



Council Meeting Agenda

Monday 28 November 2022 at 7 PM

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

Information for the Community

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.

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- 1 Reading of the Statement of Reconciliation
- 2 Reading of the Statement of Commitment
- 3 Introduction of Councillors & Executive Staff
- 4 Apologies
- 5 Confirmation of the Minutes of the previous meeting

5.1 Minutes of the Council Meeting held on 14 November 2022

Officer Recommendation

That the Minutes of the scheduled meeting of the Stonnington City Council held on 14 November 2022 be confirmed as an accurate record of the proceedings.

- 6 Disclosure of Conflicts of Interest
- 7 Questions From the Community
- 8 Business

8.1 Quarterly CEO Update - Q1 FY23

Manager Corporate Strategy & Performance: Mathew Burke
Acting Director Organisation Capability: Marilyn Kearney

Linkage to Council Plan

Direction 3: A people-centred and future ready city

- 3.1 Community focus, connection and engagement
- 3.4 Fit for purpose operating model and resource management

Purpose of Report

To present the CEO Quarterly Update for Q1 FY23, reporting Council's progress delivering the Council Plan 2021-25 (Future Stonnington) and performance against Local Government Performance Reporting Framework (LGPRF) indicators.

Officer Recommendation

That Council:

1. ***APPROVE the Q1 FY23 CEO Update (Attachment 1) for public release.***

Executive Summary

1. The CEO Quarterly Update is designed to keep the community updated on Council's performance as part of an ongoing commitment to transparency and accountability.
2. The Q1 report represents the period July to September 2022 and is the first report on the implementation of the Year 2 Annual Plan 2022-23.
3. Currently, as at Q1, all Annual Plan actions are reported as 'on track' (at 25% completion).

Background

4. The CEO Quarterly Update was introduced during Q2 FY22 to keep the community updated on Council's performance delivering the Council Plan 2021-25 (Future Stonnington).
5. The report incorporates Council's progress delivering the Annual Plan 2022-23 and a summary of service data collected as part of the Victorian Governments' Local Government Performance Reporting Framework (LGPRF).

Key Issues and Discussion

6. This year, the number of activities within the Annual Plan were reduced from 106 to 40, to deliver a more focused and effective reporting process in line with the FY23 Budget. At the end of Q1, all activities from the Annual Plan have been reported as on-track or ongoing.
7. The CEO Quarterly Update now includes 26 strategic indicators across the three strategic directions, to provide further insights and monitor achievements. This suite of indicators will continue to evolve with future iterations of the report as part of a wider maturity uplift of Council's performance reporting.
8. All LGPRF Service Performance Indicators have been reported. Key insights include:
 - a. Utilisation of aquatic facilities have returned to pre COVID-19 levels. In particular, the Prahran Aquatic Centre had the highest quarter 1 attendance levels for over 10 years.
 - b. Library loans are approaching pre COVID-19 levels.
 - c. The reported time take to action food complains has been impacted by software constraints. Changes to CRMS access and making it available off-site improve the accuracy of reporting on response rates.
 - d. The accuracy of the Waste LGPRF data was impacted by several factors this quarter including; a change in the calculation of the number of collection households, challenges associated with the bin lid changeover program and challenges recording tonnage data this quarter.

Governance Compliance

Policy Implications

9. There are no policy implications associated with this report.

Financial and Resource Implications

10. A high-level summary of the Quarterly Finance Report (presented separately to Council) is included in the Q1 Update.

Conflicts of Interest Disclosure

11. 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

12. There are no legal / risk implications relevant to this report.

Environmental Implications

13. An update on Council's sustainability and climate actions undertaken this quarter is summarised within the report.

Community Consultation

14. There was no requirement for community consultation.

Human Rights Consideration

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

Attachments

1. Q1 CEO Update FY2022-23 [8.1.1 - 38 pages]

8.2 Planning Scheme Review

Manager City Futures: Hannah McBride-Burgess
Director Planning & Place: Annaliese Battista

Linkage to Council Plan

Direction 1: A thriving and unique place

1.3 Pride of place and character

Purpose of Report

The purpose of this report is to seek the Council's endorsement of the Stonnington Planning Scheme Review Report 2022 (the Review, refer **Attachment 1**) and to note the Stonnington Planning Scheme Review Community Engagement Report (refer **Attachment 2** for a summary of community engagement and **Attachment 3** for the full Community Engagement Report).

Officer Recommendation

That Council:

- 1. ENDORSE the Stonnington Planning Scheme Review.***
- 2. NOTE the Stonnington Planning Scheme Review Community Engagement Report.***
- 3. AUTHORISE Council Officers to submit the Stonnington Planning Scheme Review and Community Engagement Report to the Minister for Planning in accordance with Section 12B of the Planning and Environment Act 1987.***
- 4. AUTHORISE the Director Planning and Place to make minor changes to the Stonnington Planning Scheme Review where they do not impact the intent of the Review.***

Executive Summary

- The Planning Scheme Review (the Review) has been prepared to evaluate local content of the Stonnington Planning Scheme to ensure it remains relevant, cohesive and aligned to State and Local Government policy directions.
- This fulfils a requirement under Section 12B of the *Planning and Environment Act (1987)* that all Councils undertake a review of their Planning Scheme within twelve months of adoption of the Council Plan.
- The City of Stonnington adopted its Council Plan on 18 October 2021.
- This review has been extensively informed by community engagement, with a significantly higher response rate than the last Stonnington Planning Scheme Review in 2018. Over 200 community members provided feedback, compared with seven in 2017. This feedback has been carefully analysed and considered, to inform the recommendations of the review.

5. Overall, the Review determined that the Stonnington Planning Scheme successfully reflects Council's objectives regarding the future planning of the Municipality and that the future work program will result in further improvements to the operation of the Planning Scheme and respond to many of the key issues explored in the review.

