

MEETING OF THE PORT PHILLIP CITY COUNCIL

AGENDA

2 JULY 2025



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MEETING OF THE PORT PHILLIP CITY COUNCIL 2 JULY 2025



Welcome

Welcome to this Meeting of the Port Phillip City Council.

Council Meetings are an important way to ensure that your democratically elected representatives are working for you in a fair and transparent way. They also allow the public to be involved in the decision-making process of Council.

About this meeting

There are a few things to know about tonight's meeting. The first page of tonight's Agenda itemises all the different parts to the meeting. Some of the items are administrative and are required by law. In the agenda you will also find a list of all the items to be discussed this evening.

Each report is written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. Council will consider the report and either accept the recommendation or make amendments to it. All decisions of Council are adopted if they receive a majority vote from the Councillors present at the meeting.

Public Question Time and Submissions

Provision is made at the beginning of the meeting for general question time from members of the public.

All contributions from the public will be heard at the start of the meeting during the agenda item 'Public Questions and Submissions.' Members of the public have the option to either participate in person or join the meeting virtually via Teams to ask their questions live during the meeting.

If you would like to address the Council and /or ask a question on any of the items being discussed, please submit a 'Request to Speak form' by 4pm on the day of the meeting via Council's website:

<u>Request to speak at a Council meeting -</u> <u>City of Port Phillip</u>





MEETING OF THE PORT PHILLIP CITY COUNCIL

To Councillors

Notice is hereby given that a **Meeting of the Port Phillip City Council** will be held in **St Kilda Town Hall and Virtually via Teams** on **Wednesday, 2 July 2025 at 6:30pm.** At their discretion, Councillors may suspend the meeting for short breaks as required.

AGENDA

1 APOLOGIES

2 MINUTES OF PREVIOUS MEETINGS

Minutes of the Meeting of the Port Phillip City Council 18 June 2025,

Minutes of the Special Meeting of the Port Phillip City Council 23 June 2025.

3 DECLARATIONS OF CONFLICTS OF INTEREST

4 PUBLIC QUESTION TIME AND SUBMISSIONS

5 COUNCILLOR QUESTION TIME

6 SEALING SCHEDULE

Nil

7 PETITIONS AND JOINT LETTERS

Nil

8 PRESENTATION OF CEO REPORT

9 A HEALTHY AND CONNECTED COMMUNITY

Nil

10 AN ENVIRONMENTALLY SUSTAINABLE AND RESILIENT CITY

Nil

11	A SA	FE AND LIVEABLE CITY	53
	11.1	Adoption of the Site Contamination Management Policy 2025	54
	11.2	Adoption of the Road Management Plan 2025	69



12		RANT AND THRIVING COMMUNITY
	Nil	
13	AN EI	NGAGED AND EMPOWERED COMMUNITY
	13.1	Review of Governance Rules - Release for Public Consultation
	13.2	Civic and Community Flag Protocol205
	13.3	Status of Council Decisions and Questions taken on Notice Recorded by Council: 1 January to 31 March 2025230
	13.4	Councillor Gift, Benefit and Hospitality Policy270
	13.5	S6 Instrument of Delegation - Council to Members of Staff
14		JSTED AND HIGH-PERFORMING ORGANISATION
	14.1	Proposed Discontinuance and Sale - Part Union Place (Adjoining 154-158 Bank Street) South Melbourne Vic 3205409
15	NOTI	CES OF MOTION
	Nil	
16	REPC	ORTS BY COUNCILLOR DELEGATES
17	URGE	ENT BUSINESS
18	CONF	FIDENTIAL MATTERS

Nil

MEETING OF THE PORT PHILLIP CITY COUNCIL 2 JULY 2025



1. APOLOGIES

2. MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the minutes of the Meeting of the Port Phillip City Council held on 18 June 2025 and Special Meeting of the Port Phillip City Council held on 23 June be confirmed.

3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil

4. PUBLIC QUESTION TIME AND SUBMISSIONS

Nil

5. COUNCILLOR QUESTION TIME

Nil

6. SEALING SCHEDULE

Nil

7. PETITIONS AND JOINT LETTERS

Nil

8. PRESENTATION OF CEO REPORT



8.1 PRESENTATION OF CEO REPORT ISSUE 119 - MAY 2025

EXECUTIVE MEMBER: ROBYN BORLEY, DIRECTOR, GOVERNANCE AND ORGANISATIONAL PERFORMANCE

PREPARED BY: KIHM ISAAC, CORPORATE PLANNING AND PERFORMANCE ADVISOR

1. PURPOSE

1.1 To provide Council with a regular update from the Chief Executive Officer regarding Council's activities and performance.

2. EXECUTIVE SUMMARY

- 2.1 In March 2014, the City of Port Phillip introduced a program of more regular performance reporting through the CEO Report.
- 2.2 The attached CEO Report Issue 119 (Attachment 1) focuses on Council's performance for May 2025

3. RECOMMENDATION

That Council:

- 3.1 Notes the CEO Report Issue 119 (provided as Attachment 1).
- 3.2 Authorises the CEO, or their delegate, to make minor editorial amendments that do not substantially alter the content of the report.

4. OFFICER MATERIAL OR GENERAL INTEREST

4.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

ATTACHMENTS 1. CEO Report - Issue 119 May

CEO Report

CUTY ON A CONTRACT OF A PHILIN

May 2025, Issue 119

Council respectfully acknowledges the Traditional Owners of this land, the people of the Kulin Nations. We pay our respect to their Elders, past and present. We acknowledge and uphold their continuing relationship to this land.



Had a bumper month for community engagement hosting multiple programs including the Balaclava Community Expo at St Kilda Town Hall and 11 projects open for feedback.



To mark National Reconciliation week, we hosted a series of events across the city to encourage cultural connection, learning and community celebration and launched Council's third Reconciliation Action Plan (RAP).

Secured \$118m in election commitments from three major parties during the May election.



Completed delivery of the 2024/25 Civil Infrastrucrure Progam including the resurfacing of 23,000m² of roads and 7,500m² of footpaths renewed.



Resolved 88% community service requests on time



Monthly performance indicators

> 82% met target

Project portfolio performance

90% projects on track (incl. those at risk) Hosted 48,028 visitors at our libraries.



Contents

Message from the CEO	4
Inclusive Port Phillip	3
Monthly service statistics	
Strateaic priorities and major initiatives	
Liveable Port Phillip	
Monthly service statistics	
Strategic priorities and major initiatives	
Strategic priorities and major initiatives	
Monthly service statistics	
Strategic priorities and major initiatives	
Strategic priorities and major initiatives Vibrant Port Phillip	
Monthly service statistics Strategic priorities and major initiatives Well-Governed Port Phillip	
Strategic priorities and major initiatives	
Well-Governed Port Phillip	35
Monthly service statistics	
Monthly service statistics Project portfolio report	
Financial report	

Message from the CEO

Welcome to the May CEO Report, which includes an update on the priorities that Council has set for me.

Deliver the Council Plan

The overall project portfolio performance was 90 per cent for May (made up of projects on track or at risk). The JL Murphy Pitch 2 and 3 upgrade is nearing final completion, with Pitch 2 and Pitch 3 open and ready for use. A building permit has been approved, we're moving ahead with the final touches, including new fencing and goal netting to enhance the experience for local sports teams. Once installed, upgrades to the pathways and landscaping will mark the final step of the project.

We commemorated National Reconciliation Week with our annual flag raising ceremony on 27 May. This event was hosted in partnership with the Boonwurrung Land and Sea Council where we were pleased to welcome Elder Willie Pepper as MC, and Elder N'Arweet Carolyn Briggs AM, who shared moving cultural stories and reflections. The event included the raising of the Aboriginal and Torres Strait Islander flags, a traditional smoking ceremony, and we were proud to officially announce our third Reconciliation Action Plan 2025-2027 – a meaningful step in our ongoing commitment and journey towards achieving reconciliation with First Nations peoples.

Governance and Advocacy

We held a Balaclava Community Forum at St Kilda Town Hall as part of our community engagement regarding the potential sale of some small parcels of land and laneways in Balaclava. The event was well attended with passionate community members taking the opportunity to provide valuable feedback on a range of projects that will shape the future of Balaclava including the potential sale of landholdings in the car park adjacent to Coles and other shops.

This project was one of 11 open for community feedback for the month. Notable projects included our Sport and Active Recreation Strategy, our new Community Safety Plan, feedback on our draft Plan for Port Phillip and our Homelessness and Affordable Housing Strategy.

Our advocacy efforts helped to secure more some significant commitments at the 2025 Federal Election. We met with each Macnamara candidate to promote our key advocacy priorities and now look forward to continuing our work with Labor's Josh Burns, whose commitments focused on safety, social cohesion, and community development. This included a commitment of \$1.5m to our Council for CCTV treatments, \$12.5m to the Australian National Academy of Music at South Melbourne Town Hall, and \$400,000 for the Port Phillip EcoCentre.

Community, Stakeholder, and Customer

We were proud to support the Boer War Association of Victoria in holding a re-dedication ceremony for the South African Soldiers War Memorial at ANZAC Station. The memorial was first unveiled in 1924 to offer the bereaved a substitute grave to mourn loved ones who lost their lives in battle. The memorial was temporarily removed due to construction of nearby ANZAC station in 2017.

May marks a busy period for street cleaning as we work to collect significant leaf fall on our streets and footpaths. Our street cleaning audit compliance score was 95.5 per cent against a monthly target of 90 per cent. We're currently reviewing the street audit framework to ensure that the quality of street cleaning meets community and trader expectations. The new framework will soon be finalised ahead of being used to audit and assess our performance in the next financial year.

Finance, assets, and value for money

At the end of May, the full year forecast 2024/25 cash surplus was \$3.3 million, which was \$2.7

million above Budget 2024/25 and consistent with our results in April.

We have responded to safety concerns in the community by allocating additional resourcing for emergency preparedness and city amenity patrols. In addition, temporary project funding has also been approved for the Sandridge Recreation Precinct masterplan works, open space and tree maintenance procurement and increased costs associated with clearway and abandoned vehicle towing.

These cost pressures were offset by additional revenue from supplementary rates driven by residential property growth, operational efficiency savings achieved, increased rental income from commercial properties and South Melbourne Market, higher volumes of parking infringements, and the lease income returned to Council from the short-term use of the Australia Post site.

We're working towards achieving a target of \$1.4 million for 2025/26 and continue to forecast an overall low risk rating based on indicators from the Victorian Auditor General's Office

Culture and capability

As part of our annual wellbeing plan, we hosted a financial wellbeing webinar, which was attended by more than 80 staff members. We also saw more than 65 staff members attend our menopause awareness session *Don't Sweat it – How to make uncomfortable conversations easy.* We continued work on the annual safety plan, including library audits and reviews, and held a training session for leaders on helping staff return to, or stay at work after an injury.

Ch Canl

Chris Carroll CEO, City of Port Phillip

Inclusive Port Phillip

A City that is a place for all members of our community, where people feel supported and comfortable being themselves and expressing their identities.

South African Soldiers War Memorial rededication

On Sunday 25 May, Mayor and Councillor's Office supported the Boer War Association of Victoria in holding a rededication ceremony for the South African Soldiers War Memorial at ANZAC Station. The Memorial was first unveiled in 1924 to offer the bereaved a substitute grave to mourn loved ones who lost their lives in battle. The memorial was temporarily removed due to construction of nearby ANZAC station in 2017. The rededication event was an opportunity for reflection where Mayor Crawford gave a speech and laid a wreath alongside Deputy Mayor Mears, and councillors Cunsolo, Thomann and Jay.



South African Soldiers War Memorial Rededication

South Melbourne Primary School welcomes Council to their open day

On 20 May 2025, South Melbourne Primary School opened its doors to the community, welcoming around 150 visitors to explore the school and learn about the range of support services available on site.

Children's Services, Maternal and Child Health Nurses, Middle Years, and Family Support Services hosted information stalls, providing families with valuable insights into how the co-location of programs at the school helps make essential services more accessible—all in one convenient location.

The day began with a warm welcome from the Principal, followed by a guided school tour. Families had the opportunity to ask questions, connect with service providers, and enjoy a coffee while discovering the many ways the school supports children and their families.

Ambulance Victoria parents and carer's information session

Parents and carers of young children recently attended a series of engaging education sessions at Middle Park Community Centre, delivered by Maternal and Child Health (MCH) in partnership with the Ambulance Victoria Community Engagement team. Led by two experienced paramedics, the sessions focused on common childhood medical conditions and how to manage them at home. Families learned how to recognise signs of illness, when to seek emergency care, and how to use trusted sources of health information. The sessions also highlighted alternative care options like the Victoria Virtual Emergency Department for non-urgent concerns.

A standout feature of the sessions was hands-on CPR training. Participants had the opportunity to practise life-saving techniques, including how to use an Automatic External Defibrillator (AED), building their confidence to respond in an emergency.

The strong attendance and positive feedback reflected our community's commitment to keeping children safe and healthy. MCH will continue working alongside Ambulance Victoria to offer these valuable sessions for local families.



Paramedics from Ambulance Victoria delivering CPR training

Talking to the community about how they get active in Port Phillip

Throughout May, the Sport and Recreation team were out in parks, reserves and along the foreshore talking to the community about how they get active. We spoke to people about the activities they participate in, the facilities they use and how they rate them, the motivations and barriers they face, and how Council can support them to be more physically active.

We also hosted several online workshops for sports clubs, active recreation groups, facility providers and community groups. This provided insights from a wide range of groups about the challenges they face and how we can work together to create inclusive and accessible opportunities for the community to be active through sport and active recreation.

This engagement will inform Council's long-term strategy for sport, recreation and physical activity, which will be finalised next year.



A community member participating in a community pop-up activity at JL Murphy Reserve, Port Melbourne



Council officers at the community pop-up at the Veg Out Farmers Market, St Kilda

Farewell to a playground icon

On Friday 23 May 2025, Skinners Adventure Playground hosted a heartfelt farewell to its last remaining original play structures, The Ship and the iconic face of Thomas. These fixtures were removed on Monday 26 May as part of the Adventure Playground's ongoing upgrade works.

Around 40 past and present community members gathered to honour the legacy of the playground and take part in a meaningful "message in a bottle" activity, inviting attendees to share memories and well-wishes. Each handcrafted card bottle featured illustrations of Skinners community members, symbolising the ship's final voyage.

The event included a lively table tennis match between parents and children, followed by a shared meal and a nostalgic video montage of playground moments.



Messages in a bottle at the Skinners Adventure Playground

National Reconciliation Week 2025

To mark National Reconciliation Week, the City of Port Phillip partnered with the Boonwurrung Land and Sea Council (BLSC) to honour this year's theme, "Bridging Now to Next", and strengthen relationships with Traditional Owners on our shared path toward reconciliation.

On Tuesday 27 May, community members gathered at St Kilda Town Hall for the annual Flag Raising Ceremony. Elder Willie Pepper served as MC, and Elder N'Arweet Carolyn Briggs AM shared moving cultural stories and reflections on the journey toward unity.

The event included the raising of the Aboriginal and Torres Strait Islander flags and a powerful Smoking Ceremony, inviting attendees to take part in a cultural cleansing ritual that highlighted the importance of preserving and respecting First Nations traditions.

Community activities for reconciliation week

On Monday 26 May, the City of Port Phillip proudly supported Port Phillip Citizens for Reconciliation in hosting a National Sorry Day event at St Kilda Town Hall. Over 200 guests attended the heartfelt gathering, which opened with a Welcome to Country by Bunurong Elder Uncle Mark Brown. Elder Uncle Denis Fisher (Den the Fish) served as MC, and guests were moved by a performance from acclaimed singer-songwriter James Henry. The event offered a space to reflect on the impact of the Stolen Generations and honour the resilience of Aboriginal and Torres Strait Islander peoples.

In the lead-up to Reconciliation Week, a series of events across the city encouraged learning, cultural connection and community celebration. Highlights included a Family Fun Day at St Kilda Library, an art workshop with Elder Les Stanley, and cultural performance programs for students at Elwood College, Port Melbourne Secondary College, and Middle Park Primary School. Performers included Kiwat Kennell, Bama Warrma, and the Indigenous Hip Hop Projects crew.

These events supported deeper understanding of our shared history and fostered strong community relationships, particularly through youth engagement and cultural leadership.



Reconciliation Week Flag Raising event, 27 May

Reconciliation Action Plan 2025-2027

During Council's Reconciliation Week Flag Raising event on 27 May 2025, Mayor Louise Crawford officially launched City of Port Phillip's third Reconciliation Action Plan (RAP) 2025-2027. This is a meaningful step in our ongoing commitment and journey towards reconciliation with First Nations peoples.

There are four types of RAPs: Reflect, Innovate, Stretch and Elevate. Council is currently at the Innovate stage, which outlines clear actions to achieve our vision of a City that prioritises First Peoples' voices, enables self-determination, and fosters equity, inclusion and cultural safety.

This Innovate RAP, developed in partnership with Traditional Owners - Bunurong Land Council, Boonwurrung Land and Sea Council and Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation and our local Aboriginal and Torres Strait Islander communities, strengthens our journey towards reconciliation. Our vision is a City that prioritises First Peoples' voices, enables self-determination, and creates a culturally safe and inclusive future.

The RAP has 17 priority areas, with a focus on key commitments, including:

 Establishing a Gathering Place to support cultural activities and gathering Exploring options for a dedicated cultural Gathering Place

- Treaty and truth-telling becoming treaty ready as a local government
- Renewing Council's statement of
 commitment to Aboriginal and Torres Strait
 Islanders.

Mayor Louise Crawford, attended and spoke at both events, warmly acknowledging the contributions of community members and Traditional Owners. The events welcomed a broad range of stakeholders including representatives from Access Health, Ngwala Willumbong, Better Health Network, Victoria Police, local schools, and other key community partners.



Cover of the Reconciliation Action Plan 2025-2027. Artwork by Tommy Day III, Karrween Weereeng Marr – Dance of the Spirit People, The Vaults on Jacka Boulevard, 2024, aerosol and acrylic. Photo by Yoshi Travel Films.

Monthly service statistics

Number of people actively sleeping rough (monthly data)



During May, 35 people were actively sleeping rough in our community (including in squats and vehicles) which is the same figure as last month.

The number of people can fluctuate from month to month, with decreases related to individuals being housed in long-term secure, affordable housing. Other reasons for decreases include people are no longer eligible for inclusion on the Port Phillip list as they have relocated to a list in another local government area, not being seen for over 90 days, or no longer requiring housing (e.g., a long-term traveller living in a vehicle).

Council continues to support a coordinated response to rough sleeping. This involves a range of Council services and partnering with community organisations.

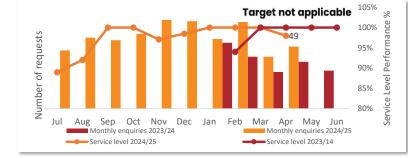
Number of older local persons housed (cumulative year to date)



In May, there were no vacancies filled by Council's sponsorship housing agreement with Housing Victoria – the year-to-date number of older people housed remains at 61 against a target of 55.

Housing Victoria has shared that budget pressures are currently affecting how quickly maintenance can be completed on vacated properties. With more vacancies expected in the coming months, they're working to manage these challenges while continuing to support safe, secure housing for the community.

Our sponsorship housing pathway is solely for public housing estates for persons over the age of 50 (or 45 for First Nations Identified). We redirect clients outside this age to other support services, including Launch Housing with whom we have a funding deed arrangement, and other providers whom we work closely with including the Better Health Network and Sacred Heart Mission.



Customer housing and homelessness enquiries

Rough Sleepers Initiative monthly contacts and hours



This indicator reflects the number of housing and homelessness enquiries received. In May, we received 49 enquiries related to homelessness and housing. In May, 98 per cent of enquiries were responded to within the service level target.

Council plays a key role in facilitating connections with state-based and other partner organisations including Launch Housing, Better Health Network and Sacred Heart Mission amongst others. These complex queries are mostly in relation to rough sleeping and seeking information about social housing. Tracking the full outcome of each enquiry is challenging, as referrals are made to multiple partner organisations.

This data is provided via Launch Housing, whom we partner with to deliver housing and homelessness support including provision of assertive outreach services, and general housing information and support. The data shows the number of individual contacts made and respective hours delivered in outreach services and is reported as trend data.

In May 2025, assertive outreach workers made 203 contacts and provided 104 hours of direct support to individuals sleeping rough. A reporting discrepancy identified in late 2024 has since been resolved, resulting in more accurate reporting of contact hours from February onwards. The reduction in reported hours during March was due to staffing shortages, while April figures were affected by public holidays and staff leave. The resumption of usual service levels occurred in May.

More detailed reporting can also be found monthly on our website here: <u>Community</u> safety - <u>City of Port Phillip</u>

Strategic priorities and major initiatives

Project	Update	Date	24/25 Forecast/Budget
Children's Centres Improvement Plan to u	pdate six childcare centres		
Stage: Discover and concept to Planning and design Status: On track About this project: The City of Port Phillip is investing in the upgrade of six (6) Children's Centres over the following six years.	The upgrade of six (6) children's centres – Eildon Road, The Avenue, Elwood, North St Kilda, Clarendon Street, and Lilian Cannam – is on track following the confirmation of additional funding for the Improvement program from the State Government (through the Victorian School Building Authority). Since receiving their respective planning permits, detailed design has progressed for Clarendon Street, Elwood, Eildon Road, and The Avenue, and construction documentation drawing is now commencing. Lilian Cannam is awaiting a formal response regarding the planning permit application. Once this is received, the project will progress to detailed design and preparation of construction drawings. Following discussions with the State government licencing body, design changes were required that impacted the timeline, however the design is now approved and will be submitted as part of the planning permit application shortly.	Target completion date: May 2030 Adjusted completion: September 2030	\$899k/ \$1.1m
In Our Back Yard – Implementation / Revi	ew .		
Stage: Delivery Status: At Risk	The City of Port Phillip is continuing to implement its <i>In Our Backyard</i> (IOBY) strategy, focusing efforts on accelerating and maximising the delivery of new affordable housing across the municipality. To date, a total of 606 units have been committed, are under construction, or have been completed under IOBY-related initiatives.	Target completion date:	
About the project: Aimed at accelerating and maximising new affordable housing in Port Phillip, the implementation of In Our Backyard (IOBY) is negotiating	Significant momentum is being driven by funding opportunities through the Victorian Government's Big Housing Build program, which represents the strongest pathway to new project delivery. So far, 301 units across eight projects have received confirmed state funding.	April 2025 Adjusted completion:	\$2.8m/ \$2.8m
delivery of a target of 447-498 units.	 Key focus areas include: 28 Wellington Street, St Kilda In partnership with the Victorian Government and St Kilda Community 	July 2025	

Project	Update	Date	24/25 Forecast/Budget
	Housing (St KCH), Council is supporting the development of 26 supported housing units for people experiencing rough sleeping. This Common Ground model project has received a \$4.755 million Council contribution, along with a surplus adjoining laneway. It's backed by a Tripartite MOU with Homes Victoria and St KCH and is scheduled for completion in August 2025.		
	Marlborough Street Development, Balaclava Delivered by HousingFirst, this innovative project includes 46 affordable housing units built above new public car parking. Construction was completed in early 2023 and includes replacement public parking for the local community.		
	Public Housing Renewal Projects Council continues to work closely with Homes Victoria to maximise community benefits from public housing redevelopments. This includes:		
	 Early master planning advice for the Emerald Hill Court redevelopment. Input into the Barak Beacon project in Port Melbourne. A formal submission to the Legislative Council's 2025 inquiry 		
	Regional Agreement on Social and Affordable Housing		
	Council is preparing a draft regional agreement with Homes Victoria and the M9 group of inner Melbourne councils. The agreement aims to outline coordinated actions to boost social and affordable housing supply across the region.		
	Private Development Partnerships Council continues to facilitate affordable rental and community housing within two private development sites in St Kilda and Fishermans Bend .		
	These projects reflect our strong and ongoing commitment to delivering more social and affordable housing options for the Port Phillip community. With the		

Project	Update	Date	24/25 Forecast/Budge
	cessation of IOBY in June 2025, a strategy review was undertaken in May along with broad community engagement to understand community's preference for Council's role in increasing the supply of affordable housing. Since this time a new combined affordable housing and homelessness strategy has been developed with the community outlining Council's role in increasing the supply of affordable housing and supporting those at risk of homelessness. The proposed draft strategy will be presented to Councillor briefing in July 2025 ahead of public exhibition in August 2025.		
Lagoon Reserve Pavilion and Sports Field			
Stage: Delivery Status: Off Track About this project: We're upgrading Lagoon Reserve in Port Melbourne to provide greater access to sport and recreation opportunities. Upgrades to the entire reserve include a new pavilion, cricket nets, public toilets, BBQ, picnic	The Lagoon Reserve Pavilion and Park Improvement project is currently off track. The project has encountered some delays with the building permit process, but the team is actively working to keep things moving. The Building Permit process has been more complex than anticipated, with extra information requested at each design stage.	Target completion date:	
	To streamline the process, permits are now being handled in three stages: Stage 1 Civil works; Stage 2 Footings and retaining walls; Stage 3 Remaining pavilion components. The project team is working closely with the building surveyor and all	June 2025 Adjusted completion:	\$3.9m/ \$3.3m
facilities, a reconstructed sports field, new sports ground lighting and	consultants, with the Stage 1 permit on track for approval in early June - this means construction can continue at the reserve.	October 2025	
upgraded path network.	Despite the challenges, construction remains aligned with the contingency milestone. By taking a staged approach, the team is ensuring work can continue onsite while permit approvals progress in the background.		
JL Murphy sports field redevelopment			
Stage: Delivery Status: On Track About this project: JL Murphy is Reserve is the largest Council-managed park in	The JL Murphy Pitch 2 and 3 Upgrade Project is On Track. The Project is progressing on schedule and nearing completion, with both Pitch 2 (turf) and Pitch 3 (synthetic) open and ready for use by the community to enjoy these fantastic new spaces.	Target completion date: June 2025	\$6.1m/ \$5.9m

Project the baseball field lighting and infield reconstruction, as well as the resurfacing of two community pitches (pitch 2 and 3)	Update With the building permit now approved, we're moving ahead with the final touches, including new fencing and goal netting to enhance the experience for players. Once these are installed, final completion of the pathways and landscaping, will complete the upgrade.	Date Adjusted completion: June 2025	24/25 Forecast/Budget
Construction of new netball courts, pavilie Stage: Planning and Design	on, car parking and lighting at Elder Smith Reserve		
Status: Off Track About this project: With support from the Victorian Government, Council has an opportunity to develop a new netball facility at Elder Smith Reserve, Port Melbourne including four outdoor netball courts with sports lighting, a pavilion and on-site car parking. The facility will support the growth of netball and improve the provision for female-led sports within the municipality.	The Elder Smith Netball Court and Pavilion project remains off track. Feasibility investigations continue as to the potential to progress the project at an alternate site and will be prioritised over the coming months. Currently awaiting completion of Traffic Impact Assessment to further inform feasibility recommendations.	Target completion date: July 2025 Adjusted completion: TBA	\$120k/ \$342k

Liveable Port Phillip

A City that is a place to live, where our community has access to high quality public spaces, development and growth are well-managed, and it is safer and easy to connect and travel within.

Accessible parking bay upgrades

Council has progressed works on accessible parking upgrades across our city to improve DDA access and demonstrate our commitment to equitable participation and inclusion for people with disabilities.

Recent accessible parking upgrades have been completed at the following locations:

- Outside 43 Fitzroy Street, St Kilda
- Outside Albert Scout Hall, 31A Ferrars Place, South Melbourne
- Outside 107 Dundas Place (on Faussett Street), Albert Park
- Cavell Street at the corner of Jacka Boulevard, St Kilda (construction in progress)

These sites were prioritised due to their proximity to high-use areas, community facilities, and essential services. Enhancing accessibility in these locations improves safety and mobility for people with disabilities and supports broader participation in community life. Each site presented unique challenges, requiring tailored design responses to meet compliance standards. Upgrades included widening and lengthening bays to meet Australian Standards, installing wheelchair-accessible ramps, updating signage and line marking, and relocating or indenting bays where appropriate.



Accessible parking space at 107 Dundas Place Albert Park

Civil infrastructure program delivery FY24/25

This financial year, the Civil Infrastructure team has successfully delivered over \$4.5 million worth of civil renewal works, including road resurfacing, footpath renewals, kerb & gutter renewals, and laneway renewal and upgrades.

This included:

- 23,000m² of roads resurfaced,
- 7,500m² of footpaths renewed,
- over 600m² of kerb and gutter renewed, and

- over 450m² of laneways upgraded (asphalting previously unsealed laneways)
- 80 pram crossings upgraded to meet compliance

All works were completed by the end of March 2025. It is a remarkable achievement to deliver this amount of work well ahead of schedule.

Next financial year (FY25/26), the Civil Infrastructure team is preparing to exceed these high standards by delivering over \$5 million and in excess of 36,000m² of road renewals (including 25,000m² of road resurfacing), over \$600,000 and 400m² of kerb & gutter renewals and upgrades, over \$300,000 of laneway renewal and upgrades, over \$1.1 million and 6,700m² of footpath renewals, and upgrading a further 73 pram crossings to make them compliant. These works are currently being prepared for quoting in order to commence delivery immediately in the new financial year.



Example of laneway renewal

Example of road surface upgrade

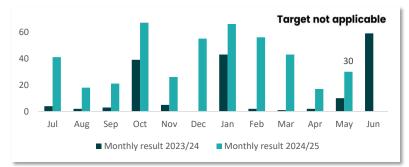
Example of footpath renewal



Example of kerb and channel renewal

Monthly service statistics

Number of fines issued related to animal management

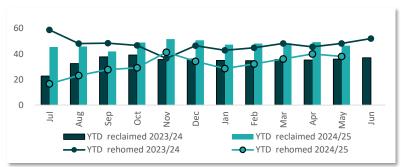


In May, 30 fines were issued in relation to animal management which is an increase compared to 10 for the same time last year. In May, Animal Management increased patrols in response to off leash requests from the community. Most off-lead offences are handled by way of infringement in an effort to increase leash compliance across our City

✓ Target met 150 119 100 50 Feb Mar Apr May Jun Jul Sep Oct Nov Dec Jan YTD 2024/25 — Target 2024/25 YTD 2023/24

Number of sealed local road requests* (year to date)

Percentage of collected animals reclaimed and rehomed (year to date)



Of the 157 animals collected from 1 July 2024 to 30 May 2025, 73 animals (46 per cent) were reclaimed by their owners. Out of the remaining 84 animals, 32 animals were rehomed (38 per cent). A further 13 animals (15.48 per cent) out of the remaining (84) were being assessed at the time this report was generated. All avenues are explored to ensure animals find new homes. 27 out of the 157 animals collected were surrendered by their owners (17.20 per cent).

Council received 12 sealed local road requests in May which is just above the monthly threshold target of target 11 requests per month.

Year-to-date, there have been 119 sealed road maintenance requests which is just below the 121-threshold target. These requests relate to road, kerb and laneway condition.

Strategic priorities and major initiatives

Project	Update	Date	24/25 Forecast/ Budget
Fishermans Bend Program			
	The Fishermans Bend DCP Panel Report was released on 29 April.		
Stage: Delivery Status: At Risk About this project: The Fishermans Bend Urban Renewal Area is the largest urban renewal area in Australia.	Officers have conducted a detailed review of the panel recommendations this month which has shown significant alignment with Council's position including calling for the State Government to commit to funding all projects identified in the framework. Officers will engage with the Department of Transport and Planning (DTP) to understand the implications of the panel recommendations on planning and delivery of projects in Fishermans Bend.	Target completion date: TBC Adjusted completion: TBC	\$477k/ \$537k
Housing Strategy	Officers continue to collaborate with DTP on current projects.		
Stage: Implementation			
Status: On Track			
About this project: The Housing Strategy sets out a municipal wide housing Vision guiding Council's actions to respond to our housing needs and aspirations over the next 15 years. Council endorsed of the strategy on 21 August 2024. The implementation for this year consists of two consultancy projects funded by the Federal Housing Grant: • Residential Zone and Policy Review	The draft consultant report to review residential zones and heritage considerations to support the identification of opportunities for sensitive infill development is scheduled to be completed in June 2025. FY 25-26 will include community engagement on the draft outcomes and finalisation of the review.	Target completion date: June 2025 Adjustment completion date: June 2026	\$360k/ \$410k
• Residential Zone Review: Heritage Advice			

Project	Update	Date	24/25 Forecast Budget
Inkerman Safe Travel Corridor between St Kil	da Road and Hotham Street		
Stage: Detailed Design Status: On Track About this project: The Inkerman Safe Travel Corridor project addresses the high crash rate on Inkerman Street and aims to provide safer travel alternatives for various users, including cyclists and other active travel users, pedestrians, and motorists.	In May 2025, Council officers received completion of the detailed design civil drawings as planned. The 100% Road Safety Audit was completed and reflected in drawings. Internal teams have been reviewing the drawings for final comments. Approvals for traffic signals have progressed and are scheduled to be finalised by 30 June 2025. Lighting design and final approvals are scheduled for FY 2025/26. Approx \$120k in project savings for this stage will be returned to the Sustainable Transport Reserve.	Target completion date: May 2028 Adjusted completion: May 2028	\$400k/ \$535k
Park Street Streetscape Improvement Projec			
Stage: Delivery Status: At Risk			
About this project: Park Street is a strategically important east-west bike- riding corridor, linking the Domain Precinct and future ANZAC Station to the South Melbourne Activity Centre and beyond to Fishermans Bend. The Park Street Streetscape Improvement project will create a safe and refreshed streetscape for those living on or nearly, travelling through and using Park Street. The two projects include the Park Street Bike Link and the Streetscape Improvement project.	Construction delivery of Park Street Streetscape (Park Street Bike Link and Park Street Road Construction) is approximately 45% complete with works scheduled for completion by 15 August 2025. By the end of June, construction of five of eight stages is scheduled to be complete, including the most complex sections. The remaining works are straightforward footpath and road construction and are expected to complete more quickly. This project will be designated at risk until conclusion due to limited time contingency available.	Target completion date: June 2025 Adjusted completion: August 2025	\$1.60m/ \$1.66m

Project	Update	Date	24/25 Forecast/ Budget
Elwood foreshore facilities development pro	ject		
Stage: Discovery and concept			
Status: On Track			
About this project: Council has developed a masterplan for Elwood Foreshore to ensure that it meets the demands of our growing and changing community and is in the process of implementing the plan. We know that many of the buildings are ageing, that climate change might impact this area in coming years, that there are challenges for the way traffic and people move about the site, and that there are growing numbers of females in organised sports that we need to plan for. This initiative aims to address to implement the endorsed masterplan, over the next decade.	The project is on track and detailed planning continues for the staged delivery of the masterplan. Melbourne Water has advised they have awarded a construction contract to undertake the Elwood Main Drain Duplication Project works, and a works schedule is expected shortly. Coordination works have continued with Melbourne Water on the reinstatement of Head Street sports grounds. A brief is being prepared to engage a Field of Play Designer to undertake works ahead of community engagement for Ground A. Further, an Architect will be engaged to develop concept designs for the Elwood Croquet Club upgrade that will go out for public consultation.	Target completion date: June 2034 Adjustment completion date: June 2034	\$430k/ \$487k
South Melbourne Structure Plan			
Stage: Complete Status: Complete	The South Melbourne Structure Plan was completed in August 2024. The Structure	Target completion date:	
About this project: Council has prepared a new South Melbourne Structure Plan to manage change and help respond to challenges such as climate change and	Plan has a 20-year horizon with implementation underway. In September 2024 Council requested authorisation from the Minister for Planning to commence the Amendment to implement the Structure Plan into the Port Phillip Planning Scheme.	August 2024 Actual completion: August 2024	\$0k/ \$0k
population growth. The Plan sets out the long-term strategic vision for South Melbourne and an action plan on how it will be achieved.	Council is awaiting the Minister's authorisation and pending this, the next steps will include further engagement with the community, stakeholders and landowners. This project is closed, moving to implementation.	The implementation of the South Melbourne Structure Plan is ongoing until 2044.	

Project	Update	Date	24/25 Forecast/ Budget
Gasworks Arts Park upgrade			
Stage: Delivery Status At Risk About this project: The upgrade of and landscape renewal of Gasworks Art Park is a priority action identified within the City of Port Phillip's <i>Public Space Strategy 2022- 2032</i> . The two-phased project includes a new playground and park upgrade.	The project is at risk to meet the construction completion milestone of 4 September due to delays caused by site conditions. The construction contractor has found large concrete slabs on site, slowing project progress. Construction completion is now expected 15 September. This date falls within the construction contingency predicted, 06 October 2025. An update on project timing is being prepared for Councillors, the site signage and project website will be appropriately updated once the revised schedule has been finalised.	Target completion date: June 2025 Adjusted completion date: September 2025	\$1.2m/ \$3.3m
Partner with the Australian Marina Developm	nent Corporation to deliver the St Kilda Marina redevelopment		
Stage: Lease Implementation Status: On track	The project remains on track. Inspection works are occurring to better understand	Forecast completion:	
About this project: This project is to secure and implement a new lease for the St Kilda Marina that benefits the community and achieves a balance between social, economic, environmental and cultural benefits for the Municipality and State.	the current condition of assets at the marina. This includes underwater inspections of the concrete piles and ramp. Condition data collected will be used to help plan for the long-term future of the Marina. The marina remains fully operational whilst these works are being undertaken.	September 2025 Adjusted completion: November 2034	\$260k/ \$330k
Partner with the Victorian Government to ens	sure appropriate outcomes for our community are achieved through the redevelopm	ent of St Kilda Pier	
Stage: Planning and Design Status: At Risk About this project: St Kilda Pier is being upgraded by Parks Victoria. We've recognised there's a great opportunity to extend their design, revitalise, and upgrade	The project is at risk due to the tight budget constraints. Based on the tender drawings, the indicative cost estimate of the overall project cost has increased, placing pressure on the overall project contingency. This was outlined within the revised Business Case. Construction tender closed on 27 March 2025 and all submissions have been evaluated. Contract award is set for 18 June 2025.	Forecast completion: January 2026 Adjusted completion: January 2026	\$688k/ \$662k

Project	Update	Date	24/25
			Forecast/
			Budget
the surrounding foreshore area and develop	Construction completion will be end of January 2026.		
connecting paths between the promenade,			
park and other visitor attractions.			

Sustainable Port Phillip

A sustainable future, where our environmentally aware and active community benefits from living in a bayside city that is greener, cooler, cleaner, and climate resilient.

Sustainability standards for key Council assets

Council has been working with consultants to investigate how we can make assets within our transport, stormwater and open space portfolios more sustainable.

The first workshop looked at the current materials we use to build and maintain our roads. We considered how much energy is used and the embodied emissions during the lifecycle of each material within the pavement types we use across the City.

Consultants presented a list of sustainable, alternative materials to substitute in place of the current materials, to reduce the embodied emissions by up to 80 per cent.

These alternative materials were assessed against a range of criteria, such as cost, maintenance requirements and compliance with relevant standards. Work will continue to decide which alternative materials to trial in pavements around the City.

Renewable energy uptake study

Council commissioned a study to understand the current potential for the uptake of renewable energy, and in particular solar energy, within the municipality.

The potential for more solar installations was assessed by looking at current solar installations in each neighbourhood considering housing type, heritage and electricity network constraints.

By identifying key factors that influence solar PV uptake, the report provided evidence-based guidance for Council on how best to support and encourage the transition to renewable energy with targeted local initiatives.

The Renewable Energy Uptake study by Ironbark Sustainability found that installation of small PV systems is slowing in most postcodes. This is likely due to owner-occupier households reaching the maximum potential for solar installs, with growth in this segment of the market having already peaked.

The study recommends a range of actions including programs targeting solar installs in neighbourhoods with a higher uptake potential (Elwood, Ripponlea, and Balaclava and East St. Kilda) and specifically in areas with more apartments and more owner-occupied or rental townhouses.

The report further recommends that, depending on budget, Council could prioritise programs which will benefit lower-income or more vulnerable households, target a smaller number of high impact sites and carry out pilots within a single postcode to demonstrate results.



Map of solar potential for City of Port Phillip

City Nature Challenge

The City Nature Challenge is a worldwide citizen science event where communities across the globe come together to document urban biodiversity and celebrate the wild spaces in our cities.

Locally, the EcoCentre supported the challenge by running a hands-on citizen science activity at the Hester Reserve in Port Melbourne. Volunteers used the iNaturalist app to record sightings of plants, animals and fungi, contributing valuable data to a scientific effort. This year, over 2,000 unique species were identified in the Greater Melbourne Region – showing our city is home to far more than just pigeons and possums.



Monthly service statistics

Kerbside bin collection requests (per 1,000 households)



Kerbside bin collection requests were 15.56 in May against a monthly threshold of 25 per 1,000 households. This result is an improvement on the same time last year at 16.91 requests per 1,000 households.

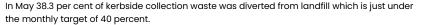
Kerbside collection bins missed (per 10,000 scheduled kerbside bin lifts)



In May, Kerbside missed bins per 10,000 collections was 9.08 which was the lowest result this financial year and the best result since May 2023. The result is about the monthly target of 5. Council continues to work with the contractor on improving performance and will soon be undertaking a competitive tendering process. Council is reviewing the target as part of the development of the new Plan for Port Phillip (including Annual Budget).



Kerbside collection waste diverted from landfill



Year-to-date, waste diverted from landfill is averaging 39.8 per cent compared to 36.9 per cent for the same period last year and 34.6 per cent the year before (2022/23). The increase diversion of waste year-on-year reflects the roll-out of the municipal wide food-organics and garden-organics (FOGO) service.

Percentage of investment in fossil-free institutions



Percentage of fossil free investment in May were 73 per cent which was an increase on last month's results of 60 per cent. Meeting our target of 60 to 80 per cent. This target is at risk as this had trended downwards in recent months due to several factors. Overall funds invested have decreased due to settlement of property acquisitions. Additionally, market volatility due to inflation and RBA rate changes resulted in fossil free banks not taking investment funds. A merger in the banking sector further reduced green banking options for Council. Council continues to prioritise fossil free investments to meet our sustainability commitments, balancing this with managing risk and return. We continue to monitor this closely to seek green options and ensure we meet all our investment targets.

Strategic priorities and major initiatives

Project	Monthly Update	Date	24/25 Forecast/ budget		
Deliver an updated Foreshore Management Plan, Marine and Coastal Management Plan and Coastal Adaptation Plan					
Stage: Discovery and Concept Status: On Track About this project: Council is embarking on two projects to strategically manage our coastline and better prepare us for the future: a Foreshore Management Plan (FMP) and a Coastal Adaptation Plan (CAP). These plans will operate together to form a holistic and comprehensive approach to managing the Port Phillip coastline through the integrated project, Our Coastal Future.	The program timelines continue to be tight, including sequencing of the two projects to ensure briefing of the new Council and establishment of the Community Reference Group. Review completed of 2 nd Internal Stakeholder Workshop feedback. Review completed of next stage draft outputs for the Foreshore Management Plan and Coastal Adaptation Plan projects by consultant. The Community Reference Group Is not in place, selected by independent consultants.	Target completion: June 2027 Adjusted completion: June 2027	\$254k/ \$384k		
Shrine to Sea					
Stage: Initiation Status: On track About this project: The Shrine to Sea project will deliver landscape, artistic and civil works to the Kerferd Road median and pier forecourt, in accordance with the State Government's Shrine to Sea Masterplan.	The Shrine to Sea project is on track and progressing well. The Interpretation Works final concept design was completed and presented to all stakeholders on 6 May 25. Stakeholders have completed their review and confirmed their support. Traditional Owner engagement continues to develop the Interpretation Works content. Detailed Design (DD) continues. An 80% DD package is currently under review for the main landscape works. Liaison with CoPP comms and engagement team is underway to prepare engagement. This was proposed to commence in Mid-June however is now proposed to commence following the July school holidays. No delay is anticipated to the overall project program.	Target completion: June 2027 Adjusted completion: June 2028	\$300k/ \$450k		

Project	Monthly Update	Date	24/25 Forecast budget
New Community Safety Plan Stage: Initiation Status: On Track About this project: The Community Safety Plan outlines how we're working towards building a safe and connected community where everyone feels safe to live, work and play. We are working on the next Community Safety Plan 2025–2029	CCTV - Approach to market documentation has been completed. The tender will be a two-part process, with Stage 1 an EOI, ensuring respondents meet minimum security criteria prior to the release of Stage 2, RFT documentation. EOI stage has been completed and the TEP is undertaking evaluation activities for release of RFT as soon as possible. On 21 May Council endorsed the community engagement approach and the Have Your say page went live on 22 May. Engagement includes eight workshops, nine Neighbourhood Engagement Pop-ups, surveys (a short and long version, available also in Russian and Greek languages), and targeted conversations. The survey includes opportunity to respond to the Roundtable Report recommendations and the proposed Local Law amendment. The engagement period runs to 29 June. All community input will help shape the draft Community Safety Plan, alongside research, statistics, benchmarking, and recommendations from the Roundtable Report.	Target completion: April 2025 Adjusted completion: November 2025	\$40k/ \$225k
Eco-Centre Redevelopment			
Stage: Delivery Status: Off Track About this project: Since 1999, the Port Phillip EcoCentre has delivered education, programs and services to over 13,000 participants each year. The popularity of the EcoCentre over this time has seen it outgrow its current building which is no longer fit for purpose. A new building will increase the EcoCentre's ability to deliver sustainability programs, meet compliance requirements, and provide a leading example of environmentally sustainable design. It offers a	Works to complete construction are ongoing. Off track due to contractor delays completing landscaping works. Building works are complete and inspected by the Municipal Building Surveyor (MBS) in a pre-final inspection which revealed only minor issues. These have been rectified and will checked at the final inspection in June. External works are nearing completion with footpath reinstatement and entry stairs complete. Paving works scheduled for mid-June. Final MBS inspection scheduled for mid-June. Handover to the EcoCentre will follow sign off of practical completion. The official opening celebration is planned for the end of July.	Target completion: September 2024 Adjusted completion: Building: April 2025 Exterior/landscape works: June 2025	\$2.8m/ \$2.2m

Project	Monthly Update	Date	24/25 Forecast/ budget
larger space for the community to book, and includes Australia's first Citizen Science Lab.			

Vibrant Port Phillip

A flourishing economy, where our community and local businesses thrive, and we maintain and enhance our reputation as one of Melbourne's cultural and creative hubs.

Reconciliation Day concerts

Officers worked with local schools to mark Reconciliation Week, presenting a program of First Nations-led performances which included Hip Hop dance performances as well musical and traditional Aboriginal and Torres Strait Islander dance to three local public schools. This program was provided to the schools at no cost in an effort to increase engagement between public schools in our municipality and to engage young and aspiring artists at the very grass roots level by providing them with a platform for expression.

Though this program, we:

- made new connections with three schools: Elwood College, Port Melbourne Secondary and Middle Park Primary School (AKA - The School of Rock)
- engaged ten performers, including two student performers, who performed to over 1,500 students
- engaged 3 new Youth Events Workers.



Performers, Council Officers and Middle Park Primary School Principal Tim Newton after the performance

South Melbourne Market trader satisfaction

South Melbourne Market surveys its traders annually to hear their feedback relating to various topics, understand satisfaction and to hear any ideas traders have. The 2025 survey ran from 22 April to 12 May and received 71 responses (up from 45 in 2024). The survey was promoted via email, SMS, at the April trader meetings and through face-to-face interactions between the management team and traders.

Australian Made Week at South Melbourne Market

Australian Made Week celebrates and promotes locally made products and highlights the benefits of buying and supporting Australian-made goods. This year's Australian Made Week ran from 19 to 25 May, and this year's ambassador, Ariane Titmus OAM, encouraged Aussies to 'Go For Gold.'

South Melbourne Market is an official Industry Partner of Australian Made and shone a spotlight on the traders carrying the iconic green and gold logo during the month of May. From quality sheepskin slippers and Ugg boots, skincare and handcrafted chopping boards to activewear, pet beds and toys, the market is home to an extensive range of Australian made goods to complement the locally sourced fruit, veg, meat products and produce on offer.



Greenvalley Timber at South Melbourne Market. All their chopping boards, serving platters and utensils proudly carry the Australian Made logo.

CEO Report | Volume 119 | May 2025 | Page 29

38

Sophie the giraffe turns 64!

South Melbourne Market welcomed the world's most chewed-on celebrity in May - Sophie the Giraffe!

The iconic teething toy celebrated her 64th birthday on Sunday 25 May, and to mark the occasion, a giant 2.4m tall Sophie the Giraffe made a special appearance at the market. Kids and adults alike snapped a photo with the birthday girl, and customers at Sophie's exclusive market stockist, Spotty Dot, also scored a free Sophie the giraffe key ring with purchases on the day.



Sophie the Giraffe on Cecil Street at South Melbourne Market

Monthly service statistics

Visits to South Melbourne Market



During May, there were 465,588 visits to South Melbourne Market which exceeded the monthly target by 15,588 visits or 7 per cent. Visitation was slightly down compared to the same time last year by 2.8 per cent (478,285 total visits).

Year to date there has been 5 million visitors to South Melbourne market which is comparable to the same time last year (5.04m visitors). The market is on track for achieving an annual target of 5.4 million visitors.

Per centage of street cleaning audit compliance



In May, the street cleaning audit compliance score was 95.5 per cent against a monthly target of 90 per cent. This is a slight decrease compared to last month at 94 per cent and on par to same time last year (95 per cent.

Data for October to December was not available due to staffing issues and audits not taking place.

Council is currently reviewing the street audit framework to ensure that the quality of street cleaning meets community and trader expectations. The new framework will be finalised ahead of being used to audit and assess our performance from 2025/26.

Visits to libraries*



In May, there were 48,028 visits to our libraries which exceeded the monthly target of 45,833 by 5 per cent (2,195 visits). This was down slightly by 2 per cent compared to the same time last year at 49,227 visits. May is traditionally one of the busiest months of the year. Financial year to date, total visitation is at 504,133 which is on track to meet the annual target of 550,000 visits.

Strategic priorities and major initiatives

Project	Monthly update	Date	2024/25 Forecast/ Budget
St Kilda Triangle Project (Feasibility)			
Stage: Delivery Status: On track About this project: The St Kilda Triangle is located on the St Kilda foreshore, next to the Palais Theatre and Luna Park across from one of the city's busiest beaches. In 2016 Council adopted a masterplan for the site to provide guidelines for development. In 2022, a feasibility study for the site as a live music and performance venue was made, followed by the backing of a proposal to transform the triangle into a 5,000-person standing room live music venue. The next phase of this project relies on strong engagement and support from the Victorian Government.	The project remains on track. The advocacy strategy has been implemented but there has been limited interest from the Victorian Government so far. A confidential Council briefing was held on 28 May which discussed next steps.	Target completion: June 2025 Adjusted completion: June 2025	\$7k/\$67k
Implementation of New Creative and Prosper	ous City Strategy 23-26 and the Live Music Action Plan – Music Precincts project		
Stage: Delivery Status: On track About this project: The Creative and Prosperous City Strategy 2023-2026 is designed to deliver on the Vibrant Port Phillip Strategic Direction of Port Phillip's Council Plan 2021-31.	 This project is currently On Track. Forty-one of the Strategy's 56 actions are either completed or on track to be completed. This month, Officers have continued to work with Councillors around the future direction of Council's arts programs including the re-allocation of St Kilda Festival money reduced in this year's budget so that it can be reallocated into other arts and culture initiatives. A key focus in the next month is reinvigorating the neighbourhood branding work that this is a key component of Creative and Prosperous City and that will assist in guiding future initiatives. 	Target completion: July 2025 Adjusted Completion: June 2026	\$900k/\$1.1m

Project	Monthly update	Date	2024/25 Forecast/ Budg
South Melbourne Town Hall redevelopment an	d ANAM lease		
Stage: Delivery Status: On-track About: South Melbourne Town Hall is a 140- year-old building, and in fair condition overall but due for major restoration and renewal. It requires some repair, due to a collapse of part of the ceiling in 2018 that triggered the fire system, causing water damage. Further structural investigation completed in December 2020 confirmed the need to keep it closed until the project is complete. This will ensure the safety of the building.	The project is on track with the removal of hazardous materials now completed. Redevelopment works have continued concurrently, and these will now be the focus ongoing. Sub-flooring works for the new eastern amenity are complete. Preparations for strengthening works of the main hall are due to commence next month, alongside demolition of the level 1 toilet slab, external rear concrete staircase, and western bathroom slab. The clock tower bell is currently not chiming as it has been temporarily switched off during the redevelopment works. The bell however will be switched back on again as works progress and will remain a functional element of the Town Hall.	Target completion: April 2026 Forecast completion: July 2026	\$6.0m/ \$10.7m
Carlisle Street Carparks Redevelopment			
Stage: Planning and design Status: On track About: In August 2024, Council endorsed the commencement of a community consultation process regarding the potential sale of some of its land in Balaclava in a step towards implementing a long-term strategy for the area. The potential sale of this site and consolidation of landholdings could unlock the ability for future development at the site and a more vibrant and functional space for the Balaclava community.	The project remains on track. In accordance with the resolution of Council, community engagement commenced on 8 May 2025. Community members are invited to submit their feedback on the proposed sale of Council-owned land and laneways by 15 June 2025. A part of the engagement, the Balaclava Community Forum was held at the St Kilda Town Hall on 29 May 2025 and was well attended by a good cross section of the community. The forum was an opportunity for the community to give feedback on key Council projects impacting the future of Balaclava, including the proposed sale of Council-owned land and laneways to Coles Group Property Developments Ltd. Once the engagement period closes in mid-June 2025, feedback will be reviewed and summarised to assess the level of community support for the proposal. This will help Council decision-making. It is expected Councillors will consider this matter at a Council meeting in August 2025.	Target completion: December 2025 Forecast completion: January 2026	\$58k/ \$58k

Well-Governed Port Phillip

A leading local government authority, where our community and our organisation are in a better place as a result of our collective efforts.

Community engagement update



During May, we had a wide range of projects open for community feedback. These included:

- Sport and Recreation Strategy
- Feel safe. Be Safe. Community Safety in Port Phillip.
- Domestic Animal Management Plan
- Proposed sale of Laneways and Land near Carlisle St, Balaclava
- Streetscape Plan for Carlisle Street, Balaclava
- Plan for Port Phillip (feedback on the Draft Plan)
- Homelessness and Affordable Housing
 Strategy
- Enhancing Argyle St, St Kilda
- Greening Balaclava and St Kilda East (Urban
 Forest Strategy Precinct Plan)
- Love Your Neighbourhood (supporting local traders)
- Road Management Plan

During May, we also reported back on what we heard from the community. We publicly released engagement reports for the following projects:

- Waste Management and Circular Economy Strategy
- Reviewing the Dickens Street Pop-up Park, St Kilda
- Small Parks for Balaclava and St Kilda East

Community conversations

During May, we held nine place-based community conversations to ensure we're hearing from a broad cross-section of our community. We popped up on street corners, in shopping centres and outside libraries to chat to passersby and seek feedback on a range of projects. At each session, we asked for specific feedback on domestic animal management, community safety and gathered an understanding of what people love about their neighbourhood. Councillors joined officers at many of the sessions and we heard from a total of approximately 235 people.



Community engagement pop-up in Port Melbourne

Balaclava Community Expo at St Kilda Town Hall

On Thursday 29 May 2025, St Kilda Town Hall hosted the Balaclava Community Expo, bringing together around 122 locals for an evening of connection, learning, and community input.

From 6 to 8pm, attendees explored a range of interactive stations highlighting local initiatives and projects. Council officers, subject matter experts, and local organisations were on hand to answer questions, share updates, and strengthen community ties.

The event also featured bookable table conversations for a deeper discussion on the proposed sale of land behind Carlisle Street. These sessions provided a valuable platform for exchange between residents and Council.

The overarching goals of the event were to empower residents with knowledge about ongoing initiatives, foster direct engagement with local experts, and gather well-informed community feedback. By providing a welcoming and interactive environment, the event aimed to strengthen community connections and ensure that the voices of Balaclava residents played a central role in guiding the neighbourhood's future direction.



Balaclava Community Engagement at St Kilda Town Hall

"The 20-minute session with Council officers and other residents was very valuable and useful because the officers seemed to speak frankly and have good levels of expertise in land sales and development matters. It was also interesting to hear the points of view of other residents, and I think our table had a lot of good feedback on the proposed land sale." – Event attendee, Ripponlea.

Port Phillip's advocacy efforts secure over \$118M in election commitment

In the lead-up to the 2025 Federal Election, City of Port Phillip's Advocacy Team, CEO, and Mayor actively engaged with all candidates for the seat of Macnamara to promote Council's federal priorities. Key advocacy efforts included publishing the Federal Election Priority Projects Opportunity document, hosting meetings and correspondence with candidates, providing tailored information to support aligned commitments. The team also launched an advocacy website, election commitment tracker, and social media campaign.

To inform and engage the community, a broad campaign was launched, featuring 11 social media posts that garnered 52,767 views and 951 interactions, alongside 456 views across nine advocacy articles on our website. The campaign webpage attracted 4,356 views from 3,376 unique users, highlighting strong community interest in the Council's advocacy work and election outcomes.

We are pleased to note that there was over \$118M+ of commitments across the municipality from the three major parties. The successful candidate, Labor's Josh Burns commitments focused on safety, social cohesion, and community development which aligned with Council's advocacy campaign. This included a commitment of \$1.5M to council for CCTV treatments, \$12.5M to the Australian National Academy of Music at South Melbourne Town Hall and \$400,000 for the Port Phillip EcoCentre. Council officers will work with the office of Josh Burns to navigate the budget and grant processes to see these commitments fulfilled where they relate to Council assets.

Safety and wellbeing report

As part of our annual wellbeing plan, this month a webinar on



financial wellbeing was facilitated and attended by over 80 staff, with follow up individual sessions offered via a staff booking process which was fully subscribed. In addition, over 65 employees attended the menopause awareness session Don't Sweat it - How to make uncomfortable conversations easy.

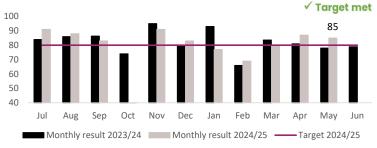
Progress with the annual safety plan continued with audit/implementation reviews for libraries occurring and an education session for leaders on supporting staff returning to or remaining at work after injury was delivered.

Monthly service statistics

Percentage of community complaints resolved within agreed timeframes



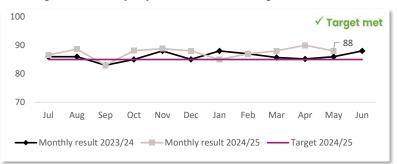
In May, 93 per cent of community complaints were resolved within agreed timeframes, exceeding the 80 per cent target. This result exceeds performance for the same time last year at 91 per cent.



Percentage of Councillor requests resolved within agreed timeframe

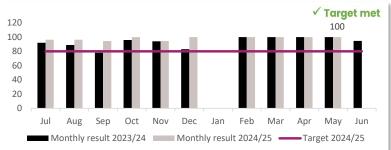
For May, Councillor requests resolved on time was 85 per cent which exceeded the 80 per cent target and was 7 per cent higher than last year (78 per cent). There were 19 fewer Councillor requests in May compared to April, trending down from an all-time high of 131 Councillor requests in February.

Percentage of community requests resolved within agreed timeframes

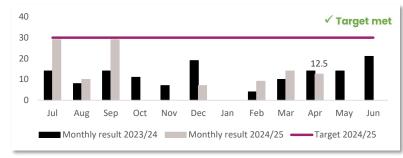


In May, 88 per cent of community service requests were resolved within agreed timeframes down from 90 per cent in April. This result surpassed the 85 per cent target and was also an improvement compared to last year at 86 percent.

Percentage of Councillor attendance at council meetings*

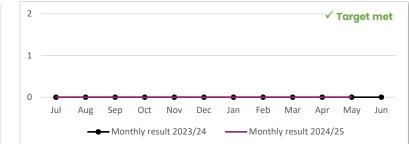


There was 100 percent Councillor attendance for May Council meetings. No apologies were received for the one Council meeting held on 21 May 2025.



and is below the 30 percent target.

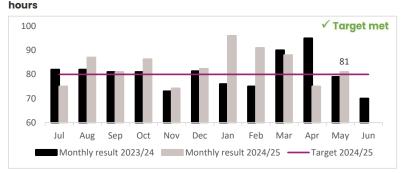
Percentage of Council decisions made at meetings closed to the public



Number of material legislative breaches

A total of 8 decisions were made at one meeting held in May 2025. Of these, one decision There were no material legislative breaches for May 2025. A material legislative breach is was made in a meeting closed to the public. This is equivalent to 12.5 per cent of decisions determined as a 'moderate to extreme' breach in our incident assessment criteria. To make an appropriate assessment we consider the financial, reputational and legal and regulatory consequences of the incident and apply the relevant rating.

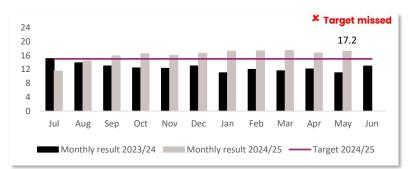
> Consequences range from a moderate breach that may result in a fine or suspension of a licence or permit to an extreme breach potentially punishable by imprisonment or action taken in High Court.



Percentage of occupational health and safety incidents reported within 24

In May the percentage of occupational health and safety incidents reporting within 24 hours was 81 per cent against a target of 80 percent for the month. The year to date rolling figure of 83.3 per cent, which remains above the 75-80 per cent target range.

Staff turnover (rolling 12-month average)



In May, rolling staff turnover rose slightly to 17.2 per cent, up from 16.7 per cent in April. While overall turnover has increased marginally, voluntary turnover remains below our target of 15 per cent, currently sitting at a positive 12.4 per cent.

Project portfolio report

Overall status

The project portfolio is made up of projects and programs which achieve the initiatives set out in the Council Plan and Budget 2021- 2031.

On track 75%	Atrisk 15%	Off track 10%	No report 0%
Latest result has	Latest result	There is a significant	Status update was not
achieved target for	experienced a minor	variation from targeted	available at the time this
measure. On track	miss in relation to	result for measure. Off	report was generated.
across all elements.	target for measure.	track for one or more	
	One or more elements	elements.	

Portfolio status trend

	12-month average	Mar-25	Apr-25	May-25
On track	70%	64%	66%	75%
At risk	16%	20%	21%	15%
Off track	12%	15%	12%	10%
No report	2%	0%	1%	0%

Portfolio financial performance

	Number of projects	Annual budget (\$ million)	Annual forecast (\$ million)	YTD forecast (\$ million)	YTD actuals (\$ million)	YTD variance (\$ million)	Forecast remainin g (\$ million)
Capital	108	52.0	48.4	39.2	32.1	7.1	16.3
Operating	49	9.7	8.2	7.2	7.5	-0.3	0.7
Total	157	61.7	56.6	46.4	39.6	6.8	17.0

Financial report

As of 31 May 2025, the full year forecast 2024/25 cash surplus was \$3.3 million, which was \$2.7 million above Budget 2024/25 and consistent with April results. This year the forecast has been updated to include additional maintenance requirements for the ANZAC station precinct, and to provide for additional legislative requirements through electrical line clearance and organisational parental leave. Council has also faced cost pressures and service delivery challenges in the aged care village model and long day care services.

Council has responded to safety concerns in the community by allocating additional resourcing for emergency preparedness and city amenity patrols. In additional, temporary project funding has also been approved for the Sandridge Recreation Precinct masterplan works, open space and tree maintenance procurement and increased costs associated with clearway and abandoned vehicle towing.

These cost pressures were offset by additional revenue from supplementary rates driven by residential property growth, operational efficiency savings achieved, increased rental income from commercial properties and South Melbourne Market, higher volumes of parking infringements, and the lease income returned to Council from the short-term use of the Australia Post site.

There were also other movements that did not impact the cash surplus including an increase in

forecast depreciation, additional developer open space contributions (held in reserve for future capital delivery) and a small reduction in net waste charge income through lower property growth (offset by the waste charge reserve).

At the start of the year, the opening forecast was also updated to include project deferrals processed at year end after the adoption of the budget for 2024/25. Project deferrals do not change Council's cumulative cash surplus, however, change the timing of delivery of the projects. The net movement in project deferrals resulted from a mix of projects completed ahead of schedule and brought forward and others deferred to 2024/25.

