



# Council Meeting Agenda

**Tuesday 22 November 2022 at 7 PM**

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

## **Information for the Community**

The meeting will be conducted as follows:

1. partially in person and partially by electronic means; but if all Councillors attend in person then
2. wholly in person; but if no Councillor attends in person and five or more Councillors request to attend by electronic means then
3. wholly by electronic means.

## **Welcome**

Welcome to a City of Stonnington Council meeting.

The Council has adopted Governance Rules in accordance with the Local Government Act 2020 which determine the way in which the Council will make decisions.

## **About this meeting**

The agenda lists all the items to be considered by the Council. Each report is written by a Council Officer and outlines the purpose of the report, relevant information and a recommendation for the Council. The Council will consider the report and either accept, reject or make amendments to the recommendation. Council decisions are adopted if they receive a majority vote from the Councillors present at the meeting.

## **Arrangements to ensure meetings are accessible to the public**

Council meetings are generally held at the Malvern Council Chamber, corner High Street and Glenferrie Road (entry via Glenferrie Road via the door closest to the Malvern Police Station). The Malvern Council Chamber is accessible to all. Accessible toilets are also available. If you require translation, interpreting services or a hearing loop, please contact the Council's Civic Support Officer on 03 8290 1331 to make appropriate arrangements before the meeting.

To ensure that people in the Hall can follow proceedings, the meeting agenda, recommendations and proposed alternate recommendations are displayed on screen.

## **Live webcasting**

Council meetings are broadcast live via Council's website, allowing those interested to view proceedings without needing to attend the meeting. This gives people who are unable to attend, the ability to view Council decisions and debate. A recording of the meeting is available on the Council website after the meeting (usually within 48 hours). Live captioning is occurring during the meeting. Only Councillors and Council Officers are visible. People in the public gallery will not be filmed, but if you speak, you will be recorded.

## **Governance Matters**

This Council Meeting is conducted in accordance with the Local Government Act 2020 and the City of Stonnington Governance Rules.

## **Recording of Council Meetings**

In accordance with the Governance Rules, clause 69 meetings of the Council will be audio recorded and made available for public access, with the exception of matters identified as confidential items in the agenda.

### **Disclosure of Conflict of Interest**

In accordance with the Local Government Act 2020, a Councillor must declare any Conflict of Interest pursuant to Section 130 of the Act in any items on the Agenda.

At the time indicated in the agenda, a Councillor with a conflict of interest in any item on the agenda must indicate they have a conflict of interest by clearly stating”

- The item for which they have a conflict of interest;
- Whether their conflict of interest is general or material; and
- The circumstances that give rise to the conflict of interest.

Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor must indicate to the meeting the existence of the conflict of interest and leave the meeting.

### **Behavior at meetings**

Members of the public present at the meeting must remain silent during the proceedings other than when specifically invited to address the meeting.

The Chair may remove a person from the meeting for interjecting or offensive gesture after being asked to desist, and the Chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.

The Chair may call a break in the meeting for either a short time, or to resume another day if the behavior at the Council table or in the gallery is significantly disrupting the Meeting.

Your cooperation would be appreciated.

**Mayor, Deputy Mayor and Councillors, Stonnington City Council**

### **Statement of Reconciliation**

The Chair will open the meeting and recite 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 respects 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.

### **Statement of Commitment**

The Chair will recite 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.

# **Council Meeting Agenda Tuesday 22 November 2022 Order of Business**

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## 1 Reading of the Statement of Reconciliation

## 2 Introduction of Councillors & Executive Staff

## 3 Apologies

## 4 Disclosure of Conflicts of Interest

## 5 Business

### 5.1 Election of Mayor

**Executive Manager Legal & Governance: David Thompson**

**Manager Councillor & Civic Support: Tony McIlroy**

#### Linkage to Council Plan

**S1** 1. A Thriving and unique place

1.1 Identity and destination

2. An inclusive and healthy community.

2.1 Health and Wellbeing

3. A people centred and future ready city.

3.1 Community focus, connection and engagement

#### Purpose of Report

The report facilitates the election of the Mayor.