Background

6. A Local Planning Scheme sets out the direction for land use and development within the Municipality. It includes both State and Government content.
7. Section 12B of the Planning and Environment Act (1987) requires Council to review the provisions of the Stonnington Planning Scheme within twelve months of adoption of the Council Plan. The Council Plan was adopted on 18 October 2021, and an extension of time was provided to 31 December 2022 to undertake and implement this review.
8. The objective of the review is to ensure that the Stonnington Planning Scheme remains relevant, meets community needs, and aligns with State and Local Government policy.
9. On completion of the review, Council must report the findings of the review to the Minister for Planning.
10. The Review was prepared in line with matters as set out in the Department of Environment, Land, Water and Planning's (DELWP) Review of Planning Schemes Practice Note (June 2015) and Continuous Improvement Review Kit (February 2006).
11. Between July and August 2022, the Stonnington community and stakeholders were invited to share their feedback and ideas under eight themes, documented in **Attachment 3**. The themes were:
 - a. Residential development and housing.
 - b. Open space.
 - c. Neighbourhood character.
 - d. Activity centre planning and growing jobs.
 - e. Heritage.
 - f. Trees.
 - g. Transport and environment.
 - h. Sustainability and climate.

Key Issues and Discussion

12. The review findings were that the Stonnington Planning Scheme generally reflects Council's objectives regarding the future planning of the municipality and that the future work program will result in further improvements to the operation of the Planning Scheme.
13. Some core themes that emerged through the feedback from the community were:
 - a. The rate and scale of development in the Municipality.

- b. Impacts of new development.
 - c. Strengthening heritage and neighbourhood character protections.
 - d. Increased vegetation and green cover.
 - e. Sustainability and climate emergency response.
 - f. Transport.
14. The review found that work responding to many of the themes identified in community consultation is being progressed through Council's Annual Plan initiatives. These projects include a Housing Strategy, Environmentally Sustainable Development Policy, Neighbourhood Activity Centre Framework and an Open Space Strategy, as well as implementation of the Heritage Strategy and Action Plan 2018-2029 and transport and sustainability projects.
15. In addition to acknowledging work already underway, the review identified several areas for additional work, including the following:
- a. Tree protection and urban forest strategy.
 - b. Sustainable transport and car parking.
 - c. Liquor licensing.
 - d. Signage.
 - e. Managing built form at interfaces between sensitive residential areas and areas identified for growth.
 - f. Defining community benefit related to the Activity Centre Zone.
 - g. Urban design, design quality and design excellence.
 - h. Greater recognition and celebration of Aboriginal cultural heritage.
16. Implementation of the current pipeline of projects and consideration of the additional work outlined above will respond to many of the key issues explored in the review, ensuring the Planning Scheme meets community needs and aligns with State and Local Government Policy.

Governance Compliance

Policy Implications

17. The review has highlighted the Stonnington Planning Scheme's consistency with, and implementation of, the land use and development goals of the Council Plan.

Financial and Resource Implications

18. There are no immediate financial implications associated with this report. Resource implications for further work will be managed through the annual budget process.

Conflicts of Interest Disclosure

19. 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

20. The review has been undertaken to meet requirements established in Section 12B of the *Planning and Environment Act 1987*

Environmental Implications

21. In undertaking the review, policy relating to environmental sustainability and climate change has been considered, and any gaps in the Stonnington Planning Scheme identified.

Community Consultation

Purpose	Clearly define the objective and scope of the community engagement process.
IAP2 Goal:	Involve
Exhibition period	22 July 2022 to 21 August 2022
Method:	<p>Stonnington residents and businesses were sought for input.</p> <ul style="list-style-type: none"> • Two 'intercept' engagement sessions at Prahran Market and Central Park • Pop-up engagement session at Toorak/South Yarra Library • Online survey • A postcard mailout to approximately 60,000 residents and businesses across the municipality. • Displays within Council's libraries and customer service centres. • A bulk email to community group contacts, planning permit applicants and other known community stakeholders. • A social media post shared via Council's Facebook and Twitter accounts
Reach:	<ul style="list-style-type: none"> • A total of 214 participated in the engagement by completing a survey, attending an event or making a submission • Social media posts reached 1,700 people • Website attracted 1,113 visits
Summary of feedback:	Several key findings emerged from feedback that have been considered in finalising the Review. Refer to Attachments 2 and 3 .
Impact:	Community feedback was analysed as part of this Review with findings informing the outcomes of the Review.

Human Rights Consideration

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

Attachments

1. Planning Scheme Review Report [8.2.1 - 51 pages]
2. Planning Scheme Review Community Engagement Summary Brochure [8.2.2 - 4 pages]
3. Planning Scheme Review Community Engagement Report [8.2.3 - 32 pages]

8.3 Proposed Discontinuance of Right of Way abutting 2-3 Gahan Court, Toorak - Public Submissions hearing

Chief Financial Officer: Julia Gallace

Acting Director Organisation Capability: Marilyn Kearney

Linkage to Council Plan

Direction 1: A thriving and unique place

1.2 Thriving and desirable businesses

Direction 2: An inclusive and healthy community

2.3 Public and green spaces

Direction 3: A people-centred and future ready city

3.1 Community focus, connection and engagement

Purpose of Report

The purpose of this report is to inform the Council of the key themes and issues raised in the submissions received in response to the Council's public notices published under section 223 of the *Local Government Act 1989 (Act)* regarding its proposal to consider discontinuing the road abutting 2-3 Gahan Court, Toorak, which is shown hatched green on the plan contained in **Schedule 1** to this Report, being the whole of the land contained in certificate of title volume 9680 folio 653 (**Road**).

The Council is to consider submissions to the proposed road discontinuance and resolve whether the part of the laneway abutting 2-3 Gahan Court, Toorak, should be discontinued pursuant to clause 3 of Schedule 10 of the Act or alternatively, the land be retained by Council and used for the original purpose for which it was intended.

Officer Recommendation

That the Council:

- 1. NOTE that 16 formal submissions were received and considered under the two section 223 processes, in respect to Council's proposal to discontinue and sell the road known as part of the laneway abutting 2-3 Gahan Court, Toorak.**
- 2. NOTE that Council received no requests from submitters wishing to be heard in person at the Hearing of Submissions.**
- 3. DECLINES the request to discontinue the laneway abutting 2-3 Gahan Court, Toorak, which is shown in the plan contained in Schedule 1 to this Report, being the whole of the land contained in certificate of title volume 9680 folio 653 (Road). Having followed the required statutory procedures pursuant to sections 207A and 223 of the Act, and pursuant to its power under clause 3 of Schedule 10 of the Act.**

