casting vote.

61.2 The Chair may adjourn a meeting to consider how their casting vote will be cast.

62. How Votes Are Cast

Voting on any matter is by show of hands or such other visible or audible means as the Chair determines.

63. Procedure for a Division

63.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

63.2 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.

63.3 When a division is called for, the Chair must:

63.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of their hands. The Chair must then state, and an authorised officer must record, the names of those Councillors voting in the affirmative; and

63.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of his or her hands. The Chair must then state, and an authorised officer must record, the names of those Councillors voting in the negative.

63.3.3 if required, then ask each Councillor wishing to abstain from voting to raise a hand and, upon such request being made, each Councillor wishing to abstain from voting must raise one of their hands. The Chair must then state, and an authorised officer must record, the names of those Councillors abstaining from voting.

64. No Discussion Once Declared

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- 64.1 a Councillor requesting, before the next item of business is considered, that their opposition to a resolution be recorded in the minutes; or
- 64.2 foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

Division 12 – Minutes**65. Confirmation of Minutes**

- 65.1 At every Council meeting the minutes of the preceding meeting(s) must be dealt with as follows:
 - 65.1.1 a copy of the minutes must be made available to each Councillor no later than 48 hours before the next meeting;
 - 65.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
 - 65.1.3 if a Councillor indicates opposition to the minutes:
 - (a) they must specify the item(s) to which they object;
 - (b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;
 - (c) the Councillor objecting must move accordingly without speaking to the motion;
 - (d) the motion must be seconded;
 - (e) the Chair must ask:
"Is the motion opposed?"
 - (f) if no Councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 65.1.3(k);
 - (g) if a Councillor indicates opposition, then the Chair must call on the mover to address the meeting;
 - (h) after the mover has addressed the meeting, the seconder may address the meeting;
 - (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;

(j) if, after the mover has addressed the meeting, the Chair invites debate and no Councillor speaks to the motion, the Chair must put the motion; and

(k) the Chair must, after all objections have been dealt with, ultimately ask:

"The question is that the minutes be confirmed" or

"The question is that the minutes, as amended, be confirmed",

and they must put the question to the vote accordingly;

65.1.4 a resolution of the Council must confirm the minutes and the minutes must, if practicable, be signed by the Chair of the meeting at which they have been confirmed;

65.1.5 the minutes must be collated annually and

65.1.6 unless otherwise resolved or required by law, minutes of a Delegated Committee requiring confirmation by the Council must not be available to the public until confirmed by the Council.

66. No Debate on Confirmation of Minutes

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

67. Deferral of Confirmation of Minutes

The Council may defer the confirmation of minutes until later in the Council meeting or until the next meeting if considered appropriate.

68. Form and Availability of Minutes

68.1 The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council meeting, and those minutes must record:

68.1.1 the date, place, time and nature of the meeting;

68.1.2 the names of the Councillors in attendance and the names of any Councillors who apologised in advance for their non-attendance;

68.1.3 the names of the members of Council staff in attendance;

68.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5 and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest;

68.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;

68.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);

68.1.7 the vote cast by each Councillor upon a division and any abstention from voting;

- 68.1.8 the vote cast by any Councillor who has requested that their vote be recorded in the minutes;
- 68.1.9 questions upon notice;
- 68.1.10 the failure of a quorum;
- 68.1.11 any adjournment of the meeting and the reasons for that adjournment; and
- 68.1.12 the time at which standing orders were suspended and resumed.
- 68.2 The Chief Executive Officer must ensure that the minutes of any Council meeting are:
 - 68.2.1 published on the Council's website; and
 - 68.2.2 available for inspection at the Council's office during normal business hours.
- 68.3 Nothing in sub-Rule 68.1.12 requires the Council or the Chief Executive Officer to make public any minutes relating to a Council meeting or part of a Council meeting closed to members of the public in accordance with section 66 of the Act.

Division 13 – Recording of Proceedings**69. Recording of Proceedings**

- 69.1 Subject to any resolution of the Council, the Chief Executive Officer (or other person authorised by the Chief Executive Officer) may record the proceedings of a Council meeting electronically.
- 69.2 Subject sub-Rule 69.1, a person must not operate photographic, audio or video recording equipment or any other recording device at any Council meeting without first obtaining the consent of the Chair. Such consent may at any time during the course of such meeting be revoked by the Chair or resolution of the Council.

Division 14 – Behaviour**70. Display of Placards and Posters**

- 70.1 A person must not display any placards or posters in the Council Chamber or in any building where a Council meeting or a Delegated Committee meeting is being or about to be held, other than outside the entrance to the building and even then only if it does not obstruct the entrance of the building.
- 70.2 A person must not:
 - (a) display any offensive, indecent, insulting or objectionable item or words in the Council Chamber; or
 - (b) obstruct the entrance to the Council Chamber or a building where a Council meeting or a Delegated Committee meeting is being or about to be held.

71. Public Addressing the Meeting

- 71.1 Members of the public are not permitted to address the Council and may only do so with the consent of the Chair or by prior arrangement.
- 71.2 Any member of the public addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.

