

COUNCIL MEETING

MINUTES

(Open to the public)

Monday 24 May 2021

Council Chamber, 8 Inglesby Road, Camberwell and Delivered Online.

Commencement 6.39pm

Attendance

Councillor Garry Thompson (Mayor)
Councillor Jim Parke
Councillor Felicity Sinfield
Councillor Victor Franco
Councillor Wes Gault
Councillor Di Gillies
Councillor Lisa Hollingsworth
Councillor Jane Addis
Councillor Cynthia Watson
Councillor Susan Biggar
Councillor Nick Stavrou

Apologies Nil

<u>Officers</u>	Phillip Storer	Chief Executive Officer
	Daniel Freer	Director Places and Spaces
	Carolyn McClean	Director Community Support
	Shiran Wickramasinghe	Director Urban Living
	Carolyn Terry	Executive Manager People Culture and Development
	David Thompson	Manager Governance and Legal
	Callista Clarke	Acting Chief Financial Officer
	Simon Mitchell	Manager Strategic and Statutory Planning
	Jennifer Reid	Manager Strategy and Performance
	Kirstin Ritchie	Coordinator Governance
	John Lorkin	Coordinator Revenue and Property Services
	Elizabeth Manou	Senior Governance Officer
	Robert Costello	Senior Project Planner

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1. Adoption and confirmation of the minutes**MOTION****Moved Councillor Sinfield****Seconded Councillor Hollingsworth****That the minutes of the Council meeting held on 26 April 2021 be adopted and confirmed.****CARRIED****2. Declaration of conflict of interest of any councillor or council officer**

Refer to Item 8.1 of General Business - Leaves of Absence - Councillor Biggar, Councillor Gault and Councillor Gillies

3. Deputations, presentations, petitions and public submissions**3.1 Petitions**

Council has received one (1) petition. Details of the petitions are set out below.

No.	Ref. no.	Title / Description	No. of signatures	Referred to
1	CAS-952251	Opposing the Liquor Licence Application for 1397 Toorak Road, Camberwell (PP20/1060)	27	DUL

Legend:

DCS Director Community Support
DCT Director Customer & Transformation

DUL Director Urban Living
DPS Director Places and Spaces
GOV Governance and Legal

MOTION**Moved Councillor Hollingsworth****Seconded Councillor Biggar****That Council resolve:**

- 1. To receive and note the petition.**
- 2. To note that the petition has been referred to the relevant director for consideration and to advise the first named signatory to the petition that they will receive a response from the Mayor in due course advising of Council's action.**

- 3. To note that the petition will be actioned in accordance with established planning permit processes within the Strategic & Statutory Planning department.**

CARRIED

4. Informal Meetings of Councillors

Chapter 6 of the Council Governance Rules requires a summary of the matters discussed at a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by a majority of councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting

are tabled at the next convenient Council meeting.

The attached record of Informal Meetings of Councillors (**Attachment 1**) is reported to Council in accordance with this requirement.

MOTION

Moved Councillor Addis

Seconded Councillor Gillies

That Council resolve to receive and note the record of Informal Meetings of Councillors, as annexed to the minutes.

CARRIED

5. Public question time

PQT1 Chris Adams of Balwyn North

The **Mayor, Councillor Thompson** read the following question submitted with notice. The question was allowed in accordance with Chapter 2 of the Governance Rules as it had previously been put in writing to a member of Council staff and the person asking the question has received a written response from the member of Council staff.

"Will Boroondara council seek to reclassify Musca St Reserve, Balwyn North, as an off-leash dog park by consulting the wider community and reclassifying the park with the proper gazetting, understanding that the amenities provided by Musca St Reserve already favour off-leash dog activity, being distanced from bike trails, lack of children activity due to a nearby playground and no organised sport occurring at the park."

Note - Musca St was until recently signed as off-leash."

The **Director Urban Living** responded as follows:

- A report will be presented to Council for consideration in the coming months.
- In the event there is support to change Council's order, a statutory process including public consultation will commence.

The **Mayor, Councillor Thompson** informed the meeting all councillors had received a copy of the question and a written response would be provided to Mr Adams in due course.

PQT2 Leigh Naunton of Balwyn North

The **Mayor, Councillor Thompson** read the following question submitted with notice. The question related Item 7.1 - March 2021 Quarterly Performance Report and was allowed in accordance with Chapter 2 of the Governance Rules as it related to a matter on the agenda for the current Council meeting.

"As Council has identified net savings in the capital works program, and gross priority projects expenditure is now forecast to be \$7.49 million (net \$8.67 million) below the September Amended Budget, will Council now consider whether COVID-19 has created a need for expenditure of these savings on initiatives which are consistent with the role of Council and which will provide additional support to the Boroondara community, as per Council's motion passed on 20th July 2020."

The **Acting Chief Financial Officer** responded as follows:

- At the Council meeting on 20 July 2020, when considering the 2020-21 budget Council resolved “Net savings arising from the tendering and construction of the capital works program will be referred to Council for consideration on a quarterly basis to enable Council to determine whether COVID-19 has created a need for Council to expend these net savings on initiatives which are consistent with the role of Council and will provide additional support to the Boroondara community”.
- As at 31 March 2021, no permanent net savings have been identified for capital works. This information is also noted on page 51 of the report.
- The Full Year Forecast for Capital Works and Priority Projects is less than the September Amended Budget primarily due to the identification of proposed forward commitments to the 2021-22 financial year and does not reflect savings.
- The variance reflects committed expenditure against existing contracts including multi-year projects such as the Kew Recreation Centre and Canterbury Community Precinct and other influences including the impacts of COVID-19 restrictions on the timing and delivery of projects which have been identified to be undertaken in the 2021-22 financial year.

The **Mayor, Councillor Thompson** informed the meeting all councillors had received a copy of the question and a written response would be provided to Mr Naunton.

PQT3 Leigh Naunton of Balwyn North

The **Mayor, Councillor Thompson** read the following question submitted with notice. The question related Item 7.1 - March 2021 Quarterly Performance Report and was allowed in accordance with Chapter 2 of the Governance Rules as it related to a matter on the agenda for the current Council meeting.

“Consistent with Commitment 3.2 Reduce greenhouse gas emissions from Council's buildings by implementing cost effective energy efficiency upgrades/retrofits and installing solar photovoltaics (PV), will Council consider changing the plans for the Kew Recreation Centre development to include heating by heat pumps using renewable energy and creating on-going energy savings, rather than the heating by climate damaging gas currently planned?”

The **Director Places and Spaces** responded as follows:

- As part of the feasibility work for the Kew Recreation Centre, Council engaged an environmental design consultant, mechanical engineer and aquatic consultants to determine whether heat pumps were viable on the site.
- At the time, the advice was not to proceed with heat pumps on the basis that the range of water space and differing temperatures was not feasible from a cost perspective to use heat pump technology.

- We have continued to observe heat pumps and they are being considered on other aquatic centre projects across metropolitan Melbourne and we are in discussions with the City of Banyule and the City of Yarra in undertaking further feasibility work for heat pumps.

The **Mayor, Councillor Thompson** informed the meeting all councillors had received a copy of the question and a written response would be provided to Mr Naunton.

PQT4 Ian Hundley of Balwyn North

The **Mayor, Councillor Thompson** read the following question submitted with notice. The question was allowed in accordance with Chapter 2 of the Governance Rules as it had previously been put in writing to a member of Council staff and the person asking the question has received a written response from the member of Council staff.

“As the responsible planning authority for Boroondara will Council as a matter of urgency engage with the community to articulate a policy position which best serves the place-making and transport goals of the municipality in response to the Commonwealth election proposal made over two years ago, and characterised at the time as “congestion busting,” to fund railway car parks at Glenferrie, Camberwell, Canterbury and Surrey Hills and, as now listed on the Council website, Hawthorn?”

The **Director Places and Spaces** responded as follows:

- At present, Council is seeking to undertake site testing at three sites in the municipality at Glenferrie, Camberwell and Canterbury.
- This activity is to determine ground conditions, presence of contaminants and services, and will assist in developing an understanding as to whether it is feasible to implement additional car parking on these sites which is funded by the Federal Government.
- The outcome of this feasibility work will be presented to Council for consideration and determination before any further works will be undertaken.
- Further consultation would also be required on the basis of understanding what is possible to achieve at each of these sites.
- The Maling Road Place Plan adopted by Council in 2020, following extensive community consultation, presents key streetscape improvements that can be delivered in the area if additional off-street parking can be provided. This plan identified the opportunity to investigate these car parking improvements.
- The Glenferrie Place Plan is currently being prepared following two stages of community consultation, and will similarly investigate the relationship between streetscape improvements and off-street parking facilities.
- These matters were also addressed in the Glenferrie Place Vision, which was subject to community consultation in mid-2020.

- The draft Glenferrie Place Plan will be presented to the community this calendar year for broad consultation before final consideration by Council.
- Council's position on the commuter car parks has been guided by its Integrated Transport Strategy which includes a number of actions including, a key objective to facilitate improvements to and better integration of all forms of public transport.
- Specifically for railway car parks, an action is to Investigate Additional Park and Ride Services predominantly for train and bus services.

The **Mayor, Councillor Thompson** informed the meeting all councillors had received a copy of the question and a written response would be provided to Mr Hundley in due course.

PQT5 Ian Hundley of Balwyn North

The **Mayor, Councillor Thompson** read the following question submitted with notice. The question was allowed in accordance with Chapter 2 of the Governance Rules as it had previously been put in writing to a member of Council staff and the person asking the question has received a written response from the member of Council staff.

“With reference to the Boroondara Netball Association - sponsored petition proposing that four netball courts be constructed at Macleay Park utilising funds promised to the Association during the 2019 federal election campaign by Kooyong M.P. Josh Frydenberg, will the Council now consult with the community on the availability of public open space for this purpose in Boroondara and secure Commonwealth funding to acquire the additional land required to accommodate the facility sought by the Association?”

The **Director Community Support** responded as follows:

- Council will be consulting local residents and other stakeholders regarding a proposal from the Boroondara Netball Association to develop four additional courts at Macleay Park shortly.
- Following this consultation, Council will then consider the proposal by the Boroondara Netball Association at a public meeting.

The **Mayor, Councillor Thompson** informed the meeting all councillors had received a copy of the question and a written response would be provided to Mr Hundley in due course.

PQT6 Alison of Glen Iris

The **Mayor, Councillor Thompson** read the following question submitted without notice. The question was allowed in accordance with Chapter 2 of the Governance Rules as it had previously been put in writing to a member of Council staff and the person asking the question has received a written response from the member of Council staff.

“In regards to questions submitted online in initiative 3.4 on page 23 of the proposed Council Budget, which is about implementation of the 2021-22 actions in Council’s new Climate Action Plan, will Council be providing detail and more support including dedicated staff and programs to engage the community and facilitate the reduction of community generated carbon emissions?”

The **Mayor, Councillor Thompson** advised as the question was submitted after 12 noon on the day of the Council meeting it would be taken on notice. A written response would be provided in due course.

PQT7 Alison of Glen Iris

The **Mayor, Councillor Thompson** read the following question submitted without notice. The question was allowed in accordance with Chapter 2 of the Governance Rules as it had previously been put in writing to a member of Council staff and the person asking the question has received a written response from the member of Council staff

“Do items 2.1 on page 19 of the proposed Council Budget which allocates \$420,000 to proactively manage and renew ageing street and park trees by implementing year four of the Tree Strategy and item 2.4 on page 20, which allocates \$240,000 to implement a targeted projects to increase the planning of trees on local streets to 1000 per annum, involve the employment of additional arborist staff or services?”

The **Mayor, Councillor Thompson** advised as the question was submitted after 12 noon on the day of the Council meeting it would be taken on notice. A written response would be provided in due course.

PQT8 Greg of Glen Iris

The **Mayor, Councillor Thompson** read the following question submitted without notice. The question related Item 7.3 - Amendment C308boro - Hawthorn East Heritage Gap Study - Decision to Adopt and was allowed in accordance with Chapter 2 of the Governance Rules as it related to a matter on the agenda for the current Council meeting.

“How was the useful life expectance of properties taken into account when conducting the Hawthorn East Heritage Study?”

The **Mayor, Councillor Thompson** advised as the question was submitted after 12 noon on the day of the Council meeting it would be taken on notice. A written response would be provided in due course.

PQT9 Greg of Glen Iris

The **Mayor, Councillor Thompson** read the following question submitted without notice. The question related Item 7.3 - Amendment C308boro - Hawthorn East Heritage Gap Study - Decision to Adopt and was allowed in accordance with Chapter 2 of the Governance Rules as it related to a matter on the agenda for the current Council meeting.

“What consultation was undertaken with property owners regarding the number of properties and the heritage qualities that are important to residents regarding the Hawthorn East Heritage Study?”

The **Mayor, Councillor Thompson** advised as the question was submitted after 12 noon on the day of the Council meeting it would be taken on notice. A written response would be provided in due course.

6. Notices of motion

Nil

7. Presentation of officer reports

7.1 March 2021 Quarterly Performance Report

The Quarterly Performance Report for March 2021 provides detailed reporting on financial and non-financial performance against both the Budget and Council Plan for the year.

Council's year to date surplus result of \$53.14 million is \$11.86 million above the September Amended Budget of \$41.28 million. The favourable variance is attributable to a number of factors which are outlined in **Section 3 of Attachment 1 – Financial Overview**.

The overall financial position at 31 March 2021 is satisfactory with a working capital ratio of 4.44 to 1 (includes reserve funds of \$20.89 million and 0.5% cash contingency for emergency response works).

For the March quarter, 14% of the 2020-21 annual commitments have been completed and a further 86% have been commenced. Achievements of the Strategic Indicators have been assessed at 79%. This has been impacted by ongoing Coronavirus (COVID-19) restrictions during the financial year.

MOTION

Moved Councillor Parke

Seconded Councillor Watson

That Council resolve to:

- 1. Receive and note the Quarterly Performance Report for March 2021 (Attachment 1).**
- 2. Adopt the Full Year Forecast as identified in Attachment 1, as annexed to the minutes.**
- 3. Receive and note the results of the Local Government Performance Reporting Framework (LGPRF) indicators and measures (Attachment 2).**

CARRIED

7.2 Rear of 49 Kinkora Road, Hawthorn - Proposed discontinuance and sale of right of way (road)

This report is to consider commencement of the statutory procedures to discontinue and sell the road at the rear of 49 Kinkora Road, Hawthorn. It is considered by officers the section of road is no longer required for public access and has been enclosed within the adjoining property for in excess of 15 years.

Consultation has been undertaken with relevant Council departments and external service authorities as detailed in section 5 of the report. No objections have been received.

The proposed commencement of the statutory procedures requires Council to give public notice of its intention to discontinue and sell the road and invite submissions from affected parties.

The report also proposes consideration be given to applying relevant policy statements from Council's Discontinuance of Roads and Reserves Policy.

MOTION

Moved Councillor Addis

Seconded Councillor Hollingsworth

That Council, acting under section 206 clause 3 of Schedule 10 of the *Local Government Act 1989* (Vic) ("the Act"), resolves to:

- 1. Commence the statutory procedures to discontinue the road at the rear of 49 Kinkora Road, Hawthorn, shown hatched in Attachment 1 and as annexed to the minutes.**
- 2. Give public notice of the proposed discontinuance in the appropriate newspaper and on Council's website, under sections 207A and 223 of the Act, and for such notice to state if discontinued, Council proposes to sell the land from the road to the owners of 49 Kinkora Road, Hawthorn by private treaty.**
- 3. If no submissions are received following the publication of the public notice, authorise the Chief Executive Officer, or such other person as the Chief Executive Officer approves, to undertake the necessary procedural steps to complete the formal procedures for the discontinuance and sale of the land from the road to the owners of 49 Kinkora Road, Hawthorn, including the execution of all relevant documentation, in accordance with the purchase price detailed in Attachment 4 of this report and annexed to the confidential minutes.**
- 4. Note as the section of road which is proposed to be discontinued is currently listed on Council's Register of Public Roads ("the Register") under the *Road Management Act 2004* (Vic), its removal from the Register will be attended to if a decision is taken by Council to discontinue the section of road as it will no longer be considered to be reasonably required for general public use.**

5. In the event submissions are received, note a further report will be presented to Council to enable consideration of the submissions.

CARRIED

7.3 Amendment C308boro - Hawthorn East Heritage Gap Study - Decision to adopt

The purpose of this report is seek Council's adoption of Amendment C308boro to the Boroondara Planning Scheme, to implement the recommendations of the Hawthorn East Heritage Gap Study. The Urban Planning Delegated Committee (UPDC) considered the amendment at its meeting on 3 May 2021 and resolved to refer the amendment, as recommended by officers, to an Ordinary Meeting of Council for final adoption.

Amendment C308boro to the Boroondara Planning Scheme seeks to implement the recommendations of the Hawthorn East Heritage Gap Study (the Study). As exhibited, the amendment proposed to apply the Heritage Overlay (HO) to eighteen (18) individual heritage places, eight (8) heritage precincts and one extension to an existing heritage precinct (HO161) on a permanent basis.

Exhibition of the amendment and the Study was undertaken between 2 May 2019 and 3 June 2019. A total of 60 submissions were received, including 4 supporting, 9 partially supporting, 45 objecting and 2 which did not state a position. This included seven late submissions that were received after the public exhibition period and the Urban Planning Special Committee meeting on 3 February 2020 and prior to the Panel hearing.

A Panel hearing to consider the submissions received to Amendment C308boro was held on 28 September and 1 October 2020. Ten parties presented at the Panel hearing.

On 18 November 2020, officers received the Panel's report for Amendment C308boro. Two separate corrections reports were subsequently issued by the Panel to correct recommendations noted in the Panel Report. The corrections reports were included on the amendment webpage. Officers emailed the two corrections reports to all submitters to the amendment.

The Panel was generally supportive of the amendment and recommended it be adopted subject to the following key changes:

- regrade the property at 21 Aberdeen Street, Hawthorn East from contributory to non-contributory in the Brickfields Environs Precinct. (Inconsistent with the resolution of the UPSC on 3 February 2020)
- Remove tree controls from certain properties within the Smith's Paddock (Burwood Reserve) Precinct. (Consistent with the resolution of the UPSC on 3 February 2020)
- Remove 1a, 1, 3, 5 and 5a Miami Street, Hawthorn East from the Stonyhurst and Athol Estate Precinct and redraw the precinct boundary. (Consistent with the resolution of the UPSC on 3 February 2020)
- Regrade 7 and 7A Fairmount Road, Hawthorn East from contributory to non-contributory to the Stonyhurst and Athol Estate Precinct. (Consistent with the resolution of the UPSC on 3 February 2020)

- Carry out further research to assess submissions made in support of upgrading the status of Currajong, 337 Auburn Road, Hawthorn East from contributory to individually significant. (Inconsistent with the resolution of the UPSC on 3 February 2020)
- Remove the properties at 356 to 368 Auburn Road, Hawthorn East from the Longford and Environs Estate Precinct (HO844). (Partially consistent with the resolution of the UPSC on 3 February 2020)
- Regrade the property at 48 Harts Parade, Hawthorn East from contributory to non-contributory to the Longford Estate and Environs Precinct. (Consistent with the resolution of the UPSC on 3 February 2020)
- Regrade the properties at 32 and 46 Mayston Street, Hawthorn East from contributory to non-contributory to the Essington Estate and Environs Precinct. (Consistent with the resolution of the UPDC on 3 February 2020)
- Amend the Essington Estate and Environs Precinct citation to refer to the replacement gates at 44 and 46 Harold Street, Hawthorn East. (Consistent with the resolution of the UPSC on 3 February 2020)
- Regrade 54 Lilydale Grove, 10 Temple Street, and 1 Grandview Grove from contributory to non-contributory in the Victoria Road Precinct. (Consistent with the resolution of the UPSC on 3 February 2020)
- Remove the property at 22 Cambridge Street, Hawthorn East from the Victoria Road precinct Heritage Overlay. (Inconsistent with the resolution of the UPSC on 3 February 2020)
- Remove the tree controls on 122 Victoria Road, Hawthorn East in the Victoria Road Precinct. (Consistent with the resolution of the UPSC on 3 February 2020)
- Regrade 14 Grandview Grove, Hawthorn East from significant to non-contributory in the Victoria Road Precinct, and remove the associated fence controls and references to the property in the citation. (Consistent with the resolution of the UPSC on 3 February 2020)
- Remove the property at 4/15 Grandview Grove, Hawthorn East from the Heritage Overlay and the precinct boundary be redrawn to include the full width of the street to the property boundaries. (Consistent with the resolution of the UPSC on 3 February 2020)
- Update the Statement of Significance for 157 Auburn Road, Hawthorn and 3 Russells Place, Hawthorn East with text from the expert witness statement of Council's heritage consultant at the Panel hearing. (Partially consistent with the resolution of the UPSC on 3 February 2020)
- Update the Statements of Significance for 64 Campbell Road and 29 Leura Grove, Hawthorn East based on the attachments to Council's Part A submission to the Panel. (Consistent with the resolution of the UPSC on 3 February 2020)
- Remove tree and fence controls to 29 Leura Grove, Hawthorn East. (Consistent with the resolution of the UPSC on 3 February 2020)
- Remove 336 Riversdale Road, Hawthorn East from the Heritage Overlay. (Consistent with the resolution of the UPDC on 3 February 2020)

Officers and Council's heritage consultant have reviewed the Panel's recommendations and agree with the Panel's recommendations and provided a detailed discussion and response to each recommendation of the Panel in the report considered by the UPDC on 3 May 2021.

337 Auburn Road, Hawthorn ("Currajong")

Council received a community nomination prior to the Panel hearing seeking to regrade 337 Auburn Road, Hawthorn from contributory to the Longford Estate and Environs Precinct to individually significant. The late submission was forwarded to the Panel for consideration and the affected property owner was notified of the submission and opportunity to participate in the Panel hearing.

The Panel considered submissions from Council, the property owner and other submitters regarding the regrading and determined that whilst it was of a mind to recommend a regrading to "individually significant", such a recommendation would be premature. The Panel raised concerns that fairness and natural justice may not have been available to all parties with respect to evidence presented through the late submission. The Panel also felt a wider comparative assessment would be required to resolve matters raised in relation to the architect, integrity and intactness of the property.

In response to the Panel's recommendation to further investigate the merits of regrading Currajong, officers commissioned Silberberg Consulting Pty Ltd to review the community nomination. The review found the property meets the threshold for individual significance based on Criterion D (representativeness) and Criterion E (aesthetic significance). However the assessment did not support regrading the property on the basis of Criterion H (social significance). A citation has been prepared for the property and was adopted by the UPDC at its meeting on 3 May 2021. Based on advice from the Department of Environment, Land, Water and Planning (DELWP) on how to progress a regrading of the property, officers recommended the UPDC endorse the "contributory" grading for Currajong as part of Amendment C308boro and initiate a separate planning scheme amendment to regrade the property to individually significant. Initiating a separate amendment process will allow all evidence to be fully considered by all parties.

Officers recommend Council adopts the amendment consistent with the resolution of the UPDC and submits the amendment to the Minister for Planning for final approval. Once approved by the Minister, heritage controls will be introduced to the properties identified in Amendment C308boro on a permanent basis.

MOTION

Moved Councillor Biggar

Seconded Councillor Gault

That Council resolve to:

- 1. Adopt Amendment C308boro to the Boroondara Planning Scheme, as shown in Attachments 1 to 5, in accordance with Section 29(1) of the *Planning and Environment Act 1987*.**
- 2. Submit Amendment C308boro to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.**
- 3. Request that the Minister for Planning remove the interim Heritage Overlay which applies to:**
 - 336 Riversdale Road, Hawthorn East**
 - 356, 358, 360, 362, 364, 366 and 368 Auburn Road, Hawthorn**

- **1A, 1, 3, 5 and 5A Miami Street, Hawthorn East**
 - **5, 11, 13, and 15 (all lots) Grandview Grove, Hawthorn East**
 - **22 Cambridge Street, Hawthorn East.**
- 4. Following the Minister's approval of Amendment C308boro, update two (2) reference documents to the Boroondara Planning Scheme (the *Boroondara Schedule of Gradings Map* and *Boroondara Heritage Property Database*) to include heritage gradings and relevant heritage citations for properties affected by Amendment C308boro.**
- 5. Authorise the Director Urban Living to undertake administrative changes to the amendment and associated planning controls that do not change the intent of the controls.**

CARRIED

7.4 Amendment C340boro - 13 Strathalbyn Street, Kew East - Decision to adopt

Amendment C340boro to the Boroondara Planning Scheme seeks to apply the Heritage Overlay to the property at 13 Strathalbyn Street, Kew East. The property has been assessed as contributory to the Harp Village Commercial Precinct (HO839) which was included in a permanent Heritage Overlay through Amendment C306boro - Kew East and Mont Albert Heritage Gap Study.

The property was exhibited as part of Amendment C306boro - Kew East and Mont Albert Heritage Gap Study but was not included in the exhibited planning scheme map prepared by the Department of Environment, Land, Water and Planning. Due to this error, the property could not be included in the Heritage Overlay as part of the Harp Village Commercial Precinct through the approval of Amendment C306boro. Exhibition of Amendment C340boro was undertaken with the affected property owner and occupier and Prescribed Ministers between 15 February and 1 March 2021. No submissions were received. It is noted the owner also did not make a submission during the exhibition of Amendment C306boro.

Given no submissions have been made there is no requirement to request the appointment of a Planning Panel.

On this basis, officers recommend Council adopts the amendment and submits the amendment to the Minister for Planning for final approval.

MOTION

Moved Councillor Parke

Seconded Councillor Sinfield

That Council resolve to:

- 1. Adopt Amendment C340boro to the Boroondara Planning Scheme, as shown in Attachments 1 to 4, in accordance with Section 29(1) of the *Planning and Environment Act 1987*.**

2. **Submit Amendment C340boro to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.**
3. **Following the Minister's approval of Amendment C340boro, update two (2) reference documents to the Boroondara Planning Scheme (the *Boroondara Schedule of Gradings Map* and *Boroondara Heritage Property Database*) to include heritage gradings and relevant heritage citations for properties affected by Amendment C340boro.**
4. **Authorise the Director Urban Living to undertake administrative changes to the amendment and associated planning controls that do not change the intent of the controls.**

CARRIED

7.5 Proposed Governance Rules for Public Notice

The purpose of this report is to conduct a review of the Council's Governance Rules.

The Governance Rules were adopted by Council on 24 August and came into operation on 1 September 2020.

Section 60(3) of the Local Government Act 2020 (the Act) permits Council to amend its Governance Rules at any time. Council must, however, ensure that a process of community engagement is followed in amending its Governance Rules.

This review of the Governance Rules will seek the views of the community and provide the newly elected 2020-24 Council an opportunity to refine and enhance the existing Governance Rules.

To assist with clarity and readability, the proposed changes to the Governance Rules using the track changes tool is set out at **Attachment 1**. A clean copy incorporating the proposed changes to the Governance Rules is set out at **Attachment 2**.

MOTION

Moved Councillor Parke

Seconded Councillor Sinfield

That Council resolve to:

1. **Endorse the Governance Rules 2021 (as annexed to the minutes) for the purposes of public consultation for the period 27 May 2021 and to 25 June 2021.**
2. **Consider submissions (if any) at the Services Delegated Committee meeting on 12 July 2021.**

AMENDMENT

Moved Councillor Franco

Seconded Councillor Biggar

That Council resolve to:

1. Endorse the Governance Rules 2021 (as annexed to the minutes) for the purposes of public consultation for the period 27 May 2021 and to 25 June 2021, subject to Rule 18A reference to the Council prayer being removed.
2. Consider submissions (if any) at the Services Delegated Committee meeting on 12 July 2021.

The amendment was put and LOST

Division

Councillor Franco called for a division

Affirmative

Councillor Victor Franco
Councillor Susan Biggar

Negative

Councillor Garry Thompson (Mayor)
Councillor Jim Parke
Councillor Felicity Sinfield
Councillor Di Gillies
Councillor Lisa Hollingsworth
Councillor Jane Addis
Councillor Cynthia Watson
Councillor Nick Stavrou

Councillor Gault abstained from voting.

The Mayor, Councillor Thompson declared the Amendment **LOST**

The Motion was put and **CARRIED**

8. General business

8.1 Leaves of Absence - Councillor Biggar, Councillor Gault and Councillor Gillies

Councillor Biggar requested a leave of absence from Council for the period 12 June to 21 June 2021 (inclusive).

Councillor Biggar then declared a general conflict of interest in this matter in accordance with section 127 of the Local Government Act 2020 and advised the nature of the general conflict of interest is *"I am applying for leave, and therefore have a direct interest in the decision because it directly affects me and this is in conflict with my public duty"*.

Councillor Gault requested a leave of absence from Council for the period 11 June to 25 June 2021 (inclusive).

Councillor Gault then declared a general conflict of interest in this matter in accordance with section 127 of the Local Government Act 2020 and advised the nature of the general conflict of interest is *"I am applying for leave, and therefore have a direct interest in the decision because it directly affects me and this is in conflict with my public duty"*.

Councillor Gillies requested a leave of absence from Council for the period 4 June 2021 to 18 June 2021 (inclusive).

Councillor Gillies then declared a general conflict of interest in this matter in accordance with section 127 of the Local Government Act 2020 and advised the nature of the general conflict of interest is *"I am applying for leave, and therefore have a direct interest in the decision because it directly affects me and this is in conflict with my public duty"*.

Councillor Biggar, Councillor Gault and Councillor Gillies left the chamber at 8.13pm.

MOTION

Moved Councillor Parke

Seconded Councillor Hollingsworth

That Council resolve:

- 1. To grant Councillor Gillies a leave of absence from Council for the period 4 June 2021 to 18 June 2021 (inclusive).**
- 2. To grant Councillor Gault a leave of absence from Council for the period 11 June to 25 June 2021 (inclusive).**
- 3. To grant Councillor Biggar a leave of absence from Council for the period 12 June to 21 June 2021 (inclusive).**

CARRIED

Councillor Biggar, Councillor Gault and Councillor Gillies returned to the chamber at 8.14pm and resumed their respective seat.