4. ADVISE the applicants of this Council decision.

Executive Summary

1. To consider the sixteen (16) submissions received in response to the two Public Notices regarding the Council's proposal to discontinue and sell the road known as part of the laneway abutting 2-3 Gahan Court, Toorak, which is shown hatched green on the plan contained in **Schedule 1** to this Report, being the whole of the land contained in certificate of title volume 9680 folio 653 (Road).
2. The Road forms part of the landscaping at the front of both 2 Gahan Court and 3 Gahan Court but is not fenced in as part of those properties. To the casual observer, the Road appears to form part of both these properties, however allows for an enlarged buffer between the paved road and both 2 and 3 Gahan Court and adds to the amenity of the Court.
3. The Road reserve itself vests with the Council, however forms part of the title owned by 2 Gahan Court Toorak who purchased the two parcels of land being certificate of title volume 9680 folio 653 (Road) and certificate of title volume 8621 folio 260 (2 Gahan Court) back in June 2008.
4. On 2 June 2015, a report was endorsed by the CEO to commence proceedings to remove the Road from Council's register of public road and to give public notice of the proposed discontinuance and sale under sections 207A and 223 of the Act.
5. On 15 January 2019, a report was endorsed by the CEO that resolved that the road abutting 2-3 Gahan Court, Toorak, being the whole of the land contained in certificate of title volume 9680 folio 653, be removed from Council's Register of Public Roads on the basis that the road is no longer reasonably required for general public use for the reasons set out in the report. The removal of these roads was never formally gazetted so each remains on the Register of Public Roads as per its original purpose.
6. Due to a significant lapse in time between the first Public Notice (October 2020), Officers were prompted to restart the public submission process and notify all adjoining landowners of the proposal and provide further opportunity to comment on the proposal. A second Public Notice process was undertaken in April 2022. It should be noted that fifteen (15) objections were received in response to the first public Notice.
7. At its September 2022 meeting Council deferred this report to a later meeting date. Subsequently, council officers have written to all adjoining properties seeking confirmation of their previous submissions. Two parties formally re-confirmed their submissions.
8. The Applicant has agreed to pay the Council's costs and disbursements associated with the proposed discontinuance and sale of the Road to the Applicant.
- 9.
10. In consideration of the application, various submissions and previous actions of Council it is officers advice to decline the application for discontinuance of the laneway given the

local amenity and value that the parcel adds to the court in this context. There is no obligation on Council as the road authority to approve the discontinuance and sale of the parcel of land.

Background

11. In 2018, Council was approached by two applicants to discontinue the Road and sell that part of the discontinued Road which abuts:
 - 2 Gahan Court shown as Lot 1 on the title plan (Title Plan) attached as **Schedule 4** of this Report (Lot 1), to the owner of 2 Gahan Court; and
 - 3 Gahan Court shown as Lot 2 on the Title Plan (Lot 2), to the owner of 3 Gahan Court, (the Proposal).
12. The owner of 2 Gahan Court, Toorak 3142 (2 Gahan Court) which abuts the northern boundary of the Road and is hatched yellow on the plan contained in **Schedule 1** to this Report. The owner is also the registered proprietor of the Road.
13. The owner of 3 Gahan Court, Toorak 3142 (3 Gahan Court) abutting the eastern boundary of the Road, which is hatched pink on the plan contained in **Schedule 1** to this Report.
14. The Applicants have requested that Council discontinue the Road. The Road forms part of the landscaping at the front of both 2 Gahan Court and 3 Gahan Court, but is not fenced in as part of those properties. To the casual observer, the Road appears to form part of both these properties, however, there is no definitive line to where their land stops and the Council Road Reserve starts.
15. The current arrangement of a Road was put in place by the original owner in consultation with the Prahran Council where it became a Road Reserve under title volume 9680 folio 653. The intention was that it would enhance the streetscape and amenity of Gahan Court with increased open space as well as create an enlarged buffer between the paved road and the house. Being a Road Reserve there would still be a driveway cross-over to both properties 2 and 3 Gahan Court.
16. The Applicants have entered into a land swap agreement dated 3 December 2012. The Land Swap Agreement provide that:
 - The owner of 2 Gahan Court will secure the transfer by Council of Lot 2, which is shown coloured pink on the Land Swap Plan attached as **Schedule 8**, to the owner of 3 Gahan Court; and
 - The owner of 3 Gahan Court will transfer areas B and C, which are shown coloured yellow on the Land Swap Plan, to the owner of 2 Gahan Court.
17. In accordance with the terms of the Land Swap Agreement signed by the Applicants, the owner of 3 Gahan Court has agreed to pay the Council's costs and disbursements associated with the proposed discontinuance of the Road, and transfer of the discontinued Road.

18. On 2 June 2015, Council resolved to commence its statutory process to consider whether or not to proceed with the Proposal, and to give public notice of its Proposal pursuant to sections 207A and 223 of the Act.
19. On 15 January 2019, Council resolved to remove the Road from Council's register of public roads. Further background and detail regarding the Proposal is set out in the above two reports considered by Council.
20. In accordance with section 223 of the Act, Council published a public notice of the Proposal in the 'Herald Sun' on 19 October 2020 (First Public Notice). Council also provided a copy of the First Public Notice to each of the landowners whose property abuts the Road and those persons who have previously written to Council regarding the Proposal. The First Public Notice submission period ended on 17 November 2020. A copy of the First Public Notice is contained in **Schedule 5** of this report.
21. Council received fifteen (15) submissions in response to its First Public Notice which are contained in **Schedule 3**.
22. For various reasons, Council did not proceed with considering the submissions made in response to the First Public Notice.
23. In early 2022, Council officers recommenced the process for Council to consider the Proposal and bring this long-standing matter to a conclusion. Having regard to the passing of time since the submissions were received in response to the First Public Notice, Council officers determined that it would be prudent for Council to publish a fresh public notice in respect of the Proposal.
24. In accordance with section 223 of the Act, Council published a second public notice of the Proposal in the 'Herald Sun' on 28 March 2022 (Second Public Notice). Council also provided a copy of the Second Public Notice to each of the landowners whose property abuts the Road and the persons who made a submission in respect to the First Public Notice. A copy of the Second Public Notice is contained in **Schedule 6** of this report.
25. Council received one submission in response to its Second Public Notice which is contained in **Schedule 2** of this report.
26. Council scheduled a Hearing of Submissions for the 12 September 2022 to consider the submissions made to the second Public Notice process. Council received one request from a submitter to speak at the Hearing of Submissions. However, this submitter notified Council that they were sick on the day of the Hearing and the decision was made by Council to therefore rescheduled until 28 November 2022.
27. In response to some engagement with submitters from the First Public Notice, registered mail was sent to all adjoining property owners (including all previous submitters) on 30 September 2022. All parties were advised of the deferment of the Hearing of Submissions and that all submissions from both public notices would be considered at a future meeting. Parties could also provide further feedback and two submitters re-

confirmed their earlier position.