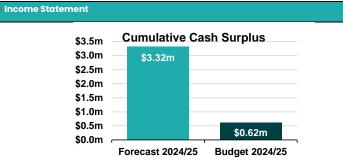
Summarised Income Statement Converted to Cash

	Year to Date			Full Year				
	Actual	Forecast	Varia	nce	Forecast Budget		Variance	
	(\$,000's)	(\$,000's)	(\$,000′	s) %	(\$,000's)	(\$,000's)	(\$,000	′s) %
Total Income	246,341	240,862	5,479	2%	273,901	266,337	7,564	3%
Total Expenses	216,499	217,936	1,437	1%	257,773	255,839	(1,934)	(1%)
Operating Surplus/(Deficit)	29,842	22,926	6,916	30%	16,128	10,498	5,630	54%
Income Statement Converted to Cash:								
Capital Expenditure	(85,571)	(91,289)	5,718	(6%)	(104,046)	(109,786)	5,740	(5%)
Non-cash operating items	23,671	23,436	234	1%	31,213	39,129	(7,916)	(20%)
Financing Items	(1,384)	(1,211)	(173)	(14%)	(1,321)	(1,321)	0	0%
Net Reserves Drawdown (Replenish)	0	0	0	0%	61,225	61,959	(734)	(1%)
Current Year Cash Surplus/(Deficit)	(33,442)	(46,138)	12,696	(28%)	3,199	479	2,720	567%
Opening cash surplus balance	118	118	0	0%	118	140	(22)	(16%)
Accumulated Cash Surplus	(33,324)	(46,020)	12,696	(28%)	3,317	619	2,698	436%

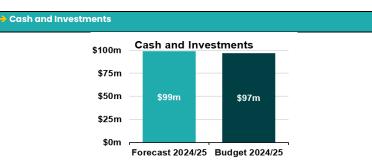
Key Financial Updates and Indicators:

- **Cash Surplus**: Forecast cumulative cash surplus at \$3.3 million, with a note of caution around ongoing economic uncertainty and inflation, which continues to place upward pressure on core service delivery costs and capital works.
- Financial Sustainability: A forecast overall low risk rating based on indicators from the Victorian Auditor General's Office (VAGO).
- Operating Result: A projected net operating result of \$16.1 million (5.9 per cent of total revenue), a funding source for capital works.
- Working Capital: A forecasted working capital ratio of 277 per cent, indicating solid short-term financial health.
- Cash & Investments: Expected balance of \$99 million, majority of which is held in reserves and tied to specific delivery of projects and services (e.g., open space developer contributions, project deferrals and specific grants)
- Efficiency: Working towards achieving a target of \$1.4 million for 2025/26. Noting efficiency savings are becoming increasingly hard to achieve.
- **Community Support:** Council offers support for ratepayers who are suffering extreme financial hardship. This year rates waivers totalling \$7,849 (14 waivers) have been issued. This is in addition to waivers totalling \$4,407 (10 waivers) issued in the prior year.

Financial Statement Snapshot:



The full year cash surplus forecast for 2024/25 is \$3.3 million which is \$2.7m greater than Budget 2024/25. The increase is predominately due to the one-off lease back of the Australia Post site following purchase by Council, improvements in parking infringement income, legal settlements, supplementary rates and efficiency savings. These has been partially offset by budget requests approved and additional cost pressures in aged care and long day care.

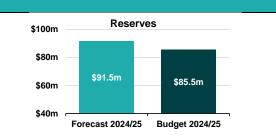


While consistent with budget, the cash and investment balance has decreased due to delayed property divestments and increase in unpaid rates, partially offset by project deferrals to future years. While rates collections are strong (around 97%), there is growth in the outstanding balance each year. Noting that has improved since last quarter. Majority of this cash and investments are held in reserves and tied to specific delivery of projects and services (e.g., open space developer contributions, project deferrals and specific grants)



Capital expenditure had initially increased due to \$3.7m of capital deferred from 2023/24 after budget adoption. However, \$12.3m of deferrals to future years had been identified due to latent conditions, external dependency and resourcing challenges.

Additionally, \$1.5m of capital expenditure has been brought forward for commence early works and design for future projects.



Council reserves (cash backed) are forecast to be lower than budget. This is predominately due delayed property divestment (funds held in reserves) offset by net project deferral from 2024/25 to 2025/26 and an increase in developer open space contributions received (ring fenced in reserves for future project delivery). While the balance of reserves appears significant, these funds are held will help to fund the significant capital portfolio over the next ten years.

Detailed financial statements and notes will be published on a quarterly basis as part of the quarterly financial updates and mid-year review.

Reserves



- Voice Relay users, phone 1300 555 727, then ask for 03 9209 6777

🕟 relayservice.gov.au



9. A HEALTHY AND CONNECTED COMMUNITY

Nil

13. AN ENVIRONMENTALLY SUSTAINABLE AND RESILIENT CITY

11. A SAFE AND LIVEABLE CITY

- 11.2 Adoption of the Road Management Plan 2025...... 69



11.1ADOPTION OF THE SITE CONTAMINATION MANAGEMENT
POLICY 2025EXECUTIVE MEMBER:LACHLAN JOHNSON, GENERAL MANAGER, OPERATIONS AND

INFRASTRUCTURE PREPARED BY: KAREN MILLER, MANAGER PROJECT DELIVERY CHRISTOPHER COOK, HEAD OF OPEN SPACE PROJECTS CLARE PAPALEO, SITE CONTAMINATION MANAGEMENT OFFICER

1. PURPOSE

1.1 To present to Council for formal endorsement the updated Site Contamination Management Policy 2025

2. EXECUTIVE SUMMARY

- 2.1 The Site Contamination Management Policy (the "Policy") 2020 is due to expire in July 2025. An updated 2025 Policy has been produced for formal endorsement by Council.
- 2.2 There are three key areas where the 2020 and the 2025 Policy differ:
 - 2.2.1 **Legislative compliance**: The 2020 Policy was developed using draft legislation, without the insights available through Environment Protection Authority Victoria (EPA Vic) guidance documents on the interpretation of the legislation. The policy has been updated to reflect the current state of knowledge now that the Act has been in place for four years.
 - 2.2.2 **Legislated Responsibilities**: The 2020 Policy focussed on Council's obligations regarding contaminated land in relation to the *Environment Protection Act* 2017. Council also has legislated responsibilities in relation to contaminated land under as a Responsible Authority and Planning Authority under the Planning and Environment Act 1987 and a children's services licensee under the Children's Services Act 1995, Section 107(1). The 2025 Policy has been updated to include these responsibilities.
 - 2.2.3 **Document structure**: The Policy was restructured to better align with the Policy Document Framework (Version 1.12, October 2023).
- 2.3 These changes have not had an impact on the methods by which Council has been managing contaminated and potentially contaminated land.

3. RECOMMENDATION

That Council:

- 3.1 Adopts the Site Contamination Management Policy 2025
- 3.2 Authorise the Chief Executive Officer, or their delegate, to finalise and make minor changes that do not materially alter the Policy.

4. KEY POINTS/ISSUES

Background

4.1 In Victoria, for over 100 years from colonization and through the peak of industrialisation (1940–1960), there was no or limited environmental regulation relating



to industrial waste discharges to the environment or clean-up of former industrial sites at the end of their functional life (Kabay *et al.* 2023). This has resulted in widespread legacy contamination in land, groundwater and other environmental media, particularly within metropolitan Melbourne.

- 4.2 Specifically, within City of Port Phillip soil within parks and gardens is typically contaminated by Polycyclic Aromatic Hydrocarbons (PAHs) and metals (including lead) (WSP 2024). This is speculated to be associated with historic gasworks wastes and use of uncontrolled fill material during land reclamation (WSP 2024).
- 4.3 Council endorsed its first Site Contamination Management Policy (Policy) in 2004. The 2004 Policy was prepared under the legislative environment of the *Environment Protection Act* 1970, which was the primary instrument by which the environment was protected in Victoria at this time.
- 4.4 In 2018 the first authorised version of the *Environment Protection Act* 2017 was released. The *Environment Protection Act* 2017 significantly changed the regulatory landscape in Victoria and introduced several new legal responsibilities termed "environmental duties" relevant to Council.
- 4.5 In response to proposed legislation, Council updated the Policy in 2020. The update anticipated the changes which would be brought about by the proposed legislation and provided processes by which Council would meet its environmental duties. Of note the 2020 Policy included a process regarding the prioritisation of sites for proactive investigation using a tool termed the "Site Contamination Risk register". This policy also formalised the position of the Site Contamination Management Officer who would be responsible for legislative compliance related to contaminated land.
- 4.6 After multiple iterations, the *Environment Protection Act* 2017 was adopted in 2021. Since then, there have been substantial changes to the regulatory environment for contaminated land in Victoria and increased clarity on how to achieve regulatory compliance.
- 4.7 The 2020 Policy is due to expire in July 2025. The 2020 Policy was developed using draft legislation, without the insights available through EPA guidance documents on the interpretation of the legislation. The new policy has been updated to reflect the current state of knowledge now that the Act has been in place for four years.

Legislative Context

- 4.8 This section of the report is intended to provide Councillors with a brief overview of the legislative context within which the 2025 Policy has been updated. Section 4 of the 2025 Policy provides more information on the relevant legislated responsibilities of Council.
- 4.9 The following is a summary of key environmental duties relevant to Council in its role as an "entity in control or management" of contaminated or potentially contaminated land under the *Environment Protection Act* 2017:
 - 4.9.1 Duties relevant to all departments:
 - General Environmental Duty
 - 4.9.2 Duties relevant to management or control of land (e.g. capital works, parks, kindergartens):
 - Duty to manage contaminated land (note: this includes a requirement to proactively assess contaminated and potentially contaminated land)



- Duty to notify of contaminated land
- 4.9.3 Duties relevant to the movement of waste soil (e.g. capital works):
 - Duties relating to industrial wastes
 - Duties and controls relating to priority wastes
 - Duties and controls relating to reportable priority waste
- 4.9.4 Duties relevant to pollution incidents:
 - Duty to take action to respond to harm caused by a pollution incident
 - Duty to notify Environment Protection Agency Victoria (EPA Vic) of notifiable incidents
- 4.10 Council also has responsibilities in relation to contaminated land under as a Responsible Authority and Planning Authority under the Planning and Environment Act 1987 and a children's services licensee under the Children's Services Act 1995, Section 107(1).

Comparison between the 2020 and 2025 Policy

- 4.11 There are three key areas where the 2020 and the 2025 Policy differ:
- 4.12 **Legislative compliance**: There have been significant changes to the legislative landscape in contaminated land since 2020 brought about through the gazetting of the *Environment Protection Act* 2017 in 2021. The 2020 Policy was developed using draft legislation, without the insights available now through EPA guidance documents on the interpretation of the legislation.
- 4.13 The 2025 Policy provides an updated interpretation of the relevant environmental duties, aligning obligations and language to current EPA guidance. This change will better enable Council to demonstrate its understanding of, and compliance to its legislated obligations.
- 4.14 Legislated Responsibilities: the 2020 Policy focused solely on the role of Council as an entity in control and/or management of contaminated and potentially contaminated land. However, Council also has legislated responsibilities in relation to contaminated land as a Responsible Authority and Planning Authority under the *Planning and Environment Act* 1987 and a children's services licensee under the *Children's Services Act* 1995, Section 107(1).
- 4.15 The 2025 Policy has explicitly identified Council's legislated responsibilities for these roles. This will enable Council to better demonstrate compliance to legislated obligations.
- 4.16 **Document structure**: the 2020 Policy acted as a framework, policy, in some instances a procedure document. Ultimately the level of detail in the 2020 Policy is inconsistent with the Policy Document Framework (Version 1.12, October 2023). In addition, due to the complexity of the document it is difficult to clearly link the policy elements to legislative compliance.
- 4.17 The 2025 Policy has been reorganised to better align with guidance in the Policy Document Framework (Version 1.12, October 2023) and create a clearer link between legislative responsibilities and Policy elements. The additional elements from the 2020 Policy will be moved to more relevant documentation, for example information related



to procedures will be incorporated into formalised internal procedures (or process maps) maintained by the Site Contamination Management Officer.

Why endorse the 2025 Policy?

- 4.18 The changes to the Policy in 2025 enable Council to more easily demonstrate its understanding of, and compliance to, legislative responsibilities related to contaminated and potentially contaminated land by explicitly listing the legislated responsibilities and providing clear principles by which these will be met. In addition, the document restructure makes the Policy more accessible to people with varying levels of understanding of contaminated land.
- 4.19 The 2025 Policy does not change the processes by which sites are prioritised for proactive assessment or the role of the Site Contamination Management Officer.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 The 2025 Policy has been subject to multiple rounds of internal consultation with relevant experts and practitioners within Council. In March 2025 individual consultation was undertaken with representatives of the City Planning and Sustainability team, Property and Assets Team and Waste and City Maintenance team. Changes from the initial round of consultation were incorporated into the draft 2025 Policy.
- 5.2 Subsequently the Draft 2025 Policy was reviewed by the Policy and Strategy Steering Committee in April. This committee included members from Governance and Performance, People, Culture and Safety, Community, Building and Inclusion, Property and Assets, City Planning and Sustainability, Corporate Planning, and Strategy Planning.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 It is possible that there are unacceptable risks to human health and ecosystems arising from historic contamination within public open space within City of Port Phillip. If left unmanaged human health risks from historic contamination may be associated with increased rates of cancer in the community (e.g. PAHs) or developmental impacts for children (e.g. lead). Unmanaged risks to ecosystems may result in lower species diversity.
- 6.2 Failure to comply with environmental duties specified in the *Environment Protection Act* 2017 may result in enforcement action by EPA Vic. EPA Vic has powers to issue Remedial Notices, Order and Directions. These instruments are statutory directives that compel the duty holder to conduct works, stop activities, or carry out investigations. Duty holders who don't fulfil their obligations by a set date can face prosecution.
- 6.3 The human health, ecosystem and legal risk implications of contaminated and potentially contaminated land should be appropriately identified in the Policy and addressed through the supporting procedures and guidance notes which will form the body of knowledge available to Council employees.

7. FINANCIAL IMPACT

7.1 The changes between the 2020 and 2025 Policy will not change the financial implications of managing contaminated and potentially contaminated land within the municipality. Financial implications are currently managed through existing operational and capital programs.



8. ENVIRONMENTAL IMPACT

8.1 The Policy enables the identification and management of the environmental load of historical contaminants in environmental media (soil, groundwater and air), enabling continued public use of open space.

9. COMMUNITY IMPACT

9.1 Effective implementation of the Policy (and subordinate procedures) will enable Council to minimise, to the extent practicable, risks associated with contaminated and potentially contaminated land from public open space to the community.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

10.1 The Policy and associated instruments relate to the Council Plan 2025- 2035, Strategic Direction: A safe and liveable city.

11. IMPLEMENTATION STRATEGY

- 11.1 July 2025 The 2020 Policy expires
- 11.2 July 2025 Council adopts the 2025 Policy
- 11.3 Post July 2025 the Site Contamination Management Officer will update the procedures relevant to contaminated and potentially contaminated land and develop a training program to disseminate key information to relevant internal stakeholders.

12. COMMUNICATION

- 12.1 The Policy 2025 includes two key principles related to internal and external communication obligations:
 - 12.1.1 "Maintaining a culture of consultation, communication and teamwork in all aspects of contaminated land."
 - 12.1.2 "Developing and maintaining an effective approach to training to ensure all employees have sufficient skills to meet their legislated responsibilities in relation to contaminated land."
- 12.2 The Site Contamination Management Officer has committed to developing inhouse training for the project delivery team to elevate the team understanding of legal responsibilities and procedures related to contaminated land.

13. OFFICER MATERIAL OR GENERAL INTEREST

13.1 No officers involved in the preparation of this report has declared any material or general interest in the matter.

ATTACHMENTS 1. Site Contamination Management Policy



Site Contamination Management Policy

Policy outcome:	The City of Port Phillip will meet legislated responsibilities in relation to contaminated land.
Responsible area:	Project Delivery
Version:	Version 3.2
Date approved/adopted:	2 July 2025
Planned review date:	Desktop review 12 months after adoption and biennial thereafter

Table of Contents

1.	Purpose	
2.	Scope	
3.	Alignment to Council Plan	2
4.	Legislative Context	3
	4.1. Legislated responsibilities as an owner and/or manager of contaminated or potentiall contaminated land	3
	4.1.1. General environmental duty (GED)	3
	4.1.2. Duty to manage contaminated land	3
	4.1.3. Duty to notify of contaminated land	3
	4.1.4. Duties to notify and respond to pollution	4
	4.1.5. Duties to manage and dispose of industrial waste	4
	4.2. Legislated responsibilities as a licensee of children's services	4
	4.3. Legislated responsibilities as a Responsible Authority	5
	4.4. Legislated responsibilities as a Planning Authority	5
5.	Policy	5
6.	Policy Review	6
7.	Supplementary Policy Documents	6
8.	Related legislation and documents	7
9.	Definitions	8
10.	Document history	9



1. Purpose

In Victoria, the environment is primarily protected by the *Environment Protection Act* 2017 (EP Act). Historically, land and groundwater in many areas of metropolitan Melbourne including City of Port Phillip (CoPP) became contaminated through (EPA Publication 1915):

- · Our industrial and manufacturing heritage
- Poor environmental practices for much of the last century
- Poor understanding of the adverse effects of contaminants previously thought benign
- Substances and practices originally thought to pose little or no risk that are later revealed as harmful.

The Site Contamination Management Policy (Policy) provides CoPP with clear principles to meet legislated responsibilities associated with contaminated and potentially contaminated land within the municipality.

2. Scope

The Policy is relevant to any CoPP employee who is acting as:

- an entity in management or control of contaminated or potentially contaminated land which includes:
 - o Property and Assets: purchase and divestment of CoPP owned and managed land
 - Project Delivery: project managers undertaking capital works, public space redevelopment
 - o Waste and city maintenance: maintenance of CoPP
 - Children's Services: Licensee of children's services
- Planning Authority under the Planning and Environment Act 1987

In addition, the policy applies to any CoPP employee who is engaging in an activity that may give rise to risks of harm to human health or the environment from pollution or waste. This includes instances where CoPP contracts relevant work to a third party.

3. Alignment to Council Plan

The Policy and associated instruments relate to Strategic Direction 2 of the Council Plan 2021-2031, Liveable Port Phillip - a great place to live, where our community has access to high quality public spaces, development and growth are well managed, and it is safer and easy to connect and travel within.



4. Legislative Context

The following section provides a summary of the legislated responsibilities of CoPP in relation to contaminated land.

4.1. Legislated responsibilities as an owner and/or manager of contaminated or potentially contaminated land

The EP Act 2017 established Environmental Duties which CoPP must discharge as an owner and/or manager of contaminated or potentially contaminated land.

The definition of "a person in management or control" has a specific definition in accordance with EPA guidelines (EPA Publication 1977.1) and is provided in Section 9 of this document.

It is important to note that management and/or control of land may be shared by more than one person and therefore held concurrently between two or more duty holders (EPA Publication 1977.1).

4.1.1. General environmental duty (GED)

This duty requires a person engaging in an activity which may give rise to risks of harm to human health or the environment from pollution or waste, to minimise those risks so far as reasonably practicable.

4.1.2. Duty to manage contaminated land

"A person in management or control of contaminated land must minimise risks of harm to human health and the environment from the contaminated land so far as reasonably practicable" (EP Act 2017, Section 39)

This duty applies regardless of who caused the land or groundwater to be contaminated or when contamination took place. It also applies regardless of whether EPA is aware of the contamination or has issued any notices (EPA Publication 1821.1).

This duty requires an entity in management or control of land to consider if the land, including groundwater, has the potential to be contaminated, and proportionately investigate any potential risks of harm that the contamination may pose to people and the environment (EPA Publication 1977.1).

4.1.3. Duty to notify of contaminated land

"A person in management or control of land must notify the Authority if the land has been contaminated by notifiable contamination as soon as practicable after the person becomes aware of, or reasonably should have become aware of, the notifiable contamination" (Environment Protection Act, Section 40)

Triggers for 'prescribed notifiable contamination' as per the EP Act 2017 are established in the Environment Protection Regulations 2021 (Regulations), Part 2.1.



4.1.4. Duties to notify and respond to pollution

These duties require notification to EPA of pollution incidents and to respond to any leak, spill or other unintended or unauthorised deposit or escape where material harm is caused or threatened. Specifically, there is:

- A duty to take action to respond to harm caused by a pollution incident
- A duty to notify EPA Victoria of a "leak, spill or other unintended or unauthorised deposit or escape of a substance" (EP Act 2017, Section 30), and "that causes or threatens to cause material harm to human health or the environment" (EP Act 2017, Section 30).

4.1.5. Duties to manage and dispose of industrial waste

CoPP should consider its environmental duties whenever:

- Capital works or maintenance activities generate soil surplus to requirements
- CoPP requires soil to be imported to a Council owned or managed site

In accordance with the *Environment Protection Act* 2017 and the *Environment Protection Regulations* 2021 surplus soil is a waste, and must be categorised as one of:

- An industrial waste (surplus soil categorised as clean fill);
- Priority waste; or
- Reportable priority waste.

The specific environmental duties relevant for the waste soil is dependent on the waste category. In brief, where waste soil is generated at a site, or where soil is to be imported into a site CoPP should have consideration of the following duties:

- Duty to deposit wastes somewhere that is authorised to receive the waste under the law (i.e. a "lawful place").
- Duty to take all reasonable steps before giving up management or control of industrial waste to another person for the purposes of transport
- Duty to identify and classify the type of industrial waste
- Duty to manage priority waste and to investigate alternative to waste disposal
- Duties and control relating to reportable priority waste

4.2. Legislated responsibilities as a licensee of children's services

As a licensee of children's services CoPP also has a responsibility to "*ensure that every reasonable precaution is taken to protect the children from any hazard likely to cause injury*" (Children's Services Act 1996, Section 107(1)). Soil assessment is a necessary part of addressing this responsibility of the license in considering whether the proposed location of the children's service is considered satisfactory for that purpose (Children's Services Act 1996, Section 10).



4.3. Legislated responsibilities as a Responsible Authority

The role of Responsible Authority is undertaken by the City Development team at CoPP. A Responsible Authority has a legislated meaning which has been provided in the definitions (Section 9) of this policy.

As a Responsible Authority CoPP has the legislated responsibilities in relation to contaminated land to:

- "consider any significant effects which the development may have on the environment or which the environment may have on the use or development for a planning permit application" (Planning and Environment Act 1987 Section 60(1)(e))
- Ensure that contaminated and potentially contaminated land is used and developed safely as required in Victorian Planning Provisions, Clause 14.03-1S, 45.03, 65.01, 73.01

4.4. Legislated responsibilities as a Planning Authority

The role of the Planning Authority is undertaken by the City Planning and Sustainability team within CoPP. A Planning Authority "*is any person or body given the power to prepare a planning scheme or an amendment to a planning scheme*" (https://vpa.vic.gov.au/glossary/#glossaryP). In doing so, CoPP has the following responsibilities in relation to land contamination:

- Must take into account any significant effects which the planning scheme or amendment might have on the environment, or which the environment might have on any use or development envisaged in the scheme or amendment (Planning and Environment Act 1987 Section 13 (1), S12(2)(b)
- Must satisfy itself that the environmental conditions of that land are or will be suitable for that use when preparing an amendment which would have the effect of allowing potentially contaminated land to be used for a sensitive use, agriculture or public open space (Ministerial Directive 1 – Potentially Contaminated land)
- Must ensure that contaminated and potentially contaminated land is used and developed safely. (Victorian Planning Provisions, Clause 14.03-1S, 45.03, 65.01, 73.01)

5. Policy

CoPP will meet is legislated responsibilities in relation to contaminated and potentially contaminated land by:

- Eliminating, or reducing risks, as far as is reasonably practicable to employees, contractors, subcontractors and the public, who may interact with contaminated or potentially contaminated land within City of Port Phillip
- Site Contamination Management Officer has the responsibility for implementing this policy



- Implementing, maintaining and reviewing our Contaminated Land Management Framework which will be available via the intranet to all CoPP employees. The core elements of which are:
 - The Site Contamination Risk Register: a register maintained by the Site Contamination Management Officer which includes all land over which Council has management or control, and includes sufficient information to inform and compare contaminated land risks.
 - **The Site Contamination Management Procedures**: a collection of procedures which enable CoPP employees who interface with contaminated land in various roles to understand how to meet their legislated responsibilities.
 - **The Site Contamination Management Plans**: document(s) which outline the management requirements for land within CoPPs ownership and/or management to minimise risks arising from contaminated or potentially contaminated land.
- Maintaining a culture of consultation, communication and teamwork in all aspects of contaminated land.
- Developing and maintaining an effective approach to training to ensure all employees have sufficient skills to meet their legislated responsibilities in relation to contaminated land.
- Practicing good document control with all consultant reports related to contaminated or potentially contaminated land.

6. Policy Review

This Policy does not have an expiry date. This Policy should be reviewed biannually to determine if an update is required. Updates would be necessitated by changes to the legislation and subordinate instruments that impact on CoPPs roles or legislated responsibilities in relation to contaminated land. This Policy should be reviewed by a technical expert in contaminated land in Victoria (for example the Site Contamination Management Officer).

7. Supplementary Policy Documents

Refer to Risk Management Policy 2023 regarding eliminating, or reducing risks, as far as is reasonably practicable to employees, contractors, subcontractors and the public, who may interact with contaminated or potentially contaminated land within City of Port Phillip

Refer to Records and Information Policy to understand good document control.

Refer to Asset Management Policy in relation to the purchase and divestment of CoPP owned and managed land.

Refer to Asset Management Plan in relation to the management of CoPP owned and managed land, specifically sports and recreation spaces and play spaces.



8. Related legislation and documents

Section 4 provides the legislative context for the development of the Policy. This section summarises the legislation considered:

Acts:

- Children's Services Act 1996
- Crown Land (Reserves) Act 1978
- Environment Protection Act 1970 (superseded)
- Environment Protection Act 2017
- Environment Protection Amendment Act 2018
- National Environment Protection Council Act 1994
- Planning and Environment Act 1987
- Victorian Planning Authority Act 2017

Regulations and Gazetted Documents:

- ANZG (2018) Australian and New Zealand Guidelines for Fresh and Marine Water Quality.
- Port Phillip Planning Scheme, Clause 13.04-1S, Contaminated and potentially contaminated land
- Port Phillip Planning Scheme, Clause 21.02-06, Environmental Risk
- Port Phillip Planning Scheme, Clause 45.03, Environmental Audit Overlay
- Ministerial Direction No.1, Potentially Contaminated Land
- Ministerial Direction on the Preparation and Content of Amendments that may significantly impact the environment, amenity and human health and ministerial requirement for information for authorisation or preparation of amendments that may significantly impact the environment, amenity and human health.
- National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM) 1999 (Amended April 2013), National Environment Protection Council (NEPC) 2013, Canberra
- State Environment Protection Policy (Waters) 2018 (Superseded)
- Victorian Government, Environment Protection Regulations 2021
- Victorian Government, Environment Reference Standard 2021
- Victorian Planning Provisions, Clause 14.03-1S, Contaminated and Potentially Contaminated Land
- Victorian Planning Provisions, Clause 13.07-1S, Land Use Compatibility
- Victorian Planning Provisions, Clause 45.03, Environmental Audit Overlay
- Victorian Planning Provisions, Clause 65.01, Approval of an Application or Plan
- Victorian Planning Provisions, Clause 73.01, Operational Provisions- Meaning of Terms
- Victorian Planning Provisions, Clause 53.10, Use and Activities with Potential Adverse Impacts



Please note: consideration was given to a wide array of guidance documents produced by the EPA Victoria and the State Government. These documents have not been listed as versions change frequently potentially creating an undue administrative burden to maintain document currency.

9. Definitions

Term	Definition
An entity in management or control	 A person in management or control of contaminated land can include (EPA Publication 1977.1): the registered owner of the land a person with a proprietary right to occupy the land, such as a tenant under a lease agreement or a licensee under a licence agreement a person holding a right of way or entry onto land (for example, a utility company with buried infrastructure) a person who is authorised to occupy the site under a construction agreement (for example, a principal contractor) a committee of management or control appointed under the Crown Land Reserves Act 1978.
	Management and/or control of land may be shared by more than one person and therefore held concurrently between two or more duty holders (EPA Publication 1977.1).
Contaminated land	"Land is contaminated if waste, a chemical substance or a prescribed substance is present on or under the surface of the land, and the waste, chemical substance or prescribed substance – (a) is present in a concentration above the background level; and (b) creates a risk of harm to human health of the environment" Environment Protection Act 2017, Part 3.5, Division 1, Section 35
Land	"Land means any land, whether publicly or privately owned, and includes – (a) any buildings or other structures permanently affixed to the land; and (b) groundwater" Environment Protection Act 2017, Section 3 (1)
Potentially contaminated land	"Land: (a) used or known to have been used for industry or mining; (b) used or known to have been used for the storage of chemicals, gas, waste, or liquid fuel (other than minor above-ground storage that is ancillary to another use of the land); or (c) where a known past or present activity or event (occurring on or off the land) may have caused contamination on the land" Land uses with potential to contaminate land are provided in Table 2 of the Planning Practice Note 30." Ministerial Direction No.1 – Potentially Contaminated Land Clause 73.01 General Terms of the Victorian Planning Provisions Planning Practice Note 30



Term	Definition
Responsible Authority	 Responsible Authority has a legislated meaning which includes administration and enforcement of: <i>"a planning scheme</i>"; (Planning and Environment Act 1987, Section 13 (1), (a)) <i>"provisions of a planning scheme</i>" (Planning and Environment Act 1987, Section 13 (1), (b)) <i>"a planning scheme or a provision of a planning scheme in relation to an area of land covered by the planning scheme</i>" (Planning and Environment Act 1987, Section 13 (1), (c)) <i>"a planning scheme or a provision of a planning scheme in relation to a type of use or development</i>" (Planning and Environment Act 1987, Section 13 (1), (d)) <i>"a planning scheme or a provision of a planning scheme in relation to a type of use or development</i>" (Planning and Environment Act 1987, Section 13 (1), (d)) <i>"a planning scheme or a provision of a planning scheme in relation to a class or classes of application</i>" (Planning and Environment Act 1987, Section 13 (1), (e))
Sensitive land use	Residential use, childcare centre, kindergarten, pre-school centre, primary school (even if ancillary to another use) (Planning Practice Note 30)

10. Document history

Version	Date of approval / adoption	Changes made	ECM record
1	13/05/2020	Document superseded City of Port Phillip Soil Contamination Management Policy 2004	E74139/2
1	2/6/2020	 Expansion of 'Outcomes' to include those beyond compliance. 	E74139/20
		Updates to 'Responsibilities'.	
		 Better articulation of record keeping 	
		 Inclusion of 'Communication and engagement' section. 	



Version	Date of approval / adoption	Changes made	ECM record
2	28/06/2021	Updates to 'Definitions'Updates to relevant	E102917/21
		legislationReorganisation of some	
		information Minor editorial changes 	
2	30/6/2021	 Updates to Table 2: 'Responsibilities of roles' Updates to 'Relevant legislation and guidance' 	E102917/21
3	2 July 2025	Environment Protection Act 2017 came into force in 2021 and dramatically changed the regulatory environment for contaminated land. The Policy was rewritten to reflect these changes.	TBD



11.2

ADOPTION OF THE ROAD MANAGEMENT PLAN 2025

EXECUTIVE MEMBER:LACHLAN JOHNSON, GENERAL MANAGER, OPERATIONS AND
INFRASTRUCTUREPREPARED BY:VICKI TUCHTAN, MANAGER PROPERTY AND ASSETS
CLINT VANDEPEER, HEAD OF ASSET MANAGEMENT

1. PURPOSE

1.1 To present the amended Road Management Plan to Council for adoption following completion of the community engagement (May-June 2025).

2. EXECUTIVE SUMMARY

- 2.1 As a road authority, Council has a statutory requirement under the *Road Management Act 2004* (Vic) ("the Act") for the management of the road network.
- 2.2 In accordance with the Act, Council prepared, maintains and implements a Road Management Plan ("RMP") which outlines how Council inspects, maintains and manages the road network.
- 2.3 As required under Division 1, Regulation 8, of Part 3 of the *Road Management* (General) Regulations 2016 (Vic) ("the Regulations") and Division 1, Regulation 90, of Part 4 of the Local Government Act 2020 (Vic) ("the LG Act"), each incoming municipal council must review its RMP in accordance with its deliberative engagement practices and adopt the RMP by 31 October in the year following a general election (31 October 2025).
- 2.4 To this end, officers commenced a review of the RMP in late 2024 to improve how we manage the maintenance of local roads, including our responsibilities, maintenance standards, and inspection processes.
- 2.5 A draft RMP was developed, proposing minor changes to provide clarity on inspection frequencies of bridges; update response timeframes for hazard rectification; and define intervention levels for defects of kerbs and channels, and traffic management and control devices.
- 2.6 At its ordinary meeting on 7 May 2025, Council recommended the statutory procedures to give public notice of Port Phillip's review and proposed amendment of its RMP be commenced, inviting submissions to Port Phillip as the road authority within a period not less than 28 days, resolving to hear and consider any submissions received from persons aggrieved by the proposed amendment.
- 2.7 Following completion of the community engagement on the draft RMP, the amended RMP is provided at Attachment 1 for adoption by Council.

3. RECOMMENDATION

That Council:

- 3.1 Notes the public submissions received during the consultation period and thanks the community members who shared their feedback and made submissions on the draft Road Management Plan.
- 3.2 Adopts the amended Road Management Plan as presented in Attachment 1.



- 3.3 Authorises the Chief Executive Officer, or their delegate to make administrative changes to the plan that do not materially alter its intent.
- 3.4 In accordance with Division 2, Regulation 13, of Part 3 of the *Road Management* (*General*) *Regulations 2016* (Vic), directs that:
 - 3.4.1 Public notice of the adoption of the amended Road Management Plan be published in the *Government Gazette* and *The Age* newspaper; and
 - 3.4.2 The adopted Road Management Plan be available for inspection at Council's Customer Service Centre and on Council's website.

4. KEY POINTS/ISSUES

- 4.1 Port Phillip's RMP was first adopted in July 2004 in accordance with Division 5 of Part 4 of the Act.
- 4.2 As required under Division 1, Regulation 8, of Part 3 of the Regulations, acting as a road authority Council must regularly review its RMP.
- 4.3 The history of Port Phillip's RMP includes:
 - 4.3.1 Version 1 2004 (superseded).
 - 4.3.2 Version 2 2009 (superseded).
 - 4.3.3 Version 3 2013 (superseded).
 - 4.3.4 Version 4 2017 (superseded).
 - 4.3.5 Version 5 2021 (reviewed).
- 4.4 The RMP sets out the levels of service for maintaining road infrastructure and details the timeframes and standards to which Port Phillip will inspect, repair and maintain the roads, pathways and road related infrastructure it is responsible.
- 4.5 The RMP determines levels of service by taking into consideration the affordability, available resources and risks related to maintenance and ongoing asset performance.
- 4.6 Following review of the 2021 RMP, an amended RMP (refer Attachment 1) is being presented for adoption by Council as Version 6 2025, to supersede Version 5.
- 4.7 As Council continues to refine and improve its asset modelling and inspection data collection processes, opportunities are likely to arise in the coming years to review intervention levels.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 As prescribed by Division 1, Regulation 10 (1e) and (2a-b), of Part 3 of the Regulations, a notice period of no less than 28 days was given for community engagement on the proposed amendment to the RMP.
- 5.2 Public notices were published in the *Victorian Government Gazette* and *The Age* newspaper on 8 May 2025.
- 5.3 A public notice was also published on Council's website.
- 5.4 Public notices invited submissions on the proposed amendment during the 30-day notice period, which closed on 6 June 2025.



- 5.5 A *Have Your Say* page was created with a survey, designed for community members to share their feedback on Council's road management. The survey invited feedback on inspections, repairs and maintenance as described in the draft RMP.
- 5.6 The review of the RMP 2021 was also be communicated electronically via Port Phillip's *Divercity* e-news and social channels.
- 5.7 There was a low response rate to the survey, with five (5) responses received. Community feedback received from the survey addressed the following themes: asset protection and damage from other authorities (2), response times (2), and proactive inspection frequency (3). One respondent commented on a specific location which is out of scope of the RMP, however officers have referred the comment to the relevant team for further investigation and response separately.
- 5.8 In response to the invitation for submissions, two (2) submissions were received from members of the public. Officers have spoken with both submitters, whose submissions related to transport safety and commented on specific locations which is out of scope of the RMP. Officers have however with their permission raised customer requests on their behalf, seeking a review of the matters raised by the relevant team for further investigation and response separately. As a result, both submitters have agreed their submission be withdrawn, with the expectation that feedback will be actioned via the customer request channel.
- 5.9 Officers have considered the public submissions and community feedback received during the consultation period and drafted a final version of the RMP for adoption (refer Attachment 1).
- 5.10 Pending adoption, the final version of the RMP will be made available to the public on Council's website, and on the dedicated *Have Your Say* page for the RMP.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 The RMP has been developed in accordance with the Act and Regulations to clearly define Council's, other road authorities', and road users' responsibilities to ensure the needs of the community are met and risks are appropriately managed.
- 6.2 The RMP service standards align with the funding provided in Council's annual budget process and long-term financial forecasts.
- 6.3 The amendments included in the RMP are minor and do not significantly alter the risk profile associated with Council's road assets. They provide clarity on inspection frequencies of bridges; update response timeframes for hazard rectification; and define intervention levels for defects of kerbs and channels, and traffic management and control devices.

7. FINANCIAL IMPACT

- 7.1 The 10-year Transport Asset Management Plan, reviewed annually, identifies the whole of life costs of operating, maintaining, renewing, and upgrading our road network and informs Council's annual budget process and long-term financial forecasts.
- 7.2 The Service Intervention levels and response times in the RMP are embedded in our Civil Infrastructure Maintenance Contract and budgeted for in Council's Long-Term Financial Plan.
- 7.3 At the time of writing, Council has proposed in its draft Budget 2025/26 and Council Plan a significant increase in investment in the road portfolio. This increased



investment, along with Council's asset management improvement initiatives is likely to yield opportunities to amend inspection and intervention levels in a future RMP.

8. ENVIRONMENTAL IMPACT

- 8.1 The operation and function of Council's road network has a direct environmental impact on our community.
- 8.2 Council's 10-Year Transport Asset Management Plan details how sustainable procurement, climate change, and asset resilience service objectives will be delivered for Council's Integrated Transport Plan and Greening Port Phillip Strategy.

9. COMMUNITY IMPACT

- 9.1 The operation and function of Council's road network has direct impact of the health and wellbeing of our community.
- 9.2 The Service Standards and Response times meet industry best practice and are aligned with community expectations, which are monitored through annual community surveys.

10. GENDER IMPACT ASSESSMENT

10.1 The proposal is not considered to have any detrimental gender implications.

11. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

11.1 The proposal aligns to the strategic direction 'A safe and liveable City' ensuring Council maintains a Road Management Plan that outlines how it inspects, maintains and manages the road network.

12. IMPLEMENTATION STRATEGY

- 12.1 TIMELINE
 - 12.1.1 If the amended RMP is adopted by Council, it will come into effect from 3 July 2025.

12.2 COMMUNICATION

12.2.1 Pending adoption, in accordance with Division 2, Regulation 13, of Part 3 of the Regulations, a notice will be published in the *Victoria Government Gazette* and *The Age* newspaper confirming adoption of the revised RMP, while noting the availability of the revised plan at Council's Customer Service Centre and on Council's website.

13. OFFICER MATERIAL OR GENERAL INTEREST

13.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

ATTACHMENTS 1. Road Management Plan 2025 Version 6



Road Management Plan 2025

Version 6, July 2025





Guideline Governance

Responsible Department:	
Property and Assets	
Adoption authorised:	
Council	
Date of adoption:	
2 July 2025	
Date effective from:	
3 July 2025	
Content Manager folder:	
ТВА	
Content Manager file:	
TBA	
Endorsed CEO or ELT member or department manager to make and approve	
document editorial amendments:	
General Manager Operations and Infrastructure	
Annual desktop review date:	
July 2026	
Review date:	
July 2028	
Completion date:	
July 2029	
Version number:	
6	
Stakeholder review and engagement:	
Transport Working Group	
Relevant Legislation:	
Road Management Act 2004 (Vic)	
Associated Strategic Direction #:	

5 - Well Governed Port Phillip

Associated instruments:

Register of Public Roads

Supersedes:

Road Management Plan 2021

Review history:

Name	Content Manager File Reference	Date	Description of Edits
Road Management Plan 2025, Version 6	ТВА	2 July 2025	Following a review of the Road Management Plan, minor changes were made to provide clarity on inspection frequencies of bridges; update response timeframes for hazard rectification; and define intervention levels for defects of kerbs and channels, and traffic management and control devices.

The history of the Road Management Plan is as follows:

Version 1 2004 (superseded) Version 2 2009 (superseded) Version 3 2013 (superseded) Version 4 2017 (superseded) Version 5 2021 (superseded)



Please consider the environment before printing.



Definitions

Terms used in this Road Management Plan (RMP) have the same meaning as the specific definitions included in the *Road Management Act 2004* (Vic) (the Act) unless stated to the contrary. The definition of "road" is as per section 3 of the Act and "public road" is as per section 17 of the <u>Act</u>.

Figure 1: Definition of terms

Term	Definition
Act	Road Management Act 2004 (Vic)
Business days	Monday to Friday excluding public holidays in Victoria.
Business hours	Means 8.30am to 5pm on business days.
Coordinating Road Authority	The organisation which has the responsibility to co-ordinate works in accordance with the <u>Road Management Act 2004</u> (Vic). Generally, if the road is a freeway or arterial road, this will be Head of Transport for Victoria. Generally, if the road is a municipal road, this will be Council.
Council	Refers to the City of Port Phillip Council.
Defect	Localised failure in a public road or road infrastructure, i.e. pothole, joint displacement; damaged street furniture. Defects below the specified intervention level are considered acceptable defects not requiring repair.
Defect intervention level	The extent at which point a defect nominated in the RMP will invoke a response to the standard set out in the Appendix; It is expected that the intervention levels established may change over time in relation to Council assets and resource allocations.
Demarcation Agreement	A formal agreement between Council and another organisation that defines areas of responsibility.
Discontinuance	In the context of this Policy, discontinuance relates to the Act and formal processes associated with the discontinuance of a road as per section 12 of the Act and Schedule 10 of the <i>Local Government Act 2020</i> (Vic).
Gazetted	Has been published by Council in an official gazette (a publication that has been authorised to publish public or legal notices).

Term	Definition
Hazard	An event, defect, condition or substance, which has the potential to cause harm to property or the health and safety of persons in their use of road infrastructure.
Inspection frequency	Period between scheduled inspections of the road to identify hazards.
Level of service	The performance measurement of road infrastructure, relating to the quality, reliability, responsiveness, quantity, accessibility and cost achievable based on Council's resourcing and addresses community expectations.
Maintenance	Execution of all works of any description which are required to keep the road or infrastructure in the state of utility determined in accordance with the <u>Road Management Act</u> <u>2004 (Vic)</u> or any other act to be appropriate.
Motor Vehicle	Refers to a vehicle that is propelled by an in-built motor and is intended to be used on a roadway. This does not include a motorised wheelchair or mobility scooter which is incapable of travelling at a speed greater than 10 km/h and is solely used for the conveyance of an injured or disabled person.
Municipal Road(s)	Road for which the municipal council is the co-ordinating road authority. The Act imposes specific duties on the municipal council with respect to the inspection, repair and maintenance of these roads and associated road-related infrastructure.
Non-Road Infrastructure	Refers to infrastructure in, on, under or over a road, which is not road infrastructure. This includes (but is not limited to) such items as gas pipes, water and sewerage pipes, cables, electricity poles and cables, tram wires, rail infrastructure, bus shelters, public telephones, mailboxes, roadside furniture and fences erected by utilities, or providers of public transport.
Other roads	Include roads in state forests and reserves, and roads on private property. Municipal councils are not responsible for the inspection, repair or maintenance of these roads.
Pathway	Refers to a footpath, bicycle path, shared path or other area that is constructed or developed by Council for members of the public (not motor vehicles) to use. Pathways may be further categorised as: Footpaths – pathways designated solely for use by foot traffic (and limited mobility devices



Term	Definition
	such as wheelchair users); Bicycle pathways – pathways designated solely for use by cyclists, scooters and the like but excluding foot traffic; and Shared pathways – pathways designated for use by riders of bicycles, the riders of electric scooters and pedestrians.
Plan	Refers to this Road Management Plan (RMP).
Primary Access	In the context of this Policy, primary access for a property refers to the local street(s) or main road(s), in cases where the property has access from both a street/main road and a laneway or passageway. For properties accessed only from a laneway, the laneway is the primary access.
Private road	A road on private property that is not a public road, has not been constructed by Council and Council is not the responsible road authority.
Public Highway	This plan refers to a 'public highway' within the meaning of section 3 of the Act and section 3 of the <i>Local Government Act 1989</i> (Vic).
Public Road	This plan refers to a 'public road' within the meaning of section 17 of the Act.
Response times	Means the business hour time the defect is identified as exceeding the acceptable intervention level and work order issued by Council's maintenance team to repair or control hazards in carrying out temporary or permanent repairs.
Right of Passage	This plan refers to 'right of passage' within the context of the rights of road users to access roads within the meaning of section 8 of the Act.
RMP	City of Port Phillip Road Management Plan.
Road Register	City of Port Phillip Register of Public Roads.
Road related infrastructure	Refers to infrastructure installed or constructed by the relevant road authority to either facilitate the operation or use of the roadway or pathway, or support or protect the roadway or pathway.
Road reserve	Refers to the area of land that is within the boundaries of a road.
Roadside	Refers to any land that is within the boundaries of the road (other than shoulders) which is not a roadway or pathway.

Term	Definition
	This includes land on which any vehicle crossing or pathway, which connects from a roadway or pathway on a road to other land, has been constructed. Example: any nature strip, forest, bushland, grassland or landscaped area within the road reserve would be considered roadside.
Roadway	Refers to the area of a public road that is open to, or used by, the public, and has been developed by a road authority for the driving or riding of motor vehicles. This does not include a driveway providing access to a public road, or other road, from adjoining land.
Secondary Access	In the context of this Policy, secondary access for a property refers to the laneway or passageway, where the property also has access from a street or main road.
Shoulder	Refers to the cleared area, whether constructed or not, that adjoins a roadway to provide clearance between the roadway and roadside. This does not refer to any area that is not in the road reserve.



1 Introduction

1.1 Purpose of the Road Management Plan (RMP)

The RMP is an operational plan of Council and has been developed by the City of Port Phillip Council in accordance with the Act. The principal objective of road management, according to the Act, is to ensure that a network of roads is provided for the movement of persons and goods as part of an integrated transport system and that road reserves are available for other appropriate uses.

Section 50 of the Act sets the following objectives for a municipal road management plan:

- a) to establish a management system for the road management functions of a road authority which is based on policy and operational objectives and available resources; and
- b) to set the relevant performance standard in relation to the discharge of duties in the performance of those road management functions.

Although it is termed a 'plan' in the legislation, it is functionally an operational protocol document, describing the systems and rules we use to make decisions and meet obligations within our available resources. The plan forms part of a larger Asset Management Framework related to maintenance and operations.

For the avoidance of doubt, this Plan is a road management plan for the purposes of section 39 of the Act.

To achieve the objectives, the RMP provides details in the following key management areas that are central to Council's role as the road authority for municipal public roads:

- a) provide descriptions of the types of road and road-related infrastructure assets included in the RMP (section 3, Road Classification);
- b) set up a road and pathway hierarchy classification to facilitate the setting of performance standards (section 3, Road and Footpath Hierarchy);
- c) set relevant performance standards for the discharge of Council's duties (section 3, Performance Objectives); and
- d) set details of the management for the discharge of Council's duties (section 3, Management System).

To meet economic, social, safety, and environmental expectations of the community, careful consideration must be taken in setting achievable maintenance operation targets and asset management programs.

The Act gives power to a road authority to determine the standards to which the relevant road authority will construct, inspect, maintain and repair roadways, pathways, road infrastructure, and road related infrastructure.

This RMP determines levels of service by taking into consideration the affordability, available resources, and risks related to maintenance and ongoing asset performance. Intervention levels have been set in line with current 'industry practices' and reflect Council's ongoing commitment to providing the community with affordable road infrastructure that meets reasonable community expectations

1.2 Legislation guiding this Plan

In addition to the Act, the plan also considers the following legislation, regulations, and codes of practice:

- Local Government Act 1989 (Vic)
- Local Government Act 2020 (Vic) (the LG Act)
- Ministerial Codes of Practice
- Road Management (General) Regulations 2016 (Vic) (the Regulations)
- Road Management (Works and Infrastructure) Regulations 2015 (Vic)
- Road Safety Act 1986 (Vic)
- Wrongs Act 1958 (Vic)
- Code of Practice Management of Infrastructure in Road Reserves
- <u>Code of Practice Operational Responsibility for Public Roads (2017)</u>
- <u>A Guide to Working in the Road Reserve 2015</u>
 - o Companion to a Guide to Working in the Road Reserve 2015

1.3 Strategic Alignment

The purpose of the RMP is aligned with and assists in the delivery of the following Council Plan strategic objectives:

Liveable Port Phillip: Port Phillip is a great place to live, where our community has access to high quality public spaces, development and growth are well managed, and it is safer and easy to connect and travel within.

Well Governed Port Phillip: Port Phillip is a leading local government authority, where our community and our organisation are in a better place as a result of our collective efforts.

Move, Connect, Live – Integrated Transport Strategy 2018-28: is aimed at delivering Council's commitment to:

- Supporting a well-connected transportation future for our City.
- Making it easy for people to move around connecting people with places in a way that suits them as our City grows.

Key focus areas are for Move, Connect, Live are related to the 10-minute walking neighbourhoods:

- a) Prioritising safety and access
- b) Space for walking, socialising and play
- c) Boosting bike riding
- d) Partnering to deliver reliable, accessible and more frequent public transport
- e) Improved parking management
- f) Harnessing rapid advancements in new technology

Responsible management of road assets plays a vital role in the implementation of this strategy.

Parking Management Policy: provides a framework for the ongoing management of our existing 53,000 on-street and 4,000 Council-managed off-street spaces used for parking.

The overarching objectives of the Policy are to:

- a) address the City's existing and future growth and transport challenges.
- b) provide fairer and more reliable access to parking in all locations and at all times.

Asset Management Policy: has been adopted and its associated strategy framework have a direct link to the Council Plan through its budgetary and planning.



1.4 What is included in this Plan

The Plan is divided into seven sections:

- 1. Introduction
- 2. Rights and Responsibilities
- 3. Road Management Systems
- 4. Register of Public Roads
- 5. Other Considerations
- 6. Technical References
- 7. Attachments
 - a. Appendix A: Municipal Boundary Roads
 - b. Appendix B: Inspection Frequency and Condition Assessment Response Timeframes
 - c. Appendix C: Defect Intervention Levels and Repair Timeframes
 - d. Appendix D: List of State Arterial Roads
 - e. Appendix E: List of Shopping Centres

This plan must be updated within a set period following a Council election in accordance with the Act, the Regulations, and the LG Act. To align with Council's 'Best Value' approach, the RMP is a dynamic document subject to continuous improvement and review. Therefore, outside of this normal update cycle, changes may be required from time to time.

The following process will be used to manage these changes:

- If material changes are made to standards and specifications, a report will be presented to Council, along with a brief explanation as to why such changes are necessary.
- The review process must follow the steps as set out in the Regulations (part 3, Road Management Plans).
- When changes do not alter these technical aspects of road management, changes will be approved by the General Manager Operations and Infrastructure.

These changes will be made in accordance with the processes prescribed by the Act. To assist with version control, these changes will be numbered as follows:

- Versions presented to Council will be renumbered by whole numbers for example, from Version 1.00 to 2.00.
- Those approved by the General Manager will be renumbered by decimals for example, from Version 1.00 to 1.01.

While the plan will be updated periodically in line with legislative review periods and presented to council as required, the Road Register will be maintained on an ongoing basis. In addition, section 14A of the Act allows for changes to road classification within declared project areas. In these individual cases the road register will be updated to reflect this. Where City of Port Phillip have followed a process to discontinue a public road, this process will require Council endorsement prior. The road register will be updated to reflect this, but the overall RMP plan will not require Council review and update.

1.5 Exceptional Circumstances

Council will make every effort to meet its commitments under this Plan.

However, there may be situations or circumstances that affect Council's business activities to the extent that it cannot deliver on the service levels of the RMP. These include but are not limited to natural disasters, such as fires, floods, or storms, or a prolonged labour or resource shortage, due to a need to commit or redeploy Council staff and / or equipment elsewhere or due to the effects of pandemic and or government intervention.

1.5.1 Suspension of the Plan

In the event that the Chief Executive Officer (CEO) of Council has considered the impact of such an event on the limited financial resources of Council and its other conflicting priorities, and determined that the Plan cannot be met, then pursuant to section 83 of the *Wrongs Act 1958* (Vic), the CEO will write to Council's officer in charge of the Plan and inform them that some, or all, of the timeframes and responses in the Plan are to be suspended.

1.5.2 Reinstatement of the Plan

Once the scope of the event/s have been determined, and the resources committed to the event response have been identified, then there will be an ongoing consultation between Council's CEO and officer responsible for the Plan, to determine which parts of the Plan are to be reactivated and when.

1.5.3 Communication and Documentation of Plan Suspension

Council will provide information / statements to residents about the suspension or reduction of the services under its Plan, including:

- How the work that will be done has been prioritised; and
- The period for which it is likely to be affected.

This information will be provided by the Council on its website where its Plan is located and other channels as appropriate such as press releases or social media.

Where Council has suspended, in part or whole, its Plan, associated documents (e.g. communications, meeting minutes, schedules, etc.) will be recorded and stored.

Inspection and Repairs during Suspension

The suspension of the Plan will not necessarily mean that all inspections and repairs halt. However, it may mean that only certain categories of inspections and repairs are undertaken. These will be based on a risk assessment and resources available to the Council, considering the resources needed to address the impact of the trigger event. For example, some reactive inspections may take place and hazard control or repair (temporary or permanent) of roads / footpaths which pose a high risk may be undertaken, depending on the resources available to the council and the accessibility of each asset.

1.6 Responsibility for the Plan

Overall responsibility for administering and implementing the Plan rests with:

The Head of Asset Management, Port Phillip City Council, Private Bag 3, St Kilda VIC 3182

Any queries or comments in relation to this RMP should be directed to them.



1.7 Availability of RMP and Associated Documents

This Plan and the Register of Public Roads are available for inspection, in hard copy format, at the St Kilda Town Hall, 99A Carlisle Street, St Kilda during office hours each working day.

An electronic version of the Plan and Register of Public Roads is available at the Port Phillip web site: <u>www.portphillip.vic.gov.au.</u>

2 Rights and Responsibilities

2.1 Public Roads

The Act establishes the statutory framework for the management of public roads in Victoria. The Act, and any associated legislation as defined in the Act, applies to road authorities including the City of Port Phillip.

Public roads are defined in the Act as including:

- a freeway
- an arterial road
- a road declared under section 204(1) of the LG Act
- a municipal road declared under section 14(1) of the Act
- a road in respect of which Council has made a decision that it is reasonably required for general public use and is included on the Register of Public Roads.

The general functions of a road authority are described within section 34 of the Act.

2.1.1 Co-ordinating and Responsible Road Authority

Section 35 of the Act provides that a road authority has power to do all things necessary or convenient to be done for or in connection with the performance of its functions under the Act. Section 36 of the Act outlines which road authority is the coordinating road authority. According to subsection (c), the coordinating road authority: *If the road is a municipal road, the municipal council of the municipal district in which the road or part of the road is situated.*

However, there are instances where several authorities are responsible for components of the road within the road reserve. Section 37 of the Act identifies who is the responsible road authority in particular circumstances.

Council, as a recognised Roads Authority has a clear responsibility under the Act to effectively manage our municipal local road network. All State Arterial Roads as defined in section 36 of the Act are Managed by Head of Transport Victoria. These Roads are defined in Appendix D.

The Act provides that Council, as a road authority, has the general management functions of:

- · Provision and maintenance of a network of roads for use by the community served by it;
- Management of the use of roads having regard to the primary purpose of a road is for the use by members of the public and that other uses are to be managed in a manner which minimises any adverse effect on the safe and efficient operation of the road and the environment;
- Management of traffic on roads in a manner that enhances the safe and efficient operation of roads;
- Design, construction, inspection, repair, maintenance and renewal of road and road infrastructure; and
- Co-ordinating the installation of infrastructure on roads in such a way as to minimise, as far as
 is reasonably practicable, any adverse impacts on the provision of utility or public transport
 services.



Council is responsible for the development of a RMP in accordance with division 5, section 49-55 of the Act and has a statutory duty to inspect, maintain and repair its public roads as detailed in section 40 of the Act. This duty applies to any part of a public road which is a roadway, a pathway, a shoulder and road infrastructure.

The statutory duty imposed by subsection (1) of section 40 of the Act does not create a duty to upgrade a road or to maintain a road to a higher standard than the standard to which the road is constructed.

In exercising these functions and powers under the Act, Council will also comply with the following Codes of Practice and Regulations:

- <u>Code of Practice Operational Responsibility for Public Roads (2017)</u>
- <u>Code of Practice Clearways on Declared Arterial Roads (2004)</u>
- <u>Code of Practice Road Management Plans (2004)</u>
- Code of Practice Management of Infrastructure in Road Reserves (2016)
- Code of Practice Worksite Safety Traffic Management (2010)
- Road Management (General) Regulations 2016
- Road Management (Works and Infrastructure) Regulations 2015

2.2 Key Stakeholders

Key stakeholders who will be affected by the RMP in the City of Port Phillip, include:

- The community: ratepayers, residents, business, industry, and educational operators;
- · Residents and businesses adjoining the road network;
- Pedestrians (including the very young, those with disabilities, and the elderly with somewhat limited mobility);
- Users of a range of miscellaneous smaller, lightweight motorised vehicles such as pedal bike riders, motorised buggies, wheelchairs, prams, etc;
- Vehicle users using motorised vehicles such as trucks, buses, commercial vehicles, cars, and motor bike riders
- Transport service providers: transport operators, bus operators, and service providers supporting the delivery of transport service;
- Tourists and visitors to the area;
- Property Developers, consultants, and contractors;
- Utilities as prescribed in section 3 of the Act. They include entities that provide water, sewerage, drainage, gas, electricity, telephone, telecommunication, or other like services, any person who under the *Pipelines Act 2005* (Vic) is permitted to own, use, construct, or operate a pipeline, or a provider of public transport;
- Emergency services;
- Other road authorities such as Department of Transport and Planning (DTP), neighbouring Councils, Department of Energy, Environment, and Climate Action (DEECA), Parks Victoria, Melbourne Water Corporation;

- State and Federal Government agencies that periodically provide support funding to assist with management of the network; and
- Council as the responsible road authority.

2.3 Budget Provisions

Council's annual adopted budget and capital works program specifies the planning parameters by which the RMP is carried out. The annual budget is developed within an overall financial planning framework that guides Council in identifying community needs and expectations over the short, medium, and long term. In preparing the annual budget, funding requirements for each year are linked with the objectives contained in the Council Plan. In relation to road and road-related infrastructure assets that provide road transport service, Council recognises the importance of balancing appropriate performance standards with what the community is able to afford and sustain. In balancing the funding level for the inspection, maintenance, repairs, upkeep, rehabilitation, and renewal of road and road-related infrastructure assets, Council gives regards to the following key considerations:

- a) its role and obligations under the Act;
- b) achievement of statutory protection against civil liability claims;
- c) preservation of existing assets in an appropriate and safe working condition;
- d) ability to acquire additional infrastructure assets to serve new growth;
- e) market constraints in labour, plant and equipment, building materials, and contractors; and
- f) the competing demands for Council resources.

The performance standards set out in section 3 and the Appendices of this Plan reflect such balance.

2.4 Rights and Obligations of Road Users

The rights of public road users, which are legally enforceable, are set out in sections 8 to 10 of the Act.

The common law requires that a road user must take reasonable care for their own safety (refer *Ghantous v Hawkesbury City Council (2001) 206 CLR 512*). All road users have a duty of care under section 106 of the Act, with obligations prescribed in section 17A of the *Road Safety Act 1986* (Vic) or as amended which states:

- (1) A person who drives a motor vehicle on a public highway must drive in a safe manner having regard to all the relevant factors including (without limiting the generality) the:
 - a) physical characteristics of the road;
 - b) prevailing weather conditions;
 - c) level of visibility;
 - d) condition of the motor vehicle;
 - e) prevailing traffic conditions;
 - f) relevant road laws and advisory signs;
 - g) physical and mental condition of driver.



(2) A road user other than a person driving a motor vehicle must use a public highway in a safe manner having regard to all the relevant factors)

(3) A road user must:

- a) have regard to the rights of other road users take reasonable care to avoid any conduct that may endanger their safety or welfare of other road users;
- b) have regard to the rights of the community and infrastructure managers in relation to the road infrastructure and non-road infrastructure on the road reserve and take reasonable care to avoid any conduct that may damage road infrastructure and non-road infrastructure on the road reserve;
- a) have regard to the rights of the community in relation to the road reserve and take reasonable care to avoid conduct that may harm the environment of the road reserve.

2.4.1 Incident Claims

If a person proposes to make a claim in relation to a public road or infrastructure for which Council is the responsible road authority, that person should contact Council and Council will initiative respective investigation and insurance reporting processes.

In accordance with section 110 of the Act, Council is not legally liable for property damages where the value of the damage is equal to or less than the threshold amount.

In cases where the claim relates to assets Council does not own or is not responsible for on the road reserve, the person who proposes to make a claim must refer the claim to the other authority or person responsible for those assets.

2.4.2 Consent to Undertake Works in the Road Reserve

In general, the Act requires that any person intending to perform works in a road reserve including vehicle crossovers legal point of discharge, stormwater and service authority connections must obtain the consent of the co-ordinating road authority. The exemption from the requirement to obtain consent is applicable under the *Road Management (Works and Infrastructure) Regulations* <u>2015</u> and to comply with the requirements of LG Act and the Council's local laws made under that Act. More information is also available in <u>A Guide to Working in the Road Reserve 2015</u>.

Council is the coordinating authority for municipal roads and Department of Transport and Planning (DTP) is the coordinating authority for State roads (freeways and declared arterial roads).

Advice and application form for works in municipal road reserve is available from Council's offices and online: www.portphillip.vic.gov.au.

2.5 Obligations of Others

2.5.1 Repair of damaged Council assets

Where a party other than Council has damaged a Council asset or road, that party shall be responsible for repairing the damage to ensure that it is safe and operates at the level it previously operated at or higher. This will include where secondary damage has been caused to Council assets at a location other than the specific site of the asset works or repairs, such as subsidence from water damage, and in this case the damage must be repaired by the responsible party.

2.5.2 Other Assets

Without limiting the legal obligations of Council, infrastructure and other assets located in or adjacent to the road are excluded from the Plan. There are several assets within the road reserve that Council does not have an obligation to inspect and / or maintain. These include, but are not limited to:

 (a) Driveway Crossings – the vehicle crossing (including cross-overs), located between the carriageway and the property boundary, must be maintained by the adjoining property owner. However, Council is responsible for the portion of the driveway where the constructed pathway is reasonably required by the public (see diagram below);

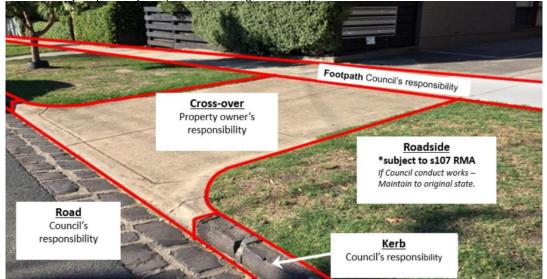


Figure 1: Driveway crossing, road, and road reserve responsibilities

- (b) road and road-related infrastructure assets that are the responsibilities of other road authorities, and / or other infrastructure managers (e.g. DTP, DEECA, Yarra Trams, Parks Victoria, private roads, and the like);
- (c) non-road infrastructure assets (e.g. telecommunications, gas pipes, water pipes, sewerage pipes, storm-water pipes, pits, electricity poles, cables, tram wires, rail infrastructure, bus shelters, public telephones, mail boxes, roadside furniture, and fences erected by utilities) owned, managed, and / or operated by private organisations, on private land or which interface on public land or within road reserves (e.g. shopping centres, educational institutions, body corporate subdivisions and the like);
- (d) single property stormwater drains that are constructed within the reserve from the property that carry water from a single property to an outlet in the kerb, or other drain;
- (e) sub-divisional roads under construction and prior to road becoming a public road;
- (f) Roadside as per section 107 of the Act, Council has no "statutory duty or a common law duty to perform road management functions in respect of a public highway which is not a public road or to maintain, inspect or repair the roadside", described as "any land that is within the boundaries of the road (other than shoulders) which is not a roadway or pathway". This includes landscaped tree plots within the footpath / pathway where the surface of the tree plot is not constructed with the intention of providing a trafficable pedestrian surface.



Where Council becomes aware of a hazard created by the defective condition of assets / infrastructure owned by another party, Council may at its absolute discretion:

- If located within assets / infrastructure for which Council is responsible (e.g. footpaths, road surfaces, etc.), or otherwise presents an immediate and significant risk to members of the public, undertake temporary measures to reduce the risk to members of the public until such time as the respective owner can implement permanent repairs (subject to Council's available resources).
- Report in writing (e.g. email or letter) the presence of the hazard to the responsible party and request that repairs be implemented within a reasonable timeframe.
- Where repairs are not completed by the responsible party within the respective timeframe, Council may complete necessary repairs and invoice the responsible party for the costs.

However, where another party has a duty in relation to the asset / infrastructure, and Council has a discretionary power to take remedial action in relation to that matter, only that other party with the duty is liable in a subsequent proceeding, in accordance with section 104 of the Act.

3 Road Management Systems

3.1 Background and Process

Road asset management involves managing both physical assets and uses and operation that have the potential to impact their condition. It applies to all road assets, including:

- the road pavement and surface, as well as footpaths, kerb and channel
- structures bridges, culverts and traffic management devices
- road infrastructure traffic signals and on-road electrical assets

The aim of our road management system is to deliver a safe and efficient road network and meet community needs to the best of our ability, within available resources.

To create a road asset management system that would best meet our needs when inspecting, maintaining, and repairing public roads, we used the following nationally recognised asset management frameworks:

- International Infrastructure Management Manual (IIMM) 2015, IPWEA
- IPWEA National Asset Management Systems (NAMS+)
- Other references, as listed in Technical References

The system is designed to set the direction for our asset management activities. It is also linked to the annual business planning cycle.