9. Urgent business

Nil

10. Confidential business

Nil

The meeting concluded at 8.14pm

Confirmed

Chairperson

Date

MINUTES ATTACHMENTS



Council

Monday 24 May 2021

Attachments annexed to the minutes for the following items:

4. Informal Meetings of Councillors

7.1 March 2021 Quarterly Performance Report

7.2 Rear of 49 Kinkora Road, Hawthorn - Proposed discontinuance and sale of right of way (road)

7.5 Proposed Governance Rules for Public Notice

Record of Informal Meetings of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
Councillor Briefing & Discussion 29 March 2021	Cr Garry Thompson Cr Jim Parke Cr Felicity Sinfield Cr Victor Franco Cr Wes Gault Cr Di Gillies Cr Lisa Hollingsworth Cr Jane Addis Cr Cynthia Watson Cr Susan Biggar Cr Nick Stavrou	Phillip Storer (CEO) Daniel Freer (DPS) Nick Lund (aDCS) Shiran Wickramasinghe (DUL) David Thompson (MG) Callista Clarke (aCFO) Jeanine Nieuwenhuizen (CCO) Chad Henry (CFO) Helen Pavlidis (SGO)	<ol style="list-style-type: none"> Proposed Revenue and Rating Plan 2021-25 Proposed City of Boroondara Motions for the Municipal Association of Victoria (MAV) State Council on 21 May 2021 Customer enquiries Councillor Planning Workshop 	Nil
Councillor Briefing & Discussion 12 April 2021	Cr Garry Thompson Cr Jim Parke Cr Felicity Sinfield Cr Victor Franco Cr Wes Gault Cr Di Gillies Cr Lisa Hollingsworth Cr Jane Addis Cr Cynthia Watson Cr Susan Biggar Cr Nick Stavrou	Phillip Storer (CEO) Daniel Freer (DPS) Carolyn McClean (DCS) Shiran Wickramasinghe (DUL) David Thompson (MG) Callista Clarke (aCFO) Kirstin Ritchie (COG) Helen Pavlidis (SGO)	<ol style="list-style-type: none"> Proposed Budget 2021-22 Rates 	Nil
Councillor Briefing & Discussion 19 April 2021	Cr Garry Thompson Cr Jim Parke Cr Felicity Sinfield Cr Victor Franco Cr Wes Gault Cr Di Gillies Cr Lisa Hollingsworth Cr Jane Addis Cr Cynthia Watson Cr Susan Biggar Cr Nick Stavrou	Phillip Storer (CEO) Daniel Freer (DPS) Carolyn McClean (DCS) Shiran Wickramasinghe (DUL) David Shepard (MESOP) Chad Henry (aMFWI) David Thompson (MG) Andrew McHugh (MHWS) Sam Taylor (SCSR) Clare Davey (SCTA) Tom Scanlan (PFDC) Heath Crawford (CTM) Elizabeth Manou (SGO) Andrea Lomdahl (STP) Danielle Callautti (RP)	<ol style="list-style-type: none"> Advanced Waste Processing Federal Government Funding Freeway Golf Course Council Workshop Meeting Procedure 	Nil

MINUTES ATTACHMENTS



Council

Monday 24 May 2021

Attachments as annexed to the resolution:

7.1 March 2021 Quarterly Performance Report

Attachment 1

City of Boroondara Quarterly Performance Report



www.boroondara.vic.gov.au

March
2021



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Executive overview and key highlights

Introduction

The March 2021 Quarterly Performance Report provides detailed reporting on performance against both the Budget and Council Plan for the year.

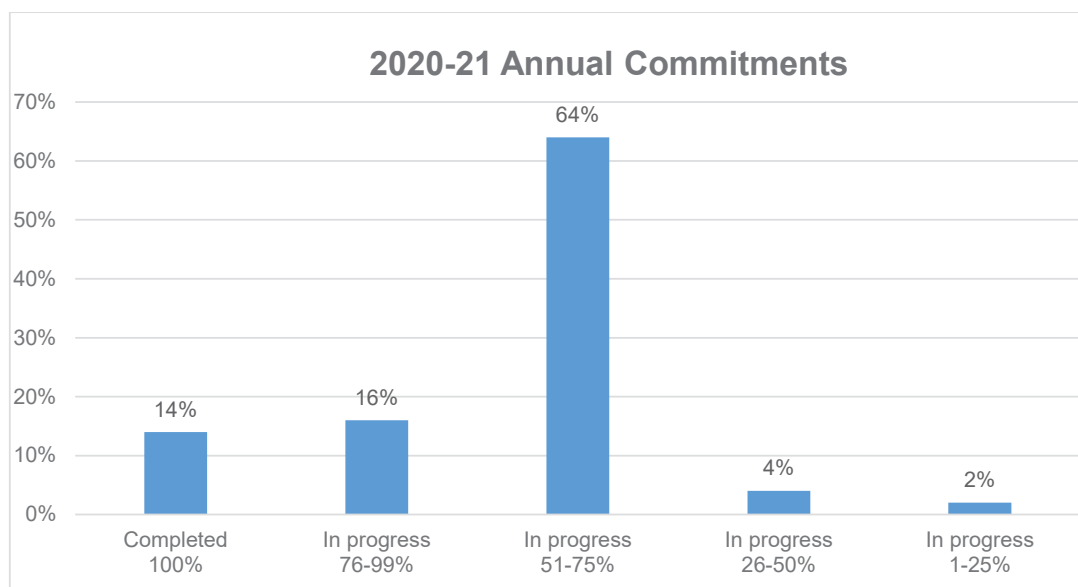
This executive overview will focus on a summary of financial and non-financial issues and key highlights, while **Section 1 - Directorate overviews** and **Section - 3 Financial and Performance Statements** will focus in greater detail on variances and key issues and events.

The year to date and annual budget referred to in this report reflects the September 2020 Amended Budget approved by Council on 21 September 2020 which includes the carry forward funding for final 2019-20 priority projects and capital works forward commitments.

The March 2021 full year forecast reflects the final result of the full year review of the annual financials to be undertaken during the year.

Performance against Annual Commitments

There are 44 Annual Commitments. For the quarter ended March 2021, achievement of Annual Commitments has been reported as per the following chart.

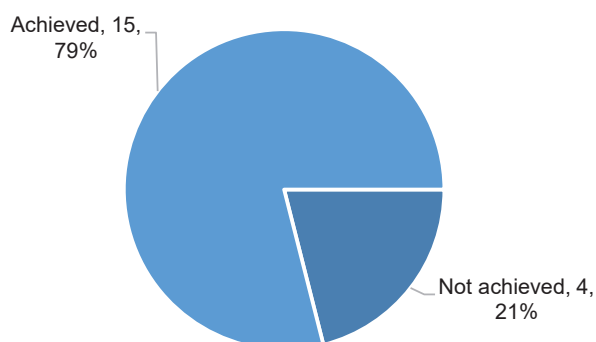


For the quarter ended March 2021, 14% of commitments have been completed and the remaining 86% have been commenced.

Performance of Strategic Indicators

The Council Plan 2017-21 has 48 Strategic Indicators; 19 indicators reported quarterly and 29 indicators reported annually at 30 June 2021. The status of the 19 Strategic Indicators reported quarterly has been assessed as follows. More detail can be found in **Section 2** of this report.

Strategic Indicators - Organisational Level (Year to date results compared to year to date forecasts)



Achievement of Strategic Indicators has been impacted by COVID-19 restrictions in Victoria during the financial year. Please refer to **pages 36 to 37** of **Attachment 1** for further details and explanations.

Executive overview and key highlights

Attachment 1

Key financial highlights and overview

Key financial summary	ANNUAL ORIGINAL BUDGET	YTD ACTUAL (1)	YTD BUDGET (2)	YTD VARIANCE (1) - (2)	YTD VARIANCE (1) / (2)	STATUS YTD VARIANCE	FULL YEAR MARCH FORECAST (3)	ANNUAL SEPTEMBER AMENDED BUDGET (3)	FORECAST VARIANCE (3) - (4)	STATUS FULL YEAR VARIANCE
	\$'000	\$'000	\$'000	\$'000	%		\$'000	\$'000	\$'000	
Surplus for the year	(7,389)	53,140	41,282	11,858	29%	✓	(10,309)	(13,496)	3,187	✓
Recurrent income	239,819	219,305	222,222	(2,917)	-1%	—	227,529	234,866	(7,337)	—
Recurrent expenditure	215,600	153,469	160,159	6,690	4%	✓	214,275	214,970	695	✓
Capital works										
Expenditure *	82,052	35,163	58,868	23,705	40%	✓	79,857	88,364	8,507	—
Priority projects										
Expenditure *	33,368	17,346	23,355	6,009	26%	✓	30,546	38,042	7,496	✗
Closing cash and investments **	65,194	133,017	97,335	35,682	37%	✓	66,555	59,239	7,316	✓

* Please refer to pages 50-51 & 57-58 for further explanation of variances.

** Refer to pages 40 & 41 for further details and explanation of closing cash and investments holdings and financial assets.

Status legend:

✓	Above budgeted revenue or under budgeted expenditure.
—	Below budgeted revenue or over budgeted expenditure by <10%.
✗	Below budgeted revenue or over budgeted expenditure by >10%.

The overall financial position at 31 March 2021 is satisfactory with a working capital ratio of 4.44 to 1 (includes cash contingency for emergency response works and reserve funds of \$20.89 million).

Surplus Result

Year to date actual vs. Year to date September Amended Budget

The favourable operating result against year to date budget of \$53.14 million is \$11.86 million or 29% above the September Amended Budget of \$41.28 million primarily due to a number of factors which are outlined in **Section 3 Financial Overview**.

Full year forecast vs. September Amended Budget

The 2020-21 Full Year Forecast of (\$10.31) million represents a reduction in the deficit outcome by \$3.19 million compared to the 2020-21 September Amended Budget deficit of (\$13.50) million.

The full year forecast result is the subject of an extensive review undertaken with departments during the March quarter. Council's 2020-21 initial financial position was heavily influenced by early COVID-19 impacts and Council officers continue to closely monitor the impacts on the financial position for the remainder of 2020-21.

Executive overview and key highlights

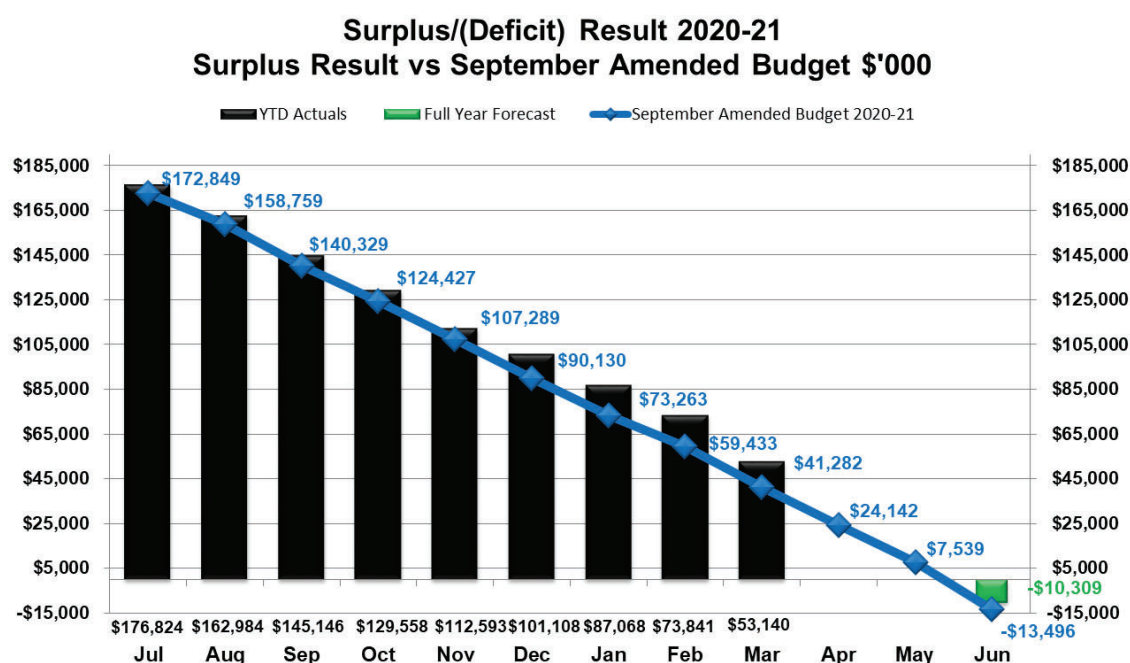
Attachment 1

Whilst the current forecast position indicates a reduced deficit outcome, COVID-19 continues to cause unfavourable financial impacts on Council's revenue streams primarily in user fees, statutory fees and fines and investment income. The 2020-21 full year forecast result estimates a further \$7.20 million reduction in budgeted revenue compared to the September Amended Budget 2020 bringing the total estimated net loss of recurrent operating revenue and expenditure impacts for the year to \$18.60 million.

Other variances included in the 2020-21 Full Year Forecast result include an increase in capital grants income of \$6.98 million offset by the loss on disposal of property, infrastructure, plant and equipment. The disposal of assets relates to the building, pool and play areas for the multi-year project Kew Recreation Centre (\$5.28) million (non-cash accounting entry).

In addition to the above variances, \$9.98 million has been identified in net forward commitments for priority projects to be completed in 2021-22 primarily due to expenditure delays as a result of COVID-19.

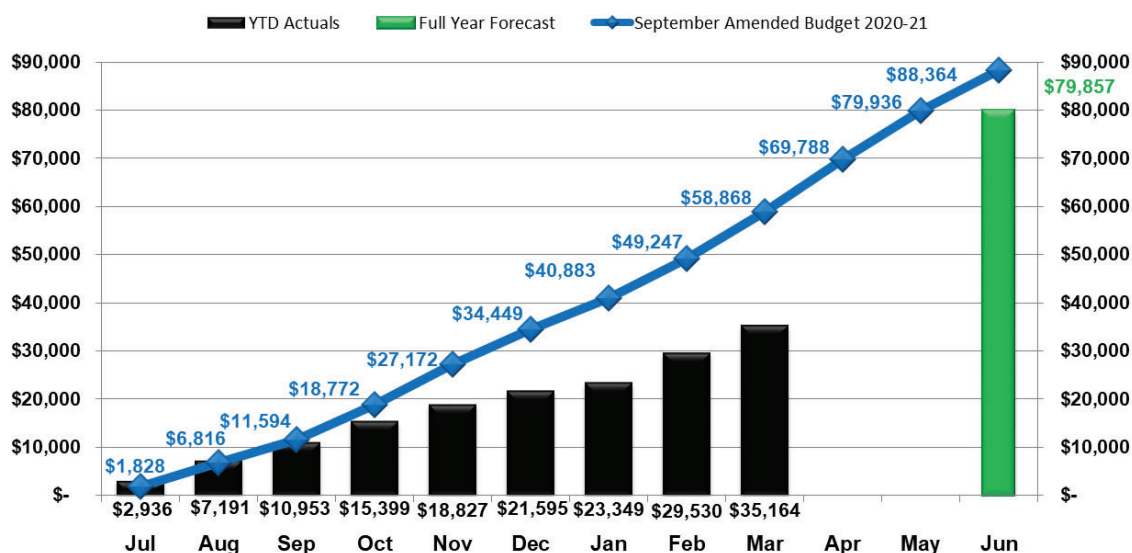
Closing cash and investments are forecast to be \$66.56 million which is \$7.32 million above the Annual September Amended Budget of \$59.24 million. This is primarily due to items noted above and the recognition of capital works forward commitments of \$15.17 million and priority projects forward commitments of \$9.98 million which will be carried forward to 2021-22, and offset by reduced income and higher expenditure in materials and services as previously noted.



Please refer to the graphical representation above of actual year to date surplus result versus the September Amended Budget.

Capital Works

Capital Works Projects 2020-21 Cumulative Budget vs Actual Expenditure All Projects - \$'000

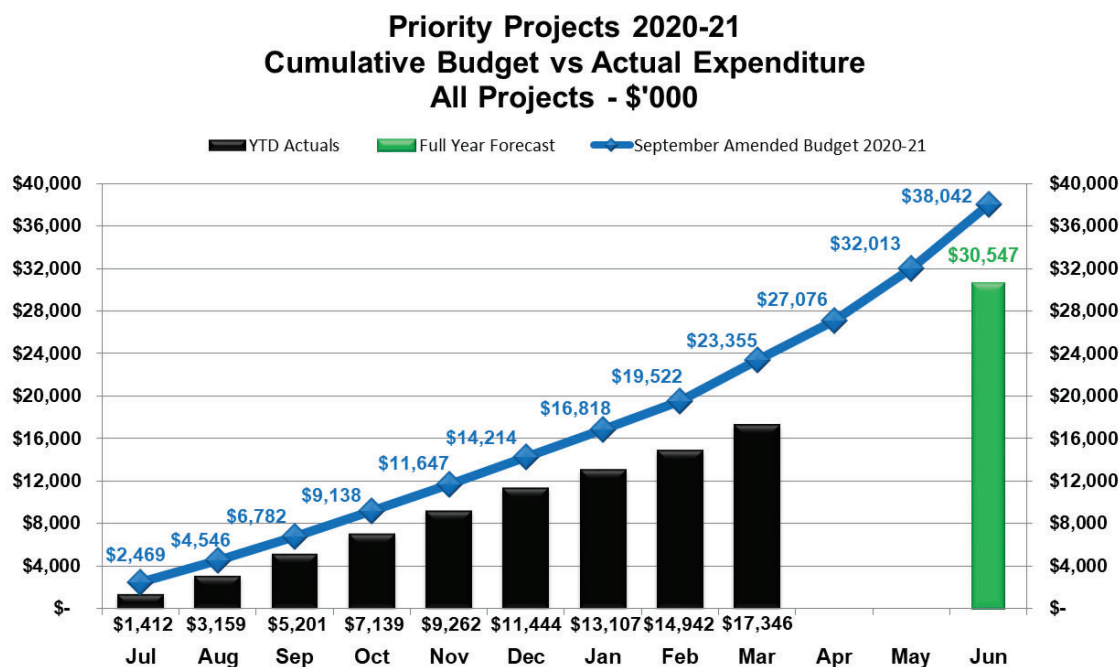


Council's year to date performance in gross Capital Works expenditure is \$35.16 million which is \$23.70 million below year to date budget phasing of \$58.86 million.

Capital Works committed expenditure as at 31 March 2021 is \$26.49 million (year to date actual and commitments equates to \$61.65 million) and includes committed expenditure for multi-year projects with the most significant being Kew Recreation Centre, Canterbury Community Precinct and Camberwell Community Centre.

Please refer to **Section 3.6 Capital Works performance** for further explanation.

Priority Projects



Council's year to date performance in gross Priority Project expenditure is \$17.35 million which is \$6.00 million below year to date budget phasing of \$23.35 million. The difference relates to timing of expenditure on various projects.

Priority Projects committed expenditure as at 31 March 2021 is \$2.34 million (year to date actual and commitments equates to \$19.69 million).

Please refer to **Section 3.7 Priority Projects performance** for further explanation.

1. Directorate overviews

1.1 Chief Executive

CEO's Office outcomes for the third quarter of 2020-21 include:

Chief Finance Office

Key outcomes

- Developed Council's draft Budget 2021-22.
- Internal audit on Budgeting and Forecasting completed.
- Developed the Proposed Revenue and Rating Plan 2021-2025 for consideration by Council.
- Progressed a number of rights of way discontinuance projects.
- Completed a number of public tenders with appropriate contracts awarded by either delegated role or by Council.

Governance and Legal

Key outcomes

- Oversaw the Meeting Procedure Training offered to Councillors by an external provider in January 2021.
- Managed the Citizen and Young Citizen of the Year Award Ceremony on Australia Day.
- Managed two Council meetings, two Services Delegated Committee meetings, four Urban Planning Delegated Committee meetings, and one Audit and Risk Committee meeting.
- Completed two Council Decision and Process reviews.
- Organised and conducted two Citizenship Ceremonies.
- Developed in collaboration with Councillors the Councillor Code of Conduct which was adopted by Council on 22 February 2021 and the Councillor Gift Policy which was adopted by Council on 29 March 2021.

1.2 Community Support

Community Support outcomes for the third quarter of 2020-21 include:

Arts and Cultural Services

Key outcomes

- The reopening of Hawthorn Arts Centre, Kew Court House and Town Hall Gallery has been a highlight of the third quarter. With venue users and audience members returning, activation and face to face event delivery have been well received by the community.
- The Summer in the Park program was delivered in a revised format and was well supported and attended by the community. For the first time, an event was held

in each ward across the municipality with 33 events delivered throughout the program.

- Attendance to Town Hall Gallery exhibition openings were booked out and each of the four performing arts events held were sold out prior to the performance night. The community has been appreciative of a COVID-safe environment to once again engage in the Arts.
- The official launch of the Maranoa Botanic Garden Florilegium was well-received. The launch was a lovely way to celebrate both the gardens and documentation of the work produced by local artists.

Community Planning and Development

Key outcomes

- The Boroondara Volunteer Expo was held on 17 March with a COVID-safe plan in place. There were 30 stallholders from local community organisations across a range of sectors who showcased their volunteer programs with 247 people attending to explore volunteer opportunities. The event received very positive feedback from organisations who received a number of expressions of interest to volunteer.
- To celebrate Neighbour Day and Harmony Week in March 2021, Council hosted three special events for the community to enjoy. The series of events called Neighbours in Harmony were held at the Balwyn Community Centre, the Hawthorn Community House and the Ashburton Community Centre. The community had the opportunity to hear from local residents about their stories of migration and could participate in cultural activities and programs.
- The first stage of community consultation for the Boroondara Community Plan refresh closed at the end of January 2021, with over 4,700 people telling Council what was most important to them. The second stage of consultation commenced in March 2021. A total of 180 participants were anonymously selected based on their age, gender and suburb to participate in two rounds of the Boroondara Conversations Workshops. The information from the two stages of consultation will be used to inform updates to the Boroondara Community Plan to ensure it represents the community's current needs and aspirations.
- The Community Grants Celebration was held online on 25 February to acknowledge recipients of grants in 2020-21. Hosted by the Mayor, attendees heard from keynote speaker Sheena Boughen OAM and panel members Rachel Morley, Executive Officer at Ashburton Community Centre, and Natalie Dixon-Monu, Coordinator Boroondara Community Outreach, with the focus on how community groups can manage fast moving changes in response to events such as the COVID-19 pandemic. Panel members gave tips and advice, discussed the benefit of strong partnerships within the community, how they adapted services and programs during Melbourne's lockdown and how this will shape their delivery in the future.

Health and Wellbeing Services

Key outcomes

- The opening of the new Canterbury Tennis Club took place and the renewal of the Camberwell sportsground pavilions was completed.
- Boroondara Youth supported the 'Future's So Bright' one day conference for young people with 98 young people attending.
- Boroondara Youth delivered an event for young women at Balwyn High School. Former Olympian Jacqui Cooper presented to 90 young female leaders to share her story of courage, resilience and tenacity to encourage and empower young people in attendance.
- Promoted early childhood education and care services by participating in the online library story time with an indigenous theme in February and for International Women's Day in March.

Library Services

Key outcomes

- On 2 January 2021, Council's library branches returned to full pre-COVID-19 opening hours.
- A high uptake of online programs continued during the quarter, supplemented by the reintroduction of limited in-house programming for children and community members in February.
- Library services and spaces continued to be modified in line with Council's COVID-safe Plan, with community meeting rooms opening up for bookings and additional study spaces for students being opened up.
- The Boroondara Photograph Competition launched in January and is open until the end of April.
- On 23 March 2021, the 'Through my window' and 'Our Boroondara Bubble' books were launched. These books captured the views of kindergarten and primary school aged children throughout the COVID-19 lockdown and were a great collaboration between the students and families of local kindergartens, primary schools, Council's Early years and Library Services.

Liveable Communities

Key outcomes

- Council was successful in receiving the grant from the Victorian Government to extend nominated outdoor dining sites across Boroondara until the end of June 2021, which will assist with community and business recovery post-COVID-19.
- Delivered the 'Thanks Boroondara' campaign, an initiative aimed at raising the profile of local businesses and thanking residents for supporting them throughout COVID-19. Throughout the six week campaign, 2,681 shoppers of local independent businesses entered a competition for the chance to win weekly \$50 vouchers and one large prize valued at \$3,000. Throughout the course of the campaign, 'personal thankers' handed out Thank You presents to local shoppers across Boroondara's eight strip shops.
- Hawthorn Makers Market reopened on 7 March located within the Hawthorn Arts Centre car park to ensure adherence to COVID-safe guidelines. The market will continue to operate on the 1st Sunday of the month. During COVID-19, the

market managers developed a Hawthorn Makers Market online shop with the support of Council which continues to provide exposure to stallholders outside of the market operating times.

1.3 Customer and Transformation

Customer and Transformation outcomes for the third quarter of 2020-21 include:

Chief Customer Office

Key outcomes

- Developed the new Community Engagement Policy which was adopted by Council on 22 February 2021.
- Reopened the Customer Service counter on the 27 January post COVID-19 restrictions.
- Conducted community surveys to evaluate the effectiveness of the different channels (i.e. phone, email, face-face) we use to communicate with our customers.
- Introduced the new Customer Connect function and a new Case Management model to resolve a greater number of customer enquiries at first point of contact, and improve customer experience and outcomes for complex queries.

Strategy and Performance

Key outcomes

- Facilitated the Council planning workshops to inform and prioritise projects and initiatives for inclusion in the Budget 2021-22.
- Finalised research that assists Council to better understand the value of implementing pedestrian counters for our local traders.
- In collaboration with Transformation and Technology, finalised procurement activities for three out of five tenders for technology platforms associated with delivery of the Transforming Boroondara Program.

Transformation and Technology

Key outcomes

- Continued to support a remote workforce with technology related needs.
- Multiple online forms were deployed to production.
- Successfully enabled paypal functionality on the asset protection online form as an optional payment method for customers.
- Finalised a project management toolkit to align with our existing Program Governance Management Framework.

1.4 People, Culture and Development

People, Culture and Development outcomes for the third quarter of 2020-21 include:

Key outcomes

- Developed a plan to enable staff to return to the office and work in a hybrid manner as part of our 'future of work' strategy.
- Commenced Enterprise Bargaining process.
- Reviewed Respectful Workplace Policy and Code of Conduct.

1.5 Places and Spaces

Places and Spaces outcomes for the third quarter of 2020-21 include:

Asset and Capital Planning

Key outcomes

- Improved reporting processes to capture tree root barriers and uploaded outstanding tree data collection actions onto the system, enabling officers to better maintain and report on the assets.
- The 2021 street leaf sweeping dates were finalised, and triggers and alerts for officers to commence the works were established. This information was communicated to the Customer Service team to assist in answering queries from residents.

Capital Projects

Key outcomes

- Successfully obtained the building permits for the Canterbury Community Precinct. Demolition and building works commenced in March 2021.
- Kew Recreation Centre is under demolition and construction has commenced.
- Construction of the Camberwell Community Centre is nearing completion.
- Playground renewals at Madeleine Reserve, Glen Iris, Pridmore and Yarra Bank Park are underway.

Environmental Sustainability and Open Spaces

Key outcomes

- Established the Climate Action Plan Advisory Group and completed phase 2 of consultation on the plan.
- Updated the Electrical Line Safety Plan.
- Completed the Freeway Golf Course consultation on options to respond to the North East Link Project.
- Implemented the Parks Turf Improvement Program.

Section 1 - Directorate overviews

Attachment 1

Traffic and Transport**Key outcomes**

- Contributed to the Local Roads and Community Infrastructure (LRCI) Program.
- Provided a detailed submission to the Level Crossing Removal Project for the removal of the Union Road and Mont Albert Road level crossings including ongoing input and advocacy.
- Completed the construction works associated with the Anniversary Trail realignment at Riversdale Park and Camberwell High School, and opened the path to the public.
- Wattle Road reconstruction works are well underway and six out of seven raised traffic treatments have been completed.
- Provided ongoing input and advocacy on the North East Link Project.

Facilities, Waste and Infrastructure**Key outcomes**

- Completed 67% of Food Organics and Garden Organics (FOGO) rollout to Multi-Unit Developments (MUD) sites with 4-8 dwellings, and 9.3% to sites with 9-15 dwellings.
- Improved the rollout of FOGO to MUD's by contacting and explaining the benefits of FOGO to residents. The interaction with residents enabled them to be more receptive of the FOGO rollout.
- Planned and prepared for the Bulk Heavy Leaf Fall Program to commence in April 2021.
- Reviewed and improved the facilities reactive requests process by promoting the e-form to all building users.

Clayton Landfill performance

31 March 2021	YTD Actuals	YTD Budget	Variance	% Variance
Income	\$105,063	\$30,000	\$75,063	250%
Expenditure	\$1,566,258	\$2,427,750	(\$861,492)	-35%
Net Loss	(\$1,461,195)	(\$2,397,750)	\$936,555	39%

1.6 Urban Living

Urban Living outcomes for the third quarter of 2020-21 include:

Building Services

Key outcomes

- Continued to provide uninterrupted service to customers and ratepayers despite a gradual increase in workload.
- Continued to maintain the register of Swimming Pools and Spas and continued working on responding to owners advising on the relevant safety barrier standard applicable to their pool or spa.

Civic Services

Key outcomes

- Resumed parking enforcement following COVID-19 pandemic and associated easing of restrictions. With the increase in movement around Boroondara, the return of parking limits and enforcement ensures vehicle turnover in high traffic areas and helps maintain balanced access for all.
- Completed the Fire Prevention Program which ran from January to March 2021. A total of 423 properties were included in the program, with 282 properties inspected and a number of Notices to Comply and infringements issued.