28. All submitters had until 4 November 2022 to register their interest to speak at this Hearing of Submissions. No submitter has registered to speak.

Background

Public Notices and Submissions

29. The Council received fifteen (15) written submissions in response to its First Public Notice and one (1) written submission in response to its Second Public Notice (together 'Submissions'). Copies of the Submissions are attached in **Schedule 2 & 3** of this report, respectively and can be summarised below:

- The Road is public space that should remain open and available to the public and not be sold to a private individual/s;
- The sale of the Road will impact on the amenity of the Road which is enjoyed by other adjoining owners and will potentially allow the Applicants to build an undesirable development on the Road and/or seek to acquire the whole of Gahan Court in the future;
- There is a risk that the landscape buffer provided by the Road could be lost. For example, the Road may be paved and used for private car parking or inappropriate structures may be built on the Road that do not align with the existing streetscape; adjoining owners have already been inconvenienced by unauthorised tree planting on the Road and no response was received from Council in respect of the objections made regarding this issue;
- The proposal creates a dangerous precedence for future applications to informally use and acquire Council assets which are originally intended for public use.
- The road may be included in any future planning/development applications. It is noted a similar application was lodged in 2013 (planning application 0297/13) which was not successful following a number of objections. Further information was requested of the Applicant in 2014, however, no additional information was received, and the permit application never proceeded.
- The Road acts to cool the streetscape given the increasing temperatures and climate change concerns;
- The Proposal is contrary to the intention of the original subdivider, a gentleman who donated the Road to Council with the intention that it would enhance the streetscape and amenity of Gahan Court by increasing the open space and enlarging the buffer between the paved road and adjoining houses;
- The Proposal may limit access to the Balholmen Apartments at 9 Struan Street, Toorak, shown hatched blue on the plan contained in Schedule 1 (Balholmen Apartments) either now or in the future. In particular, it may prevent the owners corporation for the Balholmen Apartments from implementing its future proposal to develop a two-storey garage with the lower level accessible via Struan Street and the upper level having direct access to Gahan Court via the existing Road;

- The Proposal contradicts Council's stated desire to increase the amount of public open space in the locality (Open Spaces Strategy); and
 - If the Road is discontinued, all adjoining properties (including the Balholmen Apartments) should have the opportunity to purchase the Road.
30. 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 which has delegated authority to hear those submissions. Council officers have provided each submitter with reasonable notice of the day, time and place of the meeting. Council received no requests from submitters wishing to be heard in person at the Hearing of Submissions. Council must present all findings at a future report to Council.
31. Council must determine whether the Road is still reasonably required as a road for public use and decide whether the Road should be retained and maintained for its original purpose. Should the road be deemed surplus to Council and public requirements, Council may select to proceed with the proposed discontinuance and sale.

Options for consideration

32. It is recommended that Council consider the submissions received as outlined in this report.
33. Council has provided submitters the opportunity to be heard, in accordance with Section 223 of the Local Government Act 1989. Should Council decide not to enable the Hearing of Submissions to take place, it would be in breach of the Local Government Act 1989.
34. Council may elect to reschedule the meeting.

Option 1

35. Council could resolve to disallow the proposal and advise the applicants accordingly. This option would mean that the land would continue to remain vested in Council.
36. Any further management of the encroachment removal will be managed by the appropriate City of Stonnington department.

Option 2

37. Council could resolve to approve the proposed discontinuance and finalise the statutory procedures to potentially sell the Land. Council would retain the financial benefits of sale proceeds (if sold) but ultimately relinquish control and ownership of land dedicated for public purposes.

Governance Compliance

Policy Implications

38. There are no policy implications associated with this report.

Financial and Resource Implications

39. The Applicants have agreed to pay Council's costs incurred in considering the Proposal. This includes, but is not limited to, paying full market value for the land and covering all

legal, surveying, advertising and title registration costs.

40. A valuation was undertaken to determine the value of the land which is contained in **Schedule 7** of this report and valued at \$85,000 plus GST (2 Gahan Court, Toorak) and \$80,000 plus GST (3 Gahan Court, Toorak), respectively.

Conflicts of Interest Disclosure

41. 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

42. The Council's Solicitors for this matter, Maddocks, were engaged to review any relevant documentation in relation to this matter.

Environmental Implications

43. There are no immediate environmental implications relevant to this report provided that the land be retained for its current purpose.

Community Consultation

44. In accordance with section 223 of the Act, Council published a public notice of the Proposal in the 'Herald Sun' on 19 October 2020 (First Public Notice). Council also provided a copy of the public notice to each of the landowners whose property abuts the Road and those persons who have previously written to Council regarding the Proposal. The public notice submission period ended on 17 November 2020. A copy of the public notice is contained in **Schedule 5** of the report.
45. In accordance with section 223 of the Act, Council published a second public notice of the Proposal in the 'Herald Sun' on 28 March 2022 (Second Public Notice). Council also provided a copy of the public notice to each of the landowners whose property abuts the Road and those persons who have previously written to Council regarding the Proposal. The public notice submission period ended on 24 October 2022. A copy of the public notice is contained in **Schedule 6** of the report.

Human Rights Consideration

46. The recommendation complies with the Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic).

Attachments

1. Plan of Gahan Court - Schedule 1 [**8.3.1** - 1 page]
2. 1 Submission to Second public notice 2022 - Schedule 2 [**8.3.2** - 1 page]
3. Title plan - Schedule 4 [**8.3.3** - 1 page]
4. First Public notice - Schedule 5 [**8.3.4** - 1 page]
5. Second Public Notice - Schedule 6 [**8.3.5** - 1 page]
6. E 3 valuations - 2-3 Gahan Crt - ROW Discontinuance - 2022 - Schedule 7 [**8.3.6** - 2 pages]

8.4 Electric Vehicle Charging Infrastructure Policy

Manager Transport & Parking: Ian McLauchlan

Acting Director Environment & Infrastructure: Simon Holloway

Linkage to Council Plan

Direction 1: A thriving and unique place

1.4 Active transport and connected city

Direction 2: An inclusive and healthy community

2.4 Sustainability and climate action

Purpose of Report

To seek endorsement for the Electric Vehicle Charging Infrastructure Policy to guide Council's ongoing commitment to developing a local electric vehicle charging network.