3.2 City of Port Phillip Overview

The City of Port Phillip geographically is the second smallest council in Victoria covering an area of 20.70km² with 266km of roads managed by the Council. Being a major inner metropolitan council, with significant population growth from infill developments, the road network function and capacity are consistently challenged from competing user demands. All road related assets responsibilities are centralised and managed through our Transport Asset Portfolio.

The Transport Asset Portfolio within the City of Port Phillip consists of public roads, streets, laneways, footpaths, bridges, kerbs, signs, and traffic treatments such as speed humps and roundabouts. We manage approximately 2.5km² of road pavement, more than 450km of road edging, 500 road islands and areas, 1700 laneways, 530km of footpaths, 13 bridges, and 19 traffic signals.

The Plan applies to the public roads listed in the Register of Public Roads (see section 4 of this RMP) and potentially for those parts of the arterial roads that Council looks after. It sets out the foundations for Council's commitment to providing sustainable and safe public road networks for the community having regard to the resources and priorities of the Council.

The RMP does not apply to private roads, or public highways not on the public road register.

Unless inconsistent with the context or subject matter (and including if and where (outside of the cadastral road reserve) a road for which the Council has made a decision that the road is reasonably required for general public use, a road declared by the Council to be a public highway under section 204(1) of the LG Act or a municipal road under section 14(1) of the Act, for the purposes of this Plan, by road reserve, we mean the area from the property boundary on one side of the road reserve to the property boundary on the other side of the road reserve.



The assets within the road reserve which are Council's responsibility under the Act to inspect, maintain, and repair includes:

- a) trafficable roads including features such as traffic lane, on-road bicycle lane, parking lane, service road, on road bus bays and shared zones;
- b) public carparks directly abutting edge of constructed road pavement;
- c) laneways and passageways which Council has made the decision are reasonably required for general public use;
- d) road shoulder and verge;
- e) roundabouts, speed humps, traffic or splitter islands, central median, outer separator;
- f) kerb and channel;
- g) pathways constructed footpath and / or bicycle path within the road reserve;
- h) pedestrian crossings and school crossings;
- i) regulatory signs, guideposts, raised reflective pavement marker (cat eyes), traffic safety barriers, and guard rails; and
- j) roadside Water Sensitive Urban Design (WSUD) features.

3.3 Road Classifications

Road classifications assist in determining relevant performance standards (see section 4) for key maintenance areas such as inspection, maintenance, repairs, and intervention levels. It also assists in other management activities such as allocating resources and specifying design and construction standards.

3.3.1 Defined Responsibility of Road Authority

The Act specifies that all roads in Victoria must be either State roads or municipal roads.

A State road is defined as a road which:

- a) Is a freeway or arterial road; or
- b) Is declared to be a non-arterial State road under the Act; or
- c) Is the responsibility of a State road authority under another Act.

A Municipal road is defined as any road which is not a State road, including any road which;

- a) Is a road referred to in section 205 of the LG Act; or
- b) Is a road declared by Department of Transport and Planning (DTP) to be a municipal road under section 14(1)(B) the Act; or
- c) Is part of a Crown land reserve under the *Crown Land (Reserves) Act 1978* (Vic) and has the relevant municipal council as the committee of management.

3.3.2 Declared Arterial Roads

Department of Transport and Planning (DTP) is the **Co-ordinating Road Authority** for freeways and declared arterial roads and is the **Responsible Road Authority** for all components of the through carriageway, between back of kerb, central medians and intersections with municipal roads. Refer to Appendix D for a list of these roads.

As set out in section 37 of the Act, Council is the **Responsible Road Authority** for parts of the roadway not used by through traffic including parking lanes, service roads, outer median separators, pathway and roadside, subject to any exclusions or variations agreed to with DTP.

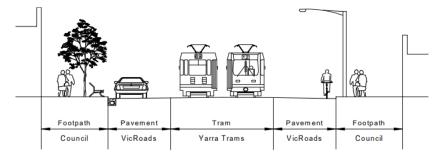


Figure 2: Declared Arterial Road with Shared responsibility

3.3.3 Local Roads with Tram Lines

Where tram tracks exist, the tram operator is responsible for tram-related assets in the road reservation such as tram tracks, yellow line marking, cat-eyes, overhead power lines and shelters. Tram operators are also responsible for the tram track reserve area typically within 500mm each side of the outer track rails in road reserves including crib crossings installed to protect pedestrians crossing tram tracks. Council is responsible for the road reserve outside these limits. The following figure illustrates the demarcation of responsibilities within council controlled local roads with tram lines.

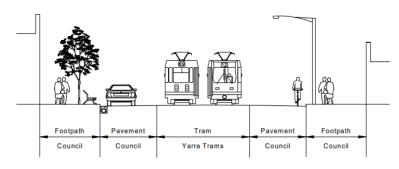


Figure 3: Major Road with Shared responsibility

3.3.4 Local Roads without Tram Lines

The following figure illustrates Council's responsibilities within council controlled local roads without tram lines.





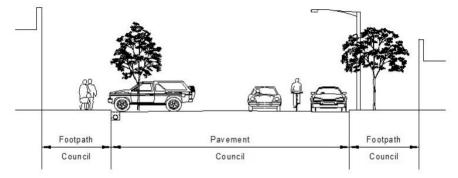


Figure 4: Local Roads with Full Council responsibility

More details of the demarcation of responsibilities are set out in <u>Code of Practice – Operational</u> <u>Responsibility for Public Roads (2017)</u>.

3.3.5 Public Transport and Utility Assets

Council is not responsible for the following public transport and utility assets in the road reserve:

- Rail and tramways infrastructure assets
- Water supply assets
- Gas supply assets
- Oil pipeline assets
- Sewer assets
- Telecommunications infrastructure
- Electricity supply and public lighting assets

Details of operational responsibility for these type of assets within the road reserve are set out in the <u>Code of Practice – Management of Infrastructure in Road Reserves.</u>

3.3.6 Shared Paths

Shared paths are generally sealed, signed and line marked. Shared paths are physically separated from motor vehicle traffic by an open space or barrier to provide low–stress environments for bicycling and walking. Shared paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorised users.

These facilities are most commonly designed for two–way travel. Refer to Appendix B for Hazard Inspection Frequencies for footpath and shared paths.

3.3.7 Municipal Boundary Roads

There are a number of roads which form the municipal boundary with adjoining municipalities. Council has in place practical arrangements with those municipalities for the maintenance of boundary roads. These arrangements are set out in the Register of Public Roads. The common road boundaries are set out in Appendix A.

3.4 Road and Footpath Hierarchy

Council has developed a road and footpath hierarchy for its road network based on factors such as functionality, traffic volumes, traffic type, speed, accessibility, design parameters and best practice¹.

3.4.1 Road Hierarchy

The road hierarchy is based on functional characteristics determined by the State Road Authority

The following table shows the hierarchy of State or private operated roads:

Road Hierarchy	Functional Description	Coordinating Road Authority
Tollway	Roads in this category –	Privately owned and
	• have very high traffic volumes and high speeds	operated
	have dual carriageways and full access control	
	 privately owned and operated - vehicles are levied a fee for usage (CityLink, East Link) 	
Freeway	Roads in this category –	Department of
	• have very high traffic volumes and high speeds	Transport and Planning (DTP)
	have dual carriageway and full access control	rianning (BTT)
	have grade separated intersections	
Highway	Roads in this category –	Department of
	• have very high traffic volumes and high speeds	Transport and Planning (DTP)
	 provide for major regional and inter-regional movement in a safe and operationally efficient manner 	
	have full access control to ensure there are no commuting access issues	
Arterial	Roads in this category –	Department of
	have very high traffic volumes	Transport and Planning (DTP)*
	 provide for traffic movement from major (sub- arterial) roads and/or collector roads to highways or freeways. 	Council are responsible for
	provide for commercial or industrial access requirements	Assets that fall outside the
	provide for public transport services	responsibility of the

¹ Refer to Austroads Table 4.1 Roles of Urban Roads and VICMAPS Road Classifications 23



Road Hierarchy	Functional Description	Coordinating Road Authority
	 provide a network for the movement of pedestrians & bike riders 	Co-ordinating Road Authority
	may be limited access roads or feature restrictions on direct property access	

The following table shows the hierarchy of City of Port Phillip operated roads:

Road Hierarchy	Functional Description	Coordinating Road Authority
Major (Sub- arterial)	Roads in this category –	Council
	have moderate-to-high traffic volumes	
	provide for traffic movements from collector roads or local roads to arterial roads	
	provide a link between arterial roads	
	provide for commercial or industrial access requirements	
	provide for public transport services	
	 provide a network for the movement of pedestrians and bike riders 	
	provide for direct access to abutting property	
Collector	Roads in this category –	Council
	have moderate traffic volumes	
	 provide for traffic movements from local roads to major (sub-arterial) roads 	
	provide for public transport services	
	 provide a network for the movement of pedestrians and bike riders 	
	provide for direct access to abutting property	
Local	Roads in this category –	Council
	have low-to-moderate traffic volumes	
	provide for traffic movements from properties to collector roads and/or the major (sub-arterial) roads	
	 provide a network for the movement of pedestrians and bike riders 	

	 provide direct access to abutting property and access to other properties within a local area. provide access for emergency and service vehicles 	
Laneway	 Roads in this category – have very low traffic volumes provide for rear access to properties from local roads and/or collector roads. have little or no through traffic 	Council
Carparks	 Provided for off-street parking generated by local businesses or located in reserves and foreshore areas. These are not dealt with in the Plan if not located on road reserves but are included in the Road Asset Management Plan 	Council

Refer to Appendix D for a list of Arterial Roads and refer to Register of Public Roads for all Council managed roads.

3.4.2 Footpath Hierarchy

The footpath hierarchy is based on pedestrian access mapping analysis and validation for delineating the Principal Pedestrian Network (PPN). Three levels of priority in PPN as follows:

Footpath Hierarchy	Functional Description	
Primary Pedestrian Routes	These routes form the foundation of the Principal Pedestrian Network (PPN) where a high level of pedestrian priority is assigned. These routes will be a major focus for the implementation of future walking infrastructure improvement.	
Secondary Pedestrian Routes	These routes will provide a secondary role to the primary routes and will be assigned a high level of pedestrian priority. A secondary focus for future infrastructure works will be assigned to these routes.	
Other Routes	This includes the balance of the pedestrian network within the walkable catchment which is not identified as Primary or Secondary. Although these routes are not assigned a significant role in the PPN, they are recognised as providing a level of local pedestrian priority because of their feeder role from residential origins to the Secondary and Primary Routes.	
Source: City of Port Phillip Principal Pedestrian Network – July 2013		



3.4.3 Asset Types

3.4.3.1 Road Pavement

Pavement consists of both Pavement Structure and the Pavement Surface. Pavement surface is the visible surface of the road. Pavement Structure lies beneath the Pavement Surface and cannot be seen. Proactive inspections are performed only on the pavement surface. Periodic assessment of the condition of the pavement structure is performed by external parties when required to support long term asset management planning.

3.4.3.2 Pavement Line Marking

The line marking that is painted on the pavement surface that assists safe movement of vehicles within dedicated areas of the road.

3.4.3.3 Kerb and Channel

The road edging that collects surface water run-off and supports effective drainage of the road network. Kerb and channel is usually constructed with either concrete or bluestone depending on its location.

3.4.3.4 Drainage Pits

Drainage pits collect runoff from road kerb and channel and transfer it to underground network of drainage pipes to ensure effective removal of rain or surface water from the road surface.

3.4.3.5 Bridges

Council is responsible for several bridges within its road network

3.4.3.6 Traffic Management and Control Devices

Council is responsible for several different traffic control devices that include road signs, traffic signals, and passive traffic control devices such as road islands and speed humps.

3.4.3.7 Road Furniture

There are different types of road furniture that abut the road or fall within the road reserve. While some of these have direct relationship to the safety of the road others are provided for other purposes but have potential to impact road safety. Examples of road furniture are road barriers or rubbish bins.

3.5 Performance Objectives

The objectives of setting performance standards for inspections, defect intervention levels and maintenance response times are:

- (1) Support public safety.
- (2) Protect road infrastructure assets.
- (3) Ensure an appropriate level of protection against civil liability claims

(4) Ensure our community are satisfied with the level of risk accepted by Council balancing what service levels our community can afford and are willing to pay for

3.5.1 Determining Levels of Service

In setting these inspection and response standards, Council has adopted a risk-based approach around the hierarchy of roads and footpaths. The higher the road or footpath is on the hierarchy, the more the likelihood and the greater the consequence of an incident, resulting in an overall higher risk.

The inspection and response standards aim at mitigating the risk to an acceptable level and have been developed in the context of:

- the objectives of good road management;
- the rights of users of local roads and pathways;
- ensuring the most efficient use of the resources available for local road and pathway management;
- · ensuring that the local road and pathway network and infrastructure are
 - as safe for users as is reasonably practicable; and
- the Council's overall policy and budgetary position.

The main reasons for the inspection of road assets is therefore:

- to identify hazards and act to minimise the risk of injury to the road and footpath users to an acceptable level; and
- to identify defects in time and repair to prevent premature failure of the assets and minimise the financial impact to the community.

3.6 Maintenance Strategy

3.6.1 Maintenance and Response

In accordance with section 36 of the Act, Council is the coordinating road authority for the roads as well as pathways and ancillary areas within the road reserves of those public roads, as specified in the "Register of Public Roads".

This section describes the public road and pathway maintenance categories and approaches adopted in this RMP.

Council has responsibilities to all road users and the community to maintain public roads to a reasonably safe and suitable standard, within our available funds and resources. By developing long-term maintenance programs for our assets, we are better able to plan how we do this.

The following maintenance requirements shape our annual program and budget:

Routine maintenance standards

- Standards vary across the network depending on the asset type and relevant risk factors, such as traffic volumes and composition, operating speeds, the susceptibility of assets to deterioration and the cost effectiveness of repairs. Competing priorities for funding are also relevant.
- Defect intervention levels have been established using the VicRoads Standard Specification Section 750 and adapting it to local conditions.



• The standards will be reviewed periodically to make sure they are adequate (see section 1.4).

Repair and maintenance works

- Works must be completed within a specified time, depending on the severity and location of the defect. Response times are determined using local knowledge and experience and past performance as a guide.
- Response times are monitored and will be periodically reviewed (see section 1.4).

Temporary mitigation measures

- These are temporary works designed to reduce the risk of an incident, until such time as repair or maintenance works can be completed.
- Response times and safety measures for example warning signs, flashing lights, and safety barriers – are determined by reference to the risk to safety, road type and traffic volume.

Emergency works

- Works that result from emergency incidents and must be undertaken immediately, for the safety of road users and the public.
- Emergency works might include traffic incident management, responses to fires, floods, storms and spillages, and any assistance required under the Victorian State Emergency Response Plan and Municipal Emergency Management Plan.

3.6.2 Asset Management Plans

Our asset management plans guide the development of long-term asset renewal programs, helping us to plan and finance asset renewal and replacement.

3.6.3 Inspections

Inspections are performed in three modes:

- Proactive inspections planned and undertaken by Council and Contractor employees
- Reactive inspections unplanned in response to Customer Requests
- Condition inspections scheduled by independent contractors (network condition inspection)

3.6.3.1 Proactive Inspections

Proactive inspections are used to identify hazards generated, within relatively short periods, by usage and or/weather conditions. Dedicated staff identify and record the hazard, and any action required to address it and to report defects which are beyond treatment by routine maintenance for alternative action. The maximum frequencies for proactive inspections set out in Appendix B form part of this Plan and will be reviewed as required:

3.6.3.2 Reactive Inspections

Reactive inspections are performed in response to a report about the condition of a road, or a report of injury and/or property damage to a member of the public. The response time for reactive inspections set out in Appendix B form part of this Plan and will be reviewed as required.

3.6.3.3 Condition Inspections

The condition of each element of the road and footpath network is assessed to determine the overall condition of the network, determine the remaining useful life of the asset and to prioritise future major renewal works. This inspection may also include risk assessment. The frequencies for these inspections set out in Appendix B form part of the Plan and will be reviewed as required.

3.6.4 Response Times

The following information is recorded when we receive a Request for Service (RFS) from the community:

- Date the request was received
- Details of the request, including the location and nature of the reported hazard / defect (including any specific measurements if provided), name of the person making the request, copies of any photographs provided, etc.
- The personnel / department to which the request has been assigned for action
- Date by which the request must be actioned
- Date when the request was actioned and/or completed (this typically involves someone carrying out an RFS inspection, as described in section 3.6.3, followed by any necessary repair works conducted)

By recording this information, we can monitor compliance against target response times – that is, the time it takes from receiving a request to carrying out an inspection and ultimately completing necessary works.

Customer requests will be inspected and assessed in accordance with timeframes specified in Appendix B. Following are some possible outcomes from a reactive inspection:

- If a defect identified exceeds a Description / Intervention level specified in Appendix C, a work order would be created with a date for completion of works in line with respective specified repair timeframes.
- If repairs are significant for example, rehabilitation works are required temporary mitigation measures may be undertaken to reduce the risk posed by the hazard / defect until the proper works can be undertaken (and subject to available resources).
- If the defect is assessed as below the Description / Intervention Level specified in Appendix C, it would be noted (including why), but no remedial action will be conducted.

In all cases, the action taken would be noted against the original request.

Target response times and intervention times are based on 'normal' conditions. The same level of service would not apply in cases where the Plan has been suspended.

Inspection and response standards as detailed in Appendix B and C have been based on an approach that aims to balance customer expectations with sustainable financial management. Information gained from external and internal sources, including historical knowledge of demand, risk and expectation, has guided the development of these standards

3.7 Management Systems

Council's process of managing its roads assets includes recording and documenting:

- Proactive inspections of road assets;
- · Reactive inspections of assets based on customer requests; and
- Condition inspections of long-life network assets.



This information is recorded in Council's Asset Management Information System and then used to develop the following works programs for road related assets:

- the annual maintenance works plan;
- the annual capital works program;
- the 4-year capital works program; and
- the Long-Term Financial Plan (asset renewal);

and provide input into the contract standards and specifications for the Civil Infrastructure Maintenance Services Contract.

A key feature of Council's management system is to Council officers through the use of technology and computer systems to deliver service to the community in accordance with the performance standards of the RMP within the statutory framework of the Act. The management system by which the components referred to in the RMP Plan will be undertaken are detailed in the following sections.

3.8 Records of Inspections and Maintenance Works

Records of all inspections and maintenance works undertaken on the Council Road network shall be kept to meet the requirements of the Act and this Plan. Defects shall be identified and prioritised before rectification/repair works are undertaken.

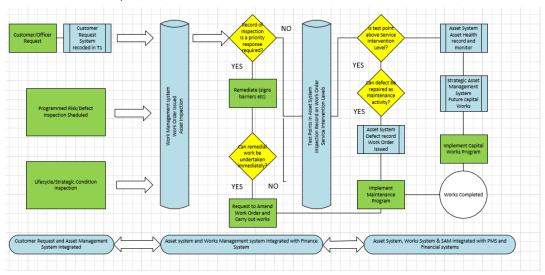


Figure 5: Management system to inspect, repair and maintain roads

3.9 Road Reserve Proactive Inspections

The Road Reserve Proactive inspections under the RMP are scheduled and completed within Council's Asset Management Information System (AMIS), which includes a work scheduling and management system. Details of the asset are provided through an electronic mobile device linked to the AMIS. Intervention defects and hazards are identified against the road reserve segment ID. Each defect/hazard is photographed and stored in the AMIS.

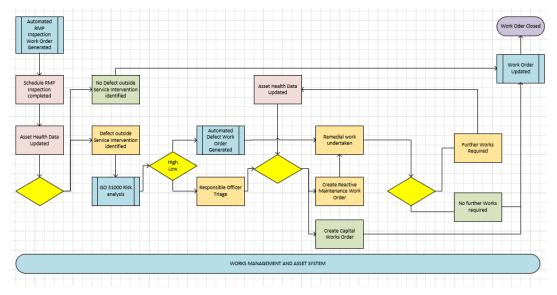


Figure 6: Proactive Works Management system

3.10 Road Reserve Reactive Inspections

Road Reserve defects and hazards that are identified by the community may be reported to Council via the Council's Customer Request system which is integrated with Councils Asset and works management systems. This will include issues reported by telephone, email, in person or via Council's website. All Road Reserve notifications that are made in the CRM system are automated to the AMIS Works Management System and placed in the work triage queue of the responsible department. Road reserve defects and hazards are then treated as reactive inspections within the Works Management System.



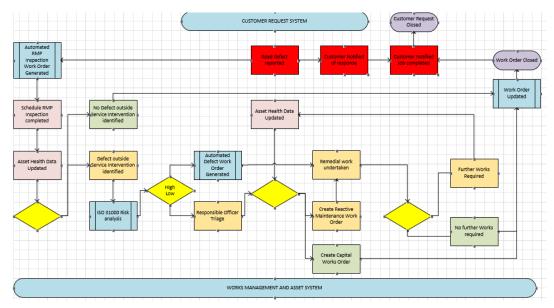


Figure 7: Reactive Works Management system

3.11 Maintenance Works Program

Works programs are developed from both the reactive CRM requests and the proactive inspection program works based on the required timelines to complete the works. The works program provides a proactive approach to maintenance or other works required by assessing the existing condition to determine if it is below, meeting or above the required standard as specified. Works that are non-urgent and beyond the maintenance scope of works will be referred to Council's capital works program.

3.12 Asset Information

All Asset information on key attributes is entered and stored on Council's Asset Management Information System and GIS databases. The One Council database is live, integrated and updated with Inspection, defects and work order information. New assets are created or disposed of or are renewed through the Project Management System and Capital Works Programs. All maintenance schedules are created at the time assets are made "in use" and commissioned.

4 Register of Public Roads

4.1 Register of Public Roads

Council is required by the Act to maintain a Register of Public Roads for which it is the Coordinating Road Authority. The Register is a stand-alone document titled "Register of Public Roads".

The Act provides that Council may decide which roads it will register to be "public roads" as defined in the Act.

A public road is a road for which the Council has made a decision that the road is reasonably required for general public use or a road the subject of a declaration made under section 204(1) of the LG Act or a road declared a municipal road under section 14(1) of the Act, and any other existing legislations.

The Register of Public Roads and information on road infrastructure are generated from Council asset records. The information will be updated as assets are created, amended, discontinued or disposed of.

The Council will consider public roads if the following characteristics are achieved:

- · Public highway under common law and currently used by the public
- Form link between two roads
- · Contribute to public safety for the use by emergency fire access
- · Part of council asset network (surface or underground) such as stormwater drainage
- Constructed to Council standards
- Built with heritage material (bluestone)
- Identified as road on title or in the plan of subdivision
- Provide access to many properties

Council's current Register was first gazetted in 2004 and has been updated as required.

4.1.1 Roads not listed on the Register

The following roads are not listed on our Register of Public Roads:

- Roads which are the full responsibility of the state government, or a private enterprise;
- Unused roads for which we have not accepted responsibility;
- Roads drawn out on a plan of subdivision, until such time that we accept responsibility for these roads;
- Roads which we have not determined are reasonably required for general public use.

4.1.2 Maintenance Demarcation

Details of demarcation of responsibilities are set out in <u>Code of Practice – Operational</u> <u>Responsibility for Public Roads (2017)</u>. Where there are boundary agreements between Council and other road authorities or private organisations, the schedule of roads affected, and agreements will be listed in the Municipal Road Register.



Divisions 4A and 4B of the Act establish additional obligations on road authorities when undertaking works near or on rail infrastructure. The RMP should identify how Council will meet these requirements, and which internal roles or teams are responsible for compliance.

4.1.3 Asset Protection

Other authorities (e.g. Gas, electricity, water, telecommunications) and developers often undertake works on our public roads to install, maintain or repair their assets. City of Port Phillip engage an Asset Protection team to ensure that any reinstatement works are undertaken to a satisfactory level and to miminise impact on the condition and quality of the assets.

5 Other Considerations

5.1 Footpath Maintenance and Renewal

If the footway section of a concrete vehicle crossing is found to be defective during asphalt footpath maintenance or renewal work, then the footway section will be repaired in accordance with City of Port Phillip's Standard Drawings CPP1504 or CPP1505 or to provide a uniform asphalt footpath each side and through the crossing. The property owner is to be advised of the works in advance. In all other cases, the footway section of a concrete vehicle crossing will not be replaced.

If a street with asphalt footpaths is to be fully reconstructed i.e. replace road pavement, kerb and channel, driveways and footpaths or for a new vehicle crossing constructed by the property under a Vehicle Crossing permit, then Standard Drawing CP1501 - Concrete Vehicle Crossing will continue to apply to provide a uniform asphalt footpath each side and through the crossing.

5.2 Vehicle Crossovers (Driveway)

A vehicle crossover or driveway provides access from the road carriageway to the property boundary. A person must not access land in a vehicle other than via a temporary or permanent vehicle crossing.

Vehicle crossings are the responsibility of the property owners to construct, maintain and repair. However, the footpath traversing the crossover is Council's responsibility to inspect, maintain and repair in accordance with this Plan.

In the following diagram, Council is responsible for Council Pathway and the property owner is responsible for private vehicle crossover of the vehicle crossing. If there is no constructed footpath then the property owner is responsible for the entire crossover from the road edge to the property boundary.

The property owner is responsible for the section of private drainage from their property to either a pit in the roadside, direct connection into Council's drain, pit or an outlet on the kerb, any culvert required to cross on-road drainage or the tray section that replaces the kerb" will be property owners' responsibility.



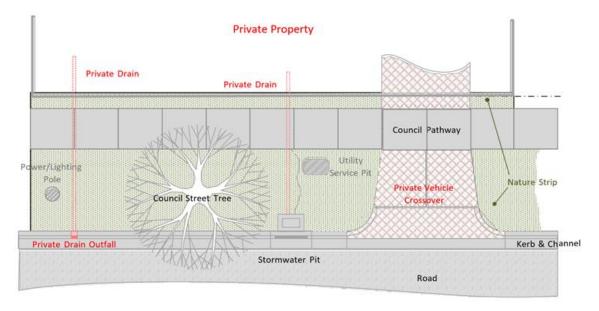


Figure 8: Driveway Crossovers

5.2.1 Removal of Redundant Vehicle Crossings

Vehicle crossings can become redundant due to changing land use and property re-development. A number of legacy redundant vehicle crossovers within the City of Port Phillip have been identified by residents and Council officers. They can cause issues for pedestrian safety (trip hazards) and poor use of road space (parking).

The removal of these redundant vehicle crossovers will improve pedestrian safety by providing a uniform surface which will eliminate potential tripping hazards. In addition, the removal of redundant crossovers will provide space for on-road parking – this can be a particular benefit in streets suffering from parking pressure. Vehicle crossings made redundant by any new redevelopment works will be required to be removed and footpath reinstated as part of any application. Removal of identified legacy redundant vehicle crossings will be considered by internal teams. Where there is mutual benefit for removal of redundant crossing the funding of these may be done by negotiation between property owner and Council.

5.2.2 Vehicle Crossing – Local Government Act & Local Law

In accordance with schedule 10 of the Act and Council's Local Law No. 3, Clause 34(1), property owners may be required by Notice from an Authorised Officer:

- to construct a temporary or permanent vehicle crossing or repair or reconstruct an existing vehicle crossing; or
- to remove a vehicle crossing and reinstate the kerb and channel, footpath, nature strip and any other part of the road or repair a vehicle crossing.

If, in the opinion of the Authorised Officer, the vehicle crossing has not been properly maintained or is in a state of disrepair or is redundant or has been constructed in breach of a permit.

Property owners must obtain consent from Council to construct a new vehicle crossing or alter or remove an existing crossing located on Major (Sub-arterial) Roads, Collector Roads, Local Roads

and Laneways. Vehicle crossovers must comply with Council's specifications and standard drawings. A Planning Permit is required to construct a new vehicle crossing or alter or remove an existing crossing located on a Highway or Arterial Road where Department of Transport and Planning (DTP) is the Co-ordinating Road Authority.

While every site is entitled to vehicle access that does not necessarily mean that every site is entitled to a vehicle crossover. Safety of pedestrians and all road users together with the preservation of the continuity of the footpath, kerb, channel, nature strip, trees and on street parking spaces must be considered.

The following matters will be taken into consideration in the assessment of crossover applications:

- a) New crossovers are not encouraged, but where there is a demonstrated need for a new crossover, the needs, desires and safety of pedestrians are to be given priority over vehicles in the decision making for approval, design and location of crossovers.
- b) If there is alternative access, e.g. abutting laneway 3m or wider, that access is to be given a serious consideration prior to considering access from the street.
- c) Subdividing a property does not necessarily mean that each new lot will be entitled to a separate crossover.
- d) No crossovers are to be supported in street blocks where there are no existing crossovers.
- e) Any crossover made redundant by the new request is to be reinstated as footpath at the cost of the applicant.

For details go to: vehicle crossing permit.

5.3 Trees

Street trees have a significant impact on the streetscapes within the municipality. The importance of the trees is reflected in the Council's street tree management policies. The root systems of these trees impact adversely on the road assets in particular footpath surfaces and kerb and channel alignments. It is important therefore that everyone is aware of the high value of street trees to Port Phillip and to ensure their protection in carrying out any maintenance works on adjacent assets.

With respect to street and other trees impacting on the road asset the Council's maintenance contractor must:

- carry out works as required on adjacent footpaths and kerbs in accordance with agreed criteria;
- develop appropriate work practices in working around trees; and
- liaise closely with the Council's Arborists (within the Parks Services Team) in dealing with tree roots.

Where tree roots greater than 50mm diameter, which may affect the health and stability of the tree, are encountered or likely to be encountered during works, the contractors and developers must liaise and work closely with Council's Arborists (within the Parks Services Team).

Street and private trees should be maintained to a minimum clearance height of 4.5m for DTP's highways and arterial roads and 4.3m for council roads. Clear line of sight of 1.0m should be maintained behind the road edge.



5.4 Heritage Road Assets and Infrastructure

Bluestone kerbs, channels and laneways have historical, aesthetic, and technical significance. This is recognised in the Planning Scheme heritage overlays. They provide physical evidence of the area's history, settlement patterns and the changing engineering practices in road construction.

Repairs and re-construction of this heritage infrastructure is undertaken with a conservation approach to ensure that their significance is maintained for present and future generations even though it may not meet modern design standards. Consideration must be given to footpath continuity and maintaining the accessibility of footpaths is required in maintaining Heritage laneway crossings.

5.5 Nature Strip

Nature Strip (roadside Verge) is a strip of public vegetated or grassed area owned by the Council located between the boundary of a private property and the constructed road pavement kerb, excluding footpath or vehicle crossing.

Nature Strips are owned by the Council. In most cases nature strip is grassed, the Council is responsible for the planting of street trees in the nature strip. It is the responsibility of adjoining property owners to maintain the nature strip, excluding street trees. Well maintained grass and low vegetation in the nature strips add to the landscape character and biodiversity of the street and allow good visibility and sight lines for pedestrians and vehicles especially at road corners and intersections.

The nature strip has a number of important functions: it contributes significantly to the streetscape, visual amenity and a healthy environment for the neighbourhood; it is valued by the community as a place for street gardening and community connectedness; it is the location for essential utility assets such as gas, telephone, water main, fire hydrant, electricity and public lighting; it also accommodates Council infrastructure assets such as drainage (pit covers at the surface and underground pipes), signs and street furniture such as seats and poles. Nature strip also provide a location for collection of the waste bins and hard rubbish.

5.6 Accessibility

The City of Port Phillip is committed to equitable, dignified access and inclusion to all its services, programs, premises, employment, and communication systems for all residents and stakeholders. Council has adopted the Disability Policy and the Social Justice Charter in support of its belief that "all citizens have the right to participate in community life without barriers" and to support the creation of "a sense of community in order to make our city a better place for all".

Through focussed planning over many years, Council has implemented a wide range of access and inclusion initiatives across all areas of responsibility. This has assisted in ensuring ongoing update and improvement of access and inclusion requirements for all residents of Port Phillip. In addition, this has provided an effective framework to meet the legislative requirements of Council under the Federal *Disability Discrimination Act 1992*.

The **Accessibility Action Plan 2023-2025** has incorporated extensive consultation with all City of Port Phillip (CoPP) departments to identify access achievements across Council, as well as barriers to access and inclusion for people with disabilities and other access challenges. It

incorporates updated strategies to address access and inclusion issues and gaps and provides a framework for community feedback.

With the increasing ageing population across Australia and the high proportion of residents and visitors to the municipality with a wide range of access challenges, the update and renaming the DAP to Access Plan is an important process in Council's commitment to continuous improvement and is an integral part of the organisation's ongoing commitment to best practice and community accountability

In some cases, appropriate footpath widths (e.g. 1.2m) cannot practically be met within the land constraints and these are not intended for regular pedestrian traffic. However, Council will endeavour to identify these locations and solutions to achieve improved accessibility and consider these for inclusion in the capital works program.

As described in the Heritage section, maintaining accessibility requirements over laneway crossings and ensuring continuity of footpath is considered in the design.

5.7 Standards for Construction, Expansion, Upgrading, Renewal and Refurbishment of Road Assets

The proposed standards for construction of new local roads and pathways and for the expansion, upgrading, renewal and refurbishment of existing local roads and pathways will be in accordance with the standards and specifications adopted by Council. However, the City being a fully developed urban environment, in some instances, due to site constraints and other factors, the standards or guidelines may not be able to be complied with entirely. In such situations, professional judgements will be adopted in finalising design.

Where possible Council will use approved sustainable methods for asset construction. This may include recycled concrete and asphalt and using environmentally friendly alternatives in asset construction. The technical standards and specifications for maintenance works are generally complying with industry standards for the various categories of works.

To deliver appropriate outcomes and as part of effective stakeholder communication, council will notify local residents of any upcoming planned maintenance or capital works. Cars parked in sections of road being repaired can delay contractors or result in sub-standard repairs being undertaken. Communication protocols are followed to request that vehicles are moved prior to the works commencing. If cars remain following this request, Council reserve the right to tow the vehicle away at the owner's cost.

5.8 Sustainability and Climate Change Considerations

Council has committed to acting on climate change as documented in the Act and Adapt Sustainable Environment Strategy and the Climate Emergency Action Plan and has an agreed set of climate change risks that the organisation must manage.

Where possible, Council will adopt the following sustainability requirements for asset construction:

- 1. Maximise the use of low carbon materials including concrete in line with relevant standards
- 2. Avoid use of high embodied emission material such as aluminium
- 3. Maximise the use of recycled materials



- 4. Ensure demolition waste is appropriately disposed of at its highest value
- 5. Identify opportunities for reuse or refurbishment of demolition materials from projects into other Council projects
- 6. Optimise design to minimize materials and water use
- 7. Prioritise steel sourced from accredited suppliers for the Environment Sustainability Charter of Australia Steel Institute

Council assets will be impacted by climate hazards, if they haven't been already. Climate Hazards that are likely to have a significant impact on Council roads include: extreme rainfall and flooding, extreme temperature and drought, and sea level rise. Council's climate change risk register includes the high priority risk "Temporary inundation of council roads, drainage and open spaces from Sea Level Rise and Storm Surge".

Adaptation actions to mitigate the impacts of these climate hazards, as well as Asset Vulnerability data must be considered during asset planning and construction.

5.9 Road Construction by Special Charge Scheme

As stated earlier, the statutory duty imposed by subsection (1) of section 40 of the Act does not create a duty to upgrade a road or to maintain a road to a higher standard than the standard to which the road is constructed. Should Council receive a request from a property owner or a group of property owners to have their street fully or partially constructed then section 163 of the LG Act shall apply. Under these provisions, a Special Charge Scheme may be initiated whereby property owners deemed to receive a special benefit from the works will be required to contribute to the cost of construction.

Under section 163B of the LG Act, should the amount to be contributed by the property owners exceed two third of the total cost, then only if it is supported by a majority of at least 75% of the property owners can a Scheme be initiated.

40

6 Technical References

- i. AS ISO 31000:2018 Risk Management Guidelines
- ii. Integrated Asset Management Guidelines for Road Networks (AP-R202) 2002, Austroads Inc.
- iii. International Infrastructure Management Manual (IIMM) 2015, IPWEA
- iv. VicRoads Risk Management Guidelines
- v. VicRoads Standard Specification Section 750 Routine Maintenance

7 Attachments

Appendix A: Municipal Boundary Roads

Appendix B: Inspection Frequency and Condition Assessment Response Timeframes

Appendix C: Defect Intervention Levels, Response and Repair Timeframes

Appendix D: List of State Arterial Roads

Appendix E: List of Shopping Centres

Appendix A: Municipal Boundary Roads

The roads set out below form the common boundaries between City of Port Phillip and the adjoining Municipalities:

Boundary Road	From	То	Boundary Location	Classification	Adjoining Municipality
Todd Road	Port Phillip Bay	Williamstown Road	Full width of road from Port Phillip Bay to the entrance of Perc White Reserve then centre of road	Collector Road	City of Melbourne
Todd Road	Williamstown Road	West Gate Freeway	Centre of road	Arterial Road	City of Melbourne
West Gate Freeway	Kings Way	Todd Road	South boundary of freeway reserve	State Freeway	City of Melbourne
Kings Way	West Gate Freeway	Dorcas Street	Centre of road	State Highway	City of Melbourne
Dorcas Street	Kings Way	St Kilda Road	Centre of road	Municipal Road	City of Melbourne
St Kilda Road	Dorcas Street	High Street	Centre of road	Arterial Road	City of Melbourne
High Street	St Kilda Road	Punt Road	Centre of road	Arterial Road	City of Melbourne
Punt Road	High Street	Queens Way	Centre of road	State Highway	City of Stonnington
Queens Way	Punt Road	Chapel Street	Centre of road	State Highway	City of Stonnington
Dandenong Road	Chapel Street	Orrong Road	Centre of road	State Highway	City of Stonnington



Attachment 1:



Boundary Road	From	То	Boundary Location	Classification	Adjoining Municipality
Orrong Road	Dandenong Road	Inkerman Street	Centre of road	Municipal Road	City of Glen Eira
Inkerman Street	Orrong Road	Hotham Street	Centre of road	Municipal Road	City of Glen Eira
Hotham Street	Inkerman Street	Brighton Road	Centre of road	Arterial Road	City of Glen Eira
Brighton Road	Hotham Street	Glen Huntley Road	Centre of road	State Highway	City of Glen Eira
Glen Huntley Road	Brighton Road	St Kilda Street	Centre of road	Arterial Road	City of Bayside
St Kilda Street	Glen Huntly Road	Head Street	Centre of road	Arterial Road	City of Bayside
Head Street	Ormond Esplanade	Port Phillip Bay	Centre of road	Municipal Road	City of Bayside

43



Appendix B: Inspection Frequency and Condition Assessment Response Timeframes

Road Type: (NOTE: road inspections include inspections for Pavement	Reactive	Proactive	Road Asset
Surface, Pavement Line Marking, Kerb and Channel, Traffic Management	Inspection	Inspection	Condition
and Control Devices, Drainage Pits and Road Furniture)	Timeframes	Timeframes	Assessment
	(Working Days)	(Months)	Timeframes
Arterial - *Inspection ONLY of those assets under Council responsibility	2	3	36
Major (Sub-Arterial)	2	3	36
Collector Road	3	6	36
Local Road	5	12	36
Laneway	10	24	36
Major Carpark	5	3	36
Minor Carpark	10	12	36
Bridges - Level 1	2	12	N/A
Bridges - Level 2	2	36	N/A
Bridges - Level 3	2	As Required	As Required
Footpath, Shared Paths – Primary	3	12	36
Footpath, Shared Paths – Secondary	5	12	36
Footpath, Shared Paths – Other	10	12	36

Attachment 1:



Road Type: (NOTE: road inspections include inspections for Pavement Surface, Pavement Line Marking, Kerb and Channel, Traffic Management and Control Devices, Drainage Pits and Road Furniture)	Reactive Inspection Timeframes (Working Days)	Proactive Inspection Timeframes (Months)	Road Asset Condition Assessment Timeframes
Footpath, Shared Paths – Shopping Major	3	3	36
Footpath, Shared Paths – Shopping Minor	5	6	36
Emergency Situation - Reported Incidents / Hazards that present an immediate and significant risk to members of the public. Temporary measures (e.g. installing barriers, signage, closing the road/footpath, etc.) will be implemented to reduce the risk to users of the road network until such time as appropriate repairs can be completed.	2	N/A	N/A

¹ Note: The same proactive footpath inspection frequencies apply on arterial roads where Council is the Responsible Road Authority as per the RMA Code of Practice – Operational Responsibility for Public Roads



Appendix C: Defect Intervention Levels, Response and Repair Timeframes

An appropriate hazard response will include inspection to undertake an initial inspection, installation of temporary control measures or repairs (provision of warning signs, barriers, and traffic control) and/or permanent remedial repairs within a designated timeframe based on risk. The response times in business working days and exclude weekends and public holidays is measured from the confirmation and reporting of the hazard (from the initial inspection) and issuing work order by the maintenance team to repair, secure the site or otherwise resolve. Data collected for defects below the standard intervention level is recorded for asset management purposes. There is no guarantee that any action will be taken on defects below the intervention level as it is considered safe.

In some situations where the hazard cannot be repaired within the timeframes specified due to lack of resources or budget a temporary repair will be carried out until the permanent works will be planned as part of maintenance or capital works programs.

Safety is the primary factor for response times.

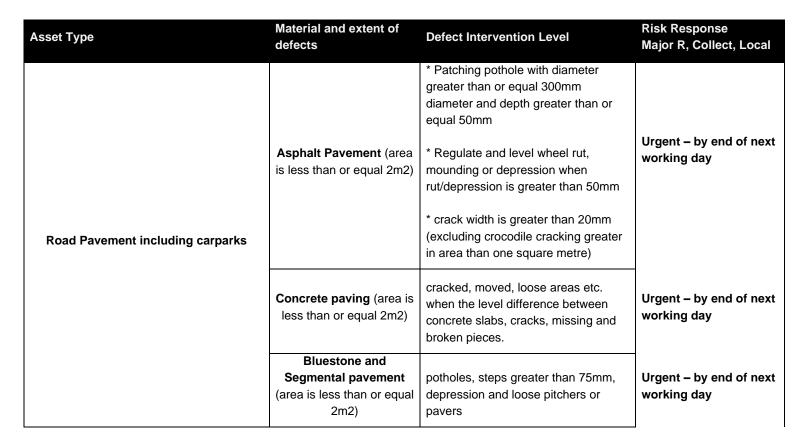
An assessment of risk is required taking into consideration both the intervention levels, the asset type and it's use. The risk assessment indicates there are three types of hazard response with response times detailed below.

RESPONSE	DESCRIPTION	HAZARD CONTROL / RESPONSE TIME	ACTION / RESPONSE TIME	SYSTEM PRIORITY DESCRIPTION
Immediate	potential to cause injury to person or property	Provide temporary repair within 2 hours.	Rectify by end of next working day.	P1-HSE (Priority 1- Critical/HSE Issue)
Urgent	will have the potential to cause injury to persons or property	Provide temporary repair within 1 day.	Rectify by end of next working day.	P2-HIGH (Priority 2- High)

Attachment 1:



RESPONSE	DESCRIPTION	HAZARD CONTROL / RESPONSE TIME	ACTION / RESPONSE TIME	SYSTEM PRIORITY DESCRIPTION
	Routine Maintenance works where	Provide temporary repair	P3 rectify within 1 month.	P3- MED (Priority 3- Medium)
Non-Urgent	the condition is not immediate or urgent.	within 2 days.	P4 rectify within 3 months.	P4- LOW (Priority 4- Low)
Add to works program	Showing signs of deterioration but no maintenance required. Refer to works program for longer term renewal.	N/A	Add to works program	P5 – VERY LOW

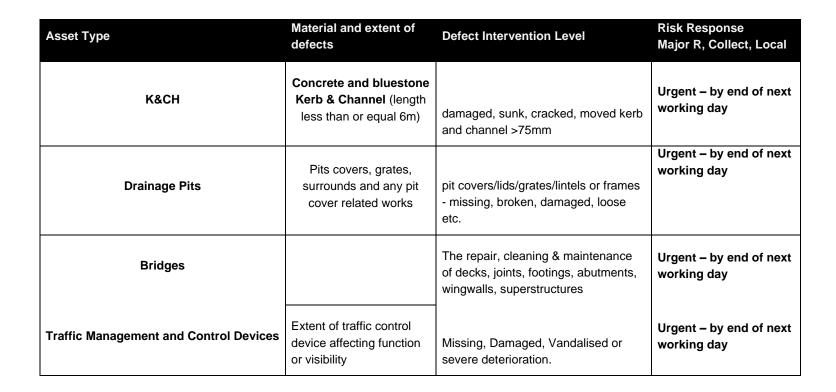






Asset Type	Material and extent of defects	Defect Intervention Level	Risk Response Major R, Collect, Local
	Asphalt Pavement (area is less than or equal 2m2)	vertical displacement is greater than 50mm isolated potholes in footpath area when diameter is exceeding 300mm and 25mm in depth (except repairs as part of work carried out on tree roots)	Urgent – by end of next working day
Footpath and Shared Paths	Concrete paving (area is less than or equal 2m2)	grind (Joint step less than 25mm) or replace paved area where sunk, cracked, moved or loose etc.: * vertical displacement (mounding/ depression) greater than 50mm * heaving over 1.2m straight edge greater than 75mm * Ponding over 1.2m straight edge greater than 40mm	Urgent – by end of next working day
	Segmental pavement (area is less than or equal 2m2)	differential movement of adjoining pavers (intervention level in the table above)	Urgent – by end of next working day

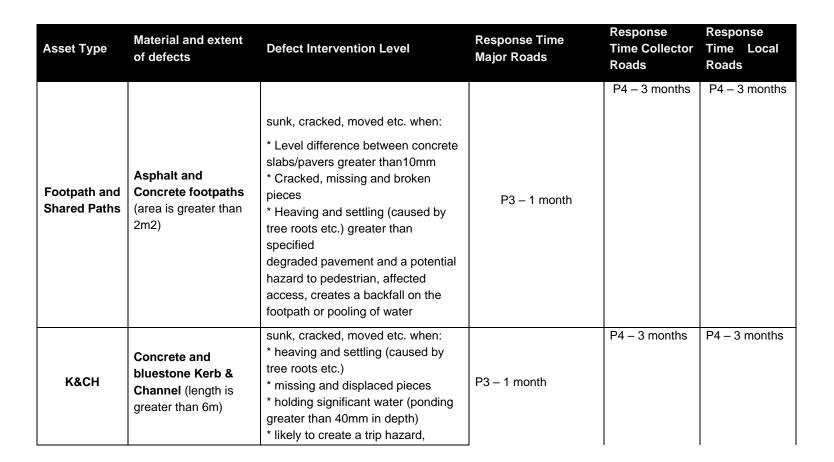
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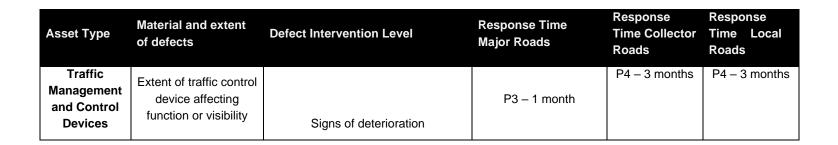
For non-urgent defects: installation of temporary control measures/ temporary repair and repair with Non-Urgent timeframes:

Asset Type	Material and extent of defects	Defect Intervention Level	Response Time Major Roads	Response Time Collector Roads	Response Time Local Roads
	Pavement Patching (area is greater than 2m2)	all potholes, regulate wheel ruts and depression, edge repairs etc.		P4 – 3 months	P4 – 3 months
	Concrete paving (area is greater than 2m2)	Repair/Replacement of all or part of existing concrete		P4 – 3 months	P4 – 3 months
Road Pavement	Bluestone Pitcher / Segmental Paving (area is greater than 2m2)	Repair/Replacement of all or part of existing bluestone laneways or segmental paved area	P3 – 1 month	P4 – 3 months	P4 – 3 months
	Reconstruction (area is greater than 2m2)	treatment of major failed pavement areas by replacement		P4 – 3 months	P4 – 3 months
	Resurfacing (area is greater than 2m2)	Surface treatment (Resealing or resheeting) of asphalt pavement to maintain the integrity of the pavement surface		P4 – 3 months	P4 – 3 months
	Crack Sealing (area is greater than 2m2)	seal cracks when pavement cracks generally greater than2mm in width		P4 – 3 months	P4 – 3 months





Asset Type	Material and extent of defects	Defect Intervention Level	Response Time Major Roads	Response Time Collector Roads	Response Time Local Roads
		become health hazard or likely to deteriorate rapidly			
Drainage Pipes & Pits	Programmed Repairs	short sections of unserviceable pipe	P3 – 1 month	P4 – 3 months	P4 – 3 months
	Raised Reflective Pavement Marking (RRPM)	RRPMs should be replaced when more than 15% are missing or not reflecting	P3 – 1 month	P4 – 3 months	P4 – 3 months
Pavement Marking	replacement of worn- out road markings including car parking, Statcon, school crossing, rail crossings	Repaint worn road marking when more than 30% of the marking is worn through.	P3 – 1 month	P4 – 3 months	P4 – 3 months
Bridges	Programmed Repairs	Repairs to restore the structure to a safe and functional condition.	P3 – 1 month	P4 – 3 months	P4 – 3 months





Appendix D: List of State Arterial Roads

Road Name	Start	End	Location
Albert Road	Kingsway	Canterbury Road	South Melbourne
Bay Street	Beach Street	Pickles Street	Port Melbourne
Beach Road (Beaconsfield Parade/Jacka Boulevard / Marine Parade/Ormond-Esplanade)	Bay Street	Head Street	Albert Park – Middle Park – St Kilda West – St Kilda – Elwood
Barkly Street (Hoddle Main Road)	Ormond Esplanade	St Kilda Road	Elwood – St Kilda
Canterbury Road	Albert Road	Fitzroy Street	Middle Park – St Kilda West
Carlisle Street	Barkly Street	Hotham Street	St Kilda – Balaclava
City Road	Pickles Street	West Gate Freeway	South Melbourne – Southbank
Clarendon Street	West Gate Freeway	Albert Road	Southbank – South Melbourne
Ferrars Street	City Road	Kerferd Road	South Melbourne – Albert Park
Fitzroy Street	St Kilda Road	Canterbury Road	St Kilda
Glen Eira Road	Brighton Road	Hotham Street	Ripponlea
Glenhuntly Road	Marine Parade	St Kilda Street	Elwood
Glenhuntly Road (east bound lane)	St Kilda Street	Nepean Hwy	Elwood





Attachment 1:



57

Appendix E: List of Shopping Centres

SHOPPING CENTRES	CLASS
Acland Street - from Barkly St. to Robe St. (With Esplanade intersections, Carlisle Street to Barkly Street, and Shakespeare Grove)	Major
Bay Street - from Graham St. to Ingles St., (with Crockford St. between Bay St. and Ingles St. including Graham St. intersection)	Major
Bridport Street – from Ferrars Street to Merton Street (with Dundas PI and Montague Street to O'Grady Street)	Major
Carlisle Street – from St Kilda Road to Carlisle Avenue (with Camden Street and Nelson Street between Carlisle St and Alfred St)	Major
Clarendon Street – from Westgate Street to Napier Street	Major
Fitzroy Street – from St Kilda Road to The Esplanade (With Grey Street to Dalgety Street)	Major
South Melbourne Market - (York Street and Coventry Street between Ferrars Street and Clarendon Street, Cecil Street between York Street and Coventry Street)	Major
Armstrong Street – from Canterbury Road to Neville Street	Local
Barkly Street - from Blessington Street to Inkerman Street with Grey Street to Gurner Street	Local
Centre Av – from Howe Parade to Dunstan Parade	Local
Glen Eira Road – from Hotham Street to Rail line	Local
Ormond Road – from Glen Huntly Road to Pine Avenue	Local
Park Street – from Moray Street to Cecil Street	Local
Victoria Avenue – from Beaconsfield Parade to Richardson Street (right hand side)	Local
Victoria Avenue – from Moubray Street to Merton Street	Local

Attachment 1:



SHOPPING CENTRES	CLASS
City Road and Montague Street (B/w Boundary Street and Thistlethwaite Street and with Montague Street intersection	Local
Corner Addison Street and Meredith Street	Local
Corner Montague Street and Park Street	Local
Corner Williamstown Road and Graham Street	Local
Cowderoy Street and York Street Roundabout	Local
St Kilda Road - Argyle Street to Inkerman Street (outbound)	Local
St Kilda Road - Octavia Street to Alma Road (outbound)	Local
Tennyson Street - Scott Street to Coleridge Street	Local
Station Pier Street	Local
Corner Wellington Street and St Kilda Road	Local
Corner Chapel Street and Dandenong Road	Local
Blessington Street both sides with Barkly Street Intersection	Local
Brighton Road - Milton Street and Hennessy Avenue	Local
Brighton Road - Chapel Street to Brunning Street	Local
Corner Inkerman Street to Hotham Street	Local



12. A VIBRANT AND THRIVING COMMUNITY

Nil

13. AN ENGAGED AND EMPOWERED COMMUNITY

13.1	Review of Governance Rules - Release for Public Consultation	. 133
13.2	Civic and Community Flag Protocol	.205
13.3	Status of Council Decisions and Questions taken on Notice Recorded by Council: 1 January to 31 March 2025	.230
13.4	Councillor Gift, Benefit and Hospitality Policy	.270
13.5	S6 Instrument of Delegation - Council to Members of Staff	.288



13.1 REVIEW OF GOVERNANCE RULES - RELEASE FOR PUBLIC CONSULTATION

EXECUTIVE MEMBER: ROBYN BORLEY, DIRECTOR, GOVERNANCE AND ORGANISATIONAL PERFORMANCE

PREPARED BY: EMILY WILLIAMS, SENIOR COUNCIL BUSINESS ADVISOR

1. PURPOSE

- 1.1 To present to Council proposed updates to the Governance Rules to enhance the overall effectiveness of decision making and meeting procedures at the City of Port Phillip.
- 1.2 To consider the release of the Draft Governance Rules for public consultation.

2. EXECUTIVE SUMMARY

- 2.1 Council is required to adopt and maintain Governance Rules in accordance with section 60 of the Local Government Act 2020 (The Act). These rules, which govern the procedures for Council meetings, play a critical role in ensuring transparency, accountability, and the overall effectiveness of decision-making within Council. By providing clear guidelines for how meetings are conducted, the Governance Rules are fundamental to maintaining a well-functioning and effective governance framework.
- 2.2 City of Port Phillip's Governance Rules were last updated in 2022, being adopted on 8 September 2022. The Rules have been in effect since that time. <u>City of Port Phillip</u> <u>Governance Rules 2022.</u>
- 2.3 The previous Council term requested officers to undertake a review of the Governance Rules due to a recurring pattern of meetings running late.
- 2.4 Council officers sought feedback from the former Councillors in August 2024 and a benchmarking exercise was conducted in late 2024 as part of this proposal to compare the City of Port Phillip's Governance rules against those of neighbouring councils, to allow the City of Port Phillip and the community to consider best- practice.
- 2.5 In early 2025, officers presented the findings of the benchmarking exercise to the new Councillors and recommended proposed changes to the Governance Rules. With the knowledge that Model Governance Rules are likely to be released later in 2025, Councillors were supportive of undertaking a review.
- 2.6 The benchmarking identified that the City of Port Phillip has one of the highest levels of community engagement and public participation at Council meetings across the Local Government Sector. This has resulted in a recurring pattern of meetings running late under the existing rules which creates challenges, including health and safety concerns and the risk of reduced effectiveness in decision making.
- 2.7 This review presents a valuable opportunity to refine our practices, ensuring that Council continues to operate efficiently and in the best interests of the community with a particular focus on the following objectives:
 - Health and safety obligations, ensuring a safe and supportive environment for Councillors, officers and the community.
 - Enhancing good governance and fostering a culture of transparency and accountability,



- Ensuring that Councillors are empowered to fully and effectively carry out their roles and responsibilities, and
- Streamlining meeting processes to improve efficiency and decision-making.
- 2.8 To support the above, the Governance Rules have been updated (Attachment 1) with proposed changes for Community feedback. The changes also contain further clarifications and updates. A table has been provided (Attachment 2) that describes the proposed changes and the intent behind them.

3. RECOMMENDATION

That Council:

- 3.1 Endorses the Draft updated Governance Rules (Attachment 1) to be released for community engagement.
- 3.2 Notes that the proposed updated Governance Rules enhance good governance and foster a culture of transparency and accountability, streamline meeting procedures to improve efficiency and decision making and address occupational health and safety obligations, ensuring a safe and supportive environment for Councillors, officers and the Community.
- 3.3 Notes that community engagement is required in relation to developing or amending the Governance Rules under the Local Government Act 2020 and will occur from Monday 7 July through to Sunday 3 August 2025.
- 3.4 Notes that a second report will be brought to Council with the results of the consultation and any recommended changes to the Governance Rules for consideration by Council.

4. KEY POINTS/ISSUES

4.1 The key changes have been proposed to streamline meeting processes to improve efficiency and decision making including:

Proposed changes that enhance Safety and Well-being

- 4.2 A number of changes have been proposed to reduce the overall time duration of Council meetings and address the CEO's occupational health and safety obligations, ensuring a safe and supportive environment for both Councillors and officers including:
 - a) Proposed introduction of a time limit for the overall duration of meetings
 - b) Proposed introduction of Councillor speaking times
 - c) Proposed reduction of all public speaking time to two minutes per speaker.

IBAC Recommendations

- 4.3 Recommendations directed to the Minister for Local Government as a result of the 2023 Operation Sandon Special Report released by the Independent Broad-based Anti-Corruption Commission (IBAC) have also been proposed to:
 - a) Remove provision for items to be moved and seconded *en bloc*. (*En bloc* refers to the practice of grouping motions together and taking a single vote to pass the grouped motions)
 - b) Record the vote of Councillors where the vote is not unanimous

These recommendations are anticipated to be incorporated into the proposed model Governance Rules. Local Government Victoria (LGV) has confirmed they have



commenced the development of Model Governance Rules to be published by December 2025.

Petitions, Joint Letters and Deputations

- 4.4 A number of changes have been proposed to refine the process for lodging a Petition or Joint Letter to a Council meeting including
 - a) Increasing the minimum number of signatures required for a petition from five signatures to ten signatures.
 - b) Introduction of provisions to decline a Petition or Joint Letter that:
 - i. Is vague or unclear in intention
 - ii. deals with a matter which is beyond Council's power;
 - iii. deals with a matter which, if actioned by Council, would result in Council acting invalidly;
 - iv. is aimed at embarrassing a Councillor of a member of Council staff; or
 - v. contains a complaint against the actions or failures of staff or a Council department. This will be handled by Council as a letter of complaint and handled in accordance with Council's managing complaints policy.
 - c) Additional provisions for Petitions and Joint Letters pertaining to operational matters be referred to the CEO for consideration.
 - d) Introduction of a midday deadline for submitting Petitions and Joint Letters introduced at least seven days prior to the meeting to assist with the timely compilation of the agenda
 - e) Only permit the lead submitter or their representative to speak to the Petition or Joint Letters at a Council meeting.
 - f) Additional section to introduce deputations at Council meetings. Deputations allow individuals or groups to address Council directly about specific matters relevant to the council's functions. This provision is proposed to be added to the Governance Rules to contribute to strengthening community engagement and public participation at meetings.

Notices of Motion

- 4.5 Additional provisions have been proposed relating to Notices of Motion whereby a Councillor Notice of Motion seeks to:
 - I. Substantially affect the level of Council services,
 - II. Commit Council to expenditure in excess of \$5,000, that has not been included in the adopted budget.
 - III. Commit Council to any contractual arrangement, or
 - IV. Take any action that the Chief Executive Officer determines, in their sole discretion, would unreasonably divert officer resources, the Notice of Motion must only call for an Officer Report to be prepared and presented to Council and, if the Notice of Motion is carried, the Officer Report will be presented to the next scheduled Council meeting where it is practicable to do so.
- 4.6 Additional provision if a Notice of Motion, whether amended or not, is lost, a similar motion cannot again be put before Council for a period of three (3) calendar months from the date it was lost.



Proposed minor clarifications and updates

4.7 A number of minor changes have also been proposed to the overall document to ensure that Council meeting processes are clear and fair for the benefit of both the community and Councillors. The full list of these changes has been provided as a summary in **Attachment 2**.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Section 60 (4) of the Local Government Act 2020 requires any changes to the Governance Rules to go through a community engagement process prior to being endorsed.
- 5.2 Consultation will be undertaken for a period of one month through Council's Have Your Say page.

6. LEGAL AND RISK IMPLICATIONS

6.1 The proposed changes ensure compliance with the Local Government Act 2020.

7. FINANCIAL IMPACT

7.1 There are no financial impacts from the proposed changes.

8. ENVIRONMENTAL IMPACT

8.1 There are no environmental impacts from the proposed changes.

9. COMMUNITY IMPACT

- 9.1 The proposed changes recommend to:
 - 9.1.1 Reduce public speaking time to be two minutes at all times.
 - 9.1.2 Amend the public participation registration closure time from 4 pm on the day of the meeting to midday.
 - 9.1.3 Increase the minimum number of signatures required for a petition from five signatures to ten signatures.
 - 9.1.4 A midday deadline for submitting Petitions and Joint Letters introduced at least seven days prior to the meeting to assist with the timely compilation of the agenda
 - 9.1.5 Only permit the lead submitter or their representative to speak to the Petition or Joint Letters at a Council meeting.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

10.1 The changes align to the strategic direction 'An engaged and empowered community' ensuring that Council have Governance Rules that are fit for purpose and compliant with the Local Government Act 2020.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

11.1.1 Consultation will begin the Monday after the Council decision to adopt the draft updated Governance Rules. The community will have the opportunity to provide feedback via Council's Have Your Say page from Monday 7 July through to Sunday 3 August 2025.



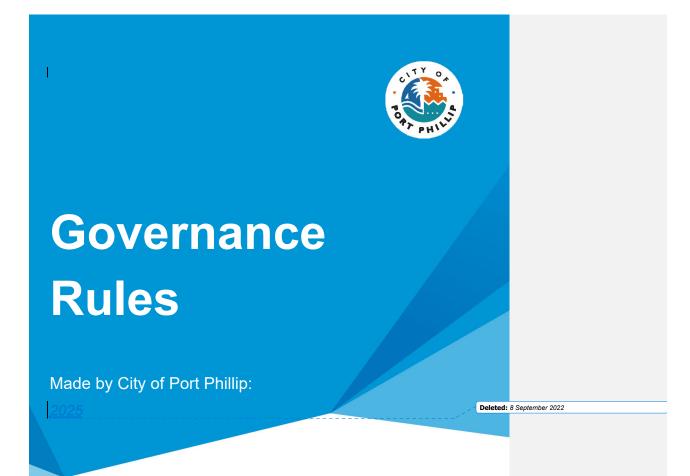
11.1.2 A report will be brought back to Council in September with the results of the consultation and any recommended changes for Council to consider for adoption.

11.2 COMMUNICATION

- 11.2.1 Council's Governance Rules:
 - Ensure that proceedings and decision making by Council is transparent and understandable to all people who wish to participate in and observe meetings of Council.
 - Ensure participation in proceedings is accessible and balanced with Council's primary decision-making role.
 - Ensure proceedings and decision making is conducted in accordance to the principles of procedural fairness and good governance.
 - Ensure proceedings and decision making is made in a safe and respectful environment and provides an equal opportunity for all to participate, with respect being accorded to the expression of differing views.

12. OFFICER MATERIAL OR GENERAL INTEREST

- 12.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.
- ATTACHMENTS 1. Draft Governance Rules Tracked Changes $\square_{\underline{U}}$
 - 2. Governance Rules Changes Summary Table 2





Consider carefully how the information in this document is transmitted

GOVERNANCE RULES

1. Nature of Rules

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

2. Date of Commencement

These Governance Rules commence on insert endorsement date),

3. Contents

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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	Use of the Common Seal
Chapter 8	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.

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

Chief Executive Officer includes an Acting Chief Executive Officer.

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

Council means Port Phillip 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.

Mayor means the Mayor of Council.

these Rules means these Governance Rules.

2

Governance Rules: Adopted by Council

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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:
 - Public Transparency Policy
 - Election Period Policy

2. Decision Making

ernance Rules: Adopted by Council

3

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- (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).