- 71.3 A member of the public in attendance at a Council meeting must not disrupt the meeting.

72. Chair May Remove

The Chair may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 71.2.

73. Chair May Adjourn Disorderly Meeting

If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council meeting, the Chair may adjourn the meeting to a later time on the same day or to some later day as they think proper. In that event, the provisions of sub-Rules 15.2 and 15.3 apply.

74. Suspensions

- 74.1 The Council may via a resolution of the Council suspend from a meeting any Councillor whose actions have disrupted the business of the Council, and have impeded its orderly conduct.
- 74.2 The duration of any suspension under this Rule shall be at the Council's discretion but shall not exceed the balance of the meeting.

75. Removal From Chamber

- 75.1 The Chair must order the removal of any Councillor who has been suspended by the Council in accordance with Rule 74;
- 75.2 The Chair may order the removal of:
- 75.2.1 any person, who disrupts any meeting or fails to comply with a direction;
 - 75.2.2 any person, who the Chair reasonably believes has acted in breach of this Chapter; or
 - 75.2.3 any person who the Chair reasonably believes has acted in breach of the Summary Offences Act 1966;
- 75.3 The Chair may issue a warning to any person before exercising the powers in sub-Rules 75.2 and 75.4.
- 75.4 The Chair may ask an authorised officer, security guard or member of the Victoria Police to cause the removal of any person who is the subject of an order under sub-Rules 75.1 or 75.2.

Division 15 – Additional Duties of Chair

76. The Chair's Duties and Discretions

In addition to the duties and discretions provided in this Chapter, the Chair:

- 76.1 must not accept any motion, question or statement which:
- 76.1.1 may reasonably be considered to be defamatory, derogatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance of any Councillor, member of Council staff, or member of the community;

- 76.1.2 relates to a matter outside the duties, functions and powers of Council;
- 76.1.3 is aimed at embarrassing a Councillor, a member of Council staff or member of the community; and
- 76.2 must call to order any person who is disruptive or unruly during any meeting.

Division 16 – Suspension of Standing Orders

77. Suspension of Standing Orders

- 77.1 The Chair or any Councillor can move a motion which must be seconded (and the seconder must be a councillor other than the mover) indicating a desire to suspend standing orders to expedite the business of a meeting. In which case:
 - 77.1.1 the Chair may suspend standing orders with the support of the meeting;
 - 77.1.2 standing orders may be suspended by procedural motion.
- 77.2 the suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- 77.3 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of the Council. An appropriate motion would be:

"That standing orders be suspended to enable discussion on....."
- 77.4 No motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders.
- 77.5 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

Division 17 – Physical and Remote Attendance

78. Mode of Attendance

- 78.1 Each notice of meeting must indicate whether the relevant Council meeting is to be conducted:
 - 78.1.1 wholly in person;
 - 78.1.2 wholly by electronic means; or
 - 78.1.3 partially in person and partially by electronic means.
- 78.2 The indication in the notice of meeting must be consistent with any Resolution of Council that has expressed a preference for, or otherwise specified, when Council meetings are to be conducted:
 - 78.2.1 wholly in person;
 - 78.2.2 wholly by electronic means; or
 - 78.2.3 partially in person and partially by electronic means.

- 78.3 If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.
- 78.4 Any request made under sub-Rule 78.3 must:
- 78.4.1 be in writing;
 - 78.4.2 be given to the Chief Executive Officer no later than 3 hours prior to the scheduled commencement time of the relevant Council meeting; and
 - 78.4.3 specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person.
- 78.5 The Chief Executive Officer must ensure that any request received in accordance with sub-Rule 78.4 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council meeting.
- 78.6 Council may approve and must not unreasonably refuse any request.
- 78.7 In considering whether to approve or refuse any request the Council must consider:
- 78.7.1 whether conducting the meeting partially by electronic means is physically and technically feasible;
 - 78.7.2 the reason specified by the Councillor who has requested to attend by electronic means;
 - 78.7.3 whether personal or other circumstances beyond the Councillor's control mean that it would be unjust to deny the Councillor attendance by electronic means; and
 - 78.7.4 the effect which the Councillor's attendance by electronic means would have or be likely to have on the effective and efficient conduct of the meeting.
- 78.8 A Councillor who is attending a Council meeting by electronic means is responsible for ensuring that they are able to access such equipment and are present in such an environment that facilitates participation in the Council meeting.
- 78.9 Without detracting from anything said in sub-Rule 78.8, a Councillor who is attending a meeting by electronic means must be able to:
- 78.9.1 hear the proceedings;
 - 78.9.2 be heard when they speak;
- and should be able to:
- 78.9.3 see all Councillors and members of Council staff who are also attending the *Council meeting*, at least while a Councillor or member of Council staff is speaking;
 - 78.9.4 be seen by all Councillors, members of Council staff and members of the public who are physically present at the *Council meeting*.
- 78.10 If the conditions of sub-Rule 78.9.1 and sub-Rule 78.9.2 cannot be met by one or more Councillors attending a Council meeting, whether because of technical difficulties or otherwise:
- 78.10.1 the Council meeting will nonetheless proceed as long as a quorum is present; and

78.10.2 the relevant Councillor (or Councillors) will be treated as being absent from the Council meeting or that part of the Council meeting

unless the Council meeting has been adjourned in accordance with these Rules.