Strategic and Statutory Planning

Key outcomes

- During the quarter, the Minister for Planning adopted Amendments C284 Part 1, C294 Part 2 and C306 which implement permanent heritage controls for properties identified in the Hawthorn, Kew and Kew East heritage gap studies respectively. The approval of these amendments has resulted in approximately 1,635 properties being protected in the heritage overlay.
- Two new tree eForms were launched during the quarter. Council receives over 1,100 tree applications and appeals every year for private property trees. These new online application and appeal forms will make it easier for our customers to understand their obligations when it comes to protecting the significant and protected trees within Boroondara. These forms also provide the convenience of allowing customers to access and submit the forms online and make payment upfront.
- On 18 March 2021 Council received orders from the VCAT affirming its refusal of an application related to using the existing heritage building for a medical centre and construction of a new childcare centre over basement car parking at 14 Balwyn Road. There was notable community interest in this matter having received 52 objections and there being 19 resident parties to the proceedings. The Tribunal found that the proposal sought too much for what the site's physical and policy context offered and that a more tempered response was required. This was a significant win for Council.

Section 2 Non-financial performance

Attachment 1

5.0 Summary of Commitment status

The 2020-21 Budget contains 44 annual commitments and 48 Strategic Indicators. The table below depicts the progress of annual commitments during the period. Achievements of Commitments and Strategic Indicators are detailed in the following pages.

Theme	Status				
	Completed 100%	In progress 76-99%	In progress 51-75%	In progress 26-50%	In progress 1-25%
Your Community, Services and Facilities	1	1	7	0	1
Your Parks and Green Spaces	0	0	3	1	0
The Environment	0	1	7	0	0
Neighbourhood Character and Heritage	1	1	0	0	0
Getting Around Boroondara	0	3	4	0	0
Your Local Shops and Businesses	1	0	2	0	0
Civic Leadership and Governance	3	1	5	1	0
Total	6	7	28	2	1

Annual Commitments

Attachment 1

Annual Commitments Performance

Theme 1: Your Community, Services and Facilities

1: Community services and facilities are high quality, inclusive and meet a variety of needs now and into the future.

Commitments	Status	Progress	Comments	Department
Commitment 1.1 Progress construction of the Canterbury Community Precinct to provide enhanced services to the local community.	In Progress	20%	This is a multi-year project. The builder Harris HMC have commenced Early Works (site establishment and demolition) with temporary fencing and vegetation clearing commencing March 2021. Project is planned for completion mid-late 2022.	Capital Projects
Commitment 1.2 Commence construction of the Kew Recreation Centre to create a state of the art recreation facility to meet current and future community needs.	In Progress	60%	This is a multi-year project. Demolition of all buildings has been completed and additional in ground works are in progress. Latent conditions and contaminated soil has been identified during this process, requiring the need for additional testing to determine whether the soil can be re-used on site. Community briefing sessions were held in February regarding the proposed Construction Management Plans (CMP) and updated letters to residents were distributed in March advising of CMP.	Capital Projects
Commitment 1.3 Complete construction of the Camberwell Community Centre to provide enhanced facilities to the local community. (Major initiative)	In Progress	95%	This project is in its final stage of construction. Occupants to move into the new facility by late April 2021.	Capital Projects
Commitment 1.4 Enhance the online offering of the Boroondara Library Service so that more community members can virtually connect with the library.	In Progress	75%	While some in-house programming has returned, online programs are still a popular option for library members and the use of online resources and collections remains high. The online Boroondara Photograph Competition launched in January 2021 with the theme of 'My Boroondara', with a number of high quality entries received during the quarter.	Library Services

Annual Commitments

Attachment 1

Commitments	Status	Progress	Comments	Department
Commitment 1.5 Promote Boroondara Arts to intergenerational audiences and targeted community groups to enhance access and program participation through education and accessibility tours.	In Progress	75%	<p>The Boroondara Arts program has been delivered both in-person and through online engagement activities which has seen uptake by school aged children, as well as people of all ages. This has included webinars, panel discussion in support of Town Hall Gallery exhibitions and Boroondara Creative Network forums.</p> <p>Town Hall Gallery Exhibition 'Reconfigured/Reconstructed' was delivered both in-person and online, including an artist video, online panel discussion and online described exhibition tour. The online tour/webinar event featured exhibiting artists speaking about their work and creative practice. The online described exhibition tour featured an accessibility specialist describing the exhibited works, to accommodate a visually impaired audience.</p>	Arts and Culture
Commitment 1.6 Maintain a register of Swimming Pools and Spas known to Council and maintain the register as required by the proposed Swimming Pool Safety legislation, to ensure all registered pools and spas meet current safety barrier requirements.	In Progress	55%	<p>To date, approximately 5,580 pools and spas have been registered via the Council's website.</p> <p>Building Services continue to maintain the register and are gradually working on responding to owners advising on the relevant safety barrier standard applicable to their pool or spa.</p>	Building Services

Annual Commitments

Attachment 1

Commitments	Status	Progress	Comments	Department
Commitment 1.7 Raise awareness of community safety in Boroondara through events, projects, advocacy and education.	In Progress	75%	To mark International Women's Day on 8 March 2021, Council held a range of activities throughout the month of March. The day aims to celebrate the achievements of women and contributes towards promoting gender equality, which is at the core of preventing violence against women. The activities held included a preschool storytime session on Wednesday 10 March, for young children and their parents/carers focused on celebrating women and girl's achievements. The Boroondara Creative Network also held a free panel discussion and light lunch on Saturday 6 March, which looked at how inspiring local women found ways to create throughout the pandemic, and how we can further support creative women to lead the recovery in the community. The Boroondara Volunteer Resource Centre also included an agenda item on its 30 March meeting about women in leadership from a volunteer/community sector perspective. The Community Planning and Development, in partnership with People Culture and Development, also undertook planning for how to support departments across the organisation to implement the requirements of the Gender Equality Act 2020, which came into effect on 31 March 2021.	Community Planning and Development
Commitment 1.8 Implement the Asset Management Plan to ensure Council Assets are managed appropriately for the community.	In Progress	75%	Community levels of service have been developed through a series of workshops. Condition survey for roads and paths is in progress. On-site work for roads has been completed and path on-site work is in progress. Asset Management Plans for each asset class and overall portfolio Plan are in progress. Policies for public lighting and road renewal are in progress.	Asset and Capital Planning

Annual Commitments

Attachment 1

Commitments	Status	Progress	Comments	Department
Commitment 1.9 Evaluate community engagement practices across Council to ensure they are inclusive and respectful of people with a disability.	In Progress	75%	The Community Engagement Policy was reviewed and updated to reflect inclusive engagement practices. The policy was endorsed by Council at end January 2021. The guidelines to inform the adoption of the policy and the methods through which inclusiveness can be achieved are currently being drafted.	Customer & Communication
Commitment 1.10 Deliver the "Boroondara Sports Club Awards" initiative which recognises and promotes clubs that support underrepresented groups, provide community benefit, support volunteers and promote the benefits of healthier living.	Completed	100%	Club awards were delivered in July 2020 and planning has begun for their delivery again in mid-late 2021.	Health and Wellbeing Services

Annual Commitments

Attachment 1

Theme 2: Your Parks and Green Spaces

2: Inviting and well-utilised community parks and green spaces.

Commitments	Status	Progress	Comments	Department
Commitment 2.1 Implement priority actions from the Shade Policy Implementation Plan to improve the provision of shade at playgrounds located at Yarra Bank Reserve, Hawthorn, Sir William Angliss Reserve, Hawthorn East, and Fenton Reserve, Kew.	In Progress	50%	Site selection and design has been completed. Construction of the shade structures is due to commence in April-May 2021.	Capital Projects
Commitment 2.2 Enhance sporting pavilions to be more accessible and better support a diverse range of user groups in response to community need.	In Progress	65%	As part of the implementation of the Diversity, Inclusion and Participation Program (DIPP), minor internal improvement works (such as upgrades to toilets and umpires rooms) were identified at a number of pavilions during the quarter. These improvements will be delivered over multiple years and will encourage broader participation.	Health and Wellbeing Services
Commitment 2.3 Commence the construction of a new Regional Playground at Victoria Park to improve recreational use opportunities for children and families.	In Progress	70%	The next community update is currently being finalised for April 2021. Design documentation was completed and the contract documentation has commenced. Early works and forward procurement of the project will commence from May 2021. Council has been successful in receiving a \$300,000 grant from the state government towards this project.	Capital Projects

Annual Commitments

Attachment 1

Commitments	Status	Progress	Comments	Department
Commitment 2.4 Design and deliver additional dog friendly play areas within existing parks and reserves to provide enhanced opportunities for social interaction for owners and their dogs.	In Progress	75%	Construction of the Gordon Barnard Reserve fenced dog play area has commenced and is due to be completed by the end of June 2021. Council has also commenced planning for the implementation of dog friendly support and infrastructure in Lynden Reserve, Markham Reserve and Boroondara Park.	Capital Projects

Annual Commitments

Attachment 1

Theme 3: The Environment

3: Our natural environment is healthy and sustainable for future generations.

Commitments	Status	Progress	Comments	Department
Commitment 3.1 Undertake an engagement process so that eight to ten schools and 100 students can participate in events that motivate and empower our young leaders to deliver improved sustainability outcomes for the local community.	In Progress	60%	A provider has been engaged and a project plan prepared. The main event is scheduled for late in the financial year to reduce the risk associated with COVID-19.	Environmental Sustainability and Open Space
Commitment 3.2 Reduce greenhouse gas emissions from Council's buildings by implementing cost effective energy efficiency upgrades/retrofits and installing solar photovoltaics (PV).	In Progress	60%	<p>Projects are on schedule despite delays with accessing sites due to COVID-19. Works are near completion for the expansion of solar analytics to an additional 16 sites. These works are due for completion in mid-April 2021 and will bring the total number of sites to 24.</p> <p>Sports ground pavilion building lighting upgrades are due to commence in early April 2021. The outdated and inefficient lights are being upgraded to efficient and reliable LED technology. An upgrade of the Hawthorn Library air conditioning system will be completed by early June 2021. The upgraded air conditioning system will be more efficient and reliable. These projects have long scoping times but short delivery times.</p>	Environmental Sustainability and Open Space

Annual Commitments

Attachment 1

Commitments	Status	Progress	Comments	Department
Commitment 3.3 Implement initiatives including the Backyard Biodiversity project, Wildlife not Weeds program and rollout of interpretive signage to enhance and maintain urban biodiversity sites across the municipality.	In Progress	65%	Implementation of the Urban Biodiversity Strategy for 2020-21 is continuing. Boroondara residents are being supported to join the City Nature Challenge which is an international Citizen Science event helping to document our local biodiversity. The annual Backyard Biodiversity Project will run during May and June, once again supporting Boroondara residents to create wildlife havens in their own backyards.	Environmental Sustainability and Open Space
Commitment 3.4 Educate, support and monitor Phase 1 FOGO. Implement Phase 2 FOGO to multi-unit developments and report on landfill diversion. (Major initiative)	In Progress	60%	A rollout of Food Organics and Garden Organics (FOGO) is continuing to Multi-Unit Developments (MUD) with approximately 67% of MUD sites with up to eight dwellings and 9.3% to sites with 9-15 dwellings transitioning over to FOGO. This quarter, residents were contacted to discuss the benefits of FOGO, prior to the rollout, which led to residents being more receptive of the FOGO initiative.	Environmental Sustainability and Open Space
Commitment 3.5 Explore ways to build resilience and support older adults to adapt to extreme weather events.	In Progress	60%	The Emergency Management Resilience Project, 'Resilient Boroondara', is progressing to inform Council on actions and initiatives to inform the development of a Community Resilience Framework in 2021-22.	Liveable Communities
Commitment 3.6 Implement actions from the Waste Minimisation and Recycling Strategy to continue to reduce waste sent to landfill, maximise recycling and provide efficient waste services to the Boroondara Community.	In Progress	70%	The implementation of Food Organics, Garden Organics (FOGO) Phase 2 to Multi-Unit Developments (MUDs) will continue through to the end of June 2021. Other actions, as detailed in the Strategy Implementation Plan, are continuing to progress. There is also a significant amount of work underway with the Victorian Government to transform kerbside recycling over the next 10 years and transform the current system into a circular economy, further contributing to maximising recycling.	Environmental Sustainability and Open Space

Annual Commitments

Attachment 1

Commitments	Status	Progress	Comments	Department
Commitment 3.7 Implement identified priority works at Council facilities (water harvesting, water recovery and water efficiency) to reduce tap water use and stormwater pollution.	In Progress	65%	Three sports pavilion retrofits have been completed. Contracts have been entered for an upgrade at Warner Reserve Pavilion, and rainwater harvesting upgrade works at Hays Paddock Pavilion. The project scope for a rainwater harvesting upgrade at Kew Depot is close to completion.	Environmental Sustainability and Open Space
Commitment 3.8 Engage with the community to develop a Climate Action Plan.	In Progress	80%	Community consultation was undertaken in August and September 2020 with 1,569 residents completing a survey. The results were published in December 2020. Further consultation was undertaken during March 2021 with results to be available early April.	Environmental Sustainability and Open Space

Annual Commitments

Attachment 1

Theme 4: Neighbourhood Character and Heritage

4: Protect the heritage and respect the character of the City to maintain amenity and liveability whilst recognising the need for appropriate, well-designed development for future generations.

Commitments	Status	Progress	Comments	Department
Commitment 4.1 Protect the City's heritage by continuing a municipal wide heritage assessment of all properties not currently subject to a heritage overlay in the Boroondara Planning Scheme. (Major initiative)	In Progress	95%	<p>The Panel Report for Amendment C308 Hawthorn East Heritage Gap Study was received in December 2020. Officers are reviewing this with a view to present a report on the Panel recommendations to the Urban Planning Delegated Committee (UPDC) on 3 May 2021.</p> <p>Exhibition of Amendment C333 Glen Iris Heritage Gap Study was undertaken from 8 February - 12 March 2021. Officers are reviewing submissions received during exhibition with a view to presenting a report on the exhibition outcomes to the Urban Planning Delegated Committee (UPDC) in June 2021.</p> <p>The Balwyn Heritage Study Peer review Stage 3 has commenced. Preliminary consultation on the draft study is anticipated to commence in Quarter 4.</p>	Strategic and Statutory Planning
Commitment 4.2 Provide education to owners and developers about heritage overlays to increase a culture of custodianship.	Completed	100%	A review of heritage related content on Council's website is now complete. Videos outlining the heritage assessment process and content specific to the Glen Iris and Ashburton heritage gap study amendment exhibition process have progressed. Frequently Asked Questions (FAQs) associated with the Glen Iris and Ashburton heritage gap study amendment exhibition process have now been completed.	Strategic and Statutory Planning

Annual Commitments

Attachment 1

Theme 5: Getting Around Boroondara

5: Travel options that are connected, safe, accessible, environmentally sustainable and well-designed.

Commitments	Status	Progress	Comments	Department
Commitment 5.1 Explore opportunities and implement actions to enhance wayfinding lighting on paths and shared paths to increase use and improve safety. (Major initiative)	In Progress	80%	<p>Preliminary lighting designs for three sections of the shared paths in Grace Park, Winton Road Reserve and Ryburne Avenue are currently being reviewed and expected to be finalised in April 2021. Solar lighting along the Gardiners Creek Trail at Ryburne Avenue to be pursued and completed before 30 June 2021.</p> <p>Solar lighting in Pridmore Park to be installed in April / May 2021.</p> <p>Gardiners Creek Trail lighting between Patterson Reserve and Burke Road commissioned on Friday, 22 January 2021.</p>	Traffic and Transport
Commitment 5.2 Implement actions from adopted access plans and parking studies and other initiatives to improve safety, access and the effective management of parking, including Kendall Street and Inglesby Road access initiatives and construction of the Fairholm Grove northern car park following the completion of the Camberwell Community Centre.	In Progress	75%	<p>Raised threshold design for the Camberwell Road / Avenue Road / Crescent Road intersection is being modified in line with the Department of Transport's feedback and Road Safety Audit.</p> <p>Improvements to indented parking along Glen Iris Road near Ferndale Park were completed in February/March 2021.</p> <p>Indented parking improvements at the Boroondara Sports Complex have been completed.</p> <p>Other initiatives including new footpath along Kendall Street, laneway improvements for pedestrian safety on Camberwell Road, school crossing upgrade on Gordon Street and the footpath extension along Auburn Road south of Burgess Street are under development.</p>	Traffic and Transport

Annual Commitments

Attachment 1

Commitments	Status	Progress	Comments	Department
Commitment 5.3 Implement actions from the Road Safety Strategy to improve road safety for all road users including recommendations from an audit of school crossings.	In Progress	95%	During quarter three, small off road humps to address speeding issues in laneways were installed.	Traffic and Transport
Commitment 5.4 Upgrade existing treatments and introduce traffic management devices in response to identified safety concerns or community needs.	In Progress	80%	<p>Works along Wattle Road in Hawthorn are progressing well with raised intersection crosswalk treatments completed at six of the seven locations.</p> <p>United Energy works associated with the light pole relocation at the Muswell Hill / High Street intersection have been completed and approved by the Department of Transport. A Memorandum of Authorisation will be lodged with a Road Safety Audit approved Traffic Management Plan for the Department of Transport's final approval before commencing civil works. Works are anticipated to be completed before 30 June 2021.</p>	Traffic and Transport
Commitment 5.5 Advocate for the needs of the Boroondara community in relation to the North East Link project. (Major initiative)	In Progress	75%	<p>The North East Link is a multi-year project, likely to end in 2026. Council officers continue with advocacy work.</p> <p>Activities undertaken over this period include monitoring of early works sites at the Boroondara Tennis Centre, Freeway Golf Course and Koonung Creek Reserve. Service works and investigations into reconfiguring the Freeway Golf Course have progressed.</p>	Traffic and Transport

Annual Commitments

Attachment 1

Commitments	Status	Progress	Comments	Department
Commitment 5.6 Advocate to the Victorian Government for the needs of the Boroondara community in relation to Public Transport improvements for disability access and network linkages, Level Crossing Removal Projects, Walmer Street Bridge and The Boulevard upgrades.	In Progress	75%	<p>Awaiting feedback from Yarra Trams and the Victorian Government regarding Disability Discrimination Act (DDA) compliant tram stops in Boroondara. Officers continue to advocate for improvements.</p> <p>On 16 December 2020, the Heritage Council determined that the Walmer Street bridge is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register. Officers are confirming the implications of this decision to determine the best way forward in addressing the safety and access issues whilst retaining the river bridge over the Yarra. A meeting with Heritage Victoria has been formally requested and this is expected to be held in April 2021.</p> <p>The Department of Transport is currently working with the Australian Government to determine the full scope of works to cover the Federal Government commitment of \$5 million for traffic treatments and CCTV cameras to improve safety and security on the Yarra Boulevard. The Department of Transport intends to commence stage one of the works which involve nine traffic treatments along Yarra Boulevard in mid-2021.</p>	Traffic and Transport
Commitment 5.7 Deliver Council's community transport service to vulnerable residents and explore ways to broaden its reach.	In Progress	75%	As a result of COVID-19, and on advice from the Australian Government Department of Health, transport services for older people have been on hold since March 2020. In February 2021, transport services resumed.	Liveable Communities

Annual Commitments

Attachment 1

Theme 6: Your Local Shops and Businesses

6: A vibrant local economy and shops that are accessible, attractive and a centre of community life.

Commitments	Status	Progress	Comments	Department
Commitment 6.1 Implement the Christmas in Boroondara program to promote the vitality of the City's shopping centres and support a festive community spirit.	Completed	100%	The Christmas in Boroondara program has been successfully delivered for 2020.	Liveable Communities
Commitment 6.2 Promote co-working spaces and opportunities which offer training, access to technology and tools to support start-up and emerging businesses in the City of Boroondara.	In Progress	75%	With the impact of COVID-19 still lingering, Council has been focusing on assisting local business with their digital expertise through dedicated workshops. By offering courses free of charge Council has provided opportunities for businesses to become online ready and reach their clientele. The Love Local Life social media and website has offered all businesses the opportunity to be included to either complement their own online suite, or become established online.	Liveable Communities
Commitment 6.3 Implement a Placemaking approach in the Glenferrie and Maling Road precincts to shape and design our public spaces and shopping centres, to increase social interaction, economic viability and enhance the health and wellbeing of our community. (Major initiative)	In Progress	75%	Council has completed the preparation of the Maling Road Placemaking Plan and is now working on implementation of key projects. Work on the draft Glenferrie Placemaking Plan continues with community consultation to occur in early 2021-22.	Liveable Communities

Annual Commitments

Attachment 1

Theme 7: Civic Leadership and Governance

7: Ensure that ethical, financial and socially responsible decision making reflects community needs and is based on principles of accountability, transparency, responsiveness and consultation.

Commitments	Status	Progress	Comments	Department
Commitment 7.1 Undertake community consultation for the review and refresh of the Boroondara Community Plan 2021-2031, and Council Plan 2021-2025, to assist Council to deliver on priorities most important to the community. (Major initiative)	In Progress	75%	<p>The first stage of community consultation for the Boroondara Community Plan refresh closed at the end of January 2021 with over 4,700 people telling Council what is most important to them.</p> <p>A total of 180 community members were anonymously selected based on their age, gender and suburb to participate in the second stage of consultations in March and April 2021. This selection method, called 'random sampling', was used to ensure the workshops reflect and represent Boroondara's population. The findings from Stage 1 are currently being reviewed and considered by the residents participating in the Boroondara Conversations workshops.</p> <p>The information from the two stages of consultation will be used to inform updates to the Boroondara Community Plan to ensure it represents the community's current needs and aspirations.</p>	Community Planning and Development
Commitment 7.2 Conduct the 2020 Council Election including the development and implementation of the Councillor induction program to familiarise the newly elected Council with their roles and responsibilities and the new issues, tasks and decisions before Council at the outset of their term	Completed	100%	<p>Close of voting for the 2020 Council Election was at 6.00pm on 23 October 2020. The declaration of the poll occurred on 9 November 2020 and 11 Councillors were sworn into office on 16 November 2020. The Councillor Induction Workshop was held from 19 to 21 November 2020 to familiarise the newly elected Council with their roles and responsibilities and the new issues, tasks and decisions before Council at the outset of their term.</p>	Governance and Legal

Annual Commitments

Attachment 1

Commitments	Status	Progress	Comments	Department
Commitment 7.3 Develop accessibility guidelines for Council's Information and Communication Technology (ICT) products and services, and include the guidelines in the specifications for all relevant products and services being developed or procured.	Completed	100%	The development of accessibility guidelines including specifications for Council's Information and Communication Technology (ICT) products and services has been completed.	Transformation and Technology
Commitment 7.4 Engage with strategic procurement aggregators (Municipal Association Victoria, Procurement Australia, State Purchasing Contracts) and with other Councils as appropriate to explore collaborative contract opportunities	In Progress	70%	Council continued to liaise with aggregators and Council procurement networks to discuss options for collaborative procurement opportunities in the future.	Chief Financial Office
Commitment 7.5 Facilitate community informed decision making through the implementation of an online community engagement tool which will enable customers to subscribe to, give feedback and see progress on projects and consultations. (Major initiative)	In Progress	70%	A community engagement tool has been selected and has been successfully used as part of the Boroondara Community Plan refresh initiative. The engagement tool will be used for another initiative before being rolled out for future deliberative community engagements.	Transformation and Technology
Commitment 7.6 Continue to enhance customer experience by transitioning high volume services with payments online and providing self service payment options.	In Progress	70%	Additional e-forms were introduced to digitise services for both Asset Management and Statutory Planning teams. These forms enable applications to be made online, along with payments where applicable. PayPal has also been implemented and will be rolled out across additional payment forms in the next quarter.	Transformation and Technology

Annual Commitments

Attachment 1

Commitments	Status	Progress	Comments	Department
Commitment 7.7 Ensure Council operates within a financially sustainable framework through preparation of the Annual Budget 2021-22 and the Strategic Resource Plan in-line with statutory requirements, and submit for consideration by Council.	In Progress	75%	Developed Council's Draft 2021-22 Budget.	Chief Financial Office
Commitment 7.8 Deliver year two actions of the Workforce Diversity and Inclusion Strategy which aims to create a more inclusive workplace and enable better outcomes for customers and the community.	In Progress	50%	Year 2 actions are all now in progress and on track for completion by 30 June 2021.	People, Culture and Development
Commitment 7.9 Implement line clearance management plan to meet requirements of the Electricity Safety (Electric Line Clearance) Regulations 2015.	In Progress	80%	The development of the annual 2021 Electric Line Clearance (ELC) Management Plan was completed and lodged with Energy Safe Victoria (ESV) on 31 March 2021. Ongoing vegetation compliance to satisfy the Regulations 2020 and the ELC Management Plan is in progress.	Environmental Sustainability and Open Space
Commitment 7.10 Deliver the mandatory candidate training for potential candidates for the 2020 Council Election, as prescribed by the Local Government Act 2020.	Completed	100%	Due to the COVID-19 pandemic, Local Government Victoria assumed responsibility for the mandatory candidate training for prospective candidates in the 2020 Council elections. Candidates were required to complete the mandatory training prior to nominating as a candidate. The closing date for nominations was 12 (noon) on 22 September 2020. Council assisted Local Government Victoria by promoting the online mandatory candidate training via the Council website and the Council social media channels.	Governance and Legal

Annual Commitments

Attachment 1

2019-20 Annual Commitments

2019-20 Annual Commitment

The following Annual Commitments have been carried forward from 2019-20 for completion in the 2020-21 Financial Year.

Commitments	Status	Progress	Comments	Department
2019-20 Commitment 1.1: Review and update the Roads, Footpaths, Drainage and Building Asset Management Plans to ensure Council is continuing to provide assets that meet the needs of the community.	In Progress	60%	Asset class data and templates for Road and Paths, Drainage, Open Space and Buildings are being populated for the Asset Management Plan. Overarching Portfolio Asset Management Plan with long term expenditure forecasts is also being prepared consolidating outputs from the individual asset classes.	Asset and Capital Planning
2019-20 Commitment 1.2: Finalise the redevelopment of the Ashburton Seniors' Centre to create a space that is easily accessible, and better suited to deliver activities and services to seniors in the community. (Major initiative)	Completed	100%	The Ashburton Seniors Centre has been handed over to the tenant. A defect will be addressed over the contracted defect period.	Capital Projects
2019-20 Commitment 3.4: Deliver the Boroondara Sustainable Living Festival so that the community can learn new skills and be inspired to live more sustainably.	Deferred	40%	The 2021 Festival was cancelled due to the uncertainty around the COVID-19 restrictions. No budget commitments or spend have been made against the project. Delivery of the Sustainable Living Festival has been deferred to 2022.	Environmental Sustainability and Open Space
2019-20 Commitment 4.1: Review the Camberwell Junction Structure Plan and investigate the introduction of planning controls to ensure appropriate development in the centre.	In Progress	60%	A revised project scope is being prepared to align the project with Council's Placemaking Strategy. This has involved a review of Council's Placemaking Strategy, a review of previous technical reports prepared for the structure plan study area and the development of project costings to inform a brief to consultants.	Strategic and Statutory Planning

Annual Commitments

Attachment 1

Commitments	Status	Progress	Comments	Department
2019-20 Commitment 4.2: Protect the City's heritage by continuing a municipal wide heritage assessment of all properties not currently subject to a heritage overlay in the Boroondara Planning Scheme. (Major initiative)	In Progress	95%	Refer to 2020-21 Commitment 4.1 for details of the continued works.	Strategic and Statutory Planning
2019-20 Commitment 4.3: Conduct the Boroondara Urban Design Awards and implement a communications strategy to recognise and promote high-quality urban design that complements Boroondara's neighbourhood character and heritage and enhances its public realm.	Deferred	25%	Given State Government restrictions regarding COVID-19, the Urban Design Awards have been deferred.	Strategic and Statutory Planning
2019-20 Commitment 6.5: We will continue to revitalise our local strip shopping centres by implementing streetscape improvements at Auburn Village, Bellevue, Rathmines/Burke Road and Alamein/Victory Boulevard shopping centres.	Completed	100%	<p>Auburn Village's streetscape have been completed.</p> <p>Alamein/Victory Boulevard and Rathmines/ Burke Road shopping centres' streetscape improvement works have been completed.</p> <p>Bellevue Shopping Centre's design drawing package has been completed. Its implementation has been delayed until future financial years and the outcomes of the North East Link Project (NELP) and its impact on the shopping centre are known. All traders and Have Your Say respondents have been notified of the delay.</p>	Capital Projects

Annual Commitments

Attachment 1

Commitments	Status	Progress	Comments	Department
2019-20 Commitment 7.6: Ensure Council operates within a financially sustainable framework through preparation of the Annual Budget 2020-21 and the Strategic Resource Plan in-line with statutory requirements, and submit for consideration by Council by 30 June 2020.	Completed	100%	The 2020-21 Budget was adopted by Council on 20 July 2020.	Chief Financial Office

Non-Financial Performance			
2.9 Strategic Indicators			
Themes with performance measures appear in the following table. Strategic Indicators that have not achieved forecast or generated a large positive variance are listed with an explanation of the performance.			
Please note a "Tick (✓)" is used to highlight where the year to date forecast has been achieved.			
Strategic Indicators	YTD		Annual
	Actual	Forecast	Forecast
Your Community, Services and Facilities			
Overall participation in library services (includes loans, returns, visits, program attendances, e-books and audio loans, enquiries, reservations, wi-fi and virtual visits).	3,698,718	5,700,000	7,600,000
<i>Comment: Services and spaces within libraries are impacted by social distancing and COVID-safe plan guidelines. Further easing of restrictions (ie. wearing of masks are no longer required) has increased community confidence in using the libraries, along with increased in-house programming and opening up of limited study spaces. A 5 day snap lockdown in January did impact this total.</i>			
Participation in first MCH home visit	99%	90%	90%
✓			
Percentage of graffiti removed from Council owned assets within one business day of notification.	100%	97%	97%
✓			
Number of arts and cultural community events delivered by Council	144	75	100
✓			
Number of attendances by young people at Youth Services programs or services	2,759	3,000	4,000
<i>Comment: Youth programming has recommenced in person delivered at the Youth Hub and in schools. Programming will increase in Term 2, as schools have been focused on returning students to on-site learning.</i>			
The Environment			
Kerbside collection waste diverted from landfill (percentage of garbage, recyclables and green organics collected from kerbside bins that is diverted from landfill).	68%	58%	58%
✓			
Neighbourhood Character and Heritage			
Number of complaints re Neighbourhood Character and Heritage (excluding objections to planning permit applications and submissions to strategic planning projects)	16	41	55
✓			
Percentage of 'Demolition Consents' under Section 29A of the Building Act by Building Services checked within 15 business days.	100%	100%	100%
✓			
Getting Around Boroondara			
Sealed local roads maintained to condition standards.	95%	95%	95%
✓			
Percentage completion of six-monthly defect inspections on Council roads and footpaths in higher risk locations.	100%	99%	99%
✓			

Section 2 Strategic Indicators

Attachment 1

Strategic Indicators	YTD		Annual
	Actual	Forecast	Forecast
Percentage of footpath defects remediated within the timeframes specified in the Road Management Plan	95%	95%	95%
✓			
Number of traffic counts and surveys.	12	128	170
<i>Comment: Traffic counts and surveys have been significantly impacted by COVID-19 as traffic conditions were not representative of typical conditions. Counts and surveys to resume in April after the school holidays.</i>			
Your Local Shops and Businesses			
Number of proactive strip shopping centre maintenance inspections completed.	984	750	1,000
✓			
Number of members of the Boroondara Business Network.	1,427	1,250	1,250
✓			
Number of participants in Council's business training activities.	1,379	975	1,300
✓			
Civic Leadership and Governance			
Percentage of Freedom of Information Requests responded to within prescribed timeframes.	100%	100%	100%
✓			
Average time callers wait before their call is answered	52	45	=< 45 seconds
<i>Comment: Slight increase in length of time to answer calls due to some challenges during the introduction of Customer Connect and associated training of transitioning staff and services. The Customer Connect function has been introduced to resolve a greater number of customer enquiries at first point of contact, and improve customer experience and outcomes for complex queries.</i>			
Number of cyber security incidents that have a Risk Consequence Rating of >= Moderate	0	0	0
✓			
Percentage of nominated Information Technology Projects initiated with a Privacy Impact Assessments completed	100%	100%	100%
✓			

Notes:

1. There are an additional 30 Strategic Indicators which will be reported annually at 30 June 2021.
2. Theme 2: Your Parks and Green Spaces consist of annual measures only and have not been included in the above table.