Officer recommendation

That Council:

- 1. ENDORSE the Electric Vehicle Charging Infrastructure Policy.**
- 2. NOTE that a draft Electric Vehicle Charging Plan aligned to the Policy will be referred to the Transport Advisory Committee and Climate Emergency Advisory Committee for review and endorsement prior to being considered by Council for adoption in early 2023.**

Executive Summary

1. Council's Transport Strategy and Climate Emergency Action Plan 2021-2024 outline a commitment to facilitating the uptake of electric vehicles (EVs).
2. Council have developed a draft Electric Vehicle Charging Infrastructure Policy and draft Electric Vehicle Charging Plan. Together these documents would guide Council's ongoing commitment to developing a local electric vehicle charging network.
3. Officers are seeking endorsement of the Electric Vehicle Charging Infrastructure Policy at this point in time and will refer the draft Electric Vehicle Charging Plan to the Transport Advisory Committee and Climate Emergency Advisory Committee for review and endorsement prior to being considered by Council for adoption in early 2023.

Background

4. Transport is the fastest growing source of greenhouse gas emissions in Australia. Shifting away from fossil fuelled cars to more sustainable transport modes, such as electric vehicles where active and public transport are not feasible, is the second biggest opportunity to reduce emissions in Stonnington.

5. The Transport Strategy and Climate Emergency Action Plan 2021-2024 outline Council's role in facilitating the uptake of electric vehicles including:
 - a. Developing a policy to support a network of electric vehicle charging stations across Stonnington to drive private uptake of electric vehicles.
 - b. Undertaking a feasibility study to explore options for supporting electric vehicle uptake including opportunities for on street and off-street charging.
6. To deliver on these clear commitments supporting increased uptake of electric vehicles in our local community, Council Officers engaged a consultant to assist in developing the Electric Vehicle Charging Plan and peer review the draft Electric Vehicle Charging Infrastructure Policy developed by Officers.

Key Issues and Discussion

7. Stonnington has a high demand for electric vehicles with two of our suburbs being in the top 10 for electric vehicle ownership in Australia.
8. Stonnington also has a significant proportion of households without off-street parking (over 20%) which creates an issue with charging electric vehicles. As most charging is done at home these residents must therefore use public charging if they choose to run an EV.
9. Council's role in this space is to facilitate the development of a local network of EV chargers and, where and when appropriate, install electric vehicles chargers for public and/or Council fleet use.
10. Council has and will continue to advocate for Federal and State funding for the installation of EV chargers however significant installation of chargers by Council requires staff resources not currently available and will incur ongoing maintenance and upgrade costs.
11. There is considerable interest from the private sector in partnering with local governments, as important holders of parking in high profile and strategic areas, to install fast EV chargers. Such partnership models would provide operators access to Council parking spaces (usually off-street) for them to install and run commercial EV charging services at no cost to Council, with arrangements for revenue sharing from the charging itself and advertising.
12. The Electric Vehicle Charging Infrastructure Policy (**Attachment 1**) outlines Council's policy position responding to the aforementioned issues, including the focus on facilitating development of a public off-street fast-charging network.
13. The Electric Vehicle Charging Plan aligning to the Policy and providing a detailed implementation plan has been developed and will be considered by the Transport Advisory Committee and Climate Emergency Advisory Committee for review and endorsement prior to being considered by Council. This Plan also provides options for on-street charging to be considered once the public fast charging network is more developed.

Governance Compliance

Financial and Resource Implications

There are no financial and resource implications associated with this report.

Legal / Risk Implications

There are no legal / risk implications relevant to this report.

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.

Environmental Implications

Increasing the uptake of electric vehicles is aligned with actions in the Climate Emergency Action Plan 2021-24 aimed at reducing greenhouse gas emissions and improving urban amenity.

Community Consultation

Considerable consultation was undertaken in development for the Integrated Transport Strategy and Climate Emergency Action Plan 2021-24 which informed actions related to electric vehicles and in turn informed the work outlined in this report. The Electric Vehicle Charging Plan has been developed based on technical assessment and modelling, and so any future consultation would be on specific proposals for electric vehicle charging stations, where required. The Transport Advisory Committee and Climate Emergency Advisory Committee will be engaged to review and endorse the draft Electric Vehicle Charging Plan prior to it being considered by Council.

Attachments

1. Draft Electric Vehicle Charging Infrastructure Policy [8.4.1 - 7 pages]

8.5 Communications and Engagement Plan - Parking Action Plan

Manager Transport & Parking: Ian McLauchlan

Acting Director Environment & Infrastructure: Simon Holloway

Linkage to Council Plan

Direction 1: A thriving and unique place

1.4 Active transport and connected city

Direction 2: An inclusive and healthy community

2.4 Sustainability and climate action

Purpose of Report

To seek Council endorsement for officers to proceed with a planned community engagement process, commencing in early 2023 and in line with the attached Communications and Engagement Plan, to inform the development of a Stonnington Parking Action Plan.

Officer Recommendation

That Council:

- 1. ENDORSE officers to undertake broad community and stakeholder engagement to inform the development of a Stonnington Parking Action Plan.***
- 2. APPROVE the community engagement to be undertaken in line with the Communications and Engagement Plan attached to this report.***
- 3. NOTE that a report will be brought back to Council with the outcome of the consultation.***

Executive Summary

- Council officers propose to undertake a broad community and stakeholder engagement process that will assist in informing, along with research, benchmarking and expert advice, the development of a Parking Action Plan.
- The engagement process will also inform the development of an updated Resident Parking Policy and Scheme, and an Activity Centre Parking Policy, that fall under the overarching Parking Action Plan.
- The proposed community and stakeholder engagement process will commence in early 2023 and run for 4-6 months. It will be guided by a Communications and Engagement Plan.
- The Communications and Engagement Plan has two parts:
 - Part 1 (pre-engagement) will see workshops with traders, schools and school community (parents, teachers and residents), Council's Executive Team and Councillors to inform them of issues/trends/best-practice to allow them to provide more informed contributions during the engagement and help answer

any questions they may be asked. This stage will be facilitated by an external consultant at a cost below \$20,000 (covered by existing budget)

- b. Part 2 will consist of a community wide engagement including, but not limited to, online surveys, community group meetings, intercept surveys, key stakeholder engagement and pop-up sessions in all suburbs. This will be undertaken internally, and costs will be covered by existing operating budgets.