78.11 Nothing in this Rule 78 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with sub-Rule 78.9 even if the Council meeting has already commenced or has continued in their absence.

79. Meetings Conducted Remotely

If:

79.1 a Council meeting is to be conducted the Chair may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

Division 18 – Miscellaneous

80. Criticism of Members of Council Staff

80.1 The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a Councillor made at the Council meeting criticising them or any member of Council staff.

80.2 A statement under sub-Rule 80.1 must be made by the Chief Executive Officer, through the Chair, as soon as it is practicable after the Councillor who made the statement has finished speaking.

81. Procedure not provided in this Chapter

In all cases not specifically provided for by this Chapter, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to Council proceedings).

CHAPTER 3 – MEETING PROCEDURE FOR DELEGATED COMMITTEES**1. Meeting Procedure Generally**

If the Council establishes a Delegated Committee:

- 1.1 all of the provisions of Chapter 2 apply to meetings of the Delegated Committee; and
- 1.2 any reference in Chapter 2 to:
 - 1.2.1 a Council meeting is to be read as a reference to a Delegated Committee meeting;
 - 1.2.2 a Councillor is to be read as a reference to a member of the Delegated Committee; and
 - 1.2.3 the Mayor is to be read as a reference to the Chair of the Delegated Committee.

2. Meeting Procedure can be Varied

Notwithstanding Rule 1, if the Council establishes a Delegated Committee that is not composed solely of Councillors:

- 2.1 the Council may; or
- 2.2 the Delegated Committee may, with the approval of the Council

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the Delegated Committee, in which case the provision or those provisions will not apply until the Council resolves, or the Delegated Committee with the approval of the Council resolves, otherwise.

CHAPTER 4 – MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEES**1. Introduction**

In this Chapter, “Instrument of Delegation” means an instrument of delegation made by the Chief Executive Officer under section 47(1)(b) of the Act.

2. Meeting Procedure

Unless anything in the Instrument of Delegation provides otherwise, the conduct of a meeting of a Community Asset Committee is in the discretion of the Community Asset Committee.

CHAPTER 5 – DISCLOSURE OF CONFLICTS OF INTEREST**1. Definition**

In this Chapter:

- 1.1 “meeting conducted under the auspices of Council” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and
- 1.2 a member of a Delegated Committee includes a Councillor.

2. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which they:

- 2.1 are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the Council meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 2.2 intend to attend must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:
 - 2.2.1 advising of the conflict of interest;
 - 2.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
 - 2.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
 - (a) name of the other person;
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - (c) nature of that other person’s interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those in attendance that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

The Councillor must, in either event, leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

3. Disclosure of Conflict of Interest at a Delegated Committee Meeting

A member of a Delegated Committee who has a conflict of interest in a matter being considered at a Delegated Committee meeting at which they:

- 3.1 are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the Delegated Committee meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or

- 3.2 intend to attend must disclose that conflict of interest by providing to the Chief Executive Officer before the Delegated Committee meeting commences a written notice:
- 3.2.1 advising of the conflict of interest;
 - 3.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
 - 3.2.3 detailing, if the nature of the conflict of interest involves a member of a Delegated Committee's relationship with or a gift from another person the:
 - (a) name of the other person;
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - 3.2.4 nature of that other person's interest in the matter,
- and then immediately before the matter is considered at the meeting announcing to those in attendance that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

The member of a Delegated Committee must, in either event, leave the Delegated Committee meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been dealt with.

4. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting

A Councillor who has a conflict of interest in a matter being considered at a Community Asset Committee meeting at which they:

- 4.1 are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Community Asset Committee meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 4.2 intend to attend must disclose that conflict of interest by providing to the Chief Executive Officer before the Community Asset Committee meeting commences a written notice:
 - 4.2.1 advising of the conflict of interest;
 - 4.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
 - 4.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:
 - (a) name of the other person;
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - 4.2.4 nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those in attendance that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

The Councillor must, in either event, leave the Committee Asset Committee meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been dealt with.

5. Disclosure at a Meeting Conducted Under the Auspices of Council

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of the Council at which they are present must:

- 5.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest;
- 5.2 absent themselves from any discussion of the matter; and
- 5.3 as soon as practicable after the meeting concludes provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given to those in attendance at the meeting.

6. Disclosure by Members of Council Staff Preparing Reports for Meetings

- 6.1 A member of Council staff who, in their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration of a:
 - 6.1.1 Council meeting;
 - 6.1.2 Delegated Committee meeting;
 - 6.1.3 Community Asset Committee meetingmust, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer disclosing the conflict of interest and explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.
- 6.2 The Chief Executive Officer must ensure that the Report referred to in sub-Rule6.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.
- 6.3 If the member of Council staff referred to in sub-Rule6.1 is the Chief Executive Officer:
 - 6.3.1 the written notice referred to in sub-Rule6.1 must be given to the Mayor; and
 - 6.3.2 the obligation imposed by sub-Rule6.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

7. Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power

- 7.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.
- 7.2 If the member of Council staff referred to in sub-Rule7.1 is the Chief Executive Officer the written notice must be given to the Mayor.