Deleted: <#>Councillor Code of Conduct¶ Staff Code of Conduct ¶

Chapter 2 – Meeting Procedure for Council Meetings

Contents

Part A – Introduc	tion	6
1.	Title	6
2.	Purpose of this Chapter	
3.	Definitions and Notes.	
•••	of Mayor	
	-	
4.	Election of the Mayor	
5.	Method of Voting	
6.	Determining the election of the Mayor	
7.	Election of Deputy Mayor and Chairs of Delegated Committees	
8.	Appointment of Acting Mayor	10
Part C – Meeting	s Procedure	12
Division 1 – Noti	ces of Meetings and Delivery of Agendas	12
9.	Dates and Times of Meetings Fixed by Council	12
10.	Time limits for meetings.	12
11.	Alter Meeting Dates	12
12.	Meetings Not Fixed by Council (Unscheduled or Special Meetings)	
13.	Notice of Meeting	
14.	Appointment of Temporary Chair	
15.	Apologies and absences	13
Division 2 Oue	rums	
16.	Inability to Obtain a Quorum	
17.	Inability to Maintain a Quorum	
18.	Adjourned Meetings	
19.	Cancellation or Postponement of a Meeting	
Division 3 – Busi	ness of Meetings	
20.	Agenda and the Order of Business	
21.	Change to Order of Business	
22.	Urgent Business	16
Division 4 – Moti	ons and Debate	16
23.	Councillors May Propose Notices of Motion	16
23.	Notice of Motion	16
25.	Chair's Duty	
26.	Introducing A Motion or an Amendment	
20.	Right Of Reply	
28.	Moving An Amendment	
29.	Who May Propose An Amendment	
30.	How Many Amendments May Be Proposed	
31.	An Amendment Once Carried	
32.	Foreshadowing Motions	
33.	Default to Officer's Recommendation	
34.	Withdrawal Of Motions	
35.	Separation Of Motions	
36.	Priority of address	
37.	Motions In Writing	
38.	Repeating Motion and/or Amendment	
39.	Debate Must Be Relevant to the Motion	
40.	Withdrawal of Remark	
41.	Speaking times	
42.		
4Z.	Addressing the Meeting	
42. 43.		21

Governance Rules: Adopted by Council

4

Division	5 – Proce	edural Motions	21
	44.	Procedural Motions	21
Division	6 – Resc	ission Motions	23
	45. 46. 47.	Notice of Rescission If Lost	23 24
	48.	May Be Moved by Any Councillor	
Division		s of Order	
	49. 50. 51. 52.	Chair to Decide Chair May Adjourn to Consider Procedure For Point of Order Valid Points of Order.	24 24
Division	8 – Ques	tion Time	2
	53. 54.	Public Question Time Councillor Question Time	
Division	9 – Petiti	ons and Joint Letters	27
	55.	Petitions and Joint Letters	27
Division	10 – Dep	utations	29
	56. 57. 58. 59. 60.	Deputations Consideration of request Questions but no discussion permitted Matter to be determined upon a subsequent meeting Prior meeting with deputation	29 29 29
Division	11 – Voti	ng	
	61. 62. 63. 64. 65. 66. 67.	How Motion Determined	30 30 30 30 30
Division	12 – Min	utes	31
	68. 69. 70. 71.	Confirmation of Minutes No Debate on Confirmation of Minutes Deferral Of Confirmation of Minutes Form and Availability of Minutes	32
Division	13 – Beh	aviour	33
	72. 73. 74. 75.	Public Addressing the Meeting Chair May Remove Chair may adjourn disorderly meeting Removal from Chamber	34 34
Division	14 – Add	itional Duties	34
	76. 77. 78.	The <i>Chair</i> 's Duties And Discretions The Chief Executive Officer's duties Councillors and members of Delegated Committees duties	34
Division	15 – Sus	pension of Meeting Procedures	3
	79.	Suspension of Meeting Procedures	35
Division	16 – Phy	sical and Remote Attendance	3!
	80.	Mode of Attendance	3

Governance Rules: Adopted by Council

5

	81.	Meetings Conducted Remotely	
Division	17 – Mis	cellaneous	
	82.	Chief Executive Officer statement	,
	83.	Live streaming and recording	- i
	84.	Conditions of entry to a Council meeting	1
	85.	Procedure not provided in this Chapter	i -
		· · · · · · · · · · · · · · · · · · ·	

Part A – Introduction

1. Title

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

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:

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

"absolute majority" means the number of Councillors which is greater than half the total number of the Councillors of the Council;

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

"minutes" 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; and which complies with rule 24;

"notice of rescission" means a notice of motion to rescind a resolution made by Council; which complies with rule 44.

"Reports by Councillor Delegates" means a verbal or written report to Council on the activities of a committee or external body by a Councillor who is the appointed delegate to that internal committee or external body;

"written" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and writing has a corresponding meaning.

Governance Rules: Adopted by Council

6

 Deleted: Part A - Introduction 6¶

 1. Title 6¶

 2. Purpose of this Chapter 6¶

 3. Definitions and Notes 6¶

 Part B - Election of Mayor 8¶

 4. Election of the Mayor 6¶

 5. Method Voting 8¶

 7. Election of Deputy Mayor and Chairs of Delegated Committees 10¶

 8. Appointment of Acting Mayor 11¶

 Part C - Meetings Procedure 12¶

 Division 1 - Notices of Meetings and Delivery of Agendas 12¶

 Appointment of Adung Mayor 1111
Part C - Meetings Procedure 1211
Division 1 - Notices of Meetings and Delivery of Agendas 121[
Dates and Times of Meetings Fixed by Council 121[
Time limits for meetings. 121[
Atter Meeting Dates 121]
Meetings Not Fixed by Council (Unscheduled or Special Meetings) 121[
Notice of Meeting 131]
Appointment of Temporary Chair 131[
Apologies and absences 131]
Division 2 - Quorums 141[
Inability to Obtain a Quorum 141]
Adjourned Meetings 141[
Inability to Maintain a Quorum 141]
Adjourned Meetings 141[
Cancellation or Postponement of a Meeting 151]
Division 3 - Business of Meetings 151[
Change to Order of Business 151[
Curcellors Musices 161]
Division 4 - Motions and Debate 161[
Notice of Motion 161]
Chairs Duty 171[
Intoducing A Motion or an Amendment 171[
Right Of Reply 181[
Moving An Amendment 181[
Moving An Amendment 181]
How Mary Amondments May Be Proposed 181[
Apriandowing Motions 191]
Default to Officer's Recommendation 191[
With Mary Amendments May Be Proposed 181]
An Amendment Once Carried 191]
Separation Of Motions 191]
Priority of address 201]
Moving 201]
Moving 201]
Motions Inviting 201]
Motions Inviting 201] 36. 37. Priority of address 20¶ Motions In Writing 20¶ Repeating Motion and/or Amendment 20¶ Debate Must Be Relevant to the Motion 20¶ 38. 39. 40. Withdrawal of Remark 20¶ Withdrawal of Remark 20[]
 Speaking times 20[]
 Addressing the Meeting 21[]
 Right to Ask Questions 21[]
 Procedural Motions 21[]
 Procedural Motions 21[]
 Division 5 - Rescission Motions 23[]
 Notice of Rescission 23[]
 If Lost 23[]
 If Lost 23[]
 Moved by Amy Councillor 2 H Loss Z-291
 H Loss Z-291
 Kay Be Moved by Any Councillor 24¶
 May Be Moved by Any Councillor 24¶
 Chair to Decide 24¶
 Chair to Decide 24¶
 Chair Any Adjourn to Consider 24¶
 Chair May Adjourn to Consider 24¶
 Valid Points of Order 24¶
 Valid Points of Order 24¶
 Valid Points of Order 24¶
 Councillor Question Time 25¶
 Councillor Question Time 25¶
 Councillor Question Time 25¶
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 Deputations 29¶
 Consideration of request 29¶
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Deleted: "sealing schedule" means a listing of documents (and supporting information) requiring a resolution of Council to affix the common seal of Council; 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.

Governance Rules: Adopted by Council 7

	is to be	This Part is concerned with the election of the Mayor. It describes how the elected.	(Deleted: annual
4.	Elec	tion of the Mayor	
	4.1	The <i>Chief Executive Officer</i> must facilitate the election of the <i>Mayor</i> in accordance with these Rules and the provisions of the <i>Act</i> .	
	4.2	Mayoral Term	
		A Mayor is to be elected no later than one month after the date of a general election.	
		Before the election of the Mayor, Council must determine by resolution whether the Mayor is to be elected for a 1_year or a 2_year term.	
		 If the Mayor is elected for a 1-year term, the next election of the Mayor must be held on a day that is as close to the end of the term as is reasonably practicable. 	
		 If the Mayor is to be elected for a 2-year term, the next election of the Mayor must be held on a day that is as close to the end of the term as is reasonably practicable. 	
		A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs. A Councillor elected to fill a vacancy caused other than by the expiration of a term serves the remaining period of the previous Mayor's term.	
	4.3	The order of business at the Council meeting to elect the Mayor is to be determined by the Chief Executive Officer.	
	4.4	Upon being elected, the Mayor may make a ceremonial speech. The purpose of the ceremonial Mayoral speech is to outline priorities for the year ahead based on the adopted Council Plan.	
	4.5	Within three months of their election, a new Mayor must undertake training to support the effective management of their role and responsibilities as it relates to the chairing of Council meetings.	
5.	Meth	nod of Voting	
		lection of the <i>Mayor</i> must be carried out by a show of hands or such other or audible means as the <i>Chief Executive Officer</i> determines.	
6.	Dete	ermining the election of the Mayor	
	6.1	The Chief Executive Officer must invite nominations for the office of Mayor.	
	6.2	Any nominations for the office of <i>Mayor</i> must be seconded by another Councillor.	
	6.3	Once nominations for the office of <i>Mayor</i> have been received, the following provisions will govern the election of the <i>Mayor</i> .	

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6.4		is only one nomination, the candidate nominated must be declared uly elected.	
<u>Multip</u>	le Nomina	tions and Candidate Elected on First Vote	
6.5		is more than one nomination, the Councillors <i>in attendance</i> at the g will be entitled to vote for one of the candidates.	Deleted: must
6.6		event of a candidate receiving the votes of an <i>absolute majority</i> of llors, that candidate is declared to have been elected.	
Three	or More I	Nominations and No Candidate Obtaining Absolute Majority on First Vo	<u>te</u>
6.7	In the e	event that:	
	6.7.1	there are three or more candidates;	
	6.7.2	no candidate receives the votes of <i>an absolute majority</i> of Councillors; and	
	6.7.3	it is not resolved to conduct a new election at a later date and time,	
	6.7.4	the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors <i>in attendance</i> at the meeting <u>will be entitled to then vote for one of the remaining</u> candidates.	Deleted: must
6.8	majorit remain Counci of vote be repe	of the remaining candidates receives the votes of an absolute y of Councillors, that candidate is duly elected. If none of the ing candidates receives the votes of an absolute majority of llors, the process of declaring the candidates with the fewest number s a defeated candidate and voting for the remaining candidates must sated until one of the candidates receives the votes of an absolute y of Councillors. That candidate must then be declared to have been ected.	
6.9	determ candida	purposes of sub-rules 6.7 and 6.8 if no candidate can be ined to have the fewest number of votes due to two or more ates having an equality of votes then the candidate who is to be ed a defeated candidate will be determined by lot.:	
6.10		is conducted, the <i>Chief Executive Officer</i> will have the conduct of the the following provisions will apply:	
	6.10.1	each candidate who has an equal number of votes with another candidate or candidates will draw one lot;	
	6.10.2	the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and	

6.10.3 as many identical items 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 items, and the Councillor who draws the item with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates until one of those candidates receives the votes of an absolute majority of Councillors).

<u>Two Nominations or Two Remaining Candidates and No Candidate Obtaining an</u> <u>Absolute Majority on First Vote</u>

- 6.11 In the event of two candidates being nominated or remaining, and neither candidate receiving the votes of an absolute majority of Councillors, the Councillors in attendance at the meeting will consider whether to resolve to conduct a new election at a later date and time.
- 6.12 If:
 - 6.12.1 it is resolved to conduct a new election at a later date and time a new election will take place on the date and time resolved upon. In that event the provisions of this Rule 6 will continue to govern the election of the Mayor, and ultimately any candidate whose nomination is the sole nomination or any candidate who receives the votes of an absolute majority of Councillors will be declared duly elected; or
 - 6.12.2 it is not resolved to conduct a new election at a later date and time Councillors must continue to vote until one of the candidates receives the votes of an absolute majority of Councillors, at which point that candidate will be declared duty elected. If, after two or more further votes are taken neither candidate receives the votes of an absolute majority of Councillors, the provisions of sub-rule 6.11 and this sub-rule 6.12 must again be followed.

7. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

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

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

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

8. Appointment of Acting Mayor

8.1 The Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if—

Governance Rules: Adopted by Council 10

- 8.1.1 the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- 8.1.2 the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- 8.1.3 the office of Mayor is vacant.
- 8.2 If *Council* has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:
 - 8.2.1 resolving that a specified Councillor be so appointed; or
 - 8.2.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter,

at its discretion.

8.3 The meeting at which an Acting Mayor is to be appointed or elected under sub-rule **Error! Reference source not found**. will be opened and Chaired by the Chief Executive Officer until the Acting Mayor is appointed or elected, at which time the Acting Mayor will take the Chair.

Governance Rules: Adopted by Council 11

meet	0	nvened, when and how business may be transacted at a meeting. otices of Meetings and Delivery of Agendas	
9.		s and Times of Meetings Fixed by Council	
		t to Rule <u>12, Council must from time to time fix the date, time and place of all</u> il meetings.	Deleted: 11
10.	Time	limits for meetings.	
	<u>10.1</u>	<u>Subject to sub-rules 10.2 and 10.3, a meeting shall not continue</u> beyond three and a half hours from its commencement.	
	<u>10.2</u>	2 Two extensions of up to 30 minutes each may be granted, and solely by a Council resolution made before the expiry of the time for the meeting.	
	<u>10.3</u>	3 If a matter before the meeting has not concluded by the time the 30- minute time extension has expired, the matter before the meeting may continue until such time as the matter has been resolved. No	
		further matters may be considered after the conclusion of the matter then before the meeting.	
11.	Alter		
11.	<i>Counc</i> been fi The <i>Cl</i> admini	then before the meeting.	
	<i>Counc</i> been fi The <i>Cl</i> admini of a <i>Co</i> practic	then before the meeting. Meeting Dates il may change the date, time and place of any <i>Council meeting</i> which has ixed by it and must provide reasonable notice of the change to the public. hief Executive Officer, after consultation with the Mayor, in the case of an istrative matter or an emergency situation, may alter the date, time or location <i>puncil meeting</i> by giving such notice to the Councillors and the public as is able.	
11. 12.	<i>Counc</i> been fi The <i>Cl</i> admini of a <i>Co</i> practic	then before the meeting. Meeting Dates il may change the date, time and place of any <i>Council meeting</i> which has ixed by it and must provide reasonable notice of the change to the public. <i>hief Executive Officer</i> , after consultation with the <i>Mayor</i> , in the case of an strative matter or an emergency situation, may alter the date, time or location <i>pouncil meeting</i> by giving such notice to the Councillors and the public as is	
	<i>Counc</i> been fi The <i>Cl</i> admini of a <i>Co</i> practic	then before the meeting. Meeting Dates il may change the date, time and place of any <i>Council meeting</i> which has ixed by it and must provide reasonable notice of the change to the public. hief Executive Officer, after consultation with the Mayor, in the case of an istrative matter or an emergency situation, may alter the date, time or location <i>puncil meeting</i> by giving such notice to the Councillors and the public as is able.	Deleted: .
	Counc been fi The Cl admini of a Co practic Meet	then before the meeting. Meeting Dates il may change the date, time and place of any <i>Council meeting</i> which has ixed by it and must provide reasonable notice of the change to the public. hief Executive Officer, after consultation with the <i>Mayor</i> , in the case of an istrative matter or an emergency situation, may alter the date, time or location <i>puncil meeting</i> by giving such notice to the Councillors and the public as is table. ings Not Fixed by <i>Council</i> (Unscheduled or Special Meetings) The <i>Mayor</i> or at least 3 Councillors may by a <i>written</i> notice call a <i>Council</i>	Deleted: .
	Counc been fi The C/ admini of a Co practic Meet 12.1	then before the meeting. Meeting Dates If may change the date, time and place of any <i>Council meeting</i> which has its day it and must provide reasonable notice of the change to the public. In the fexecutive Officer, after consultation with the Mayor, in the case of an strative matter or an emergency situation, may alter the date, time or location buncil meeting by giving such notice to the Councillors and the public as is able. Ings Not Fixed by Council (Unscheduled or Special Meetings) The Mayor or at least 3 Councillors may by a written notice call a Council meeting, that is additional to the meetings fixed by Council. The notice must specify the date and time of the Council meeting and the	Deleted: .
	Counc been fi The Cl admini of a Cc practic Meet 12.1 12.2	then before the meeting. Meeting Dates I may change the date, time and place of any <i>Council meeting</i> which has ixed by it and must provide reasonable notice of the change to the public. In the fexecutive Officer, after consultation with the Mayor, in the case of an istrative matter or an emergency situation, may alter the date, time or location ouncil meeting by giving such notice to the Councillors and the public as is able. Ings Not Fixed by Council (Unscheduled or Special Meetings) The Mayor or at least 3 Councillors may by a written notice call a Council meeting, that is additional to the meetings fixed by Council, The notice must specify the date and time of the Council meeting and the business to be transacted. The Chief Executive Officer must convene the Council meeting as specified	Deleted: .
	Counc been fi The C/ admini of a Cc practic Meet 12.1 12.2 12.3	then before the meeting. Meeting Dates I may change the date, time and place of any <i>Council meeting</i> which has ixed by it and must provide reasonable notice of the change to the public. In the fexecutive Officer, after consultation with the Mayor, in the case of an istrative matter or an emergency situation, may alter the date, time or location ouncil meeting by giving such notice to the Councillors and the public as is able. Ings Not Fixed by Council (Unscheduled or Special Meetings) The Mayor or at least 3 Councillors may by a written notice call a Council meeting, that is additional to the meetings fixed by Council, The notice must specify the date and time of the Council meeting and the business to be transacted. The Chief Executive Officer must convene the Council meeting as specified in the notice. Unless all Councillors are in attendance and unanimously agree to deal with any other matter, only the business specified in the written notice can	Deleted: .

13. Notice of Meeting

- 13.1 A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with (except in the case of a meeting called under Rule 11), must be delivered or sent electronically to every Councillor for all Council meetings at least 48 hours before the meeting.
- 13.2 Notwithstanding sub-Rule <u>13.1</u>, a notice of meeting 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 their absence.

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- 13.3 Reasonable notice of each Council meeting must be provided to the public. Council may do this:
 - 13.3.1 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.

14. Appointment of Temporary Chair

14.1 In accordance with the Act, the Mayor must take the Chair at all Council Meetings at which the Mayor is present. If the Mayor is absent, the Deputy Mayor (if any) must take the chair, and if both are absent, Council must elect one of the Councillors as *Temporary Chairperson* of the meeting.

15. Apologies and absences

- 15.1 Councillors who are unable to attend a meeting may submit an apology:
 - (a) In writing to the Chair, who will advise the meeting: or
 - (b) By seeking another Councillor to submit it at the meeting on their behalf.
- 15.2 An apology submitted to a meeting will be recorded in the minutes.
- 15.3 A Councillor intending to take a leave of absence <u>must submit it in writing to</u> the Mayor for it to be considered at the next Council meeting.
 - 15.3.1 The Mayor will seek to have any leave of absence request received included in the agenda of the next Council meeting.
 - 15.3.2 A leave of absence not included in a Council meeting agenda may still be considered by Council if a written request has been received by the Mayor prior to the meeting.
 - 15.3.3 Council will not unreasonably withhold its approval of a leave of absence request.
- 15.4 A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council or Delegated Committee meeting will be recorded as absent.

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Governance Rules: Adopted by Council

Division 2 – Quorums Inability to Obtain a Quorum 16. 16.1 The quorum for a Council meeting must be at least a majority of the Councillors of the Council. Deleted: members 16.2 If after 30 minutes from the scheduled starting time of any Council meeting, a quorum cannot be obtained: 16.2.1 the meeting will be deemed to have lapsed; 16.2.2 the Mayor must convene another Council meeting, the agenda for which will be identical to the agenda for the lapsed meeting; and 16.2.3 the Chief Executive Officer must give all Councillors written notice of the meeting convened by the Mayor. 17. Inability to Maintain a Quorum 17.1 If during any Council meeting, a quorum cannot be maintained then Rule 16 will apply as if the reference to the meeting is a reference to so much of Deleted: 14 the meeting as remains. 17.2 Sub-Rule 17.1 does not apply if the inability to maintain a quorum is Deleted: 15.1 because of the number of Councillors who have a conflict of interest in the matter to be considered. 17.2.1 If Council cannot maintain a quorum because of the number of Councillors who have a conflict of interest in a decision in regard to a matter then the Council must consider whether the decision can be made by dealing with the matter in an alternative manner, which may include-(a) resolving to split the matter into 2 or more separate parts, so that a quorum can be maintained for each separate part; or (b) making prior decisions on component parts of the matter at a meeting for which a quorum can be maintained, before deciding the overall matter at a meeting for which a quorum can be maintained. 17.2.2 If Council is unable to use an alternative manner, the Chief Executive Officer should withdraw the item to determine an appropriate way to manage the matter. 18. **Adjourned Meetings** The Chair or Council may adjourn any meeting to another date or time but 18.1 cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place. 18.2 Except where a Council meeting is adjourned to a time that is later on the same day, the Chief Executive Officer must give written notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered. nance Rules: Adopted by Council 14

- 18.3 If it is impracticable for the notice given under sub-Rule <u>18.2</u> to be in writing, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.
- 18.4 A *Council meeting* cannot be adjourned for a period exceeding 21 days from the date of the adjournment.
- 18.5 The *agenda* for a *Council meeting* will include notice that a *Council meeting* may have a short break approximately every two hours or at the *Chair's* discretion.

19. Cancellation or Postponement of a Meeting

19.1 The *Chief Executive Officer* may, in the case of an administrative matter or emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.

Division 3 – Business of Meetings

20. Agenda and the Order of Business

- 20.1 The *agenda* for and the order of business for a *Council meeting* is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government.
- 20.2 In doing so, the *Chief Executive Officer* will be guided by the following Order of Business:
 - (a) Welcome and Acknowledgement of Country;
 - (b) Apologies;
 - (c) Confirmation of the Minutes of previous meetings;
 - (d) Declarations of Conflicts of Interest;
 - (e) Condolence Motions;
 - (f) Acknowledgement of Awards;
 - (g) Public Submissions and Question Time;
 - (h) Councillor Question Time;
 - (i) Petitions and Joint Letters;
 - (j) Presentation of Reports;
 - (k) Notices of Motion;
 - (I) Reports by Councillor Delegates;
 - (m) Urgent Business;
 - (n) Confidential Matters

21. Change to Order of Business

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

The *Chair*, at their discretion, may change the order of business within "Presentation of Reports" to consider items where there is public interest.

The *Chief Executive Officer* with the consent of the *Chair*, and a Councillor with the leave of *Council*, can at any time after the *agenda* has been distributed remove or add any matter to it and give such notice as is practicable.

Governance Rules: Adopted by Council 15

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22. Urgent Business

If the *agenda* for a *Council meeting* makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of *Council* and only then if it:

- 22.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and
- 22.2 cannot safely or conveniently be deferred until the next Council meeting.

Division 4 – Motions and Debate

23. Councillors May Propose Notices of Motion

Councillors may ensure that an issue is listed on an *agenda* for a scheduled Council meeting by lodging a *Notice of Motion*.

24. Notice of Motion

- 24.1 A notice of motion must be in writing signed by a Councillor, and be lodged with or sent to the Chief Executive Officer by 3pm on the day that is at least seven days prior to the next scheduled Council meeting to allow sufficient time for inclusion of the notice of motion in agenda papers for a Council meeting and to give each Councillor advance notice of such notice of motion.
- 24.2 The Chief Executive Officer may reject any notice of motion which:
 - 24.2.1 is vague or unclear in intention
 - 24.2.2 it is beyond Council's power to pass; or
 - 24.2.3 if passed would result in *Council* otherwise acting invalidly but must:
 - 24.2.4 does not comply with sub-rule 24.3,

<u>but must</u>

- 24.2.5 give the Councillor who lodged it <u>notice of their intention to reject it</u> and an opportunity to amend it prior to rejection, if it is practicable to do so; and
- 24.2.6 notify in *writing* the Councillor who lodged it of the rejection and reasons for the rejection.

24.3 Where a Notice of Motion seeks to:

- 24.3.1 substantially affect the level of Council services;
- 24.3.2 commit Council to expenditure in excess of \$5.000 that has not been included in the adopted Budget;
- 24.3.3 commit Council to any contractual arrangement; or

Governance Rules: Adopted by Council 16

24.3.4 take any action that the Chief Executive Officer determines, in their sole discretion, would unreasonably divert officer resources, the Notice of Motion must only call for an Officer Report to be prepared and presented to Council and, if the Notice of Motion is carried, the Officer Report will be presented to the next scheduled Council meeting where it is practicable to do so. 24.4 The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda. 24.5 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received. Except by leave of Council, each notice of motion before any meeting must 24.6 be considered in the order in which they were entered in the notice of motion register. 24.7 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. If a notice of motion is not moved at the Council meeting at which it is 24.8 listed, it lapses. If a Notice of Motion, whether amended or not, is lost, a similar motion cannot again be put before Council for a period of three (3) calendar 24.9 months from the date it was lost. Chair's Duty Any motion which is determined by the Chair to be: 25.1 defamatory; 25.2 objectionable in language or nature; 25.3 vague or unclear in intention; 25.4 outside the powers of Council; or 25.5 irrelevant to the item of business on the agenda and has not been admitted as urgent, or purports to be an amendment but is not, must not be accepted by the Chair. Introducing A Motion or an Amendment The procedure for moving any motion or amendment is:

- 26.1 the mover must state the motion without speaking to it;
- 26.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;

Governance Rules: Adopted by Council 17

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26.3 if a motion or an amendment is moved and seconded the *Chair* must ask: "Does the mover wish to speak to the motion or amendment?"

- 26.4 after the mover has addressed the meeting, <u>or has declined to address</u>, the seconder may address the meeting;
- 26.5 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
- 26.6 if, after the mover<u>and seconder have</u> addressed the meeting, the <u>Chair</u> has invited debate and no Councillor speaks to the motion, then the <u>Chair</u> must put the motion to the vote.

27. Right Of Reply

- 27.1 The mover of a motion, including an amendment, has a right of reply to matters raised during debate.
- 27.2 After the right of reply has been taken but subject to any Councillor exercising their right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

28. Moving An Amendment

- 28.1 Subject to sub-Rule <u>28.2</u> a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 28.2 A motion to confirm a previous resolution of Council cannot be amended.
- 28.3 An amendment must not be <u>directly opposite</u>, or substantially contrary to, the motion. If an amendment effectively negates the substance of the motion <u>the Chair must rule it</u> to be an alternative motion and shall only be considered in the event that the motion is lost.

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 amendment may be accepted by the *Chair* at any one time.
- 30.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

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Governance Rules: Adopted by Council 18

31. An Amendment Once Carried

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

32. Foreshadowing Motions

- 32.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of the intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 32.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 32.3 The Chief Executive Officer or person taking the minutes of the meeting will _____ Deleted: is not expected to not record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- 32.4 The Chair is not obliged to accept foreshadowed motions, and a Councillor who foreshadows a motion will not automatically be the first called upon once a motion is resolved.

33. Default to Officer's Recommendation

- 33.1 In the event that a motion other than the Officer Recommendation contained in an Officer Report is moved and that motion is lost, and no other motion has been foreshadowed, the Chair will call for a mover and seconder of the Officer Recommendation.
- 33.2 The officer recommendation will follow the same procedure as set out in Rule 26,

34. Withdrawal Of Motions

- 34.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of *Council*.
- 34.2 If the majority of Councillors objects to the withdrawal of the motion, it may not be withdrawn.

35. Separation Of Motions

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

36. Priority of address

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

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motion to the vote in separate parts.

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Governance Rules: Adopted by Council 19

37. Motions In Writing

- 37.1 The *Chair* may require that a complex or detailed motion be in writing.
- 37.2 A Councillor wishing to move an alternate motion other than an Officer's Recommendation, must submit their alternate motion in writing, and when moving an alternate motion, describe how it differs from the Officer Recommendation.
- 37.3 The *Chair* may adjourn the meeting while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

38. Repeating Motion and/or Amendment

The *Chair* may request 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 before the Chair, and, if not, the *Chair* must request the speaker to confine debate to the motion.
- 39.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to not speak further in respect of the motion then before the Chair.
- 39.3 A speaker to whom a direction has been given under sub-Rule <u>39.2</u> must comply with that direction.

40. Withdrawal of Remark

- 40.1 Whenever any Councillor at any *Council meeting* makes use of any expression or remark that is disorderly or capable of being applied offensively to any other Councillor, officer or member of the public, the Councillor may be required by the *Chair* to withdraw the expression or remark and to make a satisfactory apology to the meeting.
- 40.2 The Chair may require a Councillor to withdraw any remark that is defamatory, indecent, abusive or offensive in language or substance.
- 40.3 A Councillor required to withdraw a remark must do so immediately without qualification or explanation.

41. Speaking times

- 41.1 Subject to sub-rule 41.2, a Councillor must not speak longer than the time set out below.
 - 41.1.1 the mover of a motion or an amendment 4 minutes;
 - 41.1.2 any other Councillor: 3 minutes; and

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41.1.3 the mover of a motion exercising a right of reply: 2 minutes

Governance Rules: Adopted by Council

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41.2 A Councillor's speaking time may be extended upon request of the Councillor by:

41.2.1 the Chair for no more than 2 minutes, which request must not be unreasonably refused; and

41.2.2 resolution of Council for any further extension beyond 2 minutes.

42. Addressing the Meeting

If the Chair so determines:

42.1 any person addressing the Chair must refer to the Chair as:

42.1.1 Mayor; or

- 42.1.2 Chair:
- 42.2 all Councillors, other than the *Mayor*, must be addressed as Cr(name).
- 42.3 officers will be addressed using the officer's first name and surname.

43. Right to Ask Questions

- 43.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.
- 43.2 The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

Division 5 – Procedural Motions

44. Procedural Motions

- 44.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with <u>immediately</u> by the *Chair*.
- 44.2 Procedural motions require a seconder.
- 44.3 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

Governance Rules: Adopted by Council 21

		P	ROCEDURAL MOTIONS	TABLE		
Procedural Motion	Form	Mover & Seconder	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 who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and any amendment 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 who has not moved or seconded the original motion or otherwise spoken to the original motion	 (a) During the election of a <i>Chair</i>; (b) When another Councillor is speaking;(c)When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement 	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

Governance Rules: Adopted by Council 22

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Divisio	on 6 – Re	escission	Motions	
45.	Notic	e of Res	cission	
	45.1	A Coun	cillor may propose a notice of rescission provided:	
		45.1.1	it has been signed and dated by at least two Councillors;	
		45.1.2	the resolution proposed to be rescinded has not been acted on; and	
		45.1.3	the <i>notice of rescission</i> is delivered to the <i>Chief Executive Officer</i> 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.	
	lt sho	ould be re	membered that a notice of rescission is a form of notice of motion.	
			Il provisions in this Chapter regulating notices of motion equally s of rescission.	
	45.2	A resol	ution will be deemed to have been acted on if:	
		45.2.1	its contents have or substance has been communicated in <i>writing</i> to a person whose interests are materially affected by it; or	
		45.2.2	a statutory process has been commenced	
		so as to person.	o vest enforceable rights in or obligations on Council or any other	
	45.3		ief Executive Officer must cause implementation of a resolution	Deleted: or an appropriate member of Council staff
		which:	Ϋ́,	Deleted: defer Deleted: ing
		45.3.1	has not been acted on; and	
		45.3.2	is the subject of a <i>notice of rescission</i> which has been delivered to the <i>Chief Executive Officer</i> in accordance with sub-Rule 45.1.3	Deleted: .1.3
			eferred, unless deferring implementation of the resolution would e effect of depriving the resolution of efficacy.	
46.	If Los	st		
			scission is lost, a similar motion may not be put before Council for	
			onths from the date it was last lost, unless <i>Council</i> resolves that the be re-listed at a future meeting.	Deleted: one
		e. <u></u>		
Governand	ce Rules: Ado	pted by Counci	19 August 2020	

47. If Not Moved

If a motion for rescission is not moved <u>and seconded</u> at the meeting at which it is listed, it lapses <u>and a similar motion may not be put before *Council* for at least three months from the date it lapsed, unless *Council* resolves that the *notice of rescission* <u>be re-listed at a future meeting.</u></u>

48. May Be Moved by Any Councillor

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

Division 7 - Points of Order

49. Chair to Decide

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

The decision of the Chair in respect of a Point of Order will be final and will not be open for discussion.

50. Chair May Adjourn to Consider

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

51. Procedure For Point of Order

A Councillor raising a point of order must:

- 51.1 state the point of order; and
- 51.2 state any section, Rule, paragraph or provision relevant to the point of order

before resuming their seat.

52. Valid Points of Order

A point of order may be raised in relation to:

- 52.1 a motion, which, under Rule <u>25</u>, or a question which, under Rule <u>5353</u>, _ _ _ should not be accepted by the *Chair*;
- 52.2 a question of procedure; or
- 52.3 on the grounds that a **statement** is:
 - (a) contrary to these Rules;
 - (b) an act of disorder or conduct in contravention of the <u>Model</u> Councillor Code of Conduct;

Governance Rules: Adopted by Council

page 24

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- (c) defamatory;
- (d) irrelevant to the matter before Council;
- (e) an error of fact;
- (f) outside Council's power; or
- (g) frivolous or vexatious.
- 52.4 Rising to express a difference of opinion or to contradict a speaker is not a point of order.

Division 8 – Question Time

53. Public Question Time

- 53.1 There must be a public question time at every Council meeting fixed under Rule 9 to enable members of the public to submit questions to Council. <u>Å</u> member of the public who has submitted a question in writing in accordance with clause 53.4 of these Rules, will be invited by the Chair to read their question.
- 53.2 Sub-Rule 53.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*.
- 53.3 A member of the public can speak for up to two minutes or a lesser or longer time at the discretion of the *Chair*.
- 53.4 Questions submitted to *Council* must be:
 - 53.4.1 in *writing*, state the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*; and
 - <u>53.4.2</u> submitted to Council prior to <u>12pm (midday)</u> on the day of the *Council meeting.*
- 53.5 Any question that is received after the closing time stipulated in clause 53.4 will not be accepted at the meeting and will be held over to the next Council meeting at which there is a public question time (or alternatively will be responded to by officers as a general customer request).
- 53.6 Members of the public can <u>only</u> ask questions on general matters other than those relating to a topic that is on the *agenda*. Questions <u>must be</u> asked of Council and may not be directed to individual Councillors.
- 53.7 The Chair or a member of Council staff nominated by the Chair may read to those in attendance at the meeting a question which has been submitted in accordance with this Rule.
- 53.8 A question may be disallowed by the *Chair* if the *Chair* determines that it:
 - 53.8.1 relates to a matter outside the duties, functions and powers of *Council*;
 - 53.8.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

vernance Rules: Adopted by Council

	53.8.3	deals with a subject matter already answered;	
	53.8.4	is aimed at embarrassing a Councillor or a member of Council staff;	
	53.8.5	relates to a matter which will be, or is likely to be, considered in a closed meeting;	
	<u>53.8.6</u>	_relates to any matter which <i>Council</i> considers would prejudice <i>Council</i> or any person <u>; or</u>	
	<u>53.8.7</u>	would require, on the advice of the Chief Executive Officer, an unreasonable diversion of Council resources to prepare a response for public question time.	
53.9		estion which has been disallowed by the <i>Chair</i> must be made le to any other Councillor upon request.	
53.10	of the p the mer	cillor, through the <i>Chair</i> , may ask clarifying questions of a member ublic who has spoken or of officers in respect to issues raised by mber of the public. The <i>Chair</i> has the right to limit the number of g questions asked by Councillors.	
53.11	Like qu	estions may be grouped together and a single answer provided.	
53.12	The <i>Ch</i> questio	<i>air</i> may respond or may nominate an Officer to respond to a n.	
53.13	on notic	er may require a question to be put on notice. If a question is put e, a <i>written</i> copy of the answer will be sent to the person who asked stion and made available on Council's website.	
53.14	should <i>Executi</i> given a	<i>ief Executive Officer</i> may advise <i>Council</i> that the reply to a question be given in a meeting closed to members of the public. The <i>Chief</i> <i>ve Officer</i> must state briefly the reason why the reply should be so nd, unless <i>Council</i> resolves to the contrary, the reply to such n must be so given.	
Coun	cillor Qu	estion Time	
54.1	under F	nust be a Councillor question time at every <i>Council meeting</i> fixed Rule 9 to enable Councillors to ask questions of <u>the Chief Executive</u>	Deleted: without notice
<u>54.2</u>	<u>12pm o</u>	lors are encouraged to submit their questions in <i>writing</i> prior to n the day of the <i>Council meeting</i> to enable officers appropriate time are a response.	
54.3		stions and answers must be as brief as possible, and no discussion allowed other than by Councillors for the purpose of clarification.	
54.4	The Ch	air may disallow a question of officers if the Chair believes that:	

Governance Rules: Adopted by Council

 (a) the question is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

54.

Attachment 1: Draft Governance Rules - Tracked Changes

- (b) the question is repetitive and deals with a subject matter that has already been answered;
- (c) the question is aimed at embarrassing an officer or any other person;
- (d) the question relates to a matter which will be, or is likely to be, considered in a closed meeting;
- (e) the question relates to a matter beyond the powers or functions of Council.
- 54.5 The *Chair* may call for an officer to respond to any questions raised by Councillors. The <u>Chief Executive Officer</u> or their delegate, may take a question on notice. If a Councillor question is taken on notice, a written copy of the response will be sent, as a minimum, to the Councillor who asked the question and the question and the officer response will also be placed on Council's website.

Division 9 – Petitions and Joint Letters

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55. Petitions and Joint Letters

- 55.1 A petition or joint letter must be lodged with the Chief Executive Officer by midday at least seven days prior to the Council meeting at which it is to be considered to allow inclusion into the agenda.
- 55.2 Every petition or joint letter presented to *Council* must be in *writing* (other than pencil), contain the request of the petitioners or signatories and be signed by at least 5 people. A Petition or Joint Letter is a formal written document which requests Council to act in relation to an issue and which must be signed by at least 10 people.
- 55.3 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.
- 55.4 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- 55.5 Every page of a hard copy petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 55.6 The Chief Executive Officer may accept electronic petitions received via online websites if <u>they are satisfied that the petition is authentic and from a</u> legitimate website and provided that the electronic petition has been closed and a copy has been forwarded to Council.

55.7 The Chief Executive Officer may reject any petition or joint letter which:

54.7.1 is vague or unclear in intention

54.7.2 it deals with a matter which is beyond Council's power;

Governance Rules: Adopted by Council

page 27

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	54.7.3 deals with a matter which, if actioned by Council, would result in Council acting invalidly	
	54.7.4 Is aimed at embarrassing a Councillor of a member of Council staff; or	
	 54.7.5 Contains a complaint against the actions or failures of staff or a Council department. This will be handled by Council as a letter of complaint and handled in accordance with Council's managing complaints policy 	
<u>55.8</u>	If the Chief Executive Officer rejects a petition or joint letter, they must notify in writing the person who lodged it of the rejection and reasons for the rejection.	
<u>55.9</u>	If a petition or joint letter relates to an operational matter, the Chief Executive Officer will instead address it directly through Council's service operations or complaint handling program.	Deleted: If a petition or joint letter relates to an
55.10	Nothing in <u>this rule 55</u> clause shall prevent the <i>Chief Executive Officer</i> from determining that a petition or joint letter that does not fully comply this Rule <u>55</u> will be submitted to a <i>Council meeting</i> for consideration. However, any petition or joint letter that materially does not comply with this Rule <u>55</u> will not be accepted by the <i>Chief Executive Officer</i> .	operational mater, Council must refer leaders to an operational mater, Council must refer it to the Chief Executive Officer for consideration.¶
55.11	Only the wording of the request in and the number of signatories to a <u>Petition or joint letter</u> will be included in the <i>agenda</i> for a <i>Council meeting</i> .	
<u>55.12</u>	_If the petition or joint letter relates to any item already on the <i>agenda</i> for the <i>Council meeting</i> at which the petition or joint letter is submitted, the <i>Chair</i> may decide that the Petition or joint letter will be dealt with in conjunction with that agenda item.	
55.13	If the petition or joint letter relates to:	
	(a) a planning matter which is the subject of a public notification process under the <i>Planning and Environment Act 1987</i> ; or	
	 (b) a statutory matter which is the subject of a community engagement process, 	
	the petition or joint letter will be treated as a joint submission in relation to the planning matter or the statutory matter (as the case may be).	
<u>55.14</u>	A petition or joint letter may nominate a person to whom a reply must be sent, but if no person is nominated or if it is not obvious who the intended contact person is, Council will reply to the first signatory who appears on the petition or joint letter.	
<u>55.15</u>	Only the lead petitioner, or their representative, will be permitted to speak to the Petition or Joint Letter at the Council meeting. No member of the public is permitted to speak to the petition when presented at a Council Meeting. Individuals may request to speak or submit a written statement in relation to the petition if a report on the item is considered by Council at a later Meeting.	
Rules: Ador	vled by Council	
	page 28	
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165

Division 10 – Deputations

56. Deputations

- 56.1
 A person wanting to make a deputation to Council must lodge their

 deputation with the Chief Executive Officer by midday at least seven days prior to the Council meeting that it is requested to be considered.
- 56.2 The Chief Executive Officer must refer the deputation to the Mayor.
- 56.3 Council will not hear more than one deputation per meeting.

57. Consideration of request

- 57.1 A request for a deputation will only be considered for matters of significant public interest as determined by the Chief Executive Officer in consultation with the Mayor.
- 57.2 Depending on the subject of the matter, the Mayor may:
 - 57.2.1 ask the Chief Executive Officer to include the deputation on the agenda for the requested, or a future, Council Meeting; or
 - 57.2.2 ask the Chief Executive Office to arrange for the deputation to be heard by a group of Councillors, at an informal meeting of Council.
- 57.3 Where a deputation is heard at a Council meeting:
- 57.3.1 only the person who submitted it or their representative will be entitled to speak to it; and
- 57.3.2 the person will not be entitled to speak for longer than five minutes, unless the *Chair* decides, in their discretion, to extend the speaking time, in which case only one extension of up to five minutes may be granted.

58. 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.

59. 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.

60. Prior meeting with deputation

A deputation will not be included on the agenda for a Council meeting unless the person making the deputation, or their representative, has met with Officers responsible for the subject matter of the deputation so that Officers can determine whether the matters raised can be addressed directly through Council's service operations or complaint handling program.

Governance Rules: Adopted by Council

Division 11 – Voting

61. How Motion Determined

- 61.1 To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the meeting.
- 61.2 The question is determined in the affirmative by a majority of the Councillors present at a meeting at the time the vote is taken voting in favour of the question.
- 61.3 For the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote (abstains) is to be taken to have voted against the question.

62. Casting Vote

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

63. Silence

Subject to Rule <u>65</u>, voting must take place in silence.

64. Recount

The *Chair* may direct that a vote be recounted so that the *Chair* may be satisfied of the result.

65. How Votes are Cast

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

66. Procedure For A Division

- 66.1 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.
- 66.2 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.
- 66.3 When a division is called for, the *Chair* must:
 - 66.3.1 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 a hand or otherwise signify their support in a manner recognised by the *Chair*. The Chair must then state, and the Chief Executive Officer or their delegate must record, the names of those Councillors voting in the affirmative; and
 - 66.3.2 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 a hand or otherwise signify their opposition in a manner recognised by the *Chair*. The *Chair* must

Sovernance Rules: Adopted by Council

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page 30

Deleted: , <u>except</u> in the case of:¶ The election of a Mayor or a Deputy Mayor; ¶ A vote to declare the office of Mayor or Deputy Mayor vacent of

vacant; or¶ A vote subject to clause 54.2.

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			then state, and the Chief Executive Officer or their delegatemust Deleted: or any author record, the names of those Councillors voting in the negative.	ised officer
		66.3.3	3 The Chair must then declare the result.	
67.	No Di	scussio	on Once Declared	
			n a question has been taken, no further discussion relating to the owed unless the discussion involves:	
	67.1	their op	incillor requesting, before the next item of business is considered, that opposition to a resolution be recorded in the minutes or a register ained for that purpose; or	
	67.2		nadowing a <i>notice of rescission</i> where a resolution has just been , or a positive motion where a resolution has just been rescinded.	
Divisio	on 1 <u>2</u> – M	linutes		
68.	Confi	rmation	n of Minutes	
	68.1		ery <i>Council meeting</i> the minutes of the preceding meeting(s) must be with as follows:	
		68.1.1	a copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting;	
		68.1.2	2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;	
		68.1.3	3 if a Councillor indicates opposition to the minutes:	
			(a) the item(s) objected to must be specified;	
			 (b) the objected item(s) must be considered separately and in the order in which they appear in the minutes; 	
			 (c) the Councillor objecting must move accordingly without speaking to the motion; 	
			(d) the motion must be seconded;	
			(e) the <i>Chair</i> must ask: "Is the motion opposed?"	
			(f) if no Councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule <u>68.1.3(k);</u> Deleted: 61.1.3	
			(g) if a Councillor indicates opposition, then the <i>Chair</i> must call on the mover to address the meeting;	
			 (h) after the mover has addressed the meeting, the seconder may address the meeting; 	
Governand	e Rules: Adop	ted by Counci	nci	
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(i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;

- (j) if, after the mover has addressed the meeting, the *Chair* invites debate and no Councillor speaks to the motion, the *Chair* must put the motion; and
- (k) the Chair must, after all objections have been dealt with, ultimately ask:

"The question is that the minutes be confirmed" or

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

and then put the question to the vote accordingly;

- 68.1.4 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed; <u>and</u>
- 68.1.5 the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively.

69. 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.

70. 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.

71. Form and Availability of Minutes

- 71.1 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:
 - 71.1.1 the date, place, time and nature of the meeting;
 - 71.1.2 the names of the Councillors *in attendance* and the names of any Councillors who apologised in advance for their non-attendance;
 - 71.1.3 the names of the members of Council staff in attendance;
 - 71.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5

page 32

nance Rules: Adopted by Council

and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest;

- 71.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
- each motion and amendment moved (including motions and 71.1.6 amendments that lapse for the want of a seconder);
- the individual vote cast by each Councillor in instances where the 71.1.7 vote is not unanimous.;
- 71.1.8 questions upon notice;
- 71.1.9 Summary of deputations
- 71.1.10 the failure of a quorum;
- 71.1.11 any adjournment of the meeting and the reasons for that adjournment; and
- 71.1.12 the time at which meeting procedures were suspended and resumed
- 71.2 The Chief Executive Officer must ensure that the minutes of any Council meeting are:
 - 71.2.1 published on Council's website; and
 - 71.2.2 available for inspection at Council's office during normal business hours.
- 71.3 Nothing in sub-Rule 71.2, 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 13 - Behaviour

72. **Public Addressing the Meeting**

- 72.1 Members of the public do not have a right to address Council and may only do so in the manner permitted by these Rules or otherwise with the consent of the Chair or by prior arrangement.
- 72.2 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 Chair whenever called on to do so.
- A member of the public in attendance at a Council meeting must not disrupt 72.3 the meeting.
- 72.4 When addressing the Council, a member of the public may not use any placard, poster, sign, audio visual display or presentation or similar prop as part of their address unless granted so by the Chair.

nance Rules: Adopted by Council

page 33

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Deleted: <#>Members of the public are encouraged to submit their in writing, on the prescribed form prior to 12pm (midday) on the day of the Council meeting to enable officers appropriate time to administer the meeting. Notwithstanding, all requests to ask a question or make a comment on a specific agenda item must be received either in writing on the prescribed form available from the front desk during normal office hours at St Kilda Town Hall, or via the online form, prior to Council formally considering the item.¶ A member of the public can speak for three two minutes or at a longer time at the discretion of the Chair. ¶ The Chair may disallow questions or comments if the Chair believes that they are repetitive in nature.

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3.	Chai	r May Remove	
	73.1	The <i>Chair</i> may order and cause the removal of any person, who disrupts any meeting or fails to comply with a direction given under sub-Rule <u>72.272.2</u>	Deleted: 65.2
		It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens the Chair's authority in chairing the meeting.	
	73.2	The <u>Mayor</u> may direct a Councillor to leave a <i>Council meeting</i> , under section 19(1) of the <i>Local Government Act 2020</i> if the behaviour of the Councillor is preventing the Council from conducting its business	
4.	Chai	r may adjourn disorderly meeting	
	it desi later ti	<i>Chair</i> is of the opinion that disorder at the <i>Council</i> table or in the gallery makes rable to adjourn the <i>Council meeting</i> , the <i>Chair</i> may adjourn the meeting to a me on the same day or to some later day. In that event, the provisions of sub- 18.218.2, and 18.318.3, apply.	Deleted: 16.2
	. turoo		Deleted: 16.3
75.	Rem	oval from Chamber	
	Office who a	hair, or Council in the case of a suspension, may ask the Chief Executive r or a member of the Victoria Police to remove from the Chamber any person cts in breach of this Chapter and whom the Chair has ordered to be removed	
	Office who a	or a member of the Victoria Police to remove from the Chamber any person	Deleted: 65
ivisio	Office who a from th	r or a member of the Victoria Police to remove from the Chamber any person cts in breach of this Chapter and whom the <i>Chair</i> has ordered to be removed	Deleted: 65
ivisio 76.	Office who a from th from th	r or a member of the Victoria Police to remove from the Chamber any person cts in breach of this Chapter and whom the <i>Chair</i> has ordered to be removed the gallery under Rule <u>72</u> .	Deleted: 65
	Office who a from th on 1 <u>4</u> – <i>I</i> The	r or a member of the Victoria Police to remove from the Chamber any person cts in breach of this Chapter and whom the <i>Chair</i> has ordered to be removed ne gallery under Rule <u>72</u> .	Deleted: 65
	Office who a from th on 1 <u>4</u> – <i>I</i> The	ror a member of the Victoria Police to remove from the Chamber any person ts in breach of this Chapter and whom the <i>Chair</i> has ordered to be removed the gallery under Rule <u>72</u> . Additional Duties <i>Chair's</i> Duties And Discretions	Deleted: 65
	Office who a from th on 1 <u>4</u> – A The In add	ror a member of the Victoria Police to remove from the Chamber any person ts in breach of this Chapter and whom the <i>Chair</i> has ordered to be removed the gallery under Rule <u>72</u> . Additional Duties <i>Chair's</i> Duties And Discretions ition to the duties and discretions provided in this Chapter, the <i>Chair</i> : must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the	Deleted: 65
	Office, who a from th on 1 <u>4</u> – <i>J</i> The In add 76.1	ror a member of the Victoria Police to remove from the Chamber any person cts in breach of this Chapter and whom the <i>Chair</i> has ordered to be removed he gallery under Rule <u>72</u> . Additional Duties Chair's Duties And Discretions ition to the duties and discretions provided in this Chapter, the <i>Chair</i> : must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; must allow the <i>Chief Executive Officer</i> the opportunity to make a statement	
	Office who a from ti on 1 <u>4</u> – <i>J</i> The In add 76.1 76.2 76.3	ror a member of the Victoria Police to remove from the Chamber any person the gallery under Rule <u>72</u> . Additional Duties Chair's Duties And Discretions ition to the duties and discretions provided in this Chapter, the Chair: must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; must allow the Chief Executive Officer the opportunity to make a statement under Rule <u>82</u> ; and must call to order any person who is disruptive or unruly during any	
76.	Office who a from ti on 1 <u>4</u> – <i>J</i> The In add 76.1 76.2 76.3	ror a member of the Victoria Police to remove from the Chamber any person the sin breach of this Chapter and whom the <i>Chair</i> has ordered to be removed the gallery under Rule <u>72</u> . Additional Duties Chair's Duties And Discretions ition to the duties and discretions provided in this Chapter, the <i>Chair</i> : must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; must allow the <i>Chief Executive Officer</i> the opportunity to make a statement under Rule <u>82</u> ; and must call to order any person who is disruptive or unruly during any meeting.	
76.	Offices who as from the Den 14 – A The In add 76.1 76.2 76.3 The	The Chief Executive Officer, or delegate, may participate in the meeting to	
76.	Offices who as from the In 14 – 7 In add 76.1 76.2 76.3 The 77.1	ror a member of the Victoria Police to remove from the Chamber any person the gallery under Rule 72. Additional Duties Chair's Duties And Discretions ition to the duties and discretions provided in this Chapter, the Chair: must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; must allow the Chief Executive Officer the opportunity to make a statement under Rule 82; and must call to order any person who is disruptive or unruly during any meeting. Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Chair.	
76.	Office who a from ti on 14 – 7 The In add 76.1 76.2 76.3 The 77.1 77.2	The <i>Chief Executive Officer</i> , or delegate, may participate in the meeting to provide support to the <i>Chair</i> .	

		(b)	advise if there are operational, financial or risk implications arising from a proposed resolution;
		(c)	help clarify the intent of any unclear resolution to facilitate implementation; and
		(d)	on request, assist with procedural issues that may arise.
78.	Coun	cillors	s and members of Delegated Committees duties
	78.1		ncillors and members of Delegated Committees contribute to good ernance and decision making by:
		(a)	seeking views of community members and reading agenda prior to the meeting;
		(b)	semonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers;
		(c)	sttending meetings and participating in debate and discussion;
		(d)	demonstrating respect for the role of the Chair and the rights of other Councillors or members of Delegated Committees to contribute to the decision-making;
		(e)	<u>b</u> eing courteous and orderly.
Divisio	on 1 <u>5</u> – S	usper	nsion of Meeting Procedures
79.	Susp	ensio	n of Meeting Procedures
	79.1		xpedite the business of a meeting, <i>Council</i> may suspend meeting edures.
		of ar the f	suspension of meeting procedures should be used to enable full discussion ny issue without the constraints of formal procedure. Its purpose is to enable formalities of meeting procedure to be temporarily disposed of while an issu scussed.
	79.2	disp appr	suspension of meeting procedures should not be used purely to ense with the processes and protocol of the government of <i>Council</i> . An opriate motion would be: It meeting procedure be suspended to enable discussion on"
	79.3		notion can be accepted by the <i>Chair</i> or lawfully be dealt with during any pension of meeting procedures.
	79.4	the r	e the discussion has taken place and before any motions can be put, esumption of meeting procedures will be necessary. An appropriate on would be:
"That n	neeting p	roced	ures be resumed."

Division 16 – Physical and Remote Attendance

80. Mode of Attendance

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

Governance Rules: Adopted by Council

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	80.1.1	wholly in person;	
	80.1.2	wholly be electronic means; or	
	80.1.3	partially in person and partially by electronic means.	
80.2	Resolut	ication in the notice of meeting must be consistent with any lion of Council that has expressed a preference for, or otherwise d, when Council meetings are to be conducted:	
	80.2.1	wholly in person;	
	80.2.2	wholly by electronic means; or	
	80.2.3	partially in person and partially by electronic means.	
80.3		uncil meeting is to be conducted wholly in person a Councillor may eless request to attend by electronic means.	
80.4	Any req	uest made under sub-Rule <u>80</u> ,3 must:	Deleted: 73
	80.4.1	be in writing;	Deleted: .
	80.4.2	be given to the Chief Executive Officer no later than 24 hours prior to the commencement of the relevant Council meeting; and	
	80.4.3	specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person.	
80.5	accorda Council	ief Executive Officer must ensure that any request received in ance with sub-rule <u>80.4</u> and any other request received from a lor to attend by electronic means is made known at the ncement of the relevant Council meeting.	Deleted: 73
80.6	Council	may approve and must not unreasonably refuse any request.	
80.7	respons	cillor who attending a Council meeting by electronic means is sible for ensuring that they are able to access such equipment and uch an environment that facilitates participation in the Council g.	
80.8		t detracting from anything said in sub-rule <u>80.7,</u> a Councillor who is ng a meeting by electronic means must be able to:	Deleted: 73
	80.8.1	hear the proceedings;	
	80.8.2	see all Councillors and members of Council staff who are also attending the Council meeting, at least while a Councillor or member of Council staff is speaking;	
	80.8.3	be seen by all Councillors, members of Council staff and members of the public who are physically present at the Council meeting; and	
	80.8.4	be heard when they speak.	
ance Rules: Ado	pted by Counci	I	
	pa	age 36	

80.9 If the conditions of sub-rule <u>80</u>.8 cannot be met by one or more Councillors attending a Council meeting, whether because of technical difficulties or otherwise the Council meeting will nonetheless proceed as long as a quorum 80.9.1

- is present; and
- 80.9.2 the relevant Councillor (or Councillors) will be treated as being absent from the Council meeting or that part of the Council meetina
- 80.10 unless the Council meeting has been adjourned in accordance with these Rules.
- 80.11 Nothing in this Rule 80 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with sub-rule 80.8 even if the Council meeting has already commenced or has continued in their absence

Meetings Conducted Remotely 81.

If a Council meeting is conducted wholly or partially by electronic means, the Chair may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of business of the meeting.

Division 17 - Miscellaneous

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82. Chief Executive Officer statement

The Chief Executive Officer may make a brief statement at a Council meeting to correct factual errors or incorrect assertions that arise during the meeting, or to clarify or provide context in respect of any statement made at the Council meeting.

83. Live streaming and recording

- Council meetings are live streamed except where the meeting is closed to 83.1 the public, or in the case of technical errors which prevent the meeting from being streamed.
- 83.2 Archived live streamed recordings of Council meetings will be retained and available for public for viewing on Council's website.
- 83.3 Members of the public will be advised by appropriate venue signage that the meeting is being live streamed and by the Chair in the welcome and introduction to the meeting that the cameras will film and record Councillors and some officers at the meeting but care is taken to try and not to film or record images of members of the public.
- 83.4 Council meetings may also be audio taped by authorised officers of Council for the sole purpose of assisting officers in the preparation of the minutes.

mance Rules: Adopted by Council

page 37

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Deleted: 4#>Meetings to be open to the public unless specified circumstances apply[]
Council considers in necessary to close the meeting to the public because a specified circumstance applies. The circumstances are— []
the meeting is to consider confidential information; or ¶
security reasons; or ¶
it is necessary to close to the public proceed in an orderly manner. []
If the circumstance specified in (b) or (c) applies, the meeting can only be closed to the public of the Council has made arrangements to enable the proceedings of the meeting is be viewed by members of the public as the meeting is being held.[]
If Council determines that a meeting is to be closed to the public inspection— ¶
the ground or grounds for determining to close the meeting to the fublic to consider confidential information, the Council must consider confidential information that are available for public inspection— ¶
Council business information, information that would prejudice the Council position in commercial negotiations if prematurely released. []
Council business information, being information that if released is likely to endanger the security of Council property or the safety of any person. []

prematurely released is likely to encourage speculation in land values; Part 1—Preliminary Local Government Act 2020 No. 9 of 2020 ¶ law enforcement information, being information which if released would be remember likely to provide the

released would be reasonably likely to prejudice the

released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person; ¶ legal privileged information, being information to which legal professional privilege or client legal privilege applies; ¶ personal information, being information which if released would result in the unreasonable disclosure of information

about any person or their personal affairs; ¶ private commercial information, being information provided by a business, commercial or financial undertaking that—¶ relates to trade secrets; or ¶ if released, would unreasonably expose the business

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84. Conditions of entry to a Council meeting

- 84.1 All persons without City of Port Phillip identification may be requested to sign an attendance register prior to entering the area in which a *Council meeting* is to be, or is being, held.
- 84.2 Council may, on some or all occasions, conduct bag searches of some or all people attending Council meetings. This is done for security and safety reasons and to ensure that all who attend Council meetings are able to attend and to participate in a safe environment.
- 84.3 Members of the public cannot directly distribute any item to a Councillor. Any item must firstly be given to a Council officer who will then determine if it is appropriate to distribute the item to some or all of the Councillors.
- 84.4 Members of the public are permitted silent use of their mobile devices but are not permitted to use mobile devices for recording, talking or any usage that generates noise.
- 84.5 Members of the public cannot take photos, film or otherwise record proceedings of a *Council meeting* unless permission is granted by the *Chair* of the meeting.
- 84.6 Unless permitted by the Chair, the following items are prohibited:
 - (a) <u>c</u>ameras;
 - (b) posters and signs attached to sticks;
 - (c) offensive material and / or material that unreasonably blocks the view of members of the public or access to the meeting venue; and
 - (d) electronic audio/visual recording devices (unless authorised).
- 84.7 Council may refuse entry to a member of the public who does not comply with these conditions.

85. 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).

Governance Rules: Adopted by Council

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:
 - a *Council meeting* is to be read as a reference to a *Delegated Committee* meeting; 1.2.1
 - 1.2.2 a Councillor is to be read as a reference to a member of the Delegated Committee; and
- 1.2.3 the Mayor is to be read as a reference to the Chair of the Delegated Committee. Meeting Procedure Can Be Varied

2.

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.

Governance Rules: Adopted by Council

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 <u>Delegation</u> provides otherwise, the conduct of a meeting of a *Community Asset Committee* is in the discretion of the *Community Asset Committee*.

Governance Rules: Adopted by Council

Chapter 5 - Disclosure of Conflicts of Interest

1. Definition

In this Chapter:

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

2. Disclosure of a Conflict of Interest at a Council Meeting

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

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

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from another person, the:¶ name of the other person; ¶

Deleted: 2.2.3 detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift

nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and \P nature of that other person's interest in the matter, \P

2.2 intends to attend must disclose that conflict of interest by providing to the Chief Executive Officer. or their delegate before the Council meeting commences a written notice:

2.1.1 advising of the conflict of interest; and

- 2.1.2 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
- and then immediately before the matter is considered at the meeting announcing to those *in attendance* that the Councillor has a conflict of interest and that a written notice has been given to the *Chief Executive Officer<u>, or their</u> <u>delegate</u> under this sub-Rule.*

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

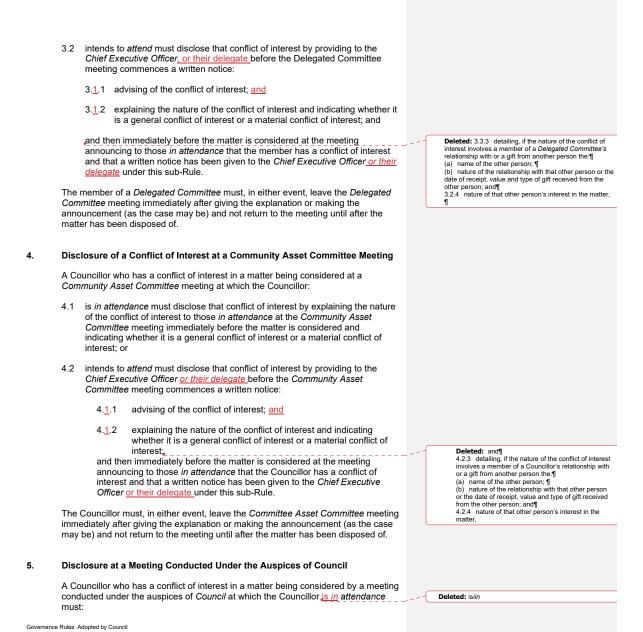
3. Disclosure of Conflict of Interest at a Delegated Committee Meeting

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

3.1 is *in attendance* must disclose that conflict of interest by explaining the nature of the conflict of interest to those *in attendance* at the *Delegated Committee* meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or

Governance Rules: Adopted by Council

Attachment 1: Draft Governance Rules - Tracked Changes



- 5.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those *in attendance* at the meeting immediately before the matter is considered:
- 5.2 be absent from any discussion of the matter and indicating whether it is a general conflict of interest or a material conflict of interest; and
- 5.3 as soon as practicable after the meeting concludes provide to the Chief Executive Officer, or their delegate, a written notice recording that the disclosure was made and accurately summarising the explanation given to those in attendance at the meeting.

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

- 6.1 A member of Council staff who, in their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration of a:
 - 6.1.1 Council *meeting*;

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- 6.1.2 Delegated Committee meeting;
- 6.1.3 Community Asset Committee meeting

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

- 6.2 The Chief Executive Officer or their delegate must ensure that the Report referred to in sub-Rule 6.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.
- 6.3 If the member of Council staff referred to in sub-Rule 6.1 is the *Chief Executive Officer*.
 - 6.3.1 the written notice referred to in sub-Rule 6.1 must be given to the *Mayor*, and
 - 6.3.2 the obligation imposed by sub-Rule 6.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

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

- 7.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* or their delegate explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.
- 7.2 If the member of Council staff referred to in sub-Rule 7.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

page 43

ance Rules: Adopted by Council

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

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

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

Governance Rules: Adopted by Council

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 at least one member of Council staff; and
- 1.3 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

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

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

2. Confidential Information

- 2.1 If the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 2.2 Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.
- 2.3 Nothing in sub-rule 2.2 will, without more, mean that information designated by the *Chief Executive Officer* under sub-rule 2.1 satisfies the definition of "confidential information" contained in section 3(1) of the *Act*.

Governance Rules: Adopted by Council

Chapter 7 – Use of the Common Seal

- The purpose of this Part is to regulate the use of the Common Seal and to prohibit 1.1 the unauthorised use of the Common Seal or use of any device resembling the Common Seal.
- The Chief Executive Officer must keep the Common Seal in safe custody at all 1.2 times.
- Council's Common Seal must only be used with the authority of Council granted either generally or specifically and every document to which the Common Seal is affixed must be signed jointly by the Mayor and the Chief Executive Officer. Subject to clause 1.3, the sealing clause shall be: THE COMMON SEAL of Port Phillip City Council was hereunto affixed in the presence of: 1.3
- 1.4

Mayor

CEO

A person must not use the Common Seal or any device resembling the Common 1.5 Seal without the authority of Council.