Nominations are invited for the office of Mayor.

#### Officer Recommendation

**Council resolve:**

**1. That the Mayor be elected for a one (1) year or two (2) year term.**

**2. That Councillor \_\_\_\_\_ be elected as Mayor of the City of Stonnington for 2022-23.**

### Executive Summary

1. Pursuant to section 25 of the Local Government Act 2020 the Council must elect a Councillor to be the Mayor at a meeting of the Council that is open to the public.
2. Section 26(3) of the Local Government Act 2020 provides that the Council must determine to elect a Mayor for one year or a two-year term. The decision must be made before the Mayor is elected.
3. If the Mayor is elected for a 1-year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1-year term as is reasonably practicable. Similarly, if the Mayor is elected for a 2-year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2-year term as is reasonably practicable.
4. The Chief Executive Officer must facilitate the election of the Mayor.
5. The election of the Mayor must be carried out by a show of hands or such other visual or audio means as the Chief Executive Officer determines.
6. The Council *Governance Rules* at Chapter 2, Part B, Rules 4-6, provide for the election of the Mayor.
7. After the election of the Mayor is determined, the Mayor must take the Chair and preside over the meeting pursuant to the *Governance Rules*.

### Governance Compliance

#### Policy Implications

8. Council officers recommend the election of the Mayor be conducted in accordance with the Local Government Act 2020 and the Council *Governance Rules*.

#### Financial and Resource Implications

9. The Council approved budget year each includes provision for the mayoral allowance, deputy mayor allowance and the councillor allowance.
10. For the period 18 December 2021 until 17 December 2022 the allowance payable to the Mayor is \$119,316, the Deputy Mayor is \$59,658 and the councillor allowance is \$35,972. The value of the allowance is inclusive of the Superannuation Guarantee Contribution amount.
11. For the period 18 December 2022 until 17 December 2023 the allowance payable to the Mayor is \$122,630 the Deputy Mayor is \$61,315 and the councillor allowance is \$37,010. The value of the allowance is inclusive of the Superannuation Guarantee Contribution amount.

12. A Mayor or Deputy Mayor is not entitled to receive an allowance as a councillor while the Mayor or Deputy Mayor is receiving an allowance as a Mayor or Deputy Mayor.

#### Conflicts of Interest Disclosure

13. The Council officers in preparing this report have no general or material conflict of interest to declare.
14. Regulation 7(1)(d) of the Local Government (Governance and Integrity) Regulations 2020 exempts a councillor from having a conflict of interest in the nomination of a councillor for election to the office of Mayor.
15. Regulation 7(1)(e) of the Local Government (Governance and Integrity) Regulations 2020 exempts a councillor from having a conflict of interest in the election of a councillor to the office of Mayor.

#### Legal / Risk Implications

16. The Council must elect a Mayor in accordance with the Local Government Act 2020 and the Council Governance Rules.

#### Stakeholder Consultation

17. There was no requirement for external stakeholder consultation in this proposal.

#### Human Rights Consideration

18. Complies with the Charter of Human Rights & Responsibilities Act 2006.

#### Attachments

Nil



## 5.2 Election of Deputy Mayor

**Executive Manager Legal & Governance: David Thompson**

### Linkage to Council Plan

- S1** 1. A Thriving and unique place
- 1.1 Identity and destination
2. An inclusive and healthy community.
- 2.1 Health and Wellbeing
3. A people centred and future ready city.
- 3.1 Community focus, connection and engagement

### Purpose of Report

The report facilitates the election of Deputy Mayor.

Nominations are invited for the office of Deputy Mayor.