8. Disclosure by a Member of Council Staff in the Exercise of a Statutory Function

- 8.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.
- 8.2 If the member of Council staff referred to in sub-Rule8.1 is the Chief Executive Officer the written notice must be given to the Mayor.

9. Retention of Written Notices

The Chief Executive Officer must retain all written notices received under this Chapter for a period of three years.

CHAPTER 6 – MISCELLANEOUS**1. Informal Meetings of Councillors**

If there is a meeting of Councillors that:

- 1.1 is scheduled or planned for the purpose of discussing the business of the Council or briefing Councillors;
- 1.2 is attended by a majority of councillors;
- 1.3 is attended by at least one member of Council staff; and
- 1.4 is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- (a) tabled at the next convenient Council meeting; and
- (b) recorded in the minutes of that Council meeting.

2. Confidential Information

- 2.1 If, the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 2.2 Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.
- 2.3 Nothing in sub-Rule 2.2 will, without more, mean that information designated by the Chief Executive Officer under sub-Rule 2.1 satisfies the definition of "confidential information" contained in section 3(1) of the Act.

Chapter 7 – Election Period Policy

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1. Introduction

The *Local Government Act 2020* ('the Act') requires the Council to include and adopt an Election Period Policy (Policy) in its Governance Rules.

This Policy provides a framework for decisions prohibited by the Council during the election period in accordance with the Act, and the procedures to be applied by Council during the election period.

The 'election period' as defined by the Act for the 2024 local government elections will commence on 24 September 2024 and end at 6pm on election day, 26 October 2024.

This policy replaces the Election Period Policy adopted by the Council on 31 August 2020.

2. Purpose

This policy has been developed in accordance with the Act and to ensure the Stonnington City Council elections on Saturday 26 October 2024 (and subsequent elections) are conducted in a manner that is ethical; fair and equitable; and are publicly perceived as such.

The policy contains:

- (a) procedures intended to assist the Council in making appropriate decisions and using resources appropriately during the election period before an election;
- (b) guidelines on public consultation and the scheduling of Council events; and
- (c) procedures to ensure that access to information held by the Council is made equally available and accessible to candidates during the election.

3. Definitions

TERM	DEFINITION	SOURCE
Advertising sign	<p>Means any placard, board, poster, banner, sign, card, structure or other similar device, whether portable or affixed or attached to any land, building, vehicle, trailer, person or other thing, used for the purpose of soliciting goods or services or displaying information but excludes any placard, board, poster, banner, sign, card or similar device attached to or on any vehicle or trailer:</p> <ul style="list-style-type: none"> (a) and used for the purpose of promoting a registered political party or a person's candidature or prospective candidature at an election; or (b) if the use of the vehicle or trailer is ancillary to another use connected with activities being carried out on land (such as the use of a vehicle or trailer in connection with building or commercial activities being carried out on land). 	Policy

TERM	DEFINITION	SOURCE
Candidate	<p>Means a person:</p> <ol style="list-style-type: none"> Who has nominated as a candidate for an election under section 256 of the Act. Who has: <ul style="list-style-type: none"> publicly expressed an intention to run as a candidate in the election; and or a person who has formally nominated as a candidate in the election with the Election Manager. <p>A candidate is a “known candidate” when a person has actual knowledge of the candidate’s identity and that they meet the above definition.</p>	<p>Act s.3</p> <p>Policy</p>
Chief Executive Officer (CEO)	<p>Means:</p> <ol style="list-style-type: none"> The person appointed by a Council to be its Chief Executive Officer under section 44 of the Act or any person acting in that position; and/or The Chief Executive Officer's delegate Such other person that the Chief Executive Officer selects for the purpose of giving effect to this Policy. 	<p>Act s.3</p> <p>Policy</p> <p>Policy</p>
Council	Means the Stonnington City Council, whether constituted before or after the commencement of this Policy.	Policy
Council-controlled land	Means any land which Council, owns, occupies, manages, has leased or licensed to another person or is otherwise under Council's control and management, other than a road.	Policy
Councillor-Candidate	Means a current Councillor who has nominated, or is considering nominating for election in the 26 October 2024 Council elections.	Policy
Electioneering	Means any action, statement and or publication that contains material directly related to, or likely to influence, a Councillor's re-election or a candidate's election.	Policy
Election Manager	<p>Means:</p> <ol style="list-style-type: none"> The Victorian Electoral Commission; or The person appointed in writing by the Victorian Electoral Commission. 	Act s.3