Section 3 - Financial and performance statements

Attachment 1

3. Financial and performance statements

3.1 Income statement

	ANNUAL ORIGINAL BUDGET	YTD ACTUAL (1)	YTD BUDGET (2)	YTD VARIANCE (1) - (2)	YTD VARIANCE %	FULL YEAR MARCH FORECAST (3)	ANNUAL SEPTEMBER AMENDED BUDGET (3)	MARCH FORECAST VARIANCE (3) - (4)
	\$'000s	\$'000s	\$'000s	\$'000s	%	\$'000s	\$'000s	\$'000s
Recurrent income								
Rates and charges	192,534	192,371	192,184	187	0%	192,503	192,384	119
Statutory fees and fines	14,056	4,969	7,198	(2,229)	-31%	6,692	11,182	(4,490)
User fees	11,577	5,941	6,866	(925)	-13%	7,847	10,089	(2,242)
Grants - operating	11,611	8,645	8,428	217	3%	10,990	11,053	(63)
Contributions - cash	4,424	4,232	3,930	302	8%	5,180	5,181	(1)
Contributions - non-monetary	-	21	-	21	100%	-	-	-
Rental income	2,070	1,128	1,221	(93)	-8%	1,825	1,827	(2)
Other income	2,047	1,572	1,645	(73)	-4%	1,992	2,150	(158)
Interest	1,500	426	750	(324)	-43%	500	1,000	(500)
Total recurrent income	239,819	219,305	222,222	(2,917)	-1%	227,529	234,866	(7,337)
Recurrent expenditure								
Employee costs	91,608	67,263	67,414	151	0%	91,570	90,779	(791)
Materials and services	70,533	49,153	54,171	5,018	9%	72,098	72,771	673
Bad and doubtful debts	1,746	928	769	(159)	-21%	1,822	1,846	24
Depreciation and amortisation ¹	37,873	26,794	26,794	-	0%	35,740	35,740	-
Amortisation - right of use assets	4,307	2,677	3,229	552	17%	3,621	4,307	686
Borrowing costs	1,342	1,012	1,012	-	0%	1,342	1,342	-
Finance costs - leases	337	238	252	14	6%	326	337	11
Other expenses	7,854	5,404	6,518	1,114	17%	7,756	7,848	92
Total recurrent expenditure	215,600	153,469	160,159	6,690	4%	214,275	214,970	695
Net recurrent operating surplus	24,219	65,836	62,063	3,773	6%	13,254	19,896	(6,642)
Non-recurrent income								
Priority projects income	1,046	1,349	424	925	218%	2,398	1,218	1,180
Capital works income	4,188	9,550	4,672	4,878	104%	13,882	6,906	6,976
Total non-recurrent income	5,234	10,899	5,096	5,803	114%	16,280	8,124	8,156
Non-recurrent expenditure								
Priority projects expenditure	33,368	17,346	23,355	6,009	26%	30,546	38,042	7,496
Total non-recurrent expenditure	33,368	17,346	23,355	6,009	26%	30,546	38,042	7,496
Net non recurrent operating surplus (deficit)	(28,134)	(6,447)	(18,259)	11,812	-65%	(14,266)	(29,918)	(15,652)
Net gain (loss) on disposal of property, infrastructure, plant and equipment	(3,474)	(6,249)	(2,522)	(3,727)	148%	(9,297)	(3,474)	(5,823)
Surplus/(Deficit) for the year ²	(7,389)	53,140	41,282	11,858	29%	(10,309)	(13,496)	3,187

Note: All numbers are rounded to the nearest thousand. Actual results are reported against the September Amended Budget approved by Council.

1. Depreciation and amortisation primarily relates to property, plant, equipment and infrastructure assets.
2. The year to date surplus result of \$53.14 million is \$11.86 million or 29% above the September Amended Budget of \$41.28 million primarily due to timing differences for income and expenditure. Refer to Section 3 Financial Overview for details on Council's financial performance.

Refer to **Section 3.5 Overview** for details on Council's financial performance.

Section 3 - Financial and performance statements

Attachment 1

3.2 Income statement by directorate

	ANNUAL ORIGINAL BUDGET	YTD ACTUAL	YTD BUDGET	YTD VARIANCE	YTD VARIANCE	FULL YEAR MARCH FORECAST	ANNUAL SEPTEMBER AMENDED BUDGET	MARCH FORECAST VARIANCE
	\$'000s	(1) \$'000s	(2) \$'000s	(1) - (2) \$'000s	%	(3) \$'000s	(3) \$'000s	(3) - (4) \$'000s
Income								
Rates and waste charges *	190,980	190,851	190,630	221	0%	190,980	190,830	150
Places & Spaces	3,230	2,003	1,696	307	18%	2,544	2,294	250
Community Support	14,969	9,002	9,870	(868)	-9%	11,601	13,247	(1,646)
Urban Living	19,631	9,519	11,792	(2,273)	-19%	12,074	17,427	(5,353)
Customer & Transformation	-	3	-	3	100%	3	-	3
CEO's Office	38	71	28	43	154%	54	38	16
Chief Financial Office	2,504	1,395	1,778	(383)	-22%	2,220	2,504	(284)
Total income	231,352	212,844	215,794	(2,950)	-1%	219,476	226,340	(6,864)
Expenditure								
Places & Spaces	69,482	49,598	51,651	2,053	4%	70,657	69,390	(1,267)
Community Support	40,431	28,200	31,489	3,289	10%	38,246	40,478	2,232
Urban Living	23,953	15,320	16,603	1,283	8%	22,160	23,405	1,245
Customer & Transformation	21,516	18,051	17,747	(304)	-2%	25,202	23,479	(1,723)
CEO's Office	5,614	4,941	5,056	115	2%	6,207	6,138	(69)
Chief Financial Office	6,351	4,208	4,464	256	6%	5,780	5,990	210
People, Culture & Development	3,415	2,371	2,483	112	5%	3,377	3,385	8
Depreciation and amortisation ***	37,873	26,794	26,794	-	0%	35,740	35,740	-
Total expenditure	208,635	149,483	156,287	6,804	4%	207,369	208,005	636
Net non departmental **	1,502	2,478	2,556	78	3%	1,150	1,561	(411)
Net loss on disposal of property, infrastructure, plant and equipment	(3,474)	(6,252)	(2,522)	3,730	-148%	(9,300)	(3,474)	(5,826)
Capital income	4,188	9,550	4,672	4,878	104%	13,882	6,906	6,976
Net priority projects	(32,322)	(15,997)	(22,931)	5,084	-22%	(28,148)	(36,824)	8,676
Surplus/(Deficit) for the year	(7,389)	53,140	41,282	11,858	29%	(10,309)	(13,496)	3,187

* Rate income includes interest on rates but excludes special rates which are included under the Chief Financial Office Directorate.

** Non departmental includes - Victorian Local Government Grants Commission funding, finance costs, interest on investments, open space developers contributions.

*** Depreciation and amortisation primarily relates to property, plant, equipment and infrastructure assets.

Note: All numbers are rounded to the nearest thousand. Actual results are reported against the September Amended Budget approved by Council.

Section 3 - Financial and performance statements

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3.3 Balance Sheet

	31 Mar 2021 \$'000	30 Jun 2020 \$'000	30 Mar 2020 \$'000
Current assets			
Cash and cash equivalents ¹	133,017	99,259	160,464
Other financial assets ¹	-	15,078	-
Trade and other receivables	47,027	21,347	42,427
Prepayments	1,160	1,956	901
Total current assets	181,204	137,640	203,792
Non-current assets			
Financial assets	4	4	4
Property, plant and equipment, infrastructure	3,555,496	3,555,629	3,407,495
Right of use assets	10,085	10,269	-
Intangible assets	348	348	980
Investment property	8,935	8,915	9,086
Total non-current assets	3,574,868	3,575,165	3,417,565
Total assets	3,756,072	3,712,805	3,621,357
Current liabilities			
Trade and other payables	7,135	19,125	18,282
Interest-bearing liabilities	614	1,573	582
Provisions	20,238	19,364	17,741
Trust funds and deposits	8,357	5,752	4,723
Unearned income	1,285	1,569	106
Lease liabilities	3,139	3,139	-
Total current liabilities	40,768	50,522	41,434
Non-current liabilities			
Provisions	2,042	2,042	1,987
Interest-bearing liabilities	23,213	23,213	24,785
Provision for investments in joint ventures	2,974	2,974	2,579
Lease liabilities	7,040	7,159	-
Total non-current liabilities	35,269	35,388	29,351
Total liabilities	76,037	85,910	70,785
Net assets	3,680,035	3,626,895	3,550,572
Equity			
Accumulated surplus	990,281	939,324	997,532
Asset revaluation reserve	2,668,868	2,668,868	2,534,337
Reserves ²	20,886	18,703	18,703
Total equity	3,680,035	3,626,895	3,550,572
Working capital ratio	4.44		

Note: All numbers are rounded to the nearest thousand.

1. Cash reflects balances in the general ledger not actual bank account balances.

2. Reserve funds comprise of Strategic Acquisition Fund (\$434,000), Open Space Development Fund (\$12.45 million) and Defined Benefits Superannuation future call up reserve (\$8.00 million).

Section 3 - Financial and performance statements

Attachment 1

3.4 Cash Flow Statement

	ANNUAL ORIGINAL BUDGET	YEAR TO DATE			ANNUAL SEPTEMBER AMENDED BUDGET
		ACTUAL (1)	SEPTEMBER AMENDED BUDGET (2)	VARIANCE (unfav) (1) - (2)	
	\$'000	\$'000	\$'000	\$'000	\$'000
Cash flows from operating activities					
Rates and waste charges ¹	192,434	165,383	163,527	1,856	188,854
Statutory fees and fines ²	11,140	4,657	6,428	(1,771)	7,837
User charges and other fines ³	13,131	5,761	7,553	(1,792)	11,496
Grants - operating	13,283	9,969	9,569	400	12,867
Grants - capital ⁴	4,188	9,446	4,672	4,774	6,571
Contributions - monetary	4,424	4,520	3,933	587	5,516
Interest received	1,500	532	747	(215)	1,000
Other receipts	4,529	2,858	3,151	(293)	4,375
Net GST refund	15,343	10,617	11,781	(1,164)	17,257
Trust funds and deposits taken ⁵	100	2,605	-	2,605	100
Employee costs	(101,804)	(76,972)	(77,964)	992	(101,940)
Materials and services ⁶	(103,769)	(67,580)	(79,092)	11,512	(105,777)
Short-term, low value and variable lease payments	(616)	(714)	(459)	(255)	(616)
Other payments ⁷	(7,875)	(5,488)	(6,620)	1,132	(8,057)
Net cash provided by/(used in) operating activities	46,008	65,594	47,226	18,368	39,483
Cash flows from investing activities					
Payments for property, infrastructure, plant and equipment ⁸	(82,053)	(42,347)	(58,869)	16,522	(88,364)
Proceeds from sale of property, plant and equipment	1,570	29	-	29	1,570
Net cash used in investing activities	(80,483)	(42,318)	(58,869)	16,551	(86,794)
Cash flows from financing activities					
Finance costs	(1,342)	(772)	(746)	(26)	(1,342)
Repayment of borrowings	(1,572)	(959)	(958)	(1)	(1,572)
Interest paid - lease liability	(337)	(239)	(253)	14	(337)
Repayment of lease liabilities	(4,536)	(2,626)	(3,402)	776	(4,536)
Net cash provided by (used in) financing activities	(7,787)	(4,596)	(5,359)	763	(7,787)
Net increase (decrease) in cash and cash equivalents	(42,262)	18,680	(17,002)	35,682	(55,098)
Cash and cash equivalents at beginning of year	107,456	114,337	114,337	-	114,337
Cash and cash equivalents at end of year	65,194	133,017	97,335	35,682	59,239

Note: All numbers are rounded to the nearest thousand.

1. Rates and waste charges higher than budget \$1.86 million due to timing of rates receivables.
2. Lower than budgeted statutory fees and fines (\$1.77 million) primarily due to parking related income.
3. Lower than budgeted user charges and other receipts from customers (\$1.79 million) due to timing and settlement of debtors.
4. Higher than budgeted capital grants received of \$4.77 million due to additional grants being received during the year.
5. Trust funds and deposits includes the fire services property levy received which relates to the timing of fire services property levy and levy interest amounts received and subsequently remitted to the State Revenue Office (SRO) which are to be made in four payments in accordance with Section 41(1) of the FSPL Act. An instalment is due and payable to the Commissioner of State Revenue 28 days after the due date of rates instalments. Levy monies are to be remitted to the SRO by the following dates each financial year - 28 October; 28 December; 28 March; and 28 June.
6. Materials and services are lower than budgeted due to timing of cash outflows \$11.51 million.
7. Other payments of \$1.13 million lower than anticipated due to timing of cash outflows.
8. Payments for property, plant and equipment differs from that presented in the capital works statement due to settlement of the 30 June 2020 creditors and forward commitment expenditure. Works delivered in the 2019-20 financial year have previously been brought to account and accrued against the 2019-20 capital works statement.

Section 3 - Financial and performance statements

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3.5 Overview

This section details Council's financial performance for the period ended 31 March 2021.

The annual budget referred to in this report reflects the September Amended Budget approved by Council on 21 September 2020.

The March 2021 full year forecast reflects the final result of the full year review of the annual financials to be undertaken during the year.

Operating budget

The year to date surplus result of \$53.11 million is \$11.83 million or 29% above the September Amended Budget surplus of \$41.28 million.

Year to date recurrent and non-recurrent income is ahead of budget by \$2.89 million, comprising recurrent income of (\$2.92 million) and non-recurrent income of \$5.80 million. The increase in non-recurrent income is primarily due to additional capital grants of \$4.00 million being received from the State Government North East Link project.

The year to date total recurrent and non-recurrent expenditure is \$12.67 million (\$6.66 million + \$6.01 million) below budget.

The following table includes explanations on major income and expenditure line variances over **\$75K** against the year to date budget.

Year to date actual vs. year to date budget variations

Income			
Income line	Expected variance (P)ermanent (T)iming	Explanation Year to date actual vs year to date budget variations	Full Year Forecast permanent variance from Amended Budget
Rates and charges \$187,000	P	Higher than budgeted income: <ul style="list-style-type: none"> \$187,000 - rates and charges income, primarily in supplementary income. 	\$119,000

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Income			
Income line	Expected variance (P)ermanent (T)iming	Explanation Year to date actual vs year to date budget variations	Full Year Forecast permanent variance from Amended Budget
Statutory fees and fines (\$2.23 million)	<p>P</p> <p>P</p> <p>P</p> <p>P</p> <p>P T/P</p>	<p>Lower than budgeted income:</p> <ul style="list-style-type: none"> • (\$1.86 million) - parking management income due to COVID-19 impacts. • (\$261,000) - infringement court charges income due to COVID-19 impacts - offset with infringement court filing fees expenditure. • (\$232,000) - swimming pool and spa registration income due to COVID-19. • (\$181,000) - swimming pool and spa service fees and charges due to COVID-19. <p>Partially offset by higher income:</p> <ul style="list-style-type: none"> • \$90,000 - tree control fines income. • \$78,000 - trade permits income. 	<p>(\$3.76 million)</p> <p>(\$292,000)</p> <p>(\$371,000)</p> <p>(\$228,000)</p> <p>\$60,000 (\$53,000)</p>
User fees (\$925,000)	<p>P</p> <p>P</p> <p>P</p>	<p>Lower than budgeted income:</p> <ul style="list-style-type: none"> • (\$596,000) - parking meter charges - fees waived due to COVID-19. • (\$411,000) - other service fees and charges, primarily in Leisure Aquatic Facilities due to lower contract payments. <p>Partially offset by higher income:</p> <ul style="list-style-type: none"> • \$93,000 - internal building permits income. 	<p>(\$924,000)</p> <p>(\$1.02 million)</p> <p>\$22,000</p>
Grants - operating \$217,000	T/P	<p>Higher than budgeted income:</p> <ul style="list-style-type: none"> • \$152,000 - grants operating - primarily due to School Crossing income ahead of year to date planned budget phasing. 	(\$70,000)
Contributions - cash \$302,000	T	<p>Higher than budgeted income:</p> <ul style="list-style-type: none"> • \$308,000 - developers open space contributions ahead of year to date planned budget phasing. 	
Rental income (\$93,000)	T/P	<p>Lower than budgeted income:</p> <ul style="list-style-type: none"> • (\$67,000) - leasing income, primarily in the Camberwell Fresh Food Market due to the impact of COVID-19 restrictions. 	\$4,000

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Income			
Income line	Expected variance (P)ermanent (T)iming	Explanation Year to date actual vs year to date budget variations	Full Year Forecast permanent variance from Amended Budget
Interest (\$324,000)	P	Lower than budgeted income: <ul style="list-style-type: none"> (\$324,000) - interest on investments - due to low investment earnings that are continuing in the current environment. 	(\$500,000)

Expenditure			
Expense line	Expected variance (P)ermanent (T)iming	Explanation Year to date actual vs year to date budget variations	Full Year Forecast permanent variance from Amended Budget
Bad and doubtful debts (\$159,000)	P	Higher than budgeted expenditure: <ul style="list-style-type: none"> (\$147,000) bad and doubtful debts primarily in Strategic and Statutory Planning. 	(\$224,000)
Employee costs \$151,000	P	Lower than budgeted expenditure: <ul style="list-style-type: none"> \$2.63 million net - salaries and associated costs and an increase in leave entitlements not taken. The year to date result includes redundancies as a result of the Organisation redesign and has been included in the full year forecast result. After adjusting for redundancies, the Full year forecast would result in a favourable outcome to employee costs in the September Amended Budget. 	\$2.00 million
	P	<ul style="list-style-type: none"> \$120,000 - apprentices and traineeships across the organisation. 	\$97,000
	P	Partially offset by higher than budgeted expenditure: <ul style="list-style-type: none"> (\$1.83 million) - temporary staff filling vacancies across the organisation. 	(\$2.1 million)
	P	<ul style="list-style-type: none"> (\$795,000) - overtime, casuals and relievers filling vacancies across the organisation 	(\$735,000)

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Expenditure			
Expense line	Expected variance (P)ermanent (T)iming	Explanation Year to date actual vs year to date budget variations	Full Year Forecast permanent variance from Amended Budget
Other expenses \$1.11 million	T/P	Lower than budgeted expenditure:	\$31,000
	T/P	<ul style="list-style-type: none"> \$415,000 - special rates expenditure behind planned budget phasing. \$411,000 - grants and subsidies behind planned budget phasing, primarily in Senior Citizen Centre grants. 	\$45,000
	P	<ul style="list-style-type: none"> \$259,000 - conferences and training across the organisation. 	\$261,000
	T	<ul style="list-style-type: none"> \$97,000 - internal audit fees behind planned budget phasing. 	
	T/P	<ul style="list-style-type: none"> \$83,000 - subscriptions and publications expenses. 	\$6,000
	P	Partially offset by higher than budgeted expenditure: <ul style="list-style-type: none"> (\$246,000) - leased assets across the organisation that are short term (less than 12 months) or low value in nature. In accordance with the requirements of the new accounting standard AASB 16 - Leases short term or low value leases will be expensed to the income statement. 	(\$278,000)
Amortisation - right of use assets \$552,000	P	Lower than budgeted expenditure: <ul style="list-style-type: none"> \$538,000 - a review was undertaken of right of use assets and has been reflected in the Full Year Forecast. The favourable variance has been partially offset by increase in short term assets above in "other expenses". 	\$686,000

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Expenditure			
Expense line	Expected variance (P)ermanent (T)iming	Explanation Year to date actual vs year to date budget variations	Full Year Forecast permanent variance from Amended Budget
Materials and services \$5.02 million	P	Lower than budgeted expenditure:	\$1.05 million
		• \$646,000 - trade services - due to more people returning (post lockdown) to use Boroondara's Leisure and Aquatic Facilities earlier than initially predicted, resulting in lower support payments.	
	T/P	• \$662,000 - trade services expense across the organisation.	(\$483,000)
	T/P	• \$662,000 - professional services and advice.	\$165,000
	T/P	• \$470,000 - consultant expense.	\$27,000
	T/P	• \$438,000 - electricity expense.	\$168,000
	P	• \$242,000 - petrol expense.	(\$160,000)
	P	• \$241,000 - infringement court filing fees, offset with infringement court charges income.	\$294,000
			\$292,000
	T/P	• \$192,000 - concrete expense.	\$20,000
	T/P	• \$168,000 - printing expense.	\$98,000
	T/P	• \$153,000 - postage expense.	\$123,000
	T/P	• \$145,000 - specialist tree work, park tree pruning and block tree pruning in Environmental Sustainability and Open Space.	\$130,000
	P	• \$136,000 - landscape contractor expense.	\$175,000
	T/P	• \$124,000 - legal fees expense.	\$29,000
	T/P	• \$107,000 - furniture maintenance.	\$103,000
	T/P	• \$101,000 - non staff catering expense.	\$64,000
	T/P	• \$98,000 - other rates and taxes.	\$58,000
	P	• \$85,000 - security cash collections expense.	\$107,000
	T/P	• \$82,000 - line-marking expense.	\$50,000
	T/P	• \$81,000 - cleaning of buildings expense.	\$45,000
		Offset by higher than budgeted expenditure:	
	T/P	• (\$435,000) - high voltage tree works in Environmental Sustainability and Open Space.	(\$290,000)

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Expenditure			
Expense line	Expected variance (P)ermanent (T)iming	Explanation Year to date actual vs year to date budget variations	Full Year Forecast permanent variance from Amended Budget
Materials and services cont. \$5.02 million	T T/P P P P T/P	Offset by higher than budgeted expenditure: <ul style="list-style-type: none"> • (\$227,000) - capital works in progress (items expensed due to not meeting the asset capitalisation criteria - this is a non-cash accounting entry). • (\$202,000) - licencing and maintenance contracts. • (\$149,000) - online subscriptions. • (\$138,000) - telephone, internet and data cards expense. • (\$137,000) - drainage cleaning and maintenance expense. • (\$136,000) - stump removal expense. • (\$86,000) - fleet excess claims expense. 	 (\$109,000) (\$154,000) (\$288,000) (\$201,000) (\$169,000) (\$44,000)
Net loss on disposal of assets (\$3.76 million)	P	Asset disposals - the variance of \$3.76 million above budget is primarily due to the disposal of assets for multi-year project Kew Rec Centre including building, pool and play areas (non-cash).	(\$4.26 million)

Section 3 - Financial and performance statements

Attachment 1

Balance Sheet and Cash Flow Statement

Cash and investment holdings are \$133.02 million as at 31 March 2021 which has increased by \$18.68 million from 30 June 2020.

Total cash and investment holdings are \$35.68 million higher than year to date budget primarily due to:

- Lower payments for property, infrastructure, plant and equipment of \$16.52 million due to timing of cash outflows relating to the capital works program.
- Materials and services are lower than budget due to timing of outflows \$11.51 million.
- Higher than budgeted capital grants received of \$4.77 million due to additional grants being received during the year.
- Higher than budgeted rates and charges of \$1.86 million due to timing of rates receivables.
- Other payments of \$1.13 million lower than anticipated due to timing of outflows across the organisation.

Partially offset by:

- Lower than budgeted statutory fees and fines (\$1.77 million) primarily due to parking related income.
- Lower than budgeted user charges and other receipts from customers (\$1.79 million) due to timing and settlement of debtors.

The Balance Sheet as at 31 March 2021 indicates a satisfactory result with total current assets of \$181.20 million and total current liabilities of \$40.77 million.

The working capital ratio of 4.44 to 1 (includes a 0.5% or \$809,000 cash contingency for emergency response works and reserve funds of \$20.89 million) reflects the increase in current debtors resulting from the striking of the rates which will reduce by 30 June 2021 as Council funds its operating programs and capital works. The rate debt will be repaid over the remainder of the financial year in accordance with the payment options chosen by ratepayers.

During the 2020-21 year, the city encountered storm events which amounted to forecast expenditure of \$146,000. Considering these events, the cash contingency will be reduced by this amount.

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Attachment 1

3.6 Capital Works performance

3.6.1 Capital Works Program summary

	ANNUAL ORIGINAL BUDGET	YTD ACTUAL (1)	YTD BUDGET (2)	YTD VARIANCE (1) - (2)	YTD VARIANCE %	COMMIT	FULL YEAR MARCH FORECAST (3)	ANNUAL SEPTEMBER AMENDED BUDGET (3)	MARCH FORECAST VARIANCE (3) - (4)
	\$'000s	\$'000s	\$'000s	\$'000s	%	\$'000s	\$'000s	\$'000s	\$'000s
Infrastructure									
Bridges	2,463	7	640	633	99%	-	36	2,463	2,427
Drainage	4,395	2,825	4,472	1,647	37%	462	5,461	5,651	190
Footpaths and cycleways	2,982	1,648	2,404	756	31%	96	3,187	3,073	(114)
Off street carparks	664	252	509	257	50%	2	930	680	(250)
Parks, open space and streetscapes	7,996	2,146	3,751	1,605	43%	1,413	7,634	6,956	(678)
Recreational, leisure & com facilities	2,771	970	3,097	2,127	69%	1,982	6,323	4,455	(1,868)
Roads	10,283	7,756	8,631	875	10%	40	12,520	11,486	(1,034)
Total Infrastructure	31,554	15,604	23,504	7,900	34%	3,995	36,091	34,764	(1,327)
Plant and Equipment									
Computers and telecommunications	1,744	464	1,547	1,083	70%	380	1,460	1,922	462
Fixtures, fittings and furniture	1,623	224	1,046	822	79%	218	1,685	1,705	20
Library books	985	515	727	212	29%	147	835	985	150
Plant machinery and equipment	1,627	2,439	2,423	(16)	-1%	138	2,783	2,711	(72)
Total Plant and Equipment	5,979	3,642	5,743	2,101	37%	883	6,763	7,323	560
Property									
Building	14,576	7,951	9,351	1,400	15%	3,650	12,183	14,108	1,925
Building improvements	311	45	183	138	75%	96	332	335	3
Major Projects	29,632	7,921	20,087	12,166	61%	17,870	24,488	31,834	7,346
Total Property	44,519	15,917	29,621	13,704	46%	21,616	37,003	46,277	9,274
Total capital works expenditure	82,052	35,163	58,868	23,705	40%	26,494	79,857	88,364	8,507
Represented by:									
Asset renewal expenditure	50,649	25,923	38,983	13,060	34%	18,537	52,885	53,545	660
Asset upgrade expenditure	5,451	1,374	3,873	2,499	65%	1,069	4,279	7,073	2,794
New asset expenditure	17,009	4,028	9,024	4,996	55%	4,539	13,820	15,562	1,742
Asset expansion expenditure	8,943	3,838	6,988	3,150	45%	2,349	8,873	12,184	3,311
Total capital works expenditure	82,052	35,163	58,868	23,705	40%	26,494	79,857	88,364	8,507

Note: All numbers are rounded to the nearest thousand. Actual results are reported against the September Amended Budget approved by Council.