### Officer Recommendation

***That Council resolve Councillor \_\_\_\_\_ be elected Deputy Mayor of the City of Stonnington for 2022-23.***

### Executive Summary

1. The Deputy Mayor is to be elected in the same manner as the election of Mayor. The Council *Governance Rules* at Chapter 2, Part B, Rule 7 provides for the election of the Deputy Mayor.
2. Councillors must elect a Councillor to be the Deputy Mayor at a meeting that is open to the public.
3. The election of the Deputy Mayor must be carried out by a show of hands or such other visual or audio means as the Chief Executive Officer determines.

### Governance Compliance

### Policy Implications

4. Council officers recommend the election of the Deputy Mayor be conducted in accordance with the Local Government Act 2020 and the Council Governance Rules.

### Financial and Resource Implications

5. The Council approved budget year each includes provision for the deputy mayor allowance.

6. For the period 18 December 2021 until 17 December 2022 the allowance payable to the Deputy Mayor is \$59,658. The value of the allowance is inclusive of the Superannuation Guarantee Contribution amount.
7. For the period 18 December 2022 until 17 December 2023 the allowance payable to the Deputy Mayor is \$61,315. The value of the allowance is inclusive of the Superannuation Guarantee Contribution amount.
8. A Deputy Mayor is not entitled to receive an allowance as a councillor while the Deputy Mayor is receiving an allowance as a Deputy Mayor.

#### Conflicts of Interest Disclosure

9. The Council officers in preparing this report have no general or material conflict of interest to declare.
10. Regulation 7(1)(d) of the Local Government (Governance and Integrity) Regulations 2020 exempts a councillor from having a conflict of interest in the nomination of a councillor for election to the office of Deputy Mayor.
11. Regulation 7(1)(e) of the Local Government (Governance and Integrity) Regulations 2020 exempts a councillor from having a conflict of interest in the election of a councillor to the office of Deputy Mayor.

#### Legal / Risk Implications

12. The Council must elect a Deputy Mayor in accordance with the Local Government Act 2020 and the Council Governance Rules.

#### Stakeholder Consultation

13. There was no requirement for external stakeholder consultation in this proposal.

#### Human Rights Consideration

14. Complies with the Charter of Human Rights & Responsibilities Act 2006.

#### Attachments

Nil

## 5.3 2023 Schedule of Fixed Council Meetings

**Executive Manager Legal & Governance: David Thompson**

**Manager Councillor & Civic Support: Tony McIlroy**

### Linkage to Council Plan

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### Purpose of Report

The report presents the proposed schedule of Council meetings for the 2023 calendar year.

The Council also needs to determine its preference for how Council meetings are to be conducted for the 2023 calendar year. This can be either:

- a) wholly in person
- b) wholly by electronic means; or
- c) partially in person and partially by electronic means.

### Officer Recommendation

***That the Council resolve:***

- 1. To ADOPT the schedule of fixed Council meetings for 2023, (refer Attachment 1), and publish the details of the fixed Council meetings on the Council website.**
- 2. To CONDUCT the 2023 fixed Council meetings and any Unscheduled or Special meetings:**
  - a. partially in person and partially by electronic means; but if all Councillors attend in person then**
  - b. wholly in person; but if no Councillor attends in person and five or more Councillors request to attend by electronic means then**
  - c. wholly be electronic means.**

### Executive Summary

1. The Governance Rules provide that reasonable notice of each Council meeting must be provided to the public by the Council preparing and adopting a schedule of meetings annually and arranging its publication on the Council website.
2. The proposed schedule provides for 21 Council meetings including the Council meeting conducted to facilitate the election of the Mayor and Deputy Mayor and appointment of

Councillors to various external management committees/boards, internal advisory committees and project steering committees.