Governance Rules: Adopted by Council

Chapter 8 – Election Period Policy

Election Period Policy

Policy outcome	Council complies with its legislative requirements under the <i>Local Government Act 2020</i> , and City of Port Phillip Councillors, Council Officers, and the community are aware of what can and cannot be done during the election period.		
	Councillors and Council Officers act in an accountable, transparent, and lawful way during the election period.		
	External candidates for election are expected to comply with the obligations of this policy where they apply.		
	Council meets the strategic directions detailed in the Council Plan 2021- 31, particularly the commitment to be a well-governed Port Phillip.		
Responsible area	Governance and Organisational Performance		
Version	Version 2.0		
Date adopted	1 November 2023		
Planned review date	August 2027		

1. Scope

- 1.1. The Election Period Policy provides a framework for decisions prohibited by the Council during the election period in accordance with the *Local Government Act 2020* (the Act), and the procedures to be applied by Council during the election period.
- 1.2. This policy applies to all Councillors and Council Officers (Officers) of the City of Port Phillip.
- 1.3. External candidates for election are expected to comply with the obligations of this policy where they apply.

2. Election Period

- 2.1 The election period (often referred to as caretaker period) is the period that starts from the last day that nominations to be a candidate for that election can be received and ends at 6pm on Election Day.
- 2.2 During an election period, local government goes into 'caretaker' mode, avoiding actions and decisions which could be seen to be influencing voters or which will have a significant impact on the incoming Council.
- 2.3 The term of office of a Councillor expires at 6am on the day of the general election.

Governance Rules: Adopted by Council

2.4 Election Period Notification

The Chief Executive Officer (CEO) will ensure that all Councillors and Officers are aware of this policy, at least 30 days prior to the commencement of the Election Period.

2.5 Election Period Guidelines

- 2.5.1 The CEO may issue guidelines to:
 - Officers on their role and responsibilities in the implementation of this policy
 - Councillors to inform them about the changes to services, processes, and procedures that may impact them in their role during the election period.

2.6 Implementation of the Election Period Policy

- 2.6.1 The Head of Governance is responsible for:
 - the implementation, including monitoring and reporting on the effectiveness of the policy
 - providing support and training to Councillors and Officers to promote awareness and compliance with this policy
 - working with the Executive Leadership Team and the relevant Managers, to ensure the policy is implemented in accordance with the relevant legislation.

3. Decision making during the election period

- 3.1 Council, a delegated committee of Council, or a person acting under delegation must not make prohibited or inappropriate decisions during the election period for a general election.
- 3.2 This does not extend to decisions made prior to the election period, which can be implemented during this time.
- 3.3 Prohibited decisions
 - 3.3.1 Under section 69 of the Act, Council is prohibited from making any decision during the election period that:
 - a) Relates to the appointment or remuneration of a CEO but not to the appointment or remuneration of an Acting CEO.
 - b) Commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year.
 - c) The Council considers could be reasonably deferred until the next Council is in place.
 - d) The Council considers should not be made during an election period (Inappropriate decisions).

Governance Rules: Adopted by Council

- 3.3.2 The Act prohibits any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
- 3.3.3 Any Council decision made in contravention of 3.3.1(a) and (b) above, is invalid.
- 3.3.4 Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of section 69(4) of the Act, is entitled to compensation from the Council for that loss or damage.

3.4 Scheduling consideration of prohibited decisions

- 3.4.1 The CEO will as far as possible, ensure that prohibited decisions are either:
 - considered prior to the commencement of the election period; or
 - deferred where appropriate for determination by the incoming Council; and
 - the order of business for any Council Meeting scheduled during the election period does not include any matters requiring prohibited decisions or matters that could be considered prohibited decisions.

3.5 Inappropriate decisions

- 3.5.1 Inappropriate decisions are defined as meaning:
 - a) Decisions that would affect voting in an election
 - b) Decisions that may unreasonably bind an incoming Council and could reasonably be made after the election

3.6 Inappropriate decisions that will be avoided

3.6.1 The following inappropriate decisions, whether made by Council, a Delegated Committee or an Officer acting under delegated authority, will be avoided during the election period:

- Acquisition of land
- Adoption or amendment of the Port Phillip Planning Scheme
- Adoption or amendment of policies, protocols, strategies, master plans or frameworks
- Adoption or amendment of the Council Plan
- Adoption of a revised budget
- Adoption or amendment of a Local Law
- Allocation of grants or awards to individuals or organisations
- Appointing representatives to Council committees
- Disposal of land or assets
- Endorsing submissions to government or public bodies
- Employment matters pertaining to the CEO

Governance Rules: Adopted by Council

- Entering into a contract or entrepreneurial agreement exceeding the prescribed amount
- Entering into agreements (excluding an Enterprise Agreement), deeds or leases
- Naming or re-naming of roads, reserves or features
- Reviewing of programs or service provision
- Any other decision that the CEO considers should be made outside of the election period.

3.7 Election Period Statement in Reports

3.7.1 All reports to Council and Delegated Committees will be assessed by the CEO, in accordance with the Act and this policy. If approved for inclusion in the meeting agenda, each report will include a statement declaring that it could not reasonably result in a prohibited or inappropriate decision.

3.8 Considerations for Officers with delegated authority

- 3.8.1 Most Council decisions are made via formal delegation to Officers. Any decision of a delegated Officer is deemed to be a decision of Council. The same limitations will apply to them during the election period.
- 3.8.2 Before making any decisions under delegated authority during the election period, Officers should consider the following:
 - whether the decision is prohibited under the definitions detailed in 3.3 of this policy
 - whether the decision is an inappropriate decision as detailed under 3.5 and 3.6 of this policy
 - the urgency of the issue (that is, can it be delayed until after the election period?)
 - the possibility of financial repercussions if it is deferred
 - whether the decision is likely to influence voters or be controversial
 - if the decision is in the best interests of Council.

3.9 Council and Committee meetings

The following protocols will apply for Council and Committee meetings during the election period.

3.9.1 Council and Committee Meeting Agendas

- 3.9.1.1 The standard agenda for any Council meeting to be held during the election period will be modified so that the following items will not be considered:
 - · Petitions and joint letters
 - Public question time
 - Councillor question time
 - Notices of Motion

Governance Rules: Adopted by Council

Reports by Councillor delegates

3.9.1.2 Items proposed as urgent business must be assessed in accordance with the Act and this policy. If approved for inclusion in the meeting agenda, items of urgent business must also include an election period statement that they could not reasonably result in a prohibited or inappropriate decision.

3.9.2 Audio and Video Recordings of Council and Delegated Committees

- 3.9.2.1 Agenda papers, minutes, and live streaming for Council and Delegated Committee Meetings will continue to be delivered during the election period.
- 3.9.2.2 Recordings of Council and Delegated Committee Meetings will not be made available on Council's website until after the election period has ended.

3.10 Council Advisory, Reference Committees and Working Groups

With the exception of the Audit and Risk Committee, the operation of 3.10.1 Council Advisory, Reference Committees and Working Groups shall be suspended upon the commencement of the election period ahead of a general Council election.

3.11 Councillor appointments to external committees

Where a Councillor has been appointed to an external committee or board it is expected that they will attend meetings of the committee or 3.11.1 board during the election period. However, the Councillor may attend only in their role as a Councillor. A Councillor must not attend an external committee or board meeting, where they are a Councillor representative, in their capacity as a candidate. A Councillor must be mindful of their obligations under this election period policy, and not conduct any electoral campaigning activities at the meeting.

3.12 Councillor Briefings

3.12.1 Weekly Councillor Briefings are a forum for information sharing and providing direction on services, strategy, and policy. As Councillor Briefings may address decisions likely to come before Council, they will not be held during the election period.

Publishing and Communications 4.

4.1 Electoral Offences

4.1.1 Printing and publication of electoral material

A person must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, electoral material unless the name and address of the person who authorised the electoral material is clearly displayed on its face.

Penalty: In the case of a natural person, 10 penalty units;

nance Rules: Adopted by Council

In the case of a body corporate, 50 penalty units.

4.1.2 Misleading or deceptive matter

A person must not print, publish or distribute; or cause, permit or authorise to be printed, published or distributed any matter or thing that the person knows, or should reasonably be expected to know, is likely to mislead or deceive a voter in relation to the casting of the vote of the voter.

Penalty: In the case of a natural person, 60 penalty units or imprisonment for 6 months; In the case of a body corporate, 300 penalty units.

4.1.3 Author to be identified

A person must not during the election period print, publish or distribute; or cause, permit or authorise to be printed, published or distributed a newspaper, circular or pamphlet containing an article, report, letter or other matter containing electoral matter unless the author's name and address are set out at the end of the article, report, letter or other matter, or if only part of the article, report, letter or other matter any issue of a newspaper, circular or pamphlet at the end of that part.

Penalty: In the case of a natural person, 10 penalty units; In the case of a body corporate, 50 penalty units.

- 4.1.4 The CEO should review all publications produced and distributed by the Council during the election period to confirm that the publication complies with the Act in circumstances where the publication contains electoral matter, i.e., any matter that is "intended or likely to affect voting in an election".
- 4.1.5 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 the election, a candidate in the election, or an issue submitted to, or otherwise before, the voters in connection with the election.
- 4.1.6 This is to be broadly interpreted to refer to documents that are produced for communicating with the community and will include, amongst other things:
 - Council newsletters and other circulars (hardcopy and/or electronic)
 - Advertisements and notices
 - Media releases and responses to media enquiries
 - Leaflets, brochures, pamphlets, handbills, flyers, magazines, books and stickers
 - Mail outs to multiple addresses
 - New website material and Social media content
 - Material to publicise a function or event
 - Notices or posters placed on Council controlled property, including walls, noticeboards, and electronic noticeboards and screens

Governance Rules: Adopted by Council

4.1.7 Documents that were published prior to the commencement of the election period, or that are required to be published in accordance with any Act or regulation, are exempted from the requirements of this Policy.

4.2 Process for review of publications

- 4.2.1 Officers will vet all publications before they are recommended to be confirmed by the CEO as suitable for printing, publishing or distributing during the election period.
- 4.2.2 The below wording will be used to ensure compliance with the Act when publishing material:

Authorised by the Chief Executive Officer of the City of Port Phillip, 99A Carlisle Street St Kilda

4.2.3 a record of all publications confirmed by the CEO will kept via Council's records management system.

4.3 Information about the Election

Council may provide information, education and publicity designed only to promote public participation in the electoral processes.

4.4 DiverCity newsletter

DiverCity newsletter will not be published or distributed during the election period.

4.5 Annual Report

The Act requires the annual report to be submitted to the Minister for Local Government. The Act also requires Council to consider the annual report a a Council meeting prior to Election Day. The annual report will be published during the election period and will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual councillors. At the CEO's discretion, the information within the annual report may be restricted to what is required by the Act. The annual report does not require certification by the CEO however any publication of an extract or summary of the Annual Report will require certification.

During the election period the Annual Report will not contain a Foreword from the Mayor.

4.6 Council and Delegated Committee Meetings

Public notice of Council meetings and Delegated Committee meetings, and agenda papers and minutes of Council and Delegated Committee meetings do not require review by the CEO unless they are printed or published for a wider distribution than normal.

Governance Rules: Adopted by Council

4.7 City of Port Phillip websites

During the election period Councillor profile pages will be limited to names, contact details, date elected and membership of committees. There will be no photographs, biographies or policy statements.

New content can only be added to the website, or content updated, if the content complies with the Act and where necessary has been confirmed by the CEO.

Website content will be reviewed prior to the election period commencing and any prohibited information will be redacted or removed by the beginning of the election period.

4.8 Media

The CEO must sign-off on all media releases and media responses.

Media releases and media responses must not refer to Councillors or any candidate and must not comment on an issue likely to be an election issue.

Media enquiries will be channelled through the CEO who will determine who the appropriate spokesperson will be. The CEO will be the spokesperson of the Council where the issue relates to electoral matters including issues before the voters.

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

4.9 Social Media

Any publication of comments or new content on social media sites (that are managed by Council) must be confirmed by the CEO during the election period. Where it is necessary to identify a spokesperson for comment on Council's social media channels, the CEO will determine the spokesperson and certify commentary.

At the commencement of the election period, Council will advise social media subscribers that comments containing electoral matter will be deleted.

Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted.

Information published prior to Election Period on Council's social media and website is not subject to CEO certification.

5. Consultation and Engagement

- 5.1 Community consultation involves inviting stakeholders (individuals, groups, organisations or the public generally) to a public consultation process to receive feedback on a project, issue or policy. Some topics of community consultation may have the potential to be an election issue therefore no community consultation will take place during the election period.
- 5.2 Public consultation associated with activities and decisions which are the subject of statutory processes can be expected to continue through the election period to ensure Council does not breach its statutory obligations, for example:

Governance Rules: Adopted by Council

- Consultations involving Council staff, Councillors and interested persons
 regarding applications under the *Planning and Environment Act* 1987; and
- Consultation required in accordance with the Local Government Act 2020

Discussions at these meetings are not to involve election issues or significant community consultation on major developments, strategy or policy issues.

- 5.3 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 meeting until the election period has concluded, unless required to meet Council's statutory obligations.
- 5.4 Council currently has seventeen Community Reference Committees (Advisory Committees), these committees may discuss potential election issues so consequently these committees will not meet during the election period. Meetings of forums and groups which have been established by Council, and not captured as Advisory Committees, should also not be held during the election period.

6. Events and Functions

- 6.1 During the election period, Councillors may continue to attend functions and events. Council run events will be scheduled to ensure only those essential to the operations of Council, that must be held at a specific time which coincides with the election (i.e., the Seniors Festival) are run during the Election Period.
- 6.2 Where events and functions are held, candidates who are not currently Councillors will be invited to attend if appropriate to the type of event or function.
- 6.3 No election material or active campaigning is to be conducted at Council sponsored events or displayed in/on or distributed at any Council building.
- 6.4 Guest lists to any Council organised event or function during the election period must be approved by the CEO.
- 6.5 For those functions referred to in clause 6.1, the CEO (or his delegate) will fulfil any speaking requirements. The Mayor and Councillors must not give speeches or addresses at Council organised or sponsored events and functions during the election period.
- 6.6 Public events and functions staged by external bodies
 - 6.6.1 Where a Councillor has received an invitation to an external event and has determined to accept the invitation, the Councillor must make a clear separation between attendance in their role as a Councillor, or attendance in their role as a candidate.
 - 6.6.2 A Councillor may not attend an event in their capacity as both Councillor and candidate. If a Councillor gives a speech or public comment at an external event or function, they must make it clear that they are speaking as a candidate.

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7. Council resources

- 7.1 Council resources, including offices, support staff, hospitality services, equipment and stationery must be used exclusively for normal Council business during the election period and must not be used in connection with an election.
- 7.2 Councillors must not use Council resources in connection with any activities associated with any election campaign.

7.3 Councillor Requests

Councillors can only make operational requests through the CRM system covering issues such as but not limited to roads, footpaths, trees, waste management and general amenity. Such requests will be administered as community requests.

All information requests received during the election period will be handled in accordance with 8.6 of this policy.

7.4 Council Data

Databases and mailing lists held by the organisation remain the property of the Council and are subject to the requirements of the *Privacy and Data Protection Act 2014* and are not available to members of the public, candidates or to Councillors.

7.5 Councillor Correspondence

- 7.5.1 A key part of the role of a Councillor is to engage with members of the community, including responding to any correspondence received. While this must continue during the election period, it is important that Officers are not perceived as providing Councillors any undue advantage over other candidates.
- 7.5.2 During the election period, any responses prepared by the administration in response to correspondence addressed to a Councillor will therefore be signed by the CEO or relevant General Manager or Manager as appropriate. Such responses will acknowledge the Officer is responding due to limitations imposed upon Councillors during the election period.

7.6 Use of Council equipment and services by Councillors

- 7.6.1 Councillors may continue to use any Council equipment and services provided to them to facilitate their performance of normal Council duties.
- 7.6.2 The following is expressly prohibited:
 - Photocopying, scanning, or printing for election campaigning purposes by Councillors or Officers on Council equipment, or the preparation or production of any materials associated with a candidate's election campaign by an Officer
 - Council logos, letterheads, or other Council branding used for, or linked in any way to a candidate's election campaign
 - The use of Council issued mobile phones, computers, or email addresses for election campaigning purposes

Governance Rules: Adopted by Council

- The use of Council's webpages or social media pages, including the use of links, for any activity related to election campaigning
- The Distribution or displaying of election material in or on Council facilities, libraries or community noticeboards.
- The use of photographs and images paid for by Council or taken by Officers are not to be used in electoral material for any Candidate. This includes images of Councillors, Council events and Council owned or maintained infrastructure.
- 7.7 Councillors may use the title "Councillor" in their election material, as they continue to hold office during the election period.
- 7.8 Councillors should ensure that any election publication using the title "Councillor" clearly indicates that it is their own material and does not represent Council.
- 7.9 Councillors 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.
- 7.10 For purposes other than usual community use, Council facilities may only be booked during the election period by persons, groups or organisations who are neutral with regard to the participating political parties or candidate campaigns.
- 7.11 If a Council facility is hired for the purposes of discussing issues before voters (e.g., a community candidate forum), then every candidate of the municipality, or of that Ward, must be invited to equally participate in the event.
- 7.12 The obligation to ensure fair and equitable participation for all candidates remains with the Hirer. Any feedback, enquiries or complaints on the running of the event will be directed to the Hirer.

7.13 Councillors' Entitlement to Reimbursement

The organisation will continue to provide support to Councillors with respect to their normal day to day council business. Out-of-pocket expenses paid by Councillors during the election period for necessary costs incurred in the performance of their duties, which do not relate to any election campaign, will be reimbursed as normal.

8. Council Information

- 8.1 All election candidates have rights to information relevant to their campaigns from Council, subject to legislative constraints, such as:
 - Sections 123 of the Act, which prohibits Councillor-candidates from misusing or inappropriately making use of their positions
 - The Privacy and Data Protection Act 2014.

Governance Rules: Adopted by Council

- 8.2 Councillors will continue to receive information necessary to fulfill their existing roles during the election period. Beyond this, only information that is readily available to any member of the public will be provided to any candidate.
- 8.3 Access to historical briefing and workshop papers will be suspended for the duration of the election period. Council Meeting papers may continue to be accessed by anyone via the Council website.
- 8.4 No information other than what would normally be made available to any member of the public on request will be provided to a Councillor or a candidate. Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns.
- 8.5 Council staff when carrying out their duties must not offer comment to members of the public about any Councillors or candidates, except to provide contact details for current Councillors.
- 8.6 Information requests process, record, and access
 - 8.6.1 Council may receive requests for information from candidates during the election period. All candidates must have access to the same level of information wherever possible.
 - 8.6.2 To enable this to occur, an Information Request Register will be maintained by the Governance unit during the election period. This Register will be a publicly available document and will record requests by all candidates who seek information relating to electoral matters or general enquiries, and the responses provided by Officers.
 - 8.6.3 Any candidate may, upon request, obtain a copy of the Information Request Register by emailing the Governance unit.
 - 8.6.4 The CEO, or their delegate, may at their discretion automatically circulate to all candidates a response to any request recorded in the Information Request Register.

8.7 Council Officers

Council Officers are prohibited from undertaking any tasks connected directly or indirectly with an election campaign and must avoid actions that may create a perception that they are assisting Councillors with their campaign.

9. Electoral Signage and Electioneering

9.1 Councillors, like other candidates, must comply with Council's Electoral Signage and Electioneering Guidelines. The guidelines include the City of Port Phillip Planning Scheme Requirements and Community Amenity Local Law requirements for what sort of signs can be displayed during an election, and rules for when candidates or their supporters are electioneering in public places. The guidelines are included at the end of this Policy.

Governance Rules: Adopted by Council

10. Equity in assistance to candidates

The Council affirms that all candidates for the Council election will be treated equally.

10.1 Candidate assistance and advice

Any assistance and advice to be provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

10.2 Officers as a candidate

- 10.2.1 An Officer is not prevented from nominating as a candidate at an election. Upon becoming a candidate in a Port Phillip City Council election, the Officer must:
 - Inform the CEO;
 - 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.
- 10.3 If elected, immediately resign from their employed position at Council prior to taking the oath or affirmation of office, in accordance with sections 34 and 256 Act.

10.4 Election process enquiries

All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Victorian Electoral Commission appointed Election Manager or, where the matter is outside the responsibilities of the Election Manager, to the Head of Governance.

11. Breaches

- 11.1 Sections 123 and 124 of the Act prohibit Councillors from intentionally directing or seeking to direct a member of Council staff; or misusing their position to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or to cause, or attempt to cause, detriment to the Council or another person.
- 11.2 Circumstances involving the misuse of a position by a Councillor or member of a delegated committee include
 - a) making improper use of information acquired as a result of the position the person held or holds; or
 - b) disclosing information that is confidential information; or
 - c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or
 - d) exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or
 - e) using public funds or resources in a manner that is improper or unauthorised; or

Governance Rules: Adopted by Council

- f) participating in a decision on a matter in which the person has a conflict of interest.
- 11.3 A breach of section 123 attracts serious penalties, including possible imprisonment. Allegations of breaches of the Local Government Act are independently received and investigated by the Local Government Inspectorate.

11.4 Councillor Code of Conduct

- 11.4.1 Allegations of breaches of this Policy will be dealt with under the Internal Resolution Procedure of the Code of Conduct. The CEO will take the place of the Mayor in managing complaints received under the Election Period Policy.
- 11.4.2 Complaints must be directed to the CEO in writing, providing details of the alleged contravention, when it occurred and who it involved. The CEO will assess the information and follow the provisions of the Internal Resolution Procedure of the Code of Conduct including, where necessary, the appointment of an external arbiter.

11.5 Suspension of matters during election period

In accordance with section 173 of the Act, any applications made, or proceedings before a Councillor Conduct Panel or the Victorian Civil and Administrative Tribunal regarding the serious or gross misconduct of a person who is a Councillor, must be suspended during the election period for a general election.

11.6 Breach of policy

Any breach of this policy relating to Officer conduct is to be referred to the CEO.

Alleged breaches relating to all other matters are to be referred to the Local Government Inspectorate at email address inspectorate@lgi.vic.gov.au or phone 1800 469 359.

12. Related legislation and documents

Local Government Act 2020 Local Government (Elections) Regulations Councillor Code of Conduct Community Amenity Local Law requirements City of Port Phillip Planning Scheme

13. Version History

Version number	Document Set ID (ECM)	Date	Authorised by
1.0	E125582/20	19 August 2020	Adopted by Council
2.0	7594877	1 November 2023	Adopted by Council

Governance Rules: Adopted by Council

ELECTORAL SIGNAGE

What sort of sign can I display during an election?

Community Amenity Local Law 2023 requirements for public land and buildings.

50. Political Signs

- A person must not affix, erect, install or otherwise display a political sign on Council Land or a building or structure or other thing on Council Land.
- (2) For the purpose of sub-clause (1) a political sign means any sign which displays, promotes or otherwise identifies a political candidate or political party.
- (3) Clause (1) does not apply if the signage is authorised under this or any other law.

City of Port Phillip Planning Scheme Requirement

A permit is not required to display a sign with an advertisement area not exceeding five square metres publicising a local political event not held for commercial purposes.

The requirements are:

- Only one sign can be displayed on the land
- The sign must not be animated
- The sign must not be internally illuminated
- The sign must not be displayed for more than 3 months and must be removed within 14 days of the event

A sign publicising a local political event may include information about a candidate for an election.

(This section of the Planning Scheme is a mandatory State Government requirement).

The sign can be displayed on a person's own land or another person's land if permission of the landowner has been granted.

Signs not compliant with these requirements are subject to a Council Planning application.

Electoral advertising cannot be displayed on or in any Council building or Council notice board, or on any Council land, including median strips and footpaths.

Electoral material must follow the requirements of the relevant electoral legislation.

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ELECTIONEERING

When candidates or their supporters are electioneering in public places, they must be aware of the following:

- A candidate / supporter may handout electoral material in a public place, that is, streets and parks within the control of Council, but not within Council buildings or premises.
- Electoral material must follow the requirements of relevant electoral legislation.
- Council will not require a fee or a permit if a candidate / supporter is standing at a small table with a sign (note planning requirements) handing out electoral material.
- Persons distributing electoral material must be aware of public safety and community amenity, and must leave a minimum 1.2 metre wide pedestrian access on the footpath.
- Any tables and signs placed in front of Council, commercial or residential properties must be located with the agreement of the adjoining owner / occupier.
- No electoral material is to be posted on Council property including buildings, noticeboards, land, fences, street lighting posts, etc.,. Any such postings will be subjected to a Local Laws Enforcement investigation.

Any electoral material posted on private property without the authority of the owner may be referred to the Police for investigation.

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City of Port Phillip

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Chapter/	Rule	Rationale	
Division			
Introduction	2. Date of Commencement	Date of commencement to be updated when endorsed	
Chapter 1.	1. Context	Removal of Councillor Code of Conduct Amended in line with mandated Model	
		Councillor Code of Conduct.	
		Removal of Staff code of conduct as this policy is not endorsed by Council.	
Chapter 2.	3.1 Definitions and Notes	Removed sealing schedule as a dedicated Council meeting agenda section. This	
Part A -		section is not utilised as sealing takes place during the report item.	
Introduction	3.1 Definitions and Notes	Amendments made to the Notice of Motion provisions, these have been reflected in	
		the definitions and notes section	
Part B –	Introduction	Removal of 'annual' election as Mayor can be elected for either a 1 or 2-year term	
Election of		determined by resolution of Council.	
Mayor	6 Determining the election of the Mayor	A Councillor is entitled, according to s 61(5)(e) of the LGA, to abstain from voting.	
		Using the word 'must' here is inconsistent with that entitlement. Proposed	
		amendment to 'is entitled to'.	
	8. Appointment of Acting Mayor	Additional provision of how to open a meeting without a Mayor or Deputy Mayor.	
Part C –	10. Time limits for meetings	Included limitation on meeting to four hours, with provision to extend by additional 30	
Meetings		minutes.	
procedure	12. Meetings not fixed by Council (unscheduled or	Administrative enhancement.	
	Special Meetings)		
	14. Appointment of Temporary Chair	Addition of provision to appoint a temporary chairperson in the event that the Mayor	
		or Deputy Mayor is not in attendance at a meeting.	
	15. Apologies and absences	Clause amended to be clearer on how a Councillor can have their leave request	
		considered and determined.	
	16. Inability to obtain a quorum	'Members' amended to 'Councillors'	
B :	20 Agenda and order of business	Removed sealing schedule from the order of business (as above)	
Division 4	23. Councillors may propose Notices of Motion	Administrative fix up to remove any doubt about the meetings at which Notices of	
Motions and		Motion will be considered.	
Debate	24.2 The CEO may reject any notice of motion	Addition of provisions relating to Notices of Motions	
	24.3 Notice of Motion to secure funding		
	24.9 Notice of Motion returning in a 3-month time	If a Notice of Motion, whether amended or not, is lost, a similar motion cannot again	
	period	be put before Council for a period of three (3) calendar months from the date it was	
	26 Introducing a Mation of an Amandmast (20.4.9	lost.	
	26. Introducing a Motion or an Amendment (26.4 & 26.6)	Administrative enhancement.	
	28. Moving an Amendment	Clearer description of an Alternate motion and determination of Chair ruling.	

Chapter/ Division	Rule	Rationale
DIVISION	32. Foreshadowing Motions	Additional wording to clarify that a Councillor foreshadowing a motion does not get
		priority once the substantive motion is disposed of (even if, in practice, this may be
		the case).
	33. Default to Officer's Recommendation	Amended to include mover and seconder of Officer Recommendation
	35 Removal of en bloc voting	Removal in line with IBAC recommendations
	37 Motions in Writing	An alternate motion might not change an Officer Recommendation, as such, at least
		not in the sense that those changes could be read out. Therefore, this clause has
		been amended to refer to the way that it differs from the Officer Recommendation,
		which seems more accurate and manageable.
	41. Speaking Times	Introduction of Councillor speaking times to assist with overall length of meetings.
	44. Notice of Recission	Administrative fix up to reflect changes to Notices of Motion.
	46. If Lost	Amended to be consistent with Notices of Motion
	47. If not Moved	Amended to be consistent with Notices of Motion
	52 Model Councillor Code of Conduct	Amended in line with mandated Model Councillor Code of Conduct
Division 8	53.1 Additional instructions for public speaking	Additional instructions included for members of the public
Public	53.3 Speaking time reduced to two and one minute	Reduction of public speaking time (was previously three to two)
Question Time	53.4.2 Amended registration closing time to midday	Registration moved to earlier to allow time for officer review
	53.5 New clause if registrations received	Additional provision for registrations received after the closing time.
	after registration closes	
	53.6 Questions asked during submissions to items	Clearer determination for members of the public when making submissions to
		agenda items
	53.8.7 Unreasonable resourcing	Additional provision to be able to decline questions, based on unreasonable officer time.
Division 8	54.1 Questions referred to the Chief	Amended to CEO (was previously officer) in line with the Councillor Contact
Councillor	Executive Officer	Guidelines.
Question Time	54.2 Councillors <i>encouraged</i> to submit questions by	Amended time in line with public registration time (was previously 4pm)
	12pm	
	54.3 Questions and answers must be as brief	New provision in line with propped changes to with public and Councillor speaking
	as possible	times
	54.5 Amendment of Officers to Chief Executive Officer	Amended in line with Councillor Contact Guidelines
	54.1 Midday deadline introduced	Addition of a midday deadline seven days prior to the meeting to assist with timely
		compilation of the agenda

Chapter/ Division	Rule	Rationale
Division 9 Petitions and	55.2 Petition & Joint letter requirements	Signature count increased for Petitions from 5 to 10 signatures to ensures that matters are of significance to the community to be tabled at a Council meeting.
Joint Letters	55.6 Remove gender specific wording	Removal of references to 'he' or 'she' throughout the document and replaced with 'they'.
	55.7 Rejecting Petitions and Joint Letters	Additional provisions to be able to reject petitions that don't comply with the rules
	55.8 Notifying Petitioner of Rejections	Provision added for CEO to notify person who lodged the petition or joint letter of the rejection and reasons for rejection
	55.9 Notifying Petitioner of Rejections	Provision added that if the petition or joint letter relates to an operational matter that the CEO will address it through Council's service operations or complaint handling program
	55.11 Petitions and Joint Letters relating to agenda items	Amended wording to allow the CEO power (when setting the agenda) for the Petition or Joint letter to be dealt with in conjunction with that agenda item.
	55.13(a) Petitions relating to Planning matters	Amended wording to be less specific. Petitions and Joint Letters relating to the Planning and Environment Act 1987 <i>may</i> be considered as a submission to the item
	55.15 Members of the public speaking to Petitions and Joint Letters	Additional provision to limit members of the public speaking to Petitions and Joint Letters. Only the submitter or their representative may speak to the Petition or Joint Letter.
Division 10 Deputations	56.New division to introduce deputations	Additional section to introduce deputations. Deputations would require to be submitted seven days prior to the Council meeting and would require CEO approval to be accepted (similar to how Petitions and Joint Letters are lodged).
Division 11 – Voting	61. Casting Vote	Removal of clauses as they are dictated by the Local Government Act 2020, so not necessary to be included in the Governance Rules.
	66.3.1 & 66.3.2 When a division is called	Updating any authorised officer to be 'or their delegate'
Division 12	71.1.7 Recording of voting when not unanimous	Additional provision in line with IBAC recommendations.
Minutes	71.1.9 Summary of deputations	A summary of the member of the publics deputation to be recorded in the minutes.
Division 13	72. Removed references to public addressing	As referenced above.
Behaviour	meeting (repeated in earlier sections of the Rules)	
	72.4 Members of the public presenting audio and visual displays during meetings	Currently no provision for members of the public to present material, but not explicitly listed within the Governance Rules. Deputations will be an exception to this rule, with the Chairs discretion to accept. Deputations will go through an approval process to be accepted to the meeting.

Chapter/	Rule	Rationale
Division		
Chapter 5	Disclosures at Council meetings, Delegated	Removed the requirement for individual declarations to go to the CEO. Governance
Disclosure of	Committee Meeting, Community Asset Committee	to escalate cases where necessary.
Conflicts	Meeting, meeting conducted under Auspices of	
Interest	Council	
Miscellaneous	Meetings to be open to the public unless specified	Section 66 of the Local Government Act prevails over the provision in the
	circumstances apply	Governance Rules. Removing this clause to avoid any confusion between the Act
		and the Rules.



13.2 CIVIC AND COMMUNITY FLAG PROTOCOL

EXECUTIVE MEMBER: ROBYN BORLEY, DIRECTOR, GOVERNANCE AND ORGANISATIONAL PERFORMANCE

PREPARED BY: MITCHELL GILLETT, COORDINATOR COUNCILLOR AND EXECUTIVE SUPPORT

1. PURPOSE

- 1.1 To present these updated documents to Council for endorsement:
 - 1.1.1 Civic and Community Flag Protocol
 - 1.1.2 Community Flagpole and Illumination Scheme

2. EXECUTIVE SUMMARY

- 2.1 Flags, as well as banners and façade illumination, serve as powerful symbols of identity, unity, and tradition, reinforcing community pride and commemorating important events within our city.
- 2.2 Proper flag display is guided by national and state protocols to ensure consistency and respect, with councils incorporating official guidelines into their respective local flag policies.
- 2.3 Council's Flag Protocol has not been updated since 2004 and does not currently include considerations relating to banners or façade illumination.
- 2.4 Officers have used this opportunity to improve the clarity of the Protocol in relation to scope, purpose, and details relating to flags, for example civic vs community flagpoles.
- 2.5 Officers have also updated the Community Flagpole and Illumination Scheme, giving greater clarity to the community on access to community flagpoles, erecting banners and illuminating our town hall facades.

3. **RECOMMENDATION**

That Council:

- 3.1 Endorse the Civic and Community Flag Protocol
- 3.2 Endorse the Community Flagpole and Illumination Scheme
- 3.3 Authorises the CEO, or their delegate, to make administrative changes to the Protocol and Scheme that do not materially alter its intent.

4. KEY POINTS/ISSUES

- 4.1 Council's Civic Flag Protocol was adopted in 2004 and has been enacted every year since its adoption.
- 4.2 The City of Port Phillip is committed to ensuring that flag positioning at St Kilda Town Hall (SKTH) reflects both official guidance and the expectations of the community.
- 4.3 As such the updated Civic and Community Flag Protocol (Attachment 1) recognises the significance of flags as symbols of identity and unity and so Council seeks to uphold a policy that is balanced, respectful, and responsive.



- 4.4 In 2018, a community flagpole was installed at each of the three town halls. As a standard, the community flagpoles will fly the City of Port Phillip flag.
- 4.5 Council's Community Flagpole and Banner Scheme was adopted in 2021, giving the opportunity for the community to request flags be flown on community flagpoles and has been in effect since adoption.
- 4.6 A 'Community Flagpole Schedule' has been developed which sets out days of significance throughout the year when flags other than the standard flag should be flown and from which community flagpoles.
- 4.7 In 2025, permanent façade lighting infrastructure was installed at the St Kilda Town Hall enabling it to be illuminated in different colours.
- 4.8 A 'Town Hall Illumination Schedule' has been developed which sets out days of significance throughout the year when the St Kilda Town Hall be illuminated in colours other than the default "warm white" illumination colour.
- 4.9 The updated 'Community Flagpole and Illumination Scheme' (Attachment 2) will provide the community with guidance on how to request access to community flagpoles, display of banners and town hall façade illumination.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Internal teams that are involved in the display of flags and banners and town hall façade illumination have been consulted and provided input into the preparation of the updated protocol.
- 5.2 The Protocol and Scheme have not been the subject of any community consultation

6. LEGAL AND RISK IMPLICATIONS

6.1 There are no legal and risk impacts arising as a result of this report.

7. FINANCIAL IMPACT

7.1 There are no financial impacts arising as a result of this report.

8. ENVIRONMENTAL IMPACT

8.1 There are no environmental impacts arising as a result of this report.

9. COMMUNITY IMPACT

9.1 Council recognises that the display of flags and banners and the illumination of town hall facades can provide opportunities to celebrate days/ causes/achievements that are significant to the City of Port Phillip and are ways of strengthening community pride within the city.

10. GENDER IMPACT ASSESSMENT

10.1 A GIA has not been completed in relation to this report.

11. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 11.1 An Engaged and Empowered Community.
- 11.2 Reviews of Council Policy ensures policies remain current, relevant, and effective. This helps to promote good governance by maintaining compliance and operational consistency while responding and adapting to community expectation.



12. IMPLEMENTATION STRATEGY

12.1 TIMELINE

12.1.1 The Civic and Community Flag Protocol and Community Flagpole and Illumination will take effect once adopted.

12.2 COMMUNICATION

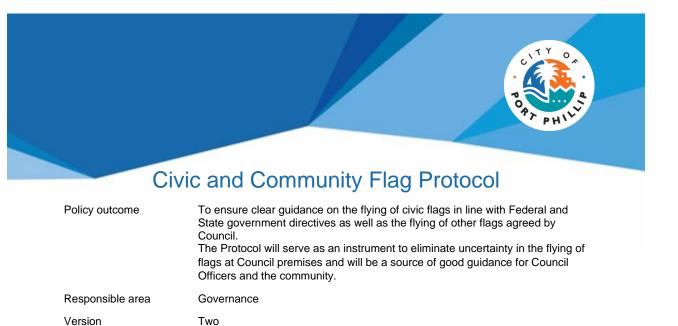
- 12.2.1 A new council webpage will be developed and published as soon as reasonably practicable following adoption.
- 12.2.2 The webpage will contain the updated Flag Protocol, the Community Flagpole and Illumination Scheme and online forms enabling community to easily request access to the community flagpoles, display of banners and town hall façade illumination.

13. OFFICER MATERIAL OR GENERAL INTEREST

13.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

ATTACHMENTS 1. Civic and Community Flag Protocol

2. Community Flagpole and Illumination Scheme \square



Date approved/adopted	June 2025
Planned review date	Full protocol review: 2029

1. Purpose

This protocol guides the flying of flags on Council controlled civic and community flagpoles within the City of Port Phillip and applies to the Australian National Flag, other official civic flags and community flags.

The Department of the Prime Minister and Cabinet releases flag notifications for special occasions or occasions when flags should be flown at half-mast and publishes a booklet for the guidance of flying the Australian National Flag.

This protocol also includes guidance on town hall façade illumination.

2. Scope

The scope of this protocol covers all staff, contractors or volunteers who manage the display of flags on Council controlled flagpoles on behalf of the City of Port Phillip.

The scope also includes the illumination of the façade at the St Kilda, Port Melbourne and South Melbourne town halls.

3. Protocol

3.1. Civic Flag Poles

Civic Flagpoles: Civic Flagpoles are located in key positions of prominence on council's town halls. They are used to display official flags such as the Australian National Flag, Aboriginal Flag, and Torres Strait Islander Flag in accordance with the Australian National Flag Protocols. These flagpoles represent formal government recognition and respect and are not subject to community request.

3.1.1. Australian National Flag



The Australian National Flag Protocol outlines the proper ways to display and handle the flag with respect and dignity.

When flown in Australia or on Australian territory, the Australian National Flag should always be flown in the position of honour.

Any person may fly the Australian National Flag; the flag should be treated with the respect and dignity it deserves as the nation's most important national symbol.

The Australian National Flag will be flown at council offices on all business days during normal working hours and shall take precedence over all other flags.

When flown alongside other official flags, the flag should not be flown in a position inferior to that of any other flag or ensign. <u>Aboriginal & Torres Strait Islander Flag</u>

The Aboriginal and Torres Strait Islander Flags will be flown from Council controlled flagpoles, where available, throughout the year in recognition of Aboriginal people as the Traditional Owners of the land on which the City of Port Phillip is located.

The Aboriginal and Torres Strait Islander flags are subject to the order of precedence, outlined in the <u>Australian Flags Booklet</u>.

3.1.3. Flag Locations

Flags will be at the following Council controlled locations:

- Port Melbourne Town Hall
- South Melbourne Town Hall
- St Kilda Town Hall
- Alfred Square

Each location has a differing number of flagpoles and, as a standard, will fly the following flags during business hours:

Table 1: Location and number of flagpoles

Location	Flagpoles	Flags Flown
Port Melbourne Town Hall	1x civic masthead flagpole 1x civic/community flagpole	Australian National Flag (3600 x 1800) Australian Aboriginal Flag (1800 x 900)
South Melbourne Town Hall	2x civic ground level flagpoles 1x community flagpole	Australian National Flag (1800 x 900) Australian Aboriginal Flag (1800 x 900) City of Port Phillip Flag (1800 x 900)
St Kilda Town Hall	1x civic masthead flagpole 2x civic ground level flagpoles 1x community flagpole	Australian National Flag (3600 x 1800) Australian Aboriginal Flag (1800 x 900) Torres Strait Islander Flag (1800 x 900) City of Port Phillip Flag (1800 x 900)
Alfred Square – St Kilda	3x civic flagpoles	Australian National Flag (3600 x 1800) Australian Aboriginal Flag (1800 x 900)



Torres Strait Islander Flag (1800 x 900

3.1.4. Standard and Replacement of Flags

The Australian National Flag and other official civic flags should always be of fully sewn quality. The flags set-out in *Table 1* will be replaced annually on the Monday preceding 25 April (if required).

Should a request to replace civic flags be received either internally or by community member before the annual replacement date, the Coordinator Councillor and Executive Support will review and action the request.

Flags that fly on community flagpoles can either be fully sewn or printed.

Flying Flags at Half-mast

The Department of the Prime Minister and Cabinet is responsible for notifying organisations when the Australian National Flag is to be flown at half-mast. Notifications from the Department of Prime Minister and Cabinet are mandatory and must be followed.

The Department of Premier and Cabinet (DPC) is responsible for notifying Victorian organisations when there is an instruction to fly the Australian National Flag at half-mast that is specific to Victoria. Half-masting instructions from the office of Premier and Cabinet will only be observed if the deceased person was a local State MP or in the event of a state funeral.

A flag should not be flown at half-mast at night, whether or not the flag is illuminated, unless direction to half-mast the flag for an extended period of time has been issued.

All civic flags flying from Council controlled flagpoles will be flown at half-mast according to the below schedule, in line with Federal protocol:

Table 2: Half-masting schedule

Date/Occasion	Instruction
Anzac Day – 25 April	All flags flown at half-mast until noon.
Remembrance Day – 11 November	All flags flown at half-mast until 11:02am.

3.1.5. Flying Aboriginal and Torres Strait Islander Flags at Half-mast

A request (either internally or externally) to fly the Aboriginal Flag and/or Torres Strait Islander flags at half-mast (that is not a Commonwealth or State Government directive) to recognise the passing of a member of the First Nations community must be made in writing to the Director Governance & Performance no later than 24 hours (faith dependent) prior to the requirement for the flag to be lowered.

The Director Governance & Performance will generally take into consideration the deceased persons standing within the community and their contribution to provide a positive impact on the lives of others.



The Director Governance & Performance will consult with First Peoples staff and the Mayor before making their final decision.

3.1.6. Flying Flags from St Kilda Town Hall Masthead Flagpole

The City of Port Phillip is committed to ensuring that flag positioning at St Kilda Town Hall (SKTH) reflects both official guidance and the expectations of the community. Recognising the significance of flags as symbols of identity and unity, the Council seeks to uphold a policy that is balanced, respectful, and responsive.

In recognition of Aboriginal people as the Traditional Owners of the land on which the City of Port Phillip is located as well as a significant LGBTIQA+ community presence within the City, the Australian National Flag will be displaced from the masthead flagpole at St Kilda Town Hall (SKTH) at the following times throughout the year only:

Table 3: SKTH masthead flag schedule

Date/Occasion	Flag
The week leading up to Pride March along Fitzroy St (usually the first week of February) and taken down the day following Pride March.	Rainbow Pride Flag (either traditional rainbow pride flag, inclusive rainbow pride flag or progressive inclusive rainbow pride flag).
National Sorry Day and Reconciliation Week: 26 May – 3 June	Australian Aboriginal Flag
NAIDOC Week: 2 – 9 July (dates may vary)	Australian Aboriginal Flag

When the Australian National Flag is displaced from the masthead flagpole at the SKTH, the Australian National Flag shall be flown from the far left, ground level civic flagpole, alongside either the Australian Aboriginal Flag or Torres Strait Islander Flag.

3.2. Community Flagpoles

Community Flagpoles, on the other hand, are designated for community groups to display flags that represent local events, cultural celebrations, or awareness campaigns. Flags flown on Community Flagpoles are subject to the Community Flagpole and Illumination Scheme 2025 (the Scheme).

There are three community flagpoles controlled by the City of Port Phillip, one at each town hall. The City of Port Phillip flag will be flown from the community flagpole at SKTH and South Melbourne Town Hall on every day of the year unless otherwise stipulated in the Community Flagpole Schedule (appendix A).

As there is currently only one ground-level civic/community flagpole at Port Melbourne town hall, the Australian Aboriginal Flag will be flown from the community flagpole at this location



every day of the year unless otherwise stipulated in the Community Flagpole Schedule (appendix A).

The Community Flagpole Schedule is subject to amendment in response to requests received under the Scheme and to respond to Council's requirement to add days of significance (subject to Director Governance & Performance and Mayoral approval) which may not already be listed in the schedule.

3.2.1. Community Flagpole - Community Requests

Applications by community organisations to fly flags other than those listed in the Community Flagpole Schedule will be considered on a case-by-case basis by the Coordinator Councillor and Executive Support in line with the Community Flagpole and Illumination Scheme.

Based on the merit of the application, a recommendation will be provided to the Director Governance & Performance who will have final approval.

Port Phillip professional sporting clubs who win their respective competition finals can request to have their club's flag flown on the flagpole nearest their club's location (for example Port Melbourne Football Club flag flown on Port Melbourne Town Hall community flagpole).

Any request will need to consider the eligibility under the Scheme, availability of space, and competing requests at the time of the request. The decision to approve or reject any application will be final.

3.2.2. Flying the City of Port Phillip Flag at Half-mast

A request to fly the City of Port Phillip community flag at half-mast on the day of a funeral is to be made in writing to the Chief Executive Officer no later than 24 hours (faith dependent) prior to the requirement for the flag to be lowered.

The Director Governance & Performance will generally take into consideration the persons contribution to the Port Phillip local community, their positive impact on the lives of others and their contribution to make the City of Port Phillip a better place to live.

The Director Governance & Performance will consult with the Mayor before making their final decision.

Requests will not be approved where the flying of the flag may cause offence to sectors of the community or if highlighting an issue, cause or group would be inconsistent with Council's values and commitment to inclusiveness.

Where requests have been approved, the Coordinator Councillor and Executive Support will inform Councillors and ASSIST as to the reason for the half-masting.

3.2.3. Flags of other Nations

Flags of other nations will not be flown on external Council controlled flagpoles unless otherwise resolved by Council.

3.3 Town Hall Illumination



3.3.1 Town Hall Façade Illumination - Department mandates and internal requests

The SKTH is fitted with coloured, programmable façade lighting. As default, the SKTH façade will be illuminated in a warm white colour.

Council will follow façade illumination notifications for the SKTH which are issued by the Department of Premier and Cabinet.

Internal requests to illuminate the SKTH façade in a particular colour/s to represent a cause will be approved by Director Governance & Performance (or their delegate), in consultation with the Mayor with consideration to the Scheme. Illumination requests should allow for sufficient time for the requested colour/colours to be programmed.

The Port Melbourne town hall and South Melbourne town hall are not fitted with permanent façade lighting infrastructure (for coloured, programable lighting).

3.3.2 Town Hall Façade Illumination – External Requests

External requests may be received to illuminate the façade of a Council town hall building in certain colours to mark days of significance for example International Holocaust Remembrance Day. The façade will be illuminated for a maximum of 48 hours or two (2) periods of dusk - midnight.

Based on the merit of the external application, a recommendation will be provided to the Director Governance & Performance (or their delegate), who will consult with the Mayor, before making their final decision.

Should a request from a third-party organisation to illuminate the Port Melbourne or South Melbourne town hall be approved, the cost of hiring temporary lighting, and all associated costs, will be the responsibility of the requestor. Council does not have a budget allocation for the hire of temporary lighting infrastructure and will not be responsible for any façade illumination costs.

Council accepts no responsibility for the care and maintenance of temporary lighting and any agreement to hire temporary lighting for the purpose of lighting a town hall façade is strictly between the applicant and the temporary lighting hirer.

There are no costs associated with a request to illuminate the SKTH façade.

As any approval will need to consider competing requests, the decision to approve or reject any application will be final.

3.3.3 Town Hall Façade Illumination – Other Nations

Colours representing or symbolising other nations will not be displayed on Council buildings unless otherwise resolved by Council.



3.4 Banners

Council recognises the display of banners, affixed to the façade of a town hall, as another way to observe days of significance or celebrate achievements within the community.

Internal requests to erect a banner on a town hall facade must be approved by Director Governance & Performance (or their delegate), in consultation with the Mayor.

3.4.1 Banner Display Requests

Applications by community organisations to display banners on a town hall façade will be considered on a case-by-case basis by the Coordinator Councillor and Executive Support in line with the Community Flagpole and Illumination Scheme.

Based on the merit of the application, a recommendation will be provided to the Director Governance & Performance (or their delegate) who will consult with the Mayor before making their decision.

Any request will need to consider the eligibility under the Scheme, availability of space, and competing requests at the time of the request. The decision to approve or reject any application will be final.

Where an application is approved, officers will coordinate with council contractors to facilitate the display of the banner. Council will bear the contractor costs for the erection and removal of a banner that is approved for display.

Banners may be displayed for up to two weeks.

3.4.2 Communication to community

Council's flag, banners, illumination and half-masting program will be communicated to the community via a live schedule on councils' website, that includes details of Council's flag and illumination program.

3.5 Governance and Approvals

The Director of Governance & Performance serves as the delegated authorizing authority for flag protocols and the Scheme, ensuring compliance and governance standards are upheld in accordance with official guidelines.

Where a request, or recommendation, is made to half-mast the Australian National Flag that is not a Commonwealth or State Government directive, the Director Governance & Performance will consider the request and will consult with the Mayor.

When an external request has been received for a flag to be flown on a community flagpole, Coordinator Councillor and Executive Support will undertake a review as far as reasonably practicable on the background of the organisation / flag and make a recommendation to the Director Governance & Performance.



Where a request has been received to half-mast the City of Port Phillip flag in recognition of a community member who has passed, Coordinator Councillor and Executive Support will take all reasonable steps to research the background of the person to ensure that they are of good character and positive standing within the community. This will not extend to police check or other such formal checks but will encompass open-source research such as Google internet searches.

Table 4: Requests and approvals

	Request	Approvals
Half-masting	Half-mast Australian Flag (not a Commonwealth or State Government directive)	Director Governance & Performance in consultation with the Mayor.
	Half-mast Aboriginal or Torres Strait Islands Flag (not a Commonwealth or State Government directive)	Director Governance & Performance in consultation with First Peoples staff and the Mayor.
	Half-mast City of Port Phillip Flag.	Assessment and Recommendation: Coordinator Councillor and Executive
Community	External Community	Support.
Flags	flagpole request	Approval: Director Governance &
requests		Performance in consultation with the Mayor.
Illumination	Community façade	
requests	illumination request.	
Banner	Display of a banner on the	
requests	façade of a town hall.	

3.6 Exemptions

Councillors, by resolution, can grant exemptions from the policy. It is recommended that exemptions remain consistent with relevant Federal and State protocols (i.e. Flag Protocols)



4. Supplementary policy documents

Appendix A – Community Flagpole Schedule

Appendix B – St Kilda Town Hall Illumination Schedule

Appendix C - Civic and Community Flagpole locations

5. Related legislation and documents

Child Safe

The City of Port Phillip is a Child Safe organisation and has a legal and moral responsibility to understand and activate their role in preventing, detecting, responding and reporting any Child Safety concerns. Council has zero tolerance for child abuse and is actively committed to embedding a culture of safety, wellbeing and inclusion for children and young people.

Consideration has been given to the Child Safe Standards in the development of this policy.

Gender Equality

Under the *Gender Equality Act 2020*, Council has a positive duty to advance gender equality in our organisation and our community.

Through the development of this policy, Council have assessed any impacts for people of different genders (women/girls, men/boys and people who are gender diverse). While gender impact assessment starts with gender, it also has considered impacts of other social factors such as age, Aboriginality, race, religion, (dis)ability, sexual orientation and socio-economic status.

Other

- Flags Act 1953 (Commonwealth)
- Australian Flags Booklet (Dept Prime Minister & Cabinet)
- City of Port Phillip Community Flagpole and Illumination Scheme (2025)



6. Document history

Version	Date of approval/adoption	Changes made	ECM record
Тwo	2025	 Inclusion of 'Purpose' and 'Scope'. Inclusion of number of flagpoles and their location. Inclusion of standard and replacement of flags Inclusion half-masting schedule. Inclusion of masthead flag schedule. Inclusion of community flagpoles and community flagpole requests. Inclusion of town hall façade illumination requests. Inclusion of banner display and banner display requests. Inclusion of Governance and Approvals Inclusion of St Kilda Town Hall Façade Illumination Schedule 	
One	2004	N/A	ТВА

Appendix A – Community Flagpole Schedule

Date	Significance	Flag	Comments
Week leading up to, and including, Pride March (date fluid and will vary annually)	Melbourne Midsumma Festival – Pride March	Inclusive Progressive Rainbow Pride Flag	Flown at all three locations (PMTH, SMTH, SKTH)
31 March	Transgender Visibility Day	Transgender Flag	Flown at SKTH
26 April	Lesbian Visibility Day	Lesbian Pride Flag	Flown at SKTH
17 May	International Day against Homophobia, Biphobia, and Transphobia	Inclusive Progressive Rainbow Pride Flag	Flown at SKTH
Last Friday in August	'Wear it Purple' Day	Inclusive Progressive Rainbow Pride Flag	Flown at SKTH
Last Weekend in September (only IF prescribed teams make AFL Grand Final)	AFL Grand Final	St Kilda FC Flag Sydney Swans (South Melbourne FC) Flag	Flown at SKTH Flown at SMTH
24 October	United Nations Day	United Nations Flag	Flown at SKTH
20 November	Annual Transgender Day of Remembrance	Transgender Flag	Flown at SKTH.
25 November – 10 December	16 Days of Activism Against Gender Based Violence	Orange 'RESPECT' flag.	Flown at all three locations (PMTH, SMTH, SKTH).
1 December	World AIDS Day	Inclusive Progressive Rainbow Pride Flag / Red Ribbon Flag	Flown at SKTH.
3 December	International Day of People with Disabilities (IDPwD)	IDPwD Flag	Flown at SKTH And PMTH (only 2x IDPwD flags in stock).
December (date TBA) (only IF prescribed teams make AFLW Grand Final)	AFLW Grand Final	St Kilda FC Flag Sydney Swans (South Melbourne FC) Flag	Flown at SKTH. Flown at SMTH.



Appendix B – St Kilda Town Hall Façade Illumination Schedule

Date	Significance	Colour	Summary of event/colour significance
Week leading up to, and including, Pride March (date fluid and will vary annually)	Melbourne Midsumma Festival – Pride March	Rainbow	Celebrates LGBTQIA+ pride and inclusivity, with the rainbow symbolizing diversity and unity.
8 - 9 March	International Women's Day	Purple	Represents justice and dignity, recognizing women's achievements and advocating for gender equality.
16 - 17 May	IDAHOBIT Day	Rainbow	International Day Against Homophobia, Biphobia, and Transphobia, promoting LGBTQIA+ rights and inclusion.
25 May - 3 June	National Sorry Day and Reconciliation week	Red, Yellow	Acknowledges the Stolen Generations and promotes reconciliation between Indigenous and non-Indigenous Australians. The colours reflect those of the Aboriginal flag
2 - 9 July	NAIDOC Week	Red, Yellow	Celebrates Aboriginal and Torres Strait Islander history, culture, and achievements, using flag colours to highlight Indigenous identity.
27 - 28 August	Wear it Purple Day	Purple	Supports LGBTQIA+ youth, reinforcing a message of acceptance and empowerment.
28 – 29 September	Police Remembrance Day	Dark blue, light blue	Honors police officers who have lost their lives in the line of duty, with blue representing law enforcement.
25 – 26 November	International Day for the Elimination of Violence against Women	Orange	Symbolizes a brighter future without gender- based violence and raises awareness of the issue.
3 December	International Day of People with Disabilities (IDPwD)	Colours TBC	Aims to promote the rights and well-being of persons with disabilities in all spheres of society.
Week leading up to Christmas Day (25 December)	Christmas Day	Red, Green	Traditional Christmas colours, representing warmth, joy, and festive spirit.



Appendix C – Civic and Community Flagpole Locations

SKTH civic flagpoles



SKTH community flagpole





SMTH civic flagpoles



SMTH community flagpole -

PMTH civic flagpole



14



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City of Port Phillip

99a Carlisle Street St Kilda VIC 3182

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TTY users, dial 133677, ask for 03 9209 6777

Voice Relay users, phone 1300 555 727,

then ask for 03 9209 6777.

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Version 2, June 2025

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Contents

Purpose	
Location scope	4
Scheme scope	4
Flags	
Illumination	4
Banners	5
Eligibility criteria	5
Assessment criteria	5
Access & equity principles	5
Conditions of scheme	5
Exclusions	6
Application process	6
Relevant policy, regulation, or legislation	7

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Purpose

The aim of this scheme is to provide council and the community with guidance on access to Council's community flagpoles and illumination of Council's three town hall facades. Council recognises that flags and façade illumination can provide opportunities to celebrate days/ causes/achievements that are significant to the Port Phillip community.

These guidelines also outline the process for displaying banners at Council's three town halls.

Location scope

Community flagpoles are available to book at all three Council town halls (Appendix A).

- Port Melbourne Town Hall
- St Kilda Town Hall
- South Melbourne Town Hall

Permanent façade lighting is available at St Kilda Town Hall (STKH) and façade illumination can be requested at this site.

Requests to illuminate the Port Melbourne Town Hall (PMTH) and South Melbourne Town Hall (SMTH) will also be considered however these sites do not have permanent façade lighting.

Should a request to illuminate the Port Melbourne or South Melbourne town hall be approved, the cost of hiring temporary lighting, and all associated costs, will be the responsibility of the requestor. Council does not have an allocated budget for façade illumination and will not be responsible for any façade illumination costs at these sites.

Scheme scope

Flags

- Applicants will be able to request a space on a community flagpole at one or all three of Council's town halls for a maximum of 48 hours (removal scheduled on next business day).
- Applications can only be submitted for the calendar year advertised, recurring bookings are not accepted.
- Council officers will be responsible for the flag being raised and returned.
- Council will not hold onto flags on behalf of a community organisation and accepts no responsibility for looking after a flag if it becomes lost or misplaced if not collected within five (5) working days once flown.

Illumination

- Applicants will be able to request the illumination of the St Kilda Town Hall for 48 hours or two (2) periods of dusk midnight on a particular date.
- Applications can only be submitted for the calendar year advertised, recurring bookings are not accepted.
- Council officers will be responsible for the illumination of the St Kilda Town Hall Façade in the requested colour/s.
- Applications to illuminate the façade of the Port Melbourne and South Melbourne Town Halls will also be considered.

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- The cost of illuminating the Port Melbourne and South Melbourne Town Halls and all associated costs will be the responsibility of the requestor.
- Council accepts no responsibility for the care and maintenance of temporary lighting and any
 agreement to hire temporary lighting for the purpose of illuminating a town hall façade is
 strictly between the applicant and the temporary lighting hirer.

Banners

- Applicants will be able to request a space to display a banner at one or all of Council's town halls for a maximum of 48 hours (removal scheduled on next business day).
- Council's town halls may be used to display banners to promote significant events, promote council initiatives, celebrate a sporting team win or other occasion that is of significant community interest.
- Applications can only be submitted for the calendar year advertised, recurring bookings are not accepted.
- Council officers will be responsible for the banner being erected, taken down and returned.
- Council will not hold onto banners on behalf of a community organisation and accepts no responsibility for looking after a banner if it becomes lost or misplaced if not collected within five (5) working days once taken down.

Eligibility criteria

To be eligible for the Community Flagpole Scheme applicants must be:

- 1. a 'Not for Profit' community group, organisation, club or school; and
- 2. reside / operate within the City of Port Phillip.

Assessment criteria

All applicants will be assessed against the following criteria:

- 1. Relevance and significance to the City of Port Phillip municipality and/or the former cities of St Kilda, Port Melbourne and South Melbourne; or
- 2. International, national, state or locally recognised events/days of significance.

Access & equity principles

- If more than one community application is received for the same day, priority will be given to the first application received.
- Flags must be in good condition (i.e., not faded, frayed, or torn) and measure 1800mm wide and 900mm high.
- Banners must be in a good condition (i.e., not faded or torn).
- The positioning of a banner on the exterior of a town hall will be dependent on the size of banner and the feasibility of being able to attach the banner to the building safely.

Conditions of scheme

• Applications are considered subject to availability.

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- Council reserves the right to display flags and banners and illuminate town hall facades as its discretion, in line with community expectations.
- Council reserves the right to propose alternative arrangements to applicants in order to achieve a better overall outcome in line with the City of Port Phillip Civic and Community Flag Protocol.
- Council reserves the right to remove a flag/banner/temporary lighting if the guidelines are deemed to have been violated.
- Any damage to a flag/banner/temporary lighting due to storm events, vandalism or otherwise will be the sole responsibility of the applicant.
- Applicant must provide the requested flag/banner to the Council to be flown and must collect the flag/banner from Council offices once it has been flown.

Fees and charges

- There are no application fees for flag, illumination and banner requests.
- There are no charges for approved requests to fly flags on Council's community flagpoles.
- There are no charges for approved requests to illuminate the SKTH in a nominated colour.
- Costs associated with equipment hire to illuminate the PMTH and SMTH will be at the responsibility of the applicant.
- There is a charge of \$200 for approved banners to be installed and removed from town hall facades to cover the cost of Council contractors.

Exclusions

- Commercial, corporate, or political party flags or banners will not be considered.
- Flags of other nations
- Flags where the primary color of the flag is black, as black is often associated with mourning, protest, or distress in various cultural and political contexts.
- Any flag or banner that may expose Council to adverse criticism.
- Any flag or banner that conveys a message or image that is not in line with community expectations or may be considered offensive by the general community.

The decision by Director Governance and Performance to reject a flag, illumination or banner request is final.

Application process

- Applications to the Community Flagpole and Banner Scheme will be open year-round.
- Applications are to be made online via Council's website. Hard-copy forms will be available at ASSIST service counters.
- Applications will be administered and initially assessed by Coordinator Councillor and Executive Support.
- Director Governance and Performance will have delegated authority to approve or reject all flag, illumination and banner applications.

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 Applicants will receive notification of the outcome within ten (10) business days of application.

Relevant policy, regulation, or legislation

- Flags Act 1953 (Commonwealth)
- Flag Notification and protocol (Dept Premier & Cabinet -Vic)
- Australian Flags Booklet (Dept Prime Minister & Cabinet).
- City of Port Phillip Civic and Community Flag Protocol

7



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13.3STATUS OF COUNCIL DECISIONS AND QUESTIONS TAKEN
ON NOTICE RECORDED BY COUNCIL: 1 JANUARY TO 31
MARCH 2025

EXECUTIVE MEMBER: ROBYN BORLEY, DIRECTOR, GOVERNANCE AND ORGANISATIONAL PERFORMANCE

PREPARED BY: EMILY WILLIAMS, SENIOR COUNCIL BUSINESS ADVISOR

1. PURPOSE

- 1.1 To provide Councillors with an update on the status of all Resolutions passed by Council at Council and Planning Committee Meetings between 1 January to 31 March 2025 and the status of actions that were previously reported as outstanding in the last quarterly status report.
- 1.2 To provide Council with an update on the status of Questions Taken on Notice during Council Meetings from 1 January to 31 March 2025.

2. EXECUTIVE SUMMARY

Council Resolutions

- 2.1 The implementation status of Council Resolutions is a vital measure of Council's performance. This process may also assist reporting for the Local Government Performance Reporting Framework.
- 2.2 There has been a total of 35 Resolutions (decisions) that have been made by Council, in Council and Planning Committee meetings open to members of the public, between the period of 1 January to 31 March 2025. Of these, 2 decisions remain open/outstanding.
- 2.3 There has been a further 4 decisions that were made in a Council meetings closed to members of the public. These confidential decisions have been completed.
- 2.4 This report includes a further 17 decisions that remain outstanding and a further 9 decisions that have been completed from previous reporting periods (that is, prior to 1 January 2025).
- 2.5 This report is a report in time and is representative of decisions made by Council in the period 1 January to 31 March 2025.

Questions taken on notice

- 2.6 At each meeting, provision is made at the beginning for members of the public and for Councillors to ask general questions. Questions relating to a topic on the agenda are not permitted during this time however can be asked prior to the discussion of that item. When a question is unable to be responded to at the time, it is taken 'on notice' for a response to be provided.
- 2.7 The response status of Questions taken on Notice during Council meetings is a measure of Council's engagement and communication with the community.
- 2.8 A total of 13 questions were taken on notice during the period 1 January to 31 March 2025 in Council meetings open to members of the public. A copy of the responses to each of these questions has been made available on the website: <u>Meetings and Agendas City of Port Phillip.</u> One further question was taken on notice during a



meeting closed to members of the public, this response is confidential, therefore not made available on the website.

2.9 A summary of responses to questions taken on notice during this reporting period are contained in Attachment 3 to this report.

3. **RECOMMENDATION**

That Council:

- 3.1 Notes the implementation status of Council and Planning Committee Resolutions as contained in Attachments 1 and 2.
- 3.2 Notes the response status of questions taken on notice during Council Meetings as contained in Attachment 3.

4. KEY POINTS/ISSUES

- 4.1 Accountability is a fundamental requirement of good governance. Council has an obligation to report, explain and be answerable for the consequences of decisions it has made on behalf of the community.
- 4.2 Reporting on the progress of the implementation of Council resolutions provides Council with the information it needs to demonstrate its accountability to the community.
- 4.3 Decisions of Council should be implemented in an effective, timely, appropriate, and responsive manner that makes the best use of the available people, resources, and time to ensure the best possible results.