3.6.2 Capital Works performance versus budget

Commentary (by exception)

Year to date actual vs. year to date September Amended Budget

Council's year to date performance in gross Capital Works expenditure is \$35.16 million which is \$23.70 million below year to date budget phasing of \$58.86 million. The most significant variances being:

- **72607, 72686 & 72776 - Kew Recreation Centre - (\$5.89 million)**
This is a multi-year project. Due to COVID-19 restrictions, there was a delay in commencement of demolition works that are now underway and due for completion late February 2021. Construction work commenced in early March 2021 with completion scheduled for in 2023. A proposed forward commitment of \$600,000 million has been reflected in the Full Year Forecast.
- **72769, 72770, 72771 & 72772. Canterbury Precinct - (\$5.67 million)**
This is a multi-year project. Contract was awarded September 2020 however there were delays in commencement of construction due to external authority approvals required to issue building permits. Construction commenced in March 2021 to renovate three existing buildings and construct a new single storey extension to the former bowls club building, including a basement carpark. Project is planned for completion in 2022. Due to the delay in commencement of construction, a proposed forward commitment of \$6.53 million has been reflected in the Full Year Forecast.
- **72693. Hawthorn Rowing Ramp - (\$644,000)**
The Hawthorn Rowing Ramp is one of the most popular along the Yarra and used by local schools and the public. Council has been working with Melbourne Water (MW) as the approving authority to guide the design. MW had a number of strict conditions that required a number of additional hydraulic studies that delayed commencement of works. Approvals have now been obtained and fabrication of pontoon offsite is underway.
- **72585. Walmer Street bridge - (\$596,000)**
The Heritage Council made a determination to heritage list the river bridge in December 2020 and this determination has impacted the delivery of this project to ensure the structural works maintain the heritage values. Re-design works and construction to occur in 2021-22, pending statutory approvals. A proposed forward commitment of \$2.40 million has been reflected in the Full Year Forecast.
- **71728. Condition 4 footpaths renewal - (\$458,000)**
Footpath renewal works are scheduled and underway after minor delays with recent COVID-19 restrictions. It is anticipated that all programmed works will be completed by the end of the financial year.

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- 72377. Sportsground Reconstruction Program - (\$453,000)**
There was a delay in the commencement of the project and during works due to COVID-19 restrictions. Works are being finalised and is scheduled for completion in April 2021.
- 72768. Diversity Inclusion and Participation (DIP) Pavilion program - (\$435,000)**
Multiple individual projects sit within the broader DIP program. Contracts have recently been awarded for pavilion improvement works to increase participation in sport at Dorothy Laver Reserve East, Howard Dawson Reserve, Victoria Road Reserve and St James Park. It is anticipated that the completion of the current DIP projects will be by September 2021. A proposed forward commitment of \$1.07 million has been reflected in the Full Year Forecast.
- 72797. Rathmines Reserve - (\$434,000)**
A tender was awarded at the Council meeting held on 22 February 2021, to undertake extensive internal alterations and additions to provide four change rooms and amenities, dual Umpires Rooms, First Aid Room, enlarged social room, public toilet facilities and improved kiosk and kitchen. Construction will commence in April 2021 for completion early 2022. A proposed forward commitment of \$200,000 million has been reflected in the Full Year Forecast.

Capital works committed expenditure as at 31 March 2021 is \$26.49 million (year to date actual and commitments equates to \$61.65 million) and includes committed expenditure for multi-year projects with the most significant being Kew Recreation Centre, Canterbury Community Precinct and Camberwell Community Centre.

Full Year Forecast vs September Amended Budget

Following the completion of the 2020-21 full year forecast review, gross capital works expenditure is now forecast to be \$79.86 million which is \$8.51 million below the September Amended Budget of \$88.36 million primarily due to a combination of proposed forward commitments and project adjustments.

Capital works income is now forecast to be \$13.88 million which is \$6.98 million above the September Amended Budget of \$6.90 million. Significant grants include:

- State Government North East Link Project of \$4.00 million to implement initiatives, the most significant being Freeway Golf Course works \$2.50 million and Balwyn Road pedestrian signals \$700,000.
- Victoria Department of Transport for commuter carparks at railway stations for Glenferrie \$750,000, Camberwell \$750,000 and Canterbury \$750,000.

Net savings - Review and monitoring of Capital Works Program

Throughout the course of the financial year, net savings arising from the tendering and construction of the capital works program will be referred to Council for consideration on a quarterly basis to enable Council to determine whether COVID-19 has created a need for Council to expend these net savings on initiatives which are consistent with the role of Council and will provide additional support to the Boroondara community. As at 31 March 2021, no permanent net savings have been identified.

Proposed forward commitments \$15.17 million to 2021-22

Proposed forward commitments to 2021-22 of \$15.17 million have been reflected in the Full Year Forecast. The full listing is provided on the next page.

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CAPITAL WORKS - PROPOSED FORWARD COMMITMENTS TO 2021-22		
Project Name & Number	Total Proposed Forward Commitments to 2021-22	Commentary
CAPITAL WORK EXPENDITURE		
PLACES and SPACES		
Capital Projects		
72012. Shopping Centre Improvement Plan - Implementation	\$200,000	Due to COVID-19 restrictions, works in shopping centres were delayed following requests from business owners. Works are now programmed to commence April 2021 with a planned completion date of August 2021.
72326. 605-609 Glenferrie Road community facility	\$383,500	This is a multi-year project. This project has been delayed due to the requirement of final agreements between stakeholders to complete documentation. Project is anticipated to be completed by June 2023.
72585. Walmer Street bridge	\$2,396,880	The Heritage Council made a determination to heritage list the river bridge in December 2020 and this determination has impacted the delivery of this project to ensure the structural works maintain the heritage values. Re-design works and construction to occur in 2021-22, pending statutory approvals.
72699. Shopping Centre Improvement Plan - Investigation and Design	\$38,553	This is a multi-year project. Detailed documentation to be completed to allow for final feedback from Department of Transport and Yarra Trams. In future years, construction is scheduled for Dickens Corner and Solway in 2022-23 and Riversdale in 2023-24.
72708. Alamein Community Centre	\$405,000	This is a multi-year project. There was a delay due to adjustments in the project scope, including reorganised on site parking which prolonged the design process. The builder was appointed in February 2021 with works to commence onsite in April 2021. Project is expected to be fully concluded by October 2021.
72712. Willsmere Park pavilion	\$50,000	This is a multi-year project. Following the completion of the concept design, the project is now in the schematic design phase. This will also include a longer advertisement period in the planning permit application process due to the current COVID-19 protocols of the Statutory Planning department. Construction is planned for early 2022 with the project expected to be completed during 2022-23.
72768. Diversity Inclusion and Participation (DIP) Pavilion Program	\$1,073,097	Multiple individual projects sit within the broader Diversity Inclusion and Participation (DIP) Pavilion Program. Contracts have recently been awarded for pavilion improvement works to increase participation in sport at Dorothy Laver Reserve East, Howard Dawson Reserve, Victoria Road Reserve and St James Park. It is anticipated that the completion of the current DIP projects will be by September 2021.
72797. Rathmines Reserve	\$200,000	A tender was awarded at the Council meeting held on 22 February 2021, to undertake extensive internal alterations and additions to provide four change rooms and amenities, dual Umpires Rooms, First Aid Room, enlarged social room, public toilet facilities and improved kiosk and kitchen. Construction will commence in April 2021 for completion early 2022.
72798. Lewin Reserve	\$270,000	Due to ongoing resident consultation, this project has been put on hold. Current proposals are to be reviewed and the briefing scope reassessed. This project is due for completion by June 2022.
72863. Fordham Avenue Kindergarten	\$20,000	COVID-19 resulted in extended engagement with stakeholders that has delayed architectural drawings, which are now scheduled for completion in the first quarter of 2021-22. Construction is anticipated for completion by June 2022.
72868. Macleay Park Pavilion	\$10,000	This is a multi-year project. Feedback and further consultation is required with service departments to finalise the scope of works. This project is due for completion by June 2022.
72910. Eric Raven Facilities	\$250,000	The scope for the acoustic works is under review by the client, which has resulted in a delay in delivery of this project. Works are now scheduled to be completed during 2021-22.
72913. Camberwell Commuter Car Park	\$670,000	Council recently received grant funding from the Federal Government for the upgrade of Commuter Car Parks across three sites (Camberwell, Glenferrie and Canterbury). Currently a request for quotation process is being undertaken to engage consultants who can provide preliminary traffic analysis, feasibility and functional layout investigations to understand the site opportunities and parameters. Following this stage, a further request for tender process will be undertaken to engage a larger management consultancy to assist with the overall implementation of these projects. Projects are anticipated for completion by June 2022.
72914. Canterbury Commuter Car Park	\$680,000	
72912. Glenferrie Commuter Car Park	\$650,000	

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CAPITAL WORKS - PROPOSED FORWARD COMMITMENTS TO 2021-22		
Project Name & Number	Total Adopted Forward Commitments to 2021-22	Commentary
CAPITAL WORK EXPENDITURE		
Capital Projects cont.		
72921. Ferndale Park	\$120,000	Design programme has been delayed due to a delay in the engagement of an architect/lead consultant. It is anticipated that design and documentation will be completed during 2021-22 with construction works to be completed by April 2023.
72922. Canterbury Sportsground	\$100,000	Design programme has been delayed due to a delay in the engagement of an architect/lead consultant. It is anticipated that design and documentation will be completed during 2021-22 and construction works to be completed by December 2022.
Total Capital Projects	\$7,517,030	
Facilities, Waste & Infrastructure		
72902. Riversdale Depot Masterplan	\$50,000	This project has been delayed by 12 months due to the COVID-19 restrictions in place for contractors visiting Riversdale Depot. This project is now scheduled for completion by June 2022.
Total Facilities, Waste & Infrastructure	\$50,000	
TOTAL PLACES AND SPACES	\$7,567,030	
COMMUNITY SUPPORT		
Liveable Communities		
71920. HACC - Minor Capital Grant	\$80,000	This funding was received from a Victorian Government grant for the purchase of minor capital associated with Council's aged care services. Due to COVID-19 impacts, expenditure was lower than anticipated and will project will now be completed by June 2022.
Total Liveable Communities	\$80,000	
TOTAL COMMUNITY SUPPORT	\$80,000	
CUSTOMER and TRANSFORMATION		
Transformation & Technology		
72761. Payroll System Upgrade	\$380,053	A preferred vendor was selected via a competitive tender process however implementation was paused due to availability of resources and timing of change impacts. This project is scheduled to resume in July 2021 and be completed by June 2022.
Total Transformation & Technology	\$380,053	
Chief Customer Office		
72903. Smart Safe in Customer Service	\$20,000	A smart safe for cash collection will be included in scope for our COVID-safe service strategy which will be developed in quarter four of 2020-21. This project is now due for completion by June 2022.
Total Chief Customer Office	\$20,000	
TOTAL CUSTOMER AND TRANSFORMATION	\$400,053	

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CAPITAL WORKS - PROPOSED FORWARD COMMITMENTS TO 2021-22		
Project Name & Number	Total Proposed Forward Commitments to 2021-22	Commentary
CAPITAL WORK EXPENDITURE		
MAJOR PROJECTS		
Major Projects		
72769. Canterbury Precinct (Renewal)	\$3,395,115	This is a multi-year project. Contract was awarded September 2020 however there were delays in commencement of construction due to external authority approvals required to issue building permits. Construction commenced in March 2021 to renovate three existing buildings and construct a new single storey extension to the former bowls club building, including a basement carpark. Project is planned for completion in 2022.
72770. Canterbury Precinct (Upgrade)	\$626,019	
72771. Canterbury Precinct (New)	\$1,252,039	
72772. Canterbury Precinct (Expansion)	\$1,252,039	
72776. Kew Recreation Centre (Expansion)	\$600,000	This is a multi-year project. Due to COVID-19 restrictions, there was a delay in commencement of demolition works that are now underway and due for completion late February 2021. Construction work commenced in early March 2021 with completion scheduled for in 2023.
TOTAL MAJOR PROJECTS	\$7,125,212	
Made up of:		
NEW CAPITAL - FORWARD COMMITMENTS TO 2021-22	\$2,020,645	
UPGRADE CAPITAL - FORWARD COMMITMENTS TO 2021-22	\$3,022,899	
EXPANSION CAPITAL - FORWARD COMMITMENTS TO 2021-22	\$3,145,136	
RENEWAL CAPITAL - FORWARD COMMITMENTS TO 2021-22	\$6,983,615	
GRAND TOTAL FORWARD EXPENDITURE COMMITMENTS TO 2021-22	\$15,172,295	
TOTAL NET FORWARD COMMITMENTS TO 2021-22	\$15,172,295	

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3.6.3 Major Projects Capital Works performance

Major Projects - Progress Update
Expenditure
For the period ending 31 March 2021

		YEAR TO DATE			ANNUAL		
		ACTUAL	SEPTEMBER AMENDED BUDGET	VARIANCE	FULL YEAR FORECAST	SEPTEMBER AMENDED BUDGET	FULL YEAR FORECAST VARIANCE
Ashburton Seniors Centre	1	1,177,884	1,542,898	365,014	1,322,898	1,542,898	220,000
Camberwell Community Centre	2	4,131,865	4,276,408	144,543	4,457,274	4,457,274	0
Canterbury Community Precinct	3	291,789	5,965,920	5,674,131	2,000,000	8,525,212	6,525,212
Kew Recreation Centre	4	2,230,840	8,121,777	5,890,937	16,527,652	17,127,652	600,000
Total		7,832,379	19,907,003	12,074,624	24,307,824	31,653,036	7,345,212

All projects overseen by Project Control Groups.

1. Ashburton Seniors Centre

This project achieved practical completion in September 2020 and the defects liability period expires in September 2021. A new tenant has now accommodated the building.

2. Camberwell Community Centre

This is a multi-year project that is expected to reach practical completion in April 2021. The tenants will commence occupancy of the new building late April 2021.

3. Canterbury Community Precinct

This is a multi-year project. Contract was awarded September 2020 however there were delays in commencement of construction due to external authority approvals required to issue building permits. Construction commenced in March 2021 to renovate three existing buildings and construct a new single storey extension to the former bowls club building, including a basement carpark. Project is planned for completion in 2022. Due to the delay in commencement of construction, a proposed forward commitment of \$6.53 million has been reflected in the Full Year Forecast.

4. Kew Recreation Centre

This is a multi-year project. Due to COVID-19 restrictions, there was a delay in commencement of demolition works that are now underway and due for completion late February 2021. Construction work commenced in early March 2021 with completion scheduled for in 2023. A proposed forward commitment of \$600,000 has been reflected in the Full Year Forecast.

3.7 Priority Projects performance

3.7.1 Priority Projects performance versus budget

Commentary (by exception)

Year to date actual vs. year to date September Amended Budget

Year to date actual performance in gross priority project expenditure is \$17.35 million which is \$6.00 million below year to date budget phasing primarily due to expenditure delays, the most significant being:

- **81082. BC1 Program Resources - (\$1.24 million)**
Resource recruitment continues with new project staff on-boarded as required, however recruitment of further key resources is still to occur. A proposed forward commitment of \$561,000 has been reflected in the Full Year Forecast.
- **81084. System Development & Implementation - (\$1.17 million)**
The current favourable variance is attributed to the timing of key system implementation contracts being awarded, that are expected in the last quarter of the 2020-21 financial year. Due to this delay, this will result in a favourable variance for the end of the financial year, and is required to be carried forward as committed expenditure against existing contracts. A proposed forward commitment of \$3.31 million has been reflected in the Full Year Forecast.
- **80863. Conduct of 2020 General Election and Councillor induction - (\$536,000)**
Conduct of 2020 General Election and Councillor Induction has been completed with the exception of the compulsory voting enforcement requirements under the Local Government Act. The Victorian Electoral Commission (VEC) is the responsible agency for undertaking compulsory voting enforcement and anticipates completing court proceedings during the 2021-22 financial year. A proposed forward commitment of \$80,000 has been reflected in the Full Year Forecast.
- **80955. Tree Strategy Action Plan Implementation - (\$469,000)**
Due to COVID-19, all non-essential tree renewal works scheduled for 2020-21 have been delayed. The Tree Management Guidelines are scheduled for delivery during 2021 and it is anticipated the project will be largely completed by end of 2021, with some renewal works to be completed during the 2021-22 financial year. A proposed forward commitment of \$354,000 has been reflected in the Full Year Forecast.
- **80850. Municipal Wide Heritage Assessment - (\$371,000)**
The Municipal Wide Heritage Gap Study is a five year project which has been delayed in the 2019-20 and 2020-21 financial years due to continuing COVID-19 restrictions. This specifically impacted on reporting on project milestones for the planning scheme amendments associated with the Hawthorn, Hawthorn East, Ashburton and Glen Iris heritage gap studies. The project is progressing with the

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final three studies of Hawthorn East, Glen Iris and Ashburton, which are at varying stages of the implementation process. A proposed forward commitment of \$328,000 has been reflected in the Full Year Forecast.

- **81074. New Swimming Pool & Spa Building Regulations resources - (\$233,000)**

Due to COVID-19, the Victorian State Government pushed back the deadline for pool and spa owners to register their pools and spas to 1 November 2020, from the previous date of 1 June 2020. As a result, recruitment was temporarily delayed for key resources. Recruitment continues with new staff on-boarded as required, however recruitment of a further three key resources is still to occur. There has been difficulty in filling some positions due to the shortage of Registered Building Surveyors and Inspectors in Victoria. Positions have been readvertised and recruitment process is continuing

- **81068. Removal of Union Rd Level Crossing - Advocacy to State Govt - (\$222,000)**

Council is providing ongoing input in to the Union Road Level Crossing Project, which is expected to run for the next two years. Officers are in the final stages of finalising grant funding agreements with the Level Crossing Removal Project. A proposed forward commitment of \$265,934 has been reflected in the Full Year Forecast.

Priority projects committed expenditure as at 31 March 2021 is \$2.34 million (year to date actual and commitments equates to \$19.69 million).

Full Year Forecast vs September Amended Budget

Following the completion of the 2020-21 full year forecast review, gross priority projects expenditure is now forecast to be \$30.55 million which is \$7.49 million below the September Amended Budget of \$38.04 million due to a combination of proposed forward commitments, project adjustments and savings.

Priority projects income is now forecast to be \$2.40 million which is \$1.18 million above the September Amended Budget of \$1.22 million primarily due to additional grant funding being received with the most significant grants being Working for Victoria \$788,000 and for Outdoor Dining COVID-19 \$500,000.

Proposed forward commitments \$9.98 million to 2020-21

Proposed forward commitment to 2021-22 of \$9.98 million has been reflected in the Full year forecast. The full listing is provided below.

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PRIORITY PROJECTS - PROPOSED FORWARD COMMITMENTS TO 2021-22		
Project Name & Number	Total Proposed Forward Commitments to 2021-22	Commentary
PRIORITY PROJECTS - PROPOSED FORWARD COMMITMENTS		
Places & Spaces		
Environmental Sustainability & Open Spaces		
80953. Parks and Infrastructure Asset Data Capture	\$56,090	Progress was delayed due to COVID-19 impacting the availability of consultants to undertake field work. The data collection is important to address gaps in our tree population data, and is anticipated to be completed in November 2021.
80955. Tree Strategy Action Plan Implementation	\$354,000	Due to COVID-19, all non-essential tree renewal works scheduled for 2020-21 have been delayed. The Tree Management Guidelines are scheduled for delivery during 2021 and it is anticipated the project will be largely completed by end of 2021, with some renewal works to be completed during the 2021-22 financial year.
81004. Sustainable Living Festival	\$42,647	The Sustainable Living Festival could not be held during 2020 due to COVID-19 restrictions, so this has now been postponed to September 2021.
Total Environmental Sustainability & Open Spaces	\$452,737	
Traffic and Transport		
80986. Dept of Transport- Community Road safety - Bike Ed Training	\$2,304	The bike education training program has been impacted due to the ongoing COVID-19 restrictions and the intermittent closure of schools. The program is externally funded through the Department of Transport (DoT) and the program is now expected to be completed by April 2022.
80987. Dept of Transport- Road Safety - Wiser Walker	\$1,900	Due to ongoing COVID-19 restrictions, the Wiser Walker program has been unable to hold face to face seminars. This program is externally funded through the Department of Transport (DoT) and the program is now planned to be delivered by December 2021.
80988. Dept of Transport - Community Road Safety - Wiser Driver	\$1,900	Due to ongoing COVID-19 restrictions, the Wiser Driver program has been unable to hold face to face seminars. This program is externally funded through the Department of Transport (DoT) and the program is now planned to be delivered by December 2021.
81068. Removal of Union Rd Level Crossing - Advocacy to State Govt	\$265,934	Council is providing ongoing input in to the Union Road Level Crossing Project, which is expected to run for the next two years. Officers are in the final stages of finalising grant funding agreements with the Level Crossing Removal Project.
Total Traffic and Transport	\$272,038	
Capital Projects		
80628. Project Management staff for delivery of Major Projects	\$20,000	This is a multi-year project. Funds are required to be carried forward for the project management consultants engaged to oversee Kew Recreation Centre.
80886. Neighbourhood Shopping Centre Improvements Pilot	\$30,000	Further community consultation on future priorities has been delayed due to COVID-19 social distancing requirements. In addition to this, recruitment delays of remaining project resources has contributed to the favourable variance within this project. It is anticipated for this project to be completed by March 2022.
81031. Auburn High School Concept Master Plan	\$55,499	The Auburn High School Master Plan has been completed to the draft stage. Project has been placed on hold at the request of Auburn High School and funding is required to be carried forward to complete the plan. Project is anticipated to be completed by mid-2022.
Total Capital Projects	\$105,499	
TOTAL PLACES & SPACES	\$774,184	

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PRIORITY PROJECTS - PROPOSED FORWARD COMMITMENTS TO 2021-22		
Project Name & Number	Total Proposed Forward Commitments to 2021-22	Commentary
CEO'S OFFICE		
Governance & Legal		
80863. Conduct of 2020 General Election and Councillor induction	\$80,000	Conduct of 2020 General Election and Councillor Induction has been completed with the exception of the compulsory voting enforcement requirements under the Local Government Act. The Victorian Electoral Commission (VEC) is the responsible agency for undertaking compulsory voting enforcement and anticipates completing court proceedings during the 2021-22 financial year.
Total Governance & Legal	\$80,000	
TOTAL CEO'S OFFICE	\$80,000	
URBAN LIVING		
Strategic & Statutory Planning		
80850. Municipal Wide Heritage Assessment	\$328,000	The Municipal Wide Heritage Gap Study is a five year project which has been delayed in the 2019-20 and 2020-21 financial years due to continuing COVID-19 restrictions. This specifically impacted on reporting on project milestones for the planning scheme amendments associated with the Hawthorn, Hawthorn East, Ashburton and Glen Iris heritage gap studies. The project is progressing with the final three studies of Hawthorn East, Glen Iris and Ashburton, which are at varying stages of the implementation process.
80908. Balwyn heritage study - Peer review	\$52,000	The project funds are required to deliver the Balwyn Heritage Study Peer Review Stage 3. The project was initially delayed due to State Government restrictions in relation to COVID-19. The project has commenced and is expected to be delivered by June 2022.
80940. Introduction of a Special Building Overlay	\$109,511	This is a multi-year project. Melbourne Water is currently updating their flood mapping model. This information is required to inform the planning scheme amendment. Work on the project will continue once the modelling is provided to Council. Project is anticipated to be fully concluded by June 2023.
81028. Statutory Planning Paper Files Scan on Demand	\$259,000	This is a multi-year project. The planning phase for this project has been completed. Arrangements have been put in place for the ordering and digitising of files, however, due to the current Government restrictions put in place due to the COVID-19 pandemic, this project has been placed on hold until arrangements can be made for the safe pick up of files from the municipal offices by the contractor. Project is scheduled for completion by June 2022.
Total Strategic & Statutory Planning	\$748,511	
TOTAL URBAN LIVING	\$748,511	

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PRIORITY PROJECTS - PROPOSED FORWARD COMMITMENTS TO 2021-22		
Project Name & Number	Total Proposed Forward Commitments to 2021-22	Commentary
PRIORITY PROJECTS - PROPOSED FORWARD COMMITMENTS		
COMMUNITY SUPPORT		
Liveable Communities		
80950. Community Service Partnership	\$72,142	The phasing of activities associated with the community service partnership were delayed due to COVID-19 restrictions. Project is expected to be completed by December 2021.
81010. Support for Residents of Canterbury Memorial Home Units	\$40,000	This project is required to provide support for the residents of Canterbury Memorial Home Units and to ensure Council's compliance with the Retirement Villages Act. Project is anticipated for completion by June 2022.
81020. Glenferrie Road Placemaking Project	\$98,000	There has been unforeseen delays in the Glenferrie Road Placemaking Project due to the impacts of COVID-19, which has resulted in event and activations cancellations. Project is expected to be completed by December 2021.
81048. Seniors Participation Grant	\$38,147	This is a multi-year project. This project has been delayed due to the project's objectives being focused on face to face social connections for Seniors who are considered high-risk to COVID 19. Project will now be delivered in the second half of 2021 and is expected to be fully completed by December 2021.
Total Liveable Communities	\$248,289	
Health and Wellbeing Services		
80964. Park Events management	\$50,000	This is a multi-year project, which supports the delivery of actions from the open space management framework review. Funding was not able to be utilised in 2020-21 due to the ongoing COVID-19 pandemic. This project is now anticipated to be completed by June 2022.
80965. Field Sports Strategy implementation & related policy review	\$176,244	This is a multi-year project, which supports the implementation of Field Sports Strategy actions. Funding was not able to be utilised in 2020-21 due to the ongoing COVID-19 pandemic. Project is expected to be completed by June 2022.
81016. Individual Grants Program - Low Income Earners or Other Disability	\$5,000	Clubs were closed for a significant period during the COVID-19 pandemic which has caused this project to be delayed. This project is scheduled for completion by December 2021.
81019. Digital Early Years Hub	\$40,000	The impact of COVID-19 on face-to-face services not occurring, in particular community events and activities, has not allowed planned improvements to functionality to be delivered. Project is expected to be completed by April 2022.
81025. Analysis of Access to Sporting Fields for Participation by G	\$100,455	This project has been delayed due to the COVID-19 pandemic. Winter sport was unable to be played during 2020, resulting in no analysis being undertaken. The project timeline has been extended to February 2022.
81051. Project Officer - Women's Australian Rules Football	\$97,987	This project has been delayed due to the COVID-19 pandemic, as no Women's Australian Rules Football was able to be played during 2020. Project is expected to be completed by February 2022.
81085. DET Kindergarten Infrastructure & Service Plans	\$15,000	This is a multi-year project which supports the roll out of three-year-old kindergarten planning across the municipality in 2022. This project is scheduled for completion by December 2021.
Total Health and Wellbeing Services	\$484,686	
TOTAL COMMUNITY SUPPORT	\$732,975	

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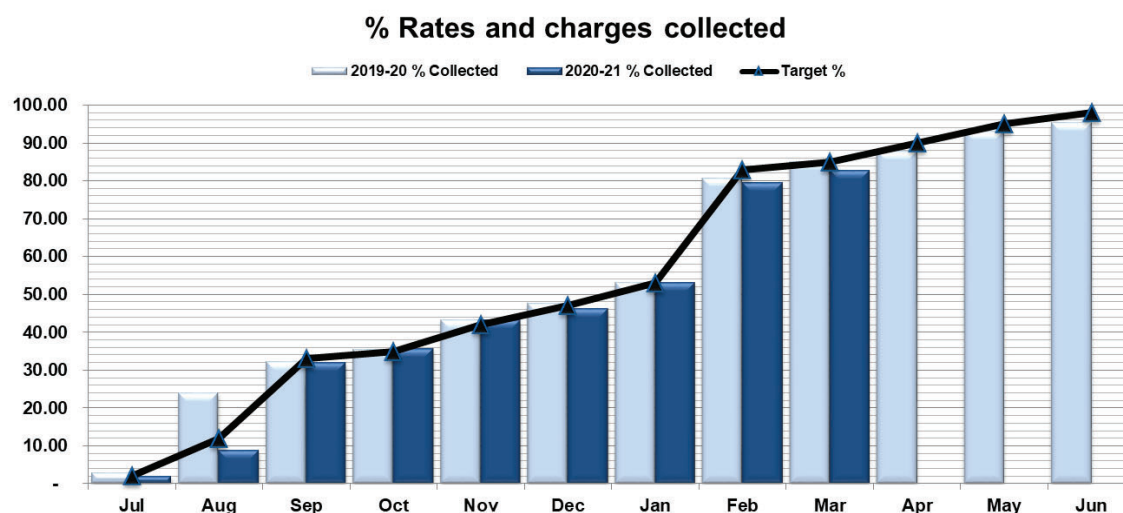
PRIORITY PROJECTS - PROPOSED FORWARD COMMITMENTS TO 2021-22		
Project Name & Number	Total Proposed Forward Commitments to 2021-22	Commentary
PRIORITY PROJECTS - PROPOSED FORWARD COMMITMENTS		
People, Culture and Development		
People, Culture and Development		
80861. People Culture and Development - Programs and Resources	\$147,712	This is a multi-year project. A number of initiatives were deferred in 2020-21 due to COVID-19 and organisation redesign work. Project is anticipated for completion by June 2022.
Total People, Culture and Development	\$147,712	
TOTAL PEOPLE, CULTURE AND DEVELOPMENT	\$147,712	
CUSTOMER AND TRANSFORMATION		
Chief Customer Office		
80947. Mobile Community Information	\$10,000	Mobile community information is developed for outdoor events to highlight the presence of City of Boroondara Council Officers and Councillors at community events. These will be reinstated as COVID-19 restrictions ease and events are reinstated.
81029. Information Asset Audit	\$100,000	Resource allocation and progression of Information Asset Audit activities has been impacted by the effects of COVID-19. Continuation of this work will commence as COVID-19 impacts ease.
Total Chief Customer Office	\$110,000	
Boroondara Customer First Program		
Boroondara Customer First Program	\$7,628,466	There has been a slight delay in awarding contracts for five major tenders that went through a two-step procurement activity. It is anticipated the five contracts will be awarded in quarter four of 2020-21. The Boroondara Customer First Program requires the carry forward to finalise commitments established under new and pre-existing contracts.
	\$0	
Total Boroondara Customer First Program	\$7,628,466	
TOTAL CUSTOMER AND TRANSFORMATION	\$7,738,466	
TOTAL FORWARD COMMITMENTS TO 2021-22	\$10,277,938	
PRIORITY PROJECT INCOME - CARRIED FORWARD		
81068. Removal of Union Rd Level Crossing - Advocacy to State Govt	(\$295,934)	Council is providing ongoing input in to the Union Road Level Crossing Project, which is expected to run for the next two years. Officers are in the final stages of finalising grant funding agreements with the Level Crossing Removal Project, to reimburse Council's costs.
	\$0	
	\$0	
TOTAL INCOME CARRIED FORWARD TO 2021-22	(\$295,934)	
TOTAL NET FORWARD COMMITMENTS TO 2021-22	\$9,982,004	

Section 3 - Financial and performance statements

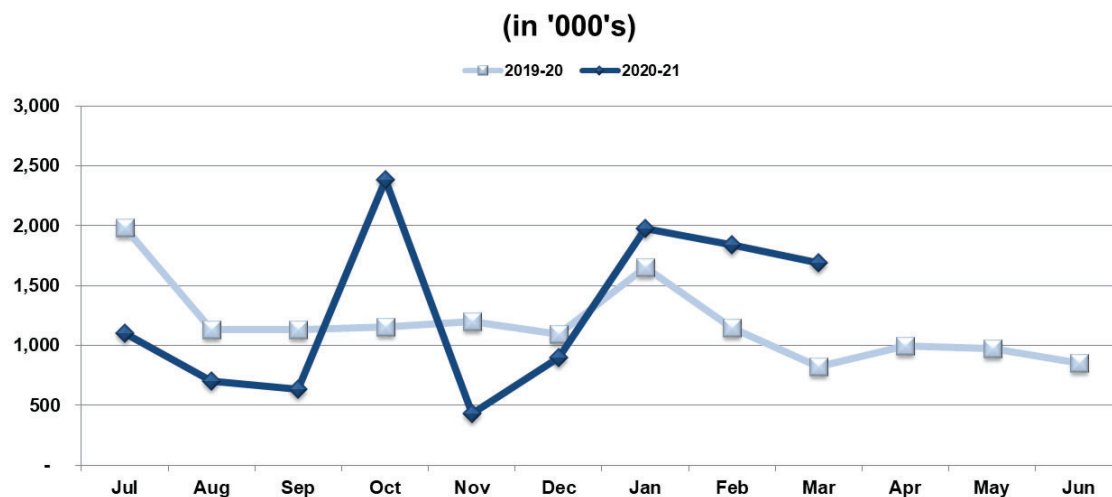
Attachment 1

3.8 Debtors

3.8.1 Rate debtors

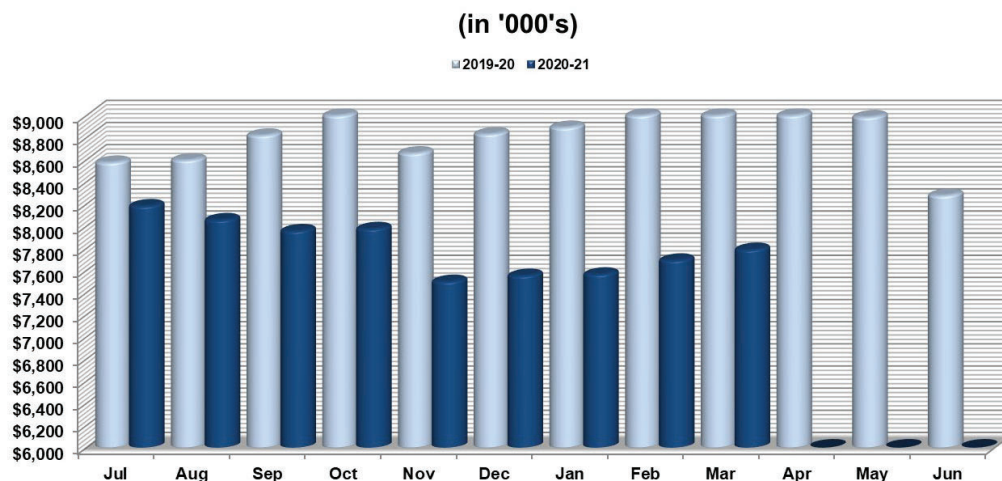


3.8.2 Sundry debtors



The sundry debtors balance at the end of 31 March 2021 is \$1,691,000 and is \$869,000 higher than the prior year. Balances will vary from year to year depending on individual transactions processed.