3. Councillor Briefing Sessions and Council meetings are predominately held on Mondays commencing at 6:00pm and 7:00pm respectively. However, because of public holidays gazetted in Victoria a Councillor Briefing Session will be conducted on Tuesday 14 March 2023 following the Labour Day public holiday.
4. The proposed 2023 schedule of fixed Council meetings recognises the established custom and practice of not scheduling a meeting of the Council in one week of the school holidays to enable Councillors with school age children the opportunity to spend 'family time' together. In addition where possible, not holding a meeting of the Council on the fifth Monday of the month.
5. The Council meeting to facilitate the annual appointment of the Mayor and Deputy Mayor and appointment of Councillors to various external management committees/boards, internal advisory committees and project steering committees is scheduled for Tuesday 21 November 2023.
6. Amendments to the Local Government Act 2020 (the Act) introduced a new section 61(6). This section provides a Councillor may attend and be present at a Council meeting by electronic means of communication. Practically speaking, then, it allows hybrid meetings to take place (with some councillors being physically present in the Council Chamber and others being 'in attendance' and 'present' electronically). The Governance Rules were revised to incorporate this amendment to the Act.
7. Council meetings can be conducted either:
  - wholly in person
  - wholly by electronic means; or
  - partially in person and partially by electronic means.
8. The Council needs to determine its preference for the conduct of meetings for the 2023 calendar year.

## **Governance Compliance**

### **Policy Implications**

9. The Governance Rules guide good governance by incorporating the governance principles contained in the Act.

### **Financial and Resource Implications**

10. The financial and resource costs associated with the conducting of Council meetings can be accommodated within the 2022-23 Council operational budget.

### Conflicts of Interest Disclosure

11. The Council officers in preparing this report have no general or material conflict of interest to declare.

### Legal / Risk Implications

12. Failure of the Council to give public notice of Council meetings on the Council website and a preference for the conduct of Council meetings will result in non-compliance with the Governance Rules.

### Stakeholder Consultation

13. The Senior Leadership Team was consulted with respect to the Council meeting schedule for the 2023 calendar year.
  
14. There was no requirement for external stakeholder consultation

### Human Rights Consideration

15. The implications of the report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities Act 2006 (the Charter).

### Attachments

1. Council Meeting dates 2023 [5.3.1 - 3 pages]

### Council Meeting Schedule 2023

Year & Date	Day	Time	Activity
<b>2023</b>			
26 January	Thursday		Citizenship Ceremony
30 January	Monday	6:00pm	Councillor Briefing Session
6 February	Monday	7:00pm	Council Meeting (Open to the public)
13 February	Monday	6:00pm	Councillor Briefing Session
20 February	Monday	7:00pm	Council Meeting (Open to the public)
27 February	Monday	6:00pm	Councillor Briefing Session
6 March	Monday	7:00pm	Council Meeting (Open to the Public)
13 March	Monday		Labour Day Public Holiday No meeting
14 March	Tuesday	6:00pm	Councillor Briefing Session
20 March	Monday	7:00pm	Council Meeting (Open to the Public)
27 March	Monday	6:00pm	Councillor Briefing Session
3 April	Monday	7:00pm	Council Meeting (Open to the Public)
7 April	Friday		Good Friday. Term 1 Autumn school holidays commence. 7 April – 23 April
10 April	Monday		Easter Monday. No meeting.
17 April	Monday	6:00pm	Councillor Briefing
24 April	Monday	7:00pm	Council Meeting (Open to the public)
25 April	Tuesday		ANZAC Day Public Holiday
1 May	Monday	6:00pm	Councillor Briefing Session