TERM	DEFINITION	SOURCE
Electoral material	Means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.	Act s.3
Electoral matter	<p>Matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the Election Manager for the purposes of conducting an election.</p> <p>Without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on -</p> <ul style="list-style-type: none"> (a) the election; or (b) a candidate in the election; or (c) an issue submitted to, or otherwise before, the voters in connection with the election. <p>Electoral matter includes material which:</p> <ul style="list-style-type: none"> • Publicises the strengths or weaknesses of a candidate • Advocates the policies of the Council or of a candidate • Responds to claims made by a candidate • Publicises the achievements of the elected Council. 	Policy
Election Period	<p>Means the period that:</p> <ul style="list-style-type: none"> • starts at the time that nominations close on nomination day; and • ends at 6 p.m. on election day; <p>[That is, 24 September 2024 through to 6pm on 26 October 2024.</p>	Act s.3

[illegible]

TERM	DEFINITION	SOURCE
Road	<p>Road includes:</p> <ul style="list-style-type: none"> a) a street; and b) a right of way; and c) a public highway; and d) any land reserved or proclaimed as a street or road under the Crown Land (Reserves) Act 1978 or the Land Act 1958; and e) a public road under the Road Management Act 2004; and f) a passage; and g) a cul de sac; and h) a by-pass; and i) a bridge or ford; and j) a footpath, bicycle path or nature strip; and k) any culvert or kerbing or other land; and l) works forming part of the Road 	Policy
Staff, Council staff or Staff member	Means any employee of Council whether permanent or temporary or casual, and includes contractors, and volunteers carrying out work for or on behalf of Stonnington City Council.	Policy

4. Accountability

4.1. Council

Council will function in accordance with this Election Period Policy during the **election period**.

4.2. Chief Executive Officer

In addition to the **Chief Executive Officer's** statutory responsibilities, the **Chief Executive Officer** will:

- Ensure as far as possible, that all councillors and officers are informed of the application of this policy 30 days prior to the commencement of the **election period**.
- Ensure as far as possible, that matters of **Council** business requiring **prohibited decisions** are scheduled for **Council** to consider prior to the commencement of the **election period**, or deferred where appropriate for determination by the incoming **Council**.
- Not include in the order of business for any **Council** meeting scheduled during the **election period**, any matters requiring **prohibited decisions** or matters that could be considered **prohibited decisions**.

The **Chief Executive Officer** may issue guidelines to **staff** on the role and responsibilities of **staff** in the implementation of this policy.

The **Chief Executive Officer** may also issue guidelines to councillors to inform them about changes to services, processes and procedures that may impact them in their role during the **election period**.

5. Decisions by Council

5.1 Decisions - Council and Delegated Committee Meetings

During the **election period** reports to **Council** and Delegated Committee meetings will be carefully vetted to avoid listing matters on the agenda which could foreseeably influence voters' intentions at the forthcoming election; or encourage **Councillor- candidates** to use the matter as part of their election platform.

Councillors commit to refrain from moving motions on, or raising matters at **Council** or Delegated Committee meetings that could potentially influence voting at the election.

5.2 Decisions - Delegates

The ordinary, day-to-day business of local government must continue throughout the election period. That business will be conducted by **Council**, its delegates and **staff** in a responsible and transparent manner, in accordance with statutory requirements.

Most **Council** decisions are not made at meetings of the **Council**. Significant decision - making power is formally delegated to **staff** and the decision of a delegate is 'deemed' to be a decision by **Council**. Because a delegate's decision is the same as a **Council** decision, the same constraints that apply to decisions made in **Council** and Delegated Committee meetings apply when delegates make decisions. Delegates should therefore give careful consideration to the exercise of their powers during the **election period**.

Should a delegate be required to make a decision(s) under delegation in the ordinary course of **Council** business during the **election period**, the delegate must satisfy themselves beforehand that the decision is not a **prohibited decision**.

The following matters may also be considered a **prohibited decision** during the **election period**:

- Allocation of community grants;
- Direct funding to community organisations;
- Major planning scheme amendments; or
- Changes to strategic objectives and strategies in the **Council Plan**.

5.3 Invalid Decisions

In accordance with section 69(4) of the Act, if the following decision are made during the **election period**, the decisions are invalid:

- relating to the appointment or remuneration of the **Chief Executive Officer**, but not the appointment or remuneration of an Acting **Chief Executive Officer**; and
- committing the **Council** to expenditure exceeding 1% of the **Council's** income from general rates, municipal charges and service rates and charges in the preceding financial year.

5.4. Compensation

In accordance with section 69(5) of the Act, any person who suffers any loss or damage as a result of acting in good faith on a **Council** decision that is an invalid decision, is entitled to compensation from the **Council** for that loss or damage.

6. Public Consultation

Consultation is an integral part of **Council's** policy development process and operations.

Surveys, blogs, invitations to put forward submissions, and other community engagement activities should be avoided during the **election period**.

Council will not continue or commence **public consultation** on **prohibited decisions**, contentious or politically sensitive matters after the commencement of the **election period**.

However, some **public consultation** activities may be necessary during the **election period** to facilitate the day-to-day business of **Council**.