4.4 Council Resolutions

- 4.4.1 A resolution made by Council is when an officer recommendation or a Councillor's motion is adopted at a Council Meeting or Planning Committee (i.e., a decision has been made). Once a decision on a recommendation has been made, it turns into a resolution. These resolutions are tracked through an internal system.
- 4.4.2 Attachments 1 and 2 of this report include a summary of the actions taken to implement resolutions where required, or confirmation that Council has noted items where appropriate. The summary of actions has been compiled and divided into the following categories:
 - Status of Resolutions made at Council Meetings Outstanding
 - Status of Resolutions made at Council Meetings and Planning Committee Meetings – Completed
- 4.4.3 The Status of Resolutions documents include resolution of officer's reports, notices of motion, petitions and joint letters, and items of urgent business. Resolution of procedural motions (i.e., attendances and apologies, closing the meeting to discuss confidential items) have not been included.
- 4.4.4 Some of the reasons that resolutions have not been fully implemented may relate to consultation processes being undertaken, awaiting legal advice, or waiting for documents to be executed.
- 4.4.5 Where it is expected that a resolution may take a longer time to fully implement, the expected completion date has been extended.



4.5 Questions taken on notice

- 4.5.1 At each meeting, provision is made at the beginning for members of the public and for Councillors to ask general question/s. Questions relating to a topic on the agenda are not permitted during this time but can be asked prior to the discussion of that item. When a question is unable to be responded to at the time, it is taken 'on notice' for a response to be provided.
- 4.5.2 Attachment 3 of this report includes a summary of questions asked and a link to where the responses to those questions has been published on Council's website.

5. CONSULTATION AND STAKEHOLDERS

5.1 This report provides Council and the community with an update on the implementation of outcomes of council decisions.

6. LEGAL AND RISK IMPLICATIONS

6.1 If decision-making is open and able to be followed by observers, it is more likely that all relevant legal requirements will be complied with.

7. FINANCIAL IMPACT

7.1 There are no financial impacts arising from this report.

8. ENVIRONMENTAL IMPACT

8.1 There are no environmental impacts arising from this report.

9. COMMUNITY IMPACT

- 9.1 Making decisions and having to account for them in an open and transparent way encourages honest consideration of issues by Councillors and promotes community confidence in the decision-making process.
- 9.2 Members of the community should be able to follow and understand the decisionmaking process. This means that they will be able to clearly see where a decision was made, and how this decision was implemented.

10. GENDER IMPACT ASSESSMENT

10.1 This report is a status report of decisions made by Council and does not require a Gender Impact Assessment to be completed.

11. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 11.1 Reporting on the progress of Council resolutions delivers on Direction 5 of the Plan for Port Phillip (An engaged and Empowered Community), by providing a transparent and good governance approach to decision making.
- 11.2 Good decision-making processes helps people feel that Council will act in the community's overall interest. It also encourages Councils to remember that they are acting on behalf of their community and helps them to understand the importance of having open and ethical processes which adhere to the law and stand up to scrutiny.

12. IMPLEMENTATION STRATEGY

12.1 TIMELINE



12.1.1 Council receives ongoing reporting on the status of implementation of Council Decisions, and questions taken on notice at Council Meetings, on a quarterly basis.

13. OFFICER MATERIAL OR GENERAL INTEREST

- 13.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.
- ATTACHMENTS 1. Outstanding Decisions as at 31 March 2025 Council Meetings
 - 2. Completed Decisions 1 January 31 March 2025 Council and Planning Committee Meetings
 - 3. Questions taken on Notice 1 January 31 March 2025

Committee:

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Council Meeting and Planning Committee
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Date To: 31/03/2025

Meeting Date	Subject	Motion	Comments	Responsible Officer	Estimated Completion
21/02/2024	Proposed Lease of the Port Phillip EcoCentre in the St Kilda Botanical Gardens, St Kilda	 That Council: 3.1 Concludes the statutory process under section 115 of the <i>Local Government Act 2020</i> by granting a lease over the Port Phillip EcoCentre site to Port Phillip EcoCentre Incorporated on the following key terms: 3.1.1 Length of lease – 15 years. 3.1.2 Rent – commencing at \$104.00 per annum exclusive of GST. 3.1.3 The tenant to be responsible for a schedule of maintenance and for all utilities and outgoings associated with the operation of their service. 3.2 Authorise the Chief Executive Officer, or their delegate, to execute the lease. 	The relevant Building Surveyor is scheduled to inspect the premises in June 2025 with a view to issuing a Certificate of Occupancy. Subject to issuance, official handover to the Port Philip Eco Centre Inc. is anticipated in June 2025. The Lease is currently with the tenant for signing. Subject to the Certificate of Occupancy being issue, an anticipated lease commencement is anticipated by the end of June 2025.	Major, Michael	30/06/2025
6/03/2024	Proposed Discontinuance of Road Adjoining 3- 5, 7, 9, and 15 Fitzroy Street, St Kilda	 That Council: Having considered that there were no submissions in response to the public notice regarding Council's proposal to discontinue the road being the land contained in certificate of title volume 2591 folio 074 (described as Road R1 on plan of subdivision LP29616) (Road): 3.1 Resolves to discontinue the Road as it considers that the Road is not reasonably required for public use for the following reasons: It is enclosed between the walls and fences of the adjoining properties, and only accessible on the southern boundary; It is only open to the general public for pedestrian access to the rear of the adjoining properties at 3-5 and 7 Fitzroy Street; It is not open to the general public for vehicular access; and It does not form part of a thoroughfare for pedestrian or vehicular traffic to any other public road; 3.2 Resolves to sell the discontinued Road for market value plus reimbursement of Council's costs to facilitate this transaction to the adjoining owner of 3-5, 7, 9, and 15 Fitzroy Street, St Kilda (Owner); 3.3 Notes that proceeds from the sale will go into Council's Strategic Property Reserves used to support the acquisition and development of the property portfolio; 3.4 Directs that a notice pursuant to clause 3 of Schedule 10 of the <i>Local Government Act 1989</i> is published in the Victorian Government Gazette; approve, and enter into such documentation to complete the discontinuance, sale, and transfer of the Road as described; 	The property was settled on 20 December 2024. Council is awaiting confirmation from the Titles' office that the title has been consolidated onto the purchaser's title.	Major, Michael	30/09/2025

Committee:

Council Meeting and Planning Committee

Meeting Date	Subject	Motion	Comments	Responsible Officer	Estimated Completion							
		3.6 Directs that the Chief Executive Officer or their delegate signs an authorisation allowing Council's solicitors to execute transfer documents and any other documents required to be signed on Council's behalf in connection with the transfer of the discontinued Road to the Owner;										
		3.7 Directs that any easements, rights or interests required to be created or saved over the Road by any public authority be done so and not be affected by the discontinuance and sale of the Road; and										
		3.8 Directs that the Owner be required to consolidate the title to the discontinued Road with the title to the Owner's land (or such part of it approved by Council) within 12 months of the date of the transfer of the discontinued Road.										
20/03/2024	Proposed Discontinuance of Road Adjoining 197 and 199 Princes Street, and 55 Station Street, Port	 That Council: Having considered that there were no submissions in response to the public notice regarding Council's proposal to discontinue the road known as Laneway R2243 (Road): 3.1 Resolves to discontinue the Road as it considers that the Road is not reasonably required for public use for the following reasons: 	Officers have been awaiting a response from the residents. A final follow up was made by officers and a response has not been received from residents. Officers will commence a process to reverse this decision.	Tuchtan, Vicki	30/09/2025							
	Melbourne	 3.1.1 It is enclosed on the side and rear boundaries by adjoining properties, and only accessible onto Princes Street; 3.1.2 It is only open to the general public for pedestrian access to the rear of the adjoining property at 55 Station Street, Port Melbourne; 										
									 3.1.3 It is not open to the general public for vehicular access; and 3.1.4 It does not form part of a thoroughfare for pedestrian or vehicular traffic to any other public road; 			
										 3.2 Resolves to retain and restrict access to the discontinued Road, entering into a Section 173 Agreement with the adjoining land owners; 		
		3.3 Authorises the Chief Executive Officer, or their delegate to negotiate, approve, and enter into such documentation to complete the discontinuance, retention, and restriction of public access of the Road as described;										
		3.4 Directs that any easements, rights or interests required to be created or saved over the Road by any public authority be done so and not be affected by the discontinuance and restriction of public access; and										
		3.5 Directs that a notice pursuant to clause 3 of Schedule 10 of the Local Government Act 1989 is published in the Victorian Government Gazette.										
20/03/2024	Council Submission to the Victorian	That Council:	Council notified the Department of Transport and Planning (DTP) of its endorsed submission and actively	Boden, Daniel	30/09/2025							

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Committee:

Council Meeting and Planning Committee

Meeting Date	Subject	Motion	Comments	Responsible Officer	Estimated Completion
	Government's Fishermans Bend Urban Renewal Area Development Contributions Plan (Planning Scheme Amadment	 3.1 Endorses the City of Port Phillip submission to Draft Planning Scheme Amendment GC224 - Fishermans Bend Development Contributions Plan and Open Space Uplift mechanism (Attachment 1). 3.2 Notes that the submission will form the basis of the City of Port Phillip's engagement with the Department of Transport and Planning, in the interest of resolving issues where possible prior to a Precincts Standing Advisory Committee. 3.3 Authorises the CEO, or their delegate, to make administrative changes 	participated in the subsequent planning scheme amendment process led by the Precincts Standing Advisory Committee (PSAC)including through the seven-week advisory committee hearing process over November-December 2024. Through the DCP panel process, and through parallel discussions with DTP		
	Amendment GC224)	 and correct any errors, that do not materially affect the intent of the submission, prior to submission to the Department of Transport and Planning. 3.4 Authorises the CEO, or their delegate, to make adjustments to the submission and subsequent advocacy before the Precincts Standing Advisory Committee process as necessary if further information on the draft DCP or the draft Amendment GC224 transpires through the process consistent with the thrust of Council's endorsed submission provided Council is kept briefed on those changes. 3.5 Requests the Department of Transport and Planning to release the updated scope and cost information that has formed the basis of the draft Development Contributions Plan projects in sufficient time to enable them to be reviewed by Council and other submitters. 3.6 Requests the Mayor write to the Victorian Government seeking a commitment to the eventual funding and delivery of the Fishermans Bend Tram servicing the Sandridge and Wirraway Precincts. 3.7 Requests the CEO, or their delegate, write to the Victorian Government seeking commitments to: 3.7.1 release a comprehensive funding and finance strategy for all infrastructure classifications and categories. 3.7.2 release the updated scope and cost information that has formed the basis of all draft DCP projects in sufficient time to enable them to be reviewed by Council and other submitters. 3.7.3 development of an updated Fishermans Bend Partnership Agreement, and an infrastructure governance and implementation strategy. 3.7.4 confirmation of process, timeframes and eventual funding for the delivery of catalytic infrastructure, including the Fishermans Bend tram and Melbourne Metro 2. 	Through the DCP panel process, and through parallel discussions with DTP regarding the Fishermans Bend Partnership Agreement and associated work program, all items listed in 3.7 have been raised with the Victorian Government. In June 2025 the Mayor provided a letter to VAGO in relation to the Developing Fishermans Bend audit, which will be tabled in Parliament in June 2025 alongside the VAGO report. This includes reference to our ongoing advocacy priority for tram and train connections to Fishermans Bend. With the conclusion of the DCP Panel process in December 2024 and the release of the advisory committee report in April 2025, there is a renewed opportunity for Council to engage with the DTP on these matters. Council officers are preparing to write to the Victorian Government confirming outstanding actions that still require resolution, namely commitment to the tram and MM2 and the development of a comprehensive governance and implementation strategy.		
		3.7.5 Collaborative development and finalisation of the Montague, Sandridge and Wirraway Precinct Implementation Plans, and a			

Committee:

Council Meeting and Planning Committee

Meeting Date	Subject	Motion	Comments	Responsible Officer	Estimated Completion
		commitment to the review and update of any approved DCP as part of the Precinct Implementation Plan processes.			
20/03/2024	Council Submission to the Victorian Government's Montague Precinct Implementation Plan (Fishermans Bend)	 That Council: 3.1 Welcomes the Victorian Government's development of and consultation on the Draft Montague Precinct Implementation Plan. 3.2 Endorses the attached submission to the Victorian Government's Draft Montague Precinct Implementation Plan (Attachments 1 and 2). 3.3 Authorises the CEO, or their delegate, to write to the Victorian Government, notifying them of the Council Submission and seeking: 3.1 Confirmation of council involvement in any updates to the Montague Precinct Implementation Plan, planning scheme amendment and associated supporting material. 3.2.2 Receipt and review of the planning controls that will form part of a planning scheme amendment that implements the Montague Precinct Implementation Plan. 3.3.3 Receipt and review of the Making Montague supporting material prior to finalisation of the Montague Precinct Implementation Plan for the upcoming planning scheme amendment. 3.3.4 Involvement in aligning the government's infrastructure funding strategy (including development contributions plan) and Montague Precinct Implementation Plan processes and outcomes, noting that Council has made a separate submission to the Planning Scheme Amendment GC224 Fishermans Bend Development Contributions Plan process. 3.4 Authorises the CEO, or their delegate, to make minor amendments to the submission that do not materially alter the intent. 	State Government was notified of Council endorsed submission (Item 3.2 complete). It is acknowledged that a letter from the CEO to the Victorian Government (3.3) was not sent due to the focus on the Fishermans Bend Development Contributions Plan (DCP) and the Department of Transport (DTP) putting further discussion and review of the Montague Precinct Implementation Plan (MPIP) on-hold until after the DCP Panel process was concluded. The immediate focus has been on addressing Montague's needs via the Fishermans Bend DCP process, which informs the planning and delivery of infrastructure underpinning the Montague Precinct Implementation Plan's (MPIP) vision (3.3.4). The DTP Fishermans Bend work program identifies MPIP refinement and finalisation as a priority project for 2025. DTP has recently embarked on a collaborative process with Council officers to resolve outstanding Council feedback on MPIP and review the development of draft planning controls and supporting material (3.3.2 and 3.3.3). Council officers are continuing to work with DTP to finalise the draft MPIP including a collaborative review of the planning controls. This resolution is anticipated to be closed out by 30 September 2025 with the finalisation of the draft MPIP.	Boden, Daniel	30/09/2025

Committee:

Council Meeting and Planning Committee

Date To: 31/03/2025

Meeting Date	Subject	Motion	Comments	Responsible Officer	Estimated Completion
17/04/2024	Notice of Motion - Councillor Marcus Pearl - Pickles Street Intersection	 That Council:- Notes the decision of Council regarding the intersection of Pickles, Bridge and Glover Streets made on 21 February 2024 Notes that the intersection of Pickles Street at Bridge Street and Glover Street is identified as a Road Safety Black Spot. Endorses making the trial median closure at the intersection of Pickles Street at Bridge Street and Glover Street permanent. Request officers to communicate this decision to local residents. 	The outcome of Council's decision has been communicated to affected community members. The project is seeking funding to be considered as part of the 2025/26 Council Budget. If approved, the detailed design and delivery will be scheduled.	Mason, Thomas	31/12/2025
15/05/2024	South Melbourne Market Project Connect Scope Endorsement	 That Council: 3.1 Endorses the scope for the South Melbourne Market's overarching program of capital works "Project Connect", excluding line 1 of part 6B of the scope being the Closure of Cecil Street northbound to traffic, extend public and tenanted outdoor space only. 3.2 Requests officers to bring a report back to Council to consider the possible closure of Cecil Street to allow for separate consideration of this matter. 3.3 Notes the feedback from Community Consultation program on Project Connect and the Market's Days and Hours (provided at Attachment 1). 3.4 Notes there is no proposal to change current Market trading hours and days at this time. 3.5 Authorises the CEO, or their delegate, to make minor adjustments to the Project Connect Scope during concept design as required to ensure alignment with compliance and renewal requirements and strategic vision. 	The scope for the South Melbourne Market's overarching program of capital works "Project Connect" was endorsed excluding line 1 of part 6B of the scope being the Closure of Cecil Street northbound to traffic, extend public and tenanted outdoor space only. Officers are progressing with the Project Connect capital works, officers will continue to monitor a separate proposal to close Cecil Street.	McLean, Craig	30/09/2025
15/05/2024	Domain Precinct Parking Review	 That Council: 3.1 Notes the challenges associated with parking in the Domain Precinct and the role that parking management has in enabling access to parking. 3.2 Notes the findings and recommendations in the O'Brien Domain Precinct Parking Review report (Attachment 1). 3.3 Requests that officers further assess and brief Council on the reconfiguration of road-space in Palmerston Crescent and Bowen Crescent, including: reconfiguration to provide additional parking opportunities for streetscape improvements including planting, and an assessment of probable costs. 	Officers are progressing implementation of changes outlined in the endorsed report. The first changes will be delivered along Park Street and completed alongside Park Street streetscape improvement project currently under construction. Remaining parking restriction changes across the precinct will be rolled out in the second half of 2025. (3.5) Officers are assessing options with the intent to align these works with programmed asset renewal and maintenance. This approach aims to	Mason, Thomas	30/12/2025

Committee:

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Council Meeting and Planning Committee
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Date To: 31/03/2025

Meeting Date	Subject	Motion	Comments	Responsible Officer	Estimated Completion
		 3.4 Notes that projects in paragraph 3.3 would be subject to the Council budget process with community engagement undertaken as part of any project. 3.5 Requests that officers implement proposed changes to locations of loading bays and timed on-street parking restrictions, outlined in the O'Brien report (Attachment 1). 3.5.1 Delegates officers to adjust recommended changes to ensure changes are consistent with Council's Parking Management Policy. 3.6 Notes that changes to parking restrictions would be undertaken as part of Council's operating budget. 3.7 Notes that access to permit parking in Area 1 is limited, particularly south of Albert Road, and delegates officers to identify and provide changes to parking bays, where appropriate, to offer greater flexibility for parking permit holders in this area. 3.8 Notes that officers continue to negotiate with developers to provide onsite loading facilities and visitor parking in new developments. 	reduce costs and minimise disruption by avoiding repeat construction activity. If no near-term renewal works are scheduled, officers will present the reconfiguration projects as standalone proposals for Council's consideration through the budget process. (3.3)		
5/06/2024	Proposed Discontinuance of Road (in part) Johnson Street, South Melbourne	 That Council: Having considered that there were no submissions in response to the public notice regarding Council's proposal to discontinue a segment of Johnson Street between Normanby Road and Munro Street, South Melbourne (Road): 3.1 Resolves to discontinue and retain the Road as it considers that the Road is not reasonably required for public use for the following reasons: 3.1.1 It is not required to maintain the urban character of the area; 3.1.2 It may result in a better use of land through the provision of public open space; 3.1.3 It is not required for access to other premises; and 3.1.4 It may result in amenity improvements through the delivery of a public park; and 3.2 Directs that a notice pursuant to clause 3 of Schedule 10 of the <i>Local Government Act 1989</i> is published in the Victorian Government Gazette. 	The road is yet to be closed to traffic. Once this occurs, officers will proceed to gazette the discontinuance and finalise the process. Council officers have commenced discussions with DEECA to facilitate the Road status change to reserve the land for park purposes and for Council to be appointed as Committee of Management pursuant to S14 of the Crown Land Reserves Act 1978. It is anticipated that the initiated road closure will be completed by the end of 2025.	Major, Michael	31/12/2025
5/06/2024	Community Electric Vehicle(EV) Program	 That Council: 3.1 Notes the decision at the 1 May 2024 Council meeting to "support the continued exploration and installation of on-street Public Utility Pole-Mounted and Kerbside EV Charger technology including using the following criteria to determine the locations for on-street EV Chargers: 	Public Charging model (Action 3.1): Officers are awaiting finalised list of locations that are pending technical feasibility assessment and approval from the Utilities. Once received, the community will be engaged on these sites prior to installation of chargers.	Heslop, Viv	30/09/2025

Page 6 of 14

Committee: Co

Council Meeting and Planning Committee

Meeting Date	Subject	Motion	Comments	Responsible Officer	Estimated Completion
		 3.1.1 Prioritise street locations outside Permit Zones unless the Permit Zone street has no access to off-street parking and there is high demand for EV chargers. 3.1.2 Consider safety implications in determining the location of onstreet EV Chargers. 3.1.3 Prioritise the spread of locations across the City of Port Phillip to provide access to EV charging across the municipality. 3.1.4 Consider the outcome of community engagement with residents in the streets where on-street EV chargers are proposed to be installed." 3.1.5 And delegates authority to the CEO to enter agreements with EVX Pty. Ltd to deliver public EV charging infrastructure based on above endorsed criteria. 3.2 Authorises the CEO or their delegate to enter agreements with public EV charger providers that meet the criteria in 3.1. 3.3 Continue the private EV chargers that extends for a period of 4 years OR the installation of 100 private EV chargers, whichever comes first, after which time the model will be reviewed. that accepts permit applications in batches. New calls for applications will be made as existing batches are completed. that renews permits annually, with audits to ensure compliance of conditions. Permit renewals could be declined if the location of private EV chargers constrains Council works on Council roads and footpaths. 3.3.2 Continue the current criteria to private EV chargers with the following updates: Permit holders will be strongly encouraged to hold appropriate insurance cover and are made aware by Council of the risks and their legal liability in the absence of appropriate cover. All current and future permit holders will be required to register their chargers with Dial Before You Dig Australia and renew their registration as required. 	(estimated completion date August 2025) Agreements with EVX Pty. Ltd are pending, Council officers are working on further approvals regarding locations prior to progressing with formalising agreements with the provider. <u>Private Charging model:</u> A review of a review of the need for private EV chargers at the end of 4 years OR the installation of 100 private EV chargers, whichever comes first is underway.		

Committee:

Council Meeting and Planning Committee

Meeting Date	Subject	Motion	Comments	Responsible Officer	Estimated Completion
		 Existing chargers in flood prone areas will be reviewed and permits may not be renewed. Permit application fees to be increased from \$132 to \$500. All other fees will remain the same subject to cpi (i.e., Street Occupation permit, Working within roads reserve consent, Planning Permit). A bond of \$500 is paid and refunded upon completion of installation and reinstatement of footpaths as per Council standards. A separate bond of \$500 is secured to ensure removal of charger and reinstatement of the footpath. The bond value will be assessed and increased if required based on site conditions. 3.3.3 Undertake a review of the need for private EV chargers at the end of 4 years OR the installation of 100 private EV chargers, whichever comes first. 3.3.4 Authorise resourcing of up to 0.4FTE (\$50k) and \$30k for legal /consultant fees to support implementation of private EV charger model. 			
19/06/2024	Waste Review Management Action Plan	 That Council: 3.1 Notes the Management Action Plan endorsed by Council's Audit & Risk Committee at its meeting of 21 May 2024. 3.2 Notes the key terms of the settlement between The City of Port Phillip and Citywide Service Solutions P/L. 	The status of the waste review management plan was considered by the Audit and Risk Committee (ARCo) at its meeting on 24 June. All actions have been completed. A final report into the implementation will be provided in due course. Expected closure date September 2025.	Liu, Peter	30/09/2025
21/08/2024	Dog Off-Leash Guidelines	 That Council: 3.1 Endorses and adopts the Dog Off-Leash Guideline (Attachment 1), including the attached action plan (Attachment 3) 3.2 Thanks the community for providing feedback on the Guideline 3.3 Approves Council officers to commence community engagement in early 2025 on the following proposed changes to dog on and off-leash restrictions: 3.3.1 Change SS Anderson (Pitch 1) at JL Murphy Reserve, Community Synthetic Ground (Pitch 3) at JL Murphy Reserve and North Port Oval to dog prohibited areas 3.3.2 Change Robinson Reserve in Elwood, Fennell Reserve in Port Melbourne and Howe Crescent Reserve West in South Melbourne to fenced dog off-leash areas 	The Dog Off Leash Guidelines endorsed by Council and published on Council's website. (3.1) Community engagement on the proposed changes to dog on and off- leash restrictions took place from 8 March to 11 April 2025. The findings of the engagement will be uploaded to Council's Have Your Say webpage in June 2025. Council will make a decision on the proposed changes in late 2025. Officers have reviewed costs, scope and timing for the trial of provision of environmentally appropriate dog	Ulcoq, Claire	31/12/2025

Committee:

Council Meeting and Planning Committee

Meeting Date	Subject	Motion	Comments	Responsible Officer	Estimated Completion
		 3.3.3 Update the summer restrictions on the beach between Station Pier and Bay Street in Port Melbourne to 7.30pm - 10.00am 3.3.4 Update the summer restrictions on the northern section of Elwood Beach between Point Ormond to the rock groyne in front of Elwood Angling Club to 7.30pm - 10.00am 3.4 Authorises the Chief Executive Officer, or their delegate, to make minor editorial updates to the adopted Guidelines, if required. 3.5 Requests Officers undertake planning to understand costs, scope and timing for a trial of the provision of environmentally-appropriate dog waste bags in dog off-leash areas throughout the municipality as part of the implementation of the Dog Off Leash Action Plan. To bring back for consideration to Council in early 2025. 3.6 Reaffirms that there will be no net-loss of reduction in dog off-leash spaces and access times. 3.7 Reaffirms that future dog spaces will be considered equitably in line with the delivery of the Public Space Strategy and consideration of the Dog Off Leash Guidelines. 3.8 Requests a report to come back to council, to inform the 2025/26 budget, considering the option to provide reduced dog registration fees for dogs which undergo advanced registered dog obedience training. 3.9 Provides signage that clearly communicates the dog off leash status of open space, to ensure that all users understand that dogs will be exercising/exploring off leash in these spaces. 3.10Applies for funding through the State Government's 'New and Upgraded Dog Parks Program', with the specific locations confirmed subject to the outcome of the community engagement. 	waste bags in dog off-leash areas. The Domestic Animal Management Plan (DAMP) 2026-29 was endorsed by Council at the 7 May 2025 Council meeting where Council resolved to go out to community consultation to seek feedback on the provision of a dog waste bags trial. Feedback received through this engagement will be reported as part of the Draft Animal Management Plan. Officers have commenced a review of dog registration fees for dogs which undergo advanced registered dog obedience training in time for Council's fees and charges review as part of the 2025/26 Council budget. Officers are currently auditing dog on and off-leash signage in open spaces and the Foreshore. The audit will inform a priority list of spaces where temporary signage needs to be delivered, and a long-term plan will be developed for upgrading signage where required. (3.9) Officers submitted an application to the Department of Energy Environment and Climate Action (DEECA) for funding for a new fenced dog off-leash area in Fennell Reserve in Port Melbourne. Council was unsuccessful in receiving funding through DEECA's New and Upgraded Dog Parks program. (3.10)		
21/08/2024	Eastern Reserve Dog Park	 That Council: 3.1 Acknowledges that Eastern Reserve North is a popular fenced dog offleash area for the dog community, being one of only two fenced dog offleash areas in the municipality. 3.2 Continues to retain Eastern Reserve North as a fenced dog offleash area. 	CitiPower have programmed the park lighting to be on at the times when the park is a dog off-leash area (from 7am until 7.30pm each day). The trial of locking open the gates will remain in place until a permanent solution is considered by Council at the 20 August 2025 Council meeting.	Ulcoq, Claire	30/08/2025

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Committee:

Council Meeting and Planning Committee

Meeting Date	Subject	Motion	Comments	Responsible Officer	Estimated Completion
		 3.3 Acknowledges that there are challenges associated with the location of Eastern Reserve North and implements measures to mitigate these including: Programming the park lighting to be on from 7am until sunrise, and sunset until 7.30pm each day Trialling locking gates open between 7.30pm to 7am from 1 September 2024 to 31 March 2025; and Prohibiting dog walking businesses from using the Reserve. 3.4 Requests Council officers to look for opportunities to improve education and enforcement and make design enhancements to the Reserve. 3.5 Requests Council officers to undertake further work to identify, advocate for and build new fenced dog off-leash areas in the area. 	Community engagement was recently undertaken on a number of potential new sites for fenced dog off-leash areas across the municipality. This will be brought to the 20 August 2025 Ordinary Meeting of Council for Council consideration.		
4/09/2024	Johnson Street Park and Signalised Crossing - Works- in-kind Project Delivery (Fishermans Bend)	 That Council: <u>Project Design</u> 3.1 Endorses the Project Design Scope (Attachment 1) and Concept Design (Attachment 2) to inform the delivery of Johnson Street Park and Signalised Pedestrian Crossing. 3.2 Authorises the Chief Executive Officer (or their delegate) to approve changes to the Project Design Scope and Concept Design, if those changes do not alter the overall intent of the design, and if required through any value management exercise. Works-in-kind Section 173 Agreement 3.3 Acknowledges delegation under the Instrument of Delegation – Members of Staff (7 June 2023) to negotiate and enter into an agreement under section 173 of the Planning Environment Act 1987 in accordance with the Incorporated Document for 272-280 Normanby Road, South Melbourne, June 2023 in the Port Phillip Planning Scheme (Incorporated Document) and informed by the Project Design Scope and Concept Design (Attachments 1 and 2). 3.4 Notes this includes including credits in respect to the use of public open space contribution funds towards the Project and appropriate terms in the works-in-kind Section 173 Agreement pursuant to the Incorporated Document, limited to 8% of the site value of the land. 	 Regarding Items 3.1 to 3.4: Council continues to engage with the Developer (Gamuda Land), the Department of Transport and Planning and the Victorian Planning Authority as relevant to progress: Resolving the detailed design of the park and intersection in accordance with the endorsed vision Drafting the work-in-kind agreement for consideration between the parties. Regarding items 3.5 to 3.7 - Council has submitted Draft Planning Scheme Amendment C233Port to the Minister for Planning (via Department of Transport and Planning), Council will continue to seek an update from the Minister's consideration and decision. 	Boden, Daniel	30/09/2025

Committee:

Council Meeting and Planning Committee

Meeting Date	Subject	Motion	Comments	Responsible Officer	Estimated Completion
		3.6 Authorises Officers to consult with the Minister, in accordance with sections 8(1)(b), 20(4) and 20(5) of the Act, to assist the Minister to prepare, adopt and approve the planning scheme amendment.			
		3.7 Authorises the Chief Executive Officer (or their delegate) to make changes to Amendment C233port to give effect to the outcomes in this report, if those changes do not alter the overall intent of the planning scheme amendment, or if the changes are requested by the Department of Transport and Planning.			
		Community Engagement 3.8 Notes the community engagement feedback which informed the Project and Planning Scheme Amendment, outlined in the Johnson Street Park Community Engagement Summary Report, June 2024 (Attachment 4) and Council Meeting Report 5 June 2024, Item 13.3, for Proposed Discontinuance of Road (in part) Johnson Street, South Melbourne.			
27/11/2024	Notice of Motion - Councillor Thomann - O'Donnell Gardens Fountain	 That Council Requests officers provide Councillors with an update as early as practicable on the status and options, including cost requirements, to undertake the restoration of the Edward O'Donnell Fountain, including ensuring it is fully repaired, well-maintained and illuminated, to be considered as part of the development of the 2025/26 Budget. Thanks those members of the public who have signed a petition 	As part of the budget development process, an upgrade of the O'Donnell Fountain was considered. It has been agreed an initial step is to review the works undertaken to date and the heritage refurbishment report to develop a business case for funding in future years.	Vandepeer, Clint	30/09/2025
11/12/2024	Proposed Discontinuance and Sale of Part of Laneway R1229 Merton Place, Albert Park	 requesting these works be undertaken. That Council: 3.1 Acting under section 17(4) of the <i>Road Management Act 2004</i> (Vic), resolves that part of Laneway R1229 be removed from Council's Register of Public Roads on the basis that the Road is no longer reasonably required for general public use for the reasons set out in this report. 3.2 Acting under clause 3 of Schedule 10 of the <i>Local Government Act 1989</i> (Vic) ("the Act"): 3.2.1 Resolves that the statutory procedures be commenced to discontinue the Road; 3.2.2 Directs that under sections 207A and 223 of the Act, public notice of the proposed discontinuance and sale of the Road be given in <i>The Age</i> newspaper; 3.2.3 Resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the land in the Road to the adjoining owner of 18 Merton Place, Albert Park Victoria 3206; 	Public Notice was advertised with no submissions received by Council. A second Council meeting resolved to discontinue and sell the land to the adjoining owner. Council approved the gazettal notice on 4 June 2025. Council is awaiting confirmation of gazettal publication. Following gazettal, a Contract of Sale and Vendor's Statement will be prepared by Council's Solicitor to document the sale.	Major, Michael	30/09/2025

Committee:

Council Meeting and Planning Committee

Meeting Date	Subject	Motion	Comments	Responsible Officer	Estimated Completion
		 3.2.4 Authorises the Chief Executive Officer, or their delegate, to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter; 3.2.5 Resolves to hear and consider any submissions received pursuant to section 223 of the Act at a future Council meeting; and 3.2.6 If no submissions are lodged in response to the public notice, 			
		authorise the Chief Executive Officer, or their delegate. to proceed to discontinue and sell the subject Land for \$82,570 plus GST (subject to an updated valuation) plus costs associated with the sale in accordance with Council's <i>Discontinuance and Sale of</i> <i>Roads Policy</i> (March 2023).			
11/12/2024	Proposed Discontinuance and Sale of Laneways R3317 and R3319, 60-66 Clarke Street, Southbank	 That Council: 3.1 Acting under section 17(4) of the <i>Road Management Act 2004</i> (Vic), resolves that Laneways R3317 and R3319 be removed from Council's Register of Public Roads on the basis that the Roads are no longer reasonably required for general public use for the reasons set out in this report. 3.2 Acting under clause 3 of Schedule 10 of the <i>Local Government Act 1989</i> (Vic) ("the Act"): 3.2.1 Resolves that the statutory procedures be commenced to discontinue the Roads; 3.2.2 Directs that under sections 207A and 223 of the Act, public notice of the proposed discontinuance and sale of the Roads be given in <i>The Age</i> newspaper; 3.2.3 Resolves that the public notice required to be given under sections 207A and 223 of the Act public notice of the adjoining owner of 60-66 Clarke Street, Southbank Victoria 3006; 3.2.4 Authorises the Chief Executive Officer, or their delegate, to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter; 3.2.5 Resolves to hear and consider any submissions received pursuant to section 223 of the Act at a future Council meeting; 3.2.6 If no submissions are lodged in response to the public notice, authorise the Chief Executive Officer, or their delegate, to proceed to discontinue and sell the subject Land for \$631,750 	Applicant accepted the additional cost of the in-situ bluestone pavers. It was resolved at a meeting of Council on 11 December 2024 to remove Roads R3317 and R3319 from the Public Road Register and commence the statutory procedures and give notice pursuant to Sections 207A and 223 of the Act. Council gave public notice in The Age newspaper on 6 March 2025 and on Council website. No submissions were received in response to the public notice. Council officers are currently considering next steps, and a report will be considered by Council by the end of September 2025.	Major, Michael	30/09/2025

Committee:

Council Meeting and Planning Committee

Meeting Date	Subject	Motion	Comments	Responsible Officer	Estimated Completion
		 plus GST (subject to an updated valuation) plus costs associated with the sale in accordance with Council's <i>Road Discontinuance and Sale of Roads Policy</i> (March 2022); and 3.2.7 Notes the applicant would be required to pay Council an additional sum of \$57,024 plus GST for bluestone pavers currently in situ (144 sqm of bluestone pavers @ \$396 per square metre). 			
5/02/2025	Petition - Demand Proactive Measures for Community Safety and Crisis Services in City of Port Phillip	 That Council: Receives and notes the Petition. Reaffirms its commitment to a safe and liveable community. Continues to consider additional resources and improvements to council policies and programs to improve community safety and perceptions of safety. Continues to advocate for state government resources including police resources and services that will improve community safety and perceptions for safety. Requests the Mayor writes to the relevant State Government Ministers to advocate for resources, including police resources and mental health and homelessness services that will improve community safety and perceptions for safety. 	Community Safety Response was considered at the 21 May Council meeting including consideration of additional resources and improvements to improve community safety and perceptions of safety. Resources were requested as part of the Prahan by-election campaign and federal election. Requests have also been raised in meeting with local members Nina Taylor and Josh Burns. Officers are preparing a formal letter to be sent to the relevant State Government Ministers in July 2025, formally advocating for resources now that the elections are finalised.	Montague, Nellie	30/07/2025
19/03/2025	Petition Response: Port Melbourne Life Saving Club - Outside Showers	 That Council: Expresses it appreciation to the signatories of the petition. Thanks the signatories for their patience whilst Council has worked through the options for the provision, including investigations of the potential for warm water showers to be incorporated in a potential upgrade of the Port Melbourne Life Saving Club. Notes that a number of outdoor showers are provided along the foreshore for community members to utilise, particularly when visiting one of our many beaches. Notes that all outdoor public showers are plumbed for cold water use only. Resolves to consider implementing warm water showers, and secure storage options, as part of the upgrade of the existing public toilet block at Port Melbourne Beach (adjacent to Port Melbourne Lifesaving club). Resolves to consider secure storage options for swimmers in the short term. 	Investigation into inclusion of hot water showers and locker provision has been included in the Project upgrade of the public toilets adjacent the Port Melbourne Life Saving Club.	Tuchtan, Vicki	31/12/2025

Completed

Committee:

Council Meeting and Planning Committee

 Date From:
 1/01/2025

 Date To:
 31/03/2025

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
	otice of Motion for Parking Restriction Changes in Elwood Village	 That Council:- Request officers to forego the standard requirements for demonstration of community support to consider changing parking restrictions on Ormond Road, between Beach Avenue and Pine Avenue. Request officers investigate all timed restrictions on Ormond Road, between Beach Avenue and Pine Avenue, to finish at 7pm. Requests officers consult the community on the proposed change if there is a justification to proceed. Request officers notify Councillors of the outcome of the investigation. 	Consultation on the proposed parking changes has been completed, and officers have determined to proceed with the changes in line with the intent of the proposal and consistent with the Parking Management Policy. Affected community members have been notified of the changes and the restrictions will be installed by the end of July 2025. Councillors will be updated through a councillor Note.	Mason, Thomas	25/06/2025
E O	St Kilda Triangle Live Music Venue - Stage 2 – Targeted Market Engagement Dutcomes and Next Steps	 That Council: 3.1 Notes that Council, at a public meeting on 6 December 2023, was presented with a number of documents collating the outcome of various streams of work undertaken as part of the Stage 1 St Kilda Triangle Live Music Venue feasibility assessment work including the St Kilda Triangle Design Feasibility for a Live Music and Performance Venue, St Kilda Triangle Potential Live Music / Performance Venue Market Sounding Report and The St Kilda Triangle Commercial Feasibility Analysis & Development Options Report and the St Kilda Triangle – Proposal for a Live Music and Performance Venue - Engagement Summary Report 3.2 Notes the following key findings across the various components of work: There is demand for a flexible 5000 standing live music and performance venue. The 'proof of concept' layout shows that a venue can be effectively accommodated on the St Kilda Triangle with carparking, public realm and other uses. There is strong industry support for a new venue to be located in St Kilda. There is majority support for a live music and performance venue, including strong support by representatives of the Traders Associations for Acland Street and Fitzroy Street, though there is some local opposition to the idea. There was concern expressed by destination venues immediately adjacent about a reduction in parking leading to loss of business. Carparking and traffic movement, the scale of the building and ongoing activation of or need for the venue were raised as concerns 	An advocacy strategy supported by a program and engagement collateral has been developed that uses the new information derived from the targeted market engagement undertaken in the first half of 2024. This advocacy work is seeking State and/or Federal Government support and funding for a business case is programmed for implementation over the next 2-4 months. The outcomes were presented to Councillors at a Confidential Briefing on 28 May 2025. There is no interest from State and Federal Governments to pursue a live music venue. Councillors discussed alternative opportunities to investigate short-term beautification and activation works. A report will be presented to a Council meeting later this year to summarise the outcomes of the advocacy approach on investigations and next steps to pursue light-touch beautification	Boden, Daniel	25/06/2025

 Completed
 Committee:
 Council Meeting and Planning Committee
 Date From:
 1/01/2025

 Date To:
 31/03/2025

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
		by those who did not support the concept and there were mixed views regarding parking. The likely cost of the 'proof of concept' idea that has been explored for a new live music and performance venue is estimated as a range	works, including financial implications for consideration in 2025/26 FY budget, and beyond for Council consideration.		
		between \$113m-\$139m, including the venue, basement carparking and public realm.			
		The cost estimate that has been developed is useful for understanding the type of cost for a development such as this but would need to be reassessed to reflect any key changes that have been incorporated to the final design and cost of construction at the time.			
		Operators are likely to have capacity to include a significant capital contribution as part of a bid in a competitive procurement process for a new venue in future, with the quantum being directly related to the length of tenure.			
		Given the regional significance and civic nature of the project, it is likely that public funding or other subsidy will be required to support private investment in the development, to achieve an overall outcome for the site that will realise the full benefits possible.			
		3.3 Notes the process and outcomes of the Targeted Market Engagement undertaken with selected live music industry organisations and those that have previously contacted Council, as set out in the confidential <i>St Kilda</i> <i>Triangle Live Music Venue – Stage 2 – Targeted Market Engagement</i> <i>Report.</i>			
		3.4 Notes that the <i>St Kilda Triangle Live Music Venue – Stage 2 –</i> Targeted <i>Market Engagement Report</i> collating the work undertaken as part of Stage 2 undertaken to date has been provided confidentially to Council due to the commercially sensitive nature of the contents but that a summary of the findings within the context of the broader market engagement findings has been included in the body of this report.			
		3.5 Notes that three options have been provided to Council for consideration, these are:			
		Option 1: Undertake Advocacy to State Government while other project works pause.			
		Option 2: Begin preparation for a Competitive Market Process while continuing to advocate to State Government.			
		Option 3: Pause All St Kilda Triangle Live Music Venue Work and review next steps with the newly elected Council.			

Completed

Committee: Coun

Council Meeting and Planning Committee

 Date From:
 1/01/2025

 Date To:
 31/03/2025

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
		3.6 Instructs the CEO or delegates to proceed with implementation of Option1, including authorising any budget required for implementation.			
7/08/2024	Green Link Feasibility Report	 That Council: 3.1 Notes that there are major constraints and challenges which would make the transformation of the full Green Link project very difficult to achieve. 3.2 Notes that projects identified in the Council Plan and Budget, the PSS and the UFS have higher deliverability and will better meet the outcomes outlined in the GLMP. 3.3 Notes that only 15 projects identified of the GLMP are considered for progress and that the full Green Link project is considered not feasible to deliver. 3.4 Supports the spend of \$145,000 Green Link budget on the Burnett Gray Gardens in Ripponlea, deferring the decision on the project scope to the 2024-2028 Council, which may include a broader scope on the functionality/opportunities for the park as a whole. 3.5 Notes that a list of projects recommended to proceed are outlined from page 52 of the feasibility report (Attachment 2). 	The scope has been reviewed to consider how the project aligns with other planned works in the area including upgrades to the Adass Israel Synagogue. Related projects have been incorporated into the new Council Plan, including update to Burnett Gray Gardens, implementation of the Urban Forest Precinct Plan for this area, Alma Road/Raglan Street Pedestrian crossing and the masterplan for Ripponlea.	Ulcoq, Claire	25/06/2025
21/08/2024	Petition Response - Submission for Irrigation in Gill Reserve	 That Council: Acknowledges receipt and thanks the community for their petition. Notes that there is currently no budget available for any works in Gill Reserve in the 2024/25 financial year. Ensures consideration is given to the petition and community engagement is undertaken in preparation and finalisation of the scope for Gill Reserve as part of the project for uplift of the entire Linear Park. Investigates the contamination concerns gathering any evidence and ensure this is considered as part of any project scope development and risk register. Requests officers complete investigations for staging project works for the Linear Park to ensure Gill Reserve is prioritised in the overall uplift project for consideration in the 2025/26 budget process and future budgets based on project timelines. Ensures maintenance and upkeep of the existing area until the uplift project is completed. Advises the petitioner of these actions. 	Council officers have commenced early stages of preparing for the masterplan for the Port Melbourne Light Rail Corridor (Linear Park) project. This wider project will take into consideration the petition request for irrigation. The petition lead was contacted on 28 January 2025 to advise that the project is in the very early stages and proposed as part of the 2025/26 budget. Related projects have been incorporated into the new Plan for Port Phillip 2025/26 which was endorsed by Council at its Special meeting of Council held on which will be considered by Council at the Monday 23 June 2025.	Willis, Michelle	25/06/2026
21/08/2024	Carlisle Street Car Park and	That Council: In respect of Roads:	Community consultation on the matter is underway running from	Savenkov, Anthony	25/06/2025

 Completed
 Committee:
 Council Meeting and Planning Committee
 Date From:
 1/01/2025

 Date To:
 31/03/2025

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
	Laneways - Intention to Sell	 Acting under section 17(4) of the <i>Road Management Act 2004</i> (Vic), resolves that Laneways R3743, R3979, R3977, and R4141 be removed from Council's Register of Public Roads on the basis that the Roads are no longer reasonably required for general public use; Acting under clause 3 of Schedule 10 of the <i>Local Government Act 1989</i> (Vic) ('the 1989 Act'): 3.2.1 Resolves that the statutory procedures be commenced to discontinue the Roads; 2.2.2 Directs that under sections 207A and 223 of the 1989 Act, public notice of the proposed discontinuance of the Roads be given in <i>The Age</i> newspaper; 3.2.3 Resolves that the public notice required to be given under sections 207A and 223 of the 1989 Act should state that if the Roads are discontinued, Council proposes to sell the land in the Roads to an adjoining property owner, Coles Group Property Developments Ltd ('the Applicant'), for no less than market value; 3.2.4 Authorises the Chief Executive Officer, or their delegate, to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the 1989 Act in relation to this matter; and 3.2.5 Resolves to hear and consider any submissions received pursuant to section 223 of the 1989 Act a future Council meeting. In respect of Land parcels: 3.3 Acting under S114 of the <i>Local Government Act 2020 (Vic)</i> ('the 2020 Act') resolves to commence the statutory processes required to sell land parcels known as 2-8 Alfred Street and 49-53 Nelson Street, Balaclava, by private treaty, to the Applicant, for no less than market value; Authorises the Chief Executive Officer, or their delegate, to enter a S173 Agreement with the Applicant that will deliver transaction objectives and transaction terms; Authorises to Cincer of intention to Sell land parcels novuna 2-8 Alfred Street and 49-53 Nelson Street, Balaclava, by private treaty, to the Applicant,	Thursday, 8 May - Sunday, 15 June 2025. Officers will collate the and report the submissions to a subsequent meeting of Council. Once the submissions have been considered by Council, officers will seek a final decision from Council on the proposal.		

Completed

Committee: Co

Council Meeting and Planning Committee

 Date From:
 1/01/2025

 Date To:
 31/03/2025

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
	Councillor Cunsolo - Support for Food Relief Services	 That Council:- Notes that there is a cost-of-living crisis that disproportionately impacts food security for our communities most vulnerable residents. Expresses it's concern that the Flexible Service Response (FSR) component of the Home and Community Care Program for Younger People (HACC PYP) funding, which supports several food relief services within the municipality, ended on the 31 August 2024 with no transition plan for vulnerable residents. Notes Council's support for food relief services previously funded under the FSR through the funding allocation endorsed in the 24/25 CoPP Budget (\$51,200.00 per annum in total). Continues to assist food relief services within the municipality to identify and apply for grant opportunities. Continues to advocate to the State Government to provide funding to support the continuation of food relief services within the municipality. Reviews impact of the cessation of HACC PYP FSR funding on the provision of food relief services in the municipality and considers funding options to support their continuation via the 25/26 Council Budget process (anticipated funding shortfall without HACC PYP FSR funding is \$204,688.00 per annum). 	 Officers continue to support food relief services and other community organisations to maximise grant opportunities. In relation to item 5 of the resolution, the following action has been taken: Raised by the Mayor in formal meetings with State Member for Albert Park, Nina Taylor; Member for Brighton James Newbury; Member for Caufield David Southwick; Member for Southern Metro David Davis. Also raised at officer level with their offices. Mayor wrote to Minister Thomas on the importance of food relief services, and to seek a transition plan. CEO wrote to the relevant Deputy Secretary at Department of Health seeking a transition plan. As a result of discussions between Mayor and Dept of Health executives, Officers have promoted state and federal grant and funding opportunities to a variety of local services and community organisations. Grants and funding opportunities have included Victorian Government's Community Food Relief Program, and Commonwealth Government's Financial Wellbeing and Capability (FWC) Activity – Emergency Relief grants. Food security has been embedded as a health priority area in the Plan 	Dening, Christine	31/05/2025

Page 5 of 20

Completed

Council Meeting and Planning Committee

Committee:

 Date From:
 1/01/2025

 Date To:
 31/03/2025

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
			for Port Phillip. Officers are planning to bring a discussion paper to Council briefing in 2025 to outline the community need and options for Councils role and response. Response to this request is complete.		
4/09/2024	City of Port Phillip Reconciliation Action Plan 2024 – 2026	 That Council: 3.1 Endorses and adopts the City of Port Phillip Reconciliation Action Plan (Attachment 1), subject to endorsement and certification from Reconciliation Australia. 3.2 Thanks, Traditional Owners, First Peoples Service Providers, First Peoples in our community and the broader community for providing feedback on the draft RAP. 3.3 Authorises the Chief Executive Officer, or their delegate, to make minor editorial updates to the Plan, including final feedback from Reconciliation Australia, if required. 	Officers received final certification of the RAP from Reconciliation Australia (RA) in May ahead of a formal launch during Reconciliation Week. Work is now being undertaken to implement the associated working group and develop an implementation plan. This action can now be closed.	Dening, Christine	31/05/2025
11/12/2024	Appointments of Councillors to Committees	 That Council: 3.1 Appoints Councillor representatives to advisory committees, panels and external bodies as per Attachment 1, effective from the date of this resolution until the end of the Council Term (unless otherwise resolved by Council) and publishes the respective appointments to Council's website. 3.2 Does not appoint a Councillor to the 'Love My Place Grant Program Panel' which was included in Attachment 1. Requests officers to consider if this panel will continue as part of a future review. 3.3 Appoints Councillor Serge Thomann as the Councillor Delegate to the 'Art Acquisition Reference Committee', noting that this committee was omitted from Attachment 1. 3.4 Appoints Councillor Beti Jay to the Housing First Board, alongside Councillor Justin Halliday. 3.5 Notes updated Terms of Reference documents for Council's respective advisory committees and panels will be brought back to Council for endorsement in February 2025 following the first committee meetings with appointed Councillor Delegates. 3.6 Notes that the terms of the LGBTIQA+, Multicultural Advisory Committee, and Older Persons Advisory Committee have been extended to June 2025 to allow committee participation in the development of the new Plan for Port Phillip. 	Council's website has been updated with respective Councillor delegates and external bodies have been notified. Updated Terms of Reference for the following Committees were endorsed at the 19 March 2024 Council meeting: - Business Advisory Group - St Kilda Esplanade Market Reference Committee - Friends of Suai Community Reference Committee - LGBTIQA+ Advisory Committee - Multicultural Advisory Committee - Older Persons Advisory Committee Updated Terms of Reference for the Youth Advisory Committee were	Gillett, Mitchell	19/06/2025

 Completed
 Committee:
 Council Meeting and Planning Committee
 Date From:
 1/01/2025

 Date To:
 31/03/2025

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
		3.7 Requests officers explore options for strengthening advisory committee functions for achievement of the new Council Plan and present findings back to Council before June 30, 2025.	 endorsed at the 18 June 2025 Council meeting. Officers have commenced exploring options for strengthening advisory committee functions. At the 18 June Council meeting, Council resolved to extend the deadline to strengthen advisory committee functions to September 2025 to ensure the review is in alignment to the Council Plan. A report will be presented to Council with the findings of the review by the end of September 2025. 		
11/12/2024	Notice of Motion - Councillor Buckingham - Community Safety	 That Council:- Reaffirms its commitment to a safe, liveable and just community. Requests that City of Port Phillip initiate a round table of key stakeholders, incorporating the City of Port Phillip, health, housing, community legal and social service providers, Victoria Police and other relevant stakeholders or recognised expertise to examine the current situation and review place-based models to address community safety issues in our high streets and surrounding areas. Requests that the round table: Provide advice and case studies from other jurisdictions on community outreach models and consider opportunities to ensure best practice in the City of Port Phillip; Provide advice and case studies from other Council jurisdictions on how local laws can be used to provide community safety and protect the amenity of public spaces within the City of Port Phillip. The advice is to include consideration of police protocols and operations with the City of Melbourne and their applicability to the City of Port Phillip; Review the merit and feasibility of establishing an ongoing alliance to continue this work over the next four years. Provide recommendations to Council on the above within the short and long-term. Requests that the Mayor write to the Chief Commissioner of Victoria Police seeking advice and recommendations on local laws in the City of Port Phillip, and a proposal on how any changes to the local laws would be used and work in practice. 	A letter was sent to the Chief Commissioner of Victoria on 24 January 2025. The Community Safety roundtable took place on 19 March 2025. An independent chair lan Gray was appointed twenty stakeholders, including service providers with expertise in drug and alcohol support, housing, mental health, legal and academic expertise and Police, in attendance. A community safety response was considered at the 21 May Council meeting including the Roundtable Report and Recommendations. Endorsed motions supported progression of Local Law amendments, Roundtable Report and Recommendations and Community Safety Plan engagement approach to be released for community consultation. Community consultation is running from 22 May - 29 June 2025. The	Montague, Nellie	25/06/2025

Committee: Council Meeting and Planning Committee

 Date From:
 1/01/2025

 Date To:
 31/03/2025

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
		5. Notes that officers have commenced work on the update of the City of Port Phillip's Community Safety plan including opportunities for the public to share their lived experiences in relation to community safety and that Councillors will be updated on this regularly.	findings of the consultation will be reported to a future meeting of Council.		
5/02/2025	Appointment of Authorised Officer Pursuant to the Planning and Environment Act 1987	 That Council: 3.1 Approves the appointment of the Raghav Kurapathi Balaji as an Authorised Officer pursuant to section 147 (4) of the <i>Planning and Environment Act 1987</i>, as set out in the Instruments of Appointment. 3.2 Signs and affixes the common seal of Council to the Instrument of Appointment at Attachment 1. 	The Instruments of Delegation have been executed and distributed accordingly. No further action required.	Collins, Katrina	7/04/2025
5/02/2025	Notice of Motion - Mayor Crawford - South African Soldiers Memorial Rededication Event	 That Council Coordinates a rededication event for the South African Solders Memorial located in Albert Reserve, South Melbourne in May 2025. Allocates \$6,000 to cover associated costs of the event, drawn from the following existing budgets: \$4,000 from Civic Events \$2,000 from the Art and Heritage Collection Notes the contribution of officer resourcing to work with the committee to deliver the event. 	A rededication ceremony was held in May 2025 in conjunction with the Boer War Association of Victoria.	Gillett, Mitchell	18/06/2025
5/02/2025	Planning permit application at 1 and 2/30 Kalymna Grove St Kilda East	 3.1 That a Planning Permit be issued for the land at 1 and 2/30 Kalymna Grove St Kilda East with the following permissions: Clause 43.01-1 – Demolish or remove a building 3.2 That the decision be issued subject to the following conditions: No alterations The extent of demolition and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority. Satisfactory continuation and completion Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority. Heritage Interpretation Strategy Before the demolition starts, a Heritage Interpretation Strategy (HIS) must be submitted to and approved, the HIS will form part of this permit. The HIS must be prepared by a suitably qualified heritage expert to identify how the history (Indigenous and post-contact) and 	Permit was issued on 19 February 2025.	England, Max	13/06/2025

Committee:

Council Meeting and Planning Committee

1/01/2025 Date From: 31/03/2025 Date To:

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
		 significance of the heritage place will be incorporated into the planning and design of the future reserve. Permit expiry 4. This permit will expire if one of the following circumstances applies: a) The development is not started within two years of the date of this permit. b) The development is not completed within four years of the date of this permit. In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition. 			
5/02/2025	Presentation of CEO Report Issue 113 - November 2024	That Council: CEO Report Issue 113 – November I 3.1 Notes the CEO Report – Issue 113 (provided as Attachment 1) CEO Report Issue 113 – November I 3.2 Authorises the CEO or their delegate to make minor editorial amendments that do not substantially alter the content of the reports. CEO Report Issue 113 – November I		Isaac, Kihm	10/02/2025
5/02/2025	Audit and Risk Committee - Appointment of Audit and Risk Committee Chairperson 2025 AND Reappointment of Independent Member	 That Council: 3.1 Extends Brian Densem's tenure as an independent member of the City of Port Phillip Audit and Risk Committee for an additional three years, commencing 01 April 2025. 3.2 Appoints Brian Densem to the position of Chairperson of the City of Port Phillip Audit and Risk Committee for the 2025 calendar year, commencing 01 January 2025 through to 31 December 2025. 3.3 Benchmark the City of Port Phillip's Audit and Risk Committee Charter to ensure alignment with local government and corporate governance best practice and to report back to Council with recommendations by 31 August 2025. 	Mr Densem has been notified of his tenure extension for a further 3 years and appointment of Chairperson for the 2025 year. As part of the annual review process of the Audit and Risk Committee (ARCo) Charter. Officers have commenced a benchmarking exercise with other councils. The findings will be presented to ARCo at its June meeting and to Council by 31 August 2025.	Snowden, Julie	12/02/2025
5/02/2025	Updates to Appointments of Councillors to the Esplanade Market Reference Committee and Older Persons Advisory Committee	 That Council: 3.1 Appoints Councillor Beti Jay as Council's delegate to the Esplanade Market Reference Committee for the remainder of the Council term, unless otherwise resolved by Council. 3.2 Appoints Councillor Louise Crawford and Councillor Libby Buckingham to Older Persons Advisory Committee (OPAC) for the remainder of the Council term, unless otherwise resolved by Council. 	Council's website has been updated and advisory council administrators have been informed.	Gillett, Mitchell	19/02/2025

 Completed
 Committee:
 Council Meeting and Planning Committee
 Date From:
 1/01/2025

 Date To:
 31/03/2025

MEETING DATE	SUBJECT	ΜΟΤΙΟΝ	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
		3.3 Notes that Councillor Louise Crawford and Councillor Libby Buckingham will share the Councillor delegate responsibilities for OPAC and that both Councillors will not be present at each OPAC meeting.			
		3.4 Notes that when Councillors are appointed to committees and external bodies at the beginning of the next Council term, officers will provide Councillors with a forward schedule of meeting dates for all advisory committees and external bodies to aid with appointments.			
19/02/2025	St Vincent Gardens - Playground Upgrade RFT000324 (Landscape Contract award)	 That Council: 3.1 Awards Tender RFT000324 to Open Space Victoria Pty Ltd for the construction of the St Vincent Gardens Playground Upgrade for a total award value of \$1,006,857.28 excluding GST (\$1,107,543.01 including GST). This value includes a six-month maintenance cost of \$13,667.80 excluding GST (\$15,034.58 including GST). 3.2 Notes that the contract includes contingency and other project/service costs as detailed in confidential attachment 1. 3.3 Authorises the Chief Executive Officer, or their delegate, to execute the Contract Document on behalf of Council and to approve any variations to the total value detailed in confidential attachment 1. 3.4 Notes that construction works are expected to commence in late April 2025 and be completed by 29 August 2025. 	The contract was executed on 2 April 2025. Construction works commenced on 12 May 2025 and are anticipated to be completed by the end of September 2025.	Mydaras, Emma	16/06/2025
19/02/2025	Petition: Request for changes to Parking Restrictions in Lyndon Street Ripponlea	 That Council: Receives and notes the petition. Thanks the petitioners for their petition. As this petition pertains to an operational matter, in accordance with Council's Governance Rules, Council refers the petition to the CEO for a response. Notes that this request has been investigated in accordance with Council's parking restriction change process, which determined that there was consistently parking availability on the residential frontage of Lyndon Street for residents and visitors despite the parking of boats, trailers and caravans. As such there was no trigger under Council's Parking Management Policy to justify a change in parking restrictions. Notes that in August 2024 Council resolved to commence the statutory process to introduce a municipal wide Local Law to effectively manage the long-term parking of caravans, trailers. Notes that officers will advise the community of their opportunity to have their say on the proposed Local Law. 	Councillors were briefed in June 2025 on the options for a potential Local Law Amendment for the storage of Caravans, Boats and Trailers on Council Land and Roads. A report will be presented to a Council meeting in August 2025 for Council consideration recommending that Council release the proposed amendment to the Local Law for community consultation.	Montague, Nellie	25/06/2025

Committee: Council Meeting and Planning Committee

1/01/2025 Date From: 31/03/2025 Date To:

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
19/03/2025	Australian Local Government Association 2025 National General Assembly of Local Government - Submission	 That Council: 3.1 Endorses, in principle, submitting the following motion to the Australian Local Government Association (ALGA), in collaboration with Glen Eira City Council, to the 2025 National General Assembly (NGA) held between 24 and 27 June 2025: Strengthening community services to enhance wellbeing and safety - That the National General Assembly calls on the Australian Government to strengthen and invest in community services by: 3.1.1 Fostering community afety and social cohesion through dedicated funding streams and resources for local councils to implement evidence-based community safety initiatives that promote social cohesion and inclusivity. These initiatives may include infrastructure improvements (e.g. improved lighting, clear and effective signage, grafiti removal, safer pedestrian routes), delivery of events, community engagement programs, and antidiscrimination measures. 3.1.2 Providing provisions to upgrade and increase stock of public place CCTV and mobile CCTV trailers where appropriate. This will enhance public safety, deter criminal activities, and assist law enforcement agencies in monitoring and responding to incidents more effectively. 3.1.3 Improving community wellbeing through: espanding funding for mental health support services and social cohesion programs; garthering with councils to deliver sustainable, local programs that address the impacts of rising living costs, with a particular focus on supporting the most vulnerable in our communities; and delivering increased funding to support homelessness services and prevention initiatives, ensuring individuals receive assistance before reaching crisis levels. 	The endorsed motion was submitted to the Australian Local Government Association's National General Assembly of Local Government on 28/03/2025. The motion will be considered during the conference in June 2025.	Cowin, Elizabeth	2/04/2025

 Completed
 Committee:
 Council Meeting and Planning Committee
 Date From:
 1/01/2025

 Date To:
 31/03/2025

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
		generations. Such investment will stimulate economic growth, improve the quality of life for all Australians, enhance connectivity and reduce carbon emissions.3.3 Authorises the Chief Executive Officer, or their delegate, to make any minor amendments that do not change the material intent of the Motion.			
19/02/2025	Audit and Risk Committee - Biannual Report as at 31 December 2024	 That Council: 3.1 Notes the Audit and Risk Committee Biannual Report as of 31 December 2024, which details activities of the Committee covering scheduled meetings held 5 September 2024 and 17 December 2024. 	Biannual report received and noted by Council. Audit and Risk Committee Chair informed of outcome of Council meeting.	Snowden, Julie	19/03/2025
19/02/2025	Notice of Motion - Councillor Hardy - Changes to Local Law	 That Council: 1. Requests officers to investigate the following: a. the statutory process under section 73 of the Local Government Act 2020 for undertaking a Local Law amendment; b. any regulatory compliance and application issues; and c. an estimate of costs and timelines for the following City of Port Phillip Local Law changes to the current Local Law: i. Replace 17(1b) A person must not on or in Council land, a road or a footpath: "behave in a manner which unreasonably interferes with another person including sitting, sleeping or laying on or in the Council land, road or footpath. ii. Replace section 42 "A person must not reside in temporary accommodation including a vehicle, tent, caravan or any good or chattel that enables a living arrangement or sleep on council land or in any public place. iii. Replace section 43 1. A person must not place or cause to be placed on a footpath, access way, car park, public place or Council land any furniture or good or chattel that obstructs that footpath or accessway or enables a living arrangement or sleep. 2. An authorised member of Council staff or authorised Police officer may remove the furniture, good, chattel or item that enables a living arrangement or sleep where in the opinion of the Council staff member or authorised officer is in contravention of Section 43 (1). 	A response to this Notice of Motion was considered by Council at the 21 May 2025 Council meeting, where Council endorsed motions supported the progression of Local Law amendments, Roundtable Report and Recommendations and Community Safety Plan engagement approach to be released for community consultation. Community consultation is running from 22 May - 29 June 2025. The findings of the consultation will be reported to a future meeting of Council.	Montague, Nellie	19/06/2025

C	Completed	Committee:	Council Meeting and Planning Committee	Date From:	1/01/2025
				Date To:	31/03/2025

MEETING DATE	SUBJECT	MOTION COMMENTS		RESPONSIBLE OFFICER	DATE COMPLETED
		 An authorised member of Council staff or authorised Police officer may impound, confiscate or dispose of any item or items removed under Section 43 (1). 			
		 An authorised member of Council staff or authorised Police officer may in circumstances arising in contravention of Section 43(1) if in their opinion the furniture, good, chattel or property enabling a living arrangement or sleep where a person or persons deny ownership of the property and or the property in their reasonable belief has been abandoned. The Council staff member or authorised officer may impound, confiscate, or dispose of any item or items removed under Section 43(1). Requests officers to provide a report back to Council by May 2025 or 			
		aligned to the timing of the feedback of the Roundtable discussions (whichever is sooner), including but not limited to the following: a. advice on the extent of Council's powers, and any duplication of other			
		 legislation b. The requirement to adhere to human rights legislation and ensuring the dignity of all community members; 			
19/02/2025	Councillor Expenses Monthly Reporting -	That Council:3.1 Notes the monthly Councillor expenses report for November 2024 (attachment 1) and that this will be made available on Council's website.	Councillor Expense Reports received and noted by Council and published to Council's website.	Gillett, Mitchell	21/03/2025
	November, December 2024	3.2 Notes the monthly Councillor expenses report for December 2024 (attachment 2) and that this will be made available on Council's website.			
	and January 2025	3.3 Notes the monthly Councillor expenses report for January 2025 (attachment 3) and that this will be made available on Council's website.			
19/02/2025	South Melbourne Town Hall Renewal & Upgrade -	 That Council: 3.1 Approves a budget increase of \$6,500,084 (Ex. GST) that is required to complete the South Melbourne Town Hall works. This will result in the current budget of \$32,917,229 (Ex. GST) being increased to \$39,417,313 (Ex. GST). 	Officers have been working with Australian National Academy of Music (ANAM) to address the conditions in the approval, these items have now been addressed.	Tuchtan, Vicki	25/02/2025
	Project Update	3.2 Notes that the additional funding is to be sourced from savings from across the current 2024/25 portfolio, through unbudgeted rental and other income, through a draw down on the Asset Renewal Reserve (ARR) in 2025/26 and from portfolio capacity in 2026/27. The drawn down of the ARR is anticipated to reduce the balance from approximately \$12m to \$9m.			