8 May	Monday	7:00pm	Council Meeting (Open to the public)
15 May	Monday	6:00pm	Councillor Briefing Session
22 May	Monday	7pm	Council Meeting (Open to the public)
29 May	Monday	6:00pm	Councillor Briefing Session
5 June	Monday	7:00pm	Council Meeting (Open to the public)
12 June	Monday	No Meeting	King's Birthday Public Holiday
19 June	Monday	6:00pm	Councillor Briefing Session
ALGA National Congress, Canberra (Sunday 18- Wednesday 21 June 2023)			
26 June	Monday	7:00pm	Council Meeting (Open to the public)
3 July	Monday	No Meeting	Term 2 Winter school holidays commence 24 June – 9 July 2023
10 July	Monday	6:00pm	Councillor Briefing Session
17 July	Monday	7:00pm	Council Meeting (Open to the public)
24 July	Monday	6:00pm	Councillor Briefing Session
31 July	Monday	7:00pm	Council Meeting (Open to the public)
7 August	Monday	6:00pm	Councillor Briefing Session
14 August	Monday	7:00pm	Council Meeting (Open to the public)
21 August	Monday	6:00pm	Councillor Briefing Session
28 August	Monday	7:00pm	Council Meeting (Open to the public)
4 September	Monday	6:00pm	Councillor Briefing Session
11 September	Monday	7:00pm	Council Meeting (Open to the public)
18 September	Monday	No Meeting	Term 3 School Holidays 16 September – 1 October 2023
25 September	Monday	No Meeting	
2 October	Monday	No Meeting	

9 October	Monday	6:00pm	Councillor Briefing Session
16 October	Monday	7:00pm	Council Meeting (Open to the public)
23 October	Monday	6:00pm	Councillor Briefing Session
30 October	Monday	7:00pm	Council Meeting (Open to the public)
6 November	Monday	No meeting	
7 November	Tuesday		Melbourne Cup Public Holiday
13 November	Monday	6:00pm	Councillor Briefing Session
20 November	Monday	7:00pm	Council Meeting (Open to the public)
21 November	Tuesday	7:00pm	Council Meeting (Election of Mayor, Deputy Mayor & Councillor Appointments) (Open to the public)
27 November	Monday	6:00pm	Councillor Briefing Session
4 December	Monday	7:00pm	Council Meeting (Open to the public)
11 December	Monday	6:00pm	Councillor Briefing Session
18 December	Monday	7:00pm	Council Meeting (Open to the public)
25 December	Monday	No meeting	Christmas Day
26 December	Tuesday		Boxing Day



## 5.4 Councillor Appointments for 2022-2023

**Executive Manager Legal & Governance: David Thompson**

**Manager Councillor & Civic Support: Tony McIlroy**

### Linkage to Council Plan

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### Purpose of Report

To appoint councillors to represent the Council on the following bodies:

- Audit and Risk Committee
- External Management Committees/Boards
- External/Internal Advisory Committees, often with community representation, and
- Internal Advisory Committees and Project Steering Committees (also commonly known as internal working groups).

### Officer Recommendation

***That Council resolve to:***

- 1. APPOINT Councillor membership of Council's Audit & Risk Committee in accordance with the table below:***

<b>Audit &amp; Risk Committee</b>	<b>Current Member(s)</b>	<b>Member(s)</b>
Stonnington City Council Audit & Risk Committee	Mayor, Cr Jami Klisaris Deputy Mayor, Cr Melina Sehr Cr Nicki Batagol 4 independent members	Cr Cr Cr

**2. APPOINT Council's representative on External Management Committees/Boards in accordance with the table below:**

External Management Committees/Boards	Current Member(s)	Member(s)
Municipal Association of Victoria (MAV)	Mayor, Cr Jami Klisaris Cr Polly Morgan (substitute)	Cr Cr
Victorian Local Governance Association (VLGA)	All Councillors	Cr
M9	Mayor, Cr Jami Klisaris	Mayor
Stonnington History Committee	Cr	Chair: Cr
Eastern Alliance for Greenhouse Action (EAGA)	Cr Kate Hely	

**3. APPOINT Councillor membership of Council's External/Internal Advisory Committees in accordance with the table below:**

External/Internal Advisory Committee	Current Member(s)	Member(s)
Stonnington Community Recovery Committee	Chair: Cr Matthew Koce Deputy Chair: Cr Mike Scott	Chair: Cr Deputy Chair: Cr
Climate Emergency Advisory Committee	Cr Kate Hely Cr Mike Scott	Chair: Cr Deputy Chair: Cr
Transport Advisory Committee (previously known as the Cycling Reference Group and the Active Transport Committee)	TOR recently reviewed, no current members	Chair: Cr Cr
Stonnington Disability and Inclusion Committee	Cr Polly Morgan	Cr
Stonnington LGBTIQ+ Advisory Committee	Cr Mike Scott	Cr
Reconciliation Action Plan Advisory Committee	Chair: Cr Nicki Batagol	Cr