Public consultation associated with activities and decisions which are the subject of statutory processes, for example:

- Applications under the Planning and Environment Act 1987 can be expected to continue through the **election period** to ensure **Council** does not breach its statutory obligations.

Public consultation not associated with activities and decisions which are the subject of statutory processes shall only proceed if prior approval is given by the **Chief Executive Officer**.

Where community engagement has occurred prior to the **election period** but the report has not yet proceeded to a **Council** or Delegated Committee meeting, results of the consultation will also not be provided to a **Council** or Delegated Committee meeting until the **election period** has concluded.

Any **public consultation** that does proceed during the **election period** will be vetted for **electoral matter** and express or implicit links to the election.

6 6.1 Postponing consultation

In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the **election period**, **Council** reserves the right where possible and practicable, to postpone **public consultation** and any associated decisions where the matter is considered likely to affect voting in the election.

7. Council Publications

7.1 Prohibition on Publishing Material during the Election Period

Council must not publish **electoral material** that contains **electoral matter**.

The words "advertisement, handbill, pamphlet or notice" are to be interpreted broadly and will include, amongst other things:

- Brochures, pamphlets, handbills, flyers, magazines and books
- Newsletters and other circulars (hardcopy and/or electronic)
- New website material and social media posts
- Mass mail outs or letters to a large number of people
- Media releases
- Material to publicise a function or event
- Notices or posters placed on **Council** controlled property, including walls, noticeboards, and electronic noticeboards and screens

This does not apply to the publishing of any document published before the commencement of the **election period** or **publication** of any document required to be published in accordance with, or under, any Act or regulation.

7.2 Council Publications Including Councillor Information

References to councillors who are standing for re-election in **Council publications** printed, **published** or distributed during the **election period** could be considered **electoral matter** and will be carefully vetted during the certification process.

7.3 Existing Publications

Existing **publications** will be reviewed at the start of the **election period**.

Publications or material which is prominently displayed and might be regarded as likely to influence how people vote may be temporarily removed from display. Any material so removed may still be provided to members of the community upon request.

In the context of **Council's** website, prominently displayed means content visible on the City of Stonnington's website: www.stonnington.vic.gov.au and all pages contained within.

During the **election period** Councillor profile pages will be limited to names, contact details, date elected and councillor assignments. There will be no biographies or policy statements.

7.4 Annual Report

Council is required by the Act to produce its Annual Report. The 2023-24 Annual Report will be **published** during the **election period**. The Annual Report will not contain any material that could be regarded as overt **electioneering** or that inappropriately promotes individual councillors.

Any **publication** of an extract or summary of the Annual Report should not contain information that could be considered **electoral matter**.

7.5 Council and Delegated Committee Meetings

Council is required by the Governance Rules to:

- Give public notice of **Council** meetings and Delegated Committee meetings; and
- Produce and make available agendas and minutes of **Council** meetings and Delegated Committee meetings.

7.6 Social Media

At the start of the **election period** a message will be posted on **Council's** social media channels and website stating these channels will have no new content added until after the **election period** unless it relates to existing **Council** services.

Any new **publication** on social media sites including Facebook, Twitter, Instagram, blogs and wiki pages created by **Council** during the **election period** should not contain information that could be considered **electoral matter**.

As public comments posted on **Council's** social media sites could be considered **electoral matter**, **staff** responsible for administering social media sites will, where possible, disable public commenting. Where public commenting cannot be disabled, **staff** will monitor their respective sites during the **election period** and where possible, remove information that could be considered **electoral matter** as soon as reasonably practicable after it is posted.

8. Council Events

Where practicable, civic and ceremonial **Council** events should not be scheduled during the **election period**. Civic and ceremonial events do not include routine events and programs conducted as part of **Council's** day-to-day activities (e.g. immunisation sessions, gallery exhibitions, library programs).

Any civic or ceremonial **Council** event held during the **election period** should meet one or more of the following criteria:

- It is a planned event endorsed by the current Council Plan;
- It is routinely held at the same time of year;
- It is a commemorative or anniversary event held on or near the anniversary date;
- It demonstrates a clear community benefit, or serves an educational or welfare purpose; or
- It contributes to cultural development, social awareness or sense of community identity.

Councillors may attend events as required by their **Council** duties, but are not permitted to use these appearances for **electioneering**.

9. Council Resources

9.1 Application of Resources

Council resources, including offices, **staff**, hospitality, services (including phone, internet and email), property, equipment and stationary must be used exclusively for normal **Council** business during the **election period** and must not be used in connection with any election campaign or issue.

Councillor-candidates must not use **Council** resources in connection with any activities associated with their election campaigns, regardless of any entitlement to "reasonable personal use" of **Council** equipment under any other policy, protocol or terms of use.

Councillor-candidates should also be mindful to manage any perceived conflicts even where a direct expense isn't incurred, this may include for example:

- Where campaign-related emails are received in a **Council** email account, send any responses from a private email and encourage the correspondent to use that account in future.
- Where campaign-related calls are received on a **Council** device, provide and encourage the caller to use a non-council number for future calls.