Background

5. The City of Stonnington is growing in population, leading to several pressures on the transport network and increased demand for limited supplies of on street and Council managed car parking.
6. Despite this growth, the management of parking in Stonnington has remained largely unchanged since the inception of the Council in 1994 and needs to address current parking issues. There are limitations with the current approach to parking management with respect to consistency with sustainable transport objectives and equity.
7. After internal stakeholder interviews to understand issues from Officers' perspective, Council will now engage with the community to better understand existing and perceived parking challenges and get their views on how competing demands should be balanced, to plan for future approaches to parking management across Stonnington.
8. The engagement Stages are as per pages 5 and 6 of Attachment 1 (Communications and Engagement Plan - Parking Action Plan)
9. Feedback from the consultation, along with research, benchmarking and expert advice will be used to develop a Parking Action Plan, an updated Resident Parking Policy and Scheme, and an Activity Centre Parking Policy. Delivering a fair and responsive parking plan will ensure our residents, businesses and visitors can better enjoy all that Stonnington has to offer.

Key Issues and Discussion

10. After the development of the Parking Action Plan, we're hoping to:
 - a. Achieve a balance of population growth and need for parking;
 - b. Promote uptake of active and public transport;
 - c. Have a uniform approach to parking management across the city;
 - d. Have clearer and tighter permit conditions for new developments that don't cause parking management issues in the future;
 - e. Address unfounded perceptions around car parking needs in high use areas;
 - f. Reallocate public space to highest and best use, such as expanded walking and cycling infrastructure, public open space, and outdoor dining;
 - g. Deliver a more efficient and equitable approach to parking to reduce permit over-subscription, alleviate parking demand and address parking permit misuse;
 - h. Set clear parking management triggers that include paid parking as an option when all others have been exhausted;

- i. Clear enforcement guidelines; and
- j. Address the parking needs of all transport modes and of people of all abilities.

Governance Compliance

Policy Implications

11. The endorsed Transport Strategy calls for several actions relating to parking such as:
 - Action W12 - Review and reform on-street car parking to maximise the efficient use of street space, optimise deliveries and servicing, and maintain access for those who need it. Key considerations should include areas for road space reallocation, management options for areas of high demand (such as time restrictions and pricing structures), making more efficient use of on-street loading, and the role of taxi ranks
 - Action W14 and E15 - Update the resident parking permit scheme to better manage and allocate parking provision in activity centres and areas with good public transport access.
 - Action C8 - Review bicycle parking and end-of-trip facilities at key destinations, such as train stations, and increase supply in locations of high demand.
 - Action C9 - Review on-street and off-street car parking requirements. Key considerations should include management options for areas of high demand (such as time restrictions and pricing structures), the utilisation of emerging technologies to maximise the use of existing assets (such as parking sensors), off-street upgrades (such as improving security with new CCTV and lighting, improving access between parking areas and key destinations with new and upgraded footpaths).
 - Action E14 - Comprehensive review of on-street car parking requirements. Key considerations should include current supply, management options for areas of high demand and competing uses (such as time restrictions, parking permits or pricing structures), parking enforcement, and the utilisation of emerging technologies to maximise the use of existing assets (such as parking sensors).
 - Action A5 - Identify opportunities to strengthen the requirements in the Planning Scheme to increase bicycle parking provisions and end-of-trip facilities in all new buildings.
 - Action A12 - Develop a Parking and Kerbside Management Plan to support the review and reform of car-parking across the municipality. (Develop in line with actions such as W13, C9 and E14).

Financial and Resource Implications

12. All costs of this Communications and Engagement Plan will be covered by existing budgets:
 - Part 1 of the engagement process will be facilitated by an external consultant at a maximum cost of \$20,000 ex GST.
 - Part 2 of the engagement process will be undertaken internally, and costs will be covered by existing operating budgets.

Conflicts of Interest Disclosure

13. 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

14. Risks and mitigating actions for this communications and engagement plan are addressed in pages 3 and 4 of Attachment 1 (Parking Action Plan - Communications and Engagement Plan)

Environmental Implications

15. There are no environmental implications relevant to this report.

Community Consultation

16. There was no requirement for community consultation.

Human Rights Consideration

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

Attachments

1. Communications and Engagement Plan - Parking Action Plan [**8.5.1** - 22 pages]

8.6 Quick Response Grant

Manager Aged, Diversity & Community Planning: Liz Daley
Director Community & Wellbeing: Cath Harrod

Linkage to Council Plan

Direction 2: An inclusive and healthy community

2.1 Health and wellbeing

Purpose of Report

To seek Council endorsement for the community grants program 'Quick Response Grant' application.

Officer Recommendation

That Council:

1. ***ENDORSE the Quick Response Grants funding recommendation as per Attachment 1; and***
2. ***NOTE that Quick Response Grants will remain open until the funds are fully expended.***

Executive Summary

1. Quick Response Grants opened on 25 July 2022 and will remain open until funds are exhausted.
2. One application has been received in October and is recommended for full funding (**Attachment 1**).

Background

3. The 2022 Community Grants Program Policy and Guidelines adopted by the Council reflect improvements recommended in previous grants programs and audits findings and recommendations.
4. Quick Response Grants are capped at \$1,000 per grant with one grant per group per annum.
5. The Council has discretion to waive or amend assessment and/or eligibility criteria, except taxation status.
6. On 11 April 2022 the Council approved Quick Response Grants to open on 25 July 2022 and remain open until fully expended.

Key Issues and Discussion

7. One application has been assessed by a Panel and is recommended for full funding for venue support. It is noted the recommendation for in-kind venue support is above the maximum grant limit of \$1,000 due to the applicant missing the annual program.

8. The Panel comprised Coordinator Community Support; Manager Arts, Events and Culture; Coordinator Aquatic Services.

Governance Compliance

Policy Implications

9. Quick Response Grants are guided by the 2022-2023 Community Grants Policy and 2022-2023 Quick Response Grants Guidelines.

Financial and Resource Implications

10. Quick Response Grants are funded through the remaining Community Grants budget following the annual program (\$79,021.30). A total of \$14,550 has been approved in Quick Response cash grants.

Conflicts of Interest Disclosure

11. 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

12. There are no legal / risk implications relevant to this report.

Environmental Implications

13. Grant applicants are required to indicate, and are assessed, on the environmental impact of the activity requested for funding.