Completed	Committee:	Council Meeting and Planning Committee	Date From:	1/01/2025
			Date To:	31/03/2025

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
		 Notes a delay to the SMTH program of approximately nine (9) months for the current asbestos and known seismic delays. Approves the reinstatement of the Assist Service Counter in the south- western corner of the refurbished town hall and approves the \$200k (Ex. GST) of funding for the associated works from the existing Workplace Plan Program. Approves the relocation of heritage items within the SMTH as outlined in this report. Authorises the Chief Executive Officer to approve variations to the construction contract and relevant consultants within the overall project budget of \$39,417,313 (Ex. GST). Delegates the authority to the Chief Executive Officer, or their delegate, to approve contract variations and execute those variations as required within the approved values. Notes that as outlined in Confidential Attachment 1 that the recommended budget increase sits within a lower and upper bound of potential risks. 			
19/02/2025	Petition: CoPP Dog Network request for fencing Port Melbourne Skate Park	 That Council: Receives and notes the petition. Thanks the petitioners for their petition. Notes that the petition pertains to an operational matter and that Council Governance Rules requires the referral of operational matters to the CEO for a response. Notes retrofitting of the park is underway to mitigate the risk of skateboards leaving the skatepark and entering Swallow Street. Notes that officers will contact the lead petitioner to discuss this work and invite them to an onsite consultation opportunity. 	Retrofitting of the park is currently underway, with implementation of a landscaping solution and all works to be completed by 31 July 2025., Officers will contact the lead petitioner for an onsite consultation opportunity as part of Stage 2 of the project.	Handcock, Natalie	24/06/2025
19/02/2025	Petition - Request to not proceed with Edwards Park Public Amenities	 That Council: Receives and notes the Petition. Thanks the petitioners for their Petition relating to the proposed public amenities at Edwards Park. Considers this matter at the ordinary meeting of Council scheduled for 19 March 2025. 	Officers investigated additional locations. A report was presented to the 18 June Council meeting where Council resolved to construct new public amenities in Edwards Park at location 1a: in the southwest corner of the park and increase the project budget by up to \$70,000 for additional sewer outfall pumping	Tuchtan, Vicki	24/06/2025

Committee:

Council Meeting and Planning Committee

1/01/2025 Date From: 31/03/2025 Date To:

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
			infrastructure, by drawing down upon the Asset Renewal Reserve.		
19/02/2025	Petition Response: Sporting future for Elwood Park	 That Council: Receives and notes the Petition. Thanks the petitioners for their Petition for an upgraded Elwood Park Pavilion. Notes the increase in sports participation in Elwood, and Council's delivery of the Elwood Reserve Changeroom Facilities project to install an additional two change rooms and four toilets for sports club use. Addresses Elwood Park Pavilion upgrades through the delivery of the Elwood Foreshore Masterplan, with continued tenant club engagement during detailed design phase. 	Outcome of the Council meeting communicated to the Petition submitter. The pavilion upgrade will be delivered through the Elwood Foreshore Masterplan. Sports clubs will be involved in the design process and aware of timing when it arises.	Cannell, Susan	25/02/2025
19/02/2025	Mid-Year 2024- 25 Financial Review	 That Council: 3.1 Notes that full year cumulative cash surplus before the mid-year budget requests is \$1.54 million which is \$0.92 million more than budget of \$0.62 million. 3.2 Notes that the favourable surplus is being provisioned for the additional renewal and safety works for the South Melbourne Town Hall Renewal and Upgrade which is subject to a separate decision of Council. 3.3 Notes attachment 1 – Financial Statements with accompanying explanatory notes. 3.4 Notes the significant changes initiated by the Victorian Government that will result in cost shift to Council and our community including: 3.4.1 Congestion Levy to increase by 73% from 1 January 2026 which will increase Council's cost base by approximately \$0.76 million per annum. 3.4.2 Emergency Services and Volunteers Fund will replace the Fire Services Property Levy commencing 1 July 2025. This change will see an increase of approximately 57% of additional levy from \$24 million to \$37.7 million to the Victorian Government to be paid by the community. An average increase of \$1177 per rateable property. Council will be providing further information to our community when available. 3.5 Approves the following additional funding requests (see attachment 2 – Budget Requests): 	Relevant stakeholders have been informed.	Liu, Peter	29/04/2025

[Completed	Committee:	Council Meeting and Planning Committee	Date From:	1/01/2025
				Date To:	31/03/2025

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
		3.5.1 \$60,000 for an additional City Amenity Officer (\$110,000 per annum ongoing) to enable afternoon patrols throughout the year and not just during summer months.			
		3.5.2 \$175,000 one off to deliver Sandridge Recreation Precinct masterplan to enable the delivery of additional open space on Council owned and managed sites.			
		3.5.3 \$100,000 one off to support the procurement of the Open Space and Tree Maintenance Contract renewal including developing a transition plan and conducting asset audits to enable service uplift in the new contract.			
		3.5.4 \$30,000 to progress the review into the local law provisions of caravan and other vehicle parking, to align with the future review and update of the local law.			
		3.6 Approves the following additional funding requests for 2025/26 subject to Budget 2025/26 endorsement (see attachment 2 –Budget Requests):			
		3.6.1 \$127,000 one off for Coastal Planning resourcing to deliver the next stages of the Coastal Adaptation Plan and Foreshore Management Plan with funding re-prioritised within projects in the Public Space Strategy.			
		3.7 Notes attachment 3 – Portfolio updates and achievements.			
		3.8 Notes in accordance with Section 97(3) of the Act, the Chief Executive Officer supported by the Chief Financial Officer, concludes that a revised budget for 2024/25 is not required.			
		3.9 Delegates authority to the CEO, or their delegate, to reflect any changes made by Council at tonight's meeting, and to make minor typographical corrections (including in any attachments to this report) before final publication.			
19/02/2025	Presentation of CEO Report Issue 114 - Quarter 2, 2024-25	 That Council: 3.1 Notes the CEO Report – Issue 114 (provided as Attachment 1). 3.2 Authorises the CEO or their delegate to make minor editorial amendments that do not substantially alter the content of the report. 	CEO Report Issue 114 – Quarter 2 2024-25 received and noted by Council and published to Council's website.	Isaac, Kihm	27/02/2025
26/02/2025	10 Greig Street, Albert Park - PDPL/00505/20 24	3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit in relation to land at 10 Greig Street, Albert Park.	Notice of decision dated 26 February 2025 was issued on 28 February 2025.	Manickavasaga m, Prash	28/02/2025
		3.2 That a Notice of Decision to Grant a Permit be issued subject to the following permissions:			

Comple	eted Committee:	Council Meeting and Planning Committee	Date From:	1/01/2025	
			Date To:	31/03/2025	

MEETING DATE	SUBJECT		ΜΟΤΙΟΝ		COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED	
			Planning Scheme Clause No:	Description of what is allowed				
			Clause 43.01-1	Demolish or remove a building				
			Clause 43.01-1	Construct a building or construct or carry out works				
			Clause 43.01-1	A fence if the fence is visible from a street				
			Clause 43.01-1	Externally paint (noting external paint controls apply)				
			In accordance with	the endorsed plans.				
		ir		led subject to the following conditions as nning Committee Meeting held on 26 Fe				
26/02/2025	Statutory Planning Delegated Decisions Report (12 December 2024 until the first sitting of the Ordinary Council meeting in 2025)	d F	Notes the one decision n lelegation from Council February 2025, being the	nade by the Chief Executive Officer und for the period between 12 December 20 e period between last Ordinary Council I ng of the Ordinary Council Meeting in 20	Delegated decisions received and noted by Council, no further action is required.	Wood, Paul	3/03/2025	
26/02/2025	19-25 The Avenue, Balaclava - PDPL/01434/20 21/A	a 0 3.2 T fo m 3.3 T ir (0	That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Amend a Planning Permit. That a Notice of Decision to Amend a Planning Permit be issued with the following changes as listed in the Minutes of the Planning Committee meeting 26 February 2025. That the permit address, preamble, and conditions show changes including deletions as strikethrough and the new requirements in bold (excluding headings which remain in bold) as listed in the Minutes of the meeting.		Notice of decision issued on 28 February 2025.	Brooks, Grace	28/02/2025	

Committee: Council Meeti

Council Meeting and Planning Committee

 Date From:
 1/01/2025

 Date To:
 31/03/2025

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
		3.4 That the decision be issued as follows per the conditions listed in the Minutes of the meeting.			
26/02/2025	K7 Raleigh Street, Windsor PDPL/00789/20 22	 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit 3.2 That a Notice of Decision to Grant a Permit be issued for the construction of two or more dwellings on a lot in a Residential Growth Zone and a reduction of the car parking requirements of Clause 52.06 at K7 Raleigh Street, Windsor 3.3 That the decision be issued as listed in the Minutes of the Planning Committee meeting 26 February 2025. 	Notice of decision dated 26 February 2025 was issued on the 28 February 2025.	Schreuder, Matthew	12/03/2025
19/03/2025	Advisory Committee Terms of Reference Adoption	That Council: 3.1 Adopts the updated Terms of Reference documents for the: Business Advisory Group St Kilda Esplanade Market Reference Committee Friends of Suai Community Reference Committee LGBTIQA+ Advisory Committee Multicultural Advisory Committee Older Persons Advisory Committee 3.2 Authorises the Chief Executive Officer, or their delegate, to make minor changes that do not materially alter the Terms of Reference documents.	Advisory Committee Administrators have been notified that their respective Terms of Reference (ToR). The updated ToR documents have been published to Council's website.	Gillett, Mitchell	1/04/2025
19/03/2025	CEO Employment and Remuneration Policy and CEO Employment Matters Committee Terms of Reference Review	 That Council: 3.1 Adopts the CEO Employment and Remuneration Policy (Attachment 1), as required under Section 45 of the Local Government Act 2020. 3.2 Notes that the CEO Employment Matters Committee Terms of Reference (Attachment 2) has been reviewed and revised in conjunction with the review of this Policy. 3.3 Includes an additional line under clause <i>12.3 Appointment timeframe</i> within the CEO Employment Matters Committee Terms of Reference, as follows: The tenure of an independent advisor is capped at a maximum period of six consecutive years e.g. 3 x2 year terms. 	The Terms of Reference have been updated to capture the Councillor requested amendment.	Snowden, Julie	24/03/2025
19/03/2025	Status of Council Decisions and Questions taken	That Council:3.1 Notes the implementation status of Council and Planning Committee Resolutions as contained in Attachments 1 and 2.	Received and noted by Council, no further action required.	Williams, Emily	25/03/2025

 Completed
 Committee:
 Council Meeting and Planning Committee
 Date From:
 1/01/2025

 Date To:
 31/03/2025

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
	on Notice Recorded by Council: 1 October - 31 December 2024	3.2 Notes the response status of questions taken on notice during Council Meetings as contained in Attachment 3.			
19/03/2025	Records of Informal Meetings of Council	That Council 2.1 Receives and notes the written records of Informal Meetings of Council (attached) as required by the City of Port Phillip Governance Rules.	Records received and noted by Council, no further action required.	Williams, Emily	25/03/2025
19/03/2025	Councillor Expenses Monthly Reporting - February 2025	 That Council: 3.1 Notes the monthly Councillor expenses report for February 2025 (attachment 1) and that this will be made available on Council's website. 	Councillor Expense Report received and noted by Council and published to Council's website.	Gillett, Mitchell	21/03/2025
19/03/2025	Presentation of CEO Report Issue 115 - January 2025	 That Council: 3.1 Notes the CEO Report – Issue 115 (provided as Attachment 1) 3.2 Notes the amendment to CEO Report Q2 – Issue 114 (provided as Attachment 2) 3.3 Approves the budget request for \$515,000 from the Sustainable Transport Reserve for Council's contribution to the Beacon Road Active Transport Safety Upgrade. 3.4 Authorises the CEO, or their delegate, to make minor editorial amendments that do not substantially alter the content of the reports. 	CEO Report issue 115 received and noted by Council and published to Council's website. \$515,000 of budget has been approved and the Beacon Road Active Transport project will commence with co-contribution from Active Travel funding.	Roache, Karen	16/06/2025
19/03/2025	Petition Response: Request to not proceed with Edwards Park Public Amenities	 That Council: Notes that the Edwards Park Public Toilet Project remains on hold pending the decision of Council on the petition. Notes that officers are currently assessing options and that these options will be considered by Council at a future meeting. 	Further options assessment was undertaken by Council officers. A revised report was presented to the 18 June Council meeting for Council consideration. Council resolved to construct new public amenities in Edwards Park at location 1a: in the southwest corner of the park and increase the project budget by up to \$70,000 for additional sewer outfall pumping infrastructure, by drawing down upon the Asset Renewal Reserve.	Ingram, Kimberley	24/06/2025

Committee: Cour

Council Meeting and Planning Committee

 Date From:
 1/01/2025

 Date To:
 31/03/2025

MEETING DATE	SUBJECT	MOTION	COMMENTS	RESPONSIBLE OFFICER	DATE COMPLETED
19/03/2025	Friends of Suai Annual Report 2023/24	 That Council: 3.1 Notes the 2023/24 Friends of Suai Annual Report (Attachment 1). 3.2 Acknowledges the ongoing work of the Friends of Suai Community Reference Committee and thanks the Committee for its efforts. 3.3 Acknowledges the work of the Covalima Community Centre in Suai throughout 2023/24 and the role it has played in enhancing the lives of the Covalima community. 	Friends of Suai Annual Report 2023/24 received and noted by Council, no further action required.	Murphy, Gavin	24/06/2025
		3.4 Acknowledges and thanks Carlene Harlock for the contribution and service they have provided to the communities of Port Phillip and Covalima through the role of Community Building Friends of Suai/Covalima and wishes them well with their future endeavours.			
19/03/2025	Council Internal Resolution Procedure	 That Council: 3.1 Adopt the Council Internal Resolution Procedure. 3.2 Authorises the Chief Executive Officer, or their delegate, to make minor changes that do not materially alter the Council Internal Resolution Procedure. 	Council Internal Resolution Procedure has been uploaded to Councillor resource channel.	Gillett, Mitchell	21/03/2025
19/03/2025	Sol Green Reserve Upgrade - Landscape Contractor RFT000325 (Landscape Contractor Award)	 That Council: 3.1 Awards Tender RFT000325 to Melbourne Landscape Group Pty Ltd for the construction of Sol Green Reserve Upgrade for a total award value of \$957,209.55 excluding GST (\$1,052,930.50 including GST). 3.2 Notes that the contract includes contingency and other project/service costs as detailed in confidential attachment 1. 3.3 Authorises the Chief Executive Officer, or their delegate, to execute the Contract Document on behalf of Council and to approve any variations to the total value detailed in confidential attachment 1. 	The contract was executed on 15 April 2025. Construction works commenced on 10 June 2025 and are anticipated to be completed by the mid-October 2025.	Mydaras, Emma	16/06/2025
	,	 3.4 Notes that construction works are expected to commence in late April 2025 and be completed by 29 August 2025. 			

Questions taken on notice.	Committee:	Council and Planning Committee Meetings	Date From:	1/01/2025
			Date To:	31/03/2025

Meeting Date	Meeting Section	Asked By	Question	Response	
5/02/2025	Public Question Time	Flossy Sperring	Parks Victoria have entered into a direct negotiation with Phillip Island Nature Parks to take over management of St Kilda penguin visitation. Earthcare St Kilda are being consulted with, but we feel that the process has been performative rather than collaborative. Earthcare are pushing for affordable access to the penguins for the community and the continued involvement of volunteers as has been the case for 35 years. The penguins will be fine, this is now just about the community. Penguin viewing will be free for at least 12 months, but the future cost is unknown. Phillip Island Nature Parks have not prioritised involvement by the local community and volunteers, despite our efforts. The current proposal is not suitable for volunteers. The consultation process is ongoing, however Earthcare feel that there is little that we can do. Earthcare would like the Council to contact Minister Dimopoulous, Nina Taylor, and Parks Victoria in support of Earthcare, requesting that ongoing affordable access to the colony and the involvement of volunteers be ensured. Will the Council follow up with these parties to get a resolution for us?	Responses to Questions Taken on Notice -	
5/02/2025	Item 7.1 Petition - Demand proactive measures for community safety and crisis services in City of Port Phillip	Councillor Thomann	During public question time deaths in St Kilda were referenced. I am only familiar with one occasion on Acland Street, which was not related to rough sleeping but where two locals fighting unfortunately resulted in the death of one person. Are we aware of any other deaths in Port Phillip?	<u>Council Meeting 5</u> <u>February 2025</u>	
5/02/2025	Item 8.1 Presentation of CEO Report Issue 113 - November 2024	Councillor Jay	The report refers to 10 joint patrols with police and 90 clean ups during November 2024. Can officers provide a breakdown of the cost of these to the community?		
5/02/2025	10.2 Planning permit application at 51 Pakington Street St KildaCouncillor Buckingha m		I know that some consultation has already occurred on this site and around Pakington Street. What are officers plans for future community consultation and next steps?		
19/02/2025	Public Question Time	Trevor White	The JWS Community Satisfaction survey was undertaken across Council's in Victoria. The survey shows that the community expectation results have declined year by year over the last four years. The City of Port Phillip services results are below the average of the metropolitan areas in 21 out of the 22 services that were analysed. What date did the City of Port Phillip receive the report from JWS and what date did the Councillors receive the report? Why was the report released as a Christmas present at the end of December? Did anyone make representations to the CEO to delay the distribution of the report? Are the	Responses to Questions Taken on Notice - Council Meeting 19 February 2025	

Questions taken on notice.	Committee:	Council and Planning Committee Meetings	Date From:	1/01/2025
			Date To:	31/03/2025

Meeting Date	Meeting Section Asked By Question		Response	
			poor survey results a result of Council policy or service delivery and execution? Can the CEO's plan for the improvement of the service delivery be made public?	
19/02/2025	Item 8.1 Presentation of CEO Report Issue 114 - Quarter 2, 2024- 25	Councillor Halliday	On page 44 of the CEO report, the percentage of recently purchased library collection there is a big uptake from 55% to 69%. Is that an anomaly, or did a big purchase occur?	
19/02/2025	Item 8.1 Presentation of CEO Report Issue 114 - Quarter 2, 2024- 25	Councillor Makin	Given this is a quarterly report and a number of these inputs feed into the community satisfaction survey results. Could we look into what linkages could be made to the CEO report and community satisfaction. By showing within the report that we are meeting these targets, we are potentially improving what that rating might be?	
19/02/2025	Item 13.1 Mid-Year 2024-25 Financial Review	Councillor Jay	In relation to the congestion levy, a 73% increase is massive in anything, I understand that the current charge for congestion is about \$1,100 per property. Can officers advise who is impacted by the levy noting that it is already quite expensive as it is.	
19/02/2025	Item 13.2 MAV State Council Submission	Councillor Thomann	In relation to build to rent, the only one I know if is the one on the corner of Wellington Street and Brighton Road which is a 28 storey building with 300-400 apartments. Has there been a previous submission to the MAV on this topic?	
19/03/2025			Responses to Questions Taken on Notice - Council Meeting 19 March 2025	
19/03/2025	3/2025Item 13.4 Advisory Committee Terms of Reference AdoptionCouncillor HallidayCan officers confirm why the Youth Advisory Committee Terms of Reference is not included within this report? What is the reporting requirement for the Advisory Committees? They lodge their meetings within 14 days. Are these regularly published what is the timeframe for publishing such reports?			
19/03/2025	Confidential Item 17.2 Melbourne Water Elwood Main Drain - financial agreement	oourne Water Halliday ood Main Drain -		N/A Confidential

Attac	hmo	nt	2.
Allac	IIIIE	ш	J.

Questions t	aken on notice. Co	mmittee : C	J	Date From: Date To:	1/01/2025 31/03/2025
Meeting Date	Meeting Section	Asked By	Question		Response
23/03/2025 (Planning Committee)	Item 63 Bay Street, Port Melbourne - 1324/2006/D	Councillor Halliday	Has there been a specific number of planning complaints that we have rea	ceived?	Response to Question Taken on Notice – Planning Committee Meeting 23 March 2025



13.4 COUNCILLOR GIFT, BENEFIT AND HOSPITALITY POLICY

EXECUTIVE MEMBER: ROBYN BORLEY, DIRECTOR, GOVERNANCE AND ORGANISATIONAL PERFORMANCE

PREPARED BY: KATRINA COLLINS, SENIOR GOVERNANCE ADVISOR

1. PURPOSE

1.1 To present to Council for formal endorsement, the Councillor Gift, Benefit and Hospitality Policy (Attachment 1).

2. EXECUTIVE SUMMARY

- 2.1 Section 138 of the *Local Government Act 2020* (the Act) requires Councils to maintain a Councillor Gift Policy and register.
- 2.2 Council last endorsed the Councillor Gift, Benefit and Hospitality Policy (the policy) in April 2021. Regular reviews of policies are essential to ensure they meet current requirements.

3. **RECOMMENDATION**

That Council:

- 3.1 Adopts the Councillor Gift, Benefit and Hospitality Policy, required under Section 138 of the *Local Government Act 2020* as outlined in Attachment 1.
- 3.2 Authorises the Chief Executive Officer, or their delegate, to finalise the document and make any minor amendments that do not materially alter the intent of the policy.

4. KEY POINTS/ISSUES

- 4.1 Council is required to maintain a Councillor Gift Policy under section 138(1) of the *Local Government Act 2020* (the Act). Council has scheduled a periodic review of this policy to ensure impartiality and transparency in Council decision-making is maintained.
- 4.2 The Councillor Gift, Benefit, and Hospitality Policy was developed with consideration of the 2019 Independent Broad-based Anti-Corruption Commission (IBAC) Local Government Integrity Frameworks Review and the Victorian Public Service Commission's Gifts, Benefits, and Hospitality Minimum Accountabilities.
- 4.3 The Councillor Gift, Benefit, and Hospitality Policy identifies what can and cannot be accepted by Councillors and the process for declaration.
- 4.4 The section on prohibited gifts has been updated to clarify that it is the responsibility of Councillors to decide whether to accept a gift, with clear information on different types of gifts.
- 4.5 The section on anonymous gifts has been rewritten for clarity. It now includes the requirement that anonymous gifts below the gift disclosure threshold must be refused, even though this is not an offence under the Act.
- 4.6 The section on hospitality has been revised. The objective of these changes was to streamline the requirements pertaining to hospitality.



- 4.7 The declared gifts amounts for declaring accepted and declined gifts and the details will be included in the Gift and Benefits Register a copy of which will be made available on Council's website
- 4.8 The Councillor Gift, Benefit, and Hospitality Declaration Form has been removed from the policy to facilitate the development of an online declaration form that aligns with the requirements of the endorsed policy.
- 4.9 The policy has been reformatted to align with the current City of Port Phillip policy template and some sections added or expanded.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Under section 138 of the *Local Government Act 2020* there is not a requirement for community consultation on the Councillor Gift, Benefit and Hospitality Policy.
- 5.2 In the process of reviewing the Policy, officers have taken into account IBAC's Local Government Integrity Frameworks Review and the Victorian Public Service Commission's Gifts, Benefits, and Hospitality Minimum Accountabilities.
- 5.3 To ensure the Policy aligns with best practices, benchmarking was conducted against the policies of other councils, especially those of the M9 Councils.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Section 138 of the Local Government Act 2020 requires that a Council produce a Councillor Gift Policy.
- 6.2 The Councillor Gift, Benefit, and Hospitality Policy has been reviewed to mitigate various risks associated with the improper declaration and reporting of gifts.
- 6.3 The policy has also been reviewed to ensure it complies with the *Local Government Act 2020.*

7. FINANCIAL IMPACT

7.1 The costs to develop the Councillor Gift, Benefit and Hospitality Policy and maintain the Register will be managed by Governance and Organisational Performance.

8. ENVIRONMENTAL IMPACT

8.1 No environmental impact has been identified.

9. COMMUNITY IMPACT

- 9.1 The Councillor Gift, Benefit, and Hospitality Policy has been reviewed with the understanding that Councillors are expected to receive invitations and attend various events, including major ones, within Port Phillip. By including a section on official business, the Policy clarifies that the community benefits from Councillors' attendance at these events.
- 9.2 The Policy establishes a framework and clear guidelines for the acceptance and declaration of gifts, benefits, and hospitality by Councillors, ensuring the highest standards of integrity, transparency, and accountability are maintained at all times.

10. GENDER IMPACT ASSESSMENT

10.1 In the preparation of this report a Gender Impact Assessment (GIA) in accordance with the Gender Equality Act 2020 was not required.



11. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 11.1 The review of the Councillor Gift, Benefit and Hospitality Policy supports Council's Strategic Direction An Engaged and Empowered Community.
- 11.2 The review of the Policy ensures it manages risk by establishing a framework and clear guidelines for the acceptance and declaration of gifts, benefits, and hospitality by Councillors.

12. IMPLEMENTATION STRATEGY

- 12.1 TIMELINE
 - 12.1.1 The Councillor Gift, Benefit and Hospitality Policy takes effect once endorsed.
- 12.2 COMMUNICATION
 - 12.2.1 Officers will provide a copy of the policy to each Councillor and make the policy publicly available on Council's website.

13. OFFICER MATERIAL OR GENERAL INTEREST

- 13.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.
- ATTACHMENTS 1. Draft Councillor Gift, Benefit and Hospitality Policy 2025 _Final



Councillor Gift, Benefit and Hospitality Policy

Policy outcome:	The City of Port Phillip establishes a clear policy position for its Councillors in relation to gifts, benefits, and hospitality. It supports Councillors in avoiding conflicts of interest and maintaining high levels of integrity, accountability, and public trust.
Responsible area:	Governance and Organisational Performance
Version:	2.0
Date approved/adopted:	date adopted by Council
Planned review date:	August 2027

Table of Contents

1	Purpose	э		3
2	Scope			3
3	Roles a	nd respo	nsibilities	3
4	Principle	es		4
Pol	icy			4
5	Gifts mu	ust never	be sought	4
6	Prohibit	ed Gifts		4
	6.6	Anonyr	nous Gifts	5
	6.7	Procure	ement & Tender Process	5
	6.8	Attemp	ts to Bribe	5
7	Offers o	of hospita	lity, gifts and benefits	6
	7.1	Hospita	ality	6
		7.1.1	Reasonable Hospitality	6
		7.1.2	Unreasonable Hospitality	7
	7.2	Gifts		7
		7.2.1	Non-token gifts	7
		7.2.2	Token Gift	8
		7.2.3	Repeat Offers	9
		7.2.4	Conferences	9
		7.2.5	Door Prizes and Raffles	9
		7.2.6	Ceremonial Gifts	10
				1



		7.2.7 Donations and Bequests to Council	10
8	Procedu	ires	10
	8.1	Declaration of Gifts, Benefits and Hospitality	10
	8.2	Gift, Benefit and Hospitality Register	11
	8.3	Monitoring and Reporting	11
9	Addition	al Disclosure Requirements	11
	9.1	Biannual Personal Interests Returns	11
	9.2	Conflict of Interest	11
	9.3	Election Campaign Donations	
10	Suppler	nentary policy documents	11
11	Related	legislation and documents	12
		11.1 City of Port Phillip documents	12
12	Definitio	ns	12
13	Adminis	trative updates	14
14	Docume	ent history	15



1 Purpose

- 1.1 The purpose of this Gift, Benefit and Hospitality policy is:
 - 1.1.1 to meet the Council's requirements under the *Local Government Act 2020* (the Act) and to provide guidance to Councillors relating to the acceptance or otherwise of a gift or other benefits such as hospitality and professional development opportunities offered to them.
 - 1.1.2 intended to support Councillors to avoid conflicts of interest and maintain high levels of integrity and public trust.
 - 1.1.3 ensure compliance with section 138 of the Act to adopt and maintain a Councillor gift policy.

2 Scope

- 2.1 This policy covers any gifts, benefits or hospitality offered to or received by Councillors when performing their role as a Councillor.
- 2.2 This policy does not apply to:
 - 2.2.1 gifts received by Councillors from the City of Port Phillip Council; or
 - 2.2.2 gifts received by Councillors or candidates during a donation period of an election campaign, specifically section 306 of the Act.

3 Roles and responsibilities

- 3.3 Councillors are responsible for:
 - 3.3.1 ensuring their decisions are beyond reproach, are not likely to raise the perception of, or lead to, bias, benefit or preferential treatment and can withstand audit processes and proper scrutiny.
 - 3.3.2 determining if they have an actual, potential, or perceived conflict of interest and completion of the online Gift, Benefit and Hospitality Declaration Form when required.
 - 3.3.3 identifying and refusing prohibited gifts, bribes and offers that could be reasonably perceived as undermining the integrity and impartiality of the Council or themselves.
 - 3.3.4 declaring accepted gifts, declined gifts, or prohibited gift offers in accordance with this policy and completion of the online Gift, Benefit and Hospitality Declaration Form.
 - 3.3.5 taking reasonable steps to ensure that family members do not receive gifts and/or benefits that may be perceived as being an attempt to gain favourable treatment.
 - 3.3.6 immediately reporting any incidences to the Chief Executive Officer where a bribe and/or cash or equivalent, such as gift cards is offered.
 - 3.3.7 complying with the requirements of this policy.



- 3.4 The Chief Executive Officer is responsible for ensuring:
 - 3.4.1 the development and review of a transparent and consistent framework regarding offers of Gifts made to Councillors.
 - 3.4.2 Councillors are aware of this policy and their responsibilities and providing guidance and support.
 - 3.4.3 a Gift, Benefit and Hospitality Register is maintained in accordance with section 138(2)(a) of the Act.

4 Principles

- 4.1 Councillors will uphold the following principles in applying this policy:
 - 4.1.1 **Impartiality** Councillors have a duty to place the public interest above their private interests when carrying out their duties as a Councillor.
 - 4.1.2 **Integrity** Councillors strive to earn and sustain public trust through providing or responding to offers of Gifts in a manner that is consistent with community expectations.
 - 4.1.3 **Accountability** Councillors ensure they and their fellow Councillors are accountable in accordance with this policy.
 - 4.1.4 **Risk-based approach** Councillors must ensure they consider the reputational and legal risks inherent with Gifts when dealing with offers.

Policy

5 Gifts must never be sought

Councillors must not solicit, demand, or request gifts or any personal benefit for themselves or another person by virtue of their position.

6 Prohibited Gifts

- 6.1 Councillors must not accept any offer of the gift, benefit or hospitality that is inconsistent with this policy and could bring a Councillor's integrity, or that of the Council into disrepute, (for example if accepting a gift could be perceived as an endorsement of a product or service) and must decline and declare the gift.
- 6.2 These include:
 - 6.2.1 Anonymous Gifts (as defined in part 6.6)
 - 6.2.2 Donations and Bequests to Council (as defined in part 7.2.7)
 - 6.2.3 Door Prizes and Raffles (as defined in part 7.2.5)
- 6.3 Accepting a prohibited gift is inconsistent with this policy and may constitute a misuse of a Councillor's position as prescribed by section 123 of the Act.



- 6.4 Accepting a gift with the expectation of something in return, such as preferential treatment, is completely inappropriate, and may constitute a bribe or other form of corruption and may lead to criminal prosecution.
- 6.5 To assist the Council in monitoring the frequency and nature of prohibited gifts, an online Gift, Benefit and Hospitality Declaration Form must be completed and submitted in accordance with this policy.

6.6 Anonymous Gifts

- 6.6.1 It is an offence under section 137 of the Act for councillors to accept anonymous gifts directly or indirectly with a value equal to or exceeding the gift disclosure threshold (\$500 or a higher prescribed amount). They must be refused. Contravention of section 137 is punishable by a fine.
- 6.6.2 If for any reason a Councillor finds themselves in possession of such a gift, the Councillor will not commit an offence provided that the Councillor gives the gift to Council within 30 days of receipt. The gift should be delivered to the Chief Executive Officer and an online Gift, Benefit and Hospitality Declaration Form must be completed and submitted to the Governance team within 30 days of receipt of the gift.
- 6.6.3 While it is not an offence under the Act, as a matter of policy anonymous gifts below the gift disclosure threshold must also be refused.
- 6.7 Procurement & Tender Process
 - 6.7.1 Councillors must not accept any gifts, benefits and hospitality from current or prospective suppliers, or any offer made during a procurement or tender process by a person or organisation involved in the process.
 - 6.7.2 If a Councillor receives an unsolicited gift or approaches from a supplier, they must notify the Chief Executive Officer and document their refusal by completing an online Gift, Benefit and Hospitality Declaration Form .
- 6.8 Attempts to Bribe
 - 6.8.1 A Councillor who is offered a gift that they believe is an attempted bribe must:
 - 6.8.1.1 Refuse the offer.
 - 6.8.1.2 Immediately notify the Chief Executive Officer and/or the Public Interest Disclosure Coordinator and where relevant, the Victoria Police; and
 - 6.8.1.3 Lodge an online Gift, Benefit and Hospitality Declaration Form in accordance with this policy so the refusal can be properly recorded.
 - 6.8.2 A Councillor who believes another person within the Council may have solicited or been offered a bribe regardless of whether or not they have knowledge that it has been reported, must notify the Chief Executive Officer, or report the matter as a public interest disclosure in accordance with Council's Public Interest Disclosure Procedures.



7 Offers of hospitality, gifts and benefits

7.1 Hospitality

- 7.1.1 Reasonable Hospitality
 - 7.1.1.1 Councillors may accept offers of reasonable hospitality.
 - 7.1.1.2 Reasonable hospitality is that which is:
 - i. received by a Councillor at an event or function, where the Councillor was attending the event or function for an official purpose that is related to their duties as a Councillor and in their official capacity as a Councillor.
 - ii. of a standard and type that an independent observer would consider appropriate and not excessive, in the context in which it was received.
 - 7.1.1.3 Official duties of a Councillor may include, but are not limited to:
 - Delivering a speech
 - Opening an event or a facility
 - Observing Council grant-funded program project delivery or a Council sponsored activity
 - Presenting an award at a ceremonial event
 - Receiving an award on behalf of Council
 - Unveiling a plaque
 - 7.1.1.4 An official business event is an event hosted by an external organisation that it is in the public interest for a Councillor to attend and fall under the following categories:
 - i. **stakeholder engagement** opportunities to develop networks with people interested in the City of Port Phillip Council activities.
 - ii. **sector knowledge** opportunities to develop a deeper knowledge of the industry and to improve services and programs.
 - iii. **business leveraging** opportunities to network with key stakeholders or other agencies interested in collaboration.
 - 7.1.1.5 In addition to the above categories, there are situations where it is in the public interest for the City of Port Phillip Council to be represented in some capacity. Those include:
 - i. **government functions** attending an event or function hosted by another government agency or public sector entity.



ii. industry stakeholders – attending an event hosted by industry or community stakeholders where attendance provides a legitimate business benefit.

7.1.2 Unreasonable Hospitality

- 7.1.2.1 Offers of hospitality that are likely to influence a Councillor, or be perceived to influence a Councillor, in the course of their duties or that raise an actual, potential, or perceived conflict of interest, or otherwise meet the criteria of section 5 (Gifts must never be sought) of this policy, must be declined and declared.
- 7.1.2.2 In the case of invitations to functions where the principal activity is focused on hospitality and the Councillor has no formal role at the event in their capacity as a Councillor, then the offer of hospitality should be declined, and an online Gift, Benefit and Hospitality Declaration Form completed for inclusion in the gift, benefit and hospitality register. A copy of the invitation should also be included with the declaration.
- 7.1.2.3 Consideration should be given where the location of an event is outside the municipality, as to whether an independent observer would consider any associated hospitality as unreasonable.
- 7.1.2.4 Councillors should consult the Mayor, (in the absence of the Mayor, Deputy Mayor) before accepting an offer that may be perceived as unreasonable hospitality. Should a Councillor choose to accept the offer this must be declared by completing an online Gift, Benefit and Hospitality Declaration Form.

7.2 Gifts

7.2.1 Non-token gifts

- 7.2.1.1 Before accepting a non-token gift or benefit (more than \$100 in value), the Councillor must consider the following:
 - i. Use the GIFT test table below to assess whether acceptance is appropriate.
 - ii. Consider whether the offer could be perceived as influencing them in performing **their duties or lead to reputational damage.**
 - iii. Be aware that the more valuable the offer, the more likely that an actual, potential, or perceived conflict of interest exists.
 - iv. An online Gift, Benefit and Hospitality Declaration Form must be completed for inclusion in the Gift, Benefit and Hospitality Register as follows:
 - $_{\odot}~$ for a single accepted non-token gift or benefit more than \$100
 - $_{\odot}~$ for a single declined non-token gift or benefit more than \$250.



7.2.1.2 GIFT TEST

G Giver their relationship to me? Does my role require me to select contractors, awaregulate industries or determine government policit Could the person or organisation benefit from a determine government policit I Influence Are they seeking to gain an advantage or influence I Influence Has the gift, benefit or hospitality been offered to reprivately? Is it a token of appreciation or a valuable		Who is providing the gift, benefit, or hospitality and what is their relationship to me? Does my role require me to select contractors, award grants, regulate industries or determine government policies? Could the person or organisation benefit from a decision I make?
		Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a token of appreciation or a valuable non-token offer of value? Does its timing coincide with a decision I am about to
F Favour hospitality? Has the gift, benefit or hospitality been offered hone person or organisation made several offers over the months? Would accepting it create an obligation to T Trust Would accepting the gift, benefit or hospitality of trust? How would the public view acceptance of this gift, be		Are they seeking a favour in return for the gift, benefit, or hospitality? Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?
		How would the public view acceptance of this gift, benefit, or hospitality? What would my colleagues, family, friends, or

7.2.2 Token Gift

- 7.2.2.1 A token gift, benefit, or hospitality of minimal value (less than \$100) may be accepted by Councillors, provided that the gift does not create a real or perceived sense of obligation, conflict of interest or reputational damage to Council. Examples of token gifts include a box of chocolates, homemade goods, a small souvenir.
- 7.2.2.2 There is no requirement to record token gifts whether (any single offer less than \$100) or declined (any single offer less than \$250) in the Councillor Gift, Benefit and Hospitality Register.
- 7.2.2.3 Councillors must monitor if the combined total value of accepted token gift offers in the past 12 months from the same individual or organisation exceeds \$100 then it becomes a non-token gift (as defined in section 7.2.1).



7.2.3 Repeat Offers

- 7.2.3.1 Receiving multiple offers (token or non-token) from the same person or organisation can generate a stronger perception that the person or organisation could influence a Councillor. Multiple gifts, benefits and hospitality from the same person/organisation could be considered inappropriate and should be considered carefully.
- 7.2.3.2 Gifts, benefits and hospitality of a combined value of \$500 or more over a 5-year period trigger both the conflict of interest and the reporting provisions in the Act and may also impact on the capacity of the Councillor to undertake their duties as a Councillor.

7.2.4 Conferences

- 7.2.4.1 Gift offers in relation to conferences (for example: sponsored attendance, paid participation, travel or accommodation) may only be accepted where:
 - a) There is clear justification for accepting the offer, such as where the invitation is issued by a government department, or the offer has come from a peak body; and
 - b) Prior written approval has been provided by the Mayor (or Deputy Mayor where the Mayor is requires approval).
- 7.2.4.2 Attendance at conferences must also adhere to the requirements of the Councillor Expenses and Support Policy.
- 7.2.4.3 All accepted gift offers of this nature must be declared in accordance with the procedures of this policy, together with a copy of the written approval from the Mayor (or Deputy Mayor where the Mayor is seeking approval). Declarations must also include the reason for accepting the offer. A copy of the invitation to attend the conference must also be submitted with the Gift, Benefit and Hospitality Declaration Form.
- 7.2.4.4 Where Council pays for a Councillors attendance at a conference, the cost of attending will be managed according to the Councillor Expense and Support Policy, including all necessary reporting requirements.

7.2.5 Door Prizes and Raffles

- 7.2.5.1 Door prizes and raffles won at functions and events are not considered a gift if a Councillor has personally paid for their attendance, and for the raffle ticket.
- 7.2.5.2 Door prizes and raffles won (even if the Councillor has purchased the raffle ticket) at functions and events are considered the property of Council if the Councillor has attended at the Council's expense and must be surrendered and declared in accordance with the procedures of this policy.



7.2.6 Ceremonial Gifts

- 7.2.6.1 Councillors may be involved in conferences or social, cultural, community, and industry events where gifts of goodwill or ceremonial gifts are presented or exchanged. Where it would appear to be impolite or inappropriate to decline the offer, it is reasonable for Councillors to receive the ceremonial gifts on behalf of Council.
- 7.2.6.2 Unless otherwise determined by the Mayor (or Deputy Mayor where the gift of goodwill or ceremonial gift has been received by the Mayor), such gifts shall consider to be the property of Council and may be displayed in an appropriate and secure location for public viewing.
- 7.2.6.3 For transparency and accountability purposes all, ceremonial gifts must be declared by completing the Gift, Benefit and Hospitality Declaration Form, and the details recorded in the Gift, Benefit and Hospitality Register. The register will also record if the gift remained the property of the Council or the Councillor.

7.2.7 Donations and Bequests to Council

- 7.2.7.1 Council does not encourage and will not automatically accept a bequeathed gift or donation and reserves the right to decline such offers.
- 7.2.7.2 Examples may include:
 - Real property
 - Donations
 - Artwork
 - Free Training & Services
- 7.2.7.3 In relation to bequests, consideration will be given to the expressed wishes and intentions of the bequestor, as outlined in the will, are paramount in determining the purpose for which the gift will be used.
- 7.2.7.4 Where Council is unable to honour the intentions of the will, all appropriate legal measures will be taken to determine a purpose for the gift that most closely aligns to the bequestor's intentions.

8 Procedures

8.1 Declaration of Gifts, Benefits and Hospitality

Completed Gift, Benefit and Hospitality Declaration Form must be submitted within 14 days from the date of the gift offer to the Head of Governance and Advocacy and will be included in the Gift, Benefit and Hospitality Register.



8.2 Gift, Benefit and Hospitality Register

The Governance unit is responsible for maintaining the Gift, Benefit and Hospitality Register in accordance with the Public Transparency Policy, the Gift, Benefit and Hospitality Register will be updated quarterly and made available on Council's website.

8.3 Monitoring and Reporting

Biannual reports will be provided to the Mayor and Chief Executive Officer in April and October. An annual report will be provided to the Audit and Risk Committee within three months from the end of the financial year.

9 Additional Disclosure Requirements

- 9.1 Biannual Personal Interests Returns
 - 9.1.1 Personal Interests Returns are required to be lodged periodically by Councillors declaring the matters as prescribed by the Act and Local Government (Governance and Integrity) Regulations 2020.
 - 9.1.2 This includes the details of any gift received that equal or exceeds \$500 or more in value, including gifts in the form of goods or services, and multiple gifts that together equal or exceed \$500 in value received at any time since the preceding return was lodged. This does not include gifts from family members or any gifts you may have declared in an election campaign donation return under section 306 of the Act.
- 9.2 Conflict of Interest
 - 9.2.1 Councillors should be mindful that any gift, benefit or hospitality they declare (over a five-year period) for the purpose of Council's Gift, Benefit and Hospitality Register could give rise to an actual, potential or perceived conflict of interest. This includes election campaign donations (please see below).
 - 9.2.2 A Councillor who has a conflict of interest as a result of receiving a gift or gifts from a person or organisation must disclose the conflict of interest in accordance with the procedures outlined in the Governance Rules .
- 9.3 Election Campaign Donations
 - 9.3.1 Gifts above the gift disclosure threshold that are election campaign donations must also be disclosed and declared to the Chief Executive Officer in an election campaign donation return declaration form within 40 days after election day.
 - 9.3.2 Refer to sections 306 and 308 of the Act for further information on election campaign donations/gifts.

10 Supplementary policy documents

- Gift, Benefit and Hospitality Declaration Form
- Gift, Benefit and Hospitality Guidelines (to be developed)



• Councillor Gift, Benefit and Hospitality Register

11 Related legislation and documents

- Local Government Act 2020
- Local Government (Governance and Integrity) Regulations 2020
- Local Government Victoria Conflict of Interest Guides
- The Victorian Public Sector Commission Gifts, benefits and hospitality resource suite
- IBAC Local Government Integrity Frameworks Review (2019)
- Model Councillor Code of Conduct
- 11.1 City of Port Phillip documents
- Council's Governance Rules
- Councillor Expenses and Support Policy
- Public Transparency Policy

12 Definitions

Term	Definition	
	Benefits can take many forms and are often non-tangible (that is not a physical item). Examples may include:	
Benefits	Preferential treatment (for example, priority service, access to benefits or services not usually available)	
	 Privileged access Access to discount or loyalty programs Access to confidential information Promise of a new job or business opportunities 	
	An offer of money, gift cards, vouchers, shares etc that can be converted into money or other inducement made with the intention to corruptly influence a Councillor in the performance of their duties.	
Bribes and cash gifts	Offering or accepting a bribe has particularly serious, criminal consequences. Any offer of money or other inducement is a reportable gift which <u>must be</u> refused and reported immediately to the Chief Executive Officer and /or the Public Interest Disclosure Coordinator and where	



Term	Definition	
	relevant, the Victoria Police. Bribery or attempted bribery of a public official is a criminal offence.	
	Division 2 of the <i>Local Government Act 2020</i> requires Councillors to declare General or Material Conflicts of Interest.	
	A conflict of interest is a conflict between a Councillor's public duty to act in the best interest of the Council, their community, and their private interests (financial or non-financial). A conflict exists whether it is:	
Conflict of Interest	• Real – it currently exists	
	• Potential – it may arise, given the circumstances	
	• Perceived – members of the public could reasonably form the view that a conflict exists, or could arise, that may improperly influence the person's performance of their duty to the Council, now or in the future.	
	Means:	
	 a spouse or domestic partner of the relevant person; or 	
Family Member	 b) a parent, grandparent, sibling, child, grandchild, stepparent, step-sibling or step-child of the relevant person or of their spouse or domestic partner; or 	
	 c) any other relative that regularly resides with the relevant person. 	
	Section 3 of the <i>Local Government Act 2020</i> defines a 'gift' as:	
Gift	any disposition of property otherwise than by will made by a person to another person without consideration in money or money's worth or with inadequate consideration, including—	
	 a) the provision of a service (other than volunteer labour); and 	
	 b) the payment of an amount in respect of a guarantee; and 	



Term	Definition	
	 c) the making of a payment or contribution at a fundraising function 	
Gift, Benefit and Hospitality Declaration Form	The form a councillor uses to declare all gifts, benefits and hospitality whether accepted (any single offer exceeding \$100) or declined (any single offer exceeding \$250)	
	Section 3 - Local Government Act 2020 defines the gift disclosure threshold as:	
Gift Disclosure Threshold	\$500 or a higher amount or value prescribed by the Local Government (Governance and Integrity) Regulations.	
	If multiple gifts are received from a person or organisation, they must be treated as a single gift with an aggregate value.	
	Section 138(2)(a) of the <i>Local Government Act 2020</i> requires Council to:	
Gift, Benefit and Hospitality Register	Maintain a gift register for all gifts, benefits and hospitality offered, whether accepted or declined. The Gift, Benefit and Hospitality Register is maintained by the Governance unit	
Hospitality is the friendly reception and entertain guests. Hospitality may range from light refreshm meeting to expensive restaurant meals and spor travel and accommodation.		
Official Council CapacityA Councillor is acting in an official Council capacit are exercising their powers or performing their responsibilities under the Local Government Act 2 their attendance at the event or function.		
The Act	The Local Government Act 2020	
The Regulations	the Local Government (Governance and Integrity) Regulations 2020.	
Value	The face or estimated value.	

13 Administrative updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. However, any change or update which materially



alters this document must be made with the approval of ELT or where required, resolution of Council.

14 Document history

Version	Date of approval / adoption	Changes made	ECM record
1	21 April 2021	New policy – required under section 138 of the <i>Local Government Act 2020</i>	6355137



13.5 S6 INSTRUMENT OF DELEGATION - COUNCIL TO MEMBERS OF STAFF

EXECUTIVE MEMBER: ROBYN BORLEY, DIRECTOR, GOVERNANCE AND ORGANISATIONAL PERFORMANCE

PREPARED BY: KATRINA COLLINS, SENIOR GOVERNANCE ADVISOR

1. PURPOSE

1.1 To present to Council an updated S6 Instrument of Delegation from Council to Members of Council Staff.

2. EXECUTIVE SUMMARY

- 2.1 The current delegation from Council to Members of Council Staff was adopted by Council on 27 November 2024, and provides for Council staff to exercise the powers, duties and functions under various Acts and Regulations.
- 2.2 Council's lawyers have provided an update for the ongoing maintenance of Council's Delegation Manual and considers changes to legislation that were assented to, or made, which affect Council's powers, duties and functions.
- 2.3 The changes proposed to the delegation from the current version are minor and reflect the inclusion and amendments to officer titles.
- 2.4 This report presents to Council the proposed changes to the existing S6 Instrument of Delegation from Council to Members of Council Staff as shown at Attachment 1.

3. **RECOMMENDATION**

That Council:

- 3.1 Delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the S6 Instrument of Delegation from Council to Members of Council Staff (Attachment 1) the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that instrument.
- 3.2 The Common Seal of Council be affixed to the S6 Instrument of Delegation from Council to Members of Council Staff.
- 3.3 The S6 Instrument of Delegation from Council to Members of Council Staff comes into force immediately from when the Common Seal of Council is affixed to the Instrument.
- 3.4 Notes that on the coming into force of the S6 Instrument of Delegation, the previous S6 Instrument of Delegation from Council to members of Council staff (authorised by resolution of Council on 27 November 2024) is revoked.
- 3.5 Notes that the duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument of Delegation must be executed, in accordance with any policies of Council that it may from time to time adopt.
- 3.6 Authorises the CEO, or their delegate, to make administrative changes to the document to correct any titles and typographical errors, to enable the documents to be appropriately sealed.



4. KEY POINTS/ISSUES

- 4.1 The Local Government Act 2020 expressly provides for a Council to delegate a power, duty or function to the Chief Executive Officer or a member of a delegated committee, to act on behalf of Council.
- 4.2 Additionally, in the exercise of the powers conferred by the legislation referred to in the S6 Instrument of Delegation, Council may also delegate certain powers, duties and functions directly to members of Council staff.
- 4.3 The Council is a legal entity comprised of Councillors and is not a "natural person", so Council can only act in one of two ways: either by resolution of Council in a Council meeting, or through others acting on its behalf as delegates. It is impractical for Council to deal with all day to day issues, therefore many operational actions are performed by staff under delegation from Council.
- 4.4 Council currently has in place two separate types of delegations from Council to Council staff, being delegations to:
 - 4.4.1 The Chief Executive Officer (CEO), which also includes the power for the CEO to sub-delegate to Council staff; and
 - 4.4.2 Members of Council staff.
- 4.5 The Instrument of Delegation is based on model templates provided and regularly updated by Maddocks Lawyers. Council's Delegations are generally updated twice a year. Reviews are undertaken regularly, and amendments are made from time to time to reflect changes in legislation and/or officer titles.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 The instrument of delegation is a statutory document under the legislation referred to in the S6 Instrument of Delegation and is based on information supplied to Council by Maddocks Lawyers.
- 5.2 Relevant departments across the organisation have been involved in the consultation process to inform the relevant positions within Council to be 'delegated' the right duties, powers and functions under each respective piece of legislation.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Delegations reflect the powers, duties and functions that can be delegated under the legislation referred to in the Instrument and enable the day to day operations of the Council to be performed.
- 6.2 Reviewing Council's delegations ensures Council continues to comply with its obligations under various Acts and Regulations and enables the business of Council to be carried out efficiently.
- 6.3 Councils are required to maintain a register of all the instruments of delegation that are in force in accordance with S11 of the Local Government Act 2020.

7. FINANCIAL IMPACT

7.1 There are no financial implications arising from the recommendation contained in this report.

8. ENVIRONMENTAL IMPACT

8.1 There are no environmental impacts arising from this report.



9. COMMUNITY IMPACT

9.1 There are no community impacts arising from this report.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 Ongoing maintenance of the Instrument of Delegation supports Council's Strategic Direction – An Engaged and Empowered Community.
- 10.2 Reviewing Council's delegations ensures Council manages risk by ensuring delegated positions continue to comply with obligations under various Acts and Regulations.

11. IMPLEMENTATION STRATEGY

- 11.1 TIMELINE
 - 11.1.1 If approved by Council, the delegation will apply with immediate effect.

11.2 COMMUNICATION

- 11.2.1 Under the *Local Government Act 2020*, and in accordance with Council's Public Transparency Policy, a Register of Delegations must be maintained and made publicly available on Council's website.
- 11.2.2 Notification of endorsed changes will be circulated to all council staff.

12. OFFICER MATERIAL OR GENERAL INTEREST

12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

ATTACHMENTS 1. S6 Instrument of Delegation Council to Staff - June 2025 Marked up

Attachment 1: S6 Instrument of Delegation Council to Staff - June 2025_Marked up

S6 Instrument of Delegation to Members of Council Staff



Port Phillip City Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

- 1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
- 2. record that references in the Schedule are as follows:

Authorised Officers	means	Staff and contractors who have been appointed as authorised officers pursuant to section 224 of the <i>Local Government Act</i> 1989	
CEO	means	Chief Executive Officer	
CFO	means	Chief Financial Officer	
CoordHS	means	Coordinator Health Services	
CoordLLAM	means	Coordinator Local Laws and Animal Management	
CoordPC	means	Coordinator Planning Compliance	
EMGOP DGP	means	Executive Manager_ <u>Director</u> Governance and Organisational Performance	
DPPM	means	Divisional Projects Portfolio Manager	
EAO	means	Engineering Approvals Officer	
EHO	means	Environmental Health Officer	
EMWCM	means	Executive Manager Waste & City Maintenance	
GMCGD	means	General Manager City Growth and Development	
GMOI	means	General Manager, Operations and Infrastructure	
HoAM	means	Head of Asset Management	
HoGov <u>Ad</u>	means	Head of Governance and Advisory	
HoPOF	means	Head of Property Operations & Facilities	
HoSP HoCs	means	Head of City Stratogy	
		Head of City PolicyStrategic Planning	
НоТ	means	Head of Transport	
MBS	means	Coordinator Building Municipal Building Surveyor (Coordinator Building)	

S6 Instrument of Delegation - Members of Staff

November 2024

MCD	means	Manager City Development		
MCPS	means	Manager City Planning and Sustainability		
MPA	means	Manager Property and Assets		
MPAA	<u>Means</u>	Major Projects and Appeals Advisor		
MSA	means	Manager Safety and Amenity		
N/A	means	Not Applicable or has not been delegated		
PCO	means	Planning Compliance Officer		
PICoords	means	Planning Coordinator Canal Ward Coordinator Statutory Planning Gateway Ward Coordinator Statutory Planning Lake Ward Planning Lead Fishermans Bend Coordinator Planning Support		
PLFB	means	Planning Lead - Fishermans Bend		
PSO	means	Planning Support Officer, <u>Senior PSO/PA to Manager City</u> <u>Development</u> , Planning and Building Records and Projects <u>Officer</u> , Planning and Building Records Officer		
SO	means	Subdivision Officer		
SPHO	means	Senior Public Health Officer		
SPPFB	means	Senior Precinct Planner – Fishermans Bend		
StatP	means	Major Projects and Appeals AdvisorPrincipal PlannerPrincipal Planner (Floating)Principal Planner FBURASubdivision OfficerSenior PlannerSenior Urban PlannerSenior Urban Planner (Business Priority)Senior Urban Planner Customer LiaisonUrban PlannerFast Track PlannerStudent Statutory PlannerStatutory Planners (Band 5, 6, 7 & 8)		

S6 Instrument of Delegation – Members of Staff

June 2025

Attachment 1: S6 Instrument of Delegation Council to Staff - June 2025_Marked up

StratP	means	Principal-Coordinator_Strategic Planner_Planning (Band 8)	
		Principal <u>Cordinator</u> Strategic <u>Planner Planning</u> / Urban Designer (Band 8)	
		Senior Strategic Planner (Band 7)	
		Senior Heritage Planner (Band 7)	
		Strategic Planner (Band 6)	
		Graduate Planner (Band 5)	
TLPO	means	Team Leader Property Operations	

3. declares that:

- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 27 November 2024 2 July 2024; and
- 3.2 the delegation:
 - 3.2.1 comes into force immediately when the common seal of Council is affixed to this Instrument of Delegation or where the Chief Executive Officer of Council is authorised under resolution. The Chief Executive Officer executes the Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 3.2.5 revokes the delegation dated 16 October 202427 November 2024; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy

adopted by Council;

- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 3.3.4 if the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

S6 Instrument of Delegation – Members of Staff

June 2025

)

THE COMMON SEAL of Port Phillip City Council was hereunto affixed in the presence of:

Mayor

Chief Executive Officer

S6 Instrument of Delegation – Members of Staff

SCHEDULE

S6 Instrument of Delegation – Members of Staff

INDEX

CEMETERIES AND CREMATORIA ACT 20031
DOMESTIC ANIMALS ACT 1994 15
FOOD ACT 1984
HERITAGE ACT 2017
LOCAL GOVERNMENT ACT 1989 26
PLANNING AND ENVIRONMENT ACT 198727
RESIDENTIAL TENANCIES ACT 1997
ROAD MANAGEMENT ACT 2004
CEMETERIES AND CREMATORIA REGULATIONS 2015
PLANNING AND ENVIRONMENT REGULATIONS 2015
PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016
RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION
AND STANDARDS) REGULATIONS 2024 <u>106106106</u>
ROAD MANAGEMENT (GENERAL) REGULATIONS 2016
ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015

CEMETERIES AN	CEMETERIES AND CREMATORIA ACT 2003				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	N/A			
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	N/A	Where Council is a Class B cemetery trust		
s 12(2)	Duty to have regard to the matters set out in paragraphs $(a) - (c)$ in exercising its functions	N/A	Where Council is a Class B cemetery trust		
s 12A(1)	Function to do the activities set out in paragraphs $(a) - (n)$	N/A	Where Council is a Class A cemetery trust		
s 12A(2)	Duty to have regard to matters set out in paragraphs (a) – (e) in exercising its functions	N/A	Where Council is a Class A cemetery trust		
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	N/A			
s 14	Power to manage multiple public cemeteries as if they are one cemetery	N/A			
s 15(4)	Duty to keep records of delegations	N/A			
s 17(1)	Power to employ any persons necessary	N/A			
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	N/A			
s 17(3)	Power to determine the terms and conditions of employment or engagement	N/A	Subject to any guidelines or directions of the Secretary		

CEMETERIES AND CREMATORIA ACT 2003				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 18(3)	Duty to comply with a direction from the Secretary	N/A		
s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	N/A	Where Council is a Class A cemetery trust	
s 18C	Power to determine the membership of the governance committee	N/A	Where Council is a Class A cemetery trust	
s 18D	Power to determine procedure of governance committee	N/A	Where Council is a Class A cemetery trust	
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	N/A	Where Council is a Class A cemetery trust	
s 18D(1)(b)	Power to appoint any additional community advisory committees	N/A	Where Council is a Class A cemetery trust	
s 18D(2)	Duty to establish a community advisory committee under s 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	N/A	Where Council is a Class A cemetery trust	
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the <i>Financial Management Act 1994</i>	N/A	Where Council is a Class A cemetery trust	
s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	N/A	Where Council is a Class A cemetery trust	

CEMETERIES AND CREMATORIA ACT 2003				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	N/A	Where Council is a Class A cemetery trust	
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	N/A	Where Council is a Class A cemetery trust	
s 18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2)	N/A	Where Council is a Class A cemetery trust	
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	N/A	Where Council is a Class A cemetery trust	
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	N/A	Where Council is a Class A cemetery trust	
s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	N/A	Where Council is a Class A cemetery trust	
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	N/A	Where Council is a Class A cemetery trust	
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	N/A	Where Council is a Class A cemetery trust	
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	N/A	Where Council is a Class A cemetery trust	

CEMETERIES AI	CEMETERIES AND CREMATORIA ACT 2003				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	N/A	Where Council is a Class A cemetery trust		
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	N/A	Where Council is a Class A cemetery trust		
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year	N/A	Where Council is a Class A cemetery trust		
s 19	Power to carry out or permit the carrying out of works	N/A			
s 20(1)	Duty to set aside areas for the interment of human remains	N/A			
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	N/A			
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	N/A			
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	N/A			
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	N/A	Subject to the approval of the Minister		
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	N/A	Subject to the Minister approving the purpose		

CEMETERIES AND CREMATORIA ACT 2003				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 40	Duty to notify Secretary of fees and charges fixed under s 39	N/A		
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	N/A	Provided the street was constructed pursuant to the <i>Local Government Act 2020</i>	
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	N/A		
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	N/A	Report must contain the particulars listed in s 57(2)	
s 59	Duty to keep records for each public cemetery	N/A		
s 60(1)	Duty to make information in records available to the public for historical or research purposes	N/A		
s 60(2)	Power to charge fees for providing information	N/A		
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	N/A		
s 64B(d)	Power to permit interments at a reopened cemetery	N/A		
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	N/A	The application must include the requirements listed in s 66(2)(a)–(d)	

CEMETERIES AN	CEMETERIES AND CREMATORIA ACT 2003				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	N/A			
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	N/A			
s 70(2)	Duty to make plans of existing place of interment available to the public	N/A			
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	N/A			
s 71(2)	Power to dispose of any memorial or other structure removed	N/A			
s 72(2)	Duty to comply with request received under s 72	N/A			
s 73(1)	Power to grant a right of interment	N/A			
s 73(2)	Power to impose conditions on the right of interment	N/A			
s 74(3)	Duty to offer a perpetual right of interment	N/A			
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	N/A			
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	N/A			

CEMETERIES A	CEMETERIES AND CREMATORIA ACT 2003				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	N/A			
s 80(1)	Function of receiving notification and payment of transfer of right of interment	N/A			
s 80(2)	Function of recording transfer of right of interment	N/A			
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	N/A			
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	N/A			
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	N/A			
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	N/A			
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	N/A			
s 84H(4)	Power to exercise the rights of a holder of a right of interment	N/A			
s 84I(4)	Power to exercise the rights of a holders of a right of internment	N/A			

CEMETERIES A	CEMETERIES AND CREMATORIA ACT 2003				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	N/A			
s 84l(6)(a)	Power to remove any memorial on the place of interment	N/A			
s 84l(6)(b)	Power to grant right of interment under s 73	N/A			
s 85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	N/A	The notice must be in writing and contain the requirements listed in s 85(2)		
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	N/A	Does not apply where right of internment relates to remains of a deceased veteran.		
s 85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of internment or; Remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location	N/A	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of internment is not extended or converted to a perpetual right of interment		
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	N/A			
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of internment to a perpetual right of interment	N/A			

CEMETERIES A	CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	N/A		
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	N/A		
s 86(4)	Power to take action under s 86(4) relating to removing and re-interring cremated human remains	N/A		
s 86(5)	Duty to provide notification before taking action under s 86(4)	N/A		
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	N/A		
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	N/A		
s 88	Function to receive applications to carry out a lift and re- position procedure at a place of interment	N/A		
s 91(1)	Power to cancel a right of interment in accordance with s 91	N/A		
s 91(3)	Duty to publish notice of intention to cancel right of interment	N/A		
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	N/A		

CEMETERIES AI	CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	N/A		
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	N/A		
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	N/A		
s 100(1)	Power to require a person to remove memorials or places of interment	N/A		
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	N/A		
s 100(3)	Power to recover costs of taking action under s 100(2)	N/A		
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	N/A		
s 102(1)	Power to approve or refuse an application under s 101, if satisfied of the matters in (b) and (c)	N/A		
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	N/A		
s 103(1)	Power to require a person to remove a building for ceremonies	N/A		

CEMETERIES A	CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	N/A		
s 103(3)	Power to recover costs of taking action under s 103(2)	N/A		
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	N/A		
s 106(2)	Power to require the holder of the right of interment to provide for an examination	N/A		
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	N/A		
s 106(4)	Power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	N/A		
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	N/A		
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	N/A		
s 108	Power to recover costs and expenses	N/A		
s 109(1)(a)	Power to open, examine and repair a place of interment	N/A	Where the holder of right of interment or responsible person cannot be found	

CEMETERIES A	CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 109(1)(b)	Power to repaid a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	N/A	Where the holder of right of interment or responsible person cannot be found	
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	N/A	Where the holder of right of interment or responsible person cannot be found	
s 110(1A)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder with consent of the Secretary	N/A		
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	N/A		
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	N/A		
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	N/A		
s 112	Power to sell and supply memorials	N/A		
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	N/A		
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	N/A		

CEMETERIES AN	CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	N/A		
s 119	Power to set terms and conditions for interment authorisations	N/A		
s 131	Function of receiving an application for cremation authorisation	N/A		
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	N/A	Subject to s 133(2)	
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	N/A		
s 146	Power to dispose of bodily remains by a method other than interment or cremation	N/A	Subject to the approval of the Secretary	
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	N/A		
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	N/A		
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	N/A		
s 151	Function of receiving applications to inter or cremate body parts	N/A		

CEMETERIES AND	CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	N/A		
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	N/A		
sch 1 cl 8(8)	Power to regulate own proceedings	N/A	Subject to cl 8	
sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	N/A	Where Council is a Class A cemetery trust	
sch 1A cl 8(8)	Power to regulate own proceedings	N/A	Where Council is a Class A cemetery trust Subject to cl 8	

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	CEO, GMCGD, MSA, CoordLLAM	Council may delegate this power to a Council authorised officer

FOOD ACT 19	FOOD ACT 1984				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CEO, GMCGD, MSA, CoordHS	If section 19(1) applies		
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CEO, GMCGD, MSA, CoordHS	If section 19(1) applies		
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CEO, GMCGD, MSA, CoordHS	If section 19(1) applies Only in relation to temporary food premises or mobile food premises		
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, (ia) displayed at any point of sale, (ib) be published on the food business's Internet site and (ii) inform the public by notice in a published newspaper, or the internet site or otherwise	CEO, GMCGD, MSA, CoordHS	If section 19(1) applies		
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	If section 19(1) applies		
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	CEO, GMCGD, MSA, CoordHS, SPHO EHO	If section 19(1) applies		
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	CEO, GMCGD, MSA, CoordHS	Where Council is the registration authority		

FOOD ACT 1	FOOD ACT 1984				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CEO, GMCGD, MSA, CoordHS	Note: the power to direct the matters under the following sections are not capable of delegation, and so such directions must be made by a resolution of Council:		
			Only in relation to temporary food premises or mobile food premises		
			 19AA(4) The relevant authority, in an order under section 19AA(2) or a subsequent written order, may direct that, until the directions in subsection (2) are complied with, the relevant person in respect of the premises referred to in subsection (2) must ensure that: 		
			 a) The premises or a specified area of the premises is not used for the preparation, sale or other handling of food or an activity connected with food specified in the order; or 		
			 b) Any vehicle, plant, machinery or equipment on the premises is not used in connection with the preparation, sale or other handling of food or an activity connected with food specified in the order. 		
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority		
s 19CB(4)(b)	Power to request copy of records	CEO, GMCGD, MSA, CoordHS	Where Council is the registration authority		
			Refers to records of the proprietor of the food premises.		