3.8.3 Infringement debtors



The outstanding 'infringement debtors' balance of \$7.79 million is \$1.41 million lower than the corresponding prior year period. This is primarily due to Parking Infringements debtors.

Council's COVID-19 financial assistance package to support residents, local business and community groups included suspension of ticket parking machine fees in paid parking areas until December 2020 to assist traders, shoppers and visitors.

In accordance with Victorian Government legislation, the majority of these fines are now in the hands of Fines Victoria for the management and collectability of the fines. Council has no control over Fines Victoria debt collection performance.

Section 4 - Corporate governance

Attachment 1

4. Corporate governance

4.1 Publicly tendered contracts greater than \$150,000 (goods and services) and \$200,000 or more (works)

Contracts Valued at \$150,000 or more (Goods and Services) and \$200,000 or more (Works)

The following table lists contracts for the provision of goods/services valued at \$150,000 or more, and contracts for the provision of works valued at \$200,000 or more that were awarded in the third quarter of 2020-21 (January - March 2021). The table summarises key information relating to the associated tender or expression of interest process. Section 186 of the *Local Government Act 2020* requires that all contracts valued at the above-mentioned amounts are awarded through a public tender or expression of interest process, or have a section 186 exemption.

Contract	Contract Name	Description	Contract Type	Award Date	Awarded By **	Contractor	Contractor History	Contract Term	Contract Value (ex GST)
2020/101	Union Road, Surrey Hills - 40km/h Electronic Speed Limit Signs	Supply and installation of electronic signage in Union Road, Surrey Hills	Public Tender	11/02/2021	Director	L&M Traffic Services Pty Ltd	New Contractor	To 30 June 2021	\$103,912
2020/253	Rathmines Reserve Pavilion- Alterations & Additions	Building alterations and additions	Selective Tender - State Government Construction Supplier Register	22/2/2021	Council	Bowden Corporation Pty Ltd	Contractor has provided similar services in the past.	7 months + 12 months Defects Liability Period	\$1,434,518
2020/297	Ferndale Park Pavilion Redevelopment - Architectural and Consultancy Services	Redevelopment of Ferndale Park Pavilion	Selective Tender - State Government Construction Supplier Register	8/1/2021	Daniel Freer	Atelier Wagner Architects	Contractor has provided similar services in the past.	19 months	\$216,145
2020/335	Alamein Neighbourhood Learning Centre - Renewal, Upgrade and Extension	Building Renewal, Upgrade and Extension Works	Selective Tender - State Government Construction Supplier Register	22/2/2021	Council	Alchemy Construct	Contractor has provided similar services in the past.	5 months + 12 months Defects Liability Period	\$1,411,091

** Contracts awarded by Directors is by delegation

Section 4 - Corporate governance

Attachment 1

4.2 Councillor expenses

As required by the Councillor Support and Resources Policy, the following costs or expenses were paid for, or reimbursed to Councillors in the year to date as at 31 March 2021 are reported below:

Ward	TOTAL FOR	Information and	Fares/Cabcharge	Travel/Vehicle/	Other	Professional	Councillor
	WARD	Communication	/Parking	Accomm	Expenses	Development	Allowances
Cr. Jim Parke	\$ 24,310	\$ 466	\$ -	\$ -	\$ 103	\$ -	\$ 23,741
Bellevue Ward	\$ 24,310	\$ 466	\$ -	\$ -	\$ 103	\$ -	\$ 23,741
Cr. Felicity Sinfield	\$ 25,081	\$ 363	\$ -	\$ -	\$ 977	\$ -	\$ 23,741
Cotham Ward	\$ 25,081	\$ 363	\$ -	\$ -	\$ 977	\$ -	\$ 23,741
Cr. Coral Ross**	\$ 11,163	\$ 334	\$ -	\$ -	\$ -	\$ -	\$ 10,829
Cr. Victor Franco	\$ 13,310	\$ 191	\$ 5	\$ -	\$ 202	\$ -	\$ 12,912
Gardiner Ward	\$ 24,474	\$ 525	\$ 5	\$ -	\$ 202	\$ -	\$ 23,741
Cr. Steve Hurd**	\$ 12,196	\$ 246	\$ -	\$ -	\$ 1,121	\$ -	\$ 10,829
Cr. Wes Gault	\$ 13,142	\$ 127	\$ -	\$ -	\$ 103	\$ -	\$ 12,912
Glenferrie Ward	\$ 25,338	\$ 373	\$ -	\$ -	\$ 1,225	\$ -	\$ 23,741
Cr. Jack Wegman**	\$ 11,069	\$ 240	\$ -	\$ -	\$ -	\$ -	\$ 10,829
Cr. Di Gillies	\$ 13,193	\$ 127	\$ -	\$ -	\$ 154	\$ -	\$ 12,912
Junction Ward	\$ 24,262	\$ 368	\$ -	\$ -	\$ 154	\$ -	\$ 23,741
Cr. Lisa Hollingsworth	\$ 24,668	\$ 369	\$ -	\$ -	\$ 103	\$ 455	\$ 23,741
Lynden Ward	\$ 24,668	\$ 369	\$ -	\$ -	\$ 103	\$ 455	\$ 23,741
Cr. Jane Addis	\$ 24,289	\$ 389	\$ -	\$ 56	\$ 103	\$ -	\$ 23,741
Maling Ward	\$ 24,289	\$ 389	\$ -	\$ 56	\$ 103	\$ -	\$ 23,741
Cr. Cynthia Watson*	\$ 50,025	\$ 377	\$ -	\$ 166	\$ 193	\$ 109	\$ 49,179
Maranoa Ward	\$ 50,025	\$ 377	\$ -	\$ 166	\$ 193	\$ 109	\$ 49,179
Cr. Susan Biggar	\$ 14,486	\$ 193	\$ -	\$ -	\$ 154	\$ 1,227	\$ 12,912
Riversdale Ward	\$ 14,486	\$ 193	\$ -	\$ -	\$ 154	\$ 1,227	\$ 12,912
Cr. Garry Thompson*	\$ 50,908	\$ 363	\$ -	\$ -	\$ 154	\$ -	\$ 50,391
Solway Ward	\$ 50,908	\$ 363	\$ -	\$ -	\$ 154	\$ -	\$ 50,391
Cr. Phillip Healey **	\$ 11,085	\$ 256	\$ -	\$ -	\$ -	\$ -	\$ 10,829
Cr Nick Stavrou	\$ 13,177	\$ 163	\$ -	\$ -	\$ 103	\$ -	\$ 12,912
Studley Ward	\$ 24,262	\$ 419	\$ -	\$ -	\$ 103	\$ -	\$ 23,741
Year to date total	\$ 312,101	\$ 4,204	\$ 5	\$ 222	\$ 3,471	\$ 1,791	\$ 302,408

Section 4 - Corporate governance

Attachment 1

All information is produced directly from the financial ledger. The amounts claimed by Councillors vary for each Councillor. Not all Councillors claim motor vehicle or other expenses, and not all claims are made in time to be included in the relevant accounting period.

Other expenses

Other expenses include levies and charges, membership fees, minor equipment purchases, general administration and childcare expenses.

Fleet charges and fuel

The Councillor Support and Resources Policy provides that a fully maintained vehicle shall be available to the Mayor and relevant fleet and fuel expenses are attributed to the Mayor of the day. Total fleet charges and fuel costs for Councillor Cynthia Watson is \$7,327 and Mayor Garry Thompson is \$0.

Please Note

* Councillor for Maranoa Ward - Mayor up to 23 October 2020

* Councillor for Solway Ward - Mayor from 23 November 2020 (current)

*** Council Elections were held in October 2020. Expenses for former Councillors Coral Ross, Steve Hurd, Jack Wegman and Phillip Healey relate to the period 1 July 2020 to 23 October 2020 and have been disclosed separately in the above table.*

Expenses for returning Councillors (Councillors Jim Parke, Felicity Sinfield, Lisa Hollingsworth, Jane Addis, Cynthia Watson and Garry Thompson) relate to the period 1 July 2020 to 31 March 2021. Expenses for newly elected Councillors (Councillors Victor Franco, Wes Gault, Di Gillies, Susan Biggar and Nick Stavrou) relate to the period 16 November 2020 to 31 March 2021.

4.3 Chief Executive Officer Expenses

The following reimbursements were paid to the Chief Executive Officer in the year to date as at 31 March 2021:

YTD MAR 21	TOTAL		Information and	Fares/Cabcharge/	Travel/Vehicle/	Professional	Equipment		
			Communication	Parking	Accomm	Development	Purchases	Catering	
	Executive Management	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Year to date total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

All information is produced directly from the financial ledger.

Section 4 - Corporate governance

Attachment 1

4.4 Citizen decision and process review

There were two formal requests received from the community during this quarter for a review of decisions via the Council decision and review process.

4.5 Excess annual leave analysis

The following table shows the number of staff with more than 40 days annual leave accrued.

Key performance indicator	2019-20 YTD Results	2020-21 YTD Results
Employees with more than 40 days annual leave		
Total number	16	60
Percentage	1.6%	6.9%*

**Note: Increased percentage as a result of COVID-19 restrictions. Continual monitoring of this measure is being conducted via a monthly accountability report.*

Section 5 - Grants progress

Attachment 1

5. Grants progress report: 1 January - 31 March 2021

Grant applications completed/pending

Funding Body & Grant Program	Council Department	Council Project or Purpose	Closing Date or Date submitted	Amount Requested	Status and amount granted
School Crossing Supervisor program, Department of Transport	Traffic and Transport	Children Crossing Supervisor x 114	15/11/2019	\$344,337	Successful
ENJOY MAP for Health	Environmental Sustainability and Open Spaces	Victoria Park Regional Playground	01/06/2020	\$50,000	Pending
Department of Environment, Land, Water and Parks (DELWP) Local Parks Program	Environmental Sustainability and Open Spaces	Gordon Barnard Off leash park	12/8/2020	\$275,000	Successful
The Park Revitalisation Grants Program - Department of Land, Water & Planning (Vic)	Environmental Sustainability and Open Spaces	1) Victoria Park regional playground 2) Macleay Park raingarden & stormwater harvesting project	9/9/2020	1) \$300,000 2) \$300,000	1) Successful 2) Pending
CASI (Community Activation and Social Isolation)	Health and Wellbeing Services	Funding to get CALD groups, particularly international students, more active.	24/12/2020	\$40,000	Successful
Maternal and Child Health Workforce support grant - Department of Health & Human Services	Health and Wellbeing Services	Maternal and Child Health Workforce funding to support clinical placements for MCH students and graduates commencing study in 2021	20/2/2021	\$10,000	Successful
Local Councils Outdoor Eating and Entertainment Package (LCOEEP) Vic Gov	Local Economies Placemaking and Active Ageing	Outdoor dining package for local retailers	26/02/2021	\$200,000	Successful
Crime Prevention Vic Gov. Building Safer Communities 2021-22	Community Development and Planning	Stream 1 - Creating Safer Places Connecting safely: Canterbury Gardens and Mailing Road projects	01/03/2021	\$247,014	Pending

Section 5 - Grants progress

Attachment 1

Funding Body & Grant Program	Council Department	Council Project or Purpose	Closing Date or Date submitted	Amount Requested	Status and amount granted
Crime Prevention Vic Gov. Building Safer Communities 2021-22	Community Planning and Development	Stream 2 - Crime Prevention Innovation Fund Victorian Graffiti Register Statewide Development Program ** Joint project across City of Geelong, City of Darebin and authority by MAV	01/03/2021	\$207,400	Pending
Female Facilities and Water Safety Stream. Australian Government, Department of Health	Health and Wellbeing Services	Balwyn Park Female Change-room Upgrade Project	11/03/2021	\$60,000	Pending
Building Safer Communities Program, Department of Justice and Community Safety	Community Planning and Development	Lighting in and around Maling Road and Canterbury Community Gardens to address antisocial behaviour and increase perceptions of safety	15/03/2021	\$134,559	Pending
COVID-19 Vaccination Program Community Engagement Grant, Department of Health	Community Planning and Development	Raise awareness and engage with the local community, particularly vulnerable members, about the COVID-19 vaccination and its benefits.	20/03/2021	\$20,000	Successful
Sport and Recreation Victoria	Health and Wellbeing Services	1) Fritsch Holzer 2) Diversity and Inclusion Program 3) Camberwell Sharks Scoreboard	22/03/2021	1) \$2 million 2) \$230,000 3) \$17,000	Pending Pending Pending
Vic Health in conjunction with La Trobe University	Health and Wellbeing Services	To get more people active in gyms.	22/03/2021	Not advised	Pending
Australian Cricket Infrastructure Fund	Health and Wellbeing Services	Victoria Park South Cricket Nets	26/03/2021	\$30,000	Pending

Section 5 - Grants progress

Attachment 1

Statistics for 1 January - 31 March 2021

Grant Status	Number of grants
Grant applications submitted	12
Successful grants	7
Unsuccessful grants	0
Grants pending	11

**Note: Successful, unsuccessful and grants pending include the outcomes of the grants submitted prior to this quarter.*

MINUTES ATTACHMENTS

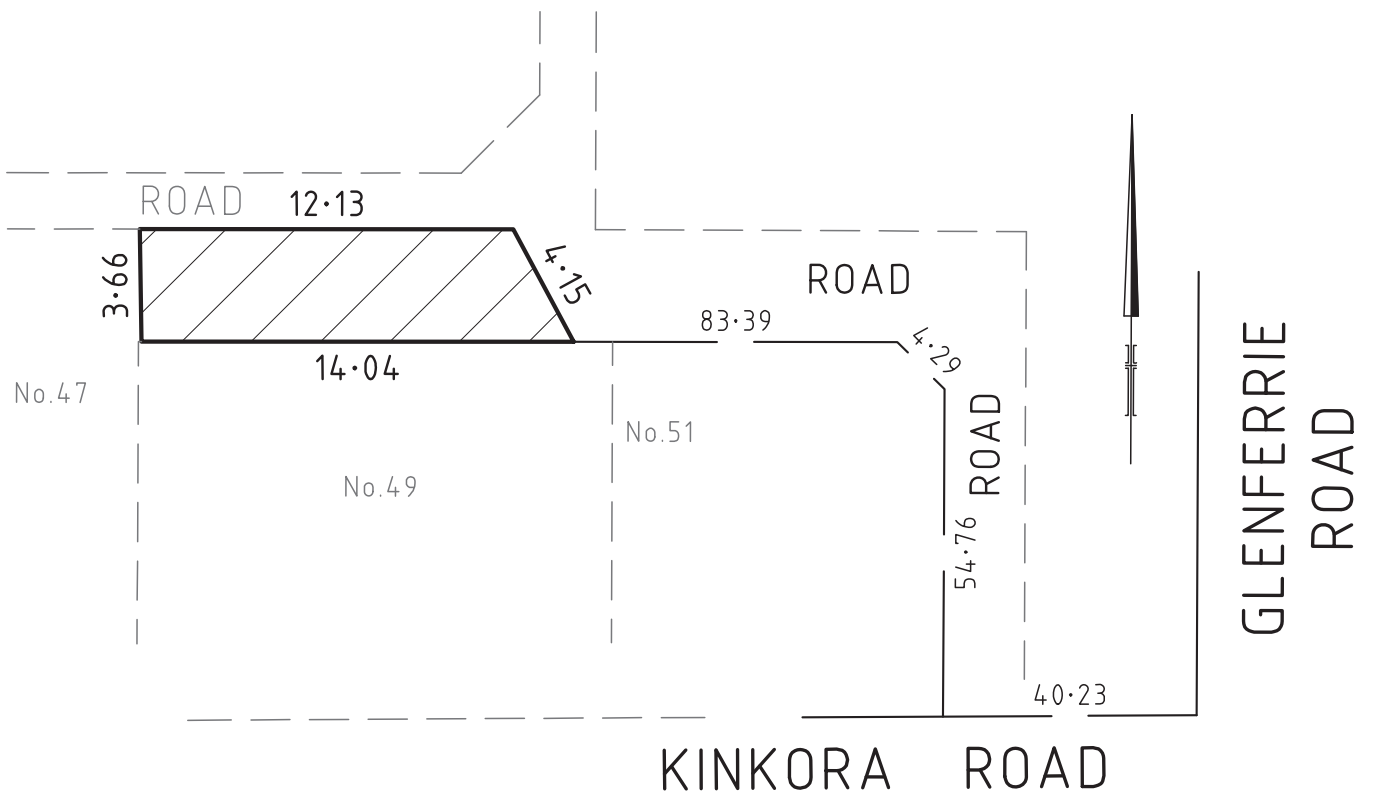


Council

Monday 24 May 2021

Attachments as annexed to the resolution:

- 7.2 Rear of 49 Kinkora Road, Hawthorn - Proposed discontinuance and sale of right of way (road)



MINUTES ATTACHMENTS



Council

Monday 24 May 2021

Attachments as annexed to the resolution:

7.5 Proposed Governance Rules for Public Notice



BOROONDARA CITY COUNCIL

GOVERNANCE RULES

Date Resolved By Council

Commencement Date:

Responsible Directorate:

Chief Executive Office

GOVERNANCE RULES

Introduction

1. Nature of Rules

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

2. Date of Commencement

These Governance Rules commence on 1 September 2020.

3. Contents

These Governance Rules are divided into the following Chapters:

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

4. Definitions

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

"*Act*" means the *Local Government Act 2020*.

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

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

"*Chairperson*" means the *Chairperson* of a meeting and includes an acting, a temporary and a substitute *Chairperson*.

"*Chief Executive Officer*" means the Chief Executive Officer of *Council* or the person acting in or performing the position *Chief Executive Officer*.

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

"*Council*" means Boroondara City Council.

"*Council meeting*" has the same meaning as in the *Act*.

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

"*General Business*" means business of a minor or routine nature;

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

"*Mayor*" means the Mayor of *Council*.

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

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

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

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

"*these Rules*" means these Governance Rules.

"*Repetitious motion*" means:

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

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

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

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

Chapter 1 – Governance Framework

1. Context

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

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

2. Decision Making

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

Chapter 2 – Meeting Procedure for Council Meetings

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Part A – Introduction

1. Title

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

2. Purpose of this Chapter

The purpose of this Chapter is to:

- 2. 1 provide for the election of the *Mayor* and any Deputy Mayor;
- 2. 2 provide for the appointment of any Acting Mayor; and
- 2. 3 provide for the procedures governing the conduct of *Council meetings*.

3. Definitions and Notes

- 3.1 In this Chapter, unless the context suggests otherwise the definitions of words are taken to be the same as those outlined in Item 4 ('Definitions') of *these Rules*.
- 3.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.

Part B – Election of Mayor

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

4. Election of the *Mayor*

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

5. Method of Voting

The election of the *Mayor* must be carried out by a show of hands.

6. Determining the election of the *Mayor*

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

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

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

6.2.2 the nominations must be seconded by another Councillor.

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

6.3.1 if there is only one (1) nomination, the candidate nominated must be declared to be duly elected;

6.3.2 if there is more than one (1) nomination, the Councillors present at the meeting must vote for one of the candidates;

6.3.3 in the event of a candidate receiving an absolute *majority of the votes*, that candidate is declared to have been elected;

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

6.3.5 if one of the remaining candidates receives an absolute *majority of the votes*, he or she is duly elected. If none of the remaining candidates receives an absolute *majority of the votes*, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one (1) of the candidates receives an absolute *majority of the votes*. That candidate must then be declared to have been duly elected;

6.3.6 in the event of two (2) or more candidates having an equality of votes and one of them having to be declared:

(a) a defeated candidate; and

(b) duly elected

the declaration will be determined by lot.

- 6.3.7 if a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
- (a) each candidate will draw one (1) lot;
 - (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two (2) or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
 - (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be *written* on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" *written* on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).
- 6.3.8 After the election of the *Mayor* is determined, the *Mayor* must take the Chair and preside over the meeting pursuant to this Local Law.

7. Election of Deputy Mayor and Chairs of *Delegated Committees*

Any election for:

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

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

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

8. Appointment of Acting Mayor

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

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

Part C – Meetings Procedure

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

Division 1 – Notices of Meetings and Delivery of Agendas

9. Dates and Times of Meetings Fixed by Council

Subject to Rule 11, *Council* must from time to time fix the date, time and place of all *Council meetings*.

10. Council May Alter Meeting Dates

- 10.1 *Council* may change the date, time and place of any *Council meeting* which has been fixed by it and must provide reasonable notice of the change to the public.
- 10.2 The *Chief Executive Officer* shall consult with the *Chairperson* before changing the date, time and place of any meeting which has been fixed.

11. Meetings Not Fixed by Council

- 11.1 The *Mayor* or at least three (3) Councillors may by a *written* notice call a *Council meeting*.
- 11.2 The notice must specify the date and time of the *Council meeting* and the business to be transacted.
- 11.3 The *Chief Executive Officer* must convene the *Council meeting* as specified in the notice.
- 11.4 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the *written* notice can be transacted at the *Council meeting*.
- 11.5 Subject to any resolution providing otherwise, the order of business of any meeting must be the order in which such business stands in the *agenda* for the meeting.

12. Notice Of Meeting

- 12.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered (whether personally, email or otherwise) or made available electronically to every Councillor for all *Council meetings* at least 48 hours before the meeting.
- 12.2 Subject to any resolution of *Council*, the *Chief Executive Officer* will determine the method of delivery to be used under sub-Rule 12.1.
- 12.3 Notwithstanding sub-Rule 12.1, a notice of meeting or *agenda* need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in *writing* to continue to give notice of any meeting during the period of his or her absence.
- 12.4 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:

- 12.4.1 for *meetings* which it has fixed by preparing a schedule of meetings annually, twice yearly or from time to time, and arranging publication of such schedule in a newspaper generally circulating in the *municipal district* either at various times throughout the year, or prior to each such *Council meeting*; and
- 12.4.2 for any *meeting* by giving notice on its website and:
 - (a) in each of its Customer Service Centres; and/or
 - (b) in at least one newspaper generally circulating in the *municipal district*.

Division 2 – Quorums

13. Inability To Obtain A Quorum

- 13.1 After 30 minutes from the scheduled starting time of any *Council meeting* a quorum cannot be obtained, those Councillors present, or if there are no Councillors present, the *Chief Executive Officer*, or, in the absence of the *Chief Executive Officer*, an *authorised officer*, may adjourn the meeting for a period not exceeding fourteen (14) days from the date of the adjournment;
- 13.2 A *Council meeting* to which sub-Rule 13.1 applies is not adjourned, the meeting shall be deemed to have lapsed; and
- 13.3 If a *Council meeting* lapses according to sub-Rule 13.2, the business of the meeting shall be considered for inclusion on the *agenda* of a future *Council* meeting in accordance with Rule 18.

14. Inability To Maintain A Quorum

If:

- 14.1 A quorum is lost during any *Council meeting*, and a quorum cannot be regained within 10 minutes, the meeting:
 - 14.1.1 may be adjourned by those Councillors present, or in the absence of any Councillors, the *Chief Executive Officer*, or, in the absence of the *Chief Executive Officer*, an *authorised officer*, for a specified period not exceeding fourteen (14) days; or
 - 14.1.2 shall, in the event of no adjournment under sub-Rule 14.1.1, be deemed to have lapsed;
- 14.2 A quorum is lost during any adjournment of a *Council meeting* and a quorum cannot be obtained within the time specified in the adjournment motion, or if no time was specified, within 30 minutes of the quorum being lost, the meeting:
 - 14.2.1 may be adjourned by those Councillors present, or in the absence of any Councillors, the *Chief Executive Officer*, or, in the absence of the *Chief Executive Officer*, an *authorised officer*, for a specified period not exceeding fourteen (14) days; or
 - 14.2.2 shall, in the event of no adjournment under sub-Rule 14.2.1, be deemed to have lapsed; and
- 14.3 If a *Council meeting* lapses according to sub-Rule 14.1.2 or 14.2.2:

- 14.3.1 any motion or amendment which has been moved but not resolved in accordance with Division 4, shall be deemed to have been adjourned indefinitely in accordance with Rule 43;
 - 14.3.2 any other unresolved matters shall be considered for inclusion on the *agenda* of a future *Council meeting* in accordance with Rule 18; and
 - 14.3.3 the business transacted to that point in the meeting where a quorum was lost, shall remain validly transacted.
- 14.4 A quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by the majority of Councillors, *Council* must consider whether the decision can be made by dealing with the matter in an alternative manner as provided for by section 67 of the *Act*.
- 14.5 Subject to complying with any requirements under any other Act, if a *Council* is unable to use an alternative manner, *Council* must decide to establish a delegated committee to make the decision in regard to the matter consisting of:
- (a) all the Councillors who have not disclosed a conflict of interest in regard to the matter; and
 - (b) any other person or persons that the *Council* considers suitable.

15. Adjourned Meetings

The *Chief Executive Officer* must make reasonable attempts to give notice to all Councillors and members of the public, of any *Council meeting* adjourned under Rule 13 or 14.

16. Time limits for Meetings

- 16.1 A *Council meeting* must not continue after 11.00 pm unless a majority of Councillors present vote in favour of it continuing pursuant to Rule 43.
- 16.2 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of Rule 15 applies.

17. Cancellation or Postponement of a Meeting

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

Division 3 – Business of Meetings

18. **Agenda and the Order Of Business**

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

- 18.1 the expected duration of the meeting;
- 18.2 potential implications for subsequent meetings or events
- 18.3 the sensitivity of any particular item;
- 18.4 the anticipated community interest in any particular item;
- 18.5 where practicable, feedback from the *Mayor* or *Committee Chairperson*;
- 18.6 the urgency of any particular item; and
- 18.7 any other relevant factor which may impact on the processes and good governance of the *Council*.

18A. **Council Prayer and Acknowledgement of Country**

Council meetings may commence with the *Council* prayer and the Acknowledgement of Country. It will be at the discretion of the *Chairperson* at *Council meetings* to read the *Council* prayer and the Acknowledgement of Country, or to invite another councillor or a *Council* officer to read the *Council* prayer and/or the Acknowledgement of Country.