9.2 Role of Governance staff

The Executive Assistant to the Mayor and Councillors, and other Legal and Governance **staff**, will not be asked to undertake any tasks connected directly or indirectly with the election campaign of a councillor standing for re-election.

9.3 Use of Council Equipment by Councillors

Councillors may continue to use any **Council** equipment provided to them to facilitate their performance of normal **Council** duties during the **election period**, subject to existing protocols and terms of use.

9.4 Councillors' Entitlement to Reimbursement

Reimbursements of councillors' out-of-pocket expenses during the **election period** will only apply to expenses incurred in the performance of normal **Council** duties, and not for expenses that support or are connected with a **candidate's** election campaign.

9.5 Council Branding

No **Council** logos, letterheads, **Council** taken photos or other Stonnington City Council branding may be used for, or linked in any way to, a **candidate's** election campaign.

9.6 Cessation of the Meet Your Councillors Program

The Meet Your Councillors Program and ward-specific **publications** will not be arranged by **Council** during the election period.

9.7 Councillor Correspondence

While the routine business of **Council** must continue, it is important that the administration is not perceived as providing **Councillor-candidates** any undue advantage whilst campaigning.

During the **election period**, any responses prepared by the administration in response to correspondence addressed to a **Councillor-candidate**, will therefore be signed by the **Chief Executive Officer** or relevant Director or Manager as appropriate. Such responses will acknowledge the administration is responding due to limitations imposed upon councillors during the **election period**.

9.8 Officers' Discretion

The **Council** will ensure that due propriety is observed in the use of all **Council** resources, and **Council staff** are required to exercise appropriate discretion in that regard.

Where the use of **Council** resources appears to relate to the election campaign of a councillor standing for re-election, the matter must be referred to the **Chief Executive Officer**.

10. Media Services**10.1 Restriction on Services**

During the **election period**, **Council** resources must not be used in any way that might promote a councillor as an election **candidate**.

New **Council** publicity during the **election period** will be restricted to communicating normal **Council** activities and initiatives and subject to approval by the **Chief Executive Officer**.

10.2 Media Releases/Spokespersons

Media releases during the **election period** will minimise references to specific councillors and will not identify any councillor in a manner that could promote a councillor as an election **candidate**. Where it is necessary to identify a spokesperson, the **Chief Executive Officer** or their delegate will be consulted.

10.3 Councillors

Councillors must not use their position as an elected representative or their access to **Council staff** and other **Council** resources to gain media attention during the **election period** in support of an election campaign.

10.4 Council Employees

During the **election period** no **Council** employee may make any public statement that relates to an election issue unless prior approval from the **Chief Executive Officer** has been obtained.

11. Information

11.1 Candidates' Access to Information

Council recognises that all election **candidates** have certain rights to information relevant to their election campaigns from the **Council** administration subject to legislative constraints such as:

- Sections 123 of the Act which prohibit **Councillor-candidates** from misusing or inappropriately making use of their position; and
- the *Privacy and Data Protection Act 2014*.

Councillors will continue to receive information that is necessary to fulfil their existing elected roles. Beyond that, only information that is readily available to any member of the community will be provided to any **candidate**.

11.2 Information Request Register

An Information Request Register will be maintained by the Executive Manager Legal and Governance during the **election period**. This Register will be a public document and record requests by persons who identify themselves as **candidates** when seeking information relating to **electoral matters** or when making other general enquiries. The register will also record the responses provided.

Any **candidate** may, upon request, obtain information about the recorded requests made by another **candidate** as recorded in the Information Request Register and a copy of information given in response to the request.

The Executive Manager Legal and Governance may, at his or her discretion, automatically circulate to all **candidates**, the response to any request recorded in the Information Request Register.

12. Assistance to Candidates

All election related enquiries from **candidates**, whether sitting councillors or not, will be directed to the **Election Manager** or, where the matter is outside the responsibilities of the **Election Manager**, to the **Chief Executive Officer**.

12.1. Candidate Information

Council will provide **candidates** with a Councillor Candidate Information Kit to assist them in running and nominating for **Council**.

The Councillor Candidate Information Kit may include:

- Information about this policy;
- Information about nominating as a **candidate**;
- Information about other sources of information, including from the Victorian Electoral Commission and the **Election Manager**; or
- Information about election campaign donation returns.

12.2. Council staff

Upon becoming a **candidate** in a Stonnington City Council election, the **Council staff** member must:

- Inform the **Chief Executive Officer**;
- Take leave from their duties at least for the duration of the **election period** in accordance with sections 34 and 256 the Act;
- Return any **Council** equipment (including, but not limited to, motor vehicles, telephones and computers), documents or information that is not available to the public at least for the duration of the **election period**; and
- If elected, immediately resign from their employed position at Council, in accordance with sections 34 and 256 Act.