Community Consultation

Purpose	To provide information to eligible community groups and organisations on the opening and closing dates for applications to annual community grants program, including the application and eligibility requirements.
IAP2 Goal:	Inform
Exhibition period	Community Grants opened 26 April at 9am and closed 23 May 2022 at 11.59am. Quick Response Grants open 25 July 2022 until funds exhausted.
Method:	Two in person and one online information session for interested applicants SmartyGrants database notification EDMS: Stonnington News, Active Stonnington, Environment, Youth Services, Engaged and Library News – collective reach: 23,505 Community Grants webpage
Reach:	SmartyGrants database: 1,782 contacts Social media: Facebook: 9,500 followers; Instagram: 2,864 followers; LinkedIn: 8,777 followers EDMS collective reach: 23,505
Summary of feedback:	Not requested
Impact:	74 applications received to the annual community grants program Ongoing receipt of applications to Quick Response Grants program

Human Rights Consideration

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

Attachments

1. Quick Response Grant Funding Recommendation Attachment 1 November [8.6.1 - 1 page]

8.7 Financial Report Q1 2022

Chief Financial Officer: Julia Gallace

Acting Director Organisation Capability: Marilyn Kearney

Linkage to Council Plan

Direction 1: A thriving and unique place

1.3 Pride of place and character

Direction 2: An inclusive and healthy community

2.2 Diverse, inclusive and safe

Direction 3: A people-centred and future ready city

3.1 Community focus, connection and engagement

Purpose of Report

To provide the Council with an overview of the results of the first quarter 2022/23 performance to budget.

Officer Recommendation

That the Council:

- 1. NOTE the Council Financial Report for the period ending 30 September 2022, which is projecting a full year surplus of \$36.93 million (including Open Space Contributions and Capital Grants) which is \$1.23 million favourable compared to the budget of \$35.71 million (refer Attachment 1 – Income Statement);**
- 2. NOTE the Council Financial Report for the period ending 30 September 2022, which is projecting an adjusted surplus of \$11.74 million (excluding Open Space Contributions and Capital Grants) which is \$0.14 million favourable compared to the budget of \$11.60 million (refer Attachment 1 – Overview - Year to Date and Full Year comparison);**
- 3. NOTE that on 30 September 2022 Council has spent \$19.97 million of the capital program, \$3.68 million ahead of Year to Date adopted budget (refer Attachment 1 – Capital Works Expenditure).**

Executive Summary

1. A fiscal budget is adopted by Council for the subsequent financial year by June 30 each year. The budget is prepared over February through June using information and estimates available at the time. The budget for 2022/23 was adopted at the 14 June 2022 Council meeting.
2. The Budget 2022/23 was set with a road to financial recovery approach, however when stepping into 2022/23 financial year, there are a range of macro-economic challenges that will impact Council operations. This includes higher CPI, supply chain disruptions, labour shortage and potential slow-down on development activities due to tightened monetary policy. Council officers are monitoring the changing economic conditions closely and will continue to keep Council informed.

3. At the end of September 2022, Council's Year to Date (YTD) actual operating surplus was on par with YTD adopted budget and was projecting a full year operating surplus of \$36.93 million in comparison to the adopted budgeted surplus of \$35.71 million, a favourable variance of \$1.23 million. This variance has been driven by the following forecast to adopted budget movements:
 - Operating Revenue – \$1.89 million favourable variance; and
 - Operating Expenditure – (\$0.66) million unfavourable variances.
4. Full year positive revenue permanent variances of \$1.89 million are mainly due to:
 - \$0.79 million from Rates and Charges due to additional garage charge from bin count audit and minor uplift of supplementary rates;
 - \$0.5 million from Operating grants, due to confirmed grants in addition to the adopted budget, including Sustainable Environment for Stormwater design and Water Sensitive Analysis, Chapel Street Summer Sessions, Prahran Square events, Best Waste Practices in Multi Unit Dwellings and School Crossing Supervisor Funding;
 - \$3.03 million from Capital grants that were carried over from prior year to fund uncompleted worksOffset by reduction of revenue:
 - (\$0.80 million) from Statutory fees and fines, due to fewer parking infringement notices issued and less income collected partially as a result of labour shortage
 - (\$1.95 million) from Developer contribution, due to the Developer Contribution Plan not yet approved by State Planning Minister
5. Full year unfavourable expense permanent variances \$0.66 million are mainly due to:
 - (\$1.05 million) additional cost on material and services due to projected higher fuel cost (\$0.46 million) and unbudgeted expense to deliver new projects from additional operating grantIt is offset by \$0.33 million saving on employee cost due to vacancies
6. Council's first quarter capital works program spend was \$3.68 million ahead of schedule, mainly due to timing of land acquisition. Full year capital works forecast is \$7.83 million higher than adopted budget mainly because of the carryover expense from uncompleted works from 2021/22 financial year. Due to around \$50.0 million of planned capital works funded by borrowing, capital expense forecast is very important to inform the cashflow needs and it will be further assessed during the mid-year review.
7. Council YTD actual cashflow tracked closely with adopted budget with \$79.9 million total cash and investment on hand. However, it was \$15 million less than same time last financial year, which is attributed to Council using internal cash reserve to fund capital program with \$13 million undrawn borrowing carried over from 2021/22 to 2022/23.
8. Council's decision-making is reflected by the principles of sound financial management, to ensure our financial position is sustainable over both the short and long-term. Council financial performance is assessed and measured using the Adopted Financial Management Principles Policy indicators. Council's 2021/22 results are in **Attachment 3**.

9. Whilst Council has performed fairly strong against benchmarks at financial year 2021/22, and the overall financial forecast at September 2022 is stable, Management will continue to closely monitor these indicators in light of the current economic environment and a number of headwinds expected within the next 12 to 18 months.

Background

10. Section 97 of the Local Government Act 2020 requires the provision of a quarterly financial report to an open Council Meeting comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date.

Key Issues and Discussion

11. Due to the current challenging macro-economic environment faced by Council, managing cost pressures is paramount to maintain funding levels required to deliver on the capital works program.
12. The current actions are underway to assess the new landscape, with any financial impacts incorporated at the mid-year review (December 2022):
- Reprogramming of the 10 years capital works program within funding limits.
 - Realigning our 10 year Financial Plan with current assumptions.
 - De-scoping / reprioritising discretionary spend where appropriate.
 - Continued implementation of better ways to provide customer service and embedding efficiencies.
 - Looking for alternative revenue sources.
13. The DCP has not yet been gazetted. The full year forecast therefore assumes a delay of 6 months, hence a risk to revenue in this financial year of \$1.9 million. Note that the revenue is not lost as such, it is likely to be received as developments are approved in the future. Officers will continue to monitor the forecast and update Council accordingly.