19. **Change To Order Of Business**

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

- 19.1 prior to the meeting by the *Chief Executive Officer* by issuing a revised *agenda* in accordance with Rule 18; or
- 19.2 by resolution, or with the consent of *Council* at the meeting.

20. **Urgent Business**

If the *agenda* for a *Council meeting* makes provision for *Urgent Business*, business cannot be admitted as *Urgent Business* unless:

- 20.1 *Council* resolves to admit the business; and
- 20.2 It relates to or arises out of a matter which has arisen since distribution of the *agenda*; and
- 20.3 It cannot safely or conveniently be deferred until the next *Council meeting*.

21. **General Business**

If the *agenda* for a *Council meeting* makes provision for *General Business*, business of a minor or routine nature only should be admitted as *General Business*. Any motion dealing with a matter that is not minor or routine must not be accepted by the *Chairperson* and will be subject to the *notice of motion* provisions. Such motions can be referred to *Urgent Business*.

Division 4 – Motions and Debate

22. **Councillors May Propose Notices Of Motion**

Councillors may ensure that an issue is listed on an *agenda* by lodging a *Notice of Motion* in accordance with Rule 23.

23. **Notice Of Motion**

- 23.1 A *notice of motion* must be in writing signed by two Councillors and received by the *Chief Executive Officer* (whether personally, email or otherwise), by 12 noon on a business day not less than five days prior to the next *Council meeting* at which the *notice of motion* may be considered. If a *notice of motion* is received after that time, it must, unless withdrawn, be included in the *agenda* for the following *Council meeting*.
- 23.2 A *notice of motion* may be withdrawn by a request in writing received (whether personally, email or otherwise) prior to the publication of the *agenda* for which the *notice of motion* was intended. Otherwise, the item must be dealt with at a *Council meeting*.
- 23.3 The *Chief Executive Officer* must make reasonable attempts to give Councillors notice of any *notice of motion* at least 48 hours before the *Council meeting* at which the *notice of motion* is to be considered.
- 23.4 The *Chief Executive Officer* may reject any *notice of motion* which is:
 - 23.4.1 defamatory;
 - 23.4.2 objectionable in language or nature;
 - 23.4.3 vague or unclear in intention;
 - 23.4.4 outside the powers of *Council*; or
 - 23.4.5 if passed would result in *Council* otherwise acting invalidly.
- 23.5 If a *notice of motion* is rejected under sub-Rule 23.4, the *Chief Executive Officer* must:
 - 23.5.1 give the Councillors who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - 23.5.2 notify in *writing* the Councillors who lodged it of the rejection and reasons for the rejection.
- 23.6 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda*.

- 23.7 The *Chief Executive Officer* must cause all *notices of motion* to be numbered, dated and entered in the *notice of motion* book in the order in which they were received.
- 23.8 Except by leave of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the *notice of motion* book.
- 23.9 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
- 23.10 If a *notice of motion* is not moved at the *Council meeting* in accordance with sub-Rule 23.9, the *notice of motion* shall be deemed to have lapsed for want of a mover.
- 23.11 The *Chief Executive Officer* may provide a report to *Council* detailing the implications for *Council* and the community in respect of any *notice of motion* which has been submitted for inclusion on the *agenda* paper.

24. Chairperson's Duty

- 24.1 The *Chairperson* must not accept a motion or amendment which is determined by the *Chairperson* to be:
- 24.1.1 potentially defamatory;
 - 24.1.2 objectionable in language or nature;
 - 24.1.3 vague or unclear in intention;
 - 24.1.4 outside the powers of *Council*;
 - 24.1.5 if passed would result in *Council* otherwise acting invalidly; or
 - 24.1.6 irrelevant to the item of business on the *agenda* and has not been admitted as *General Business* or *Urgent Business*, or purports to be an amendment but is not.
- 24.2 Before a *written* report is considered by *Council* and any motion moved in relation to such report, a member of *Council* staff may introduce the report by indicating in not more than 2 minutes:
- 24.2.1 its background; or
 - 24.2.2 the reasons for any recommendation which appears.
- 24.3 Unless *Council* resolves otherwise, a member of *Council* staff need not read any *written* report to *Council* in full.

25. Clarifying a motion

- 25.1 Before a *notice of motion* or other motion which has been foreshadowed is moved, a Councillor may, with the leave of the *Chairperson*, ask for clarification from the *Chairperson* or Councillor expected to move the *notice of motion* or other motion of
- 25.1.1 the intent; or
 - 25.1.2 some other aspect

of such *notice of motion* or other motion.

- 25.2 The *Chairperson* may request the person taking the minutes of the meeting to read the motion or amendment to the meeting before the vote is taken.

26. Introducing A Motion or an Amendment

The procedure for moving any motion or amendment is:

- 26.1.1 the mover must state the motion without speaking to it;
- 26.1.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
- 26.1.3 if a motion or an amendment is moved and seconded the *Chairperson* must ask:
- 26.1.4 "Is the motion or amendment opposed?";
- 26.1.5 if no Councillor indicates opposition, the *Chairperson* may give the mover of the motion or amendment or any Councillor with a special interest in the matter the opportunity to speak before declaring the motion or amendment carried;
- 26.1.6 if a Councillor indicates opposition then the *Chairperson* must call on the mover to address the meeting;
- 26.1.7 after the mover has addressed the meeting, the seconder may address the meeting;
- 26.1.8 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chairperson* must call on any Councillor who wishes to speak to the motion (including at the *Chairperson's* discretion, the seconder), if the Councillor has not previously spoken; and
- 26.1.9 if no Councillor speaks to the motion, then the *Chairperson* must put the motion to the vote.

27. Right Of Reply

- 27.1 The mover of a motion, including an amendment once debate has been exhausted, have a right of reply to matters raised during debate.
- 27.2 After the right of reply has been taken, the motion must immediately be put to the vote without any further discussion or debate.

28. Moving An Amendment

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

29. Who May Propose An Amendment

- 29.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 29.2 Any one Councillor cannot move more than two amendments in succession.

30. How Many Amendments May Be Proposed

- 30.1 Any number of amendments may be proposed to a motion but only one (1) amendment may be accepted by the *Chairperson* at any one time.
- 30.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

31. An Amendment Once Carried

If the amendment is carried:

- 31.1 The motion as amended then becomes the motion before the meeting; and
- 31.2 The mover and seconder of the amendment are deemed to be the mover and seconder of the motion before the meeting; and
- 31.3 The amended motion must then be put; and
- 31.4 The mover of the original motion retains the right of reply to that motion.

32. Foreshadowing Motions

- 32.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 32.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chairperson* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 32.3 A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.
- 32.4 The *Chief Executive Officer* or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- 32.5 The *Chairperson* is not obliged to accept foreshadowed motions.

33. Withdrawal Of Motions

- 33.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with consent of the *Chairperson*, should there be no objection to the withdrawal of the motion from the majority of councillors present.
- 33.2 If the majority of Councillors object to the withdrawal of the motion, it may not be withdrawn.

34. Separation Of Motions

Where a motion contains more than one (1) part, a Councillor may request the *Chairperson* to put the motion to the vote in separate parts.

35. Chairperson May Separate Motions

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

36. Priority of address

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

37. Motions In Writing

37.1 All motions, except procedural motions, should be in writing.

37.2 The *Chairperson* may suspend the meeting while the motion is being *written* or may request *Council* to defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

38. Repetitious Motions and/or Amendment

38.1 The *Chairperson* must refuse to accept a motion which *Council* has resolved to be a *Repetitious motion*, pursuant to Rule 43.

38.2 The *Chairperson* may request the person taking the minutes of the *Council meeting* to read the motion or amendment to the meeting before the vote is taken.

39. Debate Must Be Relevant To The Motion

39.1 Debate must always be relevant to the motion or question before the *Chairperson*, and, if not, the *Chairperson* must request the speaker to confine debate to the motion or question.

39.2 If after being requested to confine debate to the motion or question before the *Chairperson*, the speaker continues to debate irrelevant matters, the *Chairperson* may direct the speaker to be seated and not speak further in respect of the motion or question then before the *Chairperson*.

39.3 A speaker to whom a direction has been given under sub-Rule 39.2 must comply with that direction.

40. Speaking Times

A Councillor must not speak longer than the time set out below, unless granted an extension by the *Chairperson*:

40.1 the mover of a motion or an amendment which has been opposed: 5 minutes;

40.2 any other Councillor: 3 minutes; and

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

41. Addressing the Meeting

If the *Chairperson* so determines:

41.1 any person addressing the *Chairperson* must refer to the *Chairperson* as:

41.1.1 Madam Mayor; or

41.1.2 Mr Mayor; or

41.1.3 Mayor; or

41.1.4 Madam Chair; or

41.1.5 Mr Chair; or

41.1.6 Chair;

as the case may be;

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

Cr(name).

41.3 all members of *Council* staff, must be addressed as Mr, Mrs, Ms, Dr or Prof

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

42. Right to Ask Questions

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

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

Division 5 – Procedural Motions**43. Procedural Motions**

43.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chairperson*.

43.2 Procedural motions require a seconder.

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

43.4 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the Procedural Motions Table.

PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor	Any matter	(a) During the election of a <i>Chairperson</i> ; (b) When another Councillor is speaking	Motion and amendments postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor	Any matter except: (a) election of a <i>Chairperson</i>	(a) During the election of a <i>Chairperson</i> ; (b) When another Councillor is speaking	Motion and any amendment postponed but may be resumed at any later meeting if on the <i>agenda</i>	Debate continues unaffected	Yes
3. The closure	That the motion be now put	A Councillor who has not spoken to the motion or any amendment of it	Any matter	During nominations for <i>Chairperson</i>	The <i>Chairperson</i> must call on the mover of the original motion or amendment in respect of which the closure motion is carried to reply to the debate on the original motion or amendment and then immediately put the original motion or amendment to the vote. No further debate on, or amendment to the original motion or amendment is permitted	Debate continues unaffected	No

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

Procedural Motion	Form	Mover & Second	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
6. Proceeding to next business	That the meeting proceed to the next Business Note: This Motion: (a) May not be amended (b) May not be debated; (c) Must be put to the vote as soon as Seconded	A Councillor who has not spoken to the motion or any amendment of it	Any matter except: (a) Election of a <i>Chairperson</i>	(a) During the election of a <i>Chairperson</i> ; (b) When another Councillor is speaking	If carried in respect of: (a) An amendment - <i>Council</i> considers the motion without reference to the amendment; (b) A motion - no vote or further discussion on the motion until it is placed on an <i>agenda</i> for a later meeting	Debate continues unaffected	No
7. Repetitious motion	The motion is a <i>repetitious motion</i>	A Councillor who has not spoken to the motion or any amendment of it	Any matter except: (a) Election of a <i>Chairperson</i>	(a) During the election of a <i>Chairperson</i> ; (b) When another Councillor is speaking	(a) No vote or further discussion on the motion unless it is placed on an <i>agenda</i> for a later meeting; (b) Proceed to next business	Debate continues unaffected	Yes

Procedural Motion	Form	Mover & Second	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
8. Dissent from the <i>Chairperson's ruling</i>	That the <i>Chairperson's</i> ruling be dissented from	Any Councillor 1. Once moved and seconded, the <i>Chairperson</i> must leave the Chair and a temporary <i>Chairperson</i> elected 2. The temporary <i>Chairperson</i> must invite the mover to state the reasons for his or her dissent and the <i>Chairperson</i> may then reply. 3. The motion must then be put	Any ruling made by the <i>Chairperson</i>		If carried, the <i>Chairperson</i> must resume the Chair, reverse his or her previous ruling and proceed. The motion is in no way a motion of censure or non-confidence, and should not be so regarded	If lost, the <i>Chairperson</i> resumes the Chair and the meeting proceeds	No, other than that the mover may state the reasons for his or her dissent and the <i>Chairperson</i> may then reply
9. Suspension of standing orders	That standing orders be suspended	Any Councillor	Any matter		1. The formalities of the meeting procedure are temporarily disposed of 2. No motion can be accepted by the <i>Chairperson</i> or lawfully be dealt until standing orders are resumed	The formalities of the meeting procedure remain in place	Yes

Procedural Motion	Form	Mover & Second	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
10. Resumption of standing orders	That standing orders be resumed	Any Councillor	Any matter	When standing orders have not been suspended	The formalities of the meeting procedure are reinstated	1. The formalities of the meeting procedure remain temporarily disposed of. 2. No motion can be accepted by the <i>Chairperson</i> or lawfully be dealt until standing orders are resumed	Yes
11. Close the meeting to the public	That the meeting be closed to the public in accordance with section 66 of the <i>Act</i> to Consider.... Because....	Any Councillor	Any matter included in the definition of Confidential Information prescribed in section 3 of the <i>Act</i>	When the meeting is already closed to the public	The meeting is closed to the public	The meeting remains open to the public	Yes
12. Reopen the meeting to the public	That the meeting be reopened to the Public	Any Councillor	Any matter	When the meeting is already open to the public	The meeting is opened to the public	The meeting remains closed to the public	Yes
13. Continuance of Meeting	That the meeting continue to #:##pm	Any Councillor	Any matter		The time limit specified in Rule 16 is to be substituted with the time limit specified in the continuance motion	The meeting stands adjourned to a time, date and place to be then and there announced by the <i>Chairperson</i>	No

Procedural Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
14. No recording of proceedings	That <i>Council</i> revokes consent for the recording of the Meeting	Any Councillor	A decision to record, or consent to recording of proceedings under Rule 77		Consent to record proceedings is revoked	The meeting continues unaffected	Yes
15. En bloc motions	That the following items.... be moved en bloc as per the officers' recommendation	Any Councillor	Only for matters listed in the <i>agenda</i> under the heading 'Presentation of officer reports' or 'Supplementary reports'	Items relating to planning matters or that involve statutory third party rights	Move to the next item of business	The meeting continues unaffected	Yes

Division 6 – Rescission Motions

44. Notice of Rescission

- 44.1 A Councillor may propose a motion to rescind or to vary a previous resolution of *Council* by a *notice of rescission*.
- 44.2 A Councillor may propose a *notice of rescission* provided:
- 44.2.1 the resolution proposed to be rescinded has not been acted on; and
 - 44.2.2 the *notice of rescission* is delivered to the *Chief Executive Officer* in accordance with Rule 23, or within 24 hours of the resolution having been made setting out
 - (a) the resolution to be rescinded; and
 - (b) the meeting and date when the resolution was carried.
- 44.3 The *Chief Executive Officer* or an appropriate member of *Council* staff may implement a resolution at any time after the close of the meeting at which it was made. A resolution will therefore be deemed to have been acted on if:
- 44.3.1 its contents have or substance has been formally communicated to a person whose interests are materially affected by it; or
 - 44.3.2 a statutory process has been commenced;
- so as to vest enforceable rights in or obligations on *Council* or any other person.
- 44.4 The *Chief Executive Officer* or an appropriate member of *Council* staff must defer implementing a resolution which:
- 44.4.1 has not been acted on; and
 - 44.4.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 44.2.2
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

45. If Lost

If a *notice of rescission* is lost, a similar motion may not be put before *Council* for at least one (1) month from the date it was last lost, unless *Council* resolves that the *notice of rescission* be re-listed at a future meeting.

46. If Not Moved

If a *notice of rescission* is not moved at the meeting at which it is listed, it lapses.

47. May Be Moved By Any Councillor

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

48. When Not Required

- 48.1 Unless sub-Rule 48.2 applies, a motion for rescission is not required where *Council* wishes to change policy.
- 48.2 The following standards apply if *Council* wishes to change policy:
- 48.2.1 if the policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* must be presented to *Council*; and
- 48.2.2 any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

Division 7 – Points of Order**49. Chairperson To Decide**

The *Chairperson* must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

50. Chairperson May Adjourn To Consider

- 50.1 The *Chairperson* may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- 50.2 All other questions before the *Council* are suspended until the point of order is decided.

51. Dissent From Chairperson's Ruling

- 51.1 A Councillor may move a motion of dissent from the *Chairperson's* ruling on a point of order.
- 51.2 When a motion in accordance with this Rule is moved and seconded, the *Chairperson* must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not present, a temporary *Chairperson* elected by the meeting) must take his or her place.
- 51.3 The Deputy Mayor or temporary *Chairperson* must invite the mover to state the reasons for his or her dissent and the *Chairperson* may then reply.
- 51.4 The Deputy Mayor or temporary *Chairperson* must put the motion in the following form:
- "That the *Chairperson's* ruling be dissented from."
- 51.5 If the vote is in the negative, the *Chairperson* resumes the Chair and the meeting proceeds.
- 51.6 If the vote is in the affirmative, the *Chairperson* must then resume the Chair, reverse or vary (as the case may be) his or her previous ruling and proceed.
- 51.7 The defeat of the *Chairperson's* ruling is in no way a motion of censure or non-confidence in the Chair, and should not be so regarded by the meeting.

52. Procedure For Point Of Order

A Councillor raising a point of order must:

- 52.1 state the point of order; and
- 52.2 state any section, Rule, paragraph or provision relevant to the point of order.

53. Valid Points Of Order

- 53.1 A point of order may be raised in relation to:
 - 53.1.1 a motion, which, under Rule 24.1, or a question which, under Rule 54, should not be accepted by the *Chairperson*;
 - 53.1.2 a question of procedure;
 - 53.1.3 a Councillor who is or appears to be out of order; or
 - 53.1.4 any act of disorder.
- 53.2 A point of order may not be raised to express a mere difference of opinion or to contradict a speaker

Division 8 – Public Question Time**54. Submission of Questions**

- 54.1 There shall be a public question time of up to 15 minutes duration at every Council meeting to allow members of the public to submit questions to Council; unless Council resolves otherwise.
 - 54.1.1 The time allocation of 15 minutes may be extended by resolution of Council.
 - 54.1.2 All questions not dealt with due to time constraints will be responded to via a letter from Council.
- 54.2 A person may submit a maximum of one (1) question at any one (1) Council meeting.
- 54.3 As to the form of questions:
 - 54.3.1 subject to Rule 54.3.4, questions must be in writing and in English:
 - 54.3.2 questions must be 100 words or less and not include a preamble, other additional material, or multiple parts;
 - 54.3.3 questions should be submitted on the designated Public Question Time Form which is available:
 - 54.3.3.1 during normal office hours at the Camberwell Offices at 8 Inglesby Road Camberwell; or
 - 54.3.3.2 on *Council's* website
 - 54.3.4 where the requirements to present a question in writing and or in English unreasonably prevents or hinders participation in public question time, assistance with submitting questions is available from *Council*, via an interpreter service if required.

54.4 As to the deadline for questions:

- 54.4.1 questions should be received by *Council* by 12:00 noon on the day of the *Council meeting* to receive a verbal response at the meeting;
- 54.4.2 questions received after 12:00 noon on the day of the meeting will receive a verbal response if possible, but will otherwise be taken on notice for a *written* response to be provided.
- 54.4.3 questions must be submitted:
 - 54.4.3.1 by mail to *Council's* advertised postal address; or
 - 54.4.3.2 by email to *Council's* advertised email address; or
 - 54.4.3.3 in person during normal office hours at the Camberwell Offices at 8 Inglesby Road, Camberwell.
 - 54.4.3.4 after normal office hours on the day of the meeting if submitted in person prior to the commencement of the *Council meeting* in the receptacle designated for such purpose at 8 Inglesby Road, Camberwell.

55. Questions may be disallowed

- 55.1 Considering the general rights of citizens to take part in the conduct of *Council* affairs, a question may be disallowed by the *Chairperson*, if in the opinion of the *Chairperson* it:
 - 55.1.1 is not submitted in accordance with this Division;
 - 55.1.2 relates to a matter outside the duties, functions and powers of *Council*;
 - 55.1.3 may reasonably be considered to be defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - 55.1.4 deals with a subject matter already answered at the *Council meeting*;
 - 55.1.5 is aimed at embarrassing a Councillor or a member of *Council* staff;
 - 55.1.6 relates to personnel matters;
 - 55.1.7 relates to the personal hardship of any resident or ratepayer;
 - 55.1.8 relates to industrial matters;
 - 55.1.9 relates to contractual matters;
 - 55.1.10 relates to proposed developments;
 - 55.1.11 relates to legal advice;
 - 55.1.12 relates to matters affecting the security of *Council* property; or
 - 55.1.13 relates to any other matter which *Council* considers would prejudice *Council* or any person.

55.1.14 would require, on the advice of the *Chief Executive Officer*, an unreasonable diversion of *Council* resources to prepare a response for public question time.

55.2 If a question is not disallowed under sub-Rule 55.1, the *Chairperson* may then accept a question if:

55.2.1 it relates to a matter or matters on the *agenda* for the current *Council meeting*; and/or

55.2.2 the person has first asked the question in writing to a Councillor or a member of Council staff more than 10 working days before the Council meeting at which the question is submitted.

55.3 If a question is not disallowed under sub-Rules 55.1 or 55.2:

55.3.1 the *Chairperson* may still disallow a question if, subject to sub-Rule 55.3.3, the person asking the same is not in the gallery at the time it is due to be read;

55.3.2 The *Chairperson* may, subject to sub-Rule 55.3.3, permit a representative to attend or read a question on behalf of a person who is unable to attend the meeting, or read a question, because of a personal characteristic or attribute protected by law, such as (but not limited to) having a disability, their age or status as a carer,;

55.3.3 the *Chairperson* shall not exercise his or her discretion to permit a representative in accordance with sub-Rule 55.3.2 on the ground of inconvenience alone.

55.4 Questions disallowed by the *Chairperson* shall be made available to any Councillor on request.

55.5 Questions may be disallowed by the *Chairperson* prior to the commencement of a *Council meeting*

56. Procedures for Question Time

56.1 Notwithstanding sub-Rules 55.3.1, the *Chairperson* or member of *Council* staff nominated by the *Chairperson* may read a question to those present except that:

56.1.1 the *Chairperson* may advise *Council* it is his or her opinion that the question should be read in a meeting closed to members of the public. The Councillor or member of *Council* staff must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the question must be so read;

- 56.1.2 the *Chairperson* may nominate a Councillor or member of *Council* staff to respond to a question except that:
- 56.1.2.1 a Councillor or member of *Council* staff may advise *Council* that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or member of *Council* staff must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the reply to such question must be so given;
 - 56.1.2.2 before responding, a Councillor or member of *Council* staff may direct questions of clarification to the person submitting the question. All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification;
 - 56.1.2.3 a Councillor or member of *Council* staff nominated to respond to a question, may require that the question be put on notice until the next meeting, at which time the question must be answered, or elect to submit a *written* answer to the person asking the question; and
 - 56.1.2.4 a Councillor may direct questions of clarification to the Councillor or member of *Council* staff nominated to respond to a question. All questions and answers must be as brief as possible, and no discussion or debate may be allowed other than for the purposes of clarification.

Division 9 – Petitions and Joint Letters

57. Petitions and Joint Letters

- 57.1 Unless *Council* determines to consider it as an item of *Urgent Business*, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next *Council meeting* after that at which it has been presented.
- 57.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council* and that the contents do not violate a Local Law.
- 57.3 Every Councillor presenting a petition or joint letter to *Council* must:
- 57.3.1 write or otherwise record his or her name at the beginning of the petition or joint letter; and
 - 57.3.2 confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request.
- 57.4 Every petition or joint letter presented to *Council* must be in *writing* (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 20 people.
- 57.5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.

- 57.6 If a petition, joint letter, memorial or other like application relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.
- 57.7 In relation to e-petitions, the same provisions in sub-Rules 57.1 to 57.6 apply, except in relation for the requirement of a petitioner's signature.

Division 10 – Deputations

58. Deputation to be referred to *Mayor*

A deputation wishing to be heard by *Council* may make a *written* request to the *Chief Executive Officer* who must refer the request to the *Mayor*.

59. Consideration of Request

59.1 The *Mayor* may:

- 59.1.1 ask the *Chief Executive Officer* to include the deputation on the *agenda* for a future *Council meeting*; or
- 59.1.2 ask the *Chief Executive Officer* to include the request for a deputation on the *agenda* for a future *Council meeting*; or
- 59.1.3 in consultation with the *Chief Executive Officer*, decline the request.

60. Notification of Hearing

If the *Mayor* asks for a deputation to be heard, the *Chief Executive Officer* must notify all Councillors of that request, and also notify a member of the deputation of the date, time, and place of which the deputation will be heard.

61. Summary of Submissions

A deputation may lodge with the *Chief Executive Officer*, a *written* submission detailing the subject matter of the deputation prior to the deputation addressing *Council*.

62. Limitations upon Speakers

Council will not hear more than two (2) speakers on behalf of any deputation, and the *Chairperson* may set time limits on the length and address of each speaker.

63. Questions but no discussion permitted

Councillors and members of *Council* staff may question the deputation on matters raised by it for purposes of clarification but no discussion will be allowed.

64. Matter to be Determined upon a subsequent meeting

No motion must be allowed on any deputation until the next *Council meeting* after the deputation has been heard unless *Council*, by resolution, decides otherwise.

DIVISION 11 – Public Submissions Under the Community Engagement Policy

65. Public Submissions Under the Community Engagement Policy

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

Division 12 – Voting

66. How Motion Determined

66.1 To determine a motion before a meeting, the *Chairperson* must:

66.1.1 first call for those in favour of the motion; and

66.1.2 then call for those opposed to the motion; and

66.1.3 if required, identify a Councillor who has abstained from voting,
and must then declare the result to the meeting.

67. Silence

Voting must take place in silence unless otherwise determined by the *Chairperson*.

68. Recount

The *Chairperson* may direct that a vote be recounted to satisfy himself or herself of the result.

69. Casting Vote

In the event that the number of votes in favour of a motion is half the number of Councillors present at the meeting at the time the vote is taken, the *Chairperson* must exercise the casting vote.

70. By Show Of Hands

70.1 Unless the *Act* requires, or *Council* resolves otherwise, voting on any matter is by show of hands.

70.2 Notwithstanding sub-Rule 70.1, voting at a meeting that is open to members of the public must not be in secret.

71. Procedure For A Division

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

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

- 71.3 When a division is called for, the *Chairperson* must:
- 71.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one (1) of his or her hands. The *Chairperson* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors voting in the affirmative; and
 - 71.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one (1) of his or her hands. The *Chairperson* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors voting in the negative.
 - 71.3.3 if required, then ask each Councillor wishing to abstain from voting to raise a hand and, upon such request being made, each Councillor wishing to abstain from voting must raise one (1) of his or her hands. The *Chairperson* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors abstaining from voting.

72. No Discussion Once Declared

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

- 72.1 a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- 72.2 foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

Division 11 – Minutes

73. Confirmation of Minutes

Where the *agenda* for a *Council meeting* includes provision for the adoption and confirmation of the minutes of the preceding meeting(s), those minutes must be dealt with as follows:

- 73.1 a copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting. This shall not apply in respect of Councillor who has been granted leave of absence pursuant to the *Act* and who has not requested the *Chief Executive Officer*, in writing, to continue to give notice of meetings to be held during the period of leave of absence;
- 73.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed and no discussion or debate on the confirmation of minutes may be permitted;
- 73.3 if a Councillor indicates opposition to the minutes:
 - 73.3.1 he or she must specify the item(s) to which he or she objects;
 - 73.3.2 the objected item(s) must be considered separately and in the order in which they appear in the minutes;
 - 73.3.3 the Councillor objecting must move a motion clearly setting out the alternative wording to amend the minutes accordingly without speaking to the motion; and

- 73.3.4 the motion must then be open to debate and at the conclusion of debate, the *Chairperson* must put the motion to the vote;
- 73.3.5 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chairperson* of the meeting at which they have been confirmed;
- 73.3.6 the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively; and
- 73.3.7 unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*.

74. No Debate on Confirmation Of Minutes

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

75. Deferral Of Confirmation Of Minutes

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

76. Form and Availability of Minutes

- 76.1 The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must record:
 - 76.1.1 the date, place, time and nature of the meeting;
 - 76.1.2 the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
 - 76.1.3 the names of the members of *Council* staff present;
 - 76.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5 and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest;
 - 76.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
 - 76.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
 - 76.1.7 the vote cast by each Councillor upon a division;
 - 76.1.8 the vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
 - 76.1.9 the failure of a quorum;
 - 76.1.10 any adjournment of the meeting and the reasons for that adjournment; and
 - 76.1.11 the time at which standing orders were suspended and resumed.

- 76.2 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:
- 76.2.1 published on *Council's* website; and
- 76.2.2 available for inspection at *Council's* office during normal business hours.
- 76.3 Nothing in sub-Rule 76.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

Division 12 – Recording of Proceedings

77. Recording of proceedings

- 77.1 Subject to any resolution of *Council*, the *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer*) may record the proceedings of a *Council meeting*.
- 77.2 Subject sub-Rule 77.1, a person must not operate photographic, audio or video recording equipment or any other recording device at any *Council meeting* without first obtaining the consent of the *Chairperson*. Such consent may at any time during the course of such meeting be revoked by the *Chairperson* or resolution of *Council*.

Division 13 – Behaviour

78. Public Addressing The Meeting

- 78.1 Members of the public do not have a right to address *Council* and may only do so with the consent of the *Chairperson* or by prior arrangement.
- 78.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chairperson* whenever called on to do so.
- 78.3 A member of the public present at a *Council meeting* must not disrupt the meeting.

79. Chairperson May Remove

The *Chairperson* may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 78.2.

80. Chairperson may adjourn disorderly meeting

If the *Chairperson* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper.

81. Suspensions

- 81.1 *Council* may suspend from a meeting any Councillor whose actions have disrupted the business of *Council*, and have impeded its orderly conduct.
- 81.2 The duration of any suspension under this Rule shall be at *Council's* discretion but shall not exceed the balance of the meeting.