12.3. Member of Council Delegated or Advisory Committees

Upon becoming a **candidate**, any person who is a member of one of **Council's** Delegated committees or Advisory committees is expected to:

- Comply with this policy;
- Inform the **Chief Executive Officer**;
- Take leave from the Delegated committee or Advisory committee
- Return any **Council** equipment, documents or information which is not available to the public for the duration of their candidacy and/or the **election period**; and
- If elected, immediately resign from the Delegated committee or Advisory committee

13. Advertising Signage on Council-controlled Land

Candidates and their supporters are not permitted to affix, attach or place **advertising signs** on **Council-controlled land** or a **Council road** during election campaigns including during the **election period**.

14. Breaches

Sections 123 of the Act prohibits Councillors from misusing or inappropriately making use of their position. A breach of section 123 attracts serious penalties, including possible imprisonment. Allegations of breaches of the Act are independently received and investigated by the Local Government Inspectorate.

Section 304 of the Act prohibits Councillors or a member of **Council staff** from using resources in a way that is intended to or likely to affect the result of an election.

In addition, section 304 of the Act also prohibits Councillors or a member of **Council staff** from using **Council** resources to intentionally or recklessly print, **publish** or distribute or cause, permit or authorise to be printed, published or distributed any **electoral material** during the **election period** on behalf of, or purporting to be on behalf of, the **Council** unless the **electoral material** only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

15. Councillor Code of Conduct

Allegations of breaches of this Policy will be dealt with under the Dispute Resolution Procedures of the Councillor Code of Conduct. The **Chief Executive Officer** will take the place of the Mayor in managing complaints received under the Election Period Policy.

Complaints must be directed to the **Chief Executive Officer** in writing, providing details of the alleged contravention, when it occurred and who it involved.

The **Chief Executive Officer** will assess the information and follow the provisions of the Dispute Resolution Procedures of the Councillor Code of Conduct including, where necessary, the appointment of an external arbiter.

16. **Review**
Council will review and, if required, amend the policy not later than 12 months before the commencement of the next general **election period**.

Economic & Place Development Advisory Committee held on 7 July 2022 - Record



Economic & Place Development Advisory Committee

Held on 7 July 2022

Economic & Place Development Advisory Committee held on 7 July 2022 - Record

Meeting Information	
Meeting Name/Type	Economic & Place Development Advisory Committee
Meeting Date	7 July 2022
Attendees	
Councillors	Cr Kate Hely Cr Marcia Griffin
Apologies	No apologies
Staff	Manager Economic & Place Development EA to Director Planning & Place Coordinator Economic Development Acting Coordinator Placemaking Manager Events, Arts & Culture Business Concierge Officer Placemaker Business Support Officer – Planning & Place
Disclosure of Conflict of Interest	No disclosures of conflict of interest
Matters discussed	<ol style="list-style-type: none"> 1. Place Led Economic Development (PLED) Strategy 2. Beatty Avenue Update 3. Activations & Events Update <ul style="list-style-type: none"> • See Local Project • Elizabeth Street Prahran Market • Vacant Shop Activation • Glow Winter Arts Festival • Up coming Program including Christmas 4. Destination Marketing update 5. Business Concierge update 6. International Best Practice

Informal Meeting of Councillors held on 18 July 2022 - Record



Councillor Briefing Session - Record of Informal Meeting of Councillors

Held on Monday 18 July 2022

Informal Meeting of Councillors held on 18 July 2022 - Record

Meeting Information	
Meeting Name/Type	Councillor Briefing Session
Meeting Date	Monday 18 July 2022
Attendees	
Councillors	Cr Jami Klisaris (Mayor) Cr Melina Sehr (Deputy Mayor) (5:55pm) Cr Nicki Batagol Cr Marcia Griffin Cr Kate Hely Cr Matthew Koce Cr Alexander Lew Cr Mike Scott
Apologies	Cr Polly Morgan
Staff	Chief Executive Officer Director Community & Wellbeing Director Environment & Infrastructure Director Planning & Place Acting Director Organisation Capability Executive Manager Legal & Governance Chief Customer & Transformation Officer Manager Safety & Risk Program Director Digital Transformation Coordinator Statutory Planning Chief Financial Officer Manager Communications & Engagement Manager Transport & Parking Best Value Lead Manager Community Services
Guests	Mark Zuker, Managing Director Research Agency JWS Julian Merola Business Development Manager, Access EAP

Informal Meeting of Councillors held on 18 July 2022 - Record

Disclosure of Conflict of Interest	No disclosures of conflict of interest
Matters discussed	<ol style="list-style-type: none"> 1. Presentation: Employee Assistance Program (EAP) 2. Presentation: Community Satisfaction 2023 & 2022 Results 3. Presentation: Councillor Requests Power BI 4. Planning Application 0645/21 – 226 & 228 Williams Road, Toorak 5. Planning Application 0850/21 - 30 Mercer Road, Armadale 6. Stonnington Toy Library Funding 7. Redevelopment of Road Safety Strategy 8. Proposed Discontinuance and Sale of Road Adjoining 1900-1902 Malvern Road, Malvern 9. Governance Rules Review 10. Council Enterprise Bargaining Agreement 11. Cabrini Hospital 12. Volunteer Program 13. Proposed Property Strategy 14. Planning Applications 15. Social and Affordable Housing 16. Citizenship Ceremonies 17. Como Park