**4. APPOINT Councillors to chair Council's Internal Advisory Committees and Project Steering Committees in accordance with the table below:**

<b>Internal Advisory Committee and Project Steering Committee</b>	<b>Current Councillor Member(s)</b>	<b>Member(s)</b>
Community Grants Working Group	Chair: Mayor	Chair: Mayor All Councillors
Volunteer Awards Evaluation Panel	Chair: Mayor All Councillors	Chair: Mayor All Councillors
Percy Treyvaud Memorial Park Steering Committee	Mayor, Cr Jami Klisaris Cr Matthew Koce Cr Polly Morgan	Chair: Cr Cr
Prahran Town Hall Redevelopment Steering Committee	Deputy Mayor, Cr Melina Sehr Cr Matthew Koce Cr Mike Scott	Cr Cr Cr
Transformation Councillor Reference Group	Cr Nicki Batagol Cr Melina Sehr	Cr Cr
Economic & Place Development	Chair: Cr Kate Hely Deputy Chair: Cr Marcia Griffin All Councillors	Cr Cr
Toorak Park Redevelopment Steering Committee	Cr Marcia Griffin Cr Nicki Batagol Cr Polly Morgan	Chair: Cr Cr
Chapel Street Transformation Steering Committee	Mayor, Cr Jami Klisaris Cr Nicki Batagol Cr Matthew Koce	Chair: Cr Cr

**Background**

1. Stonnington has a strong and diverse representative governance, which enhances open communication with our community, stakeholders and Council.
2. Committees and representation enable councillors undertake their roles in a way that represent the best interests of the community and best outcomes for Stonnington.

3. The Local Government Act 2020 (the Act) sets out and provides a legislative structure for a limited number of committee types. These include:
  - Audit and Risk Committee
  - Delegated Committee
  - Joint Delegated Committee
  - Community Asset Committee
4. The Act is silent on any other type of committee, however, Councils can establish any other committee that meets their needs, provided it has no delegated powers of the Council and does not manage a community asset on behalf of Council.

### Discussion

5. At the City of Stonnington, the following committee framework is in place:
  - Audit and Risk Committee
  - External Management Committees/Boards
  - External/Internal Advisory Committees, often with community representation
  - Internal Advisory Committees and Project Steering Committees (also commonly known as internal working groups)
6. Each year Council is required to nominate and appointment councillor representatives to the Audit and Risk Committee, External Management Committees/Boards, External/Internal Advisory Committees, Internal Advisory Committees and Project Steering Committees.

### Governance Compliance

#### Policy Implications

7. Council officers recommend the Council appoint councillors to represent the Council on the Audit and Risk Committee, External Management Committees/Boards, External/Internal Advisory Committees, Internal Advisory Committees and Project Steering Committees.

#### Financial and Resource Implications

8. The Council approved budget each year includes provision for anticipated costs in councillors representing the Council on various bodies and the running costs associated with the Audit and Risk Committee, External/Internal Advisory Committees, Internal Advisory Committees and Project Steering Committees.

### Conflicts of Interest Disclosure

9. The Council officers preparing this report have no general or material conflict of interest to declare.

### Legal / Risk Implications

10. Appointing councillors to represent the Council on various bodies assists in reinforcing public confidence in the integrity of Council's decision-making processes and in the Council's ability to ensure good corporate governance.

### Stakeholder Consultation

11. There was no requirement for external stakeholder consultation in this proposal.

### Human Rights Consideration

12. Complies with the Charter of Human Rights & Responsibilities Act 2006.

### Attachments

Nil