Financial Management Principles

14. Council financial performance is assessed and measured using the Adopted Financial Management Principles Policy indicators. Council has benchmarked these results against neighbouring Council's (where information is available) at reporting period 2021/22 and will continue to report on these metrics every 6 months.
15. Indicators that are on Watch will be monitored closely and relate to:

Indicator	Target	2021/22 Benchmark	2021/22 Actual	Description
Adjusted underlying result (%)	More than 5%	2.87	-1.28	Primarily driven by the application of a clarification released to accounting standard for IAS 38 Intangible Assets - Configuration or Customisation costs in a Cloud Computing Arrangement (SaaS) as well as the write-off of infrastructure assets during the year.

Internal Financing (%)	More than 100%	N/A	75.87	Primarily an outcome of COVID's impact on other revenue sources for Council as well as the impacts of the Software as a Service (SaaS) and write-off of infrastructure assets during the year which had a significant impact on operating cashflow.
Unrestricted cash compared to current liabilities	Positive	61.61%	-56.37%	Includes cash held to fund carried forward capital works but does not factor for carried forward and future borrowings.
Adjusted Underlying Result	Surplus, and higher than previous year	N/A	-2,338,000	Refer comment above for: Adjusted underlying result (%).
Rates allocated to capital works	Equal to or higher than previous year	N/A	42,770,000	Primarily an outcome of COVID's impact on other revenue sources for Council.
Unrestricted Cash	Positive	N/A	-31,905,000	Refer comment above for: Unrestricted cash compared to current liabilities
Land/Building Purchase or Sales	Positive Number of Purchase or Sales	N/A	0	No land purchases for the 2021/22 year due to minimal opportunities. Two property purchases have since been made in 2022/23.

Governance Compliance

Policy Implications

16. There are no policy implications associated with this report.

Financial and Resource Implications

17. The annual budget sets out the financial resourcing required to deliver on the Council Plan.

Conflicts of Interest Disclosure

18. 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

19. There are no legal / risk implications relevant to this report.

Environmental Implications

20. There are no environmental implications relevant to this report.

Community Consultation

21. There was no requirement for community consultation.

Human Rights Consideration

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

Attachments

1. Sep 22 Quarterly Council Financial Report V2 3 [**8.7.1** - 14 pages]
2. Attachment 2- Capex CP by group Sep 22 [**8.7.2** - 9 pages]
3. Attachment 3- Financial Management Principle 2022-23 [**8.7.3** - 4 pages]

9 Correspondence

10 Tabling of Petitions and Joint Letters

11 Notices of Motion

11.1 Notice of Motion 08/2022: Crs Lew, Batagol, Griffin and Hely

Notice of Motion 08/2022:

Councillors Lew, Batagol, Griffin and Hely

We hereby give notice of our intention to move the following motion at the Council meeting to be held at 7.00pm on 28 November 2022:

That Council request that the Chief Executive Officer consider what controls and processes should be implemented when purchasing properties for the provision of open space.

That a report be brought back to Council on this issue within 6 months.

Rationale:

Under Council's "Strategies for Creating Open Space Council seeks to purchase properties in strategic locations for the community for the provision of open space.

Concerns were raised by some councillors in the way properties are brought to Councils attention and the potential for conflict of interest during the evaluation and purchase of these properties.

Councillors want to feel confident that the appropriate processes and checks are in place to manage the potential for conflicts of interest, financial advantage and best value outcomes for council and the community.

12 Reports by Councillors

12.2 Minutes of the Audit & Risk Advisory Committee Meeting held on 5 October 2022

Executive Manager Legal & Governance: David Thompson
Manager Councillor & Civic Support: Tony McLroy

Purpose of Report

To present to the Council the minutes of the meeting of the Audit & Risk Committee held on 5 October 2022.

Officer Recommendation

That the Council:

- 1. NOTE the minutes of the meeting of the Audit & Risk Advisory Committee held on 5 October, 2022.***

Executive Summary

- Under Section 54 of the *Local Government Act 2020*, the Chief Executive Officer must ensure the preparation and maintenance of agendas, minutes and reports of the Audit and Risk Committee.
- The Audit and Risk Committee Charter provides that minutes of Audit & Risk Committee meetings are provided to the Council.

Governance Compliance

Policy Implications

- There are no policy implications associated with the report.

Financial and Resource Implications

- There are no financial and resource implications associated with the report.

Conflicts of Interest Disclosure

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

Legal / Risk Implications

- There are no legal / risk implications relevant to the report.

Community Consultation

- There was no requirement for community consultation.

Human Rights Consideration

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

Attachments

1. Minutes - Audit and Risk Committee Meeting (5 October 2022) [**12.2.1** - 14 pages]
2. Final Management Letter 2022 (003) [**12.2.2** - 9 pages]

12.3 Record of Councillor Briefing Session held on 21 November 2022

Purpose of Report

The Governance Rules provide that a summary of the matters discussed at an informal meeting of Councillors is tabled at the next convenient Council meeting and recorded in the minutes of that Council meeting.

Officer Recommendation

That the Council RECEIVE the Record of the Councillor Briefing Session held on 21 November 2022.

Governance Compliance

Policy Implications

1. There are no policy implications associated with the report.

Financial and Resource Implications

2. There are no financial and resource implications associated with the report.

Conflicts of Interest Disclosure

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

Legal / Risk Implications

4. There are no legal / risk implications relevant to the report.

Community Consultation

5. There was no requirement for community consultation.

Human Rights Consideration

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

Attachments

1. Record - Councillor Briefing Session (21 November 2022) [12.3.1 - 3 pages]

13 Questions to Council Officers

14 Urgent Business

15 General Business

16 Confidential Business

16.1 Personnel Matter

Executive Manager Legal & Governance: David Thompson

This document is confidential information under Section 66 (2) (a) of the Local Government Act 2020. The matter is deemed to be confidential under Section 3 (1) (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

16.2 Prahran Market Board Appointment

Director Planning & Place: Annaliese Battista

This document is confidential information under Section 66 (2) (a) of the Local Government Act 2020. The matter is deemed to be confidential under Section 3 (1) (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.