S6 Instrument of Delegation – Members of Staff

FOOD ACT 19	FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 19E(1)(d)	Power to request a copy of the food safety program	CEO, GMCGD, MSA, CoordHS	Where Council is the registration authority	
s 19EA(3)	Function of receiving copy of revised food safety program	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority	
s 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority Subject to s 19FA(2), which requires a time limit for compliance to be specified	
s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))	
s 19FA(3)(b)	Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority	
s 19FA(3)(c)	Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority	
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CEO, GMCGD, MSA, CoordHS	Where Council is the registration authority	
s 19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant	CEO, GMCGD, MSA, CoordHS	Where Council is the registration authority	

FOOD ACT 19	FOOD ACT 1984				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 19IA(2)	Duty to give written notice to the proprietor of the premises	CEO, GMCGD, MSA, CoordHS	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))		
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	CEO, GMCGD, MSA, CoordHS	Where Council is the registration authority		
s 19N(2)	Function of receiving notice from the auditor	CEO, GMCGD, MSA, CoordHS	Where Council is the registration authority		
s 19NA(1)	Power to request food safety audit reports	CEO, GMCGD, MSA, CoordHS	Where Council is the registration authority		
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	CEO, GMCGD, MSA, CoordHS			
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	N/A	Except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39		
			Council does not conduct food safety assessments		
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CEO, GMCGD, MSA, CoordHS	Where Council is the registration authority		
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CEO, GMCGD, MSA, CoordHS	Where Council is the registration authority		
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority		

FOOD ACT 19	FOOD ACT 1984				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
Various	Power to register or renew the registration of a food premises	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see section 58A(2))		
s 36A	Power to accept an application for registration or notification using online portal	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority		
s 36B	Duty to pay the charge for use of online portal	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority		
s 38AA(5)	Power to: (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority		
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority		
s 38A(4)	Power to request a copy of a completed food safety program template	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority		
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority		

FOOD ACT 19	FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority	
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority	
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CEO, CoordHS, SPHO, EHO	Where Council is the registration authority	
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CEO, CoordHS, SPHO, EHO	Where Council is the registration authority	
s 38D(3)	Power to request copies of any audit reports	CEO, GMCGD, MSA, CoordHS	Where Council is the registration authority	
s 38E(2)	Power to register the food premises on a conditional basis	CEO, GMCGD, MSA, CoordHS	Where Council is the registration authority; Not exceeding the prescribed time limit defined under section 38E(5)	
s 38E(4)	Duty to register the food premises when conditions are satisfied	CEO, CoordHS, SPHO, EHO	Where Council is the registration authority	
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority	

FOOD ACT 19	FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority	
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority	
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority	
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority	
s 39A	Power to register or renew the registration of a food premises despite minor defects	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority Only if satisfied of matters in section 39A(2)(a)-(c)	
s 39A(6)	Duty to comply with a direction of the Secretary	CEO, GMCGD, MSA, CoordHS, SPHO, EHO		
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority	
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	CEO, GMCGD, MSA, CoordHS, SPHO, EHO		

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CEO, GMCGD, MSA, CoordHS	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	CEO, GMCGD, MSA, CoordHS	
s 40F	Power to cancel registration of food premises	CEO, GMCGD, MSA, CoordHS	Where Council is the registration authority
s 43	Duty to maintain records of registration	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	CEO, CoordHS, SPHO, EHO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s58A(2))
s 45AC	Power to bring proceedings	Authorised Officers	Only where authorised by the CEO in Part C of their Instrument of Appointment and Authorisation

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CEO, GMCGD, MSA, CoordHS, SPHO, EHO	Where Council is the registration authority

HERITAGE A	HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, GMCGD, MCD	Must first obtain Executive Director's written consent. Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub- delegation. For the purposes of this section, the Executive Director is the person appointed by the Heritage Council under section 18 of the Heritage Act 2017 to undertake the functions and powers as set out in section 19.	

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO ¹	Council is not involved with cladding rectification charges

¹ The only member of staff who can be a delegate in Column 3 is the CEO.

S6 Instrument of Delegation – Members of Staff

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			No planner is to exercise delegated power with regards to the decision to give or not give notice of an application pursuant to section 52 of the Planning and Environment Act for an application for which they are themselves responsible.
			The decision to advertise or not advertise pursuant to Section 52 of the Planning and Environment Act an application must be signed off by another planner of Band 6 or higher banding.
			No planner can exercise delegated power with regards to determining an application for which they are themselves responsible.
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	CEO, GMCGD, MCPS <u>, MCD</u>	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	CEO, GMCGD, MCPS <u>, MCD,</u> HoCs <u>HoSP</u>	
s 4H	Duty to make amendment to Victorian Planning Provisions available in accordance with public availability requirements	CEO, GMCGD, MCPS, <u>MCD</u> , HoCsHoSP, StratP	The "public availability requirements" are set out in section 197A etc and include making documents available: electronically; on request; in a public register; and for inspection.

PLANNING AN	D ENVIRONMENT ACT 1987
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4I(2)	Duty to make a copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	CEO, GMCGD, MCPS, <u>MCD,</u> HoCsHoSP, StratP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CEO, GMCGD	
s 8A(5)	Function of receiving notice of the Minister's decision	GMCGD, CEO, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	Not Delegated	The power remains with the Council
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 12B(1)	Duty to review planning scheme	CEO, GMCGD, MCPS, <u>MCD</u>	

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, GMCGD, MCPS, <u>MCD</u>	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	CEO, GMCGD, MCPS, <u>MCD</u>	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CEO, GMCGD, MCPS, <u>MCD</u>	
s 17(1)	Duty of giving copy amendment to the planning scheme	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs<u>HoSP</u>	Note – refers to supplying a copy of the amendment to the Minister or any person specified by the Minister
s 17(2)	Duty of giving copy s 173 agreement	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CEO, GMCGD, MCPS, <u>MCD,</u> HoCsHoSP , StratP	Until the proposed amendment is approved or lapsed
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	CEO, GMCGD, MCPS, <u>MCD</u>	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	Where Council is not the planning authority, and the amendment affects land within Council's municipal district; or
			Where the amendment will amend the planning scheme to designate Council as an acquiring authority
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	CEO, GMCGD, MCPS, <u>MCD</u>	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u> , StratP	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	Except submissions which request a change to the items in section 22(5)(a) and (b)
s 22(2)	Power to consider a late submission	CEO, GMCGD,	
	Duty to consider a late submission, if directed by the Minister	MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CEO, GMCGD, MCPS, <u>MCD,</u> HoCsHoSP	

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PLANNING AND ENVIRONMENT ACT 1987		

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CEO, GMCGD, MCPS, <u>MCD,</u> HoCsHoSP, StratP, SPPFB	
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	CEO, GMCGD, MCPS, <u>MCD,</u> HeCsHoSP, StratP	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	CEO, GMCGD, MCPS, <u>MCD,</u> HoCsHoSP, StratP	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CEO, GMCGD, MCPS, <u>MCD</u>	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	CEO, GMCGD, MCPS, <u>MCD,</u> HoCsHoSP	Refers to abandonment of amendments.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	Refers to abandonment of amendments.
s 30(4)(a)	Duty to say if amendment has lapsed	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 30(4)(b)	Duty to provide information in writing upon request	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 32(2)	Duty to give more notice if required	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 33(1)	Duty to give more notice of changes to an amendment	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 36(2)	Duty to give notice of approval of amendment	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 38(5)	Duty to give notice of revocation of an amendment	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CEO, GMCGD, MCPS <u>, MCD,</u> HoCs <u>HoSP</u>	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(1)	Function of lodging copy of approved amendment	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	CEO, GMCGD, MCPS, <u>MCD,</u> HoCs <u>HoSP</u>	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	N/A	Where Council is a responsible public entity and is a planning authority
s 46AW	Function of being consulted by the Minister	CEO, GMCGD, MCPS, <u>MCD</u>	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy	CEO, GMCGD, MCPS, <u>MCD</u>	Where Council is a responsible public entity
	Power to endorse the draft Statement of Planning Policy		

PLANNING AND ENVIRONMENT ACT 1987 Column 1 Column 2 Column 3 Column 4 PROVISION THING DELEGATED DELEGATE **CONDITIONS & LIMITATIONS** s 46AZC(2) CEO, GMCGD, Duty not to prepare an amendment to a declared area Where Council is a responsible public entity planning scheme that is inconsistent with a Statement of MCPS, MCD, Planning Policy for the declared area that is expressed to be HoCsHoSP binding on the responsible public entity s 46AZK Duty not to act inconsistently with any provision of the CEO, GMCGD, Where Council is a responsible public entity MCPS, MCD, Statement of Planning Policy that is expressed to be binding HoCsHoSP on the public entity when performing a function or duty or exercising a power in relation to the declared area s 46GI Power to agree to a lower rate of standard levy for a class of CEO, GMCGD Where Council is the planning authority, the municipal development of a particular type of land than the rate Council of the municipal district in which the land is (2)(b)(i) specified in a Minister's direction located and/or the development agency Sections 46GI to 46QD refer to infrastructure contribution plans (ICPs) s 46GJ(1) Function of receiving written directions from the Minister in CEO. GMCGD relation to the preparation and content of infrastructure contributions plans s 46GK Duty to comply with a Minister's direction that applies to CEO, GMCGD, MCPS. MCD Council as the planning authority

CEO, GMCGD

CEO, GMCGD

purposes

Duty to arrange for estimates of values of inner public

Duty to give notice to owners of certain inner public purpose

s 46GN(1)

s 46GO(1)

purpose land

S6 Instrument of Delegation - Members of Staff

Inner public purpose land means land in the ICP plan

area of an infrastructure contributions plan that is specified in that plan as land to be set aside for public

PLANNING A	PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GP	Function of receiving a notice under s 46GO	CEO, GMCGD	Where Council is the collecting agency	
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CEO, GMCGD		
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CEO, GMCGD, MCPS, MCD		
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CEO, GMCGD		
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CEO, GMCGD		
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer- general	CEO, GMCGD		
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, GMCGD		

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CEO, GMCGD	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, GMCGD	
s 46GU	Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	CEO, GMCGD	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	CEO, GMCGD	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, GMCGD	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, GMCGD	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	CEO, GMCGD	Where Council is the collecting agency

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CEO, GMCGD, MCPS, <u>MCD,</u>	Where Council is the development agency
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	CEO, GMCGD	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CEO, GMCGD	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	CEO, GMCGD	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	CEO, GMCGD, CFO	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	CEO, GMCGD, CFO	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	CEO, GMCGD, CFO	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority

PLANNING AI	PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GZ(2)(a)	Function of receiving the monetary component	CEO, GMCGD, CFO	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency	
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	CEO, GMCGD, CFO	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency	
s 46GZ(2)(b)	Function of receiving the monetary component	CEO, GMCGD, CFO	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency	
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	CEO, GMCGD	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	CEO, GMCGD	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency	

PLANNING A	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	CEO, GMCGD	Where Council is the development agency specified in the approved infrastructure contributions plan		
			This provision does not apply where Council is also the collecting agency		
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	CEO, GMCGD	Where Council is the collecting agency under an approved infrastructure contributions plan		
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	CEO, GMCGD	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under section 46GV(4)		
			Where Council is the collecting agency under an approved infrastructure contributions plan		
			This duty does not apply where Council is also the development agency		
s 46GZ(9)	Function of receiving the fee simple in the land	CEO, GMCGD	Where Council is the development agency under an approved infrastructure contributions plan		
			This duty does not apply where Council is also the collecting agency		
s 46GZA(1)	Duty to keep proper and separate accounts and records	CEO, GMCGD, CFO	Where Council is a development agency under an approved infrastructure contributions plan		

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	CEO, GMCGD, CFO	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	CEO, GMCGD	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	CEO, GMCGD, CFO	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	CEO, GMCGD	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	CEO, GMCGD	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	CEO, GMCGD, CFO	Where Council is the collecting agency under an approved infrastructure contributions plan

PLANNING A	PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	CEO, GMCGD, CFO	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency	
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CEO, GMCGD, CFO	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency	
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	CEO, GMCGD	Where Council is the collecting agency under an approved infrastructure contributions plan	
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	CEO, GMCGD	Where Council is the development agency under an approved infrastructure contributions plan	
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	CEO, GMCGD, GMOI,	Where Council is the development agency under an approved infrastructure contributions plan	

PLANNING A	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 46GZF(3)	Function of receiving proceeds of sale	CEO, GMCGD, CFO	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency		
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	CEO, GMCGD, CFO	Where Council is the collecting agency under an approved infrastructure contributions plan		
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CEO, GMCGD, CFO	Where Council is the collecting agency under an approved infrastructure contributions plan		
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	CEO, GMCGD, GMOI, CFO	Where Council is the collecting agency under an approved infrastructure contributions plan		
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	CEO, GMCGD	Where Council is a collecting agency or development agency		
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	CEO, GMCGD	Where Council is a collecting agency or development agency		
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	CEO, GMCGD, CFO			

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CEO, GMCGD, MCPS, MCD, PlCoords, StatP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, GMCGD, MCPS, MCD, MSA, HocsHoSP, PICoords	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, GMCGD <u>,</u> MCPS, MCD	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, GMCGD MCPS, MCD	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, GMCGD, MCPS, MCD, MSA, Hocs <u>HoSP</u> , PICoords , TLFB	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, GMCGD	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46Q(1)	Duty to keep proper accounts of levies paid	CEO, GMCGD, CFO, MCPS, MCD, MSA, HoCsHoSP, PlCoords , TLFB	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	CEO, GMCGD, CFO, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PICoords , TLFB	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PICoords , TLFB	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PlCoords , TLFB	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PICoords , TLFB	Must be done within six months of the end of the perio required by the development contributions plan and wi the consent of, and in the manner approved by, the Minister

PLANNING A	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, GMCGD, MCPS, MCD, MSA, HoCsHoSP, StratP	Must be done in accordance with Part 3		
s 46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, GMCGD, MCPS, MCD, MSA, HoCsHoSP, StratP	With the consent of, and in the manner approved by, the Minister		
s 46QC	Power to recover any amount of levy payable under Part 3B	CEO, GMCGD, MCPS, MCD, MSA, HoCsHoSP, StratP, CFO			
s 46QD	Duty to prepare report and give a report to the Minister	CEO, GMCGD, MCPS, MCD, MSA, HoCsHoSP, StratP	Where Council is a collecting agency or development agency		
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	N/A			

PLANNING A	LANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with section 197B of the Act and on payment of the prescribed fee, after the inspection period	N/A		
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	N/A		
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public availability requirements	N/A		
s 46Y	Duty to carry out works in conformity with the approved strategy plan	N/A		
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP		
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO		
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO		

	PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 50(4)	Duty to amend application	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP		
s 50(5)	Power to refuse to amend application	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP		
s 50(6)	Duty to make note of amendment to application in register	CEO, GMCGD, MCPS, MCD, PlCoords, TLFB, SO, StatP, PSO		
s 50A(1)	Power to make amendment to application	CEO, GMCGD, MCPS, MCD, PlCoords, TLFB, SO, StatP		
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, GMCGD, MCPS, MCD, PlCoords, TLFB, SO, StatP <u>, PSO</u>		
s 50A(4)	Duty to note amendment to application in register	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO		

June 2025

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	CEO, GMCGD, MCPS, MCD, MSA, PICoords, TLFB <u>StatP</u> , S O, StatP, PSO	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 54(1)	Power to require the applicant to provide more information	CEO, GMCGD, MCPS, MCD, PlCoords, TLFB, SO, StatP	

PLANNING A	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP			
s 54(1B)	Duty to specify the lapse date for an application	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP			
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP			
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP			
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP			
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, GMCGD, MCPS, MCD, PlCoords , TLFB			

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	CEO, GMCGD, MCPS, MCD, PlCoords, TLFB, SO, StatP, PSO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP	
s 57A(5)	Power to refuse to amend application	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP	
s 57A(6)	Duty to note amendments to application in register	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	
s 58	Duty to consider every application for a permit	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 58A	Power to request advice from the Planning Application Committee	CEO, GMCGD, MCPS, MCD ₇ PlCoords, StatP, TLFB	
s 60	Duty to consider certain matters	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP	
s 60(1A)	Duty to consider certain matters	CEO, GMCGD, MCPS, MCD, PlCoords, TLFB, SO, StatP	

PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP		
			The delegations apply to issuing permits and/or amend permits once a notice of decision to grant a permit has been issued and no appeals have been made to the Tribunal within the prescribed time.	
			Where 16 or more objections are received and the application has not been refused under delegation, are be reported to the Planning Committee or Council.	
			Applications where a Councillor requests the application be determined by the Council are to be reported to the Planning Committee or Council, except for VicSmart applications (Clauses of the Port Phillip Planning Scheme).	
			An application which raises an issue of policy that show be debated at Council (strategic or substantive policy issues) as determined by the Manager City Developme Planning Coordinators and or Team Leader Fisherman Bend.	
			Where applications involve substantive non-compliance with the Planning Scheme or Council policy but officers consider the application should be supported are to be reported to the Planning Committee or Council.	

	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
			Applications that involve a non-compliance with residential parking requirements (except that a minor dispensation can be determined by the Manager City Development or Planning Coordinators and the Team Leader Fishermans Bend, unless a Councillor requests that the application be determined by Council).		
	ST KILDA SEABATHS PROTOCOL		All land use, designand structural matters, including amendments and secondary consents to the approved Seabaths Development Plan, are to be presented to Council for determination following an officer report that provides analysis on the topic other than refusals of planning permit applications, amendments and secondary consents following consultation with Ward Councillors.		
	ST KILDA ROAD NORTH PRECINCT PROTOCOL		All new planning permit applications that exceed six storeys in height in the area coveredby Sub Precinct 2 in Schedule 26 to the Design and Development Overlay in the Port Phillip Planning Scheme, for the St Kilda Road North Precinct will be determined by Council.		

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	FISHERMANS BEND URBAN RENEWAL AREA PROTOCOL	GMCGD, MCPS, MCD, HOT, PICoords, TLFB , SO, StatP, SPPFB	1.1 Council reinstates decision making powers to Council Officers where Council is the Responsible Authority in the Fishermans Bend Urban Renewa Area with:
			1.1.1 The power to refuse planning permit applications where inconsistent with the PlanningScheme and the Strategic Framework Plan;
			1.1.2 The power to determine planning permit applications or amendments to a planningpermit for:
			1.1.2.1 Land uses except for Accommodation.
			1.1.2.2 Development except for the purposes of Accommodation provided that nobuilding exceeds four storeys.
			1.2 The power to provide comments to the Minister for Planning for permit applications and/or planning scheme amendments, in Council's role as a recommending referral authority.

S6 Instrument of Delegation – Members of Staff

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 62(2)	Power to include other conditions	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP , PSO	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	This provision applies also to a decision to grant an amendment to a permit – see section 75
s 64(3)	Duty not to issue a permit until after the specified period	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	This provision applies also to a decision to grant an amendment to a permit – see section 75
s 64(5)	Duty to give each objector a copy of an exempt decision	CEO, GMCGD, MCPS, MCD, PlCoords, TLFB, SO, StatP, PSO	This provision applies also to a decision to grant an amendment to a permit – see section 75

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PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	CEO, GMCGD, MCPS, MCD, PlCoords, TLFB, SO, StatP, PSO	This provision applies also to a decision to grant an amendment to a permit – see section 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP <u>, PSO</u>	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended b the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP <u>, PSO</u>	If the recommending referral authority objected to the grant of the permit or the recommending referral author recommended that a permit condition be included on th permit

PLANNING AND ENVIRONMENT ACT 1987				
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	CEO, GMCGD, MCPS, MCD, PlCoords, TLFB, SO, StatP <u>, PSO</u>	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, <u>PSO</u>	
s 69(1A)	Function of receiving application for extension of time to complete development	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	
s 69(2)	Power to extend time	CEO, GMCGD, MCPS, MCD, PlCoords, TLFB, SO, StatP, PSO	Consent for an extension of time for commencement is to be granted only where no change in planning circumstances has occurred since the grant of the permit, or since the first extension (whichever is applicable) which would bring the proposal into conflict with current planning controls or instruments or bring the proposal into conflict with a seriously entertained planning proposal
s 70	Duty to make copy permit available in accordance with public availability requirements	CEO, GMCGD, MCPS, MCD, PlCoords, TLFB, SO, StatP, PSO	

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 71(1)	Power to correct certain mistakes	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 71(2)	Duty to note corrections in register	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP <u>,</u> <u>PSO</u>	
s 73	Power to decide to grant amendment subject to conditions	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 74	Duty to issue amended permit to applicant if no objectors	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CEO, GMCGD, MCPS, MCD, MSA, PICoords, TLFB, SO, StatP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 83	Function of being respondent to an appeal	CEO, GMCGD, MCPS, MCD, PlCoords, TLFB, SO, StatP , PSO	Planning officers representing the Council as a respondent at a VCAT <i>mediation/compulsory conference</i> hearing are subject to consultation with and approval by the Manager City Development MCD, and / or Planning Coordinators_PlCoords or MPAA and Team Leader Fishermans Bend prior to a hearing
s 83B	Duty to give or publish notice of application for review	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP , PSO	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	CEO, GMCGD, MCPS, MCD, PlCoords, TLFB, SO, Stat <u>PP</u> , PSO	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	
s 84AB	Power to agree to confining a review by the Tribunal	CEO, GMCGD, MCPS, MCD, PlCoords, TLFB, StatP	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	CEO, GMCGD, MCPS, MCD, PlCoords, TLFB, SO, StatP, PSO	

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, GMCGD, MCPS, MCD, MPAA, PlCoords, TLFB, StatP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, GMCGD, MCPS, MCD, <u>MSA</u> , PlCoords, TLFB, SO, StatP, PSO, MSA, CoordHS, CoordPC, PCO	
s 91(2)	Duty to comply with the directions of VCAT	CEO, GMCGD, MCPS, MCD, <u>MSA</u> , PlCoords, TLFB, SO, StatP, MSA, CoordHS, CoordPC, PCO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CEO, GMCGD, MCPS, MCD, <u>MSA,</u> PICoords, TLFB, SO, StatP, MSA, CoordHS, CoordPC, PCO	

PLANNING A	NNING AND ENVIRONMENT ACT 1987		
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 93(2)	Duty to give notice of VCAT order to stop development	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PICoords, TLFB, CoordHS, CoordPC, <u>MPAA</u>	
s 95(3)	Function of referring certain applications to the Minister	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP	
s 95(4)	Duty to comply with an order or direction	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PlCoords , TLFB	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PlCoords , TLFB	

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PICoords , TLFB	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PICoords , TLFB	
s 96F	Duty to consider the panel's report under s 96E	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PICoords, <u>StatP,</u> TLFB, StratP	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment</i> (<i>Planning Schemes</i>) Act 1996))	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP, <u>StratP</u>	
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, GMCGD, MCPS, MCD, MSA, PICoords, TLFB, SO, StatP, <u>StratP</u>	

PLANNING A	PLANNING AND ENVIRONMENT ACT 1987		
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96J	Duty to issue permit as directed by the Minister	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP, StratP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, GMCGD, MCPS, MCD, MSA , HoCs <u>HoSP</u> , PICoords , TLFB	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	
s 97C	Power to request Minister to decide the application	CEO, GMCGD, MCPS, MCD	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	

PLANNING A	PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with public availability requirements	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO		
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, GMCGD, MCPS, MCD, PlCoords, TLFB, SO, StatP, PSO		
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO		
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEO, GMCGD, MCPS, MCD, PlCoords , TLFB		
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP , MSA, CoordHS, CoordPC, PCO		
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, GMCGD, MCPS, MCD, PlCoords , MBS		

	LANNING AND ENVIRONMENT ACT 1987		
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 97Q(4)	Duty to comply with directions of VCAT	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CEO, GMCGD, MCPS, MCD, MSA, PlCoords, TLFB, SO, StatP <u></u> <u>PSO</u>	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PlCoords , TLFB	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PlCoords , TLFB	

S6 Instrument of Delegation – Members of Staff

PLANNING A	PLANNING AND ENVIRONMENT ACT 1987		
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PICoords , TLFB	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, GMCGD, MCPS, MCD, PlCoords	
s 107(1)	Function of receiving claim for compensation	CEO, GMCGD, MCPS, MCD	
s 107(3)	Power to agree to extend time for making claim	CEO, GMCGD, MCPS, MCD, MSA, H oCs, PICoords , TLFB	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	CEO, GMCGD, MCPS <u>, MCD</u>	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, GMCGD, MCPS, MCD, MSA, HoCs, PICoords, TLFB, StratP, CoordHS, CoordPC, PCO	

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, GMCGD, MCPS, MCD, MSA, PICoords, TLFB, SO, StatP, CoordPC, PCO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, GMCGD, MCPS, MCD, MSA, HoCs, PlCoords, TLFB, StratP, CoordPC, PCO	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, GMCGD, MCPS, MCD, MSA	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, GMCGD, GMOI, <u>MCPS,</u> <u>PMPA, </u> MCD, <u>MPA, </u> MSA	Except Crown Land
<u>s 125(1)</u>	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	<u>CEO, GMCGD,</u> <u>MCPS, MCD,</u> <u>MSA</u>	Section 123 of the Victorian Civil and Administrative Tribunal Act 1998 applies on an application to the Tribunal.

PLANNING A	ND ENVIRONMENT ACT 1987		
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 129	Function of recovering penalties	CEO, GMCGD, MCPS, MCD, MSA, <u>CFO</u> CoordHS, CoordPC, PCO, CFO	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, GMCGD, MCPS, MCD, MSA, HoCs, PICoords, TLFB, <u>StratP, CoordHS,</u> CoordPC, PCO	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, GMCGD, MCPS, MCD, MSA, HoCs, PlCoords, <u>StatP</u> , <u>TLFB, CoordHS,</u> CoordPC, PCO, StratP	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	CEO, GMCGD, MCPS, MCD, MSA, HoCsHoSP, PICoords, <u>CoordPC, MPAA</u> , TLFB	

PLANNING A	ND ENVIRONMENT ACT 1987		
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
S 148B	Power to apply to the Tribunal for a declaration	CEO, GMCGD, <u>MCPS, MCD,</u> <u>MSA, MPAA</u>	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	CEO, GMCGD, MCPS, MCD	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CEO, GMCGD, MCPS, MCD, MSA, PICoords, TLFB, SO, StatP, StratP, CoordPC, PCO	Within approved budget or seeking relevant approvals where funds are outside of approved budget
s 171(2)(g)	Power to grant and reserve easements	CEO, GMCGD, MCPS, MCD, MSA, PICoords, TLFB, SO, EAO, StatP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO, <u>GMCGD,</u> GMOI, MPA <u>MCPS, MDC,</u> <u>CFO</u>	Where Council is a development agency specified in ar approved infrastructure contributions plan, subject to Council's prior approval of the compulsory acquisition

PLANNING AND ENVIRONMENT ACT 1987 Column 1 Column 2 Column 3 Column 4 PROVISION THING DELEGATED DELEGATE **CONDITIONS & LIMITATIONS** s 172D(1) CEO. GMCGD. Power to compulsorily acquire any inner public purpose land Where Council is a collecting agency specified in an that is specified in the plan before the time that the land is GMOI, MCPS, approved infrastructure contributions plan required to be provided to Council under s 46GV(4) MDC, CFO See above MPA s 172D(2) CEO, GMCGD, Power to compulsorily acquire any inner public purpose land. Where Council is the development agency specified in an the use and development of which is to be the responsibility GMOI, MCPS, approved infrastructure contributions plan of Council under the plan, before the time that the land is MDC, CFO See above required to be provided under s 46GV(4) **MPA** s 173(1) Power to enter into agreement covering matters set out in s CEO, GMCGD, Can include an agreement relating to the provision of 174 MCPS, MCD₇ land for affordable housing s 173(1A) CEO, GMCGD, Power to enter into an agreement with an owner of land for Where Council is the relevant responsible authority the development or provision of land in relation to affordable MCPS, MCD housina Power to decide whether something is to the satisfaction of CEO, GMCGD, Council, where an agreement made under s 173 of the MCPS, MCD, Planning and Environment Act 1987 requires something to be MSA, HoCsHoSP. to the satisfaction of Council or Responsible Authority PICoords, MPAA, TLEB CEO, GMCGD, Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and MCPS, MCD,

MSA,

TLFB

HoCsHoSP, PICoords, MPAA

Environment Act 1987 requires that something may not be

done without the consent of Council or Responsible Authority

PLANNING A	ND ENVIRONMENT ACT 1987		
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, GMCGD, MCPS, MCD MSA, HoCs, PlCoords, TLFB	
s 178	Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, GMCGD, MCPS, MCD, MSA, HoCs, PlCoords, TLFB	
s 178A(1)	Function of receiving application to amend or end an agreement	CEO, GMCGD, MCPS, MCD, PICoords, TLFB, SO, StatP, PSO	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PICoords , TLFB	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PICoords , TLFB	

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178A(5)	Power to propose to amend or end an agreement	CEO, GMCGD, MCPS, MCD, MSA, HoCsHoSP, PICoords TLFB	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PICoords , TLFB	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, GMCGD, MCPS, MCD, MSA, HoCsHoSP, PICoords TLFB	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	CEO, GMCGD, MCPS, MCD, MSA ₃ HoCsHoSP, PICoords TLFB, StatP	

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, GMCGD, MCPS, MCD, MSA, HoCsHoSP, PICoords MSA, LFB, StatP	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, GMCGD, MCPS, MCD, MSA, HoCsHoSP, PICoords TLFB, StatP	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, GMCGD, MCPS, MCD , MSA, HoCs, PlCoords, TLFB	If no objections are made under section 178D Must consider matters in section 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, GMCGD, MCPS, MCD MSA, HoCs, PlCoords, TLFB	If no objections are made under section 178D Must consider matters in section 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, GMCGD, MCPS, MCD MSA, HoCs, PICoords, TLFB	If no objections are made under section 178D Must consider matters in section 178B

	PLANNING AND ENVIRONMENT ACT 1987				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, GMCGD, MCPS, MCD MSA, HoCs, PlCoords, TLFB	After considering objections, submissions and matters in section 178B		
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, GMCGD, MCPS, MCDCEO, GMCGD, MCPS, MCD, MSA, HoCs, PICoords, TLFB	After considering objections, submissions and matters in section 178B		
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, GMCGD, MCPS, GMCGCEO, GMCGD, MCPS, MCD, MSA, HoCs, PICoords, TLFB	After considering objections, submissions and matters in section 178B		
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, GMCGD, MCPS, MCD MSA, HoCs, PiCoords, TLFB	After considering objections, submissions and matters in section 178B		

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	CEO, GMCGD, MCPS, MCD, <u>HoCsHoSP,</u> PICoords, TLFB, SO, StatP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, GMCGD, MCPS, MCD, <u>HoCsHoSP,</u> PICoords, TLFB, SO, StatP, PSO	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	CEO, GMCGD, MCPS, MCD, <u>HoCsHoSP,</u> PICoords, TLFB, SO, StatP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, GMCGD, MCPS, MCD	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PICoords, TLFB	

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178l(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, GMCGD, MCPS, MCD, <u>HoCsHoSP</u> , PlCoords, TLFB, SO, StatP <u>, PSO</u>	
s 179(2)	Duty to make a copy of each agreement available in accordance with the public availability requirements	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PICoords, TLFB, SO, StratP, StatP	
s 181	Duty to apply to the Registrar of Titles to record the agreement	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PICoords, TLFB, SO, StatP, StratP, CoordHS, CoordPC, PCO, EAO	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, GMCGD, MCPS, MCD, HoCsHoSP, PICoords, StatP, EAO MSA, TLFB, StratP	

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, GMCGD, MCPS, MCD, HoCsHoSP, PICoords, StatP, EAO MSA, TLFB, StratP	
s 182	Power to enforce an agreement	CEO, GMCGD, MCPS, MCD, MSA, HoCsHoSP, PICoords, CoordPC, PCO, MPAA	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CEO, GMCGD, MCPS, MCD, HoCs <u>HoSP</u> , PICoords, StatP	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, GMCGD, MCPS, MCD , MSA, PlCoords, TLFB, SO, StatP	

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, GMCGD, MCPS, MCD, <u>HoCsHoSP,</u> <u>MSA,</u> PICoords ₇ TLFB, SO , StatP	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	CEO, GMCGD, MCPS, MCD, HoCsHoSP, PICoords, StatP MSA,TLFB, SO,	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	CEO, GMCGD, MCPS, MCD, HoCsHoSP, PICoords, StatP,PSO , TLFB, SO,	
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, GMCGD, MCPS, MCD, HoCsHoSP, PICoords, StatP TLFB, SO	

S6 Instrument of Delegation – Members of Staff

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, GMCGD, MCPS, MCD, HeCsHoSP, PICoords, StatP TLFB, SO	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address of telephone number of any person to whom the Minister is required to give notice	CEO, GMCGD, MCPS, MCD, HoCsHoSP, PICoords, StatP, PSO	
s 198(1)	Function to receive application for planning certificate	N/A	Planning certificates are issued by Department of Transport and Planning
s 199(1)	Duty to give planning certificate to applicant	N/A	Planning certificates are issued by Department of Transport and Planning
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, GMCGD, MCPS, MCD, <u>HoCsHoSP,</u> PICcords; TLFB, SO, StatP	
s 201(3)	Duty to make declaration	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PICoords, TLFB, StratP	Only if the Planning Scheme shows the underlying zoning

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	CEO, GMCGD, MCPS, MCD <u>,</u> <u>PlCoords, StatP,</u>	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	CEO, GMCGD, MCPS, MCD <u>.</u> <u>PlCoords, StatP</u>	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	CEO, GMCGD, MCPS, MCD <u></u> <u>PlCoords, StatP</u>	
-	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, GMCGD, MCPS, MCD <u>.</u> <u>PlCoords, StatP</u>	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CEO, GMCGD, MCPS, MCD, MSA, HoCs <u>HoSP</u> , PlCoords , TLFB	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, GMCGD, MCPS, MCD, MSA, HoCs, PlCoords_ , TLFB	

RESIDENTIAL	RESIDENTIAL TENANCIES ACT 1997				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	N/A	Refers to Caravan Parks		
s 522(1)	Power to give a compliance notice to a person	N/A	Refers to Caravan Parks		
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	N/A	Refers to Caravan Parks		
s 525(4)	Duty to issue identity card to authorised officers	N/A	Refers to Caravan Parks		
s 526(5)	Duty to keep record of entry by authorised officer under s 526	N/A	Refers to Caravan Parks		
s 526A(3)	Function of receiving report of inspection	N/A	Refers to Caravan Parks		
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	N/A	Refers to Caravan Parks		

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO, GMOI, MPA, DPPM, HoAM	Must obtain consent in circumstances specified in section 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CEO, EMGOP <u>DGP</u>	Must be exercised in accordance with Council Policy on place naming and State Naming Rules
s 11(9)(b)	Duty to advise Registrar	CEO, EMGOPDGP , HoGov <u>Ad</u>	"Registrar" means the Registrar of Geographic Names
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CEO, MPA, DPPM, HoAM	Subject to section 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CEO, MPA, DPPM, HoAM	Where Council is the coordinating road authority
<u>s 12(2)(b)</u>	Function of providing consent to the Head, Transport for Victoria for the discontinuance of a road or part of a road	CEO, GMOI	
s 12(2)	Power to discontinue road or part of a road	N/A	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	CEO, GMOI, MPA, HoAM, HoPoF, TLPO	Power of coordinating road authority where it is the discontinuing body
s 12(5)	Duty to consider written submissions received within 28 days of notice	N/A	Duty of coordinating road authority where it is the discontinuing body

ROAD MANA	ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 12(6)	Function of hearing a person in support of their written submission	N/A	Function of coordinating road authority where it is the discontinuing body		
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	CEO, GMOI, MPA, HoAM, HoPWO, TLPO	Duty of coordinating road authority where it is the discontinuing body		
s 12(10)		CEO, GMOI, MPA, HoAM,	Duty of coordinating road authority where it is the discontinuing body		
		HoPOF, TLPO	Does not apply where an exemption is specified by the regulations or given by the Minister		
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	CEO, GMOI, MPA, HoAM, HoPOF	Power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate		
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CEO, GMOI, MPA, DPPM, HoAM			
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CEO, GMOI			
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CEO, GMOI			
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO, GMOI			

ROAD MANA	ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 15(2)	Duty to include details of arrangement in public roads register	CEO, GMOI, MPA, DPPM, HoAM			
s 16(7)	Power to enter into an arrangement under s 15	CEO, GMOI			
s 16(8)	Duty to enter details of determination in public roads register	CEO, GMOI, MPA, DPPM, HoAM			
s 17(2)	Duty to register public road in public roads register	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
s 17(3)	Power to decide that a road is reasonably required for general public use	CEO, GMOI, MPA	Where Council is the coordinating road authority		
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	N/A	Where Council is the coordinating road authority		
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
s 18(1)	Power to designate ancillary area	CEO, GMOI, MPA	Where Council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)		

ROAD MANA	ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 18(3)	Duty to record designation in public roads register	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	CEO, GMOI, MPA, DPPM, HoAM			
s 19(4)	Duty to specify details of discontinuance in public roads register	CEO, GMOI, MPA, DPPM, HoAM			
s 19(5)	Duty to ensure public roads register is available for public inspection	CEO, GMOI, MPA, DPPM, HoAM			
s 21	Function of replying to request for information or advice	CEO, GMOI, MPA, DPPM, HoAM	Obtain consent in circumstances specified in section 11(2)		
s 22(2)	Function of commenting on proposed direction	CEO, GMOI, MPA, DPPM, HoAM			
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	CEO, GMOI, MPA, DPPM, HoAM			
s 22(5)	Duty to give effect to a direction under s 22	CEO, GMOI, MPA, DPPM, HoAM			

ROAD MANA	ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 40(1)	Duty to inspect, maintain and repair a public road	CEO, GMOI, MPA, DPPM, HoAM			
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CEO, GMOI, MPA, DPPM, HoAM			
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CEO, GMOI, MPA, DPPM, HoAM			
s 42(1)	Power to declare a public road as a controlled access road	CEO, GMOI	Power of coordinating road authority and schedule 2 also applies		
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CEO, GMOI, MPA	Power of coordinating road authority and schedule 2 also applies		
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority If road is a municipal road or part thereof		
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CEO, GMOI	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road		
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the responsible road authority, infrastructure manager or works manager		

ROAD MANA	ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	CEO, GMOI, MPA, DPPM, HoAM		
s 49	Power to develop and publish a road management plan	CEO, GMOI, MPA, DPPM, HoAM		
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, GMOI, MPA, DPPM, HoAM		
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CEO, GMOI, MPA, DPPM, HoAM		
s 54(2)	Duty to give notice of proposal to make a road management plan	CEO, GMOI, MPA		
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CEO, GMOI, MPA		
s 54(6)	Power to amend road management plan	CEO, GMOI, MPA		
s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, GMOI, MPA		
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CEO, GMOI, MPA		

ROAD MANA	ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 63(1)	Power to consent to conduct of works on road	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the infrastructure manager		
s 64(1)	Duty to comply with cl 13 of sch 7	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the infrastructure manager or works manager		
s 66(1)	Power to consent to structure etc	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
s 67(3)	Power to request information	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
s 68(2)	Power to request information	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
s 71(3)	Power to appoint an authorised officer	N/A	Authorised officers are appointed by the CEO		

ROAD MANA	ROAD MANAGEMENT ACT 2004				
Column 1	Column 2 Column 3 Column 4				
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
s 72(1)	Duty to issue an identity card to each authorised officer	CEO, GMOI, MPA	Identity cards are issued to authorised officers under section 224 of the Local Government Act 1989		
s 85	Function of receiving report from authorised officer	CEO, GMOI, MPA, DPPM, HoAM			
s 86	Duty to keep register re s 85 matters	CEO, GMOI, MPA, DPPM, HoAM			
s 87(1)	Function of receiving complaints	CEO, GMOI, MPA			
s 87(2)	Duty to investigate complaint and provide report	CEO, GMOI, MPA			
s 96	Power to authorise a person for the purpose of instituting legal proceedings	N/A	Authorised officers are appointed by the CEO		
s 112(2)	Power to recover damages in court	CEO, GMOI, MPA			
s 116	Power to cause or carry out inspection	CEO, GMOI, MPA, DPPM, HoAM			
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, GMOI, MPA, DPPM, HoAM			

ROAD MANA	ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	CEO, GMOI, MPA, DPPM, HoAM		
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	CEO, GMOI, MPA, DPPM, HoAM		
s 121(1)	Power to enter into an agreement in respect of works	CEO, GMOI, MPA		
s 122(1)	Power to charge and recover fees	CEO, GMOI, MPA		
s 123(1)	Power to charge for any service	CEO, GMOI, MPA		
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CEO, GMOI, MPA		
sch 2 cl 3(1)	Duty to make policy about controlled access roads	CEO, GMOI, MPA		
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	CEO, GMOI, MPA		
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CEO, GMOI, MPA		

ROAD MANA	ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
sch 2 cl 5	Duty to publish notice of declaration	CEO, GMOI, MPA			
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the infrastructure manager or works manager		
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the infrastructure manager or works manager		
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure		
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the infrastructure manager or works manager		
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the infrastructure manager or works manager		

ROAD MANA	ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
sch 7 cl 12(5)	Power to recover costs	CEO, GMOI, MPA	Where Council is the coordinating road authority		
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the works manager		
sch 7 cl 13(2)	Power to vary notice period	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the infrastructure manager		
sch 7 cl 16(1)	Power to consent to proposed works	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		

ROAD MANA	ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
sch 7 cl 16(4)	Duty to consult	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority, responsible authority or infrastructure manager		
sch 7 cl 16(5)	Power to consent to proposed works	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
sch 7 cl 16(8)	Power to include consents and conditions	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
sch 7 cl 18(1)	Power to enter into an agreement	CEO, GMOI, MPA	Where Council is the coordinating road authority		
sch 7 cl 19(1)	Power to give notice requiring rectification of works	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		

ROAD MANA	ROAD MANAGEMENT ACT 2004				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
sch 7A cl 2	Power to cause street lights to be installed on roads	CEO, GMOI, MPA, DPPM, HoAM	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road		
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the responsible road authority		
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the responsible road authority		
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	CEO, GMOI, MPA, DPPM, HoAM	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)		

CEMETERIES AND CREMATORIA REGULATIONS 2015				
Column 2 Column 3 Column 4				
THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
Duty to ensure that cemetery complies with depth of burial requirements	N/A			
Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	N/A			
Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	N/A			
Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	N/A			
Duty to ensure any fittings removed of are disposed in an appropriate manner	N/A			
Power to dispose of any metal substance or non-human substance recovered from a cremator	N/A			
Power to release cremated human remains to certain persons	N/A	Subject to any order of a court		
Duty to make cremated human remains available for collection within 2 working days after the cremation	N/A			
Duty to hold cremated human remains for at least 12 months from the date of cremation	N/A			
· · · ·	Column 2 THING DELEGATED Duty to ensure that cemetery complies with depth of burial requirements Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b) Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator Duty to ensure any fittings removed of are disposed in an appropriate manner Power to release of any metal substance or non-human substance recovered from a cremator Duty to make cremated human remains to certain persons Duty to hold cremated human remains for at least 12	Column 2 Column 3 THING DELEGATED DELEGATE Duty to ensure that cemetery complies with depth of burial requirements N/A Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves N/A Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b) N/A Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator N/A Duty to ensure any fittings removed of are disposed in an appropriate manner N/A Power to release cremated human remains to certain persons N/A Duty to make cremated human remains available for collection within 2 working days after the cremation N/A		

CEMETERIES AND CREMATORIA REGULATIONS 2015			
Column 2	Column 3	Column 4	
THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	N/A		
Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	N/A		
Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	N/A		
Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	N/A		
Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	N/A		
Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b)	N/A		
Duty to provide statement that alternative vendors or supplier of monuments exist	N/A		
Power to approve a person to play sport within a public cemetery	N/A		
Power to approve fishing and bathing within a public cemetery	N/A		
	Column 2 THING DELEGATED Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d) Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c) Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(b) Duty to ensure that remains are interred in accordance with paragraphs (a)-(b) Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b) Duty to provide statement that alternative vendors or supplier of monuments exist Power to approve a person to play sport within a public cemetery	Column 2 Column 3 THING DELEGATED DELEGATE Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation N/A Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period N/A Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d) N/A Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(b) N/A Duty to ensure that remains are interred in accordance with paragraphs (a)-(b) N/A Duty to ensure that remains are interred in accordance with paragraphs (a)-(b) N/A Duty to ensure that remains are interred in accordance with paragraphs (a)-(b) N/A Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b) N/A Duty to provide statement that alternative vendors or supplier of monuments exist N/A Power to approve a person to play sport within a public emetery N/A	

CEMETERIES AN	CEMETERIES AND CREMATORIA REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
r 42(1)	Power to approve hunting within a public cemetery	N/A		
r 43	Power to approve camping within a public cemetery	N/A		
r 45(1)	Power to approve the removal of plants within a public cemetery	N/A		
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	N/A		
r 47(3)	Power to approve the use of fire in a public cemetery	N/A		
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	N/A		
Note: sch 2 conta	ins Model Rules – only applicable if the cemetery trust has no	t made its own cemetery	trust rules	
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	N/A	See note above regarding model rules	
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	N/A	See note above regarding model rules	
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	N/A	See note above regarding model rules	
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	N/A	See note above regarding model rules	

CEMETERIES AND CREMATORIA REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	N/A	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	N/A	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	N/A	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	N/A	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	N/A	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	N/A	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	N/A	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	N/A	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	N/A	See note above regarding model rules

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CEO, GMCGD, MCPS, MCD , SO	Where Council is not the planning authority and the amendment affects land within its municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r 21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act	CEO, GMCGD, MCPS, MCD, SO <u>PICoords</u>	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g)- in accordance with the public availability requirements	CEO, GMCGD, MCPS, MCD, <u>PICoords,</u> SO <u>StatP</u>	Where Council is the responsible authority
r 25(b))	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements	CEO, GMCGD, MCPS, MCD, SOPICoords, StatP	Where Council is not the responsible authority but the relevant land is within Council's municipal district
r 42	Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CEO, GMCGD, MCPS, MCD , SO	 Where: Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, GMCGD, MCPS <u>, MCD</u>	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, GMCGD, MCPS, MCD, PlCoords	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20	CEO, GMCGD, MCPS, MCD, <u>P{ICoords, StatP,</u> <u>PSO-SO</u>	

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 7	Power to enter into a written agreement with a caravan park owner	N/A	Refers to Caravan Parks
r 10	Function of receiving application for registration	N/A	Refers to Caravan Parks
r 11	Function of receiving application for renewal of registration	N/A	Refers to Caravan Parks
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	N/A	Refers to Caravan Parks
r 12(1)	Power to refuse to <u>renew grant</u> the registration if not satisfied that the caravan park complies with these regulations	N/A	Refers to Caravan Parks
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	N/A	Refers to Caravan Parks
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	N/A	Refers to Caravan Parks
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	N/A	Refers to Caravan Parks
r 12(4) & (5)	Duty to issue certificate of registration	N/A	Refers to Caravan Parks
r 14(1)	Function of receiving notice of transfer of ownership	N/A	Refers to Caravan Parks
r 14(3)	Power to determine where notice of transfer is displayed	N/A	Refers to Caravan Parks
r 15(1)	Duty to transfer registration to new caravan park owner	N/A	Refers to Caravan Parks

S6 Instrument of Delegation – Members of Staff

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 15(2)	Duty to issue a certificate of transfer of registration	N/A	Refers to Caravan Parks
r 15(3)	Power to determine where certificate of transfer of registration is displayed	N/A	Refers to Caravan Parks
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	N/A	Refers to Caravan Parks
r 17	Duty to keep register of caravan parks	N/A	Refers to Caravan Parks
r 21(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	N/A	Refers to Caravan Parks
r 21(2)	Duty to consult with relevant emergency services agencies	N/A	Refers to Caravan Parks
r 22	Power to determine places in which caravan park owner must display a copy of emergency procedures	N/A	Refers to Caravan Parks
r 23	Power to determine places in which caravan park owner must display copy of public emergency warnings	N/A	Refers to Caravan Parks
r 24(2)	Power to consult with relevant floodplain management authority	N/A	Refers to Caravan Parks
r 26(b)(i)	Power to approve system for the discharge of sewage and wastewater from a movable dwelling	N/A	Refers to Caravan Parks
r 38	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	N/A	Refers to Caravan Parks

RESIDENTIAL	RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2024				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS		
r 38(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	N/A	Refers to Caravan Parks		
r 39(3)	Function of receiving installation certificate	N/A	Refers to Caravan Parks		
r 45(3)	Power to determine places in which caravan park owner must display name and telephone number of an emergency contact person	N/A	Refers to Caravan Parks		
r 45(5)	Power to determine places in which caravan park owner must display the certificate of registration or certificate of renewal of registration, the plan of the caravan park and a copy of the caravan park rules	N/A	Refers to Caravan Parks		

ROAD MANA	ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4	
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	
r 8(1)	Duty to conduct reviews of road management plan	CEO, GMOI, MPA		
r 9(2)	Duty to produce written report of review of road management plan and make report available	CEO, GMOI, MPA		
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	CEO, GMOI, MPA	Where Council is the coordinating road authority	
r 10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	CEO, GMOI, MPA		
r 13(1)	Duty to publish notice of amendments to road management plan	CEO, GMOI, MPA	Where Council is the coordinating road authority	
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	CEO, GMOI, MPA		
r 16(3)	Power to issue permit	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority	
r 18(1)	Power to give written consent re damage to road	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority	

	ROAD MANAGEMENT (GENERAL) REGULATIONS 2016				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
r 23(2)	Power to make submission to Tribunal	CEO, GMOI, MPA	Where Council is the coordinating road authority		
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CEO, GMOI, GMCGD, MPA, EMWCM, MSA, DPPM, HoAM	Where Council is the responsible road authority		
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3)	CEO, GMOI, MPA	Where Council is the responsible road authority		
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, GMOI, MPA			

ROAD MANA	ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015				
Column 1	Column 2	Column 3	Column 4		
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS		
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority and where consent given under section 63(1) of the Act		
r 22(2)	Power to waive whole or part of fee in certain circumstances	CEO, GMOI, MPA, DPPM, HoAM	Where Council is the coordinating road authority		



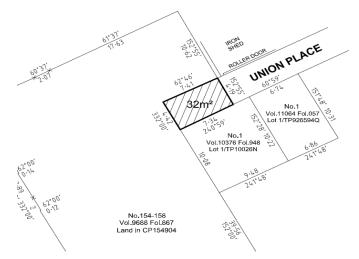
14. A TRUSTED AND HIGH-PERFORMING ORGANISATION



14.1PROPOSED DISCONTINUANCE AND SALE - PART UNION
PLACE (ADJOINING 154-158 BANK STREET) SOUTH
MELBOURNE VIC 3205EXECUTIVE MEMBER:LACHLAN JOHNSON, GENERAL MANAGER, OPERATIONS AND
INFRASTRUCTUREPREPARED BY:VICKI TUCHTAN, MANAGER PROPERTY AND ASSETS
MICHAEL MAJOR, TEAM LEADER PROPERTY OPERATIONS

1. PURPOSE

1.1 For Council to consider whether part of Union Place, South Melbourne VIC 3205, more particularly described on the City of Port Phillip's Register of Roads as UNIP01-10 and shown hatched in the image below ("the Road"), should be discontinued pursuant to the *Local Government Act 1989* (Vic) ("the Act") and sold to an adjoining property owner.



2. EXECUTIVE SUMMARY

- 2.1 The City of Port Phillip's *Road Discontinuance and Sale of Roads Policy* (Version 2.1 March 2022) sets out Council's approach to the discontinuance and sale of roads and laneways to ensure that those roads reasonably required for public access remain open to the public and those not generally required for public access may be discontinued and the land sold.
- 2.2 The portion of Road in question is 32 square metres (approx.) in total land area.
- 2.3 The subject parcel comprises a narrow rectangular allotment situated between two parcels. Its north and west borders adjoin 154-158 Bank Street, South Melbourne and its southern border runs along the northern boundary of 152 Bank Street, South Melbourne.
- 2.4 The land is zoned Neighbourhood Residential 1 Zone (NRZ1) pursuant to the Port Phillip Planning Scheme.
- 2.5 The subject land is situated between Lot 1 on Title Plan 010026N (152 Bank Street) and land in Plan of Consolidation 154904 (154-158 Bank Street) (refer to the diagram below).

MEETING OF THE PORT PHILLIP CITY COUNCIL 2 JULY 2025





- 2.6 The Road is listed on City of Port Phillip's Register of Roads being identified as UNIP01-10.
- 2.7 This section of the Road is considered no longer reasonably required for general public use, as it:
 - 2.7.1 Does not form part of a thoroughfare for pedestrian or vehicular traffic to any other public road; and
 - 2.7.2 Other than providing pedestrian and vehicular access to the applicant, benefits only one other adjoining owner situated at 206-208 Bank Street, South Melbourne. The 206-208 Bank Street owner has verbally indicated to Officers that they have no objection to the discontinuance and sale of the Road to the applicant.
- 2.8 The owner of 154-158 Bank Street, South Melbourne ("the Owner") has requested that Council discontinues and sells part of the Road to them ("the Proposal").
- 2.9 Council has no current or future municipal use of the road, thus providing the land to have a more compatible use with the adjoining owner.

3. **RECOMMENDATION**

That Council:

- 3.1 Acting under section 17(4) of the *Road Management Act 2004* (Vic), resolves that part of Road UNIP01-10 be removed from Council's Register of Public Roads on the basis that the Road is no longer reasonably required for general public use for the reasons set out in this report.
- 3.2 Acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (Vic) ("the Act"):
 - 3.2.1 Resolves that the statutory procedures be commenced to discontinue the Road;
 - 3.2.2 Directs that under sections 207A and 223 of the Act, public notice of the proposed discontinuance and sale of the Road be given in *The Age* newspaper;
 - 3.2.3 Resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the land in the Road to the adjoining owner of 154-158 Bank Street, South Melbourne, Victoria 3205;



- 3.2.4 Authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter; and
- 3.2.5 Resolves to hear and consider any submissions received pursuant to section 223 of the Act at a future Council meeting.

4. KEY POINTS/ISSUES

Background

- 4.1 As part of the road network, rights of way and laneways were developed to satisfy a historical need and were documented in early plans of subdivision.
- 4.2 In most cases, a road is still required for access or other strategic purposes and should remain open to the public, however, Council may support the discontinuance of a road within its municipality if it is considered in the best interests of the community.
- 4.3 Unless the subject road is on Crown land, the land vests in Council and Council can subsequently sell the land from the discontinued road or retain it for municipal purposes.
- 4.4 If the land is subsequently sold, it is generally sold at prevailing market value for land in that location unless exceptional circumstances deem a discounted price appropriate.
- 4.5 Any discontinuance and sale of a road is to be carried out in accordance with the provisions of clause 3 of Schedule 10 of the Act and Council's Discontinuance and Sale of Roads Policy (**Policy**).

Road

- 4.6 The Road is listed on City of Port Phillip's Register of Roads and is more particularly identified as UNIP01-10.
- 4.7 The Road is approximately 32 square metres in total land area and is situated at the western termination of Union Place, South Melbourne.

Adjoining Property

- 4.8 Properties that directly adjoin the Road portion in question are currently in the ownership of the applicant.
- 4.9 The owner 206-208 Moray Street, South Melbourne enjoys the benefit of direct Road frontage to Union Place on the southern boundary alignment. Vehicular access via Union Place is provided to access a double garage. The owner has verbally advised that they do not have an interest in purchasing the land, nor any objection to the discontinuance and sale of the said land to the applicant.

Application

- 4.10 The Owner of 154-158 Bank Street, South Melbourne has requested that Council discontinues and sells this portion of the Road to them ("the Proposal").
- 4.11 The Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Road, together with the market value for its transfer of the portion of the discontinued Road.
- 4.12 If the Road is discontinued and sold to the Owner, Council will require the Owner to consolidate the title to the discontinued Road with the title to the Owner's Property within 12 months of the date of transfer of the Road, at the Owner's expense.



4.13 The indicated market land value of \$184,000 (ex GST) (\$5,750 per square metre) is based on a valuation undertaken by Westlink Consulting dated 17 April 2025. A revised valuation at a later date may be required to comply with Council's statutory obligations under the Act.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 The following statutory authorities have been advised of the proposed discontinuance of the Road and were requested to respond to the question of whether they have any existing assets in the Road, which should be saved under section 207C of the Act:
 - 5.1.1 City of Port Phillip;
 - 5.1.2 Citipower Pty Ltd;
 - 5.1.3 Multinet Gas;
 - 5.1.4 NBN Co VicTas
 - 5.1.5 APA Group Gas Transmission;
 - 5.1.6 South East Water Corporation; and
 - 5.1.7 Telstra VICTAS.
- 5.2 A *Before You Dig* application was undertaken in August 2024 and again in May 2025 with email replies received from most stated service authorities. The information received indicated that the subject Road is not affected by any adverse encumbrances.
- 5.3 Council's Asset Management, Real Estate Portfolio, City Development (Statutory Planning / Building), and City Planning and Sustainability Departments have advised that the City of Port Phillip has no direct assets in or above the Road and have no objection to the Proposal.
- 5.4 APA Group and Multinet Gas have advised that there are no underground assets (Gas) in the area of the proposed discontinuance.
- 5.5 At the date that this report was prepared, Council had not received formal responses from all external service providers to the request for response.
- 5.6 The owner 206-208 Moray Street, South Melbourne enjoys the benefit of direct Road frontage to Union Place on the southern boundary alignment. has verbally advised that they do not have an interest in purchasing the land, nor any objection to the discontinuance and sale of the said land to the applicant.
- 5.7 Council officers have written to the registered proprietor (Department of Families, Fairness & Housing - "DFFH") of 212 Moray Street, South Melbourne which is an adjacent property to Union Place. Note, this property is in the vicinity, however, does not adjoin the land proposed to be discontinued. Council has not received a formal response from DFFH to date, however, reasonably expect no objection to the proposal.
- 5.8 Council is proceeding on the basis that the respective providers do not have any right, power, or interest it wishes to be saved under section 207C of the Act.
- 5.9 Before proceeding with the discontinuance, Council must give public notice of the Proposal in accordance with section 223 of the Act. Council will notify the community of the Proposal through a public notice to be published in *The Age* newspaper and on Council's website inviting submissions in accordance with section 223 of the Act if accepted by Council.



- 5.10 The Act provides that a person may, within 28 days of the date of public notice, lodge a written submission regarding the Proposal.
- 5.11 Where a person has made a written submission to Council requesting that they be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council or the Committee which has delegated authority to hear those submissions, giving reasonable notice of the day, time, and place of the meeting.
- 5.12 After hearing any submissions made, Council must determine whether the Road is not reasonably required as a Road for public use, in order to decide whether the Road should be discontinued.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Under clause 3 of Schedule 10 of the Act, a Council has the power to discontinue roads located within its municipality and sell the land from that road or retain the land for itself. Council must first give notice in accordance with sections 207A and 223 of that Act.
- 6.2 Under section 114 of the *Local Government Act 2020* (Vic) (the 2020 Act), a Council must comply with that section if it sells or exchanges land. Section 114 requires that (unless section 116 applies) before selling or exchanging land, a Council must at least four (4) weeks prior to the sale or exchange, publish notice of its intention to do so on Council's website and in any other prescribed manner, undertake a community engagement process in accordance with its *Community Engagement Policy* (February 2021), and obtain a valuation from a person qualified under section 13DA(2) of the *Valuation of Land Act 1960* (Vic) made not less than 6 months prior to the sale or exchange.
- 6.3 Council has a *Road Discontinuance and Sale of Roads Policy* (2022) that enables roads that are no longer required for public access to be discontinued and sold to adjoining property owner(s).

7. FINANCIAL IMPACT

- 7.1 The Owner has agreed to acquire the Land for its market value (plus GST). If Council proposes to transfer the Road, it will need a current valuation of the Road in accordance with the 2020 Act. This is in accordance with Council's *Road Discontinuance and Sale of Roads Policy*.
- 7.2 The Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Road.
- 7.3 An independent valuation of the land dated 17 April 2025 determined the market value at \$184,000 (\$5,750 per square metre) excluding GST. In accordance with Council's *Road Discontinuance and Sale of Roads Policy*, the value attributed to the land in the Land is based on the following assumptions:
 - 7.3.1 The Road is valued on a "direct comparison on land value rate", taking into consideration restrictions due to the shape and location of the site, and the limited width of the site restricts potential redevelopment of the site in isolation without consolidation with adjoining property; and
 - 7.3.2 No discount is applicable to the full land value due to the limited purchasing market for the Road.
- 7.4 A revised market valuation may be required (valid for a period of up to 6 months) if the proposal is supported by Council.



8. ENVIRONMENTAL IMPACT

8.1 The Proposal is not considered to have or contribute to any detrimental environmental implications.

9. COMMUNITY IMPACT

- 9.1 Council will facilitate the discontinuance and sale of roads where appropriate consultation has occurred, legislative requirements have been met, and it is considered that road discontinuance and sale is in the best interest of the wider community.
- 9.2 The proposed discontinuance and sale of the Road will enable the land in the Road to be re-purposed.
- 9.3 If Council resolves to discontinue and sell the Road, proceeds from the sale will go into Council's Strategic Property Reserves used to support the acquisition and development of the property portfolio.

10. GENDER IMPACT ASSESSMENT

10.1 The proposal is not considered to have any detrimental gender implications.

11. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

11.1 The proposal aligns to the strategic direction 'A trusted and high-performing organisation' ensuring Council's property and assets meet the needs of current and future generations.

12. IMPLEMENTATION STRATEGY

- 12.1 TIMELINE
 - 12.1.1 If the Proposal is approved:
 - notice will be published in the Victorian Government Gazette to formally discontinue the Road; and
 - A contract of sale for the discontinued Road and transfer of the discontinued Road pursuant to section 207D of the Act will be prepared by Council's solicitors.

12.2 COMMUNICATION

- 12.2.1 The public notification process will provide the community with the opportunity to make submissions in respect of the Proposal. If no submissions are received, Council can determine to discontinue and sell the Road.
- 12.2.2 The Owner will be advised of the final Council decision and the reasons for it within five (5) days of the Council meeting.

13. OFFICER MATERIAL OR GENERAL INTEREST

13.1 No officers involved in the preparation of this report has declared a material or general interest in the matter.

ATTACHMENTS Nil



15. NOTICES OF MOTION

Nil

- 16. REPORTS BY COUNCILLOR DELEGATES
- **17. URGENT BUSINESS**
- **18. CONFIDENTIAL MATTERS**

Nil