82. Removal from Chamber

- 82.1 The *Chairperson* may order the removal of any Councillor who has been suspended by *Council* in accordance with Rule 81;
- 82.2 The *Chairperson* may order the removal of:
- 82.2.1 any person, excluding a Councillor who disrupts any meeting or fails to comply with a direction;
 - 82.2.2 any person, excluding a Councillor who the *Chairperson* reasonably believes has acted in breach of this Local Law; or
 - 82.2.3 any person who the *Chairperson* reasonably believes has acted in breach of the *Summary Offences Act 1966*;
- 82.3 The *Chairperson* may issue a warning to any person before exercising the powers in sub-Rules 82.2 and 82.4.
- 82.4 The *Chairperson* may ask any member of *Council* staff, security guard or member of the Victoria Police to cause the removal of any person who is the subject of an order under sub-Rules 82.1 or 82.2.

Division 14 – Additional Duties of *Chairperson***83. The *Chairperson's* Duties And Discretions**

- 83.1 In addition to the duties and discretions provided in this Chapter, the *Chairperson*:
- 83.1.1 must not accept any motion, question or statement which:
 - 83.1.1.1 may reasonable be considered to be defamatory, derogatory, indecent, abusive offensive, irrelevant, trivial or objectionable in language or substance;
 - 83.1.1.2 relates to a matter outside the duties, functions and powers of *Council*;
 - 83.1.1.3 is aimed at embarrassing a Councillor, a member of Council staff or member of the community;
 - 83.1.1.4 must call to order any person who is disruptive or unruly during any meeting.

Division 15 – Suspension of Standing Orders

84. Suspension of Standing Orders

- 84.1 The *Chairperson* or any Councillor may indicate a desire to suspend standing orders to expedite the business of a meeting. In which case:
- 84.1.1 the *Chairperson* may suspend standing orders with the support of the meeting; or
 - 84.1.2 standing orders may be suspended by procedural motion.
- 84.2 the suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- 84.3 the suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*.

Division 15 – Miscellaneous

85. Meetings Conducted Remotely

If:

- 85.1 by law a meeting may be conducted electronically; and
- 85.2 *Council* decides that a meeting is to be conducted electronically,

the *Chairperson* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

86. Procedure not provided in this Chapter

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

87. Criticism of members of *Council* staff

- 87.1 The *Chief Executive Officer* may make a brief statement at a *Council meeting* in respect of any statement by a Councillor made at the *Council meeting* criticising him or her or any member of Council staff.
- 87.2 A statement under sub-Rule 87.1 must be made by the *Chief Executive Officer*, through the *Chairperson*, as soon as it practicable after the Councillor who made the statement has resumed his or her seat.

88. Public Submissions/Presentations

- 88.1 At all *Delegated Committee* meetings, members of the public may be given an opportunity to make submissions/presentations to the *Delegated Committee* on an *agenda* item relevant to the meeting. The following provisions will apply to such submissions/presentations:
- 88.1.1 Each submitter may only speak once to each *agenda* item, except at the discretion of the *Chairperson*.

- 88.1.2 Submitters must fill out the form designated by the *Chief Executive Officer*.
- 88.1.3 Information on the form must include:
 - 88.1.3.1 the name and address of the person requesting to discuss the *agenda* item; or in the case of a person representing a business, their name and ordinary business address;
 - 88.1.3.2 the relevant report number and/or report title;
 - 88.1.3.3 an indication of whether the submitter wishes to address the *Delegated Committee* meeting, have their submission/presentation read out by a member of *Council* staff or distributed to Councillors at the meeting; and
 - 88.1.3.4 an indication of whether the person supports the recommendation contained in the report.
- 88.1.4 The form must be lodged in the receptacle designated for such purpose prior to the time specified for the *Delegated Committee* meeting to commence.
- 88.1.5 The *Chairperson* may:
 - 89.1.5.1 Accept forms lodged after the commencement of the *Delegated Committee* meeting.
 - 89.1.5.2 Seek clarification from a submitter regarding information provided on their form, at any time before, during or after the submitter has made their submission.
- 88.2 Submitters wishing to speak at a *Delegated Committee* meeting are only permitted to speak to their submission/presentation for the period prescribed by the *Chairperson* of that meeting.
- 88.3 In determining the period submitters will be permitted to speak, the *Chairperson* will have regard to the number of submissions/presentations and the number of speakers wishing to be heard.
- 88.4 Submitters not wishing to speak at a *Delegated Committee* meeting can request that their submission/presentation be read out at the meeting by a member of *Council* staff.
- 88.5 The *Chairperson* may refuse a request under sub-Rule 88.4 if the *written* submission/presentation exceeds 200 words.
- 88.6 Considering the general rights of citizens to take part in the conduct of *Council* affairs, a submission/presentation at a *Delegated Committee* meeting may be disallowed by the *Chairperson* at any stage of the submission/presentation if:
 - 88.6.1 it does not relate to an *agenda* item as published for that particular *Delegated Committee* meeting;
 - 88.6.2 it deals with a particular aspect of the subject matter already addressed by a previous speaker;
 - 88.6.3 it relates to a matter outside the duties, functions and powers of *Council*;
 - 88.6.4 it may reasonably be considered to be defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

- 88.6.5 it is aimed at embarrassing a Councillor, a member of the *Delegated Committee* or a member of *Council* staff;
- 88.6.6 it relates to personnel matters or the personal hardship of any resident or ratepayer; or
- 88.6.7 it relates to any other matter the *Chairperson* considers would prejudice *Council* or any person.
- 88.6.8 the submitter has not lodged a form in accordance with Rule 88;
- 88.7 The *Chairperson* and/or councillors may seek clarification from any submitter on matters raised by the submitter.
- 88.8 In addition to any limits set out in this Division, the *Chairperson* of a *Delegated Committee* may set additional limits on the number of speakers to address a *Delegated Committee* meeting on any *agenda* item and the *Chairperson* may:
 - 88.8.1 determine not to hear submitters or have all submissions/presentations read out by a member of *Council* staff;
 - 88.8.2 determine to hear submitters and in doing so limit the number of submitters to address a *Delegated Committee* meeting on any *agenda* item by inviting a set number of submitters who are opposed to the Officer Recommendation (Against) and a set number of submitters who are in favour of the Officer Recommendation (For) to each speak for the period prescribed by the *Chairperson* of that meeting;
 - 88.8.3 nominate one (1) spokesperson for the 'For' and one (1) spokesperson for the 'Against' who are each given an opportunity to speak for the period prescribed by the *Chairperson* of that meeting; and
 - 88.8.4 if necessary, adjourn the meeting to enable the parties to nominate speakers.
 - 88.8.5 if the submitters For and Against are unable to reach a consensus regarding a spokesperson for the purposes of sub-Rule 88.8.3 or who shall be nominated to speak for the purposes of sub-Rule 88.8.2, the names of the submitters may be drawn by ballot.

Chapter 3 – Meeting Procedure for Delegated Committees

1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

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

2. Meeting Procedure Can Be Varied

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

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

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

Chapter 4 – Meeting Procedure for Community Asset Committees

1. Introduction

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

2. Meeting Procedure

Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a *Community Asset Committee* is in the discretion of the *Community Asset Committee*.

Chapter 5 – Disclosure of Conflicts of Interest

1. Introduction

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

2. Definition

In this Chapter:

- 2.1 “meeting conducted under the auspices of *Council*” means a meeting of the kind described in section 131(1) of the *Act*, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a ‘Councillor Briefing and Discussion’ or by some other name); and
- 2.2 a member of a *Delegated Committee* includes a Councillor.

3. Disclosure of a Conflict of Interest at a *Council Meeting*

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which he or she:

- 3.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 3.2 intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a *written* notice:
 - 3.2.1 advising of the conflict of interest;
 - 3.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
 - 3.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
 - (a) name of the other person;
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - (c) nature of that other person’s interest in the matter

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a *written* notice has been given to the *Chief Executive Officer* under this sub-Rule.

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

4. Disclosure of Conflict of Interest at a *Delegated Committee Meeting*

A member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Delegated Committee* meeting at which he or she:

- 4.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Delegated Committee* meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 4.2 intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Delegated Committee* meeting commences a *written* notice:
- 4.2.1 advising of the conflict of interest;
- 4.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
- 4.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:
- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- 4.2.4 nature of that other person's interest in the matter,
- and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a *written* notice has been given to the *Chief Executive Officer* under this sub-Rule.

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

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

A Councillor who has a conflict of interest in a matter being considered at a *Community Asset Committee* meeting at which he or she:

- 5.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Community Asset Committee* meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or
- 5.2 intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a *written* notice:
- 5.2.1 advising of the conflict of interest;
- 5.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and
- 5.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:
- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

5.2.4 nature of that other person's interest in the matter

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a *written* notice has been given to the *Chief Executive Officer* under this sub-Rule.

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

6. Disclosure at a Meeting Conducted Under the Auspices of Council

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of *Council* at which he or she is present must:

- 6.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest;
- 6.2 absent himself or herself from any discussion of the matter; and
- 6.3 as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a *written* notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

7. Disclosure by Members of Council Staff Preparing Reports for Meetings

- 7.1 A member of Council staff who, in his or her capacity as a member of Council staff, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a Report for the consideration of a:

- 7.1.1 *Council meeting*;
- 7.1.2 *Delegated Committee meeting*;
- 7.1.3 *Community Asset Committee meeting*

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

- 7.2 The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 7.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.
- 7.3 If the member of Council staff referred to in sub-Rule 7.1 is the *Chief Executive Officer*:
 - 7.3.1 the *written* notice referred to in sub-Rule 7.1 must be given to the *Mayor*; and
 - 7.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

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

- 8.1 A member of *Council* staff who has a conflict of interest in a matter requiring a decision to be made by the member of *Council* staff as delegate must, immediately upon becoming

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

- 8.2 If the member of *Council* staff referred to in sub-Rule 8.1 is the *Chief Executive Officer* the *written* notice must be given to the *Mayor*.

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

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

- 9.2 If the member of *Council* staff referred to in sub-Rule 9.1 is the *Chief Executive Officer* the *written* notice must be given to the *Mayor*.

10. Retention of *Written* Notices

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

Chapter 6 – Miscellaneous

1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

- 1.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 1.2 is attended by a majority of councillors;
- 1.3 is attended by at least one member of *Council* staff; and
- 1.4 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

- (a) tabled at the next convenient *Council meeting*; and
- (b) recorded in the minutes of that *Council meeting*.

2. Confidential Information

- 2.1 If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* (or an *authorised officer*) is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, he or she may designate the information as confidential and advise Councillors and/or members of *Council* staff in writing accordingly.

Information which has been designated by the *Chief Executive Officer* (or an *authorised officer*) as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of *Council* staff in writing accordingly, will be presumed to be confidential information.

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1. Introduction

The *Local Government Act 2020* ('the Act') requires Council to include an adopt an Election Period Policy (Policy) in its Governance Rules.

This Policy provides a framework for decisions prohibited by Council during the election period in accordance with the Act, and the procedures to be applied by Council during the election period for.

The 'election period' as defined by the Act for the 2020 local government elections will commence on 22 September 2020 and end at 6pm on election day, 24 October 2020.

This policy replaces the Election Period Policy adopted by Council on 25 November 2019.

2. Purpose

This policy has been developed in accordance with the Act and to ensure the Boroondara City Council elections on Saturday 24 October 2020 (and subsequent elections) are conducted in a manner that is ethical; fair and equitable; and are publicly perceived as such.

The policy contains:

- (a) procedures intended to assist the Council in making appropriate decisions and using resources appropriately during the election period before an election;
- (b) guidelines on public consultation and the scheduling of Council events; and
- (c) procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.

3. Definitions

TERM	DEFINITION	SOURCE
Advertising sign	<p>Means any placard, board, poster, banner, sign, card, structure or other similar device, whether portable or affixed or attached to any land, building, vehicle, trailer, person or other thing, used for the purpose of soliciting goods or services or displaying information but excludes any placard, board, poster, banner, sign, card or similar device attached to or on any vehicle or trailer:</p> <ul style="list-style-type: none"> (a) and used for the purpose of promoting a registered political party or a person's candidature or prospective candidature at an election; or (b) if the use of the vehicle or trailer is ancillary to another use connected with activities being carried out on land (such as the use of a vehicle or trailer in connection with building or commercial activities being carried out on land). 	Amenity Local Law

TERM	DEFINITION	SOURCE
Candidate	<p>Means a person:</p> <ol style="list-style-type: none"> Who has nominated as a candidate for an election under section 256 of the Act. Who has: <ul style="list-style-type: none"> publicly expressed an intention to run as a candidate in the election; and or a person who has formally nominated as a candidate in the election with the Election Manager. <p>A candidate is a “known candidate” when a person has actual knowledge of the candidate’s identity and that they meet the above definition.</p>	<p>Act s.3</p> <p>Policy</p>
Chief Executive Officer (CEO)	<p>Means:</p> <ol style="list-style-type: none"> The person appointed by a Council to be its Chief Executive Officer under section 44 of the Act or any person acting in that position; and/or The Chief Executive Officer's delegate Such other person that the Chief Executive Officer selects for the purpose of giving effect to this Policy. 	<p>Act s.3</p> <p>Policy</p> <p>Policy</p>
Council	Means the Boroondara City Council, whether constituted before or after the commencement of this Policy.	Policy
Council-controlled land	Means any land which Council, owns, occupies, manages, has leased or licensed to another person or is otherwise under Council’s control and management, other than a road.	Amenity Local Law
Councillor-Candidate	Means a current Councillor who has nominated, or is considering nominating for election in the 24 October 2020 Council elections.	Policy
Electioneering	Means any action, statement and or publication that contains material directly related to, or likely to influence, a Councillor’s reelection or a candidate’s election.	Policy
Election Manager	<p>Means:</p> <ol style="list-style-type: none"> The Victorian Electoral Commission; or The person appointed in writing by the Victorian Electoral Commission. 	Act s.3

TERM	DEFINITION	SOURCE
Electoral material	Means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.	Act s.3
Electoral matter	<p>Matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the Election Manager for the purposes of conducting an election.</p> <p>Without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on -</p> <ul style="list-style-type: none"> (a) the election; or (b) a candidate in the election; or (c) an issue submitted to, or otherwise before, the voters in connection with the election. <p>Electoral matter includes material which:</p> <ul style="list-style-type: none"> • Publicises the strengths or weaknesses of a candidate • Advocates the policies of the Council or of a candidate • Responds to claims made by a candidate • Publicises the achievements of the elected Council. 	Policy
Election Period	<p>Means the period that:</p> <ul style="list-style-type: none"> • starts at the time that nominations close on nomination day; and • ends at 6 p.m. on election day; <p>[That is, 22 September 2020 through to 6pm on 24 October 2020].</p>	Act s.3

[illegible]

TERM	DEFINITION	SOURCE
Road	<p>Road includes:</p> <ul style="list-style-type: none"> a) a street; and b) a right of way; and c) a public highway; and d) any land reserved or proclaimed as a street or road under the Crown Land (Reserves) Act 1978 or the Land Act 1958; and e) a public road under the Road Management Act 2004; and f) a passage; and g) a cul de sac; and h) a by-pass; and i) a bridge or ford; and j) a footpath, bicycle path or nature strip; and k) any culvert or kerbing or other land; and l) works forming part of the Road 	Policy
Staff, Council staff or Staff member	Means any employee of Council whether permanent or temporary or casual, and includes contractors, and volunteers carrying out work for or on behalf of Boroondara City Council.	Policy

4. Accountability

4.1. Council

Council will function in accordance with this Election Period Policy during the **election period**.

4.2. Chief Executive Officer

In addition to the **Chief Executive Officer's** statutory responsibilities, the **Chief Executive Officer** will:

- Ensure as far as possible, that all councillors and officers are informed of the application of this policy 30 days prior to the commencement of the **election period**.
- Ensure as far as possible, that matters of **Council** business requiring **prohibited decisions** are scheduled for **Council** to consider prior to the commencement of the **election period**, or deferred where appropriate for determination by the incoming **Council**.
- Not include in the order of business for any **Council** meeting scheduled during the **election period**, any matters requiring **prohibited decisions** or matters that could be considered **prohibited decisions**.

The **Chief Executive Officer** may issue guidelines to **staff** on the role and responsibilities of **staff** in the implementation of this policy.

The **Chief Executive Officer** may also issue guidelines to councillors to inform them about changes to services, processes and procedures that may impact them in their role during the **election period**.

5. Decisions by Council

5.1 Decisions - Council and Delegated Committee Meetings

During the **election period** reports to **Council** and Delegated Committee meetings will be carefully vetted to avoid listing matters on the agenda which could foreseeably influence voters' intentions at the forthcoming election; or encourage **Councillor- candidates** to use the matter as part of their election platform.

Councillors commit to refrain from moving motions on, or raising matters at **Council** or Delegated Committee meetings that could potentially influence voting at the election.

5.2 Decisions - Delegates

The ordinary, day-to-day business of local government must continue throughout the election period. That business will be conducted by **Council**, its delegates and **staff** in a responsible and transparent manner, in accordance with statutory requirements.

Most **Council** decisions are not made at meetings of the **Council**. Significant decision-making power is formally delegated to **staff** and the decision of a delegate is 'deemed' to be a decision by **Council**. Because a delegate's decision is the same as a **Council** decision, the same constraints that apply to decisions made in **Council** and Delegated Committee meetings apply when delegates make decisions. Delegates should therefore give careful consideration to the exercise of their powers during the **election period**.

Should a delegate be required to make a decision(s) under delegation in the ordinary course of **Council** business during the **election period**, the delegate must satisfy themselves beforehand that the decision is not a **prohibited decision**.

The following matters may also be considered a **prohibited decision** during the **election period**:

- Allocation of community grants;
- Direct funding to community organisations;
- Major planning scheme amendments; or
- Changes to strategic objectives and strategies in the **Council Plan**.

5.3 Invalid Decisions

In accordance with section 69(4) of the Act, if the following decision are made during the **election period**, the decisions are invalid:

- relating to the appointment or remuneration of the **Chief Executive Officer**, but not the appointment or remuneration of an Acting **Chief Executive Officer**; and
- committing the **Council** to expenditure exceeding 1% of the **Council's** income from general rates, municipal charges and service rates and charges in the preceding financial year.

5.4. Compensation

In accordance with section 69(5) of the Act, any person who suffers any loss or damage as a result of acting in good faith on a **Council** decision that is determined to be invalid by a court of law, is entitled to compensation from the **Council** for that loss or damage.

6. Public Consultation

Consultation is an integral part of **Council's** policy development process and operations.

Surveys, blogs, invitations to put forward submissions, and other community engagement activities should be avoided during the **election period**.

Council will not continue or commence **public consultation** on **prohibited decisions**, contentious or politically sensitive matters after the commencement of the **election period**.

However, some **public consultation** activities may be necessary during the **election period** to facilitate the day-to-day business of **Council**.

Public consultation associated with activities and decisions which are the subject of statutory processes, for example:

- Applications under the *Planning and Environment Act 1987*

can be expected to continue through the **election period** to ensure **Council** does not breach its statutory obligations.

Public consultation not associated with activities and decisions which are the subject of statutory processes shall only proceed if prior approval is given by the **Chief Executive Officer**.

Where community engagement has occurred prior to the **election period** but the report has not yet proceeded to a **Council** or Delegated Committee meeting, results of the consultation will also not be provided to a **Council** or Delegated Committee meeting until the **election period** has concluded.

Any **public consultation** that does proceed during the **election period** will be vetted for **electoral matter** and express or implicit links to the election.

6.1 Postponing consultation

In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the **election period**, **Council** reserves the right where possible and practicable, to postpone **public consultation** and any associated decisions where the matter is considered likely to affect voting in the election.

7. Council Publications

7.1 Prohibition on Publishing Material during the Election Period

Council must not publish **electoral material** that contains **electoral matter**. The words "advertisement, handbill, pamphlet or notice" are to be interpreted broadly and will include, amongst other things:

- Brochures, pamphlets, handbills, flyers, magazines and books
- Newsletters and other circulars (hardcopy and/or electronic)
- New website material and social media posts
- Mass mail outs or letters to a large number of people
- Media releases
- Material to publicise a function or event
- Notices or posters placed on **Council** controlled property, including walls, noticeboards, and electronic noticeboards and screens

This does not apply to the publishing of any document published before the commencement of the **election period** or **publication** of any document required to be published in accordance with, or under, any Act or regulation.

7.2 Council Publications Including Councillor Information

References to councillors who are standing for re-election in **Council publications** printed, **published** or distributed during the **election period** could be considered **electoral matter** and will be carefully vetted during the certification process.

7.3 Existing Publications

Existing **publications** will be reviewed at the start of the **election period**. **Publications** or material which is prominently displayed and might be regarded as likely to influence how people vote may be temporarily removed from display. Any material so removed may still be provided to members of the community upon request.

In the context of **Council's** website, prominently displayed means content visible on the City of Boroondara's website: www.boroondara.vic.gov.au and all pages contained within.

During the **election period** Councillor profile pages will be limited to names, contact details, date elected and councillor assignments. There will be no biographies or policy statements.

7.4 Annual Report

Council is required by the Act to produce its Annual Report. The 2020-21 Annual Report will be **published** during the **election period**. The Annual Report will not contain any material that could be regarded as overt **electioneering** or that inappropriately promotes individual councillors.

Any **publication** of an extract or summary of the Annual Report should not contain information that could be considered **electoral matter**.

7.5 Council and Delegated Committee Meetings

Council is required by the Governance Rules to:

- Give public notice of **Council** meetings and Delegated Committee meetings; and
- Produce and make available agendas and minutes of **Council** meetings and Delegated Committee meetings.

7.6 Social Media

At the start of the **election period** a message will be posted on **Council's** social media channels and website stating these channels will have no new content added until after the **election period** unless it relates to existing **Council** services.

Any new **publication** on social media sites including Facebook, Twitter, Instagram, blogs and wiki pages created by **Council** during the **election period** should not contain information that could be considered **electoral matter**.

As public comments posted on **Council's** social media sites could be considered **electoral matter**, **staff** responsible for administering social media sites will, where possible, disable public commenting. Where public commenting cannot be disabled, **staff** will monitor their respective sites during the **election period** and where possible, remove information that could be considered **electoral matter** as soon as reasonably practicable after it is posted.

8. Council Events

Where practicable, civic and ceremonial **Council** events should not be scheduled during the **election period**. Civic and ceremonial events do not include routine events and programs conducted as part of **Council's** day-to-day activities (e.g. immunisation sessions, gallery exhibitions, library programs).

Any civic or ceremonial **Council** event held during the **election period** should meet one or more of the following criteria:

- It is a planned event endorsed by the current Council Plan;
- It is routinely held at the same time of year;
- It is a commemorative or anniversary event held on or near the anniversary date;
- It demonstrates a clear community benefit, or serves an educational or welfare purpose; or
- It contributes to cultural development, social awareness or sense of community identity.

Councillors may attend events as required by their **Council** duties, but are not permitted to use these appearances for **electioneering**.

9. Council Resources

9.1 Application of Resources

Council resources, including offices, **staff**, hospitality, services (including phone, internet and email), property, equipment and stationary must be used exclusively for normal **Council** business during the **election period** and must not be used in connection with any election campaign or issue.

Councillor-candidates must not use **Council** resources in connection with any activities associated with their election campaigns, regardless of any entitlement to "reasonable personal use" of **Council** equipment under any other policy, protocol or terms of use.

Councillor-candidates should also be mindful to manage any perceived conflicts even where a direct expense isn't incurred, this may include for example:

- Where campaign-related emails are received in a **Council** email account, send any responses from a private email and encourage the correspondent to use that account in future.
- Where campaign-related calls are received on a **Council** device, provide and encourage the caller to use a non-council number for future calls.

9.2 Role of Governance staff

The Secretary to the Mayor and Councillors, and other Governance **staff**, will not be asked to undertake any tasks connected directly or indirectly with the election campaign of a councillor standing for re-election.

9.3 Use of Council Equipment by Councillors

Councillors may continue to use any **Council** equipment provided to them to facilitate their performance of normal **Council** duties during the **election period**, subject to existing protocols and terms of use.

9.4 Councillors' Entitlement to Reimbursement

Reimbursements of councillors' out-of-pocket expenses during the **election period** will only apply to expenses incurred in the performance of normal **Council** duties, and not for expenses that support or are connected with a **candidate's** election campaign.

9.5 Council Branding

No **Council** logos, letterheads, **Council** taken photos or other Boroondara City Council branding may be used for, or linked in any way to, a **candidate's** election campaign.

9.6 Cessation of Ward Meetings

Ward meetings and ward-specific **publications** will not be arranged by **Council** during the **election period**.

9.7 Councillor Correspondence

While the routine business of **Council** must continue, it is important that the administration is not perceived as providing **Councillor-candidates** any undue advantage whilst campaigning.

During the **election period**, any responses prepared by the administration in response to correspondence addressed to a **Councillor-candidate**, will therefore be signed by the **Chief Executive Officer** or relevant Director or Manager as appropriate. Such responses will acknowledge the administration is responding due to limitations imposed upon councillors during the **election period**.

9.8 Officers' Discretion

The **Council** will ensure that due propriety is observed in the use of all **Council** resources, and **Council staff** are required to exercise appropriate discretion in that regard.

Where the use of **Council** resources appears to relate to the election campaign of a councillor standing for re-election, the matter must be referred to the **Chief Executive Officer**.

10. Media Services

10.1 Restriction on Services

During the **election period**, **Council** resources must not be used in any way that might promote a councillor as an election **candidate**.

New **Council** publicity during the **election period** will be restricted to communicating normal **Council** activities and initiatives and subject to approval by the **Chief Executive Officer**.

10.2 Media Releases/Spokespersons

Media releases during the **election period** will minimise references to specific councillors and will not identify any councillor in a manner that could promote a councillor as an election **candidate**. Where it is necessary to identify a spokesperson, the **Chief Executive Officer** or his delegate will be consulted.

10.3 Councillors

Councillors must not use their position as an elected representative or their access to **Council staff** and other **Council** resources to gain media attention during the **election period** in support of an election campaign.

10.4 Council Employees

During the **election period** no **Council** employee may make any public statement that relates to an election issue unless prior approval from the **Chief Executive Officer** has been obtained.

11. Information

11.1 Candidates' Access to Information

Council recognises that all election **candidates** have certain rights to information relevant to their election campaigns from the **Council** administration subject to legislative constraints such as:

- Sections 123 of the Act which prohibit **Councillor-candidates** from misusing or inappropriately making use of their position; and
- the *Privacy and Data Protection Act 2014*.

Councillors will continue to receive information that is necessary to fulfil their existing elected roles. Beyond that, only information that is readily available to any member of the community will be provided to any **candidate**.

11.2 Information Request Register

An Information Request Register will be maintained by the Manager Governance during the **election period**. This Register will be a public document and record requests by persons who identify themselves as **candidates** when seeking information relating to **electoral matters** or when making other general enquiries. The register will also record the responses provided.

Any **candidate** may, upon request, obtain information about the recorded requests made by another **candidate** as recorded in the Information Request Register and a copy of information given in response to the request.

The Manager Governance may, at his or her discretion, automatically circulate to all **candidates**, the response to any request recorded in the Information Request Register.

12. Assistance to Candidates

All election related enquiries from **candidates**, whether sitting councillors or not, will be directed to the **Election Manager** or, where the matter is outside the responsibilities of the **Election Manager**, to the **Chief Executive Officer**.

12.1. Candidate Information

Council will provide **candidates** with a Councillor Candidate Information Kit to assist them in running and nominating for **Council**.

The Councillor Candidate Information Kit may include:

- Information about this policy;
- Information about nominating as a **candidate**;
- Information about other sources of information, including from the Victorian Electoral Commission and the **Election Manager**; or
- Information about election campaign donation returns.

12.2. Council staff

Upon becoming a **candidate** in a Boroondara City Council election, the **Council staff** member must:

- Inform the **Chief Executive Officer**;

- Take leave from their duties at least for the duration of the **election period** in accordance with sections 34 and 256 the Act;
- Return any **Council** equipment (including, but not limited to, motor vehicles, telephones and computers), documents or information that is not available to the public at least for the duration of the **election period**; and
- If elected, immediately resign from their employed position at **Council**, in accordance with sections 34 and 256 Act.

12.3. Member of Council Delegated or Advisory Committees

Upon becoming a **candidate**, any person who is a member of one of **Council's** Delegated committees or Advisory committees is expected to:

- Comply with this policy;
- Inform the **Chief Executive Officer**;
- Take leave from the Delegated committee or Advisory committee
- Return any **Council** equipment, documents or information which is not available to the public for the duration of their candidacy and/or the **election period**; and
- If elected, immediately resign from the Delegated committee or Advisory committee

13. Advertising Signage on Council-controlled Land

Candidates and their supporters are not permitted to affix, attach or place **advertising signs** on **Council-controlled land** or a **Council road** during election campaigns including during the **election period**.

14. Breaches

Sections 123 of the Act prohibits Councillors from misusing or inappropriately making use of their position. A breach of section 123 attracts serious penalties, including possible imprisonment. Allegations of breaches of the Act are independently received and investigated by the Local Government Inspectorate.

Section 304 of the Act prohibits Councillors or a member of **Council staff** from using resources in a way that is intended to or likely to affect the result of an election.

In addition, section 304 of the Act also prohibits Councillors or a member of **Council staff** from using **Council** resources to intentionally or recklessly print, **publish** or distribute or cause, permit or authorise to be printed, published or distributed any **electoral material** during the **election period** on behalf of, or purporting to be on behalf of, the **Council** unless the **electoral material** only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

15. Councillor Code of Conduct

Allegations of breaches of this Policy will be dealt with under the Dispute Resolution Procedures of the Councillor Code of Conduct. The **Chief Executive Officer** will take the place of the Mayor in managing complaints received under the Election Period Policy.

Complaints must be directed to the **Chief Executive Officer** in writing, providing details of the alleged contravention, when it occurred and who it involved.

The **Chief Executive Officer** will assess the information and follow the provisions of the Dispute Resolution Procedures of the Councillor Code of Conduct including, where necessary, the appointment of an external arbiter.

16. Review

Council will review and, if required, amend the policy not later than 12 months before the commencement of the next general **election period**.